INITIAL STUDY/
NEGATIVE DECLARATION

PALISADE FREMONT BOULEVARD PROJECT
(PLN2024-00080)

FREMONT, CALIFORNIA

LSA

November 2024

This page intentionally left blank

INITIAL STUDY/
NEGATIVE DECLARATION

PALISADE FREMONT BOULEVARD PROJECT
(PLN2024-00080)

FREMONT, CALIFORNIA

Submitted to:

James Willis, Senior Planner
City of Fremont
Community Development Department
39550 Liberty Street
Fremont, California 94538

Prepared by:

LSA
157 Park Place
Point Richmond, California 94801
(510) 236-6810

Project No. CFR2002.06

November 2024

This page intentionally left blank

TABLE OF CONTENTS

APPENDICES

A. AIR QUALITY, GREENHOUSE GAS, AND ENERGY TECHNICAL REPORT
B. BIOLOGICAL RESOURCES REPORT
C. CULTURAL RESOURCES SURVEY REPORT
D. GEOTECHNICAL INVESTIGATION
E. PHASE I ENVIRONMENTAL SITE ASSESSMENT
F. TRANSPORTATION IMPACT ANALYSIS

FIGURES AND TABLES

FIGURES

TABLES

This page intentionally left blank

LIST OF ABBREVIATIONS AND ACRONYMS

µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACE	Altamont Commuter Express
ACFC	Alameda County Flood Control and Water Conservation District
ACMs	asbestos-containing materials
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
ADT	average daily trips
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
AMSD	approximate minimum search distance
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan	Water Quality Control Plan
BMP	best management practice
C-R	Regional Commercial
CA SWEEPS UST	Statewide Environmental Evaluation and Planning System
CA/T	Central Artery/Tunnel
CAL FIRE	California Department of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
Cal/OSHA	California Occupational Safety and Health Administration

CAL-ARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
CALGreen Code	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERS	California Environments Reporting System
CGP	Construction General Permit
CGS	California Geological Survey
CH_4	methane
CHRIS	California Historical Resources Information System
City	City of Fremont
Clean Air Plan	BAAQMD's 2017 Clean Air Plan
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
County	County of Alameda
CPT	Cone Penetration Test
C-R	Regional Commercial
CRPR	California Rare Plant Rank

CTC	Alameda County Transportation Commission
CUPA	Certified Unified Program Agency
CWA	federal Clean Water Act
dB	decibel(s)
dBA	A-weighted decibel(s)
DBH	diameter at breast height
DDT	dichlorodiphenyltrichloroethane
DIR	Department of Industrial Relations
DOC	California Department of Conservation
DOSH	Division of Occupational Safety and Health
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
DWR	California Department of Water Resources
ESA	Environmental Site Assessment
EV	electric vehicle
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMC	City of Fremont Municipal Code
FUSD	Fremont Unified School District
g	gravitational force equivalent
GHG	greenhouse gas
GIS	geographic information system
GRH	Guaranteed Ride Home
GSAs	Groundwater Sustainability Agencies

GWh	gigawatt-hour
GWP	Global Warming Potential
HASP	Health and Safety Plan
HazMat	Hazardous Materials
HAZNET	Hazardous Waste Information System
HFCs	hydrofluorocarbons
HMBP	Hazardous Materials Business Plan
HMMP	Hazardous Materials Management Plan
HP	horsepower
HREC	Historical Recognized Environmental Condition
HSWA	Hazardous and Solid Waste Amendments
HVAC	heating, ventilation, and air conditioning
HWTS	Hazardous Waste Tracking System
I-680	Interstate 680
I-880	Interstate 880
I-G	Industrial General
I-S	Service Industrial
I-T	Tech Industrial
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
kWh	kilowatt-hour
L_{dn}	day-night average noise level
L_{eq}	equivalent continuous sound level
LID	Low Impact Development

L_{max}	maximum instantaneous noise level
LOS	level of service
LRA	Local Responsibility Area
LUST	Leaking Underground Fuel Tank
MEI	maximally exposed individual
mpg	miles per gallon
MRP	Water Board's Municipal Regional Stormwater NPDES Permit
MTC	Metropolitan Transportation Commission
Mw	moment magnitude
N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NESHAPs	National Emissions Standards for Hazardous Air Pollutants
NFA	No Further Action
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PCBs	polychlorinated biphenyls
PCE	passenger car equivalent
PFCs	perfluorocarbons
PGA_m	peak ground acceleration
PG&E	Pacific Gas & Electric Company
Phase I ESA	Phase I Environmental Site Assessment
PM_{10}	particulate matter less than 10 microns in size

$PM_{2.5}$	particulate matter less than 2.5 microns in size
POTWs	publicly owned treatment works
PRC	California Public Resources Code
project	Palisade Fremont Boulevard Project
RCRA	Resource Conservation and Recovery Act
RCRA LQ HW	RCRA Large Quantity Hazardous Waste
RCRA NonGEN/NLR	RCRA Non Generators/No Longer Regulated
REC	recognized environmental condition
RMP	Risk Management Plan
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCP	Stormwater Control Plan
SDSs	Safety Data Sheets
SF_6	sulfur hexafluoride
SFPUC RWS	San Francisco Public Utilities Commission Regional Water System
SGMA	Sustainable Groundwater Management Act
SJC	Norman Y. Mineta San Jose International Airport
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SO_2	sulfur dioxide
Solano Permittees	Solano Stormwater Alliance
SP117A	Special Publication 117A
SUV	sport utility vehicle

SWP	State Water Project
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
SWF/LS	Solid Waste Facilities/Landfill Sites
TACs	toxic air contaminants
TDM	Transportation Demand Management
TMDL	Total Maximum Daily Load
TSDF	treatment, storage, and disposal facility
USD	Union Sanitary District
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
Water Board	San Francisco Bay Regional Water Quality Control Board
WUI	Wildland Urban Interface

This page intentionally left blank

1.0 PROJECT INFORMATION

1. **Project Title:**

   Palisade Fremont Boulevard Project
   (PLN2024-00080)

2. **Lead Agency Name and Address:**

   City of Fremont
   Community Development Department
   39550 Liberty Street
   Fremont, California 94538

3. **Contact Person and Phone Number:**

   James Willis, Associate Planner
   Phone: (510) 494-4449

4. **Project Location:**

   43990 Fremont Boulevard
   Fremont, California 94538

5. **Project Sponsor's Name and Address:**

   North Palisade Manager, LLC
   1330 Factory Place Suite 105
   Los Angeles, California 90013

6. **General Plan Designation:**

   Regional Commercial (C-R)

7. **Zoning:**

   Regional Commercial

8. **Description of Project:**

   The proposed project would include the demolition of the existing building on the project site and the construction of an approximately 70,000-square-foot industrial warehouse building. See Chapter 2.0, Project Description, of this Initial Study for a full description of the project.

9. **Surrounding Land Uses and Setting:**

   The project site is surrounded by urban development, bordered by Fremont Boulevard to the west, a retailer and parking lot to the east, and industrial development to the north and south. General Plan land use designations surrounding the project site include Open Space – Resource Conservation/Public to the immediate north, beyond which is the nearest residential neighborhood (designated low-density), approximately one-third mile to the north; Regional

Commercial to the east; General Industrial to the south and southwest; and Service Industrial to the west.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):

Alameda County Water District, Union Sanitary District.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The proposed project would require a General Plan Amendment and Rezoning from Regional Commercial to Tech Industrial (I-T) and is therefore subject to Senate Bill (SB) 18 in addition to Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1). Consultation efforts conducted under SB 18 and AB 52 are described below.

Senate Bill 18

The project applicant submitted a development application on December 5, 2023 (City of Fremont File No. PLN2024-00080). The City subsequently sent a Consultation Request Form to the Native American Heritage Commission (NAHC) on April 22, 2024. On April 23, 2024, the NAHC responded to the City's request with a consultation list and a letter indicating that a Sacred Lands File (SLF) check for the project site was positive. The NAHC copied representatives of the Ohlone Indian and the North Valley Yokuts tribes on the email response.

On April 26, 2024, the City sent formal notices of the opportunity to consult under SB 18 to the 20 tribal representatives from California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site, as identified by the NAHC. The letters were sent via email, with one letter sent via USPS when the email was marked as undeliverable.

The City received one response to the consultation requests:

- On April 30, 2024, representatives from the Confederated Villages of Lisjan Nation requested consultation via a meeting with the City. The meeting took place June 5, 2024. Representatives requested implementation of recommendations made in the Cultural Resources Memorandum prepared for the proposed project, and requested copies of final CEQA documents. Consultation was concluded at this meeting.

Assembly Bill 52

California Native American tribes traditionally and culturally affiliated with the project site and area were notified by letter of the proposed project and opportunity to consult under AB 52 on June 11, 2024. The City received one response to the consultation requests:

- On June 29, 2024, Katherine Perez of the North Valley Yokuts tribe requested a meeting with the City via email. Project Planner James Willis and Katherine Perez met on August 14,

2024. During the meeting, Ms. Perez indicated she was satisfied with the peer reviewed cultural resources study for the project as well as the City's cultural resources protections per the standard development requirements contained in Fremont Municipal Code (FMC) 18.218. At the end of the meeting, Ms. Perez indicated that consultation was concluded.

The City did not receive any other requests for consultation during the 30-day notification period. Therefore, the City considers the AB 52 consultation process to be concluded.

This page intentionally left blank

2.0 PROJECT DESCRIPTION

The following describes the proposed Palisade Fremont Boulevard Project (project) that is the subject of this Initial Study (IS) prepared pursuant to CEQA. The proposed project would include the demolition of the existing building on the project site and the construction of an approximately 70,000-square-foot industrial warehouse building, as described in more detail below. The City is the lead agency for review of the proposed project under CEQA.

2.1 PROJECT SITE

The following section describes the project location, existing conditions, surrounding land uses, and regulatory setting.

2.1.1 Project Location

The 4.2-acre project site is located at 43990 Fremont Boulevard in Fremont, Alameda County (APNs 525-1390-009-00 and 525-1390-010-00). The project site is surrounded by Ice House Terrace to the north, commercial uses to the east, industrial uses to the south, and Fremont Boulevard to the west. The site is bounded on the south by a flood control channel.

Regional vehicular access to the project site is provided by Interstate 680 (I-680), located east of the project site, and Interstate 880 (I-880), located west of the project site. The closest I-680 on- and off-ramps to the project site are located along Auto Mall Parkway, approximately 0.75 mile to the east. The closest I-880 on- and off-ramps to the project site are located along Auto Mall Parkway, approximately 1 mile to the west. Bus stops along Auto Mall Parkway, Osgood Road, and S Grimmer Boulevard provide transit service to the project site. The Warm Springs Bay Area Rapid Transit (BART) station is located approximately 0.8 mile to the southeast of the project site. Figure 2-1 shows the regional and local context of the project site. Figure 2-2 depicts an aerial photograph of the project site and surrounding land uses (see Section 2.1.3).

2.1.2 Existing Conditions

The western portion of the project site, fronting Fremont Boulevard, is currently developed with a vacant one-story, 5,000-square-foot commercial office building previously occupied by the headquarters of a precooling business**.** Existing access to the site is provided by one driveway from Ice House Terrace. The driveway provides access around the existing building to a small asphalt surface parking lot at the southwestern portion of the project site. The eastern area of the project site is an open field. The project site is relatively flat, with gradual grade changes ranging between 26 and 28 feet above sea level. There are approximately 54 existing mature trees on the project site.

An existing 10-foot-wide public utility easement curves through the project site, running north-south from Ice House Terrace behind the existing building and turning east-west along the southern perimeter of the project site. An existing 15-foot-wide waterline easement, a 15-foot-wide water pipeline easement, and a 10-foot-wide gas easement are all located along the southern border of the project site running east-west. Additionally, there are three 10-foot-wide water distribution easements near the existing building: one runs north-south and crosses the public utility easement

This page intentionally left blank

Figure 2-1: Project Location and Regional Vicinity

This page intentionally left blank

Figure 2-2: Aerial View of Project Site and Surrounding Land Uses

This page intentionally left blank

as it enters the project site from Ice House Terrace; the second runs north-south and enters the project site from Ice House Terrace to the east of the first water distribution easement; and the third is located where the public utility easement turns from primarily north-south along the west of the project site to east-west.

2.1.3 Surrounding Land Uses

General Plan land use designations surrounding the project site include Open Space – Resource Conservation/Public to the immediate north, beyond which is the nearest residential neighborhood (designated low density), approximately one-third mile to the north; Regional Commercial to the east; General Industrial to the south and southwest; and Service Industrial to the west.

Two flood control channels are located in the vicinity of the project site. One channel is located on the other side of Fremont Boulevard to the west of the site. The other channel is concrete-lined and is located along the southern border of the site. These flood control channels are part of the Laguna Creek watershed and are managed by the Alameda County Flood Control and Water Conservation District (ACFC). They receive inputs from multiple creeks, including Canada del Aliso, Sabercat, and Washington creeks, before eventually draining into Mud Slough and San Francisco Bay.[1]

2.1.4 Land Use and Zoning Designations

The City of Fremont General Plan designates the land use at the proposed project site as Regional Commercial (C-R). The project site is also zoned Regional Commercial. Regional Commercial areas include large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. Uses include furniture and electronic stores, auto dealerships, home improvement stores, department stores, and other “big box” retailers. A permitted floor area ratio (FAR) of 0.30 applies.

2.2 PROPOSED PROJECT

The proposed project would include the demolition of the existing building on the project site and the construction of an approximately 70,000-square-foot industrial warehouse building that would include development of office and warehouse/manufacturing space, 107 surface parking spaces, 18 bicycle parking spaces, and seven loading dock doors. The proposed building would be approximately 40 feet in height. Although there is no tenant identified for the proposed project, it is assumed that the proposed building would be consistent with Tech Industrial use. The site would also be subject to a General Plan Amendment and rezoning to allow the proposed uses. Figure 2-3 depicts the conceptual site plan, and conceptual building elevations are shown on Figure 2-4. The conceptual landscaping plan is depicted on Figure 2-5. Individual project components are described below.

[1] Alameda County Flood Control & Water Conservation District (ACFC). 2022. Laguna Creek Watershed. Website: https://acfloodcontrol.org/the-work-we-do/resources/laguna-creek-watershed/ (accessed March 21, 2024).

This page intentionally left blank

Figure 2-3: Conceptual Site Plan

This page intentionally left blank

Figure 2-4: Conceptual Building Elevations

This page intentionally left blank

Figure 2-5: Conceptual Landscaping Plan

This page intentionally left blank

2.2.1 General Plan Amendment and Rezoning

The project site is currently designated Regional Commercial in the City of Fremont General Plan and is within the Regional Commercial (C-R) zoning district. The proposed project would require a General Plan Amendment and Rezoning to the Tech Industrial (I-T) designation, which provides areas devoted to research and development activities; "clean and green" technology; semiconductor, computer hardware, software, and related technology; administrative sales; and engineering facilities. Within this district, certain hazardous material uses, and manufacturing and/or the storage of particularly large sizes/quantities of hazardous materials are regulated to minimize potential for off-site impacts. Within this area, only certain nonsensitive assembly, business service, and nonsensitive recreational uses may be permitted due to uses that handle hazardous materials. The I-T district is characterized by superior architectural and landscaping treatment and site planning. A permitted FAR of 0.35 applies, except for general warehouse and manufacturing uses, which have a permitted FAR of 0.45. The proposed project would fall into the latter category, as it would be marketed for general warehouse and manufacturing uses. Therefore, the proposed FAR of 0.38 would not require a FAR increase.

2.2.2 Building Program and Operations

The proposed project consists of a single-story, approximately 40-foot-tall (44 feet, including parapets) industrial warehouse building that would provide office space and loading docks. The maximum office space would be approximately 4,990 square feet and the warehouse space would be approximately 64,882 square feet, for a total of approximately 69,872 square feet of use. A total of seven loading docks would be located along the south face of the building.

While there is no tenant currently identified for the proposed project, it is assumed that uses within the proposed building would consist of a combination of "clean and green" technology, advanced manufacturing, or small-scale distribution, among other related uses.

2.2.3 Lighting

All existing street lighting would remain intact. There would be 24 light fixtures affixed to the exterior of the building. Additionally, six light fixtures would be placed around the parking lot.

2.2.4 Landscaping

The proposed project would include approximately 21,186 square feet of new landscaped area across the project site. A total of 50 trees would be planted as part of the proposed project. All proposed landscaping would be drought tolerant and therefore very low or low in water demand. Additionally, the proposed project would include four landscaped bioretention basins and two flow-through planters, which would be a total of approximately 7,591 square feet.

2.2.5 Access, Circulation, and Parking

Existing vehicular access points along Ice House Terrace would be closed off, and access to the site would be provided through one right-in/right-out-only driveway on Fremont Boulevard and two full-access driveways on Ice House Terrace, which is shared with the adjacent parcel. In addition, the project can also be accessed through a driveway on Hugo Terrace via the adjacent parcel to the east.

The site would have internal vehicular circulation around the east and south of the proposed building. This would be constructed to the City of Fremont Fire Department standards. The newly constructed driveways would allow two-way travel and would be 26 feet in width.

The proposed project would provide the number of vehicle and bicycle parking spaces required by the City of Fremont Municipal Code (FMC), including 107 employee/visitor parking spaces. Of these, 8 would be Americans with Disabilities Act (ADA) compliant, 38 would be compact spaces, 7 would be standard spaces, 28 would be electric vehicle (EV) ready spaces equipped with chargers, and 26 would be EV-capable spaces, equipped with electrical conduit and circuits for potential future charger installation. The project would also provide 6 motorcycle parking spaces. A total of 17 (10 short-term and 7 long-term)[2] bicycle parking spaces would be provided adjacent to the parking area north of the proposed building. Six motorcycle and 16 bicycle spaces would be provided as replacement for five standard vehicle parking spaces.

Existing sidewalks along both Fremont Boulevard and Ice House Terrace would be updated as needed to meet current City standards.

2.2.6 Utilities and Infrastructure

The project site is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, natural gas, telecommunications, and fiber-optic infrastructure. All fiber-optic and telephone phones, boxes, and lines would be preserved in place. Other existing and proposed utility connections are discussed below.

2.2.6.1 Water

Water service for the proposed project would be provided by the Alameda County Water District (ACWD). The proposed project would include the installation of a new 1-inch irrigation pipe and a new 2-inch water pipe, with a water meter and back flow prevention device for each, on the north side of the proposed building. The new water lines would connect to the existing 12-inch water main located in Ice House Terrace. In addition, a 12-inch water line would be installed through the driveway along the southern perimeter of the project site. This water line would supply several fire service lines and fire hydrants along the driveways to the south and east of the proposed structure.

2.2.6.2 Wastewater

Sanitary sewer service for the proposed project would be provided by the Union Sanitary District. A 6-inch sanitary sewer pipe would be installed in the driveway east of the proposed building and would drain north into the existing 8-inch sanitary sewer pipe in Ice House Terrace.

[2] Fremont Municipal Code Section 18.25.325 defines long-term bicycle parking as "bicycle lockers or similar facilities protected from the weather designed to serve people who leave their bikes for longer periods of times such as commuters and transit users." Fremont Municipal Code Section 18.25.326 defines short-term bicycle parking as "bicycle racks designed to serve people who leave their bikes for relatively short periods of time, typically for shopping, errands, eating or recreation."

2.2.6.3 Stormwater

The following discussion relies on the *Stormwater Quality Control Plan*[3] prepared for the proposed project. The existing structure, paving, concrete, and other impervious surfaces account for approximately 1.13 acres of the 4.2-acre site. Under existing conditions, the remaining 2.76 acres on the project site are covered by pervious surface consisting primarily of gravel, grasses, and dirt.

Stormwater collection under existing conditions travels via a catch basin in the eastern portion of the site through a 12-inch storm drain line to the existing public 18-inch storm drain line in Ice House Terrace. In the southern portion of the site, a catch basin collects stormwater, which drains via an 18-inch storm drain line to the public storm drain line in Fremont Boulevard. Around the existing building, storm drain inlets drain to the 28-inch public storm drain line that runs along Fremont Boulevard. The existing drain inlets, catch basins, and storm drain lines would be removed before construction of the proposed project.

Upon construction of the proposed project, approximately 3.34 acres (80.12 percent) of the project site would be covered by impervious surfaces. The remaining surface area would be covered in pervious landscaped surfaces. The proposed project would include curb slots from paved areas to direct stormwater to bioretention areas. Roof drains along the north and south of the proposed structure would direct stormwater runoff through 8- to 12-inch storm drain pipes to biotreatment ponds along the north, east, and west property lines. Valley gutters would be installed along paved driveway areas to direct stormwater runoff from paved areas to biotreatment ponds. The bioretention ponds would collect and treat stormwater before discharging into existing City storm drain lines. In the north area of the property, along Ice House Terrace, bioretention areas would drain via storm drain catch basins and storm drain lines to an existing 18-inch storm drain line across Ice House Terrace, which then drains to the 24-inch public storm drain line in Ice House Terrace. Bioretention areas along the south half of the property would drain via storm drain catch basins and storm drain lines to the existing 28-inch public storm drain system along Fremont Boulevard, and a new stormwater maintenance hole would be installed in the southwest corner of the property.

2.2.6.4 Electricity and Gas

Electricity for the proposed project would be provided by Pacific Gas & Electric Company (PG&E). There would be no natural gas associated with operation of the proposed project. PG&E electric lines run north-south along Fremont Boulevard. An electric line crosses Fremont Boulevard at the northwest corner of the property line to travel east-west along Ice House Terrace. An electric box is located in the northwest corner of the property along Ice House Terrace, as are a traffic signal pole and two traffic signal boxes. The electric line along Fremont Boulevard turns east at the southwest corner of the property line, and several electric vaults, a traffic signal box, and a utility box are located in the southwest corner of the property. The proposed project would preserve the electric vaults, lines, and boxes in place. A pump room and electrical room would be located in the southwest corner of the proposed building, with a transformer immediately south of the electrical room outside of the building's footprint.

[3] North Palisade Partners. 2022. *43990 Fremont Blvd Stormwater Quality Control Plan.* April 22.

2.2.7 Demolition and Construction

As noted above, the proposed project would result in the demolition of the existing buildings and adjacent surface pavements on the project site. Cuts and fills up to about 2 to 5 feet from the existing grade are expected for site grading and loading dock construction. The maximum depth of utility trenching would be approximately 6 feet. It is anticipated that a total of 100 cubic yards of cut would be exported from the site. Construction of the proposed project is anticipated to begin in 2025 and would occur over an approximately 11-month period.

2.3 PROJECT APPROVALS

While the City is the CEQA Lead Agency for the proposed project, other agencies also have discretionary or other regulatory authority related to the project and approvals or serve as a responsible and/or trustee agency in connection to the proposed project. A list of these agencies and potential permits and approvals that may be required is provided in Table 2.A.

Table 2.A: Potential Permits and Approvals

Agency	Permits/Approvals
City of Fremont	• Adoption of the Initial Study/Negative Declaration for the Palisade Fremont Boulevard Project • Rezoning from Regional Commercial to Tech Industrial • General Plan Amendment from Regional Commercial to Tech Industrial • Discretionary Design Review
City of Fremont Fire Department	• Review/approve fire truck access and site fire flow design
Alameda County Water District	• Connection to water system
Union Sanitary District	• Connection to sanitary sewer system
City of Fremont Building Division	• Issuance of building permits
City of Fremont Public Works Department	• Encroachment Permit for utility and street improvement work within the public right-of-way • Grading Permit • Emergency Vehicle Access Easement Vacation

Source: LSA (2024).

2.3.1 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), cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources), geology and soils (seismic-related effects), hazardous materials (accidental release), and noise (construction-related noise). The proposed project would be required to comply with these standard development requirements which are uniformly applied as conditions of approval to all development projects. The applicable standard development requirements are listed in Table 2.B, below, and discussed in the relevant topical sections of this document.

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
Air Quality	18.218.050(a)(1)	**Construction Related Emissions.** The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions: a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily. b. All haul trucks transporting soil, sand, or other loose material off site shall be covered. c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. h. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
	18.218.050(a)(2)	**Construction Related Emissions – Supplemental Measures**. The following supplemental construction measures, as periodically amended by BAAQMD, are required for all proposed development projects that would exceed the thresholds of significance for construction criteria air pollutant and precursors provided in the most recent BAAQMD CEQA Guidelines: a. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. b. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. c. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. d. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. e. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the total area of surfaces disturbed at any one time. f. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. g. Site accesses to a distance of 100 feet from the paved road shall be treated

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
		with a six- to 12-inch compacted layer of wood chips, mulch, or gravel. h. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. i. Idling time of diesel-powered construction equipment shall be limited to two minutes. j. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet-average 20 percent nitrogen oxide (NOx) reduction and 45 percent particulate matter (PM) reduction compared to the most recent Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. k. Low volatile organic compound (i.e., reactive organic gas) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings) shall be used. l. All construction equipment, diesel trucks, and generators shall be equipped with best available control technology for emission reductions of NOx and PM. m. All contractors shall use equipment that meets the Air Resources Board's most recent certification standard for off-road heavy-duty diesel engines.
Biological, Special-Status Species	18.218.050(b)(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.

