Omaha Way Homes

INITIAL STUDY

September 16, 2020

City of Fremont
39550 Liberty Street
Fremont, CA
94537-5006

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

City of Fremont Initial Study

1 Introduction

Project Title	Omaha Way Homes City of Fremont File No. PLN2018-00192
Lead Agency:	City of Fremont Community Development Department 39550 Liberty Street, 1st Floor Fremont, CA 94538
Lead Agency Contacts:	**Project Planner:** Mark Hungerford, Associate Planner Phone: 510-494-4541 E-mail: mhungerford@fremont.gov **Initial Study prepared by:** Courtney Pal, Planner II Phone: (510) 494-4532 Email: cpal@fremont.gov
Project location:	Unaddressed parcels at the terminus of Omaha Way, Fremont, CA. with APNs: 519-1188-1, 519-1188-2, 519-1189-1 (see *Figure 1: Vicinity Map* and *Figure 2: Site Aerial*)
Project Sponsor:	Hayes Shair Envisuality Group, Inc. 2443 Fillmore St #380-6740 San Francisco, CA 94115 Phone: (415) 855-0384 E-mail: hayes@envisualitygroup.com
Community Planning Area:	Warm Springs
General Plan Land Use Designation:	Residential – Low, 2.3 – 8.7 DU.AC
Zoning	P (existing) Planned District (proposed)

2 Project Description

2.1 Project Site and Vicinity

The project site consists of three parcels totaling 6.84 acres in the southern portion of the City of Fremont adjacent to Interstate 680 (I-680). The project site is accessed via Omaha Way, a stub street located off of Yucatan Drive. The site is long, narrow, and semi-rectangular in shape, though it tapers to narrow points at both the northern and southern end. The project site and vicinity is shown in Figure 2-1. The site has a considerable slope towards the east, from an elevation of approximately 159 feet mean sea level (MSL) to 109 feet MSL. The site is crossed by an identified fault trace associated with the Hayward Fault, and is resultantly located within the Alquist-Priolo Earthquake Fault Zone. The project site was previously excess California Department of Transportation (Caltrans) right-of-way associated with the adjacent I-680, and it does not contain any buildings or structures. Figure 2-2 shows an aerial of the project site.

2.2. Surrounding Land Uses

The project site is bounded by E Warren Avenue to the north, I-680 to the east, and existing single-family residential development to the south and west. The immediately surrounding area, to the west of I-680, consists of single family homes on lots of approximately 6,000 square feet. Across I-680 from the project site is lower density hillside residential development with lot sizes ranging from 15,000 square feet to over three acres.

2.3 Project Characteristics

The project proposes a 13-lot subdivision that would contain 13 new single-family residences. The subdivision would also create six new common parcels. Parcel A would consist of 44,662 square feet of open space area, corresponding with an existing riparian corridor and public storm drain easement, at the northern end of the project site. Parcel B would consist of 38,335 square feet of open space area intended for the recreational use of the project's residents and the community, and would be located in the center of the development opposite of the terminus of Omaha Way. Parcel C and Parcel D would correspond to two segments of the private street providing access to the thirteen single-family homes. Finally, Parcel E and Parcel F would consist of public utility easements, storm drain easements, and bioretention basins along the western boundary of the subdivision. The lot plan is included as Figure 2-3.

The project would rezone the 6.84-acre site from P to a Planned District. The current P zoning designation indicates that, due to existing site constraints, the site is most suited to Planned District development in order to effectuate desirable development patterns. The proposed Planned District zoning would facilitate the construction of homes on this site while minimizing grading on the steep slopes, avoiding riparian areas, providing sufficient setback from the earthquake fault that runs through the project site, and providing sufficient buffer from I-680 to the immediate east of the project site. The proposed residential density of 2.87 units per net acre is at the low end of the permitted density range of 2.3 to 8.7 units per net acre per the site's Low Density Residential General Plan Land Use Designation. As described in the General Plan, the Low Density designation corresponds to most of Fremont's single-family residential neighborhoods. These areas are characterized by subdivisions of detached homes, usually on lots of 5,000 to 10,000 square feet. Low Density areas may also include larger-lot subdivisions in the

Figure 2-1: Project Site and Vicinity Map

Project Site Location Map

Figure 2-2: Project Site Aerial

Project Site Aerial

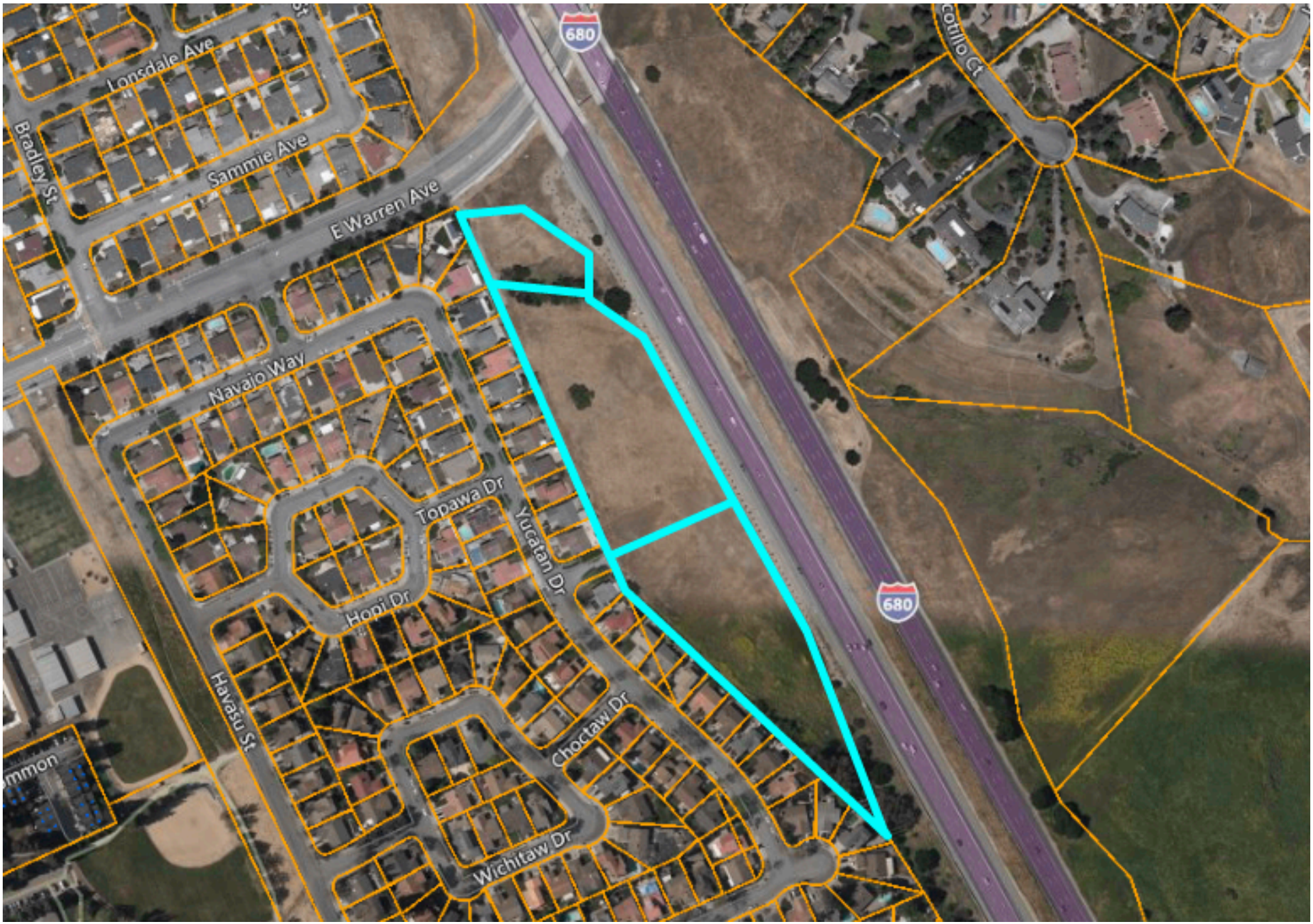
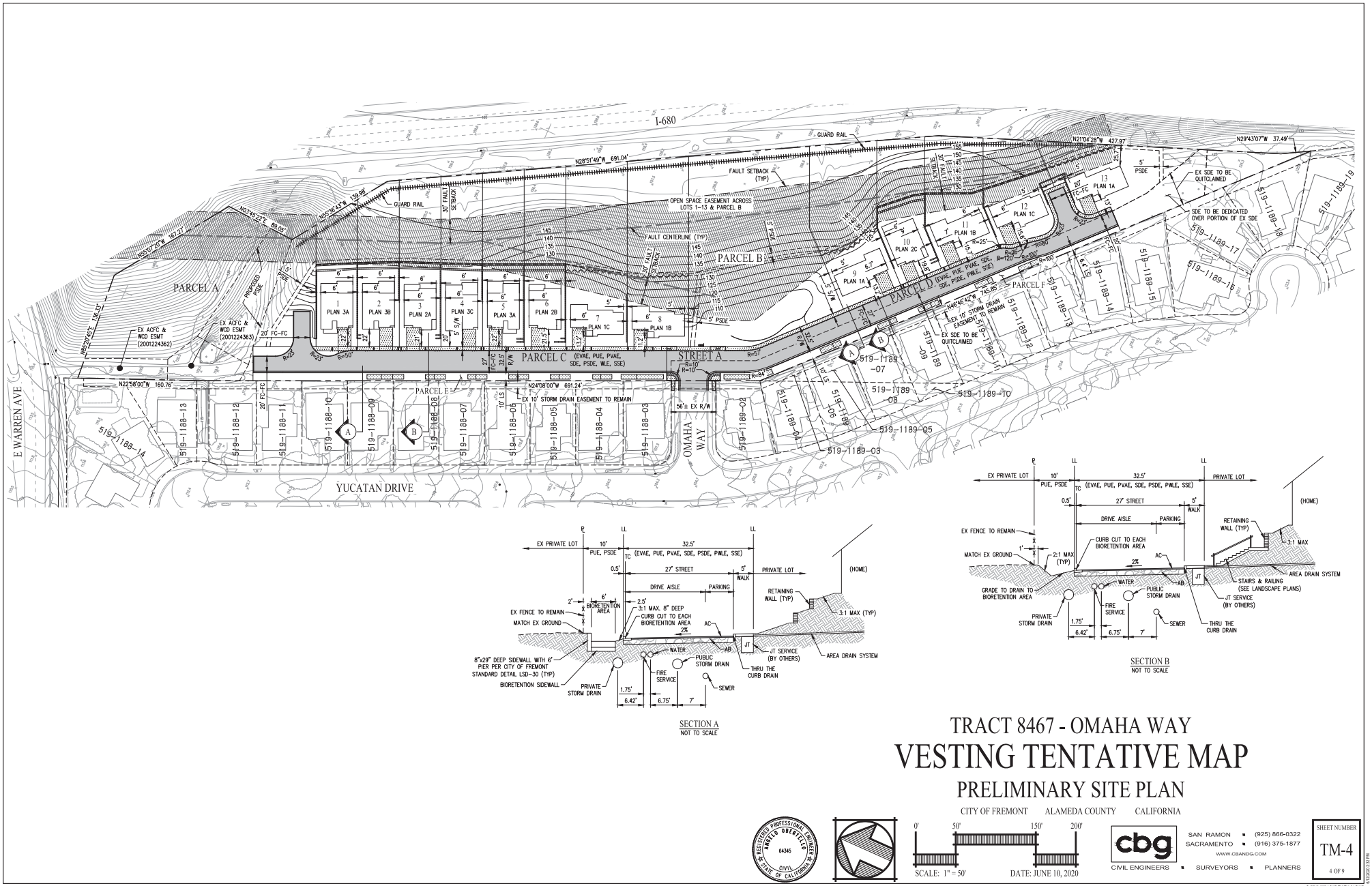


Figure 2-3: Proposed Project Site Layout



SECTION A
NOT TO SCALE

SECTION B
NOT TO SCALE

TRACT 8467 - OMAHA WAY

VESTING TENTATIVE MAP

PRELIMINARY SITE PLAN

CITY OF FREMONT ALAMEDA COUNTY CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER ANGELO BERTELLO 64345 CIVIL STATE OF CALIFORNIA

0' 50' 150' 200'

SCALE: 1" = 50' DATE: JUNE 10, 2020

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

SHEET NUMBER TM-4 4 OF 9

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10,000 to 20,000 square foot range. Multiple zoning districts apply within Low Density Residential areas to distinguish areas with different minimum lot sizes.

The project site is currently vacant, and there are no structures to be removed as part of this project. The proposed project would construct 13 new single-family homes on lots that would range from 8,740 square feet to 19,151 square feet. The project would use three general home designs. Minor variations exist between some of the individual floor plans for each design due to the topography of the lot and architectural detailing, resulting in a total of eleven different floor plans. Each unit would have unique exterior designs and architectural treatments. The homes would range from 2,730 square feet to 3,652 square feet in area. Design One would consist of a two-level, two-story home with a two-car garage on the first floor. Designs Two and Three would consist of a basement level containing a two-car garage and then two living stories above. The maximum building height would be approximately 35'-7" from grade to top of ridge. The homes would be set back between 13 and 22 feet from the new private street, with a minimum separation distance of 12 feet between homes. Typical elevations of the proposed homes are shown in Figure 2-4, 2-5, and 2-6. All homes would incorporate sound-rated windows and doors in order to reduce interior noise levels to the applicable project thresholds in the general plan.

The above referenced measurements and calculations are approximate and would be refined as the final maps and plans are prepared for project entitlement.

2.4 Improvements and Landscaping

Access and Circulation

Project access would be from a new private street (Parcels C and D) off of Omaha Way. The 27-foot-wide, two-way private street would run north-south through the project site, intersecting with Omaha Way near the project site midpoint at a "T" intersection. A Y-shaped turnaround for emergency vehicles and garbage trucks would be provided at both the northern and southern terminus of the proposed private street. No on-street parking would be provided. Each of the thirteen new residences would be served by a private driveway off of the new private street, which would provide access to a two-car garage. Sidewalks would be provided on the eastern side of the private street only, and crosswalks would provide pedestrian access out to existing sidewalk on the northern side of Omaha Way.

There are no public transportation routes within a half-mile of the project site. The closest bus stop is located at the intersection of Warm Springs Boulevard and E Warren Avenue, approximately 0.80 miles from the project site. The bus stop is serviced by the 217, 239, and 623 buses. The 217 and 239 buses provide service from Fremont BART to Milpitas BART, and from Fremont BART to Kato Road, respectively, with each line running at 30 minute intervals. The 623 line provides weekday service at the end of the school day to a number of elementary, middle, and high schools between N. Milpitas Boulevard and Irvington High School. The project site is 2.0 miles from the closest BART station, the Warm Springs/South Fremont BART station.

Class II (striped and stenciled) bike lanes are present on E Warren Avenue in the vicinity of the project site. There are no bike improvements on local streets in the vicinity of the project site,

Figure 2-4: Design One Proposed Elevations

PLAN 1_A
ELEVATIONS

OMAHA WAY IN FREMONT, CA
BY OMAHA FREMONT, LLC

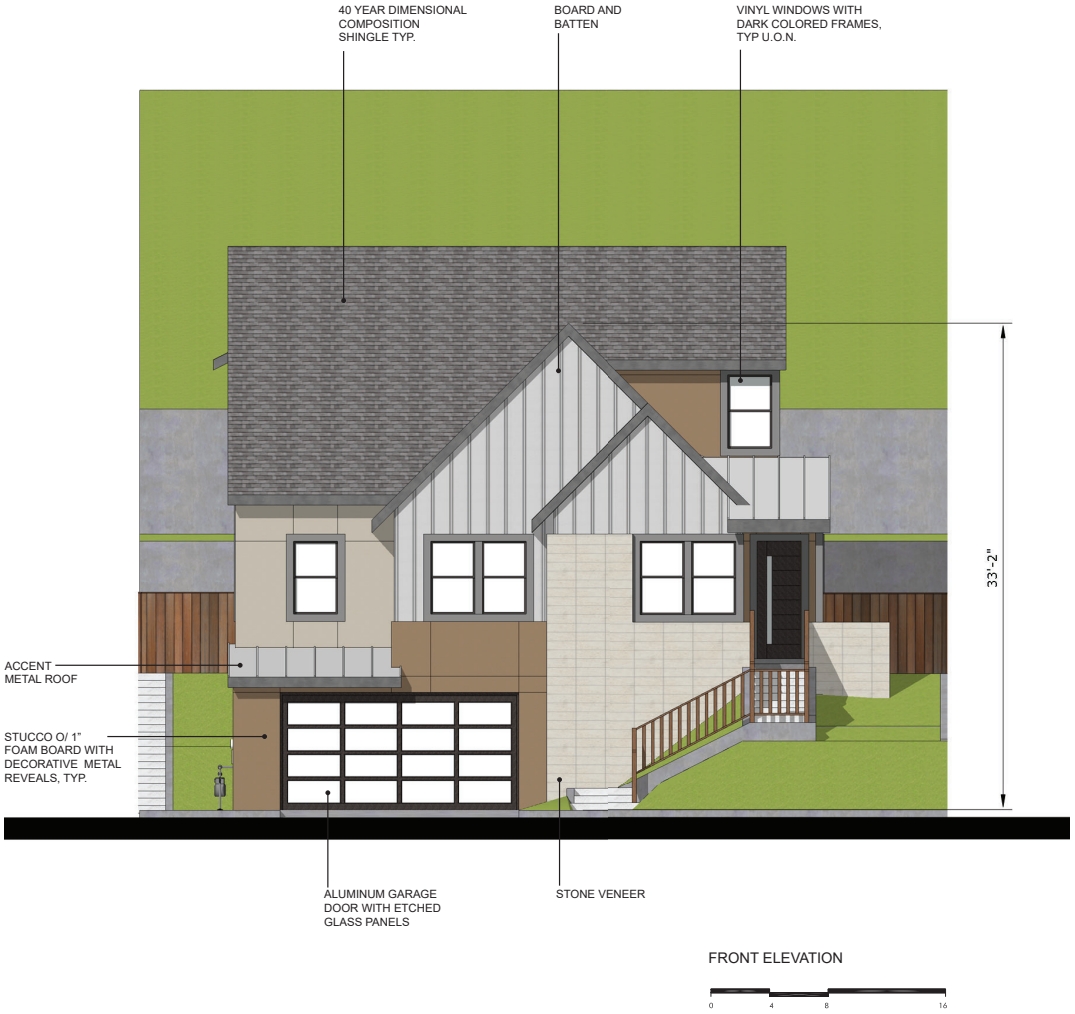
0 8 16 32

JOB NO. 1092.008
DATE 06-15-2020

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.04

Figure 2-5: Design Two Proposed Elevations



FRONT ELEVATION

0 4 8 16

LEFT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

PLAN 2_A
ELEVATIONS

0 8 16 32

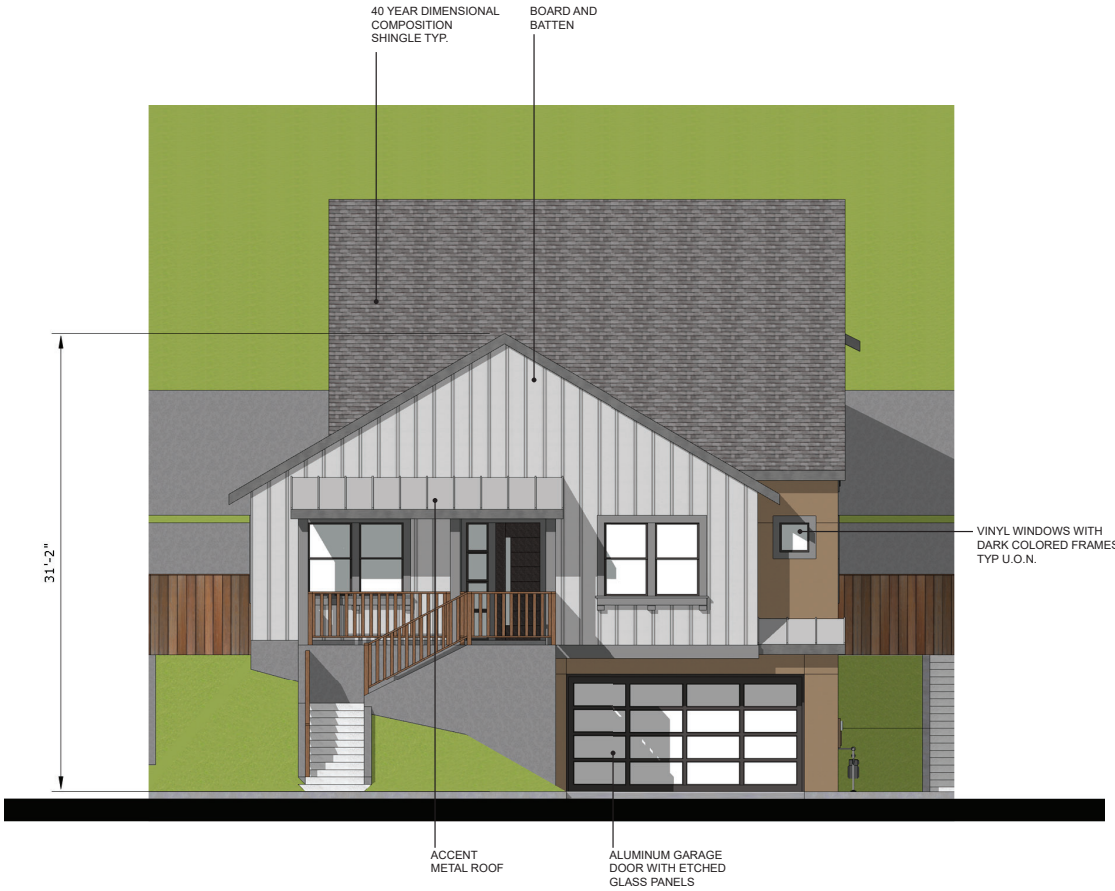
JOB NO. 1092.008
DATE 06-15-2020

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

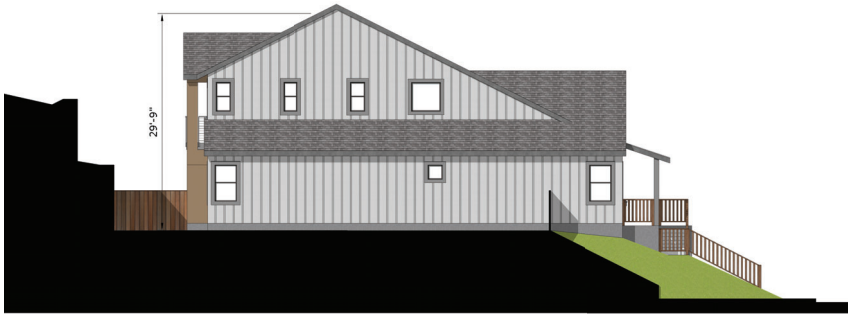
A.15

OMAHA WAY IN FREMONT, CA
BY OMAHA FREMONT, LLC

Figure 2-6: Design Three Proposed Elevations



FRONT ELEVATION



LEFT ELEVATION

REAR ELEVATION

RIGHT ELEVATION

PLAN 3_A
ELEVATIONS

OMAHA WAY IN FREMONT, CA
BY OMAHA FREMONT, LLC

cbg | VTA | DAHLIN

JOB NO. 1092.008
DATE 06-15-2020

5865 Owens Drive
Pleasanton, CA 94588
925-251-7200

A.24

including Navajo Road, Navajo Way, and Yucatan Drive. The City of Fremont Bicycle Master Plan identifies several bicycle facility improvements that are planned in the vicinity of the project site, including creating a Class IV separated bikeway on E Warren Avenue between Warm Springs Boulevard and Paseo Padre Parkway.

Utilities and Services, Stormwater

The proposed project would include utility connections to existing services within the project site and to adjacent existing services in Omaha Way.

