City of Fremont Initial Study

1. **Project**: Islander Redevelopment Project (PLN2018-00191)

2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**

   City of Fremont Community Development Dept.
   39550 Liberty Street, 1st Floor
   Fremont, CA 94538

3. **Lead Agency contact person:**

   David Wage, Associate Planner
   Phone: (510) 494-4447
   E-mail: dwage@fremont.gov

4. **Project location:** 4101 Mowry Avenue, 38853 and 38871 Bell Street, Fremont, CA 94536 (APN(s): 501-0930-002-02, 501-0930-019-00, 501-0930-018-00)

5. **Project Sponsor's name and address:**

   Resources for Community Development
   2220 Oxford Street
   Berkeley, CA94704

6. **General Plan Land Use Designation:** Medium Density Residential (14.6 – 29.9 units per acre)

7. **Current Zoning:** Medium Density Residential R-3-18 and R-3-27

8. **Description of project:**

The project is located on three lots, 4101 Mowry Avenue, 38853 and 38871 Bell Street, which total approximately two acres. The 70 room Islander Motel is located on a 1.11 acre site at 4101 Mowry Avenue. The site is zoned Medium Density Residential, R-3-18 and the General Plan Land Use Designation is Medium Density Residential (14.6 – 29.9 units per acre). The other two lots at 38853 and 38871 Bell Street total 0.86 acres and are undeveloped. These two lots are zoned Medium Density Residential, R-3-27 and the General Plan Land Use Designation is Medium Density Residential (14.6 – 29.9 units per acre).

The applicant, Resources for Community Development, proposes a General Plan Amendment to change the land use designation of the project site from Medium Density Residential (14.6 to 29.9 units per net acre) to Urban Residential (30 to 70 units per net acre), and rezone the site from to R-3-18 and R-3-27 Multifamily Residential to R-3-70 Multifamily Residential to allow the development of 128 below market rate apartment units. The proposed project would include two phases of construction. Both phases would construct affordable housing for a low-income population of which 25% of the units are reserved for tenants with special needs.

Phase I – Islander Motel Revitalization

Phase I would redevelop the existing 70 room Islander Motel by constructing an additional third story to the building, and converting motel rooms into 79 below market rate apartment units. The building would contain 54 studio units, 12 one-bedroom units and 13 two-bedroom units. An elevator will be added to improve accessibility throughout the existing building, and a bridge will be added to connect the two wings of the building at the second and third levels.

Phase I would provide 49 reserved parking spaces for residents and guest parking would be provided on Bell Street. In addition to vehicular parking, a minimum of 42 secured (long-term) bicycle parking spaces and 12 bicycle rack (short-term) spaces would be provided on-site. Other proposed features include a

ground-floor leasing office and lobby, community activity room, laundry room, and an enclosed common outdoor courtyard located at the corner of Mowry Avenue and Bell Street. The building would have a maximum height of 28 feet, and lot coverage of 43 percent. The proposed density of Phase I is 71 units per acre.

Phase II– New Housing Development
In Phase II the applicant proposes to construct a new four-story apartment building with 49 below market rate units on two undeveloped parcels totaling 0.86 acres located along Bell Avenue to the west of the Islander Motel. A lot merger would be completed to combine the two existing lots into a single lot. The building would contain 24 one-bedroom units and 25 two-bedroom units. Amenities would include a laundry room, exercise room and a community room (with in-building resident services) that opens toward a shared outdoor patio and landscaped courtyard with a patio and play area. Phase II would share a driveway on Bell Street and a private Emergency Vehicle Access Easement with Phase I.

Phase II would provide 42 reserved parking spaces for residents and guest parking is proposed to be provided on Bell Street. In addition to vehicular parking, 27 secured (long-term) bicycle parking spaces and 9 bicycle rack (short-term) spaces would be provided on-site. The four-story building would have a maximum height of 41 feet and lot coverage of 42 percent. The proposed density of Phase II is 58 units per acre. Public improvements would include the construction of curb, gutter, sidewalk and street trees along Bell Street.

9. Surrounding land uses and setting:

The project site includes three parcels totaling approximately two acres, located on the west side of Mowry Avenue, south of Bell Street. The parcel fronting Mowry Avenue (4101 Mowry Avenue) is developed with the Islander Motel. The parcels at 38853 and 38871 Bell are currently undeveloped. Historically, the majority of the subject property was cultivated with orchards from as early as the late-1930s through the late-1960s or early-1970s. The 38853 Bell Street parcel appears to have been residentially developed as early as the late-1930s. Two residences and associated outbuildings were present on the Bell Street parcels through 2007, at which time they were demolished and the parcels have remained vacant to the present time. Following removal of the orchards on the Mowry Avenue parcel, the existing Islander Motel was constructed in 1973. The Mowry parcel has been operated as the Islander Motel from the time of development to the present.

Surrounding land uses include a single-story strip commercial center and a two-story apartment complex to the north. The two-story Lakeview Apartment complex is located to the south at 4205 Mowry Avenue. The Hub Shopping Center is located directly across Mowry Avenue to the east, while the three-story Belleview Terrace Apartment complex is to the west.

The segment of Mowry Avenue fronting the project site consists of a six-lane arterial with three northbound lanes and three southbound lanes, bicycle lanes and a raised median. There is a landscaped planter that separates Mowry Avenue from a two lane frontage road with on-street parking adjacent to the project site. Bell Street is a two lane local street with on-street parking on both sides of the street. The project street frontages are fully improved; however, the two Bell Street parcels do not currently have curb, gutter or a sidewalk.

Congestion Management Program - Land Use Analysis: The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

[X]	YES	[ ]	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
[ ]	YES	[X]	NO	A Notice of Preparation is being prepared for this project.
[ ]	YES	[X]	NO	An Environmental Impact Report is being prepared.

10. Other public agencies requiring approval Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), Union Sanitary District (USD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled “PS” while those factors that are indicated as a “Potentially Significant Unless Mitigation Incorporated” are labeled “M”.

	Aesthetics		Agriculture and Forrest Resources	**M**	Air Quality
	Biological Resources		Cultural Resources		Geology / Soils
M	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	**M**	Noise
	Population / Housing		Public Services		Recreation
M	Transportation / Traffic		Tribal Cultural Resources		Utilities / Service Systems
M	Mandatory Findings of Significance				

PREVIOUS ENVIRONMENTAL ANALYSES: None.

DETERMINATION BY THE CITY OF FREMONT:

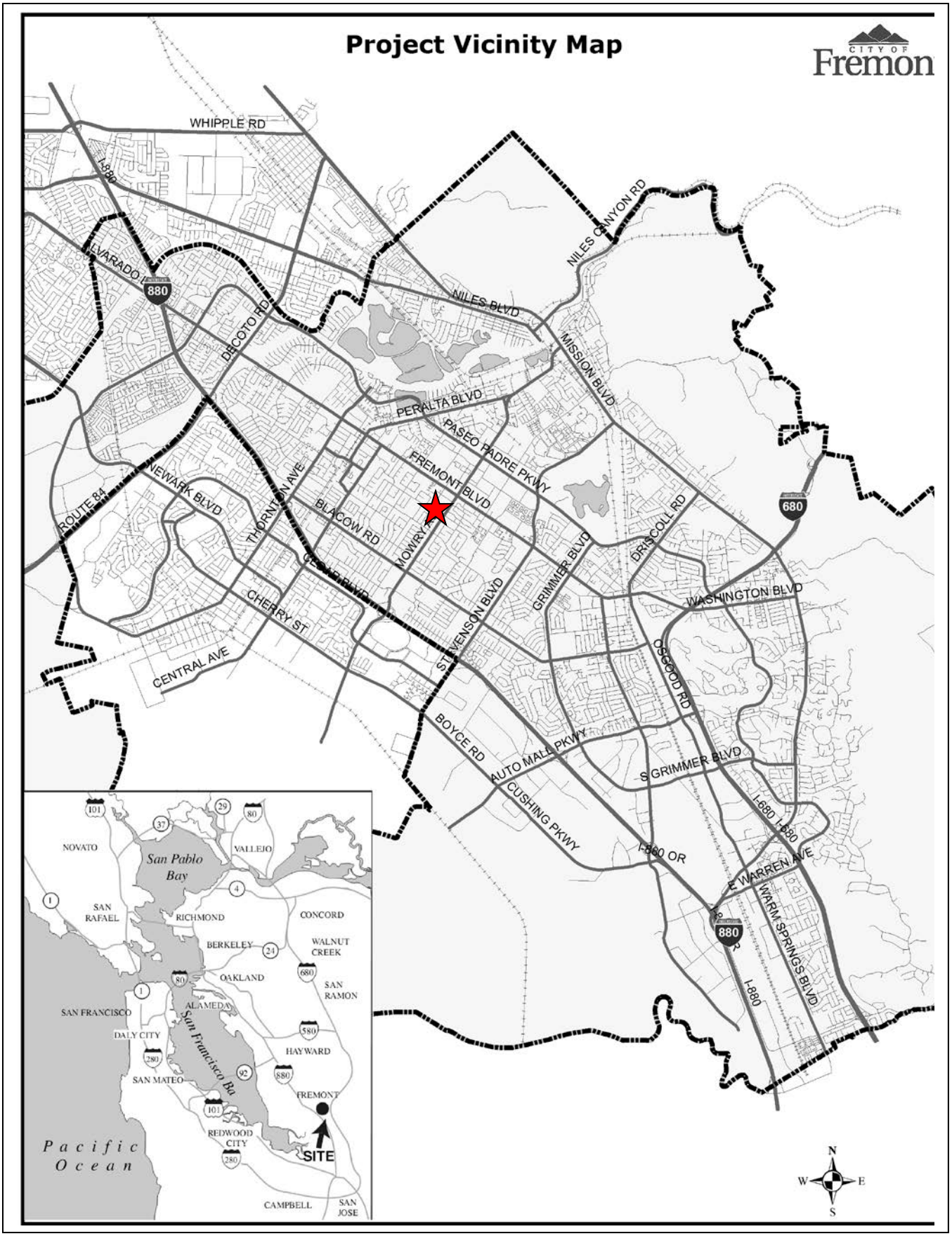
On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: _____