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
	18.218.050(b)(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.
	18.218.050(b)(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.
	18.218.050(b)(4)	**California Tiger Salamander.** New development projects with the potential to impact California tiger salamander habitat through grading, demolition, and/or new construction shall implement the following measures prior to any grubbing, grading, or ground disturbing activities: a. Exclusion fencing shall be installed around the perimeter of the two fields to deter tiger salamanders from accessing the fields. The fencing should be regularly maintained, especially during the rainy season when salamanders could traverse onto the fields. b. A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the two fields. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted. c. A qualified biologist shall monitor initial grubbing and grading activities to

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
		ensure no California tiger salamanders are present.
Construction Management Plan	18.218.050(c)	Prior to the issuance of the first construction-related permit for a new development project, the project applicant and his/her general contractor shall submit a construction management plan (CMP) for review and approval by the planning and building divisions and other relevant city departments, such as the fire department and the public works department, as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, erosion and sedimentation control, storm water pollution prevention, noise control, complaint management, and cultural and tribal cultural resource management as applicable. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.
Cultural and Tribal Resources	18.218.050(d)(1)	**Notification, Affiliated California Native American Tribes. Within** 14 days of determining that an application for a project is complete or a decision by the city is made to undertake a project, 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 Cal. Pub. Res. Code § 64352.4.
	18.218.050(d)(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,

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
		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."
	18.218.050(d)(3)	**Archaeological Monitoring.** New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities: a. An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.
	18.218.050(d)(4)	**Tribal Cultural Monitoring and Training**. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
		shall be borne by the project proponent.
Geology and Soils	18.218.050(e)	New development projects with the potential to expose people or structures to substantial adverse effects, including the risk of loss, injury, or death due to seismic activity and potential seismic-related ground shaking including liquefaction, if so determined by a site-specific geotechnical study prepared to the satisfaction of the city engineer or his/her designee, shall implement the following measures prior to or during project construction, as applicable. a. The project geotechnical consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of any undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the city engineer prior to issuance of building permits for the project. b. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project geotechnical consultant in a letter and submitted to the city building official/city engineer for review prior to final (as-built) project approval. To further address and reduce impacts related to potential seismic activity and liquefaction, all grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the California Building Code (CBC), as adopted by the city.
Hazardous Materials	18.218.050(f)	New development projects with the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, if so determined by a site-specific environmental site assessment prepared to the satisfaction of the fire marshal or planning manager, shall implement the following measures prior to or during project construction, as applicable: a. A soil management plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or recognized environmental condition (REC) concentrations above the applicable screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment or similar document provided by DTSC. Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), city of Fremont fire department, California Department

Table 2.B: Applicable City of Fremont Standard Development Requirements

Environmental Topic	FMC Section	Standard Development Requirement
		of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the city of Fremont community development department. Compliance with this mitigation may require the applicant or their agent to complete a preliminary endangerment report, voluntary cleanup agreement or other documentation as determined by the appropriate agency and receive concurrence that the site's RECs have been resolved.
Noise	18.218.050(g)	**Construction 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. (E) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors. f. (F) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines. g. (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. h. (H) Temporary noise barriers, such as solid plywood fences, shall be installed around construction sites adjacent to operational businesses, residences or noise-sensitive land uses, unless an existing wall or other barrier provides equivalent noise attenuation. (Ord. 27-2016 § 37, 12-6-16; Ord. 23-2018 § 41, 10-2-18; Ord. 05-2021 § 52, 4-20-21.)

This page intentionally left blank

3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 3.0.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials
☐ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☐ Noise	☐ Population/Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

3.1 DETERMINATION

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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date _____

This page intentionally left blank

4.0 CEQA ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, 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 a publicly accessible vantage point.) 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?	☐	☐	☒	☐

4.1.1 Impact Analysis

a. Would the project have a substantial effect on a scenic vista?

The Fremont General Plan identifies views of the East Bay hills as scenic resources for neighborhoods and commercial centers.[4] Views to the hills are present across the project site and are somewhat obstructed by the existing building, trees, and the commercial center immediately east of the project site. Views toward the East Bay hills for travelers on Fremont Boulevard adjacent to the project site are currently obstructed by the existing building and trees. Therefore, although implementation of the proposed project would result in a taller building on the site, the project would not introduce new obstructions of an existing scenic vista.

Additionally, the General Plan identifies the BART line, located approximately 1,000 feet from the eastern site boundary, as a scenic corridor.[5] Views to the East Bay hills from the BART corridor would not be obstructed by implementation of the proposed project, as the BART corridor lies east of the proposed project. Moreover, the BART corridor passes through the project area only slightly above grade on a berm, so that views of the project site from the BART corridor would be largely

[4] City of Fremont. 2011a. "Chapter 4: Community Character Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/781/637750630790930000 (accessed December 23, 2022).

[5] City of Fremont. 2011e. "Community Character Map: Scenic Routes and City Gateways." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/9180/637879756043600000 (accessed December 23, 2022).

obstructed by the existing commercial center located immediately east of the project site, between the BART corridor and the project site.

Development of the proposed project would not substantially obscure any other scenic vistas from surrounding public vantage points or corridors, such as trails, city gateways, or designated viewing areas, as none are located within the vicinity of the project site. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and this impact would be **less than significant**.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

According to the California Department of Transportation's (Caltrans) State Scenic Highway Program, the portion of I-680 in the vicinity of the proposed project is eligible to be designated a State Scenic Highway.[6] The interstate is approximately 0.5 mile east of the eastern border of the project site and is at grade through the project vicinity. Due to the intervening distance, existing development, and landscaping, the project site is not visible from this section of highway. Additionally, the proposed project would be generally consistent with the character of the existing industrial and commercial area in which it is located. Implementation of the proposed project would have a **less than significant impact** on views from a State Scenic Highway.

c. In non-urbanized areas, would the project 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 a publicly accessible vantage point.) 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 I-680, which is approximately 0.5 mile east of the eastern border of the project site. Land use designations to the immediate west and south of the project site are Industrial Service (I-S) and Industrial General (I-G), respectively. The City of Fremont General Plan designates the land use and zoning at the proposed project site, as well as immediately north and immediately west of the project site, as Regional Commercial (C-R). Regional Commercial areas include large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. Uses include furniture and electronic stores, auto dealerships, home improvement stores, department stores, and other "big box" retailers. A permitted FAR of 0.30 and a building height of 40 feet apply. [7]

The proposed project would result in the construction of a single-story warehouse, approximately 40 feet tall from ground to roof plane (44 feet including parapets). While the proposed project

[6] California Department of Transportation (Caltrans). 2019. "California State Scenic Highway System Map." Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa (accessed December 23, 2022).

[7] City of Fremont. 2022e. Fremont Municipal Code Chapter 18.45: Commercial and Mixed-Use Districts. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1845.html (accessed December 12, 2022).

would require a General Plan Amendment rezoning to the Tech Industrial (I-T) designation, approval of an increase in FAR (from 0.35 to 0.38), and building height allowances (as described in Sections 2.2.1, Project Description, and 4.11, Land Use and Planning, of this document), the proposed building would be similar in bulk, scale, and potential use to other buildings in the area. Proposed approvals, including a zoning modification to allow for additional FAR and parapet height, would be reviewed by the City for consistency with applicable regulations as part of the entitlement approval process. Therefore, the project would not conflict with applicable zoning or other regulations governing scenic quality, and impacts on visual character or quality would be **less than significant**.

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

The project is located in an urbanized area that is surrounded by existing sources of light, including streetlights and vehicle headlights, as well as exterior lighting and signage from commercial and industrial buildings in the vicinity. The proposed project would be located along Fremont Boulevard, which is designated a primary arterial roadway and is lined with streetlights in the median. Additionally, there are two existing street light poles along the northern project boundary on Ice House Terrace.

During construction of the proposed project, street lights would be preserved in place. Implementation of the proposed project would also include installation of exterior building lights and parking light poles.

The proposed project includes 24 light fixtures affixed to the exterior of the building and 6 light fixtures placed around the parking lot. These fixtures would comply with the City's development standards,[8] including configuration and placement of any lighting to prevent light spill or other objectionable visual impacts onto neighboring properties. The light and glare created by the project would be consistent with levels of light currently emitted at the site and by surrounding development. Therefore, the project would not create any new source of substantial light and glare. Impacts would be **less than significant**.

[8] City of Fremont. 2022h. Fremont Municipal Code Section 18.50.050(d): Development standards and requirements applicable to all industrial districts. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.050 (accessed December 12, 2022).

4.2 AGRICULTURE AND FORESTRY 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) prepared by the California Department of Conservation (DOC) 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 the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board (CARB).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

4.2.1 Impact Analysis

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

The project site is surrounded by urban development, and according to the DOC's 2018 Alameda County Farmland Map, [9] the project site and vicinity are classified as "Urban and Built-Up Land," and are not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the

[9] California Department of Conservation (DOC), Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2018. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/ (accessed December 13, 2022).

proposed project would have **no impact** related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Per the City of Fremont General Plan, the project site is zoned Regional Commercial (C-R). The project site is not zoned for agricultural use and is not under a Williamson Act contract, and there are no agriculturally zoned lands or existing Williamson Act contracts in the vicinity of the project site. Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and **no impact** would occur.

c. Would the project 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 project site is not zoned for forest land, timberland, or any other forestry resources, and there are no forestry resources in the vicinity of the project site. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor would it result in the loss of forest land or conversion of forest land to nonforest uses. **No impact** to forest land or timberland would occur.

d. Would the project result in the loss of forest land or conversion of forestland to non-forest use?

As stated in Section 4.2.c (above), the proposed project would not result in the loss of forest land or conversion of forest land to nonforest uses, and **no impact** to forest land would occur.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

As stated in Sections 4.2.a. and 4.2.c. (above), the project site is located in an existing urban/ commercial environment. Implementation of the proposed project would not involve any changes in the existing environment that, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to nonforest use. Therefore, **no impact** would occur.

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

The discussion and analysis provided below is based on the data included in the *Air Quality, Greenhouse Gas, and Energy Technical Report* prepared for the proposed project.[10]

The project site is located within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. In Fremont, as well as the rest of the San Francisco Bay Area Air Basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter less than 10 microns and 2.5 microns in size (PM_{10} and $PM_{2.5}$, respectively), and lead have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State nonattainment status for ozone and particulate matter standards. The BAAQMD is classified as nonattainment for the federal ozone 8-hour standard and nonattainment for the federal $PM_{2.5}$ 24-hour standard.

4.3.1 Impact Analysis

a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The applicable air quality plan is the BAAQMD 2017 Clean Air Plan (Clean Air Plan), which was adopted on April 19, 2017. The Clean Air Plan is a comprehensive plan to improve Bay Area air

[10] ESA. 2024. *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report*. July.

quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest heath risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas (GHG) emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Clean Air Plan Goals. The primary goals of the Bay Area Clean Air Plan are to: attain air quality standards; reduce population exposure and protect public health in the Bay Area; and reduce GHG emissions and protect the climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. The health and hazards thresholds were established to help protect public health.

As described in Section 2.3.1 and shown in Table 2.B, the City has adopted standard development requirements under FMC Section 18.218.050(a)(1)[11] to include provisions to avoid potential adverse impact to air quality resulting from the elimination of trees, site grading, ground disturbing construction activities, and/or demolition of buildings.

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-GHG Pollutants Measures.

> ***Stationary Source Control Measures*.** The Stationary Source Measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into rules adopted by the BAAQMD and then enforced by BAAQMD Permit and Inspection programs. Since the project would not include any stationary sources, the Stationary Source Measures of the Clean Air Plan are not applicable to the project.
>
> ***Transportation Control Measures*.** The BAAQMD identifies Transportation Control Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, toxic air contaminants (TACs), and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment. The proposed project would construct an approximately 69,872-square-foot industrial warehouse building and associated improvements. As discussed in Section 4.17.b of this document, the proposed project would not result in a significant increase in the generation of vehicle trips or vehicle miles traveled (VMT). In addition, the project site is located within

[11] City of Fremont. 2024. Fremont Municipal Code Section 18.218.050(a)(1). Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed August 2024).

walking or bicycling distance from the surrounding commercial and retail areas, with the nearest residential neighborhood located approximately one-third of a mile to the north. The project would also provide on-site bicycle parking. Therefore, the project would support the ability of visitors to use alternative modes of transportation. As such, the project would not conflict with BAAQMD initiatives to reduce vehicle trips and VMT, and would provide access to alternate means of transportation.

Energy Control Measures. The Clean Air Plan also includes Energy Control Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Since these measures apply to electrical utility providers and local government agencies (and not individual projects), the Energy Control Measures of the Clean Air Plan are not applicable to the project.

Building Control Measures. The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but it has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes in order to facilitate adoption of best GHG control practices and policies. The proposed project would be required to comply with the latest California Green Building Standards Code (CALGreen) standards. Therefore, the Building Control Measures of the Clean Air Plan are not applicable to the project.

Agriculture Control Measures. The Agriculture Control Measures are designed to primarily reduce emissions of methane. Since the project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the project.

Natural and Working Lands Control Measures. The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to enact ordinances that promote urban-tree plantings. Since the project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the project.

Waste Management Control Measures. The Waste Management Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Water Control Measures. The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Since these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the project.

***Super-GHG Control Measures*.** The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the BAAQMD and local government agencies. Since these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the project.

Clean Air Plan Implementation. As discussed above, compliance with FMC Section 18.218.050(a)(1) would ensure that the proposed project would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures, and the project would result in **less than significant** construction-period emissions. As discussed below, implementation of the proposed project would result in less than significant operation-period emissions. Therefore, the project would not conflict with the Clean Air Plan goals and would not disrupt or hinder implementation of a control measure from the Clean Air Plan. This impact would be **less than significant**.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project is nonattainment under an applicable federal or State ambient air quality standard?

The BAAQMD is currently designated as a nonattainment area for State and national ozone standards and national particulate matter ambient air quality standards. The BAAQMD nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. The following analysis assesses the potential construction- and operation-related air quality impacts and CO impacts of the proposed project.

Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate matter emissions (i.e., fugitive dust) generated by demolition, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, nitrogen oxide (NO_X), reactive organic gases (ROG), directly-emitted particulate matter ($PM_{2.5}$ and PM_{10}), and TACs such as diesel exhaust particulate matter.

Site preparation and project construction would involve demolition, grading, paving, and other activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would

deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM_{10} emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM_{10} emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions (PM_{10}). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM_{10} emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO_2, NO_x, ROG, and some soot particulate ($PM_{2.5}$ and PM_{10}) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles are delayed. These emissions would be temporary and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the project using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.21, consistent with BAAQMD recommendations. Construction activities would include the demolition of the existing building, which was included in CalEEMod. Project-specific data for construction phasing schedule, amount of material to be imported during grading, amount of demolition debris to be off-hauled, and equipment fleet during the trenching phase were provided by the project applicant were used to estimate emissions for the construction period. Other construction details are not yet known; therefore, default assumptions from CalEEMod were used. For purposes of this analysis, the construction schedule was assumed to be approximately 12 months. Construction-related emissions are presented in Table 4.3.A. CalEEMod output sheets are included within the Air Quality, Greenhouse Gas, and Energy Technical Report, included in Appendix A.

Table 4.3.A: Project Construction Emissions (in Pounds per Day)

Project Construction	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
2024	3.9	37.9	1.6	1.5
2025	4.8	12.7	0.5	0.5
BAAQMD Thresholds	**54.0**	**54.0**	**82.0**	**54.0**
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report* (ESA, July 2024).
BAAQMD = Bay Area Air Quality Management District
NO_x = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
ROG = reactive organic gases

As shown in Table 4.3.A, construction emissions associated with the project would be less than significant for ROG, NO_x, $PM_{2.5}$, and PM_{10} exhaust emissions. FMC Section 18.218.050(a)(1)[12] requires implementation of the BAAQMD's Basic Construction Mitigation Measures. These requirements for construction-related emissions include construction measures for all proposed development projects to address dust. With compliance with FMC Section 18.218.050(a)(1), construction dust emissions would be reduced to less than significant. Therefore, construction of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard, and impacts would be **less than significant.**

Operational Emissions. Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project. There would be no natural gas associated with operation of the proposed project.

PM_{10} emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM_{10} occurs when vehicle tires pulverize small rocks and pavement and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other particulate matter emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy-source emissions result from activities in buildings for which natural gas is used. The quantity of emissions is the product of usage intensity (i.e., the amount of natural gas) and the emission factor of the fuel source. The proposed project would be all-electric; therefore, the proposed project would not generate energy-source emissions.

Typically, area-source emissions consist of direct sources of air emissions located at the project site, including architectural coatings and the use of landscape maintenance equipment. Area-source emissions associated with the project would include emissions from the use of landscaping equipment.

Emission estimates for operation of the project were calculated using CalEEMod. Model results are presented in Appendix A and are also shown in Table 4.3.B. Trip generation rates for the project were based on the project's trip generation estimate, as identified in Section 4.17, Transportation. Based on the trip generation estimates, the proposed project would generate approximately 440 net new average daily trips.

[12] City of Fremont. 2024. Fremont Municipal Code Section 18.218.050(a): Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed August 2024).

Table 4.3.B: Project Operational Emissions

	ROG	NO_X	PM_{10}	$PM_{2.5}$
Pounds per Day				
Mobile-Source Emissions	0.8	2.7	3.2	0.8
Area-Source Emissions	2.0	<0.1	<0.1	<0.1
Energy-Source Emissions	0.0	0.0	0.0	0.0
Total Emissions	**2.7**	**2.7**	**3.2**	**0.8**
BAAQMD Thresholds	54.0	54.0	82.0	54.0
Exceed Threshold?	**No**	**No**	**No**	**No**
Tons per Year				
Mobile-Source Emissions	0.1	0.5	0.6	0.2
Area-Source Emissions	0.4	<0.1	<0.1	<0.1
Energy-Source Emissions	0.0	0.0	0.0	0.0
Total Emissions	**0.5**	**0.5**	**0.6**	**0.2**
BAAQMD Thresholds	10.0	10.0	15.0	10.0
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report* (ESA, July 2024).
BAAQMD = Bay Area Air Quality Management District
NO_X = nitrogen oxides
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
PM_{10} = particulate matter less than 10 microns in size
ROG = reactive organic gases

The primary emissions associated with the project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the project, emissions are released in other areas of the San Francisco Bay Area Air Basin. The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in Table 4.3.B for ROG, NO_X, PM_{10}, and $PM_{2.5}$.

The results shown in Table 4.3.B indicate the project would not exceed the significance thresholds for daily or annual ROG, NO_x, PM_{10}, or $PM_{2.5}$ emissions. Therefore, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard. Impacts would be **less than significant**.

Localized CO Impacts. Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. The BAAQMD 2022 CEQA Guidelines[13] include recommended methodologies for quantifying concentrations of localized CO levels for proposed transportation projects. A screening-level analysis using guidance from the BAAQMD CEQA Guidelines was performed to determine the impacts of the project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD CEQA Guidelines, a proposed project would result in a **less than significant impact** to localized CO concentrations if the following screening criteria are met:

[13] Bay Area Air Quality Management District (BAAQMD). 2023. *California Environmental Quality Act Air Quality Guidelines.* April.

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.

- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the policies or programs of the Alameda County Transportation Commission. As identified in Section 4.17, Transportation, the proposed project would generate approximately 59 net new a.m. peak-hour trips and 81 net new p.m. peak-hour trips; therefore, the project's contribution to peak-hour traffic volumes at intersections in the vicinity of the project site would be well below 44,000 vehicles per hour. Therefore, the proposed project would not result in localized CO concentrations that exceed State or federal standards, and impacts would be **less than significant**.

c. Would the project expose sensitive receptors to substantial pollutant concentrations.

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter (DPM) are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to DPM. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic noncancer health risks.

According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to TACs, resulting in an increased cancer risk greater than 10.0 in 1 million, an increased noncancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 microgram per cubic meter ($\mu g/m^3$).

The proposed project site is located in an urban area in close proximity to existing residential uses that could be exposed to diesel emission exhaust during the construction period. The nearest sensitive receptors to the project site include residential uses located approximately 700 feet north of the project site, Genius Kids day care approximately 1,100 feet west of the project site, and Lila Bringhurst Elementary School, which is approximately 3,000 feet south of the project site. Worker receptors are located adjacent to the eastern border of the project site. To estimate the potential cancer risk from project construction equipment exhaust (including DPM), a dispersion model was used to translate an emission rate from the source location to a concentration at the receptor location (i.e., a nearby residential land use). Dispersion modeling varies from a simpler, more conservative screening-level analysis to a more complex and refined detailed analysis. This refined assessment was conducted using CARB's exposure methodology, with the air dispersion modeling performed using the United States Environmental Protection Agency's (USEPA) dispersion model AERMOD. The model provides a detailed estimate of exhaust concentrations based on site and

source geometry, source emissions strength, distance from the source to the receptor, and site-specific meteorological data.

In addition, the proposed project would introduce a new source of DPM and $PM_{2.5}$ emissions from trucking activities associated with the warehousing operations. The *Air Quality, Greenhouse Gas, and Energy Technical Report* prepared for the project evaluated the potential health effects to nearby sensitive receptors from operational emissions of DPM and $PM_{2.5}$. This assessment was conducted using AERMOD as described above.

Table 4.3.C, below, identifies the maximum cancer risks and chronic health hazard index for project-related construction and operation activities affecting both the residential maximally exposed individual (MEI) and worker MEI. As shown in the *Air Quality, Greenhouse Gas, and Energy Technical Report* (ESA 2024) prepared for the proposed project, the residential MEI is located approximately 980 feet north of the project site and the worker MEI is located approximately 570 feet east of the project site. The health risks at the nearby school would be even less than what is represented in the table below, as it is farther from the project site than the MEI. Additional calculation details are included in Appendix A.

Table 4.3.C: Health Risks Impacts to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in 1 Million	Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Construction Maximally Exposed Individual			
Residential MEI	3.53	<0.01	0.02
Worker MEI	0.39	<0.01	0.04
Threshold	**10.0**	**1.0**	**0.30**
Exceed Threshold?	**No**	**No**	**No**
Operational Maximally Exposed Individual			
Residential MEI	1.60	<0.01	0.01
Threshold	**10.0**	**1.0**	**0.30**
Exceed Threshold?	**No**	**No**	**No**

Source: *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report* (ESA, July 2024).
$\mu g/m^3$ = micrograms per cubic meter
MEI = maximally exposed individual
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

As shown in Table 4.3.C, the total risk associated with project construction at the residential MEI would be 3.53 in 1 million, which would be below the BAAQMD cancer risk threshold of 10 in 1 million. The total risk at the worker receptor MEI would be lower, at 0.39 in 1 million, which would also be below the BAAQMD cancer risk threshold of 10 in 1 million. The total hazard index would be less than 0.01 for both the residential MEI and worker MEI, which would not exceed the threshold of 1.0. In addition, the results of the analysis indicate that the total $PM_{2.5}$ concentration would be 0.02 $\mu g/m^3$ at the residential MEI and 0.04 at the worker MEI, which would not exceed the BAAQMD significance threshold of 0.30 $\mu g/m^3$. Therefore, construction of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations.

Once the proposed project is constructed, the total risk associated with operational activities at the residential MEI is estimated to be 1.60 in 1 million, which would be below the BAAQMD recommended cancer risk significance threshold of 10 in 1 million. The total hazard index would be less than 0.01, which would not exceed the threshold of 1.0. In addition, the results of the analysis indicate that the total $PM_{2.5}$ concentration would be less than 0.01 µg/m^3, which would not exceed the BAAQMD significance threshold of 0.30 µg/m^3. Therefore, operation of the proposed project would not exceed BAAQMD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations.

In addition, the health risk from cumulative exposure to $PM_{2.5}$, DPM, and other nearby sources of TACs was evaluated for the residential MEI. The cumulative evaluation combines health risks from project construction and operation with other nearby, existing sources of $PM_{2.5}$ and TAC emissions within 1,000 feet of the project site boundary.

Within 1,000 feet of the project site, there are five stationary, permitted sources that would contribute to cumulative cancer risk at the residential MEI. Other sources of TACs are mobile: rail and on-road vehicles emit mainly volatile organic compounds in gasoline but also DPM. This analysis evaluated cancer risk and $PM_{2.5}$ concentrations from the stationary, rail, and mobile sources. Health risks from the stationary source were based on the BAAQMD's stationary source screening map. Health risks from mobile sources were based on a BAAQMD geographic information system (GIS) dataset that provides separate health risk estimates for rail, major streets, and highways. The BAAQMD GIS mobile-source files were used to estimate cancer risk and annual average $PM_{2.5}$ concentrations from the nearby mobile sources located within 1,000 feet of the project boundary. Modeling assumptions, equations, and the cancer risk calculations are included in the *Air Quality, Greenhouse Gas, and Energy Technical Report.* Table 4.3.D reports both the project and existing cumulative community risk impacts.

Table 4.3.D: Cumulative Health Risks Impacts to Off-Site Receptors

	Carcinogenic Inhalation Health Risk in 1 Million	Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Construction Maximally Exposed Individual			
Project Risk	3.54	<0.01	0.02
Existing Mobile-Source Risk	20.80	0.06	0.42
Existing Stationary-Source Risk	0.49	<0.01	<0.01
Project + Existing	**24.8**	**0.06**	**0.44**
Threshold	**100.0**	**10.0**	**0.8**
Exceed Threshold?	**No**	**No**	**No**
Operational Maximally Exposed Individual			
Project Risk	1.60	<0.01	<0.01
Existing Mobile-Source Risk	20.80	0.06	0.42
Existing Stationary-Source Risk	0.49	<0.01	<0.01
Project + Existing	**23.0**	**0.06**	**0.42**
Threshold	**100.0**	**10.0**	**0.8**
Exceed Threshold?	**No**	**No**	**No**

Source: *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report* (ESA, July 2024).
$\mu g/m^3$ = micrograms per cubic meter
$PM_{2.5}$ = particulate matter less than 2.5 microns in size

As demonstrated in Table 4.3.D, the cumulative cancer risk, chronic health hazard index, and $PM_{2.5}$ concentrations would not exceed the BAAQMD recommended cumulative source thresholds of greater than 100 per million, greater than 10.0, and greater than 0.8 $\mu g/m^3$, respectively. As such, the proposed project would not be a source of substantial emissions. Therefore, implementation of the proposed project would not result in new sources of TACs. Therefore, the project would not expose sensitive receptors to substantial levels of TACs, and this impact would be **less than significant**.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

During construction, the use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion and would not result in a significant odor impact.

Typical land uses that have the potential to generate continuous odorous impacts and odor complaints during operation include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The proposed project is a warehouse that does not include land uses that are identified as common odor sources. Therefore, operation of the proposed project would result in a **less than significant impact** with respect to odorous emissions.

4.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 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, regulations or by the California Department of Fish and Wildlife or 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?	☐	☐	☐	☒

The discussion and analysis provided below is based on the data included in the Biological Resources Report prepared for the proposed project.[14]

Use of the term "study area" in this section refers to the area where direct, indirect, or cumulative effects could occur to biological resources as a result of project construction. The study area includes the project site plus an approximately 250-foot buffer. The buffer represents an area where indirect impacts could occur on most sensitive biological resources, including most nesting raptor species.

