+U.S. Department of Housing and Urban Development
San Francisco Regional Office
1 Sansome Street, Suite 1200
San Francisco, California 94104

Environmental Assessment

for HUD-Funded Proposals

Recommended format per 24 CFR 58.36, revised July 2023

Project Identification: 3900 Thornton Avenue Mixed-Use Project

Preparer: Raney Planning & Management, Inc.
Rod Stinson, Vice President/Air Quality Specialist

Responsible Entity: Alameda County Housing & Community Development Department
224 West Winton Avenue, Room 108
Hayward, CA 94544

Month/Year: October 2024

Environmental Assessment
Determinations and Compliance Findings for HUD-assisted Projects
24 CFR Part 58

Project Information

Project Name:	3900 Thornton Avenue Mixed-Use Project
Responsible Entity:	Alameda County Housing & Community Development Department 224 West Winton Avenue, Room 108 Hayward, CA 94544 Phone: 510-494-4440
Grant Recipient (if different than Responsible Entity):	Resources for Community Development 2220 Oxford Street, Berkeley, CA 94704 Phone: (510) 841-4410
State/Local Identifier:	N/A
Preparer:	Raney Planning & Management, Inc. Rod Stinson, Vice President/Air Quality Specialist rods@raneymangement.com Phone: 916-372-6100
Certifying Officer Name and Title:	Michelle Starratt, Alameda County Housing & Community Development Department Director
Consultant (if applicable)**:**	Raney Planning & Management, Inc.
Project Location:	3900 Thornton Avenue Fremont, CA 94536 Assessor's Parcel Numbers (APNs): 501-1426-35, -36, and -37

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**

The following sections describe the project site location, existing setting, and surrounding uses, as well as the components included as part of the 3900 Thornton Avenue Mixed-Use Project (proposed project).

Project Site Location, Existing Setting, and Surrounding Uses

The 1.04-acre project site is located at 3900 Thornton Avenue in the City of Fremont, California, (see Figure 1 and Figure 2) and is identified by APNs 501-1426-35, -36 and -37. Currently, the project site consists of vacant land that was previously developed with a building and surface parking lot.

Surrounding existing uses include a restaurant, single-family residences, and commercial retail uses to the north and northwest, across Thornton Avenue; an automotive repair and services shop, restaurant, and commercial/industrial supply company to the northeast and east, across Post Street; multi-family apartments and commercial uses to the south and southeast; a Carl's Jr. restaurant to the southwest; and a gas station and convenience store and commercial uses to the west, across Thornton Avenue. The City of Fremont General Plan designates the project site as Commercial-Town Center (TC) and the site is zoned as Town Center Pedestrian (TC-P) with a Transit Oriented Development (TOD) overlay.

Proposed Project

The proposed project would include the development of a five-story, 128,782-square-foot (sf) mixed-use building, which would include 83,795 sf of affordable housing and 1,398 sf of commercial uses (see Figure 3 and Figure 4). Of the residential unit total of 128 units, 36 units would be 360-sf studio units, 44 units would be 528-sf one-bedroom units, 28 units would be 792-sf two-bedroom units, and 20 units would be 1,008-sf three-bedroom units. The proposed project would be restricted to households earning, depending on the specific unit, a maximum of 20 to 80 percent of the area median income (AMI) for Alameda County.

The proposed project would also include ground-floor commercial uses immediately to the south of the Thornton Avenue/Post Street intersection. While a tenant would be confirmed at a future date, the TC designation allows for commercial uses such as local services, retail, and restaurants that are pedestrian-oriented and distinct in identity.

With respect to the on-site amenities, the proposed project would include an at-grade 4,436-sf courtyard with benches, dining tables, chairs, and a built-in barbecue and workstation. A 1,179-sf basketball court would be located outside in the southernmost portion of the project site. Lastly, a 7,264-sf podium courtyard would be included above the parking garage on the second floor (see Figure 5). The podium courtyard would include a synthetic lawn area, café table and chairs, and a play area.

Figure 1
Regional Vicinity Location

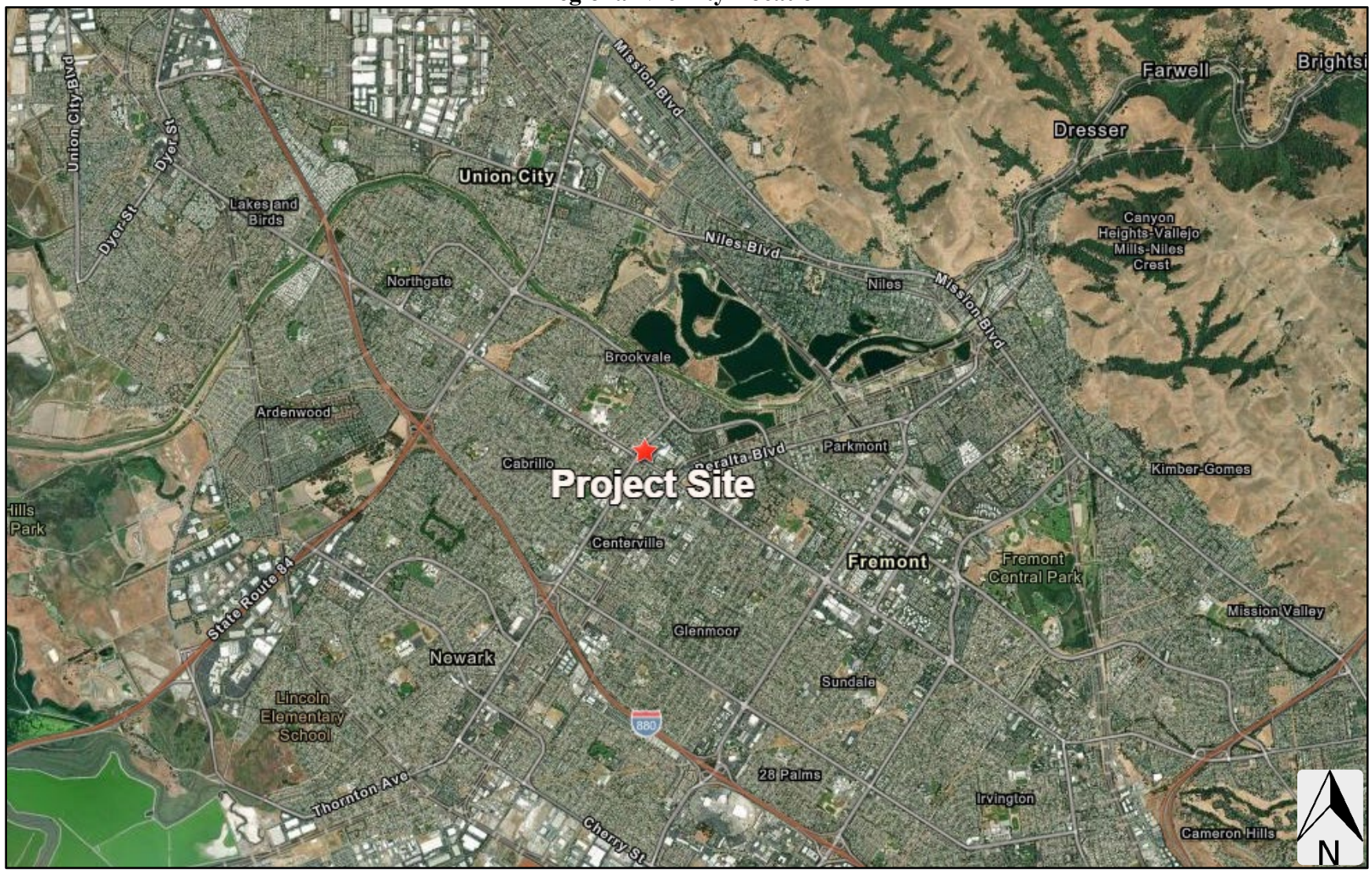
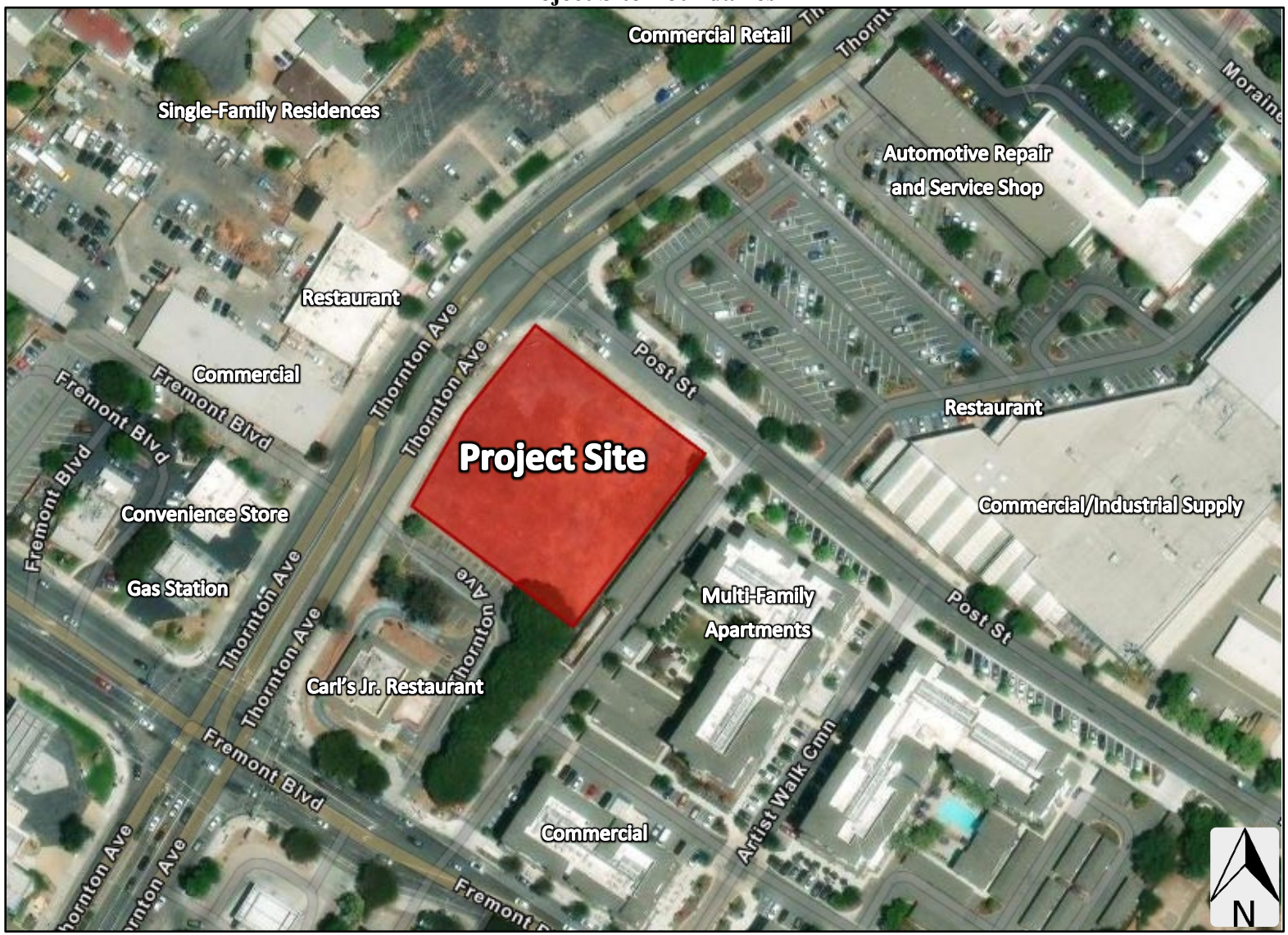


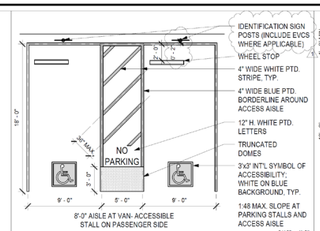
Figure 2
Project Site Boundaries



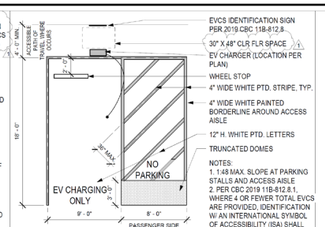
Note: Project site boundaries are approximate.

Figure 3
Floor Plan – Level 1

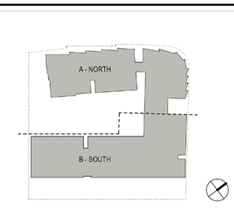
1.	ACCESS PANELS	PROVIDE ACCESS PANELS AS REQUIRED BY MECHANICAL, ELECTRICAL, TELECOM, OR OTHER WITHIN-WALL EQUIPMENT. COORDINATE LOCATIONS WITH ARCHITECT. PANELS ARE TO MATCH THE FIRE RATING OF THE WALL ASSEMBLY.	
2.	CLEAR DIMENSIONS	CLEAR DIMENSIONS ARE NOT TO BE ADJUSTED WITHOUT APPROVAL OF THE ARCHITECT.	
3.	CONDUIT	EXPOSE NO CONDUIT UON BY ARCHITECT OR DRAWINGS	
4.	DIMENSIONAL DISCREPANCIES	THE CONTRACTOR SHALL REVIEW AND VERIFY ALL DIMENSIONS OF BUILDING AND SITE AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH CONSTRUCTION.	
5.	DIMENSIONS ON PLANS	DIMENSIONS ON PLANS ARE TO FACE OF STUD, CONCRETE, CENTERLINE OF COLUMNS, OR CENTERLINE OF WALL ASSEMBLIES, UON.	
6.	FLOOR LEVEL	FLOOR LEVEL ELEVATIONS ARE TO THE TOP OF GYPSUM UNDERLAYMENT FOR WOOD FRAMED FLOORS, AND TOP OF SLAB FOR CONCRETE FLOORS, UON.	
7.	GRADING	SEE CIVIL DRAWINGS FOR EXTERIOR GRADING PLANS	
8.	INTERPRETATION	THE ARCHITECT SHALL BE THE SOLE INTERPRETER OF THE PLANS. ANY DISCREPANCIES SHALL BE CLARIFIED BY THE ARCHITECT.	
9.	LEGEND	SEE G DRAWINGS SYMBOL LEGEND FOR GRAPHICS GUIDE	
10.	SLAB PLANS	SEE SLAB PLANS FOR SLAB RECESSES, STEPS, CURBS, SLOPES, TEXTURED CONCRETE, POLISHED EXPOSED CONCRETE, ETC.	



ACCESSIBLE PARKING | 3



EV CHARGING STALL | 2



KEY PLAN - OVERALL

KEYNOTE LEGEND

3900 Thornton Avenue

David Baker Architects
dbarchitect.com
461 Second St. Loft c127
San Francisco, CA 94107
415.896.6700

Resources for Community Development

License Stamp

Issuances

Description	Date
100% SD	08/23/2023
50% DD	10/23/2023
ENTITLMENT	12/8/2023
100% DD	12/15/2023
BLDG. PERMIT	3/22/2024
BLDG. PERMIT - R1	8/2/2024

Revisions

Rev.	Description	Date
1	PCR - R1	2024

Set Title
BUILDING PERMIT

Drawing Title
FLOOR PLAN - LEVEL 1

Sheet No.
A110

0' 8' 16'

FLOOR PLAN - LEVEL 1 | 1/16" = 1'-0"

1 Date 8/6/2024 3:50:46 PM
Project No. 22117

Figure 4
Floor Plan – Level 2

1.	ACCESS PANELS	PROVIDE ACCESS PANELS AS REQUIRED BY MECHANICAL, ELECTRICAL, TELECOM, OR OTHER WITHIN-WALL EQUIPMENT. COORDINATE LOCATIONS WITH ARCHITECT. PANELS ARE TO MATCH THE FIRE RATING OF THE WALL ASSEMBLY.	
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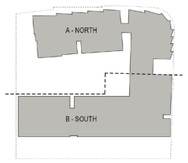
7.	GRADING	SEE CIVIL DRAWINGS FOR EXTERIOR GRADING PLANS	
8.	INTERPRETATION	THE ARCHITECT SHALL BE THE SOLE INTERPRETER OF THE PLANS. ANY DISCREPANCIES SHALL BE CLARIFIED BY THE ARCHITECT.	
9.	LEGEND	SEE G DRAWINGS SYMBOL LEGEND FOR GRAPHICS GUIDE	
10.	SLAB PLANS	SEE SLAB PLANS FOR SLAB RECESSES, STEPS, CURBS, SLOPES, TEXTURED CONCRETE, POLISHED EXPOSED CONCRETE, ETC.	

