ENVIRONMENTAL CHECKLIST - INITIAL STUDY

PROJECT INFORMATION

1.	Project Title:	Pape Machinery (PLN2019-00337)
2.	Lead Agency Name and Address:	City of Fremont, Planning Division 39550 Liberty Street, PO Box 5006 Fremont, CA 94537-5006
3.	Contact Person and Phone Number:	James Willis, Associate Planner – (510) 494-4449
4.	Project Location:	43510 Osgood Road, Fremont, CA 94539 (APN 513-701-7-10)
5.	Project Sponsor's Name and Address:	Mike Pati, Pape Properties, Inc. 3555 Goodpasture Island Road, Suite 300 Eugene, OR 97401
6.	General Plan Designation:	Service Industrial
7.	Zoning:	Service Industrial (I-S)

8. Description of Project:

The applicant is proposing to construct a new ±61,098 square foot, two-story commercial building for a construction equipment sales and service facility. The project site consists of two existing vacant legal lots measuring approximately 7.81 acres. Both lots are contained within one tax parcel. The project would relocate an existing business to Fremont from the City of Newark, approximately 5.5 mile away.

The entire site would be cleared of brush and graded for the purposes of construction. The proposed building would have a footprint of approximately 46,500 square feet. The total floor area of the building would be approximately 63,500 square feet. The building would be divided up into three parts, the office space for the dealership would measure approximately 18,109 square feet, the parts warehouse for the service bays would measure approximately 17,790 square feet, while the service bays themselves would be approximately 27,550 square feet. The rear approximately 1/3 of the site is proposed to be a sub-surface lined gravel corporation yard for storing the heavy equipment. An asphalt parking lot within integrated stormwater bio-retention treatment would be constructed south of the building. A concrete drive aisle would surround the building. A separate stormwater bio-retention treatment area would be constructed on the northern property line. A Several high voltage power lines cross the site along the eastern and southern property lines. An underground natural gas transmission line passes under the site, roughly under the high voltage power lines. Pole mounted utilities within the public right of way in front of the project site would be undergrounded to allow additional vertical clearance for trucks hauling construction equipment to enter and exit the site.

The property is currently zoned Service Industrial (I-S) and the General Plan land use designation is Service Industrial. The proposed equipment sales and service facility is allowed in the current zoning, subject to a Zoning Administrator Permit. As proposed, the project conforms to the City of Fremont General Plan. The applicant has applied for a Zoning Administrator Permit, a Discretionary Design Review Permit, and an Environmental Impact Analysis. The applicant plans to apply for a future Conditional Use Permit for a new pole mounted, freeway oriented sign to advertise the proposed business. The application for a Conditional Use Permit has not been submitted at this time.

9. Surrounding Land Uses and Setting:

The project consists of one existing vacant parcel measuring approximately 7.81 acres. The project site is located along Osgood Road, an arterial street. The project site is bounded by Interstate 680 to the east, a paving contractor's corporation yard to the south, and a religious facility to the north. Across Osgood road is a light industrial development consisting of several buildings. The nearest existing residential uses are across Interstate 680 from the project site. Individual single family homes exist along Osgood Road as legal non-conforming structures.

The project site was previously used for agriculture. Around 1939, aerial photos identified structures consistent with dry farming (hay, oats, etc.). Electrical transmission lines appear on the site in the late 1950s. A riding stable was operating at the site in the 1970's. The barn, riding circle, and minor structures associated with the riding stable were removed around 1994. The site was used as a contractor staging yard for the widening of Osgood Road in 2011. The staging yard use ceased in 2012 and all dirt stockpiles were removed at that time.

10. Construction Activities and Schedule

While the timeline for construction is variable and subject to change, construction is anticipated to begin immediately after building permit issuance. The project would be constructed in a single phase. Grading, site improvements, and vertical construction would be complete by December 2021.

Construction activities would comply with Fremont Municipal Code requirements, which limit construction hours to 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on Saturdays (FMC, Section 18.160.010). Typical construction equipment such as dump trucks, backhoes, and bulldozers would be used in construction. No pile-drivers, blasting equipment, or vibratory rollers would be used. Equipment and materials would be staged within established work areas on the project site. There would not be any off-site staging or staging within the public right-of-way.

The preliminary estimate of site grading is 2,475 cubic yards (CY) of fill and 1,590 CY of cut. Resultantly, approximately 885 CY of material is anticipated to be imported to the site during site preparation and project construction. The off-haul of this material would require 90 truckloads of material in total, with an average of 23 off-haul trips per day during the site grading and preparation phase of construction. All haul trucks would enter the site from Osgood Road and would not travel through residential neighborhoods to reach the project site. The materials would be transported along approved haul routes. Specific travel routes for soils import would be determined in consultation with the City Public Works Department.

In addition to soil import trips, vehicular trips would be generated by an average of 15 construction employees who would work on the site. Parking for construction workers would be provided on-site, and would not encroach into the public right-of-way.

11. Standard Development Requirements

The City of Fremont has established standard development requirements to address resource protection (Fremont Municipal Code Chapter 18.218). These requirements apply to air quality (construction-related emissions), biological resources (special-status species), and cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources). The proposed project would comply with these standard development requirements, which are described in Sections 1.3, 1.4, 1.5, 1.6 and 1.9 of this Initial Study.

12. AB52 Notification.

In conformance with the requirements of Public Resources Code section 21080.3.1, notice of the proposed project was sent by certified mail on July 9, 2019, to the six Native American tribal representatives whose names and contact information were provided to the City of Fremont by the Native American Heritage Commission in a letter dated July 1, 2019. To date, no requests for consultation pursuant to AB52 have been received. No California Native American tribes have requested consultation after being contacted pursuant to the Public Resources Code.

13. Project Approvals

The project is a private development proposal that involves private funds (no City, State, or federal funds). To allow the proposed project, the following approvals by the City would be necessary:

- Design Review Permit
- Tree Removal
- Grading Permit
- Zoning Administrator Permit

The project would be reviewed and discussed at public hearings before the Zoning Administrator.

14. Other Public Agencies Requiring Approval

The project may also require permits and/or approvals from:

- Alameda County Flood Control District (ACFCD),
- Alameda County Water District (ACWD) (including drilling permits), and
- Union Sanitary District (USD)

15. Previous Environmental Review

Fremont General Plan Update EIR (SCH No. 2010082060) – available in-person at the City of Fremont Development Services Center and online at: https://www.fremont.gov/398/General-Plan.

16. General Plan Conformance.

As previously noted, the proposed project would be consistent with the General Plan for which a program-level Environmental Impact Report (EIR) was prepared and certified by the Fremont City Council in December 2011, in accordance with the requirements of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15168(c), subsequent activities must be examined in light of the program EIR to determine whether an additional environmental document is required. If a later activity would have effects that were not evaluated in the program EIR, an Initial Study must be prepared leading to either preparation of an EIR or Mitigated Negative Declaration. This Initial Study/Environmental Checklist has been prepared for that purpose and has determined that although the proposed project would have effects that were not examined in the General Plan EIR (GP EIR), mitigation measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration will be prepared.

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 Forest Resources	M Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology / Soils	☐ Greenhouse Gas Emissions	Hazards / Hazardous Materials
☐ Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
M Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance
	☐ None	☒ None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

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.

☒ 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
James Willis	Associate Planner
Printed Name	Title
City of Fremont, Planning Division	
Agency	

Figure 1: Vicinity Map

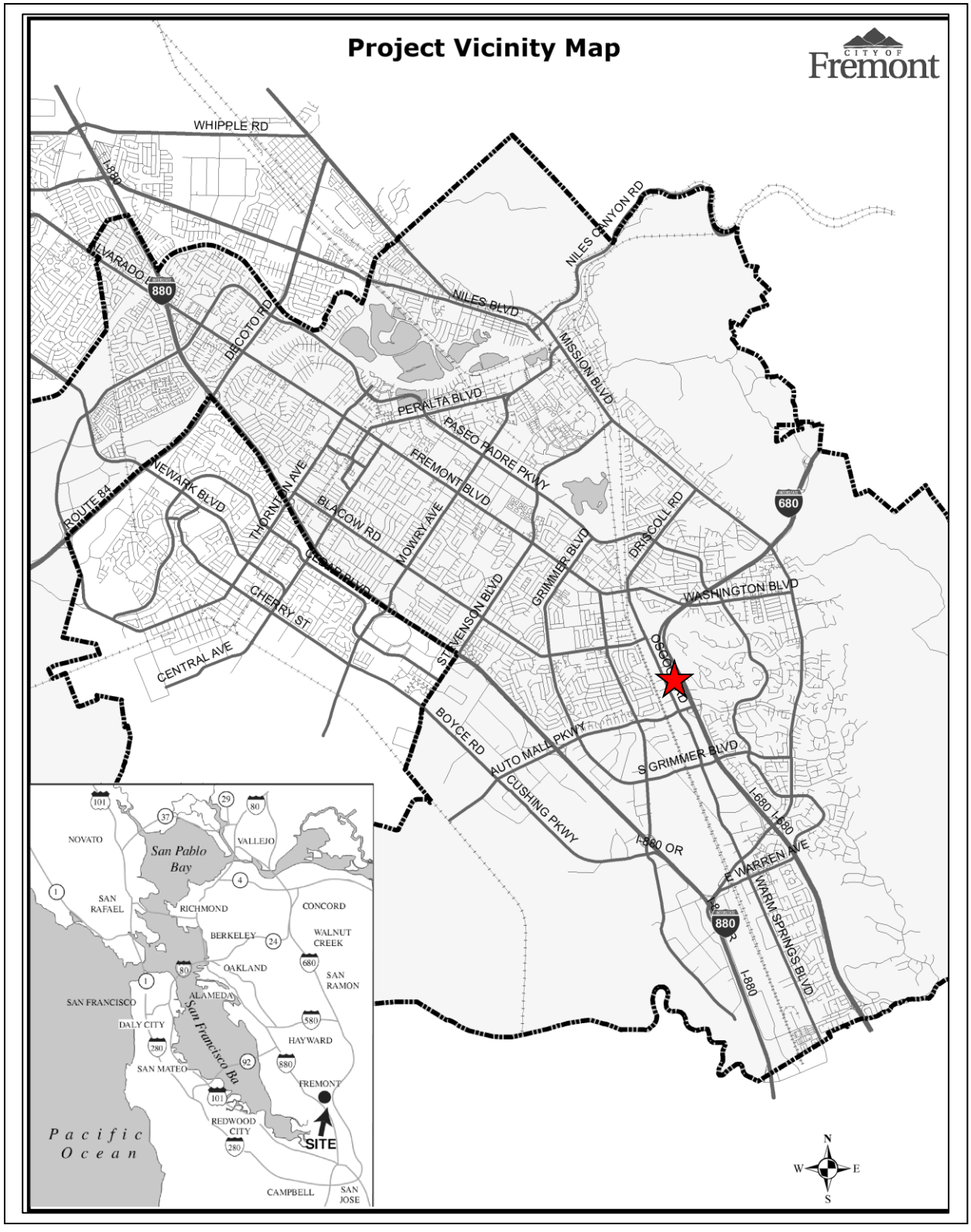
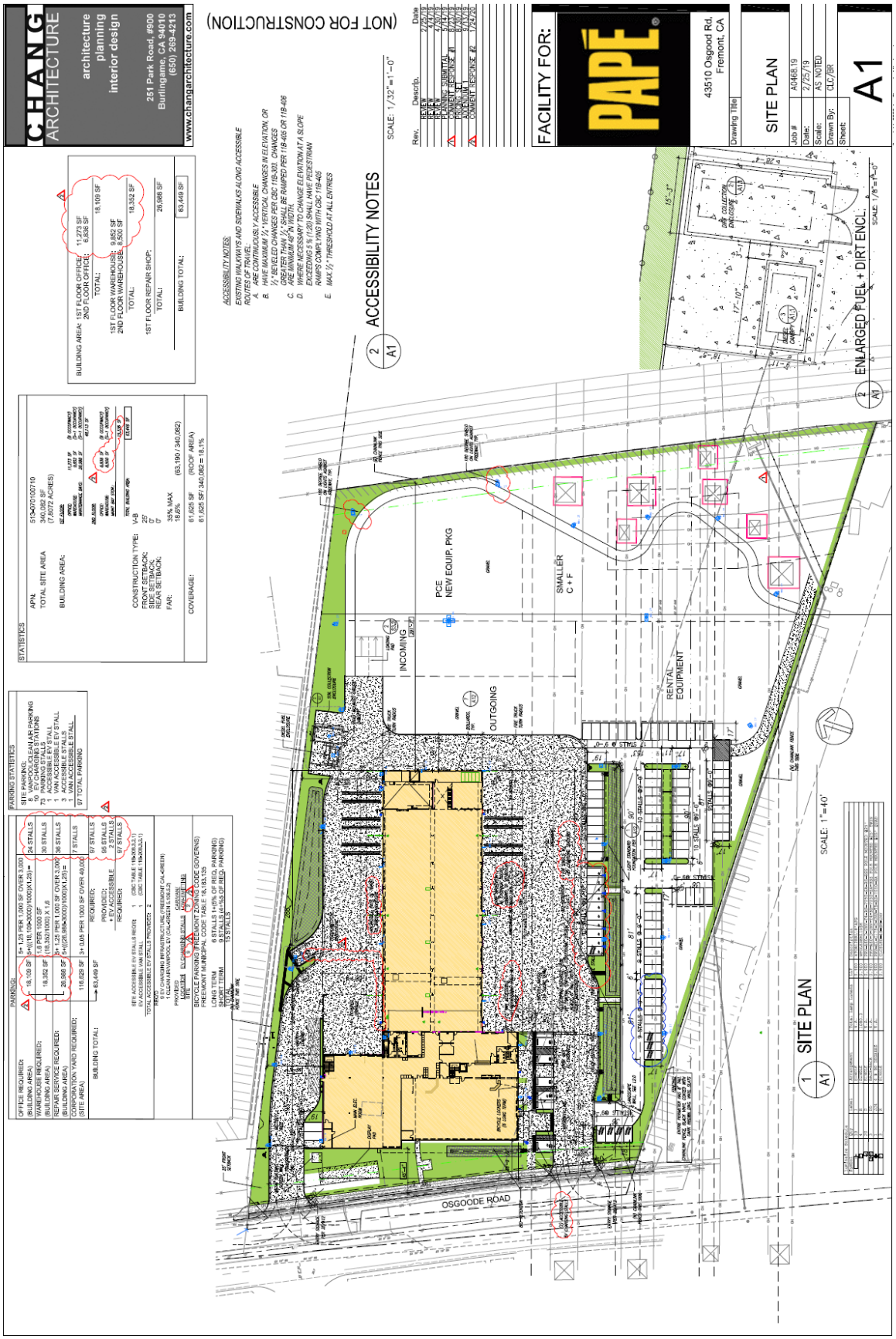


Figure 2: Site Aerial

Figure 3: Proposed Site Plan



1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

1.1.1 Environmental Setting

The project site is a currently vacant parcel measuring approximately 7.81 acres located on Osgood Road and adjacent to the Interstate 680 freeway. The applicant proposes to construct a two story building measuring approximately 61,098 square feet. The site currently contains 33 trees in varying species, size and condition. Osgood Road is not a designated scenic corridor in the General Plan Community Character Element. The General Plan considers the East Bay hills north and east of the site as scenic views for neighborhoods and commercial centers, and Fremont residents have voted to protect these hills as open space on several occasions, confirming their value as a scenic resource. The East Bay Hills around Mission Peak can currently be seen from the project site despite the existing high voltage power lines partially obscuring the view and adjacent development. The surrounding neighborhood consists primarily of low, light industrial style buildings and contractor's storage and supply yards. Due to the existing easements around the high voltage power lines and underground natural gas transmission line, the proposed buildings would be constructed on the northern half of the project site leaving the partially obscured views of the east bay hills largely unchanged.. Existing lighting in the area consists primarily of street lights in the public right of way. The adjacent contractor's storage yard has some pole mounted lights to illuminate their yard and the neighboring religious facility has parking lot lights. There are no existing lights within the vacant project site. The site would be illuminated with both building mounted and pole mounted lights. The project applicant proposes to underground the existing overhead power lines along Osgood Road in front of the project site.

1.1.2 Discussion

a) Have a substantial adverse effect on a scenic vista?