4.4.1 Environmental Setting

Regulatory Framework. Biological resources in the study area may fall under the jurisdiction of various regulatory agencies and be subject to their regulations. In general, the greatest legal protections are provided for plant and wildlife species that are formally listed by the federal or State government. The following regulations and agencies are commonly associated with projects that

[14] ESA. 2022. *43990 Fremont Boulevard Biological Resources Report*. September.

have the potential to affect biological resources. Those regulations that are relevant to the project are noted with an asterisk:

- Federal Endangered Species Act
- Migratory Bird Treaty Act*
- Bald and Golden Eagle Protection Act
- Clean Water Act (CWA), Section 404
- California Endangered Species Act
- California Fish and Game Code Sections 3503, 3503.5, and 3513*
- California Fish and Game Code Sections 5050, 5515, 3511, and 4700
- California Fish and Game Code Sections 1600–1603
- State Regulations of Wetlands and Waters*
- Native Plant Protection Act
- *State CEQA Guidelines* Section 15380*
- City of Fremont Tree Ordinance*

These regulations are discussed in full in Appendix A of the Biological Resources Report, located in Appendix B of this document.

Existing Vegetation and Habitats. Two land cover types were identified within the study area: Developed/Landscaped and Annual Grassland habitat. No Riparian habitat or other sensitive natural communities were identified within the study area. Developed/Landscaped habitats are not natural vegetation communities per se, as they lack natural vegetation, and the terms are used in this analysis to describe areas that cannot be classified as vegetation communities. The study area is largely composed of developed urban land that includes existing buildings, paved streets, sidewalks, and parking lots interspersed with landscape plantings, including street and parking lot trees. Annual Grassland habitats are open grasslands composed primarily of annual plant species; this is the only vegetation community present in the study area. Annual grassland areas are present throughout the study area and are dominated by nonnative annual grasses and forbs. This area is occasionally mowed and subject to regular human disturbance. During the June 15, 2022, biological reconnaissance survey, an active homeless encampment was observed within this portion of the project site.

Special-Status Species. For the purposes of the analysis contained in this document, special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act or California Endangered Species Act.

- Plant species assigned to California Rare Plant Ranks (CRPR) 1A, 1B, 2A, 2B, or 3.

- Animal species designated as Species of Special Concern or Fully Protected Species by the California Department of Fish and Wildlife (CDFW).

- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the *State CEQA Guidelines*.

- Species considered as a taxon of special concern by local agencies.

***Special-Status Plants*.** The Biological Resources Report evaluated the potential for 10 special-status plant species to occur on the project site. Based on a lack of suitable habitat, 9 species were determined to have no potential to occur on the project site. One special-status plant species was determined to have a low potential to occur in the site: Congdon's tarplant (*Centromadia parryi* ssp*. congdonii*). While this species can be found in grasslands and disturbed habitats, no tarplants were observed during the June 15, 2022, reconnaissance survey, which was conducted during the appropriate bloom period for this species. In addition, the nearest occurrence record of this species, located approximately 0.25 mile west of the study area, is believed to be extirpated (Occurrence No. 21):

- **Congdon's Tarplant (*Centromadia parryi* ssp*. congdonii*) – CRPR 1B.1:** This species is typically found in natural valley and foothill grasslands with alkaline soils, sometimes described as heavy white clay. They can also be found on terraces, swales, floodplains, and disturbed sites. The typical blooming period for this species is March through October; however, most blooming occurs in the late summer early/fall.

No special-status plants are expected to occur within the study area.

***Special-Status Wildlife*.** No special-status animal species were observed on the project site during the field surveys. Based on a review of the information sources listed above and habitat observations during the June 2022 site visits, of the 23 special-status animal species known to occur in the vicinity of the project, it was determined that one special-status species has the potential to be affected by the project, based on the presence of suitable habitat at the project site, along with nonlisted nesting birds:

- **Western Burrowing Owl (*Athene cunicularia hypugaea*) – CDFW Species of Special Concern:** Annual grasslands within the study area provide potentially suitable foraging and nesting habitat, although no evidence of owls was observed during the June 2022 reconnaissance survey. One remnant California ground squirrel (*Otospermophilus beecheyi*) burrow and several remnant Botta's pocket gopher (*Thomomys bottae*) burrows were observed, but none were active. Although California ground squirrel burrows can provide suitable habitat for western burrowing owl, no signs of burrowing owl were observed in the remnant burrows. Several occurrence records for nesting burrowing owls are located within 0.5 mile of the study area to the east, west, and south in similar, isolated undeveloped parcels and along drainage canals.

- **Nesting Birds:** Suitable nesting habitat for a number of bird species protected under the federal Migratory Bird Treaty Act and California Fish and Game Code occurs within or in the vicinity of the project site. As such, nesting birds have the potential to be present within the project site.

The study area is not within designated critical habitat for any listed plant or wildlife species, nor were any riparian habitat or other sensitive natural communities identified, and no waters of the United States or State are present in the project site.

4.4.2 Impact Analysis

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

The proposed project is not expected to result in any direct adverse impacts to special-status plant or wildlife species or their critical habitat based on the habitat and land uses (disturbed and previously developed) found in the project site, as described above. Project construction, however, could directly impact the nesting and foraging grounds of western burrowing owl as well as nesting birds, due to trimming of shrubs that may contain active nests and grading of the site where ground-nesting species may be present. The proposed project would comply with the City of Fremont's standard development requirements for western burrowing owl and nesting birds, as described in Sections 18.218.050(b)(1) and 18.218.050(b)(2) of the FMC and shown in Table 2.B in Section 2.3.1 of this document. Compliance with these standard requirements would ensure that any special-status plant or wildlife species that may be present in the project area during vegetation clearing and construction activities would be identified, evaluated, and avoided as needed. Therefore, compliance with these measures would ensure that impacts to special-status plant and wildlife species would be **less than significant**.

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

No riparian habitat or other sensitive natural community is present on the project site. As a result, the 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 CDFW or the United States Fish and Wildlife Service.

c. Would the project 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?

There are no aquatic resources or potential jurisdictional aquatic features in the project site, and regulatory permits would not be required for project activities. The project would have **no impact** on wetlands.

As described in Section 4.10, Hydrology and Water Quality, of this document, construction of the proposed project would disturb greater than 1 acre of soil; therefore, the project would be subject to the requirements of the State Water Resources Control Board's (SWRCB) Construction General

Permit (CGP),[15] which requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of construction best management practices (BMPs) during construction activities as detailed in Section 4.10, Hydrology and Water Quality. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Adherence with the CGP would ensure construction impacts related to surface water quality standards, waste discharge requirements, and surface water quality would be **less than significant**.

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

The study area is a relatively small area isolated by urban development and does not serve as a wildlife movement corridor. While the adjacent flood control channel could be used by a few wildlife species, such as raccoon, the steep, concrete-lined channel provides little cover and prevents most animals from easily accessing the site from the channel bed. Birds use movement corridors in the airspace above terrestrial habitats. These airspace movement corridors include natural habitats such as riparian habitat for short-range movements, as well as migratory pathways hundreds to thousands of feet above ground for long-range movements. The project would involve the construction of a single-story industrial building and would not pose a collision hazard for migratory birds, and the project site does not contain habitat that would make it an important stopover site for migratory birds. As a result, **no impact** would occur.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project would comply with the tree preservation policies outlined in Chapter 18.215 of the FMC,[16] which 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;

[15] National Pollutant Discharge Elimination System Permit Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders No. 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057-DWQ).

[16] City of Fremont. 2022k. Fremont Municipal Code Chapter 18.215 Tree Preservation. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18215.html (accessed December 2022).

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.

Trees exempt from permit requirements include the following:

1. A tree on a developed lot not greater than 10,000 square feet in area and zoned either R-1 or single-family detached planned district, when the tree is behind the forwardmost face of the front of the principal building. Any architectural feature that is allowed to project into a required front yard under Section 18.170.060 shall not constitute any part of the face of a building for the purposes of this subsection. This exemption shall not apply to any landmark tree or to any tree planted or retained in accordance with any City-imposed requirement.

2. A container tree.

3. A fruit or nut tree of a species grown for commercial food production, except a black walnut or olive tree.

4. A private tree or a landmark tree removed or damaged under emergency circumstances as follows:

    a. The tree has been damaged by storms, floods, earthquakes, or by any other cause, and a City official has determined that its immediate removal or further damage is necessary to protect persons from imminent personal injury or to prevent imminent and substantial damage to property;

    b. When immediate removal or damage is determined to be necessary by fire department personnel actively engaged in fighting a fire;

    c. When immediate removal or damage is determined by the landscape architect to be necessary to protect persons from imminent personal injury or to prevent imminent and substantial damage to property; or

    d. A tree, other than a landmark tree, removed or damaged by a public utility to the extent that such removal or damage is necessary for building or maintaining the public utility's facilities.

Per the Preliminary Landscape Plan prepared for the proposed project, there are 54 existing trees at the project site, of which 9 would remain. Of the 45 to be removed, 39 met the City's criteria for protected status. A total of 36 trees would be planted in conformance with landscaping requirements per FMC Section 18.183.110(e). Since 39 of the trees to be removed on the site are protected by the City's tree preservation ordinance, the removal, trimming, or transplanting of any of these trees would require a permit from the City and would be subject to the City's standard development requirements as described in FMC Section 18.215.080 and shown in Table 2.B in Section 2.3.1 of this document. Per the Preliminary Landscape Plan, 14 mitigation trees would be planted, and removal of the remaining 25 protected trees would be mitigated via in-lieu fee payments. Therefore, compliance with the City's tree preservation policies, including protected tree replacement or in-lieu fee requirements, as outlined in FMC 18.215.080, would ensure that impacts would be **less than significant**.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project study area is outside of the permit area of the Santa Clara Valley Habitat Plan Permit Area and is not covered by any other Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or State habitat conservation plans. As a result, **no impact** would occur.

4.5 CULTURAL RESOURCES

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

Unless otherwise noted, the following analysis is based on the *Revised Cultural Resources Survey Report* prepared for the proposed project.[17] This study is included in Appendix C.

4.5.1 Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

In August 2022, the applicant requested a California Historical Resources Information System (CHRIS) record search. The result of the CHRIS search indicated that no pre-contact Native American resources and no historic-era cultural resources have been previously recorded within the project site. Three cultural resources investigations have been completed in the vicinity (S-11396, S-12992, and S-49310). These studies all consist of long, linear cultural resources inventories that did not include the project site and did not identify any cultural resources in the vicinity of the project site.

Historic maps and aerial imagery show the project site was undeveloped prior the mid-1960s. A building and parking lot are shown on the east side of the project site on the 1966 through 1998 aerial images. These were demolished by 2000, and the east portion of the project site has remained undeveloped. On the west side of the project site, the existing building was constructed in the mid-1990s. The project site previously included a 1,000-gallon tank at the southeast corner that was removed in 1987.[18] Groundwater filled the excavation following tank removal. The groundwater was removed, and additional soil removal was completed. The excavation was backfilled with clean materials.

Cut and fill up to approximately 2 to 5 feet are expected for site grading as needed as well as loading dock construction (the locations of loading docks are shown in Figure 2-3, Conceptual Site Plan). The building would be supported on shallow footings and slabs on grade. Footings may extend approximately 4 to 6 feet below surface. The results of the geotechnical study completed for the proposed project indicate that the project site is underlain by approximately 1.5 to 2.5 feet of undocumented fill consisting of very stiff to hard sand, lean clay, and medium-dense sand with gravel.

[17] ESA. 2023. *43990 Fremont Boulevard, Revised Cultural Resources Survey Report.* February 23.

[18] Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

Below the fill, the study encountered medium stiff to hard lean clays with varying amounts of sand to approximately 25 to 29.5 feet. Two borings encountered several thin layers of medium-stiff sandy silt and loose silty sand. Groundwater was encountered between 16 and 23 feet below the current surface.[19]

During a surface and subsurface survey of the proposed project site performed for the Cultural Resources Survey Report, archaeologists and a tribal representative from Nototomne Cultural Preservation walked the project site in narrow (less than 5-meter) transects. Visibility was limited due to sparse low-growth vegetation; therefore, the vegetation was scraped back every several meters to expose the ground surface. All exposed surface consisted of imported gravel and fill with small pockets of asphalt. No cultural resources or other evidence of past human use or occupation were identified in the project site during the surface survey.

Four auger holes were completed to assess the subsurface soils in the project site. One auger hole was placed in each of the four quadrants of the project site (north, east, south, and west). The auger consisted of a 4-inch-wide bucket. Soils were screened through a 0.25-inch mesh screen. All soil was placed back in the auger hole on completion. Subsurface soils consisted of gravels and artificial fill in the upper 10–20 centimeters. In two augers, the augers were extended below the fill to the natural soil stratum, which was consistent with the soil mapping of the area: medium to dark, dense, silty clay loam representing Holocene-age alluvium. The soil was consistent to the maximum depth explored (1 meter/3.3 feet below surface). No cultural materials or other evidence of past human use or occupation were identified.

Based on nearby site distribution and the environmental context, the project site has a moderate archaeological sensitivity. However, based on the results of the surface and subsurface survey effort (to 3.3 feet below ground surface), previous disturbance in the project site (up to 2.5 feet below ground surface), and relatively shallow proposed ground disturbance (up to 5 feet for grading and 6 feet for footings) there is a relatively low potential to uncover historic resources. Despite the low potential, the possibility of uncovering historic resources cannot be entirely discounted.

The City's standard development requirements, as described in Table 2.B, Section 2.3.1 of this document and adopted under FMC Section 18.218.050(d)(2),[20] include provisions for the protection of historical and cultural resources if they are accidentally discovered during the course of project work. The project would be required to abide by the standard development requirements listed in FMC 18.218.050(d)(2) 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.

19 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

20 City of Fremont. 2022h. Fremont Municipal Code Section 18.50.050(d)(2). Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed December 2022).

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

As discussed in Section 4.5.a of this document, the project site has a moderate archaeological sensitivity. However, based on the results of the surface and subsurface survey effort (to 3.3 feet below ground surface), previous disturbance in the project site (up to 2.5 feet below ground surface), and relatively shallow proposed ground disturbance (up to 5 feet for grading and 6 feet for footings), there is a relatively low potential to uncover archaeological resources. Despite the low potential, the possibility of uncovering archaeological resources cannot be entirely discounted. The project would be required to abide by FMC 18.218.050(d)(2), as described above, 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 archaeological resources.

c. Would the project disturb any humans remains, including those interred outside of formal cemeteries?

Based on the analysis presented in Section 4.5.a of this document, there is a relatively low potential to uncover human remains in the project site. Additionally, the project would be required to abide by FMC 18.218.050(d)(2), as described above. As stated in FMC 18.218.050(d)(2)(c), in the event an inadvertent discovery of human remains occurs during the course of development, compliance with *CEQA Guidelines* Section 15064.5(e) would also be required.

CEQA Guidelines Section 15064.5(e): In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

    a. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

    b. If the coroner determines the remains to be Native American:

        1) The coroner shall contact the Native American Heritage Commission within 24 hours.

        2) The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

        3) The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

    a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

    b. The descendant identified fails to make a recommendation; or

    c. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Compliance with FMC 18.218.050(d)(2), and *CEQA Guidelines* Section 15064.5(e) would ensure that the project would have a **less than significant impact** related to disturbance or inadvertent discovery of human remains.

4.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in a 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?	☐	☐	☒	☐

The discussion and analysis provided below is based on the data included in the *Air Quality, Greenhouse Gas, and Energy Technical Report* prepared for the proposed project (provided in Appendix A of this document).[21]

4.6.1 Impact Analysis

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

The proposed project would result in a small increase in the demand for electricity and gasoline. The discussion and analysis provided below is based on data included in the California Emissions Estimator Model (CalEEMod) output. CalEEMod output sheets are included within the *Air Quality, Greenhouse Gas, and Energy Technical Report*.

Construction-Period Energy Use. During construction, energy use would be both direct and indirect. Direct energy use would include the consumption of fuel (typically gasoline and diesel fuel) for the operation of construction equipment and vehicles. Energy in the form of electricity may also be consumed by some pieces of construction equipment, such as welding machines, power tools, lighting, etc.; however, the amount of consumed electricity would be relatively minimal. Indirect energy use would include the energy required to make the materials and components used in construction. This includes energy used for extraction of raw materials, manufacturing, and transportation associated with manufacturing.

Construction activities at the project site would occur over a period of approximately 12 months. These activities would include use of heavy-duty construction equipment and off-site vehicles to transport equipment, materials, and workers to the site.

Energy use requirements in the form of diesel fuel that would be consumed by off-road construction equipment at the project site have been estimated based on the GHG emissions estimates obtained from the CalEEMod modeling conducted for the *Air Quality, Greenhouse Gas, and Energy Technical Report.*[22] GHG emissions from CalEEMod were used in conjunction with The Climate Registry's 2023

[21] ESA. 2024. *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report*. July.
[22] Ibid.

default factors for calculating carbon dioxide (CO_2) emissions from diesel fuel.[23] The analysis assumes that all off-road construction equipment would be fueled by diesel.

The analysis assumes that light-duty automobiles and trucks used by commuting construction workers would be fueled by gasoline, and that vendor vehicles and trucks that would haul demolition debris, soil, and other materials would use diesel fuel. This analysis assumes that no electric on-road vehicles would be used during project construction. The quantities of diesel fuel and gasoline required by on-road vehicles during construction have been calculated based on the GHG emissions associated with vendor, haul, and commuter trips and the Climate Registry's 2023 default factors for calculating CO_2 emissions from gasoline and diesel fuels. GHG emissions associated with commuting workers and vendor and haul trips were estimated using information provided by the Transportation Impact Analysis Memorandum[24] prepared for the proposed project for estimated trip counts and CalEEMod trip lengths.

In addition to fuels used by equipment and vehicles, construction activities would use water for dust suppression and management, which in turn would require electricity to supply, treat, and transport the water to the project site.

It is estimated that over the entire construction period of the project, off-road equipment and on-road vender and haul trucks would consume approximately 39,444 gallons of diesel fuel and commuting worker vehicles would consume approximately 2,827 gallons of gasoline. Based on fuel consumption obtained from EMFAC2021, approximately 540.5 million gallons of gasoline and approximately 156.2 million gallons of diesel fuel will be consumed from vehicle trips in Alameda County in 2024. Therefore, vehicle and truck trips associated with the proposed project would increase the annual fuel use in Alameda County by less than 0.1 percent for gasoline fuel and by less than 0.1 percent for diesel fuel usage. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be **less than significant.**

Operational Energy Use. Energy use consumed by the proposed project would be associated with electricity consumption and fuel used for vehicle trips associated with the project. Energy consumption was estimated for the project using default energy intensities by building type in CalEEMod. The proposed buildings would be constructed to CALGreen and Energy Code standards, which were included in CalEEMod inputs. In addition, there would be no natural gas associated with the operation of the proposed project.

Electricity use estimates associated with the proposed project are shown in Table 4.6.A. In addition, the proposed project would result in energy usage associated with diesel and gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in approximately 1,637,940 VMT per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon

[23] The Climate Registry (TCR), 2023. Available at: https://theclimateregistry.org/wpcontent/uploads/2023/06/2023-Default-Emission-Factors-Final.pdf. (accessed February 2024).

[24] Fehr & Peers. 2024. *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis.* March 14.

Table 4.6.A: Estimated Annual Energy Use of Proposed Project

Electricity Use (kWh per year)	Gasoline (gallons per year)	Diesel (gallons per year)
736,712	63,772	23,136

Source: LSA (August 2024).
kWh = kilowatt hours

(mpg) in 1980 to 22.8 mpg in 2022.[25] The average fuel economy for heavy-duty trucks in the United States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.[26] Therefore, using the USEPA's fuel economy estimates, the proposed project would result in the consumption of approximately 63,722 gallons of gasoline per year and 23,136 gallons of diesel fuel per year. Table 4.6.A, below, shows the estimated potential increased electricity demand, gasoline, and diesel fuel use associated with the proposed project.

As shown in Table 4.6.A, the estimated potential increased electricity demand associated with the proposed project is 736,712 kilowatt-hours (kWh) per year. In 2022, Alameda County consumed 10,395 gigawatt-hours (GWh) or 10,395,384,395 kWh.[27] Therefore, electricity demand associated with the proposed project would be less than 0.1 percent of Alameda County's total electricity demand.

In addition, the proposed project would result in energy usage associated with gasoline and diesel to fuel project-related trips. As shown above in Table 4.6.A, vehicle trips associated with the proposed project would consume approximately 63,772 gallons of gasoline per year and 23,136 gallons of diesel fuel per year. Based on fuel consumption obtained from EMFAC2021, approximately 540.5 million gallons of gasoline and approximately 156.2 million gallons of diesel fuel will be consumed from vehicle trips in Alameda County in 2024. Therefore, vehicle and truck trips associated with the proposed project would increase the annual fuel use in Alameda County by less than 0.1 percent for gasoline fuel usage and approximately 0.1 percent for diesel fuel usage. Fuel consumption associated with vehicle trips generated by project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

In addition, proposed new development would be constructed using energy-efficient modern building materials and construction practices, and the proposed project also would use new modern appliances and equipment, in accordance with the Appliance Efficiency Regulations (Title 20, California Code of Regulations [CCR] Sections 1601 through 1608). The expected energy consumption during construction and operation of the proposed project would be consistent with typical usage rates for residential uses.

[25] United States Department of Transportation (USDOT). 2017. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles (accessed August 2024).

[26] California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed August 2024).

[27] California Energy Commission (CEC). 2023. Electricity Consumption by County. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed August 2024).

PG&E is the private utility that would supply the proposed project's electricity services. In 2022, a total of 38 percent of PG&E's delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric, and various forms of bioenergy.[28] PG&E reached California's 2020 renewable energy goal in 2017 and is positioned to meet the State's 60 percent by 2030 renewable energy mandate set forth in SB 100. In addition, PG&E plans to continue to provide reliable service to its customers and upgrade its distribution systems as necessary to meet future demand.

Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy-efficiency measures into building design, equipment uses, and transportation. Construction and operation period impacts related to the consumption of energy resources would be **less than significant**.

b. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

In 2002, the State Legislature passed SB 1389, which required the California Energy Commission (CEC) to develop an integrated energy plan every 2 years for electricity, natural gas, and transportation fuels for the California Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The most recently adopted CEC energy report is the 2023 Integrated Energy Policy Report.[29] The 2023 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2023 Integrated Energy Policy Report covers a broad range of topics, including implementation of SB 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to SB 1383), updates on Northern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage on the project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed project would be

[28] Pacific Gas & Electric. (PG&E). 2024. *Exploring Clean Energy Solutions*. Website: https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html (accessed August 2024).

[29] California Energy Commission (CEC). 2023. *2023 Integrated Energy Policy Report*. California Energy Commission. Docket Number: 23-IEPR-01.

relatively small in comparison to the State's available energy sources, and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the project's total impact to regional energy supplies would be minor, the proposed project would not conflict with California's energy conservation plans as described in the CEC 2023 Integrated Energy Policy Report. Therefore, the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and this impact would be **less than significant**.

4.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Division of Mines and Geology 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), 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?	☐	☐	☒	☐

Unless otherwise noted, the following analysis is based on the Geotechnical Investigation prepared for the proposed project.[30] The Geotechnical Investigation is included in Appendix D.

4.7.1 Impact Analysis

a. Would the project 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 Division of Mines and Geology Special Publication 42.

Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the past 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of development within

30 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

the delineated area. The Hayward fault is 2.1 miles to the east of the project site, and the nearest, westerly edge of this fault's mapped Alquist-Priolo Fault Zone is approximately 0.55 mile from the project site. Fault rupture is not expected to be a potential hazard at the project site, as it is not located within or adjacent to a mapped Alquist-Priolo Fault Zone. Therefore, the potential for the proposed project to either directly or indirectly result in substantial adverse effects related to the rupture of a known earthquake fault would be **less than significant**.

ii. Strong seismic ground shaking?

Seismic shaking (or ground shaking) is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The Working Group on California Earthquake Probabilities and the United States Geological Survey (USGS) have predicted a 6.4 percent probability of a 6.7 magnitude (Mw, or moment magnitude)[31] or greater earthquake on the Northern San Andreas Fault between 2014 and 2044, a 14.3 percent chance on the Hayward Fault, a 7.4 percent chance on the Calaveras Fault, and a total probability of 72 percent that an earthquake of that magnitude will occur on one of the regional San Francisco Bay Area faults during that time.[32]

The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, the distance from the epicenter, and local geologic conditions. Although the Hayward Fault is the closest fault, any of the regional faults are capable of producing significant ground shaking in the project site. Groundshaking maps prepared by the Association of Bay Area Governments (ABAG) project that during the maximum credible earthquake on the Hayward fault, violent to very violent shaking may occur in the project vicinity.[33] The Geotechnical Investigation prepared for the proposed project[34] estimated a peak ground acceleration (PGA_M) of 0.890g (or gravitational force equivalent) and identified the potential for moderate to severe seismic ground shaking at the project site.

The proposed project, which was submitted to the City prior to December 19, 2023, would be required to comply with the 2022 California Building Code (Title 24 of the CCR),[35] which provides for stringent construction requirements on projects in areas of high seismic risk based on numerous interrelated factors. It is acknowledged that seismic hazards cannot be completely eliminated, even

---

31 Moment magnitude (Mw) is now commonly used to characterize seismic events as opposed to Richter Magnitude. Moment magnitude is determined from the physical size (area) of the rupture of the fault plane, the amount of horizontal and/or vertical displacement along the fault plane, and the resistance to rupture of the rock type along the fault.

32 Field, E.H., and 2014 Working Group on California Earthquake Probabilities. 2015. UCERF3: A New Earthquake Forecast for California's Complex Fault System: United States Geological Survey 2015–3009. Website: https://dx.doi.org/10.3133/fs20153009. (accessed January 11, 2023).

33 Association of Bay Area Governments (ABAG). 2023. Probabilistic Earthquake Shaking Hazard Assessment in Metropolitan Transportation Commission/ABAG Hazard Viewer Map. Website: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8 (accessed January 11, 2023).

34 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

35 City of Fremont. 2022d. Municipal Code Chapter 15.47: Fremont Residential Building Code. Website: https://www.codepublishing.com/CA/Fremont/#!/Fremont15/Fremont15.html (accessed September 26, 2024).

with implementation of advanced building practices. However, the seismic design standards of the California Building Code are intended to prevent catastrophic building failure in the most severe earthquakes currently anticipated. Therefore, compliance with the 2022 California Building Code, which is required by both the City and the State, would ensure that the potential impacts associated with ground shaking would be **less than significant**.

iii. Seismic-related ground failure, including liquefaction?

Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. These soils lose strength during ground shaking and may move both horizontally and vertically. In areas where sloping ground or open slope faces are present, this mobility can result in lateral spreading. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that are relatively close to the ground surface. However, loose sands that contain a significant amount of fines (silt and clay) may also liquefy.

The project site is located in an area that has been identified by the California Department of Conservation's California Geological Survey (CGS) as being in an area susceptible to seismically-induced liquefaction.[36] The intent of the CGS mapping of areas susceptible to earthquake-induced liquefaction is to ensure that geotechnical consultants consider possible liquefaction hazards and perform appropriate site-specific characterization and mitigation of liquefaction hazards as outlined in the State's guiding document for seismic hazard analysis, Special Publication 117A (SP117A).[37] The City of Fremont requires the completion of a geotechnical investigation on new construction sites within a fault zone, a liquefaction zone, and/or a landslide zone.[38] The site-specific Geotechnical Investigation prepared for the proposed project indicates that several subsurface layers could potentially experience liquefaction, resulting in soil softening and post-liquefaction total settlement of less than 0.5 inch, and differential settlement is anticipated to be less than 0.33 inch over a horizontal distance of 50 to 60 feet. These settlement estimates are based on the assumption that there is a sufficient cap (minimum 13 feet) of nonliquefiable material to prevent ground rupture or sand boils. The Geotechnical Investigation recommends that foundations should be designed to tolerate the anticipated total and differential settlements due to seismic and static loading, with design criteria specified in the Geotechnical Investigation.[39]

The Geotechnical Investigation analyzed potential geologic hazards associated with liquefaction based on a design groundwater depth of 8 feet.[40] Groundwater was encountered in exploratory borings performed at depth ranges from about 16 to 23 feet below current grades and inferred from

---

36 California Geological Survey (CGS). 2023. *EQ Zapp: California Earthquake Hazards Zone Application* (web application). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed January 11, 2023).

37 California Geological Survey (CGS). 2008. *Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117A*. Revised and Re-adopted September 11, 2008. Website: https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Publications/SP_117a.pdf (accessed January 11, 2023).

38 City of Fremont. 2011d. "Chapter 10: Safety, Policy 10-1.2." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000 (accessed January 11, 2023).

39 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

40 Ibid.

Cone Penetration Tests (CPTs); pore pressure dissipation measurements in the CPTs ranged from about 8 to 20 feet below current grades. In addition, two borings were left open for several hours and groundwater was re-measured at depths of about 7.5 to 8 feet below existing grades. Historic high groundwater maps prepared by CGS indicate groundwater on the order of 8 feet.[41]

As discussed above in Section 4.7(a)(ii), the project would be required to comply applicant would be required to comply with the 2022 California Building Code (Title 24 of the CCR),[42] including Section 1803, which sets out the requirements for geotechnical investigations and reporting. Additionally, FMC 15.10.350 provides an amendment to the 2022 California Building Code Section 1803 that requires following:

1. **1803.8 Review**. Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):

    a. The plans and specifications substantially conform to the recommendations in the soil investigation.

    b. The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

2. **1803.9 Field Report**. Before requesting a foundation inspection from the city, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:

    a. The building pad was prepared and compacted in accordance with the soil report and specification.

    b. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable) substantially conforms with the soil report and approved plans.

3. **1803.10 Final Report**. Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

Compliance with the 2022 California Building Code as amended by FMC 15.10.350, would result in foundations that are designed to tolerate any liquefaction-induced settlements, thereby ensuring that potential impacts related to seismic-related ground failure, including liquefaction, would be **less than significant**.

41 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

42 City of Fremont. 2022d. Municipal Code Chapter 15.47: Fremont Residential Building Code. Website: https://www.codepublishing.com/CA/Fremont/#!/Fremont15/Fremont15.html (accessed September 26, 2024).

Loose, unsaturated, sandy soils can settle during strong seismic shaking. As the soils encountered at the site were predominantly medium stiff to very stiff clays and medium dense to dense sands, the potential for significant differential seismic settlement affecting the proposed project is considered low.[43] Therefore, the potential for impacts related to seismic settlement is **less than significant**.

iv. Landslides?

The proposed project and surrounding area are located in a relatively flat area and therefore would not be affected by landslides. In addition, the project site is not located in an area mapped by CGS as being susceptible to earthquake-induced landslides.[44] Therefore, the proposed project would have **no impact** related to landslides.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Redevelopment of the project site would involve construction activities such as grading and excavation, which could result in temporary soil erosion when the disturbed soils are exposed to wind or rainfall. Because the proposed project would involve over 1 acre of land disturbance, it would be required to comply with the SWRCB's CGP, which requires the preparation and implementation of a SWPPP. As described in Section 4.10, Hydrology and Water Quality, of this document, the SWPPP would include erosion control BMPs that would minimize erosion during construction. Upon completion of construction, the project site would be covered with structures, pavement, and landscaping and would not include areas of exposed soil. Therefore, the proposed project would result in **less than significant** impacts related to soil erosion or loss of topsoil. No mitigation is required.

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

As previously discussed in Section 4.7.a, above, the project site would not be subject to lateral spreading or landslides. The project site would, however, have the potential for liquefaction-induced settlement and differential settlement. Implementation of geotechnical recommendations, as required by the 2022 California Building Code as amended by FMC 15.10.350, would ensure potential impacts related to liquefaction would be **less than significant**.

Subsidence can result from the removal of subsurface water resulting in either gradual depression or catastrophic collapse of the ground surface. The proposed project would connect to the City of Fremont's potable water supply system and would not utilize groundwater at the project site. Groundwater is expected to be shallow at the project site and may fluctuate due to seasonal fluctuation, underground drainage patterns, and other factors. As discussed in Section 4.7.a, above, the Geotechnical Investigation recommends a design groundwater depth of 8 feet, and groundwater

[43] Ibid.

[44] CGS. 2023. *EQ Zapp: California Earthquake Hazards Zone Application* (web application). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed January 11, 2023).

at the project site may occur at depths shallower than 8 feet. [45] Dewatering and shoring of utility trenches may be required in isolated areas of the project site during construction. Construction-related dewatering would not be expected to result in subsidence or soil collapse as the dewatering activities would be temporary and localized and would affect only the uppermost water-bearing zone.

The project site is predominantly underlain by clay that will consolidate under the weight of loads and result in static settlement. The Geotechnical Investigation recommends drying the soils prior to reusing them as fill and details several methods to address potential unstable soil conditions, including scarification and drying, removal and replacement, and chemical treatment.[46] To minimize construction and post-construction settlement, implementation of the appropriate stabilization measures should be evaluated on a case-by-case basis, according to the project construction goals and site conditions.

Undocumented fill was encountered during the Geotechnical Investigation extending to depths of up to 2.5 feet below the existing grades, and deeper fill would likely be encountered in some areas. Undocumented fill on the project site consists of very stiff to hard sand lean clay and medium dense sand with gravel. Although significant static settlement resulting from these compressible clays are not anticipated, footings at the loading dock may extend 4 to 6 feet below existing grades and may bear in the medium stiff clay layer. Therefore, the Geotechnical Investigation recommends reducing the maximum allowable bearing capacity for deepened footings.[47]

Compliance with the 2022 California Building Code as amended by FMC 15.10.350 would ensure that potential impacts related to unstable soil would be **less than significant**.

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

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. The changes in soil volume can result in substantial cosmetic and structural damage to buildings and hardscape developed over expansive soils. These effects can be mitigated by moisture conditioning the expansive soil, placing non-expansive fill below slabs and foundations, designing foundations and slabs to resist ground movements associated with volume changes, supporting foundations below the zone of severe moisture change, and/or limiting moisture changes in the surficial soils by using positive drainage away from the building as well as limiting landscape watering.

Moderately expansive fill soils generally blanket the project site. To reduce the potential for damage to the planned structures, the Geotechnical Investigation recommends the following:[48]

45 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.
46 Ibid.
47 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.
48 Ibid.

- The warehouse slab-on-grade should be supported on at least 6 inches of non-expansive, crushed granular base such as Class 2 aggregate base. All base and sub-base materials should be placed and compacted in accordance with the specifications of the Geotechnical Investigation.

- Asphalt concrete pavement should be designed based on a design R-value of 5. R-value is a measure of resistance to deformation of soils under wheel loading and saturated soil conditions. This test has been used by Caltrans for flexible pavement design, and R-values used by Caltrans range from 5 for very soft material to 80 for unbound (naturally occurring and with no stabilizing agents such as cement or asphalt) base material.

- Bioswales and basins should be placed a minimum of 10 feet away from the building perimeter and a minimum of 5 feet away from exterior flatwork or pavements.

The implementation of geotechnical recommendations, as required by the 2022 California Building Code as amended by FMC 15.10.350, would ensure that potential impacts related to expansive soils at the project site would be **less than significant**.

e. Would the project 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?

Development of the proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would have **no impact** related to septic tanks or alternative wastewater disposal systems.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No paleontological resources or unique geological features are known to exist within or near the project site. However, the possibility of accidental discovery of paleontological resources during project construction cannot be discounted. The City's standard development requirements, as described in Table 2.B, Section 2.3.1 of this document and adopted under FMC Section 18.218.050(d),[49] include provisions to ensure that potential impacts to paleontological resources would be less than significant. Compliance with FMC 18.218.050(d) would ensure that construction contractors are notified of the sensitivity of the project site for paleontological resources and ensure that these resources are properly handled in the event of an accidental discovery, and therefore would ensure this impact would be **less than significant**.

[49] City of Fremont. 2022h. Fremont Municipal Code Section 18.50.050(d)(2). Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed December 2022).

4.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

4.8.1 Environmental Setting

Unless otherwise noted, the discussion and analysis provided below is based on the data included in the *Air Quality, Greenhouse Gas, and Energy Technical Report* prepared for the proposed project.[50]

GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- CO_2;
- Methane (CH_4);
- Nitrous oxide (N_2O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur hexafluoride (SF_6).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While human-caused GHGs include naturally occurring GHGs such as CO_2, CH_4, and N_2O, some gases, like HFCs, PFCs, and SF_6, are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of

[50] ESA. 2024. *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report*. July.

each gas is measured relative to CO_2, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO_2 over a specified time period. GHG emissions are typically measured in terms of pounds or tons of "CO_2 equivalents" (CO_2e).

4.8.2 Impact Analysis

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

In April 2023, the BAAQMD adopted the 2022 CEQA Guidelines[51] which identify applicable GHG significance thresholds. These thresholds evaluate a project based on its effect on California's efforts to meet the State's long-term climate goals. Applying this approach, the BAAQMD identifies and provides supporting documentation, outlining the necessary requirements that new land use development projects must implement to achieve California's long-term climate goal of carbon neutrality by 2045. Based on the analysis, the BAAQMD found that new land use development projects need to incorporate specified design elements to contribute their "fair share" toward implementation of the goal of carbon neutrality by 2045. If a project is designed and built to incorporate the identified design elements, then it would contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. The document concludes that if a project does not incorporate these design elements, it should be found to result in a significant climate impact because it would hinder California's efforts to address climate change.

According to BAAQMD's 2022 CEQA Guidelines, a project would have a less than significant impact related to GHG emissions if it would:

a. Include, at a minimum, the following project design elements:

    1. Buildings

        a) The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).

        b) The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the *State CEQA Guidelines.*

    2. Transportation

        a) Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted SB743 VMT target, reflecting the

[51] Bay Area Air Quality Management District (BAAQMD). 2023. *California Environmental Quality Act Air Quality Guidelines.* April.

recommendations provided in the Governor's Office of Planning and Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA*:

1. Residential projects: 15 percent below the existing VMT per capita
2. Office projects: 15 percent below the existing VMT per employee
3. Retail projects: no net increase in existing VMT

b) Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

b. Or be consistent with a local GHG reduction strategy that meets the criteria under *State CEQA Guidelines* Section 15183.5(b).

The City adopted its updated Climate Action Plan (CAP), *Climate Ready Fremont,*[52] on October 10, 2023. The CAP provides a series of local GHG reduction and climate adaptation measures to be undertaken through 2023, including transportation, energy, and waste. As discussed in the CAP, new development projects that are consistent with the growth projections and applicable GHG reduction measures in the CAP are eligible for CEQA streamlining, per the provisions of *State CEQA Guidelines* Section 15183.5. Under these provisions, a project that is subject to discretionary review and is consistent with the City's General Plan growth projections can show consistency with applicable GHG reduction measures in the CAP and the level of analysis for the project required under CEQA can be streamlined. However, to be conservative, the following analysis evaluates the proposed project's consistency with the BAAQMD's project design elements. Consistency with the City's CAP is also included below.

Natural Gas Usage. According to the BAAQMD, a less-than-significant GHG impact would occur if the project does not include natural gas appliances or natural gas plumbing. The proposed project would not include the use of natural gas. Therefore, the proposed project would be consistent with the BAAQMD's project design element related to natural gas and would be consistent with the BAAQMD's GHG emission thresholds. As such, the proposed project would not generate significant GHG emissions that would have a significant effect on the environment.

Energy Usage. The project must not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under Section 21100(b)(3) and Section 15126.2(b) of the *State CEQA Guidelines*. Energy use consumed by the proposed project would be associated with electricity consumption and fuel used for vehicle trips associated with the project. Energy consumption was estimated for the project using default energy intensities by land use type in the CalEEMod output. CalEEMod output sheets are included within the *Air Quality, Greenhouse Gas, and Energy Technical Report,*[53] provided in Appendix A of this document.

As discussed previously in Section 4.6, Energy, the estimated potential increased electricity demand associated with the proposed project is 736,712 kWh per year. In 2023, Alameda County consumed

[52] City of Fremont. 2023. *Climate Ready Fremont*. October 10. Website: https://www.fremont.gov/home/showpublisheddocument/14218/638333186754130000 (accessed January 2024).

[53] ESA. 2024. *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report*. July.

10,395 GWh, or 10,395,384,395 kWh.[54] Therefore, electricity demand associated with the proposed project would be less than 0.1 percent of Alameda County's total electricity demand.

In addition, the proposed project would result in energy usage associated with gasoline and diesel to fuel project-related trips. Vehicle trips associated with the proposed project would consume approximately 63,772 gallons of gasoline per year and 23,136 gallons of diesel fuel per year. Based on fuel consumption obtained from EMFAC2021, approximately 540.5 million gallons of gasoline and approximately 156.2 million gallons of diesel fuel will be consumed from vehicle trips in Alameda County in 2024. Therefore, vehicle and truck trips associated with the proposed project would increase the annual fuel use in Alameda County by less than 0.1 percent for gasoline fuel usage and approximately 0.1 percent for diesel fuel usage. Fuel consumption associated with vehicle trips generated by project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

As such, based on this analysis, as required under *State CEQA Guidelines* Sections 21100(b)(3) and 15126.2(b), the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy and energy efficiency measures into building design, equipment use, and transportation. As such, the proposed project would be consistent with this design element.

Vehicle Miles Traveled. To meet the BAAQMD's VMT threshold, the project must achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan or meet a locally adopted SB 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's (OPR) 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*. The City of Fremont has locally adopted SB 743 VMT thresholds; for this project, that threshold is the existing regional VMT per employee. As discussed in Section 4.17, Transportation, the existing regional VMT per employee threshold is 18.1 miles and the VMT per employee for the proposed project is 15.7 miles, which is below the locally adopted threshold. Therefore, the proposed project would have a less than significant VMT impact. As such, the proposed project would be consistent with this design element.

Electric Vehicle Requirements. This criterion requires that the project achieve compliance with off-street electric vehicle requirements in the most recently adopted version of the CALGreen Tier 2 measures. CALGreen stipulates that to meet the Tier 2 standard, a nonresidential project with 101 to 150 parking spaces must have a total of 57 EV-capable spaces and 19 EV spaces with supply equipment. The proposed project would have 107 parking spaces and 57 EV-capable spaces, 31 of which would include EV chargers. Therefore, the proposed project would be consistent with this design element.

As discussed above, the proposed project would be consistent with the BAAQMD's project design elements related to natural gas, energy, and VMT. Therefore, the proposed project would be consistent with the BAAQMD's GHG emission thresholds. As such, the proposed project would not

[54] California Energy Commission (CEC). 2023. Electricity Consumption by County. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed August 2024).

generate significant GHG emissions that would have a significant effect on the environment, and this impact would be **less than significant**.

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

As discussed above, the City adopted its updated CAP, *Climate Ready Fremont*, on October 10, 2023. The CAP provides a series of local GHG reduction and climate adaptation measures to be undertaken through 2023, including transportation, energy, and waste. Some of the key community-level measures include: promoting clean power for residents and businesses; investing in EV charging infrastructure and encouraging the use of EVs; requiring green building for new construction; reducing plastic waste; and promoting active transportation options like biking and walking. In addition, the CAP has two main goals: to reduce GHG emissions from local activities to achieve GHG reduction targets, and to build community resilience to prepare for and adapt to the impacts of climate change. The CAP has a goal of 55 percent GHG emissions reduction target by 2030 from the 2005 baseline and achieving carbon neutrality by 2045.

A specific measure from the CAP that applies to the proposed project is Measure IN-12, which requires new development projects to convert 40 percent of construction equipment to electric or be powered by renewable diesel by 2030, 80 percent by 2045, and 85 percent by 2050. However, construction of the proposed project would be completed well before 2030 and therefore would not conflict with Measure IN-12. Additionally, Measure IN-3 would be applicable to the proposed project, which calls for the installation of infrastructure to support EV charging and other zero-emission vehicle fueling needs, includes a specific action that would have the City adopt CALGreen voluntary Tier 2 residential and nonresidential EV readiness voluntary measures as local requirements. Because the proposed project would meet or exceed the Tier 2 requirements, the proposed project would be consistent with this measure.

Another specific measure that applies to the proposed project is Measure BU-1, which requires a transition to 100 percent clean electricity consumption by 2030. Electricity for the proposed project would be supplied by PG&E. As discussed above, In 2022, a total of 38 percent of PG&E's delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric and various forms of bioenergy.[55] Additionally, PG&E provided 95 percent GHG-free electricity to customers in 2023 and will continue to supply electricity from a diverse bioenergy, geothermal, and small hydropower and is on target to meet the 2045 goal.

Further, many of the CAP measures would require action by the City, as opposed to individual developers and building operators. These include measures such as encouraging and requiring low-carbon building and site design; energy conservation; zero-emission vehicles; reduced VMT; reduced or eliminated natural gas use; retrofit of existing buildings to achieve many of the above features; water conservation; reduction in construction and demolition waste; increasing sustainability and disaster preparedness; waste reduction; promotion of green business and equity; and enhancing

[55] Pacific Gas & Electric (PG&E). 2024. *Exploring Clean Energy Solutions*. Website: https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html (accessed August 2024).

public participation in all aspects of climate action. While such strategies are not directly applicable to the proposed project, the proposed project would not obviously conflict with or impede the implementation of such measures.

The proposed project would generate GHG emissions primarily from construction activities and mobile emissions during operations. The 2022 Scoping Plan Update[56] contains one measure specific to emissions from construction and requires that 25 percent of energy demand from all construction equipment be electrified by 2023 and 75 percent by 2045. However, construction of the proposed project would be completed well before 2030 and, therefore, would align with the State-level targets. Construction activities would also comply with State and local requirements designed to minimize idling and associated emissions, which would also minimize the use of fuel. Specifically, pursuant to 13 CCR Sections 2485 and 2449, idling of commercial vehicles over 10,000 pounds and off-road equipment over 25 horsepower would be limited to a maximum of 5 minutes. Fuel use for project construction would be consistent with typical construction and manufacturing practices and with energy standards such as the Energy Policy Acts of 1975 and 2005, which promote strategic planning and building standards that reduce consumption of fossil fuels, increase use of renewable resources, and enhance energy efficiency. Additionally, the proposed project would be all-electric and would not require natural gas. All electricity for the proposed project would be supplied by PG&E, which is required to comply with SB 100 and the Renewable Portfolio Standard (RPS). SB 100 requires that the proportion of electricity from renewable sources be 60 percent by 2030 and 100 percent renewable power by 2045. Therefore, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the GHG emissions. This impact would be **less than significant**.

[56] California Air Resources Board (CARB). 2021. *2022 Scoping Plan Update*. May 10. Website: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf (accessed January 2024).

4.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 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 2 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?	☐	☐	☒	☐

4.9.1 Environmental Setting

The following summarizes the findings from the Phase I Environmental Site Assessment (Phase I ESA) prepared for the proposed project.[57] The Phase I ESA is included in Appendix E. The purpose of the Phase I ESA is to identify recognized environmental conditions (RECs) in accordance with ASTM Standard E 1527-13 and other agreed-upon ASTM Non-Scope Considerations (Business Environmental Risk Issues).

According to the Phase I ESA, reasonably ascertainable historical information indicates the site consisted of agricultural land from at least 1939 until 1963, when the site was developed with a former lumber yard and building supply warehouse (Identified as Pacific Supply). The present-day office building was developed on the western portion of the site circa 1990 and has been occupied as office space by Western Precooling since its construction. The building supply warehouse and

[57] Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

associated improvements were cleared in the early 2000s. With the exception of the existing office building, the majority of the site has remained grass-covered land since.[58]

As part of the Phase I ESA, a search report of federal, State, local, tribal, and proprietary environmental databases was prepared to determine the environmental regulatory status of the proposed project site, adjoining properties, and facilities identified within the specified approximate minimum search distance (AMSD), as established for each database in ASTM Standard E 1527-13, Section 8.2.1. The summary below includes database listings associated with the project site and adjoining properties as well as any additional properties/listings within the AMSD that were determined in the Phase I ESA to be at a distance or status that presents a higher potential risk for environmental concerns to the site.

The project site was identified twice in the database search. The first instance identified the project site as Hugo Development, LLC (43990 Fremont Boulevard) and appeared in the Hazardous Waste Tracking System (HWTS) database, which collects manifest[59] copies from the generator and destination facilities and is maintained by the California Department of Toxic Substances Control (DTSC), and in the Hazardous Waste Information System (HAZNET) Facility and Manifest Data database, which contains hazardous waste manifest data as reported to the DTSC, maintained by the California Environmental Protection Agency (Cal/EPA). Both databases report tracking documents showing removal of stored gasoline and waste oil in 1999 and 2000 and removal of stored aqueous solution in 2010. No spills, releases, or violations were reported.

The second instance identified the project site as Wicks Pacific Supply Lumber (43962 Fremont Boulevard), and appeared in the HWTS and HAZNET databases, as well as the following other databases:

- Leaking Underground Fuel Tank Report (LUST) maintained by the SWRCB;
- Statewide Environmental Evaluation and Planning System (CA SWEEPS UST), a database previously maintained on behalf of the SWRCB but no longer updated or maintained as of 1994;
- Historical UST, a historical listing of UST sites no longer updated by the SWRCB as of 1990;
- CA FID UST, Cal/EPA's historical listing of active and inactive underground storage tank (UST) locations, no longer updated by the SWRCB as of 1994;

58 Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

59 A hazardous waste manifest is a document used to track hazardous waste shipments. Per the DTSC website, the USEPA's Uniform Hazardous Waste Manifest travels with hazardous waste from the point of generation to the final treatment, storage, and disposal facility (TSDF). Each party in the chain of shipping, including the generator, signs and retains one of the manifest copies.

- The Cortese List, a list of sites compiled in accordance with Government Code Section 65962.5 (known as the Cortese list) by the SWRCB (LUST), the Integrated Waste Board Solid Waste Facilities/Landfill Sites (SWF/LS), and the DTSC (Cal-Sites);

- Historical Cortese, a list of sites historically listed in accordance with Government Code Section 65962.5 (known as the Cortese List) but no longer updated by the DTSC as of 2001;

- Cal/EPA Regulated Site Portal (California Environments Reporting System, or CERS), a list maintained by Cal/EPA that combines data from a variety of State and federal databases, providing an overview of regulated activities across the spectrum of environmental programs for any given location in California, including hazardous materials and waste, State and federal cleanups, impacted ground and surface waters, and toxic materials;

- Resource Conservation and Recovery Act (RCRA) Non Generators/No Longer Regulated (RCRA NonGen/NLR), USEPA's comprehensive information system providing access to data supporting the 1976 RCRA and the Hazardous and Solid Waste Amendments (HSWA) of 1984, which includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the RCRA (Non-Generators do not presently generate hazardous waste);

- CERS Hazardous Waste, a list of sites in the Cal/EPA Regulated Site Portal that fall under the Hazardous Chemical Management, Hazardous Waste Onsite Treatment, Household Hazardous Waste Collection, Hazardous Waste Generator, and RCRA Large Quantity Hazardous Waste (RCRA LQ HW) Generator programs.

The HWTS and Haznet databases state that as Wicks Pacific Supply Lumber, the site was a small-quantity generator of hazardous waste and had waste removed. The site stored unspecified organic solids, hydrocarbon solvents, and unspecified aqueous solution. No current spills or releases were reported, and all violations have been resolved. The RCRA database states the site is no longer a hazardous waste generator since at least 2005. No RCRA violations were reported. The historical site building had a 1,000-gallon gasoline UST that was listed as historical by 1989. The LUST and Cortese databases state this facility had a release reported in 1987 that affected groundwater. Based on the regulatory closure received, the UST and LUST cases are considered Historical Recognized Environmental Conditions (HRECs). However, based on the absence of outstanding violations or report of release, and the conclusions of on-site assessments performed in 1998, the historical site operations are not considered an REC.[60]

Five adjoining properties were identified in the database search performed as part of the Phase I ESA:

- Hugo Development/Western Precooling (43978 Fremont Boulevard), to the east;
- Glacier Ice Company (43960 Fremont Boulevard), to the north;
- Sunnyvale (3737 Yale Way), to the southeast;

[60] Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

- Chemical Waste Management Inc. (3765 Yale Way), to the south; and
- West Coast Quartz/Hayward Quartz (4010 Business Center Drive), to the west.

