ENVIRONMENTAL CHECKLIST - INITIAL STUDY

PROJECT INFORMATION

1.	Project Title:	Osgood II Residences (PLN2019-00041)
2.	Lead Agency Name and Address:	City of Fremont Community Development Department 39550 Liberty Street, 1st Floor Fremont, CA 94537
3.	Contact Person and Phone Number:	Mark Hungerford, Associate Planner Phone: (510) 494-4541 Email: mhungerford@fremont.gov
4.	Project Location:	41911 – 42021 Osgood Road APNs (3): 525-339-3-2, 525-339-2-2, 525-339-1-2
5.	Project Sponsor's Name and Address:	Siliconsage Builders 560 South Mathilda Avenue Sunnyvale, CA 94086
6.	General Plan Designation:	Urban Residential (30 – 70 units per acre)
7.	Zoning:	R-3-70 (50.1 – 70 units per acre)

8. Description of Project:

The Osgood II Residences project ("Project") is a multi-family residential development that would improve three contiguous lots totaling 3.45 acres (after a 2,709-square-foot Osgood Road right-of-way dedication) with two, five-story buildings housing a combined total of up to 288 units. The site has a General Plan Land Use Designation of Urban Residential (30 – 70 dwelling units per acre), is zoned R-3-70 (Residential, 50.1 – 70 dwelling units per acre), and is located within the Transit-Oriented Development (TOD) Overlay District and Irvington Community Plan and Priority Development Areas. A density bonus (up to 20 percent of base Project density) would be incorporated based on the provision of either low-income or very-low-income target units in the Project.

Building A, located on the southern-half of the site, would measure approximately 76 feet in height from average finished grade and contain 122 condominium units spread over floors two – five and a ground floor containing 214 resident and guest parking stalls. The unit mix would consist of 12 one-bedroom units and 110 two-bedroom units, with an average overall unit size of approximately 950 square feet. Mechanical lifts in a "puzzler" format that uses vertical and horizontal movements to position parked vehicles for stacking would accommodate the majority (179) of Building A garage parking stalls. The remainder of the building's parking stalls (36) would be independently accessible. The building's ground floor would also include Osgood Road-fronting amenity areas that include a lobby, a fitness center, and a community room. Private open space in the form of balconies or patios would be provided for each unit, and two podium level courtyards, measuring approximately 4,850 square feet and 5,160 square feet, and an approximately 1,500-square-foot roof deck, would contain the building's outdoor common open space areas.

Building B, located on the northern-half of the site, would measure approximately 76 feet in height from average finished grade and contain two possible density options – either 162 or 166 apartment units – spread over floors two through five and a ground floor containing 211 resident and guest parking stalls, the majority of which (164), like Building A, would be arranged in mechanical lift "puzzler" systems. The unit mix options would consist of 142 one-bedroom units and 20 two-bedroom units, with an average overall unit

size of approximately 710 square feet, for the 162 unit scenario, and 12 studio units, 134 one-bedroom units, and 20 two-bedroom units, with an average overall unit size of approximately 685 square feet, for the 166 unit scenario. Building B would contain either 42 or 46 density bonus units (of a possible 48). Fitness center, leasing office, lobby, and community room areas would line the building's Osgood Road frontage, much like Building A. Also similar to Building A, private open space for each unit would be provided in the form of balconies or patios. Podium level courtyards measuring approximately 4,050 square feet and 4,510 square feet, and an approximately 1,400-square-foot roof deck, would contain the building's outdoor common open space areas.

The Project would be accessed via two separate driveways along Osgood Road, one of which would be shared with the property to the south, and the other of which would be located at the northern-end of the site. Connecting these two vehicular access points would be a looping two-lane, 26'-wide roadway that runs along the outside perimeter of the buildings. The roadway would provide access to each building's garage area and double as an emergency vehicle access route. A 30' – 35'-wide, approximately 9,575-square-foot landscaped paseo separating the two buildings would function as a grade level open space area and provide a pedestrian connection point to the Osgood Road right-of-way.

All existing site improvements, which include a 31,965-square-foot commercial building, a 14,440-square-foot warehouse building, and a 2,208-square-foot single-family residence, would be demolished as part of Project activities. Current tenants in the commercial building, which was built in 1998, include an electrical contractor (office and storage operations), a light-manufacturing use (manufacturing of temperature probes), and a landscape company (office and storage operations). Current tenants in the warehouse building, which was built in 1988, consist of several distributors (candy, statues, kitchenware), a small-scale machine shop, general warehouse and storage uses, a contractor's office, and a dance studio. The single-family home, built in 1955, was evaluated for historic resource consideration in accordance with Fremont Municipal Code (FMC) Section 18.175.060 on July 9, 2019, and found to lack historic significance. As the majority of the proposed site is developed with buildings or covered with asphalt, potential natural habitat is limited to existing tree canopies and the approximately 16,500-square-foot back yard area of the single-family home, which features ruderal grasses walled-in on the north and south by existing commercial buildings that run the lengths of the lot's side property lines, and bordered by a vacant flood control channel parcel at the rear. These potential habitat areas, which are of poor quality due to existing noise, human disturbance, and their isolated location, would largely be eliminated via tree removal activities associated with site demolition and replaced by landscaped areas and canopies provided by new tree plantings (see Tree Removal and Replacement, Landscaping summary below).

New curb, gutter, and sidewalk along the site's entire Osgood Road frontage would be provided. Additionally, a segment of the 12'-wide median separating north- and south- bound Osgood Road traffic lanes south of the site, in front of the adjacent 42111 Osgood Road property, would be removed to create a shared left-turn lane that would provide access to the Project's southern driveway. Existing utility infrastructure beneath the Osgood Road right-of-way would support the Project. Water, fire water, sanitary sewer, and storm drain lines associated with the Project would connect with these systems. Additionally, existing overhead service lines spanning Osgood Road in front of the site would be removed and relocated underground in a joint service trench.

Low-impact development treatment measures incorporated into Project design consist of bioretention areas, flow-through planters, and permeable pavement. One-hundred percent of the run-off from the Project's impervious surfaces would be treated on-site within these treatment areas. After being treated, run-off would ultimately discharge into the public storm drain system via a new private storm drain line.

Tree Removal and Replacement, Landscaping

The removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land area constraints, in accordance with the mitigation requirements of the City's Tree Preservation Ordinance.

A Tree Inventory Report for the site was prepared in November 2018 (see Project-Related References). The report provides an assessment of the health, structure, suitability for preservation, and protected status (FMC Chapter 18.215) of trees within and adjacent to the proposed Project site and an evaluation of impacts to trees based on construction plans. The report identified 82 trees with a six-inch-or-greater

diameter at breast height (DBH) on the site. Other trees on site are fruit- or nut-bearing trees or less than six inches DBH and, as such, are exempt from the Ordinance pursuant to FMC Section 18.215.050. None of the trees on site are city-designated Landmark trees. Of the protected trees, 14 would be preserved in their current locations. The proposed Project would include the planting of approximately 72 new trees on the Project site. Other Project landscaping would include non-invasive shrubs and grasses. The stormwater treatment bioretention areas would be planted with a mix of plants suitable for stormwater treatment areas.

Construction Activities and Schedule

Though subject to change, Project construction activities are expected to take 24 – 30 months to complete and begin within one year of Project entitlement approvals. Estimates of the duration of each stage of construction are as follows: 20 – 30 working days for demolition; 25 – 30 working days for site preparation; 20 – 25 working days for grading; 375 – 400 working days for vertical construction; 60 – 70 working days for paving and site treatment; and 20 – 25 working days for architectural finishes and coating.

Construction activities would comply with FMC Section 18.160.010 requirements, which limit construction hours to 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on Saturdays. Construction equipment anticipated to be used during the various stages of construction include excavators with concreate breaker and hydraulic crusher attachments (demolition stage); bulldozer, track loader, and vibratory soil compactors (grading stage); lifts and cranes (vertical construction); and lifts and a vibrating road roller (building and site finishes). Dump trucks would be used during various stages of the Project for thing like soil import and debris removal from the site. No pile-driving or blasting equipment would be used. Equipment and materials are anticipated to be staged within established work areas on the Project site.

The maximum anticipated on-site construction worker count would be approximately 150. The highest counts would occur during the simultaneous framing of Project buildings. Construction worker parking would be located either on-site or on available land near the Project site, but not within the public right-of-way. To increase the site's ground level above base flood elevation, approximately 17,900 cubic yards of engineered fill would be added to the site. Trips associated with demolition-related off-hauling and soil import would total roughly 3,350. Hauls would be transported along approved City haul routes to local dumping sites.

9. Surrounding Land Uses and Setting:

The Project site is located on the west side of Osgood Road between Washington Boulevard (north) and Blacow Road (south) in the Irvington Community Plan Area of Fremont. The site is in a heavily urbanized area containing a diverse mix of residential and non-residential (industrial, commercial, and institutional) uses. Osgood Road, a four-lane Primary Arterial roadway, fronts the site for a length of approximately 422 feet and contains a center median that extends the majority of the site's length. Sidewalk and street trees are present for the length of the site's street frontage.

Land uses surrounding the Project site include, to the north, a 1,456-square-foot single-family residence built in 1965; to the south, the under-construction Osgood Residences project, which consists of a five-story, 59-foot-tall condominium building that will contain 93 units; to the east, across Osgood Road, is located the site of the approved Serra Apartments by St. Anton project, which is an affordable housing development consisting of a six-story, 62-foot-tall apartment building that will contain 179 units, a 936-square-foot single-family residence built in 1952, and a two-story, 16,039-square-foot commercial building built in 1987; and to the west, an Alameda County Flood Control channel parcel and BART and Union Pacific rail alignments. Further west, beginning at roughly 200 feet from the Project site, is an established residential neighborhood of predominantly single-family homes.

The Project site is located approximately ¼-mile south of the planned Irvington BART Station, which is scheduled to begin service in 2026. The station would offer frequent and efficient train service to the cities throughout the Bay Area. Vehicle trips and vehicle miles traveled by Project occupants would figure to be reduced owing to the site's proximity to the station, as well as its close access to two Alameda-Contra Costa (AC) Transit bus service routes (AC Transit Routes 210 and 215), both of which have stops within approximately ¼-mile of the site. Additionally, Osgood Road currently features Class II bike lanes (a separate, striped bicycle lane adjacent to vehicle traffic lanes) in both north and south directions. The site is within walking distance from multiple shopping centers, a full-service grocery store, a variety of coffee shops

and restaurants, and a weekly farmer's market.

10. Standard Development Requirements:

The City of Fremont has established standard development requirements to address resource protection (FMC Chapter 18.218). These requirements apply to air quality (construction-related emissions), biological resources (special-status species), and cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources). The proposed Project would comply with these standard development requirements, which are described in Sections 1.3, 1.4,1.5, and 1.18 of this Initial Study.

11. Project Approvals:

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

- Discretionary Design Review Permit
- Vesting Tentative Tract Map
- Modification of Zoning Standards (for roof deck shade structure height)
- Tree Removal
- Building Permits

The Project would be reviewed and discussed at a public hearing before the Planning Commission. At this time, the hearing has not yet been scheduled. Please email or call the Project planner for updates:

Associate Planner Mark Hungerford, mhungerford@fremont.gov, (510) 494-4541.

12. Other public agencies whose approval is required:

The Project may also require permits and/or approvals from the Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), Union Sanitary District (USD), Pacific Gas & Electric, and the Federal Emergency Management Agency (FEMA).

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

In conformance with the requirements of Public Resources Code section 21080.3.1, notice of the proposed Project was sent by certified mail on August 16, 2019 to the seven Native American tribal representatives whose names and contact information were provided to the City by the Native American Heritage Commission in a letter dated August 16, 2019. To date, no requests for consultation pursuant to AB52 have been received.

14. Other Previous Environmental Review:

<u>Fremont General Plan Update EIR (SCH No. 2010082060)</u>
The proposed Project would be consistent with the General Plan, for which a program-level Environmental Impact Report (EIR) was prepared and certified by the Fremont City Council in December 2011 in accordance with the requirements of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15168(c), subsequent activities must be examined in light of the program EIR to determine whether an additional environmental document is required. This Initial Study/Environmental Checklist has been prepared for that purpose and has determined that although the proposed Project would have effects that were not examined in the General Plan EIR, mitigation measures would reduce potential impacts to a less than significant level.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature — Date