Printed Name: David Wage For: City of Fremont

Planning Manager Review: _____


Project Vicinity Map
CITY OF Fremont
WHIPPLE RD
I-880
ALVARADO
880
DECOTO RD
NILES BLVD
NILES CANYON RD
MISSION BLVD
PERALTA BLVD
PASEO PADRE PKWY
FREMONT BLVD
NEWARK BLVD
ROUTE 84
THORNTON AVE
BLACOW RD
MOWRY
DRISCOLL RD
680
GRIMMER BLVD
WASHINGTON BLVD
CHERRY ST
CENTRAL AVE
STEVENSON BLVD
OSCOOD RD
BOYCE RD
AUTO MALL PKWY
S GRIMMER BLVD
CUSHING PKWY
I-880 OR
I-680 I-880
E WARREN AVE
WARM SPRINGS BLVD
I-880
NOVATO
San Pablo Bay
VALLEJO
SAN RAFAEL
RICHMOND
CONCORD
BERKELEY
WALNUT CREEK
OAKLAND
SAN RAMON
SAN FRANCISCO
ALAMEDA
San Francisco Ba
DALY CITY
HAYWARD
SAN MATEO
FREMONT
REDWOOD CITY
SITE
Pacific Ocean
CAMPBELL
SAN JOSE
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W
E
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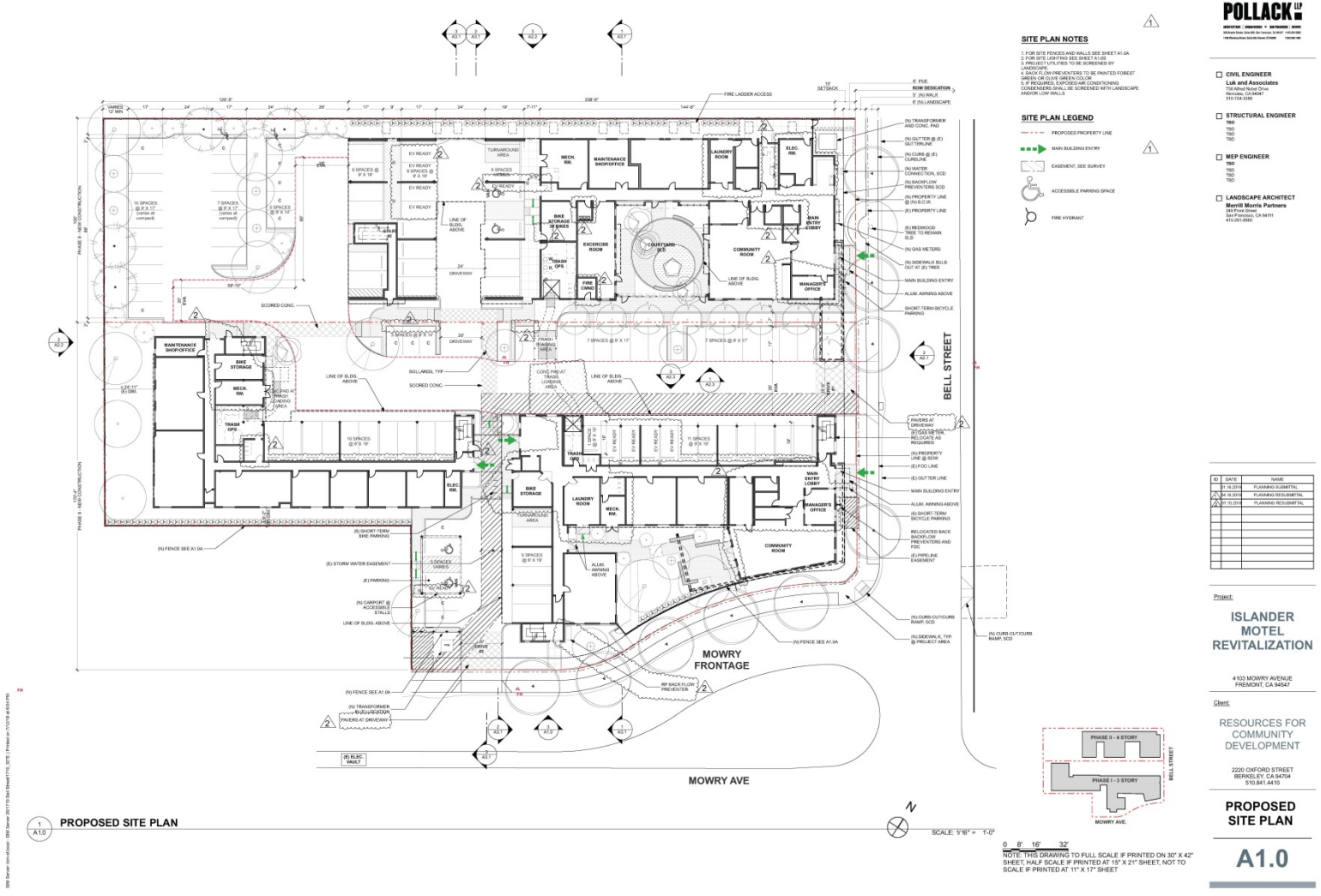
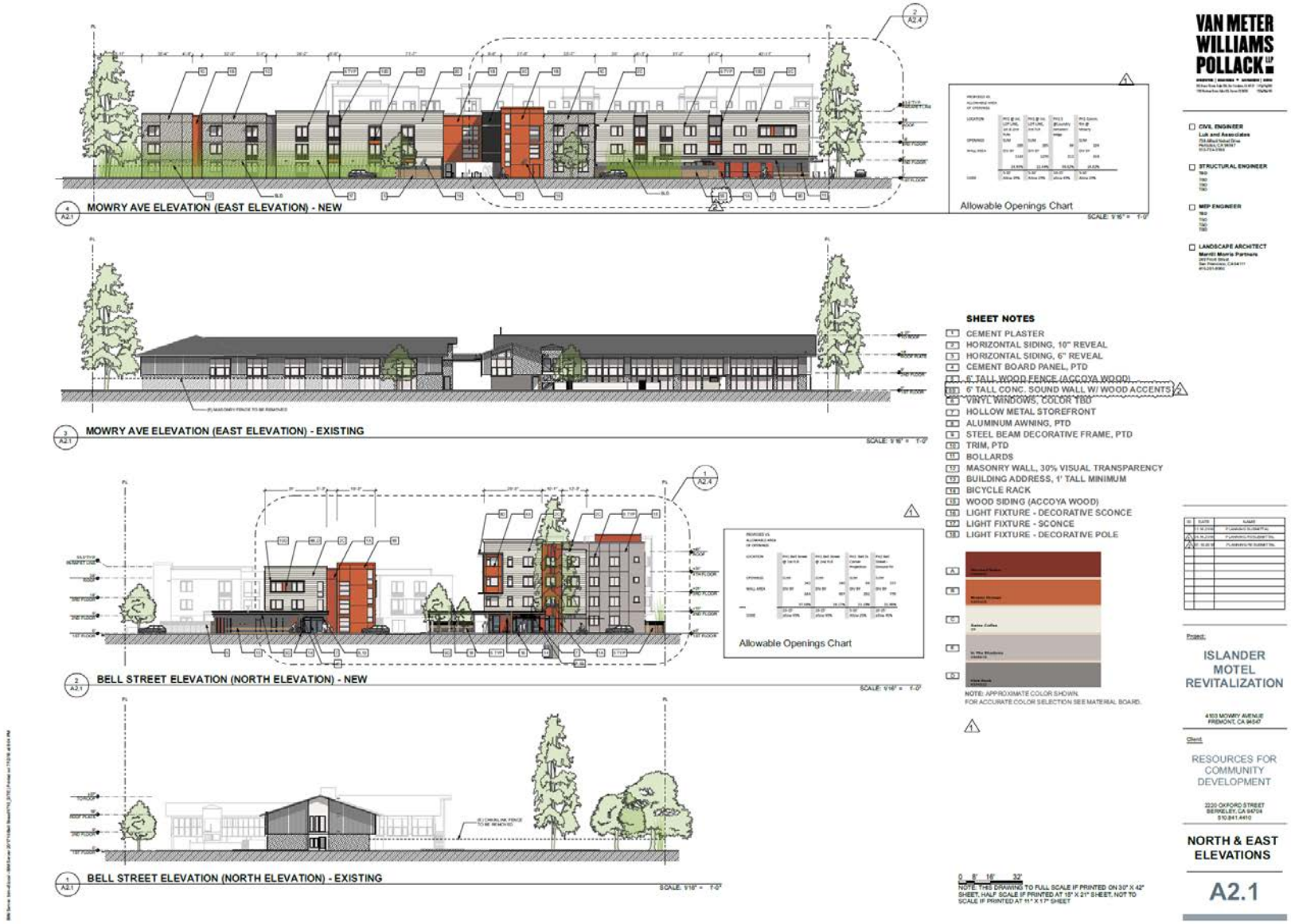
Project Photograph
Fremont Islander
4103 Mowry Avenue
Fremont, CA 94538

Aerial View / Existing Conditions


SITE PLAN NOTES
SITE PLAN LEGEND
MOWRY FRONTAGE
MOWRY AVE
BELL STREET
PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"
VAN METER WILLIAMS POLLACK LLP
ISLANDER MOTEL REVITALIZATION
4103 MOWRY AVENUE FREMONT, CA 94547
RESOURCES FOR COMMUNITY DEVELOPMENT
PROPOSED SITE PLAN
A1.0

Site Plan

South and West Elevations



North and East Elevations

I. AESTHETICS - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 8, 11
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?			X		1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site includes three lots totaling 1.96 acres located on the south side of Bell Street, west of Mowry Avenue. The two-story Islander Motel is located on the eastern most parcel. As part of Phase I, the existing building would be renovated and an additional story would be added (resulting in a three story building). The two adjacent parcels to the west are undeveloped. As part of Phase II, a new four story building would be constructed. Fourteen trees are proposed to be removed on the project site. There are no major visual features within the project area.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Element (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Discussion/Conclusion/Mitigation

a-b) a) Would the project have a substantial adverse effect on a scenic vista? b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The Mission Hills to the east of the project site are one of the City's primary scenic resources. The project would not significantly impact views of the Mission Hills from Mowry Avenue, which is the primary vista to the hills. Impacts of private views are not considered a CEQA impact. As such, the project would have a less-than-significant impact on scenic vistas.

Niles Boulevard is the closest Scenic corridor and it not near the project site. There are no rock outcroppings, landmark trees, or historic structures on-site or adjacent, or other scenic resources that would be impacted as a result of the project. There are fourteen trees that would be removed by the project, but these would be replaced, as required by the City's Tree Preservation Ordinance, with new trees and landscaping that would contribute and enhance the visual character of the site's exterior appearance. Thus impacts to scenic resources would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The site doesn't have any visually distinctive characteristics as the Phase I site is developed with a motel and the Phase II site is vacant and largely unmaintained. There are fourteen trees that would be removed as part of the project. The species include yucca, carob, photinia, date palm, purple plum, Peruvian pepper, fig and holly oaks. A large coast redwood (38" DBH) street tree is proposed to be preserved. The views of the project site from roadways and nearby development would change as the Islander Motel building is renovated and the vacant Bell Street parcels are transformed to a developed residential use; however a three and four story multi-family residential project is consistent with the existing visual character of the project area, which is generally two and three-stories. The project would include landscaping in accordance with City Standards that would enhance the visual quality of the site. The proposed project would be compatible with the aesthetics of the surrounding development pattern and therefore, would not substantially degrade the existing visual character or quality of the site or its surroundings. As such, impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The project would allow development of the site with residential units that would include building mounted and free-standing lighting. Exterior lighting would be diffused or concealed to prevent illumination onto adjoining properties. Prior to issuance of a building permit, the applicant would be required to submit a photometric plan to ensure compliance with the City's exterior lighting requirements. The project is located in an urbanized area that is surrounded by existing sources of light including streetlights and vehicle lights on Mowry Avenue and Bell Street, exterior lighting from surrounding residential uses, and exterior and lighting and illuminated signage from commercial buildings to the north and east. The light and glare created by the project would be consistent with levels of light currently emitted by surrounding development. As such, the project's impacts related to light or glare would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

II. AGRICULTURE AND FOREST RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 19
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 19

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Environmental Setting

The eastern half of the project site is development with a two story motel. The western half of the project site is undeveloped, containing redural vegetation and non-fruit trees with the exception of one date palm. There are no agricultural uses or forest land on the property. The project site is surrounded by urban development.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/ala16.pdf
- California Department of Conservation, 2015. Alameda County Williamson Act FY 2014/2015. Available at ftp://ftp.consrv.ca.gov/pub/dlrp/wa/Alameda_14_15_WA.pdf.

Discussion/Conclusion/Mitigation

a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

According to the California Department of Conservation's 2016 Alameda County Farmland Map, the site is not Prime Farmland, Unique Farmland or Farmland of Statewide Importance. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project site does not contain any farmland/agricultural resources. The site is identified as "urban and built-up land" on the California Department of Conservation's 2016 Alameda County Farmland Map and is zoned for residential uses. Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts affecting the subject property. The area adjacent to the site is also designated and zoned for residential uses. The proposed project would also not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project.

Potential Impact: No Impact
Mitigation: None Required

III. AIR QUALITY - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Conflict with or obstruct implementation of any applicable air quality plan?			X		1, 21, 22, D
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22, D
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22, D
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22, D
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Environmental Setting

The project site is located in the City of Fremont in Alameda County, which is under the jurisdiction of the Bay Area A ir Quality Management District (BAAQMD). The project site has frontage on Mowry Avenue, a major arterial and potential pollutant generator in the vicinity. There is a generator and two gas dispensing facilities within 1,000 feet of the project site, which are all sources of TAC emissions. The project would develop the site with 129 apartment units. Demolition and construction impacts associated with the parking lot and buildings would result in temporary changes to air quality, while the occupancy of the future residences would result in ongoing operational changes to air quality.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Element (Air Quality)
- 2017 Clean Air Plan: *Spare the Air, Cool the Climate.* The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest monitoring stations to Fremont are in Hayward and San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and

particulate matter (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased cancer risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. For sensitive receptors within infill areas of the City (such as the residential units proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million per General Plan implementation measure 7-7.3B, (and assessed in theFremont General Plan EIR, page 4-137), taking into account the combined impact from existing sources of TACs.

- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines, 2017

Discussion/Conclusion/Mitigation

a) Would the project conflict with or obstruct implementation of any applicable air quality plan? The most recent Clean Air Plan is the *2017 Clean Air Plan: Spare the Air, Cool the Climate* that was adopted by BAAQMD in April 2017. Consistency with the air quality plan can be determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations, or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment (BAAQMD, 2017).

The proposed project would not conflict with the latest Clean Air planning efforts since 1) the project would have emissions below the BAAQMD thresholds for operational and construction-period criteria pollutants (see discussion below (b-c)), 2) development of the project site would be considered urban "infill" 3) the project would be located near employment centers, and 4) the project would be located near transit with regional connections. Net emissions from the project would not exceed any of the significance thresholds and, thus, it would not conflict with the Plan and is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

Potential Impact: Less than Significant Impact
Mitigation: None Required

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? A *Project Air Quality and Greenhouse Gas Emissions Assessment* (Illingworth and Rodkin Inc., 2018) was prepared, which modeled potential air pollutant and GHG emissions associated with construction and operation of both phases of the proposed project. The modeling and assessment determined that the project would have operational and construction-period emissions less than the BAAQMD thresholds for evaluating regional impacts related to ozone and particulate matter. As shown in Tables A and B under Impact "C" (below), the project (both phases) would result in net operational emissions of .11 tons per year year and .60 lbs. per day, which is well below the BAAQMD threshold of 10 tons per year and 54 lbs. per day. Similarly, for construction-period emissions, the project (both phases) would emit an average of 1.1lbs/day, which is also well below BAAQMD's threshold of 54 lbs. per day. Therefore, the project would not contribute substantially to existing or projected violations of those air quality standards or violations.

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as

attainment for the standard. The highest measured level over any 8-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Intersections affected by the project would have traffic volumes less than the 10,000 vehicles per hour and, thus, would not cause a violation of an ambient air quality standard or have a considerable contribution to cumulative violations of these standards.[1]

Potential Impact: Less than Significant Impact
Mitigation: None Required

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter ($PM_{2.5}$) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM_{10}) under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NOx), PM_{10} and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Operational Emissions
Operational air emissions from the project would be generated primarily from autos driven by future residents. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from operation of the proposed project assuming full build-out.

As shown in Table "A", operational emissions would not exceed the BAAQMD significance thresholds. Thus, impacts resulting from operational emission of the project would be considered *less-than-significant.*

Table A. Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
PHASE I				
2020 Project Operational Emissions (tons/year)	0.44 tons	1.08tons	0.46 tons	0.13 tons
PHASE II				
2020 Project Operational Emissions (tons/year)	0.38 tons	0.67 tons	0.28 tons	0.08 tons
Total 2020 Project Operational Emissions (tons/year)	**0.82 tons**	**1.75 tons**	**0.74 tons**	**0.21 tons**
2020 Existing Use Emissions (tons/year)	0.75 tons	0.78 tons	0.30 tons	0.10 tons
Net Project Emissions (tons/year)	**0.07 tons**	**0.97 tons**	**0.44 tons**	**0.11 tons**

[1] For a land-use development project, the BAAQMD CEQA Air Quality Guidelines state that a proposed project would result in a less-than-significant impact to localized carbon monoxide concentrations if the project would not increase traffic at affected intersections with more than 44,000 vehicles per hour.

BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	***No***	***No***	***No***	***No***
Net Project Operational Emissions (lbs./*day*)	0.38 lbs	5.32 lbs	2.41 lbs	0.60 lbs
BAAQMD Thresholds (lbs./day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	***No***	***No***	***No***	***No***

[1] Assumes 365-day operation.

Construction Period Emissions

Average daily emissions were computed for each phase by dividing the total construction emissions by the number of construction days. Table "B" shows average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 2, estimated the construction period emissions would not exceed the BAAQMD significance thresholds. *Attachment 2* includes the CalEEMod output models.

Table B. Construction Period Emissions by Phase

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
PHASE I				
Construction emissions (tons/year)	0.67 tons	2.03 tons	0.11 tons	0.11 tons
Average daily emissions (lbs./day)[1]	5.4 lbs.	16.5 lbs.	0.9 lbs	0.9 lbs.
*BAAQMD Thresholds (*lbs./day*)*	*54* lbs.	*54* lbs	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
PHASE II				
construction emissions (tons/year)	0.46 tons	0.60 tons	0.04 tons	0.03 tons
Average daily emissions (lbs./day)[2]	7.5 lbs.	9.8 lbs.	0.7 lbs.	0.5 lbs.
*BAAQMD Thresholds (*lbs./day*)*	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**
PHASE I + PHASE II				
Total Average daily emissions (lbs./day**)**	**9.2 lbs.**	**21.4 lbs.**	**1.2 lbs.**	**1.1 lbs.**
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes: [1]Assumes 246 workdays. [2]Assumes 123 workdays.

Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit dust or mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. The proposed project would comply with the standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), including the following requirements relating to construction emissions, which are based on BAAQMD's Basic Construction Measures, and would reduce construction-related fugitive dust emissions:

*"**Construction Related Emissions**. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:*

(A) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.

(B) All haul trucks transporting soil, sand, or other loose material off site shall be covered.

(C) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

(D) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.

(E) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

(F) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.

(G) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

(H) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations."

Because the above standard development requirement applies to the project per Chapter 18.218(a)(1) of the Fremont Municipal Code, emissions of fugitive PM10 and PM2.5 from temporary construction activities would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The project would introduce new sensitive receptors (residences) in the proximity of nearby TAC sources that include local roadways such as Mowry Avenue and Fremont Boulevard, and stationary sources such as gas stations. Although this issue is not an impact of the project on the environment under CEQA, the effect of existing TAC sources on future project receptors

(residences) is analyzed to comply with the Clean Air Plan goal of reducing population TAC exposure and protecting public health in the Bay Area. The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs.

The project would not be a substantial source of localized TACs. However, temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors.

Community Risk Impacts

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in close proximity to the roadway. A review of the project area indicates that traffic on Mowry Avenue and Fremont Boulevard would exceed 10,000 vehicles per day. Other nearby local streets with fewer lanes have less than 10,000 vehicles per day. A review of BAAQMD's stationary source Google Earth Map Tool identified three stationary sources with the potential to affect the project site. Community risk impacts from these sources upon the project are discussed below and reported in Table 4. Figure 1 shows the sources affecting the project site.

Local Roadways

For local roadways, BAAQMD has provided the *Roadway Screening Analysis Calculator* to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed project.

Mowry Avenue
The average daily traffic (ADT) on Mowry Avenue was estimated to be 24,575 based on City traffic data. Using the BAAQMD *Roadway Screening Analysis Calculator* for Alameda County for north-south directional roadways and at a distance of 60 feet or greater west of the roadway, estimated cancer risk from Mowry Avenue at the project site would be would be 7.03 in one million and $PM_{2.5}$ concentration would be 0.18 $\mu g/m^3$. Chronic or acute HI for the roadway would be below 0.01.

Fremont Boulevard
The ADT on Fremont Boulevard was estimated to be 16,338 based on City traffic data. Using the BAAQMD *Roadway Screening Analysis Calculator* for Alameda County for east-west directional roadways and at a distance of 440 feet or greater south of the roadway, estimated cancer risk from Fremont Boulevard at the project site would be would be 1.01 in one million and $PM_{2.5}$ concentration would be 0.03 $\mu g/m^3$. Chronic or acute HI for the roadway would be below 0.01.

Stationary Sources

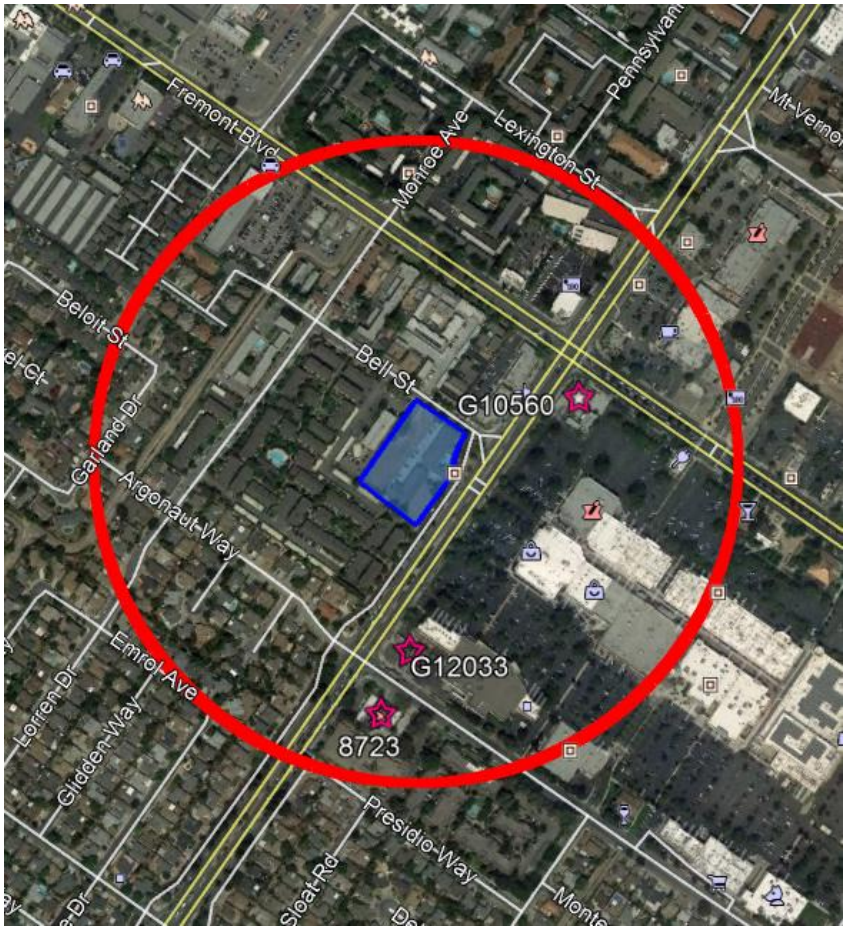
Permitted stationary sources of air pollution near the project site were identified using *BAAQMD's Stationary Source Risk & Hazard Analysis Tool* mapping tool. This tool identified the location of three stationary sources within 1,000-feet of the project, and their estimated risk and hazard impacts. A Stationary Source Information Form (SSIF) containing the identified sources was prepared and submitted to BAAQMD. They provided updated risk levels, emissions, and adjustments to account for new Office of Environmental Health Hazard Assessment guidance. The

adjusted risk values were then adjusted with the appropriate distance multiplier values provided by BAAQMD and the adjusted emissions information was used in refined modeling.

Plant 8723, which is a generator, was evaluated using emissions data provided by BAAQMD with the *Risk and Hazards Beta Calculator* and adjusted for distance based on BAAQMD's *Distance Adjustment Multiplier Tool for Diesel Internal Combustion Engines*.

Plants G10560 and G12033 are gas dispensing facilities. Screening criteria provided by BAAQMD were used and adjusted for distance based on BAAQMD's *Distance Adjustment Multiplier Tool for Gasoline Dispensing Facilities*.

Figure 1. Project Site and TAC and $PM_{2.5}$ Sources with 1,000-foot Radius



Combined Community Risk Levels

Table "C" shows the cumulative risk from all sources within 1,000-foot radius of the project site as well as the contribution from each source. Although TAC impacts would occur at different locations across the project site, the combined maximum cancer risk of all TAC sources would be 18.15 per million, the maximum combined $PM_{2.5}$ concentration would be 0.27, and the non-cancer hazard index would be less than 0.05. Because the maximum combined community risk emissions would be below the City of Fremont community risk thresholds, project impacts would be less than significant.

Table C. Combined Community TAC Levels

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Acute or Chronic Hazard Index
Mowry Ave (north-south) at 60 feet west 24,575 ADT using Roadway Screening Calculator	7.03	0.18	<0.01
Fremont Blvd (east-west) at 440 feet south 16,338 ADT using Roadway Screening Calculator	1.01	0.03	<0.01
Plant #8723 (Generator) at 630 feet using Stationary Source Screening Tool with distance multiplier	<0.01	<0.01	<0.01

Plant #G12033 (Gas Dispensing Facility) at 350 feet using Stationary Source Screening Tool with distance multiplier	7.61	0.04	<0.01
Plant #G10560 (Gas Dispensing Facility) at 315 feet using Stationary Source Screening Tool with distance multiplier	2.49	0.01	<0.01
Combined Sources	18.15	0.27	<0.05
Fremont Combined Source Threshold	***100.0***	***0.8***	***10.0***

Note: The maximum for each source is unlikely to occur in the same place on the project site, but this combined level assessment anticipates worst-case scenario.

Project Construction Activity

Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of respirable particulate matter (PM_{10}) and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices are employed to reduce these emissions. The City's standard development requirements (FMC Section 18.218(a)(1)) would implement BAAQMD-required best management practices.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions may still pose health risks for sensitive receptors including surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of Diesel Particulate Matter (DPM) and $PM_{2.5}$.[2] The closest sensitive receptors to the project site are residences adjacent to the project site to the southwest and northwest along Mowry Avenue and Bell Street, with additional nearby residences to the west, north, and south of the project site. There is also an afterschool care/learning center located in the Hub shopping center southeast of the project site (see Figure 2). Children at these locations are three years of age and older. Emissions and dispersion modeling was conducted to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Construction Period Emissions

Construction activity is anticipated to include demolition, grading and site preparation, building construction, and paving. Construction period emissions of DPM and Fine Particulate Matter ($PM_{2.5}$)were modeled using the CalEEMod model, as previously described for project air pollutant emissions a and based on anticipated project construction activity. Construction of the project is expected to occur over an approximate 12-month period for Phase 1 and an approximate 6-month period for Phase 2, both beginning in January 2019. The number and types of construction equipment and diesel vehicles, along with the anticipated length of their use for different phases of construction, were modeled based on CalEEMod defaults. The CalEEMod modeling included emissions from truck and worker travel, assumed to occur within one mile from the site.

The CalEEMod model provided total uncontrolled annual PM_{10} exhaust emissions (assume d to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages of 0.1103 tons (221 pounds) for Phase 1 and 0.0352 tons (70 pounds) for Phase 2. The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle to and from the

[2] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as 0.0147 tons (29 pounds) for the overall construction period for Phase 1 and 0.00095 tons (2 pounds) for the overall construction period for Phase 2.

Predicted Cancer Risks and Hazards
Increased cancer risks were calculated using the maximum modeled concentrations for the 2018 - 2019 period and BAAQMD recommended risk assessment methods for an infant exposure (3^{rd} trimester through two years of age) and for an adult exposure at residences and child exposures (three years to 16 years of age) at the learning center. The cancer risk calculations were based on applying the BAAQMD recommended age sensitivity factors to the TAC concentrations, as described *Attachment 1*. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Infant and adult exposures were assumed to occur at all residences through the entire construction period and child exposures were assumed to occur at the learning center through the entire construction period.

Results of this assessment indicate that the maximum increased residential cancer risks for both Phases would be 53.3 in one million for an infant exposure and 0.9 in one million for an adult exposure. For a child exposure at the learning center, the maximum increased cancer risk would be 1.8 in one million.

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions for both Phases, was 0.34 $\mu g/m^3$ The maximum modeled annual DPM concentration (i.e., from construction exhaust) for both Phases was 0.3243 $\mu g/m^3$. The maximum computed hazard index (HI) for both Phases based on this DPM concentration is 0.06. Table 5 shows the construction risk levels for both Phases from the project combined with existing nearby TAC sources.

Table "D". Combined Community TAC Levels at Construction

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Acute or Chronic Hazard Index
Unmitigated Project Construction	**53.3 (infant)**	0.3	0.06
Mitigated Project Construction	5.9 (infant)	0.05	0.01
BAAQMD Single Sources Threshold	*10.0*	*0.3*	*1.0*
Exceed threshold?	**Yes**	**No**	**No**
Mowry Ave (north-south) at 340 feet west 24,575 ADT using Roadway Screening Calculator	2.02	0.05	<0.01
Fremont Blvd (east-west) at 600 feet south 16,338 ADT using Roadway Screening Calculator	0.81	0.02	<0.01
Plant #8723 (Generator) at 960 feet using Stationary Source Screening Tool with distance multiplier	<0.01	<0.01	<0.01
Plant #G12033 (Gas Dispensing Facility) at 710 feet using Stationary Source Screening Tool with distance multiplier	2.4	<0.01	0.01
Plant #G10560 (Gas Dispensing Facility) at 315 feet using Stationary Source Screening Tool with distance multiplier	0.9	<0.01	<0.01
Combined Sources - Unmitigated Construction	63.14	<0.46	<0.12
Combined Sources - Mitigated Construction	15.74	<0.17	<0.07
Fremont Combined Source Threshold	*100.0*	*0.8*	*10.0*
Exceed threshold?	**No**	**No**	**No**

Both the single- and cumulative-source thresholds for health risks and hazards are evaluated for project site's construction. As shown in Table "D", the project would have a *significant* impact because the project construction activities alone would exceed the single-source cancer risk threshold of 10.0 per million for cancer risk. The project would not have a significant impact with respect to hazard or annual $PM_{2.5}$ concentration impacts or the cumulative impacts. *Attachment 4* includes the emission calculations and source information used in the modeling and the cancer risk calculations. *Implementation of the the City's standard development requirements (FMC Section 18.218(a)(1) and Mitigation Measure 1 would reduce this impact to a level of less-than-significant.*

Potential Impact: Less than Significant with Mitigation Incorporated:
Mitigation Measure Air-1 (Construction Equipment):

Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:

The project shall develop a plan demonstrating that the off-road equipment used on-site would achieve a fleet-wide average 85 percent reduction in $PM_{2.5}$ emissions. One feasible plan to achieve this reduction would include the following:

a. All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. Note that the construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-

certified Level 3 Diesel Particulate Filters[3] or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.

b. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.

Implementation of The City's standard development requirements (FMC Section 18.218(a)(1) is considered to reduce exhaust emissions by 5 percent and fugitive dust emissions by over 50 percent. Implementation of *Mitigation Measure 1* would further reduce on-site diesel exhaust emissions by 90 percent. With standard development requirements and mitigation, the combined increased lifetime residential cancer risk from construction, assuming infant exposure, would be less than 5.9 in one million. This cancer risk would be below the BAAQMD single source thresholds of 10 per one million. *After implementation of these recommended measures, the project would have a less-than-significant impact with respect to community risk caused by construction activities.*

e) Would the project create objectionable odors affecting a substantial number of people?

The land uses associated with the project are residential uses, which would typically not be associated with odors. Typical facilities associated with odors include wastewater treatment plants, landfills, composting facilities, and refineries. The proposed project would generate odor from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Mitigation Measures Air-1 would further reduce potential impacts through reduced idling times for equipment. The project includes adequate solid waste storage area and is required to comply with the City's solid waste management regulations, which include policies to reduce potential odor impacts from solid waste. As such, the project would not create objectionable odors affecting a substantial number of people.