Contaminated groundwater associated with three removed USTs was discovered at the Hugo Development/Western Precooling property, and a cleanup effort ensued. Based on redevelopment and absence of current releases associated with the property, these database listings are not considered an REC. For each of the other adjoining properties, no spills, releases, or violations have been reported. Based on the absence of spills, releases or violations, these database listings are not considered an REC.[61]

As detailed in the Phase I ESA, several additional non-adjoining facilities are located within the ASTM E 1527-13 AMSD. However, based on factors such as distance to the site, topography, media affected (surface water, soil, soil vapor, or air), depth to groundwater, anticipated groundwater flow direction away from the site, and/or a "Case Closed" and/or "No Further Action (NFA)" regulatory status, these non-adjoining facilities within the AMSD are unlikely to have current or former releases of hazardous substances and/or petroleum products that could migrate to the site and are therefore not considered an REC.[62]

In addition, during a site visit, a trash and debris pile was observed on the northern portion of the site, which contained a shopping cart, closed trash bags, and construction debris. No evidence of hazardous materials, waste, or staining was observed in association with the trash and debris. As such, the waste and debris are not considered an REC.[63]

No RECs were identified during the review of historical information, as a result of the environmental database search and review, or as a result of the site inspection.[64]

4.9.2 Impact Analysis

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The project site is currently zoned Regional Commercial (C-R); however, implementation of the proposed project would include a General Plan Amendment and rezoning of the site to the Tech Industrial (I-T) designation, which provides areas devoted to research and development activities; "clean and green" technology; semiconductor, computer hardware, software, and related technology; administrative sales; and engineering facilities. Although the tenant and exact operations of the proposed project are not currently known, operation of the site under allowable I-T uses may involve routine transport, use, and/or disposal of hazardous materials. Hazardous materials (e.g., oil, grease, fuels, paint) would be transported and used on site during proposed construction activities. The routine transport, use, or disposal of these hazardous materials could pose a potential hazard to construction workers and future employees working at the project site, as

61 Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

62 Ibid.

63 Ibid.

64 Ibid.

they would be handling the hazardous materials and could therefore be exposed through inhalation of vapors, direct contact with skin, or accidental ingestion. The routine transport, use, or disposal of these hazardous materials would not pose a significant hazard to the public or environment unless the hazardous materials were accidentally spilled or released into the environment, as discussed in Section 4.9.b, below.

All future uses of the project site would be subject to existing regulatory programs for hazardous materials. The Hazardous Materials (HazMat) Division of the Fremont Fire Department's Fire Prevention Bureau is designated as the Certified Unified Program Agency (CUPA) for the City of Fremont. The role of a CUPA is to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities associated with the regulation of hazardous materials and hazardous wastes. The HazMat Division coordinates the regulation of hazardous materials and hazardous wastes in Fremont through the following programs:

- Hazardous Materials Business Plan (HMBP) Program;
- California Accidental Release Program (CAL-ARP);
- UST Program;
- Hazardous Waste Generator Program; and
- On-Site Hazardous Waste Treatment Tiered Permitting Program.

Businesses that store or use hazardous materials in the city limits of Fremont are required to submit chemical and facility information on the CERS, which is a statewide web-based system to support CUPAs in electronically collecting and reporting various hazardous materials-related data as mandated by the California Health and Safety Code and 2008 legislation (AB 2286). Chapter 6.95 of Division 20 of the California Health and Safety Code requires that an HMBP must be submitted to the local CUPA if on-site hazardous materials exceed in aggregate any of the following: 55 gallons for liquids; 500 pounds for solids; or 200 cubic feet of gases at standard temperature and pressure. HMBPs are required to be submitted electronically to the CERS and must include facility information, a Hazardous Materials Inventory Statement, an Emergency Response Plan, and an Emergency Response Training Plan. The HMBP must be re-certified for completeness and accuracy every year or updated and revised as necessary.

FMC Section 8.35.350[65] states that any person, firm, or corporation which handles, uses, or stores any hazardous material (pursuant to Section 8.35.070) shall obtain and keep current a Hazardous Materials Management Permit, even at quantities that do not require the filing of a HMBP under the California Health and Safety Code. To obtain a hazardous materials permit, each applicant must submit a written plan, for approval by the City, known as a Hazardous Materials Management Plan (HMMP),[66] which shall demonstrate the safe storage, transportation, use and handling of hazardous

[65] City of Fremont. 2022a. Fremont Municipal Code Section 8.35.350: Hazardous Materials Management. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html (accessed December 2022).

[66] Section 25504 of the California Health and Safety Code states that, to reduce duplicative regulatory requirements, preparation of a HMBP, for facilities required to do so, also meets the requirements for a HMMP where required by other applicable codes.

materials in compliance with FMC Chapter 8.35, Article IV[67], including preparation of a Hazardous Materials Inventory Statement. Pursuant to FMC Section 8.35.100,[68] satisfactory provisions must be made for appropriate containment, neutralization, and removal of spills or leakage of hazardous materials that may occur during storage, handling, transportation, or use, including necessary safety equipment for personnel. The City determines what provisions are "satisfactory" and what safety equipment is "necessary." No person, firm or corporation shall receive a Certificate of Occupancy for any facility involving the handling of hazardous materials until a permit or approval has been issued.

CAL-ARP aims to reduce the likelihood and impact of accidental releases of regulated toxic and flammable substances. Under CAL-ARP, facilities that handle more than a threshold quantity of a regulated hazardous substance, such as federally listed extremely hazardous toxic and flammable substances, and State-listed acutely hazardous materials, must prepare a Risk Management Plan (RMP). The RMP must analyze the potential for an accidental release. Facilities that are required to prepare an RMP must obtain and keep current a CAL-ARP Program Facility Permit, as issued by the Fremont Fire Prevention Division.

Worker health and safety is regulated at the federal level by the United States Department of Labor, Occupational Safety and Health Administration (OSHA). OSHA regulations include training requirements for construction workers and a requirement that hazardous materials be accompanied by manufacturer's Safety Data Sheets (SDSs). The Federal Occupational Safety and Health Act of 1970 authorizes states to establish their own safety and health programs with OSHA approval. Worker health and safety protections in California are regulated by the California Department of Industrial Relations (DIR). The DIR includes the Division of Occupational Safety and Health (DOSH), which acts to protect workers from safety hazards through its California OSHA (Cal/OSHA) program. Cal/OSHA regulations include requirements for protective clothing, training, and limits on exposure to hazardous materials. California standards for workers dealing with hazardous materials are contained in CCR Title 8 and include practices for all industries (General Industrial Safety Orders), and specific practices for construction, and other industries. The routine transport, use, and disposal of hazardous materials at the project site during operation and construction activities would be required to comply with a project Health and Safety Plan (HASP) prepared in accordance with CCR Title 8, which would mitigate potential health hazards for workers related to the routine transport, use, or disposal of hazardous materials to a less than significant level.

Because the proposed project would result in soil disturbance greater than 1 acre, management of hazardous materials during construction activities would be subject to the requirements of the SWRCB's National Pollutant Discharge Elimination System (NPDES) Permit Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders No. 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057-DWQ) (CGP). The CGP requires preparation

67 City of Fremont. 2022b. Fremont Municipal Code Chapter 8.35, Article IV. Hazardous Materials Management Plan. Website: https://www.codepublishing.com/CA/Fremont/html/ Fremont08/Fremont 0835.html#8.35.220 (accessed December 2022).

68 City of Fremont. 2022c. Fremont Municipal Code Section 8.35.100 Safety Provisions. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html#8.35.100 (accessed December 2022).

and implementation of a SWPPP, which is discussed in more detail in Section 4.10, Hydrology and Water Quality. The SWPPP includes hazardous materials storage requirements; for example, construction site operators must store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).

The transportation of hazardous materials is subject to United States Department of Transportation (USDOT), RCRA, and State regulations. In 1990 and 1994, the federal Hazardous Materials Transportation Act was amended to improve the protection of life, property, and the environment from the inherent risks of transporting hazardous material in all major modes of commerce. The USDOT developed hazardous materials regulations that govern the classification, packaging, communication, transportation, and handling of hazardous materials, as well as employee training and incident reporting. The California Highway Patrol, Caltrans, and the DTSC are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials.

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that may be classified as hazardous waste. Hazardous wastes would be required to be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials as required by the USDOT, RCRA, and State regulations.

Compliance with the existing hazardous materials regulations and programs described above, including the CGP; requirements for HMBPs, HMMPs, and RMPs for facilities handling hazardous materials; Cal/OSHA CCR Title 8 and OSHA regulations; and USDOT, RCRA, and State regulations would ensure that the proposed project would not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction and operation of the proposed project. Therefore, any impacts would be considered **less than significant**.

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

As detailed in the general introductory discussion above for Section 4.9, the project site was identified twice in a search report of federal, State, local, tribal, and proprietary environmental databases: as Hugo Development, LLC, and as Wicks Pacific Supply Lumber. The database entries for Hugo Development, LLC, reported hazardous waste manifests for materials stored on site, but no spills, releases, or violations were reported. The database entries for Wicks Pacific Supply Lumber identified past releases of hazardous materials at the project site that, based on regulatory closures, absence of outstanding violations or report of release, and the conclusions of subsequent on-site contamination assessments, were not assessed as RECs in the Phase I ESA. Therefore, the database results, as well as the site inspection performed in preparation of the Phase I ESA, indicate that the

project site itself does not pose a potential hazard to the public or environment through possible release of hazardous materials.[69]

Materials that contain greater than one percent asbestos fibers are considered regulated Asbestos-Containing Materials (ACMs) and must be handled according to USEPA and OSHA regulations. The Phase I ESA reports that during a limited visual survey, potential ACMs were identified at the existing building on site. The suspect materials were observed in good condition and assessed as nonfriable materials. However, in compliance with National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and State regulations, the specific materials to be disturbed would be sampled prior to demolition or renovation activities at the site. Furthermore, all regulated ACMs would be handled in accordance with applicable regulations, including Section 1529 of CCR Title 8, which regulates asbestos exposure in all construction work. These regulations may include removal of certain ACMs prior to renovation activities.

As discussed in Section 4.9.a, above, during construction and operation of the proposed project, compliance with CAL-ARP, as well as the other existing hazardous materials regulations and programs described above (including NESHAPS; the CGP; requirements for HMBPs, HMMPs, and RMPs for facilities handling hazardous materials; Cal/OSHA CCR Title 8 and OSHA regulations; and USDOT, RCRA, and State regulations), would reduce the potential for releases of hazardous materials that would be routinely transported, used, disposed of during construction and operation of the proposed project and would ensure that impacts to human health or the environment associated with accidental releases of hazardous materials resulting from the proposed project would be **less than significant**.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There is one school within 0.25 mile of the project site, Genius Kids, located at 4168 Technology Drive. Genius Kids is a private school offering preschool, prekindergarten, kindergarten, after-school care, and camp programs.[70] The school site has a small, walled, outdoor play yard, the nearest corner of which is approximately 0.23 mile from the northwest corner of the project site. The school is just within the 0.25-mile radius of the project site and would be unlikely to be affected by any hazardous materials at the project, as the Phase I ESA did not identify evidence of any RECs or controlled RECs in connection with the project site. Because normal controls related to BMPs and compliance with federal, State, and local regulations (as discussed in Sections 4.9.a and 4.9.b) would be in place, the potential impact would be **less than significant**.

---

69 Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

70 Genius Kids. 2023. "Our Programs." Website: https://geniuskidsonline.com/GeniusKidsFremont TechnologyDrive-/our-programs/ (accessed January 13, 2023).

d. Would the project 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?

As detailed in the general discussion above for Section 4.9, above, the project site was identified twice in a search report of federal, State, local, tribal, and proprietary environmental databases: as Hugo Development, LLC, and as Wicks Pacific Supply Lumber. The database entries for Hugo Development, LLC, reported hazardous waste manifests for materials stored on site, but no spills, releases, or violations were reported. The database entries for Wicks Pacific Supply Lumber identified past releases of hazardous materials at the project site that, based on regulatory closures, absence of outstanding violations or report of release, and the conclusions of subsequent on-site contamination assessments, were not assessed as RECs in the Phase I ESA. Therefore, the database results, as well as the site inspection performed in preparation of the Phase I ESA, indicate that although the project site has been included on the list of hazardous materials release sites compiled in accordance with Government Code Section 65962.5 (also known as the Cortese List), it no longer poses a potential hazard to the public or environment.[71]

In addition, as discussed in Sections 4.9.a and 4.9.b, above, during construction and operation of the proposed project, compliance with CAL-ARP, as well as the other existing hazardous materials regulations and programs described above (including NESHAPS; the CGP; requirements for HMBPs, HMMPs, and RMPs for facilities handling hazardous materials; Cal/OSHA CCR Title 8 and OSHA regulations; and USDOT, RCRA, and State regulations), would reduce the potential for creation of a significant hazard to the public or the environment resulting from the proposed project or related to past hazardous materials releases that caused the project site to be included on the list of hazardous materials release sites compiled in accordance with Government Code Section 65962.5 to a **less than significant** level.

e. Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 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?

There are no airports within Fremont, and the project site is not within 2 miles of any public airport, or in the vicinity of a private airstrip. The closest airports to the project site are Norman Y. Mineta San Jose International Airport (SJC) and Palo Alto Airport, each approximately 10 miles away, and Moffett Federal Airfield, approximately 7.8 miles away. As such, there are no associated airport land use plans applicable to the site, and the project would not result in a safety hazard for people working at the site. **No impacts** would occur.

[71] Blackstone Consulting, LLC, 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538.* September 14.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed project would be consistent with the policies outlined in the City's General Plan Safety Element[72] and would be designed to meet all applicable federal, State, and local fire safety codes. Fremont Boulevard would be the primary evacuation/emergency response route for the project site. The proposed project would involve limited roadwork on Fremont Boulevard, including sidewalk and driveway improvements. The proposed project would not reduce the number of traffic lanes on Fremont Boulevard and would not alter the existing street layout; therefore, it would not alter or obstruct emergency evacuation routes. Therefore, the proposed project would not be expected to impair the function of nearby emergency evacuation routes and would have **less than significant** impacts on implementation of an adopted emergency response plan or emergency evacuation plan.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped very high fire hazard severity zones in Alameda County to help responsible local agencies, such as the Fremont Fire Department and Fire Prevention Bureau, identify measures to reduce the potential for loss of life, property, and resources from wildland fire. The project site and surrounding area are mapped by CAL FIRE as being outside of the very high fire hazard severity zone (VHFHSZ).[73] Additionally, the project site is not within any wildland-urban interface (WUI) fire-threatened area as mapped by CAL FIRE.[74]

The project site is in an urban commercial and industrial area. Vegetation on the project site consists primarily of landscape plants in the western portion of the project site and low-lying ruderal vegetation growing in unpaved areas in the eastern portion. Vegetation in the immediate vicinity of the project site consists primarily of trees and landscaped areas within surrounding properties. There are no large areas of vegetated open space in the vicinity of the project site.

Construction of the proposed project would require the use of construction equipment that could generate sparks and temporarily increase fire risks. Operation of the proposed project could involve industrial activities that could also increase fire risks, and if proposed landscaping vegetation on the project site is not appropriately managed, the project could increase the risk of fire spreading from the project site to surrounding areas. As discussed above, potential handling of hazardous materials during project operation, which may include flammable materials, would be managed under an HMBP. Tenants of the proposed project would also be required by OSHA to establish an emergency

---

72 City of Fremont. 2011c. "Chapter 10: Safety Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000 (accessed January 19, 2023).

73 California Department of Forestry and Fire Protection (CAL FIRE). 2008. Alameda County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf (accessed January 2, 2023).

74 CAL FIRE. 2019. Wildland Urban Interface (WUI) Map. Website: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf (accessed January 19, 2023).

action plan that would reduce the exposure of employees to risks of loss, injury, or deaths in the event of fires. However, the project site is not within an area mapped by CAL FIRE as a WUI fire-threatened community or a VHFHSZ; therefore, activities at the project site that have the potential to increase risks of fire are unlikely to contribute to the start or spread of wildland fire. Therefore, impacts related to significant risk of loss, injury, or death involving wildland fire would be **less than significant**.

4.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 erosion or siltation on- or off-site;	☐	☐	☒	☐
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?	☐	☐	☒	☐

The following section relies on information provided in the Stormwater Quality Control Plan[75] and Geotechnical Investigation[76] prepared for the proposed project.

As discussed in Chapter 2.0, Project Description, two flood control channels are located in the vicinity of the project site. One channel is located on the other side of Fremont Boulevard, to the west of the site. The other channel is concrete lined and is located along the southern border of the site. These flood control channels are part of the Laguna Creek Watershed and are managed by the ACFC. They receive inputs from multiple creeks, including Canada del Aliso, Sabercat, and Washington creeks, before eventually draining into Mud Slough and San Francisco Bay.[77]

75 EverWest Real Estate Investors. 2022. 43990 Fremont Blvd Stormwater Quality Control Plan, April 22.

76 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.

77 Alameda County Flood Control and Water Conservation District (ACFC). 2022. Laguna Creek Watershed. Website: https://acfloodcontrol.org/the-work-we-do/resources/laguna-creek-watershed/ (accessed November 7, 2022).

4.10.1 Impact Analysis

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The SWRCB and nine Regional Water Quality Control Boards (RWQCBs) regulate the quality of surface water and groundwater bodies throughout California. In the Bay Area, including the project site, the San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for implementation of the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses and water quality objectives for waterways and water bodies within the region. Section 303(d) of the federal CWA requires that states identify water bodies (including bays, rivers, streams, creeks, and coastal areas) that do not meet water quality standards and the pollutants that are causing the impairment. Total Maximum Daily Loads (TMDLs) describe the maximum amount of a pollutant that a water body can receive while still meeting established water quality standards. A TMDL establishes limits for pollutant discharges into impaired water bodies. As previously discussed, stormwater from the project site discharges to Mud Slough and San Francisco Bay. The SWRCB Surface Water Quality Assessment 2020–2022 Integrated Report for CWA Sections 303(d) and 305(b) does not list any impairments for Mud Slough. The Lower San Francisco Bay is listed as an impaired water body for the following pollutants: dichlorodiphenyltrichloroethane (DDT), dioxin compounds, furan compounds, polychlorinated biphenyls (PCBs), dieldrin, trash, PCBs (dioxin-like), mercury, invasive species, and chlordane.[78]

Runoff water quality is regulated by the NPDES Program (established through the federal CWA). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES Program is administered by the Water Board. According to the water quality control plans of the Water Board, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with SWRCB's CGP,[79] which requires preparation of a SWPPP and implementation of Construction BMPs during construction activities. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

The proposed project would be subject to the California RWQCB San Francisco Bay Region's Municipal Regional Stormwater NPDES Permit (MRP), which went into effect on July 1, 2022 (Order R2-2022-0018, amended October 2023 by Order R2-2023-019; NPDES Permit No. CAS612008). The MRP covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties; the cities of Fairfield, Suisun City, and Vallejo; and the Vallejo Flood & Wastewater District, which have joined together to form the Solano Stormwater Alliance (Solano Permittees). Provision C.3 of the MRP requires new development and redevelopment

[78] State Water Resources Control Board (SWRCB). 2023. *2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. Website: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2018_integrated_report.html (accessed September 2022).

[79] NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002).

projects that would replace more than 5,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the Provision C.3 requirements, the preparation and submittal of a Stormwater Control Plan (SCP) would be required. The purpose of an SCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include Low Impact Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource rather than a waste product. Additionally, the preparation of a Stormwater Facility Operation and Maintenance Plan is required to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

Construction. The proposed project involves the demolition of the existing building on the project site and the construction of an approximately 70,000-square-foot industrial warehouse building. Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked, and they have the potential to be transported via stormwater runoff into receiving waters.

Because construction of the proposed project would disturb greater than 1 acre of soil, the project is subject to the requirements of the CGP,[80] which requires preparation of a SWPPP and implementation of construction BMPs during construction activities. Compliance with the CGP would include submission of Permit Registration Documents (PRDs), including a Notice of Intent for coverage under the permit to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTs). The Project Applicant would provide the Waste Discharge Identification Number (WDID) to the Planning Manager of the City of Fremont Planning Department, or designee, to demonstrate proof of coverage under the CGP. Project construction would not be initiated until a WDID is received from the SWRCB and is provided to the City, or designee.

The SWPPP would be prepared by a Qualified SWPPP Developer in accordance with the requirements of the GCP. Requirements include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation would be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association's Stormwater Best Management Handbook: Construction.

The SWPPP would also include a construction site monitoring program that identifies requirements for dry-weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP

[80] SWRCB's National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002)

Practitioner would be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities. Upon completion of construction and stabilization of the site, a Notice of Termination would be submitted via SMARTs. Construction BMPs would include, but are not limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

Exploratory borings conducted on the project site during preparation of the Preliminary Geotechnical Investigation[81] for the proposed project measured groundwater at depth ranges of approximately 8 to 20 feet below current ground surface. Additionally, based on the available groundwater information, including historic high groundwater maps, groundwater levels on the project site can be as shallow 8 feet below ground surface.[82] Cut and fill up to approximately 2 to 5 feet are expected for site grading and loading dock construction. The building will be supported on shallow footings and slabs on grade. Footings may extend approximately 4 to 6 feet below surface. Fluctuations in groundwater levels can occur due to many factors, including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors. Therefore, dewatering and shoring of groundwater may be required during construction activities involving excavation. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters and could cause degradation of the receiving water quality. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP. The CGP allows the discharge of dewatering effluent if the source of the water is uncontaminated groundwater and is properly filtered or treated, using appropriate technology. The discharge of dewatering effluent is authorized under the CGP if the following conditions are met:

- The discharge does not cause or contribute to a violation of any water quality standard;
- The discharge does not violate any other provision of the CGP;
- The discharge is not prohibited by the applicable Basin Plan;
- The discharger has included and implemented specific BMPs required by the CGP to prevent or reduce the contact of the nonstormwater discharge with construction materials or equipment;
- The discharge does not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;
- The discharge is monitored and meets the applicable numeric action levels; and
- The discharger reports the sampling information in the annual report.

81 Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse.* July 19.
82 Ibid.

If any of the above conditions are not satisfied, the discharge of dewatering effluent is not authorized by the CGP and the discharger must notify the local RWQCB to determine whether a separate NPDES permit is necessary.

Adherence with the CGP, including implementation of the required SWPPP, construction BMPs, and dewatering requirements, would ensure construction impacts related to surface water quality standards, waste discharge requirements, and surface water quality would be **less than significant**.

Operation. Pollutants of concern from long-term operations include pathogens (bacteria/viruses), metals, nutrients, motor vehicle lubricants, coolants, disc brake dust, toxic organic compounds, pesticides/herbicides, sediments/total suspended solids, trash and debris, and oil and grease. The City of Fremont is under the purview of the MRP. Therefore, the proposed project would be subject to the requirements of Provision C.3 of the MRP because the project would replace more than 5,000 square feet of existing impervious surfaces.

Per Provision C.3 of the MRP, prior to the issuance of any permits for ground-disturbing activities, the project applicant would submit the SCP to the City's Planning Manager for review and approval. The SCP would then act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with operation of the proposed project. The SCP would be prepared in accordance with the requirements and guidelines set forth in the Alameda Countywide Clean Water Program C3 Technical Guidance Manual and the City of Fremont Stormwater Control Plan Guidance Manual. At a minimum, the SCP for the project would include:

- An inventory and accounting of existing and proposed impervious areas.
- Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.
- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.
- A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which would include periodic inspection and maintenance of the storm drainage system and identification of persons responsible for performing and funding the requirements of the plan. The plan would be finalized prior to issuance of building permits for the project.

As discussed in Chapter 2.0, Project Description, the proposed project would include curb slots in paved areas, roof drains along the north and south of the proposed structure, and valley gutters along paved driveway areas to direct stormwater runoff from paved areas and the structure's roof to biotreatment ponds. Four landscaped bioretention basins and two flow-through planters, which would total approximately 7,591 square feet, would be used for stormwater control and treatment to reduce pollutants of concern in stormwater prior to release into the storm drain system.

Therefore, compliance with the requirements of the MRP would ensure that operational impacts to water quality would be **less than significant.**

Overall, because the proposed project would be required to comply with existing regulations, including the CGP and the MRP, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be **less than significant**.

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

The project site is located within the Niles Cone Groundwater Basin, a subbasin of the larger Santa Clara Valley groundwater basin.[83] The Niles Cone Subbasin (Number 2-9.01) has a surface area of 65,800 acres (103 square miles) and is bounded to the north by the boundary of the ACWD and southern portions of the City of Hayward; to the south by the Alameda County/Santa Clara County boundary; to the east by the Diablo Range; and to the west by the San Francisco Bay. Alameda Creek, the principal stream in the basin, flows near the eastern and northern margins of the basin, and Coyote Creek flows along the southern margin of the basin. Average precipitation within the basin is about 18 inches annually. The Niles Cone Basin consists chiefly of the alluvial fan formed by Alameda Creek as it exits the Diablo Range and flows toward the San Francisco Bay. The Hayward Fault cuts across the apex of the Niles Cone Alluvial fan, which impedes the westward flow of groundwater and separates the basin into two zones, one above the fault and one below it, where the project site is located. There are large differences in water levels on either side of the fault, demonstrating that the fault is relatively impermeable. The Below Hayward Fault subbasin is composed of a series of gently westward-dipping aquifers separated by extensive clay aquitards.[84]

Construction. As discussed in Section 4.10.a, above, groundwater depth at the project site is approximately 8 feet below existing grades, while proposed building footings would extend approximately 4 to 6 feet below the surface. However, fluctuations in groundwater levels can occur due to many factors, including seasonal fluctuation, underground drainage patterns, regional fluctuations, and other factors, and dewatering may be required during construction. Any dewatering would be temporary and would affect only the uppermost water-bearing zone. Such dewatering would be localized and would not result in the lowering of surrounding groundwater levels. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters and could cause degradation of the receiving water quality. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP.

83 California Department of Water Resources (DWR). 2018. *Groundwater Basin Boundary Assessment Tool.* Website: https://gis.water.ca.gov/app/bbat/ (accessed December 29, 2022).

84 California Department of Water Resources (DWR). 2006. *Santa Clara Valley Groundwater Basin, Niles Cone Subbasin, California's Groundwater Bulletin 118.* January 20.