City of Fremont

Associate Planner

Title

Mark Hungerford

Printed Name

Figure 1: Vicinity Map

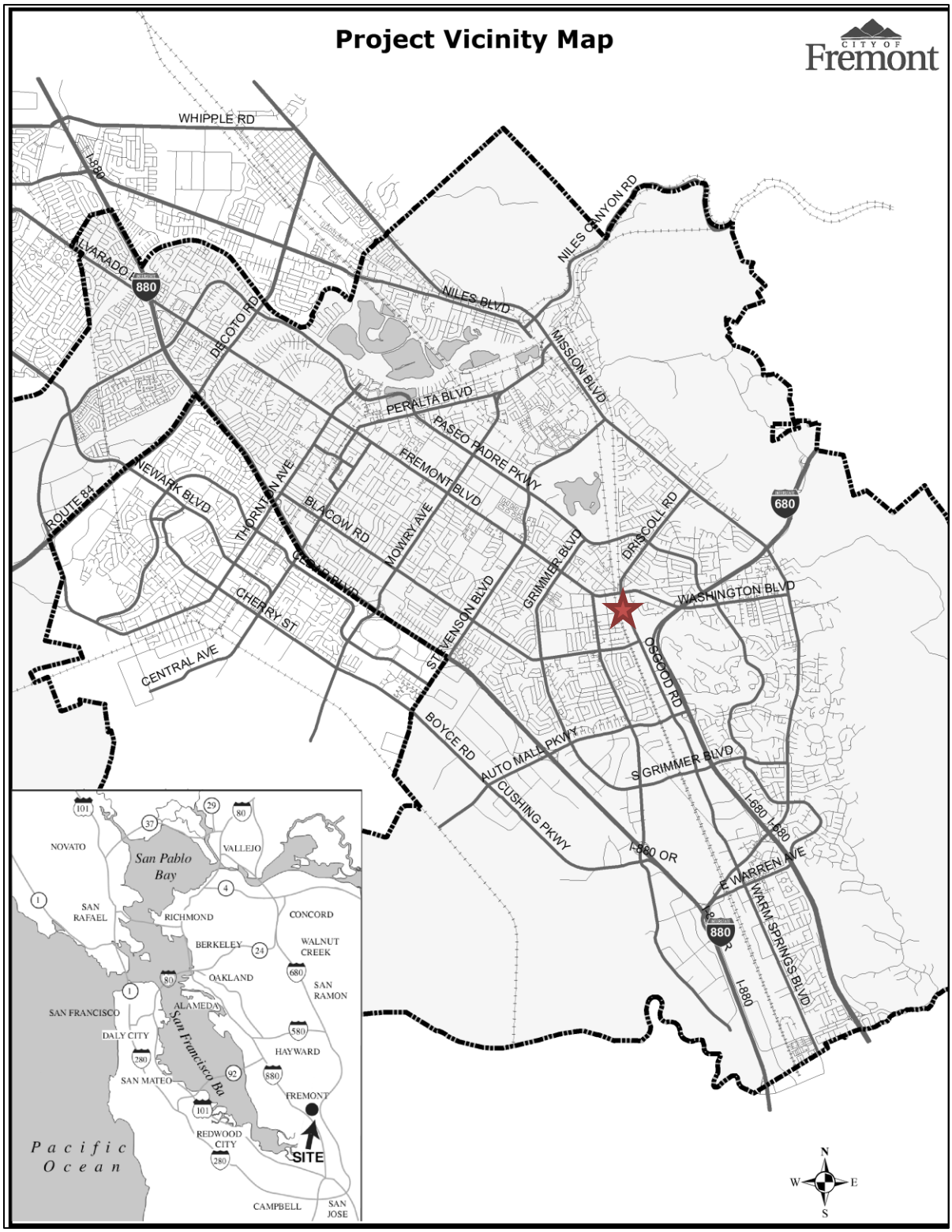


Figure 2: Site Aerial

Figure 3: Priority Development Areas

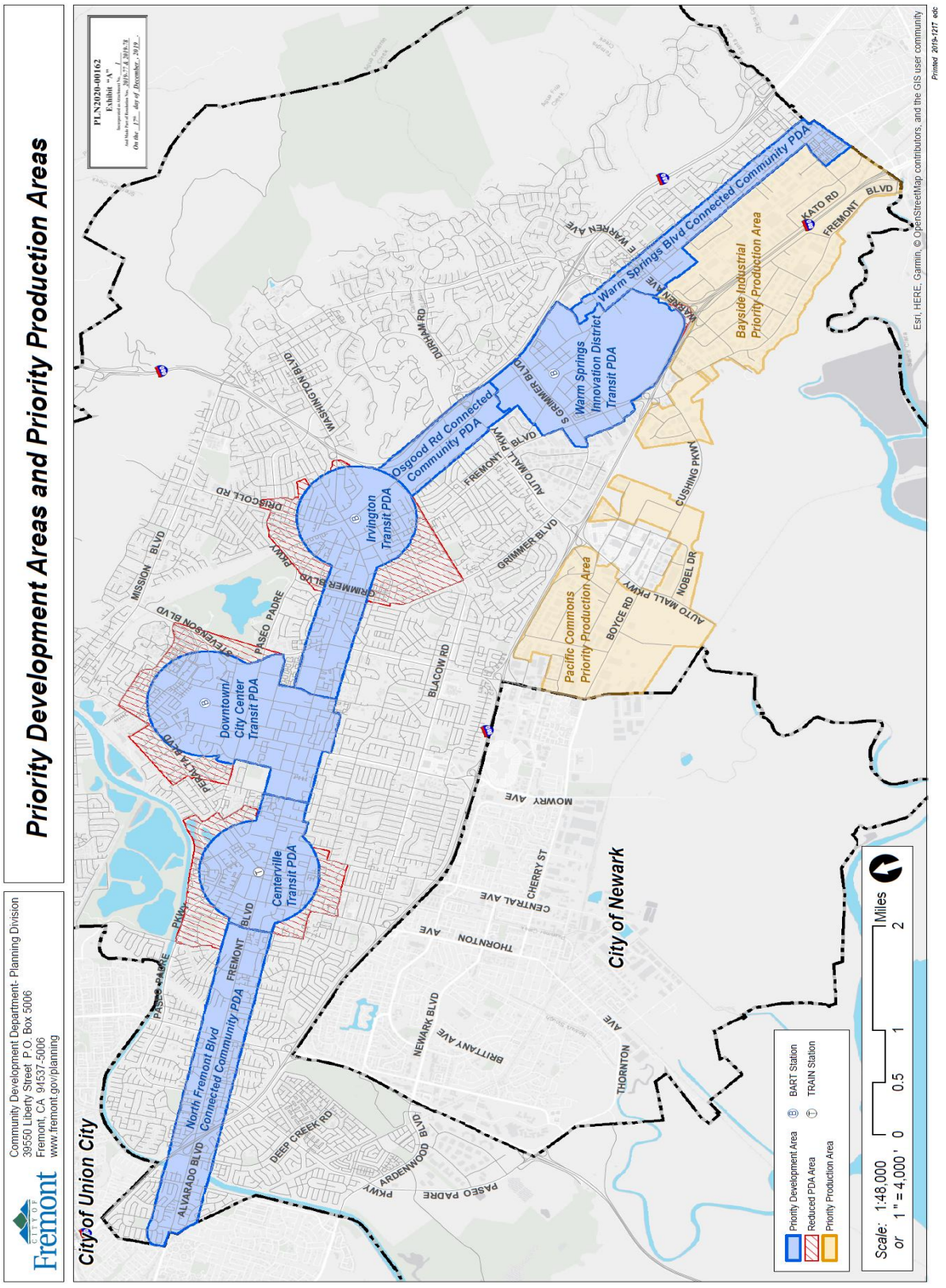


Figure 4: Proposed Site Plan

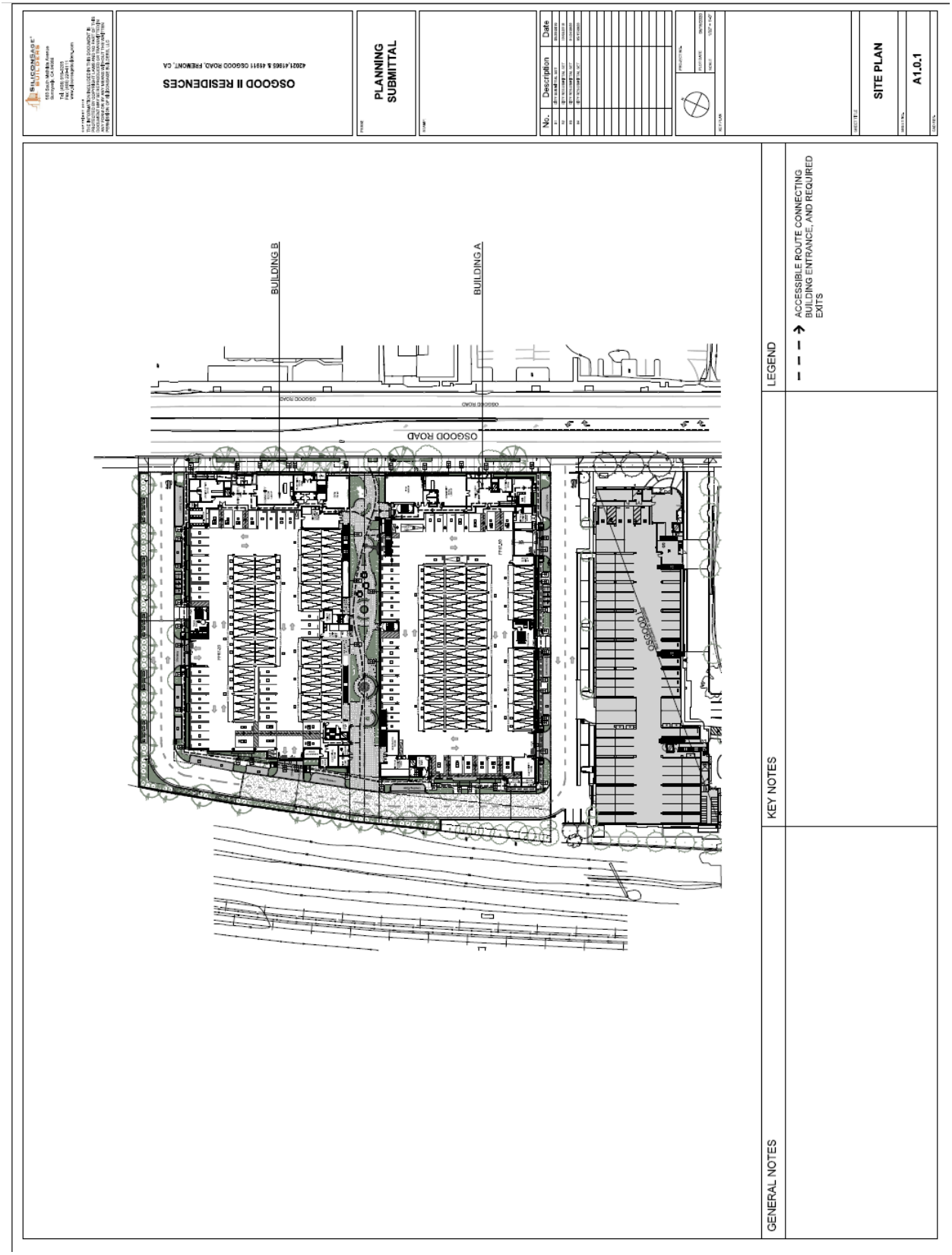
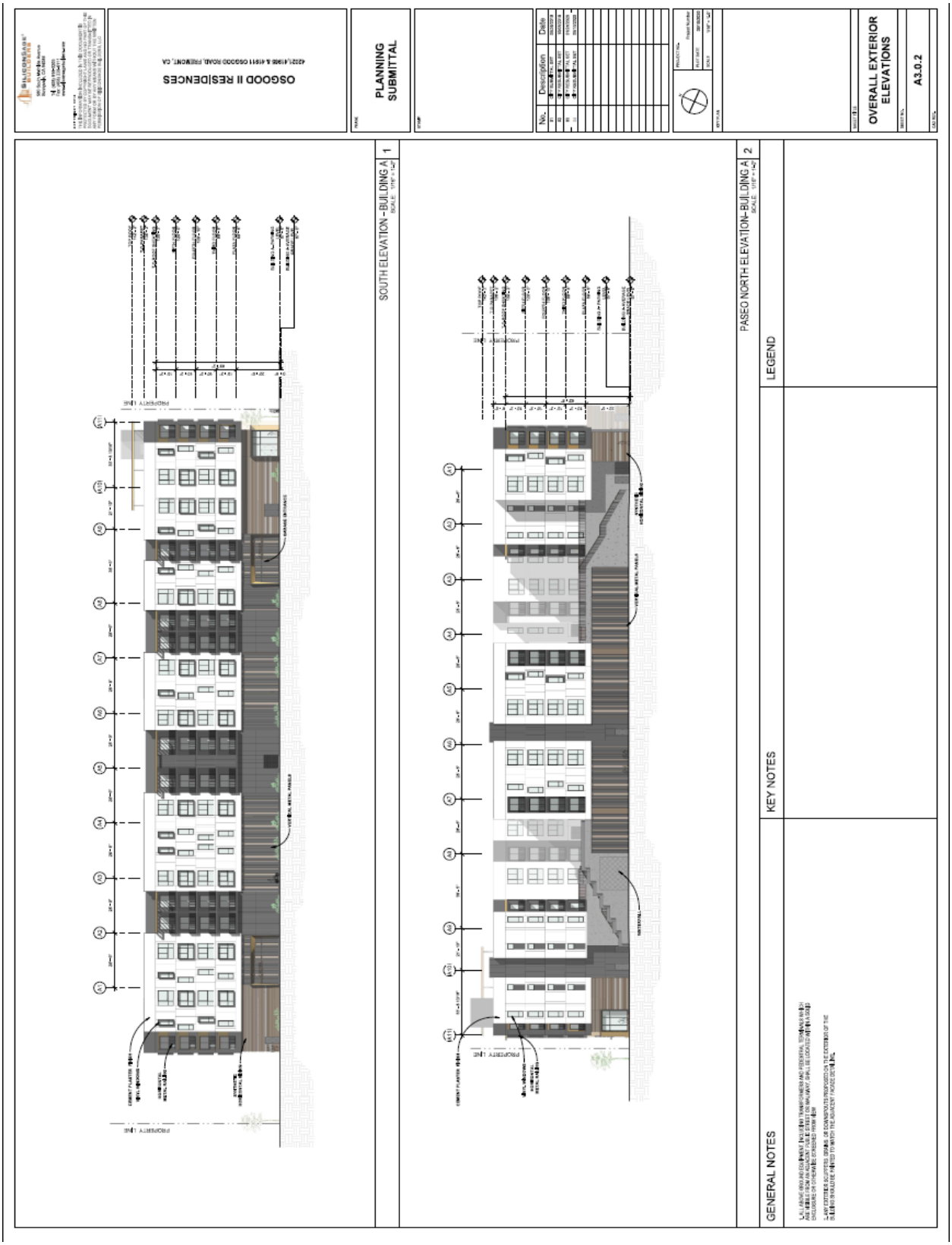


Figure 5: Proposed Building Elevations

Figure 5: Proposed Building Elevations (cont.)



1.1 AESTHETICS

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

1.1.1 Environmental Setting

The City of Fremont is located on the east side of the San Francisco Bay with the Mission Hills to the east, Union City to the north, and Milpitas to the south. Fremont is characterized as a large, mostly developed suburban community with residential areas mainly located in the eastern portion of the City and industrial and regional commercial areas located in the western portion of the City, along Interstate 880 (I-880). The Project site is located in the central portion of the City of Fremont on 3.45 acres of former agricultural land that has since been improved with commercial, warehouse, and single-family residential uses. The site is bounded by an Alameda County Flood Control District channel and BART and Union Pacific rail alignments to the west, Osgood Road to the east, a single-family residence to the north, and the under-construction Osgood Residences project to the south. The area surrounding the Project site is an urbanized mix of residential and non-residential (commercial, industrial, and institutional) uses.

The Project site is fairly rectangular in shape, relatively flat, and sloping gently upwards from west to east. As mentioned in the project description, the site is currently improved with a commercial building, a non-historic single-family residence, and a warehouse building. There are 82 trees on-site and within the adjacent Osgood Road parkway with a six-inch-or-greater DBH. These trees vary in species, size, and condition. The remaining areas of the Project site include paved parking and drive-aisle surfaces, non-residential landscaping primarily within parking lot tree islands and along property perimeters and landscaped residential yard areas. Visibility of the Project site from public vantage points is generally limited to Osgood Road, points of higher elevation east of the site, and from the BART and Union Pacific tracks, and Carol Avenue and Adams Avenue street segments, west of the site.

The General Plan's Community Character Element identifies scenic corridors by virtue of their design or amenities, the terrain and natural features it traverses, or the views and visual importance it commands. As stated in Policy 4-5.5, the designation expresses intent to maintain or improve visual quality but does not necessarily limit abutting uses. Osgood Road, which fronts the site, is not a designated scenic corridor. The BART rail line, located approximately 90 feet from the edge of the Project site, is identified as a scenic corridor in part because of

its views of the East Bay hills, which form a scenic backdrop for the City and have a recognized value as a scenic resource. The site itself, and current features and improvements upon it, are not classified as a scenic resource.

The Department of Transportation manages the State Scenic Highway Program. The two State Scenic Highway segments in Fremont are 1) State Route 84 (along Niles Canyon Road between Mission Boulevard and Interstate 680) and 2) Interstate 680 (between its northernmost intersection with Mission Boulevard in Fremont and continuing on I-680 to Contra Costa County). The site is located over two miles distance from both segments.

Potential impacts to aesthetics associated with the implementation of the Fremont General Plan were analyzed under the General Plan EIR. The General Plan EIR emphasized consideration of the vistas on a broad, city-wide perspective or from important public places for the benefit of the general public, in part because impacts of private views are not considered a CEQA impact. General Plan policies contained in the Community Character Element are intended to manage changes and improve the aesthetic character of the City and protect natural features and scenic vistas. The General Plan EIR concluded that potential impacts resulting from implementation of the General Plan to visual character and light and glare would be less than significant.

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

1.1.2 Discussion

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

As previously discussed, the General Plan does not identify any scenic resources on or in the immediate vicinity of the Project site. Mission Peak and the East Bay hills, located east/southeast of the site, are considered scenic resources in the General Plan. Public views through the site to these scenic resources exist primarily from public street segments west of the site (Adams Avenue and Carol Avenue, in particular) and from the BART rail line. These views are at least partially obscured by existing site improvements. Primary obstructions include the site's commercial building, which is located on the southern portion of the Project site, stands approximately 20 feet tall, and features rectangular massing, and a row of 10 existing Coast Redwood trees lining the southwestern edge of the commercial parcel.

Buildout of the Project would increase the height, density, and massing of on-site structures as compared to existing conditions. Views of Mission Peak and the East Bay hills from public vantage points west of the site would be more obstructed than currently exists, though the quantity of public vantage points near and west of the site are limited due to the relative flat topography of their setting, existing buildings, overhead utility infrastructure, and tree plantings that obstruct views. Available public views are from street segments, not places of public gathering, such as a park, where views can contribute more value to their setting. Moreover, the potential for blocked views would occur from single, fixed vantage points rather than resulting in substantial blockages across long distances; less-obstructed scenic vistas would continue to exist from numerous other vantage points in the Project area, including areas west of the site. Views of Mission Peak and the East Bay hills from the BART rail line adjacent to the site would be also impacted by Project improvements. However, given the limited duration of train travel time passing the site and the prevalence of less-obscured vantage points of Mission Peak and the East Bay hills from other rail line locations in the Project area, impacts on these scenic vistas would be less than significant. Therefore, the Project's limited reduction in publicly-available views of Mission Peak and the East Bay hills would not have a substantial adverse effect on a scenic vista.

Potential Impact: Less than Significant
Mitigation: None required

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

As discussed in the project description, none of the existing trees on the site have been identified as scenic resources or as landmark trees with historical significance. Trees proposed for removal would be mitigated in conformance with FMC Section 18.215.080 such that the existing site, which is underutilized and features three disparate land uses and no cohesion over its three parcels, would be visually improved by the Project. As mentioned in the preceding Environmental Setting section, there are no rock outcroppings on the site, thus the Project would not damage rock outcroppings and none of the existing buildings are historic. The site is not located within a state scenic highway area. For the reasons stated, Project impacts on scenic resources would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

The Project site is located in an urbanized area that's developed with a mix of residential and non-residential (commercial, industrial, and institutional) uses. The proposed heights and massing of Project buildings would conform with the development intensity envisioned for sites designated in the General Plan as Urban Residential and zoned R-3-70 with the exception of canopies over each building's roof deck areas. The canopies would measure approximately 1,600 square feet (Building A) and 1,800 square feet (Building B) and each exceed the maximum allowable height for the site by approximately 11 feet. However, the canopy structures cover only 3 – 4% of each building's footprint, feature no solid walls or a completely solid roof structure, and are integrated into the design of the building, thereby minimizing their visual impact.

Parcels having the Urban Residential designation and R-3-70 zoning are intended to be developed with the highest residential densities allowed in the City of Fremont. With the exception of the canopy heights, the Project is consistent with all applicable zoning standards and the Multifamily Design Guidelines, which implements the General Plan Community Character Element and sets criteria for site design and architectural quality. Though the Project would result in a taller, denser development than what's typically existed on this segment of Osgood Road, it's contemporary, pedestrian-oriented design achieves the aesthetic objectives for area development and thus would not detract from the visual quality of the Project area. Impacts would thus be less than significant.

Moreover, the General Plan EIR acknowledged that in some portions of the City development under the General Plan would be of higher intensity than what currently exists on a site, and that higher density development would represent a change in the existing visual character of those areas. However, development anticipated under the General Plan was found to not degrade the existing visual character of these areas as developed urban and suburban environments, and the resulting change in the existing visual character of the area would be considered a less than significant environmental effect.

Potential Impact: Less than Significant
Mitigation: None required

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

The site and its surroundings are located in an urbanized environment with existing nighttime lighting. Existing sources of light include streetlights and vehicle lights on Osgood Road, and exterior lighting from adjacent properties, which are developed. New light sources associated with the Project would consist of building-mounted, freestanding, and interior lighting. Light and glare from the Project figures to be greater than levels currently emanating from the site's uses, which consist of one-story residential, commercial, and warehouse

buildings. The City's Zoning Ordinance and Multifamily Design Guidelines require that all exterior light sources be designed to not create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with these standards would ensure that the Project would not create new sources of substantial light and glare.

Potential Impact: Less than Significant
Mitigation: None required

References

1. California Department of Transportation, nd. Alameda County. Officially Designated Scenic Highway Map. Available: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/. Accessed: April 17, 2017.

2. City of Fremont, 2011. City of Fremont General Plan, Community Character Chapter 4. Prepared for the City of Fremont.

3. City of Fremont Municipal Code, Development Standards for Residential Districts.

4. City of Fremont Citywide Design Guidelines.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

1.2.1 Environmental Setting

Historical records summarized in the Phase I ESA reports for the Project lots indicate orchards were the primary use on each lot up until development of the existing buildings. According to the California Department of Conservation's Alameda County Important Farmland 2016 map, the Project site is identified as Urban and Built-Up Land.

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 Important Farmland 2016, Map Access via URL: ftp://ftp.consrv.ca.gov/pub/dlrp/fmmp/pdf/2016/ala16.pdf

1.2.2 Discussion

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

Because the Project site is not prime or unique farmland and is not farmland of statewide importance, the Project would therefore not involve the conversion of such land to a non-agricultural use. As such, no impact to such lands would result from the Project.

Potential Impact: No Impact
Mitigation: None required

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

The Project site is zoned for high-density residential use; agricultural uses are not permitted. All agricultural activities that formerly occurred on the site ceased upon construction of current site improvements. The site is not governed by a Williamson Act contract. Furthermore, there are no agriculturally-zoned lands or Williamson Act contracts in the vicinity of the Project site. As such, no impact to agricultural uses or a Williamson Act contract would result from the Project.

Potential Impact: No Impact
Mitigation: None required

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

The Project site and surrounding areas are zoned for residential uses, therefore no conflicts with areas zoned for forest land, timberland, or Timberland Production would arise as a result of Project activities. The Project would thus result in no impact.

Potential Impact: No Impact
Mitigation: None required

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

The Project site is located in a developed, urban area. No forest land exists on the Project site or on adjacent parcels. No forest land impacts would therefore arise from Project activities.

Potential Impact: No Impact
Mitigation: None required

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

No agricultural or forest land exists on the Project site or on adjacent parcels, and the Project would not result in the conversion of such land either directly or indirectly, on or off the Project site. No impact would occur.

Potential Impact: No Impact
Mitigation: None required

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☒	☐	☐

1.3.1 Environmental Setting

The site is in a heavily urbanized area containing a diverse mix of residential and non-residential (commercial, industrial, and institutional) uses. Osgood Road, a four-lane Primary Arterial roadway with a center median that extends the majority of the site's length, fronts the Project site for a length of approximately 422 feet. Sidewalk and street trees are present for the length of the site's street frontage. The nearest freeway is Interstate 680, located approximately 1,500 feet east of the site. The nearest BART station is the Fremont BART Station, located approximately two miles northwest of the Project site, with north- and south-bound tracks located approximately 100 feet west of the site. The nearest railway is Union Pacific, which has a track located approximately 150 feet west of the site. Further west, beginning at roughly 200 feet from the Project site, sits a residential neighborhood of predominantly single-family homes. For purposes of estimating the net-change in emissions, the Project site's existing improvements (a one-story, 31,195-square-foot commercial building, a one-story, 2,208-square-foot single-family residence, and a one-story, 14,440-square-foot warehouse) were included in the analysis baseline.

The Project site is located in Alameda County, which is within the San Francisco Bay Area Air Basin (Air Basin). Air pollutants are regulated at the national, state, and air basin or county level; each agency has a different level of regulatory responsibility. The United States Environmental Protection Agency (EPA) regulates at the national level, the California Air Resources Board (ARB) regulates at the State level, and the Bay Area Air Quality Management District (BAAQMD) regulates at the air basin level. The Air Basin meets all ambient air quality standards with the exemption of ground-level ozone, respirable particulate matter PM10, and fine particulate matter PM2.5.

Air quality impacts associated with Project construction and operation are based on criteria pollutants contained in the Clean Air Plan. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM10 and PM2.5). A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purpose. The closest monitoring stations to the Project site are the Hayward-La Mesa air monitoring station and the Pleasanton-Owens Ct. air monitoring station, which are located approximately 9.7 miles and 12.1 miles, respectively, from the Project site.

BAAQMD thresholds of significance are 54 pounds per day and 10 tons per year for ozone precursors ROG, NOx, and PM2.5, and 82 pounds per day and 15 tons per year for ozone precursor PM10. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased cancer risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. For sensitive receptors within infill areas of the

City (such as the residential units proposed by the Project), the cumulative exposure threshold of 100 chances per million is used, per General Plan implementation measure 7-7.3B, (and assessed in the Fremont General Plan EIR, page 4-137), taking into account the combined impact from existing sources of TACs.

The Project would demolish existing commercial, warehouse, and single-family residential uses that currently exist on-site and develop the site with two, five-story buildings that would house a combined total of up to 288 units. Demolition and construction impacts associated with the Project would result in temporary changes to air quality while occupancy of the units would result in ongoing operational changes to air quality, as analyzed in the Discussion section below.