The following utility providers are proposed:

Water Supply	HOA (onsite) and Alameda County Water District (offsite)
Fire Protection	City of Fremont Fire Department
Sanitary Sewer	Union Sanitary District (USD)
Storm Drain	HOA (onsite), City of Fremont, Alameda County Flood Control District, and Alameda County Water Control District
Gas and Electricity	Pacific Gas and Electric (PG&E)
Solid Waste	Republic Services
Telephone	AT&T
Cable Television	Comcast

The on-site storm drainage system would be designed to mimic existing drainage patterns and treat stormwater runoff from developed areas at proposed on-site bioretention facilities, located along the eastern border of the site (Common Lots E and F). Stormwater would infiltrate locally in open space landscape areas of the project site, or it would be collected in a drainage system. Water would either drain to private storm drainage facilities, maintained by the project Homeowner's Association (HOA), or the bioretention basins. The bioretention basins would treat stormwater runoff prior to it being discharged into the private storm drain line, which would connect into the public storm drain line under Omaha Way.

Tree Removal and Replacement, Landscaping

The project site contains 33 existing trees, including western sycamore, coast live oak, arroyo willow, Lombardy poplar, and bluegum eucalyptus. A total of seven trees (two arroyo willow trees and five bluegum eucalyptus trees) would be removed as part of the proposed project. Neither of these species are considered "native trees" or "trees of exceptional adaptability to the Fremont area" under the Tree Preservation Ordinance (Fremont Municipal Code (FMC) Chapter 18.215). The removal of protected trees is subject to the mitigation requirements of the City's Tree Preservation Ordinance (FMC Chapter 18.215). For each tree removed, the applicant is required to plant replacement trees or, in the case that trees that cannot be replaced on-site due to land area constraints, pay in-lieu fees.

Approximately 130 trees would be planted as part of the proposed project, consistent with the Tree Preservation Ordinance. The trees planted would include Western redbud, crape myrtle,

coast live oak, valley oak, and cork oak. All trees would have low or very low water usage. Most of the new trees would be planted within a proposed open space easement at the rear of the property in order to provide a natural buffer between the usable rear yards of the new homes and I-680 to the immediate west.

The proposed project would include additional landscaping in the front yard areas of the residential lots and along both sides of the private street. This landscaping would consist of very low to moderate water usage shrubs, groundcovers, and vines. The bioretention areas on the western side of the private street would be planted with grasses requiring low to moderate water usage, including California meadow sedge and Idaho fescue.

The proposed project would include a six to seven foot "good neighbor" vertical board fence between the residential lots. Depending on the lot, either retaining walls or an open fence would separate useable backyard space in the rear of the lot from open space adjacent to I-680. Lots 1-6 and 10 would have a series of two masonry retaining walls, ranging in height from 1.5 feet to 10 feet, for this purpose. Lots 11 and 12 would have a masonry retaining wall ranging from one foot to five feet in height in the back yard. Lots 7, 8, 9, and 13 would have a six to seven-foot open view fence separating backyard area from the open space easement beyond. Finally, a new guardrail would be constructed adjacent to I-680 near the rear property line of Lots 1-13 and Parcel B, in compliance with Caltrans standard details and requirements.

2.5 Construction Activities and Schedule

While the timeline for construction is variable and subject to change, construction is anticipated to begin approximately six to nine months after building permit issuance. The project would be constructed in a single phase. Grading and site improvements are expected to take six to nine months to complete, while vertical construction would take an additional twelve months.

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

The preliminary estimate of site grading is 2,000 cubic yards (CY) of fill and 46,200 CY of cut. Resultantly, approximately 44,200 CY of material is anticipated to be exported from site during site preparation and project construction. The off-haul of this material would require an estimated 3,683 truckloads of material in total, with an average of 23 off-haul trips per day during the site grading and preparation phase of construction. All haul trucks would enter the site from E Warren Avenue and would not travel through residential neighborhoods to reach the project site. The off-haul materials would be transported along approved haul routes to local dumping sites such as the Calaveras County Landfill. Specific travel routes for soils export would be determined in consultation with the City Public Works Department.

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

2.6 Standard Development Requirements

The City of Fremont has established standard development requirements to address resource protection (Fremont Municipal Code Chapter 18.218). These requirements apply to air quality (construction-related emissions), biological resources (special-status species), cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources), and noise (construction-related noise).

The proposed project would comply with these standard development requirements, which are described in greater detail in the relevant topical area of the Initial Study (see Sections: 4.3-Air Quality, 4.4-Biological Resources, 4.5-Cultural Resources, 4.7 Greenhouse Gas Emissions, 4.12-Noise).

2.7 AB52 Notification

In conformance with the requirements of Public Resources Code section 21080.3.1, notice of the proposed project was sent by certified mail on December 17, 2019 to the seven Native American tribal representatives whose names and contact information were provided to the City of Fremont by the Native American Heritage Commission in a letter dated December 12, 2019. To date, no requests for consultation pursuant to AB52 have been received.

2.8 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:

- Preliminary and Precise Planned District Rezoning (including Design Review)
- Vesting Tentative Tract Map No. 8467
- Private Street
- Tree Removal
- Grading Permit

The project would be reviewed and discussed at public hearings before the Planning Commission and City Council.

2.9 Other Public Agencies Requiring Approval

The project may require permits and/or approvals from the following agencies:

- Alameda County Flood Control and Water Conservation District
- Alameda County Water District
- Alameda County Department of Environmental Health
- Union Sanitary District
- State Department of Toxic Substances Control (DTSC)

2.10 Previous Environmental Review
Fremont General Plan Update EIR (SCH No. 2010082060) – available in-person at the City of Fremont Development Services Center and online at www.fremont.gov/generalplan.

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

3 Environmental Factors Potentially Affected

The following list indicates the environmental factors that would be potentially affected by this project. Factors identified as a "Potentially Significant Impact" in the Initial Study are labelled "PS", while factors that are identified as "Potentially Significant Unless Mitigation Incorporated" are labelled "M":

☐ Aesthetics	☐ Agriculture Resources	**M** Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Energy	**M** Geology/Soils	**M** Greenhouse Gases
☐ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation
☐ Tribal Cultural Resources	☐ Utilities	☐ Wildfire

M Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION

On the basis of this Initial Study, the City of Fremont finds:

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

Signature — Date

City of Fremont

Planner II

Title

Courtney Pal

Printed Name

4 Environmental Checklist

4.1 Aesthetics

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.1(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
4.1(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
4.1(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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4.1(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Setting

The City of Fremont is located on the eastern shore of the San Francisco Bay. The City is bounded by the open space of the San Francisco Bay to the west, and the East Bay Hills to the east. The project site is located within a developed suburban neighborhood. The neighborhood consists of modern detached one- and two-story single-family residences constructed in the mid-1970s. Existing sources of light and glare within the project vicinity include lighting on adjacent residential buildings, reflective building material, vehicular headlights, and the adjacent major freeway, I-680.

Portions of the project site are visible from I-680, although visibility is limited to the closest area of the project site due to the steep downslope from the highway. The project site is also visible from local streets. It is visible from Yucatan Drive over the roofs of the one- and two-story single-family homes on this street, and from the terminus of Omaha Way. It is also visible from E Warren Avenue, although the significant slope of the off-site roadway right-of-way along E Warren Avenue partially obscures views of the project site from this vantage point.

The project site is not within the immediate viewshed of a designated scenic vista. The Mission Peak Regional Preserve is located approximately two miles to the northeast of the project site. Panoramic views of the City of Fremont occur from Mission Peak.

The portion of E Warren Avenue adjacent to the project site to the north is designated as a scenic corridor in the City of Fremont General Plan Community Character Element. This designation expresses an intent to maintain or improve visual quality, but it does not limit the abutting uses. The designation applies to E Warren Avenue and Paseo Padre Parkway between Navajo Drive and E Warren Avenue (southern terminus) and Paseo Padre Parkway and SR 84 (northern terminus).

Approximately 3.5 miles to the north of the project site is a 20-mile stretch of I-680 that has been designated by Caltrans as a California Scenic Highway. The same stretch of I-680 has been designated as a scenic corridor in the Fremont General Plan. The scenic highway is located from Mission Boulevard in Fremont to the Contra Costa County line, and provides views of the East Bay Hills.

Discussion

4.1(a) Would the project have a substantial adverse effect on a scenic vista?

The project site is not within the immediate viewshed of a designated scenic vista and would not have a substantial adverse effect on a scenic vista. The project site may be visible from Mission Peak; however, the views from Mission Peak already overlook urban development that is similar to the residential development proposed as part of the proposed project. The project would not stand out from other residential developments already located in the area. Therefore, the project would not significantly affect views from Mission Peak.

Portions of the project site are visible from a stretch of I-680 in Fremont. This stretch of I-680 contains views of the flatlands of Fremont and the East Bay Hills to the east. The view of the project site from I-680 currently consists of invasive grasses and weeds. Views of any existing trees on the project site are limited because all trees are located downslope of the freeway.

The proposed project would remove seven existing trees and plant approximately 130 trees, the majority of which would be located within an open space easement immediately adjacent to, and visible from, I-680. The proposed trees would obscure views of the downslope residences from I-680. The trees planted would include Western redbud, coast live oak, valley oak, and cork oak, which are native to the San Francisco Bay Area. These trees would increase the amount of native vegetation visible on the project site from I-680. The new trees and residential development would not significantly alter or obstruct views of the Fremont flatlands to the west of I-680. This view is mostly composed of existing single-family residential developments, from which the project would be visually indistinguishable.

Lastly, a small number of existing homes and public streets located immediately to the west of the subject property on Yucatan Drive currently enjoy views of the Mission Hills foothills to the east. Construction of the proposed two-story buildings and proposed trees may obstruct a portion of these views, but the affected locations would still maintain some direct views of the hills over and around the rooftops of the new units. The project would have minimal effect on scenic vistas from Mission Peak and from other public roadways in the vicinity of the project site. As such,

the project would have a less than significant effect on a scenic vista and no mitigation is required.

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

4.1(b) Would the project 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, the project site does not contain any trees that have been identified as scenic resources or as landmark trees with historical significance. There are no buildings, historic or otherwise, on the project site. There are no rock outcroppings on the project site that would be damaged by the proposed project. The project site is also not within proximity of a designated state scenic highway.

The project site is adjacent to a designated scenic corridor, E Warren Avenue. Views of the project site from E Warren Avenue are limited due to the steep grade of the adjacent street right-of-way; however, limited views into the project site would exist from the scenic corridor. Parcel A, which is a common lot containing an existing riparian corridor, would be the most prominent site feature visible from E Warren Avenue. The proposed project would not conduct any grading within Parcel A, and would retain the existing riparian corridor and trees. Beyond Parcel A, the elements of the project site closest to E Warren Avenue would be landscaping beds, a lattice screen panel with vines, three native screen trees, and the new private street. Any views of the new residential development would be screened by the fence, landscaping, and associated native screen trees.

The view from E Warren Avenue would retain most of its existing character because there is no grading or alteration proposed on the Parcel located closest to it. The views of the project site would incorporate native landscaping, detailed fencing, and a significant setback that would reduce the massing of the building seen from this street. These visual elements would be consistent with the General Plan's guidance on maintaining visual quality from scenic corridors. Therefore, the impact on the E Warren Avenue scenic corridor would be less than significant.

In summary, the proposed project is not located within the viewshed of a state scenic highway, and as a result would not damage any trees, rock outcroppings, or historic buildings along a scenic highway. The proposed project would alter the views from E Warren Avenue, which is a designated scenic corridor in the City's General Plan. The portions of the project site closest to E Warren Avenue would retain their current features, in such a way minimizing the impact of views from the scenic corridor. As the project would not damage scenic resources, the proposed project would have a less than significant impact and no mitigation is required.

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

4.1(c) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are

those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area and is surrounded by existing single-family residential uses. The unit density within the project would conform to the development intensity envisioned for sites designated in the General Plan as Low Density Residential. The project has been found to be consistent with all applicable zoning standards and the Citywide Design Guidelines, which implements the goals and policies of the General Plan Community Character Element and sets criteria for site design and architectural quality.

The proposed project would construct new two-story single-family residences, a housing type that would be consistent with the existing visual character of the surrounding single-family neighborhood. The proposed lot sizes would range from 8,740 square feet to 19,151 square feet, which is consistent with the lot size envisioned for sites designated Low Density Residential but larger than the average 6,000 square foot lot size of the existing neighborhood. With the larger lot sizes, a greater horizontal separation between buildings will allow views through the site and help to preserve existing visual character.

As discussed in Section 2, Project Description, there are three general designs for the proposed new houses. Design One is a modern ranch home design with defining stone veneer projection on the front elevation and numerous front-facing windows. Design Two is a contemporary cottage style design, with decorative corbels, a steep gable roof, and two complementary roofing materials. Design Three incorporates elements of both the other plan designs, with a defining side-gable entry porch on the front elevation. Colors, materials, and orientation would vary between individual units in order to add additional variation to the project. Similar designs can be found in the existing neighborhood.

Houses within the proposed project would be larger and taller than some homes in the vicinity, some of which are single-story. Some of the new homes would have a basement understory with a garage that would give them a three-story appearance from the street. Some of the proposed homes would reach a maximum height from grade of 35’-7”, while most two-story homes in the surrounding neighborhood are 21 feet to 30 feet tall (the maximum height allowed in the R-1-6 zoning district). Heights above the 30 foot maximum height can be allowed within a Planned District, particularly when paired with large lot sizes and greater horizontal separation between the second stories of buildings. The proposed homes would be set back approximately 40 feet from the rear lot lines of the nearest adjacent existing homes, which would help to minimize the visual impact of the larger houses. Additionally, the homes would be set into the hillside rather than constructed on top of it, which would further reduce their visual profile. The development would be in conformance with the housing type and lotting pattern envisioned in the General Plan and generally consistent in character with other single-family residential development in the neighborhood and, as such, would have a less than significant impact on the existing visual character and the quality of public views of the site and its surroundings and not mitigation is required.

Potential Impact: Less than significant.

Mitigation: None required.

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

The light and glare created by the proposed project would be consistent with the levels of light and glare currently emitted by the single-family residential development within the vicinity of the project site. The project would comply with all requirements in the California Building Code and all design rules in the Citywide Design Guidelines that require diffused, down-lit exterior lighting. As the project would not introduce a new source of substantial light or glare, the project would have a less than significant impact on day and nighttime views in the area and no mitigation is required.

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

References

California Department of Transportation, nd. Alameda County. Officially Designated Scenic Highway Map. Available: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed: March 25, 2020.

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City of Fremont, 2011. City of Fremont General Plan. Community Character Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 25, 2020.

City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/. Accessed on March 25, 2020.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

4.2 Agricultural and Forestry Resources

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.2(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?	☐	☐	☐	☒

4.2(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
4.2(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))?	☐	☐	☐	☒
4.2(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
4.2(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?	☐	☐	☐	☒

Environmental Setting

The Phase I Environmental Site Assessment prepared for the project site indicated that the project site was not historically used for agriculture due to its steep slopes (see *Phase I Environmental Site Assessment* by Baseline Environmental Consulting in the Appendix to this Initial Study). The California Department of Conservation categorizes the project site and the surrounding areas as Urban and Built-Up Land.

Discussion

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

The project site is not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) and would not involve the conversion of such lands; therefore, the proposed project would have no impact on farmland and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

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

The project site is not subject to any Williamson Act contracts (California Department of Conservation, 2019). The project site is currently zoned P, which allows for the development of a Planned District to address existing site constraints and to effectuate a development pattern that would be consistent with the site's General Plan Designation of Low Density Residential, 2.3 to

8.7 DU/AC. Commercial agriculture is not allowed on the site under its current zoning. The proposed project would rezone the site to a Planned District and retain the same General Plan Land Use Designation, in order to facilitate construction of 13 single-family residences on the project site. Because the project site is not zoned for agricultural use, the proposed project would not conflict with existing zoning for agricultural use. The project would have no impact on agricultural zoning or a Williamson Act contract and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

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

The project site is currently zoned P and has a General Plan Designation of Low Density Residential, 2.3 to 8.7 DU/AC. The project site is not classified as or zoned for 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)). As such, the project would have no impact on areas classified as or zoned for forest land, timberland, or timberland zoned Timberland Production and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

4.2(d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

As discussed in Section 4.2(c), the project site is not classified as forest land. Therefore, the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. There would be no impact regarding the loss or conversion of forest land to non-forest use and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

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

According to the California Department of Conservation, the project is located within an area of Urban and Built-Up Land, and it is not located adjacent to any farmland, forest land, agricultural land, or timberland. Therefore, the construction of the project would not involve changes that, due to their location or nature, would result in the conversion of farmland to non-agricultural use

or forestland to non-forest use. The proposed project would resultantly have no impact on the conversion of farmland or forest and no mitigation is required.

Potential Impact: None.
Mitigation: None required.

References

California Department of Conservation, 2018. Farmland Mapping and Monitoring Program. Available at https://www.conservation.ca.gov/dlrp/fmmp. Accessed March 10, 2020.

California Department of Conservation, 2018. Williamson Act Status Report. Available at https://www.conservation.ca.gov/dlrp/wa/Pages/stats_reports.aspx. Accessed March 10, 2020.

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

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4.3 Air Quality

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.3(a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
4.3(b)	Result in 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?	☐	☐	☒	☐
4.3(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
4.3(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☒	☐	☐

Regulatory Setting

The project site is located within the City of Fremont in Alameda County. The applicable agency overseeing air quality is the Bay Area Air Quality Management District (BAAQMD). BAAQMD monitors air quality within Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa

Clara, and Napa Counties and portions of Solano and Sonoma Counties in the San Francisco Bay Area Air Basin (SFBAAB).

Air basins are classified under the Federal Clean Air Act and California Clean Air Act as attainment, nonattainment, or maintenance (previously non-attainment and currently attainment) based on whether the federal and state air quality standards for criteria air pollutants have been achieved. Six air pollutants have been identified by the United States Environmental Protection Agency (EPA) and the California Air Resources Board (ARB) as criteria air pollutants: ozone; carbon monoxide (CO); nitrogen dioxide (NO_2); sulfur dioxide (SO_2); lead; and particulate matter (PM), which is subdivided into two classes based on particle size: PM equal to or less than 10 micrometers in diameter (PM_{10}) and PM equal to or less than 2.5 micrometers in diameter ($PM_{2.5}$). These pollutants may have undesirable impacts on human health. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality. TACs include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations. Diesel exhaust is the predominant TAC found within developed areas. Some TACs, including components of diesel exhaust, have been identified as carcinogens either under the State of California's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Chronic exposure to TACs may also cause or aggravate respiratory and cardiovascular diseases. Children, the elderly, and those with pre-existing health problems affected by air quality are most susceptible to poor air quality and TACs. If a project is likely to be located in a place where people live, play, or gather, or if people are likely to spend a significant amount of time there, then it should be considered a receptor. Typical sensitive receptors include residences, schools and school yards, parks and playgrounds, day cares, nursing homes, and medical facilities.

The SFBAAB is currently designated as a nonattainment area for ozone and particulate matter equal to or less than 2.5 micrometers in diameter ($PM_{2.5}$), and as an attainment or unclassified area for all other criteria air pollutants.

BAAQMD prepares plans to attain state and national ambient air quality standards in the SFBAAB. In 2017, BAAQMD adopted the *Clean Air Plan: Spare the Air, Cool the Climate* (BAAQMD, 2017). This plan provides a regional strategy to attain compliance with state and federal air quality standards by reducing ozone, particulate matter, and toxic air contaminants. Projects that are consistent with the assumptions used in development of a regional or local air quality plan are considered to not conflict with or obstruct the attainment of air quality levels identified in the plan. Assumptions for emission estimates are based on population, employment, and land use projections taken from local and regional planning documents, including city General Plan documents.

BAAQMD also produced a set of CEQA Guidelines, which establish air pollutant screening criteria for different land use types. The BAAQMD CEQA Guidelines provide conservative guidance as to whether a proposed project could result in potentially significant air quality impacts that would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The BAAQMD CEQA Air Quality Guidelines are for informational purposes only and should be followed by local governments at their own discretion (BAAQMD, 2017). The BAAQMD CEQA Air Quality Guidelines may inform environmental review for development projects in the SFBAAB, but do not commit local governments or the air district to any specific course of regulatory action.

Discussion

This discussion is based in part on the following document(s):

- *Environmental TAC Assessment for Omaha Subdivision*, prepared by Illingworth and Rodkin, dated November 22, 2016; Revised February 13, 2020 (TAC Study).
- *Air Quality Study for Omaha Way Project*, prepared by Illingworth and Rodkin, dated July 24, 2020 (Air Quality Study).

4.3(a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Projects that are consistent with the development of a regional or local air quality plan are considered not to conflict with the attainment of air quality standards identified in the plan. In the City of Fremont's 2011 General Plan, the project site has a General Plan Designation of Low Density Residential, 2.3 to 8.7 DU/AC. The proposed project would be consistent with the City's General Plan Low Density Residential land use designation. Specifically, the proposed project would develop single-family homes at a density of 2.9 DU/AC, which is on the low end of the permitted density of 2.3 to 8.7 DU/AC. The proposed project would develop residential units consistent with the development assumptions for land uses and vehicle trips associated with the Low Density Residential General Plan Land Use Designation of the site. Therefore, the intensity of operational emissions associated with the project has been accounted for in BAAQMD's *Clean Air Plan.*

Consistency with the air quality plan is also determined through evaluation of project-related air quality impacts and demonstration that project-related emissions would not increase the frequency or severity of existing violations, or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment. Emissions that are above these thresholds have not been accommodated in the air quality plans and would not be consistent with the air quality plans.

As discussed in Section 4.3(b) below, project-related construction and operational criteria pollutant emissions would not exceed BAAQMD significance thresholds. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan and no mitigation is required.

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

4.3(b) Would the project 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?

Per the criteria air pollutant and precursor screening level sizes found in the BAAQMD CEQA Guidelines and as described in the Air Quality Study in the appendix to this initial study, impacts from the project would be below both the operational and construction emissions screening amounts for criteria air pollutants.

Table 4.3-1: Criteria Air Pollutant and Precursors Screening Level Sizes

Land use	*Construction Related Screening Size*	*Operational Criteria Pollutant Screening Size*
Single family residential	114 du (ROG)	325 du (ROG)
Proposed Project	13 du	13 du

Construction
For construction emissions resulting from new single-family residential developments, the screening size is 114 total new units. The proposed project only includes 13 new units, well below the screening level size. However, construction of the proposed project would still result in the temporary generation of reactive organic gases (ROG), nitrogen oxides (NOX), and particulate matter (PM) emissions from soil excavation, material transport, and construction activities. ROG and NOX emissions are primarily associated with mobile equipment exhaust, including exhaust from backhoes, dozers, and other equipment that is expected to be used in the construction of the proposed project. Particulate matter is primarily released as fugitive dust emissions from site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on- and off-site.

The Air Quality Study analyzed project emissions during the construction phase. Traffic-related emissions were based on worker and vendor trip estimates produced by CalEEMod, a statewide land use emissions model designed to provide a uniform platform to quantify potential emissions from development projects. Haul trips that were estimated for soil material imported and/or exported to the site, as well as cement and asphalt truck trips. The project is estimated to generate an average of 13.5 worker/vendor trips per workday and a total of 5,981 haul truck trips distributed over the 14 month construction period. Total emissions were calculated based on both on-site and off-site vehicle travel, as well as emissions from on-site equipment such a backhoes, dozers, and graders.. Table 4.3-2 reports total construction emissions. Construction period emissions are below the significance thresholds recommended by the Bay Area Air Quality Management District (BAAQMD) in their 2017 CEQA Air Quality Guidelines.

Table 4.3-2: Construction Period Emissions

Scenario	*ROG*	*NOx*	*PM_{10} Exhaust*	*$PM_{2.5}$ Exhaust*
Total construction emissions (tons)	0.50 tons	3.0 tons	0.20 tons	0.10 tons
Average daily project emissions (lbs)	4 lbs/day	21 lbs/day	1 lb/day	1 lb/day
BAAQMD thresholds (lbs/day)	54 lbs/day	54 lbs/day	82 lbs/day	54 lbs/day
Exceeds thresholds?	No	No	No	No

Additionally, as discussed in Section 2.8, the project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including the following requirements relating to construction-related emissions. These requirements are based on BAAQMD's Basic Construction Measures, and would reduce construction-related exhaust and fugitive dust emissions:

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

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

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

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

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

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

(F) Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

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

(H) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective

action within 48 hours. BAAQMD's phone number also shall be visible to ensure compliance with applicable regulations.

