

# **CANYON VIEW GENERAL PLAN AMENDMENT, SUBDIVISION AND VARIANCE**

INITIAL STUDY

March 21, 2018

**City of Fremont**  
39550 Liberty Street  
Fremont, CA 94537

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## City of Fremont Initial Study

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1. **Project:** Canyon View General Plan Amendment, Subdivision and Variance (City of Fremont File No.: PLN2017-00374)
2. **Lead Agency name and address:**  
City of Fremont, Community Development Department – Planning Division  
39550 Liberty Street, 1<sup>st</sup> Floor  
Fremont, CA 94538
3. **Lead Agency contact person:**  
Aki Honda Snelling, Associate Planner  
Phone: (510) 494-4534  
E-mail: [asnelling@fremont.gov](mailto:asnelling@fremont.gov)
4. **Project location:** 241 & 243 Morrison Canyon Road, Fremont, CA; APN 507-0630-002-01 (see *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)
5. **Project Sponsor's name and address:**  
John S. Wong  
Mission Peak Homes, Inc.  
39448 Stevenson Place, #107  
Fremont, CA 94539  
Phone: (510) 894-3828  
Email: [John@missionpeakco.com](mailto:John@missionpeakco.com)
6. **General Plan Land Use Designation:** Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided), 1.92 gross acres (1.79 net acres), APN 507-0630-002-01.
7. **Zoning:** R-1-6 (H-I), Single-Family Residential, minimum 6,000 square-foot lot area, in the Hillside Combining District, 1.92 gross acres (1.79 net acres), APN 507-0630-002-01.
8. **Description of project:**  
The proposed project entails a General Plan Amendment to amend the land use from Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 units per acre, that would allow for the subdivision of a 1.92 gross acre property; Vesting Tentative Tract Map 8430 to subdivide the project site into seven single-family residential lots at the end of Queso Place and Espada Place, and along Morrison Canyon Road, in the Mission San Jose Community Plan Area; a Variance to allow for a cul-de-sac street frontage at the end of Espada Place of less than 35 feet on Lots 6 and 7 of Tract 8430, and Tree Removal Permit to remove 26 trees on site.. The site was previously improved with two single-family residential structures, which were demolished at the end of 2017.

A General Plan Amendment to change the land use from Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 units per acre, would allow for the 1.92 gross acre project site, located adjacent to and within a single-family residential neighborhood, to be developed as single-family residential lots that would be more closely aligned with the lot sizes in the surrounding neighborhood. Without the General Plan Amendment, the project site could only allow for large (nearly half-acre) size lots, in accordance with the land use designation of Hillside Residential in the City of Fremont General Plan (General Plan), which would far exceed the surrounding approximately 6,000 square foot lot sizes in the adjacent neighborhood to the west and south and approximately 8,000 square foot lot sizes to the north. This would be due to the General Plan

requirement which states that “[o]utside of existing subdivisions and planned developments, new lots less than 20,000 square feet are prohibited.” The intent of the Hillside Residential land use designation is to retain the character of the surrounding hillside neighborhoods and achieve compatibility, where lot sizes are typically large; however, this particular parcel is adjacent to already-developed single-family residential lots with lot sizes between approximately 6,000 to 8,000 square feet.

Additionally, no zoning amendment is proposed in conjunction with the proposed project, given that the existing zoning is R-1-6 (H-I), and the project would comply with the R-1-6 (single-family residential, minimum 6,000 square feet lot size) zoning and Hillside Combining District requirements. Essentially, the proposed project would allow for the subdivision of the project site into lots sizes that would be more consistent with the zoning designation for the site, and also with the surrounding single-family residential neighborhood.

Vesting Tentative Tract Map 8430 would create seven single-family residential lots, with lots ranging in sizes from 7,082 square feet to 13,920 square feet, with a density of 3.9 units per acre, which would be on the lower end of the allowable density range, based upon the proposed General Plan land use designation of Low Density Residential, 2.3 to 8.7 units per acre. The subdivision would also allow for the completion of partial public streets at the end of the cul-de-sacs for Queso Place and Espada Place, given that six of the seven lots would take access from these cul-de-sac streets. One lot would have a street frontage along Morrison Canyon Road.

The proposed Variance would be needed in conjunction with Vesting Tentative Tract Map 8430 to allow for the creation of Lots 6 and 7 at the terminus of Espada Place. The Residential Districts zoning ordinance per Section 18.90.040 (Additional development standards applicable to R-1 and R-2 Districts) of the Fremont Municipal Code requires minimum street frontages to be 35 feet in the R-1-6 zoning district. In order to accommodate access and street frontage for these two lots and the completion of the Espada Place cul-de-sac, the proposed street frontages would be 32 feet and 27 feet, respectively for Lots 6 and 7. The proposed street frontages for Lots 1 – 5 would comply with the minimum street frontage requirements of the Residential Districts zoning ordinance.

The project site is located on the southeast side of Morrison Canyon Road, east of Mission Boulevard, and west of a former Western Pacific Railroad line and an existing Alameda County Water District flood control channel located further east beyond the railroad line right-of-way. The site is currently vacant, aside from mature fruit, nut and oak trees, but was previously developed with two residential structures, including a one-story, 1,200 square foot residence with basement constructed circa 1910 that was located along Morrison Canyon Road, and a one-story, 1,000 square foot residence constructed around 1950 that was located behind the older residence. Both structures were deemed public safety hazards and inhabitable by the City in 2015. In February 2017, an historical screening evaluation was prepared on the circa 1910 structure which was determined to have had severe fire damage, and had major alterations that removed original doors, windows and siding, lacking distinctive character to be considered for potential historical significance. The 1950’s residence had been completely torn down to the wooden studs with no roofing material, no windows and no character-defining features; essentially, this structure was a hollow shell. Given that these structures were deemed to be public safety hazards, and no longer possessed integrity as potential historical resources, and were the cause of numerous code enforcement complaints from the neighborhood residents due to blight and vermin infestation, the City permitted the removal of these structures at the end of 2017.

In 1992, a vesting tentative tract map (Vesting Tentative Tract Map 6444) was approved for eight single-family residential lots by the City; however, the subdivision was not recorded and the development never occurred.

The project is considered an in-fill site, given that it is served by existing public streets, aside from the completion of the cul-de-sacs on Queso Place and Espada Place, and is within a neighborhood adequately served by all required utilities and public services. The project site is also within the Measure A (the City of Fremont's 1981 Hill Area Initiative) area, lying east of Mission Boulevard, below the Toe of the Hill (TOH), which limits development in the hillside areas to protect the agricultural, recreational and low density residential uses of the Hill Area. The development restrictions of Measure A are further defined in the ordinance of the City's Hillside Combining Zoning District, in which the project is located and to which the project would be required to comply.

The proposed project, including grading and construction, is proposed to occur over a period of 18 months. General Plan policies supporting the proposed land use change from Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 units per acre, are discussed in the "Land Use and Planning" section of this Initial Study.

#### *Circulation and Parking*

Circulation to each of the lots would be provided along the public streets of Morrison Canyon Road to the north for one lot, and Queso Place and Espada Place to the west for the other six lots that would access from cul-de-sacs that would be completed as a result of the project. The project site is also easily accessible to Mission Boulevard, as it is approximately 600 feet to the east from Mission Boulevard. Curb, gutter, utilities, street trees, sidewalks and street improvements would be required of the project in accordance with this application along Morrison Canyon Road and completion of the cul-de-sacs along Queso Place and Espada Place.

Although this application is not yet proposing the design review approval for the construction of single-family residences on each lot, the future development of a residence on each lot would require a minimum of two-covered parking spaces per lot. Additionally, driveways would be provided in front of each garage, which would provide additional on-site parking.

#### *Grading and Geotechnical Evaluations*

The proposed project site is relatively flat, with a slight slope ranging from one percent to three percent, with the higher elevation at 90 feet located along the northeast portion of the site near Morrison Canyon Road sloping downwards towards the southern elevation of the site at 81 feet, as indicated by the Geotechnical and Geologic Hazard Investigation Report prepared by Cornerstone Earth Group on August 24, 2017. Cut and fill would be proposed at one to three feet for construction of each residence. A balanced total of 1,300 cubic yards of cut and 1,300 cubic yards of fill would be proposed for the project site. The City's third party consultant, Cotton, Shires and Associates, Inc., reviewed the report by Cornerstone Earth Group, and recommends that geotechnical plan review and geotechnical construction inspections take place as part of the building permit review and construction inspections. Further, the consultant concurs with the report that a fault setback zone of 25 feet from the mapped Mission fault location be incorporated that would exclude all habitable structures within this zone.

#### *Tree Removal and Replacement*

The applicant has provided an "Existing Conditions and Tree Survey Plan" (See Figure 4) of Tract 8430 indicating which trees are to be retained and which are proposed to be removed. The plan indicates a total of 26 on-site trees to be removed. Trees which are proposed to be removed include 17 California black walnut trees, an English Walnut tree, four fruit trees (including two apricot trees, one avocado tree and one plum tree), a Deodar Cedar tree, a Coast Live Oak tree, a Cook Pine tree, and a silk tree. In accordance with the City's Tree Preservation Ordinance, Section 18.215 of the Fremont Municipal Code, the removal of any protected trees would require a tree removal permit and mitigation measures involving on-site tree replacements or an in-lieu fee where trees cannot be replaced on site due to land constraints.

An arborist’s report was prepared on November 2, 2016, by Hort Science, which indicated that the trees were assessed on October 20, 2016. Each tree with a diameter at breast height (DBH) of six inches or greater are considered protected trees on sites contemplated for development. As a result, such trees meeting this specification were assessed, including trees located on-site, and those trees on adjacent properties with canopies overhanging onto the site. For purposes of this project review, only the 32 on-site trees are under review, given that off-site trees may not be harmed or removed as part of the proposed application. Of the on-site trees that were assessed, 18 California black walnut trees were assessed with a “Low” suitability for preservation given the poor condition of the trees. Further, an English walnut tree, two apricot trees, an avocado tree, a plum tree, and a silk tree were assessed with “Low” suitability due to poor condition. Trees that were given a “Moderate” suitability for preservation include one English walnut tree, one California black walnut tree, one Deodar Cedar tree (tree no. 30) along the Morrison Canyon Road street frontage, a Holly Oak tree, and a Mexican Fan Palm tree. Three trees were assessed with a “High” suitability for preservation, including a 10-inch dbh Coast Live Oak, a nine-inch dbh Cook Pine tree and a 48-inch dbh Canary Island Date Palm tree. None of the trees on the project site are city-designated Landmark trees.

*Landscaping*

The applicant has not yet proposed landscaping for each site, given that the design review applications for each residence would be subsequent to approval of this project. However, street trees would be required, and plantings within the proposed storm water bioretention treatment areas would be incorporated.

**9. Surrounding land uses and setting:**

The project site is a 1.92 gross acre site that is surrounded by single-family residences and two unfinished cul-de-sacs (Queso Place and Espada Place) on the south and southwest side of the site; a former abandoned Railroad right-of-way to the east and southeast; and an existing Alameda County Water District flood control channel further to the east in R-1-6(H-I), R-1-8(H-I), R-1-20 (H-I) and P-91-1 zoning districts. Morrison Canyon Road is located on the northwest side of the site. The project site is approximately 600 feet to the east of Mission Boulevard.

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

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.	
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO		A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO		An Environmental Impact Report is being prepared.

**11. Other public agencies requiring approval:** Alameda County Water District, Union Sanitary District, Alameda County Public Works Agency

**12. Other Previous Environmental Review:** EIA-91-34, a Draft Mitigated Negative Declaration prepared for the previously-approved Vesting Tentative Tract Map 6444 in 1992 for an eight-lot single-family residential subdivision; however, because a Final Map was never approved, the vesting tentative tract map expired.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION BY THE CITY OF FREMONT:**

On the basis of this initial evaluation:

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

Signature:  Date: March 22, 2018

Printed Name: Aki Honda Snelling, AICP, Associate Planner For: City of Fremont

Planning Manager Review: 