Potential Impact: Less than Significant
Mitigation: None required

IV. BIOLOGICAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X		1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8

[3] See http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, C
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X		1, 8

Environmental Setting

Phase I includes the redevelopment of a 1.1 acre parcel that includes the Islander Motel. A third floor would be added to the existing motel to allow 79 below market rate apartment units. The site is fully developed with the building, paved parking areas and landscape areas. Phase II includes two undeveloped parcel totaling 0.86 acres. In Phase II the applicant proposes to construct a new four-story apartment building with 49 below market rate units on the undeveloped parcels totaling 0.86 acres located along Bell Avenue to the west of the Islander Motel. Historical records indicate the Phase II site was used for agricultural production; however it is no longer farmed and is classified as Urban and Built Out on Alameda County's Farmland Map. The site has periodically been cleared of vegetation, which consists of non-native grasses. Vegetation occurring in the empty lot to the northwest of the Islander Motel is generally non-native grassland. The site is surrounded by urban development, which would preclude use of the site as an open space corridor. There are 27 trees on the site. A Tree Survey report was prepared by Merrill Morris Landscape Architects and Planners, which evaluated the condition of the trees.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related biological resources include:

- City of Fremont General Plan, Conservation Element
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements
- Alameda County Flood Control District laws and requirements

Discussion/Conclusion/Mitigation

a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife

or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The project site includes three lots totaling 1.96 acres parcel located on the south side of Bell Street, west of Mowry Avenue. The two-story Islander Motel is located on the eastern most parcel. As part of phase one, the existing building would be renovated and an additional story would be added (resulting in a three story building). The two adjacent parcels totaling 0.85 acres to the west are undeveloped. The undeveloped parcels contain ruderal vegetation and is plowed periodically to control vegetation. Ruderal vegetation describes an assemblage of opportunistic and weedy species, typically non-native to California or considered invasive, which provide minimal habitat value and are not special status plant. 24 of the 27 trees on the site are proposed to be removed. The species include yucca, carob, photinia, date palm, purple plum, Peruvian pepper, fig and holly oaks. A large coast redwood (38"DBH) street tree is proposed to be preserved however, it may need to be removed to install the sidewalk and utilities. A tree study was prepared (Merrill Morris Landscape Architects, 2018) which indicates these trees are not sensitive or special status species.

Special Status and Migratory Birds

Migratory birds and/or raptors that are using any of the existing trees onsite for nesting purposes during the nesting season, could be disturbed by project-related activities, such as tree removal, or while construction of the project takes place. The City's adopted standard development requirements for resource protection, as outlined in detail below, would prevent bird nests and burrowing owls from being adversely affected by the project.

The property is not located near any streams, creeks, or other bodies of water nor does it contain bodies of water, riparian habitat, wetlands, or other sensitive natural communities identified in any local or regional plans that would be subject to state and/or federal regulations. The project site is not a federally protected wetland as defined by Section 404 of the Clean Water Act. Development of the project site would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area. Therefore, there would be no impact to riparian or other sensitive natural habitat resulting from construction of the project.

The proposed project would redevelop a vacant site containing non-native grassland, which currently provides limited potential foraging habitat for resident and migratory birds. Onsite annual grassland habitat is relatively small in size and largely composed of non-native species, generally understood to support a lower diversity of wildlife than native grassland communities. Loss of this resource for resident and migratory birds would not result in a significant impact due to the quantity of similar and higher quality annual grassland habitat within the project vicinity. The foothills within a quarter mile east of the project site provide expansive grasslands for foraging and nesting passerines and raptors away from the developed areas of the City. In addition, California Department of Fish and Wildlife (CDFW) and United State Fish and Wildlife Service (USFWS)regulate impacts to birds and their nests. However, with exceptions for a few special-status birds that do not occur on the project site, CDFW and USFWS do not regulate the loss of avian foraging habitat.

Removal of existing vegetation and trimming or removal of trees at the project site during construction could destroy active bird nests. In addition, an increase in noise and visual disturbance associated with demolition activities and new construction could disrupt nesting efforts in the habitat surrounding the project site. The loss of an active nest would be considered a significant impact under CEQA. Moreover, disruption of nesting migratory or native birds is not permitted under the federal Migratory Bird Treaty Act of (1918) MBTA or the California Fish and Game Code, as it could constitute an unauthorized take. The loss of any active nest by, for example, trimming or removing a tree or shrub containing a nest, must be avoided under federal and California law. The proposed project would comply with the City of Fremont standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), which includes the following requirements related to burrowing owls and nesting birds:

Burrowing Owl. *New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:*

(A) Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.

(B) Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.

(C) Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.

(D) Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.

Nesting Birds. *New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:*

(A) Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).

(B) Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting

activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.

(C) Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area."

Compliance with the City's standard development requirements per Chapter 18.218 of the Fremont Municipal Code would prevent nesting birds from being adversely affected by project construction and impacts would be less than significant. Once constructed, operation of the proposed project would have no impact on nesting birds because nests are not expected to be destroyed or adversely affected by ordinary operational activities.

Potential Impact: Less than Significant
Mitigation: None Required.

d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Given the developed condition of the site and surrounding built environment, the proposed project does not have the potential to significantly interfere with the movement of native resident or migratory avian and mammal species or impede use of wildlife nursery sites with site redevelopment. The eastern portion of the project site is developed with a motel and the western portion of project site is highly disturbed, as it is plowed periodically to control vegetation and almost entirely surrounded by urban development. It therefore provides low quality habitat for wildlife adapted to developed/ruderal or non-native grassland vegetation communities. Urban uses and infrastructure, including Mowry Avenue and Bell Street, surround the project site on two sides precluding the site from serving as an effective movement corridor. Therefore, no impact would occur.

Potential Impact: Less than Significant
Mitigation: None Required.

e-f) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Twenty-four existing trees are proposed for removal from the project site. A tree survey was prepared for the site, which found that based on their size/species, these trees are subject to protection under the City's Tree Preservation Ordinance (Fremont Municipal Code Chapter 18.215). This ordinance requires replacement at a 1:1 ratio with new, minimum 24-inch box size replacement trees to the satisfaction of the City Landscape Architect or payment of an in-lieu fee for each tree that is unable to be replaced on the site. The City's Landscape Architecture Division has reviewed the project plans, including the proposed tree removal and replacement plan, and

has authorized the removal of the trees subject to the planting of all new 24-inch box street trees throughout the proposed residential development on the grounds that the trees are non-native and non-landmark, and they would be replaced with more than 30 new trees, all of which would be species on the City's approved street tree list. As such, impacts would be less than significant and no mitigation is required because compliance with the City's Ordinance would be achieved.

Development of the project site would not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area.

Potential Impact: Less than Significant
Mitigation: None Required.

V. CULTURAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 28, 29, H
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?			X		1, 11, 28, 29, H
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X		1, 11, 28, 29, H, I
d.	Disturb any human remains, including those interred outside of formal cemeteries?			X		1, 11, 28, 29, H, I

Environmental Setting

The project is located on three parcels, 4101 Mowry Avenue, 38853 and 38871 Bell Street, which covers two acres. The Islander Motel is currently extant on 4101 Mowry Avenue, while the other two lots on Bell Street are undeveloped. The proposed project consists of two phases. Phase I entails the revitalization of the existing Islander Motel by constructing an additional third story to the building, and converting the rooms into 79 units. In Phase II, the City proposes to construct a new four-story apartment building in the undeveloped parcels along Bell Avenue behind the Islander Motel.

The Area of Potential Effects (APE) is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist" (36 Code of Federal Regulations 800.16[b]).

The APE includes all areas of proposed ground-disturbing activity, which covers the entire project site The area of direct impact (ground disturbance) includes the entirety of the proposed project APE. Depth

of ground disturbance will vary with project components but would not exceed ten feet below existing ground surface.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?

The Islander Motel was constructed in 1975 and therefore does not meet the minimum age threshold for consideration as a historical resource or historic property under CEQA and Section 106, respectively, and under the City's Historic Resources Ordinance. The site and buildings are not located on the Fremont Register of Historic Resources, nor are there resources on or adjacent to the site that are eligible for listing in the California Register of Historical Resources. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources, as defined in Public Resources Code (PRC) Section 21083.2(g). A significant impact would occur if the project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

The applicant completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on May 29, 2018 (File No. 17-0858). The review included the project site and a 0.5 mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Historic Property Directory for Alameda County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. The purpose of the records search was to: (1) determine whether known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

Results of the records search indicate that no cultural resources have been identified within the ½-mile records search radius and therefore, no resources are within the proposed project APE. The nearest recorded architectural resource is 0.5 miles northeast of the proposed project APE (P-04-011352; 3100 Mowry Avenue). This resource is a four-story office building at the corner of

Mowry Avenue and Paseo Padre Parkway. The nearest recorded archaeological resource is approximately 1 mile east of the proposed project. This resource is an extensive Native American village site (Holman & Associates, 1998).

The NAHC also provided a list of Native American tribes that may be eligible to consult with the City for this project, pursuant to the requirements of AB 52; a copy of this list was provided to the City. On May 16th, 2018, these Tribes were notified of the project and given the opportunity to request a consultation. No requests for a consultation were received.

On May 31, 2018, ESA archeologists Ashleigh Sims and Doug Alexander, conducted a pedestrian survey of the project site. No cultural resources were identified during the field survey. Based on the results of the records search, background research, and surface survey, no archaeological resources have been identified at the project site and the site was assessed as having a low potential for discovery of buried archaeological resources. As such, the proposed project is not anticipated to impact any archaeological resources pursuant to CEQA Guidelines Section 15064.5.

While unlikely, if any previously unrecorded archaeological resources are identified during project ground disturbing activities and were found to qualify as an historical resource per CEQA Guidelines Section 15064.5 or a unique archaeological resource, as defined in PRC Section 21083.2(g), any impacts to the resource resulting from the proposed project could be potentially significant. However, the proposed project would comply with the City of Fremont standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), which includes the following requirements related to the accidental discovery of cultural resources:

*"**Accidental Discovery of Cultural Resources**. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:*

(A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.

(B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

(C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064(e) and (f) requiring cessation of work, notification, and immediate evaluation shall be followed. (Ord. 27-2016 § 37, 12-6-16.)"

These requirements would apply to the proposed project per Chapter 18.218.050(c)(2) of the Fremont Municipal Code and would minimize impacts related to the accidental discovery of cultural resources during construction. Impacts would, therefore, be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Geologic maps of the project site and relevant geological and paleontological literature were reviewed by a qualified geologist/paleontologist to determine which geologic units are present within the project site and whether fossils have been recovered within the project site or from those of similar geologic units elsewhere in the region. A search for known fossil localities was also conducted through the online collections database of the University of California Museum of Paleontology (UCMP) at the University of California, Berkeley, in order to determine the status and extent of previously recorded paleontological resources within the project site.

Geologic mapping by Dibblee and Minch (2005) indicates that the project area is underlain by Younger Quaternary Alluvium. These sediments are too young to preserve fossil resources in the upper layers (i.e., under 5,000 years old, as per the SVP [2010]), however they increase in age with depth, and therefore may be of an age to preserve fossil resources in the subsurface. The San Francisco Bay area has a rich history of early Holocene and Pleistocene fossils from alluvial sediments of this age (Jefferson, 1991a, 1991b). Most famously, the fossil beds used to define the Irvingtonian North American Land Mammal Age are from the Irvington District of Fremont, California, approximately 2 miles east of the project area (Stirton, 1939; Savage, 1951). Iconic Ice Age fossils such as mammoths, horses, saber-toothed cats, and wolves, as well as smaller animals such as rodents, reptiles, fish, and birds are known from Pleistocene alluvium in this area (Baskin, 2016; Bell and Bever, 2006; Bell et al., 2004; Casteel and Adam, 1977).

The online collections database of the University of California Museum of Paleontology (UCMP) indicates that there are 1292 fossil specimens in their collection that have been collected from Pleistocene-aged sediments in Alameda county (UCMP, 2018). Specific locality data is not available for many of these specimens. However, there appear to be numerous localities within the vicinity of the project area, from around the Alameda Canal (two specimens), the Alameda Tube Extension (26 specimens), Hayward (4 specimens), and around Prune Avenue in Fremont (63 specimens), and perhaps others. Additionally, 910 of these specimens are from the Irvington Gravel, as described above. This formation may be present in the subsurface of the project area, underlying the surficial alluvium.

The exact depth at which the Younger Quaternary Alluvium transitions from younger, low sensitivity sediments to older, high sensitivity sediments is unknown in the project area. Available records indicate fossil discoveries are generally below 10 feet in depth in the vicinity of the project area (Savage, 1951), and so it is unlikely that project-related ground disturbance, which is not expected to exceed 10 feet in depth, would risk impacting fossil resources.

Based on the research and records review, paleontological resources are not expected to be uncovered during ground disturbing activities. In the unlikely event that paleontological resources are uncovered, the significance of the resource would be unknown until examined by a qualified paleontologist. This would be a potentially significant impact on paleontological resources. However, as discussed above, the project must comply with the standard development requirement for resource protection related to the accidental discovery of cultural resources, pursuant to Chapter 18.218.050(c)(2) of the Fremont Municipal Code, which would minimize impacts related to accidental discovery of paleontological resources. Impacts would, therefore, be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

A records search and background research was conducted for the site, and no recorded Native American sites or historic –period archaeological were identified for the site. No evidence of human remains were encountered at the project site during the pedestrian field survey. Therefore, the proposed project is not anticipated to impact human remains, including those interred outside of formal cemeteries.

While unlikely, if any previously unknown human remains were encountered during ground disturbing activities, any impacts to the human remains resulting from the project could be potentially significant. However, as discussed above, the project must comply with the standard development requirement related to accidental discovery pursuant to Chapter 18.218.050(c)(2) of the Fremont Municipal Code, which would minimize impacts related to accidental discovery of human remains. Impacts would, therefore, be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

VI. GEOLOGY AND SOILS - Would the project:

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6
	ii) Strong seismic ground shaking?			X		1, 5, 6
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6
	iv) Landslides?			X		1, 5, 6
b.	Result in substantial soil erosion or the loss of topsoil?			X		1, 5, 6, 8
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 5, 6
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems				X	N/A

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	where sewers are not available for the disposal of waste water?					