KEYNOTE LEGEND

* EGRESS WINDOW LOCATION (PER CBC 1031) MINIMUM SIZE IS 5.7 SQUARE FEET OF NET CLEAR OPENING WITH AMINIMUM DIMENSION OF 24 INCHES IN HEIGHT AND 20 INCHES INWIDTH. THE NET CLEAR OPENING DIMENSION SHALL BE THE RESULT OF NORMAL OPERATION OF THE OPENING. THE BOTTOM OF THE CLEAR OPENING SHALL NOT BE GREATER THAN 44 INCHES MEASURED FROM THE FLOOR

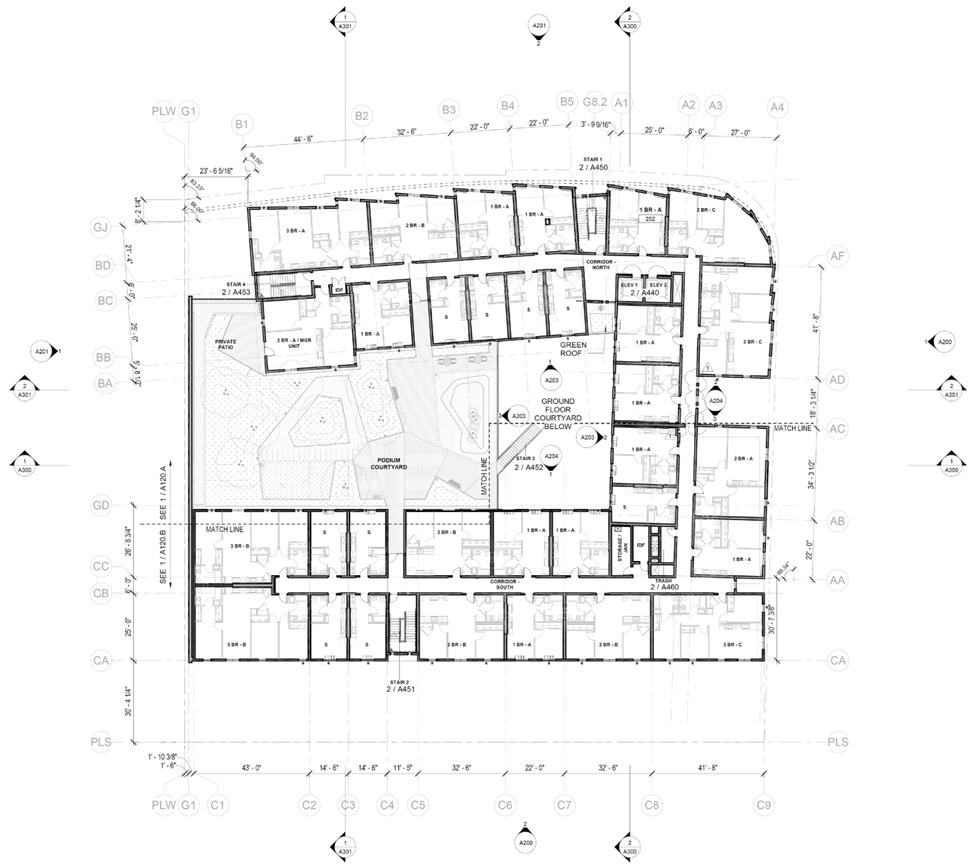
1" = 60'-0"

PLAN LEGEND



1" = 60'-0"

KEY PLAN - OVERALL



0' 8' 16'

1/16" = 1'-0"

FLOOR PLAN - LEVEL 2 | 1

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Revisions

Rev.	Description	Date
1	PCR - R1	2024

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BUILDING PERMIT

Drawing Title

FLOOR PLAN - LEVEL 2

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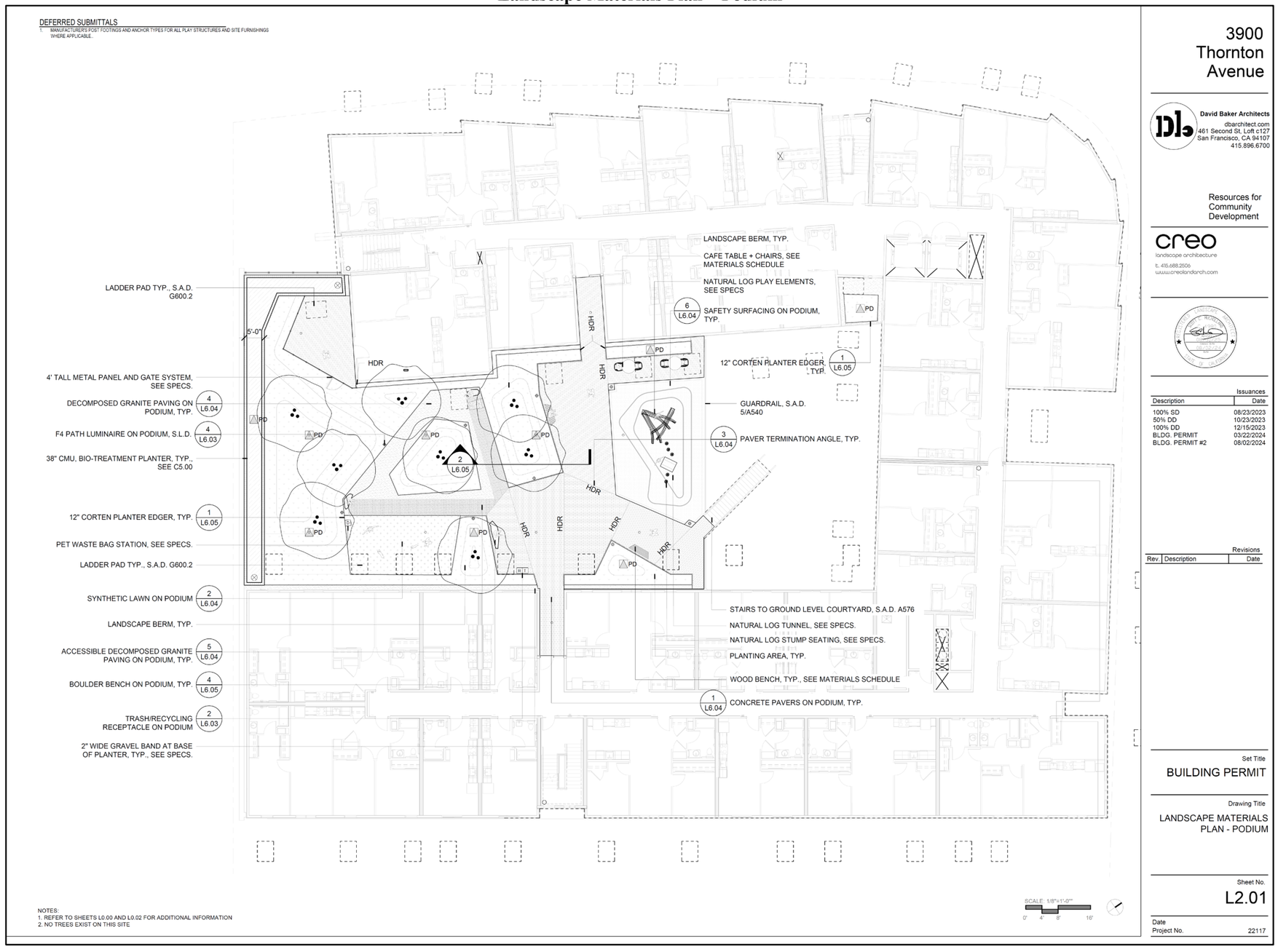
Project No. 22117

Figure 5
Landscape Materials Plan – Podium



Site access would be provided from Post Street through a new private driveway along the northeastern boundary of the project site, from which a drive aisle would extend to provide vehicular access to the 16,570-sf ground-floor parking garage (see Figure 6). Parking for residents would be provided by a lift stacker system to accommodate 92 vehicles, including 78 spots for sedan vehicles and 14 spots for sport utility vehicles (SUVs). An additional 10 surface parking stalls would be located along the southeastern facade of the building, five of which would be designed in compliance with the Americans with Disabilities Act (ADA). Of the parking space total, 14 space provided through the stackers would be electric vehicle (EV) capable. Six of the surface parking stalls would include EV charging stations and four surface parking spaces would be EV ready. The project would also provide storage/parking for up to 98 bicycles, including two long-term-parking bike rooms to accommodate 76 bicycles and short-term bike racks along the project frontage to accommodate 22 bicycles.

Finally, as discussed further in the Contamination and Toxic Substances section of this Environmental Assessment, the proposed project would include a Vapor Intrusion Mitigation System Design, consisting of a EPRO EV40 Geomembrane with Spray-Applied Vapor Barriers, vapor extraction pipes, and a soil vapor monitoring probe (see Figure 7).

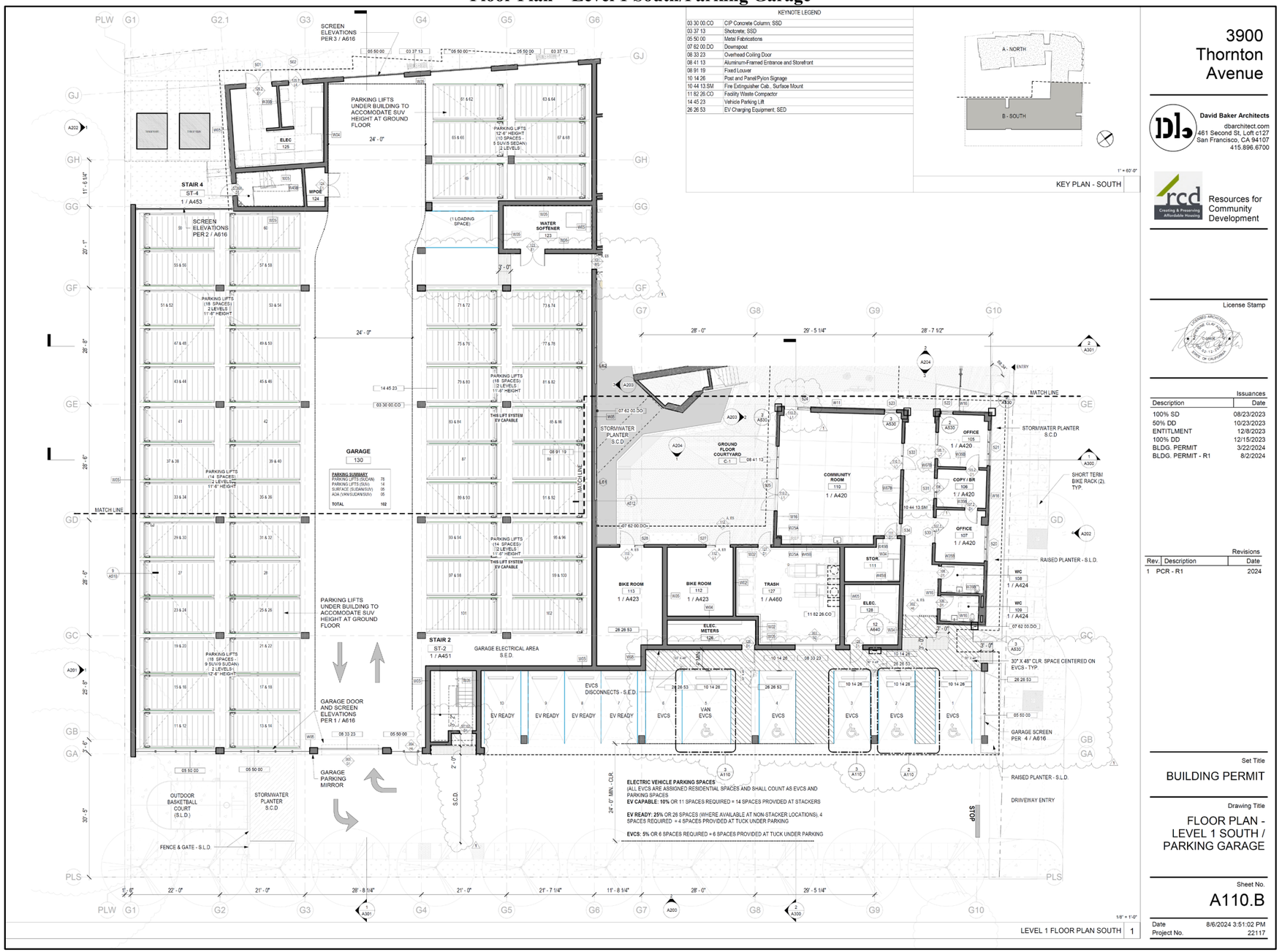
Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

As established in the City of Fremont 2023-2031 Housing Element,[1] the existing housing needs in the City of Fremont are substantial, with the City's housing needs not confined to only lower-income residents, but also extending to middle-class households. During each Housing Element update, each jurisdiction must plan for its share of housing needs for the eight-year planning period. Housing needs are determined for households in four income categories: above-moderate-, moderate-, low-, and very low-income. State law has established a process for assigning the responsibility for planning for housing production in California to individual cities and counties through a process known as the Regional Housing Needs Allocation (RHNA). The City of Fremont was allocated a total of 12,897 housing units, including 3,640 units for very low-income households and 2,096 units for low-income households. Therefore, the 128 proposed affordable housing units, which would be restricted to households earning, depending on the specific unit, a maximum of 20 to 80 percent of the AMI for Alameda County, would aid the City in meeting its RHNA requirements.

The applicant is seeking funding assistance through U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnerships Program (HOME) Community Housing Development Organization (CHDO) funds, as administered through the Alameda County Housing & Community Development Department (Alameda County HCD). The National Environmental Policy Act (NEPA) mandates that federal agencies consider the environmental ramifications of a wide variety of proposed actions. Due to funding from federal sources, the proposed project is subject to environmental review under NEPA. Because implementation of the proposed project has the potential to result in environmental impacts on the project site, the preparation of an Environmental Assessment is required.

[1] City of Fremont. *Housing Element 2023-2031*. Adopted January 10, 2023.

Figure 6
Floor Plan – Level 1 South/Parking Garage



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Revisions

Rev.	Description	Date
1	PCR - R1	2024

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BUILDING PERMIT

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FLOOR PLAN - LEVEL 1 SOUTH / PARKING GARAGE

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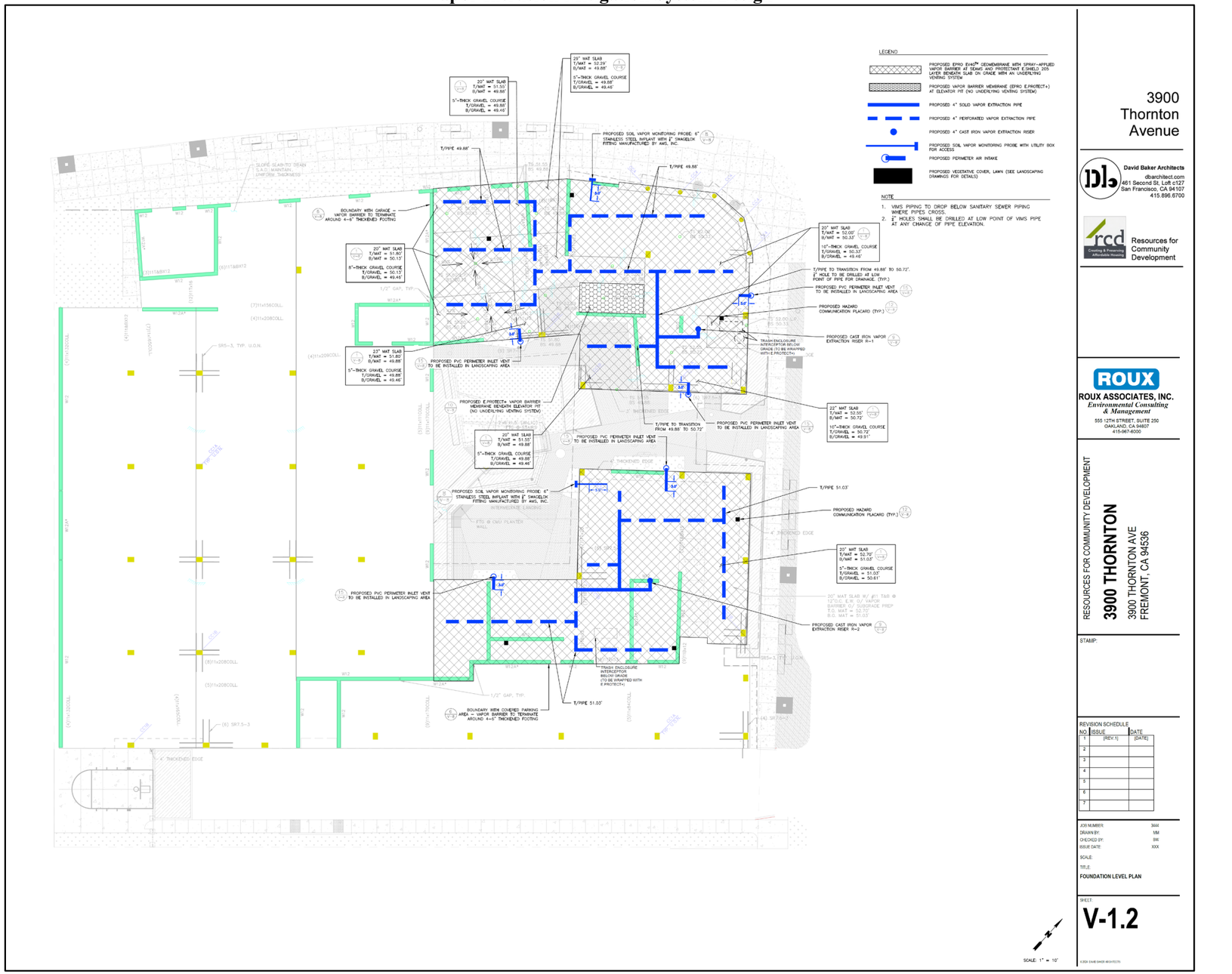
Project No. 22117

Figure 7
Vapor Intrusion Mitigation System Design



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Resources for Community Development

ROUX
ROUX ASSOCIATES, INC.
Environmental Consulting & Management
555 12TH STREET, SUITE 250
OAKLAND, CA 94607
415-967-6000

RESOURCES FOR COMMUNITY DEVELOPMENT

3900 THORNTON
3900 THORNTON AVE
FREMONT, CA 94536

STAMP:

REVISION SCHEDULE

NO.	ISSUE	DATE
1	[REV.1]	[DATE]
2		
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4		
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7		

JOB NUMBER:	3444
DRAWN BY:	MM
CHECKED BY:	BW
ISSUE DATE:	XXX

SCALE:

TITLE:
FOUNDATION LEVEL PLAN

SHEET:
V-1.2

Existing Conditions and Trends [24 CFR 58.40(a)]:

The following sections describe the existing site conditions, as well as the flood hazard, surface water, and groundwater conditions of the project site.

Existing Conditions

The project site, currently undeveloped and vacant since 2009, is located at an approximate elevation of 54 feet above mean sea level (amsl) and is relatively flat, with a gentle slope southwest toward the San Francisco Bay. The site has been used for multiple purposes since the 1930s. Before 1939, the site was improved with a residential building. By 1958 the original building was replaced by a large rectangular building in the center of the property, the portion of land adjacent to the east and west was cleared of orchards and developed with several new buildings, and land to the north contained undeveloped agricultural fields with some remaining orchards. In 1959 through 1961 the property was in an area of high development around the Thornton Avenue/Fremont Boulevard intersection. Orchards were still present in the project vicinity at that time, but by 1980, the orchards were cleared. In 2009, the project site's former building and parking lot were demolished.

The closest airport to the project site is the Hayward Executive Airport, located 8.5 miles to the northwest of the project site (see Figure 8). The nearest military airport is the Moffett Federal Airfield, located approximately 9.4 miles to the southwest of the project site.

Flood Hazard, Surface Water, and Groundwater Conditions

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06001C0442G, effective August 3, 2009, the entirety of the project site is within Zone X, which is identified as an Area of Minimal Flood Hazard (see Figure 9). Thus, the project site is not located within a Special Flood Hazard Area (SFHA).

According to the U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory (NWI), aquatic resources are not located on or adjacent to the project site (see Figure 10). As shown in Figure 11, the project site is located 19.57 miles from the Coastal Zone Boundary. The project site is located approximately 29.6 miles north of the nearest sole source aquifer, the Santa Margarita Aquifer (see Figure 12). The nearest designated Wild and Scenic River to the project site is the Tuolumne River, located approximately 98.22 miles to the northeast (see Figure 13).

Funding Information

Estimated Total HUD Funded Amount:

$642,761 (HOME CHDO funds)

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:**

The total development cost is projected to be $101,259,485, $642,761 of which would be funded through HOME CHDO funds administered through Alameda County HCD.