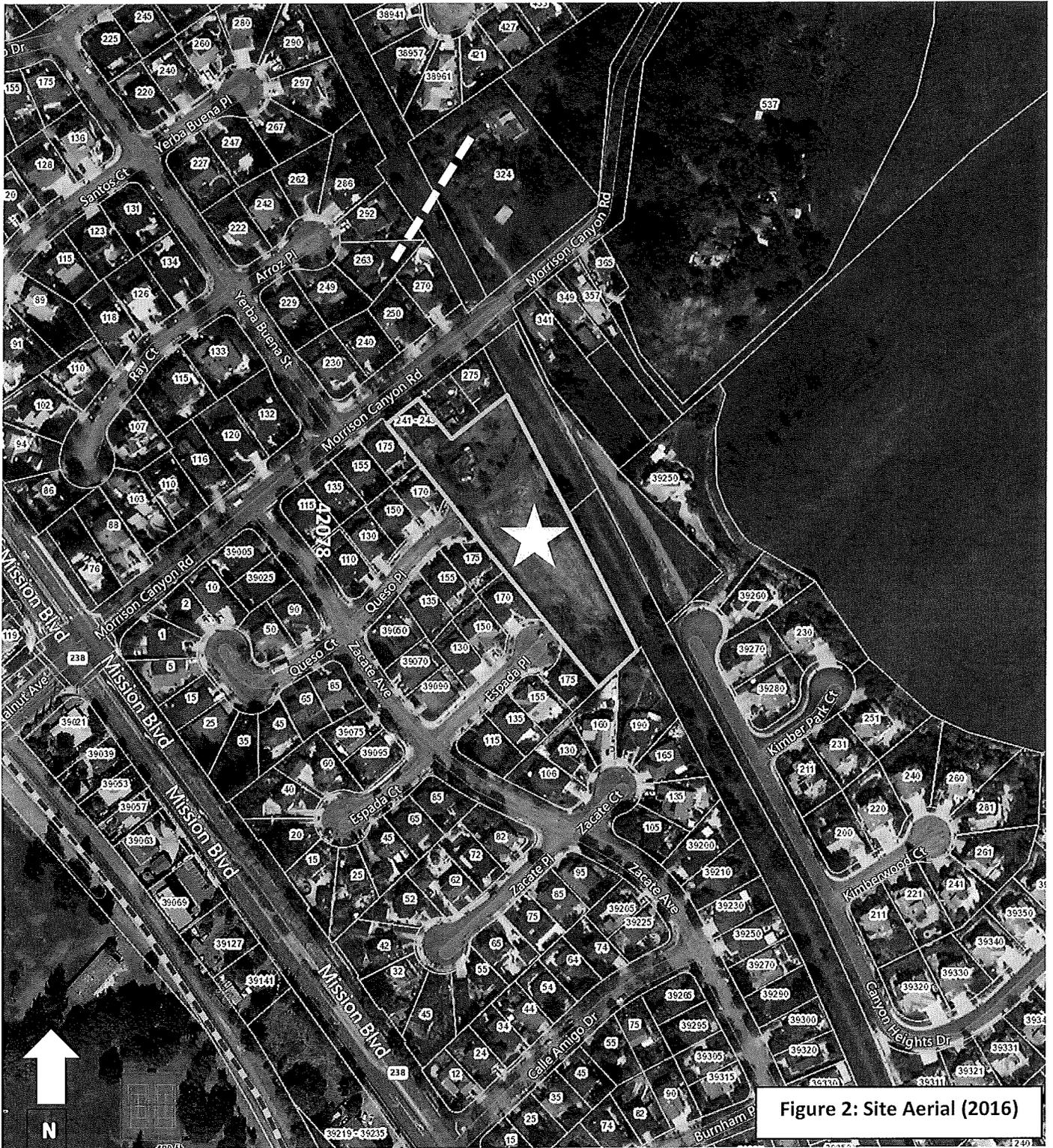


Figure 2: Site Aerial (2016)







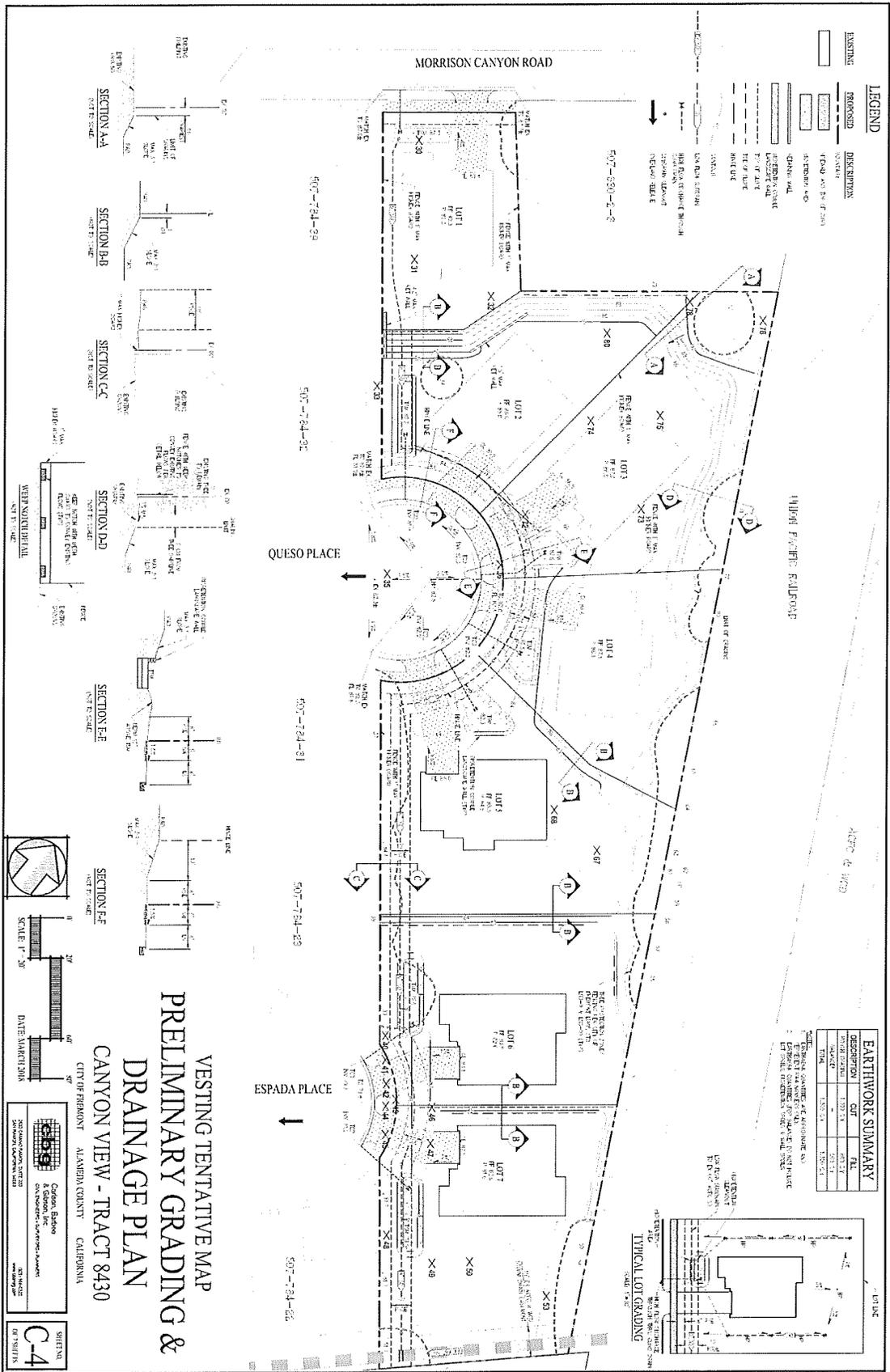


Figure 6: Preliminary Grading & Drainage Plan





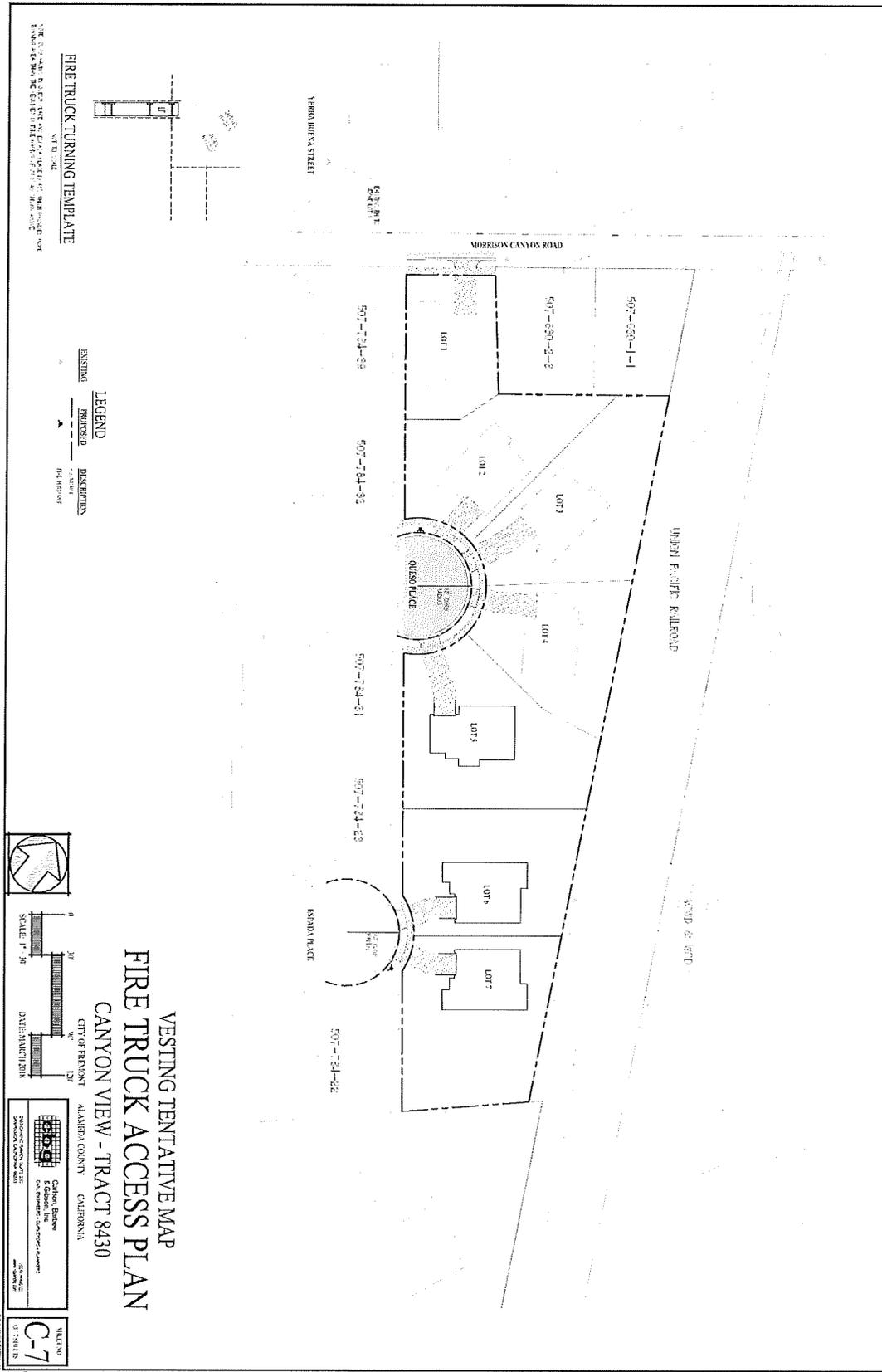


Figure 9: Fire Truck Access Plan

# I. AESTHETICS

## Regulatory Framework

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

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

## Environmental Checklist

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

## Discussion/Conclusion/Mitigation

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

Aside from the adjacent abandoned Western Pacific Railroad line and existing Alameda County Water District flood control channel to the east, the project site is located in a substantially developed single-family residential neighborhood in the hillside area east of Mission Boulevard. The project site is located approximately 600 feet east of Mission Boulevard, which is designated as a scenic route in the City of Fremont General Plan (General Plan); however, due to already-developed residential neighborhoods to the west adjacent to Mission Boulevard, the proposed project would not be visible from or visually impact the scenic route of Mission Boulevard.

The project site is currently vacant, except for existing trees on site, and is fairly flat with a slight one percent to three percent gradual slope downwards from north to south. Additionally, the site is below the Toe-of-the-Hill (TOH) within a developed residential neighborhood; therefore, the proposed project would not damage any scenic resources, or obscure or block scenic vistas, which are the hillsides to the east and above the site. Although the proposed development would represent a visual change from what currently exists on the site, it was previously developed with two residential structures, which had gone into disrepair. The proposed new development would visually improve the aesthetic quality of the site compared to the dilapidated structures that

previously existed on the site. The proposed buildings would be consistent in height with existing surrounding single-family development, thus scenic vistas to the hillside to the east would not be adversely impacted. Further, there are no scenic rock outcroppings, given that the site was developed with two residential structures and appears to have been used for agricultural purposes.

Aerial photos, as part of the Phase I Environmental Site Assessment prepared by Aqua Science Engineers, Inc. on November 16, 2015, indicate an orchard, most likely a walnut orchard, given the existence of several walnut trees on site, may have existed on the between the 1930's to the 1960's.

No trees near Mission Boulevard, as a scenic route, would be removed as part of the proposed project. Additionally, none of the trees that would be removed on the project site are designated as City Landmark trees.

Two residential structures were previously located on the project site; however, because the structures were deemed public safety hazards and inhabitable by the Chief Building Official in 2015 and were in serious disrepair, these structures were demolished at the end of 2017. The structure along the Morrison Canyon Road frontage was constructed around 1910, but had been severely altered due to a previous fire, and also had significant material alterations on the exterior of the residence. The other residential structure was located approximately 65 feet behind the front residence and was constructed around 1950. This structure was essentially a hollow shell, in which the residence was completely torn down to the wooden studs with no roofing material, no windows and no character-defining features. An historic screening evaluation was prepared for these structures in 2017 that determined neither structure was a potential historic resource as both structures were so physically deteriorated that their integrity had been lost. For these reasons, there would be no damage to scenic resources such as trees and historic buildings along a scenic highway and impacts would be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

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

The proposed project would entail a General Plan Amendment to more closely match the existing R-1-6 (H-I) zoning designation, a vesting tentative tract map and variance to create a total of seven residential lots for future construction of a single-family residence on each lot. The project site as it currently exists is a 1.92 gross acre vacant parcel with existing trees from the former use of the site as an orchard. Two residential structures were previously located on the project site; however, because they were deemed public safety hazards and inhabitable by the City in 2015, and neither structure was deemed to be a potential historic resource, the applicant demolished these residences at the end of 2017. The site essentially appeared blighted due to these structures.

The proposed project would allow for the future construction of single-family residences that would be compatible with the surrounding adjacent single-family residential neighborhood to the west along Queso Place and Espada Place and the single-family residential neighborhood to the north across Morrison Canyon Road. No development currently exists immediately to the east as it is a former Western Pacific Railroad line now used as a walking trail, and an Alameda County Water District flood control channel further east of the site.