The General Plan does not identify any scenic resources in the vicinity of the project site and there are no scenic highways in the area. There are no identified existing scenic vistas that would be impacted by the proposed development. There is a limited scenic vista to the east bay hills to the east of the site but this

view is partially obscured by the existing high voltage power lines passing through the site. The location of the proposed building on the northern half of the project site would maintain this obscured view of the east bay hills. The industrial buildings across the street from the project site have windows on the first floor facing Osgood Road but they are so their existing view is limited. Therefore, impacts from the construction and operation of the project on a scenic vista would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are a number of existing trees on the site that would be removed as part of the project, but none of these trees have been identified as scenic resources or of historical significance. There are 33 trees currently existing on the project site. As the site has been vacant for a number of years, the site is overgrown and a number of the trees are either dead or in poor condition. An arborists report, prepared by Certified Arborist Shawn Sanfilippo on April 25, 2019, recommended removal of most of the trees on site due to condition or conflicts with proposed development. A City landscape architect has reviewed the proposed plan to remove existing trees and determined that the trees being removed have very limited value and may be removed with standard City tree mitigation measures. There are no rock outcroppings or historic buildings on the site and the site is not adjacent to a state scenic highway, so the project would not damage such resources. As such, impacts from the construction of the project on scenic resources would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area, developed on all sides by a mix of primarily commercial and industrial uses and Interstate 680 at the rear. The site is currently vacant except for existing high voltage power line towers on the southern side of the property. The site has significant amounts of overgrown brush throughout the site with trees scattered around the parcel. The existing neighborhood is made up of industrial buildings and a contractor's corporation yard. There are a few remaining older single family homes along Osgood Road that remain as legal non-conforming uses. The proposed project would consist of a two-story tall industrial building with associated parking and accessory structures concentrated on the northern side of the property adjacent to Osgood Road. The proposed building would feature large glass walls and decorative standing seam metal walls. The architecture of the proposed building along Osgood Road is superior to the existing architecture of the neighborhood which primarily consists of concrete tilt-up structures and metal industrial buildings. The proposed project would conform to the applicable City zoning rules and development policies, which ensure that the project would consistent with the General Plan goals and policies related to Aesthetics as evaluated in the General Plan EIR. Therefore, impacts would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

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

The proposed project would be located in a developed industrial area along an arterial street. The site would be illuminated by both building mounted and pole mounted lights. In accordance with Fremont development policies and the Fremont General Plan, the lighting would be configured in such a way as to prevent light spill onto neighboring properties and to avoid objectionable glare. Compliance with the exterior lighting requirements of the Zoning Ordinance (FMC 18.50.050) and Citywide Design Guidelines would ensure that the project would not create new source of substantial light and glare and impacts would be less than significant. As such, no mitigation is required.

Construction activities for the site would be required to be within the City's construction hours, which are limited to the daytime hours (7am to 7pm on weekdays; 9am to 6pm on Saturdays and holidays, no construction allowed on Sunday). Compliance with these hours would reduce construction-related impacts from light and glare to less than significant. For these reasons, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area and the impact would be less than significant with no mitigation required.

Potential Impact: Less than Significant
Mitigation: None Required

References

1. California Department of Transportation, and. Alameda County. Officially Designated Scenic Highway Map. Available: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed May 28, 2020.

2. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

3. City of Fremont, 2011. City of Fremont General Plan. Community Character Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

4. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

5. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

1.2.1 Environmental Setting

The project site is a currently vacant parcel measuring approximately 7.81 acres located on Osgood Road and adjacent to the Interstate 680 freeway. As discussed in the project description, the proposed project would be an industrial service use, with a building, parking lot, and landscaped areas. The project site was previously used for agriculture and has not been used for agricultural purposes in several decades. Around 1939, aerial photos identified structures consistent with dry farming (hay, oats, etc.). Electrical transmission lines appear on the site in the late 1950s. A riding stable was operating at the site in the 1970's. Commercial agricultural use of the site ended in the 1980's. The barn, riding circle, and minor structures associated with the riding stable were removed around 1994. The site was used as a contractor staging yard for the widening of Osgood Road in 2011. The staging yard use ceased in 2012 and all dirt stockpiles were removed at that time. Since 2012, the site has remained vacant?

1.2.2 Discussion

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?

According to the California Department of Conservation's 2016 Alameda County Farmland Map, the site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. It is designated as "Urban and Built-Up Land[1]." Therefore, no impact to such lands would result from the project.

Potential Impact: None
Mitigation: None Required

b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

The site is zoned Service Industrial (I-S) and all agricultural activities that occurred historically on the parcel ceased by the 1970's. A commercial riding stable operated at the site from the 1970's until 1994. As shown on the California Department of Conservation's 2016 Alameda County Farmland Map, the site is classified as "urban and built-up land." Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. Therefore the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract so no impact to such lands would result from the project.

Potential Impact: None
Mitigation: None Required

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The site is zoned Service Industrial (I-S) and the site does not contain any forest or timberlands, thus the project would not result in the loss of forest or timberland or the conversion of forest land to non-forest use. Therefore, no forest resource impacts would result from the development of the project, and no mitigation is required.

Potential Impact: None
Mitigation: None Required

d) Result in the loss of forest land or conversion of forest land to non-forest use?

The proposed project is located in a built-up, urban area and does not contain any forest or timberlands. Therefore, no forest resource impacts would result from the development of the project, and no mitigation is required.

[1] California Department of Conservation, Farmland Mapping and Monitoring Program, Alameda County Map. Accessed on February 27, 2020. Available at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Alameda.aspx.

Potential Impact: None
Mitigation: None Required

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?

The project site is located within a built-up, urban area and has not been utilized for agricultural uses since at least the 1970's. There are no agricultural uses or forest lands in the vicinity of the project and the proposed project would have no impacts which could result in conversion of farmland to non-agricultural use or conversion forest land to non-forest uses. Therefore no mitigation is required.

Potential Impact: None
Mitigation: None Required

References

1. California Department of Conservation, 2018. Farmland Mapping and Monitoring Program. Available at https://www.conservation.ca.gov/dlrp/fmmp. Accessed June 26, 2019.

2. California Department of Conservation, 2018. Williamson Act Status Report. Available at https://www.conservation.ca.gov/dlrp/wa/Pages/stats_reports.aspx. Accessed June 1, 2020.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. City of Fremont, 2011. City of Fremont General Plan. Land Use Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?	☒ Yes		☐ No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) 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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

1.3.1 Environmental Setting

The project is located in Alameda County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). The existing site is currently vacant. The proposed project would construct a two-story, 63,190 square foot (sf) industrial building and 93 parking spaces on the 7.8-acre site. The industrial building would be a construction equipment sales, rental, and service dealership. Repair services, replacement parts sales, and transaction-related financial services would be provided to customers at the proposed Papé facility. The site would be equipped with a vehicle wash station and an above-ground diesel fuel storage tank. Initially, business hours would be Monday through Friday from 7:00 a.m. to 5:00 p.m. Thirty employees are anticipated. Primary site access includes two 40-foot driveways along Osgood Road to allow for tractor-trailer and emergency vehicle access.

The City has adopted "Standard Development Requirements" under the Fremont Municipal Code Section 18.218.050, which include the BAAQMD CEQA Air Quality Guidelines best management practices to control dust during construction projects.

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_X). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

TACs are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs. The most recent Office of Environmental Health Hazard Assessment (OEHHA) risk assessment guidelines were published in February of 2015.[2] See *Attachment 1* for a detailed description of the community risk modeling methodology used in this assessment.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The project would include sensitive receptors. The closest sensitive receptors to the project site are the single-family residences to the north and east of the project site opposite Interstate 680 (I-680). There are additional residences at further distances to the west of the site opposite the railroad. In addition to residences, there is a high school (Averroes High School) located to the north of the project site and an elementary school (Stratford School) located to the northeast of the project site.

1.3.2 Discussion

This discussion is based in part on the following documents:

- *Air Quality and Greenhouse Gas Emissions, Assessment Report*, prepared by Illingworth and Rodkin, Inc., dated February 14, 2020 (AQ Report)

[2] OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

a) Conflict with or obstruct implementation of the applicable air quality plan?

The most recent clean air plan is the *Bay Area 2017 Clean Air Plan*[3] that was adopted by BAAQMD in April 2017. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Projects that are consistent with the development of a regional or local air quality plan are considered not to conflict with the attainment of air quality standards identified in the plan. The proposed project would be consistent with the site's General Plan Service Industrial land use designation. Therefore, the intensity of operational emissions associated with the project has been accounted for in BAAQMD's *Clean Air Plan.*

Consistency with the air quality plan is also 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. Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. The proposed project would not conflict with the latest Clean Air planning efforts since 1) the project would have emissions below the BAAQMD thresholds (see Impact below), 2) the project 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. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

b) 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?

The Bay Area is considered a non-attainment area for ground-level ozone and $PM_{2.5}$ under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for 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 NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod.

Construction period emissions

CalEEMod provided annual emissions for construction and estimates emissions for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based on information provided by the project applicant. The proposed project land uses were input into CalEEMod, which included:

- 63,190-sf and 7.8 acres entered as "Industrial Park",

[3] Bay Area Air Quality Management District (BAAQMD), 2017. *Final 2017 Clean Air Plan.*

- 93 parking spaces and 18,213-sf entered as “Parking Lot”,
- 315 tons of pavement demolition and hauling,
- 500 one-way cement truck trips during building construction, and
- 74 one-way asphalt truck trips during paving.

Construction was assumed to begin January 2020 and last 15 months. There were an estimated 320 construction workdays. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 2 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, predicted the construction period emissions would not exceed the BAAQMD significance thresholds.

Table 2. Construction Period Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions (tons)	0.7 tons	3.5 tons	0.2 tons	0.2 tons
Average daily emissions (pounds)[1]	4.4 lbs./day	21.8 lbs./day	1.1 lbs./day	1.1 lbs./day
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No
Notes: [1]Assumes 320 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 mud on local streets, which could be an additional source of airborne dust after it dries. The City has adopted “Standard Development Requirements” under the Fremont Municipal Code Section 18.218.050, which include the BAAQMD CEQA Air Quality Guidelines best management practices to control dust during construction projects.

FMC 18.218.050(a)

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 by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). 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 also shall be visible to ensure compliance with applicable regulations.

Because the above requirements apply to the proposed project, the proposed project would be consistent with BAAQMD guidance and would not result in the generation of significant fugitive dust emissions. Thus, construction of the proposed project would not violate or contribute substantially to an existing or projected air quality violation. The impact during construction would be less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None Required

Operational Period Emissions

Operational air emissions from the project would be generated primarily from traffic, truck deliveries, and some on-site operation of construction equipment. There would be emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

Land Uses

The project land uses described above for the construction period modeling were used.

Model Year

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest the project could possibly be constructed and begin operating would be 2022. Emissions associated with build-out later than 2022 would be lower.

Trip Generation Rates

The trip generation rates, trip types, and travel distances were based on the CalEEMod default assumptions for the project land use.

Energy

CalEEMod defaults for energy use were used, which include the 2016 Title 24 Building Standards. Indirect emissions from electricity were computed in CalEEMod. The model has a default rate of 641.3 pounds of CO_2 per megawatt of electricity produced, which is based on PG&E's 2008 emissions rate. The rate was adjusted to account for PG&E's projected 2020 CO_2 intensity rate. This 2020 rate is based, in part, on the requirement of a renewable energy portfolio standard of 33 percent by the year 2020. The derived 2020 rate for PG&E was estimated at 290 pounds of CO_2 per megawatt of electricity delivered.[4]

Other CalEEMod Inputs

Default model assumptions for emissions associated with solid waste generation use were applied to the project. Water/wastewater use were changed to 100% aerobic conditions to represent wastewater

[4] Pacific Gas & Electric, 2015. *Greenhouse Gas Emission Factors: Guidance for PG&E Customers*. November.

treatment plant conditions. There is no development or land uses currently on the project site; therefore, the existing land uses emissions would not exist.

On-Site Equipment

The project would include the intermittent operation of construction equipment. Equipment would be operated on-site for short periods of time when loading or unloading equipment from trucks or moving equipment in the yard. Papé's Rohnert Park facility was visited by the AQ report's authors along with a Papé representative to observe this activity. The facility services mostly new construction equipment, which would meet U.S. EPA Tier 4 engines standards. Discussions with Papé personnel, which were consistent with our observations indicate most equipment is Tier 4 and there are some Tier 3 and occasionally older equipment. About 15 pieces of equipment operate for an average of 15 minutes each. The applicant provided a spreadsheet of equipment and the AQ report's authors identified the size and approximate year, which were all considered Tier 4. The CARB *Off-Road Calculator Tool* was used to compute emissions from the equipment, broken down by horsepower class. An average load factor of 0.4 was applied. The calculator uses horsepower, model year, calendar year, annual activity, accumulated hours on equipment (assumed to be 1,000 hours/year) and load factor (average computed at 0.4).

Computed Emissions

As shown in Table 3 of the AQ Report, operational emissions would not exceed the BAAQMD significance thresholds. The proposed project would not exceed the BAAQMD significance thresholds and would, therefore, not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal. Therefore, the project would have a less than significant impact and no mitigation is required.

Table 3. Operational Emissions

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$
2022 Project Operational Emissions (*tons/year*)				
From CalEEMod	0.4 tons	0.7 tons	0.3 tons	0.1 tons
On-site equipment operation	<0.1 tons	0.1 tons	0.0 tons	0.0 tons
total	*0.4 tons*	*0.8 tons*	*0.3 tons*	*0.1 tons*
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	No	No	No	No
Average Daily Operational Emissions (*lbs/day*)[1]	2.2 lbs.	4.4 lbs.	1.6 lbs.	0.5 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	No	No	No	No

Notes: [1] Assumes 365-day operation.

Potential Impact: Less than significant.
Mitigation: None required.

c) Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk would occur by introducing a new source of TACs during construction and operation with the potential to adversely affect existing sensitive receptors in the project vicinity.
Temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. During operation, there would be daily equipment operation and truck trips to and from the project site. A health risk assessment was prepared to address both project construction and operational impacts on the surrounding off-site sensitive receptors.

As discussed in the *AQ Report*, community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-

cancer health risks. The methodology for computing community risks impacts is contained in *the AQ Report.*

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations. Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issue 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 to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$.[5] This assessment included dispersion modeling to predict the offsite and onsite concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Construction Emissions

The CalEEMod model provided total annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages as 0.1813 tons (363 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. 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 0.0993 tons (199 pounds) for the overall construction period.

Dispersion Modeling

The U.S. EPA ISCST3 dispersion model was used to predict concentrations of DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project construction area. The ISCST3 dispersion model is a BAAQMD-recommended model for use in modeling these types of emission activities for CEQA projects.[6] Emission sources for the construction site were grouped into two categories, exhaust emissions of DPM and fugitive $PM_{2.5}$ dust emissions. The ISCST3 modeling utilized two area sources to represent the on-site construction emissions, one area source for DPM exhaust emissions and one area source for fugitive $PM_{2.5}$ dust emissions. For the exhaust emissions from construction equipment, an emission release height of 6 meters (20 feet) was used for the area sources. The elevated source height reflects the height of the equipment exhaust pipes plus an additional distance for the height of the exhaust plume above the exhaust pipes to account for plume rise of the exhaust gases. For modeling fugitive $PM_{2.5}$ emissions, a near-ground level release height of 2 meters (6.6 feet) was used for the area sources. Emissions from vehicle travel around the project site were included in the modeled area sources. Construction emissions were modeled as occurring daily between 7:00 a.m. and 7:00 p.m., when the majority of the construction activity involving equipment usage would occur.

The modeling used a five-year data set (1990-1994) of hourly meteorological data for Fremont that was prepared by the BAAQMD for use with the ISCST3 model. Annual DPM and $PM_{2.5}$ concentrations from construction activities during the 2020-2021 construction period were calculated using the model. DPM and $PM_{2.5}$ concentrations were calculated at nearby residential and school receptors at a receptor height of 1.5 meters (4.9 feet) to represent the first floor of nearby single-family homes and high school.

Construction Impacts

[5] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.
[6] Bay Area Air Quality Management District (BAAQMD), 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0.* May.

The maximum-modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors (as shown in Figure 1) for the maximally exposed individuals (MEIs). Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters described in *Attachment 1* to the AQ Report. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified. *Attachment 3* to the AQ Report includes the emission calculations used for the construction area source modeling and the cancer risk calculations. The AQ Report recognized the City's standard development requirements for construction related emissions (FMC 18.218.050(a)(1)) and the assessment took into account that these standard development requirements would be implemented in the project.

Results of this assessment indicated that the MEI was located on the first floor (1.5 meters) of the single-family residence to the north of the project site, as indicated in Figure 1. The maximum increased cancer risks were adjusted using infant/child exposure parameters. Results of this assessment indicated that the maximum cancer risks would be 4.9 per million for infant/child exposure. The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhausted and fugitive dust emissions, would be 0.04 $\mu g/m^3$ and the HI, based on the DPM concentration, would be 0.01.

Additionally, modeling was conducted to predict the cancer risks, non-cancer health hazards, and maximum $PM_{2.5}$ concentrations associated with students at the high school to the north and the elementary school to the northeast of the project site. The maximum increased cancer risks were adjusted using child exposure parameters. Results of this assessment indicated that the student MEI would be at the high school, and the maximum cancer risks would be 1.0 per million for child exposure. The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhausted and fugitive dust emissions, would be 0.03 $\mu g/m^3$ and the HI, based on the DPM concentration, would be less than 0.01.

Figure 1. Project Construction Site, Locations of Off-Site Sensitive Receptors, and Maximum TAC Impacts

Potential Impact: Less than significant.
Mitigation: None required.

Operational Community Risk Impacts

On-site equipment emissions predicted using the CARB *Off-Road Calculator*, along with on- and near-site truck traffic, were also used in the dispersion modeling as described above. Traffic emissions were computed using the CT-Emfac2017 model. This model assumed two-mile trip lengths of using the medium and heavy-heavy duty truck category. There would be 18 truck trips per day generated by the project.

The same dispersion model and receptor set for the construction modeling were used for modeling operational emissions. This included one area source for DPM exhaust emissions. For the exhaust emissions from construction equipment and truck traffic, an emission release height of 6 meters (20 feet) was used.

Potential Impact: Less than significant.
Mitigation: None required.

Combined Impact

Table 4 reports the project at the sensitive receptors most affected by the project (i.e. the MEI). The project's community risk from project construction and operation do not exceed the BAAQMD single-source significance threshold for annual cancer risk, $PM_{2.5}$ concentration, or HI.

Table 4. Impacts from Combined Sources at Off-Site MEI

Source		Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction + Operation	Unmitigated	4.9 (infant)	0.04	0.01
	Mitigated*	0.4 (infant)	0.01	<0.01
BAAQMD Single-Source Threshold		***>10.0***	***>0.3***	***>1.0***
Exceed Threshold?				
	Unmitigated	*No*	*No*	*No*
	Mitigated*	*No*	*No*	*No*

* Construction equipment engines with Tier 4 Interim Mitigation Measures.