Environmental Setting:
The site is relatively flat and is located in area of the City extensively developed with residential and commercial uses. According to the 2004 California State Geologic and Seismic Hazard Zones maps, the project site is not located in an area susceptible to earthquake-induced liquefaction. The project site is not located in an Alquist-Priolo Earthquake Fault Zone nor are there known active faults located on the site. As with any new project constructed in the San Francisco Bay Area, the development could be subject to strong ground shaking during a major seismic event.

Regulatory Framework
State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2016 California Building Code

Discussion/Conclusion/Mitigation

a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?

a.i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

The project site is located in a seismically-active region of California that is part of the Coast Ranges geomorphic province. The Hayward fault and other regional active faults, including the Calaveras and San Andreas faults, pose the greatest threat of significant damage in the Bay Area according to the U.S. Geologic Survey (USGS) Working Group (USGS, 2015). However, the project site is not located in an Alquist-Priolo Earthquake Fault Zone nor are there known active faults located on the site. The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to restrict construction of structures intended for human occupancy along traces of known faults. Because the project site is not located in an Alquist-Priolo Earthquake Fault Zone and is not located on or immediately adjacent to an active fault, the project would have a less-than-significant impact related to fault rupture hazards.

Potential Impact: Less than Significant
Mitigation: None Required.

a.ii) **Strong seismic ground shaking?**

The project site is located in a seismically-active region of California that is part of the Coast Ranges geomorphic province. As such, the proposed project's structures could potentially be subject to strong ground shaking during a seismic event. The primary and secondary effects of groundshaking could damage structural foundations, distort or break wells or pipelines, and place

people at risk of injury or death. The level of risk would be similar to those of any housing project in the local area.

The structural elements of the proposed project would be required to undergo appropriate design-level geotechnical evaluations prior to final design and construction. In accordance with the most recent version of the California Building Code (CBC), the project would be required to complete a design-level geotechnical investigation to provide conclusions and recommendations based on the final design. The proposed project would be required to adhere to the seismic standards and regulatory requirements in the CBC and local ordinances (Fremont Municipal Code standards). Ensuring that all buildings and structures are constructed in compliance with the law is the responsibility of the project engineers and building officials. The local building officials are typically with the local jurisdiction (i.e., the City of Fremont) and are responsible for inspections and ensuring CBC and local code compliance prior to approval of the building permit.

The CBC, promulgated in Title 24 of the California Code of Regulations, describes required standards for the construction, alteration, replacement, location, and demolition of buildings, structures, and appurtenances connected or attached to such buildings or structures throughout California. The standards include earthquake design requirements that determine the seismic design category and structural design requirements. While complete avoidance of any damage may not be feasible, incorporation of industry standard seismic design measures in accordance with current building requirements would ensure that potential impacts related to ground shaking would be less than significant. The impact would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

a.iii) **Seismic-related ground failure, including liquefaction?**

The project site is not located within a State-designated Liquefaction Hazard Zone. As discussed above for criterion a.ii), compliance with the most recent version of the CBC and Fremont Municipal Code (promulgated in Title 24 of the California Code of Regulations and Title 15 of the Fremont Municipal Code, respectively) standards would require the project applicant to prepare a design-level geotechnical investigation that would address the potential for seismic hazards to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. This investigation would be required to include evaluating seismic-related ground failures such as liquefaction and provide recommendations to address such hazards. With compliance with the regulatory requirements and the implementation of geotechnical design recommendations, impacts relative to seismic-related ground failure would be reduced to a less-than-significant level.

Potential Impact: Less than Significant
Mitigation: None Required.

a.iv) **Landslides?** The project site contains flat relief and is not near any slopes capable of failing during a seismic event. According to the Landslide Inventory Map of the Milpitas Quadrangle (Wigers, 2011) and the City's GIS contour maps, the site is not located in or near a landslide area.

Therefore, the proposed project would not be adversely affected by potential impacts associated with landslides and impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

b) Result in substantial soil erosion or the loss of topsoil?

The proposed construction activities would include grading and excavation. These ground disturbance activities could expose soils to the effects of erosion and loss of topsoil. The City of Fremont also requires the implementation of BMPs described in the C3 Technical Guidance Manual, provided through Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015). These state and local requirements were developed to ensure that stormwater is managed and erosion is controlled on construction sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The C3 Technical Guidance Manual provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification. The grading and building plans submitted by the applicant must demonstrate compliance prior to issuance of building permits. Through compliance with the regulations discussed above, impacts associated with soil erosion during construction would be less than significant for all project components.

The proposed project includes landscape and stormwater management plans with project design features to prevent erosion and the loss of topsoil including routing all surface water (rainfall and landscaping runoff) into the curb-and-gutter system directed in bioretention systems, and then through a hydro modification vault to ensure sediment would not be discharged to offsite stormwater facitilies. Therefore, with the implementation of the aforementioned project design features, the impact relative to erosion or loss of topsoil would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

As previously discussed in criterion a.iv), the site is not subject to landslides. As previously discussed in criterion a.iii), impacts from liquefaction would be less than significant through compliance with engineering design standards in the most recent versions of the CBC and Fremont Municipal Code. Lateral spreading is typically associated with and related to seismic related ground failure and areas in slopes. The project location would be located on flat terrain, not susceptible to slope movement. Finally, the proposed project does not include groundwater withdrawal that might cause subsidence and the ground surface would not be susceptible to

collapse. In summary, with compliance with the CBC and Fremont Municipal Code standards, impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required.

d) **Be located on expansive soil, as defined in 24 CCR 1803.5.3 of the California Building Code, creating substantial risks to life or property?** As discussed above for criterion a.ii), compliance with the CBC and Fremont Municipal Code (promulgated in Title 24 of the California Code of Regulations and Title 15 of the Fremont Municipal Code, respectively) would require the project applicant to prepare a design-level geotechnical investigation that would address expansion potential to occur onsite and identify abatement measures to reduce potential significant effects of such an event to acceptable levels. With compliance with the regulatory requirements and the implementation of geotechnical design recommendations, impacts relative to expansive soil would be reduced to a less-than-significant level.

Potential Impact: Less than Significant
Mitigation: None Required.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

The proposed project would be served with sanitary sewer service provided by Union Sanitary District; no septic systems or alternative wastewater disposal systems would be required for the project, thus no impact would occur.

Potential Impact: No Impact
Mitigation: None Required.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X	1, 3, 8, 21, 22, 23

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Elements
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal. Emissions for the proposed project are discussed below and were analyzed using the methodology recommended in the BAAQMD CEQA Air Quality Guidelines.

Emission-Based Significance Thresholds

The BAAQMD's CEQA Air Quality Guidelines recommended a GHG threshold of 1,100 metric tons or 4.6 metric tons per capita. For a project to have a significant impact, it must exceed both of these thresholds. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32. Development of the project would occur beyond 2020, so a threshold that addresses a future target is appropriate. Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population. This is calculated for 2030 based on the GHG reduction goals of EO B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.[4]

CalEEMod Modeling

A Greenhouse Gas Emissions Assessment was prepared for the project (*Illingworth and Rodkin, Inc. 2018).* The Assessment used CalEEMod to estimate GHG emissions from operation of the site assuming full build-out of the project. The project land use types and size and other project-specific information were input to the model, as described above for air quality construction and operational emissions modeling, including an existing run to compute project net emissions. CalEEMod provides emissions for transportation, areas sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport.

Service Population Emissions

The project service population efficiency rate is based on the number of future residences. The number of future residences and service population is estimated at 397 based on the latest US Census data of 3.1 average persons per household for the City of Santa Clara.[5]

Construction Emissions

GHG emissions associated with construction were computed to be 233 metric tons (MT) of CO_2e for the total construction period of Phase I and 66 MT of CO_2e for the total construction period of Phase II, for a combined total of 299 MT of CO_2e for the total construction period for the whole project. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The project would incorporate BAAQMD best management practices to reduce GHG emissions during construction where feasible and applicable. Best management practices required to be incorporated into construction of the proposed project as a condition of approval include, but are not limited to: using local building materials of at least 10 percent and recycling or reusing at least 100% of asphalt and concrete and 65% of remaining debris.

[4] Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.
[5] U.S. Census, 2012-16. See: https://www.census.gov/quickfacts/fact/table/fremontcitycalifornia/PST045216 Accessed May 10, 2018.

Operational Emissions

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate annual net missions associated with operation of the fully-developed site under the proposed project. In 2020, as shown in Table 7, annual net emissions resulting from operation of the proposed project are predicted to be 666 MT of CO_2e for Phase I and 414 MT of CO_2e for Phase II, for a combined total of 1,080 MT of CO_2e. The annual emissions from operation of the existing buildings in 2020 are computed as 797 MT of CO_2e. The net emissions resulting from the project would be 283 MT of CO_2e. The net emission increase would not exceed the BAAQMD threshold of 1,100 MT of CO_2e/yr. Therefore, this would be considered a *less-than-significant* impact.

Table 7. Annual GHG emissions of CO_2e (MT/year)

Source Category	Existing	Proposed Phase I in 2020	Proposed Phase II in 2020	Total Proposed Project in 2020
Area	0.002	4	3	7
Energy Consumption	419	82	51	133
Mobile	357	554	344	898
Solid Waste Generation	19	18	11	29
Water Usage	2	8	5	13
Total	**797**	**666**	**414**	**1,080**
Net New Emissions				283
Significance Threshold				***1,100 MT CO_2e/yr***
Exceed Threshold?				***No***

Potential Impact: Less than Significant
Mitigation: None Required

b) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, codifies the State of California's GHG emissions target by directing CARB to reduce the State's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, CARB, California Energy Commission (CEC), the California Public Utilities Commission (CPUC), and the Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California's main strategies to reduce GHGs from business-as-usual (BAU) emissions projected in 2020 back down to 1990 levels. BAU is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system. It required CARB and other state agencies to develop and adopt regulations and other initiatives reducing GHGs by 2012.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 million metric tons (MMT) of CO_2e as the total

statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector- or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO_2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO_2e. Thus, an estimated reduction of 80 MMT of CO_2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB is currently working on a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. The proposed Scoping Plan Update was published on January 20, 2017 as directed by SB 32 companion legislation AB 197. The mid-term 2030 target is considered critical by CARB on the path to obtaining an even deeper GHG emissions target of 80 percent below 1990 levels by 2050, as directed in Executive Order S-3-05. The Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide goals.

The proposed project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in CARB's Scoping Plan. For example, proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems.

In 2012, the City adopted the *Fremont Climate Action Plan (CAP)*, to address major sources of GHG emissions to meet the emission reduction goal of 25 percent below Fremont's 2005 conditions by 2020. To meet this goal, the City adopted community-wide measures to reduce emissions in the sectors of land use and mobility, energy, solid waste, water, adopted and municipal services. Measures adopted include compliance with the 2016 California Green Building Code (CALGreen). By adhering to the requirements of the adopted Green Building Code and measures for waste diversion, the proposed project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions.

Potential Impact: Less than Significant
Mitigation: None Required

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X			1, 6, 7 F,G
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7 F,G
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X		1, 3, F,G
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code				X	1, 18, F,G

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?					
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Environmental Setting:

This section is based in part on the Phase I assessment prepared for the project site by Running Moose Environmental Consulting, LLC and a Phase 2 Subsurface Investigation completed by Partner Engineering and Science, Inc. The project site is three parcels totaling approximately two acres located on the west side of Mowry Avenue, south of Bell Street. The Islander Motel is located on the parcel located at 4101 Mowry Avenue and the other two parcels are undeveloped. The nearest surface waters to the site are Alameda Creek and related groundwater recharge ponds located approximately 1.5-miles to the north. The property is adjacent to apartment units to the south and west, Mowry Avenue to the east and a commercial strip center to the north. The nearest school to the site is Washington High School, which is over a quarter-mile from the project site.

Regulatory Framework

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Elements
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

a-c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Construction of the proposed project would require the use of certain hazardous materials such as fuels, oils, solvents, and glues in limited quantities. If spilled, these hazardous materials could enter surface water, result in soil or groundwater contamination, or expose workers to hazardous materials. However, in consideration of the size of proposed construction, there is a low

likelihood for any significant quantities of hazardous materials being necessary at the site. The construction contractors would be required to prepare and implement a Hazardous Materials Business Plan (HMBP) pursuant to California Health and Safety Code, Division 20, Chapter 6.95, that describes the location, type, quantity, and health risks of hazardous materials which are handled, used, stored, or disposed of, and that includes emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material. Through compliance with applicable regulatory requirements and the HMBP, impacts related to the use of hazardous materials used during construction would be less than significant.

The future tenants in the apartments would use typical quantities of common household hazardous materials such as cleaners, kitchen and restroom cleaners, and other maintenance materials. Landscaping maintenance may require the use of limited quantities of industry standard hazardous materials such as herbicides or pesticides but not in such a manner as to represent a significant threat to human health and the environment. Such materials are typically stored in cabinets onsite in accordance with all laws and regulations and with proper permits, where applicable. Overall, the use of typical household cleaners and other maintenance materials would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Through compliance with applicable regulatory requirements, impacts would be less than significant.

A Phase I Environmental Site Assessment (ESA) was conducted by Running Moose Environmental Consulting, LLC in September 15, 2017. In addition to inspection of the property, the Assessment included record review related to geologic conditions, potential hazardous materials, and historical uses of the site. The Phase I report notes that the majority of the subject property was cultivated with orchards from as early as the late 1930s through the early 1970s. The 38853 Bell Street parcel appeared to have been residentially developed as early as the late 1930s; fewer orchard trees appeared to have been present on that parcel. Two residences and associated outbuildings were present on the Bell Street parcel through 2007, at which time they were demolished and the parcels have remained vacant to the present time. Following removal of the orchards on the Mowry Avenue parcel, the existing Islander motel facility was constructed in 1973.

Based on the agricultural land use history, there is potential for residual agricultural chemicals, such as pesticides, herbicides, and related metals, to remain present in near surface soils. Very limited soil sampling for organochlorine pesticides was conducted on the 38853 Bell Street parcel in 2004; no organochlorine pesticides (OCPs) were detected at that time. Soil quality analysis for pesticide related metals, primarily lead and arsenic, was not conducted during the study.

As part of the Phase 2 Subsurface Investigation, Partner Engineering and Science, Inc. conducted a Shallow Soil Investigation at the subject property to investigate the potential impact of OCPs and/or metals to shallow soil as a consequence of a release or releases from historical on-site agricultural operations and/or historical residential activities. The scope of the Shallow Soil Investigation included the collection of eight shallow soil samples, which were analyzed for OCPs and metals.