The proposed General Plan Amendment to amend the land use from Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided) to Low Density Residential,

2.3 to 8.7 units per acre, would allow the development to be more closely aligned with the lot sizes in the surrounding neighborhood. Without the General Plan Amendment, the project site could only allow for large (nearly half-acre) size lots, in accordance with the land use designation of Hillside Residential in the City of Fremont General Plan (General Plan), which would far exceed the surrounding approximately 6,000 square foot lot sizes in the adjacent neighborhood to the west and south, and approximately 8,000 square foot lot sizes to the north.

The proposed project would be consistent with General Plan policies that encourage development within existing residential neighborhoods and in underutilized infill sites. The proposed project density of 3.9 units per net acre would be consistent with the proposed General Plan land use designation of Low Density Residential, 2.3 to 8.7 units per acre, and is described in the General Plan as follows:

Low Density Residential (2.3 to 8.7 units per net acre)

The Low Density designation corresponds to most of Fremont's single-family residential neighborhoods. These areas are characterized by subdivisions of detached homes, usually on lots of 5,000 to 10,000 square feet. Low Density areas may also include larger-lot subdivisions in the 10,000 to 20,000 square foot range. Multiple zoning districts apply within Low Density Residential areas to distinguish areas with different minimum lot sizes. The high end of the density range, which would result in lots less than 6,000 square feet, is only permitted where specific conditions are met as established by the General Plan and Planned District zoning. Other compatible uses, such as schools, child care centers, parks, and religious facilities, may also locate in areas with this designation. Correlating zoning includes R-1-10, R-1-8, R-1-6 and R-2 districts.

The project site is also located within the Mission San Jose Community Plan Area, as indicated in the General Plan Community Character Element. The Mission San Jose Community Plan Area encompasses 7.1 square miles extending from Morrison Canyon Road southward along both sides of Mission Boulevard, with the eastern boundary delineated by the toe of the Fremont Hills, and is characterized by a variety of land uses and types of residential uses. The project site is located in a part of this community plan area characterized by single-family residential neighborhoods with low densities and with vistas of the nearby Fremont Hills. The proposed project would be consistent with the surrounding neighborhood and the goals of the Mission San Jose Community Plan Area to maintain the high quality of established residential neighborhoods.

For these reasons, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

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

Development of the future seven single-family residences would result in new sources of light where current lighting levels are low due to the site being vacant; however, it would not adversely affect views in the area as it is already surrounded by single-family residential development to the north, west and south, and is adjacent to an abandoned Western Pacific Railroad line. Further, the City's Zoning Ordinance and Citywide Design Guidelines require that exterior lighting be diffused through the use of downcast light fixtures or concealed sources in order to prevent illumination onto adjoining properties or the creation of objectionable visual impacts onto other

properties or roadways. Therefore, proposed project would result in light and glare consistent with the lighting levels within the existing surrounding residential neighborhoods that are typical of a residentially developed area. The addition of lighting as a result of the project would not create a substantial new source of light or glare affecting day or nighttime views in the area.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

## II. AGRICULTURE AND FOREST RESOURCES

### Regulatory Framework

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

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ala14.pdf>

### Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 19, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	1, 8, 19, 20

### Discussion/Conclusion/Mitigation

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

According to the California Department of Conservation's 2014 Alameda County Important Farmland Map, the site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is designated on the map as "Urban and Built-up Land" occupied by structures. Therefore, no impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

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

The project site would not conflict with existing zoning for agricultural use, or a Williamson Act contract, as it is zoned R-1-6 (H-I) for single-family residential purposes, consistent with the existing surrounding single-family residential neighborhood to the west and south on Queso Place, Espada Place, and Zacate Place. Additionally, there is an existing single-family residential neighborhood north of Morrison Canyon Road. To the east is the former Western Pacific Railroad line and existing Alameda County Water District flood control channel. Although the project site appears to have been used for residential and orchard purposes several decades ago, as a former walnut orchard, many of the existing trees have since been removed and are in poor condition. Many trees are proposed to be removed. Additionally, the site and surrounding uses do not include forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526); therefore, the project site would not result in the loss of forest land. Further, the project site and adjacent properties are not under Williamson Act contracts. Therefore, the proposed project would not result in significant impacts related to agricultural use, the Williamson Act or conversion of forest land.

**Potential Impact:** No Impact

**Mitigation:** None Required

### III. AIR QUALITY

#### Regulatory Framework

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

- City of Fremont General Plan Conservation Element (Air Quality Standards)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest monitoring stations to Fremont are in Hayward and San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased cancer risk of 10 chances in a

million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas of the City (such as the residential uses proposed by the project), the City uses the cumulative exposure threshold of 100 chances per million.<sup>2</sup>

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

Environmental Checklist

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

Discussion/Conclusion/Mitigation

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

In formulating its compliance strategies, the Bay Area Air Quality Management District (BAAQMD) relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's *Clean Air Plan*. However, since the proposed project would require a General Plan Amendment from Hillside Residential, (< 2.3 units per acre or < 8.7 units per acre where previously subdivided) to Low Density Residential, (2.3 to 8.7 dwelling units per acre) to allow for lot sizes more closely aligned with lot sizes in the surrounding neighborhood and to be consistent with the existing R-1-6 (minimum 6,000 square foot lot size) zoning designation, additional analysis is needed. Without the General Plan Amendment, the project would require minimum lot sizes of 20,000 square feet or larger. The proposed land use change would allow for the same land use type, single-family residential development, but would require larger lot sizes, which would be inconsistent with the surrounding single-family development pattern. The proposed land use designation would allow approximately 3 more units than allowed under the existing designation. This increase would not result in impacts that would substantially affect or obstruct the Clean Air Plan.

Consistency with the air quality plan is also determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations, or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD’s ability to reach attainment (BAAQMD, 2017). Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans. As discussed below in 3b, project-related construction and operational criteria pollutant emissions would not exceed BAAQMD significance thresholds. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. The impact would be Less than Significant.

- b-d) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Would the project expose sensitive receptors to substantial pollutant concentrations?**

The City uses screening criteria developed by the BAAQMD to conservatively determine whether a proposed project could result in potentially significant air quality impacts. Projects that meet or fall below the screening criteria would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds of significance established by BAAQMD. The following table shows screening criteria for new single-family residential developments for operational criteria pollutants, operational GHGs, and construction related emissions.

**Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes**

<b>Land Use</b>	<b>Operational Criteria Pollutant Screening Size</b>	<b>Operational GHG Screening Size</b>	<b>Construction Related Screening Size</b>
<b>Single-family residence</b>	325 du (NOX)	52 du	114 du (ROG)
<i>&gt;&gt;Proposed Project</i>	<i>7 du</i>	<i>7 du</i>	<i>7 du</i>

The above table indicates that the proposed seven lot subdivision would fall well below the screening level sizes for Operational Criteria Pollutants (NOX), Operational Greenhouse Gas Emissions (GHG), and Construction-Related Criteria Pollutants (ROG), per Table 3-1, *Criteria Air Pollutant and Precursor Screening Level Sizes*, in BAAQMD’s 2017 CEQA Guidelines. Therefore, the proposed project would not result in operational or construction related emissions that would impact local or regional air quality standards.

TACs

The California Air Resources Board (CARB) has identified that people in the following categories are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. The proposed project site would be developed with single-family residences, which would likely include some of the above-listed sensitive receptors. Additionally, the project site is surrounded by single-family residences to the north along Morrison Canyon Road, to the south along Zacate Court, and to the west along Queso Place and Espada Place, which would include the closest off-site sensitive receptors.

For Toxic Air Contaminants (TACs), the City of Fremont has established acceptable thresholds for new sources and receptors of increased risk of 10 chances in one million as defined by BAAQMD for their individual TAC emissions. However, for sensitive receptors within developed in-fill areas, the City uses the cumulative exposure threshold of 100 chances per million (Fremont General Plan Update Final EIR, September 2011). The project is considered in-fill in an already developed area of the City and therefore the cumulative exposure threshold of 100 chances per million would apply. For PM<sub>2.5</sub> concentrations, the BAAQMD has adopted a significance threshold of an annual average concentration of greater than 0.3 ug/m<sup>3</sup>.

As discussed in the General Plan EIR, in Fremont, there are basically three types of sources that would potentially expose sensitive receptors to TACs (General Plan EIR Page 4-131): roadways, rail lines, and stationary sources. Roadways are the most common source, where diesel trucks would be the greatest source of TACs. Fremont includes rail lines that are also sources of diesel particulate matter (DPM) emissions associated with train movements. Additionally, Fremont includes numerous stationary sources that are permitted through BAAQMD that have mostly localized emissions.

#### Highway and Roadways

The Fremont General Plan identifies those areas of the City where existing sources of TACs would cause elevated health risks to sensitive receptors located nearby. The *Community Risk Overlays in Fremont* (Appendix C of the Fremont General Plan Final EIR, 2010) includes maps and data identifying the weighted lifetime cancer risk and elevated PM<sub>2.5</sub> concentrations associated with major highways and railways in the City. Seven major roadways and interstates were evaluated for cancer risk and elevated PM<sub>2.5</sub> concentrations including Mission Boulevard. The proposed project would be located approximately 600 feet to the east of Mission Boulevard. The *Community Risk Overlay* study area that is nearest and most comparable to the project site is the segment along Mission Boulevard from Driscoll Road to Stevenson Boulevard, and is located approximately 1.8 miles southwest of the proposed project site. This segment identifies a weighted lifetime cancer risk of approximately 1.0 in one million extending up to 600 feet east beyond the edge of the roadway (Mission Boulevard), which well is below the increased cancer risk threshold of 100.0 in a million or greater for infill projects.

PM<sub>2.5</sub> concentrations associated with the analyzed road segment would be 0.01 within 600 feet east and beyond the edge of the roadway, which is also below the adopted significance threshold of an annual average PM<sub>2.5</sub> concentration of greater than 0.3 µg/m<sup>3</sup>.

To confirm potential risk and hazards from Mission Boulevard closest to the project site, the BAAQMD's Roadway Screening Analysis Calculator was utilized. The City's GIS information provides an Annual Average Daily Traffic (ADT) of 27,122 vehicles in 2013 along Mission Boulevard near the intersection of Morrison Canyon and Mission Boulevard. Utilizing an estimated ADT of 27,122, at 600 feet east of Mission Boulevard, BAAQMD's calculator estimated a cancer risk of 3.62 chances in a million, which is still well below the adopted cumulative exposure threshold for sensitive receptors of 100 chances in million. The calculator identified an annual average PM<sub>2.5</sub> concentration of .072 µg/m<sup>3</sup>, which is also still well below the adopted significance threshold of an annual average PM<sub>2.5</sub> concentration of greater than 0.3 µg/m<sup>3</sup>. Therefore, the results of the Community Risk Assessment for health risks from the nearest highway and roadway segments with regard to traffic volume indicate the project would not have a significant impact with regard to cancer risk from air particulates and PM<sub>2.5</sub> concentration on sensitive receptors at the site

As future sensitive receptors of the proposed project would not be exposed to health risks from cumulative TACs generated by Mission Boulevard beyond adopted thresholds of significance, the project would not expose sensitive receptors to substantial pollutant concentrations and the impact would be Less than Significant.

#### Stationary Sources

As discussed in the General Plan EIR, when siting new sensitive receptors, the BAAQMD CEQA Guidelines advise that lead agencies examine existing or future proposed sources of TAC and/or PM<sub>2.5</sub> emissions that would adversely affect individuals within the planned project (General Plan EIR Page 4-136). Stationary sources of TACs can include gasoline dispensing stations and dry cleaners and without proper setbacks or mitigation measures, these sources could result in TAC levels that would be significant for new sensitive receptors. The California Air Resources Board (CARB) provides the following guidance regarding proper setbacks from gasoline stations and dry cleaning facilities:

- **Gasoline Stations.** CARB found the cancer risks associated with relatively high volume stations to be about 10 in one million at a distance of 50 feet. Except for the largest gasoline stations, health risks near gasoline stations should be less than 10 in one million at distances beyond 50 feet.
- **Dry Cleaning Facilities.** Perchloroethylene (Perc) is the solvent used commonly in past dry cleaning operations. Perc is a TAC, because it has the potential to cause cancer. In 2005, CARB recommended setbacks of 300 feet between dry cleaning facilities that emit Perc and sensitive land uses. Since then, CARB has enacted new rules to substantially reduce Perc emissions and phase out the use of dry cleaning operations that produce these emissions. The Perc exposures would be reduced by 80 percent or more as a result of the new Air Toxic Control Measure amendments. As a result, siting of new sensitive receptors could be allowed within 100 feet of these operations.

Upon review of the area surrounding the proposed project site using the BAAQMDs Stationary Source Screening Analysis Tool (SSSAT), it was determined that there are no major stationary sources of TAC pollutants, such as refineries or power plants, within 1,000 feet of the project. There is a City of Fremont Fire Station No. 9 (SSAT#G8537) approximately 0.80 miles southwest of the project site at 39609 Stevenson Place. Additionally, there are two gasoline stations located approximately 0.80 miles south of the project site at 40077 Mission Boulevard (SSAT #G205) and 39925 Mission Boulevard (SSAT #G10587). All of these sites are well over 1,000 feet away from the project site.

A search was also done using Geotracker, an online database system used by the state and regional environmental resources boards, and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks. A LUST (Leaking Underground Storage Tanks) Cleanup site was located at the California School for the Deaf at 39350 Gallaudet Drive approximately 0.77 miles west of the project site, with a designation “Clean Up Open – eligible for Closure.”