Operation. Water service for the proposed project would be provided by ACWD, which has three primary sources of water supply: the State Water Project (SWP), the San Francisco Public Utilities Commission Regional Water System (SFPUC RWS), and local supplies. Local supplies include groundwater from the Niles Cone Groundwater Basin, desalinated brackish groundwater from portions of the groundwater basin previously impacted by saltwater intrusion, and surface water from the Del Valle Reservoir. SWP water is primarily sourced from rainfall and snowmelt runoff in Northern and Central California watersheds and water diverted from the Delta, and SFPUC RWS water is primarily sourced from the Central Sierra Nevada and local watersheds in Alameda and San Mateo counties. Therefore, operation of the proposed project would likely involve the use of both surface and groundwater sources for potable water.[85]

The 2020–2050 Urban Water Management Plan (UWMP) indicates that ACWD has sufficient water supplies to meet normal-year demands through 2045; however, deficiencies can occur as a result of dry winter weather or from an extended interruption of imported supplies. ACWD manages all its water supplies every year to maintain target levels in the Niles Cone aquifer and will take actions to maintain appropriate groundwater levels, including: maximizing the import of additional water for artificial recharge of the groundwater basin; reducing use of local groundwater; and maximizing the use of imported supplies.[86] Therefore, it is not anticipated that the increase in water demand that would result from implementation of the proposed project would substantially decrease groundwater supplies.

Development of the proposed project would result in an increase in impervious surfaces on the project site from approximately 1.13 acres to 3.34 acres. However, in compliance with the MRP, the proposed project would include four landscaped bioretention basins and two flow-through planters, with a total area of approximately 7,591 square feet, which would be used for stormwater control and treatment. Due to the incorporation of bioretention space and the implementation of LID techniques as required by the MRP, the proposed project would not result in a significant decrease in groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, the proposed project would not interfere with groundwater recharge.

For the reasons listed above, impacts related to the decrease of groundwater supplies or interference with groundwater recharge would be **less than significant**.

85 Alameda County Water District (ACWD). 2021a. *Alameda County Water District Urban Water Management Plan 2020–2050.* May 13.

86 Ibid.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: i. Result in substantial erosion or siltation on- or off-site; 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?

Erosion or Siltation. During construction activities, more than 1 acre of soil would be disturbed. Soil would be exposed, and drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. The CGP requires the preparation of a SWPPP to identify construction BMPs to be implemented as part of the proposed project to reduce impacts on water quality during construction, including those impacts associated with soil erosion and siltation. With compliance with the requirements in the CGP and implementation of construction BMPs, construction impacts related to on- or off-site erosion or siltation would be less than significant.

After the completion of project construction, operation of the proposed project would result in an increase in impervious surfaces on the project site from approximately 1.13 acres to 3.34 acres that would result in a net increase in stormwater runoff that can lead to downstream erosion in receiving waters. However, as discussed above, the four landscaped bioretention basins and two flow-through planters included in the project's design in compliance with the MRP would be used for stormwater control and treatment. Due to the incorporation of bioretention space and the implementation of LID techniques as required by the MRP, operational impacts related to on- or off-site erosion or siltation would be **less than significant**.

Flooding. Development of the proposed project would result in an increase in impervious surfaces on the project site from approximately 1.13 acres to 3.34 acres, which could have the potential to increase the volume and rate of stormwater runoff discharged from the project site. However, as previously discussed, the four landscaped bioretention basins and two flow-through planters included in the project's design in compliance with the MRP would be used for stormwater control and treatment. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized so that on-site flooding would not occur. Therefore, due to the implementation of LID techniques as required by the MRP, the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Impacts would be **less than significant**.

Stormwater Drainage System Capacity. Under existing conditions, stormwater is collected in a catch basin in the eastern portion of the site through a 12-inch storm drain line to the existing public 18-inch storm drain line in Ice House Terrace. In the southern portion of the site, a catch basin collects stormwater, which drains via an 18-inch storm drain line to the public storm drain line in Fremont Boulevard. Around the existing building, storm drain inlets drain to the 28-inch public storm drain line that runs along Fremont Boulevard.

The proposed project would include curb slots from paved areas to direct stormwater to bioretention areas. Roof drains along the north and south of the proposed structure would direct stormwater runoff through 8- to 12- inch storm drain pipes to biotreatment ponds along the north, east, and west property lines. Valley gutters would be installed along paved driveway areas to direct stormwater runoff from paved areas to biotreatment ponds. The bioretention ponds would collect and treat stormwater before discharging into existing City storm drain lines. In the north area of the property, along Ice House Terrace, bioretention areas would drain via storm drain catch basins and storm drain lines to an existing 18-inch storm drain line across Ice House Terrace, which then drains to the 24-inch public storm drain line in Ice House Terrace. Bioretention areas along the south half of the property would drain via storm drain catch basins and storm drain lines to the existing 28-inch public storm drain system along Fremont Boulevard, and a new stormwater maintenance hole would be installed in the southwest corner of the property.

As detailed in Section 4.10(a) of this document, the proposed project would be required to comply with the MRP and would include the incorporation of LID design features, including bioretention areas that would be used for stormwater control and treatment. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized such that drainage facility capacity would not be exceeded during a design storm. Therefore, the proposed project would not result in an exceedance of planned or existing stormwater drainage systems, and impacts would be **less than significant**.

Polluted Runoff. As discussed in Section 4.10.a, pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. Drainage patterns would be temporarily altered during grading and other construction activities, and construction-related pollutants could be spilled, leaked, or transported via storm runoff into adjacent drainages and downstream receiving waters. However, as previously discussed and as detailed in Section 4.10(a), the proposed project would be required to comply with the requirements set forth by the CGP and SWPPP, which would specify BMPs to be implemented to control the discharge of pollutants in stormwater runoff as a result of construction activities. Therefore, construction-related impacts would be **less than significant**.

Expected pollutants of concern from long-term operations include pathogens (bacteria/viruses), metals, nutrients, motor vehicle lubricants, coolants, disc brake dust, toxic organic compounds, pesticides/herbicides, sediments/total suspended solids, trash and debris, and oil and grease. As previously discussed, compliance with the MRP and the implementation of LID techniques would ensure that the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or discharge substantial sources of polluted runoff from the project site. Operation-related impacts would be **less than significant**.

Flood Flows. The project site would remain relatively flat, and the proposed project would not substantially alter drainage patterns. As previously discussed, development of the proposed project would result in an increase in impervious surfaces on the project site from approximately 1.13 acres to 3.34 acres. However, as previously discussed, in compliance with the MRP, the proposed project would include four landscaped bioretention basins and two flow-through planters that would be used for stormwater control and treatment. The proposed drainage facilities and BMPs needed to

accommodate stormwater runoff would be appropriately sited and sized so flood flows would not be impeded or redirected. Impacts would be less than significant.

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

Tsunami. The project site is not located in an area mapped by the California Emergency Management Agency as being potentially inundated by a tsunami.[87]

Seiches. Seiches are waves that are created in an enclosed body of water such as a bay, lake, or harbor and go up and down or oscillate and do not progress forward like standard ocean waves. There are no enclosed bodies of water in the nearby vicinity of the project site, and no seismically induced seiche waves have been documented in the San Francisco Bay throughout history.[88]

Dam Inundation. According to the California Department of Water Resources, Division of Safety of Dams' (DOSD) Dam Breach Inundation mapping, the project site is not located within a mapped dam failure inundation area.[89] The flood channel on the other side of Fremont Boulevard is identified as being part of the inundation scenario for a sunny day failure of the New Calaveras Dam.

While the Fremont General Plan Safety Element[90] shows the project site as just within the dam failure inundation areas for the Del Valle, Calaveras, and Turner reservoirs, the dam inundation areas shown in the General Plan are based on Association of Bay Area Governments (ABAG) data from 1995. The DSOD mapping is based on more recent modeling; Calaveras Dam modeling was prepared in 2017,[91] Del Valle modeling was prepared in 2019,[92] and Turner Dam modeling was prepared in 2020.[93] None of these more recently prepared maps show the project site within a dam inundation area.

87 California Department of Conservation (DOC). *Alameda County Tsunami Hazard Areas.* Website: https://www.conservation.ca.gov/cgs/tsunami/maps/alameda (accessed December 29, 2022).

88 Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2013. *Plan Bay Area.* July 18.

89 California Department of Water Resources, Division of Safety of Dams, 2015. *Dam Breach Inundation Map Web Publisher.* Website: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 (accessed December 29, 2022).

90 City of Fremont. 2011c. "Chapter 10: Safety Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000 (accessed January 19, 2023).

91 URS. 2017. Calaveras Full Dam Breach Flood Inundation Map. Website: https://www.fremont.gov/home/showpublisheddocument/13635/638252720886170000 (accessed October 4, 2024).

92 California Department of Water Resources. 2019. Del Valle Dam Inundation Map for Sunny-day Hypothetical Failure Maximum Depth. Website: https://fmds.water.ca.gov/maps/damim/service/document/download/4712 (accessed October 4, 2024).

93 AECOM. 2020. James H. Turner Dam Breach Inundation Map. Website: https://fmds.water.ca.gov/maps/damim/service/document/download/5811 (accessed October 4, 2024).

Flooding. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06001C0464G,[94] the project site is located within Zone X. Zone X is defined by FEMA as a 0.2 percent annual chance flood hazard or an area of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile. During construction, BMPs would be implemented to ensure that during a rain event, pollutants would be retained on site and would be prevented from reaching downstream receiving waters, as detailed in Section 4.10(a). During operation, bioretention basins and other LID design elements would ensure that post-project flow rates do not significantly exceed pre-project flows, as detailed in Section 4.10(a). Therefore, it is not anticipated that the proposed project would result in the release of pollutants due to inundation caused by flooding.

Based on project design, including the incorporation of bioretention basins that would address the volume and rate of post-project stormwater flows, and because the project site is not within a tsunami, seiche, or dam inundation zone, implementation of the proposed project would not result in the release of pollutants from a flood, tsunami, seiche, or dam inundation and impacts would be **less than significant**.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

In the Bay Area, including the project site, the Water Board is responsible for implementation of the Basin Plan, which establishes beneficial water uses for waterways and water bodies within the region. As previously discussed, the proposed project would comply with existing NPDES permit requirements, including the CGP and MRP, and would implement construction and operational BMPs to reduce pollutants of concern in stormwater runoff as detailed in Section 4.10(a). Compliance with these regulatory requirements would ensure that the proposed project would not degrade or alter water quality, causing the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the proposed project would not result in water quality impacts that would conflict with the Basin Plan. Construction and operational impacts related to a conflict with the Basin Plan would be **less than significant**.

The Sustainable Groundwater Management Act (SGMA), which was enacted in September 2014, requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. The SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins. The California Department of Water Resources (DWR) designates the Niles Cone Subbasin as a medium-priority basin, and the GSA identified for the Santa Clara subbasin is ACWD. ACWD developed an Alternative to a Groundwater Sustainability Plan, approved by DWR in 2019, for the management of the subbasin that preserves and continues the successful sustainable groundwater management already being performed by ACWD. ACWD subsequently submitted an Alternative Update to DWR on December 29, 2021, which provides an update on ACWD's groundwater management efforts, explains how the Alternative Update is functionally

[94] Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM) No. 06001C0464G, effective August 3. Website: https://msc.fema.gov/portal/search?AddressQuery=43990%20Fremont%20Boulevard%2C%20fremont%2C %20ca#searchresultsanchor (accessed December 29, 2022).

equivalent to elements of a Groundwater Sustainability Plan, incorporates the seven actions recommended by DWR during review of the first Alternative, and includes information on proposed projects, management actions, and/or next steps to ensure the continued sustainable management of the Niles Cone Subbasin.[95]

As previously discussed in Section 4.10.a, dewatering may be performed during construction activities involving excavation for the proposed project. Construction-related dewatering would be temporary and limited to the area of excavations on the project site, would comply with the requirements of the CGP as detailed in Section 4.10(a), and would not substantially contribute to the depletion of groundwater supplies. Operation of the proposed project would likely involve the use of both surface and groundwater as potable water. However, ACWD has sufficient water supplies to meet normal-year demands through 2045. If a deficiency were to occur, ACWD would take actions to maintain appropriate groundwater levels, including: maximizing the import of additional water for artificial recharge of the groundwater basin; reducing use of local groundwater; and maximizing use of imported supplies.[96] Development of the proposed project would result in an increase in impervious surfaces on the project site from approximately 1.13 acres to 3.34 acres. However, in compliance with the MRP, the four landscaped bioretention basins and two flow-through planters would be used for stormwater control and treatment so that pollution of the groundwater supply would not occur. For these reasons, the proposed project would not conflict with or obstruct the implementation of a sustainable groundwater management plan. Construction and operational impacts related to conflict with or obstruction of water quality control plans or sustainable groundwater management plans would be **less than significant**.

95 Alameda County Water District (ACWD). 2022. *Sustainable Groundwater Management Act*. Website: https://www.acwd.org/566/Sustainable-Groundwater-Management-Act (accessed December 29, 2022).

96 Alameda County Water District (ACWD). 2021a. *Alameda County Water District Urban Water Management Plan 2020–2050.* May 13.

4.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

4.11.1 Impact Analysis

a. Would the project physically divide an established community?

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.

The project site is located along Fremont Boulevard in Fremont and occupies a lot surrounded by urban development. This lot is bordered by Fremont Boulevard to the west, a retailer and parking lot to the east, and industrial development to the north and south. General Plan land use designations surrounding the project site to the east are Regional Commercial, to the south and southwest are General Industrial, and to the west are Service Industrial. The land use designation of the property immediately north of the proposed project is Regional Commercial, beyond which is a sliver of Open Space – Resource Conservation/Public along Auto Mall Parkway. The nearest residential neighborhood (designated low density) is beyond the open space, approximately 700 feet to the north on the other side of Auto Mall Parkway.

The western portion of the project site is currently developed with a vacant one-story, 5,000-square-foot commercial office building previously occupied by the headquarters of a precooling business. The eastern area of the project site is vacant land. Redevelopment of the project site would represent a general continuation of the industrial uses found adjacent to the project site and would be consistent with the type and intensity of development in the area. Existing vehicular access points along Ice House Terrace would be closed off, and the project would utilize the existing shared driveway from Ice House Terrace to the east of the project site. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. As a result, the proposed project would have **no impacts** related to physically dividing an established community.

b. Would the project 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?

An environmental impact could occur when a project conflicts with a policy or regulation intended to avoid or reduce an environmental impact. The following discussion does not replace or preclude consistency discussions as part of project approval considerations, which take into account more than potential impacts to the environment.

Land use at the project site is designated Regional Commercial in the City of Fremont General Plan and is also zoned Regional Commercial. Regional Commercial areas include large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. Uses include furniture and electronic stores, auto dealerships, home improvement stores, department stores, and other "big box" retailers. A permitted FAR of 0.30 applies.

General Plan land use designations surrounding the project site to the east are Regional Commercial, to the south and southwest are General Industrial, and to the west are Service Industrial. The land use designation of the property immediately north of the proposed project is Regional Commercial, beyond which is a sliver of Open Space – Resource Conservation/Public along Auto Mall Parkway. The nearest residential neighborhood (designated low density) is beyond the open space, approximately 700 feet to the north on the other side of Auto Mall Parkway.

The proposed project would require a General Plan Amendment and Rezoning to the Tech Industrial designation, which provides areas devoted to research and development; "clean and green" technology; semiconductor, computer hardware, software, and related technology; administrative sales; and engineering facilities. Within this district, certain hazardous material uses, and manufacturing and/or the storage of particularly large sizes/quantities of hazardous materials are regulated to minimize potential for off-site impacts. Within this area, only certain nonsensitive assembly, business service, and nonsensitive recreational uses may be permitted due to uses that handle hazardous materials. The I-T district is characterized by superior architectural and landscaping treatment and site planning. A permitted FAR of 0.35 generally applies while 0.45 FAR is permitted for manufacturing and warehouse uses. For the proposed project, the proposed FAR is 0.38 which would limit uses to manufacturing and warehouse.

Rezoning the project site to Tech Industrial would not change the character of the surrounding area, and the proposed zoning change at the proposed project site would be compatible with land uses and zoning in the vicinity. Upon approval of the City's General Plan Amendment and Rezoning request, the project would be consistent with the City of Fremont General Plan, as the General Plan itself would reflect the project.

Additionally, the potential for the project to result in environmental impacts has been individually considered in all topic areas of this document, and no significant impacts would occur after implementation of mitigation. Therefore, the project would have a **less than significant impact** related to conflicts with land use plans.

4.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

4.12.1 Impact Analysis

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

There are no known mineral resources within the project site based on available information from the City of Fremont General Plan: the nearest known mineral resource is the former Henry Sands Quarry, approximately 0.7 mile to the northeast, and the nearest State-designated mineral resource is the Sector K area of Regionally Significant Construction Aggregate.[97] Neither of these known resources are in close proximity to or located within the project site. Therefore, the proposed project would have **no impact** related to the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

As discussed in Section 4.12.a, there are no known mineral resources within the project site. The proposed project would have **no impact** related to 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.

[97] City of Fremont. 2011f. "Conservation Maps: Mineral Resources and Sites Subject to SMARA (Surface Mining and Reclamation Act)." *City of Fremont General Plan.* Website: https://fremontcityofca.prod.govaccess.org/home/showdocument?id=9184&t=637879757130871891 (accessed December 28, 2022).

4.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 applicable standards of other agencies?	☐	☐	☒	☐
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 2 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?	☐	☐	☒	☐

4.13.1 Environmental Setting

A project would result in a significant noise effect if it would substantially increase the ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of applicable regulatory agencies, including, as appropriate, the City of Fremont.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is surrounded by urban development and is bordered by Fremont Boulevard to the west, a retailer and parking lot to the east, and industrial development to the north and south. The closest sensitive receptors include the single-family residences approximately 700 feet north of the project site opposite Auto Mall Parkway.

Noise and Vibration Fundamentals. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound.

Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA), and this scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements, which better represent how humans are more sensitive to sound at night.

As noise spreads from a source, it loses energy, so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the

sound level to attenuate, or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise-sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq}, the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A-weighted decibels. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening relaxation hours. CNEL and L_{dn} are within 1 dBA of each other and are normally interchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. Vibration energy propagates from a source, through intervening soil and rock layers, to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, rattling of items on shelves or hanging on walls, or a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings radiating sound waves.

Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less, an order of magnitude below the damage threshold for normal buildings.

Regulatory Setting. The following presents the regulatory noise and vibration requirements for the proposed project.

Per FMC Section 18.50.040, [98] performance standards have been established to ensure that adjoining properties are provided protection against adverse conditions (including noise) that may be created by uses operating within the City's industrial zoning districts. The maximum noise level at the property line generated by any user located within an industrial zoning district shall not exceed 70 dBA L_{dn} when adjacent users are also industrial or commercial, business, professional, or office uses.

[98] City of Fremont. 2022f. Fremont Municipal Code Section 18.50.040: Performance Standards. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.040 (accessed December 12, 2022).

FMC Section 18.218.050(d)[99] provides standard development requirements related to construction noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:

- Construction equipment shall be well maintained and used judiciously to be as quiet as practical.
- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- The contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Loading, staging areas, stationary noise-generating equipment, etc., shall be located as far as feasible from sensitive receptors.
- The contractor shall comply with CARB prohibitions of unnecessary idling of internal combustion engines.
- 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.
- 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.

Per FMC Section 18.160.010,[100] construction activity for projects not located within 500 feet of residences, lodging facilities, nursing homes, or inpatient hospitals (e.g., the project) shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and to the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.

4.13.2 Impact Analysis

a. *Would the project result in 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 applicable standards of other agencies?*

Construction-Period Impacts. Construction of the proposed project could include construction activities that would result in temporary increase in ambient noise levels in the project site vicinity.

---

99 City of Fremont. 2022g. Fremont Municipal Code Section 18.50.050: Development standards and requirements applicable to all industrial districts. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.050 (accessed December 12, 2022).

100 City of Fremont. 2022j. Fremont Municipal Code Section 18.160.010: Construction hours – Limitations. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18160.html (accessed December 12, 2022).

In particular, project construction could result in short-term noise impacts to surrounding properties and uses. Maximum construction noise levels would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from 1 day to several days, depending on the phase of construction. Project construction would occur for approximately 10 months. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table 4.13.A lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor.

Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area but would no longer occur once construction of the project is completed.

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site for the proposed project, which would incrementally increase noise levels on roads leading to the site. As shown in Table 4.13.A, there would be a relatively high single-event noise exposure potential at a maximum level of 85 dBA maximum instantaneous noise level (L_{max}) with trucks passing from 50 feet.

The second type of short-term noise impact is related to noise generated during demolition, excavation, grading, and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 4.13.A lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Average maximum noise levels range up to 89 dBA L_{max} at 50 feet during the noisiest construction phases. The paving phase tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving and compacting equipment includes rollers and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

As identified above, the project site is approximately 700 feet from the closest sensitive receptors. The 700-foot distance would decrease the noise level by 23 dBA compared to the noise level measured at 50 feet from the construction activity. Therefore, the closest off-site residences may be subject to short-term construction noise levels of 66 dBA L_{max} when construction is occurring at the project site boundary, and this noise level would be lower than existing noise levels at the off-site residences.

Table 4.13.A: Noise Emission Reference Levels and Usage Factors

Equipment Description	Acoustical Usage Factor[1]	Predicted L_{max} at 50 feet (dBA, slow)[2]	Actual Measured L_{max} at 50 feet (dBA, slow)[3]
All Other Equipment > 5 HP	50	85	N/A[4]
Auger Drill Rig	20	85	84
Backhoe	40	80	78
Chain Saw	20	85	84
Clam Shovel (dropping)	20	93	87
Compactor (ground)	20	80	83
Compressor (air)	40	80	78
Concrete Mixer Truck	40	85	79
Concrete Pump Truck	20	82	81
Concrete Saw	20	90	90
Crane	16	85	81
Dozer	40	85	82
Drill Rig Truck	20	84	79
Drum Mixer	50	80	80
Dump Truck	40	84	76
Excavator	40	85	81
Flat Bed Truck	40	84	74
Front-End Loader	40	80	79
Generator	50	82	81
Grader	40	85	N/A
Impact Pile Driver	20	95	101
Jackhammer	20	85	89
Man Lift	20	85	75
Mounted Impact Hammer (hoe ram)	20	90	90
Paver	50	85	77
Pickup Truck	40	55	75
Pneumatic Tools	50	85	85
Pumps	50	77	81
Refrigerator Unit	100	82	73
Rock Drill	20	85	81
Roller	20	85	80
Scraper	40	85	84
Tractor	40	84	N/A
Vacuum Street Sweeper	10	80	82
Ventilation Fan	100	85	79
Vibrating Hopper	50	85	87
Warning Horn	5	85	83
Welder/Torch	40	73	74

Source: FHWA Highway Construction Noise Handbook, Table 9.1 (FHWA 2006).
Note: Noise levels reported in this table are rounded to the nearest whole number.

[1] Usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.

[2] Maximum noise levels were developed based on Specification (Spec.) 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.

[3] The maximum noise level was developed based on the average noise level measured for each piece of equipment during the CA/T program in Boston, Massachusetts.

[4] Since the maximum noise level based on the average noise level measured for this piece of equipment was not available, the maximum noise level developed based on Spec 721.560 would be used.

dBA = A-weighted decibels
L_{max} = maximum instantaneous noise level
FHWA = Federal Highway Administration
N/A = not applicable
HP = horsepower

Although there would be temporary high intermittent construction noise at times in the project area during project construction, implementation of the FMC standard development requirements related to construction noise mentioned above would ensure construction of the proposed project would not significantly affect land uses adjacent to the project site. In addition, construction of the project would comply with the hourly limits specified by the City. Therefore, the project would not result in a substantial temporary or periodic increase in ambient noise levels, and this impact would be **less than significant.**

Long-Term Noise Impacts. The project would generate long-term noise impacts from both traffic and stationary noise sources, as discussed below.

Traffic Noise Impacts. Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer.

Existing ambient noise at the project site is dominated by traffic noise along Fremont Boulevard and Auto Mall Parkway. According to the Transportation Impact Analysis,[101] prepared for the proposed project, the project would generate a net increase of 440 average daily trips (ADT). The combined existing conditions p.m. peak-hour traffic volumes in the vicinity of the project is 3,251. Assuming the ADT is 10 times the p.m. peak-hour traffic volumes, the ADT in the vicinity of the project is 32,510.

The following equation was used to determine potential impacts of the project:

Change in CNEL = 10 log10 [Ve+p/Vexisting]
Where: Vexisting = the existing daily volume
Ve+p = existing daily volumes plus project
Change in CNEL = the increase in noise level due to the project

The results of the calculations show that an increase of less than 0.06 dBA CNEL is expected along Fremont Boulevard. A noise level increase of less than 3 dBA would not be perceptible to the human ear; therefore, the traffic noise increase along Fremont Boulevard resulting from the proposed project would be **less than significant**.

Stationary Noise Impacts. Stationary noise sources associated with the project could include heating, ventilation, and air conditioning (HVAC) mechanical equipment, truck loading/unloading activities, and typical motor vehicle/parking area activities.

The FMC limits noise from commercial or industrial property to 70 dBA at any point outside of the property.[102] Of the on-site stationary noise sources during operation of the project, noise generated

[101] Fehr & Peers. 2024. *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis.* March 14.

[102] City of Fremont. 2024. Fremont Municipal Code Section 18.50.040: Performance Standards. Website: https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont1850.html#18.50.040 (accessed May 13, 2024).

by truck activity would generate the highest maximum noise levels. Typical parking activities, such as people conversing or doors slamming, would generate noise levels of approximately 60 dBA to 70 dBA L_{max} at 50 feet, while delivery truck loading and unloading activities would result in a maximum noise level of 75 dBA L_{max} at 50 feet based on measurements previously conducted by LSA.

Loading activities at the project site could include the loading of manufactured goods produced on the site. These activities are potential noise sources that could affect noise-sensitive receptors in the project site vicinity. Based on the project site plans, loading docks are located approximately 130 feet from the project site boundary. The 130-foot distance would decrease the noise level by 8 dBA compared to the noise level measured at 50 feet from the loading/unloading activity. Therefore, the noise levels associated with loading/unloading activity at any point outside of the property plane would not exceed 67 dBA L_{max} and would not exceed the City's noise level standards for industrial land uses. In addition, peak noise levels from loading and unloading would be intermittent and, when averaged over the 24-hour period, would not cause an increase in noise levels of more than 3 dBA. Therefore, the proposed project would not substantially increase noise levels over existing conditions and any potential noise impacts would be **less than significant**.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Common sources of groundborne vibration and noise include trains and construction activities such as blasting, pile driving, and operating heavy earthmoving equipment. Construction of the proposed project would involve grading, site preparation, and construction activities but would not involve the use of construction equipment that would result in substantial groundborne vibration or groundborne noise on properties adjacent to the project site. No pile-driving, blasting, or substantial grading activities are proposed. Furthermore, operation of the proposed project would not generate substantial groundborne noise and vibration. Therefore, the project would not result in the exposure of persons to or generation of excessive groundborne noise and vibration, and project impacts would be **less than significant**.