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 BAAQMD to assess air quality impacts associated with Project construction and operation based on criteria pollutants contained in the adopted Clean Air Plan adopted by the BAAQMD Board of Directors on April 19, 2017. The Clean Air Plan focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest monitoring stations to Fremont are in Hayward and San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NOx), and particulate matter (PM10 and PM2.5). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors. For TACs, the City of Fremont has established acceptable thresholds for new sources of increased cancer risk of 10 chances in a million as defined by BAAQMD for their individual TAC emissions. Within developed in-fill areas of the City (such as the proposed Project site), the City uses the cumulative exposure threshold of 100 chances per million, per the City of Fremont General Plan EIR. Chapter 4, Section E. Air Quality: Page 4-137. General Plan Implementation 7-7.3A provides measures that should be implemented to reduce TAC exposures, including site-specific studies to identify significance of TAC exposure to individuals and to identify whether or not additional mitigation measures are necessary.
- BAAQMD CEQA Air Quality Guidelines, 2017

This discussion is based in part on the following documents:

- Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, prepared by FirstCarbon Solutions, dated November 26, 2019 (AQ/Energy Report)

1.3.2 Discussion

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

To address regional air quality standards, the BAAQMD has adopted several air quality policies and plans, the most recent being the 2017 Clean Air Plan. The 2017 Clean Air Plan was adopted in April 2017 and serves as the regional Air Quality Plan for the Air Basin. The primary goals of the Clean Air Plan are to attain air quality standards; reduce population exposure to unhealthy air and protect public health in the Bay Area; and reduce Greenhouse Gas (GHG) emissions and protect the climate. In formulating its compliance strategies, BAAQMD relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with a general plan in a manner consistent with that general plan, then it is also considered to be consistent with BAAQMD's Clean Air Plan. As previously discussed, the Project is in conformance with the General Plan; therefore, it would not conflict with the Clean Air Plan. Furthermore, as identified in the AQ/Energy Report, the following aspects of the Project further demonstrate conformance with the latest Clean Air Plan: 1) the Project would have emissions below the BAAQMD thresholds for operational and construction-period criteria pollutants (see discussion below (b-c)), 2) development of the Project site would be considered urban "infill" 3) the Project would be located near employment centers, and 4) the Project would be located near transit with regional connections. Net emissions from the Project would not exceed any of the significance thresholds and, thus, it would not conflict with the Plan and is not required to incorporate Project-specific transportation control measures listed in the Clean Air Plan. Project impacts would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The AQ/Energy Report modeled potential air pollutant and GHG emissions associated with Project construction and operation. The report modeled the 284-unit Project option but not the 288-unit Project option. The 288-unit Project option represents a 1.4% density increase over the 284-unit Project option. The 288-unit Project option would not involve additional massing, floor area, or parking provisions from the 284-unit Project option, nor would it likely involve additional construction equipment or extend the Project's anticipated construction schedule. As such, additional impacts associated with the four additional units would be negligible and the not affect the Project's Air Quality findings.

Construction Emissions

The California Emissions Estimator Model (CalEEMod) version 2016.3.2 was used to estimate the Project's construction emissions, CalEEMod being the model recommended by the BAAQMD for estimating Project emissions. For the purpose of analysis, construction of the Project was assumed to begin in April 2020 and conclude in April 2022, lasting for a period of 526 days (note: if the construction schedule were to be moved to a later period, construction emissions would likely decrease because of improvements in technology and more stringent regulation requirements as older equipment is replaced with newer, cleaner equipment). This duration of time and associated equipment represents a reasonable approximation of the expected construction fleet, as required by the CEQA Guidelines.

Table 1. Construction-Period Emissions

Parameter	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total Emissions (tons/year)	2.64	4.50	0.16	0.15
Total Emissions (pounds/year)	5,280	8,996	314	295
Average daily emissions (pounds/day)[1]	10.04	17.10	0.60	0.56
BAAQMD Significance Threshold (pounds/day)	54	54	82	54
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes: [1]Calculated by dividing the total construction emissions (in pounds/year) by the total 526 working construction days for the duration of construction (2020-2022)

As shown in Table 1, construction emissions from all construction activities are below the recommended thresholds of significance.

Construction activities, particularly during site preparation and grading would temporarily generate fugitive dust in the form of PM10 and PM2.5. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. As discussed in the Air Quality study, the Project would involve transport of approximately 17,900 cubic yards of engineered fill to the site, and that trips associated with demolition-related off-hauling and soil import would total roughly 3,350. Soil import/export in excess of 10,000 cubic yards is considered an "extensive material transport" per BAAQMD 2017 CEQA Guidelines. Unless properly controlled, vehicles leaving the site would deposit dust or mud on local streets, which could be an additional source of airborne dust after it dries. Fugitive dust emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. Fugitive dust emissions would also depend on soil moisture, silt content of soil, wind speed, and the amount of equipment operating. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. The BAAQMD CEQA Guidelines consider these impacts to be less than significant if best management practices are employed to reduce these emissions. The Air Quality study recommended best management practices as

mitigation; these recommended best management practices are consistent with the City's standard development requirements for resource protection (FMC Chapter 18.218), including the following requirements relating to construction emissions, which are based on BAAQMD's Basic Construction Measures, and would reduce construction-related fugitive dust emissions:

***FMC 18.218.050(a) Air Quality –Construction Related Emissions**. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:*

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

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

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

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

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

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

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

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

Because the above standard development requirement applies to the Project, emissions of fugitive PM10 and PM2.5 from temporary construction activities would be less than significant.

Operational Emissions

Operational emissions would include area, energy, and mobile sources. Area sources include emissions from architectural coatings, consumer products, and landscape equipment. Energy sources include emissions from the combustion of natural gas for water heaters and other heat sources. Mobile sources include exhaust and road dust emissions from automobiles that would travel to and from the Project site. These automobile trips would be the primary source of operational air emissions tied to the Project. Similar to construction emissions, pollutants of concern include ROG, NOx, PM10, and PM2.5.

Project operations were analyzed assuming full Project build-out in 2022. The major sources for existing and proposed operational emissions of ROG, NOx, PM10, and PM2.5 include motor vehicle traffic, use of natural gas, and the occasional repainting of buildings. For purposes of estimating the net-change in emissions, the Project site's existing improvements (a one-story, 31,195-square-foot commercial building, a one-story, 2,208-square-foot single-family residence, and a one-story, 14,440-square-foot warehouse) were included in the analysis baseline. Report assumptions included Project trip generation estimates (1,354 net-new trips per day) presented in the Transportation Operations Analysis for the Osgood II Multifamily Development, prepared by W-Trans and provided to the City on September 17, 2019 (see: [reference appendix].

Table 2. Daily Operational Emissions (Pounds/Day)

Emissions Source	ROG	NOx	PM_{10}	$PM_{2.5}$
Area	8.40	1.10	0.20	0.20
Energy	0.07	0.62	0.05	0.05

Mobile (Motor Vehicles)	2.62	15.61	7.70	2.13
Maximum Daily Project Emissions	11.09	17.33	7.95	2.37
Maximum Daily Existing Emissions	2.61	2.38	1.37	0.53
Maximum Daily Net Emissions	8.48	14.95	6.58	1.84
BAAQMD Significance Threshold	54	54	82	54
Exceed Threshold?	**No**	**No**	**No**	**No**

Table 3. Annual Operational Emissions (Tons/Year)

Emissions Source	ROG	NOx	PM_{10}	$PM_{2.5}$
Area	1.45	0.03	0.01	0.01
Energy	0.01	0.11	0.01	0.01
Mobile (Motor Vehicles)	0.42	2.81	1.35	0.37
Annual Project Emissions	1.88	2.95	1.37	0.40
Annual Existing Emissions	0.29	0.42	0.21	0.06
Annual Net Emissions	1.59	2.53	1.16	0.33
BAAQMD Significance Threshold	10	10	15	10
Exceed Threshold?	**No**	**No**	**No**	**No**

As shown in Tables 2 and 3, the Project would not result in net operational-related air pollutants or precursors that would exceed BAAQMD thresholds of significance. As such, Project operations would not be considered to have the potential to generate a significant quantity of air pollutants.

Modeling and assessment determined that the Project would have construction-period and long-term operational emission levels less than the BAAQMD thresholds for evaluating regional impacts related to ozone and particulate matter. Project impacts would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

c) Expose sensitive receptors to substantial pollutant concentrations?

Project impacts related to increased community risk would occur by introducing a new source of TACs during construction and operation with the potential to adversely affect existing sensitive receptors in the Project vicinity. A sensitive receptor is defined by the BAAQMD as the following: "facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples include schools, hospitals, and residential areas." The BAAQMD recommends assessing the potential cumulative impacts from sources of TACSs within 1,000 feet of a project. Based on this definition, existing sensitive receptors are located within 1,000 feet of the Project site in all directions. The closest sensitive receptors include:

- North: a single-family residence at 41875 Osgood Road, abutting the site
- South: the under-construction multi-family Osgood Residences project (93 units), abutting the site
- East: a single-family residential neighborhood approximately 135 feet from the site
- East: Best Friends Learning Center, an after-school tutoring facility approximately 158 feet from the site
- West: a single-family residential neighborhood approximately 200 feet from the site

Project Construction

The AQ/Energy Report included a project-level assessment of the potential community health risks and health hazard impacts to surrounding sensitive receptors resulting from emissions of TACs during construction. Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to the release of diesel particulate matter (DPM, a carcinogenic air contaminate sourced from off-road construction equipment, heavy-duty delivery truck, and worker activities), organic TACs from vehicles, and PM2.5. Based on the BAAQMD CEQA Air Quality Guidelines, a Project would result in a significant construction TAC or PM2.5 impact if it exceeds any of the following thresholds of significance:

- An excess cancer risk level of more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0; or
- An incremental increase of more than 0.3 micrograms per cubic meter annual average PM2.5, including both DPM (as PM2.5 exhaust) and PM2.5 fugitive dust.

Table 4, below, presents a summary of the Project's construction cancer risk, chronic non-cancer hazard, and annual PM2.5 concentration impacts at the location of the maximally exposed individual (MEI), the hypothetical sensitive receptor in closest proximity to the Project. For the Project, this person would reside at the single-family residence immediately north of the site, at 41875 Osgood Road, approximated at 20 feet from the site.

Table 4. Estimated Health Risks and Hazards During Project Construction – Unmitigated

Impact Scenario	Cancer Risk (per million)	Chronic Non-Cancer Hazard Index	Annual PM2.5 Concentration (micrograms per cubic meter)
Risk and Hazards at the MEI: Infant	86.2	0.07	0.40
Risk and Hazards at the MEI: Child	17.4	0.07	0.40
Risk and Hazards at the MEI: Adult	1.9	0.07	0.40
BAAQMD Threshold of Significance	10	1	0.30
Exceed Threshold?	**Yes**	**No**	**Yes**

Potential Impact AIR-1: The cancer risk posed by construction of the Project would exceed the applicable cancer risk significance threshold at the MEI for the infant and child scenarios, and the annual total PM2.5 concentration would exceed the annual PM2.5 concentrations thresholds during all three impact scenarios. This would represent a potential significant construction TACs health risk exposure impact.

Mitigation Measure: Mitigation Measure AIR-1 would implement the recommendations from the AQ Study and, when combined with FMC Chapter 18.218's construction measure requirements, listed in Section 1.3.2(b), would reduce construction-related fugitive dust and exhaust emissions exposure to sensitive receptors and thereby reduce health risks and non-cancer hazard index levels below BAAQMD significance thresholds, as detailed in Table 5.

> **Mitigation Measure AIR-1 (Construction Equipment)** – During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 4 Interim off-road emission standards. Prior to the issuance of grading permits (and to be updated if necessary to ensure accuracy prior to start of vertical construction), the construction contractor shall demonstrate compliance with this requirement by providing a list of all equipment with engines greater than 50 horsepower to be used, to the satisfaction of the Planning Manager. During construction, the construction contractor shall maintain records concerning their efforts to comply with this requirement, and provide these records upon request to the City's inspector or Planning Manager. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Table 5. Estimated Health Risks and Hazards during Project Construction - Mitigated

Impact Scenario	Cancer Risk (per	Chronic Non-Cancer Hazard Index	Annual PM2.5 Concentration (micrograms per

	million)		cubic meter)
Risk and Hazards at the MEI: Infant	9.2	0.01	0.10
Risk and Hazards at the MEI: Child	1.9	0.01	0.10
Risk and Hazards at the MEI: Adult	0.2	0.01	0.10
BAAQMD Threshold of Significance	10	1	0.30
Exceed Threshold?	**No**	**No**	**No**

With Mitigation Measure AIR-1 and FMC Chapter 18.218 standards in effect, Project-related construction emissions would result in a less than significant impact with mitigation incorporated to nearby sensitive receptors.

Project Operations

The Project is residential in nature and would not have on-site sources of TACs during operations. Because nearly all passenger vehicles are gasoline-combusted, significant amounts of DPM emissions during operation would not be generated. Therefore, the Project would not result in significant health impacts to nearby sensitive receptors during operation.

Cumulative Health Risk Assessment

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a Project. A cumulative Health Risk Assessment included in the AQ Report examined the cumulative impacts of the Project's construction emissions and sources of TAC emissions within 1,000 feet of the site at the sensitive receptors most affected by the Project, the MEI. BAAQMD-provided tools used for use in screening potential sources of TACs are:

- Surface Street Scanning Tables – The BAAQMD has established a "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. Major roadways have an increased risk for cancer and PM2.5 concentrations. Osgood Road is considered a major roadway.
- Freeway Screening Analysis Tool – The BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and PM2.5 concentration increases for highways within the Bay Area. Risks are estimated, in part, by highway proximity to sensitive receptors. There are no freeways located within 1,000 feet of the MEI.
- Stationary Source Risk and Hazard Screening Tools – The BAAQMD prepared a Google Earth file and GIS tools that contain the locations of all stationary sources within the Bay Area that have BAAQMD operating permits. For each emissions source, the BAAQMD provides conservative estimates of cancer risk, non-cancer hazards, and PM2.5 concentrations. There are five existing stationary sources located within approximately 1,000 feet of the MEI.
- Rail Screening Tools – The BAAQMD prepared raster riles that contain estimated cancer risks and PM2.5 concentrations from railroad operations within the Air Basin. There are two BART tracks and an active Union Pacific railroad track within 1,000 feet of the MEI.

The cumulative health risk results during Project construction, including the health risks from existing stationary sources, are summarized in Table 6, below. As no thresholds are exceeded, a less than significant impact would result.

Table 6. Summary of Cumulative Health Impacts at the MEI during Construction

Source Name/Type/Distance from MEI	Cancer Risk (per million)	Chronic Non-Cancer Hazard Index	Annual PM2.5 Concentration (micrograms per cubic meter)
Unmitigated Project Construction	86.2	0.07	0.40

Mitigated (MM AIR-1) Project Construction	9.2	0.01	0.10
BAAQMD Single Source Threshold	10.0	1	0.30
Exceed threshold?	**No**	**No**	**No**
United Rentals/Stationary/1,052 feet	No data	No data	No data
AMG Pipeline/Stationary/926 feet	0.072	0	No data
James Nevels Painting/Stationary/875 feet	0	0.002	0
Fremont Maintenance Facility/Stationary/1,119 feet	0	0	0
Maintenance Center/Stationary/1,120 feet	0.777	0.001	No data
Osgood Road/Roadway	3.03	No data	0.053
BART and Union Pacific Tracks/Railway	1.12	No data	0.0017
Combined Sources - Unmitigated Construction	91.21	0.073	0.455
Combined Sources - Mitigated Construction	14.21	0.013	0.155
BAAQMD Cumulative Threshold of Significance	100.0	10	0.8
Exceed threshold?	**No**	**No**	**No**

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

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

As previously discussed, the Project would generate localized emissions of diesel exhaust during construction activities. These emissions may generally be noticeable from time to time by nearby receptors. The Project incorporates adequate solid waste storage areas that comply with the City's solid waste management regulations, including policies to reduce potential odor impacts from solid waste. Project operations would not typically involve large equipment or heavy vehicles that produce odors. As such, Project operations would not create a significant level of other emissions or odors that would affect a substantial number of people.

Potential Impact AIR-2: Construction activities would involve heavy equipment and frequent truck operations that could produce diesel and other construction-related odors that adversely affect people living and working in the immediate area, though it would be unlikely to affect a substantial number of people due to the Project's location in a heavily urbanized area and the limited population in the immediate surrounding area.

Mitigation Measure: Construction-related odors would be of a temporary duration and would not affect a substantial number of people, however, implementation of Mitigation Measure AIR-1 and implementation of FMC Chapter 18.218 would ensure that potential temporary emissions and odor impacts associated with construction would be less than significant. See Mitigation Measure AIR-1 (Construction Equipment) in subsection c)

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

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

1.4.1 Environmental Setting

On the two Project lots developed with non-residential uses, asphalt parking and drive aisle areas (with limited landscaping) and buildings cover the vast majority of the lots (approximately 95%). Areas of exposed soil on these lots consist of narrow, discontiguous rows and patches of non-native trees and shrubs within the parking field and along the western and southern property boundaries of the commercial lot, and a row of non-native trees planted along the northern property boundary of the warehouse lot. As such, neither lot provides any potential habitat other than in the tree canopies. As for the single-family residential lot, it features a landscaped backyard area that is bounded by the commercial and warehouse buildings (which are built up against each interior property line) and fenced at the rear, which is adjacent to an active Union Pacific railroad track, as discussed in the Noise Section of this Initial Study. It is disconnected from any potential habitat areas beyond the Project site, and on its own is too small to provide potential habitat other than within the tree canopies.

In the vicinity of this urban infill Project site there are lands developed with a diverse mix of residential and non-residential (industrial, commercial, and institutional) uses. Open space areas in vicinity of the Project site include CalTrans and BART District properties east of the site, located across Osgood Road and behind existing

developed parcels. The Project site is bounded by a Primary Arterial, Osgood Road, to the east, and a 51' – 54'-wide Alameda County Flood Control parcel to the west, which features an earthen channel. Beyond the flood control area are BART and Union Pacific freight rail alignments. There are no riparian or sensitive natural communities on the site, and no special status species were identified on the flood control channel parcel. The Project site is not a federally protected wetland as defined by Section 404 of the Clean Water Act.

Regulatory Framework

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

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

This discussion is based in part on the following documents:

- Biological Assessment, prepared by Albion Environmental, Inc., dated April 6, 2020.
- Tree Inventory Report, prepared by HortScience | Bartlett Consulting, dated November 2018.

1.4.2 Discussion

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

The majority of the Project site where construction would occur is paved and does not include suitable habitat for identified sensitive or special status species and is not of unique or significant value to such populations. The Project site is not located near a body of water, waterway or stream and does not include riparian habitat. The existing trees on-site could potentially provide nesting habitat for some species of migratory and/or otherwise-protected 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.

Due to the lack of habitat, it is unlikely that special status species would be affected by the Project. Furthermore, as discussed subsection d) below, the Project is required to implement pre-construction surveys to avoid impacts to burrowing owls, nesting birds, and roosting bats. For these reasons, the Project would have a less than significant impact to candidate, sensitive, or special-status species.

Potential Impact: Less than Significant
Mitigation: None required

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

There are no on-site riparian habitats or other sensitive natural communities. Abutting the site to the west lies a flood control parcel that features an approximately 3'-wide earthen channel of north-south orientation. The Project's biological assessment found the channel parcel to contain non-native grasses and other weedy vegetation, as well as two small oak trees on the channel's west bank. No special status native riparian plant species were detected on the channel parcel, and evidence of species of conservation concern (including the California Tiger Salamander, California Red-Legged Frog, Western Pond Turtle, and the Alameda Whipsnake) was not detected. The assessment concluded that both the Project site and the channel parcel provide unsuitable habitat for these species and therefore their occurrence is unlikely. Construction and operation activities related to the Project would thus have a less than significant impact on riparian habitat or other sensitive natural communities.