The project site would not be located near a major stationary source of TAC pollutants, and would be approximately 0.80 miles away from the nearest gasoline stations to the south and City of Fremont Fire Station to the west, and approximately 0.77 miles to the east of the nearest LUST Cleanup Site (California School for the Deaf). As a result, potential sensitive receptors in the proposed development would not be exposed to significant levels of TAC from stationary sources, in accordance with CARB’s guidance regarding setbacks. Therefore, the project would

not cause emissions that expose sensitive receptors to unhealthy air pollutant levels and would be considered Less than Significant.

#### Construction

Though the proposed project would fall below the Construction Criteria Pollutant Screening Sizes, per Table 3-1 Criteria Air Pollutants and Precursors and GHG Screening Level Sizes in BAAQMD's 2017 CEQA Guidelines, the proposed project would include construction activity over an approximately 12-18-month period and this activity would generate dust and equipment exhaust on a temporary basis. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if Best Management Practices (BMPs) are employed to reduce these emissions. The proposed project will have a balanced 1,300 cubic yards of cut and fill, including 800 cubic yards of fill for rough grading and the balance of 500 cubic yards of fill for the project. This would be well below the 10,000 cubic yard threshold considered extensive material transport by BAAQMD.

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (a), copied below. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(a), which incorporates BAAQMD Best Management Practices for project construction, and, therefore, would reduce potentially significant impacts to air quality during project construction to Less than Significant.

#### FMC Section 18.218.050 (a) Air Quality

- (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.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

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

The proposed project would involve the development of seven single-family residences with adequate solid waste storage areas that would comply with the City's solid waste management regulations. These regulations include policies to reduce potential odor impacts from solid waste. Therefore, the proposed project would not create objectionable odors, once construction is completed. Temporary odor would be generated from localized emissions of diesel exhaust during grading and construction activities due to equipment and truck operations. These odors may be noticeable from time to time by nearby receptors; however, the odors would be temporary and would not affect a substantial number of people. Implementation of the standard requirement in FMC Section 18.218.050 (a)(1) Air Quality, related to construction emissions would further reduce potential impacts through reduced idling times for construction equipment. As such, the project would not create objectionable odors affecting a substantial number of people.

**Potential Impact:** Less than Significant  
**Mitigation:** None required

**IV. BIOLOGICAL RESOURCES**

Regulatory Framework

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

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

Environmental Checklist

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

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

Discussion/Conclusion/Mitigation

**a-d) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? 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 proposed project would allow for a General Plan Amendment to remove the hillside restriction of minimum 20,000 square foot lot sizes, and a vesting tentative tract map to subdivide a 1.92 gross acre site into seven single-family residential lots that would be more closely consistent in size to the adjacent single-family residential lots to the west and south. Essentially, the proposed project would complete an existing single-family residential neighborhood to the west by completing a public street cul-de-sac at the end of Queso Place and Espada Place, as an infill development area.

The site has been previously disturbed and is surrounded on three sides by existing urban development including paved roadways and single-family residential subdivisions. An abandoned railroad right-of-way is located adjacent to the site to the east, however, this corridor is used regularly as a walking path by local residents. Two residential structures previously existed on site, in addition to remnants of a previous walnut/fruit orchard. The two residential structures were demolished at the end of 2017, given that they were deemed unsafe and inhabitable by the Chief Building Official in 2015. The site is overgrown with weeds, and various trees on site, including several walnut trees. The project site is not directly located near a body of water, waterway or stream and does not include riparian habitat; therefore, the project would not impact fish or wildlife populations. The Alameda County Water District flood control channel does exist east of the former Western Pacific Railroad line; however, no part of this flood control channel is adjacent to the project site; therefore, the site would not affect riparian habitat and federally protected wetlands as identified by Section 404 of the Clean Water Act. The proposed project will incorporate stormwater drainage into the bioretention treatment areas in the front yards of each lot along Morrison Canyon Road, Queso Place and Espada Place, which would then flow to a stormwater drains below the bioretention treatment areas to the west and south of the site, away from the Alameda County Water District flood control channel.

The site has several existing trees on site that could potentially provide habitat for nesting birds or bats. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife (CDFW). Breeding migratory birds could construct nests within the project area in trees or shrubs. A significant impact would consist of the mortality of adults or young (including abandonment of nest with eggs or young) and harassment of migratory birds during construction.

To ensure that the proposed project would not have substantial adverse effects on any sensitive or special status species, Section 18.218.010 of the Fremont Municipal Code would be applied to the project. Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (b), copied below, which addresses biological resources. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(b), which incorporates measures that would ensure the project would avoid impacts to burrowing owls, nesting birds, and roosting bats, and, therefore, would not create a significant impact to biological resources.

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

- (1) Burrowing owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:
  - a. Pre-construction 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 timeframe (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 1 through August 31). 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 non-breeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.
  - d. Initiation of construction activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the Planning Manager for authorization to continue.
- (2) Nesting birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:
- a. Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1 through August 31).
  - b. Pre-construction 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 timeframe (prior to construction) of surveys to be conducted.
  - c. Protective buffer zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.
  - d. Initiation of construction activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.
- (3) Roosting bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on-site shall conduct the following measures prior to demolition:
- a. Pre-construction 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.

As an infill site primarily surrounded by developed single-family residential neighborhood, and absent of creeks and riparian habitat, with the above-referenced mitigation measures, the proposed project would result in a less than significant effect on special status species, riparian or sensitive habitat, wetlands, or regional wildlife movement.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

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

The proposed project would be required to comply with the City's Tree Preservation Ordinance and Storm Water Management and Discharge Control Ordinance, and would not conflict with any local policies or ordinances protecting biological resources. An arborist report was prepared by Hort Science on November 2, 2016, which provides an assessment of a total of 51 trees (with trunk diameters over 6 inches in diameter at breast height (dbh)), including 32 on-site trees and 19 off-site trees whose canopies overhang the project site boundaries. For purposes of this project review, only the 32 on-site trees are under review, given that off-site trees would not be harmed or removed as part of the proposed application. The arborist report indicated that 18 California black walnut trees were assessed with a "Low" suitability for preservation due to the poor condition of the trees. Further, an English walnut tree, two apricot trees, an avocado tree, a plum tree, and a silk tree were assessed with "Low" suitability due to poor condition. Trees that were given a "Moderate" suitability for preservation include one English walnut tree, one California black walnut tree, one Deodar Cedar tree (tree no. 30) along the Morrison Canyon Road street frontage, a Holly Oak tree, and a Mexican Fan Palm tree. Three trees were assessed with a "High" suitability for preservation, including a 10-inch dbh Coast Live Oak, a nine-inch dbh Cook Pine tree and a 48-inch dbh Canary Island Date Palm tree.

The applicant has provided an "Existing Conditions and Tree Survey Plan" (See Figure F) of Tract 8430 indicating which trees are to be retained and which are proposed to be removed. The plan indicates a total of 26 trees to be removed. Trees which are proposed to be removed include 17 California Black Walnut trees, an English Walnut tree, four fruit trees (including two apricot trees, one avocado tree and one plum tree) a Deodar Cedar tree, a Coast Live Oak tree, a Cook Pine tree, and a silk tree. In accordance with the City's Tree Preservation Ordinance, Section 18.215 of the Fremont Municipal Code, the removal of any protected trees would require a tree removal permit and mitigation measures involving on-site tree replacements or an in-lieu fee where trees cannot be replaced on site due to land constraints. None of the trees on the project site are city-designated Landmark trees.

Compliance with the above ordinance requirements would reduce the potential impacts to Less than Significant. There are no draft or adopted Habitat Conservation Plans for the project area at this time. Additionally, the proposed project is not within any Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

**Potential Impact:** Less than Significant

**Mitigation:** None Required.

## V. CULTURAL RESOURCES

This discussion is based in part on the following documents:

- Historical Evaluation prepared by City of Fremont dated February 3, 2017.

### Regulatory Framework

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

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

### Environmental Checklist

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

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X		1, 11, 28, 29,
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X		1, 11, 28, 29,

Discussion/Conclusion/Mitigation

- a-d) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The proposed project site is located on the southeast side of Morrison Canyon Road, east of Mission Boulevard and west of a former Western Pacific Railroad line and an existing Alameda County Water District floor control channel. The site is currently vacant, aside from existing fruit, nut and oak trees, and was previously developed with two residential structures, including a one-story, 1,200 square foot residence with basement constructed circa 1910 that was located along Morrison Canyon Road, and a one-story, 1,000 square foot residence constructed around 1950 that was located behind the older residence. Both structures were deemed public safety hazards and inhabitable by the City in 2015. In February 2017, the City performed an historical evaluation on the circa 1910 structure which was determined to have had severe fire damage, and had major alterations that removed original doors, windows and siding, lacking distinctive character to be considered for potential historical significance. The 1950's residence was completely torn down to the wooden studs with no roofing material, no windows and no character-defining features; essentially, this structure was a hollow shell. Given that these structures were deemed to be public safety hazards, did not possess criteria as potential historical resources, and were the cause of numerous code enforcement complaints from the neighborhood residents due to blight and vermin infestation, the City permitted the removal of these structures at the end of 2017. Therefore, the proposed project would not cause a substantial adverse change in the significance of any historic or archaeologic resource on the property or in the surrounding neighborhood as defined by §15064.5. Based on previous development and agricultural use on the site, it is already disturbed and surrounded on three sites by urban development. Thus it is not likely that there would be impacts related to archaeological or paleontological resources or areas of remains, particularly since the site appears to have been used for residential purposes and a walnut orchard

between the 1930's and 1960's, in which the site was disturbed, based upon the Phase I environmental site assessment by Aqua Science Engineers, Inc. However, should any of these resources be accidentally discovered, compliance with FMC 18.218.050 (c) related to cultural resources would be sufficient to mitigate impacts.

- e) **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?**

#### Native American Tribal Resources

Notice of the proposed project was sent to the local California Native American Tribes named on the Native American Contacts list for Alameda County provided by the NAHC (Native American Heritage Commission) on August 10, 2017, to allow early consultation. No requests for such consultation were received by the City and no tribal cultural resources have been identified on the proposed site.

Per FMC Section 18.218.010, all development projects that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (c), copied below, which addresses cultural resources. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(c), which incorporates measures that would ensure the project would avoid impacts to cultural resources, and, therefore, would not create a significant impact to cultural resources.

#### **FMC Section 18.218.050 (c) Cultural Resources.**

- (1) Notification, affiliated California Native American tribes. Prior to preparation of an environmental assessment and within 14 days of determining that an application for a project is complete, the City shall provide formal notification to the designated contact or a tribal representative of traditionally and culturally affiliated California Native American tribes that have requested to receive such notice from the City. The written notification shall include a brief description of the proposed project and its location, project contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to AB 52
- (2) Accidental discovery of cultural resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:
  - a. The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
  - b. The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including

significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

- c. In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064(e) and (f) requiring cessation of work, notification, and immediate evaluation shall be followed.

Therefore, the proposed project, with the above standard development requirements, would have a Less than Significant Impact on historical, cultural, paleontological, and archaeological resources.

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

## VI. GEOLOGY AND SOILS

This discussion is based in part on the following documents:

- *Geotechnical Feasibility Study* (Geotech Report), prepared by Cornerstone Earth Group, dated August 24, 2017.
- *Cotton Shires and Associates, Inc. Geotechnical Peer Review – Liquefaction Zone*, dated November 16, 2017.

### Regulatory Framework

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

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- California Building Code (2013)

### Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		X			1, 5, 6, B, C
	ii) Strong seismic ground shaking?		X			1, 5, 6, B, C
	iii) Seismic-related ground failure, including liquefaction?		X			1, 5, 6, B, C

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
	iv) Landslides?			X		1, 5, 6, B, C
b.	Result in substantial soil erosion or the loss of topsoil?			X		1, 5, 6, 8, B, C
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?		X			1, 5, 6, B, C
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?		X			1, 5, 6, B, C
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?				X	N/A

Discussion/Conclusion/Mitigation

- a) **Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; ii) Strong Seismic Ground Shaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides;?**

The project site is located on the east side of Mission Boulevard, south of Morrison Canyon Road, in the Measure A Hillside Area below the Toe of the Hill, approximately 1.1 miles away from the Hayward Fault and 4.9 miles away from the Calaveras Fault. The site is surrounded by developed single-family residences to the north, south and west, and by an abandoned Western Pacific Railroad line and an existing Alameda County Water District drainage channel to the east.

The following conclusions related to geology and soils are provided in the Cornerstone Earth Group and Cotton Shires and Associates reports:

Fault Rupture

As noted in the geotechnical report prepared by Cornerstone Earth Group on August 24, 2017, the project site is not located within a State-designated Alquist Priolo Earthquake Fault Zone or an Alameda County Fault Hazard Zone. However, California Geologic Survey (CGS) maps trace the Mission Fault 40 feet northeast of the site and a trace of the fault through the northeast corner of the site.

As a result, additional geotechnical investigations were conducted with respect to fault rupture and liquefaction hazards by the City's peer review consultant, Cotton Shires and Associates, Inc., through a report prepared on November 16, 2017. The City's peer review consultant indicated that four advanced exploratory borings to a maximum depth of 50 feet and a fault trench 125 feet in length with a maximum depth of 14 feet were completed by Cornerstone, that indicate a lack of evidence that the Mission Fault is active, as disturbed beds were not encountered. Additionally, no active or potentially active fault was found crossing the project site. It was also concluded that

the fault lies northeast of the property. Because of the proximity of the fault being located just northeast of the property line, Cornerstone Earth Group and Cotton Shires recommend that a 25-foot wide building exclusion zone be applied to mitigate impacts related to fault rupture and strong seismic shaking. Therefore, with this mitigation measure, the proposed project would have a Less than Significant Impact relating to exposure of persons or structures to an earthquake rupture. 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 2016 California Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a Less than Significant level.