Figure 8
Nearest Airport Location

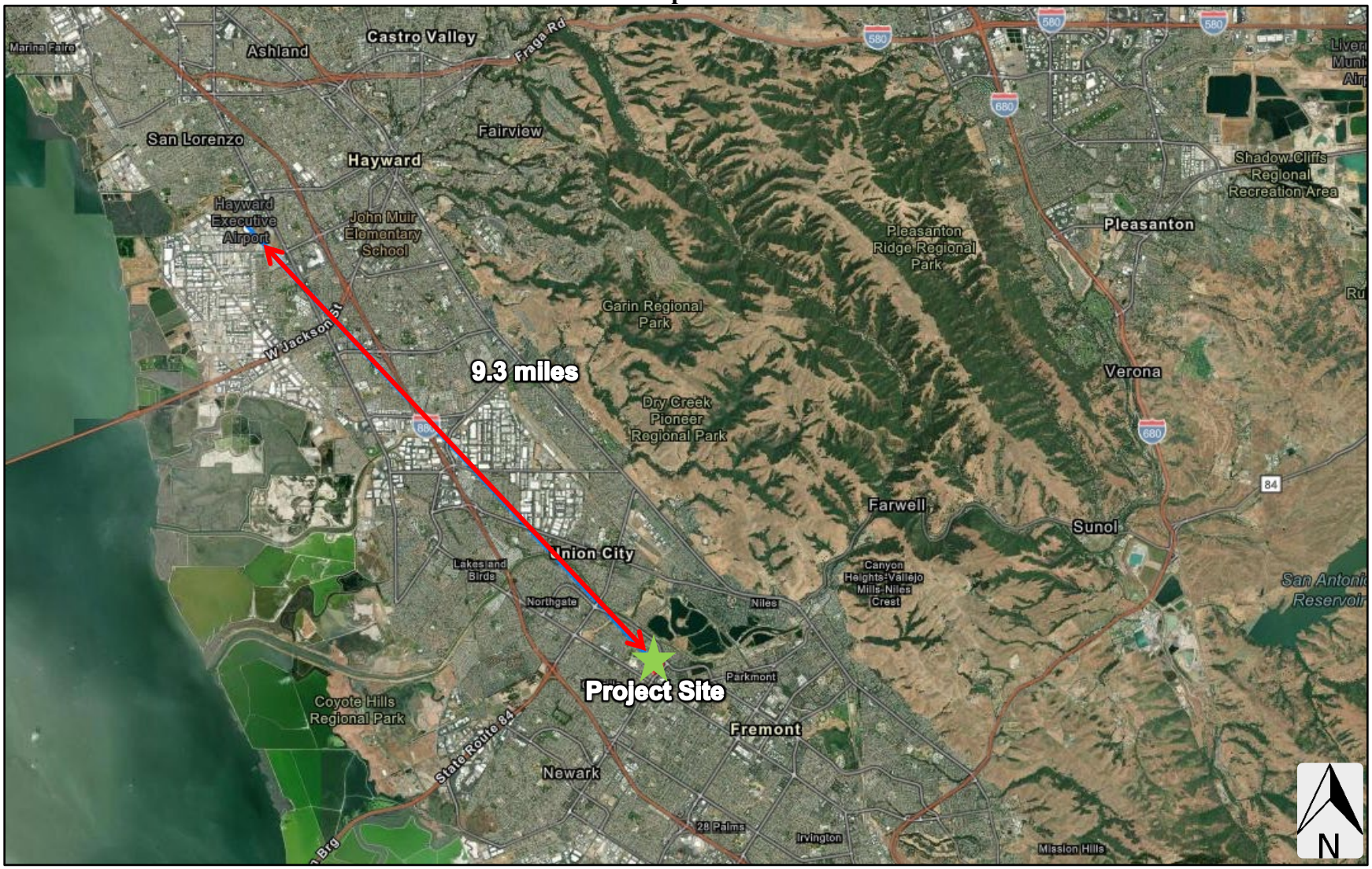


Figure 9
FEMA Flood Map

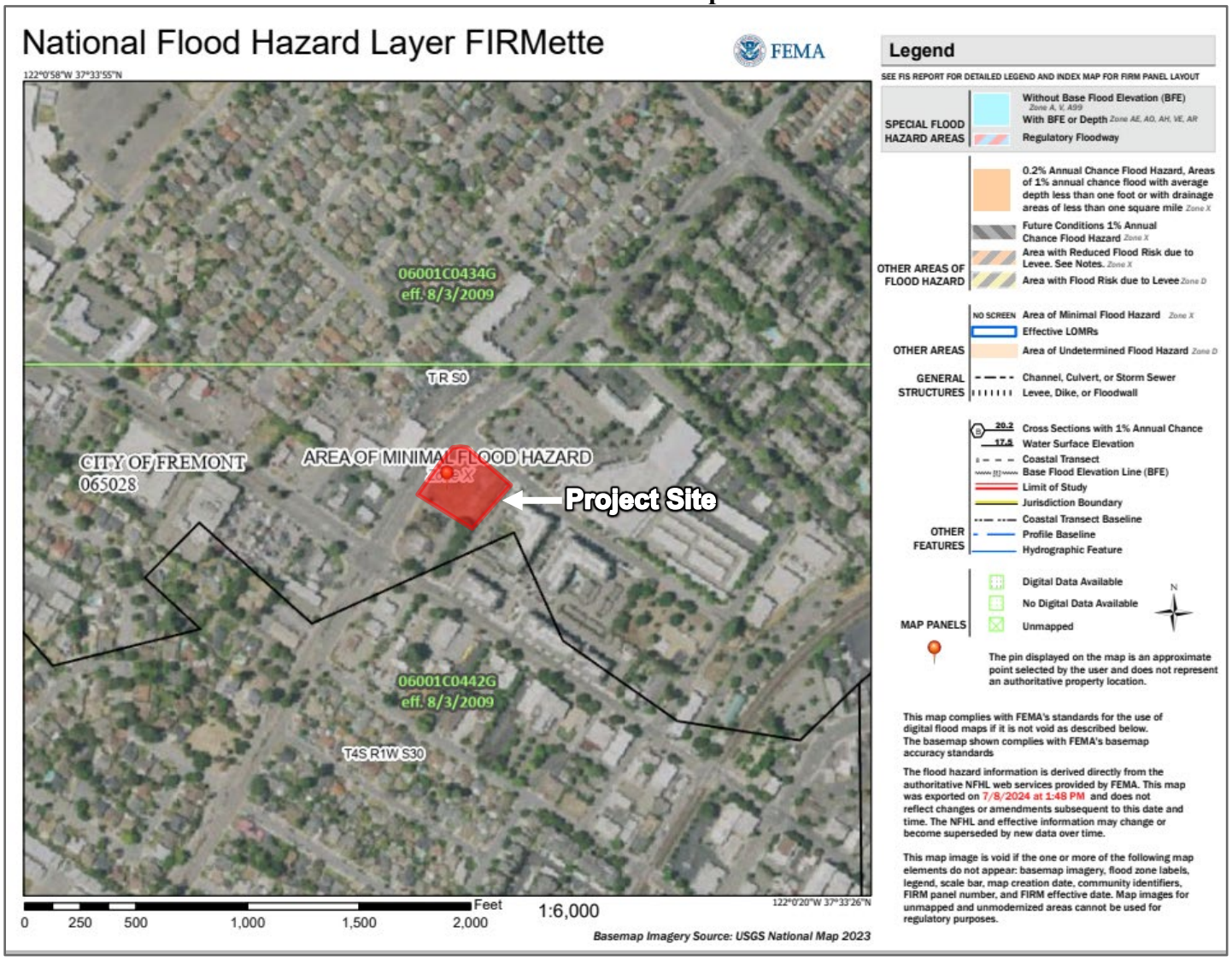


Figure 10
NWI Wetlands Map

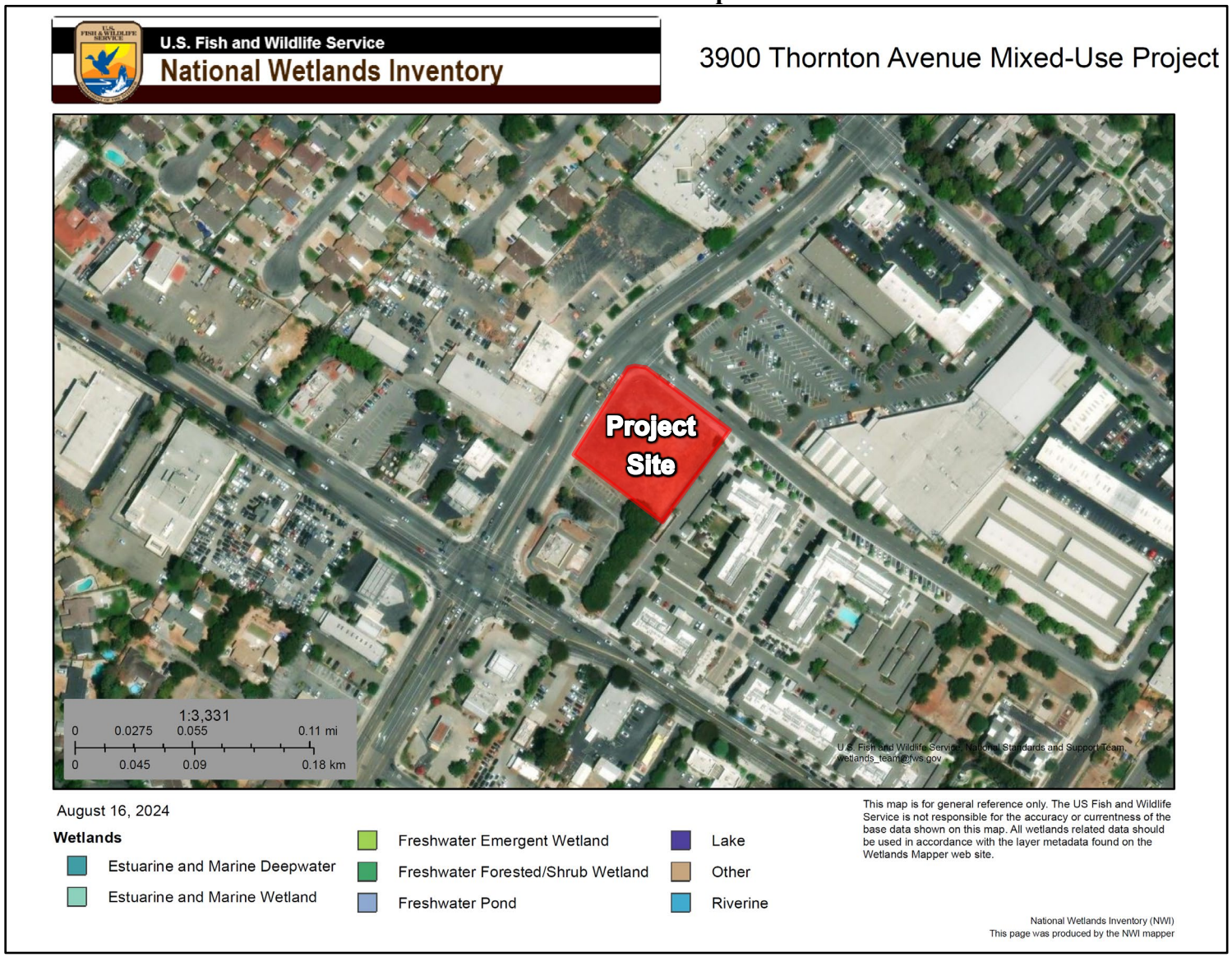
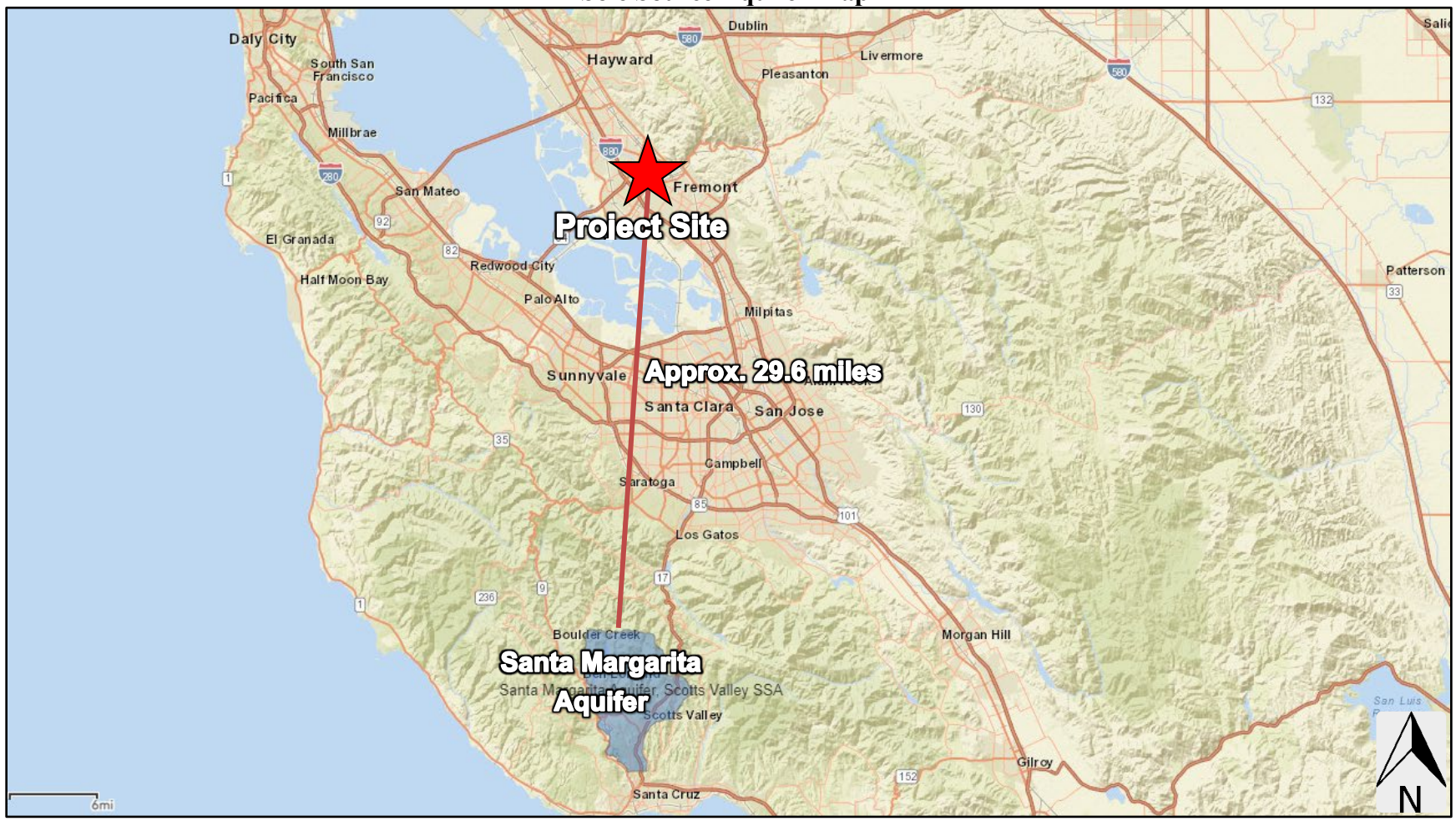


Figure 11
Coastal Zone Boundary

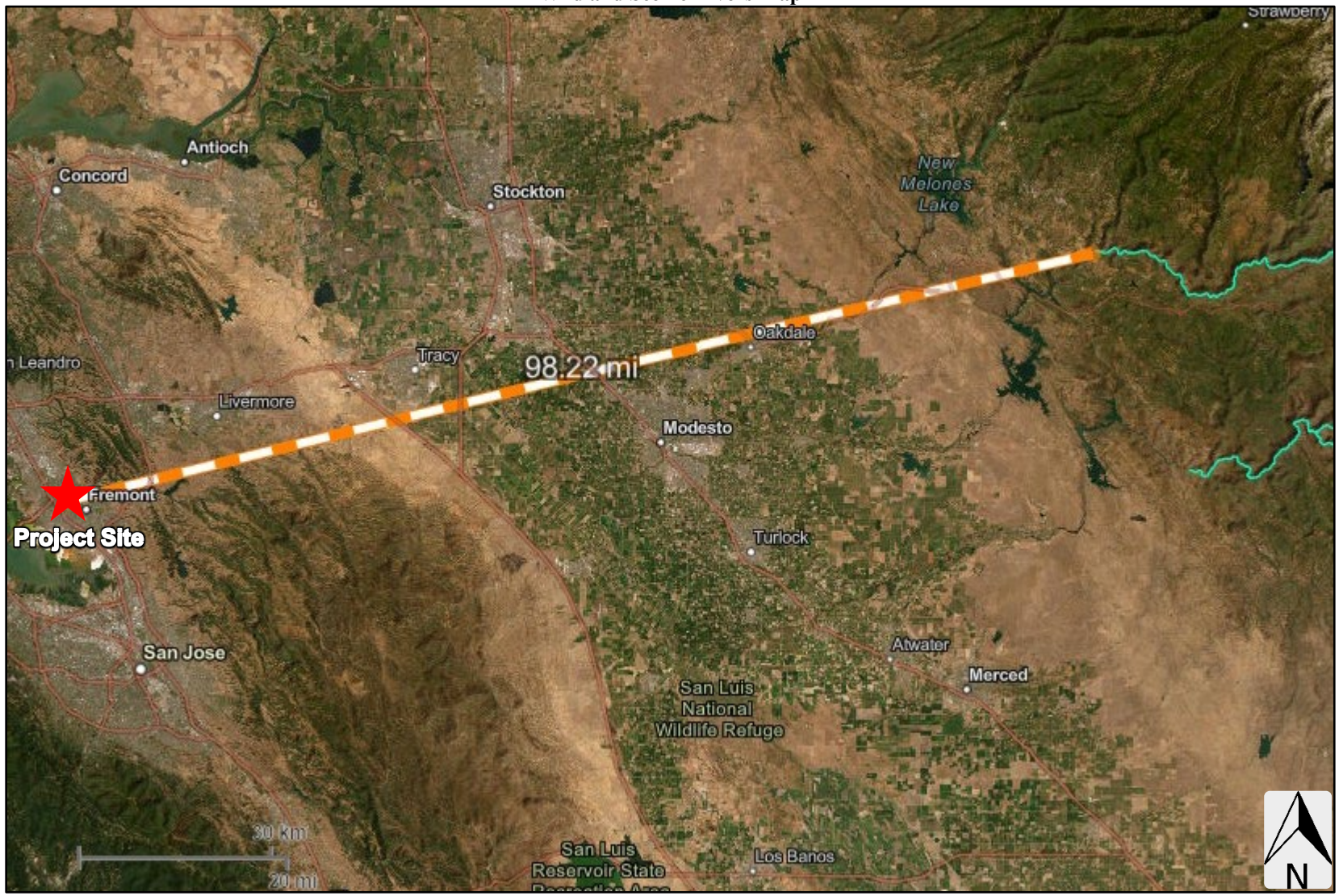
Source: California Department of Fish and Wildlife, BIOS, 2024.

Figure 12
Sole Source Aquifer Map



Source: U.S. Environmental Protection Agency, NEPAssist, July 2024.

Figure 13
Wild and Scenic Rivers Map



Source: U.S. Forest Service, NEPAssist, July 2024.