Potential Impact: Less than Significant
Mitigation: None required

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

The Project site is not a federally protected wetland as defined by Section 404 of the Clean Water Act, and no such wetlands exist in the vicinity of the site. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None required

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?

Given the developed condition of the site and surrounding built environment, the Project does not have the potential to significantly interfere with the movement of native resident or migratory avian and mammal species or impede use of wildlife nursery sites with site redevelopment. The three Project lots are developed and provide low-quality habitat for wildlife. Urban uses and infrastructure, including Osgood Road east of the site and the elevated rail alignments west of the site, preclude the site from serving as an effective movement corridor.

Migratory birds and/or raptors that could potentially use the existing trees onsite for nesting purposes during the nesting season could be disturbed by Project-related activities, such as tree removal, or during construction. The loss of an active nest would be considered a significant impact under CEQA. Moreover, disruption of nesting migratory or native birds is not permitted under the federal Migratory Bird Treaty Act of (1918) MBTA or the California Fish and Game Code, as it could constitute an unauthorized take. The loss of any active nest by, for example, trimming or removing a tree or shrub containing a nest, must be avoided under federal and California law.

Per the City's adopted resource protection requirements provided in 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 citywide 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 18.218.050(b) Biology, Special-Status Species.

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

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

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

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

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

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

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

(B) Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.

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

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is

determined the nests are no longer active, at which time construction activities may commence within the buffer area.

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

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

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

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

Potential Impact: Less than Significant
Mitigation: None required

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

Seventy-two existing trees are proposed for removal from the Project site and adjacent Osgood Road parkway. A Tree Inventory Report prepared for the site found that based on their size/species, 68 of these trees are subject to protection under the City's Tree Preservation Ordinance (FMC Chapter 18.215). This ordinance requires replacement at a 1:1 ratio with new, minimum 24-inch box size replacement trees to the satisfaction of the City Landscape Architect or payment of an in-lieu fee for each tree that is unable to be replaced on the site. Seventy-six new trees are proposed with the Project. The City's Landscape Architecture Division has reviewed the Project plans, including the proposed tree removal and replacement plan, and authorized the removal of the trees subject to the planting of the 76 new, 24-inch box street trees throughout the development and within the adjacent Osgood Road parkway. As such, impacts would be less than significant and no mitigation is required because compliance with the City's Ordinance would be achieved.

Potential Impact: Less than Significant
Mitigation: None required

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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

Potential Impact: No Impact
Mitigation: None required

1.5 CULTURAL RESOURCES

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

1.5.1 Environmental Setting

The Project site is in a heavily urbanized area containing a diverse mix of residential and non-residential (commercial, industrial, and institutional) uses. The Project would cover three lots totaling 3.45 acres on the west side of Osgood Road between Washington Boulevard (north) and Blacow Road (south). Osgood Road is a four-lane Primary Arterial roadway with approximately 422 feet of site frontage. Sidewalk and street trees are present for the length of the site's street frontage.

The Project area has been subject to three prior cultural resource studies. These studies found no archaeological or historic resources at the site. Additionally, no recorded buildings or structures are present at the site, and no Native American resources are referenced in ethnographic literature as being located at the site or in the Project area. The CHRIS results concluded that there is a moderate potential for the discovery of unrecorded Native American and/or unrecorded historic-period archaeological resources at the Project site due to its relatively flat topography and approximately 200-foot distance (north thereof) from a historic drainage pattern. The three Project lots have been previously disturbed, both via agricultural practices (which may have included disking, for example) and later development of the current site improvements.

In August 2019, upon deeming the Project application complete, City Planning staff, in accordance with Public Resources Code Section 21030.3.1.(d), notified representatives from seven California Native American Tribes of the pending development. None of the noticed tribal representatives requested consultation after being contacted.

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, Section 18.175 Historic Resources

This discussion is based in part on the following documents:

- Historic Resource Preliminary Review, prepared by City of Fremont Planning Division, dated July 9, 2019
- California Historical Resources Information Systems (CHRIS) record results, prepared by Northwest Information Center – Sonoma State university, dated July 20, 2017

1.5.2 Discussion

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

The three Project lots all feature improvements. The non-residential buildings located at 41911 – 41929 Osgood Road and 42021-42035 Osgood Road were built in 1988 and 1998, respectively. As these buildings are not aged 50 years or more, an evaluation of their architectural and/or historical significance is not required, as the City of Fremont's Historic Resources Ordinance (FMC Chapter 18.175) does not consider them a potential historic resource. The single-family residence located at 41965 Osgood Road was constructed in 1955. The one-story, ranch-style residence was evaluated by City staff (HIST2019-00206) for potential historic significance in July 2019 and found to not meet any of the eligibility criteria for the National, State, or Local Historic Registers. Demolition of existing site improvements as part of Project activities would thus have no impact on a historical resource.

Potential Impact: No Impact
Mitigation: None required

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

In June 2017 the Project applicant requested a California Historical Resources Information System (CHRIS) records search with the Northwest Information Center (NWIC) at Sonoma State University. Base maps that reference cultural resources records and reports, historic-period maps, and literature for Alameda County were referenced during the records search (File No. 16-2046). Review of available information indicates that there were three prior cultural resource studies that covered the entirety of the Project site. These studies identified no previously recorded archaeological resources. Given the site's topography ("on a flat terrace near a hilly area") and location ("less than 200 feet from a drainage into Mud Slough and less than 1,000 feet from an additional unnamed drainage"), the NWIC offered that there's a moderate potential for unrecorded Native American resources to be located in the Project area. However, no further study was recommended.

As mentioned in the Environmental Setting section, the site has been heavily disturbed. First, through establishment and operation of agricultural practices, and then through development and operation of the current uses on site. This, coupled with no recorded discovery of resources on site, makes it unlikely that Project activities will unearth a resource. Furthermore, Project buildings do not contain a basement level (for parking purposes or other use) and as such would not necessitate abnormally deep trenching. However, should any resources be encountered during demolition, excavation, or grading activities, the City's resource protection standards related to cultural resources would ensure impacts would be avoided. These regulations include procedures for the accidental discovery of potential archaeological or paleontological resources, including human remains:

FMC 18.218.050(c)(1) Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

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

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

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

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

The lack of documented archaeological resources on the site indicates it is unlikely that such resources would be found, but in the event such resources are discovered, the implementation of the above measures would avoid or minimize impacts related to the accidental discovery of an on-site archaeological resource to a level less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

As discussed in 1.5.2(b), the unanticipated discovery of human remains on site during Project activities would be subject to the resource protection requirements of FMC 18.218.050(c)(1)(C), which require that upon potential discovery all ground disturbing activities shall cease immediately and the City's Planning Manager be notified immediately. In accordance with CEQA Guidelines Sections 15064.5 (e) and (f), the resources would then have to be evaluated by a qualified archaeologist and, subject to the Planning Manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological or tribal cultural resources, a plan for avoiding the resources would have to be prepared. If avoidance is infeasible, the consulting archaeologist would have the authority to require scientific analysis, professional museum curation, and documentation according to current professional standards. Because the above standard development requirement would apply to the Project, Project impacts related to the accidental discovery of human remains would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

1.6 ENERGY

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

1.6.1 Environmental Setting

The Project site consists of three contiguous lots measuring 3.45 acres. The site is bounded by Osgood Road, a Primary Arterial, to the east; an Alameda County Flood Control channel to the west; a one-story, single-family residence to the north; and the under-construction 93-unit Osgood Residences multifamily residential project to the south. The site is located less than ¼-mile south of the planned Irvington BART Station and approximately 1,140 feet from Alameda-Contra Costa Transit local bus route 215. Interstate 680 is located approximately 1,500 feet east of the site.

Based on the Project's Energy Analysis Report, current on-site operational energy use from existing land uses was estimated at 310,765 kWh of electricity and an estimated 879,519 kBTU of natural gas, annually. Estimated vehicle trips from existing on-site uses consumes an estimated 21,307 gallons of fuel (gasoline and diesel combined), annually.

This discussion is based in part on the following documents:

- Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, prepared by FirstCarbon Solutions, dated November 26, 2019

1.6.2 Discussion

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

As discussed in the AQ/Energy Report, the proposed Project, which consists of up to 288 units, would consume energy during both construction and operation.

Construction

The Project would require demolition, site preparation, grading, building construction, architectural coating, paving, and landscaping. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition, site clearing, and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. Construction equipment is estimated to consume a total of 33,900 gallons of diesel fuel over the entire duration of construction activities. Fuel associated with construction vehicle trips (worker trips, haul truck trips for material transport, vendor trips for construction material delivery) was estimated at 74,286 gallons (at 1,350,868 vehicle miles traveled, or VMT) based on Projected trips, trip distances, and estimated fuel efficiencies.

Other equipment such as construction lighting, field services (office trailers), and electrically-driven equipment (pumps and other tools) were contemplated in construction-period energy consumption.

Opportunities for future efficiency gains during construction are limited, as the overall construction schedule and process are designed for maximum efficiency and the avoidance of excessive monetary costs (for example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it). The Project would comply with the standard development requirements for resource protection (FMC Chapter 18.218), which include a number of measures that would improve the efficiency of the construction process, such as standards related to equipment idling. With these standards in effect, and general construction practices which stress efficiency for monetary reasons, it is anticipated that the construction phase of the Project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would thus be less than significant.

Operation

The Project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Building Energy Efficiency Standards; these standards are widely regarded as the most advanced building energy efficiency standards in the USA and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Operation of the proposed Project would consume an estimated 1,757,624 kWh of electricity and an estimated 2,453,600 kBTU of natural gas on an annual basis. This is a net-increase of 1,446,859 kWh of electricity and 1,574,081 kBTU of natural gas, annually, from operation of existing uses on-site. Project-related vehicle trips would consume annually an estimated 140,775 gallons of gasoline and diesel, a yearly net-increase of 119,468 galls of fuel (gasoline and diesel combined) from operation of existing uses on-site.

Given the energy-efficient building standards that are required and the high-density, transit-oriented nature of the Project, building and transportation-related energy consumption would be a less than significant environmental impact.

Potential Impact: Less than Significant
Mitigation: None required

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

Project buildings would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and nonresidential Buildings, as applicable. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. The incorporation of the Title 24 standards into the design of the Project would ensure that the Project would not result in the use of energy in a wasteful manner. Additionally, the proposed Project would be a source of renewable energy. As designed, solar PV would cover approximately 15% of the roof area of each building, which amounts to approximately 11,200 square feet of total solar PV area. The Project would not conflict with State or local renewable or energy efficient objectives. Impacts would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

1.7.1 Environmental Setting

The major active faults in the Project area are the Hayward, Calaveras, and San Andreas faults. There are no known earthquake faults that have been mapped at the Project site, and the site is not located within an Alquist-Priolo Special Study Zone, the regulatory zone surrounding the surface traces of active faults. The nearest known earthquake fault trace is located approximately 390 feet east of the site, across Osgood Road, and the Alquist-Priolo zone from that known fault trace extends to within approximately 10 feet of the site at its northeastern edge. The site is of generally flat topography, with a 1.8% slope increase from its northwest corner to its southeast corner, which reflects an elevation increase from 58.39 feet to 68.28 feet above mean sea level.

Regulatory Framework

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

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

This discussion is based in part on the following documents:

- Final Geotechnical Investigation, prepared by Rockridge Geotechnical, dated January 7, 2020.

1.7.2 Discussion

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

There are no known earthquake faults that have been mapped at the Project site, and the site is not located within an Alquist-Priolo Special Study Zone, the regulatory zone surrounding the surface traces of active faults. The nearest known earthquake fault trace is located approximately 390 feet east of the site, across Osgood Road, and the Alquist-Priolo zone from that known fault trace extends to within approximately 10 feet of the site at its northeastern edge. Because the main trace of the Hayward fault has been clearly delineated in the area of the Project site and there are no active, documented splays from this section, the potential for fault rupture at the site is less than significant.

Potential Impact: Less than Significant
Mitigation: None required

ii) Strong seismic ground shaking?

A Final Geotechnical Investigation for the Project, dated January 7, 2020, was prepared by Rockridge Geotechnical and provided to the City. The report confirmed the presence of the nearby fault traces and the proximity of the Alquist-Priolo fault zone to the Project site. The intensity of earthquake ground motion at the site will depend upon the characteristics of the generating fault, distance to the epicenter of the earthquake, and the magnitude and duration of the earthquake. Given the site's close proximity to the mapped trace of the Hayward fault, very strong to violent shaking could occur at the site in the event of a large earthquake. To account for possible very strong to violent ground shaking at the site, Project buildings would be designed to withstand this level of seismic shaking and would be reviewed and inspected by the City's Building Division for conformance with applicable building codes and specific recommendations made by Rockridge Geotechnical in their investigation, including engineer field observations and testing during site preparation, placement and compaction of fill and aggregate base, and the installation of foundations. Potential substantial adverse effects resulting from strong seismic ground shaking would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

iii) Seismic-related ground failure, including liquefaction?

The site is not located within a mapped earthquake-induced liquefaction zone. The Rockridge Geotechnical investigation evaluated the liquefaction potential of soils encountered below the site's groundwater table and found the sub-table soils to have sufficient cohesion and/or relative density to resist liquefaction. The analysis found that liquefaction potential, and lateral spreading from liquefaction, to be very low. As such, impacts would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

iv) Landslides?

The site is not located in an area prone to landslides. Per City maps, the nearest earthquake-induced landslide zone is located approximately 400 feet east of the site, across Osgood Road. The aforementioned Rockridge Geotechnical report did not identify any significant risk of landslide on the Project site or the potential for the Project to cause landslides affecting other properties. The impact would therefore be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

Project development would involve grading of the site, a ground disturbance with the potential to cause erosion and loss of topsoil. To ensure that the project would not result in substantial soil erosion during grading and construction activities, an erosion control plan would be required at the time of grading and/or building permits plan submittal. Because disturbance to the site would be greater than one acre, it would require coverage under the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit. To obtain coverage under the General Permit, submission of a Storm Water Pollution Prevention Plan (SWPPP) would be required. The SWPPP outlines Best Management Practices (BMPs) required reducing the potential construction impacts related to erosion and topsoil loss to less than significant. BMPs to minimize erosion and topsoil would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The C3 Technical Guidance Manual, provided through the Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015) provides further details of specific BMPs, including measures for site design, source control, stormwater treatment, and hydromodification.

With adherence to the State, County and local requirements described above, impacts to life or property associated with soil erosion would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

The majority of the Project site is covered with either buildings or paved surfaces. These improvements would be removed during demolition activities, and voids resulting from demolition would be backfilled

and compacted using engineering fill. Additional areas of undocumented fill would be excavated and restored with engineered fill based on geotechnical engineer recommendations. Additionally, to increase the site's ground level above base flood elevation, approximately 17,900 cubic yards of engineered fill would be added to the site. These measures, coupled with the site's moderate-to-high strength subsurface alluvial soils and low-to-moderate soil compressibility, would increase the stability of the site and result in impacts less than significant. See also Sections 1.7.2. (a) and (b).

Potential Impact: Less than Significant
Mitigation: None required

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

In accordance with the geotechnical engineer's recommendations, Project building foundations, pavements, slabs, and below-grade walls would be designed and constructed to resist the effects of expansive, surficial soil at the site. Specifically, a deepened continuous perimeter footing would be included to help control the potential for long-term moisture change beneath the building, a leading cause of soil expansion. Additionally, a minimum of 12 inches of non-expansive fill, or alternatively treatment in place with lime/and or cement, would be placed on the prepared subgrade to reduce its expansion potential to a level less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

The Project includes new stormwater, wastewater, and other utilities that would connect to the local wastewater treatment system. No septic tanks or alternative waste water disposal systems are proposed. The Project would thus have no impact.

Potential Impact: No Impact
Mitigation: None required

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

In the event a unique paleontological resource or unique geologic feature is discovered during Project activities, the Standard Development Requirements of FMC Chapter 18.218 would take effect. These regulations include procedures for the accidental discovery of potential archaeological or paleontological resources (see Section 1.5.2 (b) for a complete listing of these requirements).

The lack of documented paleontological resources on the site in conjunction with the protections of FMC Chapter 18.218 would minimize impacts related to the accidental discovery to a level less than significant.

Potential Impact: Less than Significant
Mitigation: None required

1.8 GREENHOUSE GAS EMISSIONS

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

1.8.1 Environmental Setting

The Project site is located in Fremont, Alameda County, which is within the San Francisco Air Basin. Fremont passed its first Climate Action Plan (CAP) in 2012 with the goal of reducing municipal and community-wide greenhouse gas (GHG) emissions 25% by 2020 from a 2005 baseline levels. By 2015, Fremont had already reduced annual community-wide emissions by over 10% from its 2005 baseline, this despite a 7.5% population increase over during that same period. Fremont has since updated these goals, targeting a 55% emissions reduction by 2030 and achieving carbon neutrality by or before 2045. These goals are generally consistent with State Senate Bill 100 and California Executive Order B-55-18.

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

This discussion is based in part on the following documents:

- Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, prepared by FirstCarbon Solutions, dated November 26, 2019

1.8.2 Discussion

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

Both construction period and operational period activities would have the potential to generate GHG emissions.

Construction

The Project would generate GHG emissions during temporary (short-term) construction activities such as demolition, site preparation and grading, running of construction equipment engines, movement of on-site heavy-duty construction vehicles, hauling of materials to and from the site, asphalt paving, and construction worker motor vehicle trips.

The BAAQMD does not presently provide a construction-related GHG generation threshold, but recommends that these emission types be quantified and disclosed. Total GHG emissions generated during all phases of construction are presented in Table 7, below.

Table 7. Construction GHG Emissions

Construction Phase	Metric Tons of Carbon Dioxide Equivalent (per year)
Demolition	78
Site Preparation	10
Grading	98
Building Construction (2020)	310
Building Construction (2021)	582
Paving (2021)	4
Paving (2022)	15
Architectural Coating	6
Total Construction Emissions	**1,103**
Emissions Amortized Over 30 Years	**37**

Because construction would be temporary and would not result in a permanent increase in emissions, the total emissions generated during construction were amortized based on a 30-year lifespan of the development and added to the operational emissions to determine total Project emissions.

Operation

Operational emissions occur over the life of the Project. Major sources of operational emissions would be motor vehicles (exhaust from the cars and trucks that would travel to and from the site), natural gas (from heating water, space heating, dryers, stoves, and other uses), indirect electricity (emissions generated by off-site power plants to supply electricity to the Project), water transport (emissions generated by the electricity required to transport and treat the water to be used on the Project site), and waste (emissions produced by decomposing waste generated by the Project).

The estimated total net annual Project emissions, including operation emissions and amortized construction emissions, are detailed in Table 8.

Table 8. Operational GHG Emissions

Emission Source	Year 2022 Total Emissions (metric tons of carbon dioxide per year)	Year 2030 Total Emissions (metric tons of carbon dioxide per year)
Area	9	9
Energy Consumption	445	367
Mobile (Vehicles)	1,595	1,336
Solid Waste Generation	66	66
Water Usage	40	35
Amortized Construction Emissions	37	37
Total Project Emissions	2,192	1,850
Existing Emissions	390	374
Annual Net Project Emissions	1,802	1,476
Service Population (Residents + Employees)	828	828
Project Emission Generation (metric tons of carbon dioxide	**2.2**	**1.8**

/service population/year		
BAAQMD Threshold (metric tons of carbon dioxide/service population/year	**4.6**	**2.6**
Project Exceed Threshold?	**No**	**No**

As shown in Table 8, the Project's combined long-term net operational emissions and amortized constriction emissions would not exceed the BAAQMD recommended thresholds for GHG emissions. Therefore, the Project's generation of GHG emissions would not result in a significant impact to the environment.