The proposed project would incorporate best practices to reduce emissions of criteria pollutants. As discussed in the Air Quality Study, the project would not exceed the applicable criteria pollutant threshold levels during construction. Thus, construction of the proposed project would not violate or contribute substantially to an existing or projected air quality violation. The impact during construction would be less than significant.

Operation

The screening size for operational emissions resulting from new single- and two-family residential developments is 325 total new units. Projects of this size or larger could have a potentially significant impact from criteria air pollutants as a result of their everyday operations. Major sources of criteria air pollutants from single-family residences include vehicular traffic, energy usage, and household maintenance activities. The proposed project includes 13 new single-family homes, which is well below the screening level size. Consequently, operational air emission impacts would not exceed thresholds of significance. Because long-term operational emissions would not exceed the thresholds of significance, the proposed project would not violate or contribute substantially to an existing or projected air quality violation. Operational air emission impacts would be less than significant and no mitigation is required.

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

4.3(c) Would the project expose sensitive receptors to substantial pollutant concentrations?

The project would not be a substantial source of localized TACs itself. However, temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. The project would also introduce new sensitive receptors (residences) in the proximity of nearby TAC sources.

Construction

The nearest sensitive receptors to the project site are the immediately adjacent single-family residences to the south and west of the project site. Twenty-six single-family homes share a property line with the project site. These sensitive receptors and others in the project vicinity would potentially be impacted by a temporary increase in TAC emissions during the construction of the proposed project.

According to the BAAQMD CEQA Guidelines, a project would result in a significant impact if TACs or PM2.5 generated from construction exceed the following Thresholds of Significance:

- An excess cancer risk level of more than 10.0 in one million, or a non-cancer hazard index greater than 1.0; or,
- An incremental increase greater than 0.3μg/m3 annual average PM2.5

The Air Quality Study for the proposed project examined the construction-period TAC emissions. As shown in Table 4.3-3, the Study determined that without any emissions control

measures, the maximum increased cancer risks from construction was 23.6 per one million, in exceedance of the BAAQMD single-source threshold of greater than 10.0 in one million cancer risk. The maximum non-cancer hazards risk index and the maximum $PM_{2.5}$ concentration would not exceed any applicable thresholds. Implementation of the City's standard development requirements for construction-related emissions (FMC 18.218.050(a)(1), discussed under Section 4.3(b) above) would reduce TAC emissions during construction; however, it would not reduce this impact to less-than-significant by itself. Additional mitigation is required.

Table 4.3-3: Construction Risk Impacts at Offsite Residential

Scenario	*Cancer risk (per million)*	*Annual PM2.5(*μg/m^3)	*Hazard Index*
Project construction - unmitigated	23.56/million	0.29 μg/m^3	0.03
Project construction - mitigated	3.28/million	0.09μg/m^3	<0.01
BAAQMD thresholds	10.0/million	0.30 μg/m^3	1.0
Exceeds thresholds without mitigation?	Yes	No	No
Exceeds thresholds with mitigation incorporated?	No	No	No

Potentially Significant Impact AIR-1: Sensitive receptors near the project site would be exposed to annual increased cancer risks in excess of BAAQMD thresholds pertaining to exposure of sensitive receptors to TACs during construction. Exposure of project residents to TACs in excess of these established thresholds would be a potentially significant impact. The City is evaluating whether it would be appropriate to implement uniformly applied development standards to require the use of construction equipment that meets U.S. EPA particulate matter emissions standards for Tier 4 interim engines. However, such standards are not currently in place and, therefore, the following is proposed to be incorporated as a mitigation measure.

Mitigation Measure: Implementing the following mitigation measure would reduce impact AIR-1 to a less than significant level:

MM AIR-1:

> *Selection of equipment during construction to minimize emissions.* The project shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 60-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:
>
> (A) All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 interim engines. Where Tier 4 equipment is not available, exceptions could be made for diesel-powered equipment that is equipped with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

(B) Install electric line power during early construction phases to avoid use of diesel generators, compressors, and welders.

The Air Quality Study computed the emissions after implementation of the City of Fremont Standard Development Requirements and Mitigation Measure AIR-1, assuming that all construction equipment met U.S. EPA particulate matter emission standards for Tier 4 engines (alternatively engines that meet Tier 2 or 3 standards and use level 3 diesel particulate filters). With the mitigation measure incorporated, increased project cancer risk would be reduced by at least 86 percent to 3.3 in a million. This level is below the BAAQMD single-source thresholds for cancer risk. With the implementation of Mitigation Measure AIR-1, risk levels would not exceed the BAAQMD significance thresholds. The construction-related impact would be less than significant with this mitigation incorporated.

Operation

Operation of the proposed project would involve residential land uses that are not themselves a significant source of TACs. However, the proposed project would locate sensitive receptors (residences) near existing sources of TACs and PM.

According to the BAAQMD CEQA Guidelines, a project would result in a significant impact if any single source of TACs or PM2.5 within 1,000 feet of a project exceed the following Thresholds of Significance:

- An excess cancer risk level of more than 10.0 in one million, or a non-cancer hazard index greater than 1.0; or,
- An incremental increase greater than 0.3μg/m3 annual average PM2.5

Additionally, the BAAQMD CEQA Guidelines consider a project significant if the cumulative impact of all sources within a 1,000-foot radius of the project exceed the following Threshold of Significance:

- An excess cancer risk level of more than 100.0 in one million, or a non-cancer hazard index greater than 10.0; or,
- An incremental increase greater than 0.8μg/m^3 annual average PM2.5

The City of Fremont General Plan also provides standards regarding community health risk impacts. Per General Plan Implementation Measure 7-7.3B, a project would result in a significant impact if all sources of TACs or PM2.5 within 1,000 feet of a project exceed the following Threshold of Significance:

- An excess cancer risk level of 100 incidences of cancer per one million for infill development.

The TAC Assessment prepared for the proposed project analyzed the compatibility of the proposed project with air quality policies utilized by BAAQMD and the City of Fremont General Plan related to TACs and PM (Illingworth and Rodkin, 2016; 2020). Their analysis determined that there are no identified stationary sources of TACs or PM within 1,000 feet of the project site. The only source of TACs identified was I-680.

The TAC Assessment utilizes the BAAQMD *Highway Screening Analysis Tool* to provide estimates of increased cancer risk, annual PM2.5 hazards from traffic on I-680. The easternmost property line of the project site varies from 30 to 300 feet in distance from I-680. Proposed houses would be set back between 50 and 250 feet from the freeway edge. The community risk levels were determined to be as follows:

Table 4.3-4: Community Risk Levels at Project Site from I-680

Distance from Roadway Edge	Annual $PM_{2.5}$ concentration ($\mu g/m^3$)	Increased Cancer Risk* (per million)	Hazard Index
50 ft W	0.8	184.6	0.11
75 ft W	0.6	158.1	0.10
100 ft W	0.6	139.2	0.09
200 ft W	0.4	98.0	0.06
300 ft W	0.3	77.7	0.05
BAAQMD Threshold	0.3	100.0	1.0
Fremont Threshold	-	100.0	-

* Includes adjustments from 2015 OEHHA and BAAQMD cancer risk methodology
Adopted from Illingworth and Rodkin, 2016.

The results presented above indicate that new residences within 300 feet of the freeway would have an annual PM2.5 concentration above the threshold value. Residences within 200 feet of the freeway would have cancer risk greater than 100 per million. Regardless of their location on the site, residences would not be impacted by hazard index values that exceed the applicable levels of significance.

Potentially Significant Impact AIR-2: The proposed project includes 13 new residences set back between 50 to 250 feet from I-680. Residents at the project site would be exposed to annual PM2.5 concentrations and increased cancer risks in excess of BAAQMD and City of Fremont General Plan thresholds pertaining to exposure of sensitive receptors to TACs and $PM_{2.5}$. Exposure of project residents to PM2.5 and TACs in excess of these established thresholds would be a potentially significant impact. In the future, the City may determine it is appropriate to impose similar requirements as a uniformly applied development standard or standard conditions of approval for a project rather than mitigation measures contained within an environmental document.

Mitigation Measure: Implementing the following mitigation measure would reduce impact AIR-1 to a less than significant level:

MM AIR-2:

> *Ventilation systems.* The U.S. EPA reports that filters rated MERV13 remove 90 percent of particles in the size range of 1 to 3 µm and less than 75 percent for particles 0.3 to 1 µm. The BAAQMD's Planning Healthy Places guidance indicates that MERV13 air filtration devices installed on an HVAC air intake system can remove 80-90 percent of indoor particulate matter greater than 0.3 microns in diameter. The project shall implement the following measures in order to reduce long-term toxic air contaminant and particulate matter exposure:

(A) Install air filtration in all residential dwellings at the site that are within 300 feet of the western edge of Interstate 680. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, all outside air entering the system shall be filtered and the positive pressure shall be maintained to reduce unfiltered air intrusion.

(B) Prior to receiving any Certificates of Occupancy for the project, the applicant shall submit to the City an ongoing maintenance plan for the building's HVAC air filtration system, subject to the review and approval of the Planning Manager. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as PM2.5 exposures or excess cancer risk above the thresholds are predicted. At the conclusion of the maintenance period set forth in the original maintenance plan, the applicant shall submit a revised TAC Assessment prepared by an air quality expert approved by the City that identifies the ongoing need for the filtered ventilation systems. The Planning Manager shall have the sole authority to extend or terminate the requirements of the previously-approved HVAC maintenance plan as future information regarding air pollution becomes available.

(C) For non-owner-occupied units, the lease agreement and other property documents shall:

a. Require cleaning, maintenance, and monitoring of the affected units for air flow leaks;

b. Include assurance that new owners and tenants are provided information on the ventilation system

c. Include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

As discussed in the TAC Assessment, assuming a resident would spend three hours outside per day (where no air quality mitigation would be provided), the use of the MERV 13 filtration systems in the house would be expected to reduce the resident's overall exposure to PM2.5 and TAC by 70 percent. This yields a mitigated cancer risk of 55.4 in one million at 50 feet from I-680, and 23.36 at 300 feet from I-680, which is below all applicable thresholds of significance. The Study also concludes that with the MERV 13 filtration systems the annual PM2.5 concentrations would be reduced below of 0.3µg/m3 throughout the site, which would not exceed the BAAQMD significance thresholds. With the implementation of the proposed mitigation measure AIR-2, the exposure of sensitive receptors at the project site to TACs and PM2.5 would be less than significant.

Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measure AIR-1 and AIR-2.

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

Construction
Construction activities associated with the proposed project could result in short-term emissions from construction equipment, such as diesel exhaust. These emissions may result in unpleasant odors, and would be most likely to affect the existing, adjacent single-family residences. The proposed project would use typical construction techniques, and the odors would therefore be typical of most construction sites. Any odors generated during construction would be temporary in nature and dispersed throughout the project site depending on the specific construction activities occurring at a given time. Implementation of the City's standard development requirements for construction-related emissions (FMC 18.218.050(a)(1), discussed under Section 4.3(b) above) and Mitigation Measure AIR-1 would reduce smells associated with vehicle exhaust during construction. The impact would be less than significant with this mitigation incorporated.

Operation
The project would not be located in close proximity to any of these types of odor generating facilities. The land uses associated with the proposed project would be residential, which are not typically a generator of odor emissions. The project would be subject to FMC Section 8.40, which requires the proper storage and timely removal of waste in order to reduce odors in residential neighborhoods. Therefore, the proposed project would not create objectionable odors affecting a substantial number of people and the impact would be less than significant and no mitigation is required.

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

References

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4.4 Biological Resources

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.4(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, ore regulations, or by the California Department of Fish and Game of U.S. Fish and Wildlife Service?	☐	☐	☒	☐
4.4(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
4.4(c)	Have substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4.4(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 impeded the use of native wildlife nursery sites?				
4.4(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
4.4(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?	☐	☐	☐	☒

Environmental Setting

The 6.87-acre project site is surrounded by urbanized development, and there are no above-ground natural corridors to open space. An unnamed tributary of Agua Fria Creek surfaces in the northern portion of the project site and is surrounded by riparian woodland. The project site is not developed with any buildings, structures, or improvements.

A biological reconnaissance survey was conducted by LSA biologists on May 19, 2016. A follow-up survey was conducted on January 11, 2018 to confirm conditions and note any significant changes since the 2016 survey. On both site visits, biologists concluded that the project site consisted of an annual grassland/ruderal community dominated by non-native species. Most of the property south of the creek was disturbed by disking, a cutting and crushing process that mixes the soil and inhibits weed growth, for fire control, although the area north of the creek had not been recently disked. Aerial photographs indicate that the property has been disked routinely over the course of the last ten years.

The disturbed grassland community on the site consists mostly of non-native annual species such as oats (*Avena* sp.), Italian rygrass (*Festuca perennis),* ripgut brome (*Bromus diandrus)*, and vetch (*Vici* sp.). Other species observed include poison hemlock (*Conlum maculatum)*, mustard (*Brassica nigra, B. rapa, and Hershfeldia incana)* and thistles (*Carduus pynocephalus, Cirsium vulgare,* and *Silyburn marianum*). A small and isolated patch of cattails (*Typha* sp.) grows near Omaha Way. Plant species in the riparian woodland along the creek on the northern portion of the project site include a dense tree canopy including coast live oak (*Quercus agrifolia)*, willows (*Salix* sp.), cottonwoods (*Populus* sp.), black walnut (*Juglans hindsii)* and toyon (*Heteromeles arbutifolia).* The understory layer consists of creeping wildrye (*Leymus triticoides)*, cattails, rush (*Juncus* sp.), and watercress (*Nasturtium officinale).*

The site also provides nesting and foraging habitat for songbird species including black phoebe (*Sayornis nigricans*), Anna's hummingbird (*Calypte anna*), and house finch (*Haemorhous mexicanus*). The small trees on the project site would provide suitable habitat for nesting birds. There were no nests or nesting birds observed at the project site during LSA's May 19, 2016 site visit. However, there were potential nesting places for birds within the boundaries of the project site.

Smaller species, such as pocket gophers (*Thomomys bottae*) and ground squirrels (*Otospermophilus beecheyi)* were observed on the project site. Other species that are known to inhabit urban landscapes, such as the Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*) and northern raccoon (*Procyon lotor*), are likely to use the site although they were not observed during the daytime field observations.

The project site was surveyed for sensitive riparian habitat and federally protected wetlands during the biological survey. The survey did not identify any federally protected wetlands; however, it did identify one sensitive plant community on the project site, the riparian woodland in the vicinity of the unnamed tributary creek. The tributary creek is a perennial stream with a defined bed and bank, and is likely subject to the jurisdiction of the Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife. The riparian corridor provides suitable habitat for reptiles and amphibians including the western fence lizard (*Sceloporus occidentalis*), which was observed at the site during the biological survey. A two- to three-foot-deep plunge pool that is part of the riparian corridor would also provide potentially suitable breeding or foraging habitat for reptile and amphibian species. There were no fish or aquatic invertebrates observed within the riparian corridor on the site, and due to the isolated location of this natural area of creek it is not considered suitable habitat for such species.

Regulatory Setting

The project site is subject to City of Fremont regulations pertaining to biological resources, including the Tree Preservation Ordinance (FMC Chapter 18.215). The Tree Preservation Ordinance requires that all private trees proposed for removal must meet certain criteria, including but not limited to location, size, and species of the tree. A full list of criteria is identified in FMC Section 18.215.050. The Tree Preservation Ordinance also stipulates that 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.

The project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion

This discussion is based in part on the following document(s):

- *Biological Resources Assessment for Omaha Way Project*, prepared by LSA, Inc. dated January 11, 2018; Revised April 3 2020 (Biological Resources Study)

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

A review of the California Natural Diversity Database (CNDDB) and California Native Plant Society's Online Inventory of Rare and Endangered Plants was conducted to identify special-status plant and animal species and their habitats that had previously been recorded in the vicinity of the proposed project. The search covered the Milpitas, Niles, and Calaveras Reservoir 7.5 minute USGS quadrangles. The search reported twelve special status plant species and ten special-status wildlife species that are present in the vicinity of the project site.

As discussed in the Biological Resources Study, the proposed project could adversely affect special status plant or wildlife species either directly or through habitat modification. Further discussion of the potential for special-status species to occur on the project site is provided below:

Plants: The CNDDB reports twelve special-status plant species known to occur in grassland and/or riparian environments in the vicinity of the project site. Of those species, eleven require specific micro-habitat conditions that are not present within or adjacent to the property. The remaining special-status plant species, round-leaf filaree (*California macrophylla)* is known to grow in habitats similar to those present on the site. Round-leaf filaree was not observed during either of the site surveys, and it would have been blooming or identifiable during the May 19, 2016 survey. The history of disking on the site makes it unlikely that the species occurs on the site. Therefore, the impact on special-status plant species would be less than significant.

Fish and aquatic invertebrates: It is unlikely for special status fish or aquatic invertebrate species to occur at the project site due to their absence during the biological survey and the absence of their habitat. Therefore, there would be no impacts on special-status fish and aquatic invertebrates in relation to construction or operation of the proposed project.

Reptiles and Amphibians: There were five different reptile and amphibian special-status species identified in the CNDDB search. Of these species, the Western pond turtle (*Actinemys marmorata),* California legless lizard (*Anniella pulchra)*, and Alameda whipsnake (*Coluber (=Masticophis) lateralis euryxanthus*) are unlikely to occur on the project site due to the lack of suitable habitat present on or adjacent to the site.

A two- to three-foot-deep plunge pool that is part of the creek on the site would provide potentially suitable habitat for the California red-legged frog (*Rana draytonii*). However, due to the isolated nature of the project site, the frogs could only access this pool through the culvert beneath I-680. No California red-legged frogs were observed during either site visit. Additionally, the grassland on the project site could provide suitable habitat for the California tiger salamander. The repeated disturbance of the site through disking and the isolation of the site from suitable breeding habitat prevent this species from occurring on the property. No California tiger salamanders were observed during either site visit. While the project site does contain suitable habitat for two special-status amphibians, the Biological Resources Study determined that the isolation of the project site from other suitable habitats suggests that it is not utilized by these animals. Therefore, the project would result in a less than significant impact on special-status reptiles and amphibians.

Nesting birds: The grasslands, buildings, and riparian areas at the site would provide nesting and foraging habitat for songbird species. If an active nest were to be directly affected by project activities, the nest, eggs, chicks or adults could be harmed and/or the nest could become abandoned. These impacts would constitute potentially significant impacts of the proposed project. As discussed in Section 2.6, the project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including the following requirements relating to nesting birds, which would prevent bird nests from being adversely affected by the project:

> *FMC 18.218.050(b)(2) Nesting Birds.* New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:
>
> (A) Avoidance. Proposed project construction activities shall avoid the bird nesting season (February 1st through August 31st) when possible.
>
> (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.

Because the above requirements apply to the proposed project, per FMC Section 18.218.050(b)(2), the impacts of project construction on nesting birds would be less than significant. Once constructed, operation of the proposed project would have no impact on nesting birds because nests are not expected to be destroyed or adversely affected by ordinary operational activities. Therefore, the impact on nesting birds would be less than significant.

Burrowing owls: Burrowing owls are a California Species of Special Concern, and the CNDDB search identified the burrowing owl as a species present within the vicinity of the project site. The repeated disking of the project site for fire protection purposes reduces the possibility that burrowing owls could be present on the site. During the site reconnaissance surveys, LSA biologists observed a few ground squirrel burrows that could be suitable burrows for burrowing owls. No burrowing owl sign (i(e), white wash, feathers, pellets) were observed at these burrows. The City's standard development requirements include measures relating to burrowing owls (FMC Section 18.218.050(b)[1]); however, such measures are unnecessary for the proposed

project because site conditions are not suitable for burrowing owls to be present. There would be no impacts on burrowing owls in relation to construction or operation of the proposed project.

Bats: The CNNDB search identified two bat species that are California species of special concern and known to be present in the project vicinity, the pallid bat (*Antrozous pallidus*) and the Townsend's big eared bat (*Corynorhinus townsendii*). Neither of these bats or signs of these bat roosting were observed during the reconnaissance survey. There was not suitable roosting habitat for bats present on the project site. The City's standard development requirements include measures relating to roosting bats (FMC Section 18.218.050(b)[2]); however, such measures are unnecessary for the proposed project because site conditions are not suitable for roosting bats to be present. There would be no impacts on bats in relation to construction or operation of the proposed project.

Other Wildlife: The project site is surrounded by extensive urban development, which prevents access from larger terrestrial mammals. The CNDDB identified one additional species of special concern, the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). The riparian vegetation along the unnamed tributary provides suitable habitat for the dusky-footed woodrat. No woodrat stick houses were observed during either biological reconnaissance survey, indicating that woodrats are absent from the property. As discussed in the Aesthetics Section of this report, all lighting from the project would be downlit in compliance with the requirements of the Building Code and Citywide Design Guidelines to avoid light shed onto the adjacent properties and, therefore, lighting associated with the project would not impact the riparian area or any other areas of potential habitat. The impact on other special-status species would therefore be less than significant and no mitigation is required.

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

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

The tributary creek is located on Parcel A of the proposed development. Parcel A is a 44,661-square-foot open space area where no grading, structures, or landscaping are proposed. Resultantly, there would be an approximately 50-foot setback between the proposed vertical construction associated with the project and the riparian corridor. Additionally, the project does not propose to remove any trees or vegetation from the riparian corridor. The applicant's construction management plan further states that orange construction fencing will be used to prevent construction activities from accidentally disturbing portions of the tributary.

As discussed in Section 4.6 Geology, Soils, and Seismicity, the project geotechnical report does recommend the stabilization of a dormant landslide that is located on the north bank of the tributary. The applicant is proposing to use a plate pile system to mitigate the landslide. The plate pile system involves driving plates through the dormant landslide mass into stable soil materials. The plates would not alter the current slope or vegetation, and the slope would remain in its current condition after the stabilization work was completed. In preparing the Biological Study,

LSA reviewed the Geopier SRT plate pile system that is proposed for landslide mitigation work in a supplemental letter dated April 3, 2020. The Biological Study determined that the landslide stabilization work would result in a temporary and less than significant impact on biological resources.

In summary, the proposed project would provide an approximately 50-foot setback between the proposed development and the identified riparian zone. The project would not remove any existing riparian vegetation, nor would it disturb any existing riparian wildlife habitat. For this reason, the project would have a less than significant impact on sensitive riparian habitats and no mitigation is required.

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

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

There are no protected wetlands on the subject site. As discussed in Section 4.4(b) above, the tributary creek on the project site would not be modified through direct removal, filling, hydrological interruption, or other means that may impact federally protected wetlands downstream of the project site. Therefore, the project would have no impact on federally protected wetlands and no mitigation is required.

Potential Impact: No impact.
Mitigation: None required.

4.4(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 impeded the use of native wildlife nursery sites?

The project site is isolated from suitable open space habitat, and migration through the site would be difficult due to the urban hazards that surround the project site. Other than through the culvert below I-680, no aquatic or terrestrial migratory corridors or nursery sites exist on the property or adjacent properties for wildlife movement. The project would not involve construction in any area within the riparian area or a wildlife corridor. The project would not impede wildlife that currently exists in the urbanized areas surrounding the project site from moving to other surrounding urbanized areas. Construction and operation of the proposed project would, therefore, have a less than significant impact on the movements of migratory or resident wildlife or fish species and no mitigation is required.

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

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

The project site contains 33 existing trees, including western sycamore, coast live oak, arroyo willow, Lombardy poplar, and bluegum eucalyptus. Seven trees (two arroyo willow trees and five bluegum eucalyptus trees) would be removed as part of the proposed project. The trees to be removed are generally located in the middle and southern end of the project site. Of the trees to be removed, the two arroyo willow trees are native and five bluegum eucalyptus trees are non-native. There would be no trees removed from the riparian wetland in the northern portion of the project site. Approximately 130 trees of species native to the area would be planted as part of the proposed project, including Western redbud, crape myrtle, coast live oak, valley oak, cork oak, and various ornamental trees within residential front yards.

The applicant would comply with requirements of the Tree Preservation Ordinance and permit conditions to allow the removal of trees. Following construction, ongoing operation of the project would not be expected to result in further tree removal, but should tree removal be needed in the future, a tree removal permit from the City of Fremont would be required. As a result, impacts of project construction and operation in relation to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be less than significant and no mitigation is required.