#### Potential for Liquefaction-Induced Settlements

In terms of liquefaction, the project site is located within a State-designated Liquefaction Hazard Zone (CGS, Niles Quadrangle, 2004). The Cornerstone report indicates that there is a potential for seismically-induced settlement of localized sand layers above and below the ground water level during a seismic event. The analysis indicates the liquefaction-induced settlement would be ½ inch or less. Further, unsaturated sand layers above the ground water level would have a settlement of ¼ inch in localized areas. To mitigate potential impacts resulting from settlement, however, the foundation would be required to be designed to tolerate such total and differential settlements by incorporating the grading and drainage recommendations provided by the Cornerstone Geotechnical Study and Cotton Shires Peer Review Report including providing a layer of non-expansive soil, deeper footings below the zone of seasonal moisture fluctuation, and positive drainage away from the site; therefore, with implementation of these foundation requirements, the proposed project would have a Less than Significant Impact on the potential for liquefaction-induced settlements.

**Potential Impact Geo 1:** The project may expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death due to seismic activity, potential seismic related ground shaking (including liquefaction), lateral spreading and liquefaction on a geologic unit, and expansive soils . [Less than Significant with Mitigations Incorporated]

**Mitigation Measure:** Implementing the following measures would reduce Impact Geo-1 to a Less than Significant level:

#### **MM Geo-1a. Geotechnical Plan Review**

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, retaining walls, pavement/hardscape). The consultant shall verify that their recommendations 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.

#### **MM Geo-1b. Geotechnical Field Inspection**

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.

**MM Geo-1c. Building Exclusion Zone**

A building exclusion zone of 25 feet from the mapped fault location for all habitable structures on Lot 3 shall be incorporated into the building plans prior to issuance of a building permit.

**MM Geo-1d. Foundation requirements for Liquefaction-Induced Settlements**

The foundations for habitable structures on the project site shall be designed to tolerate total and differential liquefaction-induced settlements as noted in the Cornerstone report. These requirements for the foundations shall be incorporated into the building permit set of plans prior to issuance of a building permit.

**MM Geo-1e. Foundation requirements for Expansive Soils**

Prior to issuance of a building permit, the building permit set of plans shall include requirements for slabs-on-grade to have sufficient reinforcement and be supported on a layer of non-expansive fill. Footing shall extend below the zone of seasonal moisture fluctuation. Further, moisture changes in the surficial soils shall be limited by using positive drainage away from the buildings, as well as limiting landscaping watering. Grading and drainage plans shall incorporate the recommendations in the Cornerstone and Cotton Shires and Associates reports, and be incorporated into the building permit set of plans prior to issuance of building permits.

With respect to landslides, the 2017 Geotechnical study indicates the project site is not located in or adjacent to any mapped landslides; therefore, the project's impact on landslides is considered Less than Significant.

**Potential Impact:** Less than Significant

**Mitigation:** None required.

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

The proposed project would not result in substantial soil erosion or loss of topsoil, except for topsoil stripping to remove surface vegetation and improvements. Although Cornerstone did not encounter undocumented fill on site, it is anticipated that there may be one to two feet of man-made fill below the site of the former residential structures. Additionally, the upper six to 12 inches of surficial soil may be loose or soft due to past agricultural use of the site. An erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. Implementation of mitigation measures Geo-1a and Geo-1b (identified in section a above) would reduce impacts from substantial soil erosion/loss of topsoil to less than significant.

**Potential Impact:** Less than Significant with Mitigation

**Mitigation:** MM Geo-1a and Geo-1b identified in section a above.

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

According to the Cornerstone report, there are two geologic units. Unit 1 is the youngest geologic unit comprised of "A" horizon soil (consisting of sandy clay of grayish brown to dark grayish brown color, stiff, moist and having moderate plasticity), and "B" horizon soil (consisting of sand clay of dark grayish brown to brown color, stiff, moist and having moderate plasticity). Geologic Unit 2 consists of a series of sandy clay with gravel. All soils were observed to be

continuous and showing no signs of disruption (truncation or warping) throughout the length of the trench. The Cornerstone report indicates that potential for lateral spreading and liquefaction is low since there are no open faces within a distance of the project site that are susceptible to lateral spreading and there is a 20-foot thick layer of unsaturated non-liquefiable clay that is capping the site which has been determined to be sufficient to prevent ground rupture. Nonetheless, implementation of mitigation measures Geo-1a, 1b, 1d, and 1e identified in Section above, would reduce potential impacts from lateral spreading and liquefaction to a Less than Significant Impact.

**Potential Impact:** Less than Significant with Mitigation

**Mitigation:** MM Geo-1a, -1b, -1d, and -1e identified in section a above.

**d) Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?**

The project site consists of moderately expansive soils that could undergo significant volume change with changes in moisture. The geotechnical report (Cornerstone, 2017) recommended mitigation to address these potential changes that include constructing structures with slabs-on-grade with sufficient reinforcement to be supported on a layer of non-expansive fill, with footings extending below the one of seasonal moisture fluctuation, and requiring positive drainage away from the building. Implementation of these measures would, therefore, reduce substantial risks to life or property from moderately expansive soils to Less than Significant with mitigation measures.

**Potential Impact:** Less than Significant with Mitigation

**Mitigation:** MM Geo-1a, Geo-1b, Geo-1d and Geo-1e identified in section a above.

Soil Corrosion Potential

The Cornerstone study indicates that on-site soils are considered corrosive to buried metallic structures, such as ductile iron or metal pipe. Therefore, it is recommended a corrosion engineer be retained to provide recommendation for any buried metallic improvements. Corrosion test and estimated high ground water levels should be tested to determine if corrosion mitigation is needed.

**Potential Impact:** Less than Significant with Mitigation

**Mitigation:** MM Geo-1a, Geo-1b, Geo-1d and Geo-1e identified in section a above, and the following:

**MM Geo-1f Soil Corrosion requirement**

Prior to installation of any buried metal improvements, a corrosion engineer shall be retained to provide recommendations for any buried metallic improvements. Corrosion tests and estimated high ground water levels shall be tested to determine if corrosion mitigation is required.

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

The project does not require the ability to support new septic tanks or alternative wastewater disposal. New stormwater, wastewater and other utilities would be connected to existing utility infrastructure adjacent to the site. For this reason, no impacts would result in relation to septic tanks or alternative wastewater treatment.

**Potential Impact:** No Impact  
**Mitigation:** None

## VII. GREENHOUSE GAS EMISSIONS

### Regulatory Framework

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

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

### Environmental Checklist

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

### Discussion/Conclusion/Mitigation

- a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Because of the broad context and setting of the potential impacts of contributing to global climate change, the assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its AB 32 goals. This is identified within the City's General Plan Conservation Chapter and certified Environmental Impact Report (EIR) as the context for reviewing project effects and global climate changes. The General Plan EIR established analysis considering the projected increase in emissions from new growth through the year 2020. As shown in the table below, the project attributes of the proposed residential project are below the operational screening criteria established by the BAAQMD as a conservative estimate as to whether a project would exceed the 1,100 MT of CO<sub>2</sub>e/year threshold of significance for projects other than stationary sources. Projects that have GHG emissions below exceed the 1,100 MT of CO<sub>2</sub>e/year to threshold are considered to result in a less than significant impact for GHG emissions.

**Table: Criteria Air Pollutants and Precursors and GHG Screening Level Sizes**

<b>Land Use</b>	<b>Operational Criteria Pollutant Screening Size</b>	<b>Operational GHG Screening Size</b>	<b>Construction Related Screening Size</b>
<b>Single-family residence</b>	325 du (NOX)	52 du	114 du (ROG)
>>Proposed Project	7 du	7 du	7 du

Construction of the proposed project could generate GHG emissions resulting from construction equipment and grading and paving activities. The proposed project will have a balanced 1,300 cubic yards of cut and fill, including 800 cubic yards of fill for rough grading and the balance of 500 cubic yards of fill for the project. This would be well below the 10,000 cubic yard threshold considered extensive material transport by BAAQMD.

As previously discussed, per FMC Section 18.218.010, all development projects that have that have the potential to adversely disturb or impact a) special-status species; b) cultural resources; and c) air quality due to construction activities such as grading, demolition, and tree and shrub removal, shall implement the adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. This includes, FMC Section 18.218.050 (a), discussed in the Air Quality section of this Initial Study. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(a)Air, which incorporates BAAQMD Best Management Practices for project construction, and, therefore, would reduce impacts to air quality from greenhouse gas emissions during project construction to Less than Significant.

Implementation of development standard in FMC Section 18.218.050 (a) applicable to construction-related emissions would reduce construction-related impacts. Additionally, the project would also implement Best Management Practices, such as the recycling of construction materials in compliance with the City's waste diversion ordinance. The project would also be required to adhere to the City's Green Building Code, which includes mandatory measures for all building construction. These requirements would further reduce impacts related to GHG emissions to Less than Significant.

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

**Potential Impact:** Less than Significant

**Mitigation:** None Required

## VIII. HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part on the following documents:

- *Phase I – Environmental Site Assessment*, prepared by Aqua Science Engineers, Inc, dated November 16, 2015.
- *Soil Assessment Report*, prepared by Aqua Science Engineers, Inc., dated September 29, 2016.

### Regulatory Framework

Hazardous waste generators and hazardous materials users in the City are required to comply with regulations enforced by several federal, state, and county agencies. The regulations are designed to reduce the risk associated with the human exposure to hazardous materials and minimize adverse environmental effects. State and federal construction worker health and safety regulations require protective measures during construction activities where workers may be exposed to asbestos, lead, and/or other hazardous materials.

The routine management of hazardous materials in California is administered under the Unified Program. The Fremont Fire Department acts as the Certified Unified Program Agency (CUPA), an administrative agency that coordinates and enforces numerous local, State, and Federal hazardous materials management and environmental protection programs for hazardous material users city-wide, including:

- Hazardous Materials Business Plan Program
- Hazardous Waste Generator Program
- Underground Storage Tank Program
- California Accidental Release Program
- Tiered Permitting Program
- Aboveground Storage Tank Program

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

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

**Environmental Checklist**

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		1, 6, 7, D, E
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			1, 6, 7, D, E
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3
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?			X		1, 18, D, E
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X		30

Discussion/Conclusion/Mitigation

**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 proposed project entails the development of seven single-family residential lots for future development of single-family residences on each lot, within a developed neighborhood with single-family residences to the north, south and west. The proposed project would not involve the routine transport, use or disposal of hazardous materials beyond those commonly used for cleaning and by professional landscaping services for landscape maintenance. Therefore, the proposed project would not create a significant hazard to the public or the environment, and the impacts would be Less than Significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**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?**

The Phase I Environmental Site Assessment (ESA) identified one Recognized Environmental Condition (REC) and four Potential Environmental Concerns (PECs). As a result, a follow-up soil assessment report was prepared by Aqua Science Engineer, Inc. on September 29, 2016, addressing these environmental concerns and condition. Soil sampling and analysis was conducted on August 31, 2016, for this follow-up soil assessment report.

The REC was an inactive domestic water well identified on the site in 2015. However, this water well was destroyed under the Alameda County Water District (ACWD) drilling permit 2007-0087 issued on March 2, 2017. A California Department of Water Resources (DWR) Well Completion Report was filed on March 2, 2017, and the work was completed on March 15, 2017.

The four PECs include:

1. Possibility of lead based paint (LBP) and asbestos containing materials (ACM)

The Phase I report indicated that the existing structures on site would likely contain LBPs and ACMs. In 2015, the City deemed the two existing structures on site as public safety hazards and inhabitable. Further, in February 2017, the City performed an historical evaluation on the circa 1910 residential structure and determined that because of major alterations and fire damage, the residence no longer possessed sufficient integrity to qualify for potential historical significance. The second residential structure, a 1950's residence, had been completely torn down to wooden studs with no roofing material, windows and character-

defining features left. Due to health and safety concerns and loss of integrity, the City permitted removal of these structures, and the applicant submitted applications to demolish the structures, which was completed at the end of 2017. The applicant submitted the necessary documentation for issuance of a demolition permit, including those demonstrating the proper removal of asbestos and hazardous materials.

2. Possible Fill Material

Due to small areas in the rear portion of the site that appear to have additional piled soil, it is determined that possible fill soil has been deposited on the project site. The Phase I report indicates that this fill material may not be suitable for use on the site, and is therefore, considered a PEC. According to the soil assessment report, soil sampling of the fill soil was conducted and no hazardous materials such as herbicides or pesticides were detected other than arsenic concentrations. The arsenic concentrations exceeded the Environmental Screening Levels (ESLs), however, the detected arsenic concentration is similar to what is expected to be a naturally occurring throughout the San Francisco Bay Area. Therefore, the fill material was determined not to be an environmental concern.

3. Possible Pesticide/Herbicide Usage

The soil assessment report prepared on September 29, 2016, included soil sampling and analysis of two near surface areas to determine if any pesticide/herbicide would be detected on the project site due to the previous use of the site as a walnut orchard. The soil analysis indicated that no herbicides or mercury were detected, and that the detected pesticide and lead concentrations did not exceed ESLs. Therefore, the potential for pesticide and herbicide use was determined not to be an environmental concern.