Potential Impact: Less than Significant
Mitigation: None required

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Significance for this impact is determined by Project compliance with the City's CAP and Project consistency with the ARB 2017 Climate Change Scoping Plan Update. The City's CAP includes policies applicable to all development projects in Fremont. Various policies in the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to GHG, including Solid Waste and Land Use and Mobility policies related to California Green Building Code (CALGreen) compliance and the provision of green building standards, including electrical vehicle charging stations.

The ARB's 2017 Climate Change Scoping Plan Update includes measures to reduce GHG emissions. The proposed Project would not conflict or otherwise interfere with the GHG reduction measures identified in the plan. For example, proposed buildings would be constructed in conformance with CALGreen and the Title 24 Building Code, which requires high-efficiency water fixtures and water-efficient irrigation systems.

The Project is consistent with the applicable mandatory measures of the Fremont CAP. Furthermore, it would not conflict with the ARB's adopted GHG reduction measures. Considering this, the Project would not conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of GHGs, and impacts would thus be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

1.9.1 Environmental Setting

The Project site includes three lots totaling 3.45 acres on the west side of Osgood Road between Washington Boulevard (north) and Blacow Road (south). Existing improvements on the three lots include a one-story, 31,195-square-foot commercial building built in 1998 on the 1.99-acre 42021-42035 Osgood Road lot; a one-story, 2,208-square-foot single-family residence built in 1955 on the 0.73-acre 41935 Osgood Road lot; and a one-story, 14,440-square-foot warehouse building built in 1988 on the 0.81-acre 41911-41929 Osgood Road lot. Historical records summarized in the Phase I ESA reports for the Project lots indicate orchards were the primary use on each lot up until development of the existing buildings.

Regulatory Framework

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

- City of Fremont General Plan Land Use and Safety Elements
- City of Fremont Fire Code

- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

This discussion is based in part on the following documents:

- Phase I Environmental Site Assessment reports, prepared by Arcadis, dated March 1, 2017
- Phase II Environmental Site Assessment reports, prepared by Arcadis, dated April 18, 2017

1.9.2 Discussion

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

Construction of the Project would require the use of certain hazardous materials such as fuels, oils, solvents, and glues in limited quantities. If spilled, these hazardous materials could enter surface water, result in soil or groundwater contamination, or expose workers to hazardous materials. However, in consideration of the size of proposed construction, there is a low likelihood for any significant quantities of hazardous materials being necessary at the site. The construction contractors would be required to prepare and implement a Hazardous Materials Business Plan (HMBP) pursuant to California Health and Safety Code, Division 20, Chapter 6.95, that describes the location, type, quantity, and health risks of hazardous materials which are handled, used, stored, or disposed of, and that includes emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material. Through compliance with applicable regulatory requirements and the HMBP, impacts related to the use of hazardous materials used during construction would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

Phase I Environmental Site Assessments (ESA), conducted by Arcadis U.S., Inc, identified the following Recognized Environmental Conditions at the three Project lots that could indicate the presence of contamination: the site's use historically as the setting for agricultural cultivation (all lots); fruit smoking operations dating back to 1955 on the residential lot; what's deemed to be an inadequate investigation of soil-based hydrocarbons tied to steam-cleaning activities of a former occupant on the commercial site; and past potential solvent-using uses on the warehouse site, which included an auto body shop, a sheet metal shop, a commercial printer, and a tool and die maker. Other environmental conditions at the site include soil remediation along the adjacent Union Pacific rail alignment (completed in 2017; all lots); possible asbestos containing materials and lead-based paint on the residential lot; and the presence of an underground storage tank (closed in 1994) and the 2012 removal of shallow contaminated soil on property abutting the Project site to the north (41875 Osgood Road). Based on these Phase I findings laboratory analysis of site soil and groundwater samples was recommended.

The Phase II ESAs included the drilling of eight soil borings at a depth of one- and four-feet below ground surface and additional groundwater sampling at boring depths between approximately 37 feet and 45 feet below ground surface (commercial lot), and nine surficial soil samples from areas of the residential lot, including areas formerly used for orchard activities and at the apricot smoker's soil pit. Samples were taken and tested to determine whether any of the hazardous materials exceeded the California Human Health Screening Levels or the Regional Water Quality Control Board's (RWQCB's) Environmental Screening Levels for residential land use.

Samples from the soil borings detected diesel and motor oil hydrocarbons, oil and grease compounds, mercury, lead, arsenic, chromium, and organochlorine pesticides. None of the contaminants detected in the soil boring samples were found to be above residential Tier 1 Environmental Screening Levels (ESLs) issued by the RWQCB except for arsenic, which was found at levels typical of naturally occurring (i.e. background) levels of Bay Area soils. Groundwater sampling detected levels of benzene and chloroform. While chloroform amounts were found to be below Tier 1 ESLs, benzene was detected at levels exceeding Tier 1 ESLs. The Principal Engineer who

prepared the report – Lucas Goldstein, P.E., P.G. – concluded that the benzene concentration (1.3 micrograms per liter) was not a concern for the site for reasons including the result being only slightly higher than the residential groundwater ESL (1.1 micrograms per liter), the result falling well below the federal maximum benzene drinking water level (5 micrograms per liter), and the Project's water supply being provided by the Alameda County Water District (and not a water supply well at the site, of which there are none). Surficial soil samples taken from the residential lot detected organochlorine pesticides at concentrations below their residential ESLs. Arsenic was detected at levels exceeding the residential ESL but at a level consistent with Bay Area soils. Various other naturally occurring metals were detected, but all were below their residential ESLs. Traces of diesel and motor oil were found on the lot, both quantities falling below their respective residential ESLs.

Potential Impact HAZ-1: Phase II findings indicate low-risk concentrations of potential contaminants of concern (diesel and motor oil hydrocarbons, oil and grease compounds, mercury, lead, arsenic, chromium, and organochlorine pesticides) that, if accidentally released could impact the public or the environment. The Phase II study recommends the implementation of a Soil Management Plan (SMP) during redevelopment of the site to support soil handling and site grading. This recommendation is required of the Project and described below as Mitigation Measure HAZ-1.

Mitigation Measure: The following mitigation measure would ensure safe handling of soils such that potential impacts related to the accidental release of hazardous materials in the environment (Impact HAZ-1) would be reduced to a less than significant level:

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

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

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

There are no existing or proposed schools within one-quarter mile of the Project site. The nearest schools to the Project site are Stratford School – Fremont Osgood, which is located approximately one-half mile south of the site at 43077 Osgood Road, and E.M. Grimmer Elementary School, which is located approximately one-half mile south/southwest of the site at 43030 Newport Drive. The future occupants of this residential development can be expected to use typical quantities of common household hazardous materials such as cleaners, kitchen and restroom cleaners, and other maintenance materials typical for apartment/condominium residents, but no hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste is anticipated during normal operations. Landscaping maintenance may require the use of limited quantities of industry standard hazardous materials such as herbicides or pesticides but not in such a manner as to represent a significant threat to human health and the environment. Such materials are typically stored in cabinets onsite in accordance with all laws and regulations and with proper permits, where applicable. Overall, the use of typical household cleaners and other maintenance materials would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.

The Phase I ESA determined that, due to their age, the existing structures on the residential lot likely contain asbestos and lead-based paint. As such, testing for such materials would be required prior to issuance of a demolition permit in accordance with BAAQMD requirements. As discussed in subsection b), soil remediation for

contaminants of concern is required. Through compliance with applicable regulatory requirements related to demolition and Mitigation Measures HAZ-1, previously described, impacts to schools within ¼ mile of the Project site would be less than significant.

Potential Impact HAZ-2: Accidental release of contaminated soils during construction activity and transport could represent a significant impact to schools.

Mitigation Measure: With the implementation of Mitigation Measure HAZ-1, which ensures remediation of soil and proper handling to avoid accidental release that could impact schools,, potential impacts would be less than significant. See Mitigation Measure HAZ-1 (Remediation) in subsection b)

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

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

The residential- (41935 Osgood Road) and warehouse- (41911-41929 Osgood Road) developed Project lots are not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). The commercially-developed lot (42021-42035 Osgood Road) appears in the HIST Cortese database, which is a historical listing of known hazardous waste and substances sites. The designation stems from a former occupant of the site (Nume Ho-Hove, a general engineering contractor based at the site prior to the lot being cleared and developed with the current commercial building) that stored and steam-cleaned heavy machinery and equipment on the southwest corner of the site. Subsequent remediation included the excavation and off-site disposal of 35 cubic yards of soil from the storage and steam-cleaning location to the satisfaction of the Alameda County Water District. The Arcadis Phase II investigation performed at site found low-risk or de minims concentrations of potential contaminants of concern. With incorporation of Mitigation Measure HAZ-1, impacts of the Project on a site formerly identified as having a hazardous waste and substances user would be less than significant.

Potential Impact HAZ-3: The lot at 42021-42035 Osgood Road is on the HIST Cortese database. The site was remediated to the satisfaction of the Alameda County Water District.

Mitigation Measure: With incorporation of Mitigation Measure HAZ-1, potential hazard to the public and the environment associated with the proposed Project on a site formerly identified as having a hazardous waste and substances user would be less than significant. See Mitigation Measure HAZ-1 (Remediation) in subsection b)

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

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

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

Potential Impact: No Impact
Mitigation: None required

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

The Project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the site in the form of a recorded Emergency Vehicle Access Easement (EVAE) benefiting the City's Fire Department over the drive aisle that wraps the Project buildings. No impact would result.

Potential Impact: No Impact
Mitigation: None required

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

Per the Local Response Area (LRA) Very High Fire Hazard Severity Zones in the City of Fremont map, the Project site is classified as LRA Urban Unzoned. Areas of Fremont with this designation are built-out areas that are not susceptible to wildland fires. As such, no impact would result.

Potential Impact: No Impact
Mitigation: None required

1.10 HYDROLOGY AND WATER QUALITY

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

1.10.1 Environmental Setting

The Project site is predominantly covered with paving and buildings (approximately 95%) and is of generally flat topography, with a 1.8% slope increase from its northwest corner to its southeast corner, which reflects an elevation increase from 58.39 feet to 68.28 feet above mean sea level. Groundwater is located at a depth of approximately 40 feet below ground surface. Per the Seismic Hazard Zone Report for the Niles 7.5-Minute Quadrangle, Alameda County, California (2004), the historic high groundwater level at the site is approximately 30 feet below ground surface. Portions of the Project site are located in Zone X, which corresponds to areas outside the one-percent annual chance floodplain, and Zone AH, which corresponds to floodplain areas subject to a one-percent chance of annual shallow flooding.

There are no large open bodies of water, streams or rivers located on the Project site. An earthen channel is located west of the site on an adjacent Alameda County Flood Control and Water Conservation District property. The Project is not susceptible to seiche activity. The site is located more than five miles from San Francisco Bay

and thus not susceptible to coastal hazards (tsunami, extreme high tides, or sea level rise), nor is it located in an area subject to mudflows.

Regulatory Framework

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

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

The State Water Resources Control Board (SWRCB) administers the statewide NPDES program. Stormwater discharges associated with construction and land disturbance activities are regulated under the Construction General Permit (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended). This permit applies to projects that have one or more acres of soil disturbance. The permit requires that a project develop and implement a construction site stormwater pollution prevention plan (SWPPP) that specifies management activities, including stormwater best management practices (BMP), erosion and sedimentation controls, run-on and runoff controls, and dewatering procedures for nuisance-water removal. The Project would seek coverage under the Construction General Permit by filing permit registration documents with the SWRCB and developing and implementing a SWPPP. Compliance with the Construction General Permit is overseen and enforced by the San Francisco Bay Regional Water Quality Control Board (RWQCB).

The San Francisco Bay RWQCB also regulates stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo under a single Municipal Regional Permit (Order No. R2-2015-0049, NPDES Permit No. CAS612008). This permit includes provisions for new development and redevelopment projects. Provision C.3 requires source control, site design, and stormwater treatment measures to address stormwater pollutants and to prevent increases in flow rates from developed areas. Projects are required to evaluate opportunities for incorporating low impact development strategies, such as self-treating/self-retaining landscape areas, stormwater re-use, on-site infiltration, and evapotranspiration. If these methods are not compatible due to specific site constraints, the permit allows for the use of natural, landscape-based stormwater treatment measures as alternative means of providing stormwater management. Treatment measures must be hydraulically sized to treat the runoff and are required to be regularly maintained. The Alameda County Clean Water Program C.3 Stormwater Technical Guidance Manual (Clean Water Program, 2016) provides specifications for specific types of treatment measures, including bioretention areas.

The City of Fremont has design standards that address drainage, including provisions from the FMC Chapter 18.210, Stormwater Management and Discharge Control, with guidance from the Alameda County Hydrology and Hydraulics Manual (Alameda County Flood Control and Water Conservation District, 2016).

1.10.2 Discussion

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

Construction

Construction activities, such as grading, vegetation removal, excavation, and backfilling, have the potential to affect surface water quality. Disturbed soils temporarily exposed to the erosive forces of wind, rain, and stormwater runoff could be released to nearby drainages and stormdrains. In addition, stormwater runoff could be contaminated with chemicals used during construction (such as fuels, oils, and solvents) as the result of the daily use, transportation, and storage of these materials, or from contaminants remobilized from areas of existing soil contamination at the Project site. Construction activities also have the potential to impact groundwater quality if groundwater is directly exposed to construction contaminants, such as after hazardous material spills.

Because disturbed areas within the Project site would be greater than one acre, the Project would obtain coverage under the SWRCB's Construction General Permit. As part of the Construction General Permit, the contractor would prepare and implement a SWPPP that specifies BMPs to avoid and minimize the discharge of pollutants from the site throughout the construction period. 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.

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. Groundwater quality could also be adversely affected if poor-quality water or chemicals enter a well from the surface and that well provides a conduit for contaminants to enter the groundwater. One existing cathodic protection well is located on the Project site in the area just south of the commercial building's footprint. The area of the well is to be improved with Building A, therefore requiring its destruction. The developer will obtain a permit from ACWD for destruction of the well. Well removal would eliminate a potential groundwater contamination source.

As discussed in Section 1.9, Hazardous Materials, there is evidence of historic contamination at the site. The Project includes excavation of areas of contaminated soils, and Mitigation Measure HAZ-1 requires that such activities be undertaken in a manner that ensures proper soil handling and transport such that accidental release would be avoided. The BMPs required by the Project SWPPP would also be applicable during soil remediation activities, and implementation of these BMPs would reduce the potential for contaminants to be mobilized by stormwater during site remediation activities.

In summary, the developer would implement measures to reduce potential erosion impacts during construction in accordance with the aforementioned regulations, and would destroy a single on-site well in accordance with ACWD requirements. Mitigation Measure HAZ-1 would also require the Project proponents to implement appropriate controls during remediation of historic contamination prior to development at the site. Therefore, construction of the proposed Project would not substantially degrade water quality, and impacts related to the potential violation of water quality standards and substantial degradation of water quality would be less than significant with mitigation incorporated. This impact will not be further addressed in the EIR.

Operation

By introducing new impervious surfaces in the watershed, the proposed residential development and site improvements could increase the volume of stormwater runoff at the site and affect downgradient areas. Hydromodification, which refers to the change in timing, peak discharge, and volume of runoff caused by land development, can contribute to faster flow rates and greater runoff volumes, potentially increasing erosion in downstream areas. Water quality can also be affected by common pollutants that are discharged from urban watersheds (e.g., sediment, trash, oil/grease, etc.). Because the Project would add more than 10,000 square feet of impervious surfaces to the site, the Project is required to comply with San Francisco Bay RWQCB's Municipal Regional Permit, with guidance from the Alameda County Clean Water Program C.3 Stormwater Technical Guidance Manual (Clean Water Program, 2016). 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 treatment measures and other appropriate source control and site design features to reduce the pollutant load in stormwater discharges and to manage runoff flows. Consistent with the Municipal Regional Permit's C.3 requirements, the storm drainage system would be designed to mimic existing drainage patterns and treat stormwater runoff from developed areas within on-site biotreatment facilities.

Of the 3.45-acre Project site, approximately 2.70 acres would be improved with impervious Project features (site area, less 0.43 acres of permeable paving and 0.32 acres of landscaping). The Project would include 52 drainage management areas, each with designed receiving facilities for treatment. These low-impact development treatment measures consist of bioretention areas, flow-through planters, and permeable pavement. Bioretention areas consist of a soil and plant-based filtration device that removes pollutants through a variety of physical, biological, and chemical treatment processes. A bioretention basin distributes stormwater runoff evenly along a ponding area, allowing water velocities to slow and particulates (and particulate–bound contaminants) to settle. Stormwater then percolates through the soil to an underlying rock layer, and to the underlying aquifer or to an underdrain. The bioretention basin provides an opportunity for soil bacteria to degrade trapped contaminants.

The bioretention basin would treat the stormwater runoff prior to it being discharged to the public storm drain system.

In summary, the Project applicant would implement post-construction stormwater management in accordance with the aforementioned regulations. The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern nor substantially degrade water quality. The Project would be required to connect to the existing public sanitary sewer and storm drain systems that serve the area, and would obtain its water from existing piped public water mains serving the site. A less than significant impact would result.

Potential Impact: Less than Significant
Mitigation: None required

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

The amount of existing impervious surface area on the site is 120,520 square feet (2.77 acres). The amount of proposed impervious surface area on the site resulting from Project activities is 117,656 square feet (2.70). The net effect of the proposed Project would be a decrease in the total amount of impervious surfaces and thus the amount of recharge to the underlying groundwater aquifer would be increased. This would reduce run-off rates from existing site conditions. The proposed Project has been designed to include features that retain runoff from impervious areas on the Project site in accordance with the Alameda County Clean Water Program guidelines. Guidelines for new development and redevelopment projects include the following site design measures that encourage on-site filtration:

· Direct roof runoff into cisterns or rain barrels for use, or onto vegetated areas.

· Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.

· Direct runoff from driveways/uncovered parking lots onto vegetated areas.

· Construct sidewalks, walkways, and/or patios with permeable surfaces.

· Use micro-detention, including distributed landscape-based detention.

· Plant or preserve interceptor trees.

The proposed Project includes low and medium water use plantings in landscaped areas and bioretention areas to treat stormwater runoff from the Project site. Incorporation of these drainage design measures in accordance with C.3 provisions and Alameda County Clean Water Program guidelines would help minimize flows off-site and encourage on-site infiltration.

Development of the site would not involve groundwater extraction. Therefore, the proposed Project would not lower the groundwater table locally as a result of groundwater extraction or substantively reduce groundwater recharge at the site.

In summary, despite a potential reduction in the amount of infiltration that would occur on-site due to an increase in impervious surfaces, the proposed biotreatment retention areas would encourage on-site infiltration and, because no groundwater extraction would occur, the potential impact of the project on regional groundwater levels would be less than significant. The Project would not utilize groundwater supplies nor would the construction of the Project interfere with groundwater recharge, as the site is already largely covered in impervious surface. As discussed in the Public Utilities section of this Initial Study, the Alameda County Water District has confirmed that it is capable of meeting the Project's water demands without significantly impacting its supplies or its distribution system, such that groundwater use in not necessary. As such, the Project would have a less than significant impact with regard to groundwater supplies and recharge and would not impede groundwater management.

Potential Impact: Less than Significant
Mitigation: None required

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

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

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

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) Impede or redirect flood flows?

The Project site is located in an urban watershed served by municipal storm drains. Soils are primarily clay and sand and the site is of generally flat topography, with a 1.8% slope increase from its northwest corner to its southeast corner, which reflects an elevation increase from 58.39 feet to 68.28 feet above mean sea level.

The Project site currently contains 2.77 acres of existing impervious surfaces. The proposed Project would alter the existing drainage patterns by creating new impervious surfaces (2.70 acres total) as well as landscaped areas and areas of permeable paving. The Project would not alter the course of a stream or river.