Table 4 above analyzes impacts from combined sources at the off-site MEI. The MEI is located directly adjacent to Interstate 680 and existing traffic on Interstate 680 causes a cumulative risk impact to the MEI due to the freeway's proximity. This cumulative risk resulting from Interstate 680 traffic causes the MEI to experience a significant cumulative impact regardless of the project proceeding or not. In order to minimize the potential increase in impact to the MEI resulting from the Pape project, a mitigation measure is proposed to require Tier 4 complaint equipment during the construction phase. By requiring Tier 4 equipment as mitigation, the project's incremental effect to the existing cumulative risk to the MEI would be reduced to an extent that the project's contribution would not be "cumulatively considerable," meaning that, with the implementation of the mitigation measure (AQ-1, described below) the project's incremental effects would not be considerable when viewed in connection with the effects of past, current, and probable future projects affecting the MEI.

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Potentially Significant Impact: The nearby sensitive receptor identified in figure 1 as the MEI is located directly adjacent to Interstate 680. Existing traffic on Interstate 680 causes a cumulative risk impact since the MEI is adjacent to the freeway. By utilizing Tier 4 compliant equipment during the construction phase, the project would minimize any potential to worsen the cumulative risk to the MEI to a level that would be less than significant.

Mitigation Measure: Implementation of *Mitigation Measure AQ-1 (below)* using Tier 4 Interim would reduce on-site diesel exhaust emissions from construction equipment by 93 percent. With mitigation, the computed maximum increased lifetime residential cancer risk from construction at the MEI location, assuming infant exposure, would be 0.4 in one million or less and the increase in annual PM2.5 concentrations would be 0.01µg/m^3. The health risk impacts would be negligible with this mitigation measure and not contribute considerably to a cumulatively significant impact

Mitigation Measure AQ-1: **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 onsite to construct the project would achieve a fleet-wide average 80-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

(B) 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 4 Interim engines or equivalent. The use of other diesel equipment with CARB-certified Level 3 Diesel Particulate Filters[7] or equipment that includes electric or alternatively-fueled equipment (i.e., non-diesel) would also meet this requirement.

Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measure AQ-1.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. Solid waste would be stored on the project site within a trash enclosure in conformance with the City of Fremont Waste Handling Guidelines and FMC 18.190.440. Proper storage and removal of solid waste would reduce odors. Therefore, the project would have a less than significant impact and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. California Air Resources Board (ARB), 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available online at http://www.arb.ca.gov/ch/landuse.htm. Accessed June 1, 2020.

2. Bay Area Air Quality Management District, 2012. Recommended Methods for Screening and Modeling Local Risks and Hazards. Available online at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/risk-modelingapproach-may-2012.pdf?la=en. Accessed June 1, 2020.

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

Bay Area Air Quality Management District, 2017. California Environmental Quality Act Air Quality Guidelines. Available online at http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017- pdf.pdf?la=en. Accessed June 1, 2020.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. City of Fremont Waste Handling Guidelines. Available online at www.fremont.gov/whg.

5. City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

6. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

7. *Air Quality and Greenhouse Gas Emissions, Assessment Report*, prepared by Illingworth and Rodkin, Inc., dated February 14, 2020 for the City of Fremont.

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
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 the U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☐	☒

1.4.1 Environmental Setting

The project site is currently vacant and supports a grassland with ruderal/annual non-native grassland vegetation and a few scattered native and non-native trees. Soils on the project site consist of Danville silty clay loam, which is a well-drained soil and Marvin silt loam, saline-alkali, which is a somewhat poorly drained soil (UC Davis SoilWeb 2019). The site appears at one time to have been used for a residence (no longer present) with the remainder of the site devoted to agricultural practices (e.g. stables and possibly dry farming). More recently the site has been used as a construction storage area, and for storing stockpiles of soil (Cornerstone 2015). Other features on the site include a water supply well in the northwest corner, high voltage electrical transmission line towers in the southeast corner, and a drainage culvert and associated catch basin in the southeast corner near Interstate 680 (I-680). The site is isolated from other open space areas on all sides by I- 680 to the east and commercial/industrial development to the north, south, and west.

Regulatory Setting

Endangered Species. Both federal and state legislation provide a framework for protecting and facilitating the recovery of threatened and endangered populations of listed animal species.

1. The federal government regulates threatened animal species through the Endangered Species Act, which lists identified species and prohibits a "take" of any such species. The Federal Migratory Bird Treaty Act makes it unlawful to take (kill, harm, harass, etc.) any migratory listed bird.
2. The California Endangered Species Act establishes that it is the state's policy to conserve, protect, and enhance endangered species and their habitats, and Cal. Fish & Game Code §§ 3503, 3503.5, and 3800 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a take.
3. The general plan identifies potentially occurring special-status species in the City of Fremont. Nesting or roosting burrowing owls (commonly found on vacant or agricultural habitat with burrows of California ground squirrels) are a listed species, as are other birds with propensity to nest in local trees, and also various bat species that may be found in existing or abandoned structures on property slated for development.
4. The general plan also includes policies and implementation measures for the protection of rare, threatened, endangered and candidate species and their habitats consistent with state and federal law. However, the general plan program EIR does not contain specific project level mitigation measures to address the occurrence of burrowing owls on vacant sites, nesting or special-status bird species, or nesting or special-status bat species that could occur in Fremont.

1.4.2 Discussion

This discussion is based in part on the following documents:

- *Biological Resources Report*, prepared by Dan Sidle, LSA Associates, dated August 28, 2019 (Bio Report)

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 the U.S. Fish and Wildlife Service?

As discussed in the *Bio Report*, a reconnaissance level survey was conducted by a senior biologist employed by LSA Associates in August 2019. A more focused plant survey was also conducted by an LSA botanist in September 2019. No special-status plant species or genera of the target special-status species were observed during the focused plant survey. The survey coincided with the blooming period for the brittlescale, lesser saltscale, and Congdon's tarplant, but did not coincide with the blooming period for the long-styled sand-spurrey, which blooms from February to May. The long-styled sand-spurrey could occur in the seasonal wetland and off-site wetland channel along the northeastern boundary of the project site, but the project will not impact the off-site channel and the on-site seasonal wetland is likely too disturbed to support this plant species.

Special-status animal species that are known to occur in the vicinity of the project site and for which suitable habitat is present include northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), American peregrine falcon (*Falco peregrinus anatum*), golden eagle (*Aquila chrysaetos*), tricolored blackbird (*Agelaius tricolor*), loggerhead shrike (*Lanius ludovicianus*), and pallid bat (*Antrozous pallidus*). Northern harrier, golden eagle, and tricolored blackbird could forage on the project site but are unlikely to nest on the project site due to the lack of suitable or high quality nesting habitat. Although upland habitat typical of that used by California tiger salamanders (*Ambystoma californiense*) with rodent burrows is present in the grassland, tiger salamanders are

unlikely to occur due to the absence of suitable aquatic breeding habitat on or adjacent to the site and the site's isolation from occupied habitat. Additionally, the California redlegged frog (*Rana draytonii*) and western pond turtle (*Emys marmorata*) would not occur due to the lack of suitable aquatic habitat on or adjacent to the site. The Alameda whipsnake (*Masticophis lateralis*) would not occur due to the lack of suitable scrub habitat on or adjacent to the site and the isolation of the site from occupied habitat. Although suitable grassland habitat is present for the American badger (*Taxidea taxus*), this species is not likely to occur due to the site's relatively small size, its location surrounded by urban development, absence of prey (e.g., burrowing rodents) and its isolation from large open grassland habitat. No suitable burrowing sites/surrogates, such as California ground squirrel (*Otospermophilus beecheyi*) burrows are present on the site. No burrowing owls or burrowing owl sign were observed during LSA's survey. Although no structures are present on the site, the on-site trees could provide suitable roosting habitat for bats.

The City has adopted FMC 18.218.050 Standard Development Requirements to create universal development standards for resource conservation. Subsection (b) of FMC 18.218.050 contains specific rules to protect special status species including burrowing owls, nesting birds, and roosting bats.

FMC 18.218.050(b) Biology, Special-Status Species.

(1) 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.

(2) 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.

(3) Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on site shall conduct the following measures prior to demolition:

(A) Preconstruction Surveys. A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of structure(s) or trees as bat roost habitat.

(B) Protective Buffer Zone(s). If active bat roosts are found on site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost.

(C) Mitigation and Exclusion. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.

With the required implementation of the Standard Development Requirements, the proposed project would have a less than significant impact on sensitive or special-status species and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

No riparian habitat, sensitive plant communities, or other sensitive habitat is present at the project site. Therefore, the proposed project would have no impact on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

A wetland channel and associated seasonal wetland were observed along the northeastern boundary of the project site, mostly between I-680 and a chain-linked fence with a small seasonal wetland extending onto the project-side of the fence (Figure 1). A concrete drainage culvert and catch basin is located on the other side of the chain-linked fence in the southeast corner of the site near I-680 (see Phase I Environmental Site Assessment [Cornerstone 2015]). The wetland channel, associated seasonal wetland, and culvert may be considered a jurisdictional feature by the U.S. Army Corps of Engineers. The project's proposed scope of work ends at the fence line and no proposed construction associated with the project would extend onto or otherwise affect this seasonal wetland When operational, the activities associated with the project would remain on the side of the fence opposite the seasonal wetland. No other wetlands or waters of the United States/State that are potentially jurisdictional under Section 404 of the Clean Water Act were observed on the site during the field survey. Plants observed at the seasonal wetland consist of rough cocklebur (*Xanthium strumarium*), tall flatsedge (*Cyperus eragrostis*), Harding grass (*Phalaris aquatica*), alkali mallow (*Malvella leprosa*), bristly ox-tongue (*Helminthotheca echioides*), and curly dock (*Rumex crispus*). Therefore, the proposed project would have a less than significant impact on state or federally protected wetlands and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

LSA

LEGEND

Project Site

Potentially Jurisdictional Seasonal Wetland
(Approximate location)

Trees locations are depicted in Arborist Report.

0 50 100
FEET

SOURCE: Google Hybrid Map (07/2019).

I:\PPE1901\GIS\Maps\Bio Report\Figure 1_Existing Conditions.mxd (9/13/2019)

FIGURE 1

43510 Osgood Road
Fremont, Alameda County, California

Existing Conditions

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?

The project site is a vacant lot with grasslands situated within an urban setting surrounded by urban development, such as roads/highways, buildings, and parking lots. No significant wildlife movement corridors, such as stream channels or riparian corridors occur at the site. Existing wildlife that currently move through the site are urban-adapted species that would likely continue to move through the site after project development. Typical urban wildlife that may move through the site include various native and non-native birds, raccoon (*Procyon lotor*), and small rodents, such as house mouse (*Mus musculus*) and Botta's pocket gopher. The project site does not support any suitable habitat for wildlife nursery sites, including bird rookeries or roosting bat colonies. As discussed in section 1.42, the project will implement the Standard Development Requirements, which would ensure that impacts to native or migratory fish or wildlife species, wildlife corridors, and native wildlife nursery sites would be avoided. Therefore, the proposed project would have a less than significant impact and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Chapter 18.218 *Standard Development Requirements to Address Resource Protection* of the City Municipal Code addresses special-status species that could occur at the project site. Chapter 18.218.050 *Standard Development Requirements: Biology, Special-Status Species* of the City Municipal Code also includes measures that require preconstruction surveys for nesting birds, burrowing owls, and roosting bats. As discussed in the *Bio Report*, the project would be required to be in compliance with the City of Fremont General Plan as well as the applicable sections related to resource conservation contained within the Fremont Municipal Code. These pre-construction surveys are required for the proposed project and would ensure potential impacts to special status plant and animal species would be less than significant and no mitigation is required.

Chapter 18.215 Tree Preservation of the City of Fremont's Municipal Code requires a tree removal permit for removing, damaging, or relocating the following trees on private property:

1. A tree having a diameter at breast height (DBH) of 6 inches or more and located on a vacant or underdeveloped lot;
2. A tree having a DBH of 6 inches or more and located on a developed lot, which is the subject of a contemplated or pending application for a development project;
3. A native tree or tree of exceptional adaptability to the Fremont area having a DBH of 10 inches or more;
4. A tree having a DBH of 18 inches or more;
5. A tree that was required by the City to be planted or retained as mitigation for the removal of a tree;
6. A tree planted or retained as a condition of any City-conferred development project approval, including approvals conferred prior to adoption of this chapter; or
7. One of six or more trees of the same species that are located on the same lot and that each have 6 or more inches in DBH.

Of the 32 trees slated for removal, 30 would require a permit for removal, while a permit would not be required for two small trees (trees #3 and 29), which have a DBH of 6 inches or less (Sanfilippo 2019). One coast live oak tree will be preserved on the site.

Since 30 of the removed trees on the site are protected by the City's tree preservation ordinance, the removal or trimming, or transplanting of any of these trees would require a permit from the City and would likely be subject to the City's mitigation requirements according to the ordinance. Impacted trees are typically mitigated with replacement trees at a minimum 1:1 ratio. The proposed tree mitigation ratio of replacing each removed tree with a 24-inch box replacement tree will meet or exceed the City's requirements (Sanfilippo 2019). The one preserved coast live oak tree (tree #31) on the site should be protected according to the Tree Preservation Guidelines presented within the project's preliminary arborist report prepared by Shawn Sanfilippo (2019). As the project will implement the required tree preservation measures contained within FMC 18.215 the potential impacts to trees resulting from the project would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

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?

The project site is not located within the limits of a conservation plan and therefore would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Therefore the project has no potential impact resulting from a conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

References

1. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

2. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

3. LSA Associates, August 28, 2019. Biological Resources Survey. Provided for the City of Fremont.

4. LSA Associates, September 19, 2019. Plant Survey and Wetland Mapping Report. Provided for the Applicant and submitted to the City of Fremont.

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

1.5.1 Environmental Setting

The project site is a currently vacant parcel measuring approximately 7.81 acres located on Osgood Road and adjacent to the Interstate 680 freeway. The applicant proposes to construct a two story building measuring approximately 61,098 square feet. The project site was previously used for agriculture. Around 1939, aerial photos identified structures consistent with dry farming (hay, oats, etc.). Electrical transmission lines appear on the site in the late 1950s. A riding stable was operating at the site in the 1970's. The barn, riding circle, and minor structures associated with the riding stable were removed around 1994. The site was used as a contractor staging yard for the widening of Osgood Road in 2011. The staging yard use ceased in 2012 and all dirt stockpiles were removed at that time. The project site has been disced periodically to control the undergrowth. This program of periodic discing has continued to the present.

1.5.2 Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

In June 2019, the applicant requested a California Historical Resources information System (CHRIS) record search. The results of that CHRIS search indicated that there are no identified historical resources on the project site and there is a low potential for unrecorded Native American resources in the proposed project area. The City has adopted "Standard Development Requirements" under the Fremont Municipal Code Section 18.218.050, which include provisions for the protection of historical and cultural resources if they are accidentally discovered during the course of project work. These protections include noting on the plans the potential for exposing buried historical and cultural resources during earth moving operations and the requirement that the applicant retain a professional archeologist for a pre-construction briefing on what to do if any resources are accidentally discovered. Per Fremont Municipal Code Section 18.218.050, if any potential cultural or historical resources are accidentally uncovered during earth moving operations, all work is required to cease at the project site and the City's Planning Manager is to be immediately notified. The resources would then be evaluated by a qualified archeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum

curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager. The City has adopted FMC 18.218.050 Standard Development Requirements to create universal development standards for resource conservation. Subsection (c) of FMC 18.218.050 contains specific rules to protect cultural resources.

FMC 18.218.050 (c) Cultural Resources.

(1) 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.

(2) 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 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.

(D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.

(E) As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique archaeological resource as defined by Cal. Pub. Res. Code § 21083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code § 21074. Collectively, these terms describe "significant cultural materials."

The project would be required to abide by these standard development requirements to protect any potential cultural resources within the project site inadvertently discovered during the course of development. Therefore, the project would have a less than significant impact on historic resources and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

In July 2019 the City, in accordance with Public Resources Code 21030.3.1, notified traditionally and culturally Native American tribes of the project. No California Native American tribes have requested consultation after being contacted. In addition, In June 2019, the applicant requested a California Historical Resources information System (CHRIS) record search. The results of that CHRIS search indicated that there are no identified historical resources on the project site and there is a low potential for unrecorded Native American resources in the proposed project area. Therefore, the project would have a less than significant impact on archaeological resources and no mitigation is required.

Potential Impact: Less than significant
Mitigation: None required.

c) Disturb any human remains, including those interred outside of formal cemeteries?

In June 2019, the applicant requested a California Historical Resources information System (CHRIS) record search. The results of that CHRIS search indicated that there are no identified historical resources on the project site and there is a low potential for unrecorded Native American resources in the proposed project area. The City has adopted "Standard Development Requirements" under the Fremont Municipal Code Section 18.218.050, which include provisions for the protection of historical and cultural resources if they are accidentally discovered during the course of project work. These protections include noting on the plans the potential for exposing buried historical and cultural resources during earth moving operations and the requirement that the applicant retain a professional archeologist for a pre-construction briefing on what to do if any resources or human remains are accidentally discovered. Per Fremont Municipal Code Section 18.218.050, if any human remains are accidentally uncovered during earth moving operations, all work is required to cease at the project site and the City's Planning Manager is to be immediately notified in accordance with CEQA Guidelines Sections 15064.5(e) and (f). The resources would then be evaluated by a qualified archeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager. Therefore, the project would have a less than significant impact on human remains and no mitigation is required.