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

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

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans covering the project area. Thus, construction or operation of the proposed project would have no impact on or conflict with habitat conservation plans in the area.

Potential Impact: No impact.
Mitigation: None required.

References

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 25, 2020.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

LSA Associates, 2018. Biological Resources Survey. Provided for the City of Fremont.

LSA Associates, 2020. Reply to Biological Resources Comments. Provided for the City of Fremont.

4.5 Cultural Resources

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

Environmental Setting

A Cultural Resources Study was prepared for the subject property to analyze the potential for impacts to cultural resources associated with the proposed project. The Cultural Resources Study completed a search of the Directory of Properties in the Historic Property Data File, California Historical Landmarks, California Points of Historical Interest, *Five Views: An Ethnic Historic Site Survey for California*, and the California Inventory of Historic Resources. The search did not identify any historic resources within the project site. The site is vacant of buildings and structures [if true]. According to the City of Fremont eGIS system, there are no properties eligible for the National, California, or Local Register of Historic Resources within a 1,000-foot radius of the project site.

A search of the Directory of Properties in the Historic Property Data File, California Historical Landmarks, California Points of Historical Interest, *Five Views: An Ethnic Historic Site Survey for California*, and the California Inventory of Historic Resources did not identify any archeological resources within the project site. The search identified two historic-period archeological cultural resource sites and one pre-historic archeological cultural resource site located within a half-mile search radius. An LSA archeologist also conducted a field survey on June 1, 2016. The field survey did not identify any archeological cultural resources on the project site.

Discussion

This discussion is based in part on the following document(s):

- *Cultural Resources Study for Omaha Way Project*, prepared by LSA, Inc dated July 25, 2016 (Cultural Resources Study).

4.5(a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The project site is vacant, and the cultural resources study did not identify any historical resources on or in the vicinity of the project site. Therefore, the project would have no impact on historical resources and no mitigation is required.

Potential Impact: No impact.
Mitigation: None required.

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

Despite the lack of known archeological resources on the site, there is the possibility that unrecorded archeological resources exist on the site. Archeological resources may be present on the project site as surface scatter, or they may be buried below ground. These resources could be noticed, uncovered, or unearthed during grading and construction activities associated with the project. As discussed in Section 2.6, the project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including the following requirements relating to protecting unearthed cultural resources:

> *FMC 18.218.050(c) Accidental Discovery of Cultural Resources*. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:
>
> (A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.
>
> (B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.
>
> (C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.
>
> (D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural

materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.

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

Compliance with the standard development requirement would prevent unearthed cultural and archeological resources from being adversely affected by the construction of the project. The ongoing operations of the proposed project are not expected to have any long-term effect on archeological resources on the project site, as resources not unearthed in construction would remain buried. As such, project would have a less than significant impact and no mitigation is required.

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

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

The project site is not known to contain human remains. However, human remains may exist at the project site and construction of the proposed project could disturb buried human remains that had not been previously identified. As discussed above, the project must comply with the City of Fremont's standard development requirements for the accidental discovery of cultural resources, which would also minimize the potential for disturbing unknown human remains. Therefore, the impact of the project construction on the disturbance of human remains would be less than significant given compliance with the standard development requirements. The long-term operation of the project would have no impact on the disturbance of human remains because the nature of the residential uses would not require any additional soil disturbance on the project site. As such, the project would have a less than significant impact and no mitigation is required.

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

References

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 24, 2020.

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City of Fremont, 2019. Re: Assembly Bill 52 Consultation for the Omaha Way Homes project (PLN2018-00192) Sent to: Indian Canyon Mutsun Band of Costanoans, North Valley Yokuts Tribe, Amah/Mutsun Tribal Band, The Confederated Villages of Lisjan, Costanoan Rumsen Carmel Tribe, The Ohlone Indian Tribe, and Muwekma Ohlone Indian Tribe of the SF Bay Area. December 17, 2020.

Native American Heritage Commission, 2019. Native American Contacts List. Prepared for the City of Fremont. December 12, 2019.

LSA, 2016. Cultural Resources Study for the Omaha Way Homes Subdivision, Fremont, Alameda County, California (LSA Project #OMA1601). Provided for the City of Fremont.

UPP Geotechnology, 2018. Updated Geotechnical and Geologic Study for Proposed Site Development, Tiffany Park Estate Property, East Warren Avenue, Fremont, California. Provided for the City of Fremont.

4.6 Energy

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

Environmental Setting

The project site is currently vacant, and there are no uses on the site that consume energy.

Regulatory Setting

The project is subject to the State of California's Building Energy Efficiency Standards. California's energy code is designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years by working with stakeholders in a public input process. The last update became effective on January 1, 2020.The project would be reviewed for compliance with Title 24 requirements at the construction documents phase.

Discussion

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

Construction
Construction activities 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.

As described in Section 2.6, 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 energy efficiency of the construction process, such as standards related to equipment idling. With these standards in effect, it is anticipated that project construction would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would thus be less than significant.

Operations
The proposed 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 United States, and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary. As such, project would have a less than significant impact and no mitigation is required.

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

4.6(b) Would the project 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 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 proposed project would ensure that the project would not result in the use of energy in a wasteful manner.

The project would also comply with Title 24 requirements related to solar PV arrays. Between 200 and 800 square feet of solar-ready area has been identified on the roof of each home to ensure that the project can meet Title 24 requirements related to renewable energy provision. Due to its compliance with the above noted California Energy Efficiency Standards, the project would not conflict with state or local renewable or energy efficient objectives. As the project

would be consistent with state and local plans for renewable energy and energy efficiency, impacts would thus be less than significant and no mitigation is required.

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

References

California Energy Commission, 2020. Building Energy Efficiency Standards – Title 24. Available online at https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards. Accessed on May 6, 2020.

City of Fremont, 2011. City of Fremont General Plan. Conservation Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 24, 2020.

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 15, Buildings and Construction. Available online at www.fremont.gov/fmc. Accessed March 24, 2020.

4.7 Geology, Soils, and Seismicity

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.7(a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
4.7(a)(i)	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☒	☐	☐
4.7(a)(ii)	Strong seismic ground shaking?	☐	☒	☐	☐
4.7(a)(iii)	Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
4.7(a)(iv)	Landslides?	☐	☒	☐	☐
4.7(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
4.7(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?				
4.7(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
4.7(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?	☐	☐	☐	☒
4.7(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Environmental Setting

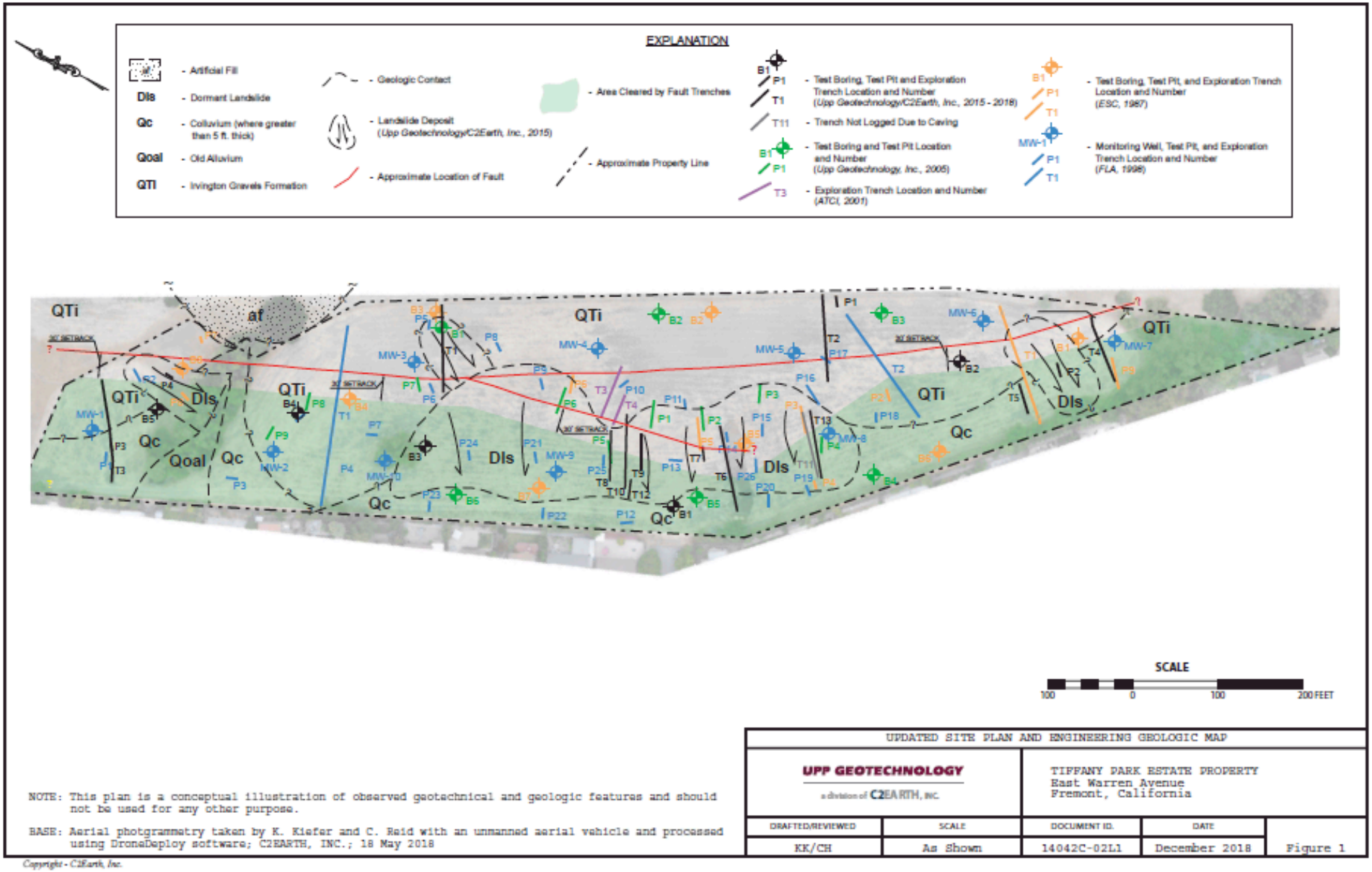
The San Francisco Bay Area is one of the most seismically active regions in the United States. The seismicity in the region is caused by activity along the San Andreas fault system, which reflects the boundary between the North American tectonic plate (to the east) and the Pacific plate (to the west). The San Andreas Fault and its major branching faults are about 40 miles wide in the Bay Area, and include the Hayward Fault, Calaveras Fault, and San Gregorio Fault.

The project site is located immediately to the west of I-680, near the boundary of the East Bay foothills. The property is within the Hayward fault zone. The two main traces of the Hayward fault are mapped to the east of the project site, with the closest main trace located immediately beneath I-680. Due to the site's proximity to mapped traces of the Hayward fault, the California State Special Studies Zone Map shows that the site is within the current Alquist-Priolo Earthquake Fault zone for areas prone to earthquake ground rupture.

UPP Geotechnology completed the geotechnical investigation for the project site, which was peer reviewed over multiple review cycles by the City's geotechnical consultant, Cotton, Shires and Associates (UPP Geotechnology, 2018a, b, 2019a, b; CSA, 2018, 2019a, b). In their subsurface investigation of the site, UPP Geotechnology identified a trace of the Hayward Fault running through the project site. Fault exploration trenches, test pits, and borings revealed that an active trace runs through the eastern portion of the property, near the top of the slope on the site. A short, discontinuous, and likely extinct fault splay, which is likely an off-shoot of the longer fault trace on the project site, runs though the southwestern portion of the project site. The extent and location of the identified fault trace and fault splay is shown in Figure 4.7-1.

The project site is not within an area identified by the State geologist as being subject to significant risk of seismic-induced liquefaction. The site geotechnical investigation found subsurface conditions consisting of colluvium over Irvington Gravels formation claystone, siltstone, and sandstone bedrock. Liquefaction from seismic activity is a low risk in these soil types.

Figure 4.7-1: Map of Identified Fault Traces within the Project Site



The project geotechnical report identifies three types of landslide hazards associated with the proposed project: hazards from seismic-induced landslides, hazards from the collapse of dormant landslides on the project site, and hazards from landslides induced by other means. First, the western portion of the project site is identified by the State Geologist as a Seismic Hazard Zone for earthquake induced landsliding. Additionally, the project geotechnical report found evidence of four dormant landslides on the project site. The dormant landslides are all less than 10 feet thick and confined to the upper surficial soil. Finally, the project geotechnical review concluded that there was the potential for landsliding triggered by excessive precipitation or improper future grading on the project site.

Finally, the geotechnical report determined that the project site subsurface consists of critically expansive colluvium and claystone bedrock. Expansive soils are capable of absorbing water, and change volume in response to changes in water content. As a result, foundations that are constructed on expansive soils without proper design considerations could be damaged when the water content of the soil changes.

Discussion

This discussion is based in part on the following document(s):

- *Geotechnical and Geologic Study for Omaha Way Project*, prepared by UPP Geotechnology, dated January 18, 2018; Revised June 18, 2019 and July 10, 2019 (Geotechnical Study).

4.7(a)(i) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

UPP Geotechnology recommended that a 30-foot setback from the fault trace and fault splay be applied to mitigate impacts related to fault rupture. With the 30-foot setback, UPP Geotechnology indicated that it is unlikely that surface fault rupture would occur through the proposed home sites. Cotton Shires Associates concurred with this evaluation in their peer review. The proposed project plans would comply with the recommended 30-foot setback from the west side of the fault trace.

In addition to the required setback from the fault trace and fault splay, UPP Geotechnology provided additional recommendations to reduce the impacts of seismic hazards, including fault rupture. These recommendations would be implemented in the construction-documents phase, and if adhered to, would further reduce the impact of seismic rupture on the proposed project.

Potential Impact GEO-1: The project site is located within the Alquist-Priolo Earthquake Fault zone and an active trace of the Hayward fault runs through the site. The project may expose people or structures to substantial adverse effects, including the risk of loss, injury, or death due to seismic activity. The City typically requires that a project comply with the findings and recommendations of the associated geotechnical study as a component of project design. The

City may, in the future under alternate project conditions, elect to include similar requirements as standard conditions of approval for a project rather than mitigation measures contained within an environmental document. The following geotechnical recommendations are included as mitigation measures for this project due to the geotechnical complexity of the site. These recommendations and the resultant determination of the City's Geological Peer Review consultant provide performance standards. Conforming detailed project designs will be developed after entitlement approval with the benefit of additional peer review.

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

MM GEO-1:

Geotechnical Plan Review and Field Inspection. The project applicant shall retain a Project Geotechnical Consultant for the duration of project development and construction. The Project Geotechnical Consultant, in coordination with other Project Consultants and the City Geotechnical Consultant, shall implement the following mitigation measures:

(A) The Project Geotechnical Consultant shall prepare a design-level geotechnical report providing their recommendations for grading, foundations, retaining walls, and the stability of temporary cuts. The results of the Design-Level Geotechnical Engineering Evaluations shall be summarized in a report and submitted to the City of peer review by the City Geotechnical Consultant prior to geotechnical approval of the proposed subdivision for construction.

(B) The Project Civil Engineering Consultant shall review the project geotechnical reports summarizing the results of the supplemental geotechnical investigations and design-level geotechnical engineering evaluations and prepare a grading and drainage plan for the project. The grading and drainage plan shall be submitted to the City for peer review by the City Geotechnical Consultant prior to geotechnical approval of the proposed subdivision for construction.

(C) The Project Civil Engineer shall confirm the location of the structure are no closer to the fault trace than the minimum required building setback of 30 feet.

(D) The Project Geotechnical Consultant shall review and approve all geotechnical aspects of the final project building and grading plans, including but not limited to site preparation and grading, site drainage, and design parameters for foundations, retaining walls, and driveways, to ensure that their recommendations have been property incorporated. The Project Geotechnical Consultant shall submit documentation to the City prior to the issuance of building permits indicating that the plans follow their recommendations.

(E) The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspection shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface

drainage improvements, and excavation for foundations and retaining walls prior to the placement of steel and concrete.

The Project Geotechnical Consultant shall inspect all excavations during the project grading to confirm the location of the faults previously mapped. If the consultant identifies other faults during site grading, the City Geotechnical Consultant should be allowed to inspect the excavations and fault exposures prior to placement of fill. The project Geotechnical Consultant shall also review the performance of temporary cut slopes during project grading. If temporary slopes appear to be unstable, the consultant shall provide supplemental recommendations to address stability of the temporary slopes.

(F) The Project Geotechnical Consultant shall prepare a letter summarizing the results of these inspections and the as-built conditions of the project. The letter shall be submitted to the City Building Official and City Engineer for review prior to final (as-built) project approval.

The design features of the proposed project and the implementation of Mitigation Measure Geo-1 to ensure the correct implementation of the geotechnical consultant's recommendations would reduce the impacts associated with earthquake rupture to less than significant with mitigation incorporated.

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

4.7(a)(ii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Because an active fault trace associated with the Hayward fault runs through the project site, the site would be subject to substantial and severe ground shaking in the event of an earthquake on the Hayward fault. The maximum anticipated ground shaking intensities for the project site are characterized as very strong and equal to a Modified Mercalli (MM) intensity of VIII. An earthquake having an MM intensity of VIII generally causes considerable damage to well-built ordinary structures, and slight damage to specially designed earthquake-resistant structures.

The project geotechnical review recommends several measures to reduce the risk of strong ground-shaking related to the design of the building foundations and retaining walls. As discussed above, Mitigation Measure GEO-1 requires that structural elements of the proposed project are required to undergo appropriate design-level geotechnical review prior to the issuance of building permits and the completion of project construction. Improvements design and constructed in accordance with the geotechnical recommendations of UPP Geotechnology and Cotton, Shires, and Associates would be expected to maintain their structural integrity during the design-level strength of earthquake induced ground shaking.

The proposed project would also be required to adhere to the seismic standards and regulatory requirements of the California Building Code (CBC) and Fremont Municipal Code (FMC). The

CBC includes structural design requirements based on the seismic hazards present in the vicinity of the project site. The incorporation of the geotechnical review requirements and compliance with the CBC would result in an impact from strong seismic ground shaking that is less than significant with mitigation incorporated.

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

4.7(a)(iii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

The project site is not within an area identified as being subject to significant risk of seismic-induced liquefaction. The proposed project would be required to follow the seismic standards of the most recent version of the California Building Code, which includes measures to ensure that potential settlement and resultant damage from liquefaction is minimized. While complete avoidance of any damage may not be feasible, incorporation of industry-standard seismic design measures in accordance with current building codes would reduce potential impacts from liquefaction and differential settlement to less-than-significant levels. Construction and operation of the proposed project would not exacerbate the potential for seismic liquefaction. For this reason, the construction and operational impacts of the project relating to liquefaction would be less than significant.

The project would be subject to other types of seismic-induced ground failure, including seismic-induced soil instability and landslides, which are discussed in Section 4.7(a)(ii) and Section 4.7(a)(iv), respectively. Seismic induced ground failure of these types would be a potentially significant impact. Mitigation Measure GEO-1 addresses the risk of seismic-induced soil instability and landslides, and may be found in the appropriate Sections mentioned above.

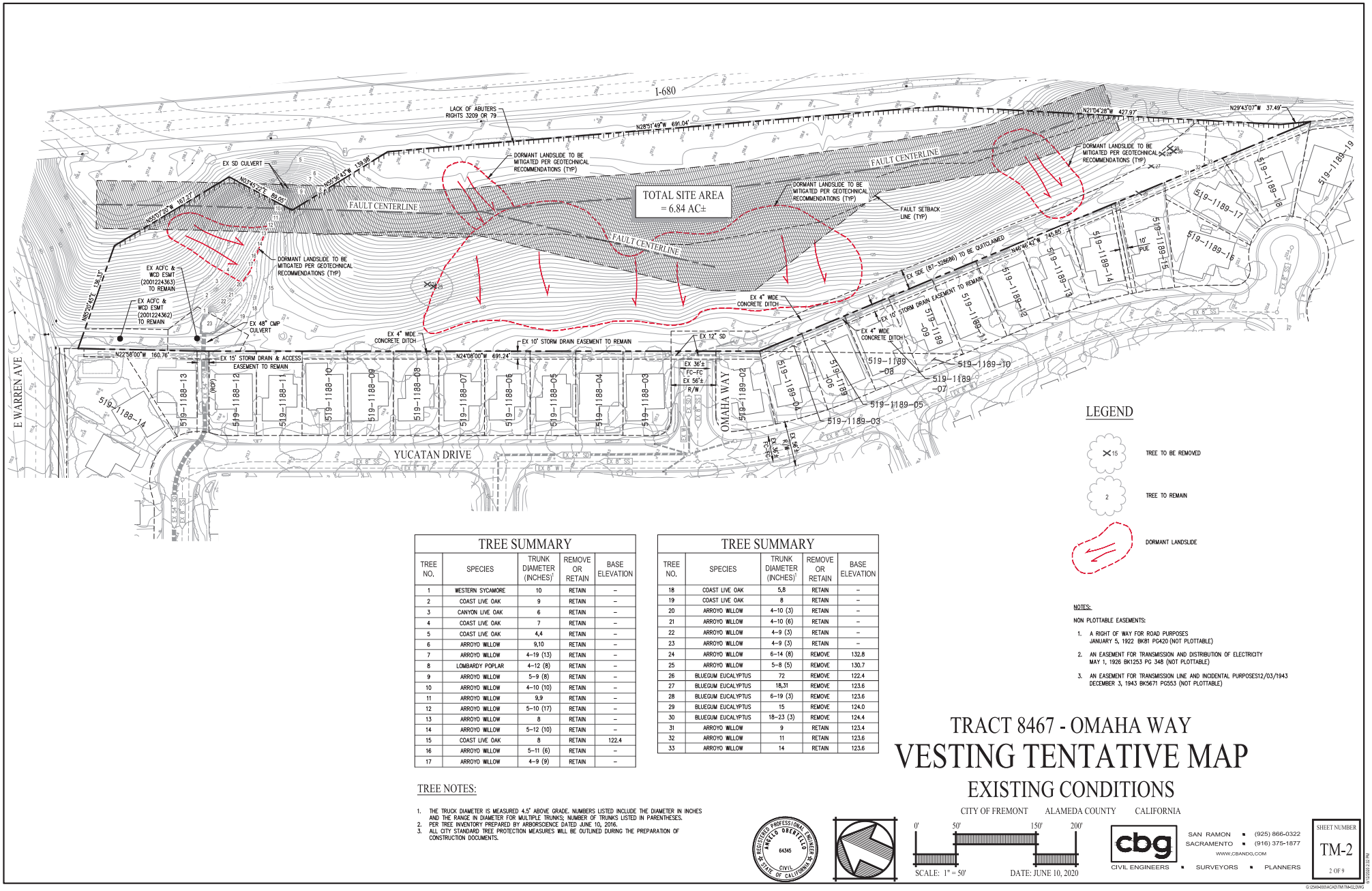
Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measure GEO-1.

4.7(a)(iv) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project geotechnical report identifies three types of landslide hazards associated with the proposed project: hazards from seismic-induced landslides, hazards from the collapse of dormant landslides on the project site, and hazards from landslides induced by other means.