4. Possible Site Contamination Due to Possible Drug Making Chemicals

To determine the possibility of site contamination, Aqua Science Engineers, Inc. visited the site and interviewed the adjacent neighbor on the phone who indicated the previous use of the site as a drug making operation. He did not notice any illegal dumping of chemicals on site, and any drug making chemicals were handled by a hazardous materials team once the City became aware of this issue. Additionally, if there had been illegal dumping on site, it was determined it would have been very small. Therefore, Aqua Science Engineers, Inc. has determined that no additional assessment is required at this time for this PEC. A mitigation would be applied to this project that an environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately.

**Potential Impact Haz-1:** Grading and site preparation activities could create a hazard to the public through the accidental release of hazardous substances resulting from drug making chemicals that may have been dumped on the site.

**Mitigation Measure:** Implementing the following measure would reduce Impact Haz-1 to a Less than Significant level:

**MM Haz 1:**

An environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately.

- 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?**

One school, Monarch Christian Preschool located at 38895 Mission Boulevard, is located approximately within one-quarter mile of the project site. The proposed project involves the development of seven single-family residential lots for the future development of single-family homes on each lot. As a proposed residential subdivision, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of the preschool. Therefore, the project would have no impact on the school with respect to hazardous emissions and handling of hazardous materials and substances or waste.

**Potential Impact:** No Impact

**Mitigation:** None Required

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

The project site is not listed on the Department of Toxic Substance Control (DTSC) Hazardous Waste and Substances Site List (Cortese List) or LUST (Leaking Underground Storage Tanks) site; however, as noted in Section b) above, the Phase I report indicated that the result of the state and federal environmental database searches found the project site as a Potential Environmental Concern (PEC) as a result of prior drug-related activities on the site. However, as noted above, because illegal drug-making chemical dumping was not seen, and all drug-making chemicals were handled by a hazardous materials team once the City was notified of such a use, it was determined that no additional analysis is needed. However, a mitigation, MMHaz 1 as noted above, would be applied to this project that an environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately.

Regarding the Recognized Environmental Condition (REC) of the inactive well, the applicant provided information from the Alameda County Water District and the California Department of Water Resources that the well was properly destroyed in accordance with their requirements.

Further, other PECs identified on site pertaining to Possible Fill Material, Lead-Based Paint and/or Asbestos Containing Materials, and Possible Pesticide/Herbicide Usage were all determined to have a Less than Significant Impact since the two residential structures were demolished with a proper demolition permit from the City, and the soil analyses indicated that no herbicides, mercury or other hazardous materials were detected in the soil samples, aside from arsenic concentrations at environmental screening levels (ESLs) that are typical for naturally occurring arsenic in the San Francisco Bay Area.

Therefore, the proposed project would have a Less than Significant Impact with Mitigation Measure Haz-1 as noted in Section b above.

**Potential Impact:** Less than Significant with Mitigation

**Mitigation:** See MM Haz-1 above

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

The project site is not located within an airport land use plan nor are there any public or private airports within City limits. Thus, no impacts related to airport safety hazards for people residing or working in the area near the proposed site would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

- f) **For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

As there are no private airstrips within the Fremont city limits, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

- g) **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the project site via private streets and Emergency Vehicle Access Easements that would be dedicated to the City for exclusive use by emergency vehicles, both of which would be designed in compliance with City Fire Department and Public Works Department standards. For these reasons, no significant impact to life safety would result from the project and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

- h) **Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

As discussed in the General Plan EIR, General Plan implementation measures in combination with the application of the Wildland-Urban Interface Building Code would reduce potential risks associated with wildland fires to a level considered Less than Significant. The Wildland –Urban Interface Code would remove flammable materials from around proposed buildings and require construction with fire resistant materials. The project site is located within a Fire Hazard Area. For projects within this designation, more stringent building code requirements for exterior materials and construction methods for wildfire exposure would apply. Additional measures may include wetbands, fire resistant landscaping, defensible space, fire resistant construction, sprinkler systems, and vegetation management. Application of the Wildland-Urban Interface Code, as deemed necessary by the City Fire Department, would reduce the impact to exposing people or structures to significant risk involving wildfires to Less than Significant.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

## IX. HYDROLOGY AND WATER QUALITY

### Regulatory Framework

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

- City of Fremont General Plan Conservation Element (Water Quality Standards)
- California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES), Order R2-2015-0049, NPDES Permit No. CAS612008 (NPDES C.3)
- California State Water Resources Control Board, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order 2010-0014-DWQ NPDES NO. CAS000002
- Federal Clean Water Act 1987

### Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Violate any water quality standards or waste discharge requirements?			X		1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
f.	Otherwise substantially degrade water quality?			X		1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X		1, 8, B, C
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Discussion/Conclusion/Mitigation

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

The proposed project involves a seven lot single-family residential subdivision on a 1.92 acre parcel located at 241 and 243 Morrison Canyon Road. The site previously was developed with two residential structures constructed circa 1910 and 1950 that were demolished at the end of 2017. The site was historically used for agricultural purposes, likely a walnut orchard based upon the number of existing walnut trees on site, between the 1930's and 1960's. Several walnut, fruit and other types of trees exist on site. The concrete driveway has also been recently removed in conjunction with the demolition of the residences. Therefore, the site is essentially vacant and generally level. The site is adjacent to single-family residential neighborhoods to the north, south and west, and an abandoned Western Pacific Railroad line and Alameda County Water District drainage channel further to the east beyond the Railroad line right-of-way. There is no stream or river on the project site, and would, therefore, not alter the course of any waterways.

The proposed project would involve construction activities, including grading, vegetation removal and excavation, with cut and fills one to three feet, which would have the potential to affect surface water quality. With the proposed single-family residential development on the project site, the impermeable surface of the lot would be significantly increased. Therefore, the proposed project would be required to follow statewide stormwater requirements as described below, which would result in a Less than Significant Impact on water quality and waste discharge standards.

### Construction

The State Water Resource Control Board's (SWRCB) statewide stormwater general permit for construction activity (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) is applicable to all land-disturbing construction activities that would disturb one acre or more. Because disturbed areas within the project site would be greater than one acre, the project would obtain coverage under the NPDES Construction General Permit through the SWRCB.

Since construction activities would result in the project site becoming vulnerable to erosion, the applicant will be required to develop an erosion control plan as a condition of approval. The applicant must also comply with standard erosion control measures that employ Best Management Practices (BMPs), develop a Stormwater Pollution Prevention Plan (SWPPP) per State Water Quality Control Board Stormwater Permit requirements, and conform with the City of Fremont's Storm Water Management and Discharge Control Municipal Code, Title VII, Chapter 11. The goals of the SWPPP are to implement measures in disturbed areas to minimize non-stormwater discharges (i.e., discharge or accidental spills of fuels, oils, petroleum hydrocarbons, paints, solvents, cleaners, or other construction materials) and minimize stormwater discharges (i.e., transport of sediments) into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction, and implement permanent post-construction measures that would remain in service to protect water quality throughout the life of the project.

Potential erosion and transportation of soil particles would be managed through standard construction BMPs, such as installation of silt fences, which would substantially reduce potential sediment transport from the construction site. Other construction-related contaminants, such as oil and greases, would be managed through appropriate material handling and good housekeeping practices at the construction site. Other BMPs that would be implemented at the site include stabilized construction entrances and stormdrain inlet protection. The contractor would also be responsible to maintain these BMPs in good and effective condition.

#### The SWPPP shall identify and specify:

- The use of an effective combination of erosion and sediment control Best Management Practices and construction techniques accepted by the City at the time of construction, that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites;
- The implementation of approved local plans, non-stormwater management controls, permanent post-construction Best Management Practices, and inspection and maintenance responsibilities;
- The pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- The means of waste disposal;
- Personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation methods for Best Management Practices specified in the SWPPP; and
- The appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

The project applicant would consider the full range of erosion control Best Management Practices and would consider any additional site-specific and seasonal conditions when selecting and implementing appropriate Best Management Practices. Best Management Practices that may include, but are not limited to, such measures as:

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

Although unlikely, perched groundwater could be within a few feet of the excavation level, and construction dewatering may be required. If groundwater is encountered during construction, water would be removed from active work areas, treated where necessary (sediments would be allowed to settle), and disposed of in accordance with permit requirements.

Implementation of the above listed BMPs, requirements and conditions would reduce impacts to downstream waters from erosion and polluted stormwater runoff to a Less than Significant level.

#### Operation

Because the project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. Provision C.3 of the NPDES permit governs storm drain systems and regulates post-construction stormwater runoff. The provision requires new development and redevelopment projects to incorporate low impact development (LID) techniques and other appropriate source control and site design features to treat stormwater runoff from all on-site impervious surfaces on site before it is discharged into the public storm drain system.

Consistent with the Municipal Regional Stormwater Permit's C.3 requirements, the storm drainage system would be designed to connect to the existing public sanitary sewer and storm drain lines along Morrison Canyon Road for Lot 1 and along Queso Place and Espada Place for Lots 2 – 7. The project would also obtain its water from existing public water mains serving the site along Morrison Canyon Road, Queso Place and Espada Place.

Since the project site was recently cleared of existing residential structures and pavement, the site currently is pervious, as the remaining portions of the site exist as remainders of a previous walnut orchard. The proposed project would involve the development of single-family residences on each lot, with ancillary paved driveways and side and rear yard areas, totaling 37,682 square feet of impervious surface and 67,219 square feet of pervious surface. Bioretention treatment areas will be provided in the front yards of each residential lot in accordance with the C.3 requirements.

The project would be designed in compliance with C.3 requirements and construction would be done in conformance with the California State Water Board Construction General Permit and Best Management Practices provided in the CASQA Construction BMP Handbook and, as such, no water quality or groundwater impacts would result.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

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

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed to bio-retention basins and landscape-based treatment areas located throughout the development and ultimately discharged into the public storm drain system via a new piped system that would be constructed on the site. Therefore, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

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

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0455G. According to this FIRM, the project site is located within a Shaded Zone X, which is an area of 0.2% annual chance flood; area of 1% annual chance flood with average depths of less than 1 foot or within drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazards. The project site is also not situated within a Special Flood Hazard Area or an area that would be subject to inundation as a result of failure of a dam, levee, or reservoir. Therefore, the impact on a 100-year flood area would be Less than Significant, and no impact would result from failure of a dam, levee or reservoir, structures that would redirect flood flows or inundate by seiche, tsunami or mudflow.

The Cornerstone Earth Group Geotechnical Report dated August 24, 2017, recommends that the project civil engineer be retained to confirm and verify the base flood information. Therefore, the project site would have a Less than Significant Impact on placing housing within a 100-year flood hazard area as a Shaded X zone.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

**X. LAND USE AND PLANNING**

Regulatory Framework

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

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

Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Physically divide an established community?				X	1, 2, 6, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		1, 2, 3, 6, 8, 14, 15, 16
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 6, 8, 14, 15, 16

Discussion/Conclusion/Mitigation

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

The proposed project to subdivide a 1.92 acre parcel into seven single-family residential lots, would not physically divide an established community, particularly since the project site is surrounded by single-family residential neighborhoods to the north, south and west. To the east is an abandoned Western Pacific Railroad line and the Alameda County Water District drainage channel. The project would complete the cul-de-sac portion of two existing streets on the west side of the project site named Queso Place and Espada Place.

The proposed project would be consistent with policies and regulations in the Fremont General Plan and zoning ordinance intended to mitigate environmental effects, and would further the goals and policies aimed at eliminating incompatible land uses in residential areas. The surrounding existing residential neighborhoods to the north, south and west consist of lots primarily between 6,000 and 8,000 square feet, and are appropriately zoned R-1-8 (H-I, Hillside Combining Overlay District) to the north across Morrison Canyon Road, and R-1-6 (H-I)

immediately adjacent to the project site to the west connecting to Queso Place and Espada Place to the west and Zacate Court to the south.

#### Land Use Designation

The project site currently has a General Plan Land Use designation of Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided), in which new single-family development would be allowed, however, new lots outside of existing subdivisions and planned developments, could not be less than 20,000 square feet.

The proposed General Plan Amendment to change the General Plan Land Use designation of the project site to Low Density Residential, 2.3 to 8.7 units per net acre, would allow for lot sizes more closely aligned with the lot sizes of the surrounding neighborhood and with the R-1-6(H-I) zoning designation. This would allow for the applicant to develop lots between 7,100 square feet and 13,300 square feet, rather than minimum 20,000 square foot lots, particularly since they would be adjacent to and share street access from Queso Place and Espada Place with lot sizes in the 6,000 – 7,700 square foot range. The proposed density would be 3.9 units per acre, which is on the lower density side of the 2.3 to 8.7 units per acre range for the proposed General Plan land use designation.

The proposed project is essentially an in-fill site and would be consistent with the following General Plan goals and policies related to infill development and single-family residential development:

#### **Land Use Element Policy 2-1.4: Neighborhoods**

Sustain and enhance Fremont’s neighborhoods as the basic “building blocks” of the community. Fremont’s neighborhoods should accommodate a high quality of life by providing diverse housing choices, safe and walkable streets, and convenient access to services, schools, and parks. While the basic pattern of land uses in most neighborhoods is set, over time the City’s residential areas will adapt and evolve to reflect Fremont’s vision for a more sustainable future.

#### **Land Use Element Policy 2-1.11: Infill Emphasis**

Focus new development on under-developed or “skipped over” sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.

#### **Land Use Element Policy 2-2.5: Zoning and Subdivision Regulations**

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

#### **Land Use Element Policy 2-3.4: Infill Development**

Support infill development on vacant and underutilized land in Fremont’s neighborhoods, particularly where there are vacant lots or parcels that create “gaps” in the urban fabric and disrupt the continuity of a neighborhood. Such development should respect the scale and form of surrounding properties.