Potential Impact: Less than significant
Mitigation: None required.

References

1. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

2. City of Fremont, 2019. Re: Assembly Bill 52 Consultation for the Pape Machinery project (PLN2019-00337) Sent to: Amah MutsunTribal Band, Amah MutsunTribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe. July 9, 2019.

3. Native American Heritage Commission, 2019. Native American Contacts List. Prepared for the City of Fremont. July 1, 2019.

4. California Historical Resources Information System, 2019. Record search results for the proposed project at 43150 Osgood Road, Fremont, CA; APN 513-701-710. August 5, 2019.

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

1.6.1 Environmental Setting

The project consists of a single vacant parcel measuring approximately 7.81 acres. The project site is located along Osgood Road, an arterial street. The project site is bounded by Interstate 680 to the east, a paving contractor's corporation yard to the south, and a religious facility to the north. Across Osgood road is a light industrial development consisting of several buildings. The nearest existing residential uses are across Interstate 680 from the project site. Individual single family homes exist along Osgood Road as legal non-conforming structures.

The applicant is proposing to construct a new ±61,098 square foot, two-story commercial building for a construction equipment sales and service facility. The project site consists of one existing vacant legal parcel measuring approximately 7.81 acres.

The entire site would be cleared of brush and graded for the purposes of construction. The proposed building would have a footprint of approximately 46,496 square feet. The rear approximately 1/3 of the site is proposed to be a gravel corporation yard for storing the heavy equipment. An asphalt parking lot within integrated stormwater bio-retention treatment would be constructed south of the building. A concrete drive aisle would surround the building. A separate stormwater bio-retention treatment area would be constructed on the northern property line. A Several high voltage power lines cross the site along the eastern and southern property lines. An underground natural gas transmission line passes under the site, roughly under the high voltage power lines. Pole mounted utilities within the public right of way in front of the project site would be undergrounded to allow additional vertical clearance for trucks hauling construction equipment to enter and exit the site.

Total energy usage in California, according to the US Energy Information Administration, was 7881.4 British Thermal Units (BTU) in 2017, the most recent year this data is available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. California's energy uses roughly breaks down by sector as approximately 18% for residential, approximately 19% for commercial, approximately 23% for industrial, and 40% for transportation.[8] This energy was primarily supplied in the form of natural gas, nuclear, hydroelectric, and renewable energy sources.

Electricity in Alameda County in 2017 was consumed primarily by non-residential uses (8,043.123 gigawatt/hours or 72%) with residential uses consuming approximately 28% (3,069.532 gigawatt/hours).

[8] US Energy Information Administration. California State Profile and Energy Estimates 2017. Accessed June 27, 2019. Available at: https://www.eia.gov/state/index.php?sid=CA.

Alameda County accounted for approximately 4% of the States total electricity consumption.[9] Natural gas in Alameda County in 2017 was consumed primarily by residential customers (214.981 million therms or approximately 57%) while commercial customers used approximately 43% (164.050 million therms). Alameda County accounted for approximately 3% of the State's total gas consumption.[10] Approximately 15.58 billion gallons of gasoline were sold in California in 2018.[11] Average fuel economy for passenger vehicles in 2016, the last year data was available, is 37.7 miles per gallon while light trucks average 27.4 miles per gallon.[12] Heavy duty trucks, such as the trucks utilized to transport construction equipment sold and serviced at the proposed project, had an average fuel economy of 6.5 miles per gallon in 2017.[13] Statewide, approximately 12% of California's energy production is tied to water. Energy is required to pump water from underground aquafers, convey water from one place to another, treat water to make it drinkable, and heat and cool water.[14]

1.6.2 Discussion

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Operation of the proposed project would consume electricity and natural gas, primarily through building lighting, heating, cooling and the heating of water for use within the building. A significant portion of electrical power would be utilized in the service shop for the maintenance of the equipment in the form of lighting, power tools, and air compressors. The construction equipment sold and serviced by the proposed facility would use gasoline and diesel as would the passenger, light truck, and heavy truck vehicles which would visit the site. The proposed project would be subject to the Green Building Code (Title 24) and as such, would be required to meet minimum energy efficiency standards, thereby reducing overall energy use during the life of the project. City Standard Development Requirements to Address Resource Protection (Chapter 18.218 of the Fremont Municipal Code) include a provision to limit idling of construction equipment during the construction phase. The Fremont Zoning Ordinance contains provisions to limit the intensity of outdoor lighting for this type of business, thereby helping to reduce energy consumption. The Fremont General Plan Conservation Element (Chapter 7 of the Fremont General Plan) contains policies to support energy efficiency through building/site design. These policies include measures such as public information on energy efficiency, support of PG&E energy efficiency programs, and regional cooperation on energy efficiency. The City's Landscape Development Review Policies implement the State's Water Efficiency Landscape Ordinance (WELO) which requires the project to reduce landscape water consumption through design. Because of the required measures the project would have to take as part of the design and operation of the project, the proposed project would have a less than significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore no mitigation would be required.

Potential Impact: Less than significant.

[9] California Energy Commission. Electricity Consumption by County. Accessed June 27, 2019. Available at: http://ecdms.energy.ca.gov/elecbycounty.aspx.
[10] California Energy Commission. Gas Consumption by County. Accessed June 28, 2019. Available at: http://www.ecdms.energy.ca.gov/gasbycounty.aspx.
[11] California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed: June 28, 2019. Available at: https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm.
[12] United States Department of Transportation, Bureau of Transportation Statistics. Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed: June 28, 2019. Available at: https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles.
[13] US Energy Information Administrator. Motor Vehicle Mileage, Fuel Consumption, and Fuel Economy. Accessed: June 28, 2019. Available at: https://www.eia.gov/totalenergy/data/annual/index.php
[14] California Department of Water Resources. Water Energy Nexus. Accessed: June 28, 2019. Available at: https://water.ca.gov/Programs/All-Programs/Climate-Change-Program/Water-Energy-Nexus.

Mitigation: None required.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency

The proposed project would be required to conform to the latest version of the California Green Building Code. The size and location of the building would not adversely affect any existing or proposed solar installations and there are no other renewable energy projects in the vicinity. The proposed project includes parking spaces for eight vanpool/clean air vehicles as well as nine EV charging stations. The Fremont Municipal Code requires all spaces designated as EV charging spaces include installation of the EV charger, above and beyond the requirements of the Green Building Code. Six long-term and nine short term bicycle parking spaces are proposed, in conformance with the Fremont Municipal Code and Fremont Bicycle Master Plan. Due to the reasons stated above, the proposed project would have a less than significant impact on a state or local plan for renewable energy or energy efficiency. Therefore no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. California Energy Commission, 2020. Building Energy Efficiency Standards – Title 24. Available online at https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards. Accessed May 29, 2020.

2. City of Fremont, 2011. City of Fremont General Plan. Conservation Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 15, Buildings and Construction. Available online at www.fremont.gov/fmc.

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause 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 California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

1.7.1 Environmental Setting

The project consists of a single vacant parcel measuring approximately 7.81 acres. The project site is located along Osgood Road, an arterial street. The project site is bounded by Interstate 680 to the east, a paving contractor's corporation yard to the south, and a religious facility to the north. Across Osgood road is a light industrial development consisting of several buildings. The nearest existing residential uses are across Interstate 680 from the project site. Individual single family homes exist along Osgood Road as legal non-conforming structures.

A known fault trace travels near the site on the other side of Interstate 680 approximately 300 feet from the edge of the project site. The Alquist-Priolo earthquake fault zone touches the very east of the project site, several hundred feet from any proposed structures. The project site is within the Alquist-Priolo earthquake induced liquefaction zone. As with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

The applicant is proposing to construct a new ±61,098 square foot, two-story commercial building for a construction equipment sales and service facility. The project site consists of one existing vacant legal parcel measuring approximately 7.81 acres.

The entire site would be cleared of brush and graded for the purposes of construction. The proposed building would have a footprint of approximately 46,496 square feet. The rear approximately 1/3 of the site is proposed to be a gravel corporation yard for storing the heavy equipment. An asphalt parking lot within integrated stormwater bio-retention treatment would be constructed south of the building. A concrete drive aisle would surround the building. A separate stormwater bio-retention treatment area would be constructed on the northern property line. A Several high voltage power lines cross the site along the eastern and southern property lines. An underground natural gas transmission line passes under the site, roughly under the high voltage power lines. Pole mounted utilities within the public right of way in front of the project site would be undergrounded to allow additional vertical clearance for trucks hauling construction equipment to enter and exit the site. The project would be served by existing utilities including a sanitary sewer system operated by Union Sanitary District.

1.7.2 Discussion

a) Directly or indirectly cause 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 California Geological Survey Special Publication 42.)

There are no known earthquake faults traveling through the project site. The nearest known earthquake fault is on the opposite side of Interstate 680, approximately 300 feet from the edge of the project site. Therefore the project potential substantial adverse effects from the rupture of a known earthquake fault would be less than significant, and no mitigation would be required.

ii) Strong seismic ground shaking?

The applicant submitted a geotechnical investigation by Cornerstone Earth Group dated October 27, 2015, prepared for a similar earlier proposed project at the site. As with many sites in the San Francisco Bay Area, the applicant's geotechnical engineer identified the potential for moderate to severe seismic ground shaking. The proposed building would be designed to withstand this level of seismic shaking and would be reviewed and inspected by the City's Building Division for conformance with the applicable building codes. Therefore the potential for substantial adverse effects would be less than significant and, as such, no mitigation would be required.

iii) Seismic-related ground failure, including liquefaction?

The applicant's geotechnical engineer determined that, in the event of strong seismic shaking at the project site, the potential soil liquefaction settlement would be limited to approximately 0.25 inches or less over a horizontal distance of fifty feet. The geotechnical engineer provided recommendations on foundation design to withstand this amount of liquefaction which would be incorporated into the building design. Therefore, the impact would be less than significant and no mitigation would be required.

iv) Landslides?

The project site is not located in an area prone to landslides according to the City of Fremont's maps. The applicant's geotechnical engineer did not identify any significant risk of landslide on the project site or the potential for landslides caused by the proposed project. Therefore, the impact would be less than significant and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

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

Construction of the project would involve grading of the site. Grading has the potential to cause erosion and loss of topsoil. An erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion during grading and construction activities. Because disturbance to the site would be greater than one acre, it would require coverage under the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit.

To obtain coverage under the General Permit, submission of a Storm Water Pollution Prevention Plan (SWPPP) would be required, which outlines Best Management Practices (BMPs) required to reduce the potential construction impacts related to erosion and topsoil loss to less than significant. BMPs to minimize erosion and topsoil 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, provided through the Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015) provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification.

With adherence to the state, county and local requirements described above, impacts to life or property associated with soil erosion would be less than significant and no mitigation is required.

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?

The applicant submitted a geotechnical investigation by Cornerstone Earth Group dated October 27, 2015 (geotechnical report), prepared for a similar earlier proposed project at the site. The geotechnical consultant identified various geologic and seismic hazards at the site including several feet of undocumented fill overlying the site, liquefaction, shallow groundwater, moderately expansive soils and strong ground shaking. The applicant's geotechnical consultant recommends supporting the warehouse on shallow, spread footing type foundations bearing 18 inches below lowest adjacent grade. The geotechnical consultant provided seismic design parameters in accordance with 2019 California Building Code, in effect at the time, and ASCE 7-16, and the liquefaction/seismic induced settlement analysis was based on a PGA of 1.01. The applicant's geotechnical consultant also recommended removing the undocumented fill prior to construction. The City's geotechnical peer reviewer concurred with the applicant's geotechnical consultant. Plans submitted for building permits will be required to conform to the California Building Code in effect at the time. Therefore, the potential impacts related to unstable geology resulting in on or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

The applicant's provided geotechnical report identified various geologic and seismic hazards at the site including several feet of undocumented fill overlying the site, liquefaction, shallow groundwater, moderately expansive soils and strong ground shaking. The applicant's geotechnical consultant recommends supporting the warehouse on shallow, spread footing type foundations bearing 18 inches below lowest adjacent grade. The geotechnical consultant provided seismic design parameters in accordance with 2019 California Building Code and ASCE 7-16, and the liquefaction/seismic induced settlement analysis was based on a PGA of 1.01. The applicant's geotechnical consultant also recommended removing the undocumented fill prior to construction. The City's geotechnical peer reviewer concurred with the applicant's geotechnical consultant. Therefore, the potential for substantial direct or indirect risks to life or property are less than significant and no mitigation is required.

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 project would be served by the local sanitary sewer system operated by Union Sanitary District. No on-site septic system would be required nor is one proposed for this project. Therefore, there would be no impact and no mitigation would be required.

Potential Impact: None.
Mitigation: None required.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

In June 2019, the applicant requested a California Historical Resources information System (CHRIS) record search. The results of that CHRIS search indicated that there are no identified historical resources on the project site and there is a low potential for unrecorded Native American resources in the proposed project area. The City has adopted "Standard Development Requirements" under the Fremont Municipal Code Section 18.218.050, which include provisions for the protection of historical and cultural resources if they are accidentally discovered during the course of project work. These protections include noting on the plans the potential for exposing buried historical and cultural resources during earth moving operations and the requirement that the applicant retain a professional archeologist for a pre-construction briefing on what to do if any resources are accidentally discovered. Per Fremont Municipal Code Section 18.218.050, if any potential cultural or historical resources are accidentally uncovered during earth moving operations, all work is required to cease at the project site and the City's Planning Manager is to be immediately notified. The resources would then be evaluated by a qualified archeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager. Because the project would be required to conform to standard development requirements contained within FMC Section 18.218.050 and because there are no identified paleontological resources or unique geologic features at the project site, there would be no significant impact to paleontological resources or unique geologic features and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. Cotton Shires and Associates, 2020. Geotechnical Peer Review for Pape Machinery Project, 43510 Osgood Road. Prepared for the City of Fremont on February 12, 2020.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

5. Cornerstone Earth Group, 2015. Geotechnical Investigation, Osgood Warehouse, 43510 Osgood Road, Fremont, California. Provided for the City of Fremont.

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

1.8.1 Environmental Setting

The project site is currently vacant, and there are no uses that generate greenhouse gas emissions on the site.

1.8.2 Discussion

a) 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.

Significance Thresholds

In formulating its compliance strategies, Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. As discussed in the Land Use section and throughout this Initial Study, the proposed project is consistent with the general plan and, therefore, consistent with the *Clean Air Plan*.

The City of Fremont has a Climate Action Plan (CAP), adopted in November 2012[15] that established the goal and measures to reduce greenhouse gas emissions 25% below 2005 levels by 2020. However, the CAP does not have a specific metric ton GHG threshold for project-level construction or operation.

The BAAQMD CEQA Air Quality Guidelines thresholds, which typically do not apply to jurisdictions which have a qualified GHG reduction plan like Fremont, recommend GHG thresholds of 1,100 metric tons or 4.6 metric tons per capita. These thresholds were developed based on meeting the 2020 GHG targets

[15] City of Fremont, 2012. *City of Fremont Climate Action Plan*. November 2012.

set in the scoping plan that addressed AB 32. Because the City does not have an applicable GHG threshold, this project used the BAAQMD Air Quality Guidelines as the threshold of significance for GHG emissions.

Although BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.8 MT CO_2e/year/service population and a bright-line threshold of 660 MT CO_{2e}/year based on the GHG reduction goals of EO B-30-15. The service population metric of 2.8 is calculated for 2030 based on the 1990 inventory and the projected 2030 statewide population and employment levels.[16] The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO_{2e}/year threshold.

CalEEMod Modeling

CalEEMod was used to predict 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 within the operational period emissions. CalEEMod output is included in *Attachment 2*.

Onsite Equipment Operation

The project would include some operation of construction equipment at the site. These emissions were computed using the CARB OffRoad emission calculator.

Construction Emissions

GHG emissions associated with construction were computed to be 308 MT of CO_2e for the total construction period. 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. BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable.

Operational Emissions

The CalEEMod model, along with the project on-site equipment usage, was used to estimate daily emissions associated with operation of the fully-developed site under the proposed project. As shown in Table 5, annual emissions resulting from operation of the proposed project are predicted to be 654 MT of CO_2e for the year 2022 and 590 MT of CO_{2e} for the year 2030. Emissions for 2030 do not exceed the 2030 "Substantial Progress" threshold of 660 MT of CO_{2e}/yr.

[16] Bay Area Air Quality Management District, 2016. *CLE International 12th Annual Super-Conference CEQA Guidelines, Case Law and Policy Update*. December.

Table 5. Annual Project GHG Emissions (CO_2e) in Metric Tons

Source Category	Proposed Project in 2022	Proposed Project in 2030
Area	0	5
Energy Consumption	171	171
Mobile	391	327
Solid Waste Generation	39	39
Water Usage	30	30
On-site Equipment Operation	23	23
Total	654	590
Significance Threshold		***660 MT CO_2e/yr***
Exceeds thresholds?	*No*	*No*

Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Conflict with an applicable plan, policy or regulation 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. The project would also be subject to local policies that may affect emissions of greenhouse gases. Therefore the proposed project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and no mitigation is required.

Potential Impact: None
Mitigation: None required.

References

1. Bay Area Air Quality Management District (BAAQMD), 2017 California Environmental Quality Act Air Quality Guidelines. Available online at https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed May 29, 2020.

2. City of Fremont, 2012. Fremont Climate Action Plan. Available online at https://fremont.gov/DocumentCenter/View/19837.

3. City of Fremont, 2016. Green Building. Available online at https://fremont.gov/2173/Green-Building.

4. California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan. Accessed at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 29, 2020.