Seismic-Induced Landslides: The project geotechnical review conducted a slope stability analysis that reviewed the potential impacts of seismic-induced landslides on the project site (both within and outside of the Seismic Hazard Zone). The analyses were performed in accordance with the guidelines presented in the Special Publication 117A by the California Geological Survey. The analysis concluded that the potential for deep-seated seismic-induced landsliding to affect the proposed development is low. However, the analysis determined that a new shallow (less than 10 feet deep) landslide could be triggered by a seismic event in the areas outside the limits of the

Figure 4.7-2: Map of Identified Dormant Landslides within the Project Site



TREE SUMMARY

TREE NO.	SPECIES	TRUNK DIAMETER (INCHES)[1]	REMOVE OR RETAIN	BASE ELEVATION
1	WESTERN SYCAMORE	10	RETAIN	–
2	COAST LIVE OAK	9	RETAIN	–
3	CANYON LIVE OAK	6	RETAIN	–
4	COAST LIVE OAK	7	RETAIN	–
5	COAST LIVE OAK	4,4	RETAIN	–
6	ARROYO WILLOW	9,10	RETAIN	–
7	ARROYO WILLOW	4–19 (13)	RETAIN	–
8	LOMBARDY POPLAR	4–12 (8)	RETAIN	–
9	ARROYO WILLOW	5–9 (8)	RETAIN	–
10	ARROYO WILLOW	4–10 (10)	RETAIN	–
11	ARROYO WILLOW	9,9	RETAIN	–
12	ARROYO WILLOW	5–10 (17)	RETAIN	–
13	ARROYO WILLOW	8	RETAIN	–
14	ARROYO WILLOW	5–12 (10)	RETAIN	–
15	COAST LIVE OAK	8	RETAIN	122.4
16	ARROYO WILLOW	5–11 (6)	RETAIN	–
17	ARROYO WILLOW	4–9 (9)	RETAIN	–

TREE SUMMARY

TREE NO.	SPECIES	TRUNK DIAMETER (INCHES)[1]	REMOVE OR RETAIN	BASE ELEVATION
18	COAST LIVE OAK	5,8	RETAIN	–
19	COAST LIVE OAK	8	RETAIN	–
20	ARROYO WILLOW	4–10 (3)	RETAIN	–
21	ARROYO WILLOW	4–10 (6)	RETAIN	–
22	ARROYO WILLOW	4–9 (3)	RETAIN	–
23	ARROYO WILLOW	4–9 (3)	RETAIN	–
24	ARROYO WILLOW	6–14 (8)	REMOVE	132.8
25	ARROYO WILLOW	5–8 (5)	REMOVE	130.7
26	BLUEGUM EUCALYPTUS	72	REMOVE	122.4
27	BLUEGUM EUCALYPTUS	18,31	REMOVE	123.6
28	BLUEGUM EUCALYPTUS	6–19 (3)	REMOVE	123.6
29	BLUEGUM EUCALYPTUS	15	REMOVE	124.0
30	BLUEGUM EUCALYPTUS	18–23 (3)	REMOVE	124.4
31	ARROYO WILLOW	9	RETAIN	123.4
32	ARROYO WILLOW	11	RETAIN	123.6
33	ARROYO WILLOW	14	RETAIN	123.6

TREE NOTES:

1. THE TRUCK DIAMETER IS MEASURED 4.5' ABOVE GRADE. NUMBERS LISTED INCLUDE THE DIAMETER IN INCHES AND THE RANGE IN DIAMETER FOR MULTIPLE TRUNKS; NUMBER OF TRUNKS LISTED IN PARENTHESES.
2. PER TREE INVENTORY PREPARED BY ARBORSCIENCE DATED JUNE 10, 2016.
3. ALL CITY STANDARD TREE PROTECTION MEASURES WILL BE OUTLINED DURING THE PREPARATION OF CONSTRUCTION DOCUMENTS.

NOTES:

NON PLOTTABLE EASEMENTS:

1. A RIGHT OF WAY FOR ROAD PURPOSES JANUARY 5, 1922 BK81 PG420 (NOT PLOTTABLE)
2. AN EASEMENT FOR TRANSMISSION AND DISTRIBUTION OF ELECTRICITY MAY 1, 1926 BK1253 PG 348 (NOT PLOTTABLE)
3. AN EASEMENT FOR TRANSMISSION LINE AND INCIDENTAL PURPOSES12/03/1943 DECEMBER 3, 1943 BK5671 PG553 (NOT PLOTTABLE)

TRACT 8467 - OMAHA WAY

VESTING TENTATIVE MAP

EXISTING CONDITIONS

CITY OF FREMONT ALAMEDA COUNTY CALIFORNIA

ANGELO DEBENEDETTO 64345 CIVIL STATE OF CALIFORNIA REGISTERED PROFESSIONAL ENGINEER

SCALE: 1" = 50' DATE: JUNE 10, 2020

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
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SHEET NUMBER TM-2 2 OF 9

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proposed grading and construction of the proposed project. Since these areas are generally located uphill of the proposed project residences, any debris from the slide would flow towards the residences.

Based on the likely size of the landslides, the report concluded that any seismic-induced landslide would not constitute a threat to the integrity of the proposed residences and site improvements if they are designed and constructed in accordance with the recommendations of the geotechnical report and the requirements of the California Building Code. As discussed in Section 4.7(a)(i) above, Mitigation Measure GEO-1 would require the geotechnical consultant to review the proposed plans and finished on-site construction for compliance with the geotechnical recommendations. The impact of seismic-induced landslides on the project would be less than significant with mitigation incorporated.

Dormant Landslides: According to the Landslide Inventory Map of the Milpitas Quadrangle, no landslides are mapped on the subject property, although several landslides are mapped east and southeast of the project site. The project geotechnical report found evidence of four dormant landslides on the project site, as shown in Figure 4.7-2. The dormant landslides are all less than 10 feet thick and confined to the upper surficial soil.

The project applicant proposes to mitigate all four landslides on the project site using two different methods. The southernmost three landslides would be mitigated by removing the landslide debris and replacing the soil with engineered fill. As discussed in Section 4.4 Biological Resources, the northernmost landfill requires special consideration because it is located on the bank of the unnamed tributary to Agua Fria Creek that runs through the project site. This landslide will be mitigated using a plate pile system within the upslope portion of the slide. A series of steel rods attached with flat plates would be driven in a grid pattern along the bank, and no soil removal would occur. The project geotechnical consultant has reviewed the proposed landslide mitigation measures, and concluded that they would be sufficient to address the risk posed from unstable dormant landslides on the project site. Given the proposed project design features to address these dormant landslides, the impact on the proposed development and adjacent developments from dormant landsliding would be less than significant.

Other Landslide Risk: The project geotechnical review conducted a slope stability analysis that reviewed the potential for landsliding triggered by excessive precipitation or improper future grading on the project site. Based on the subsurface conditions and geologic setting, the analysis concluded that the potential for deep-seated landsliding to affect the proposed development is low. The analysis determined that a new shallow (less than 10 feet deep) landslide could be triggered in the areas outside the limits of the proposed grading and construction of the proposed project. These areas are generally upslope of the proposed homes and improvements; however, the report concluded that a landslide of this magnitude would not threaten the integrity of the proposed residences and improvements if they are designed and constructed in accordance with the recommendations of the geotechnical report and the requirements of the California Building Code. Similarly, a landslide would not threaten the integrity of existing residences adjacent to the project site, which are located even further from the location of the dormant landslides on site. As discussed in Section 4.7(a)(i) above, Mitigation Measure GEO-1 would require the geotechnical consultant to review the proposed plans and completed on-site construction for

compliance with the geotechnical recommendations. The impact of landslides on the project would be less than significant with mitigation incorporated.

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

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

Construction of the proposed project would involve significant grading, including the 44,600 cy of cut and 2,000 cy of fill. As part of clearing and site preparation work, the geotechnical report recommends removing all surface vegetation and the first three inches of organic-laden topsoil on natural slope areas where the colluvium and topsoil is generally about 5 to 6 feet thick. These grading activities, and other activities required for the construction of the proposed project, have the potential to cause erosion and loss of topsoil.

As discussed in Section 6(a)(i) above, Mitigation Measure Geo-1 would require the geotechnical consultant to review the proposed plans and finished on-site construction for compliance with the geotechnical recommendations. The geotechnical recommendations for the proposed project include methods to address erosion and topsoil loss, including the following measures:

- Construct the gradients of permanent cut or fill slopes no steeper than 2:1
- Construct drainage benches on graded slopes at elevation intervals no greater than 30 feet where those slopes exceed 30 feet tall
- Re-vegetate all graded surfaces or areas of disturbed ground prior to the onset of the rainy season following construction to control soil erosion
- Install other erosion control provisions if vegetation is not established by the rainy season
- Maintain ground cover vegetation once it is established to provide long-term erosion control

Compliance with the geotechnical recommendations and Mitigation Measure GEO-1 would reduce the possibility for large-scale erosion and topsoil loss on the project site.

Additionally, as discussed in Section 4.10, Hydrology and Water Quality, the project involves disturbance to an area that is greater than an acre, which requires coverage under the Statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activities Stormwater Permit (General Permit) through the California State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, submission of a Storm Water Pollution Prevention Plan (SWPPP) would be required. The SWPPP requires the implementation of Best Management Practices to minimize erosion and topsoil loss during the construction of the project. With implementation of Best Management Practices required by the SWPPP under the NPDES General Permit, the potential construction impacts related to erosion and topsoil loss would be less than significant.

Once operational, impervious features on the project site would be landscaped with shrubs, grasses, trees, and groundcovers, and erosion or loss of topsoil would not be expected to routinely continue. However, is possible that improper drainage, particularly after large precipitation events, could result in erosion and topsoil loss on the steep slopes above the

building locations. The geotechnical recommendations for the proposed project include methods to address possible erosion and topsoil loss in this manner, including performing annual maintenance of retaining wall backdrain systems to make sure that subdrain pipes are free of debris and are in good working order. This maintenance must also include inspection of the subdrain outfall locations to verify that introduced water flows freely through the discharge pipes and that no excessive erosion has occurred. Compliance with the geotechnical recommendations and Mitigation Measure GEO-1 would reduce the possibility for large-scale erosion and topsoil loss on the project site during ongoing operations and, as such, the project would have a less than significant impact with mitigation incorporated.

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

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

The project geotechnical review conducted a slope stability analysis that reviewed the relative risk for future soil movement at the subject property. The analyses were performed in accordance with the guidelines presented in the Special Publication 117A by the California Geological Survey. The analysis found that the non-supportive soil and colluvium mantling the supportive underlying Irvington Gravels formation caused the potential for future soil creep or landsliding that could impact the project.

As discussed in Section 4.7(a)(i), UPP Geotechnology provided recommendations to reduce the impacts of geologic hazards, including soil creep or instability. These recommendations would be implemented in the construction-documents phase, and if adhered to, would mitigate the impact of non-supportive soils on the project. Recommendations related to soil stability include the following measures:

- Fill placed on slopes in excess of 5:1 must be benched into the underlying supportive bedrock to provide a firm, stable surface for the support of the fill
- Where the toe of fill slopes are not retained by site retaining walls, a keyway must be excavated a minimum of 3 feet into the supportive bedrock, as measured on the downhill side of the keyway.
- The keyway and any required benches must be excavated near level in the direction parallel to the natural slope and must be provided with an approximately 2% gradient sloping into the hillside to provide resistance to lateral movement
- Excavate the basement using shoring or an OSHA approved benching or sloping cut configuration selected by an OSHA “Competent Person”. The Competent Person must be capable of identifying hazards during construction, such as slope instability, and take prompt corrective measures to mitigate any potential hazard
- The proposed residences and garages must be structurally supported on drilled, cast-in-place, straight-shaft concrete friction piers gaining support in the bedrock.

The geotechnical report concludes that while the project site does have some non-supportive, unstable soils, the project would not cause any additional soils to become unstable, nor result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse if the recommendations contained within the report are followed. Mitigation Measure GEO-1 requires that the geotechnical consultant to review, inspect, and approve all geotechnical mitigation measures undertaken as part of the proposed project prior to permit issuance and prior to permit final. This mitigation measure ensures that the geotechnical recommendations are followed correctly and precisely so that geologic hazards are mitigated to the extent assumed in the geotechnical report. As such, the impacts from non-supportive soils would be less than significant with mitigation incorporated.

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

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

The geotechnical report determined that the project site subsurface consists of critically expansive colluvium and claystone bedrock. The geotechnical report recommends mitigation to address these expansive soils, including the following measures:

- Prohibit the use of on-site materials in constructing pads for buildings or flatwork. Use of on-site materials is limited to constructing engineered buttress fills in landslide areas or using in landscaping areas.
- The proposed residences and garages must be structurally supported on drilled, cast-in-place, straight-shaft concrete friction piers gaining support in the bedrock.
- The foundation must be isolated from the critically expansive bedrock using void forms
- Site retaining walls must be supported on either drilled pier foundations or designed and constructed as segmented block retaining walls
- In order to mitigate differential movement of asphalt roadways, replace the upper 24 inches of subgrade materials with bedrock; scarify and re-compact the upper six inches of subbase to receive baserock; and use a minimum pavement section of 2 inches of asphalt over 24 inches of virgin Caltrans Class II baserock compacted to at least 95% relative compaction.

Mitigation Measure Geo-1 requires that the geotechnical consultant to review, inspect, and approve all geotechnical mitigation measures undertaken as part of the proposed project prior to permit issuance and prior to permit final. This mitigation measure ensures that the geotechnical recommendations are followed correctly and precisely to prevent foundation damage from expansive soil, such that risks to life or property would be less than significant.

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

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

The project site does not require the ability to support new septic tanks or alternative wastewater disposal. New stormwater, wastewater, and other utilities would be connected to existing utility infrastructure adjacent to the site. For these reasons, there would be no impact from construction or operation of the project in relation to septic tanks or alternative wastewater treatment systems.

Potential Impact: No impact.
Mitigation: None required.

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

The project site is not known to contain any unique paleontological resources or geologic features. However, such resources may exist at the project site and construction of the proposed project could disturb a resource or feature that had not been previously identified. As discussed in Section 4.5 Cultural Resources, the project must comply with the City of Fremont's standard development requirements for the accidental discovery of cultural resources, which would also minimize the potential for destroying unique paleontological resources. Therefore, the impact of the project construction on the disturbance such resources and features would be less than significant given compliance with the standard development requirements. The long-term operation of the project would have no impact on the disturbance of paleontological or geological resources because the nature of the residential uses would not require any additional soil disturbance on the project site. Therefore, the project would not destroy a unique paleontological resource or site or unique feature and would have a less than significant impact with no mitigation required.

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

References

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 26, 2020.

City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 26, 2020.

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Cotton Shires and Associates, 2018. Engineering Geologic and Geotechnical Engineering Peer Review for Proposed Residential Subdivision, Omaha Way and East Warren Avenue. Prepared for the City of Fremont on February 26, 2018.

Cotton Shires and Associates, 2019a. Engineering Geologic and Geotechnical Engineering Peer Review for Proposed Residential Subdivision, Omaha Way and East Warren Avenue. Prepared for the City of Fremont on April 29, 2019.

Cotton Shires and Associates, 2019b. Engineering Geologic and Geotechnical Engineering Peer Review for Proposed Residential Subdivision, Omaha Way and East Warren Avenue. Prepared for the City of Fremont on July 17, 2019.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont

UPP Geotechnology, 2018. Updated Geotechnical and Geologic Study for Proposed Site Development, Tiffany Park Estate Property, East Warren Avenue, Fremont, California. Provided for the City of Fremont.

UPP Geotechnology, 2019a. Supplemental Information and Response to Comments, Proposed Site Development, Tiffany Park Estate Property, East Warren Avenue, Fremont, California. Provided for the City of Fremont on June 18, 2019.

UPP Geotechnology, 2019b. Supplemental Information and Response to Comments, Proposed Site Development, Tiffany Park Estate Property, East Warren Avenue, Fremont, California. Provided for the City of Fremont on July 10, 2019.

4.8 Greenhouse Gas Emissions

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

Environmental Setting

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

Regulatory Setting

Greenhouse gases (GHGs) play a critical role in determining the earth's surface temperature. GHGs are present in the atmosphere naturally, are released by natural sources and anthropogenic sources, and are formed from secondary reactions taking place in the atmosphere. The following

are GHGs that are widely accepted as the principal contributors to human-induced global climate change that are relevant to the proposed project:

- Carbon dioxide (CO2)
- Methane (CH4)
- Nitrous oxide (N2O)

The BAAQMD CEQA Guidelines provide operational-related criteria air pollutant and precursor screening level sizes for use by Lead Agencies. The criteria were developed specifically for the Bay Area, and reflect a calculation of GHG emissions reductions from new land use projects required to meet the state's goals under Assembly Bill (AB) 32. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. These criteria are not thresholds of significance; rather, they are intended to provide a conservative indication of whether the project could result in potentially-significant air quality impacts.

The City of Fremont Climate Action Plan (CAP) is the locally-adopted document that addresses greenhouse gas emissions reductions. The CAP sets an emission reduction goal of 25 percent below Fremont's 2005 conditions by 2020 (City of Fremont, 2012).

The main method through which the CAP aims to reduce emissions from new construction is through the adoption of green building codes. As of 2011, all new residential buildings in the City of Fremont must comply with the Green Building Code, or, alternately, achieve at least fifty points from the GreenPoint Checklist (City of Fremont, 2012). The City of Fremont has also adopted an ordinance and amendments to FMC Chapter 15.48, Fremont Green Building Standards Code, related to implementation of the 2019 California Green Building Standards Code (CALGreen). The 2019 CALGreen requirements include mandatory measures for all new building construction, and the CALGreen Residential Mandatory Measures checklist must be included on a plan sheet for all projects subject to these measures (City of Fremont, 2020).

Discussion

This discussion is based in part on the following document(s):

- *Air Quality Study for Omaha Way Project*, prepared by Illingworth and Rodkin, dated July 24, 2020 (Air Quality Study).

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

Construction

Project construction could generate GHG emissions resulting from construction equipment and grading and paving activities. As previously discussed In Section 2.6, development projects that have that have the potential to adversely affect the environment through to construction activities shall implement the adopted standard development requirements in FMC Section 18.218.050. This includes, FMC Section 18.218.050(a), discussed in the Air Quality section of this Initial Study. As a standard project requirement, the proposed project shall implement FMC Section 18.218.050(a), which incorporates BAAQMD Best Management Practices for project

construction, and, therefore, would reduce the amount of greenhouse gas emissions generated during project construction.

One of the largest sources of greenhouse gas emissions from the proposed project construction would be from diesel-powered construction equipment. As discussed in Section 4.3(c), Mitigation Measure AIR-1 requires that the project develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 60-percent reduction in DPM exhaust emissions or greater. Mitigation measure AIR-1 would also reduce the amount of greenhouse gas emissions produced during the construction of the proposed project.

Finally, the project would also implement Best Management Practices, such as the recycling of construction materials in compliance with the City's waste diversion ordinance. The project would also be required to adhere to the City's Green Building Code, which includes mandatory measures for all building construction.

Due to the implementation of the Standard Development Requirements and the previously-identified Mitigation Measure AIR-1, the construction-related greenhouse emissions would be less than significant with mitigation incorporated.

Operation

As shown in the table below, the project attributes of the proposed residential project are below the operational screening criteria established by BAAQMD as a conservative estimate as to whether a project would exceed the 1,100 MT of CO2e/year threshold of significance for projects other than stationary sources.

Table 4.8-1: GHG Screening Level Sizes

Land use	*Operational GHG Screening Size*
Single family residential	56 du
Proposed Project	13 du

Therefore, because the proposed project would be well under the greenhouse gas emission screening level sizes found in BAAQMD's CEQA Guidelines, impacts from the project operation would be less than significant.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measure AIR-1.

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

The project would be required to adhere to the City's Green Building Ordinance and the 2019 CALGreen requirements. By extension, the project would comply with the locally-adopted CAP,

which limits greenhouse gas emissions in new development projects through the application of these building standards. In such a way, the proposed project would not conflict with any applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions and no mitigation is required.

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

References

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

City of Fremont, 2012. Fremont Climate Action Plan. Available online at https://fremont.gov/DocumentCenter/View/19837. Accessed March 15, 2020.

City of Fremont, 2016. Green Building. Available online at https://fremont.gov/2173/Green-Building. Accessed March 15, 2020.

California Air Resources Board, 2017. California's 2017 Climate Change Scoping Plan. Accessed at https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed March 15, 2020.

Intergovernmental Panel on Climate Change (IPCC), 2013. Climate Change 2013: The Physical Science Basis. Available online at http://www.ipcc.ch/report/ar5/wg1/. Accessed March 15, 2020.

Illingworth and Rodkin, 2020. Air Quality Study for Omaha Way Project. Prepared for the City of Fremont.

4.9 Hazards and Hazardous Materials

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.9(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
4.9(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐

4.9(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4.9(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?	☐	☐	☐	☒
4.9(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
4.9(f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
4.9(g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
4.9(h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

Environmental Setting

Hazardous Materials

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

There is no evidence of soil contamination at the project site. The Phase I Environmental Site Assessment found that the site has been vacant and undeveloped since at least 1889. The steep grades on the project site precluded its use for agricultural activities. A 1939 aerial photograph suggests that the project site vicinity may have been used for hay or pastureland. Two land uses potentially associated with hazardous material were identified adjacent to the project site: historic orchards to the west (near the current Yucatan Drive subdivision) and I-680 to the east.

The areas to the west of the project site were used as orchards from at least 1939 to the mid-1970s. Prior to 1950, agricultural production utilized inorganic pesticides that contained elevated concentrations of heavy metals. Residues from these pesticides persist for many decades in

shallow soils, resulting in soil contamination long after the agricultural use has subsided. However, since no orchards or row crops were located on the project site, it is unlikely that these pesticides were applied to this property.

Second, there is the potential for aerially-deposited lead on the project site from the adjacent I-680 to the west. Because I-680 was constructed between 1968 and 1974, before the phase-out of leaded gasoline in the 1980s, the soils within the edge of the pavement of the highway have the potential to be contaminated. The five feet of the project site closest of I-680 along the eastern boundary is potentially in an area that could be affected by aerially-deposited lead. Due to the limited area of potential concern and the minimal construction activities that would occur in that area, aerially-deposited lead is not a significant concern at the project site.

Furthermore, the Phase I ESA concluded that four identified sites with records of hazardous materials use, storage, generation, disposal, and releases did not have the ability to impact the project site due to distance or downgradient position relative to groundwater flow.

With regard to nearby schools that could be impacted by potential hazardous materials releases, the project site is within one-quarter mile of James Leitch Elementary School (900 feet from the project site) and at least two home-based daycares (530 feet and 850 feet from the project site).

Hazards
The project site is not located within an airport land use plan. There are no public or private airports within the City of Fremont. The closest airports by approximate distance from the project site are San Jose International Airport (16 miles south-southwest), Moffett Federal Airfield (eight miles west-southwest), and Hayward Executive Airport (16 miles northwest).

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

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

Discussion

This discussion is based in part on the following documents(s):

- *Phase I Environmental Site Assessment for Omaha Way Project*, prepared by Baseline Environmental Consultants dated July 1, 2016.

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

Construction
Construction activities associated with the proposed project may require the limited use of hazardous materials such as fuels, oils, solvents, and glues. Given the size of the proposed construction, there is a low likelihood that significant quantities of hazardous materials would be used or stored at the site.

The proposed project would not involve any demolition of existing structures, and therefore would have no impact associated with the release of hazardous chemicals used in building materials including asbestos and lead. The proposed project would involve the export of approximately 44,200cy of soils from the subject site. There is no evidence of soil contamination at the project site from past or present uses. While there is evidence of the potential for soil contamination and/or hazardous materials releases at sites in the vicinity of the project site, this off-site contamination would not pose a concern to the project site. Therefore, the project would have a less than significant impact related to the routine transport, use, or disposal of hazardous materials during construction.

Operation
The project would result in the construction of 13 new single-family residential units on the site. The residential uses on the site would not involve the routine transport, use, or disposal of hazardous materials beyond those commonly used by households for cleaning and landscape maintenance. These products are typically sold in small quantities and would not represent a significant use of hazardous materials at the site. Therefore, the project operation would have no impact involving the routine transport, use, or disposal of hazardous materials.

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

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

Construction
Construction of the proposed project would involve grading activities and the construction of 13 new houses and associated infrastructure. Construction activities themselves may require the limited use of hazardous materials such as fuels, oils, solvents, and glues. As discussed further in Section 4.10, Hydrology and Water Quality, the project would be required to obtain coverage under the State Water Resources Control Board's General Construction Permit because it is greater than one acre in size. As part of the Construction General Permit requirements, the contractor would be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) which would include best management practices to prevent accidental spill of these hazardous materials into the environment. With the implementation of best management

practices, construction activities would not reasonably result in the accidental release of hazardous materials, and this impact would be less than significant.

Operation
The proposed residential uses on the site would not involve the use of hazardous materials beyond those commonly used by households for cleaning and landscape maintenance. These products are typically labelled with warnings and instructions for handling, storage, and disposal that would instruct homeowners on how to prevent accidental releases. These products are typically sold in small quantities, and accidental release at this scale would not result in a significant impact on the environment. Therefore, the project operation would have no impact involving the accidental release of hazardous materials into the environment.