Arsenic was detected in two different shallow soil samples at concentrations of 7.6 and 8.6 milligrams per kilogram (mg/kg), respectively. Both of these detections exceed the residential ESL of 0.067 mg/kg and the commercial ESL of 0.31 mg/kg; however, these detections are below the regional background level of 12 mg/kg for soil as discussed in the Kearney Foundation March 1996 report titled Background Concentrations of Trace and Major Elements in California Soils. Therefore, the concentrations of arsenic detected during this investigation appear to be naturally

occurring. Lead was detected in three different shallow soil samples at concentrations of 370, 820, and 170 mg/kg, respectively. The detections of 370 and 820 mg/kg exceed the residential ESL of 80 mg/kg and commercial ESL of 320 mg/kg. The detection of 170 mg/kg exceeds the residential ESL, but is below the commercial ESL. No other metals were detected in the analyzed soil samples at concentrations exceeding applicable ESLs. No OCPs were detected in the analyzed soil samples at concentrations exceeding applicable ESLs.

Based on the results of the additional testing completed as part of the Phase 2, there is evidence of OCPs and metal impacts to shallow soil beneath the subject property. The residual OCP detections do not exceed regulatory screening criteria. Lead was detected in soil three different samples at concentrations exceeding regulatory screening criteria, indicating a potential risk to human health and/or the environment.

The Phase 2 recommends further investigation to evaluate the extent of lead impacts to soil beneath the subject property and implementation of a Soil Management Plan (SMP) during redevelopment of the subject property to address the identified impacts. As such, impacts related to the potential accidental release of hazardous materials into the environment would be less than significant with the implementation of Mitigation Measure HazMat-1 below.

The project site is located over a 1/4-mile from the nearest school (Washington High School). As such, construction or operation of the project would have no impact with respect to emissions or handling of hazardous materials within a quarter mile of a school.

Potential Impact: Less than Significant with Mitigation Incorporated:

Mitigation Measure HAZ-1 (Soil Remediation Work): Prior to issuance of grading and/or building permits for site development, the applicant shall retain a qualified environmental professional to oversee remediation work to remove or otherwise mitigate known contaminants or Recognized Environmental Conditions (RECs) at the property, as identified in the Phase I/ Phase II Environmental Site Assessment and Shallow Soils Investigation prepared for the project site. The remediation work shall be implemented to the satisfaction of the relevant overseeing agencies (City of Fremont Fire Department, and designated Alameda County or State Department oversight agency, or other appropriate agency having jurisdiction). Completion of the remediation work and procurement of an appropriate closure document or written statement from the relevant overseeing agency(ies) that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

Mitigation Measure HAZ-2 (Site-Specific Health and Safety Plan): Prior to commencement of remedial actions required under Mitigation Measure HAZ-1, the applicant, or its contractors, shall prepare and implement a site-specific health and safety plan (HASP) to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations [CFR] 1910.120). Copies of the HASP shall be made available to construction workers for review during their orientation and/or regular health and safety meetings. The HASP shall identify chemicals of concern, potential hazards, worker training requirements, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be

amended, as necessary, if new information becomes available that could affect implementation of the plan.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

f-g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the site in the form of a recorded Emergency Vehicle Access Easement (EVAE) benefiting the City's Fire Department over a portion of the project driveway. Furthermore, the project site is not located in a Wildland-Urban Interface Fire Hazard Zone.

Potential Impact: No Impact
Mitigation: None Required

IX. HYDROLOGY AND WATER QUALITY - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X		1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X		1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X		1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Existing Conditions

The parcel fronting Mowry Avenue (4101 Mowry Avenue) is developed with the Islander Motel. The parcels at 38853 and 38871 Bell are undeveloped. The project site is generally flat, topography in the vicinity slopes very gently towards the east. Groundwater is expected to occur at depths of approximately

31 to 37 feet below ground surface. The project site is outside of the 100 year flood-plain. There are no large open bodies of water, streams or rivers located on or adjacent to the project site. The nearest surface waters to the site are Alameda Creek and related groundwater recharge ponds located approximately 1.5 miles to the north. The project is not susceptible to seiche activity. The project site is located more than seven miles from the Pacific Ocean, at an elevation of 51 feet above mean sea level (msl) and it is not susceptible to coastal hazards (tsunami, extreme high tides, or sea level rise) or is located in an area subject to mudflows. These conditions are not anticipated on site or in the vicinity of the project site.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Element (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

a-c, f) Would the project violate any water quality standards or waste discharge requirements?Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?

The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern nor substantially degrade water quality. The project would be required to connect to the existing public sanitary sewer and storm drain systems that serve the area, and would obtain its water from existing piped public water mains serving the site. The Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting its supplies or its distribution system.

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater NPDES Permit and the Alameda Countywide Clean Water Program, which regulate the treatment of stormwater runoff on the site. The project would create an additional ±0.86 acres of impervious surface area. As such, it would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in bio-retention planters before it is discharged into the public storm drain system. These LID measures include source control, site design, and treatment measures to reduce the amount of stormwater runoff and improve the quality of stormwater runoff.

Construction activities such as grading, vegetation removal, excavation, and backfilling could result in the project site becoming vulnerable to erosion. Because the overall footprint of construction activities would exceed one acre, the proposed project would be required to comply with the NPDES General Permit for Discharges of Storm Water Runoff Associated with

Construction and Land Disturbance Activities (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ) (Construction General Permit). Compliance with C.3 requirements would ensure that impacts to water quality would be less than significant. The City of Fremont requires the implementation of BMPs described in the C3 Technical Guidance Manual, provided through Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015). These state and local requirements were developed to ensure that stormwater is managed and erosion is controlled on construction sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The C3 Technical Guidance Manual provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification. The grading and building plans submitted by the applicant must demonstrate compliance prior to issuance of building permits. Through compliance with the regulations discussed above, impacts associated with water quality and soil erosion during construction would be less than significant for all project components.

Potential Impact: Less than Significant Impact
Mitigation: None Required

d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), and ultimately discharge into the public storm drain system via a new piped system that would be constructed on the site. Per Municipal Regional Stormwater Permit requirements, the project would be required to implement hydromodification to temporarily store and meter its runoff using the Bay Area Hydrology Model (BAHM) to size its storage capacity in order to accommodate 10 percent of a two-year storm event up to a 10-year storm event. Implementation of hydromodification using BAHM in accordance with the requirements of the Municipal Regional Stormwater Permit would ensure that the project would not exceed the capacity of the storm drainage system serving the area. Therefore, potential impacts would be less than significant.

Potential Impact: Less than Significant Impact
Mitigation: None Required

g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0461G, effective August 3, 2009. According to this FIRM, the project site is located within both a shaded and unshaded X zone and is, therefore, outside of the 100-year flood zone. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. As such, no potential impacts as a result of placing housing in a flood hazard area would result.

Potential Impact: No Impact
Mitigation: None Required

X. LAND USE AND PLANNING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?			X		1, 2, 3, 8

Environmental Setting

A portion of the project site is undeveloped with limited vegetation. The current land use General Plan designation for the site is Medium Density Residential (14.6 to 29.9 units per acre). The project includes redesignating the site to Urban Residential (30 to 70 units per acre) to allow for a residential development that is greater than 29.9 units per acre.

The following uses surround the project site:

- North: Multi-family residential and commercial
- South: Multi-family residential
- East: Mowry Avenue (commercial shopping center on the east side of Mowry Avenue)
- West: Multi-family residential

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Elements
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The project would result in the construction of a residential development with 128 units on the approximately two-acre site. The project would not include any new project features (i.e. berm, roadway, etc.) that would result in a barrier or physically divide an existing community. The eastern portion of the site is already developed with the motel and the western portion of the site is a vacant interior lot that would allow infill development of the site.

Redevelopment of the site with residential uses would generally be consistent with the land uses in the area, which include primarily multi-family housing at medium and urban high densities and consistent with General Plan land use policies emphasizing and supporting infill development and higher density housing. The project would also be consistent with Housing Element Policy that encourage the development of affordable housing to meet the City's Regional Housing Needs Allocation(LU 2-1.11, 2-3.4, and 2-3.8, HE Goal 3 and Policy 3.03).

In addition, the project would not conflict with General Plan policies or Zoning Ordinance requirements adopted for the purpose of avoiding or mitigating an environmental effect. The project would implement noise and air quality mitigation to ensure consistency with General Plan noise policy and implementation measure 10-8.1.A related to noise standards that are intended to reduce noise impacts. Additionally, the project would be required to comply with City of Fremont standard development requirements to address resource protection (Fremont Municipal Code 18.281), including construction related impacts to air quality, impacts to special status species, nesting birds, roosting bats, and accidental discovery of cultural resources. The analysis in this initial study demonstrates that the project is consistent with the City's General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect.

There is no habitat conservation or natural community conservation plan adopted for the site. Therefore, impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

XI. MINERAL RESOURCES - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental SettingA portion of the project site is undeveloped, however, the remaining part is development with a motel. The subject site is located in an urbanized area with multi-family house and commercial development to the north and east. There is no known history of significant mineral resources.

Regulatory Framework
State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Elements

- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation

a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None Required

XII. NOISE - Would the project result in:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 9, E
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1,9, E
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1,9, E
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 9, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

The project applicant proposes to renovate and expand the existing Islander Motel building as part of Phase 1, which would result in a total of 79 below market rate apartments units. A new common open space area (courtyard) would be located at the corner of Mowry Avenue and Bell Street. Phase 2 of the project would involve construction of a new building, which results in 49 additional below market rate apartment units on the vacant parcels to the west of the Islander Motel Building.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Element (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level for outdoor areas in single-family and multi-family residential uses is an Ldn of 60 dB(A); however, the maximum conditionally acceptable outdoor noise level is an Ldn of 75dB(A). A 60 Ldn goal will be applied where outdoor use is a major consideration, such as recreation areas in multi-family housing. Railroad noise sources may create instances when the outdoor noise exposure can exceed 65 L_{dn} up to 70 L_{dn} for future development, recognizing that train noise is characterized by relatively few loud events. These levels would be applicable to common open space areas in multi-family developments, and are used to guide the design of developments.

The maximum indoor noise level for new residential projects is an Ldn of 45 dB(A), while the maximum instantaneous noise level (or Lmax) from such temporary sources as train horns is 50 dBA in bedrooms during the night and 55 dBA in bedrooms and all other habitable rooms (such as living rooms, offices, kitchens, etc.) during the day.

Discussion/Conclusion/Mitigation

a-d) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Exposure of persons to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The existing noise environment at the project site is defined by roadway traffic associated with Mowry Avenue. Some noise is associated with the commercial uses across Mowry Avenue to the east, but is not a major contributing factor in the overall noise environment. The future noise environment at the project site would continue to be dominated by vehicular traffic along Mowry Avenue. While the proposed project would add vehicles to the surrounding streets, the number of trips generated per hour would represent an insignificant increase to nearby roadway traffic volumes and have little to no effect on the future noise environment. The 2016 Alameda County-Wide Transportation Plan states that traffic is expected to increase throughout the county by up to 50% by the Year 2040. Using the FHWA traffic noise prediction model, the predicted future 2040 noise level at the project site and the distances to the traffic noise contours are shown in Table 6. The FHWA traffic noise prediction model was evaluated at the proposed residential building facades, and the Phase I common outdoor / courtyard.

TABLE 6
PREDICTED FUTURE (YEAR 2040) TRAFFIC NOISE LEVELS AT THE PHASE 1 PORTION OF THE PROJECT SITE

Roadway	Traffic Noise Level	Distance to Noise Contours	
		60 dB Ldn	*65 dB Ldn*
Mowry Avenue	*66 dBA Ldn / DNL at Building Facade & at the Courtyard*	*339-feet*	*158-feet*

Fremont Boulevard	*61 dBA Ldn / DNL at Building Facade*	*327-feet*	*152-feet*
Cumulative	*67.2 dBA Ldn / DNL at Building Facade*	*NA*	*NA*
Sources: j.c. brennan & associates, Inc., and FHWA RD-77-108 - 2018			

Phase I

Exterior Noise

Common Open Space
The City's exterior noise level goal of 60 dBA L_{dn} for residential development is normally applied where outdoor use is a major consideration (e.g., backyards in single-family developments and recreational areas in multi-family projects). The outdoor standard is not normally applied to small decks associated with apartments and condominiums, but these are evaluated on a case-by-case basis.

Phase I of the project would include an outdoor courtyard on the east side of the site (adjacent to Mowry Avenue) as a common use area for the residents. This area is approximately 125 feet west of the centerline of Mowry Avenue. The future exterior noise levels at the edges of the courtyard area would be approximately 66 dBA L_{dn}, which would exceed the City's exterior noise threshold of 60 dBA L_{dn}.

Phase I of the project includes a six-foot tall fence as a means of shielding the common open space courtyard from the traffic on Mowry Avenue. Based upon the barrier analysis conducted for the site, a six-foot tall barrier would reduce future traffic noise levels to 60 dB Ldn at the courtyard area. It is recommended that the barrier be constructed of a concrete panel or prefabricated sound barrier, which will not warp or have gaps which would allow traffic noise levels to flank through the barrier.

Potential Impact: Less than Significant with Mitigation Incorporated:
Mitigation Measure Noise-1 (Common Area Wall): To meet the City's 60 dBA L_{dn} threshold at the Phase I outdoor courtyard, the proposed barrier height would need to be six feet along the perimeter of the courtyard. The barrier shall be constructed of a concrete panel or prefabricated sound barrier, which will not warp or have gaps which would allow traffic noise levels to flank through the barrier.

Private Open Space
The project would not include private open space.

Interior Noise
As a means of determining the ability of the project to achieve the interior noise level criterion of 45 dBA Ldn, interior noise level calculations were conducted. In addition, typical maximum ("instantaneous") noise levels due to roadway traffic can be as high as 81 dBA, based upon observations while conducting noise measurements on the site. The City of Fremont criteria states that the typical maximum ("instantaneous") noise level in bedrooms should not exceed 50 dBA at night and 55 dBA during the day.

The nearest building façade to Mowry Avenue would be located about 120 feet from the centerline of the roadway, and the future noise exposure at this façade is calculated to 66 dBA L_{dn}. In buildings of typical construction, with the windows partially open, interior noise levels are generally 15 dBA lower than exterior noise levels. With the windows closed, standard residential construction typically provides about 20 to 25 decibels of noise reduction. For example, a unit exposed to exterior noise levels of 65 dBA L_{dn} would be 50 dBA L_{dn} inside with the windows partially open and would range from 40 to 45 dBA L_{dn} with the windows shut. Attaining the necessary noise reduction from exterior to interior spaces is possible with proper wall construction techniques, the selection of proper windows and doors, and the incorporation of a forced-air mechanical ventilation system to allow the occupant the option of controlling noise by closing the windows.