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 project site is approximately 10 miles northeast of the closest airport, SJC. The project site is outside the 65 dBA CNEL noise contour of SJC. Furthermore, the proposed project site is not within the vicinity of a private airstrip, and the site does not lie within an airport land use plan area or within the 60 dBA CNEL noise contours of any private airfield. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels, and impacts would be **less than significant**.

4.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

4.14.1 Impact Analysis

a. *Would the project 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 include the construction of an approximately 70,000-square-foot industrial warehouse building that would include development of office and warehouse/ manufacturing space, 107 surface parking spaces, 18 bicycle parking spaces, and 7 loading docks. While no tenant is currently identified for the proposed project, it is assumed that uses within the proposed building would consist of a combination of advanced manufacturing; "clean and green" technology; semiconductor, computer hardware, software, and related technological; administrative sales; and engineering facilities, among other related uses. The proposed project is estimated to provide between 69 jobs (for a warehouse tenant) and 155 jobs (for an advanced manufacturing tenant).[103]

The proposed project would not result in direct population growth, as the use proposed is not residential and would not introduce a residential population on site. The potential exists for the proposed project to result in indirect population growth through employment opportunities. However, while the proposed project would require a zoning change from Regional Commercial to Service Industrial, the number of potential employees would be consistent with either designation, and the proposed project would not generate growth beyond that anticipated in the City's General Plan. Therefore, the proposed project would not directly or indirectly induce population growth, and this impact would be **less than significant**.

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The project consists of the development of a warehouse building on a site currently developed with a vacant one-story, 5,000-square-foot commercial office building. The existing site does not contain

[103] Strategic Economics. 2024. *Market Assessment and Economic Benefits Analysis for Change of Use at 43990 Fremont Boulevard*. September 23.

housing. Therefore, the project would not displace existing housing or require the construction of replacement housing and would result in **no impact**.

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

4.15.1 Impact Analysis

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: i. Fire protection? ii. Police protection? iii. Schools? iv. Parks? v. Other public facilities?

Fire Protection. Fire suppression, emergency medical and rescue services, and other life safety services are provided to the project site and surrounding area by the Fremont Fire Department. There are 11 stations and one tactical training center within Fremont. The project site is in the fire district serviced by the closest station to the project site, Fire Station 7, which is approximately 0.7 mile west of the project site at 43600 South Grimmer Boulevard.[104]

Planned growth under the City's General Plan would increase calls for fire protection service in the city. The proposed project could result in a minor increase in demand for fire protection services as a result of an increase in daytime population (up to 155 employees) on the project site. Although implementation of the proposed project would require a General Plan Amendment and rezoning to the Tech Industrial (I-T) designation, the increase in population would be consistent with the site's existing and revised General Plan designation, and therefore does not represent unplanned growth. The proposed project would also be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fremont Fire Department would also review the site plans and Fire Access Plan for the proposed project to ensure that adequate emergency access is provided prior to issuance of a building permit.

[104] City of Fremont Fire Department. 2012. "Fire Station Locations Map." Website: https://www.fremont.gov/home/showpublisheddocument/1695/637753408997530000 (accessed December 28, 2022).

The Fremont Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The minor increase in demand for services would not adversely affect existing responses times to the site or within the city. Therefore, construction and operation of the proposed project would have a **less than significant impact** on fire protection and safety services and facilities.

Police Protection. The City of Fremont Police Department provides police protection to the project site and surrounding area. The City has one police station, located at 2000 Stevenson Boulevard, approximately 3.2 miles north of the project site. The proposed project could result in a minor increase in demand for police protection services as a result of an increase in daytime population (employees) on the project site. Although implementation of the proposed project would require a General Plan Amendment and rezoning to the I-T designation, the increase in daytime population would be consistent with the site's existing and revised General Plan designation, and therefore does not represent unplanned growth. The City's police department would continue to provide services to the project site without requiring any additional officers, and the construction of new or expanded police facilities would not be required. Therefore, impacts to police protection would be **less than significant**.

Schools. The Fremont Unified School District (FUSD) operates 41 schools in total and offers programs like early education and preschool, adult education, a Native American Studies Program, and independent study. FUSD operates 29 elementary schools, 5 middle/junior high schools, 5 high schools, 1 continuation high school, and 1 alternative high school.[105] The proposed project does not include any residential uses and would not directly affect student population. As previously discussed in Section 4.14, the proposed project could increase the workforce population by up to 155 employees. Workforce population does not directly increase demand for schools, so this growth would only result in a minor increase in student population and may be spread among the whole school district (or outside of the district in neighboring communities), depending on each employee's place of residence.

State Education Code Section 17620 authorizes the governing board of a school district to levy school fees to offset the impacts to school facilities from new residential and commercial/industrial construction and reconstruction.[106] The FUSD requires payment of a school impact fee, calculated per square foot of industrial development, at the current rate in effect at the time an owner/ developer presents the Certificate of Compliance issued by the City of Fremont's Community Development Department.[107] The project applicant would be required to pay this fee prior to issuance of a certificate of occupancy. The FUSD school impact fee is calculated to offset any impact

105 Fremont Unified School District (FUSD). 2022b. "About the District." Website: https://www.fremont.k12.ca.us/about (accessed December 13, 2022).

106 Fremont Unified School District (FUSD). 2022a. 2022 School Fee Justification Study. Website: https://drive.google.com/file/d/1cRCPQicsOAbaFgZ3MO7Av60dxTyAFyfv/view (accessed December 29, 2022).

107 Fremont Unified School District (FUSD). 2022c. Developer Fees FAQ, July 1, 2021. Website: https://fusd-ca.schoolloop.com/pf4/cms2/view_page?d=x&group_id=1524555101600&vdid=i17a1we8k2c9 (accessed December 13, 2022).

to schools that could result from the proposed project. Therefore, the proposed project would have a **less than significant impact** to schools.

Parks. The City of Fremont's parks system currently consists of 64 developed and undeveloped parks covering approximately 1,224 acres.[108] The 2022 Draft Comprehensive Parks and Recreation Master Plan updates the City's goal of "5.0 acres of parkland per 1000 residents"[109] to "a 10-minute walk to park access for all." The closest park to the project site is Lila Bringhurst Community Park, located approximately 0.5 mile south of the project site on South Grimmer Boulevard. Other nearby parks are over 1 mile from the project site and include Rix Park, Irvington Community Park, Sabercat Historic Park, and Arroyo Caliente Park.[110]

As previously discussed in Section 4.14, the proposed project could increase the workforce population by up to 155 employees. Workforce population does not generally heavily use public park facilities, resulting in minimal increased usage of parks. Additionally, any increase in usage could be spread across the whole city, depending on each employee's place of residence. Therefore, the minor population increase that could result from the proposed project could also increase the use of these parks in the project vicinity, as well as other parks within the city and region. The proposed project would not provide any new residential uses and the minor increase in park use associated with the project would not adversely affect the physical conditions of local and regional open space areas or recreational facilities, or require the provision of new parks or facilities in order to meet established service goals. Further, the proposed project includes on-site open space that would also be utilized by employees, further offsetting the small increase in use of nearby parks. Therefore, impacts to parks would be **less than significant**.

Other Public Facilities. As previously discussed above and in Section 4.14, Population and Housing, the proposed project could increase the workforce population by up to 155 employees and may be spread across the whole city or other surrounding communities. Development of the proposed project could result in an increase in demand for other public services, including libraries, community centers, and public healthcare facilities. However, the increased demand would be minor and would not substantially increase the usage of these facilities. Therefore, no new or expanded facilities would be required to maintain service standards. As with all development projects in 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 such as City administration

108 City of Fremont Community Services Department. 2022a. "Chapter 1: Executive Summary." *Draft Comprehensive Parks and Recreation Master Plan, February 2022*. Website: https://www.fremont.gov/home/showpublisheddocument/9619/637889034743070000 (accessed December 28, 2022).

109 City of Fremont. 2011b. "Chapter 8: Parks and Recreation Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/805/637750630871400000 (accessed December 14, 2022).

110 City of Fremont Community Services Department. 2022b. "Appendix H: Fremont Parks Atlas." *Draft Comprehensive Parks and Recreation Master Plan, February 2022*. Website: https://www.fremont.gov/home/showpublisheddocument/9625/637889102342430000 (accessed December 28, 2022).

facilities, the City's Services Maintenance Center and Corporation Yard, and County libraries. Impacts to other public facilities would be **less than significant**.

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

4.16.1 Impact Analysis

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

As discussed in Section 4.15, Public Services, of this document, 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 fee requirements. While the proposed project could result in a population increase of up to 155 employees, this would result in a minor usage increase of recreational facilities and would not contribute to substantial deterioration of existing recreational facilities. The proposed project does not include or require the construction or expansion of existing public recreational facilities. Therefore, impacts related to existing neighborhood and regional parks or other recreational facilities would be **less than significant**.

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

As discussed in Section 4.16.a, the proposed project would result in a minor usage increase of recreational facilities and does not include or require the construction or expansion of existing public recreational facilities. Therefore, impacts related to the construction or expansion of recreational facilities would be **less than significant**.

4.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 §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?	☐	☐	☒	☐

4.17.1 Environmental Setting

This section relies on analysis from the Transportation Impact Analysis Memorandum and the Transportation Demand Management (TDM) Plan conducted for the proposed project,[111] both of which are included in Appendix F.

The proposed project would include the demolition of the existing building on the project site and the construction of an approximately 70,000-square-foot industrial warehouse building that would include office space and loading docks, as well as surface parking and associated internal roadway, driveway, landscaping, and utility improvements. While no tenant is currently identified for the proposed project, employment estimations project between 69 employees (for a warehouse tenant) and 155 employees (for a research and development tenant).

The project site is located along Fremont Boulevard, a primary arterial roadway in Fremont, and Ice House Terrace, a local private street.[112] Existing vehicular access points along Ice House Terrace would be closed off, and new driveways would be constructed along Fremont Boulevard and Ice House Terrace. Access to the site would be provided through one right-in/right-out-only driveway on Fremont Boulevard and two full-access driveways on Ice House Terrace, one of which is shared with the adjacent parcel. In addition, the project can also be accessed through a driveway on Hugo Terrace via the adjacent parcel to the east. The project would provide 107 automobile parking spaces, 8 long-term bicycle parking spaces, and 10 short-term bicycle parking spaces. The site would have internal vehicular circulation along the east and south of the proposed building, constructed to the City Fire Department's standards. The newly constructed driveways would allow two-way travel

[111] Fehr & Peers. 2024a. *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis.* March 14.
Fehr & Peers. 2024b. *43990 Fremont Boulevard Industrial Project – Transportation Demand Management Plan.* March.

[112] City of Fremont. 2011g. "Mobility Map: Functional Classification." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/9178/637879756485100000 (accessed January 23, 2023).

and would be 26 feet wide. Existing sidewalks along both Fremont Boulevard and Ice House Terrace would be updated as needed to meet current City standards.

4.17.2 Impact Analysis

a. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The Alameda-Contra Costa Transit District (AC Transit) is the local bus service provided in most of Alameda County, including Fremont. Due to the COVID-19 pandemic, AC Transit has reduced service, including eliminating lines and reducing service frequencies. No bus service is currently provided on the street adjacent to the project site. The nearest bus stops to the project are on both directions of Auto Mall Parkway, at the far side of the intersection with Fremont Boulevard, and on northbound Fremont Boulevard north of the intersection with Auto Mall Parkway. The three bus stops are at least 0.15 mile from the project site. These bus stops are served by the following AC Transit lines:

- Line 212, which provides local service between the Pacific Commons Shopping Center west of I-880 and the Fremont BART Station. It generally operates on weekdays from about 6:30 a.m. to 8:45 p.m., with 30-minute headways, and on weekends and holidays from about 7:00 a.m. to 8:30 p.m., with 30-minute headways.

- Line 623, which provides school service to Horner Middle School and Irving High School. It operates on school days only, with three buses providing service to the schools before the start of school in the morning and two or three buses providing service from the schools after the end of school in the afternoon. Although the line primarily serves local schools, it is open to the public.

BART is the regional rail service that connects Fremont to other destinations primarily in Alameda, Contra Costa, and San Francisco counties. The nearest BART station to the project site is the Warm Springs Station, which is about a 1.2-mile walk from the project site. Considering the distance between the project site and the station, using BART would not be a commute option for most project employees.[113]

The Altamont Commuter Express (ACE) is a rail service that connects communities in the San Joaquin Valley to San Jose with a station in Fremont. Amtrak is an inter-city rail service that connects Fremont to communities beyond the Bay Area, including Sacramento and San Jose, through the Capital Corridor service. Both the ACE and Amtrak services are provided at the Fremont Centerville Station, which is about a 5-mile drive from the project site and would not be a commute option for most project employees.[114]

Sidewalks are provided west of the project site on the east side of the street and no sidewalks are present on the west side of the street along Fremont Boulevard. Ice House Terrace provides a 4-foot sidewalk and a 3-foot landscape buffer on the south side of the street, along the north portion of

[113] Fehr & Peers. 2024b. *43990 Fremont Boulevard Industrial Project – Transportation Demand Management Plan.* March. Page 4.

[114] Ibid.

the project frontage, and no sidewalks on the north side of the street. Sidewalk gaps exist along Fremont Boulevard from just north of Ice House Terrace to Auto Mall Parkway, along Auto Mall Parkway between Fremont Boulevard and Hugo Terrace. These sidewalk gaps were identified as high-priority sidewalk projects in the City of Fremont Pedestrian Master Plan.[115] The project would maintain the existing sidewalks on Fremont Boulevard and Ice House Terrace and would provide internal sidewalks within the project site, which can be used to walk between the project building and the parking facilities within the site and the sidewalks on the adjacent streets. The existing sidewalks on Fremont Boulevard and Ice House Terrace meet the minimum 4-foot width recommended in the City of Fremont Pedestrian Master Plan for arterial and collector streets. The internal sidewalks are proposed to be 6 feet in width.

Class II buffered bicycle lanes are provided on both sides of the Fremont Boulevard along the project frontage and on Auto Mall Parkway. The City of Fremont's 2018 Bicycle Master Plan proposes to upgrade the existing Class II bicycle lanes on Fremont Boulevard and Auto Mall Parkway to Class IV separated bikeways in the long term.[116]

Traffic Operations Analysis. Trip generation is the process of estimating the number of vehicles that would likely access the project site. The trip generation estimates for the project used the data and methodology published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual,* 11th Edition.

The specific tenants for the project have not been selected. The ITE's *Trip Generation Manual* provides several different land use types that may be applicable to the proposed warehouse use. Table 4.17.A summarizes the trip generation rates for these potential uses. To present the most conservative results, this analysis assumes that the proposed warehouse use would be a High-Cube Fulfillment Center Warehouse – Sort (ITE Land Use Code 155), which is the highest trip-generating use in the ITE's *Trip Generation Manual* that could occupy the proposed warehouse use.

According to the *Trip Generation Manual*, the High-Cube Parcel Hub Warehouse land use would have the highest truck trip generation of the uses under consideration. To present a conservative estimate for trucks, the trip generation estimate for this project applies the truck trip generation rates for the High-Cube Parcel Hub Warehouse to the proposed warehouse use. Since trucks are larger and operate more slowly than passenger vehicles, a passenger car equivalent (PCE) ratio of 2.0 is used to convert the truck trips to passenger vehicle trips (each truck is counted as two passenger vehicles).

[115] City of Fremont. 2016. "Chapter 3: Network Recommendations." *City of Fremont Pedestrian Master Plan*. Website: https://www.fremont.gov/home/showpublisheddocument/7277/637825156602300000 (accessed January 23, 2023).

[116] City of Fremont. 2018. "Chapter 5: Five Year Project List." *City of Fremont Bicycle Master Plan*. Website: https://www.fremont.gov/home/showpublisheddocument/7253/637825147774630000 (accessed January 23, 2023).

Table 4.17.A: Automobile Trip Generation Rate Comparison

Land Use Type	ITE Land Use Code	Daily	Weekday AM Peak Hour[1]	Weekday PM Peak Hour[2]
General Light Industrial	110	4.87	0.74	0.65
Manufacturing	140	4.74	0.68	0.74
Warehousing	150	1.71	0.17	0.18
High-Cube Transload and Short-Term Storage Warehouse	154	1.40	0.08	0.10
High-Cube Fulfillment Center Warehouse – Non-Sort	155	1.81	0.15	0.16
High-Cube Fulfillment Center Warehouse – Sort	155	6.44	0.87	1.20
High-Cube Parcel Hub Warehouse	156	4.63	0.70	0.64

Sources: *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis* (Fehr & Peers. 2024a).
Trip Generation Manual, 11th Edition (ITE 2021).

1 Peak hour of adjacent street traffic 1 hour between 7:00 and 9:00 AM.

2 Peak hour of adjacent street traffic 1 hour between 4:00 and 6:00 PM.

ITE = Institute of Transportation Engineers

Table 4.17.B summarizes the trip generation for the project based on the ITE trip rates. Accounting for the PCE trips, it is estimated that the project would generate 440 net new daily trips, including 59 a.m. and 81 p.m. peak-hour trips.

Table 4.17.B: Project Automobile Trip Generation

Land Use	Size[1]	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
			In	Out	Total	In	Out	Total
Warehouse[2]	66.8 KSF	450	49	12	61	33	51	84
Truck Traffic Adjustment[3]		40	5	1	6	2	2	4
Total PCE Trips		*490*	*54*	*13*	*67*	*35*	*53*	*88*
Existing Use Credit								
Office[4]	5.0 KSF	(50)	(7)	(1)	(8)	(1)	(6)	(7)
Net New Trips		**440**	**47**	**12**	**59**	**34**	**47**	**81**

Source: *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis* (Fehr & Peers. 2024a).

1. KSF = 1,000 square feet.
2. ITE *Trip Generation Manual*, 11th Edition (2021) land use category 155 (High-Cube Fulfillment Center Warehouse – Sort) in General Urban/Suburban Setting:
   Daily: T = 6.44 * X
   AM Peak Hour: T = 0.87 * X (81% in, 19% out)
   PM Peak Hour: T = 1.20 * X (39% in, 61% out)
3. Based on ITE *Trip Generation Manual*, 11th Edition, land use category 156 (High-Cube Parcel Hub Warehouse) in General Urban/Suburban Setting. Truck trip generation rates applied to the proposed warehouse use:
   Daily: T = 0.58 * X
   AM Peak Hour: T = 0.09 * X (directional distribution not provided, assumed 81% in, 19% out)
   PM Peak Hour: T = 0.06 * X (directional distribution not provided, assumed 39% in, 61% out)
   This trip generation estimate assumes a PCE of 2.0 for the truck trips.
4. ITE *Trip Generation Manual*, 11th Edition, land use category 710 (General Office Building) in General Urban/Suburban Setting:
   Daily: T = 10.84 * X
   AM Peak Hour: T = 1.52 * X (88% in, 12% out)
   PM Peak Hour: T = 1.44 * X (17% in, 83% out)

ITE = Institute of Transportation Engineers
PCE = passenger car equivalent

Since the proposed project would not generate more than 100 peak-hour trips, a more detailed traffic operations analysis is not required, based on the City's guidelines.[117] However, the City requested an operational assessment of the signalized intersection adjacent to the project site (Fremont Boulevard/Ice House Terrace). According to the analysis presented in the Transportation Impact Analysis, the Fremont Boulevard/Ice House Terrace intersection would operate at level of service (LOS) D or better during the a.m. and p.m. peak hours under both the Existing and Existing Plus Project conditions and would therefore be consistent with the City's LOS goal for signalized intersections outside of Town Centers.

The proposed project would increase the average and 95th percentile queue lengths at some of the movements at the Fremont Boulevard/Ice House Terrace intersection. The average and 95th percentile queue lengths would continue to be accommodated within the available storage lengths during both the a.m. and p.m. peak hours under Existing Plus Project conditions at all the reported locations except the northbound through queue. The northbound average and 95th percentile through queues extend to the upstream intersection (Fremont Boulevard/Old Warm Springs Boulevard) in the p.m. peak hour in both the No Project and Plus Project scenarios. The proposed project is estimated to increase the average queue by approximately 10 feet and the 95th percentile queue by approximately 40 feet. However, the Fremont Boulevard/Ice House Terrace intersection would continue to operate at LOS D during the p.m. peak hour after completion of the project. Therefore, the proposed project's contribution to queue lengths at the Fremont Boulevard/Ice House Terrace intersection would still be consistent with the City's LOS goal for signalized intersections outside of Town Centers.

Transportation Demand Management. The proposed project is required to prepare a TDM Plan, per FMC Sections 10.20 and 18.50.050, to promote the use of alternatives to automobile travel. The stated goal for TDM measures in Fremont is to reduce total vehicle trips as well as vehicle trips during peak hours by a minimum of 20 percent.

The TDM Plan developed for the proposed project identified both required and encouraged measures in order to ensure the project is in compliance with the City's TDM requirements. The required measures identified by the TDM Plan include infrastructure improvement measures to be incorporated into project design prior to occupancy of the proposed building, as described in FMC Sections 10.20 and 18.50.050 included in Appendix F of this document. Operational measures would be required for the project tenant(s) once the building is occupied, also described in FMC Sections 10.20 and 18.50.050 and included in Appendix F of this document. Encouraged measures, which cannot be implemented under existing conditions or which may not be effective in reducing single-occupancy vehicle trips, are found in Table 4 of the TDM Plan, included in Appendix F of this document. Compliance with TDM policies per FMC 10.20 and 18.50.050 would ensure that the proposed project is compliant with City TDM policies.

The project would not change the transit, roadway, bicycle, and pedestrian circulation system and would not conflict with future implementation of planned improvements. The project would not preclude alternative modes of transportation or facilities (e.g., transit, bicycle, or pedestrian), and

[117] City of Fremont. 2020. *Transportation Impact Analysis Handbook*. Website: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000 (accessed January 23, 2023).

would be compliant with City TDM policies. Trip generation, intersection operation, and queue length would all be consistent with the City's circulation goals and policies. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. As such, project impacts would be **less than significant**.

b. Would the project conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

With the passage of SB 743, VMT is now the State-mandated criterion for determining if a project will result in a "significant transportation impact." In furtherance of this State legislative directive, in June 2020, the City amended the General Plan Mobility Element to replace LOS with VMT as the measurement to be used when conducting a Transportation Impact Analysis under CEQA. The VMT assessment conducted in the Transportation Impact Analysis is based on the thresholds and guidelines provided in the *City of Fremont Transportation Impact Analysis Handbook*.[118]

Consistent with the OPR's recommendations,[119] the City uses the metric of home-based work VMT per employee for evaluating the impacts of employment-based uses, such as the proposed project. The home-based work VMT per employee measures all the commute trips between employees' homes and the project site and divides that total distance by the number of employees at the site. Consistent with OPR guidelines, the City does not include heavy-duty truck VMT as part of the VMT analysis. Based on the City's guidelines, the following significance threshold is applicable to the project:

- **Industrial Uses:** The regional average VMT per employee

The VMT for the project is estimated using the VMT per employee data provided in the City's public GIS database, which is based on the Alameda County Transportation Commission (CTC) Model and is consistent with the Metropolitan Transportation Commission (MTC) Plan Bay Area 2040 (i.e., Sustainable Communities Strategy) transportation network and land uses for 2020. The Alameda CTC Model, which covers the entire nine-county Bay Area, is a regional travel demand model that uses socioeconomic data and roadway and transit network assumptions to forecast traffic volumes, transit ridership, and VMT using a four-step modeling process that includes trip generation, trip distribution, mode split, and trip assignment. This process accounts for changes in travel patterns due to future growth and expected changes in the transportation network.

Table 4.17.C summarizes the estimated home-based work VMT per employee under 2020 conditions for the project based on the City's public GIS database and compares the results to the City's thresholds applicable to the project.

---

118 City of Fremont. 2020. *Transportation Impact Analysis Handbook*. Website: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000 (accessed January 23, 2023).

119 Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Website: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf (accessed January 23, 2023).

Table 4.17.C: Daily Vehicle Miles Traveled Summary

Land Use	Home-Based Work VMT per Employee[1] (2020)
Fremont and Ice House Speculative Warehouse Project	15.7
Bay Area Regional Average (threshold for industrial uses)	18.1

Source: Fehr & Peers. 2024. *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis.* March 14.

[1] Based on the City of Fremont public GIS database (https://egis.fremont.gov/gisapps/fremont/index.html?viewer=Public.gvh).

GIS = geographic information system
VMT = vehicle miles traveled

It is estimated that the project employees would have an average home-based work VMT of 15.7 miles per employee per day in 2020, which is below the regional average VMT per employee. As such, the proposed project would not conflict or be inconsistent with *State CEQA Guidelines* Section 15064.3(b). Thus, the project would have a **less than significant impact** on VMT. Since the project is consistent with the City of Fremont General Plan, the cumulative VMT impact of the project would also be **less than significant**.

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

The proposed project would not introduce sharp curves or traffic volumes (see discussion in Section 4.17.a) that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The proposed project would be subject to the City Public Works Engineering and Transportation Engineering Division's review for consistency with the City's design standards and applicable City of Fremont Standard Details and Standard Specifications to ensure the safety of all users and would be designed to be compatible with ADA guidelines. In addition, there are no incompatible uses associated with the proposed project. As such, the proposed project would not substantially increase traffic hazards due to geometric design features or incompatible uses, and impacts would be **less than significant**.

d. Would the project result in inadequate emergency access?

Emergency access would be maintained during construction. Fremont Boulevard would be the primary emergency response route for the project site. The proposed project would involve limited roadwork on Fremont Boulevard, including sidewalk and driveway improvements. The proposed project would not reduce the number of traffic lanes on Fremont Boulevard or alter the existing street layout; therefore, it would not alter or obstruct emergency access.

Direct access for emergency vehicles would be provided via the project driveways on Fremont Boulevard and Ice House Terrace. The proposed project would not alter the existing roadway network and would provide three direct vehicular access points, as well as the driveway with access via Hugo Terrace. Access to, from, and within the site for emergency vehicles would be reviewed and approved by the City's Fire Department prior to project construction. The proposed project would comply with all applicable codes and ordinances for emergency vehicle access, which would

ensure adequate access to, from, and within the site for emergency vehicles. Therefore, implementation of the proposed project would result in a **less than significant impact** related to emergency access.