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

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

While the project is located within one-quarter mile of a school, project construction and operations are expected to use typical amounts of consumer-type hazardous materials. Project construction would utilize fuels, oils, solvents, and glues. Project operations would utilize household cleaners and landscaping chemicals. The use, handling, and disposal of these products would be aligned with best management practices and user instructions. Therefore, the project would have a less than significant impact related to the emission or handling of hazardous materials, substances, and waste near schools.

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

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

The project site is not listed on DTSC's Hazardous Waste and Substances Site List (Cortese List) and would not create a significant hazard to the public or the environment. Thus, no impact would result.

Potential Impact: No impact.
Mitigation: None Required.

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

The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, construction or operation of the project would have no impact with respect to airport hazards.

Potential Impact: No impact.
Mitigation: None Required.

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

There are no private airstrips within the City of Fremont. As such, there are no private airstrips in the vicinity of the project site. Therefore, construction or operation of the project would have no impact with respect to private airstrip hazards.

Potential Impact: No impact.
Mitigation: None Required.

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

Construction
Construction of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. As discussed in Section 4.16, Traffic and Transportation, construction activities at the project site could result in increased construction truck traffic. Because construction trucks would not travel through residential neighborhoods, these effects would generally be confined to the E Warren Avenue and other major thoroughfares in the vicinity of the project site. There is a possibility that these effects could impede emergency response or evacuations. However, these effects would be limited in geographic area and concentrated on streets already designed to accommodate a heavy traffic flow of varied vehicle types. Additionally, any effects caused by construction truck movements would be temporary. Construction activities would not fundamentally alter the emergency evacuation routes in the vicinity of the project site, which would remain unchanged from existing conditions. The construction impact on emergency response plans and emergency evacuation plans would be less than significant.

Operation
As described above, there are no identified evacuation routes that would be impacted by the proposed project. The proposed project would be reviewed by the Fremont Fire Department prior to approval to ensure that the project has adequate ingress and egress to enable emergency vehicle access. The City of Fremont Department of Public Works would review roadway improvements for compliance with the City of Fremont Standard Details for Improvements in Public Right of Way (2014), which would ensure adequate access to the project site and individual residences for emergency response purposes. The potential operational impact related to emergency and evacuation plans would be less than significant.

Potential Impact: Less than significant.

Mitigation: None Required.

4.9(h) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The proposed project is not located within the locally designated Very High Fire Hazard Severity Zone. Although the area immediately across I-680 from the project site is designated part of the Very High Fire Hazard Severity Zone, the 200–foot-wide freeway right of way provides a barrier between the project site and this more fire-prone area. Neither the site, nor the land across the I-680 freeway from the project site, is located within any state-designated Fire Hazard Areas as identified by CAL Fire. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires. The impact would be less than significant.

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

References

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

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

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Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

4.10 Hydrology and Water Quality

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.10(a)	Violate any water quality standards or waste discharge requirements or otherwise	☐	☐	☒	☐

	substantially degrade surface or groundwater quality?				
4.10(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
4.10(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:	☐	☐	☒	☐
4.10(c)(i)	Result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
4.10(c)(ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	☐	☐	☒	☐
4.10(c)(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?	☐	☐	☒	☐
4.10(c)(iv)	Impede or redirect flood flows?	☐	☐	☐	☒
4.10(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
4.10(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Environmental Setting

The project site is composed of vacant, pervious surfaces. Stormwater currently drains uncontrolled to the west across the slope of the property. A concrete ditch is located along the western property line. Most surface run-off from the project site collects in this ditch and is conveyed into the City storm drain system via a drain entrance near the terminus of Omaha Way

The project site is crossed by an unnamed tributary of the Agua Fria creek in its northern portion. The up-gradient end of the creek flows through a culvert buried under I-680. The creek runs roughly east-west across the project site before entering a culvert on the western property line that carries it under the adjacent residential development. The creek appears to run year-round, with water depths ranging from one to six inches and a two to three foot deep plunge pool located just below the I-680 culvert.

The project area overlies the Niles Cone groundwater sub-basin. Niles Cone has a series of relatively flat lying aquifers separated by extensive clay aquitards (Alameda County Water District, 2017). Groundwater on the site occurs at shallower depths in the eastern portion of the site than in the western portion of the site. UPP Geotechnology observed perched groundwater between 17 and 24 feet below ground surface on portions of the project site during fieldwork conducted in July 2016. Perched groundwater may be encountered on the site seasonally within bedrock fractures, within the soils overlying the bedrock, or near the tributary creek on the northern project boundary. Although unlikely, perched groundwater could be within a few feet of excavation level, and construction dewatering may be required.

The project site is located within Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. 06001C0606G. According to this FIRM, the project site is located within an Unshaded Zone X, which is an area of minimal flood hazard higher than the elevation of the 0.2-percent-annual-chance flood. The project site is not within a designated FEMA 100-year floodplain. The project is not located near any large enclosed bodies of water.

Regulatory Setting

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

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

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

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

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

Discussion

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

Due to the amount of area proposed to be disturbed and modified, the project would be required to follow statewide water quality and wastewater discharge requirements during construction and operation, as described below.

Construction
Because disturbed acres within the project site would be greater than one acre, the project would obtain coverage under the NPDES Construction General Permit through the SWRCB. The applicant must comply with standard erosion control measures that employ Best Management Practices (BMPs) and develop a Stormwater Pollution Prevention Plan (SWPPP). Compliance with these requirements would reduce the

The project would also implement best management practices related to groundwater management. If groundwater is encountered during construction, water would be removed from active work areas, treated where necessary, and disposed of in accordance with permit requirements. There are no existing groundwater wells located on the site, minimizing the risk that poor-quality water or chemicals enter the groundwater.

In summary, the applicant would implement measures to reduce potential water quality impacts during construction in accordance with current state and local regulations. Therefore, construction of the proposed project would not substantially degrade water quality or violate any discharge requirements, and the impact would be less than significant.

Operation
Because the proposed project would create in excess of 10,000 square feet of impervious surface area, it would be subject to the NPDES C.3 requirements of the Municipal Stormwater Permit.

Consistent with these requirements, the storm drainage system within the project site would be designed to connect to the existing public sanitary sewer and storm drain lines that run under Omaha Way. The storm drains within the project site would be private drains maintained and managed by the project Homeowners Association. The project would obtain its water from existing public water mains underneath Omaha Way.

The project site is currently 6.86 acres of pervious surface. The proposed project would result in the creation of 1.78 acres of impervious surfaces associated with the private street, buildings, and walkways, and retention of 5.08 acres of pervious surface. In order to manage drainage from impervious surfaces, the project proposes thirteen Drainage Management Areas (DMAs), each associated with their own bioretention basin. Bioretention treatment areas would be located on the western side of the private street, and would range in size from 138 square feet to 368 square feet. Each bioretention area would sized such that it has sufficient capacity to treat runoff from its associated DMA, in accordance with the C.3 requirement that all stormwater be treated prior to discharge into the public storm drain.

The project would be designed in compliance with C.3 requirements, and as such, the operation of the project would have a less than significant impact on water quality standards and wastewater discharge requirements and no mitigation is required.

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

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

Development of the project site would not involve any groundwater extraction. However, it would involve an increase in the amount of impervious surface, which may reduce on-site infiltration potential. The project site currently contains 6.86 acres of pervious surfaces. The proposed project would result in the creation of 1.78 acres of impervious surfaces associated with the private street, buildings, and walkways. Approximately 5.08 acres of pervious surface would remain at the conclusion of construction. Because the proposed project would increase the total amount of impervious surface on the project site, the amount of recharge to the underlying groundwater aquifer would be reduced.

The proposed project would be required to include design features that retain runoff from impervious surface 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 very-low, low and medium water use plantings in areas adjacent to the residences. Stormwater runoff would be captured and treated within thirteen bioretention basins located to the east of the proposed private street. The project would also include recommendations from the geotechnical report to control surface drainage, including:

- Prevent surface water from ponding in areas adjacent to the foundation of the proposed residences and associated improvements by grading adjacent areas to create property drainage by sloping them away from the structures
- Provide roof gutters with downspouts on the structures.
- Discharge collected water onto an energy dissipater or into the local storm water system. The discharge must not be located where runoff will adversely impact adjacent parcels.
- Perform annual maintenance of the surface drainage systems

Incorporation of these drainage measures and compliance with the C.3 provisions and Alameda County Clean Water Program guidelines would help minimize any increased flows off-site and encourage on-site infiltration into the underlying groundwater basin.

Furthermore, the project development area is relatively small (6.86 acres, and 1.78 acres of new impervious surface) compared to the Niles Cone groundwater subbasin (65,800 acres). A reduction in groundwater recharge from the project site would have a negligible impact on the groundwater basin as a whole. Therefore, despite a potential reduction in the amount of infiltration that would occur on-site due to an increase in impervious surfaces, the proposed bioretention areas would promote on-site infiltration and reduce the impact of the project on regional groundwater to less than significant and no mitigation is required.

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

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

The project would alter the existing drainage pattern on the site by adding approximately 1.78 acres of impervious surfaces through the construction of 13 new single-family homes, a new private street, and associated improvements. The current concrete ditch would be removed and replaced with a new drainage system that accounts for these new impervious surfaces and is better designed to mimic the natural process of infiltration. Stormwater runoff would either infiltrate into on-site landscaped areas or would drain to one of the 13 provided biotreatment areas. The biotreatment areas would capture and treat runoff from impervious surfaces prior to releasing them into the public storm drain system. Additional runoff would not be directed into the existing unnamed creek tributary on the project site. The project would incorporate these drainage control features in compliance with the Municipal Regional Permit, Alameda County

Clean Water Program requirements, and recommendations contained in the project geotechnical report.

The project would not alter the course of the existing creek on site, nor that of any other stream or river, in such a way that increases erosion on or off site. The project proposes creating an open space parcel, Parcel A, in the vicinity of the tributary creek. The creation of the open space parcel would provide an approximately 50-foot setback between the proposed development and the creek. Construction activities on Parcel A would be limited to the installation of a pile plate system to address a dormant landslide (see Section 4.4 Biological Resources and Section 4.7 Geology and Seismicity). The pile plate system would involve driving plates into the creek bank to support its existing form, and would not alter or modify the course of the creek in any way. There would be no grading, excavation, or building construction within the bounds of Parcel A that could modify the course of the creek. Once operational, the project would not direct any new runoff into the creek because runoff would be directed to on-site landscaping or bioretention areas.

Although changes in the drainage patterns of stormwater runoff would occur due to the proposed addition of impervious surfaces, implementation of drainage control requirements would ensure that excessive erosion and siltation does not occur. Therefore, this impact is less than significant and no mitigation is required.

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

4.10(c)(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

As previously discussed, the proposed project would alter the drainage pattern of stormwater runoff due to the increased amount of impervious surface on the site. The project would drain and treat its stormwater in compliance with the Municipal Regional Permit and Alameda County Clean Water Program requirements, as well as the engineer's recommendations in the project geotechnical report. Stormwater from impervious surfaces would drain to biotreatment areas. The biotreatment facilities would be designed to treat stormwater over multiple days rather than instantaneously release water at the time of precipitation. Therefore, the biotreatment facilities would change the timing and reduce the magnitude of peak runoff from the site. However, the basins would not do so in such a way that increases flood risk. The implementation of drainage control requirements, including on-site bioretention basins, would not substantially alter drainage patterns such that flooding on- or off-site would occur, and the impact would be less than significant.

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

4.10(c)(iii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would 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?

Potential impacts associated with the capacity of the drainage infrastructure would be minimized through adherence to drainage control requirements. Stormwater runoff would be managed through stormwater controls that are integrated into the project design, such as biotreatment areas and landscape areas. Compliance with the Municipal Regional Permit and Alameda County Clean Water Program would avoid or minimize potential impacts related to the contribution of substantial amounts of additional runoff, pollution, or sediment into the municipal storm drain system. Due to the stormwater controls implemented in the project design, the project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, and the impact to those drainage systems would be less than significant.

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

4/10(c)(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would impede or redirect flood flows?

According to Federal Emergency Management Agency (FEMA) flood insurance rate maps, the project site is not located within a special flood hazard area (FEMA, 2009). Therefore, the project would not place structures that impede or redirect flood flows within a 100-year flood hazard area. While the existing tributary creek on the project site is not considered a flood hazard area, the project would not contribute additional flows to the creek in such a way that could affect flooding downstream. Thus, there would be no impact with respect to impeding or redirecting flood flows.

Potential Impact: No impact.
Mitigation: None required.

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

The project is located within an Unshaded Zone X, which is an area of minimal flood hazard higher than the elevation of the 0.2-percent-annual-chance flood. The project site is not within a designated FEMA 100-year floodplain, and it is not located near any large enclosed bodies of water. The project site is also located over 10 miles inland and is not located in a likely tsunami inundation zone. Therefore, flooding, tsunamis, and seiche waves are not considered a hazard to

the project. There would be no impact with respect to these hazards and no mitigation is required.

Potential Impact: No impact.
Mitigation: None required.

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

The project would comply with all applicable local and state stormwater discharge requirements during construction and operation, including but not limited to the Construction General Permit, Municipal Regional Permit, and Alameda County Clean Water Program requirements. Through compliance with these regulations and implementation of best management practices, the project would not conflict with any applicable water quality control plan or sustainable groundwater management plan. The impact would be less than significant.

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

References

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

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

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

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

Federal Emergency Management Agency (FEMA). 2009. Map number 06001C0606G. Flood Insurance Rate Map, Alameda County, California and Incorporated Areas. August 3, 2009.

UPP Geotechnology, 2018. Updated Geotechnical and Geologic Study for Proposed Site Development, Tiffany Park Estate Property, East Warren Avenue, Fremont, California. Provided for the City of Fremont.

4.11 Land Use and Land Use Planning

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*

4.11(a)	Physically divide an established community?	☐	☐	☐	☒
4.11(b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Environmental Setting

The project site is an infill site that is surrounded by urbanized land uses. The site is adjacent to E Warren Avenue to the north, I-680 to the east, and single-family residential neighborhoods to the south and west. I-680 is an existing major barrier in the vicinity of the project site that separates low density single-family residential communities on the eastern side of the freeway from less-dense hillside residential and open space communities on the western side of the freeway.

Regulatory Setting

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

4.11(a) Would the project physically divide an established community?

The project would create a new private street that runs north-south near the western border of the project site and connects out to Omaha Way, an existing stub street. The project would not close any public roadway, nor would it alter the established circulation pattern on any public roadways. The project would develop 13 new single-family homes and associated landscaping, open space, and circulation improvements on the project site. The project would not construct any physical feature that would create a barrier between established communities. Therefore, no impact would occur related to the physical division of an established community.

Potential Impact: No impact.
Mitigation: None required.

4.10(b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project site is zoned P and has a General Plan Designation of Low Density Residential, 2.3 to 8.7 DU/AC. The project would rezone the site to a Planned District and retain the existing General Plan Land Use Designation. The proposed residential density of 2.87 units per net acre

is at the low end of the permitted density range of 2.3 to 8.7 units per net acre per the site's Low Density Residential General Plan Land Use Designation.

The development of the site was a Planned District would conform to site's current P zoning, which indicates that planned district development is the most desirable way to develop the site. The proposed Planned District would be loosely based on the R-1-6 zoning standards for standards such as setbacks, second-to-first floor ratio, and building height. The proposed project would meet additional standard requirements of Planned District zoning outlined in FMC Section 18.110, "Planned Districts."

The proposed project would be consistent with the following General Plan goals and policies related to infill development and single-family residential development:

Policy 2-1.11: Infill Emphasis
Focus new development on under-developed or "skipped over" sites that are already served by infrastructure and public streets. Strongly discourage, and where appropriate prohibit, the conversion of open space or underdeveloped land on the fringes of Fremont to urban uses.

Implementation 2-2.5.F: Planned (P) District
Use Planned Development (P) zoning to provide flexibility in application of the zoning code, encourage more desirable site planning outcomes, or achieve particular mixes of land uses or unit types. Within mixed use areas, P District zoning may be used to indicate sites or portions thereof on which housing or commercial is a required land use.

Policy 2-2.9: Adequacy of Infrastructure
Allow new development to occur only when the public facilities needed to serve that development are available or will be provided by the development through the payment of impact fees.

Implementation 2-2.11.C: Land Assembly
Encourage the assembly of small or awkwardly shaped contiguous parcels in order to create more viable development sites and promote the more productive and efficient use of land.

Implementation 2-3.6.A: Neighborhood Connectivity.
Sidewalks connect to existing neighborhood, no gates or obstacles to circulation.
The proposed project does not conflict with the General Plan or zoning ordinance of the City of Fremont, or any provisions in those documents adopted for the purpose of avoiding or mitigating an environmental effect. For such a reason, the associated impacts would be less than significant.

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

References

City of Fremont, 2011. City of Fremont General Plan. Land Use Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 27, 2020.

City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/. Accessed on March 27, 2020.

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 27, 2020.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

4.12 Mineral Resources

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.12(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?	☐	☐	☐	☒
4.12(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?	☐	☐	☐	☒

Environmental Setting

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

Discussion

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

Because the project site is not located near or on a known mineral resource, there would be no impact to the loss of a known or locally important mineral resource.

Potential Impact: No impact.
Mitigation: None required.

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

The project site is not within any of the mineral resource sectors identified in the City of Fremont General Plan. The project would have no impact on the loss of mineral resources as designated on a local general plan, specific plan, or other land use plan.

Potential Impact: No impact.
Mitigation: None required.

References

City of Fremont, 2011. City of Fremont General Plan. Land Use Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 16, 2020.

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 17, 2020.

United States Geological Survey (USGS), 2017, Mineral Resources On-Line Spatial Data, Available at https://mrdata.usgs.gov/general/map.html, Accessed March 17, 2020.

4.13 Noise

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

Environmental Setting

The predominant source of noise at the project site is I-680, which runs immediately to the east of the project site. Noise levels at the project site in 2016 ranged from 68 dB(A) at 170 feet from the edge of I-680 and 15 feet above ground to 59 dB(A) 200 feet from I-680 and 5 feet above ground. The project is located within 500 feet of noise-sensitive receptors, specifically the single-family residences along Yucatan Drive to the south and west of the project site.

There are no airports within the City of Fremont or within two miles of the project site. Airports are not a significant contributor to the existing noise environment. The closest airports by approximate distance from the project site are San Jose International Airport (16 miles south-southwest), Moffett Federal Airfield (eight miles west-southwest), and Hayward Executive Airport (16 miles northwest).

Regulatory Setting

Noise from construction activity is regulated via limitations on construction hours and through standard development requirements for resource protection. FMC Chapter 18.160 limits the weekday construction hours for activities within 500 feet of a noise-sensitive receptor to 7:00am to 7:00pm. Saturday and holiday hours are limited to 9:00am to 6:00pm, and Sunday construction is prohibited.

The City of Fremont General Plan Safety Element outlines acceptable exterior and interior noise standards for residential development in Implementation 10-8.1A: Noise Standards:

1. Require new development projects to meet acceptable exterior noise level standards. The maximum acceptable noise levels in residential areas is an Ldn of 60 dB(A). This level shall guide the design and location of future development, and is a goal for the reduction of noise in existing development. A 60 dB(A) goal will be applied where outdoor use is a major consideration (e.g. backyards in single family housing developments and recreation areas in multi-family housing projects). The outdoor standard will not be normally applied to small decks associated with apartments and condominiums, but these will be evaluated on a case by case basis. When the City determines that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved after application of feasible mitigation measures, an Ldn of 65 dB(A) may be permitted at the discretion of the City Council.

2. Interior noise levels shall not exceed an Ldn of 45 dB(A) in new housing units. Typical noise levels in bedrooms should not exceed 50 dB(A). Typical noise levels in other rooms should not exceed 55 dB(A). A noise insulation study, conforming to the requirements of the State Building Code, shall be prepared for all new residential, hotels, and motels exposed to an exterior Ldn of 60 dB(A) or greater and submitted to the Plans and Permits Division prior to the issuance of a permit.

The City of Fremont has adopted the Federal Transit Administration's vibration impact assessment criteria for use in evaluating vibration impacts associated with development.

Discussion

This discussion is based in part on the following documents(s):

- *Environmental Noise Assessment for Omaha Way Project*, prepared by Illingworth and Rodkin dated August 23, 2017; Revised February 19, 2020 (Noise Study).

4.13(a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards

established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction

Construction of the proposed project would result in elevated noise levels that may temporarily affect nearby residences. Construction activity at the project site is proposed to begin approximately six to nine months after final approvals and last for 21 months. Noise impacts at adjacent residences would fluctuate during different construction phases depending on the proximity of the construction to the property edges as well as the type of work (e.g. grading, site preparation, building construction) being conducted. Construction equipment generating noise near the project site would include rubber-tired bulldozers, tractors, loaders, backhoes, excavators and graders. The project would not use compressors or pile drivers.

The project is located within 500 feet of noise-sensitive receptors, specifically the single-family residences along Yucatan Drive to the south and west of the project site. Due to the presence of sensitive receptors within 500 feet of the project site, the applicant would be required to limit construction hours per FMC 18.160. The applicant has indicated in their construction plans that construction on the site would be limited to the hours set forth in FMC 18.160. Therefore, construction noise would be in conformance with the applicable local ordinance.

Additionally, as discussed in Section 2.6, the City of Fremont has adopted standard development requirements that are applicable to all projects that could have a significant impact on the environment. The proposed project would comply with the following standard development requirement related to construction noise:

> *FMC 18.218.50(c) 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 of the proposed project would use typical construction equipment and adhere to the City of Fremont construction hours and standard development requirements, as required by local ordinance. Therefore, construction of the proposed project would not generate temporary noise levels in excess of standards established in the local general plan or noise ordinance. The impact would be less than significant.

Operation

Future noise levels would continue to result primarily from vehicular traffic along I-680. The Environmental Noise Analysis completed for the site calculated noise levels at the backyards and upper stories of all 13 lot locations. Backyard noise levels at all but one lot (Lot 12) would exceed the 60 dB(A) threshold contained in the City's General Plan. Backyard noise levels of ten lots would have noise levels under the 65 dB(A) conditional approval threshold. Finally, backyard noise in two lots, lots 1 and 2, would exceed the 65 dB(A) conditional approval threshold with Ldn values of 68 dB(A) and 66dB(A), respectively.

In order to mitigate the exterior noise environment in the backyards of lots 1 and 2, the project would construct partially-enclosed "California Rooms". The California Room would contain the minimum required usable rear yard area of 15 feet by 20 feet. It would be connected to the proposed homes with a roof and walls to the west and north, and it would be open to the south and east (facing the retaining walls in the backyard and I-680). The geometry, shielding, and location of the California Rooms would reduce noise levels by approximately 5 to 8 dB(A), resulting in future noise levels of approximately 61 dB(A) on Lot One and 59 dB(A) on Lot 2. This would place the noise levels within the backyards of the two proposed lots within the conditionally acceptable and acceptable levels, respectively. In this way, the exterior noise reductions would be a component of project design and no additional mitigation measures would be required.

The General Plan also regulates interior noise levels, which should not exceed an Ldn of 45 dB(A) in new housing units. At the project site, exterior noise levels at ground level would range from 60 to 68 dB(A) and exterior noise levels at second-floor level would range from 64 to 72 dB(A). Standard residential construction provides approximately 15 dB(A) of exterior to interior noise reduction assuming that the windows are partially open for ventilation, and 20 dB(A) of noise reduction assuming that the windows are closed. Exterior noise levels at the second-floor level would range from 49 to 57 dB(a) with the windows open for ventilation, which would exceed the General Plan threshold for interior noise levels in new construction.

The project site is located next to I-680, which is the predominant source of noise that affects the project. In order to reduce noise within the units to a level consistent with the General Plan, the applicant would install high-performance sound-rated windows and doors on all units to achieve

the 45 dBA Ldn interior noise standard, as well as the instantaneous interior noise level goal of 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. Windows and sliding glass doors on the exterior bedroom facades will have a minimum STC rating of 28. These sound rated windows are currently incorporated into the design of the proposed project.