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

1.9.1 Environmental Setting

The project site is currently vacant and was used in the past for agricultural uses. The most recent use of the site was as a contractor's storage yard for a City road improvement project. The proposed project would construct a two-story, 63,190 square foot (sf) industrial building and 93 parking spaces on the 7.8-acre site. The industrial building would be a construction equipment sales, rental, and service dealership. Repair services, replacement parts sales, and transaction-related financial services would be provided to customers at the proposed Papé facility. The site would be equipped with a vehicle wash station and an above-ground diesel fuel storage tank. Primary site access includes two 40-foot driveways along Osgood Road to allow for tractor-trailer and emergency vehicle access. There is a private high school (Averroes High School) and a private elementary school (Stratford School) located within one quarter mile to the north of the project site.

The applicant supplied a Phase I Environmental Site Assessment by Cornerstone Earth Group dated September 10, 2015 for an earlier, similar, unbuilt project at the same project site. The Phase I examined the history of the site and documented the previous commercial agricultural uses including potential past hazardous materials use and storage at the site.

The preliminary hazardous materials inventory provided by the applicant includes diesel fuel, lubrication oils and other fluids generally associated with diesel engines such as coolants and hydraulic fluids, as well as lead acid batteries. These substances would be both fresh as well as wastes removed from the vehicles as part of servicing them. The diesel fuel would be kept in an above ground tank within an enclosure. The waste fluids as well as the lubrication oils as well as other engine fluids would be kept in tanks and drums within a designated space in the building.

Hazardous Materials

The Phase I ESA (see item 7 in Appendix) reviewed the results of the state and federal environmental database searches and also reviewed information available in the California GeoTracker database to identify whether the project site was located on any hazardous materials list. The site was/was not listed in any of the databases searched.

There is no evidence of soil contamination at the project site. The Phase I Environmental Site Assessment found that the site has been vacant since at least 1998. Demolition permits for the stable buildings date back to 1995. The Phase I Assessment documents the presence of several soil stockpiles of unknown origin throughout the site. The Phase I authors recommended conducting a baseline subsurface investigation to determine if soil and groundwater beneath the proposed development have been impacted by the previous site activities. A Phase II Assessment was performed which included reviewing the results of testing performed on the stockpiles for contaminants. Laboratory analysis of the soil samples showed levels of metals within the normal range of typical background concentrations. Diesel and oil-range organics were detected in concentrations of 10 and 55 milligrams per kilogram (mg/Kg), both below the 100 mg/Kg residential environmental screening level. Not detectable were gasoline range hydrocarbons, volatile organic compounds (VOCs) polychlorinated biphenyls (PCBs), and pesticides.

Hazards

The project site is not located within an airport land use plan. There are no public or private airports within the City of Fremont. The closest airports by approximate distance from the project site are San Jose International Airport (10 miles to the project site), Moffett Federal Airfield (9 miles to the project site), and Hayward Executive Airport (13 miles to the project site).

The City's Disaster Management Operations Plan (DMOP) provides policies and procedures for an evacuation, dispersal, or relocation of people from hazardous areas during natural disasters, including wildfires. The DMOP was developed in compliance with State requirements and also meets the requirements of the Federal Emergency Management Agency, as the City's local hazard mitigation plan. The DMOP specifies multiple evacuation routes that may be utilized in the event of a natural disaster depending on the type and location of the emergency.

There is a risk of wildfire in Fremont due to the interface of residential and open space land uses. In order to address local wildfire risk, the City of Fremont has adopted a Wildland Urban Interface Ordinance that designates areas of the City as Very High Fire Hazard Severity Zones, even if they are not designated as Fire Hazard Areas on state maps. The Very High Fire Hazard Severity Zone generally includes lands to the east of Mission Boulevard in north Fremont and to the east of I-680 in South Fremont. The project site is not located within a City-designated Very High Fire Hazard Severity Zone. The project site is served by the Fremont Fire Department.

Regulatory Setting

As part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the City of Fremont, which allows ACWD to provide technical oversight for the investigation and remediation of Leaking Underground Fuel Tank (LUFT) sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks now referred to as Site Cleanup Program sites or SCP (formerly known as Spills, Leaks, Investigation, and Cleanup sites or SLIC sites).

1.9.2 Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The Fremont Fire Department would be responsible for responding to any spills or other accidents involving hazardous materials at the project site. The Fremont Fire Department would also be responsible for routine inspections and permits related to hazardous materials including best management practices and response plans. Because the types of hazardous materials at the site are of a relatively low hazard class under the Fire Code and because normal controls related to best management practices would be in place the potential impact would be less than significant.

The Phase I Assessment documents the presence of several soil stockpiles of unknown origin throughout the site. The Phase I authors recommended conducting a baseline subsurface investigation to determine if soil and groundwater beneath the proposed development have been impacted by the previous site activities. The stockpiled soil was tested for contaminants and no significant levels of contaminants were found.

Therefore, the potential hazard to the public or the environment from the routine transport, use, or disposal of hazardous materials would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

The Phase I Assessment documents the presence of several soil stockpiles of unknown origin throughout the site. The Phase I authors recommended conducting a baseline subsurface investigation to determine if soil and groundwater beneath the proposed development have been impacted by the previous site activities. The stockpiled soil was tested for contaminants and no significant levels of contaminants were found.

The Fremont Fire Department would be responsible for responding to any spills or other accidents involving hazardous materials at the project site. The Fremont Fire Department would also be responsible for routine inspections and permits related to hazardous materials including best management practices and response plans. Because the types of hazardous materials at the site are of a relatively low hazard class under the Fire Code and because normal controls related to best management practices would be in place the potential impact would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are two schools within one quarter mile of the project site, Avalos High School and Stratford School. Avalos High School does not have any outdoor facilities and the only part of the Stratford School property within the one quarter mile radius of the project site is the parking lot and a small corner of the building. The playgrounds are located outside the one quarter mile radius. Both private schools are just within the one quarter mile radius of the project site and would be unlikely to be affected by any hazardous materials at the project due to the nature of the hazardous materials being handled. The hazardous materials reported by the applicant on the preliminary hazardous materials inventory would

have limited potential for off-site consequences in the event of an accident. Because the types of hazardous materials at the site are of a relatively low hazard class under the Fire Code and because normal controls related to best management practices would be in place the potential impact would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

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

The project site is not included on a list of hazardous materials sites. Therefore, there would be no impact and no mitigation is required.

Potential Impact: None.
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 or excessive noise for people residing or working in the project area?

The project site is not located within an airport land use plan or within two miles of a public or public use airport. Therefore there would be no impact and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The project would construct a new industrial building on a previously undeveloped site on a fully improved roadway (Osgood Road). The project would require review and approval by the Fremont Fire and Building Departments through the building permit process to ensure compliance with all relevant codes and policies. The design of driveways and internal roadways would allow access to the site for emergency vehicles. The project would not interfere with any designated evacuation routes. Therefore there is no potential impact and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The project site is within an urban area and not near any wildland or wildland urban interface areas. Therefore the risk of significant loss, injury, or death involving wildland fires would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. City of Fremont, 2014. City of Fremont Standard Details for Improvements in Public Right of Way. Available online: https://fremont.gov/235/Standard-Details.

2. City of Fremont, 2007. Local Response Area (LRA) Very High Fire Hazard Severity Zones in the City of Fremont (FMC 7-13102). City Ordinance 33-2007.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. City of Fremont, 2011. City of Fremont General Plan. Safety Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

5. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

6. Cornerstone Earth Group, 2015. Phase I Environmental Site Assessment for 43510 Osgood Road. September 10, 2015 Provided for the City of Fremont.

7. BB&A Environmental, 2017. Focused Phase II Environmental Site Assessment for 43510 Osgood Road. September 8, 2017. Provided for the City of Fremont.

8. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

1.10 HYDROLOGY AND WATER QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial on- or offsite erosion or siltation;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii) 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; or	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

1.10.1 Environmental Setting

The project site is composed of vacant, flat, pervious surfaces. Stormwater currently drains uncontrolled to the west. An earthen ditch is located across the eastern property line. At the southeastern corner of the property the earthen ditch crosses the property line into the project site and end at an inlet into a concrete flood control channel controlled by the Alameda County Flood Control district.

The project area overlies the Niles Cone groundwater subbasin. Niles Cone has a series of relatively flat lying aquifers separated by extensive clay aquitards (Alameda County Water District, 2017). Groundwater on the site occurs at shallower depths in the eastern portion of the site than in the western portion of the site. Cornerstone

Earth Group measured groundwater at the project site at approximately 9 to 15 feet below the surface. The Alameda County Water District (ACWD) has identified at least two water wells located within the project area.

The project site is located within Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. 06001C0464G. According to this FIRM, the project site is located within an Unshaded Zone X, which is an area of minimal flood hazard higher than the elevation of the 0.2-percent-annual-chance flood. The project site is not within a designated FEMA 100-year floodplain. The project is not located near any large enclosed bodies of water.

Regulatory Setting

The State Water Resource Control Board's (SWRCD) statewide stormwater general permit for construction activity (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) is applicable to all land-disturbing construction activities that would disturb one acre or more. Per SWRCB permit requirements, the applicant must comply with standard erosion control measures that employ Best Management Practices (BMPs) and develop a Stormwater Pollution Prevention Plan (SWPPP). The goal of the SWPPP is to implement measures in disturbed areas to minimize non-stormwater discharges (ie) discharge or accidental spills of fuels, oils, petroleum hydrocarbons, paints, solvents, cleaners, or other construction materials) and minimize stormwater discharge (ie) transport of sediments) into nearby drainage conveyances. Potential erosion and transportation of soil particles and/or environmental contaminants would be managed through standard construction BMPs that may include, but are not limited to, the following:

- Identifying a construction schedule that restricts excavation and grading activities to the dry season (generally April 15 to October 15) to reduce erosion associated with intense rainfall and surface runoff
- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include, but are not limited to, silt fences, stalked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in disturbed areas by slowing runoff velocity, trapping sediment, and enhancing filtration
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by intercepting and diverting runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure

The SWPPP also requires implementation of permanent post-construction measures that would remain in service to protect water quality throughout the life of the project.

In addition to these state requirements, the applicant must also conform with provisions from the Fremont Municipal Code Chapter 18.210, Stormwater Management and Discharge Control.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) regulates stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, as well as the cities of Fairfield, Suisun City, and Vallejo under a single Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008). This permit includes provision for new development and redevelopment projects. Provision C.3 requires source control, site design, and stormwater treatment measures to address stormwater pollutants and to prevent increases in flow rates from developed areas. Source control and site design features must treat stormwater runoff from all on-site impervious surfaces on site before it is discharged into the public storm drain system. In addition, projects are required to evaluate opportunities for incorporating low-impact development strategies, such as self-treating landscape areas, re-use of stormwater, on-site infiltration, and evapotranspiration.

1.10.2 Discussion

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The proposed development would not violate any water quality standards. 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 reviewed the project and has not indicated any issues with meeting the project's water demands without significantly impacting its supplies or its distribution system. At least two water wells exist within the project site and must be protected or properly destroyed in accordance with ACWD regulations prior to or during construction activities. If the wells are to remain, a letter so indicating must be sent to ACWD. If the wells are no longer required by any regulatory agency, no longer monitored on a regular basis, or damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in accordance with ACWD requirements. The project includes a large gravel area for storage of heavy equipment serviced and sold by the dealership. Under the gravel is proposed an impermeable barrier to collect stormwater runoff from the gravel area as well as other impervious surface areas on the project site, and direct it into landscape based stormwater treatment with eventual discharge into the city's stormwater system. Therefore the proposed project would have a less than significant impact on water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The proposed project would not deplete groundwater supplies, or interfere substantially with groundwater recharge in a way that may impede sustainable groundwater management of the basin. The proposed project would obtain its water supply from the existing public water mains serving the site. The proposed project would create approximately 173,000 square feet of new impervious surface, a very small fraction of the much larger Niles Aquifer Cone's watershed. In addition, nearly half the project site would continue to feature pervious surfaces.

All impervious surfaces within the project site, including the lined gravel area for equipment storage, would first drain into landscape based water treatment before being discharged into the municipal storm drain system. The project would be required to abide by the SWRCD general permit for construction activity and the applicant must comply with standard erosion control measures that employ BMPs as well as develop a SWPPP to minimize non-stormwater discharges. These measures would prevent damage to the groundwater resulting from the project's construction and operation. Therefore, the proposed project would have a less than significant impact on groundwater supplies or interfere substantially with groundwater recharge in a way that may impede sustainable groundwater management of the basin and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial on- or offsite erosion or siltation;

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

iii) 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; or

iv) Impede or redirect flood flows?

Because the project would replace in excess of 10,000 square feet of existing impervious surface area with new impervious surface, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulates the treatment of stormwater runoff on the site. The proposed project would result in approximately 173,000 square feet of impervious surface. This includes the gravel equipment storage yard with the proposed impermeable liner. The applicant 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.

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.

Implementation of the above listed standard project requirements and conformance with the NPDES permit would ensure impacts to downstream waters from erosion and polluted stormwater runoff would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Per the current Federal Emergency Management Agency flood zone maps the project site is not within a flood zone. The site is not located in any tsunami or seiche zones therefore there is no risk of pollutant release due to project inundation. Therefore there is no risk of release of pollutants due to project inundation no mitigation is required.

Potential Impact: None.
Mitigation: None required.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

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 a landscape-based treatment area located within the development, where the flow volumes would be metered and ultimately discharged into the public storm drain system within Osgood Road via a new private piped system that would be constructed on the site. Therefore the impact of the project on the implementation of a water quality control plan or sustainable groundwater management plan would be less than significant and no mitigation is required.

Potential Impact: Less than significant**.**
Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 18, 2020.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/. Accessed on March 18, 2020.

3. Clean Water Program. 2019. C.3 Stormwater Technical Guidance. A handbook for developers, builders, and project applicants, Version 7. Accessed March 16, 2020.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

5. Federal Emergency Management Agency (FEMA). 2009. Map number 06001C0464G. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas. August 3, 2009.

6. Cornerstone Earth Group, 2015. Geotechnical Investigation, Osgood Warehouse, 43510 Osgood Road, Fremont, California. Provided for the City of Fremont.

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

1.11.1 Environmental Setting

The project consists of a single vacant parcel measuring approximately 7.81 acres. The project site is an infill site that is surrounded by urbanized land uses. The project site is located along Osgood Road, an arterial street. The project site is bounded by Interstate 680 to the east, a paving contractor's corporation yard to the south, and a religious facility to the north. Across Osgood road is a light industrial development consisting of several buildings. The nearest existing residential uses are across Interstate 680 from the project site. Individual single family homes exist along Osgood Road as legal non-conforming structures. Interstate 680 is an existing major barrier in the vicinity of the project site that separates low density hillside residential communities from the light industrial neighborhood the project site is within. The project site is zoned Service Industrial and is designated Service Industrial in the Fremont General Plan. This designation accommodates a variety of industrial uses which are generally oriented toward local businesses and residents. Service Industrial areas are often located on the perimeter of the City's larger industrial districts and in various locations in other parts of the City.

Regulatory Setting

The City of Fremont General Plan, which was adopted in December 2011, is the land use plan applicable to the proposed project. The project is not a component of a specific plan or local coastal program. The Fremont Municipal Code is the zoning ordinance applicable to the proposed project.

1.11.2 Discussion

a) Physically divide an established community?

The project site is a vacant lot located within an existing Industrial neighborhood within the City of Fremont. The proposed project would not divide an established community because the project would develop and existing lot which had been skipped over by development in the area. Therefore there would be no environmental impact and no mitigation would be required.

Potential Impact: None.
Mitigation: None required.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project would conform to the City of Fremont General Plan and the proposed use is allowed in the Service Industrial zoning district subject to approval of a Zoning Administrator Permit. The project is consistent with the following goals and policies in the General Plan related to infill development and directing change for orderly growth and compatibility.

Land Use Element Policy 2-2.14: Maintaining and Improving Development Continuity

Integrate new large-scale development projects into the fabric of the existing community rather than allowing such projects to be self-contained, walled off or physically divided from surrounding uses. New development should be viewed as an opportunity to improve connectivity between neighborhoods. To the extent feasible, circulation systems and open spaces in such developments should tie into existing streets and open spaces on the perimeter. In addition, existing development should be retrofitted over time to reduce unnecessary walls and barriers and improve pedestrian connections between neighborhoods.

Land Use Goal 2.2: Directing Change

Growth and development that is orderly and efficient, leverages public investment, ensures the continued availability of infrastructure and public services, reduces adverse impacts on adjacent properties, and protects the natural environment.

Land Use Policy 2-2.5: Zoning and Subdivision Regulations

Use zoning and subdivision regulations to direct the city's growth, ensure sufficient opportunities for new development, improve Fremont's quality of life, create complete neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.

Conformance with the Fremont General Plan Goals and Policies above would ensure that the project avoids a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect resulting in a less than significant impact and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Land Use Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

1.12.1 Environmental Setting

The City of Fremont General Plan identifies six mineral resource sectors in the City designated by the State Mining and Geology Board as containing regionally significant aggregate resources. The project site is not within any of these sectors identified in the General Plan. According to the USGS Mineral Resources On-Line Spatial Data (USGS, 2017), the project site is not in close proximity to or located on a known mineral resource.

1.12.2 Discussion

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?

According to local and state mineral resources maps (USGS, 2017), there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact to such resources would result and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

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?

The project site is not identified as containing any locally important mineral resources in the Fremont General Plan. There are no operating mines or quarries in the vicinity of the project site. Therefore, no impact to such resources would result an no mitigation is required.

