38134 Temple Way Project

Draft Environmental Impact Report

SCH No. 2024090765

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

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URBAN PLANNING, ENVIRONMENTAL ANALYSIS & PROJECT MANAGEMENT | 510.535.6690

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Introduction

Purpose of the Environmental Impact Report

The California Environmental Quality Act and the Guidelines promulgated thereunder (together "CEQA") require an Environmental Impact Report (EIR) be prepared for any project which may have a significant impact on the environment. An EIR is an informational document, the purposes of which, according to CEQA are "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." The information contained in this EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the environmental impacts resulting from the proposed project.

This EIR evaluates the potential environmental impacts that may be associated with the 38134 Temple Way Residential project ("project") in Fremont, California.

Per SB743, state law requires that the measure used for CEQA review of transportation impacts after July 1, 2020, be Vehicle Miles Travelled (VMT) rather than Level of Service (LOS). This is the City's first residential development project that exceeds the threshold number of units and lies within an area not screened out for VMT applicability. The City's General Plan was comprehensively updated in 2011 based on an LOS standard. Based on the specifics of the site proposal and the evolving nature of the legal landscape with respect to VMT analysis, the EIR was prepared with due caution in order to appropriately disclose and address environmental impacts.

Documents Incorporated by Reference

Pursuant to CEQA Guidelines Section 15150, an environmental analysis may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Information from the documents that have been incorporated by reference has been briefly summarized in the appropriate sections of this document. All appendices to this document are incorporated by reference.

The following documents are hereby incorporated by reference:

> The City of Fremont General Plan 2030 and associated Environmental Impact Report (State Clearinghouse Number 2010082060), adopted in 2011, which are available on the City's website at: https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/plans-maps-guidelines/general-plan. Physical copies of the General Plan and EIR are available for review at the Community Development Department at 39550 Liberty Street and the Fremont Main Library Branch of the Alameda County Library at 2400 Stevenson Boulevard.

Full project application materials that are included in the project files that are available for review at the Community Development Department at 39550 Liberty Street including:

Planning Submittal plan sheets, dated December 1, 2023

Ninyo & Moore, Phase I Environmental Site Assessment, 38134 Temple Way, January 6, 2023

Standard Development Requirements

The City of Fremont has established standard development requirements (SDRs) to address resource protection under Fremont Municipal Code (FMC) Chapter 18.218. These requirements apply to cultural resources (archaeological monitoring and accidental discovery of cultural resources), transportation (construction management plan), and tribal cultural resources (tribal cultural monitoring and training), in this EIR.

The proposed project would comply with these SDRs, which are detailed in the relevant sections (see the following sections: Cultural Resources, Transportation, and Tribal Cultural Resources).

Environmental Impact Report Review Process

The City of Fremont distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period starting on September 19, 2024, and ending on October 18, 2024. An Initial Study was attached to the NOP, which included initial analysis of environmental topics to focus the EIR. The following topic areas were addressed in the Initial Study and determined not to have significant impacts: Aesthetics, Air Quality, Agricultural and Forest Resources, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. The three topics of Cultural Resources, Transportation, and Tribal Cultural Resources were identified as those that would be addressed in the Draft EIR.

Three public Agencies (California Department of Fish and Wildlife, California Department of Transportation, and Department of Toxic Substances Control) and 6 other interested parties submitted nine letters in response to the NOP during the public review period. Concerns raised in response to the NOP were taken into consideration in the analysis in this Draft EIR. Specific recommendations from the California Department of Fish and Wildlife and the Department of Toxic Substances Control are addressed in the Other CEQA Topics chapter of this Draft EIR.

This Draft EIR, together with the Final EIR (discussed below) will constitute the EIR for the proposed project. The EIR is intended to enable City decision makers, public agencies, and interested citizens to evaluate the environmental issues associated with the proposed project.

In reviewing the Draft EIR, readers should focus on the sufficiency of the document in identifying and analyzing the possible environmental impacts associated with the project. Readers are also encouraged to review and comment on ways in which significant impacts associated with this project might be avoided or mitigated. Comments are most helpful when the basis for the comments is explained and they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate significant environmental impacts.

The Draft EIR and its supporting documentation are on-file and available for review online at: https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/environmental-review under the "38134 Temple Way Residential" project. Comments on the Draft EIR may be submitted in writing (emailed, mailed, or dropped off) until 5:00 P.M. PST on the last day of the public review period to:

James Willis, Senior Planner
City of Fremont
Community Development Department
39550 Liberty St.
Fremont, CA 94538
Phone: (510) 494-4449
Email: jwillis@fremont.gov

The comments received during the public review period will be compiled and presented together with responses to those comments in the Final EIR. Any minor revisions to the Draft EIR will also be included in the Final EIR.