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	HUD's policy is to apply standards to prevent incompatible development around civil airports or military airfields, consistent with Title 24 of the Code of Federal Regulations (CFR), Part 51, Subpart D. The nearest civilian airport is the Hayward Executive Airport, located 8.5 miles (44,880 feet) northwest of the project site (see Figure 8). The nearest military airport is Moffett Federal Airfield, located approximately 9.4 miles (49,632 feet) from the project site. Thus, the project site is not located within 2,500 feet of a civilian airport and not within 15,000 feet of a military airport. Therefore, the proposed project would not be located within an Airport Runway Clear Zone or an Accident Potential Zone, as defined in 24 CFR 51 D, and impacts related to Airport Clear Zones and/or Accident Potential Zones would not occur.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA; expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands; and added a new category of coastal barriers to the CBRS called "otherwise protected areas" (OPAs). OPAs are undeveloped coastal barriers that are within the boundaries of an area established under federal, state, or local law, or held by a qualified

		organization, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. The project site is not located in the vicinity of the Atlantic, Gulf, or Great Lakes coasts or within the areas expanded by the CBIA in 1990. Therefore, the proposed project would not conflict with either the CRBA or the CBIA. Document Citation U.S. Fish and Wildlife Service. *Coastal Barrier Resources Act.* Available at: https://www.fws.gov/program/coastal-barrier-resources-act. Accessed July 2024. (Appendix I)
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	The Flood Disaster Protection Act of 1973 (42 USC 4012a) requires that projects receiving federal assistance and located in an area identified by the FEMA as being within a SFHA be covered by flood insurance under the National Flood Insurance Program. According to FEMA FIRM 06001C0442G, effective August 3, 2009, the entirety of the project site is within Zone X, which is an Area of Minimal Flood Hazard (see Figure 9). Therefore, the proposed project would not require coverage under the National Flood Insurance Program, and conflicts with the Flood Disaster Protection Act and the National Flood Insurance Reform Act would not occur. Document Citation Federal Emergency Management Agency. *Flood Insurance Rate Map 06001C0442G.* Available at: https://msc.fema.gov/portal/home. Accessed July 2024. (Appendix I)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☐ No ☒	The City of Fremont is located within the San Fransisco Bay Area Air Basin (SFBAAB) which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Pollutants for which air quality standards have been established are called "criteria" air pollutants. Major criteria air pollutants include ozone precursors such as reactive organic gases (ROG) and nitrogen oxides (NO_X), as well as

carbon monoxide (CO), respirable or suspended particulate matter less than 10 microns in diameter (PM_{10}), and fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$).

Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans.

The BAAQMD's established significance thresholds associated with development projects for emissions of ROG and NO_X, as well as for PM_{10}, and $PM_{2.5}$, expressed in pounds per day (lbs/day), are listed in Table 1. By exceeding the BAAQMD's mass emission thresholds, a project would conflict with or obstruct implementation of the BAAQMD's air quality planning efforts.

The proposed project's construction and operational emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2022.1.1.26 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions from land use projects. Where project-specific information is available, such information has been applied in the model. According to the modeling, both construction and operational emissions are anticipated to be below the applicable BAAQMD thresholds of significance (see Table 2 and Table 3).

Table 1
BAAQMD Thresholds of Significance

Pollutant	Construction and Operational Thresholds of Significance (lbs/day)
ROG	54
NO_X	54
PM_{10} (exhaust)	82
$PM_{2.5}$ (exhaust)	54

Source: BAAQMD, May 2017.

Table 2 Maximum Unmitigated Construction Emissions		
Pollutant	**Project Emissions (lbs/day)**	**Threshold of Significance (lbs/day)**
ROG	5.17	54
NO_X	16.1	54
PM_{10} (exhaust)	8.3	82
$PM_{2.5}$ (exhaust)	4.19	54
Source: CalEEMod, July 2024. (see Appendix A)		

Table 3 Maximum Unmitigated Operational Emissions		
Pollutant	**Project Emissions (lbs/day)**	**Threshold of Significance (lbs/day)**
ROG	5.64	54
NO_X	2.38	54
PM_{10} (exhaust)	3.83	82
$PM_{2.5}$ (exhaust)	1.01	54
Source: CalEEMod, July 2024. (see Appendix A)		

Based on the above, the project would not result in adverse effects associated with criteria air pollutant emissions. All modeling results are included as Appendix A of this Environmental Assessment.

All projects under the jurisdiction of the BAAQMD are required to implement the BAAQMD's Basic Construction Mitigation Measures, which would minimize adverse effects related to dust and further reduce the construction-related emissions from the levels estimated and presented in Table 2.

Cumulative Emissions

Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS, consistent with applicable air quality plans. In developing such thresholds, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The project would result in construction and operational emissions that would be below the applicable BAAQMD thresholds of significance. Thus, the project would not result in a cumulatively considerable net increase of any criteria pollutant.

		Toxic Air Contaminants Another category of environmental concern is Toxic Air Contaminants (TACs). Health risks associated with TACs are a function of both the concentration of emissions and the duration of exposure, where the higher the concentration and/or the longer the period of time that a sensitive receptor is exposed to pollutant concentrations correlates with a higher health risk. The California Air Resources Board's (CARB) Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) provides recommended setback distances for sensitive land uses from major sources of TACs, including, but not limited to, freeways and high-traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high-volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. The proposed project would not include any operations that would be considered a substantial source of TACs. Accordingly, operations of the proposed project would not expose sensitive receptors to excess concentrations of TACs. In addition, according to the BAAQMD Community Air Risk Evaluation (CARE) Program, the project site is not located within an identified Cumulative Impact Area, which is defined as areas where TACs, PM2.5, and ozone are estimated to have the greatest impacts on health. Furthermore, the project site is not located within the vicinity of a freeway or high-traffic road, distribution center, rail yard, or facility that attracts heavy and constant diesel vehicle traffic. Short-term, construction-related activities could result in the generation of TACs, specifically DPM, from on-road haul trucks and off-road equipment exhaust emissions. However, construction is temporary and occurs over a relatively short duration in comparison to the operational lifetime of the proposed project. Specifically, construction would occur over an approximately one-year period. The exposure period typically analyzed in health risk

		assessments is 30 years or greater, which is substantially longer than the estimated one-year construction period associated with the proposed project. In addition, all construction equipment and operation thereof would be regulated by the In-Use Off-Road Diesel Vehicle Regulation, which is intended to help reduce emissions associated with off-road diesel vehicles and equipment, including DPM. Considering the short-term nature of construction activities, the regulated and intermittent nature of the operation of construction equipment, and the highly dispersive nature of DPM, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. For the aforementioned reasons, project construction would not be expected to expose sensitive receptors to substantial pollutant concentrations. Conclusion Based on the above, implementation of the proposed project would not result in any conflicts related to the Clean Air Act. Document Citation Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pgs. 2-4 to 2-6]. April 2022. (Appendix I) Raney Planning and Management, Inc. *CalEEMod Air Quality Modeling Results*. July 2024. (Appendix A) California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005. (Appendix I)
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The Coastal Zone Management Act Section 1453, Definitions, defines the term "coastal zone" as "…the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches…" and extending "…inland from the shorelines only to the extent necessary to control

		shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise." As shown in Figure 11, the project site is located 19.57 miles from the Coastal Zone Boundary. The proposed project would not involve any operations that would increase the potential to degrade water quality downstream and have a negative effect on the Coastal Zone. Therefore, implementation of the proposed project would not affect a Coastal Zone, and impacts related to the Coastal Zone Management Act would not occur. <u>Document Citation</u> California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: https://apps.wildlife.ca.gov/bios/. Accessed July 2024. (Appendix I)
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☒ No ☐	HUD policy, as described in Section 50.3(i) and Section 58.5(i)(2), states the following: (1)... all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. (2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards. (3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. (4) The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary... Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites: (i) listed on a U.S. Environmental Protection Agency (USEPA) Superfund National Priorities or CERCLA List,

		or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (UST) (which is not a residential fuel tank). A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the proposed project by Roux Environmental Consulting and Management (Roux). The purpose of the Phase I ESA was to identify any potential on-site Recognized Environmental Conditions (RECs) in accordance with the American Society for Testing and Materials (ASTM) E1527-13 standard. A REC is defined by the ASTM as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The Phase I ESA included a review of topographic maps, historical aerial photographs, City directories; applicable federal, State, and local environmental databases; and a site reconnaissance. According to the review of topographic maps, historical aerial photographs, and City directories, the project site was improved with a residential building before 1939. By 1958, the residence was replaced by a large rectangular building in the central portion of the property, and the portions of land adjacent to the east and west of the site were cleared of orchards and developed with several new buildings. The on-site building was expanded on the south side by 1963. The City directory lists the project site as containing the "Parts House" starting in 1970. By 1980 all remaining orchards in the project vicinity have been removed, and by 1996, all areas depicted on the topographic maps are shown as highly developed, with the exception of the ponds north of Alameda Creek. The on-site building was demolished in 2009. Currently, the project site is vacant. With respect to the review of applicable federal, State, and local environmental databases, the Phase I ESA determined that the project site was identified on the following databases: Resource Conservation and Recovery Act Small Quantity

		Generators (RCRA-SQG), Facility Index System (FINDS), Enforcement and Compliance History Online (ECHO), Hazardous Waste Information System (HAZNET), and Hazardous Waste Tracking System (HWTS). All listings were associated with a business known as L&O Machine that previously operated on-site. The listings occurred between 1984 and 2007. While L&O Machine is listed as a hazardous waste generator with EPA ID CAD981450620, violations were not identified, and records of releases are not present. In addition, off-site facilities adjacent to or within 0.25-mile of the project site, including those located upgradient of the site and those with listings indicative of a release of contamination, were reviewed. Of the off-site facilities reviewed, the Phase I ESA identified the following two properties of potential concern: the Center Square Cleaners located at 37070 Fremont Boulevard approximately 174 feet to the southwest of the site and the Quality Cleaners located at 3607 Thornton Avenue approximately 945 feet to the north of the project site. The Center Square Cleaners site is the location of a former dry cleaner where the Phase I ESA determined elevated concentrations of tetrachloroethylene (perchloroethylene) (PCE) extend from the location to under, at least, the southern quadrant of the project site. Sampling previously conducted in 2001 indicated that PCE concentrations at the Center Square Cleaners location were elevated from the surface down to groundwater (about 35-45 feet below ground surface [bgs]). Based on the detected concentrations and extent, a remedial soil vapor extraction (SVE) system was operated primarily at Center Square Cleaners from 2016 through 2021, with four of the SVE wells located on the project site. A report was submitted in 2021, on behalf of the responsible party associated with Center Square Cleaners, requesting shutdown of the SVE system, as sampling had indicated that soil vapor concentrations were below the site-specific cleanup level. Sampling results from that report indicated that while detections of PCE in the SVE wells located on the project site were decreasing and were below the site-specific cleanup level, they remained elevated above the San Francisco Bay Regional Water Quality

		Control Board (RWQCB) residential and commercial environmental screening levels (ESLs) for vapor intrusion of 15 and 67 micrograms per cubic meter ($\mu g/m^3$), respectively, with concentrations up to 450 $\mu g/m^3$ in the upper zone and 670 $\mu g/m^3$ in the lower zone in the on-site SVE wells. With respect to the Quality Cleaners site, the Phase I ESA found that elevated concentrations of PCE and related compounds have been previously detected in sub-slab samples collected at the property. While the Quality Cleaners site has not been documented as having impacted groundwater, given the concentrations of PCE and trichloroethylene (TCE) detected in recent sampling, as well as the lack of delineation of the impacts at the Quality Cleaners property, the upgradient location and proximity relative to the project site, and the uncertain effects on regional soil vapor migration that may have resulted from the SVE remedial activities at the Center Square Cleaners site, the Phase I ESA concluded the Quality Cleaners site further bolsters the finding that effects from PCE and related compounds in on-site soil vapor could represent a REC. Roux conducted the on-site reconnaissance on July 2, 2021. The objective of the reconnaissance was to check for visual evidence of past/present use or storage of hazardous materials that could potentially affect the soil, groundwater, soil vapor, or surface soil or water quality at the project site. During the reconnaissance, all areas of the site were accessible. Other than the previously discussed SVE wells, the reconnaissance did not identify visual evidence of past/present use or storage of hazardous materials that could affect the site. Based on the findings and results of the Phase I ESA, Roux prepared a Preliminary Endangerment Assessment Report (PEA) for the project site, which included soil sampling to test for soil vapors associated with volatile organic compounds (VOCs), as well as for the presence of arsenic, petroleum hydrocarbons, and organochlorine pesticides (OCPs). Soil samples were collected during December 2022. Regarding soil vapor, with the exception of benzene, screening level exceedances were limited, with

		exceedances of compounds other than benzene only present in one sample and only when the most conservative soil vapor attenuation factor of 0.03 was applied. While benzene was detected above screening criteria in most samples collected, when Roux applied a 0.03 attenuation factor, none of the benzene concentrations were exceedingly high. Furthermore, only one of the detections exceeded the residential screening criteria when an attenuation factor of 0.001 was applied, which Roux determined was the more appropriate evaluation criteria for the proposed project, given the limited detections of on-site vapor screening effects identified during the PEA. Given the concentrations detected, the pattern of detections, and the regional project site history, Roux concluded that significant or specific on-site sources of soil vapor impacts are not present on-site, and detections in soil vapor are more representative of regional soil vapor conditions rather than any site-specific concern. To further ensure the proposed project does not result in any effects on future residents related to PCEs and VOCs, the proposed project includes a Vapor Intrusion Mitigation System Design (see Figure 7). The proposed Vapor Intrusion Mitigation System Design consists of EPRO EV40 Geomembrane with Spray-Applied Vapor Barriers, which would be installed beneath the proposed slabs. In addition, the Vapor Intrusion Mitigation System Design includes vapor extraction pipes and a soil vapor monitoring probe. With respect to arsenic, petroleum hydrocarbons, and OCPs, the PEA concluded that detections of any compound above conservative screening criteria were limited, with the exception of arsenic, which was detected at concentrations typical of background concentrations for the Bay Area. While select OCPs were detected in one shallow soil sample in the planned courtyard area, they did not exceed screening criteria, and potential impacts did not appear to extend into the deeper subsurface. Furthermore, the shallowest soils in the courtyard area (and across the entire project site) are planned for removal for the construction of the building foundations. Because sampling locations and laboratory analyses of soil samples had been selected to target likeliest

		worst-case conditions that could be expected at the project site based on the site's history, the PEA concluded the data did not indicate that substantial on-site impacts are present in the soil. Nonetheless, the PEA recommended preparation of a disposal plan to ensure excavated soils are properly disposed of at a permitted landfill. To ensure disposal of excavated on-site soils occurs in accordance with the recommendations of the PEA, Mitigation Measure 1 shall be required, necessitating disposal of excavated soils at a Class I or II facility permitted by the California Department of Toxic Substances Control (DTSC). With implementation of Mitigation Measure 1, the project would be consistent with HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2), and the project would not result in impacts related to contamination and toxic substances. *Mitigation Measure 1: Prior to commencement of construction activities associated with the improvement plan set/phase, the project applicant shall prepare a Soil Disposal Plan that delineates the extent of soil excavation that would occur as part of the proposed project. The Soil Disposal Plan shall include provisions for off-site disposal of excavated soil at an appropriate Class I or Class II facility permitted by the California Department of Toxic Substances Control (DTSC), or other options implemented as deemed satisfactory to the Alameda County Department of Environmental Health and/or DTSC. Verification of proper disposal shall be submitted for review and approval to the City of Fremont Community Development Department.* Document Citation Roux Environmental Consulting and Management. *Phase I Environmental Site Assessment: 3900 Thornton Avenue, Fremont, California*. August 13, 2021. (Appendix B) Roux Environmental Consulting and Management. *Preliminary Endangerment Assessment Report: 3900 Thornton Avenue, Fremont, California.* June 2, 2023. (Appendix C)

Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The Endangered Species Act of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend upon. When passed, the Endangered Species Act spoke specifically to the value of conserving species for future generations. In passing the Endangered Species Act, Congress recognized another key fact that subsequent scientific understanding has only confirmed: the best way to protect species is to conserve their habitat. The USFWS offers consultation on threatened and endangered wildlife and plant species, as well as critical habitats, on a project-by-project basis. According to the USFWS Environmental Conservation Online System (ECOS) Information for Planning and Consultation (IPaC), the following species have the potential to occur within the project vicinity: (1) salt marsh harvest mouse, (2) California least tern, (3) California Ridgway's rail, (4) western snowy plover, (5) Alameda whipsnake, (6) northwestern pond turtle, (7) California red-legged frog, (8) California tiger salamander, (9) western spadefoot, (10) monarch butterfly, (11) vernal pool fairy shrimp, (12) vernal pool tadpole shrimp, and (13) Contra Costa goldfields. The IPaC query additionally concluded that critical habitat is not available on-site. A query of the California Natural Diversity Database (CNDDB) was also conducted to further ascertain the potential for plant or wildlife species protected under the Endangered Species Act to occur within the project region. The query encompassed the U.S. Geological Survey (USGS) Newark quadrangle, as well as the eight surrounding quadrangles. In addition to the species identified by IPaC, the CNDDB returned records for the following plant and wildlife species that have previously occurred within the nine-quadrangle search area: (1) San Mateo thorn-mint, (2) green sturgeon, (3) robust spineflower, (4) fountain thistle, (5) western yellow-billed cuckoo, (6) bay checkerspot butterfly, (7) Marin western flax, (8) Santa Cruz tarplant, (9) steelhead (10) longfin smelt, (11) California seabite, (12) foothill yellow-legged frog (13) San Francisco garter snake, (14) two-fork clover, and (15) San Joaquin kit fox.

		The project site is located within an urbanized area of the City and is surrounded by residential and commercial/industrial uses. In addition, the project site, primarily consisting of vacant land that has been subject to previous development, does not include any suitable habitat for protected species. For example, protected plant species generally occur in relatively undisturbed areas within vegetation communities, including, but not limited to, vernal pools, marshes and swamps, chaparral, dunes, and areas with unusual soil characteristics. Such habitats are not present on-site. Additionally, due to the on-site habitat and lack of any aquatic features or other seasonal water sources used for breeding, species that rely on such types of habitat, such as the foothill yellow-legged frog and green sturgeon, do not have the potential to occur on-site. Thus, the necessary habitats required to accommodate the various species identified by the IPaC and CNDDB queries are not available on-site. It should be noted that various migratory birds and nesting raptors could potentially nest in the existing trees immediately adjacent to the project site. Such species are protected under the Migratory Bird Treaty Act of 1918 (MBTA). As discussed further in the Vegetation and Wildlife section of this Environmental Assessment, a preconstruction survey for migratory birds and raptors would be required, which would ensure potential impacts to avian species protected under the MBTA do not occur. Based on the above, potentially substantial adverse effects to species protected under the Endangered Species Act would not occur. <u>Document Citation</u> U.S. Fish and Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed July 2024. (Appendix I) California Department of Fish and Wildlife. *California Natural Diversity Database: Rarefind 5.* Available at: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed July 2024. (Appendix I)

Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	Regulations set forth in 24 CFR Part 51 Subpart C require HUD-assisted projects to be separated from hazardous facilities that store, handle, or process hazardous substances by a distance based on the contents and volume of the facilities' aboveground storage tank (AST), or to implement mitigation measures. Project sites that are too close to facilities handling, storing, or processing conventional fuels, hazardous gases, or chemicals of an explosive or flammable nature may expose residents or end-users of a developed project to the risk of injury in the event of a fire or an explosion. According to the California Environmental Protection Agency (CalEPA) Regulated Site Portal, a total of 119 AST and/or chemical storage sites subject to regulations established by 24 CFR Part 51 Subpart C are located within one mile of the project site. The storage tanks located within one mile of the project site range from a maximum daily volume of 12 gallons to 59,999 gallons, with two having a maximum daily volume of 59,999 gallons. The closest 59,999-gallon AST to the project site is located at 36974 Fremont Boulevard, which is an Arco Station, approximately 261 feet from the project site. According to images provided by Google Street View, the gas station does not host an AST and is, rather, assumed to host an underground storage tank (UST), which is not subject to the regulations set forth in 24 CFR Part 51 Subpart C. The other 59,999-gallon storage tank is a Texaco gas station located at 36979 Fremont Boulevard. According to images provided by Google Street View, the Texaco does not host an AST and is assumed to host a UST, which is not subject to the regulations set forth in 24 CFR Part 51 Subpart C. Based on HUD's Acceptable Separation Distance (ASD) Electronic Assessment Tool, the ASD associated with a 59,999-gallon AST is 1,522 feet to prevent adverse effects to people and 334 feet to prevent adverse effects to buildings. Thus, all chemical storage and AST sites 1,522 feet from the project site were concluded to be in excess of the applicable ASDs. The ASDs for the 19 chemical storage and AST facilities within 1,521 feet of the project site were calculated with HUD's ASD

Electronic Assessment Tool, and are summarized in Table 4 below.