Additionally, building sound insulation requirements would include the provision of forced-air mechanical ventilation for all exterior facing rooms on the project site, so that windows could be kept closed at the occupant's discretion to control noise. Alternatively, should PTAC (wall mounted) air conditioning units be used, they are required to have an STC rating of 28.

Per the Conditions of Approval for the project, during the final design phase the floor plans and building elevations will be reviewed by a qualified acoustical specialist prior to issuance of a building permit. A letter shall be submitted to the building inspector along with the plans stipulating that the design incorporates the noise control treatments necessary to achieve acceptable interior noise levels.

These project design features would achieve interior noise levels of 45 dB(A) Ldn or less within all new residential units proposed at the project site. With this reduction in interior noise levels, the project would not expose new residents to exterior or interior noise levels in excess of an established threshold within the City's General Plan. The project design features would result in interior noise levels within the units that do not exceed the applicable general plan thresholds, and no additional mitigation measures would be required.

Potential noise associated with the long-term operation of the project would include typical residential noise such as motor vehicle trips, backyard activities, AC units, and landscape maintenance. Anticipated maintenance associated with the proposed bioretention areas would be limited to monthly visual inspections and biannual detailed inspections. Erosion and slope control, vegetation control, and vector control would be performed as needed. These noises would be similar to residential yard noises.

The noises associated with the long-term operation of the project are typical of residential areas and would not be significant enough to adversely impact ambient conditions without the project. Operational noise sources associated with the project are already present in the existing residential neighborhoods surrounding the project site. The project would consist only of residential uses, and no other sources of substantial noise are associated with long-term project operations.

In summary, the impact of the project associated with a generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies would be less than significant, and no mitigation is required.

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

4.13(b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction
Common sources of groundborne vibration and noise include construction activities such as blasting, pile driving, and operating heavy earthmoving equipment. Construction of the proposed project would involve grading, site preparation, and building construction. It would not involve any building demolition, as there are no existing buildings on site. As with noise, vibration impacts on adjacent residences would fluctuate during different construction phases depending on the proximity of the construction to the property edges as well as the type of work being conducted.

Construction would not involve the use of construction equipment that would result in substantial groundbourne vibration or groundbourne noise on properties adjacent to the project site. No pile driving or blasting would occur during project construction. Construction would utilize equipment such as bulldozer, dump trucks, and backhoes. While vibrations from this equipment are not strong enough to cause building vibration, the amount of vibration produced may reach a level of annoyance to residents in the vicinity of the project.

As discussed in Section 4.12(a), the project would comply with the applicable construction hours in the City's Municipal Code, which would limit the hours during which construction-related vibration could be produced. Additionally, the project would adhere to the standard development requirement related to noise-generating equipment. While this requirement is not specifically designed to address construction-related vibration, certain facets of the requirement would also reduce vibration impacts on neighboring residents. These include keeping construction equipment well-maintained, locating staging areas away from residential receptors, and providing contact information for a designated person to respond to complaints. Given that construction would comply with applicable hour limitations and standard development requirements, construction would have a less than significant impact related to exposing nearby residents to excessive ground-borne vibration.

Operation
The General Plan Update EIR identifies that perceptible ground vibration levels are expected to occur at distances ranging from within 50 feet to 150 feet from railroad tracks. The project site is located approximately 0.68 miles (3,600 feet) from the nearest railroad track. There would be no impact of groundborne vibration on residents of the project site.

Long-term operations of the project would be typical for residential purposes and would not create any major sources of vibration. Therefore, the operation of the project would have a less than significant impact on the exposure of people to new sources of groundbourne vibration.

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

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

There are no airports within the City of Fremont or within two miles of the project site. The closest airports by approximate distance from the project site are San Jose International Airport (16 miles south-southwest), Moffett Federal Airfield (eight miles west-southwest), and Hayward Executive Airport (16 miles northwest). As such, no associated airport land use plans are relevant for the project site, and the project would not expose people residing in the project area to excessive noise levels from an airport. Therefore, construction or operation of the project would have no impact with respect to airport noise.

Potential Impact: No impact.
Mitigation: None required.

References

City of Fremont, 2011. City of Fremont General Plan. Safety Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 16, 2020.

City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/. Accessed on March 17, 2020.

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State of California Department of Transportation, 2014. Draft Environmental Impact Report/Environmental Assessment for I-680 Northbound Express Lane. Available online at https://www.alamedactc.org/wp-content/uploads/2018/12/I680_NB_Express_Lane_DED_Nov2014.pdf. Accessed March 30, 2020.

4.14 Population and Housing

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.14(a)	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example,	☐	☐	☒	☐

	through extension of roads or other infrastructure)?				
4.14(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement house elsewhere?	☐	☐	☐	☒

Environmental Setting

The project site has been undeveloped since at least the late 1800s, and there are no existing buildings on the project site.

Discussion

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

Construction
The construction of the proposed project would require an estimated average of 15 construction employees on-site at a given time. Construction would begin six to nine months after project approval, and would take approximately 21 months to complete. The source of the construction labor force is unknown at this time, but workers would likely come from the local labor pool and not relocate to the City from other areas. Therefore, there would be no impact from population growth induced by construction of the proposed project.

Operation
The project site has an existing General Plan Land Use Designation of Low Density Residential, 2.3 to 8.7 DU/AC. The project would develop the site with a net density of 2.87 DU/AC, which is consistent with the residential density prescribed for the project site as envisioned under the City's General Plan. The proposed project would not directly induce substantial unplanned population growth in the City of Fremont because it would generate growth that was already accounted for in the City's 2011 General Plan.

The proposed project would be expected to increase population in the City of Fremont through the construction of thirteen new single-family homes. Based on the California Department of Finance's 2019 estimate of 3.15 people inhabiting a single dwelling unit, the proposed project would add 41 new residents to the City of Fremont. However, this additional population is consistent with the residential growth that was anticipated in the General Plan.

The proposed project would not induce substantial population growth indirectly through the extension of roads and other infrastructure. The project site is an infill site surrounded entirely by existing urbanized uses. The proposed project would not require the extension of any off-site utility infrastructure. All new utility infrastructure on the project site would be sized to accommodate project related demands and would not be intended to serve any developments on lands other than the project site. There would be no possibility to connect additional roadways to

the new proposed private street. As a result, this project would have a less than significant impact related to inducing substantial population growth.

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

4.14(b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement house elsewhere?

The proposed project would not involve the demolition of any structures, or specifically any structures used for housing. The proposed project would not affect adjacent residences, roadways, or businesses in such a way that would induce displacement. Therefore, the project would have no impact related to the displacement of existing people or housing.

Potential Impact: No impact.
Mitigation: None required.

References

California Department of Finance (DOF), 2019. E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011- 2019. Available online at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/. Accessed March 18, 2020.

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

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

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

4.15 Public Services

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.15(a)	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of				

	which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
4.15(a)(i)	Fire protection?	☐	☐	☒	☐
4.15(a)(ii)	Police protection?	☐	☐	☒	☐
4.15(a)(iii)	Schools?	☐	☐	☒	☐
4.15(a)(iv)	Parks?	☐	☐	☐	☒
4.15(a)(v)	Other public facilities?	☐	☐	☒	☐

Environmental Setting

Fire Protection

Fire protection services in the project area are provided by the City of Fremont Fire Department. In 2018, the Fire Department responded to 10,661 medical calls for service and 458 fire emergencies. Emergency Medical Services (EMS) response accounted for approximately 65% of all calls (City of Fremont Fire Department, 2018). The Fire Department aims to maintain a five minute thirty second response time 90 percent of the time for all emergencies located below the "Toe of the Hill" line. As of 2018, the average response time is three minutes twenty-eight seconds, which surpasses the City's goal (City of Fremont Fire Department, 2018). The closest station to the project site is Station 5 at 55 Hackamore Lane, approximately 0.80 miles from the project site.

Police Protection

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

Schools

The project site is located within the service boundaries of the Fremont Unified School District (FUSD). The project site is currently not assigned to any specific elementary, middle, or high school district; however, this would be anticipated to change once the project is occupied. Existing neighborhoods adjacent to the project site to the west are served by James Leitch Elementary School, which is located at 47100 Fernald Street approximately 0.60 miles from the project site, or Warm Springs Elementary School, which is located at 47370 Warm Springs Boulevard approximately 1.1 miles from the project site. The middle school that serves adjacent residences is Horner Junior High School, which is located at 41365 Chapel Way approximately 5.4 miles from the project site. Finally, the high school that serves adjacent residences is

Irvington High School, which is located at 41800 Blacow Road and approximately 5.3 miles from the project site.

Throughout the Fremont Unified School District system, enrollment is projected to decline consistently through 2027. Annual decline is projected to be between -0.19% and 0.90% per year, for a cumulative decline of 4.03% through the 2026-2027 school year.

Parks

Parks operated by the City of Fremont in the vicinity of the project site include Warm Springs Community Park (0.50 miles), Booster Park (0.90 miles), and Rancho Higuera Park (1.5 miles). The City maintains a parkland standard of five acres of parkland per 1,000 residents. The park development impact fee for new residential development is based on maintaining this ratio (City of Fremont, 2011).

Discussion

4.15(a)(i) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?

Construction

Construction of the proposed project could result in a small, temporary increase in the demand for fire suppression and emergency medical services due to the temporary presence of construction personnel in the area. Construction staffing would vary throughout the project phases, with an average of 15 construction workers on site at any given time. Typical fire and safety precautions would be taken, such as prohibiting on-site fires, reporting any fires even if they have been extinguished, discarding any smoking materials in approved containers, and maintaining access to emergency vehicles, fire hydrants, water tanks, and turnouts. Such activities would not necessitate the construction of new fire protection facilities or impact emergency response times. Therefore, the construction of the project would have a less than significant impact related to fire protection services.

Operation

As discussed in Section 4.13, Population and Housing, the project would result in approximately 41 new residents on the project site associated with 13 new single-family homes. The increase in demand for fire suppression and emergency medical services resulting from these additional residents would not be substantial. Furthermore, the amount and type of demand expected from the proposed development would be typical of demand from the surrounding residential areas. Fire services are already available near the project site, and the proposed project would not necessitate the construction of new fire protection facilities in order to maintain acceptable service ratios, response times, or performance objectives.

The project would be required to comply with the California Building Code, Fire Code, Electrical Code, and Mechanical Code. The Fire Department would review the project plans for

adequate access for fire and emergency apparatus, design features, and compliance with building and fire safety code requirements. Compliance with the applicable codes and review by the Fire Department would ensure that there are not any fire hazards due to the design of the project. Additionally, the applicant would be required to pay the Fire Services Development Impact Fee to offset impacts on fire services for the proposed project. The project's operational impact on fire services would be less than significant.

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

4.15(a)(ii) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?

Construction
Construction of the proposed project could result in a small, temporary increase in the demand for police services due to the temporary presence of construction personnel in the area. Construction staffing would vary throughout the project phases, with an average of 15 construction workers on site at any given time. Activities of this magnitude would not necessitate the construction of new police facilities or the expansion of existing police capabilities. Therefore, the construction of the project would have a less than significant impact related to police services.

Operation
As discussed in Section 4.13, Population and Housing, the project would result in approximately 41 new residents living on the project site. The associated increase in demand for police services would not be substantial. The frequency and type of demand expected from the proposed development would be typical of demand from the surrounding residential areas. The project site is located within an established zone for police services, and the proposed project would not necessitate the construction of new police facilities or expansion of the existing police force in order to maintain acceptable service ratios, response times, or performance objectives. The operation of the project would have a less than significant impact on police services.

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

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

Construction

An estimated average of 15 construction employees would be required for the construction of the proposed project. Construction would take approximately 21 months to complete. Workers would likely come from the local labor pool and would not relocate to the City from other areas. Therefore, construction would not be anticipated to significantly increase enrollment in local schools. As such, there would be no impact from construction of the project on school facilities.

Operation

The project would result in the construction of thirteen new single-family homes. The development is anticipated to result in 42 new residents. Based on the FUSD's student generation rates, the estimated future demand for schools as a result of the proposed development is a total of approximately four students across all grade levels. Table 4.15-1 shows the breakdown by grade level.

Table 4.15-1: Student Generation from Proposed Project

Grade Level	Student Generation Rate for Single-Family Detached Residential, per 100 homes	Estimated Number of New Students from the Proposed Project
Transitional Kindergarten	.0113	0
Elementary School (K-6)	.3437	4
Middle School (7-8)	.1103	1
High School (9-12)	.1627	2
TOTAL		8*

* The total of new students is not the sum of rows in the table due to rounding

As previously mentioned, enrollment in elementary, middle, and high school in the FUSD system is projected to decline in upcoming years. Due to the small number of students generated by the proposed project, along with overall declining enrollment, it is anticipated that FUSD can accommodate new students within the existing elementary, middle, and high schools.

SB 50 (Chapter 407, Statutes of 1998) instituted a school facility program through which school districts can levy fees for the construction or reconstruction of school facilities. FUSD levies Level II developer fees. Effective April 11, 2019, the current residential rate is $4.91 per square foot of residential development. The project applicant would pay the state-mandated school impact fees to FUSD that are being levied at the time of development. The California Legislature has declared that payment of State-mandated school fees is full and adequate mitigation under CEQA (California Government Code Section 65996).

Because the project would pay state-mandated school impact fees and the existing school facilities are capable of accommodating the four additional students generated by this project, the proposed project would not result in the need for new or expanded school facilities. The operational impact of the proposed project on school facilities would be less than significant.

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

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

Existing park acreage is sufficient to meet the City's goal of five acres of parkland per 1,000 residents. Based on the 41 new residents generated by the proposed project, approximately 0.205 acres of parkland would be required to maintain the City's parkland standard. The City requires all new residential development to dedicate or develop parkland, or to pay in-lieu fees consistent with state law and the City's impact fee program (City of Fremont, 2011). The project applicant has proposed to pay in-lieu fees for the project. Therefore, the proposed project would not result in the need for construction of new recreation facilities or deterioration of existing recreation facilities. Construction and operation of the project would have no impact on park facilities.

Potential Impact: No impact.
Mitigation: None required.

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

As described in Sections 4.15(a)(i) through 4.15(a)(iv) above, the project would have a less than significant impact on fire facilities, police facilities, and school facilities. It would have no impact on park facilities. The project may impact other City facilities indirectly through the addition of 41 new residents. However, as discussed in Section 4.13, Population and Housing, population growth associated with the project was already anticipated in the City's General Plan EIR projections for build-out. Therefore, given the relatively small and pre-planned need for additional City facilities and services for the proposed project, the impact on other City facilities is less than significant.

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

References

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

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

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Cooperative Strategies, Inc, 2019. Fremont Unified School District Enrollment Analysis Update. Available online at https://go.boarddocs.com/ca/fremont/Board.nsf/files/BGST2G754039/$file/1920_FremontUSD_EnrollmentProjections_20191016_Fn.pdf. Prepared for Fremont Unified School District. Accessed March 18, 2020.

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Fremont Unified School District, 2020. School Locator. Available online at https://www.myschoollocation.com/fremontusd2/. Accessed March 18, 2020.

Fremont Unified School District, 2019. Developer (School Impact) Fees. Available online at https://fusd-ca.schoolloop.com/pf4/cms2/news_themed_display?id=1529997717921. Accessed March 18, 2020.

4.16 Recreation

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

Environmental Setting

The City of Fremont's Recreation Services Division provides parks and recreation facilities and services to the City of Fremont. The City maintains approximately 1,148 acres of parkland, spread over 53 parks, which provide recreational facilities and opportunities to the community. A number of other agencies also maintain park and trail systems within the City, including the East Bay Regional Parks District, the Don Edwards San Francisco Bay National Wildlife Refuge, and the San Francisco Bay Trail. Parks operated by the City of Fremont in the vicinity of the project site include Warm Springs Community Park (0.50 miles), Booster Park (0.90 miles), and Rancho Higuera Park (1.5 miles).

Discussion

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

The proposed project involves the construction of 13 new single-family residences, generating approximately 41 new residents. The project would be consistent with the existing General Plan Land Use Designation for this site. Therefore, the project-associated growth was already anticipated and accounted for in the General Plan EIR and Parks and Recreation Element. The project would be located in proximity to established single-family residential neighborhoods, and use of neighborhood parks would be similar to existing single-family uses in the project vicinity. The project would not substantially increase the use of existing neighborhood parks or other recreational facilities in such a way that would accelerate the substantial physical deterioration of the facility. Therefore, the project would have a less than significant impact on the physical deterioration of existing neighborhood and regional parks.

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

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

The project site would include the development of two open space areas, Parcel A and Parcel B. Parcel A consists of 44,662 square feet of open space, including a riparian corridor within easements to Alameda County Flood Control and Alameda County Water District. There would be no path provided to access Parcel A from the residential portion of the development, and it is not intended to be used as a recreational area.

Parcel B consists of 38,335 square feet of open space between Lot 8 and Lot 9. The lower portion of Parcel B, near the entrance of the development, would contain a turf area with a concrete path and two picnic tables for the use of residents of the development. The impact of constructing this recreation area has been considered along with the impacts of constructing the rest of the development, as analyzed in this Initial Study. This recreation area is sized to accommodate residents of the development only, and visitation from off-site is not expected. The facilities would be maintained by the project Homeowner's Association, as would other common facilities on the site such as the bioretention basins and private street. Because it would be used by project residents as a residential amenity, the operation of the proposed recreational facilities would not have any impacts beyond those already analyzed in this Initial Study associated with the proposed new development.

The limited population growth associated with the project would not require any new off-site recreational facilities to be built. Furthermore, the payment of park dedication in-lieu fees and park facilities fees for new residential development, as described in Section 4.15(a)(iv) above, would offset any need for new recreation facilities as a result of the project. The project would

have a less than significant impact on the construction of recreational facilities which might have an adverse physical effect on the environment.

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

References

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

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

City of Fremont, 2020. City of Fremont Recreational Services, Available online at https://fremont.gov/259/Recreation-Services, Accessed March 19, 2020.

City of Fremont, 2020, City of Park Maintenance, Available online at https://fremont.gov/1254/ParkMaintenance. Accessed March 19, 2020.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont.

4.17 Transportation

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

Environmental Setting

The project site has its primary frontage on Omaha Way, an existing stub street off of Yucatan Drive which is a local street in southern Fremont. The project site also has access from E Warren

Avenue through a dirt roadway located along the far western property line, which is used by the Alameda County Flood Control and Water Conservation District to access their facilities on the site.

Omaha Way is designated as a local street in the General Plan. The internal roadway network within this area is characterized by networks of local streets, with a single ingress-egress point out to a larger arterial and minimal connectivity between separate development tracts. In the project vicinity, local roadway access is provided through an intersection at E Warren Avenue and Navajo Road. E Warren Avenue, which becomes Paseo Padre Parkway at its intersection with Curtner Road to the east of the project site, provides connectivity to regional roadways including I-680, I-880, Mission Boulevard, and Warm Springs Boulevard. In the City of Fremont General Plan, E Warren Avenue is classified as a Parkway to the east of its intersection with Navajo Road, and as an Arterial to the west of the intersection. In 2013, the segment of E Warren Avenue nearest to the project site served an average daily traffic (ADT) of 5,509 vehicles.

Sidewalks are currently present in the vicinity of the project site on Omaha Way and Yucatan Drive. Both of these local streets have sidewalks on both sides of the street. The sidewalk network on these local streets connects out to E Warren Ave, an arterial street which has sidewalks on both sides in addition to highly-visible pedestrian crosswalks.

As is typical of local streets, there is no bicycle infrastructure provided on Omaha Way, Yucatan Drive, or Navajo Drive. Class II (signed and striped) bicycle lanes are provided on E Warren Avenue, which connect to other nearby Class II facilities on Warm Springs Boulevard and Paseo Padre Parkway. The City's Bicycle & Pedestrian Master Plan proposes several bikeway improvements in the vicinity of the project site, including providing a separated bikeway along E Warren Avenue and creating a Class I bicycle path that connects nearby parks including Warm Springs Community Park, Booster Park, Lone Tree Creek Park, and Plomosa Park. These projects are not designated as Priority Projects under the Bicycle Master Plan, and a timeframe their completion is not known at this time.

Local bus service in the area is provided by the Alameda-Contra Costa Transit District (AC Transit). The closest bus stop is located at the intersection of Warm Springs Boulevard and E Warren Avenue, approximately 0.80 miles from the project site. The bus stop is serviced by the 217, 239, and 623 buses. The 217 provide service from Fremont BART to Milpitas BART at 30 minute intervals between the hours of 5:00AM and 11:00PM. The 239 bus provides service from Fremont BART to Kato Road at 30 minute intervals 5:00AM and 11:30PM. The 623 line provides weekday service at the end of the school day to a number of elementary, middle, and high schools between N. Milpitas Boulevard and Irvington High School. The project site is 2.0 miles from the closest BART station, the Warm Springs/South Fremont BART station. There are no other existing transit services or specific planned transit improvements in the immediate vicinity of the project site.

Regulatory Setting

Intersections, Streets, and Freeways: The Alameda County Transportation Commission's (ACTC) Congestion Management Program (CMP) describes performance measures related to

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

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

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

The project site is located within a complex of local streets, and there are no signalized intersections in the vicinity of the project site. The intersection at Navajo Road and E Warren Avenue, which connects local streets in the project site vicinity with the regional road network, is not signalized. The nearest signalized intersection is at E Warren Avenue and Fernald Street, approximately 0.40 miles from the project site. None of these intersections were studied within the 2011 General Plan EIR, and therefore the existing LOS is unknown. The nearest studied intersection is located at E Warren Avenue and Warm Springs Boulevard, 0.70 miles from the project site. This intersection had an LOS C during the AM peak hours and LOS D during the PM peak hour.

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

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

Discussion

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

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

Construction activities at the site would also generate heavy vehicle trips, including truck trips for off-site soil export (estimated 23 daily trips), heavy equipment transport, and material deliveries. The consequence of construction-related heavy truck traffic would be a temporary and intermittent lessening of street performance in the project site vicinity due to the larger turning radii of construction trucks compared to passenger vehicles. However, heavy truck traffic would be spread throughout the entire day and would not be concentrated during peak hours. Additionally, given the project site's proximity to I-680, heavy trucks would have a relatively short distance to travel on local roads before accessing the freeway.

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

Bicyclists could be sharing the road with heavy diesel-powered trucks that have a wider turning radius than typical passenger vehicles. Construction trucks could also obscure lines of sight for bicyclists due to their mass and height. If constant and pervasive, these impacts could reduce the usage and safety of the bicycle system. However, any impact from construction trucks would be temporary and minimal due to the volume and timing of trips. The number of truck trips would not exceed 23 trucks per day, which constitutes a small percentage of traffic on E Warren Avenue. Additionally, truck trips would be dispersed throughout the day and therefore the impact on bicycle travel at any given time is likely to be minimal. Construction trucks would follow applicable vehicular safety ordinances and any signing and striping related to bicycle-vehicular interactions. Therefore, the construction traffic would not conflict with adopted policies on mass transit, pedestrian, and bicycle facilities and the impact would be less than significant.

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

Operation

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

The City of Fremont typically requires a detailed transportation impact analysis (TIA) for projects generating 100 vehicle trips or more during weekday peak hours, defined as 7:00AM to 9:00AM and 4:00PM to 6:00PM. This threshold is consistent with the threshold used by the Alameda County Transportation Commission for determining whether a land use project requires preparation of a TIA to evaluate potential impacts to regional roadways in the surrounding areas that are designated as part of the regional Congestion Management Program network.

City Transportation Engineering Staff reviewed the proposed thirteen-lot subdivision, which would generate thirteen new residential units, and estimates it would generate 124 net new weekday vehicle trips, 10 net new weekday AM peak hour trips and 14 new net weekday PM peak hour trips. Trip generation estimates are based on the Institute of Transportation Engineers' Trip Generation Manual, 9th Edition, for single-family residential projects.

A TIA was not required for this project because the number of expected peak hour trips generated is significantly less than the City and ACTC threshold. Transportation Engineering staff have indicated that 124 new daily trips, including 10 AM peak hour trips and 14 PM peak hour trips, would not trigger a requirement for signalization at the Navajo Road/E Warren Avenue intersection or change the LOS of nearby signalized intersections. The project would not conflict with any LOS metric that the City has established to evaluate regarding the performance of the vehicular circulation system, and the impacts resulting from overall trip generation would be less than significant.