Potential Impact: None
Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Land Use Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

3. United States Geological Survey (USGS), 2017, Mineral Resources On-Line Spatial Data, Available at https://mrdata.usgs.gov/general/map.html, Accessed May 29, 2020.

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or 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?	☐	☐	☒	☐

1.13.1 Environmental Setting

The predominant source of noise at the project site is I-680, which runs immediately to the east of the project site. Noise levels at the project site in 2016 ranged from 68 A-weighted decibels (a common unit used for measuring environmental noise and abbreviated as: dB(A)) at 170 feet from the edge of I-680 and 15 feet above ground to 59 dB(A) 200 feet from I-680 and 5 feet above ground. The project is not located within 500 feet of noise-sensitive receptors.

There are no airports within the City of Fremont or within two miles of the project site. Airports are not a significant contributor to the existing noise environment. The closest airports by approximate distance from the project site are San Jose International Airport (10 miles to the project site), Moffett Federal Airfield (9 miles to the project site), and Hayward Executive Airport (13 miles to the project site).

1.13.2 Discussion

This discussion is based in part on the following documents:

Pape Machinery Environmental Noise Assessment, prepared by Illingworth and Rodkin, dated January 27, 2020 (Noise Study)

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

The project site is located at 43510 Osgood Road in Fremont, California. Industrial and commercial land uses are located in the site vicinity. The nearest residential land uses would be about 400 feet to the northeast, opposite Interstate 680 (I-680). The Assembly Hall of Jehovah's Witness to the north includes a caretaker's quarters. This structure is located approximately 500 feet from the shared property line and will be treated as a sensitive receptor for this assessment. Averroes High School is also located approximately 660 feet from the property line to the north. Union Pacific Railroad (UPRR) tracks are

located approximately 760 feet to the west of the project site, with commercial and industrial buildings located between. Additional single-family residences are located to the west of the UPRR tracks, approximately 890 feet from the western edge of the project site.

The noise environment at the site and in the surrounding area results primarily from vehicular traffic along I-680. Local roadways, such as Osgood Road, also contribute to the noise environment in the site vicinity. Occasional overhead aircraft associated with the Hayward Executive Airport and Oakland International Airport, and train pass-bys, are also audible at times at the project site.

As discussed in more detail in the Noise Study, both long and short-term noise monitoring was conducted at the proposed project site in July 2019. The table below shows the results of the short term monitoring, more detail is provided in the Noise Study.

NOISE STUDY TABLE 4 Summary of Short-Term Noise Measurements (dBA)

Noise Measurement Location (Date, Time)	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	$L_{eq(10\text{-}min)}$
ST-1: ~40 feet from the center of the Jamestown Road/Newport Drive intersection (7/30/2019, 11:40-11:50)	70	69	57	48	43	55
ST-2: ~15 feet east of the centerline of Homestead Court (7/30/2019, 12:00-12:10)	59	59	57	54	52	55

Long-term noise measurement

As discussed in the Noise Study, the future noise environment at the project site would continue to be dominated by vehicular traffic along I-680 and Osgood Road. While a traffic report was not completed for the proposed project, the peak hour trips generated by the project would be 0 in the peak AM hour and 42 in the peak PM hour. Due to the existing traffic volumes along Osgood Road, these peak hour trips would result in an immeasurable noise level increase under future conditions. To estimate the noise level increase by the year 2035, the City of Fremont General Plan Update Environmental Impact Report[17] was reviewed. By the year 2035, the noise level increase along I-680 would be 2 dBA day-night average (L_{dn}), and the increase along Osgood Road would be 1 dBA L_{dn}. Conservatively, these noise level increases were applied to the LT-2 and LT-1 measurements, respectively, to estimate the future noise levels at the project site.

Future Exterior Noise Environment

There are no anticipated outdoor use spaces associated with this project that would be sensitive to noise. Therefore, the future exterior noise environment was not evaluated for land use compatibility.

Future Interior Noise Environment

The State of California requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite Sound Transmission Class (STC)[18] rating of at least 50 or a composite Outdoor-Indoor Transmission Class (OITC) rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA CNEL/L_{dn} noise contour for a freeway. According to the 2030 Traffic Noise Contours provided in the City's General Plan 2030,[19] and data from

[17] Lamphier-Gregory, "Downtown Community Plan Draft Supplemental Environmental Impact Report," State Clearinghouse Number: 2010072001, February 2012.

[18] **Sound Transmission Class (STC)** A single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

[19] City of Fremont, "City of Fremont General Plan 2030," adopted December 2011.

long-term noise measurements, the project site falls within the 70 dBA L_{dn} contour for I-680. The State of California also requires interior noise levels to be maintained at 50 dBA equivalent continuous sound level ($L_{eq(1\text{-}hr)}$) or less during hours of operation at the proposed office buildings. L_{eq} is the preferred method to describe sound levels that vary over time, resulting in a single decibel value which takes into account the total sound energy over the period of time of interest The City of Fremont requires that interior noise levels in offices be maintained at 45 $L_{eq(1\text{-}hr)}$ or less.

The proposed office buildings would be partially shielded from I-680 by the proposed service shop and parts warehouse. However, the proposed office building would have direct line-of-sight to Osgood Road. With partial shielding and setback distances of approximately 720 feet from I-680 and 70 feet from Osgood Road, future exterior noise levels would range from approximately 66 to 73 dBA $L_{eq(1\text{-}hr)}$ during daytime hours.

Standard construction materials for commercial uses would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so windows may be kept closed at the occupant's discretion and would provide an additional 5 dBA reduction. The standard construction materials in combination with forced-air mechanical ventilation would satisfy the daytime threshold of 45 dBA $L_{eq(1\text{-}hr)}$.

Spaces where lower noise levels would be desired, such as private offices and conference rooms, may benefit from additional noise control in order to meet a lower, more desirable interior noise level. Additional noise control could be accomplished by selecting higher sound-rated windows (STC 33 minimum along exterior façades).

As discussed in the Noise Study, the implementation of forced-air mechanical ventilation systems in combination with standard construction would reduce interior noise levels to 45 dBA L_{dn} or less.

The following criteria were used to evaluate the significance of environmental noise resulting from the project, to ensure the project conforms with the noise standards and significance thresholds provided in the General Plan Safety Element:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
    - A significant temporary noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. Hourly average noise levels exceeding 60 dBA L_{eq} at residential land uses or 70 dBA L_{eq} at commercial/industrial land uses, and the ambient by at least 5 dBA L_{eq}, for a period of more than one year would constitute a significant temporary noise increase.
    - A significant permanent noise level increase would occur if project-generated traffic would result in: a) a noise level increase of 5 dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn}, or b) a noise level increase of 3 dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.
    - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.

Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities. However, project construction would not exceed the ambient environment by 5 dBA L_{eq} at any nearby land uses during daytime hours and project construction would occur within the acceptable hours as outlined in the City Municipal Code, so this is a less-than-significant temporary noise impact, as discussed below.

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), when the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

For project sites located within 500 feet from a residential land use, the City exempts noise due to construction activities from the established noise level standards when activities occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 6:00 p.m. on Saturdays and holidays. Construction activities are prohibited on Sundays.

While noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code, the Fundamentals section of this report provides a threshold of 45 dBA for speech interference indoors. Assuming a 15 dBA exterior-to-interior reduction for standard residential construction and a 25 dBA exterior-to-interior reduction for standard commercial construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses. Additionally, temporary construction would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

As discussed in the Noise Study, daytime ambient noise levels at nearby residential receptors (the existing single-family residences to the west, across Osgood Road and BART rail tracks, and to the east, across I-680), would be approximately 55 to 58 dBA L_{eq} during daytime hours. Residences across I-680 to the east are shielded by a sound wall, which would also shield temporary construction noise. Residences to the west are partially shielded by existing commercial and industrial buildings. Noise levels at these commercial and industrial buildings would have existing daytime levels of about 55 to 73 dBA L_{eq}, depending on setback from Osgood Road. The Assembly Hall of Jehovah's Witness to the north would also be represented by LT-2, with existing daytime levels of about 62 to 69 dBA L_{eq}.

As discussed in the Noise Study, the typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet. Hourly average noise levels generated by the construction of a residential development are about 65 to 88 dBA L_{eq} at a distance of 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Construction of the proposed project is expected to last up to approximately 18 months. A detailed list of equipment expected to be used for the proposed project construction and phasing information is provided in the Noise Study, along with the estimated hourly average noise levels expected during each phase of construction when all equipment listed is operating simultaneously.

As discussed in the Noise Study, project construction would not exceed the ambient environment by 5 dBA L_{eq} at any nearby land uses during daytime hours, and incorporation of the controls outlined below would reduce construction noise levels at the nearest land uses. Therefore, temporary construction for the proposed project would be considered a less-than-significant impact with mitigation incorporated.

Construction activities will be conducted in accordance with the provisions of the City's General Plan and the Municipal Code, which limits temporary construction work within 500 feet of residential land uses to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and between the hours of 9:00 a.m. to 6:00 p.m. on Saturdays and holidays. The City does not allow construction activities on Sundays for sites located within 500 feet of one or more residences. Further, the City shall require the construction crew to adhere to the Section 18.218.050 in the Municipal Code as shown below:

FMC 18.218.050(d) Noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:

(A) Construction equipment shall be well-maintained and used judiciously to be as quiet as practical.

(B) Construction, excavating, grading, and filling activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited as provided in Section 18.160.010.

(C) All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment.

(D) The contractor 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 as far as feasible from sensitive receptors.

(F) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.

(G) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact 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 complaint and enforcement manager to track and respond to noise complaints. (Ord. 27-2016 § 37, 12-6-16; Ord. 23-2018 § 41, 10-2-18.)

Potentially Significant Impact: The nearby residences, including the caretaker's quarters at the neighboring religious facility, could be exposed to excessive noise levels during project construction.

Mitigation Measure: Implementation of *Mitigation Measure NOI-1 (below)* using construction best management practices would reduce noise levels and annoyance to surrounding land uses during construction. With mitigation, the potential noise impacts during construction would be negligible and not contribute considerably to a cumulatively significant impact

***Mitigation Measure NOI-1**:* **Construction best management practices would include the following:**

Develop a construction noise control plan, including, but not limited to, the following construction best management controls:

- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Where feasible, temporary power service from local utility companies should be used instead of portable generators.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Avoid the use of circular saws, miter/chop saws, and radial arm saws near the adjoining noise-sensitive receptors. Where feasible, shield saws with a solid screen with material having a minimum surface density of 2 lbs/ft^2 (e.g., such as ¾" plywood).
- Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible.

- The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

Trip generation estimates[20] indicate that the project is anticipated to generate fewer than 100 new peak hour trips. Based on existing traffic conditions along Osgood Road and I-680, noise levels due to project-generated traffic are not anticipated to increase. This is a less-than-significant impact. Therefore the proposed project would not result in a permanent noise level increase due to project-generated traffic at the existing noise-sensitive land uses in the project vicinity. In this regard, the project would have a less than significant environmental impact and no mitigation would be required.

Mechanical Equipment Noise

The proposed project would include mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC). Policy 10-8.4 of the General Plan limits stationary equipment noise to 50 dBA L_{eq} and 70 dBA L_{max} between the hours of 7:00 a.m. and 10:00 p.m. and to 45 dBA L_{eq} and 65 dBA L_{max} between the hours of 10:00 p.m. and 7:00 a.m.

The building would include HVAC equipment on the rooftop and an electrical room on the first floor. The roof will be lined by a combination of mechanical screens and metal siding that rises 8 feet above the roof level and the electrical room will be entirely enclosed within a combination of concrete masonry and metal paneling. Site plans also indicate a transformer pad outside of the northwest corner of the building.

Conservative estimates for stationary equipment noise were computed at distances of the nearest receptors. With the inclusion of the mechanical screens and metal siding on the roof, HVAC equipment is not anticipated to generate noise levels that exceed established noise standards. While the transformer is located closer to the shared property line to the north, it is not anticipated to generate noise levels that exceed established standards at the nearest property line to the north. However, without knowing specific information regarding the mechanical equipment at the proposed project site, the impacts of mechanical equipment noise on the adjacent land uses should be assessed during the final project design stage. Design planning should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas, such as the rooftop away from the edge of the buildings nearest to residential land uses. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls. Due to the potential proximity of noise-generating equipment to neighboring land uses, this is conservatively considered a potentially significant impact.

Service Dealership Noise

The proposed project would include a service dealership that operates between the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m. Based on measurements from the Papé facility in Rohnert Park, typical noise levels associated with the service dealership would be from hand tools and exhaust fans. Table 8 shows noise sources and typical noise levels recorded at the service facility in Rohnert Park. At the shared property line to the north, noise levels associated with the service dealership operations could reach up to approximately 60 dBA L_{max} during the hours of 7:00 a.m. to 5:00 p.m. on

[20] Institute of Transportation Engineers Handbook, 9th Edition. ITE #810 Construction Equipment Rental Store.

Monday through Friday. Noise levels at all other property lines in the vicinity would be less than 60 dBA L_{max}. During hours of operation, ambient noise levels at the property lines of the nearest receptors would range from 60 to 75 dBA L_{eq}. Since the noise levels associated with the service operations would not exceed ambient levels at property lines of the nearest receptors, this is a less-than-significant impact.

NOISE STUDY TABLE 8 Measured Operational Noise Levels at Papé Service Center in Rohnert Park

Noise Source	Distance (feet)	Measured L_{max}	L_{max} at 50 feet
Truck driving on gravel surface	50	61	61
Drilling	45	60	59
Welding	60	57	59
Hammering	55	66	67
Exhaust fan	15	68	58

Loading and Unloading Noise

The proposed dealership and service components of the project would include truck deliveries. It is expected that there will be approximately 7 trucks per day during business hours and there will occasionally be freight truck deliveries overnight. Site plans show the loading pad on the eastern side of the building with the delivery route along the southern end of the building. Based on the ambient levels along Osgood Road and I-680, truck deliveries would not measurably increase noise levels in the project vicinity.

Site plans indicate the trash staging area would be located to the north of the building, approximately 50 feet from the shared property line to the north. Due to the anticipated infrequency of noise associated with the trash staging area, noise levels will not exceed the City's thresholds at the shared property line. The project would not exceed established City noise standards, therefore the project would have a less than significant impact in this regard with mitigation measure NOI-1 incorporated.

Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measure NOI-1.

b) Generation of excessive groundborne vibration or groundborne noise levels?

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 demolition, site preparation work, foundation work, and new building framing and finishing. While a list of construction equipment was not available for the proposed project, pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec peak particle velocity (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. No historical buildings or buildings that are documented to be structurally weakened adjoin the project site. For the purposes of this study, therefore, groundborne vibration levels exceeding the conservative 0.2 in/sec PPV limit would have the potential to result in a significant vibration impact.

As discussed in the Noise Study, 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 Assembly Hall of Jehovah's Witness property includes a church and an industrial building that are located approximately 160 feet and 50 feet, respectively, from the shared property line to the north of the project site. Industrial and commercial buildings are located as close as 100 feet from the shared property line to the west and south of the project site. There may be times when excavation or other construction work may generate vibration levels up to 0.10 in/sec PPV at the industrial building to the north and 0.03 in/sec PPV at the church. Vibration levels of up to 0.05 in/sec PPV could be generated at the commercial buildings to the south and west. Additional structures are located further away and would experience lower vibration levels. While vibration levels may be perceptible, this would not be considered significant, given the intermittent and short duration of the phases that have the highest potential of producing vibration (use of jackhammers and other high-power tools). Therefore, the project would have a less than significant impact and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

c) For a project located within the vicinity of a private airstrip or 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?

The City does not have a commercial, military, or general aviation airport. Moffett Federal Airfield is a joint civil-military airport located about 8 miles southwest of the project site. Oakland International Airport and Mineta San José International Airport, which are both public-use airports, are located approximately 20 miles northwest and 10 miles south of the project site, respectively. The project site lies outside the area of influence for each of these airports. Noise from aircraft would not substantially increase ambient noise levels at the project site, and interior noise levels resulting from aircraft would be compatible with the proposed project. Therefore the project would have a less than significant impact and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Safety Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

5. Illingworth and Rodkin, 2020. Pape Machinery Environmental Noise Assessment. Provided for the City of Fremont.

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned 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)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

1.14.1 Environmental Setting

The project site has been largely undeveloped since at least start of the 20th century except for agricultural uses such as dry farming. There are no existing buildings on the project site since the former commercial riding stable structures were demolished in the 1990's. No housing has been located on the project site since the City of Fremont's incorporation in 1956. The proposed project is expected to employ approximately 30 people and is relocating from the nearby city of Newark, CA

1.14.2 Discussion

a) Induce substantial unplanned 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)?

The proposed project would construct a new business at a vacant industrial parcel. The business is expected to employ approximately 30 people. Because the business is relocating from a site approximately 5.5 miles away, it can be assumed that most, if not all, of the existing employees will work at the new location. The project involves no new homes. Therefore, the proposed project would not induce substantial unplanned population growth in the area and would have a less than significant impact and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed project site is an existing vacant lot located within an existing industrial area of Fremont. No residentially zoned land would be displaced as part of this project as there is no residential land in the immediate vicinity of the project site and there are no existing residential units on the project site. Therefore there would be no impact as a result of this project and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

References

1. State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020. Sacramento, California, May 2020.Available online at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/. Accessed May 29, 2020.

2. City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

3. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

4. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

5. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

6. Cornerstone Earth Group, 2015. Phase I Environmental Site Assessment for 43510 Osgood Road. September 10, 2015 Provided for the City of Fremont.