Table 4
Chemical Storage and Aboveground Storage Tank Facility ASDs

Site Name	Maximum Tank Size (gallons)	Approx. Distance from Project Site (feet)	ASD from People /Buildings (feet)
American Automotive Off Fremont	119	978	114/19
ASAP Automotive Inc.	59	965	85/14
AT&T	11,999	809	779/159
Aztek Auto	599	831	223/40
Blue Eagle Motors	119	634	114/19
California Auto Service	599	750	223/40
Cats Automotive Repair	599	1,075	223/40
Cresco Xpress	11,999	887	779/159
Dorsos Auto Repair	119	1,042	114/19
Fremont Auto Repair	119	417	114/19
Fremont Chevron	11,999	359	779/159
Future Auto Care	119	903	114/19
Import Car Specialist	599	729	223/40
Midas Auto Service	599	538	223/40
Omega Automotive Inc.	599	1,044	223/40
Quality Cleaners	119	549	114/19
Shunda Automobile Repair Center	119	623	114/19
The Pit Stop	599	1,238	223/40
West Coast Tires and Auto Center	599	372	223/40

		As shown in Table 4, all but one of the chemical storage and AST facilities are located at a distance from the project site that exceeds the applicable ASD for people and buildings. The lone exception is a Chevron gas station, which is not subject to the regulations set forth in 24 CFR Part 51 Subpart C, as the site contains a UST and not an AST. Based on the above, the proposed project would not result in impacts associated with siting HUD-assisted projects near explosive and flammable hazards, as regulated by 24 CFR Part 51 Subpart C. <u>Document Citation</u> California Environmental Protection Agency. *CalEPA Regulated Site Portal.* Available at: https://siteportal.calepa.ca.gov/nsite/map. Accessed July 2024. (Appendix I) U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool.* Available at: https://www.hudexchange.info/programs/environmental-review/asd-calculator/. Accessed August 2024. (Appendix I)
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. The purpose of the Farmland Protection Policy Act (7 USC Section 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Pursuant to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site is designated as "Prime farmland if irrigated." However, as determined by the NRCS through completion of the Farmland Conversion Impact Rating AD-1006 form (see Appendix D of this Environmental Assessment), the project site is within a Census Urban Area and, therefore, does not include farmland. Therefore, development of the project site with the

		proposed uses would not result in substantial adverse effect to farmland. Based on the above, the proposed project would not convert existing farmland to nonagricultural uses and impacts related to the Farmland Protection Policy Act would not occur. Document Citation U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey.* Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed August 2024. (Appendix D) U.S. Department of Agriculture, Natural Resources Conservation Service. *Farmland Conversion Impact Rating AD-1006 form.* August 2024. (Appendix D)
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	The provisions of Executive Order 11988, Floodplain Management, require federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. For projects located within the 100-year floodplain, HUD policy provides that projects involving critical actions are subject to an eight-step process set forth in 24 CFR Part 55.20. As previously discussed in the Flood Insurance section of this Environmental Assessment, according to the FEMA FIRM 06001C0442G, effective August 3, 2009, the entirety of the project site is within Zone X, which is an Area of Minimal Flood Hazard (see Figure 9). Therefore, the proposed project would not conflict with Executive Order 11988. Document Citation Federal Emergency Management Agency. *Flood Insurance Rate Map 06001C0442G.* Available at: https://msc.fema.gov/portal/home. Accessed July 2024. (Appendix I)
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☒ No ☐	The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) directs each federal agency, and those tribal, State, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or

		mitigate possible harm that may result from agency actions. The review process, known as Section 106 review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with interested parties are key to effective compliance with Section 106. The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process. A Phase I Archaeological Study was prepared for the proposed project by Historic Resource Associates to assess potential impacts to historic resources that could occur as a result of project construction. The Phase I Archaeological Study included a records search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) in Rohnert Park, which was conducted on June 24, 2024 (NWIC File No. 23-1837). According to the CHRIS search results, the project site and an approximate 0.25-mile radius around the site do not contain recorded archaeological resources. In addition, the State Office of Historic Preservation Built Environment Resources Directory, which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, does not list recorded buildings or structures within or adjacent to the project site. A follow-up record search performed by Historic Resource Associates on July 16, 2024 at the NWIC found similar results (NWIC File No. 24-0052). A pedestrian survey of the project site was completed on July 11, 2024, which identified scant circa 1940s agricultural use and concrete representing a foundation for a demolished circa 1950s commercial building. The Phase I Archaeological Study did not identify the features as being significant cultural materials or topographic anomalies. In addition, a record search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the project site and returned negative results. Thus, the discovery of resources of cultural and religious significance is

		not anticipated to occur during development of the proposed project. In accordance with Section 106 of the NHPA, a request for consultation was distributed on August 19, 2024 to representatives of the following tribes, which were identified by the NAHC as potentially having knowledge of cultural resources in the project area: Chochenyo Ohlone Indian Tribe and Muwekma Ohlone Indian Tribe of the San Francisco Bya Area. Alameda County HCD did not receive responses from the tribes. A letter requesting review of the findings regarding the proposed project was submitted to the SHPO on September 24, 2024. A response was not received from the SHPO within 30 days. Pursuant to CFR 800.3(c)(4), consultation with the SHPO is considered complete. Due to the findings described above, the discovery of historic, cultural, or tribal cultural resources is not anticipated to occur on-site. Nonetheless, the potential exists for construction of the proposed project to result in the discovery of previously unrecorded, subsurface resources at the project site. Therefore, Mitigation Measures 2 and 3 shall be required, which would ensure that the project includes protective measures in the event that unknown cultural resources are discovered on-site during project construction activities. Based on the above, with implementation of Mitigation Measures 2 and 3, the proposed project would not conflict with the requirements of the NHPA. Thus, impacts related to historic preservation would not occur. *Mitigation Measure 2: During construction activities, if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the contractor shall immediately notify the City of Fremont Community Development Department and the Alameda County Housing & Community Development Department (Alameda County HCD) of the discovery. In such case, the applicant shall retain the services of a qualified*

		archaeologist for the purpose of recording, protecting, or curating the discovery, as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken. *Mitigation Measure 3: During construction activities, if prehistoric human interments (human burials or skeletal remains) are encountered within the native soils of the project site, all work shall be halted within 50 feet of the find. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City of Fremont Community Development Department and Alameda County HCD. The County Coroner, project superintendent, City of Fremont, and Alameda County HCD shall be contacted immediately. The applicant shall retain the services of a qualified archaeologist for the purpose of evaluating the significance of the find. If the archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit shall be stopped, and the excavation inspected by the archaeologist. If the archaeologist determines that the remains are non-significant or non-cultural in origin, work can recommence immediately. However, if the suspected remains prove to be part of a significant deposit, all work shall be halted in that location until appropriate recordation and (possible) removal has been accomplished. If human remains (burials) are found, the County Coroner shall be contacted to evaluate the discovery area and determine the context. Not all discovered human remains reflect Native American origins; however, in all cases where precontact or historic-era Native American resources are involved, the Native American Heritage Commission shall be contacted to designate appropriate representatives of the local Native American*

		community, who also shall be contacted about their concerns. Document Citation Historic Resource Associates. *Phase 1 Archaeological Study*. July 2024. (Appendix E) Raney Planning & Management, Inc. *National Historic Preservation Act Consultation and Compliance Materials*. September 2024. (Appendix F)
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☐ No ☒	According to HUD's noise standards set forth in 24 CFR Part 51, Subpart B, all sites where environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. For proposed new construction in high-noise areas, the project must incorporate noise mitigation features. Consideration of noise also applies to the acquisition of undeveloped land and existing development. In addition, 24 CFR Part 51 establishes an interior noise standard of 45 dB. With respect to potential noise effects at the project site from noise associated with roadway operations in the project vicinity, the existing ambient noise environment at the project site is defined primarily by noise from traffic on Thornton Avenue. To assess the proposed project's consistency with HUD's noise standards, a Noise Study Report was prepared for the proposed project by Wilson IHRIG. As part of the Noise Study Report, long-term noise measurements were captured for several 24-hour periods from locations along Thronton Avenue and Post Street. In addition, short-term noise measurements were captured for a period of 15 minutes from an on-site location 100 feet from the Thornton Avenue centerline. Hourly equivalent noise data (L_{eq}) from the long-term measurements were subsequently used to calculate the daily and typical L_{dn} noise levels. Based on the results of the noise survey, the existing noise level along the project site's Thornton Avenue frontage is approximately 68 dB L_{dn} (see Table 5).

Table 5
Summary of Current and Predicted Future Noise Levels

Day	Location LT-1 Thornton Avenue	Location LT-2 Post Street
Saturday, August 19, 2023	71	64
Sunday, August 20, 2023	69	58
Monday, August 21, 2023	70	60
Tuesday, August 22, 2023	70	59
Wednesday, August 23, 2023	70	60
Existing Measured/Setback Adjusted L_{dn}	68	62
Future Levels/Setback Adjusted L_{dn}	69	63

In terms of noise level increases due to increased traffic, the Noise Study Report determined that a 1.0 dB increase in the daily L_{dn} can be expected if traffic volumes increase 30 percent on any local thoroughfare, assuming vehicle speeds and free-flow conditions remain the same. Typical traffic volume increases in developed urban areas, such as the project area, are on the order of one percent per year. Therefore, according to the Noise Study Report, net increases of less than 1.0 dB can be expected in the next 10 years. The foregoing expectation assumes that significant improvements in tire, pavement, and/or engine technologies would not occur. The assumption, thus, provides a conservative analysis, as the aforementioned improvements would serve to reduce the overall noise emission from vehicular traffic.

Based on the measured existing sound levels and projected future changes to traffic conditions, future noise levels along the project's Thornton Avenue frontage were determined and are shown in Table 5. Noise levels from Thornton Avenue would exceed HUD's 65 dB exterior noise level threshold at the façade of the proposed building. However, the exterior noise threshold at the

		façades of new structures may be exceeded in situations where interior noise levels would not exceed the 45 dB interior noise level standard through noise level reduction (NLR) measures, such as Sound Transmission Class [STC] windows, exterior wall assembly, wood- or metal-framed roof/ceiling design, and supplemental interior ventilation. Thus, Mitigation Measure 4 shall be required to ensure that appropriate NLR measures are incorporated into the project design to ensure that interior noise levels would comply with HUD's 45 dB interior noise level standard. The courtyards would be shielded by the proposed structure from noise levels generated by traffic along Thornton Avenue, and as shown in Table 5, future noise levels generated along Post Street are not anticipated to exceed HUD's 65 dB exterior noise level standard. Therefore, NLR measures would not be necessary to ensure compliance with HUD's 65 dB exterior noise level standard at the outdoor courtyards. With respect to noise generated by railroad operations, a railroad line associated with Union Pacific Railroad (UPRR) and Amtrak/Altamont Corridor Express (ACE) operations is located approximately 1,165 feet to the east of the project site. Based on the HUD Day/Night Noise Level Calculator and information from the City's General Plan EIR, operations along the foregoing railroad line would result in noise levels of 59 dB DNL at the project site, which would comply with HUD's 65 dB DNL noise threshold. With respect to airport noise, the closest civilian airport is the Hayward Executive Airport, located approximately 9.3 miles from the project site. However, according to Figure 3-3 of the Airport Land Use Compatibility Plan for the Hayward Executive Airport, the 65 dB Community Noise Equivalent Level (CNEL) noise contour extends to only the West Winton Avenue/Hesperian Boulevard intersection, which is 8.33 miles to the northwest of the project site. Given the distance between the project site from the 65 dB noise contour associated with Hayward Executive Airport, future occupants would not be exposed to airport noise levels in excess of HUD's 65 dB exterior noise level standard.

		Based on the above, with implementation of Mitigation Measure 4, conflicts with the Noise Control Act of 1972 would not occur. *Mitigation Measure 4: Prior to the issuance of building permits, the final plans shall include the following Noise Level Reduction (NLR) measures, as recommended in the Noise Study Report prepared for the proposed project by Wilson IHRIG Acoustics, Noise & Vibration:* • *Glazing shall have a minimum Sound Transmission Class (STC) rating of either STC-26, STC-32, or STC-34, as shown in Figures 5, 6, and 7 of the Noise Study Report;* • *Framed exterior wall assembly as recommended in the Noise Study Report to achieve an approximate Outdoor-Indoor Transmission Class (OITC) rating of OITC-42/STC-46 rating;* • *A typical wood or metal framed roof/ceiling design;* • *Supplemental ventilation, as described in the options established under Section 4.4 of the Noise Study Report; and* • *Outlet box pads and caulk to all electrical boxes in exterior walls, similar to all typical corridor, party, and other sound-rated interior partitions (including floor-ceiling assemblies), as shown in the schematic detail in Figure 8 of the Noise Study Report.* *Inclusion of the foregoing NLR measures on the final plans shall be subject to review and approval by City of Fremont Community Development Department.* Document Citation Wilson IHRIG, Acoustics, Noise & Vibration. *3900 Thornton Avenue Affordable Housing, CCR Title 24 and CalGreen Noise Study Report*. September 14, 2023. (Appendix G) Alameda County Community Development Agency. *Hayward Executive Airport: Airport*

		Land Use Compatibility Plan [Figure 3-3]. August 2012. (Appendix I) U.S. Department of Housing and Urban Development. *DNL Calculator.* Available at: https://www.hudexchange.info/programs/environmental-review/dnl-calculator/. Accessed August 2024. (Appendix I)
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☐ No ☒	Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. As shown in Figure 12, the project site is not located within an area designated by the USEPA as being supported by a sole source aquifer. The project site is located approximately 29.6 miles from the nearest boundary of a sole source aquifer (Santa Margarita Aquifer). Therefore, the proposed project would not conflict with the Safe Drinking Water Act of 1974, as amended, and potential impacts related to sole source aquifers would not occur. <u>Document Citation</u> U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed July 2024. (Appendix I)
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	The provisions of Executive Order 11990 – Protection of Wetlands require federal activities to avoid adverse impacts to wetlands, where practicable. As preliminary screening, HUD or grantees must verify whether the project is located within wetlands identified on the USFWS NWI or else consult directly with USFWS. According to the NWI, aquatic resources of any kind are not located on or adjacent to the project site (Figure 10). Therefore, the proposed project would not conflict with Executive Order 11990, and impacts related to wetlands protection would not occur.

		Document Citation U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/wetlands/data/Mapper.html Accessed July 2024. (Appendix I)
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☐ No ☒	The Wild and Scenic Rivers Act (16 USC 1271-1287) provides federal protection for certain free-flowing, wild, scenic, and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS). The NWSRS was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. According to the USEPA's NEPAssist, the nearest officially designated Wild and Scenic River is the Tuolumne River, located approximately 98.22 miles to the northeast of the project site. In addition, rivers or river segments currently being considered for official designation by the National Park Service do not occur on-site or in the project vicinity. Based on the above, the proposed project would not result in impacts related to the Wild and Scenic Rivers Act of 1968. Document Citation U.S. Environmental Protection Agency. *NEPAssist*. Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed July 2024. (Appendix I)
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes ☐ No ☒	Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

		As previously discussed in the Contamination and Toxic Substances section of this Environmental Assessment, the project site is located in proximity to two off-site facilities that have been previously associated with discharges of PCE and/or TCE. However, according to further assessment completed as part of the PEA, significant or specific on-site sources of soil vapor impacts are not present on-site. The proposed project also includes a Vapor Intrusion Mitigation System Design to further ensure the proposed project does not result in any effects on future residents related to PCEs and VOCs. Thus, the proposed project would not result in impacts related to contamination and toxic substances, including minority and low-income populations. As detailed in the Explosive and Flammable Hazards section of this Environmental Assessment, the project site is located at a distance from all AST and chemical storage sites that exceeds the minimum ASDs. Thus, the proposed project would not be developed in dangerous proximity to facilities that handle, store, or process fuels, hazardous gases, or chemicals of an explosive or flammable nature. Based on the above, the proposed project would not result in adverse human health or environmental effects on minority and low-income populations, and impacts related to Executive Order 12898 would not occur.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.

(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The City of Fremont designates the site as TC, and the project site is zoned TC-P with a TOD overlay. Pursuant to the Fremont General Plan, the TC designation is intended to be pedestrian-oriented with an attractive and distinct identity, along with amenities such as small parks, public art, and plazas. Typical uses in TC-designated sites include local services, retail, eating and drinking establishments, civic facilities, housing, and mixed-use development. The TC-P zoning district is intended to provide areas for mixed retail, service, office, and residential uses in a pedestrian-oriented setting. The TOD overlay allows for increased development potential and higher allowances for building intensity to promote economic potential, pedestrian activity, and transit access. According to the City's General Plan, in cases where a TC-designated site is zoned with a TOD overlay, the minimum to maximum floor area ratio (FAR) is 0.5 and to 2.5 and if the site is developed with residential uses, the minimum density is 30 dwelling units per acre (du/ac). The proposed project would include a FAR of 2.48 and density of 123.1 du/ac. Therefore, the proposed project with the site's TC designation and TC-P with a TOD overlay zoning. With respect to scale and urban design, the building constructed as part of the proposed project would be developed in accordance with the development standards set forth in Fremont Municipal Code Section 18.45.020. The Municipal Code contains standards for features such as building height, design consistency, lot coverage, parking, curb/gutter and drainage facilities, sidewalks, paved streets, and landscaping. As part of obtaining applicable permits, the proposed project would be required by the City to be consistent with standards applicable to the TC-P zoning district such as a maximum building height of 65 feet and a maximum of five stories per building. The proposed project would include a five-story building with a maximum height of 59 feet. Therefore, the project would be constructed consistent with applicable City design standards. Based on the above, the proposed project would be generally consistent with the applicable policies in the City's General Plan and Municipal Code, and a potential adverse effect related to conformance with plans, compatibility with land use and zoning, and scale and urban design would not occur.
Soil Suitability / Slope / Erosion / Drainage / Storm Water Runoff	3	The following discussions assess the potential impacts associated with development of the proposed project related to soil suitability, slope, and erosion, drainage, and stormwater runoff.