Pedestrian Facilities: The proposed project would include sidewalks on the eastern side of the private street in front of the thirteen single-family homes. Two crosswalks would be provided across the new private street for pedestrians to reach both the north and south side of Omaha Way. A new crosswalk would also be installed across Omaha Way immediately prior to its intersection with the new private street.

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

Bicycle Facilities: The proposed project would not include any specific bicycle improvements as part of the project. As is typical of local streets in Fremont, bicyclists would be expected to share

the road with vehicles on the private street within the development. The private street would contain minimal vehicular traffic travelling at low speeds, enabling multiple transportation types to share the road safely in conformance with the goals of the Bicycle Master Plan. Transportation Engineering staff have reviewed the proposed circulation system within the project site and determined that it meets all applicable circulation standards and policies. Therefore, the proposed development would not conflict with the applicable bicycle plan, and the associated impacts would be less than significant.

Mass Transit: The proposed project would not develop any new mass transit facilities, nor would it modify any facilities that are currently used by the mass transit system (roadways, bus stops, etc.). As discussed in Chapter 15, Population and Housing, the proposed project is expected to result in 41 new residents. Given the small amount of induced population growth, the project would not feasibly increase the utilization of mass transit to an extent that would cause conflicts with the implementation of any applicable plan, ordinance, or policy. Therefore, the impact of the proposed project on mass transit systems would be less than significant.

Overall, the project would not conflict with an applicable plan, ordinance, or policy establishing measures of the performance of the circulation system. Therefore, the impact would be less than significant.

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

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

The City has not yet adopted a specific VMT standard for assessing transportation impacts; however, a project's VMT impacts may still be analyzed qualitatively in order to assess whether the project may have a significant impact. The project site is located within an existing urbanized area of Fremont that is developed with low-density single-family residential neighborhoods. The immediate vicinity of the project site consists mostly of other single-family homes with limited services. James Leitch Elementary School, which is the elementary school serving students in the vicinity of the project site, is located 0.40 miles from the project site. Warm Springs Community Park, which includes amenities such as a community center, tennis courts, and a sports field, is located 0.40 miles from the project site. It is anticipated that residents would choose to walk or bike to these services given their proximity to the project site.

Many agencies use screening sizes to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study and City's proposed Transportation Analysis Policy would allow the use of such screens (see also CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and Appendix G). The *Technical Advisory on Evaluating Transportation Impacts in CEQA* (2019) by the Governor's Office of Planning and Research (OPR) suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing. Per OPR: "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract

fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."

> *OPR Technical Advisory* (2019), page 12:
> *CEQA provides a categorical exemption for existing facilities, including additions to existing structures of up to 10,000 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area. (CEQA Guidelines, § 15301, subd. (e)(2).) Typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract an additional 110-124 trips per 10,000 square feet. Therefore, absent substantial evidence otherwise, it is reasonable to conclude that the addition of 110 or fewer trips could be considered not to lead to a significant impact.*

The screening criteria for small single-family infill residential developments as recommended by OPR and proposed for the City of Fremont would be 15-units, based on substantial evidence that such projects are commensurate with a project that produces approximately 110 vehicle trips per day. As the proposed thirteen-unit project falls below the screening size, no further VMT-based quantitative analysis would be required.

Most essential services are not located within walking distance to the project site; however, they are located just a short distance away. The project site is approximately one mile away from the Warm Springs Town Center area, which contains a grocery store, multiple restaurants, tutoring centers, and other services. Two of the largest employment centers of the City, the Warm Springs Innovation District and the Baylands Industrial Area, are approximately two miles from the project site. Finally, Horner Junior High School and Irvington High School, the two secondary schools that project residents would most likely attend, are located approximately five miles from the project site. While residents would not be as likely to walk or bike to these services as those located directly in their community, the project is within close enough proximity to these services that each trip would not add substantially to VMT.

There is also mass transit in the vicinity of the project site, although the closest bus stop is located 0.80 miles from the project site which may discourage its use. The 217 and 239 buses in particular provide service to Fremont BART and employment areas along Kato Road. Additional bus service from these points would provide further connectivity to major employment hubs. It is unknown at this time how many project residents will utilize mass transit rather than drive to these more distant locations.

In summary, the lack of access to transit routes and suburban nature of this part of the City would contribute to increasing VMT through encouraging the use of single-occupant vehicles rather than walking, biking, or mass transit options. However, the project site is located in close proximity to services including schools, parks, grocery stores, and employment centers. Even though some of these services are slightly outside a range where residents may walk or bike to access them, resident vehicle trips to these locations would generate minimal additions to VMT. For that reason, the project would not conflict with CEQA Guidelines section 15064.3, subdivision (b).

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

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

The project proposes a new private street running north-south and taking access off of Omaha Way, an existing stub street off of Yucatan Drive. The proposed private street would meet with Omaha Way in a "T" intersection. The private street would provide Y-turnarounds at each terminus in order to give adequate turning radius for emergency vehicles and garbage trucks to turn around at the end of the street. The proposed project does not include any features such as sharp curves or dangerous intersections that could pose a substantial hazard to vehicular, bicycle, or pedestrian traffic.

The City of Fremont Public Works Department would review 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.

The project proposes to develop 13 new single-family homes within an existing single-family residential neighborhood. Traffic associated with the proposed project would be typical of residential uses, and would not be incompatible with the traffic associated with surrounding residential uses. The project would not introduce any use that generates traffic incompatible with existing types of traffic. The project's overall impact on transportation hazards would be less than significant.

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

4.17(d) Would the project result in inadequate emergency access?

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

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

Emergency vehicle access would be provided on the new private street through the recordation of an Emergency Vehicle Access Easement (EVAE) benefiting the City's Fire Department. The private street would include Y-turnarounds at both the northern and southern end in order to allow emergency vehicles sufficient radius to turn around within the project site. The City of Fremont Fire Department and Fremont Police Department would review the proposed project prior to approval to confirm that the project provides adequate ingress and egress for emergency access.

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

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

References

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City of Fremont, 2011. City of Fremont General Plan. Parks and Recreation Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed March 31, 2020.

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City of Fremont, 2018. Bicycle Master Plan. Available online at https://fremont.gov/3151/Bicycle-Master-Plan. Accessed March 31, 2020..

City of Fremont, 2014. City of Fremont Standard Details for Improvements in Public Right of Way. Available online: https://fremont.gov/235/Standard-Details. Accessed March 31, 2020.

Envisuality Group, 2020. Project Plans. Prepared for the City of Fremont

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

4.18 Tribal Cultural Resources

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

Environmental Setting

A Cultural Resources Study was prepared for the subject property to analyze the potential for impacts to cultural resources associated with the proposed project, including tribal cultural resources. The study completed a search of the Directory of Properties in the Historic Property Data File, California Historical Landmarks, California Points of Historical Interest, *Five Views: An Ethnic Historic Site Survey for California*, and the California Inventory of Historic Resources. The search did not identify any historic resources within the project site. According

to the City of Fremont eGIS system, there are no properties eligible for the National, California, or Local Register of Historic Resources within a 1,000-foot radius of the project site.

A review of the NAHC Sacred Lands File was requested on June 2, 2016, for any Native American cultural resources located within the project area. LSA received a response on July 25, 2016, from Ms. Sharaya Souza, NAHC Staff Services Analyst, stating that "A records search of the Sacred Lands File was completed for the area of potential project effect (APE) referenced above with negative results." Furthermore, an examination of the *Map of San Francisco Bay Region Showing Distribution of Shell Heaps* did not indicate that any shellmounds were depicted in or adjacent to the project site on the map.

Finally, an LSA archeologist also conducted a field survey on June 1, 2016. The field survey did not identify any potential tribal cultural resources on the project site (LSA, 2016).

Discussion

This discussion is based in part on the following documents(s):

- *Cultural Resources Study for Omaha Way Project*, prepared by LSA, Inc dated July 25, 2016 (Cultural Resources Study).

4.18(a)(i) 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 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 proposed 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. The project 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 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources.

As discussed in Section 2.6 and Section 4.5, the project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including requirements related to the accidental discovery of cultural resources. Compliance with the standard development requirement would prevent unearthed hiostirical resources from being adversely affected by the construction of the project.

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

4.18(a)(ii) 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 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No tribal cultural resources were identified during background research or during the archaeological field survey. However, records maintained by the Native American Heritage Commission are not exhaustive and negative results do not preclude the presence of tribal cultural resources in the project site.

As discussed in Section 2.6, the project would include implementation of the City of Fremont's standard development requirements which include the City's notification of Native American tribes that might have knowledge of tribal cultural resources within the project site:

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

Notice of the proposed project was sent to the local California Native American Tribes named on the Native American Contacts list provided by the Native American Heritage Commission on December 17, 2019. No requests for such consultation were received by the City and no tribal cultural resources have been identified on the proposed site.

Despite the lack of known cultural resources on the site, there is the possibility that unrecorded cultural resources exist on the site. These resources may be present on the project site as surface scatter, or they may be buried below ground. These resources could be noticed, uncovered, or unearthed during grading and construction activities associated with the project. As discussed in Section 2.6 and Section 4.5, the project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including requirements related to the accidental discovery of cultural resources. Compliance with the standard development requirement would prevent unearthed cultural and archeological resources from being adversely affected by the construction of the project.

The ongoing operations of the proposed project are not expected to have any long-term effect on tribal cultural resources on the project site, as resources not unearthed in construction would remain buried.

Potential Impact: Less than significant.

Mitigation: None required.

References

City of Fremont, 2020. City of Fremont Municipal Code, Chapter 18, Planning and Zoning. Available online at www.fremont.gov/fmc. Accessed March 24, 2020.

City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2014. Available: https://fremont.gov/generalplan. Accessed March 24, 2020.

City of Fremont, 2020. SACGISA. Fremont Mapping. Available online at http://egis.fremont.gov/apps/public/. Accessed on March 24, 2020.

City of Fremont, 2019. Re: Assembly Bill 52 Consultation for the Omaha Way Homes project (PLN2018-00192) Sent to: Indian Canyon Mutsun Band of Costanoans, North Valley Yokuts Tribe, Amah/Mutsun Tribal Band, The Confederated Villages of Lisjan, Costanoan Rumsen Carmel Tribe, The Ohlone Indian Tribe, and Muwekma Ohlone Indian Tribe of the SF Bay Area. December 17, 2020.

Native American Heritage Commission, 2019. Native American Contacts List. Prepared for the City of Fremont. December 12, 2019.

LSA, 2016. Cultural Resources Study for the Omaha Way Homes Subdivision, Fremont, Alameda County, California (LSA Project #OMA1601). Provided for the City of Fremont.

4.19 Utilities and Services

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.19(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
4.19(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
4.19(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

4.19(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?	☐	☐	☒	☐
4.19(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Setting

The project site is currently vacant. Utility connections to water, wastewater, stormwater, solid waste, electric, natural gas, and communications facilities are available on the project frontage.. Existing utilities on the subject site are limited to a concrete-lined above-ground drainage channel that runs along the western project border before connecting to the underground municipal storm drain system at the terminus of Omaha Way. There is no other existing utility infrastructure within the project site.

Regulatory Setting

Water
The Alameda County Water District (ACWD) would provide water supply services to the project site. ACWD obtains its water from both the Niles Cone Groundwater Basin and the Del Valle Reservoir. ACWD has analyzed the long-term water needs of its service area, which includes Fremont, Newark, and Union City, and has created an Urban Water Management Plan to manage water supply long-term. Through water saving strategies, water demand has decreased in recent years despite continued growth.

Wastewater
The Union Sanitary District (USD) provides wastewater collection, treatment and disposal services to the City of Fremont, including the project site. The District maintains over 830 miles of sewer lines and seven pump stations. Most of Fremont's wastewater goes to the Irvington Pump Station, from which it is conveyed to the Alvarado Treatment Plan.

Stormwater
The Alameda County Flood Control and Water Conservation District (ACFCWCD) oversees stormwater controls in the project area, including creeks, channels, levees, pump stations, dams, and reservoirs. The City of Fremont manages the municipal stormwater system.

Solid Waste
Solid waste services within the City of Fremont are provided by Republic Services. The City delivers municipal solid waste to the Fremont Recycling and Transfer Station facility, located at 41149 Boyce Road. Waste is transferred to the Altamont Landfill, which is located at 10840 Altamont Pass Road in Livermore. The Altamont Landfill has a disposal capacity through 2045.

Other Utilities

Pacific Gas and Electric (PG&E) would provide electricity and natural gas services for the project site. Telecommunications infrastructure for the project site would be provided by Comcast.

Discussion

4.19(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications 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 Omaha Way that are maintained by ACWD. Common water lines of approximately 8" in diameter would be 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.

Physical impacts associated with the construction of the proposed 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 41 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 Omaha Way. 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.

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 4.10, Hydrology and Water Quality.

Stormwater from the proposed residential lots would infiltrate into landscaping or be conveyed to a bioretention facility before being discharged into the municipal storm drain system. Bioretention facilities ranging from approximately 130 square feet to 370 square feet in size would be located on the western edge of the proposed private street, on Common Lot E. Stormwater would not be directed to the existing tributary creek on the northern portion of the site. The project's stormwater facilities would be compliant with all local and regional requirements, as further described in Section 4.10, Hydrology and Water Quality.

Construction or expansion of new storm water drainage facilities outside the project site would not be required. Therefore, the project's impacts on the municipal drainage 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 Omaha Way. 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 project, including utility infrastructure on the project 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 project.

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

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

The proposed project would increase water demand for the site through the development of 13 new single-family homes. The proposed water usage would be typical of single-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.

ACWD has been informed about the proposed project and has not indicated that the project would have a significant impact on existing facilities. Sufficient water supplies are available to serve the project site from existing resources, and the potential impact to the water supply is less than significant.

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

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

Wastewater services are provided by the Union Sanitary District (USD). USD has been informed of the proposed project and has not indicated that the project would have a significant effect on wastewater treatment facilities. The proposed project would be consistent with the existing General Plan Land Use Designation for the site. Therefore, the project's wastewater treatment demand would have been anticipated in USD's planning forecasts. The applicable wastewater treatment providers would have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, and the impact would be less than significant.

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

4.19(d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction
As the project site is vacant, there is no demolition proposed during construction. Therefore, the largest source of 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
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.

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

The project would be subject to existing City of Fremont requirements regarding solid waste disposal and diversion during both construction and operation of the proposed project. Because waste disposal requirements in Fremont comply with federal, state, and local requirements, the proposed project would not violate any federal, state, or local regulations related to solid waste.

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

References

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4.20 Wildfire

Would the project:		*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.20(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
4.20(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?				
4.20(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in a temporary or ongoing impact to the environment?	☐	☐	☒	☐
4.20(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?	☐	☐	☒	☐

Environmental Setting

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

Regulatory Setting

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

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

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

Discussion

4.20(a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project would develop 13 new single family homes on an infill site that is within the boundaries of an established emergency response or evacuation plan. The project would occur entirely on private property and would not modify or destroy any public streets that were part of an adopted emergency response or evacuation plan. The project would bring an estimated 41 new residents to the subject site, and would therefore not add considerable demand to existing emergency evacuation routes in the event of a natural disaster; therefore, the impact is less than significant and no mitigation is requried.

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

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

The project is not located within a state or local Very High Fire Hazard Severity Zone, and therefore is not subject to significant wildfire risk. Landscape areas, both within the immediate vicinity of the new homes and within the natural landscape buffer between the homes and I-680, would be regularly maintained by property owners and subject to automatic irrigation. Common open space on the site would be maintained by the project Homeowner's Association, and portions would also be subject to automatic irrigation. The proposed open space design has been reviewed by the City's Landscape Architect and Fire Department, who have determined that the natural areas on the project site do not pose a substantial wildfire risk.

There are areas within the City's Very High Fire Hazard Severity Zone located across I-680 from the project site. These areas generally consist of low-density residential development consisting of single-family homes with with large open space easements over land that is unsuitable for development. Previous approvals for single-family residential development in these areas have contained conditions intended to minimize fire risk not only to the homes on these lots, but also to nearby properties such as the project site. These conditions typically include requirements for wet-bands, annual maintenance and disking, and defensible space. The Fire Department oversees management of these areas in order to ensure that these areas are maintained appropriately. These conditions of approval have reduced the wildfire risk on these adjacent properties, which

in turn reduces the risk of increased pollution concentrations or uncontrolled wildfire spread that affects the nearby project site.

Due to the risk of wildfire on a regional and statewide scale, future residents at the project site could potentially be subject to a wildfire-related decrease in air quality. These impacts would be widespread, dispersed, and limited in duration. These pollution risks are generally applicable to developments in the region, and the project would not have any characteristics that exacerbate these risks above the general regional risk level. Therefore, the project would have a less than significant impact and no mitigation is required.

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

4.20(c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in a temporary or ongoing impact to the environment?

The development of the project would not necessitate the construction of infrastructure for fire prevention or suppression, including roads, fuel breaks, emergency water sources, power lines, or other utilities that increase the risk of wildfire. Electric lines and other utilities serving the project site would be undergrounded in compliance with City of Fremont regulations. The project would include the installation of underground automatic irrigation throughout the project site in order to maintain the proposed landscape associated with the project site. The environmental impacts associated with the installation of these utilities has been analyzed throughout this Initial Study, and would not result in any temporary or ongoing impacts to the environment other than those associated with the project as a whole. Therefore, the project would have a less than significant impact and no mitigation is required.

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

4.20(d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The project site is located outside of the Very High Fire Hazard Severity zone and therefore is at low risk for impacts from post-fire hazards. While there are properties within the Very High Fire Hazard Severity Zone located upslope of the project site, these areas are separated from the project site by the 200-foot-wide I-680 right-of-way. Any post-fire hazards that may affect these lands would have a limited impact on the project site due to the presence of this buffer that consists of paved, artificially drained, flat land. Therefore, the impact of post-fire hazards on the project site would be less than significant and no mitigation is required.

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

References

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4.21 Mandatory Findings of Significance

		Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
4.21(a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
4.21(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 probably future projects)?	☐	☐	☒	☐
4.21(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

4.21(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory?

Based upon background research, site visits, and the analysis 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 eliminate important examples of the major periods of California history or prehistory. Compliance with applicable standard development requirements contained within the City's Municipal Code would reduce impacts on biological and cultural resources to a less than significant level and no mitigation is required.

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

4.21(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 probably future projects)?

There are no relevant past projects, current projects, or reasonably-certain future projects that would impact the project site in such a way that creates significant cumulative effects with the proposed project. Due to the project design features discussed herein that minimize the project's impact on the environment, the cumulative impacts of the proposed project would be less than significant and no mitigation is required.

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

4.21(c) Does the project have environmental effects which 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 seismicity, geology, air quality, and noise.

The project site is crossed by a fault trace associated with the Hayward Fault complex, and may be susceptible to strong ground shaking, seismic-induced landslides, and other impacts causing adverse effects to human beings in the event of an earthquake. The project site is also located on critically expansive soils that could cause excessive damage to improperly built foundations, which in turn would jeopardize the stability of residences and place human beings at risk. Mitigation measures designed to minimize environmental effects in relation to seismicity and soil expansion are provided in Section 4.7 Geology and Seismicity. These mitigation measures would reduce the potential impacts to a less than significant level.

Additionally, the project site is located adjacent to I-680 and has the potential to expose residents to adverse impacts of poor air quality and excessive noise from the freeway, as discussed in

Section 4.3 Air Quality and Section 4.13 Noise. Project design features and mitigation measures would reduce these potential impacts to a less-than-significant level.

All other construction-related and operations-related environmental impacts would be less than significant. With the mitigation measures incorporated, no significant impacts that might cause substantial adverse effects on human beings are anticipated from the project. These potential impacts would be made less than significant with mitigation incorporated.

Potential Impact: Less than significant with mitigation incorporated.
Mitigation: Mitigation Measure AIR-1, AIR-2, and GEO-1

5 Mitigation Measures

Mitigation Measure AIR-1 (Selection of equipment during construction to minimize emissions) - The project shall develop a plan demonstrating that the off-road equipment used onsite to construct the project would achieve a fleet-wide average 60-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

(A) All diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 interim engines. Where Tier 4 equipment is not available, exceptions could be made for diesel-powered equipment that is equipped with CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

(B) Install electric line power during early construction phases to avoid use of diesel generators, compressors, and welders.

Mitigation Measure AIR-2 (Ventilation systems) - The U.S. EPA reports that filters rated MERV13 remove 90 percent of particles in the size range of 1 to 3 μm and less than 75 percent for particles 0.3 to 1 μm. The BAAQMD's Planning Healthy Places guidance indicates that MERV13 air filtration devices installed on an HVAC air intake system can remove 80-90 percent of indoor particulate matter greater than 0.3 microns in diameter. The project shall implement the following measures in order to reduce long-term toxic air contaminant and particulate matter exposure:

(A) Install air filtration in all residential dwellings at the site that are within 300 feet of the western edge of Interstate 680. Air filtration devices shall be rated MERV13 or higher. To ensure adequate health protection to sensitive receptors, all outside air entering the system shall be filtered and the positive pressure shall be maintained to reduce unfiltered air intrusion.

(B) Prior to receiving any Certificates of Occupancy for the project, the applicant shall submit to the City an ongoing maintenance plan for the building's HVAC air filtration system, subject to the review and approval of the Planning Manager. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as PM2.5 exposures or excess cancer risk above the thresholds are predicted. At the conclusion of the maintenance period set forth in the original maintenance plan, the applicant shall submit a revised TAC Assessment prepared by an air quality expert approved by the City that identifies the ongoing need for the filtered ventilation systems. The Planning Manager shall have the sole authority to extend or terminate the requirements of the previously-approved HVAC maintenance plan as future information regarding air pollution becomes available.

(C) For non-owner-occupied units, the lease agreement and other property documents shall:

a. Require cleaning, maintenance, and monitoring of the affected units for air flow leaks;

b. Include assurance that new owners and tenants are provided information on the ventilation system

c. Include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

Mitigation Measure GEO-1 (Geotechnical Plan Review and Field Inspection) - The project applicant shall retain a Project Geotechnical Consultant for the duration of project development and construction. The Project Geotechnical Consultant, in coordination with other Project Consultants and the City Geotechnical Consultant, shall implement the following mitigation measures:

(A) The Project Geotechnical Consultant shall prepare a design-level geotechnical report providing their recommendations for grading, foundations, retaining walls, and the stability of temporary cuts. The results of the Design-Level Geotechnical Engineering Evaluations shall be summarized in a report and submitted to the City of peer review by the City Geotechnical Consultant prior to geotechnical approval of the proposed subdivision for construction.

(B) The Project Civil Engineering Consultant shall review the project geotechnical reports summarizing the results of the supplemental geotechnical investigations and design-level geotechnical engineering evaluations and prepare a grading and drainage plan for the project. The grading and drainage plan shall be submitted to the City for peer review by the City Geotechnical Consultant prior to geotechnical approval of the proposed subdivision for construction.

(C) The Project Civil Engineer shall confirm the location of the structure are no closer to the fault trace than the minimum required building setback of 30 feet.

(D) The Project Geotechnical Consultant shall review and approve all geotechnical aspects of the final project building and grading plans, including but not limited to site preparation and grading, site drainage, and design parameters for foundations, retaining walls, and driveways, to ensure that their recommendations have been property incorporated. The Project Geotechnical Consultant shall submit documentation to the City prior to the issuance of building permits indicating that the plans follow their recommendations.

(E) The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspection shall include, but not

necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavation for foundations and retaining walls prior to the placement of steel and concrete.

The Project Geotechnical Consultant shall inspect all excavations during the project grading to confirm the location of the faults previously mapped. If the consultant identifies other faults during site grading, the City Geotechnical Consultant should be allowed to inspect the excavations and fault exposures prior to placement of fill. The project Geotechnical Consultant shall also review the performance of temporary cut slopes during project grading. If temporary slopes appear to be unstable, the consultant shall provide supplemental recommendations to address stability of the temporary slopes.

(F) The Project Geotechnical Consultant shall prepare a letter summarizing the results of these inspections and the as-built conditions of the project. The letter shall be submitted to the City Building Official and City Engineer for review prior to final (as-built) project approval.