This EIR serves as an informational document for the public and City of Fremont decision makers. The process includes public hearings before the Planning Commission to consider certification of a Final EIR and approval of the proposed project. An EIR does not control the agency's ultimate discretion on the project. However, as required under CEQA, the agency must respond to each significant effect identified in the EIR by making findings and, if necessary, by making a statement of overriding considerations for any significant and unavoidable impacts. In accordance with California law, the EIR on the project must be certified before any action on the project can be taken. Once the EIR is certified, the City of Fremont can then consider whether the project as proposed should be approved, revised, or rejected.

Content and Organization of the Draft EIR

The previously issued NOP, including the Initial Study, and all written responses to the NOP are presented in Appendix A.

An Executive Summary follows this introduction as Chapter 2. This summary presents an overview of the project and the potentially significant environmental impacts that may be associated with the project, including a listing of recommended mitigation measures and a discussion of those impacts which would remain significant and unavoidable even following mitigation.

The Draft EIR presents a description of the project in Chapter 3.

Chapters 4 through 7 present environmental analysis of the project, focusing on the following issues:

Chapter 4: Cultural Resources
Chapter 5: Transportation
Chapter 6: Tribal Cultural Resources
Chapter 7: Other CEQA Topics

Chapter 8 presents an evaluation of the environmental effects that may be associated with the proposed project and two alternatives evaluated: the "No Project" Alternative, and the “Increased Density” Alternative.

Chapter 9 lists the persons who prepared the Draft EIR, identifies those persons and organizations contacted during the preparation of the document, and lists the reference materials used.

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Executive Summary

Introduction and Project Overview

This report, together with its appendices, constitutes the Draft Environmental Impact Report (EIR) for the proposed 38134 Temple Way Residential project ("project"). The Lead Agency for environmental review under the California Environmental Quality Act is the City of Fremont.

The project site is located at 38134 Temple Way (Assessor's Parcel Numbers 501-1278-50 and -51), within the City of Fremont. The 2.3-acre project site is currently developed with a currently-vacant 26,378 square foot church and associated parking lot. The project site is located at the corner of Temple Way and Peralta Boulevard, in a predominantly single family residential neighborhood.

The project applicant, Temple Peralta Investors, LLC, is proposing to demolish the existing vacant church and parking lot and construct 27 single family residences, each with a garage accessible by a private internal roadway. Three units would be set aside as affordable units.

The City of Fremont General Plan designates the site as Low Density Residential, and the site is zoned Residential (R-1-6). The proposed project is consistent with the existing General Plan designation and zoning with application of the State Housing Density Bonus Law.

The following approvals would be required from the City of Fremont for the project to proceed: Tentative Map, Final Map, Discretionary Design Review, and Private Street.

Areas of Known Controversy

CEQA Guidelines Section 15123 requires the EIR summary to identify, "Areas of controversy known to the Lead Agency including issues raised by agencies and the public."

The City received 9 comment letters during the EIR scoping period in response to the Initial Study and Notice of Preparation issued on September 19, 2024.

Regulatory Agencies California Department of Fish and Wildlife and Department of Toxic Substances Control submitted comments respectively indicating concern about certain special-status species and the potential for hazardous materials at the site and these are addressed in Chapter 7 of this Draft EIR, pages 7-1 through 7-3. California Department of Transportation indicated they did not have specific comments at the time but requested they be kept informed about the project and analysis.

Neighbors submitted comments expressing concern about environmental topics related to noise and dust during construction, the density of the project and the effects of increased traffic, noise, and parking, school capacity, and the fate of the historical marker on the project site. These are

either addressed in the Initial Study or in this Draft EIR. Comments from the neighbors also expressed opinions about project details that are not connected to the environmental analysis, so are not addressed in this EIR. All comments on the project are a part of the record to be considered by the Planning Commission and City Council if and when project approvals are presented for their consideration.

All the comments received during the scoping period are included in full in Appendix A and were taken into consideration during the preparation of the Draft EIR.

Summary of Conclusions

The following **Table 2.1** provides a summary of significant environmental impacts, identified mitigation measures, and the resulting level of significance after implementation of mitigation measures, with less than significant impacts following. Relevant standard development requirements (SDRs) that the City applies to all projects are listed in **Table 2.2**. For a more complete discussion of potential environmental impacts and mitigation measures, please refer to individual topic area chapters of this Draft EIR and sections of the Initial Study (Appendix A).

Issues Not Studied in Detail in the EIR

The following topic areas were addressed in the Initial Study and determined not to have significant impacts: Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire.

The three topics of Cultural Resources, Transportation, and Tribal Cultural Resources are addressed in this Draft EIR.