#### **Land Use Implementation 2-3.1A: Zoning to Maintain Single Family Neighborhoods**

Maintain a range of single family residential zones corresponding to the prevailing lot sizes, densities, and context of Fremont neighborhoods.

Additionally, there are no habitat conservation or natural community plans adopted for this project site., the proposed project would be consistent with the existing zoning district for the site and would not conflict with other plans and policies intended to avoid or mitigate environmental effects, therefore the project would create a Less than Significant Impact.

**Potential Impact:** Less than Significant Impact  
**Mitigation:** None Required

**XI. MINERAL RESOURCES**

Regulatory Framework

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

- City of Fremont General Plan Conservation Element
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	1, 6, 8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	1, 6, 8

Discussion/Conclusion/Mitigation

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

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

The proposed project would not result in a loss of a known mineral resources that would be of value to the region and the residents of the state or 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 and no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

## XII. NOISE

### Regulatory Framework

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

- City of Fremont General Plan Safety Element (Noise and Vibration Standards)
- City of Fremont Municipal Code
- California Building Code (2013)

### Environmental Checklist

<i>Would the project result in:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X		1, 3, 9
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		1, 3, 9
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

### Discussion/Conclusion/Mitigation

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

The applicable noise standards governing the project site include the City's Safety Element of the General Plan and the Municipal Code. A project will have a significant noise impact if it will substantially increase the ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of the community in which it is located.

### Applicable Noise Regulations

The City of Fremont General Plan Safety Element (adopted in 2011) outlines acceptable exterior and interior noise standards for residential development. The General Plan Policy 10.8-1 states that exterior noise levels should not exceed an Ldn of 60 dBA at backyards in single-family housing, however, where an outdoor Ldn of 60 dBA or lower cannot be achieved after the application of feasible mitigations, an Ldn of 65 dBA may be permitted at the discretion of the City Council. The General Plan states that interior noise levels should not exceed 45 dBA Ldn in new housing. Typical instantaneous noise levels from such temporary sources as train horns or emergency vehicle sirens should not exceed 50 dBA in bedrooms during the nighttime or 55 dBA in any other rooms and bedrooms during the daytime.

FMC Section 18.50.040 excludes from its performance standards noise generated from temporary construction activities. However, construction activity is controlled via limitations on construction hours. FMC Chapter 18.160 limits weekday construction hours for activities within 500 feet of a noise-sensitive receptor to the weekday hours of 7:00a.m. and 7:00p.m. and Saturday and holiday hours of 9:00a.m. to 6:00p.m. Sunday construction is not allowed.

The proposed project would be developed in an existing developed residential neighborhood in the City of Fremont, approximately 600 feet east of Mission Boulevard, with single-family residential neighborhoods to the north, south and west of the project site, and an abandoned Western Pacific Railroad line and Alameda County Water District flood control channel to the east. The proposed project would not cause a substantial increase in noise levels to the existing residential nature of the project, aside from the temporary noise from construction activity on the project site.

### Exterior Noise

The General Plan EIR assessed potential traffic noise impacts along major roadways that would result from development anticipated from buildout of the 2011 General Plan. A noise contour map was prepared (*Diagram 10-9, 2011 General Plan, page 10-45*), which shows the project site as being within the 55 Ldn dBA contour based on anticipated traffic noise levels in 2030. Furthermore, the backyards for each new lot in the project would be located to the rear of the proposed homes. Thus the yards would be shielded by the proposed homes as well as existing single-family residential development west of the project and extending to Mission Boulevard. Thus, exterior noise levels in the proposed year yards are not anticipated to exceed the 60 Ldn dBA threshold outlined in Safety Element Policy 10.8-1, and would be considered a Less than Significant impact.

### Interior Noise

As noted above, the General Plan states that interior noise levels should not exceed 45dBA Ldn in new housing. The proposed project would be located within an existing established single-family residential neighborhood, approximately 600 feet east of Mission Boulevard, buffered by existing single-family residential development in between. The proposed homes would likely include mechanical ventilation, and will also be required to meet the California Building Code, which includes the requirements for window STC (Sound Transmission Class) ratings to provide a maximum interior noise level of 45dBA Ldn, which is consistent with the City of Fremont General Plan requirements. Therefore, the proposed project is not anticipated to exceed the maximum interior noise standards of 45 dBA Ldn, and would be considered a Less than Significant impact.

Excessive Groundborne Noise/Vibration

The project site is located approximately 600 feet to the east of Mission Boulevard on Morrison Canyon Road, buffered by several single-family residences in residential neighborhoods to the west.

Common sources of ground-borne 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 ground-borne vibration or groundborne noise on properties adjacent to the project site. No pile driving, blasting, or substantial grading activities are proposed. Additionally, once the project site is developed with single-family residences, substantial ground-borne noise and vibration would not occur.

The City of Fremont has adopted the Federal Transit Administration's vibration impact assessment criteria for use in evaluating vibration impacts associated with development within 150 feet of rail lines. In addition, the General Plan Update EIR identifies that perceptible ground vibration levels are expected to occur at distances ranging from within about 50 to 150 feet from the tracks. The project site is located approximately 875 feet from the Union Pacific Railroad line. At this distance, vibration would not be perceptible. Therefore, the project would not result in the exposure of persons to or generation of excessive ground-borne noise and vibration, and would be considered a Less than Significant impact.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Development of the project would result in a temporary increase in noise levels during daytime hours, particularly from diesel-powered earth-moving equipment and other heavy construction machinery. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont's Municipal Code for projects adjacent to/within residential neighborhoods, which would limit such activities to certain times of the day and week to reduce noise impacts on adjacent properties. These restrictions are:

- Monday-Friday, 7 a.m. to 7 p.m.
- Saturday and Holidays, 9 a.m. to 6 p.m.
- Sunday, no construction activity allowed

The above construction hours would ensure that potentially loud construction activities would occur during daylight hours when other short-term noise impacts from such sources as diesel-powered vehicles, leaf blowers, school playgrounds and other nearby construction work would typically occur. However, temporary or periodic increases in ambient noise levels from construction equipment may still occur. Implementation of construction best management practices would be standard construction requirements applied to the project and would reduce potential construction-period noise impacts for sensitive receptors near the site. Therefore, the potential impact of construction period noise would be Less than Significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

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

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

**Potential Impact:** No Impact

**Mitigation:** None Required

### XIII. POPULATION AND HOUSING

#### Regulatory Framework

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

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

#### Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 2, 4

#### Discussion/Conclusion/Mitigation

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

The proposed project would result in the construction of a maximum of seven single-family residences. Two single-family residential structures previously existed on site; therefore, the net increase of single-family residential structures on site would be five residences. The proposed General Plan Amendment to change the Land Use designation from Hillside Residential, < 2.3 units per acre or < 8.7 units per acre (where previously subdivided) to Low Density Residential, 2.3 to 8.7 units per net acre, would allow for lot sizes more closely aligned with the lot sizes of the surrounding neighborhood and with the existing R-1-6(H-I) zoning designation of the project site. This would allow for the applicant to develop lots between 7,100 square feet and 13,300 square feet, rather than minimum 20,000 square foot lots, particularly since they would be

adjacent to and share street access from Queso Place and Espada Place with lot sizes in the 6,000 – 7,700 square foot range. The proposed density would be 3.9 units per acre, which is on the lower density side of the 2.3 to 8.7 units per acre range for the proposed General Plan Land Use designation.

The project would complete public improvements on Queso Place and Posada Place including completing construction of two existing cul-de-sacs which were originally constructed in anticipation of future development at the end of these cul-de-sacs. The project would connect to existing public improvements for sewer and water and therefore would induce substantial growth through the extension of new roads or infrastructure.

According to the California Department of Finance 2017 estimate of 3.11 persons per dwelling unit, the proposed seven units would generate approximately 22 new residents within the neighborhood. This would represent a negligible increase in population growth based upon the Department of Finance’s City of Fremont population estimate of 231,664 persons in 2017. Further, the proposed project would not displace existing housing, given that the previous two residential structures on the property were demolished at the end of 2017, and have been vacant for several years due to the blighted and health and safety violations of the residences which were deemed to be inhabitable by the City in 2015. Therefore, the project have no impact on inducing substantial population growth in the area and displacing existing housing on the project site.

**Potential Impact:** No Impact

**Mitigation:** None Required

#### XIV. PUBLIC SERVICES

##### Regulatory Framework

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

- City of Fremont General Plan Public Facilities and Safety Elements
- City of Fremont Municipal Code

##### Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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: <ul style="list-style-type: none"> <li>• Fire protection?</li> <li>• Police protection?</li> <li>• Schools?</li> <li>• Parks?</li> <li>• Other public facilities?</li> </ul>			X		1, 10

Discussion/Conclusion/Mitigation

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

On September 3, 1991, the Fremont City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. The concept of the impact fee program is to fund and sustain improvements that are needed in public services, such as street improvements, fire and police protection, schools, parks and other facilities, as a result of new development, as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication and Park Facilities In-Lieu Fees, Capital Facilities Fees, and Fire Service Fees. The proposed project would be required to pay all applicable development impact fees prior to issuance of a building permit, as a standard project requirement.

Fire and Police

The proposed project would result in approximately 22 new residents, as noted in the Section 13, *Population and Housing*, in the existing residential neighborhood. This increase in the demand for fire and police protection and emergency medical services would not be substantial and would be typical of a demand from the surrounding existing single-family residential neighborhood. Since the site is an infill site, such nearby services are already available. Therefore, the proposed project would not require the provision of new or physically altered fire stations or the construction of a new police station or the expansion of the existing police station, and the impacts would be Less than Significant.

Schools

The project site is within the Fremont Unified School District. The proposed seven new single-family residential dwelling units would generate approximately five student to the Fremont Unified School District based upon a standard student generation rate of 0.70 students/single family dwelling unit. Under California law, the School District can require payment by a developer of school impact fees associated with a proposed development to mitigate any impact that such development would have on the facilities of the local school district. The City collects both Level I and Level II school impact fees for residential development on behalf of the Fremont Unified School District (FUSD). Proof of payment of all required school impact fees to FUSD must be provided before issuance of a building permit for the proposed project, as a standard project requirement. In conformance with the City's General Plan Public Facilities Policy 9-9.1: *Inform FUSD of Development Plans*, the City has coordinated with FUSD so that the District Board and staff are aware of development plans and can plan for facility needs accordingly. As such, the proposed project would have a less than significant impact on schools.

Parks and Other Public Facilities:

The proposed project would develop seven new dwelling units on the project site, which would add an estimated 22 new residents to the City's population. This would be expected to yield a small increase in demand for parks, libraries, or other public facilities, but not enough to require new or expanded facilities. Existing parks nearby that would serve the proposed project include Vallejo Mills School park one half-mile to the north of the site and Fremont Central park to the southwest.

The proposed project is located in an area where existing public services are available and would not require the extension of new roads or infrastructure, nor would it generate the need for new public facilities that could cause potential environmental effects. Therefore, the proposed project would have a Less than Significant Impact on public services.

**Potential Impact:** Less than Significant Impact

**Mitigation:** None Required

## XV. RECREATION

### Regulatory Framework

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

- City of Fremont General Plan Parks and Recreation Element

### Environmental Checklist

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

### Discussion/Conclusion/Mitigation

- a, b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

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

The proposed project involving the construction of seven new single-family residences in an established single-family residential neighborhood would not substantially increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration would occur. Given that only approximately 22 new residences would be generated from these seven new dwelling units, this limited population growth would not require the construction or expansion of recreational facilities that would have an adverse physical impact on the environment and would not lead to deterioration of such existing facilities. Furthermore, the payment of park dedication in-lieu fee and park facility fees for new residential development as

described in section 14 above, would offset increased demand as a result of the project. Therefore, impacts would be Less than Significant.

**Potential Impact:** Less than Significant Impact

**Mitigation:** None Required

**XVI. TRANSPORTATION/TRAFFIC**

Regulatory Framework

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

- City of Fremont General Plan Mobility Element

Environmental Setting

The project site is located south of Morrison Canyon Road and east of Queso Place and Espada Place, approximately 600 feet east of Mission Boulevard. Morrison Canyon Road is designated as a collector street that extends from Mission Boulevard, a Primary Arterial, to the west and along the north side of the site. Queso Place and Espada Place are both local streets that extend from Zacate Avenue, also a local street. Collector streets serve relatively short trips and collect trips from local streets and distribute them to the arterial network. Primary arterials are high capacity local facilities which meet the demand for longer, through trips within a community, with weekday traffic volume greater than 20,000 vehicles per day.

The Fremont General Plan identifies within its Mobility Chapter Level of Service (LOS) as a measure indicating level of delay for signalized intersections. LOS D is the transportation operations threshold of significance for peak hour traffic impacts on minor arterials and collector streets in locations outside of the City Center, Town Centers, and Warm Springs/South Fremont BART Station. LOS D also represents a moderate amount of vehicle delay during the peak hour of intersection operations. For intersections operating at LOS E or F, an average intersection delay increase of 4 seconds or more due to project traffic would be considered a significant impact. For regional (CMA network) arterials, peak hour levels of service for signalized intersections should generally be maintained at LOS E.