		Soil Suitability A Geotechnical Report was prepared for the proposed project by Rockridge Geotechnical, which included evaluation of the soil conditions within the project site. The Geotechnical Report incorporated data from a previous subsurface investigation of the project site conducted by Geosphere in 2017. Geosphere's investigation included two exploratory borings drilled to depths of 40 and 50 feet below ground surface (bgs). According to the Geotechnical Report, the subsurface conditions consisted of medium stiff to stiff clay and silt to a depth of approximately 16 feet bgs. The clay and silt are underlain by medium to very dense sands and gravels to the maximum depth explored of 50 feet bgs. Because the project site is in a seismically active region, the Geotechnical Report included evaluation of the potential for earthquake-induced geologic hazards, including ground shaking, ground surface rupture, liquefaction, lateral spreading, and cyclic densification. Cyclic densification can occur during an earthquake, resulting in settlement of the sand and overlying improvements. In general, the potential for cyclic densification of the sand and low-plasticity silt in the upper 16 feet of the project site is relatively high due to its low to moderate density and very strong levels of shaking, which could occur at the site during a large earthquake occurring on the Hayward Fault. Depending on the level of ground shaking, settlement at the project site could be on the order of 0.5-inch to 2.5 inches. Thus, to ensure potential adverse effects do not occur related to the on-site soils, including those related to cyclic densification, the proposed project shall be subject to Mitigation Measure 5, which would require that the proposed project incorporate all recommendations set forth in the Geotechnical Investigation, The foregoing recommendations include requirements related to excavations, engineered fill, grading, surface and subsurface drainage, and foundations that would ensure the proposed project is designed sufficiently to prevent potential adverse effects related to the on-site soils. With implementation of Mitigation Measure 5, substantial adverse effects related to soil suitability would not occur. Slope According to the Phase 1 ESA prepared for the proposed project, the project site's topography consists of generally flat land with a gentle slope. According to HUD policy, the optimum slope suitability for residential development is zero to six percent. As such, the proposed project would be consistent with HUD policy, and impacts related to slope would not occur. Erosion, Drainage, and Stormwater Runoff The National Pollutant Discharge Elimination System (NPDES) permitting program, established by the Clean Water Act, controls

		and reduces pollutants to water bodies from point and non-point discharges. Under the NPDES program, dischargers whose projects disturb one acre or more of soil are required to obtain coverage under the NPDES Construction General Permit. The proposed project would disturb 1.04 acres. Therefore, the project would be subject to the Construction General Permit. The Construction General Permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would include incorporation of best management practices (BMPs) such as sandbag barriers, straw bale barriers, silt fencing, storm drain inlet protection, and fiber rolls to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. Thus, compliance with the Construction General Permit, preparation of a SWPPP, and incorporation of BMPs would prevent potential adverse effects from occurring during project construction. With respect to project operation, the City of Fremont operates under a NPDES Municipal Regional Stormwater Permit (MRP) to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay RWQCB adopted the San Francisco Bay Region NPDES MRP for 76 Bay Area municipalities, including the City of Fremont. The MRP (NPDES Permit No. CAS612008) mandates the City of Fremont use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects. The MRP requires all post-construction stormwater runoff to be treated by numerically sized Low Impact Development (LID) treatment controls, such as biotreatment facilities, unless the project is granted Special Project LID Reduction Credits. Prior to receiving any LID Reduction Credits, the project would first be required to establish the infeasibility of treating 100 percent of the amount of runoff with LID treatment measures. A narrative would be required to be submitted to the City that describes why and how the implementation of 100 percent LID treatment measures are not feasible, in accordance with the MRP. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with Provision C.3 of the MRP would be required to be included in the project design (i.e., Stormwater Control Plan) to the satisfaction of the Community Development Director prior to approval of improvement plans. As part of compliance with the MRP, the project site would be divided into eight Drainage Management Areas (DMAs). Runoff from new impervious surfaces during project operation would be conveyed within each DMA by either surface flow or through new storm drain lines to eight corresponding stormwater treatment areas. Following treatment, flows would either percolate into underlying soils or would be discharged to the existing 24-inch

storm drain line in Post Street. As shown in Table 6, the proposed stormwater treatment areas would be sized to either meet or exceed the minimum surface of treatment measure. Thus, the proposed project would comply with the MRP.

Table 6
DMA Surface of Treatment Measures

DMA	Minimum Surface of Treatment Measure	Proposed Surface of Treatment Measure
1	349	368
2	228	228
3	595	605
4	147	151
5	0	0
6	201	297
7	0	0
8	58	164

Conclusion

Based on the above, with implementation of Mitigation Measure 5, the proposed project would not result in a potential adverse effect related to soil suitability, slope, erosion, drainage, or stormwater runoff.

Mitigation Measure 5: Prior to approval of building permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Report prepared for the proposed project by Rockridge Geotechnical. The project plans shall include, but not be limited to, the recommendations contained therein pertaining to excavations, engineered fill, grading, surface and subsurface drainage, and foundations. Undocumented fill, underground buried structures, and/or utility lines encountered during construction shall be properly removed and the resulting excavations backfilled with imported non-expansive engineered fill. Proof of compliance with all recommendations set forth in the Geotechnical Report shall be subject to review and approval by City Engineer.

Document Citation

Rockridge Geotechnical. *Geotechnical Report: Thornton Avenue Mixed-Use Development, 3900 Thornton Avenue, Fremont, California.* March 21, 2022. (Appendix H)

Roux Environmental Consulting and Management. *Phase I Environmental Site Assessment: 3900 Thornton Avenue, Fremont, California*. August 13, 2021. (Appendix B)

Hazards and Nuisances	2	The following discussions assess the potential impacts associated with development of the proposed project related to hazards and

including Site Safety and Noise		site safety, including natural hazards, air pollution generators, man-made site hazards, and nuisances such as noise. <u>Natural Hazards</u> Natural hazards to which the proposed project could potentially be subject include earthquake-related hazards (e.g., faults, fracture, etc.), landslides, floods, and wildfire. With respect to earthquake-related hazards, according to the California Geological Survey Earthquake Hazards Zone Application, the project site is not within a currently established California Earthquake Hazard Zone for surface fault rupture hazards. Additionally, the project site does not include active faults with the potential for surface fault rupture directly beneath the site. As such, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed project is considered low. In addition, the proposed project would be designed in compliance with the applicable standards established by the California Building Code, which includes engineering standards to prevent potential impacts associated with the seismic area in which the project site is located. Therefore, compliance with applicable standards set forth in the California Building Code would ensure potential impacts related to seismic activity are addressed. Based on the above, the proposed project would not be subject to earthquake-related hazards. With respect to landslides, the topography of the project site is generally flat. In addition, the project site is not adjacent to areas that contain slopes with unconsolidated loose soil. Therefore, the proposed project would not be at risk of landslides. With respect to flooding, as discussed in the Floodplain Management section of this Environmental Analysis, the project site is not located within a SFHA. Therefore, the proposed project would not be subject to flood-related hazards. Finally, with respect to wildfire, according to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the City of Fremont is not located in or adjacent to a State Responsibility Area (SRA) High or Very High Fire Hazard Severity Zone (FHSZ). The City is designated as a Local Responsibility Area (LRA) and is outside of any High or Very High FHSZ. Additionally, the proposed project would be subject to all applicable provisions of the California Fire Code (CFC), including Section 903.2.8, which establishes automatic sprinkler system requirements pertaining to multi-family residences. Such features would help to address fire situations within the project site and would reduce the demand for fire protection services. In the event that emergency vehicles need to access the project site, access would be provided from Post Street

		by way of the newly constructed project driveway and drive aisle. Based on the above, the proposed project would not be subject to wildfire-related hazards. <u>Air Pollution Generators</u> HUD policy necessitates the consideration of the proximity of a proposed development project to various air pollution generators, such as heavy industry, incinerators, power plants, rendering plants, cement plants, and heavily traveled highways, defined as having six or more lanes. Proximity to such generators could induce health risks associated with DPM and TAC emissions, which are further addressed in the Clean Air section of this Environmental Assessment. As detailed therein, risks associated with on-site exposure to DPM from vehicle traffic are not expected and impacts associated with exposing sensitive receptors to TACs would not occur. <u>Man-made Site Hazards</u> According to HUD policy, man-made hazards are hazard caused by human action or inaction. Such types of hazards can have adverse impact on humans, other organisms, biomes, and ecosystems. The frequency and severity of man-made hazards are key elements in some risk analysis methodologies. With respect to hazards associated with transport and storage of hazardous chemicals, due to the residential nature of the proposed project, project operation would not involve transport, use, or storage of hazardous chemicals beyond household cleaning and lawncare products, which would be used in accordance with the products' instructions. During project operation, any use, storage, and transport of hazardous materials by the project developer and contractors, would be required to comply with local, State, and federal regulations. Pursuant to California Health and Safety Code Section 25510(a), the handler or an employee, authorized representative, agent, or designee of a handler, must, upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency (in the case of the proposed project, the Alameda County Department of Environmental Health [ACDEH]) in accordance with the regulations adopted pursuant to Section 25510(a). The handler or an employee, authorized representative, agent, or designee of the handler must provide all State, city, or county fire or public health or safety personnel and emergency response personnel with access to the handler's facilities. In the case of the proposed project, the project contractor would be required to notify the ACDEH in the event of an accidental release of a hazardous material who would then monitor the conditions and recommend appropriate remediation measures. Compliance with the foregoing provisions of the California Health and Safety Code

		would ensure impacts associated with transport and storage of hazardous materials during project construction would not occur. Through compliance with all applicable standards set forth in the Fremont Municipal Code, the proposed project would not be subject to man-made hazards such as inadequate separation of pedestrian/vehicle traffic, inadequate public facilities, or household hazardous waste. The project site does not include bodies of water or access to lakes. Finally, Government Code Section 65962.5 requires the CalEPA to develop at least annually an updated Hazardous Waste and Substances Sites (Cortese) list. DTSC is responsible for a portion of the information contained in the Cortese list. The project site is not located on a site identified on the State Water Resources Control Board's (SWRCB) GeoTracker database, another portion of the Cortese list, for leaking USTs. Although the project site is located adjacent to the Center Square Cleaners site, which is identified on GeoTracker as a Cleanup Program Site, as previously discussed in the Contamination and Toxic Substances section of this Environmental Assessment, the Center Square Cleaners site does not pose an environmental risk to the project site, based on the results of the PEA and the project's inclusion of Vapor Intrusion Mitigation System Design (see Figure 7). As discussed above, in the event that emergency vehicles need to access the project site or residents need to evacuate, access from the project site would be provided from Post Street by way of the newly constructed project driveway and drive aisle. Based on the above, the proposed project would be consistent with HUD policy and would not be subject to man-made site hazards. <u>Nuisances – Noise</u> Some land uses are considered more sensitive to noise than others, and thus, are typically referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise-sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The nearest sensitive receptors to the project site are multi-family residences located approximately 76 feet to the east of the project site. The City's Noise Ordinance is set forth in Chapter 9.25 of the City's Municipal Code and provides that, generally, producing any loud or unusual noises that interfere with the comfort and enjoyment of life and property within the City limits is unlawful. Residential projects do not typically generate operational noise.

Thus, operation of the proposed project would be compliant with the City's Noise Ordinance.

Construction of the proposed project would result in temporarily increased noise levels, which could cause loud or unusual noise. However, Fremont Municipal Code Section 18.160.010 establishes the following times in which construction is allowed: 7:00 AM to 7:00 PM during weekdays and 9:00 AM to 6:00 PM on Saturdays, with construction activities prohibited on Sundays. The proposed project would be required to comply with the foregoing construction times. Furthermore, construction activities would be temporary and would occur in different areas of the project footprint, at different times. As such, noise levels experienced at the nearest sensitive receptor would be attenuated during times construction activities occur further away from the receptor. Given the compliance with the allowable hours, and the temporary nature of construction, noise associated with project construction would not be considered significant. Based on the above, the proposed project is not anticipated to result in substantial adverse effects during construction.

Nuisances – Vibration

Vibration involves a source, a transmission path, and a receiver, with vibration typically consisting of the excitation of a structure or surface. A person's perception of the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating. Vibration is measured in terms of acceleration, velocity, or displacement.

A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. Pursuant to standards developed by the California Department of Transportation (Caltrans), the vibration level that would normally be required to result in architectural damage to structures is 0.2 in/sec PPV. Table 7 shows the typical vibration levels produced by construction equipment at various distances.

Table 7
Vibration Levels for Various Construction Equipment

Type of Equipment	PPV at 25 feet (in/sec)	PPV at 50 feet (in/sec)
Loaded Trucks	0.076	0.025
Small Bulldozer	0.003	0.000
Auger/drill Rigs	0.089	0.029

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.

		As shown in Table 7, at 25 feet, the maximum vibration levels generated by common construction equipment would be 0.089 in/sec. Given the approximate 76-foot distance between the multi-family residences and the proposed area of disturbance, vibration levels generated from on-site project construction activities at the residences would not exceed Caltrans' 0.20 in/sec PPV threshold for damage to residential structures. Therefore, nuisances related to groundborne vibration associated with project construction would not occur. Nuisances - Odors Residential land uses are not known to be odor-generating uses. In addition, as discussed in the Clean Air section of this Environmental Assessment, the project site is located within the boundaries of the SFBAAB, which is under the jurisdiction of the BAAQMD. As such, the project would be required to comply with all adopted BAAQMD rules and regulations, including Regulation 1-301, Public Nuisance, which prohibits the discharge of contaminants, including odors not associated with agricultural uses. Therefore, project operation would not result in odor-related impacts that would result in nuisances. Conclusion Based on the above, the proposed project would not result in impacts related to site hazards and nuisances, including noise and vibration. Document Citation Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed September 2022. (Appendix I) State Water Resources Control Board. *GeoTracker*. Available at: https://geotracker.waterboards.ca.gov/. Accessed August 2024. (Appendix I) California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed August 2024. (Appendix I)

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	1	The proposed project would include the construction of 128 housing units restricted for individuals and families earning, depending on the specific unit, between 20 and 80 percent of the

		AMI of Alameda County, which would help fulfill the City's affordable housing goals, as set forth in the City of Fremont Housing Element. In addition, the proposed project would provide temporary employment for construction workers. Once operational, the proposed project would provide ongoing employment for a building manager, maintenance workers, and landscape workers necessary for the operation of the building, as well as staff for the commercial uses. Because the proposed project would provide employment opportunities and 128 new affordable residences, the project would have a potentially beneficial impact to employment and income patterns.
Demographic Character Changes, Displacement	2	The proposed project would include the construction of a five-story building containing 128 residential units restricted for individuals and families earning, depending on the specific unit, between 20 and 80 percent of the AMI of Alameda County, as well as ground-floor commercial uses, a parking garage, bicycle storage, common space, and a lobby. According to current population estimates provided by the U.S. Census Bureau, the City of Fremont has a population of 226,208 residents and an average household size of 3.02 persons per household. Based on such estimates, the proposed project could result in approximately 387 new residents (3.02 persons per unit x 128 units), representing a 0.17 percent population increase for the City, assuming all residents of the proposed project are new residents to the City. Therefore, the proposed project would not substantially increase the City's population. The project site is currently vacant. Thus, development of the project would not require the relocation of any tenants, farms, businesses, etc. or necessitate the construction of replacement housing elsewhere. The project vicinity includes existing single-family and multi-family residential communities. Therefore, the proposed project would not create a concentration of low-income or disadvantaged people in violation of HUD site and neighborhood standards. Finally, the proposed project would be consistent with the project site's TC designation and TC-P with a TOD overlay zoning. Thus, buildout of the site with the proposed uses has been generally anticipated by the City and the proposed project would not result in substantial adverse effects related to character changes. Based on the above, the proposed project would not alter the character of the community in which it would be located, and relocation of existing residents would not be required. The proposed project would serve the existing community by providing needed housing to residents who currently inhabit the City, and thus, would not result in the displacement of people nor any adverse changes related to demographic character.

		Document Citation U.S. Census Bureau. *QuickFacts: Fremont City, California; United States.* Available at: https://www.census.gov/quickfacts/fact/table/fremontcitycalifornia,US/PST045223. Accessed July 2024. (Appendix I)
Environmental Justice	2	Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. As part of compliance with applicable federal laws, federal agencies, including HUD, must consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. In order to better meet the agency's responsibilities related to the protection of public health and the environment, the USEPA has developed the EJScreen mapping and screening tool, which provides socioeconomic and environmental information for a selected area. Pursuant to the EJScreen Environmental Justice Indexes, which highlight blockgroups with the highest intersection of low-income populations, people of color, and a given environmental indicator, the project site is identified as being within Blockgroup 060014417022. The population of the 0.27-square-mile blockgroup is 2,787 residents. Table 8 summarizes the percentiles at which the area ranks relative to the entire State and nation for various environmental indicators (i.e., $PM_{2.5}$, ozone, nitrogen dioxide [NO_2], DPM, toxic releases to air, traffic proximity, lead-based paint [LBP], Superfund proximity, Risk Management Program [RMP] facility proximity, hazardous waste proximity, USTs, wastewater discharge, and drinking water non-compliance). According to Table 8, the project site is identified as being at or above the 60^{th} national percentile for several environmental indicators (i.e., $PM_{2.5}$, ozone, NO_2, DPM, Traffic Proximity, RMP facility proximity, and hazardous waste proximity). In addition, the project site is at or above the 60^{th} State percentile for several of the same indicators (i.e., NO_2, RMP facility proximity, and hazardous waste proximity). Although a portion of the risk factors associated with the project site exceed the median for State and federal percentiles, the project site is not unduly burdened relative to strictly residential areas within the City. For example, an additional query of the EJScreen indexes was conducted for a residential neighborhood northeast of the project site. The neighborhood is located in Blockgroup 060014413024. The 0.25-square-mile blockgroup has a population of 1,753. Table 9 summarizes the percentiles at which the area ranks relative to the entire State and nation for the same environmental indicators as Table 8.

Table 8 EJ Indexes – State and National Percentiles		
Environmental Indicator	**State**	**Federal**
$PM_{2.5}$	48	86
Ozone	27	72
NO_2	60	77
DPM	54	79
Toxic Releases to Air	54	52
Traffic Proximity	49	79
LBP	35	46
Superfund Proximity	0	0
RMP Facility Proximity	71	82
Hazardous Waste Proximity	62	84
USTs	0	0
Wastewater Discharge	43	55
Drinking Water Non-Compliance	0	0
Source: U.S. Environmental Protection Agency, EJScreen, 2024.		

Table 9 EJ Indexes – State and National Percentiles		
Environmental Indicator	**State**	**Federal**
$PM_{2.5}$	44	82
Ozone	24	66
NO_2	41	66
DPM	48	75
Toxic Releases to Air	49	49
Traffic Proximity	46	75
LBP	29	38
Superfund Proximity	0	0
RMP Facility Proximity	68	80
Hazardous Waste Proximity	57	80
USTs	0	0
Wastewater Discharge	42	61
Drinking Water Non-Compliance	0	0
Source: U.S. Environmental Protection Agency, EJScreen, 2024.		