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

1.15.1 Environmental Setting

Fire Protection

Fire protection services in the project area are provided by the City of Fremont Fire Department. In 2018, the Fire Department responded to 10,661 medical calls for service and 458 fire emergencies. Emergency Medical Services (EMS) response accounted for approximately 65% of all calls (City of Fremont Fire Department, 2018). The Fire Department aims to maintain a five minute thirty second response time 90 percent of the time for all emergencies located below the “Toe of the Hill” line. As of 2018, the average response time is three minutes twenty-eight seconds, which surpasses the City’s goal (City of Fremont Fire Department, 2018).The closest station to the project site is Station 7 at 43600 South Grimmer Blvd, approximately 1.7 miles from the project site.

Police Protection

Police protection services are provided by the City of Fremont Police Department. The Police Department deploys officers in three separate zones. The project site is located in Zone 3, which covers the southern portion of the City (generally south of the east-west stretch of I-680). The City has one police station located at 2000 Stevenson Boulevard, which is approximately 7.6 miles from the project site.

Schools

The project site is located within the service boundaries of the Fremont Unified School District (FUSD). The project site is located within an industrial neighborhood with few residences existing in the immediate vicinity. Existing neighborhoods adjacent to the project site to the west are served by Grimmer Elementary School, which is located at 43030 Newport Drive approximately 1.4 miles from the project site. The middle school that serves nearby residences to the west is Horner Junior High School, which is located at 41365 Chapel Way approximately 2 miles from the project site. Finally, the high school that serves nearby residences to the west is Irvington High School, which is located at 41800 Blacow Road and approximately 2 miles from the project site.

Parks

Parks operated by the City of Fremont in the vicinity of the project site include Warm Springs Community Park (0.50 miles), Booster Park (0.90 miles), and Rancho Higuera Park (1.5 miles). The City maintains a parkland

standard of five acres of parkland per 1,000 residents. The park development impact fee for new residential development is based on maintaining this ratio (City of Fremont, 2011).

1.15.2 Discussion

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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?

The proposed project would construct a new industrial building to sell, lease, and service heavy construction equipment. The new building would result in additional fire protection demand for the new development. The nearest fire station is Fire Station #7 located at 43600 South Grimmer Blvd. (1.5 miles away). The proposed Project has been reviewed in coordination with the Fremont Fire Department, and no new or physically altered stations or facilities have been determined to be required. Therefore, impacts would be less than significant and no mitigation is required.

Police protection?

The Fremont Police Department provides police protection to the Project site. The Police Department deploys officers in three separate zones. The project site is located in Zone 3, which covers the southern portion of the City (generally south of the east-west stretch of Interstate 680. The City has one police station located at 2000 Stevenson Boulevard, which is approximately four miles from the project site.. The Project would increase the workforce population by 30 employees, which could result in a minor associated increase in the demand for police protection services. The proposed Project has been reviewed and no required new or physically altered stations or facilities have been identified. Therefore, impacts would be less than significant and no mitigation is required.

Schools?

The project involves construction of a new heavy construction equipment dealership and service center which would have an anticipated 30 employees. Workforce population does not directly increase demand for schools and, as discussed in Section 1. 14: Population & Housing, would not have a substantial effect on unplanned residential population increases. While the Project could result in some small indirect increase in demand of school services, the Project would not have the potential to contribute to substantially reduced performance ratios or the need for new facilities. The impact of the Project related to schools would be less than significant and no mitigation is necessary.

Parks?

The project involves construction of a new heavy construction equipment dealership and service center which would have an anticipated 30 employees. As discussed in Section 1. 16: Recreation, while the Project could result in some small increase in use of recreational facilities including parks, workforce population does not generally heavily use public park facilities and the minimal increased usage of parks from the additional 30-workforce population would not have the potential to substantially contribute to reduced performance ratios or the need for new parks. The impact of the Project related to parks would be less than significant and no mitigation is required.

Other public facilities?

The Project would increase the workforce population by 30 employees, which could result in a minor associated increase in the demand for other public facilities, but the increased demand would be minor and would not to require new or expanded facilities. The impact of the Project related to other public facilities would be less than significant and no mitigation is necessary.

Additionally, as with all development Project in the City of Fremont, the Project would be required to pay Development Impact Fees, which are intended to fund and sustain improvements that are needed as a result of new development. Under this program, the required Capital Facility Fee helps pay for services in such categories as City Administration facilities, City Services Maintenance Center and Corporation Yard, and Libraries.

For reasons stated above, the proposed project would have a less than significant impact on fire protection, police protection, schools, parks, and other public facilities and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Parks and Recreation Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

5. Fremont Fire Department, 2018. Annual Report. Available online at https://fremont.gov/DocumentCenter/View/40902/2018-Annual-Report-14-Final-Cambria. Accessed on May 29, 2020.

6. Fremont Unified School District, 2020. School Locator. Available online at https://www.myschoollocation.com/fremontusd2/. Accessed May 29, 2020.

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) 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?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

1.16.1 Environmental Setting

The City of Fremont's Recreation Services Division provides parks and recreation facilities and services to the City of Fremont. The City maintains approximately 1,148 acres of parkland, spread over 53 parks, which provide recreational facilities and opportunities to the community. A number of other agencies also maintain park and trail systems within the City, including the East Bay Regional Parks District, the Don Edwards San Francisco Bay National Wildlife Refuge, and the San Francisco Bay Trail. Parks operated by the City of Fremont in the vicinity of the project site include Arroyo Agua Caliente Park (1.5 miles) and Old Mission Park (2.0 miles).

1.16.2 Discussion

a) 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?

Workforce population does not generally heavily utilize public recreational facilities, as reflected by exclusion of this type of development from Fremont park dedication and park facilities fees requirements. While the Project could result in some small increase in use of recreational facilities, increased usage of public recreational facilities from the additional 30-employee population would not be substantial and would not have the potential to contribute to substantial deterioration of existing recreational facilities. Therefore, the impacts from the project on existing neighborhood and regional parks or other recreational facilities would be less than significant and no mitigation is required.

Potential Impact: Less than significant.

Mitigation: None required.

b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

As previously discussed, workforce population does not typically heavily utilize public recreational facilities so the need to construct or expand existing facilities to serve the proposed 30 employees working at the project would be minimal. Therefore, the impact of the Project related to recreation would be less than significant and no mitigation is necessary.

Potential Impact: Less than significant.

Mitigation: None required.

References

1. City of Fremont, 2011. City of Fremont General Plan. Parks and Recreation Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. City of Fremont, 2020. City of Fremont Recreational Services, Available online at https://fremont.gov/259/Recreation-Services.

4. City of Fremont, 2020, City of Park Maintenance, Available online at https://fremont.gov/1254/ParkMaintenance.

5. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

1.17.1 Environmental Setting

The project is expected to employ approximately 30 people, most are anticipated to relocate with the business from the existing location in Newark, CA (approximately 5.5 miles from the project site). The project site is located along Osgood Road, an arterial street. The nearest freeway access is via the Interstate 680 / Auto Mall Parkway ramps. The project site is bounded by Interstate 680 to the east, a paving contractor's corporation yard to the south, and a religious facility to the north. Across Osgood road is a light industrial development consisting of several buildings. The nearest existing residential uses are across Interstate 680 from the project site. Individual single family homes exist along Osgood Road as legal non-conforming structures. The project site is zoned Service Industrial and is designated Service Industrial in the Fremont General Plan. This designation accommodates a variety of industrial uses which are generally oriented toward local businesses and residents. Service Industrial areas are often located on the perimeter of the City's larger industrial districts and in various locations in other parts of the City.

The project site has its primary frontage on Osgood Road, which is designated as an arterial street in the Fremont General Plan. Arterial streets are described as accommodating high volumes or traffic at efficient speeds and link neighborhoods, shopping areas, and employment districts to the freeway system and to each other. Sidewalks and bicycle lanes are currently present in front of the project site. The sidewalk network on Osgood Road connects to Auto Mall Parkway as well as Washington Boulevard. Bicycle infrastructure provided on the eastern side of Osgood Road in front of the project site are Class II facilities. On the western side of Osgood Road is a buffered Class II bike lane. The City's Bicycle and Pedestrian Master Plan proposes improvements to Osgood Road and Warm Springs Boulevard to improve connectivity to the new Warm Springs/South Fremont BART Station. These improvements include a Class I separated bike path and a Class IV separated bikeway. These improvements are designated as Priority Projects under the Bicycle Master Plan with portions under construction or already completed. The timeframe for the remaining improvements is not known at this time.

Local bus service in the area is provided by the Alameda-Contra Costa Transit District (AC Transit). The closest bus stop to the project site is located at the intersection of Osgood Road and Osgood Court, less than 500 feet from the project site. This stop is served by the AC Transit Route 215 bus which provides service between Kato Road & Beneia Street at the southern end of Fremont to the Fremont BART station with a stop at the Warm Springs/South Fremont BART station. The 215 bus provides weekday service at 1 hour intervals between the hours of 6:00 AM and 8:00 PM. The Closest BART Station to the project is the Warm Springs/South Fremont BART station. This station provides services throughout the BART system with short headways during commute hours.

Regulatory Setting

Intersections, Streets, and Freeways: The Alameda County Transportation Commission's (ACTC) Congestion Management Program (CMP) describes performance measures related to the circulation system. The CMP emphasizes multi-modal accessibility and transportation/land use integration. It also provides specific measurement tools to assess the performance of roadways, transit service, bicycling, and walking. The CMP recommends a detailed transportation impact analysis (TIA) for projects generating 100 vehicle-trips or more during the weekday PM peak hour. This is consistent with the City of Fremont's standard practice of requiring a TIA for projects that generate more than 100 peak trips in either the AM or PM peak hours.

The Fremont General Plan currently identifies Level of Service (LOS) as a measure indicating level of delay for signalized intersections. In the summer of 2020, the City plans to adopt a General Plan amendment to identify Vehicle Miles Travelled (VMT) as a measure indicating a project's transportation impacts. Because the City has yet to adopt specific VMT standards, both LOS and VMT are used to evaluate the potential impacts of the project.

Under the current Level of Service metric, LOS D is the transportation operations threshold of significance for peak hour traffic impacts on minor arterials and collector streets in locations outside the City Center, Town Centers, and Warm Springs/South Fremont BART Station. LOS D represents a moderate amount of vehicle delay during the peak hour of intersection operations. For intersections already operating at LOS E or F, average intersection delay increases of four seconds or more due to project traffic would be considered a significant impact. For regional arterials, peak hour levels of service for signalized intersections should generally be maintained at LOS E.

The project site is located along Osgood Road, and there are no signalized intersections in the vicinity of the project site. The intersection at Osgood Road and Osgood Court, is not signalized. There is also an unsignalized intersection at Osgood Road and Darby Common, a private street. The nearest signalized intersection is at Osgood Road and Auto Mall Parkway, approximately 0.22 miles from the project site. This intersection had an LOS E during the AM peak hours and LOS F during the PM peak hour.

Pedestrian Facilities: The City of Fremont Pedestrian Master Plan has specific quantifiable goals related to the effectiveness and performance of the pedestrian circulation system, including increasing pedestrian trips (as a percentage of all trips) from nine percent in 2007 to 15 percent by 2025, and reducing annual reported collisions between pedestrian and motor vehicles from 44.4 (five-year average for 2003-2007) to 22 by 2025 (City of Fremont, 2016).

Bicycle Facilities: The City of Fremont Bicycle Master Plan has specific quantifiable goals related to the effectiveness and performance of the bicycle system. These goals include increasing the bicycle mode share to three percent by 2022 and 10 percent by 2040 and maintaining zero fatal bicycle collisions and reducing severe injury in bicycle collisions by half in 2020 (City of Fremont, 2018).

1.17.2 Discussion

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Construction

Construction of the project would employ an average of 15 workers on site. Construction worker trips would be likely to occur during the weekday AM and PM peak periods (7:00 AM to 9:00AM for AM peak, and 4:00PM to 6:00PM for PM peak). However, even assuming all workers arrived during the AM peak hour and departed during the PM peak hour, the number of trips during each peak hour would be significantly less than the City of Fremont's threshold for completing a Traffic Impact Analysis (TIA), which is 100 net new trips in peak hours.

Construction activities at the site would also generate heavy vehicle trips, including truck trips for off-site soil export (estimated 15 daily trips), heavy equipment transport, and material deliveries. The consequence of construction-related heavy truck traffic would be a temporary and intermittent lessening

of street performance in the project site vicinity due to the larger turning radii of construction trucks compared to passenger vehicles. However, heavy truck traffic would be spread throughout the entire day and would not be concentrated during peak hours. Additionally, given the project site's proximity to I-680, heavy trucks would have a relatively short distance to travel on local roads before accessing the freeway.

Construction activities could result in increased truck traffic and impeded roadway access on the immediate project frontage on Osgood Road. Construction would not be anticipated to impact access to sidewalks or other pedestrian infrastructure on these streets, and there is no construction activity anticipated to occur near mass transit stops. However, bicycle traffic has the potential to be impacted by heavy truck traffic in the vicinity of the project site.

Bicyclists could be sharing the road with heavy diesel-powered trucks that have a wider turning radius than typical passenger vehicles. Construction trucks could also obscure lines of sight for bicyclists due to their mass and height. If constant and pervasive, these impacts could reduce the usage and safety of the bicycle system. However, any impact from construction trucks would be temporary and minimal due to the volume and timing of trips. The number of truck trips would not exceed 15 trucks per day, which constitutes a small percentage of traffic on Osgood Road. Additionally, truck trips would be dispersed throughout the day and therefore the impact on bicycle travel at any given time is likely to be minimal. Construction trucks would follow applicable vehicular safety ordinances and any signing and striping related to bicycle-vehicular interactions. Therefore, the construction traffic would not conflict with adopted policies on mass transit, pedestrian, and bicycle facilities and the impact would be less than significant.

Any effects from construction traffic would be intermittent, localized in impact, and small in magnitude given the expected number of daily trips. Therefore, the impact of construction traffic on the circulation system would be less than significant.

Operation

A Transportation Impact Analysis (TIA) was not required for this project because the number of expected peak hour trips generated is significantly less than the City and ACTC threshold. Transportation Engineering staff have indicated that 105 new daily trips, including 0 AM peak hour trips and 42 PM peak hour trips, would not trigger a requirement for signalization at the Osgood Court intersection or change the LOS of nearby signalized intersections. The project would not conflict with any LOS metric that the City has established to evaluate regarding the performance of the vehicular circulation system, and the impacts resulting from overall trip generation would be less than significant.

Transportation Engineering staff have reviewed the internal pedestrian circulation proposed for the project and determined that it meets all applicable standards and policies. A sidewalk exists along Osgood Road in front of the project site. The project would encourage walking through providing a continuous circulation path that connects from the proposed buildings to the public sidewalk, efficiently connecting pedestrians to existing pedestrian infrastructure outside the development. The sidewalks and crosswalks would be reviewed by the City's Transportation Engineering Division to ensure their safety, in a manner consistent with the safety goals of the Pedestrian Master Plan. Therefore, the proposed development would not conflict with the applicable pedestrian plan, and the associated impacts would be less than significant.

Bicycle Facilities: Osgood Road is identified as a future Class II buffered bikeway in the 2018 Fremont Bicycle Master Plan. The project would be required to provide both short and long term bicycle parking in conformance with the Fremont Municipal Code. The proposed project would not include any specific bicycle lane or other public infrastructure improvements as part of the project, though the project includes an employee changing room that would be available to workers that commute by bicycle. This is supportive of the use of multiple modes of transportation and in conformance with the goals of the Bicycle Master Plan. Transportation Engineering staff have reviewed the proposed circulation system within the project site and determined that it meets all applicable circulation standards and policies. Therefore, the proposed development would not conflict with the applicable bicycle plan, and the associated impacts would be less than significant.

Mass Transit: The proposed project would not develop any new mass transit facilities, nor would it modify any facilities that are currently used by the mass transit system (roadways, bus stops, etc.). As discussed in Section 1.14, Population and Housing, the proposed project would involve no new residential units and would not induce population growth. It is anticipated that some workers will be able to utilize public

transportation, such as AC Transit or BART to commute, but not to the extent or in a quantity that could significantly increase the utilization of mass transit to an extent that would cause conflicts with the implementation of any applicable plan, ordinance, or policy. Therefore, the impact of the proposed project on mass transit systems would be less than significant.

Potential Impact: Less than significant.
Mitigation: None required.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

The proposed heavy equipment dealership and service center building would measure 46,496 square feet. Of that, approximately 18,109 square feet would be devoted to office space for the dealership. The rest of the space would be occupied by accessory uses devoted to supporting the dealership including a parts warehouse and service bays. The dealership would both sell and lease equipment to construction contractors for projects in the local area. Many contractors choose to lease equipment for specific jobs rather than outright purchase, so most of the service taking place at the site would be to refurbish the equipment to prepare for the next customer to lease. For this reason, the predominant use of the facility is as a heavy equipment dealership, a local-serving retail use.

> Screening Size (Local-Serving Retail)
> Many agencies use screening sizes to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study and City's proposed Transportation Analysis Policy would allow the use of such screens (see also CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and Appendix G). The *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2019) by the Governor's Office of Planning and Research (OPR) suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing. Per OPR: "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."
>
> > *OPR Technical Advisory* (2019), page 12:
> > *CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact.*
>
> The screening criteria for Local-Serving Retail as recommended by OPR and proposed for the City of Fremont would be 50,000 square feet of total gross floor area or less without drive-through operations, based on substantial evidence that such projects are commensurate with a project that produces approximately 110 vehicle trips per day.