The Project would be required to include drainage control features in accordance with Municipal Regional Permit and Alameda County Clean Water Program requirements. Stormwater runoff from the new structures and other impervious surfaces would be managed through the incorporation of a permanent biotreatment and landscaped areas. Because the bioretention facilities would be designed to drain over a couple of days, instead of immediately releasing water from the site in direct response to precipitation, the bioretention facility would reduce the magnitude of, and change the timing of, peak runoff from the site. Although changes in the drainage patterns of stormwater runoff would occur due to the proposed layout of the buildings and location of roof drains, implementation of drainage control requirements would not substantially alter drainage patterns such that erosion, siltation, or flooding on- or off-site would occur.

The Project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Run-off from the Project's 52 drainage management areas would drain to designated receiving facilities for treatment. These low-impact development treatment measures consist of bioretention areas, flow-through planters, and permeable pavement. The amount of impervious surface area for the Project would be 117,656 square feet, a figure lower than the pre-Project impervious surface area at the site, 120,520 square feet. One-hundred percent of the run-off from the Project's impervious surfaces would be treated on-site within the aforementioned low-impact development measures. Run-off would ultimately discharge into the public storm drain system via a new piped system that would be constructed on the site. Therefore, Project impacts with regard to drainage would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

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

The Project site is recognized as being located within a Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA), specifically Zone AH, which carries a one-percent annual chance of shallow flooding, usually ponding, with an average depth of 1 – 3 feet. Zone AH has an approximate base flood elevation of 66 feet. To reduce flood losses, the lowest floor of buildings in flood hazard areas must be at least one-foot above the base flood elevation. Through the import of approximately 17,900 cubic yards of fill, the grade of the Project site would be increased to a minimum elevation of 66 feet, and the finished first floor levels of Project buildings would be at 67.5 feet (Building A) and 67.2 feet (Building B), for compliance. A Conditional Letter of

Map Revising based on Fill (CLOMR-F) application has been filed with FEMA for removal of the site from Special Flood Hazard Area maps based on these Project conditions. With the decreased likelihood of inundation based on Project design, the Project would have a less than significant impact with regard to inundation-related pollutant release.

Potential Impact: Less than Significant
Mitigation: None required

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

As discussed in subsection a), construction activities such as grading, vegetation removal, excavation, and backfilling could result in the Project site becoming vulnerable to erosion. Because the overall footprint of construction activities would exceed one acre, the Project would be required to comply with the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, NPDES No. CAS000002; as amended by Orders 2010-0014-DWQ and 2012-006-DWQ) (Construction General Permit). Also as discussed in subsection a), the City of Fremont requires the implementation of BMPs provided through Alameda Countywide Clean Water Program, of which the City of Fremont is a member (Clean Water Program, 2015). These state and local requirements were developed to ensure that stormwater is managed and erosion is controlled on construction sites. The BMPs would include, but would not be limited to, physical barriers to prevent erosion and sedimentation, construction of sedimentation basins, limitations on work periods during storm events, use of infiltration swales, protection of stockpiled materials, and a variety of other measures that would substantially reduce or prevent erosion from occurring during construction. The grading and building plans submitted by the applicant must demonstrate compliance prior to issuance of building permits. Through compliance with the regulations discussed above, impacts associated with water quality and soil erosion during construction would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

1.11 LAND USE AND PLANNING

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

1.11.1 Environmental Setting

City of Fremont General Plan

The City of Fremont General Plan (General Plan) was adopted by the City Council on December 13, 2011. The General Plan functions as a high-level statement of the community's vision, as well as an on-the-ground tool used by the City to make development decisions. It provides a vision for the management and development of the City over a 25-year period. The 2011 General Plan aims to establish a flourishing downtown, increase jobs to match an increasing resident workforce, provide a diversity of housing types, and prioritize pedestrian-oriented commercial districts. The General Plan also addresses the overarching vision of Fremont as a "green" city through goals and policies to meet climate change objectives, reduce solid waste, and enhance pedestrian and cycling networks.

The Project site is located within the Irvington Community Plan Area, which is heavily urbanized and containing a diverse mix of residential and non-residential (commercial, industrial, and institutional) uses. Osgood Road, a four-lane Primary Arterial roadway with a center median that extends the length of the majority of the site, fronts the site for a length of approximately 422 feet. Uses in closest proximity to the site include, to the north, a 1,456-square-foot single-family residence; to the south, the under-construction Osgood Residences project, which consists of a five-story, 59-foot-tall condominium building that will contain 93 units; to the east, across Osgood Road, site of the approved Serra Apartments by St. Anton project, which consists of a six-story, 62-foot-tall apartment building that will contain 179 units, a 936-square-foot single-family residence, and a two-story, 16,039-square-foot commercial building; and to the west, BART and Union Pacific rail alignments and beyond that, beginning at roughly 200 feet from the Project site, a residential neighborhood of predominantly single-family homes.

The Project site has a General Plan designation of Urban Residential, which permits multifamily residential projects with a density range of 30 – 70 dwelling units per acre. Sites with this designation are intended to be developed with the highest residential densities allowed in the City and are limited to the City Center and around the City's existing and planned BART Stations. Development envisioned for these sites would consist of mid- and high-rise residential and mixed-use developments typically containing four or more floors and having densities of up to 70 units per acre. Sites with this land use designation that are also located within a TOD Overlay District are required to have a minimum density of 50 units per acre. The proposed Project features possible net-densities of 82.3 units per acre and 83.5 units per acre. These densities factor in bonus units afforded to the Project as a result of the inclusion of either low-income (10% of Project base unit total) or very-low-income (5% of Project base unit total) units. The Project's base density, pre-bonus units, is 70.1 units. Because density bonus units are applied to the base density maximum, the Project is considered consistent with the land use designation.

Irvington Community Plan Area

The Project site is identified in the Community Plans Element as within the Irvington Community Plan Area. A number of policies apply to the proposed Project, including:

> COMMUNITY PLANS POLICY 11-6.11: Osgood Road Corridor – *Encourage high-density residential development along Osgood Road south of the new BART Station. Development should be designed to facilitate safe, convenient pedestrian access to the station. The area along Osgood Road south of Blacow Road should remain Service Industrial.*

City of Fremont Zoning Ordinance

The Project site is zoned R-3-70(TOD) (Multifamily Residential with Transit-Oriented Development Overlay District). This zoning district is intended to house multifamily residential development around major transit stations and within the City Center at the highest densities allowed anywhere in the City at 50-70 units per acre. The Project's base density of 70.1 units per acre (242 units / 3.45 net acres) is consistent with the density allowance of the R-3-70 zoning district, pursuant to FMC Sections 18.90.050(a) and 18.90.050(b)(2)(B). The TOD overlay district also requires a minimum density of 50 units per acre, under FMC Section 18.152.060.

The Project site is not zoned with a combining or overlay district that would indicate potential safety hazards, historic resources, or natural resources that require special consideration. As mentioned in the Project Description, a Modification of Zoning Standards request would be made to permit the roof deck shade structures atop each of the two buildings to exceed the allowable height (65 feet) of the site's zoning district (R-3-70). FMC Section 18.50.070 contains the required findings that must be made for a Modification of Zoning Standards request. These findings include establishing consistency with General Plan policies.

1.11.2 Discussion

a) Physically divide an established community?

The Project would not include any new features (i.e. berm, roadway, etc.) that would result in a barrier or physically divide an existing community. The Project is an infill development within an urban area envisioned for high-density TOD projects similar to what's being proposed. The nearest residential neighborhoods are physically separated from the Project site by the ACWD channel and BART/Union Pacific rail alignments to the west and the rising hillsides east of the Osgood Road. No impacts would thus result.

Potential Impact: No Impact
Mitigation: None required

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

At a proposed base density of 70.1 dwelling units per acre, the proposed multi-family residential Project would be consistent with the underlying Urban Residential, 30-70 Dwelling Units per Acre General Plan land use designation, as well as the R-3-70 (Multifamily Residential) and Transit-Oriented Development (TOD) Overlay District zoning districts, which allow for a density range of 50.1 to 70 units per acre.

Furthermore, the Project would be developed in conformance with all applicable R-3-70 and TOD Overlay District zoning standards, with the exception of rooftop canopies proposed over each building's roof deck areas. The canopies would cover approximately 1,600 square feet of Building A's rooftop and approximately 1,800 square feet of Building B's rooftop. Each canopy would stand 12 feet above the proposed buildings' roof deck level, which for Building A is at 63'-2" and for Building B is at 63'-6", both figures under the 65-foot maximum building height allowance in the R-3-70 zoning district. The canopies will require approval of a Modification of Zoning Standards permit for an increase in structure height. The canopies have been designed and integrated as

architectural components to the buildings upon which they would stand. Their sides would remain open, with columns (not solid walls) providing structural support. The canopies would also feature a partially-open roof system that has been designed to accommodate solar panels, which would help reduce the Project's consumption of energy from outside sources. In total, the canopies would cover approximately 3 – 4% of each building's rooftop area.

There is no specific plan or habitat conservation plan applicable to the Project site. The proposed Project would be consistent with the development density established in the General Plan, the uses allowed per the site's zoning designation, and would not conflict with any policies or regulations adopted for the purpose of avoiding or mitigating an environmental impact. A less than significant impact would result.

Potential Impact: Less than Significant
Mitigation: None required

1.12 MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources.				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

1.12.1 Environmental Setting

The Project site is currently developed with Commercial, warehouse, and single-family residential uses. It is located in an urbanized area with a diverse range of land uses occupying developed lots in the Project's vicinity. There is no known history of significant mineral resources in the Project area.

The General Plan's Conservation Element provides a framework for decision making in regards to the conservation, management and utilization of natural resources. Mineral resources within City limits include construction aggregate (sand, gravel and crushed rock); salt; and other resources (clay, mineral springs, and limestone). These resources are designated by the State as regionally significant, however there are currently no active mining operations.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed Project related to mineral resources include:

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

1.12.2 Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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

Potential Impact: No Impact
Mitigation: None required

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Project site is not a locally important mineral resource recovery site delineated on the City's General Plan, any specific plan, or other land use plan. Therefore, no impact would result.

Potential Impact: No Impact
Mitigation: None required

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

1.13.1 Environmental Setting

The relatively flat, 3.45-acre Project site is located on the east side of Osgood Road, a Primary Arterial, between Washington Boulevard (north) and Blacow Road (south). Adjacent to the site, located approximately 105 feet and 175 feet to the east, respectively, are north- and south-bound BART tracks and an active Union Pacific railroad track. Noise-sensitive land uses in the vicinity of the Project site include the single-family residence abutting the site to the north, the under-construction 93-unit Osgood Residences project abutting the site to the south, and the predominantly single-family residential neighborhood located to the west, across the aforementioned tracks, approximately 200 feet from the site. Sensitive land uses on the east side of Osgood Road adjacent to the site include the approved but not-yet-constructed 179-unit Serra Apartments by St. Anton multifamily residential project and a single-family home.

Existing ambient noise levels at the Project site, including noise from traffic and rail activity and stationary sources such as mechanical ventilation system operations and landscape and maintenance equipment activities, were monitored between February 13-15, 2018. The resulting 24-hour average ambient noise levels were between 71-73 dBA, and the hourly average noise level was 70 dBA.

- In accordance with Fremont General Plan Policy 10-8.1, the maximum acceptable outdoor noise level for outdoor areas in single-family and multi-family residential uses is an Ldn of 60 dBA; however, the maximum conditionally acceptable outdoor noise level is an Ldn of 75 dBA. A 60 dBA Ldn goal will be applied where outdoor use is a major consideration, such as recreation areas in multifamily housing. Per the General Plan:
- Railroad noise sources may create instances when the outdoor noise exposure can exceed 65 dBA Ldn up to 70 dBA Ldn for future development, recognizing that train noise is characterized by relatively few loud events. These levels would be applicable to common open space areas in multifamily developments, and are used to guide the design of developments.
- The maximum indoor noise level for new residential projects is an Ldn of 45 dB(A), while the maximum instantaneous noise level (or Lmax) from such temporary sources as train horns is 50 dBA in bedrooms during the night and 55 dBA in bedrooms and all other habitable rooms (such as living rooms, offices, kitchens, etc.) during the day.

Regulatory Framework

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

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

This discussion is based in part on the following documents:

- Noise Impact Analysis, prepared by FirstCarbon Solutions, dated December 2, 2019

1.13.2 Discussion

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

Traffic Noise Compatibility

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate existing and future traffic noise conditions in the vicinity of the Project site. The modeling found that traffic noise levels along the Osgood Road segment adjacent to the Project site would range up to 67.2 DBA under existing plus Project traffic conditions, an increase from the existing 67 dBA. These traffic noise levels are within the City's conditionally acceptable land use compatibility range (60 dBA – 75 DBA) for new residential land use development.

Exterior-to-Interior Noise

The Project would locate new multifamily units beginning approximately 30 feet west of Osgood Road's westernmost traffic lane. At this distance, traffic noise levels at the façade of Project buildings would be approximately 70dBA. Through a combination of walls, doors, windows, and standard construction in accordance with building code requirements for multifamily residential development a 25 dBA reduction in exterior-to-interior noise levels with the windows/doors closed would be expected to occur. The Project's inclusion of mechanical ventilation systems for each unit would allow for windows and doors to remain closed during warm days for prolonged periods of time. Doing so would reduce traffic noise levels to meet the interior noise level standards of 45 dBA. Therefore, interior noise levels on the eastern side of the Project buildings would meet the City's land use compatibility criteria and be less than significant.

Outdoor Use Spaces

The Project would include four interior, open-air courtyards. These courtyards comprise the Project's required open space total. The courtyards, numbering two per building, would be located on the buildings' podium levels and be surrounded by four floors of units on three sides. The interior courtyards closest to Osgood Road would be located approximately 125 feet from the roadway's centerline. Distance attenuation, shielding provided by the buildings, as well as the elevated level of the courtyards would reduce traffic noise levels to 58 dBA or below, figures lower than the City's 60 dBA exterior noise level goal for multifamily residential common outdoor activity areas. The Project would thus not result in a conflict with the City's adopted outdoor noise compatibility standard and thus impacts would be less than significant.

Railroad Noise Compatibility

Ambient noise monitoring to document noise levels from train activity at the Project site was conducted by Charles M. Salter Associates, Inc. on February 13 and February 15, 2018. The intent of the monitoring was to determine the projected exterior and interior noise levels at the western, track-adjacent facades of the two Project buildings. Railroad noise levels at the location of the buildings' edge at a height of 12 feet above grade measured 68.5 dBA, a figure below the City's acceptable threshold of 70 dBA for outdoor areas impacted by train noise.

Exterior-to-Interior Noise

As previously mentioned, the combination of walls, doors, windows, and standard construction in accordance with building code requirements for multifamily residential development would provide a 25 dBA reduction in exterior-to-interior noise with the windows closed. The Project's inclusion of mechanical ventilation systems for each unit would allow for windows and doors to remain closed during warm days for prolonged periods of time. The anticipated interior noise levels in the units adjacent/most-proximate to the tracks would be 43.5 dBA, a figure below the City's interior noise level standard of 45 dBA.

Potential Impact NOISE-1: The Project's Noise Impact Analysis found that exterior-to-Interior noise related to vehicle traffic on Osgood Road and rail traffic from the BART and Union Pacific alignments would not result in indoor noise levels exceeding General Plan standards.

Mitigation Measure: The following mitigation measure would ensure final building design incorporates the window types, door types, and mechanical ventilation systems necessary to achieve interior noise-level standards below the threshold of significance provided in the City's General Plan. Mitigation Measure Noise-1 is added to reduce Impact Noise-1 to a less than significant level:

> **Mitigation Measure NOISE-1 (Review of Building Permit Plans)** - Project floor plans, building elevations, and construction details shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit, and a signed letter from the acoustical specialist shall be submitted to the City's inspector and Planning staff stipulating that the design incorporates the noise control treatments necessary to achieve interior noise levels consistent with General Plan standards.

Outdoor Use Spaces

As previously mentioned, the Project's podium-level, open-air courtyards satisfy the Project's common open space requirement. The courtyard located closest to the tracks is located within Building A, approximately 210 fees east of the centerline of the tracks. Distance attenuation, building shielding, and the elevated nature of the courtyard would reduce rail noise levels to below 60 dBA, the City's exterior noise level goal for multifamily residential common outdoor activity areas. The Project would thus not result in a conflict with the City's adopted outdoor noise compatibility standard and thus impacts would be less than significant.

Construction Noise

Construction Traffic Noise

Short-term noise impacts that could occur during Project construction include a resultant increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to the site. Typically, a double of the average daily trip (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, the lowest dBA change that can be perceptible to the human ear in an outdoor environment. Project-related construction trips would not be expected to double the hourly or daily traffic volumes along any roadway in vicinity of the site. Therefore, the transport of workers, equipment, and materials to the site would represent a less than significant noise impact.

Construction Equipment Noise

The loudest pieces of construction equipment expected to operate at the Project site include scrapers, bulldozers, roller compactors, and graders, which produce typical maximum noise levels ranging up to approximately 85 dBA at 50-foot distance. The closest noise-sensitive receptor to the site is the single-family residence located at 41875 Osgood Road, abutting the site to the north. The residence is located approximately 86 feet from the area where the loudest pieces of construction equipment (associated with Building B, the Project's northern building) would potentially operate at the site. At this distance, reasonable worst-case construction noise levels could range up to approximately 85 dBA, intermittently, and average up to 81 dBA.

The Project would comply with the City's standard development requirements for resource protection (FMC Chapter 18.218), which include the following requirements relating to construction noise:

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

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

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

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

(D) The contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

(E) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors.

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

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

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (evening, nighttime, and early morning hours). FMC Chapter 18.160 – Construction Hours limits construction activity for projects located within 500 feet of certain existing uses, including residential, to the hours of 7:00 a.m. – 7:00 p.m. on weekdays and 9:00 a.m. – 6:00 p.m. on Saturdays and holidays; Sunday construction is prohibited.

Potential Impact NOISE-2: The Project site is located in proximity to noise-sensitive receptors. Implementation of Mitigation Measure NOISE-2, in tandem with FMC Chapter 18.218 and FMC Chapter 18.160 standards in effect, would result in Project-related construction noise levels having a less than significant impact to nearby sensitive receptors.

Mitigation Measure: The following mitigation measure would reduce Impact NOISE-2 to a less than significant level by requiring additional noise barriers along the site's property lines adjacent to residential uses, as well as direct public notification of the construction activity schedule and job-site contact for construction noise questions/issues.

Mitigation Measure NOISE-2 (Construction-Related Noise) – Implementation of the following multi-part mitigation measure is required to reduce potential construction noise impacts:

- The construction contractor shall construct temporary noise barriers along the Project site's residential-adjacent north and south perimeters to screen stationary noise-generating equipment. Barrier design shall be subject to review and approval by the Planning Manager prior to installation, which shall occur prior to commencement of site demolition activities.

- The construction contractor shall conduct the direct mailing of a public notice to property owners within a 300-foot radius of the Project site. The notice, subject to review and approval by Planning staff prior to mailing, shall include a summary of the anticipated construction schedule and contact information for the Project's designated on-site complaint and enforcement manager. Mailing of the public notice shall occur prior to commencement of site demolition activities.

Operational Noise

Operational Traffic Noise

A significant impact would occur if the Project would result in a permanent increase in ambient noise levels compared with those that would exist without the Project. The Fremont General Plan Safety Element considers permanent increases in noise levels to be significant if a new development would result in an increase by any of the following levels as measured at any noise sensitive receptor:

- The project would cause the Ldn to increase by 5 dBA or ore but would remain below 60 dBA, or;
- The project would cause the Ldn to increase by 3 dBA or more and exceed 60 dBA, or;
- The project has the potential to generate significant adverse community response due to the unusual character of the noise.