Projected exterior noise levels for the residences parallel and perpendicular to Mowry Avenue would potentially be as high as 81 dBA Lmax and 66 dBA L_{dn} . The future interior day-night levels and maximum instantaneous levels exceed the thresholds established by the City for residential land uses and would require mitigation. The analysis determined that implementation of certain noise-reducing construction methods would reduce the noise levels to an acceptable level. The mitigation involves the use of special methods and sound-rated construction materials for most of the exterior walls and window/door systems of each unit in the subdivision.

High-performance sound-rated windows and doors would be required for all units to achieve the 45 dBA L_{dn} interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Typical dual glazed windows are adequate to reduce interior maximum (instantaneous) noise levels to 50 dBA in rooms other than bedrooms. Windows and sliding glass doors on the exterior bedroom facades, parallel and perpendicular to Mowry Avenue shall have a minimum STC rating of 33. Residential units facing west, and opposite Mowry Avenue do not require specific STC ratings for windows and sliding glass doors.

Furthermore, the analysis prescribes the provision of supplemental ventilation (e.g. air conditioning) for each unit to enable the occupants to keep their windows closed during warm weather in order to limit the amount of noise transmitted from outside into each unit. Units in the existing motel building (Phase I) would use wall mounted PTAC units. Where PTAC units are installed, they would be required to have an STC rating of 33.

Potential Impact: Less than Significant with Mitigation Incorporated:

Mitigation Measure Noise-2 (Sound Rated Doors and Windows): : High-performance sound-rated windows and doors would be required for all units to achieve the 45 dBA L_{dn} interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Typical dual glazed windows are adequate to reduce interior maximum (instantaneous) noise levels to 50 dBA in rooms other than bedrooms. Windows and sliding glass doors on the exterior bedroom facades, parallel and perpendicular to Mowry Avenue shall have a minimum STC rating of 33. Residential units facing to the west, and opposite Mowry Avenue do not require specific STC ratings for windows and sliding glass doors.

Mitigation Measure Noise-3 (Forced Air Ventilation): Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site, so that windows could be kept closed at the occupant's discretion to control noise. Alternatively, where PTAC (wall mounted) air conditioning units are used, they are required to have an STC rating of 33.

Mitigation Measure Noise-4 (Review of Building Permit Plans): During final design, the floor plans and building elevations shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels.

Phase II

Exterior Noise

The analysis of exterior noise levels at the Phase II portion of the project site indicates that due to distance and shielding provided by the Phase I portion of the project site, future traffic noise levels at the building facades and outdoor areas will be less than 60 dB Ldn, and will comply with the City exterior noise level standards of 60 dB Ldn. In addition, the maximum (instantaneous) exterior noise levels are expected to be approximately 70 dB.

Future Interior Traffic Noise Levels

The analysis of interior noise levels at the Phase II portion of the project site indicates that due to distance and shielding provided by the Phase I portion of the project site, future interior traffic noise levels will be less than 45 dB Ldn, and less than 50 dB Lmax. Therefore, the interior noise levels will comply with the interior noise level criteria, and will not require upgrades to windows and sliding glass doors.

Vibration Analysis:

Phase I and Phase II

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. The proposed project would not require pile driving, which can cause excessive vibration.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.2 in/sec PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is often used to provide the highest level of protection. While no historical buildings or buildings that are documented to be structurally weakened adjoin the project site, details regarding the residences surrounding the project site were not provided at the time of this study. For the purposes of this study, therefore, ground-borne vibration levels exceeding the conservative 0.2 in/sec PPV limit would have the potential to result in a significant vibration impact.

Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions,

construction methods, and equipment used. The nearest residential land uses would be adjacent to the project site along the southern and western boundary. The primary vibration-generating activities associated with the project would occur when the infrastructure such as grading, utilities, and parking lots are constructed. Sensitive receptors are generally 50-feet from the construction site. Construction activities could produce peak particle velocities of less than 0.09 inches/second at a distance of 25 feet. Based upon a distance of 50-feet to the nearest residential structure, it is expected that construction activities would create vibration levels of less than 0.2 in/sec PP, which could be perceptible at residential uses but would not result in architectural damage. The impact would therefore be less than significant.

Potential Impact: Less than Significant
Mitigation: None Required

Construction Noise

Phase I and Phase II

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Most of the construction for Phases I and II will occur at distances of more than 50 feet from the nearest residences, which are considered to be noise-sensitive uses. The maximum noise levels will be between 76 dBA and 85 dBA, and similar to existing daytime maximum traffic noise levels.

Although noise generated by project construction would be expected to exceed 60 dBA L_{eq} and exceed ambient noise levels at receptors surrounding the project site by more than 5 dBA L_{eq}, construction activities would occur in short-term durations and less than one year. General Plan Implementation Measure 10-8.5.B (Construction Noise) calls for projects to apply construction hour's ordinance to new development to limit noise exposure created by construction activity. Apply best practices to further limit noise in sensitive areas and long term projects, such as maintaining construction equipment in good condition and use of mufflers on internal combustion engineers. The following mitigation measures would reduce impacts from noise on the occupants of the dwelling units to a less than significant level.

Potential Impact: Less than Significant with Mitigation Incorporated:
Mitigation Measure Noise-5 (Construction Equipment):

The General Plan Update EIR identifies modification, placement, and operation of construction equipment as a means for minimizing the impact on the existing sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices (also described in the General Plan Update EIR) to reduce noise from construction activities near sensitive land uses:

a. Construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.

b. Excavating, grading and filling activities (including warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.

c. Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

d. Contractors shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

e. Loading, staging areas, stationary noise-generating equipment, etc. shall be located on larger sites as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

f. The Contractor shall comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

g. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

i. Signs shall be posted at the construction site that include permitted construction delays and hours a day and evening contract number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site compliant and enforcement manager to track and respond to noise complaints.

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

There are no public or private airports located in the City or vicinity. No impact would result.

Potential Impact: No Impact
Mitigation: None Required

XIII. POPULATION AND HOUSING - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and			X		1, 2, 4

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	businesses) or indirectly (for example, through extension of roads or other infrastructure)?					
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X		1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X		1, 2, 4

Existing Conditions

The project site includes three parcels totaling approximately two acres. There is an existing 70 room motel on the eastern portion of the site, while the western portion of the site is vacant.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Elements (referencing City Housing Element, December 2014)

Discussion/Conclusion/Mitigation

a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project proposes a General Plan land use change from Medium Density Residential (14.6 to 29.9 units per acre to Urban Residential (30 to 90 units per acre) to allow for a residential development that is greater than 29.9 units per acre. The proposed change would allow infill residential development to support the regional housing need, however, as an infill site it would not necessitate the extension of infrastructure or public services to undeveloped areas to support new residential development. Thus, the project would not induce substantial growth indirectly as a result of infrastructure extensions.

The proposed project would result in the construction of 128 residential units. Phase 1 would include 79 units and Phase 2 would include 49 units. While the proposed project would result in population growth, the addition of 128 units would not result in substantial growth or a significant impact on public facilities. The construction of 128 new residential units could result in a population increase of 396 new residents, based on 2017 Department of Finance (DOF) estimate of 3.11 persons per household. This would represent a less than 0.01 percent increase in growth (based on DOF's 2016 population estimate for Fremont of 229,324).

The project would not introduce an incompatible land use to the area, as it is a three and four story multi-family residential project and would be adjacent to three story multi-family residential development to the west, two story residential and commercial development to the north and two-story multi-family residential to the south. Furthermore, the project is located on a section of Mowy Avenue that is classified as an Urban Corridor in the General Plan Community Character Chapter, which calls for a dense and concentrated pattern of development. In addition the project would be consistent with General Plan policies that encourage infill development and the development of underutilized land (Land Use Policies 2-1.11 and 2-3.4). There is an existing 70 room motel on the eastern portion of the site, while the western portion of the site is vacant. The motel is used by many of its residents as affordable long term housing. All of the proposed 128 would be below market rate units that could accommodate displaced residents. Impacts would be less than significant.

Potential Impact: Less Than Significant
Mitigation: None Required

XIV. PUBLIC SERVICES:

ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?			X		1, 10
Police protection?			X		1, 10

ISSUES:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
Schools?			X		1, 10
Parks?			X		1, 10
Other public facilities?			X		1, 10

Existing Conditions

The project site is located in a largely built-out residential area of the City where all of the public facilities, utilities and services needed to serve the project are already in place.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?

Fire and Police Protection: The Fremont Fire and Police Departments currently provide fire and police protection to the project site and would continue to do so in the future. The proposed project would develop 128 new dwelling units on the project site and add an estimated 396 persons to the City's population. The associated increase in the demand for fire suppression, emergency medical services, or police protection services would not be substantial and would be typical of demand from surrounding uses. Because the site is an infill site, nearby services and patrols are already available. The closest Fire Station is located at the corner of Mowry and Argonaut, which is less than a mile from the project and within the City's response time goal. The proposed project has been reviewed in coordination with the Fremont Fire and Police Departments, and would not require the provision of new or physically altered stations or facilities, therefore impacts would be less than significant.

Schools: The project site is within the Fremont Unified School District (FUSD). The proposed project would develop 128 new dwelling units on the project site. Using a standard student generation rate of 0.1413[6] students/multi family dwelling unit, the proposed project could add potentially 18 students to the District. Enrollment within the district was 34,852 in Academic Year 2015–2016; thus, the proposed project's estimated 18 students would represent an increase of less than 0.1 percent. This increase would not be significant enough to necessitate new or expanded school facilities. FUSC collects Level III school impact fees, which would be collected before issuance of building permits for the project. Consistent with General Plan policy 9-9.1, the City has coordinated with the School District on project plans so the District can plan facility needs accordingly. Government Code Section 65996 allows for the payment of school fees to provide full and complete mitigation. As such the proposed project would have a less than significant impact on schools.

[6] Fremont Unified School District Student Needs Analysis, April 16, 2015

Parks and Other Public Facilities: The proposed project would develop 128 new dwelling units on the project site, which would add an estimated 396 persons to the City's population. This would be expected to yield a small increase in demand for use of parks, libraries, or other public facilities, but not enough to require new or expanded facilities.

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. Similarly, all new residential developments are required to pay School District fees to offset any impacts they might have on existing and/or planned public educational facilities. Payment of the required Development Impact and School District fees by the applicant prior to the issuance of building permits for the proposed project would result in the project having a less than significant impact on public services, schools, or other public facilities.

Potential Impact: Less than Significant
Mitigation: None Required

XV. RECREATION:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X		1, A

Existing Conditions

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provide recreational facilities and opportunities to the community. In addition, residents and community members also have access to park and trail systems maintained by other agencies including the East Bay Regional Parks District, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational facilities including five community centers, various sports facilities, a water park, and art gallery. The Centerville Community Park is approximately one-quarter mile away and Central Park is approximately one-half mile away.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur

or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project would result in an increase in the use of City parks, primarily Central Park. However, the project includes a total of 128 units which would not result in a significant increase in demand on any existing park or other recreational facilities or necessitate the need for new park facilities. In accordance with the City's development standards for multi-family or small lot development, the project would provide open space and onsite amenities including an exercise room, outdoor courtyards and a community room. The project would also be required to pay park dedication and park facilities in-lieu fees to contribute to the maintenance of existing parks. Thus, no new or expanded recreation facilities would be required and a less than significant impact would result.

Potential Impact: Less than Significant
Mitigation: None Required

XVI. TRANSPORTATION/TRAFFIC - Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		17
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	17
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X			1, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7

Existing Conditions

The project site is located on the west side of Mowry Avenue, south of Bell Street. The segment of Mowry Avenue adjacent to the project site currently carries an average PM peak hour volume of approximately 3,000 vehicles. PM peak hour traffic generation is one of the primary factors in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Element

Discussion/Conclusion/Mitigation

a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Standard practice exercised by the City of Fremont typically requires a detailed transportation impact analysis (TIA) for projects generating 100 vehicle-trips or more during the weekday PM peak hours. This threshold is consistent with the threshold used by Alameda County Transportation Commission (ACTC) for determining whether a land use project requires preparation of a TIA to evaluate potential impacts to regional roadways in the surrounding area that are designated as part of the CMP network. In the project vicinity, Mowry Avenue is designated as CMP facility.

City Transportation staff have reviewed the proposed development of 79 apartments in Phase I and 49 apartments in Phase II and estimated the project would generate 851 daily vehicle trips, 65 AM peak hour trips and 79 PM peak hour trips (reference: Land Use Codes #220, Apartment, ITE Trip Generation Handbook, 8th Edition, published by the Institute of Transportation Engineers). After accounting for the reduction in trip generation from the existing motel, the project will add 457 daily, 34 AM peak hour, and 47 PM peak hour net new trips. The segment of Mowry between Fremont Boulevard and Argonaut Way (eastbound plus west bound) currently carries an average PM peak hour volume of approximately 3,000 vehicles. PM peak hour traffic generation is one of the primary factors in determining if significant traffic impacts would occur as a result of a proposed project, as this is typically the time when most roadways are at their busiest.

The additional traffic generated by the project represents an l.57 percent (47/3000) increase in total existing PM peak hour trips on Mowry Avenue. Because the project is estimated to generate less than 100 new PM peak hour trips, a Traffic Impact Analysis (TIA) was not required for this project, per the Alameda County Congestion Management Program (CMP) guidelines. The proposed project would generate only 47 new weekday PM peak trips, which is below the City and ACTC thresholds for requiring a detailed TIA to determine potential transportation impacts. As such, the project would not generate a significant amount of traffic or conflict with any applicable congestion management plans, and no mitigation is required.

The project would be subject to the City of Fremont's traffic impact fee, which would be directed towards funding various intersection and roadway improvements identified in the General Plan and would further reduce any potential effects of the project on the circulation system.

Potential Impact: Less than Significant
Mitigation: None Required

c) Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont.

d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via the existing driveways on the Mowry Avenue frontage road and Bell Street. A onsite turn around (hammerhead) will be provided to allow emergency vehicles to circulate onsite. The new driveway onsite would be designed to meet City standards for traffic safety and accessibility purposes.