According to Table 9, the blockgroup is identified as being at or above the 60th national percentile for the same environmental indicators as those associated with the project site's blockgroup (i.e., $PM_{2.5}$, ozone, NO_2, DPM, Traffic Proximity, RMP facility proximity, and hazardous waste proximity). Thus, the results of the EJScreen report indicate that, although the percentiles of various environmental indicators for the project site's blockgroup are relatively high compared to national and State percentile rankings, future residents of the project would not be unduly affected by adverse environmental and human health effects relative to strictly residential locations in the City.

Based on the above, the proposed project would not result in a substantial impact associated with environmental justice relative to the existing conditions throughout the City of Fremont and

		potential impacts related to environmental justice on future residents of the proposed project would not occur. Document Citation U.S. Environmental Protection Agency. *EJScreen: Environmental Justice Screening and Mapping Tool*. Available at: https://www.epa.gov/ejscreen. Accessed July 2024. (Appendix I)
Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The project site is located within the boundaries of the Fremont Unified School District (FUSD). The FUSD is comprised of 41 total schools, which serve more than 32,000 students. The project site is located approximately 0.4-mile from Thornton Middle School and within 0.3-mile from Oliveria Elementary School. The schools, as well as other schools within the City, would meet the educational needs of future residents. The proposed project would be subject to FUSD Developer Fees on new construction, including $5.17 per square foot of new residential development and $0.84 per square foot of new commercial development. Revenues generated through the payment of such fees would help fund identified improvements necessary to maintain school district levels of service. Thus, through the project's fair-share payment of the developer fees set forth by FUSD, educational services would not be adversely affected by the project. Local cultural facilities include the Fremont Main Library and several public parks. While residents of the proposed project could increase demand for such services, the 0.17 percent population increase would be considered relatively minor. In addition, the proposed project would be consistent with the project site's TC designation and TC-P with a TOD overlay zoning. Thus, buildout of the site with the proposed uses has been generally anticipated by the City and increases to demand for library and park services as a result of the proposed project have been previously anticipated and accounted for by the City. Based on the above, the proposed project would not cause impacts related to educational and cultural facilities. Document Citation Fremont Unified School District. *Developer Fees.* Available at: https://fremontunified.org/about/business-services/accounting-services/developer-fees-faq/. Accessed July 2024. (Appendix I)
Commercial Facilities	2	Future residents of the proposed project would have access to several existing commercial facilities within the City of Fremont. Grocery stores, pharmacies, restaurants, and a bank are all

		located within less than one mile of the project site along Fremont Boulevard. In addition, future residents of the proposed project would have access to the ground-floor commercial uses developed as part of the project. As such, residents of the proposed project would have convenient access to the nearby commercial uses. Additionally, the proposed project would include the development of 128 residential units, which represents an approximately 0.17 percent increase to the City's existing population. Thus, the project would not cause a significant increase in demand for commercial facilities within the City of Fremont.
Health Care and Social Services	2	The City of Fremont contains multiple healthcare facilities, including Concentra Urgent Care, which is located 1.7 miles east of the project site, and two hospitals, the Washington Hospital and Kaiser Permanente Fremont Medical Center, which are located 1.7 and two miles, respectively, to the east of the site. The aforementioned facilities would provide health care services to the residents of the proposed project. Fremont is served by Alameda-Contra Costa Transit District (AC Transit), which provides bus service within the City and between the City and other Bay Area cities. The closest AC Transit bus stop to the project site is located immediately south of the project site along Thornton Avenue. In addition, AC Transit offers East Bay Paratransit service for people who have a disability or a disabling condition that prevents them from using buses. Thus, public transit is located within the immediate project vicinity and is accessible by foot, which would allow future project residents to access healthcare facilities in Fremont without the use of a personal vehicle. Social services would be available to future residents of the proposed project through the Alameda County Social Services Agency (ACSSA). Services include providing assistance with gaining access to CalFresh, Medi-Cal, CalWORKS, and other social service programs. The nearest ACSSA office is located at 39155 Liberty Street in the City of Fremont, approximately 1.6 miles southeast of the project site. Future project residents would be able to access the office by personal vehicles or by AC Transit bus routes or East Bay Paratransit service for people who have a disability or a disabling condition that prevents them from using buses. Therefore, social services are accessible by way of personal vehicles and the aforementioned public transit services. Based on the above, impacts related to health care and social services would not occur as a result of the proposed project. <u>Document Citation</u> Alameda County. *Alameda County Social Services Agency.* Available at:

		https://www.alamedacountysocialservices.org/index.page. Accessed July 2024. (Appendix I) AC Transit. *About AC Transit Services.* Available at: https://www.actransit.org/services. Accessed July 2024. (Appendix I)
Solid Waste Disposal / Recycling	2	Solid waste, recyclable material, and compostable material collection within the City is provided by the Republic Services. Solid waste and recycling materials are processed at the Fremont Recycling and Transfer Station Facility, after which solid waste is hauled to the Altamont Landfill managed by Waste Management of Alameda County. According to the California Department of Resources Recycling and Recovery (CalRecycle), the landfill has a maximum permitted throughput of 11,150 tons per day and a remaining capacity of 65,400,000 cubic yards out of a total permitted capacity of 124,400,000 cubic yards. Due to the substantial remaining capacity of the landfill, sufficient capacity would be available to accommodate the proposed project's solid waste disposal needs. With respect to waste that could be generated during construction activities, project construction would be temporary. In addition, pursuant to the California Green Building Standards Code (Title 24 CCR Part 11), otherwise known as the CALGreen Code, at least 65 percent diversion of construction waste is required for projects permitted after January 1, 2017. Thus, construction of the proposed project would not result in impacts related to solid waste generation. Based on the above, the project would comply with applicable regulations related to solid waste during project construction and sufficient capacity would be available to accommodate the disposal of waste and recyclables generated by the future project residents. Therefore, impacts related to solid waste disposal and recycling would not occur as a result of the proposed project. <u>Document Citation</u> California Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details, Imperial Landfill (13-AA-0019).* Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7. Accessed July 2024. (Appendix I)
Waste Water / Sanitary Sewers	2	The Union Sanitary District (USD) provides wastewater collection, treatment, and disposal services to residents of Fremont, Newark, and Union City. The USD covers 36.4 square miles in Fremont. The USD gravity wastewater collection system consists of 777 miles of trunk lines and smaller sewers, which accommodate an average dry-weather flow (ADWF) of approximately 27.5 million gallons per day (mgd). The majority

		of wastewater collected in Fremont is pumped to the USD's Alvarado Treatment Plant, which has an ADWF capacity of 33 mgd. Pursuant to the Union City General Plan EIR, the Alvarado Treatment Plant currently treats 24 mgd. As previously discussed, the proposed project would represent only an incremental increase to the City's population, as the project would result in a 0.17 percent population increase to the City's existing population. Thus, the incremental increase in demand for wastewater services generated by the proposed project could be accommodated by the Alvarado Treatment Plant's existing capacity. Additionally, new development is subject to the USD capacity fees to ensure project developers pay a fair share for future increases in demand for USD services. The proposed project would be subject to the USD's capacity fees, the revenues from which would help fund expansions and upgrades deemed necessary by USD for the wastewater collection and treatment services. Based on the above, sufficient capacity exists to convey and treat wastewater generated by the proposed project. Therefore, the project would be consistent with HUD policy and impacts related to wastewater and sanitary sewers would not occur. <u>Document Citation</u> City of Union City. *2040 Union City General Plan Update Environmental Impact Report* [page 4.16-5]. June 2019. (Appendix I) City of Fremont. *Fremont General Plan Update Environmental Impact Report* [page 4-333]. June 2011. (Appendix I)
Water Supply	2	Water supplies within the City of Fremont are provided by the Alameda County Water District (ACWD). The ACWD has three primary sources of water supply: (1) the State Water Project (SWP); (2) the San Francisco Public Utilities Commission Regional Water System (RWS); and (3) local supplies. According to Table 9-2 of the ACWD Urban Water Management Plan (UWMP), the ACWD anticipates having sufficient supplies to meet projected future water demands through 2045 under normal year conditions. However, according to Tables 9-3 through 9-8 of the UWMP, the ACWD would have a shortfall during various years under single and multiple dry-year scenarios. In the event insufficient supply is available to meet demand, ACWD would implement its Water Shortage Contingency Plan, which includes shortage response actions, including supply augmentation, demand reduction, operational changes, and additional mandatory restrictions.

		The City's General Plan EIR evaluated the potential for demand generated by new development facilitated by the General Plan to result in insufficient water supplies and concluded that with implementation of Mitigation Measures UTIL-1A and UTIL-1B, a less-than-significant impact would occur. As discussed therein, Mitigation Measure UTIL-1A requires that new development install the latest technology in water-efficient plumbing fixtures, irrigation systems, and landscaping through compliance with the CALGreen Code. Mitigation Measure UTIL-1B requires developers to coordinate with ACWD on the installation of separate, non-potable water distribution systems for irrigation and other non-potable water needs. The proposed project would be required to comply with the foregoing mitigation measures, and thus, would be consistent with the conclusions of the City's General Plan EIR. Finally, new development is subject to the ACWD development fees to ensure project developers pay a fair share for future increases in demand for ACWD services. The proposed project would be subject to the ACWD's development fees, the revenues from which would help fund expansions and upgrades deemed necessary by ACWD for the water services. Based on the above, impacts related to water supply would not occur as a result of the proposed project. <u>Document Citation</u> Alameda County Water District. *Urban Water Management Plan 2020-2025* [pages 9-8 through 9-15]. May 13, 2021. (Appendix I)
Public Safety – Police, Fire and Emergency Medical	2	The proposed project would be provided fire protection services by the Fremont Fire Department (FFD), which is comprised of 11 stations. Station 6 is located at 4355 Central Avenue, approximately 0.8-mile southeast of the project site, and Station 8 is located at 35659 Fremont Boulevard, approximately 0.6-mile southwest of the project site. The FFD employs 172 employees, 146 of which are sworn personnel assigned to field operations and fire stations. Law enforcement services would be provided by the Fremont Police Department (FPD). The FPD is located at 2000 Stevenson Boulevard approximately 2.3 miles southeast of the project site and employs more than 200 sworn personnel and more than 100 non-sworn personnel for a total of more than 300 employees. The City's General Plan EIR evaluated the potential for buildout of the City's General Plan planning area to result in substantially increased demand of FFD and FPD services on pages 4-326 and 4-327 and concluded that a less-than-significant impact would occur. As discussed therein, buildout of the General Plan is not

		anticipated to require new or physically altered fire protection or police stations in order to maintain acceptable response times. Given that the proposed project is consistent with the site's TC land use designation and TC-P with TOD overlay zoning, buildout of the site with the proposed uses would not result in impacts beyond those identified in the General Plan EIR. Furthermore, the project developer would be required to pay applicable development impact fees, in accordance with Fremont Municipal Code Chapter 18.290, which would serve as the project's fair share for increased demand on FFD and FPD services. Based on the above, impacts relating to the provision of police, fire, and emergency medical services would not occur as a result of the proposed project. <u>Document Citation</u> City of Fremont. *Fremont Fire Department 2023 Annual Report*. 2023. (Appendix I) City of Fremont. *Fremont Police Department 2023 Annual Report*. 2023. (Appendix I)
Parks, Open Space and Recreation	2	The City of Fremont Parks and Recreation Department maintains several parks and recreational facilities that would be available to future residents of the proposed project. Available recreational facilities within less than a mile of the project site include, but are not limited to, Dusterberry Neighborhood Park, Cabrillo Park, Westridge Park, and Los Cerritos Park. The proposed project includes a 7,264-sf podium courtyard, which would include a synthetic lawn area, café table and chairs, and a play area. The project would also include an at-grade 4,436-sf courtyard with benches, dining tables, chairs, and a built-in barbecue and workstation, as well as a 1,179-sf basketball court located outside in the southernmost portion of the project site. Thus, additional demand for parks and recreation generated by future project residents could be accommodated by the project, itself. In addition, Fremont Municipal Code Chapter 18.290 assesses a park land impact fee on new development in the City. Thus, the project's payment of the fee would serve as the project's fair share for increased park services in the City. Based on the above, impacts related to parks, open space, and recreation would not occur.

		Document Citation City of Fremont. *Parks and Recreation*. Available at: https://www.fremont.gov/government/departments/parks-recreation/parks. Accessed July 2024. (Appendix I)
Transportation and Accessibility	2	A new private driveway along the southeastern boundary of the project site would provide vehicular access from Post Street to the ground-floor parking garage. A total of 102 parking stalls would be provided on-site, five of which would be ADA-compliant spaces. The project would also provide storage/parking for up to 98 bicycles, including two long-term-parking bike rooms to accommodate 76 bicycles and short-term bike racks along the project frontage to accommodate 22 bicycles. Additionally, Fremont is served by AC Transit, which provides bus service within the City and between the City and other Bay Area Cities. A total of 17 bus stops exists throughout the City for AC Transit. The closest bus stop to the project site is located along Thornton Avenue immediately south of the project site. The City is also served by two passenger rail lines, Amtrak and ACE. Based on the above, substantial adverse effects related to access would not occur. Traditionally, jurisdictions have used Level of Service (LOS) to assess the significance of transportation-related impacts generated by proposed development projects. LOS represents a qualitative description of the traffic operations experienced by the driver along a roadway segment or at an intersection and ranges from LOS A, which represents the absence of congestion and little delay, to LOS F, which signifies excessive congestion and delays. The City aims to maintain a LOS D standard at intersections and roadway segments, and has adopted General Plan policies to prevent impacts to transportation and accessibility. The City's General Plan EIR evaluated potential effects on LOS of various intersections from buildout of the General Plan planning area and concluded that various intersections would require improvements to address deficiencies precipitated by General Plan buildout. Regarding intersections in the surrounding project vicinity, the General Plan EIR determined that the Paseo Padre Parkway/Thornton Avenue intersection, located approximately 0.3-mile to the north of the project site would deteriorate below LOS D. To address the deficient LOS at the intersection, the General Plan EIR required Mitigation Measure TRA-8, which necessitates modification of the intersection. Thus, while effects on LOS from General Plan buildout, including development of the project site with the proposed uses, would result in diminished LOS at select intersections in the City, the City has adequately addressed the affected intersections and development facilitated by the General

		Plan, including the proposed project, would not result in an unanticipated substantial adverse effect related to LOS. Based on the above information, the proposed project would not result in a substantial adverse effect related to transportation and accessibility. <u>Document Citation</u> City of Fremont. *Fremont General Plan Update Environmental Impact Report* [pages 4-81 and 4-91]. July 2011. (Appendix I)

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	Examples of unique natural features include sand dunes, waterfalls, unique rock outcroppings, caves, canyons, endemic and/or disjunct plant/animal communities, coral reefs, unique stands of trees, and unique colonies of animals. The project site is located within a developed area of the City and consists of vacant land that was previously developed with a building and surface parking lot. Trees do not exist on the project site. Thus, implementation of the proposed project would not destroy or isolate any unique natural feature from public or scientific access. Furthermore, as discussed in the Wetlands Protection and Wild and Scenic Rivers sections of this Environmental Assessment, the project site does not contain wetlands and is not located within the vicinity of an officially designated Wild and Scenic River. Finally, as detailed in the Soil Suitability, Slope, Erosion, Drainage, and Storm Water Runoff section of this Environmental Assessment, as part of compliance with the NPDES Construction General Permit, the proposed project would be required to prepare a SWPPP and incorporate BMPs to prevent erosion and drainage impacts during project construction. As such, compliance with the Construction General Permit and the provisions contained therein would ensure that runoff entering receiving waters does not contain sufficient quantities of sediment or pollutants generated by construction activities and that impacts to water resources do not occur. Therefore, the project would not result in impacts to water quality in the project area. Based on the above, impacts related to unique natural features and water resources would not occur as a result of the proposed project.

		Document Citation U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/wetlands/data/Mapper.html Accessed July 2024. (Appendix I)
Vegetation, Wildlife	3	As discussed in the Endangered Species section of this Environmental Assessment, the proposed project would not result in potential adverse effects to the majority of protected species identified as part of the IPaC and CNDDB queries. However, as previously discussed, the proposed project could potentially impact nesting raptors and migratory birds if such species are nesting in the trees adjacent to the project site. The MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior. During project construction, various migratory birds and raptors could potentially nest in the existing adjacent trees and other vegetation. Without proper mitigation, the proposed project could result in impacts to species protected by the MBTA. Therefore, Mitigation Measure 6 shall be required, which would include measures to avoid or minimize impacts to migratory bird and/or raptor species protected by the MBTA. Implementation of Mitigation Measure 6 would ensure impacts associated with protected wildlife species do not occur. *Mitigation Measure 6: Prior to commencement of ground-disturbing activities or tree removal during the breeding season (February 1-August 31), the project applicant shall retain a qualified biologist to conduct a preconstruction migratory bird and raptor nesting survey within 14 days prior to the onset of ground disturbance. The nesting migratory bird survey shall cover the project site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Fremont Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.* *If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer shall be established around all active nests. The precise dimension of the buffer(s) would be determined at that time by the qualified biologist and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting*

		disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first. Document Citation California Department of Fish and Wildlife. *California Natural Diversity Database: Rarefind 5*. Available at: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed July 2024. (Appendix I)
Other Factors	2	N/A

Environmental Assessment Factor	Impact Code	Impact Evaluation
CLIMATE AND ENERGY		
Climate Change Impacts	2	Global climate change is, by nature, a cumulative impact. GHG emissions contribute, on a cumulative basis, to the adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). A single project does not generate enough GHG emissions to contribute noticeably to a change in the global average temperature. However, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the worldwide phenomenon of global climate change and the associated environmental impacts. Pursuant to HUD guidance, a HUD-assisted project should consider the potential future impacts of climate change on occupants of the project, specifically as they relate to residents' safety, wellbeing, and property from risks associated with hazardous conditions (i.e., flooding, sea level rise, drought, extreme heat, etc.) and site suitability (i.e., air quality, urban heat island effects, soil suitability, and water resources). As discussed throughout this Environmental Assessment, the proposed project would be subject to applicable federal, State, and local regulations, including those adopted for the purpose of mitigating effects related to climate change. Furthermore, pedestrian-supportive facilities and uses in the project vicinity would reduce the project's effects related to GHG emissions. Pedestrian supportive facilities and uses in the project vicinity

		include transit bus stops along Thornton Avenue and Fremont Boulevard, and commercial uses (i.e., restaurants, retail, etc.) along Fremont Boulevard. In addition, existing employment uses are located within walking distance of the project site. As previously discussed, the project site is not located within a SFHA and, therefore, would not be subject to substantial risks from flooding. Similarly, the project site is located approximately 19.57 miles east of the Coastal Zone and, as such, is not susceptible to risks associated with sea level rise. In addition, according to CAL FIRE, the project site is located in a LRA, and is not located within a Very High FHSZ. Additionally, FFD Station 6 is located approximately 0.8-mile southeast of the project site, and Station 8 is approximately 0.6-mile southwest of the project site. Therefore, fire protection services would be able to access the site within an adequate response time. According to the FEMA National Risk Index, Alameda County is shown to have a risk index of 99.87. The County is known to be susceptible to high risk for earthquake, drought, landslide, and riverine flooding, and relatively moderate risk for heat wave, tornado, tsunami, and wildfire. The potential for all other categories of natural risk factors, such as risk of avalanche, hail, lightning, strong wind, ice storm, hurricane, and winter weather is low or not applicable. The community resilience rating for Alameda County is 83.48, which is considered a very high ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S. Overall, as demonstrated in this Environmental Assessment, compliance with applicable federal, State, and local regulations would ensure that all potentially significant environmental impacts, including those related to climate change, are reduced to an insubstantial level. As such, future residents of the project would not be disproportionately exposed to undue climate change hazards relative to any other resident of the City of Fremont. Based on the above, the proposed project would not expose future residents to increased risks associated with climate change. <u>Document Citation</u> Federal Emergency Management Agency. *Flood Insurance Rate Map 06001C0442G.* Available at: https://msc.fema.gov/portal/home. Accessed July 2024. (Appendix I)

		California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: https://apps.wildlife.ca.gov/bios/. Accessed July 2024. (Appendix I) Federal Emergency Management Agency. *National Risk Index Map.* Available at: https://hazards.fema.gov/nri/map. Accessed July 2024. (Appendix I) California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed August 2024. (Appendix I)
Energy Efficiency	2	The proposed project would be subject to all applicable provisions of the California Building Standards Code (CBSC) (Title 24 CCR), including the 2022 Building Energy Efficiency Standards (Title 24 CCR Part 6) and CALGreen Code (Title 24 CCR Part 11). Adherence to the current Building Energy Efficiency Standards and CALGreen Code would ensure that the proposed structures would consume energy efficiently. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, the Building Energy Efficiency Standards are required by law to be updated every three years with standards that are cost effective for homeowners over the 30-year lifespan of a building. The standards are updated to consider and incorporate new energy efficient technologies and construction methods in order to save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants, and help preserve the environment. The proposed project would be subject to the 2022 Building Energy Efficiency Standards, which became effective on January 1, 2023. The 2022 Building Energy Efficiency Standards expand upon energy efficiency measures from the 2019 Building Energy Efficiency Standards, resulting in a further reduction in energy consumption from the 2019 standards for residential and commercial structures. The 2022 Building Energy Efficiency Standards can include requirements that encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, and strengthen ventilation standards. The proposed project would be subject to all relevant provisions of the CBSC, including the most recent version of the Building Energy Efficiency Standards and CALGreen Code. Adherence to the 2022 CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures would not be wasteful, inefficient, or unnecessary with its energy consumption, and would instead consume energy efficiently.