As mentioned in the Traffic Noise Compatibility subsection, the highest traffic noise level increase with implementation of the Project would occur along Osgood Road adjacent to the site. Along this roadway segment, the Project would result in an increase of approximately 0.2 dBA Ldn under existing plus Project conditions. This increase in traffic noise levels would be below the minimum 3 dBA Ldn increase that the City would consider a potential substantial permanent increase in ambient noise levels. Therefore, implementation of the Project would not cause a substantial permanent increase in traffic noise levels in excess of established standards, and the impact of Project-related traffic noise levels on noise-sensitive receptors in the Project vicinity would be less than significant.

Operational Noise Impacts – Stationary

The Project would include new stationary noise sources, including new mechanical ventilation equipment. These would be potential point sources of noise that could affect noise-sensitive receptors in the Project vicinity. The mechanical ventilation would provide air conditioning to the units within the buildings of the proposed Project, which will allow the new residents to keep their windows closed and reduce exterior noise. Noise levels from typical rooftop mechanical ventilation equipment are anticipated to range up to 60 dBA at a distance of 25 feet. The closest noise sensitive receptor is a single-family residence abut the site to the north, 36 feet from the façade of the Project's northern building. Due to distance attenuation and with the shielding provided by the proposed roof parapet, noise levels generated by rooftop mechanical ventilation equipment would attenuate to below 39 dBA at this nearest noise-sensitive receptor, a measurement lower than the City's allowable hourly noise levels for uses adjacent or contiguous to residential, institutional, or similar sensitive uses. As such, operational noise impacts from stationary sources would be less than significant.

Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measures NOISE-1 and NOISE-2.

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

Construction activities are a known source of groundborne noise and vibration. Construction activities for the Project would include the demolition and removal of existing site improvements, site preparation work, excavation, foundation work, and new building erection.

The nearest off-site receptor is a single-family residence located north of the Project site at 41875 Osgood Road, approximately 20 feet from the nearest construction footprint. At this distance, groundborne vibration levels would range up to 0.095 peak particle velocities (PPV) from operation of the types of equipment that would produce the highest vibration levels. These levels do not exceed the Federal Transportation Administration (FTA) Construction Vibration Impact Criteria threshold of 0.20 in/sec PPV for buildings that are of normal conventional construction, where vibration levels could be perceptible but would not result in architectural damage. Therefore, impacts related to the construction-related groundborne vibration impacts would be less than significant.

Operationally, the Project would not include any permanent sources of groundborne vibration. As such, implementation of the proposed Project would not expose persons within the Project vicinity to excessive groundborne vibration levels. Therefore, Project-related groundborne vibration impacts would be considered less than significant.

At present time there are roughly 30 BART trains passing the site each day. Upon future completion of the Irvington BART Station these numbers may increase slightly. To quantify rail vibration from a sample of BART

trains, Charles M. Salter Associates, Inc. measured groundborne vibration levels at two at-grade locations on the site on February 15, 2018, during 12 BART passes (5 north bound and 7 southbound). Measured maximum at-grade vibration levels for passes at the proposed façade of Project buildings were between 48 VdB and 56 VdB, which are all well below the 75 VdB FTA threshold.

Therefore, implementation of the Project would not expose persons at the Project site, or include any permanent sources that would expose persons in the Project vicinity, to the generation of excessive operational groundborne vibration levels exceeding the FTA applicable operational vibration limit threshold as established by the General Plan Policy 10-8.10. A less than significant impact would thus result.

Potential Impact: Less than Significant
Mitigation: None required

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

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

Potential Impact: No Impact
Mitigation: None required

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

1.14.1 Environmental Setting

As discussed in the General Plan EIR, implementation of the General Plan would not induce population growth, since new residential development under the General Plan would accommodate the City's portion of the region's anticipated population growth and would not involve the extension of infrastructure or public services to undeveloped areas to support new residential development. The proposed Project would be consistent with the site's General Plan designation of Urban Residential as it involves a conforming multifamily residential use with a base density of 70.1 dwelling units per acre.

The General Plan EIR estimated 2.5 persons per household within the City's designated Priority Development Areas (PDAs), which is where this Project would be located (see Figure 4: Irvington PDA). At 2.5 persons per household, the Project could generate approximately 710 (284-unit Project option) – 720 (288-unit Project option) new residents, which would not be considered substantial growth in the Irvington PDA, where higher density and residential growth on underutilized infill sites was anticipated in the 2011 General Plan due to the proximity to available services and the planned Irvington BART Station. Vehicle traffic from the proposed Project would access the adjacent Osgood Road right-of-way via two driveways that loop the site, and on-site pedestrian walkways and a pedestrian paseo separating the two Project buildings would connect residents to a new public sidewalk on the Osgood Road frontage that could be used to access nearby services and the planned BART station. Wastewater and other utilities for the proposed Project would be connected to existing facilities adjoining Osgood Road. The proposed Project would, along with other projects in the City, help to accommodate the City's portion of the region's anticipated population growth.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed Project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Elements

1.14.2 Discussion

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The Project consists of up to 288 proposed units on a 3.45 net-acre site (3.51 gross acres, less a 2,709-square-foot public dedication of adjacent Osgood Road right-of-way). This results in a net-density of 83.5 dwelling units per acre. This density figure exceeds the site's underlying zoning (R-3-70; 50.1-70 dwelling units per acre) and

General Plan (Urban Residential; 30-70 dwelling units per acre) density allowances. Per State law and the provisions of FMC Chapter 18.165 – Density Bonus and Affordable Housing Incentives, the Project is entitled to a maximum 20% density increase (i.e. bonus) over the otherwise allowable maximum residential density (70 dwelling units per acre) because of the Project's inclusion of low-income units (10% of Project base total) or very-low income units (5% of Project base total). The 20% density increase would amount to 48 bonus units, or 290 total, which equates to a density of 84 dwelling units per acre. The applicant is proposing up to 46 bonus units for a total Project density of up to 288 units, or 83.5 dwelling units per acre. Correlating zoning in Urban Residential-designated areas includes the higher density R-3 zones, of which the R-3-70 zone is the highest density.

Per the General Plan, the Urban Residential designation corresponds to the City's Priority Development Areas, where transit opportunities such as BART are planned. These areas have an emphasis on infill development and higher density near transit. The Housing Element identifies the Project site as within a Priority Development Area, which are existing neighborhoods near transit where future growth is appropriate for concentration. As previously discussed, the Project is located on an infill site, served by existing public streets and utilities, and would not involve the extension of infrastructure or public services that would induce substantial population growth. As such, Project impacts would be less than significant insofar as the direct or indirect inducement of unplanned population growth through the provision of new homes or indirectly through the extension of roads or other infrastructure.

Potential Impact: Less than Significant
Mitigation: None required

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

The site currently contains two non-residential buildings and a single-family residence. These existing improvements would be removed as part of Project activities. The removal of a single dwelling unit would not have a significant impact on the area's existing population or housing stock. Therefore, the Project would not result in the displacement of a substantial numbers of people or housing or require the construction of replacement housing elsewhere.

Potential Impact: Less than Significant
Mitigation: None required

1.15 PUBLIC SERVICES

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

1.15.1 Environmental Setting

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 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 Protection Services

Fire protection services in the Project area are provided by the City of Fremont Fire Department. In 2015, the Fire Department responded to 2,204 medical and 243 fire emergencies. Emergency Medical Services (EMS) responses account for approximately 88% of all City of Fremont Fire Department responses (City of Fremont Fire Department, 2016). The City strives to maintain a six-minute, 40-second response time for 90% of the time for all emergencies located below the "Toe of the Hill." The average response time is three-minutes, fifty-nine seconds, which surpasses this goal (City of Fremont Fire Department, 2015). The closest station to the Project site is Station 3, located at 40700 Chapel Way, which is less than one mile north of the Project site.

Police Protection Services

Police protection services are provided by the City of Fremont Police Department. The Police Department deploys officers from three separate zones. The Project site is located in Zone 3, which covers the southern portion of the City. The City has one police station, located at 2000 Stevenson Boulevard, which is approximately two miles north of the Project site. In 2015, there were a total of 337 violent crimes, 4,371 property crimes, and 60 highway crimes within the City (State of California Department of Justice, 2016).

Schools

The Project area is located within the service boundaries of Fremont Unified School District (FUSD). The elementary school that would service the Project is E.M. Grimmer Elementary School, which is located approximately one-half mile south/southwest of the Project site at 43030 Newport Drive. The junior high school that would service the Project is Horner Junior High School, which is located approximately ¾-mile west of the Project site at 41365 Chapel Way. The high school that would service the Project site is Irvington High School, which is located approximately ¾-mile west of the Project site at 41800 Blacow Road. The FUSD recently constructed Lila Bringhurst Elementary, a new elementary school within the Warm Springs Community Plan area, to accommodate the anticipated 430 elementary school students resulting from development within the Warm Springs Community Plan area by the 2021/2022 school year (FUSD, 2015).

Parks and Other Public Facilities

Parks in the vicinity of the Project site include Sabercat Historical Park, located approximately ½-mile east of the Project site, Irvington Community Park, located approximately ¾-mile southwest of the Project site, and Fremont Central Park, located approximately one mile north of the Project site. The City maintains a parkland standard of five acres of parkland per 1,000 residents. A park development impact fee is applied to new residential development to maintain this ratio (General Plan Policy 8-1.2) (City of Fremont, 2011).

Regulatory Framework

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

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

1.15.2 Discussion

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

Fire and Police protection?

The Fremont Fire and Police Departments currently provide fire and police protection to the Project site and would continue to do so in the future. The proposed Project would develop up to 288 new dwelling units on the Project site and add an estimated 720 persons to the City's population. The associated increase in the demand for fire suppression, emergency medical services, or police protection services would not be substantial and would be typical of demand from surrounding uses. Because the site is an infill site, nearby services and patrols are already available. The closest Fire Station, Fire Station 3, is located at the corner of Chapel Way and Max Drive, which is less than a mile from the Project site and within the City's response time goal. The proposed Project has been reviewed in coordination with the Fremont Fire and Police Departments and been found to not require the provision of new or physically altered stations or facilities, therefore impacts would be less than significant.

Schools?

The Project site is within the Fremont Unified School District (FUSD). The proposed Project would develop up to 288 new dwelling units on the Project site. Using a standard student generation rate of 0.1413 students/multi family dwelling unit, the proposed Project could add potentially 41 students to the District. Per the Fremont Unified School District website, enrollment within the district is approximately 35,000 students. The proposed Project's estimated 41 students would represent an increase of slightly more than 0.1 percent. This increase would not be significant enough to necessitate new or expanded school facilities. FUSC collects Level III school impact fees, which would be collected before issuance of building permits for the Project. Consistent with General

Plan policy 9-9.1, the City has coordinated with the School District on Project plans so the District can plan facility needs accordingly. Government Code Section 65996 allows for the payment of school fees to provide full and complete mitigation. As such the proposed Project would have a less than significant impact on schools.

Parks and Other Public Facilities?

The proposed Project would develop up to 288 new dwelling units on the Project site, which would add an estimated 720 persons to the City's population. This would be expected to yield a small increase in demand for use of parks, libraries, or other public facilities, but not enough to require new or expanded facilities. The proposed infill Project, which would be located in the Irvington Priority Development Area and would be consistent with General Plan policy and would be subject to payment of park impact fees. Payment of the required development impact fees by the applicant prior to the issuance of building permits for the proposed Project would result in the Project having a less than significant impact on parks and other public facilities.

Potential Impact: Less than Significant
Mitigation: None required

1.16 RECREATION

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

1.16.1 Environmental Setting

The Project site consists of three developed lots totaling 3.45 acres. None of the lots feature public recreation facilities. The City collects development impact fees for new parks based on the provision of five acres per 1,000 residents. Based on the estimated 720 new residents that could be generated by the Poject, approximately 3.6 acres of parkland would be required to maintain the City's parkland standard. Impact fees may be used only for acquisition and development of parkland, not for maintenance or operation. The General Plan EIR found that, as long as the established standard of five acres of developed parkland per 1,000 Fremont residents is met during the operational life of the General Plan, existing parks and recreational facilities would not be expected to become overused or subject to premature deterioration as the local population grows, and implementation of the General Plan would have a less than significant impact on the operation of existing park and recreational facilities.

The City of Fremont's Recreation Services Division provides parks and recreation facilities and services to the City. These facilities include four community centers, three program centers, various parks, a sports complex, tennis center, Fremont Park Golf Club, and Olive Hyde Art Gallery. The Recreation Services Division also provides residents access to a variety of classes and summer camps. The Park Maintenance and Urban Forestry Division is responsible for maintaining the City's 52 parks, which have a sum area of 850 acres. The proposed Project is located near three City parks:

- The 406.5-acre Sabercat Historical Park, located approximately ½-mile east of the site (multiple entry points)
- The 11.1-acre Irvington Community Park, located approximately ¾-mile southwest of the site (multiple entry points)
- The 115.1-acre Fremont Central Park, located approximately one mile north of the site (multiple entry points)

Regulatory Framework

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

- City of Fremont General Plan Parks and Recreation Element

1.16.2 Discussion

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

The proposed Project would likely result in an increase in the use of City parks, primarily Central Park, which is located approximately one mile north of the Project site. Demands on existing parks and recreational facilities stemming from Project development would not, however, require the need for new park facilities or result in substantial or accelerated deterioration of existing facilities. Both Project buildings would feature ground floor fitness centers, and podium-level courtyard areas and a roof deck for passive recreational use to partially off-set demands. A less than significant impact would thus result.

Potential Impact: Less than Significant
Mitigation: None required

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

In accordance with the City's development standards for multi-family development, the Project would provide both common and private open space provisions. Private open space would consist of minimum 60-square-foot patios and balconies for each unit, and common open space would consist of ground floor fitness centers within each building, two podium-level courtyards per building, and one roof deck per building. The Project would also be required to pay park dedication and park facilities in-lieu fees to contribute to the maintenance of existing parks. Thus, no new or expanded recreation facilities would be required and a less than significant impact would result.

Potential Impact: Less than Significant
Mitigation: None required

1.17 TRANSPORTATION

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

1.17.1 Environmental Setting

The 3.45-acre Project site is located on the east side of Osgood Road, a north-south Primary Arterial with two traffic lanes in each direction. Class II Bike Lanes – a striped and signed lane for one-way bike travel between the traffic lane(s) and the sidewalk – exist on both sides of Osgood Road in the vicinity of the site. Two Alameda-Contra Costa (AC) Transit bus service routes currently operate in the vicinity of the site. AC Transit Route 215 operates between the Bay Area Rapid Transit (BART) Fremont Station and Northwestern Polytechnic University via Osgood Road. The nearest Route 215 stop is located at the Osgood Road/Blacow Road intersection, approximately 1,300 feet south of the Project site. AC Transit Route 210 connects the Union Landing Transit Center and Ohlone College via Washington Boulevard. The nearest Route 210 stop is located at the Osgood Road/Washington Boulevard intersection, approximately 1,800 feet north of the Project site. Finally, the Project site is located approximately 2.5 miles from the Fremont BART Station and approximately 2.0 miles from the Warm Springs/South Fremont BART Station. The future Irvington BART Station will be located on Osgood Road approximately 1,400 feet north of the Project site. The Irvington BART Station is anticipated to open by the year 2026. Presumably, once the new Irvington BART Station is operational, other transit agencies, such as AC Transit, would alter existing routes or create new ones to serve the new station, thereby further increasing potential transit options within the Project area.

Regulatory Framework

Local regulations that pertain to the proposed Project related to transportation include:

- City of Fremont General Plan Mobility Element
- City of Fremont Transportation Impact Analysis Handbook
- VMT Analysis Approach and Mitigation Summary Report

This discussion is based in part on the following documents:

- Traffic Operations Analysis, prepared by WTrans, dated March 9, 2020
- Transportation Demand Management Plan, prepared by TDM Specialists, Inc., dated September 30, 2019

1.17.2 Discussion

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

In March 2020, W-Trans completed a Transportation Operations Analysis for the Project. The effort, overseen by City Transportation staff, evaluated traffic operations on the adjacent transportation facilities and any changes that would result from adding traffic from Project development. Based on the Project scope (up to 288 multifamily residential units – 162 or 166 apartments and 122 condominiums) the analysis estimated the Project would generate 1,567 daily trips, including 104 AM peak hour trips and 127 PM peak hour trips. When trip generation counts from the site's existing uses were considered, the Project is expected to generate 1,376 net-new trips per day, including 74 net-new trips during AM peak hour and 95 net-new trips during PM peak hour.

Standard practice exercised by the City of Fremont typically requires a detailed transportation impact analysis (TIA) for projects generating 100 vehicle-trips or more during the weekday PM peak hours. This threshold is consistent with the threshold used by Alameda County Transportation Commission (ACTC) for determining whether a land use project requires preparation of a TIA to evaluate potential impacts to regional roadways in the surrounding area that are designated as part of the Congestion Management Program (CMP) network. The Project would generate only 93 new weekday PM peak trips, which is below the City and ACTC thresholds for requiring a detailed TIA to determine potential transportation impacts.

The Project involves removal of an approximately 140 linear foot segment of the 12'-wide median separating north- and south- bound Osgood Road traffic lanes south of the site, in front of the adjacent 42111 Osgood Road property, location of the under-construction Osgood Residences project. The median would be replaced with a dual left-turn lane that could be used to access the site's southern driveway, which would be shared by both the Project and the adjacent Osgood Residences development. The W-Trans analysis found that adequate sight lines exist for safe vehicle movements in this scenario and that a left-turn option exiting the site at this southern driveway would reduce vehicle wait times at the signalized Osgood Road / Blacow Road intersection.

The Project would be subject to the City of Fremont's traffic impact fee, which would be directed towards funding various intersection and roadway improvements, including those that support multi-modal transportation (bicycle, pedestrian, mass transit) identified in the General Plan and would further reduce any potential effects of the Project on the circulation system. As such, the Project would not generate a significant amount of traffic or conflict with any applicable congestion management plans or transit, roadway, bicycle, or pedestrian facilities. The Project would thus have a less-than-significant impact and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

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

In response to Senate Bill 743 (SB 743), which removed the use of vehicle level of service (LOS) as a CEQA threshold of significance, the Office of Planning and Research (OPR) has updated the CEQA Guidelines to include new transportation-related evaluation metrics, including vehicle miles traveled (VMT). On June 9, 2020, the Fremont City Council approved General Plan text amendments to implement a new VMT-based transportation analysis policy, with VMT-based thresholds of significance, in conformance with SB743 and the CEQA Guidelines. For residential projects like the subject proposal, the City's adopted VMT threshold of significance is 85% of the existing average per capita, citywide VMT. The City of Fremont citywide average per capita VMT is 23.7. The required VMT threshold of significance for the subject multi-family development – the equivalent of a 15% reduction from the City average per capita VMT – is thus 20.2. The specific area VMT average of the Project site is 21.6, a figure already 8.9% below the City average per capita VMT. Therefore, a 6.1% or greater reduction in VMT is necessary to ensure the Project achieves the required total 15% VMT reduction.

The Project would include a number of features that would ensure it falls below the threshold of significance, based on Appendix A – Vehicle Mitigation Measures of the City of Fremont Transportation Impact Analysis Handbook, which identifies possible VMT reduction measures and provides a corresponding highest reduction of VMT percentage possible for each measure. Multiple measures defined in the Project's Transportation Demand

Management Plan, produced by TDM Specialists, Inc., qualify and account for an additional 4% reduction in Project VMT. These measures include:

- Bicycle Amenities – long-term and short-term bicycle parking areas are provided in each building, including bicycle fix-it stations within each building's long-term parking area.
- Transportation Kiosks – a transportation information kiosk would be located in a common area of each building. The kiosks would contain transportation information for commuter programs, including bus schedules, bicycle maps, and ride-matching.
- Transit Subsidies – for the first three years of occupancy, new residents would be provided a $25 a month subsidy for their first three months of residency.
- Transportation Coordinator – a Transportation Coordinator would be assigned by the property management company. They would be responsible for providing commute program assistance to residents, collaborating with transit and rideshare organizations, and conducting annual resident surveys to determine commute patters, mode splits, and TDM program success, among other obligations.
- Alternative Transportation Marketing – on-site transportation fairs and promotional events, bicycle classes, etc.