Due to the size of the heavy equipment being serviced the 15 service bays take up an inordinate amount of space within the building. The office portion of the building, which is primarily made up of the business office for the dealership, is approximately 18,109 square feet which is below the VMT screening size for a local serving retail use which is 50,000 square feet. The nature of the business also helps to reduce the number of customers and employees driving to the site. Heavy equipment leasing, sales, and service is a type of use that does not drive a lot of customers to the site on a daily basis. Also, with only 30 employees, the project would have less employees than typical for a retail use of this size. The project would feature amenities which would help to reduce driving to the site. These amenities include eight carpool parking spaces as well as a changing room for employees who bike to work. As the proposed project falls below the screening size, no further VMT-based quantitative analysis is required to

demonstrate that the project would be consistent with CEQA Guidelines section 15064.3(b). The project would have a less than significant impact and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Osgood road is a long, straight roadway in this area and there are no changes to the configuration of the public right of way proposed beyond new driveways for the development. Onsite access roadways are wide and have large radius curves to allow for the site to be accessed by large semi-trucks which will transport the heavy equipment leased, sold, and serviced by the dealership to and from the project site. Driveway access to Osgood Road is provided by a City standard driveway. The project site is within a developed industrial area frequently serviced by large trucks. The Fremont Transportation Engineering Division has reviewed the project and has found no safety concerns related to the design of the access roadways. Therefore the project would have a less than significant impact and no mitigation would be required.

Potential Impact: Less than significant.
Mitigation: None required.

d) Result in inadequate emergency access?

Construction
As discussed above under Section 4.17(a), construction activities could result in increased truck traffic and impeded roadway access on the immediate project frontage, which has the potential to effect emergency access. Most truck traffic is anticipated to be associated with heavy equipment drop-offs and material transfer. Any heavy vehicle traffic, such as haul trucks or flatbed trailers carrying equipment or materials, would be expected to use specified truck routes with adequate capacity to handle such vehicles. Activities conducted on the project site by these trucks are expected to be limited in duration and should occur within the bounds of the project site rather than on adjacent roadways. The greatest circulation impact would occur when trucks are entering and exiting the project site on Osgood Road.

Construction truck traffic would comply with all posted signage and striping pertaining to emergency vehicle access, including but not limited to fire lanes and ingress/egress points. Given the minimal and temporary nature of operations occurring within the public right of way and compliance with all applicable vehicle regulations, the impact of construction traffic on emergency vehicle access would be less than significant.

Operations
The City of Fremont Fire Department has reviewed the proposed project prior to approval to confirm that the project provides adequate ingress and egress for emergency access. The project would not alter the circulation pattern on any existing public streets in the vicinity of the development in a way that may result in inadequate emergency access. The project would not generate excessive vehicle traffic during operation that would impede emergency access on surrounding streets. The project's operational impacts on emergency access would be less than significant and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

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8. Alameda County Transportation Commission (ACTC), 2017. Congestion Management Program. Accessed online at https://www.alamedactc.org/wp-content/uploads/2018/11/2017_Alameda_County_CMP.pdf. Accessed June 1, 2020.

9. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

10. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

11. City of Fremont, 2016. Pedestrian Master Plan. Available online at https://fremont.gov/3152/Pedestrian-Master-Plan.

12. City of Fremont, 2018. Bicycle Master Plan. Available online at https://fremont.gov/3151/Bicycle-Master-Plan.

13. City of Fremont, 2014. City of Fremont Standard Details for Improvements in Public Right of Way. Available online: https://fremont.gov/235/Standard-Details.

14. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

15. Institute of Transportation Engineers, 2012. Trip Generation (9th ed.).

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	☐ Yes		☒ No	
Would the project 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:				
a) 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)?	☐	☐	☐	☒
b) 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?	☐	☐	☒	☐

1.18.1 Environmental Setting

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 California Historic Records Information System search was performed on August 5, 2019. The search determined that there was a low probability of unrecorded Native American resources within the project site. According to the City of Fremont eGIS system, there are no properties eligible for the National, California, or Local Register of Historic Resources within a 1,000-foot radius of the project site.

A review of the NAHC Sacred Lands File was requested on June 25, 2019, for any Native American cultural resources located within the project area. The City received a response on July 1, 2020, from Gayle Totten, NAHC Staff Analyst, stating that a records search of the Sacred Lands File was had negative results.

1.18.2 Discussion

Would the project 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:

a) 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)?

The project site is currently vacant and undeveloped. No listed or eligible historic resources have been identified on the projects site. Therefore there would be no impact and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

b) 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?

The project site does not contain any known or suspected cultural resources. On June 25, 2019, a letter was sent to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites or Tribal Cultural resources are listed on its Sacred Lands File for the project area. A response was received on July 1, 2019, which indicated that the results of the survey were negative. The NAHC included a list of six tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential Tribal Cultural Resources (TCRs) that might be affected by the project were addressed, letters were sent to each representative on July 9, 2019 containing project information and requesting any additional information. No requests for consultation were received.

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (c), copied below, which addresses cultural resources. As a standard project requirement, the proposed Project implements FMC Section 18.218.050(c), which incorporates measures that would ensure the Project avoids significant impact to cultural resources, including Tribal Cultural Resources.

FMC 18.218.050(c) Cultural Resources:

(1) 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.

(2) 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 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.

(D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.

Potential Impact: None.
Mitigation: None required.

References

1. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

2. City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2014. Available: https://fremont.gov/generalplan.

3. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

4. City of Fremont, 2019. Re: Assembly Bill 52 Consultation for the Pape Machinery project (PLN2019-00337) Sent to: Amah MutsunTribal Band, Amah MutsunTribal Band of Mission San Juan Bautista, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, North Valley Yokuts Tribe, The Ohlone Indian Tribe. July 9, 2019.

5. Native American Heritage Commission, 2019. Native American Contacts List. Prepared for the City of Fremont. July 1, 2019.

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider that 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?	☐	☐	☒	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

1.19.1 Environmental Setting

The Project site is currently vacant but located in a developed area served by all municipal utilities. Utility connections to water, wastewater, stormwater, solid waste, electric, natural gas, and communications facilities are available on the project frontage. Existing utilities on the subject site are limited to high voltage power lines and an underground gas transmission line, all owned by PG&E. A portion of a concrete stormwater inlet owned by the Alameda County Flood Control District is at the eastern side of the project site. None of these existing utilities directly serve the project site. There is no other existing utility infrastructure within the project site.

Water service to the Project would be provided by the Alameda County Water District (ACWD). Wastewater from the Project 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 Osgood Road right-of-way.

Wastewater

USD operates Alvarado Treatment Plan, and provides wastewater collection, treatment, and disposal services to approximately 350,000 people in Fremont, Newark, and Union City. The Alvarado Treatment Plan has a capacity of 33 million gallons per day (mgd), and in 2015 treated an average of 21.85 mgd (USD, 2016). The treatment plant provides both primary and secondary treatment. The District maintains over 800 miles of sewer lines and has 108,457 connections for residential living units (USD, 2016). Seven pump stations operate in USD's service area, with most of Fremont's wastewater going to the Irvington Pump Station first before being conveyed to the Alvarado Treatment Plan.

Water Supply and Treatment

ACWD would provide water supplies to the Project. ACWD serves a population of approximately 350,000 people over 104.8 square miles in Fremont, Newark, and Union City. ACWD has developed an Integrated Resource Plan to manage water supply and ensure that current and future demands are met. ACWD has analyzed the long-term water needs of the Tri-City (Fremont, Newark, Union City) and identified the most efficient ways to meet these demands. Through water-saving strategies, demand has dropped by more than 25% from 1995 despite continued growth (ACWD, 2014).

The State of California's Urban Water Management Planning Act (specifically in Water Code Sections 10610 – 10656) requires that every urban water supplier providing water for municipal purposes to 3,000+ customers or supplying 3,000+ acre-feet of water annually to prepare and adopt an Urban Water Management Plan (UWMP)(ACWD, 2016). ACWD developed its UWMP 2015 – 2020 in 2016. It included growth projections for the Tri-City area up to the year 2040. According to the UWMP, the District estimates that future water demands for single-family residential uses would amount to 22,700 acre-feet per year (AF/yr) in 2020 and 22,600 AF/yr in 2024 (ACWD, 2016).

Approximately 50% of area water production is obtained from the Niles Cone Groundwater Basis, with the other 50% originating from the Del Valle Reservoir. Approximately 70% of the water produced is used for residential purposes. In 2014 – 2015, the average daily production was 34.3 mgd and the maximum day production was 52.2 gallons (ACWD, 2015).

Water treatment is provided by ACWD Water Treatment Plan No. 2 (WTP2). The sustainable production rate at WTP2 is 26 mgd (ACWD, 2017).

Storm Drainage

The Alameda County Flood Control and Water Conservation District (ACFCWCD) provides flood protection to the Project area via planning, designing, constructing, and maintaining flood control projects, including natural creeks, channels, levees, pump stations, dams, and reservoirs. The City of Fremont manages the municipal stormwater system. Project stormwater facilities have been designed to meet all local, state and federal standards, including requirements of the Municipal Regional Permit (MRP) and Clean Water Program (CWP) for Alameda County, including connection to an existing 15" storm drain line under the Osgood Road right-of-way.

Solid Waste

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 (41149 Boyce Road) for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 30 miles northeast of the site (10840 Altamont Pass Road, Livermore). The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

The Alameda County Waste Management Authority, now known as Stopwaste.org, is responsible for developing and implementing a County-wide Integrated Waste Management Plan. This plan includes a Source Reduction and Recycling Element, a Nondisposal Facility Element, and a Household Hazardous Waste Element (City of Fremont, 2011). According to data supplied by the Alameda County Waste Management Authority, the 2011 diversion rate for Fremont is 73%, a rate above the diversion rate required by AB 939, which mandates jurisdictions to divert 50% of their landfill waste. The Fremont Recycling and Transfer Station facility has diverted more than 250,000 tons of recyclable materials since 2006. Alameda County is planning to establish a countywide composting facility, which would further improve the City's diversion rate (City of Fremont, 2011).

1.19.2 Discussion

a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

The proposed project would connect to existing water, sewer and storm drain lines located in Osgood Road that already serve the area. The utility companies that would provide utility services to the proposed dwellings were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property or require excessive amounts of water that could not be provided by the existing water mains that already serve the area. As such, the existing sewer, storm drain, and water lines serving the area need not be expanded to accommodate the proposed development and impacts to utilities would be less than significant.

Potential Impact: Less than significant.
Mitigation: None required.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

The development would be served by the Alameda County Water District (ACWD) utilizing the District's existing water supply system. No issues with obtaining water supplies in normal, dry, and multiple dry years has been identified by ACWD, therefore the project would have a less than significant impact and no mitigation would be necessary.

Potential Impact: Less than significant.
Mitigation: None required.

c) Result in a determination by the wastewater treatment provider that 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?

The proposed project would connect into existing sewer lines located in Osgood Road. Wastewater service is provided by the Union Sanitary District (USD). No issues with wastewater capacity related to this project have been identified by USD, therefore the project would have a less than significant impact and no mitigation would be necessary.

Potential Impact: Less than significant.
Mitigation: None required.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

The Project would comply with all applicable waste reduction goals and regulations. The Project would be served by the City's franchised waste hauler, Republic Services, in compliance with the applicable standards governing solid wastes and recyclables, and would comply with all applicable waste reduction goals and regulations. During the construction phase, construction debris are required to be recycled or otherwise diverted from the landfill. When in operation, the facility would be required to maintain waste containers for recycling. Therefore, the project would have a less than significant impact with respect to solid waste standards and reduction goals and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

e) Comply with federal, state, and local management and reduction 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 solid wastes and recyclables, and would comply with all applicable waste reduction goals and regulations. Therefore the project would have a less than significant impact with respect to solid waste and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

References

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1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?	☐ Yes		☒ No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

1.20.1 Environmental Setting

There is a risk of wildfire in Fremont due to the interface of residential and open space land uses. Wildfire risk is greatest adjacent to the open space frame of the City, and becomes less significant towards the interior of the City. The project site is an infill site that is surrounded by urbanized land uses. There is open space to the east of the project site, on the opposite side of I-680, which is a part of existing single-family residential housing developments. The undeveloped project site is currently disked to control fire risk.

Regulatory Setting

The City's Disaster Management Operations Plan (DMOP) provides policies and procedures for an evacuation, dispersal, or relocation of people from hazardous areas during natural disasters, including wildfires. The DMOP was developed in compliance with State requirements and also meets the requirements of the Federal Emergency Management Agency, as the City's local hazard mitigation plan. The DMOP specifies multiple evacuation routes that may be utilized in the event of a natural disaster depending on the type and location of the emergency.

The City of Fremont recently adopted an Emergency Operations Plan (EOP) (City of Fremont 2019) which outlines the framework used by the City should a natural disaster, including a wildfire, occur. Specifically, it provides guidance for personnel assigned to emergency management by delineating the strategic, operational, and tactical initiatives employed by the City in response to an emergency. The EOP assigns authority and responsibility, outlines coordination efforts and communications systems, and identifies and provides the location of predesignated emergency facilities, and resources. The Fire Department is currently working on a City of

Fremont Hillside Evacuation Plan and is partnering with neighboring county agencies to collaborate on countywide evacuation planning. The City's Local Hazard Mitigation Plan (City of Fremont 2016) includes risk mitigation plans and strategies pertinent to relevant local hazards including natural disasters such as flooding, earthquakes, landslides, and wildfire. The plan also identifies key facilities, such as schools, hospitals, and utility infrastructure, which may be especially vulnerable in a disaster scenario.

In order to address local wildfire risk, the City of Fremont has adopted a Wildland Urban Interface Ordinance that designates areas of the City as Very High Fire Hazard Severity Zones, even if they are not designated as Fire Hazard Areas on state maps. The Very High Fire Hazard Severity Zone generally includes lands to the east of Mission Boulevard in north Fremont and to the east of I-680 in South Fremont. As previously mentioned, the project site is not located within a City-designated Very High Fire Hazard Severity Zone. The project site is served by the Fremont Fire Department.

1.20.2 Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project is an infill development located outside the Fire Hazard Severity Zone identified in the General Plan Safety Element's Fire Hazard Severity Zones map. Project development would occur entirely on private property and thus not alter any or infringe upon any emergency response or evacuation routes. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None required

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The Project site is not among the areas of the City at risk for wildfire, as it lacks rugged or sloping terrain, flammable vegetation, or limited access. It is thus not susceptible to the uncontrolled spread of a wildfire. Future Project occupants could potentially be subject to a wildfire-related decrease in air quality. These impacts would likely be regional and not be limited to only Project site occupants, and the duration of wildfire-related air quality impacts would be temporary. A less than significant impact would thus occur.

Potential Impact: Less than Significant
Mitigation: None required

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Given the site's distance from areas of wildfire risk and the degree to which the site would be covered with impervious surfaces or landscaped areas that would be regularly maintained and subject to automatic irrigation, the Project would not necessitate wildfire prevention/suppression design or infrastructure. No impact would result.

Potential Impact: No Impact
Mitigation: None required

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project site is located outside the City's mapped Fire Hazard Severity Zone and therefore faces minimal risk for wildfire or risks associated with post-wildfire conditions and hazards. Impacts would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

References

1. City of Fremont, 2011. City of Fremont General Plan. Safety Element. Adopted December 2011. Available: https://fremont.gov/generalplan.

2. City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/.

3. City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc.

4. Chang Architecture, JMH Weiss Civil Engineering, & CALA Associates Landscape Architect, 2020. Project Plans. Prepared for the City of Fremont.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, 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.)	☐	☐	☒	☐
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

1.21.1 Discussion

a) Does the project have the potential to substantially 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, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?

While the project site is currently undeveloped, the site is characterized by an urban setting, and is entirely surrounded by similar industrial development. A biological resources survey found no endangered, rare, or threatened species on the project site and the site does not serve as habitat for a significant wildlife population. The project site does not contain any historical or prehistoric cultural resources. Therefore, the proposed project would have a less than significant impact and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

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.)

The proposed project would not result in a cumulatively considerable net increase of environmental impacts. Because of the urban, built-up nature of the project site and the surrounding area, there is no potential for any cumulative considerable impacts related to agriculture, biological resources, historic resource, hydrology, land use, or minerals.

The project would be required to comply with the California Building Code standards, NPDES C.3 provisions and standard erosion control measures. Therefore, the project would not result in cumulatively considerable impacts associated with geology, soils, seismicity or water quality.

The project does involve the use of hazardous materials, and there is the potential for other future development projects in the industrial area to involve the use, handling and disposal of hazardous materials. The project, as well as all other cumulative industrial development is required to comply with all applicable hazardous materials handling and storage requirements to minimize associated cumulative risks, and protect risk to public health and safety.

The project, and other cumulative development in the City will incrementally increase demands for fire protection, police protection, schools, libraries, parks, trails and other recreational facilities. All cumulative development will be required to provide development impact fees to finance capital improvements to these facilities, and to maintain acceptable service ratios and performance standards. Therefore, the proposed project would have a less than significant impact and no mitigation is required.

Potential Impact: Less than significant.
Mitigation: None required.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Mitigation measures designed to minimize project and construction related environmental effects on air quality are listed in previous sections of this Initial Study. No significant operational impacts related to the project are anticipated. Any potential short-term increases in potential effects to the environment during construction or use would be reduced to a less than significant level by existing regulations and mitigation measures, as described throughout the Initial Study. Therefore the proposed project would have a less than significant impact and with mitigation measure AQ-1 incorporated.

Potential Impact: Less than significant with mitigation incorporated
Mitigation: AQ-1 and NOI-1

Authority for the Environmental Checklist: Public Resources Code Sections 21083, 21083.5.

Reference: Government Code Sections 65088.4.
Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.