		During project construction, the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. However, all construction equipment and operation thereof would be regulated per the CARB's In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, project construction would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand. Based on the above, impacts related to energy efficiency and energy consumption would not occur with implementation of the proposed project. <u>Document Citation</u> California Energy Commission. *2022 Building Energy Efficiency Standards.* Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed July 2023. (Appendix I)

Additional Studies Performed:

- Raney Planning and Management, Inc. *CalEEMod Air Quality Modeling Results*. July 2024. (Appendix A)
- Roux Environmental Consulting and Management. *Phase I Environmental Site Assessment: 3900 Thornton Avenue, Fremont, California*. August 13, 2021. (Appendix B)
- Roux Environmental Consulting and Management. *Preliminary Endangerment Assessment Report: 3900 Thornton Avenue, Fremont, California.* June 2, 2023. (Appendix C)
- U.S. Department of Agriculture, Natural Resources Conservation Service. *Farmland Conversion Impact Rating AD-1006 form.* August 2024. See also U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey.* Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed August 2024. (Appendix D)
- Historic Resource Associates. *Phase 1 Archaeological Study*. July 2024. (Appendix E)

- Raney Planning & Management, Inc. *National Historic Preservation Act Consultation and Compliance Materials.* September 2024. (Appendix F)
- Wilson IHRIG, Acoustics, Noise & Vibration. *3900 Thornton Avenue Affordable Housing, CCR Title 24 and CalGreen Noise Study Report*. September 14, 2023. (Appendix G)
- Rockridge Geotechnical. *Geotechnical Report: Thornton Avenue Mixed-Use Development, 3900 Thornton Avenue, Fremont, California.* March 21, 2022. (Appendix H)

Field Inspection (Date and completed by)

- October 15, 2016, Geosphere Consultants, Inc. for the Geotechnical Report.
- July 2, 2021, Roux Environmental Consulting and Management for the Phase 1 Environmental Site Assessment.
- December 2022, Roux Environmental Consulting and Management for the Preliminary Endangerment Report.
- August 19 to 23, 2023, Wilson IHRIG, Acoustics, Noise & Vibration for the Noise Study Report.
- July 11, 2024, Historic Resource Associates for Phase I Archaeological Study.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]**:**

- AC Transit. *About AC Transit Services.* Available at: https://www.actransit.org/services. Accessed July 2024. (Appendix I)
- Alameda County. *Alameda County Social Services Agency.* Available at: https://www.alamedacountysocialservices.org/index.page. Accessed July 2024. (Appendix I)
- Alameda County Community Development Agency. *Hayward Executive Airport: Airport Land Use Compatibility Plan*. August 2012. (Appendix I)
- Alameda County Water District. *Urban Water Management Plan 2020-2025*. May 13, 2021. (Appendix I)
- Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. April 2022. (Appendix I)
- California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005. (Appendix I)
- California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: https://apps.wildlife.ca.gov/bios/. Accessed July 2024. (Appendix I)
- California Department of Fish and Wildlife. *California Natural Diversity Database: Rarefind 5.* Available at: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed July 2024. (Appendix I)
- California Department of Forestry and Fire Protection. *FHSZ Viewer*. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed August 2024. (Appendix I)
- California Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details, Imperial Landfill (13-AA-0019).* Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7. Accessed July 2024. (Appendix I)
- California Energy Commission. *2022 Building Energy Efficiency Standards.* Available at: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency. Accessed July 2023. (Appendix I)
- California Environmental Protection Agency. *CalEPA Regulated Site Portal.* Available at: https://siteportal.calepa.ca.gov/nsite/map. Accessed July 2024. (Appendix I)
- City of Fremont. *Fremont Fire Department 2023 Annual Report*. 2023. (Appendix I)

- City of Fremont. *Fremont General Plan Update Environmental Impact Report*. June 2011. (Appendix I)
- City of Fremont. *Fremont Police Department 2023 Annual Report*. 2023. (Appendix I)
- City of Fremont. *Parks and Recreation*. Available at: https://www.fremont.gov/government/departments/parks-recreation/parks. Accessed July 2024. (Appendix I)
- City of Union City. *2040 Union City General Plan Update Environmental Impact Report*. June 2019. (Appendix I)
- Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese).* Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed September 2022. (Appendix I)
- Federal Emergency Management Agency. *Flood Insurance Rate Map 06001C0442G.* Available at: https://msc.fema.gov/portal/home. Accessed July 2024. (Appendix I)
- Federal Emergency Management Agency. *National Risk Index Map.* Available at: https://hazards.fema.gov/nri/map. Accessed July 2024. (Appendix I)
- Fremont Unified School District. *Developer Fees.* Available at: https://fremontunified.org/about/business-services/accounting-services/developer-fees-faq/. Accessed July 2024. (Appendix I)
- State Water Resources Control Board. *GeoTracker*. Available at: https://geotracker.waterboards.ca.gov/. Accessed August 2024. (Appendix I)
- U.S. Census Bureau. *QuickFacts: Fremont City, California; United States.* Available at: https://www.census.gov/quickfacts/fact/table/fremontcitycalifornia,US/PST045223. Accessed July 2024. (Appendix I)
- U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool.* Available at: https://www.hudexchange.info/programs/environmental-review/asd-calculator/. Accessed August 2024. (Appendix I)
- U.S. Department of Housing and Urban Development. *DNL Calculator.* Available at: https://www.hudexchange.info/programs/environmental-review/dnl-calculator/. Accessed August 2024. (Appendix I)
- U.S. Environmental Protection Agency. *EJScreen: Environmental Justice Screening and Mapping Tool*. Available at: https://www.epa.gov/ejscreen. Accessed July 2024. (Appendix I)
- U.S. Environmental Protection Agency. *NEPAssist.* Available at: https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed July 2024. (Appendix I)
- U.S. Fish and Wildlife Service. *Coastal Barrier Resources Act.* Available at: https://www.fws.gov/program/coastal-barrier-resources-act. Accessed July 2024. (Appendix I)
- U.S. Fish and Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: https://ecos.fws.gov/ipac/. Accessed July 2024. (Appendix I)
- U.S. Fish and Wildlife Service. *National Wetlands Inventory*. Available at: https://www.fws.gov/wetlands/data/Mapper.html Accessed July 2024. (Appendix I)

Public Outreach [24 CFR 50.23 & 58.43]**:**

Public outreach was conducted as required by HUD, including public review of the Environmental Assessment as part of the Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF).

Cumulative Impact Analysis [24 CFR 58.32]**:**

Cumulative impacts can result from incremental minor impacts that can be seen as collectively significant over time. Air quality, noise, and traffic are often the issues which present cumulative impacts. Cumulative impacts associated with air quality would be a result of construction and operation of the proposed project. However, construction-related equipment would be regulated by CARB, and construction would occur over a relatively short duration compared to the operational lifetime of the proposed project. In addition, the proposed project would result in criteria pollutant emissions below the applicable thresholds of significance (see Table 1, Table 2 and Table 3) and, thus, would not result in a cumulatively considerable contribution to the region's existing air quality conditions. Cumulative impacts related to noise would be a result of future development projects within the City, including the proposed project, incrementally affecting the future cumulative ambient noise environment. Under the cumulative conditions, the proposed project would not significantly contribute to the ambient noise environment during project construction and operation, given that residential developments do not typically involve activities that exceed the above noise standards. Finally, as cumulative development occurs within the City, traffic volumes along local roadways would increase relative to existing conditions. While effects on LOS from General Plan buildout, including development of the project site with the proposed uses, would result in diminished LOS at select intersections in the City, the City has adequately addressed the affected intersections and development facilitated by the General Plan, including the proposed project, would not result in an unanticipated substantial adverse effect related to LOS.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**:**

The following discussions evaluate the potential benefits and impacts of an Off-Site Alternative and Reduced Intensity Alternative, relative to those associated with the proposed project.

Off-Site Alternative

The Off-Site Alternative would include development of the proposed project at a different location. If an Off-Site Alternative were located outside the City of Fremont, the objectives and goals of the proposed project, which are primarily concerned with providing affordable housing for residents in the City, may not be met. Furthermore, the proposed project is a development project that would be consistent with the existing surrounding uses. The project site is currently in close proximity to schools, grocery stores, public transportation, and other community resources. Any alternative location for the proposed project would be unlikely to improve the range and proximity of the amenities available to the future residents of the development beyond what is currently available at the project site.

Development of the proposed project at an alternative site would likely result in similar impacts as the impacts analyzed under the proposed project; however, depending upon the characteristics of the alternative site, physical environmental impacts would potentially be greater. Alternative sites may be located in areas with greater biological resources, which would increase the severity of impacts, or in closer proximity to noise-generating uses. As discussed above, the proposed project would not result in any substantial and adverse impacts to the environment that could not be mitigated.

Reduced Intensity Alternative

An apartment complex for very low-income and low-income seniors could be developed on-site at a reduced density under a Reduced Intensity Alternative; however, a substantial reduction in the number of units and associated development density could result in conflicts with the existing land use and zoning designations for the project site. In addition, the proposed project would not be as economically feasible at a lower density due to the increased cost per unit.

Furthermore, according to the City's General Plan Housing Element, the current RHNA has identified the need for additional very low-income and low-income housing units within the City. As such, the City has established goals to encourage and facilitate the development of affordable housing units needed for very low-income and low-income households. While the Reduced Intensity Alternative would help meet the need for the proposed project, the alternative would be constructed at a reduced capacity as compared to the proposed project, and may ultimately hinder the City's ability to achieve the affordable housing goals identified in the City's Housing Element.

No Action Alternative [24 CFR 58.40(e)]**:**

Under the No Action Alternative, the project site would not be developed, and therefore, the site would remain unchanged. Future development of the project site in accordance with the TC land use designation and TC-P zoning district could still occur and would be anticipated to consist of permitted uses. As such, development of the site through future proposals could result in residential uses, as part of s mixed-use development. However, because such uses would not necessarily include restrictions based on maximum income earning such as that of the proposed project, the No Action Alternative could hinder the City's ability to achieve its very low- and low-income housing goals. The City of Fremont has identified a need for very low- and low-income housing, and the proposed project would help fulfill that need. Should the proposed project not be implemented, the site would remain undeveloped.

Summary of Findings and Conclusions:

The following areas of concern were evaluated and assigned an impact code 1, meaning potentially beneficial impacts are anticipated:

- Employment and Income Patterns.

The following areas of concern were evaluated and assigned an impact code 2, meaning no impact is anticipated:

- Conformance with Plans, Compatible Land Use and Zoning, Scale and Urban Design;
- Hazards and Nuisances including Site Safety and Noise;
- Demographic Character Changes, Displacement;
- Environmental Justice;
- Educational and Cultural Facilities;
- Commercial Facilities;
- Health Care and Social Services;
- Solid Waste Disposal, Recycling;
- Waste Water, Sanitary Sewers;
- Water Supply;
- Public Safety – Police, Fire and Emergency Medical;
- Parks, Open Space and Recreation;
- Transportation and Accessibility;
- Unique Natural Features, Water Resources;
- Other Factors;
- Climate Change Impacts; and
- Energy Efficiency.

The following areas of concern were evaluated and assigned an impact code 3, meaning the impacts require mitigation to ensure the proposed project would not have significant impacts:

- Soil Suitability, Slope, Erosion, Drainage, Storm Water Runoff; and
- Vegetation, Wildlife.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]**:**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
City of Fremont, DTSC, ACEHD	Mitigation Measure 1
City of Fremont, Alameda County HCD, Qualified Archaeologist	Mitigation Measure 2
City of Fremont, Alameda County HCD, Qualified Archaeologist, NAHC	Mitigation Measure 3
City of Fremont	Mitigation Measure 4
City Engineer	Mitigation Measure 5
City of Fremont, Qualified Biologist	Mitigation Measure 6

Mitigation Measure 1: Prior to commencement of construction activities associated with the improvement plan set/phase, the project applicant shall prepare a Soil Disposal Plan that delineates the extent of soil excavation that would occur as part of the proposed project. The Soil Disposal Plan shall include provisions for off-site disposal of excavated soil at an appropriate Class I or Class II facility permitted by the California Department of Toxic Substances Control (DTSC), or other options implemented as deemed satisfactory to the Alameda County Department of Environmental Health and/or DTSC. Verification of proper disposal shall be submitted for review and approval to the City of Fremont Community Development Department.

Mitigation Measure 2: During construction activities, if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the contractor shall immediately notify the City of Fremont Community Development Department and the Alameda County Housing & Community Development Department (Alameda County HCD) of the discovery. In such case, the applicant shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery, as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.

Mitigation Measure 3: During construction activities, if prehistoric human interments (human burials or skeletal remains) are encountered within the native soils of the project site, all work shall be halted within 50 feet of the find. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City of Fremont Community Development Department and Alameda County HCD. The County Coroner,

project superintendent, City of Fremont, and Alameda County HCD shall be contacted immediately. The applicant shall retain the services of a qualified archaeologist for the purpose of evaluating the significance of the find. If the archaeologist suspects that potentially significant cultural remains or human burials have been encountered, the piece of equipment that encounters the suspected deposit shall be stopped, and the excavation inspected by the archaeologist. If the archaeologist determines that the remains are non-significant or non-cultural in origin, work can recommence immediately. However, if the suspected remains prove to be part of a significant deposit, all work shall be halted in that location until appropriate recordation and (possible) removal has been accomplished. If human remains (burials) are found, the County Coroner shall be contacted to evaluate the discovery area and determine the context. Not all discovered human remains reflect Native American origins; however, in all cases where precontact or historic-era Native American resources are involved, the Native American Heritage Commission shall be contacted to designate appropriate representatives of the local Native American community, who also shall be contacted about their concerns.

Mitigation Measure 4: Prior to the issuance of building permits, the final plans shall include the following Noise Level Reduction (NLR) measures, as recommended in the Noise Study Report prepared for the proposed project by Wilson IHRIG Acoustics, Noise & Vibration:

- *Glazing shall have a minimum Sound Transmission Class (STC) rating of either STC-26, STC-32, or STC-34, as shown in Figures 5, 6, and 7 of the Noise Study Report;*
- *Framed exterior wall assembly as recommended in the Noise Study Report to achieve an approximate Outdoor-Indoor Transmission Class (OITC) rating of OITC-42/STC-46 rating;*
- *A typical wood or metal framed roof/ceiling design;*
- *Supplemental ventilation, as described in the options established under Section 4.4 of the Noise Study Report; and*
- *Outlet box pads and caulk to all electrical boxes in exterior walls, similar to all typical corridor, party, and other sound-rated interior partitions (including floor-ceiling assemblies), as shown in the schematic detail in Figure 8 of the Noise Study Report.*

Inclusion of the foregoing NLR measures on the final plans shall be subject to review and approval by City of Fremont Community Development Department.

Mitigation Measure 5: Prior to approval of building permits, the project Civil Engineer shall show on the project plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Report prepared for the proposed project by Rockridge Geotechnical. The project plans shall include, but not be limited to, the recommendations contained therein pertaining to excavations, engineered fill, grading, surface and subsurface drainage, and foundations. Undocumented fill, underground buried structures, and/or utility lines encountered during construction shall be properly removed and the resulting excavations backfilled with imported non-expansive engineered fill. Proof of compliance with all recommendations set forth in the Geotechnical Report shall be subject to review and approval by City Engineer.

Mitigation Measure 6: Prior to commencement of ground-disturbing activities or tree removal during the breeding season (February 1-August 31), the project applicant shall retain a qualified biologist to conduct a preconstruction migratory bird and raptor nesting survey within 14 days prior to the onset of ground disturbance. The nesting migratory bird survey shall cover the project site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Fremont Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.

If nesting raptors or other migratory birds are detected on the site during the survey, a suitable disturbance-free buffer shall be established around all active nests. The precise dimension of the buffer(s) would be determined at that time by the qualified biologist and may vary depending on factors such as location, species, topography, and line of sight to the construction area. The buffer area(s) shall be enclosed with temporary fencing, and equipment and workers shall not enter the enclosed buffer areas. Typical buffers range between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. Buffers shall remain in place for the duration of ground disturbing activities, the breeding season, or until a qualified biologist has confirmed that all chicks have fledged and are independent of their parents, whichever occurs first.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____ Date: 10/25/24

Name/Title/Organization: Rod Stinson, Vice President, Raney Planning & Management, Inc.

Certifying Officer Signature: Signed by: Michelle Starratt 8EA68C9468F246B... Date: 10/29/2024

Name/Title: Michelle Starratt, Alameda County Housing & Community Development Department Director

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).