Environmental Checklist

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		1, 3, 7

<i>Would the project:</i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 3, 7
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 3, 7
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	1, 3, 7
e.	Result in inadequate emergency access?				X	1, 6, 7
f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X	1, 3, 7

Discussion/Conclusion/Mitigation

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

The proposed seven lot single-family residential subdivision would create access to Lot 1 from Morrison Canyon Road, and access to Lots 2-7 from the completion of the cul-de-sac portions of the two existing public streets of Queso Place and Espada Place as part of this proposed project. The project site from Zacate Avenue connects to the collector street of Morrison Canyon Road, which connects to Mission Boulevard approximately 600 feet to the west. There is a signalized intersection at Morrison Canyon Road and Mission Boulevard. The segment of Mission Boulevard connecting to Morrison Canyon Road carries an Average Daily Total Volume (ADTV) of vehicle traffic of 27,122 vehicles between Mowry Avenue and Stevenson Boulevard per the City's GIS, which includes traffic counts for 2013. Mission Boulevard is a State Route (SR 238) under the California Department of Transportation.

Standard practice exercised by the City of Fremont typically requires a detailed transportation impact analysis (TIA) for projects generating 100 vehicle trips or more during the weekday PM peak hour. This threshold is consistent with the threshold used by the ACTC for determining

whether a land use project requires preparation of a TIA to evaluate potential impacts to regional roadways in the surrounding area that are designated as part of the CMP network.

City Transportation Staff has reviewed the proposed seven-unit residential project and estimates it would generate 57 new net weekday vehicle trips, five new net weekday AM (7-9) peak hour trips, and six new net weekday PM (4-6) peak hour trips. Trip generation estimates are based on ITE Trip Generation Manual, 9<sup>th</sup> Edition, ITE for single-family residential.

Because the project is estimated to generate less than 100 new PM peak hour trips, a Traffic Impact Analysis (TIA) was not required for this project, per the Alameda County Congestion Management Program (CMP) guidelines. The proposed project would generate only six net new weekday PM peak trips, which is far below the City and ACTC thresholds for requiring a detailed TIA to determine potential transportation related impacts. Further, the development intensity of the project is consistent with existing and anticipated development under the General Plan for the area surrounding the project as well as the project site, given that the existing land use allows a density range consistent with the density range of the proposed land use designation. Transportation engineering staff has indicated the addition of 57 net new total trips and six net new PM peak trips would not be sufficient to change LOS service at the Mission Boulevard (SR 238)/Walnut signalized intersection. The General Plan EIR estimated LOS to be level C for both peak AM and Peak PM hours in 2011. As the addition of project trips would not be sufficient to change existing LOS at the nearest signalized intersection, therefore, project impacts resulting from overall additional trip generation would be Less than Significant because the anticipated number of net new trips would not be substantial enough to change the existing LOS C level.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

- c-d) **Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The proposed project would not have an impact on air traffic patterns as there are no airports in the City of Fremont. The design of the proposed project, including driveway improvements, would be consistent with City development standards. Vehicular access to the project site would be provided via public streets of Morrison Canyon Road, Zacate Avenue, Queso Place, and Espada Place, leading to Mission Boulevard, and would be designed to City standards for traffic safety and accessibility purposes.

**Potential Impact:** No Impact

**Mitigation:** None Required

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

Emergency vehicle access would be provided throughout the entire project over existing public streets of Morrison Canyon Road, Zacate Avenue, Queso Place and Espada Place. No sharp curves or dangerous intersections would be created by the project, the completion of the cul-de-sac portions of Queso Place and Espada Place would be designed in accordance with the City's standard details. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians.

The proposed development will result in the construction of standard sidewalks along the Morrison Canyon Road frontage and the cul-de-sac public street completions for Queso Place and Espada Place . The project would not conflict with any plans, policies or programs supporting alternative transportation in that it would not obstruct or otherwise impact any transit stops or bicycle lanes.

**Potential Impact:** No Impact  
**Mitigation:** None Required

## XVII. UTILITIES AND SERVICE SYSTEMS

### Environmental Setting

Water service to the project site would be provided by the Alameda County Water District (ACWD). Wastewater service from the project site would be provided by Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFC) and the City of Fremont share responsibility for storm drainage within the City.

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage, and transports materials collected to the Fremont Recycling and Transfer Station, located at 41149 Boyce Road, for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 32 miles northeast of the project site, for disposal; some garbage is also transferred to Newby Island Sanitary Landfill in San José for commercial disposal. The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

### Regulatory Framework

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

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code (Chapter 18)

### Environmental Checklist

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

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

Discussion/Conclusion/Mitigation

a-g) **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

The proposed project involves a seven-lot single-family residential subdivision on a 1.92 acre site on the south side of Morrison Canyon Road, and east of Queso Place and Espada Place. The proposed project would connect to existing water, sewer and storm drain lines located along Morrison Canyon Road, Queso Place and Espada Place. The utility companies that would provide utility services to the proposed dwellings were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property, or would require excessive amounts of water that could not be provided by the existing water mains that already serve the area.

Potential Impacts to Wastewater Treatment

The existing sewer mains and the Alvarado Wastewater Treatment Plant currently have sufficient capacity to serve the proposed project. As such, the proposed project would have a less than significant impact on wastewater treatment and would not require the construction or expansion of existing facilities. Review of the proposed project has been coordinated with Union Sanitary District. [Less Than Significant Impact]

#### Potential Impacts to Storm Drainage

Because the project would create a total of 37,682 square feet of impervious surface area, which is in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulate the treatment of stormwater runoff on the site. As such, the project would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces before it is discharged into the public storm drain system. The project would be designed in compliance with C.3 requirements, including bioretention treatment areas, and, as such, no impacts related to storm drainage would result. [Less Than Significant Impact]

#### Potential Impacts to Water Supply

Although the proposed project would increase the water demand for the site through the development of seven new single-family residences in the neighborhood, as mentioned above, the Alameda County Water District (ACWD) did not indicate that the project would require excessive amounts of water that could not be provided by existing water mains. The ACWD Demand Forecast includes water demand assumptions for some intensification of land uses, beyond that identified in the City of Fremont General Plan. Furthermore, the intensity anticipated for this site under the existing land use would still be consistent with the intensity allowed under the proposed land use designation. Therefore, the project's water demand would have been anticipated in ACWD's water demand forecast and water supply planning, as documented in the latest version of the Alameda County Water District Urban Water Management Plan. Therefore, the potential impact to water supply is Less than Significant. [Less Than Significant Impact]

#### Potential Impacts to Landfills and Solid Waste

The project would be served by the City's franchised waste hauler, in compliance with the applicable standards governing residential solid wastes and recyclables. The landfill facility that would receive the non-recyclable solid waste generated by the proposed project, the Altamont Landfill owned and operated by Waste Management of Alameda County, is anticipated to have capacity until the year 2045. The proposed development would comply with applicable local, state, and federal laws and policies regarding solid waste. As there is sufficient capacity at the local landfills to serve the project, the project would have a less than significant impact on solid waste facilities and services. [Less Than Significant Impact]

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:**

<i><b>ISSUES:</b></i>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X		See Previous
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X		See Previous
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X		See Previous

Discussion/Conclusion/Mitigation

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

## **XIX. MITIGATION MEASURES**

The following list includes applicable mitigation measures from the GP EIR and those recommended in the technical studies conducted for the project.

### **MM Geo-1a. Geotechnical Plan Review**

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, retaining walls, pavement/hardscape). The consultant shall verify that their recommendations 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.

### **MM Geo-1b. Geotechnical Field Inspection**

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.

### **MM Geo-1c. Building Exclusion Zone**

A building exclusion zone of 25 feet from the mapped fault location for all habitable structures on Lot 3 shall be incorporated into the building plans prior to issuance of a building permit.

### **MM Geo-1d. Foundation requirements for Liquefaction-Induced Settlements**

The foundations for habitable structures on the project site shall be designed to tolerate total and differential liquefaction-induced settlements as noted in the Cornerstone report. These requirements for the foundations shall be incorporated into the building permit set of plans prior to issuance of a building permit.

### **MM Geo-1e. Foundation requirements for Expansive Soils**

Prior to issuance of a building permit, building permit set of plans shall include requirements for slabs-on-grade to have sufficient reinforcement and be supported on a layer of non-expansive fill. Footing shall extend below the zone of seasonal moisture fluctuation. Further, moisture changes in the surficial soils shall be limited by using positive drainage away from the buildings, as well as limiting landscaping watering. Grading and drainage plans shall incorporate the recommendations in the Cornerstone and Cotton Shires and Associates reports, and be incorporated into the building permit set of plans prior to issuance of building permits.

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 2016 California Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.

An erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities. As such, impacts associated with geology and soils would be less-than-significant, with mitigation.

### **MM Geo-1f Soil Corrosion requirement**

Prior to installation of any buried metal improvements, a corrosion engineer shall be retained to provide recommendations for any buried metallic improvements. Corrosion tests and estimated high ground water levels shall be tested to determine if corrosion mitigation is required.

**MM Haz 1:**

An environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately.

## GENERAL SOURCE REFERENCES

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

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2014 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. California Regional Water Quality Control Board, National Pollutant Discharge Elimination System (NPDES) Municipal Permit, November 2015
15. California State Water Resources Control Board, Construction Stormwater General Permit, February 2011
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2014
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2017)
22. CARB Scoping Plan August 2011
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

## **LIST OF APPENDICES**

### Cultural Resources (CUL)

A. *City of Fremont, Historical Evaluation of 243 Morrison Canyon Road*, prepared by Bruce Anderson on February 3, 2017.

### Geology and Soils (GEO)

B. *Geotechnical & Geologic Hazard Investigation* (Geotechnical Report), prepared by Cornerstone Earth Group. Dated August 24, 2017.

C. *Geotechnical Peer Review – Liquefaction Zone*, prepared by Cotton, Shires and Associates, Inc., dated November 16, 2017.

### Hazards and Hazardous Material (HAZ)

D. *Phase I – Environmental Site Assessment*, prepared by Aqua Science Engineers, Inc., , dated November 16, 2015.

E. *Soil Assessment Report (Soils Report)*, prepared by Aqua Science Engineers, Inc., dated September 29, 2016.

### Tree Surveys

F. *Tree Survey Report*, prepared by Hort Science, dated November 2, 2016.

**Mitigation, Monitoring and Reporting Program (MMRP) – Canyon View (PLN2017-00374)**

Environmental Factors	Mitigation Measure	Responsible Party	Responsible for Verification	Timing of Verification
Geology/Soils	<p><b>Mitigation Measure Geo-1a (Geotechnical Plan Review):</b> 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, retaining walls, pavement/hardscape). The consultant shall verify that their recommendations 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.</p>	Developer/Contractor	City of Fremont, Engineering Services, Building Division and Planning Division	Prior to issuance of a grading and/or building permit
Geology/Soils	<p><b>Mitigation Measure Geo-1b (Geotechnical Field Inspection):</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.</p>	Developer/Contractor	City of Fremont, Engineering Services, Building Division and Planning Division	Prior to issuance of a grading and/or building permit and during site development work
Geology/Soils	<p><b>Mitigation Measure Geo-1c (Building Exclusion Zone):</b> A building exclusion zone of 25 feet from the mapped fault location for all habitable structures on Lot 3 shall be incorporated into the building plans prior to issuance of a building permit.</p>	Developer/Contractor	City of Fremont, Engineering Services, Building Division and Planning Division	Prior to issuance of a grading and/or building permit

<p>Geology/Soils</p>	<p><b>Mitigation Measure Geo-1d (Foundation requirements for Liquefaction-Induced Settlements):</b> The foundations for habitable structures on the project site shall be designed to tolerate total and differential liquefaction-induced settlements as noted in the Cornerstone report. These requirements for the foundations shall be incorporated into the building permit set of plans prior to issuance of a building permit.</p>	<p>Developer/Contractor</p>	<p>City of Fremont, Engineering Services, Building Division and Planning Division</p>	<p>Prior to issuance of a grading and/or building permit</p>
<p>Geology/Soils</p>	<p><b>Mitigation Measure Geo-1e (Foundation requirements for Expansive Soils):</b> Prior to issuance of a building permit, building permit set of plans shall include requirements for slabs-on-grade to have sufficient reinforcement and be supported on a layer of non-expansive fill. Footing shall extend below the zone of seasonal moisture fluctuation. Further, moisture changes in the surficial soils shall be limited by using positive drainage away from the buildings, as well as limiting landscaping watering. Grading and drainage plans shall incorporate the recommendations in the Cornerstone and Cotton Shires and Associates reports, and be incorporated into the building permit set of plans prior to issuance of building permits.</p> <p>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 2016 California Building Code (CBC). Conformance to the applicable 2016 CBC standards would reduce safety impacts to the structures, their occupants, and the adjacent properties to a less-than-significant level.</p> <p>An erosion control plan will be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion or loss of topsoil during grading and construction activities.</p>	<p>Developer/Contractor</p>	<p>City of Fremont, Engineering Services, Building Division and Planning Division</p>	<p>Prior to issuance of a grading and/or building permit</p>

Geology/Soils	<p><b>Mitigation Measure Geo-1f (Soil Corrosion requirement):</b> Prior to installation of any buried metal improvements, a corrosion engineer shall be retained to provide recommendations for any buried metallic improvements. Corrosion tests and estimated high ground water levels shall be tested to determine if corrosion mitigation is required.</p>	Developer/Contractor	City of Fremont, Engineering Services, Building Division and Planning Division	Prior to issuance of a grading and/or building permit
Hazards/Hazardous Materials	<p><b>Mitigation Measure Haz 1 (Soil testing of odorous soils from former drug-making activities):</b> An environmental professional (ASE or similar) shall be on-site during initial grading or site preparation activities to note any odorous soil that might exist as a result of the former drug making activities. If odors or other anomalies are encountered, the Fremont Fire Department shall be contacted immediately.</p>	Developer/Contractor	City of Fremont, Engineering Services, Building Division and Planning Division	Prior to issuance of a grading and/or building permit and during site work