The project would result in a temporary increase in truck traffic and construction activities that affect rights-of-way. Mitigation Measure TRA-1 would require a construction management plan and implementation throughout construction to minimize impacts. With the implementation of this mitigation measure, the project impacts would be less than significant.

Potential Impact: Less than significant with migration incorporated
Mitigation: Mitigation Measure TRA-1: Construction Traffic Management Plan. The project applicant and its construction contractor shall prepare and implement a traffic management plan for construction activities that may affect road rights-of-way during construction, to reduce traffic congestion during construction and facilitate travel of emergency vehicles on affected roadways. The traffic management plan must follow applicable City of Fremont Standards Details (whichever edition is current as of the date of construction). The traffic management plan shall be submitted to the City of Fremont Public Works Department for review and approval before the approval of improvement plans and issuance of building permits where roadway improvements may cause impacts on traffic. The traffic management plan shall be implemented throughout construction. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, warning signs, cones for drivers, use of flag persons to direct traffic flows when needed, and designated construction access routes;
- Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
- Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
- Methods to ensure continued access by emergency vehicles. During project construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures.

e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Emergency vehicle access would be provided throughout the entire project over the proposed driveway in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City's Fire Department. No sharp curves or dangerous intersections would be created by the project, as both entry driveways along Mission Boulevard and all bends in the private street would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes. Phase one of the project would provide 27 long term bicycle parking spaces and nine short term parking spaces. Phase two of the project would provide a minimum of 42 long term parking spaces and 12 short term parking spaces.

Potential Impact: No Impact
Mitigation: None Required

XVII. TRIBAL CULTURAL RESOURCES- Would the project:

	ISSUES:	*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
	i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		
	ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		

Existing Conditions

The project is located on three lots, 4101 Mowry Avenue, 38853 and 38871 Bell Street, which covers 2 acres in the City of Fremont, Alameda County. The Islander Motel is currently extant on 4101 Mowry Avenue, while the other two lots on Bell Street are undeveloped. The Phase 1 report notes that the majority of the subject property was cultivated with orchards from as early as the late 1930s through the early 1970s. The 38853 Bell Street parcel appeared to have been residentially developed as early the late 1930s; fewer orchard trees appeared to have been present on that parcel. Two residences and associated outbuildings were present

on the Bell Street parcel through 2007, at which time they were demolished and the parcels have remained vacant to the present time. Following removal of the orchards on the Mowry Avenue parcel, the existing Islander motel facility was constructed in 1973. The site is surrounded by urban development, including multi-family residential development to the west and south, Mowry Avenue to the east and a commercial center to the north.

Regulatory Framework
State and Local regulations that pertain to the proposed project related to tribal resources include:

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning Chapter 18.175 Historic Resources
- Public Resources Code, Sections 5020.1(k), 5024.1(c), and …pertaining to definitions of tribal cultural resources.

Discussion/Conclusion/Mitigation
The following discussion is based in part on the *Paleontological Resources Assessment for the Islander Redevelopment Project, June 14, 2018,* which was prepared by ESA.

Tribal cultural resources are: 1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed, or determined to be eligible for listing in the California Register of Historical Resources (California Register), or local register of historical resources, as defined in PRC Section 5020.1(k); or, 2) a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). For a cultural landscape to be considered a tribal cultural resource, it must be geographically defined in terms of the size and scope of the landscape (PRC Section 21074[b]). Also, an historical resource, as defined in PRC Section 21084.1, unique archaeological resource, as defined in PRC Section 21083.2(g), or non-unique archaeological resource, as defined in PRC Section 21083.2(h), may also be a tribal cultural resource.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource?

As described in *Section 5 Cultural Resources,* the proposed project would implement standard development requirements (Fremont Municipal Code Chapter 18.218), which include the City's notification of Native American tribes that might have knowledge of tribal cultural resources within the project site:

> *"Notification, Affiliated California Native American Tribes. Prior to preparation of an environmental assessment and within 14 days of determining that an application for a project is complete, the city shall provide formal notification to the designated contact or a tribal representative of traditionally and culturally affiliated California Native American tribes that have requested to receive such notice from the city. The written notification shall include a brief description of the proposed project and its location, project contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to AB 52."*

The applicant completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on May 29, 2018 (File No. 17-0858). The review included the project site and a 0.5 mile radius. Previous surveys, studies, and site records were accessed. Records were

also reviewed in the Historic Property Directory for Alameda County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. Results of the records search indicate that no cultural resources have been identified within the ½-mile records search radius and therefore, no resources are within the proposed project Area of Potential Effects. The NAHC also provided a list of Native American tribes that may be eligible to consult with the City for this project, pursuant to the requirements of AB 52; a copy of this list was provided to the City. On May 6th, 2018, tribes were notified of the project and given the opportunity to request a consultation. No requests for a consultation were received.

Based on the results of correspondence with the NAHC and the NWIC records search, no known tribal cultural resources listed or determined eligible for listing in the California Register, or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be impacted by the project. In addition, the City of Fremont did not determine any resource that could potentially be affected by the project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c). Therefore, the project would not impact any such resources.

If any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts to the resource resulting from the project could be potentially significant. However, as described in *Section 5, Cultural Resources*, the proposed project would be required to comply with the standard development requirements for resource protection (Fremont Municipal Code Chapter 18.218), which includes the following requirements related to the accidental discovery of cultural resources: 1) project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources; 2) project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel; and 3) cessation of all work, notification, and immediate evaluation in the event a resource is discovered. Adherence to these measures would reduce impacts related to accidental discovery to less than significant.

XVIII. UTILITIES AND SERVICE SYSTEMS - Would the project:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
d.	Have sufficient water supplies available to serve the project			X		10, agency

ISSUES:		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
	from existing entitlements and resources, or are new or expanded entitlements needed?					notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?			X		10, 24

Existing Conditions

The project site is currently vacant but is located in a developed area served by all municipal utilities. Water service to the project would be provided by the Alameda County Water District (ACWD). Wastewater from the project site would be treated at the Alvarado Wastewater Treatment Plant (AWTP), which is operated by Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City. The project would need to connect to existing public and private utilities, including water, sewer, and storm drain facilities, via underground connections within the adjacent public right-of-way.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage and transports materials to the Fremont Recycling and Transfer Station on Boyce Road for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles to the northeast. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a-e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Based upon utility and water agency responses to plan review and engineering studies, all utilities necessary to serve the project, including natural gas, electricity, water, and sewer facilities exist in the area and could be connected without significant offsite improvements.

Storm Drainage
The project will include the construction of new stormwater facilities to handle and treat onsite stormwater run-off. As noted in the Hydrology section, the applicant is required to prepare improvements plans with a comprehensive drainage plan to ensure the construction of stormwater facilities meet all local, state and federal standards, including requirements of the Municipal Regional Permit (MRP) and Clean Water Program (CWP) for Alameda County. Because these facilities would be constructed in accordance with regional and County agency requirements, the construction of these facilities will not result in a significant environmental impact. Construction of new stormwater drainage facilities outside of the project site would not be required, thus impacts related to the expansion of facilities would be less than significant.

Water Supply
While the proposed project would increase water demand for the site, the ACWD Demand Forecast included provisions in regard to water allocation for smart growth and infill development. Even though the proposed project would require a General Plan amendment, the ACWD Demand Forecast includes water assumptions for some intensification of land uses beyond that provided in the City of Fremont General Plan. As noted in the Hydrology Section, the Alameda County Water District has confirmed that it is capable of meeting the project's water demands without significantly impacting its supplies or its distribution system.

Wastewater
The existing sewer mains and the Alvarado Wastewater Treatment Plan currently have sufficient capacity to serve the proposed project. Review of the project has been coordinated with the USD. As such, the proposed project would have a less than significant impact on wastewater treatment and would not require expansion of existing facilities.

Potential Impact: Less than Significant
Mitigation: None Required

f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The project would be served by the City's franchised waste hauler, Republic Services, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, currently has sufficient capacity to accommodate the volumes expected to be generated.

Potential Impact: Less than Significant
Mitigation: None Required

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of				X	See Previous

ISSUES:		*Potentially Significant Impact*	*Potentially Significant Unless Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
	a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?					
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project would not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, would reduce all impacts the project may have to a less-than-significant level.

XX. MITIGATION MEASURES:

Mitigation Measure Air-1 (Construction Equipment): Selection of equipment during construction to minimize emissions. Such equipment selection would include the following:

a. The project shall develop a plan demonstrating that the off-road equipment used on-site would achieve a fleet-wide average 85 percent reduction in $PM_{2.5}$ emissions. One feasible plan to achieve this reduction would include the following:

c. All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. Note that the construction contractor could use other measures to minimize construction period DPM emission to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters[7] or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.

d. Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant.

Mitigation Measure HAZ-1 (Soil Remediation Work): Prior to issuance of grading and/or building permits for site development, the applicant shall retain a qualified environmental professional to oversee remediation work to remove or otherwise mitigate known contaminants or Recognized Environmental Conditions (RECs) at the property, as identified in the Phase I/ Phase II Environmental Site Assessment and Shallow Soils Investigation prepared for the project site. The remediation work shall be implemented to the satisfaction of the relevant overseeing agencies (City of Fremont Fire Department, and designated Alameda County or State Department oversight agency, or other appropriate agency having jurisdiction). Completion of the remediation work and procurement of an appropriate closure document or written statement from the relevant overseeing agency(ies) that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the City of Fremont Community Development Department. Compliance with this mitigation may require the applicant or their agent to complete a Preliminary Endangerment Report, Voluntary Cleanup Agreement or other documentation as determined by the appropriate agency, and receive concurrence that the site's RECs have been resolved.

Mitigation Measure HAZ-2 (Site-Specific Health and Safety Plan): Prior to commencement of remedial actions required under Mitigation Measure HAZ-1, the applicant, or its contractors, shall prepare and implement a site-specific health and safety plan (HASP) to minimize impacts on public health, worker health, and the environment. The HASP shall be prepared in accordance with State and federal Occupational Safety and Health Administration (OSHA) regulations (29 Code of Federal Regulations [CFR] 1910.120). Copies of the HASP shall be made available to construction workers for review during their orientation and/or regular health and safety meetings. The HASP shall identify chemicals of concern, potential hazards, worker training requirements, personal protective equipment and devices, decontamination procedures, the need for personal or area monitoring, and emergency response procedures. The HASP shall be amended, as necessary, if new information becomes available that could affect implementation of the plan.

Mitigation Measure Noise-1 (Common Area Wall): To meet the City's 60 dBA L_{dn} threshold at the Phase I outdoor courtyard, the proposed barrier height would need to be six feet along the perimeter of the courtyard. The barrier shall be constructed of a concrete panel or prefabricated sound barrier, which will not warp or have gaps which would allow traffic noise levels to flank through the barrier.

Mitigation Measure Noise-2 (Sound Rated Doors and Windows): : High-performance sound-rated windows and doors would be required for all units to achieve the 45 dBA L_{dn} interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA L_{max} in bedrooms and 55 dBA L_{max} in other rooms. Typical dual glazed windows are adequate to reduce interior maximum (instantaneous) noise levels to 50 dBA in rooms other than bedrooms. Windows and sliding glass doors on the exterior bedroom facades, parallel and perpendicular to Mowry Avenue shall have a minimum STC rating of 33. Residential units facing to the west, and opposite Mowry Avenue do not require specific STC ratings for windows and sliding glass doors.

Mitigation Measure Noise-3 (Forced Air Ventilation): Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site, so that windows could be kept closed at the occupant's discretion to control noise. Alternatively, where PTAC (wall mounted) air conditioning units are used, they are required to have an STC rating of 33.

Mitigation Measure Noise-4 (Review of Building Permit Plans): During final design, the floor plans and building elevations shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit and a letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels.

Mitigation Measure Noise-5 (Construction Equipment): The General Plan Update EIR identifies modification, placement, and operation of construction equipment as a means for minimizing the impact on the existing sensitive receptors. Construction equipment should be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project should include the following best management practices (also described in the General Plan Update EIR) to reduce noise from construction activities near sensitive land uses:

a. Construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.

b. Excavating, grading and filling activities (including warming of equipment motors) are limited to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. No construction is permitted on Sundays.

c. Contractors shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

d. Contractors shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

e. Loading, staging areas, stationary noise-generating equipment, etc. shall be located on larger sites as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

f. The Contractor shall comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines.

g. A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.

h. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.

i. Signs shall be posted at the construction site that include permitted construction delays and hours a day and evening contract number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site compliant and enforcement manager to track and respond to noise complaints.

Mitigation: Mitigation Measure TRA-1: Construction Traffic Management Plan. The project applicant and its construction contractor shall prepare and implement a traffic management plan for construction activities that may affect road rights-of-way during construction, to reduce traffic congestion during construction and facilitate travel of emergency vehicles on affected roadways. The traffic management plan must follow applicable City of Fremont Standards Details (whichever edition is current as of the date of construction). The traffic management plan shall be submitted to the City of Fremont Public Works Department for review and approval before the approval of improvement plans and issuance of building permits where roadway improvements may cause impacts on traffic. The traffic management plan shall be implemented throughout construction. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, warning signs, cones for drivers, use of flag persons to direct traffic flows when needed, and designated construction access routes;
- Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle and pedestrian traffic, circulation and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area;
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur;
- Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project applicant; and
- Methods to ensure continued access by emergency vehicles. During project construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures.

GENERAL SOURCE REFERENCES:

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2010
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

PROJECT RELATED REFERENCES:

A. Project Plans prepared by Van Meter Williams Pollack, LLP (architecture) , Merrill Morris Landscape Architects and Planners (Landscape), Luk and Associates (Engineering) dated April 16, 2018

B. Site reconnaissance visit by City Planning Division, April 11, 2018

C. Tree Survey prepared by Merrill Morris Landscape Architects and Planners, dated April 17, 2018

D. Air Quality and GHG Emission Assessment conducted by Illingworth and Rodkin, dated May 21, 2018

E. Noise and Vibration Study conducted by J.C. Brannan and Associates, dated May 22, 2018

F. Phase I Environmental Site Assessment conducted by Running Moose Environmental Consulting, dated September 17, 2017

G. Phase II Shallow Soil Investigation Report conducted by Partner Engineering and Science, Inc, dated May 24, 2018

H. Cultural and Paleontological Resources Study for the Islander Motel Redevelopment Project in Fremont, ESA Associates Alameda County, California, dated April 16, 2018

I. Paleontological Resources Assessment for the Islander Redevelopment Project, ESA Associates Alameda County, California, dated June 14, 2018