Additional Project features that would result in quantifiable Project VMT reductions include the unbundling of apartment building parking (spaces for 162 – 166 of the Project's 284 – 288 units), which represents 57% of Project units and qualifies for an additional 4.3% VMT reduction (57% of a maximum possible 7.5% reduction), provided the unbundled parking spaces are priced at $25 per month or more. The applicant has agreed to this pricing level, and as a condition of Project approval the price of apartment building resident parking spaces would be set at no less than $25 per space. The required restriping of northbound Osgood Road, between Washington Boulevard and Auto Mall Parkway, to accommodate a bicycle lane with an added buffer feature for increased vehicle traffic separation, would result in an additional 0.3% reduction in VMT and benefit, among others, bicycle users residing or working at the Project site. In total, Project features would result in an 8.6% reduction in Project VMT from the average VMT for the surrounding area.

Given this reduction, the Project would achieve an average VMT per capita of 19.7, which is approximately 16.8% below the average per capita VMT for the City of Fremont and below the City's residential VMT threshold of significance of 20.2. As such, VMT-related impacts to the Project would be less than significant and no mitigation is required.

As mentioned in the Section 1.17.1, the Project site is located approximately 2.5 miles from the Fremont BART Station, approximately 2.0 miles from the Warm Springs/South Fremont BART Station, and approximately 1,400 feet from the planned Irvington BART station. Additionally, two Alameda-Contra Costa (AC) Transit bus service routes currently operate in the vicinity of the site: AC Transit Route 215, which operates between the Bay Area Rapid Transit (BART) Fremont Station and Northwestern Polytechnic University via Osgood Road, and AC Transit Route 210, which connects the Union Landing Transit Center and Ohlone College via Washington Boulevard. Owing to this access to local and regional transit, it is likely that some Project residents would choose to commute to work and travel throughout the region by means other than a private automobile.

The Project site is located approximately 0.50 miles southeast of the large shopping center located at the corner of Washington Boulevard and Roberts Avenue, which features a full-service grocery store and multiple dining, banking, and service uses. The shopping center is part of a larger commercial node centered around the Irvington District's "Five Corners" area, the heart of which is located adjacent to the shopping center at the intersection of the Washington Boulevard, Fremont Boulevard, and Bay Street roadways. This is a heavily commercial area with a diverse mix of uses that would serve residents of the Project. Given their proximity to the Project site, it is likely many Project residents would walk or bike to these services.

Potential Impact: Less than Significant
Mitigation: None required

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

The W-Trans analysis included a review of on-site geometrics to determine if Project layout would provide adequate circulation and room for interactions between pedestrians walking and vehicles maneuvering through

the parking area or drive aisles. The analysis found internal drive aisles would provide acceptable circulation for motorized vehicles and that there would be clearly marked paths for all pedestrians (including those with disabilities) between building entrances, all parking areas, and the Osgood Road sidewalk. Furthermore, as a multifamily residential development, the Project would not introduce any incompatible uses that would pose a further public hazard. The City of Fremont Public Works Department has reviewed the proposed roadway improvements for consistency with the City's Standard Details for Improvements in the Public Right of Way (City of Fremont, 2014). This document provides design standards for driveways and local streets in order to ensure that Project roadways are designed with safety in mind. Because the proposed Project would be required to comply with the City's Standard Details, it would not be designed in such a way that increases hazards. No impact would thus result.

Potential Impact: No Impact
Mitigation: None required

d) Result in inadequate emergency access?

Construction

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

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

Operations

The City of Fremont Fire Department reviewed the proposed Project and confirmed that it provides adequate ingress and egress for emergency access.

The Project would not alter the circulation pattern on any existing public streets in the vicinity of the development in a way that may result in inadequate emergency access. The Project would not generate excessive vehicle traffic during operation that would impede emergency access on surrounding streets. The Project's operational impacts on emergency access would be less than significant.

The Fremont Fire Department requires that Fire Lane access roadways have a minimum 26-foot unobstructed linear width and minimum inside turn radii of 22.5 feet and an outside radius of 37.5 feet (measured from the same point). Fire Department staff have reviewed the Project and determined that the proposed layout is acceptable. Emergency vehicle access would be provided in the form of a recorded Emergency Vehicle Access Easement (EVAE) benefiting the City's Fire Department over the drive aisle that wraps the Project buildings. No impact would result.

Potential Impact: No Impact
Mitigation: None required

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	☐ Yes		☒ No	
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☒	☐

1.18.1 Environmental Setting

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

In June 2017 the Project applicant requested a California Historical Resources Information System (CHRIS) records search with the Northwest Information Center (NWIC) at Sonoma State University. Base maps that reference cultural resources records and reports, historic-period maps, and literature for Alameda County were referenced during the records search (File No. 16-2046). Review of available information indicates that there were three prior cultural resource studies that covered the entirety of the Project site. These studies identified no previously recorded archaeological resources. Given the site's topography ("on a flat terrace near a hilly area") and location ("less than 200 feet from a drainage into Mud Slough and less than 1,000 feet from an additional unnamed drainage"), the NWIC offered that there's a moderate potential for unrecorded Native American resources to be located in the Project area. However, no further study was recommended.

Additionally, the NAHC provided a list of Native American tribes that may be eligible to consult with the City for the Project, pursuant to the requirements of AB 52; a copy of this list was provided to the City. On August 19, 2019, seven Native American tribal representatives were notified of the Project and given the opportunity to request a consultation. No requests for a consultation were received.

Regulatory Framework

State and Local regulations that pertain to the proposed Project related to tribal resources include:

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

This discussion is based in part on the following documents:

- California Historical Resources Information Systems (CHRIS) record results, prepared by Northwest Information Center – Sonoma State university, dated July 20, 2017

1.18.2 Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

The Project site does not contain any resources that are listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources. Additionally, the site is not adjacent to any sites that contain resources listed or eligible for listing on any historic register. Therefore, the Project would have no impact on a tribal cultural resource listed or eligible for listing.

Potential Impact: No Impact
Mitigation: None required

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

As mentioned in Section 1.18(a), no previously recorded resources have been found at the site. If any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts to the resource resulting from the Project could be potentially significant. However, based on the results of correspondence with the NAHC and the NWIC records search, as well as correspondence with local tribal contacts pursuant to AB52, no known tribal cultural resources listed or determined eligible for listing in the California Register, or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be impacted by the Project. In addition, the City of Fremont did not determine any resource that could potentially be affected by the Project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c).

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

***FMC 18.218.050(c) Cultural Resources**:*

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

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

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

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

(C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.

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

Potential Impact: Less than Significant
Mitigation: None required

1.19 UTILITIES AND SERVICE SYSTEMS

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

1.19.1 Environmental Setting

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

Wastewater

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

Water Supply and Treatment

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

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

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

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

Storm Drainage

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

Solid Waste

Solid waste services in the City of Fremont are provided by Allied Waste Services (AWS) of Alameda County. AWS provides curbside pick-up of recyclables, organics, and garbage and transports materials to the Fremont Recycling and Transfer Station (41149 Boyce Road) for processing. The majority of the garbage is subsequently transferred to the Altamont Landfill, located approximately 30 miles northeast of the site (10840 Altamont Pass Road, Livermore). The Altamont Landfill serves many municipalities in the Bay Area and is anticipated to have disposal capacity through the year 2045.

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

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

1.19.2 Discussion

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

Water

There would be no impacts related to water infrastructure during construction activities. During operations, the quantity and type of water use from the proposed Project is expected to be typical of residential uses. The proposed Project would connect to existing water lines under Osgood Road that are maintained by ACWD. Common water lines would be located within the boundary of the Project and would be owned, operated, and maintained by the Homeowner's Association and/or property management company.

Physical impacts associated with the construction of the Project, including the various utilities including water that are underneath the proposed private street, are evaluated throughout this Initial Study. Construction or expansion of new water lines other than those serving the immediate Project site would not be required.

Wastewater

Wastewater services and facilities would not be available on the Project site during construction. There would be no impacts related to wastewater treatment during construction activities. The operation of the Project would generate wastewater from water usage by its approximately 710 (284-unit Project option) – 720 (288-unit Project option) new residents, including flushing, bathing, and the washing of clothes and dishes. The quantity and type of wastewater generation from the proposed Project is expected to be typical of residential uses.

The proposed Project would connect to existing sewer lines under Osgood Road. Common sewer lines located within the boundary of the proposed Project (e.g. underneath the new private street) would be owned, operated, and maintained by the Project Homeowner's Association and/or property management company.

USD has been informed about the proposed Project and has not indicated that the Project would have a significant impact on existing facilities. USD would also review the specific plans for plumbing connections from the Project's on-site sewer lines to their sewer lines in order to ensure that they are sized to accommodate the anticipated Project volume. The Project would not result in the need for off-site wastewater treatment facilities.

Stormwater

Physical impacts associated with the construction of the proposed Project, including its associated stormwater treatment facilities, are evaluated throughout this Initial Study. Impacts associated with changes in existing drainage patterns, increased stormwater runoff that could exceed the capacity of stormwater drainage systems, and other water quality effects are addressed in Section 1.10, Hydrology and Water Quality.

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

Electric, Natural Gas, and Telecommunications

Electricity, natural gas, and telecommunications infrastructure for the Project site would be provided through an underground trench primarily running underneath Osgood Road. Utility connections are available at the Project frontage, and the Project would not necessitate the construction of additional utility infrastructure beyond that serving the immediate Project site. The physical impacts associated with the construction of the proposed {roject, including utility infrastructure on the {roject site, are evaluated throughout this Initial Study. There would be no unique significant environmental effect caused by electric, natural gas, or telecommunications infrastructure associated with the proposed {roject.

Potential Impact: Less than Significant
Mitigation: None required

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

The proposed Project would increase water demand for the site through the development of up to 288 new residential units. The proposed water usage would be typical of multi-family residential uses and include water for cooking, cleaning, bathing, and landscape maintenance. Given that the proposed Project is consistent with the existing General Plan Land Use Designation for the site, the Project's water demand would have been previously anticipated and planned for in ACWD's Urban Water Management Plan. Alameda County Water District's Demand Forecast includes water assumptions based on the land uses and development intensity adopted in the City's General Plan, which was last updated in December 2011.

ACWD has been informed about the proposed Project and has not indicated that the Project would have a significant impact on existing facilities. The Project is consistent with the provisions of the General Plan and, as noted in the Hydrology Section, ACWD is capable of meeting the Project's water demands without significantly impacting its supplies or its distribution system. A less than significant impact would thus result.

Potential Impact: Less than Significant
Mitigation: None required

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

A review of the Project was conducted by USD staff, who found that the existing sewer mains under the Osgood Road right-of-way and the Alvarado Wastewater Treatment Plan currently have sufficient capacity to serve the Project. Given these findings, no Project-specific Sewer Capacity Study was required by the agency. As such, the proposed Project would have a less than significant impact on wastewater treatment and would not require expansion of existing facilities.

Potential Impact: Less than Significant
Mitigation: None required

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

Construction
As the Project site is developed with two commercial buildings and a single-family house, there would be demolition prior to construction. Construction-related solid waste would be packaging and excess materials from the construction materials used to construct the Project. The City of Fremont requires all applicants to submit a Waste Handling Plan and an Environmental Services Acknowledgement Form prior to beginning any construction.

The Waste Handling Plan must indicate that 50% of all construction debris material will be recycled. The City also requires applicants to submit a Debris Diversion and Disposal Report within 30 days of completion of the Project to ensure that the recycling requirements were met. The diversion of materials from the landfill during construction would ensure that the impact of construction on landfill capacity would be less than significant.

Operation

The Project would be served by the City's franchised waste hauler, Republic Services, in compliance with the applicable standards governing residential solid wastes and recyclables. Operation of the Project would increase the amount of solid waste being produced and disposed of in the Altamont Landfill. The Altamont Landfill has capacity to accept additional solid waste through 2045, an estimate which accounts for anticipated residential growth over that timeframe. The Project would be expected to generate solid waste at a rate typical of single-family residential households. The Project would not generate excessive quantities nor unusual types of solid waste. Thus, the operation of the Project on landfill capacity would be less than significant.

Potential Impact: Less than Significant
Mitigation: None required

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The Project is required to comply with provisions in the FMC, including Chapter 8.40 – Solid Waste, Recyclables, and Organics Management, to ensure that recyclables, organics, other solid waste materials are properly handled, stored, and removed in a safe and clean manner consistent with federal, state, and local management and reduction statutes and regulations. As such, a less than significant impact would result.

Potential Impact: Less than Significant
Mitigation: None required

1.20 WILDFIRE

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

1.20.1 Environmental Setting

The Project site consists of 3.45 acres on the west side of Osgood Road between Washington Boulevard (north) and Blacow Road (south). The site, currently developed with commercial, warehouse, and single-family residential uses, features generally flat topography and is surrounded by a mix of urban uses. The site is located outside the City's designated Fire Hazard Severity Zone, which carries heightened standards for building development and vegetation management. This site is served by Fire Station 3, located approximately one mile north of the Project site.

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

The City of Fremont recently adopted an Emergency Operations Plan (EOP) (City of Fremont 2019) which outlines the framework used by the City should a natural disaster, including a wildfire, occur. Specifically, it provides guidance for personnel assigned to emergency management by delineating the strategic, operational, and tactical initiatives employed by the City in response to an emergency. The EOP assigns authority and responsibility, outlines coordination efforts and communications systems, and identifies and provides the location of predesignated emergency facilities, and resources. The Fire Department is currently working on a City of Fremont Hillside Evacuation Plan and is partnering with neighboring county agencies to collaborate on countywide evacuation planning. The City's Local Hazard Mitigation Plan (City of Fremont 2016) includes risk mitigation plans and strategies pertinent to relevant local hazards including natural disasters such as flooding,

earthquakes, landslides, and wildfire. The plan also identifies key facilities, such as schools, hospitals, and utility infrastructure, which may be especially vulnerable in a disaster scenario.

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

Regulatory Framework

Local regulations that pertain to the proposed Project related to wildfires include:

- City of Fremont General Plan Safety Element

1.20.2 Discussion

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

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

Potential Impact: No Impact
Mitigation: None required

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

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

Potential Impact: Less than Significant
Mitigation: None required

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

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

Potential Impact: No Impact

Mitigation: None required

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

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

Potential Impact: Less than Significant
Mitigation: None required

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

1.21.1 Discussion

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

Based upon background research, site visits, technical studies, and the analysis contained herein, the proposed Project does not have the potential to 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, or reduce the number, or restrict the range, of a rare or endangered plant or animal. As discussed in Section 1.4, Biological Resources, compliance with standard development regulations codified in FMC Chapter 18.218 would reduce such impacts on biological resources to a level less than significant. Furthermore, as discussed in Section 1.5, Cultural Resources, and Section 1.18, Tribal Cultural Resources, compliance with the standard development regulations codified in FMC Chapter 18.218 would reduce such impacts on cultural and tribal cultural resources to a level less than significant and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

As discussed throughout this Initial Study, the proposed Project is in conformance with the General Plan and the development intensity and residential density therein. All potential impacts have been identified, and the mitigation measures contained herein would ensure potential impacts would be less than significant. As such, cumulative impacts would be less than significant or the Project would result in a less than cumulatively considerable contribution to cumulative impacts and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

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

Based upon background research, site visits, and the analysis herein, construction of the proposed project could potentially cause substantial adverse effects on human beings in relation to construction-period air quality, hazardous materials (contaminated soils handling during construction), and construction noise. However, mitigation measures designed to minimize environmental effects in relation to these topics are listed in the relevant sections of this Initial Study, and such mitigation measures would reduce the potential impacts to a less than significant level. All other construction-related environmental impacts would be less than significant. No significant operational impacts that might cause substantial adverse effects on human beings are anticipated from the Project.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Please refer to Section 2.0 – Mitigation Measures for a complete listing

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

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

2.0 MITIGATION MEASURES

Mitigation Measure AIR-1 (Construction Equipment) – During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 4 Interim off-road emission standards. Prior to the issuance of grading permits (and to be updated if necessary to ensure accuracy prior to start of vertical construction), the construction contractor shall demonstrate compliance with this requirement by providing a list of all equipment with engines greater than 50 horsepower to be used, to the satisfaction of the Planning Manager. During construction, the construction contractor shall maintain records concerning their efforts to comply with this requirement, and provide these records upon request to the City's inspector or Planning Manager. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

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

Mitigation Measure NOISE-1 (Review of Building Permit Plans) – Project floor plans, building elevations, and construction details shall be reviewed by a qualified acoustical specialist prior to issuance of a building permit, and a signed letter from the acoustical specialist shall be submitted to the City's inspector and Planning staff stipulating that the design incorporates the noise control treatments necessary to achieve interior noise levels consistent with General Plan standards.

Mitigation Measure NOISE-2 (Construction-Related Noise) – Implementation of the following multi-part mitigation measure is required to reduce potential construction noise impacts:

- The construction contractor shall construct temporary noise barriers along the Project site's residential-adjacent north and south perimeters to screen stationary noise-generating equipment. Barrier design shall be subject to review and approval by the Planning Manager prior to installation, which shall occur prior to commencement of site demolition activities.

- The construction contractor shall conduct the direct mailing of a public notice to property owners within a 300-foot radius of the Project site. The notice, subject to review and approval by Planning staff prior to mailing, shall include a summary of the anticipated construction schedule and contact information for the Project's designated on-site complaint and enforcement manager. Mailing of the public notice shall occur prior to commencement of site demolition activities.

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.

GENERAL SOURCE REFERENCES:

1. Existing land use
2. City of Fremont General Plan – Land Use Element, Community Plans Element and Maps, Housing Element, Safety Element, Mobility Element, Public Facilities Element, Community Character Element and Place Types Manual, Parks and Recreation Element, and Conservation Element
3. City of Fremont Municipal Code – Title 18, Planning and Zoning; Title 12, Streets, Sidewalks & Public Property; and Title 15, Building Regulations
4. Alquist-Priolo Earthquake Fault Zoning Act
5. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
6. Flood Insurance Rate Map (FEMA online)
7. 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 (online)
8. Department of Conservation Important Farmland Map 2010
9. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
10. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
11. CARB Scoping Plan December 2008
12. City of Fremont Greenhouse Gas Emissions Inventory 2005
13. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
14. Local Cultural Resource Maps
15. City of Fremont Transportation Impact Analysis Handbook
16. VMT Analysis Approach and Mitigation Summary Report

PROJECT-RELATED REFERENCES:

A. Site reconnaissance visits by City Planning Division

B. Project Plans prepared by SiliconSage Builders (Architecture) , Thomas Baak & Associates, LLP (Landscape), and BKF Engineering (Engineering) dated May 15, 2020

C. Tree Inventory Report, prepared by HortScience | Bartlett Consulting, dated November 2018

D. Air Quality, Greenhouse Gas Emissions, and Energy Analysis Report, prepared by FirstCarbon Solutions, dated November 26, 2019

E. Biological Resources Assessment, prepared by Albion Environmental, Inc., dated April 6, 2020

F. Historic Resource Preliminary Review, prepared by City of Fremont Planning Division, dated July 9, 2019

G. California Historical Resources Information Systems (CHRIS) record results, prepared by Northwest Information Center – Sonoma State university, dated July 20, 2017

H. Final Geotechnical Investigation, prepared by Rockridge Geotechnical, dated January 7, 2020

I. Noise Impact Analysis Report, prepared by FirstCarbon Solutions, dated December 2, 2019

J. Traffic Operations Analysis, prepared by WTrans, dated March 9, 2020

K. Transportation Demand Management Plan, prepared by TDM Specialists, Inc., dated September 30, 2019

L. Phase I Environmental Site Assessment reports, prepared by Arcadis, dated March 1, 2017

M. Phase II Environmental Site Assessment reports, prepared by Arcadis, dated April 18, 2017