4.18 TRIBAL CULTURAL RESOURCES

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

4.18.1 Impact Analysis

a. 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:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

PRC Section 21074 (a) defines tribal cultural resources as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

    a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.

b. Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.

2. 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 PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

PRC Section 65352.3 establishes a formal consultation process with California Native American tribes prior to the adoption or any amendment of a city or county's general plan; this consultation is commonly called SB 18 consultation. Because the proposed project would require a General Plan Amendment and rezoning to the Service Industrial (I-S) designation, the City is required to engage in SB 18 consultation. Native American tribes to be included in the process are those that are on the contact list maintained by the NAHC for the purpose of preserving or mitigating impacts to places, features, and objects described in PRC Sections 5097.9 and 5097.995 that are located within the city or county's jurisdiction.

PRC Section 21080.3.1 also establishes a formal consultation process with California Native American tribes regarding tribal cultural resources, commonly called AB 52 consultation. The AB 52 consultation process must be completed before a CEQA document can be certified. Under PRC Section 21080.3.1, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency. Additionally, the City has adopted AB 52 noticing as a standard development requirement.[120]

The proposed project would demolish the existing building and construct a new building at the project site. The currently vacant portion of the project site has also been disturbed by the construction and demolition of a commercial building. Cut and fill up to approximately 2 to 5 feet are expected for site grading and loading dock construction. The building would be supported on shallow footings and slabs on grade. Footings may extend approximately 4 to 6 feet below surface.

The project applicant submitted a development application on December 5, 2023 (City of Fremont File No. PLN2024-00080). The City subsequently sent a Consultation Request Form to the NAHC on April 22, 2024, and on April 23, 2024, the NAHC responded to the City's request with a consultation list and a letter indicating that an SLF check for the project site was positive. The NAHC copied representatives of the Ohlone Indian and the North Valley Yokuts tribes on the email response.

On April 26, 2024, the City sent formal notices to the 20 tribal representatives from California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project

[120] City of Fremont. 2022i. Fremont Municipal Code Section 18.50.050(d). Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed December 2022).

site, as identified by the NAHC. The letters were sent via email, with one letter sent via USPS when the email was marked as undeliverable.

The City received one response to the consultation requests:

- On April 30, 2024, representatives from the Confederated Villages of Lisjan Nation requested consultation via a meeting with the City. The meeting took place June 5, 2024. Representatives requested implementation of recommendations made in the Cultural Resources Memorandum prepared for the proposed project, and requested copies of final CEQA documents. Consultation was concluded at this meeting.

Assembly Bill 52

California Native American tribes traditionally and culturally affiliated with the project site and area were notified by letter of the proposed project on June 11, 2024. The City received one response to the consultation requests:

- On June 29, 2024, Katherine Perez of the North Valley Yokuts tribe requested a meeting with the City via email. Project Planner James Willis and Katherine Perez met on August 14, 2024. During the meeting, Ms. Perez indicated she was satisfied with the peer reviewed cultural resources study for the project as well as the City's cultural resources protections contained in the standard development requirements contained in FMC 18.218. At the end of the meeting, Ms. Perez indicated that consultation was concluded.

The City did not receive any other requests for consultation during the 30-day notification period. Therefore, the City considers the AB 52 consultation process to be concluded.

As discussed in Section 4.5.a of this document, the August 2022 CHRIS record search indicated that no precontact Native American resources and no historic-era cultural resources have been previously recorded within the project site. Based on nearby site distribution and the environmental context, the project site has moderate archaeological sensitivity. However, based on the results of the surface and subsurface survey effort (to 3.3 feet below ground surface), previous disturbance in the project site (up to 2.5 feet below ground surface), and relatively shallow proposed ground disturbance (up to 5 feet for grading and 6 feet for footings), there is a relatively low potential to uncover archaeological resources, including tribal cultural resources. Additionally, although the SLF search yielded positive results, the City's consultation with tribal representatives indicated that there were no tribal cultural resources in or near the proposed project site known to those representatives. While the site has been recently disturbed and there are no known tribal cultural resources, any ground disturbance has the potential to result in unanticipated discovery. The project would be required to abide by the standard development requirements as described in Section 4.5, Cultural Resources, of this document, to protect any potential tribal cultural resources or human remains within the project site inadvertently discovered during the course of development. Therefore, the project would have a **less than significant impact** on tribal cultural resources.

4.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications 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 which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
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?	☐	☐	☒	☐

4.19.1 Impact Analysis

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The project site is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, natural gas, telecommunications, and fiber-optic infrastructure. Water service to the proposed project would be provided by ACWD. Wastewater from the project would be treated at the Alvarado Wastewater Treatment Plant, which is operated by Union Sanitary District (USD). ACFC and the City of Fremont share responsibility for stormwater drainage within the city. Electric power and natural gas services in Fremont are provided by PG&E, however the proposed project would not utilize natural gas. There are a variety of providers of telecommunications services and fiber-optic infrastructure available in the project area. All existing fiber-optic and telephone phones, boxes, and lines would be preserved in place. The proposed project would connect to existing public and private utilities, including water, sewer, storm drain facilities, and electric power, as described in Section 2.2.6 of this document. The proposed project would result in a small increase in impervious surfaces (approximately 2.41 acres), but the increase would not change existing stormwater drainage patterns or require the construction of new stormwater drainage facilities in the city.

The proposed project would not result in any new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. As a result, impacts during construction would be **less than significant**.

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

California's Urban Water Management Planning Act requires ACWD to prepare a UWMP and to update it every 5 years. The most recent update was adopted in 2021.

ACWD's service area is approximately 105 square miles, including the cities of Fremont, Newark, and Union City, and serves a population of approximately 357,000 (as of 2020). Approximately 18 percent of water demand in the district comes from commercial and industrial customers. Water for commercial and industrial customers is supplied from ACWD's treatment and production facilities, not from groundwater pumping. [121]

According to the water demand forecast in the updated UWMP, ACWD anticipates reduced future demands for water compared to previous forecasts, as well as in comparison to demonstrated past levels of actual demand, despite projected population and housing increases within the service area. The water demand forecast is consistent with growth projections in the City's General Plan. Daytime workforce population at the proposed project site, as discussed in Section 4.14, Population and Housing, of this document, could increase by up to 155 employees. This would be a minor increase and would fall within the General Plan's projected growth. The water demand projected in the UWMP would therefore include demand resulting from construction and operation of the proposed project. The UWMP determined that no new infrastructure is needed to support water supply reliability for its customers over the next 25 years. [122] Therefore, the project would have a **less than significant impact,** and no mitigation is required.

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed project would connect into existing sewer lines located in Ice House Terrace. Wastewater service would be provided by the USD. Proposed wastewater use on the project site would not result in a significant increase in wastewater production compared to historical uses at the existing building. During construction, if portable toilets are required, the waste would be transported to the appropriate facilities for disposal and treatment. Therefore, the proposed project would have a **less than significant impact** related to wastewater treatment.

---

121 Alameda County Water District (ACWD). 2021b. Urban Water Management Plan 2020–2025. Website: https://www.acwd.org/DocumentCenter/View/4116/Final-2020-2025-UWMP-Version-Including-Minor-Edits (accessed December 19, 2022).

122 Alameda County Water District (ACWD). 2021b. Urban Water Management Plan 2020–2025. Website: https://www.acwd.org/DocumentCenter/View/4116/Final-2020-2025-UWMP-Version-Including-Minor-Edits (accessed December 19, 2022).

d. Would the project 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?

Construction activities would generate solid waste associated with demolition of the existing one-story, 5,000-square-foot commercial office building on the project site, the existing sidewalks along Fremont Boulevard and Ice House Terrace, and all existing on-site pavement. All construction debris would be disposed of in compliance with a City-approved Waste Handling Plan[123] and in compliance with the City's most up-to-date demolition/construction recycling requirements. Current requirements include reuse or recycling of 100 percent of all asphalt, concrete, and dirt; separation and composting of 100 percent of plant and tree debris; and reuse or recycling of 65 percent of all remaining project debris.[124]

During operation, generation of solid waste would be typical of industrial and/or research and development uses. The project would be served by the City's franchised waste hauler, Republic Services. Any business occupying the proposed project would be required to comply with all applicable waste reduction goals and regulations and to maintain waste containers for recycling. The amount of waste generated would not be in excess of State or local standards, or in excess of the capacity of local infrastructure, nor would it otherwise impair the attainment of solid waste reduction goals. The project would have a **less than significant impact**.

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As discussed in Section 4.19.a, all construction debris would be disposed of in compliance with a City-approved Waste Handling Plan[125] and in compliance with the City's most up-to-date demolition/construction recycling requirements.

During operation, any business occupying the proposed project would be required to comply with all applicable waste reduction goals and regulations and to maintain waste containers for recycling. The project would have a **less than significant impact** related to compliance with federal, State, and local management and reduction statutes and regulations related to solid waste.

123 City of Fremont Environmental Services Division. 2023. Construction and Demolition Debris. Website: https://www.fremont.gov/government/departments/environmental-services/construction-demolition-debris (accessed January 2, 2023).

124 City of Fremont Environmental Services Division. 2018. Waste Handling Guidelines. Website: https://www.fremont.gov/home/showpublisheddocument/1481/637752483703200000 (accessed January 2, 2023).

125 City of Fremont Environmental Services Division. 2023. Construction and Demolition Debris. Website: https://www.fremont.gov/government/departments/environmental-services/construction-demolition-debris (accessed January 2, 2023).

4.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 or maintenance 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?	☐	☐	☐	☒

4.20.1 Impact Analysis

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is within the developed urban area of Fremont, which is not within a State Responsibility Area[126] and has not been identified by the City as part of a VHFHSZ.[127] The project would have **no impact** related to substantially impairing an adopted emergency response plan or emergency evacuation plan.

b. Would the project, 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?

Refer to Section 4.20.a. The project would have **no impact** related to exacerbation of wildfire risks due to slope, prevailing winds, and other factors and would not thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

126 California Department of Forestry and Fire Protection (CAL FIRE). 2008. Alameda County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf (accessed January 2, 2023).

127 City of Fremont. 2011h. "Safety Map: Fire Hazard Severity Zones." *City of Fremont General Plan.* Website: https://fremontcityofca.prod.govaccess.org/home/showdocument?id=9190&t=637879754731526913 (accessed January 2, 2023).

c. Would the project require the installation or maintenance 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?

Refer to Section 4.20.a. The project would have **no impact** related to the installation or maintenance 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. Would the project 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?

Refer to Section 4.20.a. The project would have **no impact** related to exposing 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.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

4.21.1 Impact Analysis

a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

Compliance with regulatory requirements as detailed in Section 4.4, Biological Resources would ensure that potential impacts to special-status species would be reduced to **less than significant** levels. Compliance with regulatory requirements as detailed in Section 4.5, Cultural Resources would ensure that potential impacts to cultural resources and tribal cultural resources would be reduced to **less than significant** levels. Therefore, compliance with regulatory requirements would ensure that development of the proposed project would not: (1) degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife species population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare or endangered plant or animal; or (6) eliminate important examples of the major periods of California history. Therefore, this impact would be **less than significant**.

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's impacts would be individually limited and not cumulatively considerable due to the site-specific nature of the potential impacts.

For the topics of aesthetics, agriculture and forestry resources, air quality, biological resources, energy, geology and soils, hazards and hazardous wastes, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire, project design and compliance with regulatory requirements would ensure that the project would have **no impacts** or **less than significant impacts**; therefore, the project would not substantially contribute to any potential cumulative impacts for these topics. All environmental impacts that could occur as a result of the proposed project would be reduced to a **less than significant** level through implementation of the regulatory compliance measures recommended in this document.

Implementation of these measures would ensure that the impacts of the project would be below established thresholds of significance and that these impacts would not combine with the impacts of other cumulative projects to result in a cumulatively considerable impact on the environment as a result of project development. Therefore, this impact would be **less than significant**.

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

The proposed project's potential to result in environmental effects that could directly or indirectly impact human beings has been evaluated in this IS. With implementation of the recommended mitigation measures, all environmental effects that could adversely affect human beings would be **less than significant**.

5.0 LIST OF PREPARERS

5.1 LSA

157 Park Place
Point Richmond, California 94801

Theresa Wallace, AICP, Principal in Charge
Kat Hughes, AICP, Project Manager
Lynnea Palecki, Assistant Environmental Planner
Amy Fischer, Principal, Air Quality/Greenhouse Gas Emissions
Cara Cunningham, Associate, Air Quality/Greenhouse Gas Emissions
Mike Trueblood, Senior Biologist
Anna Van Zuuk, Botanist/Biologist
Dean Arizabal, Principal, Transportation
JT Stephens, Principal, Noise and Vibration
Pam Reading, Principal, Water Quality
Ashley Honer, Environmental Planner, Water Quality
Ivan Strudwick, Associate, Cultural Resources
Mitch Alexander, GIS
Jennette Bosseler, Associate, Senior Technical Editor/Word Processor

This page intentionally left blank

6.0 REFERENCES

AECOM. 2020. James H. Turner Dam Breach Inundation Map. Website: https://fmds.water.ca.gov/maps/damim/service/document/download/5811 (accessed October 4, 2024).

Alameda-Contra Costa Transit District (AC Transit). 2023. AC Transit Website: Maps & Schedules. Website: https://www.actransit.org/maps-schedules (accessed January 23, 2023).

Alameda County Flood Control and Water Conservation District (ACFC). 2022. Laguna Creek Watershed. Website: https://acfloodcontrol.org/the-work-we-do/resources/laguna-creek-watershed/ (accessed November 7, 2022).

Alameda County Water District (ACWD). 2021a. *Alameda County Water District Urban Water Management Plan 2020–2050.* May 13.

_____. 2021b. *Urban Water Management Plan 2020–2025.* Website: https://www.acwd.org/DocumentCenter/View/4116/Final-2020-2025-UWMP-Version-Including-Minor-Edits (accessed December 19, 2022).

_____. 2022. *Sustainable Groundwater Management Act*. Website: https://www.acwd.org/566/Sustainable -Groundwater-Management-Act (accessed December 29, 2022).

Association of Bay Area Governments (ABAG). 2023. Probabilistic Earthquake Shaking Hazard Assessment in Metropolitan Transportation Commission/ABAG Hazard Viewer Map. Website: https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8 (accessed January 11, 2023).

Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2013. *Plan Bay Area.* July 18.

Bay Area Air Quality Management District (BAAQMD). 2017. *California Environmental Quality Act Air Quality Guidelines.* May.

_____. 2022. *Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*. April.

Blackstone Consulting, LLC. 2021. *Phase I Environmental Site Assessment, Ice House Terrace 43990 Fremont Boulevard, Fremont, Alameda County, California 94538*. September 14.

California Air Resources Board (CARB). 2021. *2022 Scoping Plan Update*. May 10. Website: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf (accessed January 2024).

California Department of Conservation (DOC). 2022. *Alameda County Tsunami Hazard Areas.* Website: https://www.conservation.ca.gov/cgs/tsunami/maps/alameda (accessed December 29, 2022).

California Department of Conservation (DOC), Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2018. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/ (accessed December 13, 2022).

California Department of Forestry and Fire Protection (CAL FIRE). 2008. Alameda County Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Website: https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf (accessed January 2, 2023).

_____. 2019. Wildland Urban Interface (WUI) Map. Website: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf (accessed January 19, 2023).

California Department of Transportation (Caltrans). 2019. "California State Scenic Highway System Map." Website: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa (accessed December 23, 2022).

California Department of Water Resources (DWR). 2006. *Santa Clara Valley Groundwater Basin, Niles Cone Subbasin, California's Groundwater Bulletin 118.* January 20.

_____. 2018. *Groundwater Basin Boundary Assessment Tool.* Website: https://gis.water.ca.gov/app/bbat/ (accessed December 29, 2022).

California Department of Water Resources (DWR), Division of Safety of Dams. 2015. *Dam Breach Inundation Map Web Publisher.* Website: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 (accessed December 29, 2022).

California Department of Water Resources. 2019. Del Valle Dam Inundation Map for Sunny-day Hypothetical Failure Maximum Depth. Website: https://fmds.water.ca.gov/maps/damim/service/document/download/4712 (accessed October 4, 2024).

California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed January 2023).

_____. 2021. Energy Consumption Data Management Service. Gas Consumption by County. Website: www.ecdms.energy.ca.gov/gasbycounty.aspx (accessed January 2023).

_____. 2022. *2022 Integrated Energy Policy Report Update*. Website: https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update (accessed January 2023).

California Energy Commission (CEC). 2023. Electricity Consumption by County. Website: http://www.ecdms.energy.ca.gov/elecbycounty.aspx (accessed August 2024).

California Geological Survey (CGS). 2008. *Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117A*. Revised and Re-adopted September 11, 2008. Website:

https://www.conservation.ca.gov/cgs/ Documents/Publications/Special-Publications/ SP_117a.pdf (accessed January 11, 2023).

_____. 2023. *EQ Zapp: California Earthquake Hazards Zone Application* (web application). Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed January 11, 2023).

City of Fremont. 2011a. "Chapter 4: Community Character Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/781/637 50630790 930000 (accessed December 23, 2022).

_____. 2011b. "Chapter 8: Parks and Recreation Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/805/637750630871400000 (accessed December 14, 2022).

_____. 2011c. "Chapter 10: Safety Element." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000 (accessed January 19, 2023).

_____. 2011d. "Chapter 10: Safety, Policy 10-1.2." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000 (accessed January 11, 2023).

_____. 2011e. "Community Character Map: Scenic Routes and City Gateways." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/ 9180/637879756043600000 (accessed December 23, 2022).

_____. 2011f. "Conservation Maps: Mineral Resources and Sites Subject to SMARA (Surface Mining and Reclamation Act)." *City of Fremont General Plan.* Website: https://fremontcity ofca.prod.govaccess.org/home/showdocument?id=9184&t=637879757130871891 (accessed December 28, 2022).

_____. 2011g. "Mobility Map: Functional Classification." *City of Fremont General Plan.* Website: https://www.fremont.gov/home/showpublisheddocument/9178/637879756 485100000 (accessed January 23, 2023).

_____. 2011h. "Safety Map: Fire Hazard Severity Zones." *City of Fremont General Plan.* Website: https://fremontcityofca.prod.govaccess.org/home/showdocument?id=9190&t= 637879754731526913 (accessed January 2, 2023).

_____. 2016. "Chapter 3: Network Recommendations." *City of Fremont Pedestrian Master Plan*. Website: https://www.fremont.gov/home/showpublisheddocument/7277/ 637825156602300000 (accessed January 23, 2023).

_____. 2018. "Chapter 5: Five Year Project List." *City of Fremont Bicycle Master Plan*. Website: https://www.fremont.gov/home/showpublisheddocument/7253/ 637825147774630000 (accessed January 23, 2023).

_____. 2020. *Transportation Impact Analysis Handbook*. Website: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000 (accessed January 23, 2023).

_____. 2022a. Fremont Municipal Code Section 8.35.350: Hazardous Materials Management. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html (accessed December 2022).

_____. 2022b. Fremont Municipal Code Chapter 8.35, Article IV. Hazardous Materials Management Plan. Website: https://www.codepublishing.com/CA/Fremont/html/ Fremont08/Fremont0835.html#8.35.220 (accessed December 2022).

_____. 2022c. Fremont Municipal Code Section 8.35.100 Safety provisions. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html#8.35.100 (accessed December 2022).

_____. 2022d. Fremont Municipal Code Chapter 15.47: Freemont Residential Building Code. Website: https://www.code publishing.com/CA/Fremont/html/Fremont15/Fremont1547.html (accessed January 11, 2023).

_____. 2022e. Fremont Municipal Code Chapter 18.45: Commercial and Mixed-Use Districts. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1845.html (accessed December 12, 2022).

_____. 2022f. Fremont Municipal Code Section 18.50.040: Performance Standards. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.040 (accessed December 12, 2022).

_____. 2022g. Fremont Municipal Code Section 18.50.050: Development standards and requirements applicable to all industrial districts. Website: https://www.codepublishing.com/CA/ Fremont/html/Fremont18/Fremont1850.html#18.50.050 (accessed December 12, 2022).

_____. 2022h. Fremont Municipal Code Section 18.50.050(d): Development standards and requirements applicable to all industrial districts. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.050 (accessed December 12, 2022).

_____. 2022i. Fremont Municipal Code Section 18.50.050(d): Standard development requirements. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18218.html#18.218.050 (accessed December 2022).

_____. 2022j. Fremont Municipal Code Section 18.160.010: Construction hours – Limitations. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18160.html (accessed December 12, 2022).

_____. 2022k. Fremont Municipal Code Chapter 18.215: Tree Preservation. Website: https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18215.html (accessed December 2022).

_____. 2022l. Fremont Municipal Code Section 18.215.080: Standards for Mitigation of Authorized Removal of Private Protected Trees. Website: https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18215.html#18.215.080 (accessed December 12, 2022).

City of Fremont. 2023. *Climate Ready Fremont*. October 10. Website: https://www.fremont.gov/home/showpublisheddocument/14218/638333186754130000 (accessed January 2024).

City of Fremont Community Services Department. 2022a. "Chapter 1: Executive Summary." *Draft Comprehensive Parks and Recreation Master Plan, February 2022*. Website: https://www.fremont.gov/home/showpublisheddocument/9619/637889034743070000 (accessed December 28, 2022).

_____. 2022b. "Appendix H: Fremont Parks Atlas." *Draft Comprehensive Parks and Recreation Master Plan, February 2022*. Website: https://www.fremont.gov/home/showpublisheddocument/9625/637889102342430000 (accessed December 28, 2022).

City of Fremont Environmental Services Division. 2018. Waste Handling Guidelines. Website: https://www.fremont.gov/home/showpublisheddocument/1481/637752483703200000 (accessed January 2, 2023).

_____. 2023. Construction and Demolition Debris. Website: https://www.fremont.gov/government/departments/environmental-services/construction-demolition-debris (accessed January 2, 2023).

City of Fremont Fire Department. 2012. "Fire Station Locations Map." Website: https://www.fremont.gov/home/showpublisheddocument/1695/637753408997530000 (accessed December 28, 2022).

Cornerstone Earth Group. 2021. *Geotechnical Investigation, 43990 Fremont Warehouse*. July 19.

ESA. 2024. *43990 Fremont Boulevard Air Quality, Greenhouse Gas, and Energy Technical Report*. July.

_____. 2022b. *43990 Fremont Boulevard Biological Resources Report*. September.

_____. 2023. *43990 Fremont Boulevard, Fremont, Alameda County, Revised Cultural Resources Survey Report*. February 23.

EverWest Real Estate Investors. 2022. *43990 Fremont Blvd Stormwater Quality Control Plan,* April 22.

Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM) No. 06001C0464G, effective August 3. Website: https://msc.fema.gov/portal/search?AddressQuery=43990%20Fremont%20Boulevard%2C%20fremont%2C%20ca#searchresultsanchor (accessed December 29, 2022).

Federal Highway Administration (FHWA). 2006. *Highway Construction Noise Handbook.*

Fehr & Peers. 2022. *43990 Fremont Boulevard Industrial Project – Transportation Impact Analysis.* September 22.

Fremont Unified School District (FUSD). 2022a. 2022 School Fee Justification Study. Website: https://drive.google.com/file/d/1cRCPQicsOAbaFgZ3MO7Av60dxTyAFyfv/view (accessed December 29, 2022).

_____. 2022b. "About the District." Website: https://www.fremont.k12.ca.us/about (accessed December 13, 2022).

_____. 2022c. Developer Fees FAQ, July 1, 2021. Website: https://fusd-ca.schoolloop.com/pf4/cms2/view_page?d=x&group_id=1524555101600&vdid=i17a1we8k2c9 (accessed December 13, 2022).

Genius Kids. 2023. "Our Programs." Website: https://geniuskidsonline.com/GeniusKidsFremontTechnologyDrive-/our-programs/ (accessed January 13, 2023).

Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. April. Website: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf (accessed January 23, 2023).

HortScience/Bartlett Consulting. 2022. *Preliminary Arborist Report, 43990 Fremont Blvd, Fremont, CA.* January.

Institute of Transportation Engineers (ITE). 2021. *Trip Generation Manual,* 11th Edition.

North Palisade Partners. 2022. *43990 Fremont Blvd Stormwater Quality Control Plan.* April 22.

Pacific Gas & Electric. (PG&E). 2024. *Exploring Clean Energy Solutions*. Website: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id= Vanity_cleanenergy (accessed August 2024).

PBL Netherlands Environmental Assessment Agency. 2022. *Trends in Global CO_2 and Total Greenhouse Gas Emission, 2020 Report.* Website: https://www.pbl.nl/sites/default/files/downloads/pbl-2020-trends-in-global-co2-and_total-greenhouse-gas-emissions-2020-report_4331.pdf (accessed January 2023).

State Water Resources Control Board (SWRCB). 2023. *2020-2022 California Integrated Report (Clean Water Act Section 303(d) List and 305(b) Report)*. Website: https://www.waterboards.ca.gov/

water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html (accessed February 2023).

Strategic Economics. 2024. *Market Assessment and Economic Benefits Analysis for Change of Use at 43990 Fremont Boulevard*. September 23.

United States Department of Transportation (USDOT). 2017. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles (accessed January 2023).

United States Geological Survey (USGS). 2015. UCERF3: A New Earthquake Forecast for California's Complex Fault System, USGS Fact Sheet 2015-3009. March. Website: pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf (accessed October 12, 2017).

URS. 2017. Calaveras Full Dam Breach Flood Inundation Map. Website: https://www.fremont.gov/home/showpublisheddocument/13635/638252720886170000 (accessed October 4, 2024).

This page intentionally left blank

APPENDIX A

AIR QUALITY, GREENHOUSE GAS, AND ENERGY TECHNICAL REPORT

This page intentionally left blank

APPENDIX B

BIOLOGICAL RESOURCES REPORT

This page intentionally left blank

APPENDIX C

REVISED CULTURAL RESOURCES SURVEY REPORT

This page intentionally left blank

APPENDIX D

GEOTECHNICAL INVESTIGATION

This page intentionally left blank

APPENDIX E

PHASE I ENVIRONMENTAL SITE ASSESSMENT

This page intentionally left blank

APPENDIX F

TRANSPORTATION IMPACT ANALYSIS

This page intentionally left blank