Significant and Unavoidable Impacts

Based on the analysis presented in this EIR, the project would result in the following environmental impact that would be considered significant and unavoidable:

Vehicles Miles Traveled Impact (Trans-2): The average VMT per capita exceeds the City's adopted threshold of 15 percent below the existing average VMT per capita for the City of Fremont and even with implementation of feasible reduction strategies, cannot feasibly be reduced below threshold levels. This impact would remain significant and unavoidable with mitigation.

Note that this impact is not unique to this project. Any residential development projects in Fremont outside of the central downtown area would likely not meet the City's VMT significance threshold.

Potentially Significant Impacts and Mitigation Measures

There are no other potentially significant impacts or additional mitigation measures identified.

With compliance with applicable regulatory requirements and SDRs, all other impacts would be less than significant without the need for mitigation.

Summary of Alternatives

Two alternatives to the project were evaluated in Chapter 8 of this EIR, including:

- The **"No Project" Alternative** in which the site remains in its current condition and the church building is repurposed for a daycare use compatible with the zoning designation.

- The **"Increased Density" Alternative** which would result in a denser residential development with 34 single-family homes on the same project site, 10 of which would be affordable. (Increased density and affordable housing percentage would reduce average VMT per capita.)

The "No Project" Alternative was identified as the environmentally superior alternative because it would marginally reduce less than significant construction-period impacts in addition to avoiding the significant and unavoidable project VMT impact. While the daycare assumed under the "No Project" Alternative would increase noise and vehicle trips at the site, these would be marginal increases and would remain less than significant as under the project. However, the "No Project' Alternative would only meet one of the project objectives to the same degree as the project and the economic feasibility has not been determined.

The CEQA Guidelines also require that "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives" (CEQA Guidelines Section 15126.6(e)(2)). While the "Increased Density" Alternative would marginally increase less than significant construction-period and operational impacts, it would also avoid the significant and unavoidable project VMT impact, and would therefore be considered an environmentally superior alternative to the project. The "Increased Density' Alternative would meet all seven of the project objectives, including one to a lesser degree and two to a greater degree than the project, but the economic feasibility of the higher affordable housing percentage has not been determined.

Table 2.1: Summary of Project Impacts and Mitigation Measures

Potentially Significant Impact	Mitigation Measure	Resulting Level of Significance
Significant and Unavoidable Impacts		
Impact Trans-2: Vehicles Miles Traveled. The average VMT per capita exceeds the City's adopted threshold of 15 percent below the existing average VMT per capita for the City of Fremont and even with implementation of feasible reduction strategies, cannot feasibly be reduced below threshold levels.	**Mitigation Measure Trans-2a: Subsidized Transit Program for Residents.** The project shall coordinate with the City to determine a program for appropriate and feasible reimbursements for transit fares and passes to its residents. The program rules and amount of the reimbursements would be determined in coordination with City staff to be implemented by the project through an HOA or other mechanism. **Mitigation Measure Trans-2b: Local Sidewalk Connections.** The project shall coordinate with the City to contribute to connecting vicinity sidewalks across existing gaps, as feasible. Existing gaps in the local sidewalk network include a gap of 400 feet directly opposite the project site and a gap of 75 feet on the eastern side of Acacia Street.	Significant and Unavoidable
Less Than Significant Impacts (No Mitigation Required)		
Impact Cultural-1: Demolition of Historic Aged Building. The existing church building, which is over 50 years old and therefore of historic age, is proposed to be demolished. However, the existing building is not associated with important persons or events and does not embody distinctive characteristics or have the potential to yield important historical information and therefore does not meet the criteria to be considered a significant historical resource. The project's impact on historical resources would be *less than significant*.		
Impact Cultural-2: Unanticipated Disturbance of Archaeological Resources. During construction activities with the potential to disturb historical soil surfaces below the artificial fill, it is possible that currently unidentified cultural resources could be discovered and disturbed. The project's impact on archaeological resources would be *less than significant*.		
Impact Cultural-3: Unanticipated Discovery of Human Remains. During ground disturbing activities within the project site, it is possible that currently unidentified human remains could be discovered and disturbed. The project would be required to comply with applicable regulations of the California Health and Safety Code specifying appropriate handling of human remains and the project's impact would be *less than significant*.		
Impact Trans-1: Consistency with Circulation System Plans and Policies. The project would improve pedestrian facilities at the site and while it may require some construction-period disruption and would add some use of bicycle, pedestrian, transit, and roadway facilities, the project would not conflict with applicable plans and policies. (*Less than Significant*)		

Impact Trans-3: New Project Meeting Safety Standards. The proposed project would not substantially increase hazards due to a geometric design feature or incompatible uses. (*Less than Significant*)

Impact Trans-4: Adequate Emergency Access. The proposed project would not result in inadequate emergency access. (*Less than Significant*)

Impact Tribal-1: Unanticipated Disturbance of Tribal Cultural Resources. During construction activities with the potential to disturb historical soil surfaces below the artificial fill, it is possible that currently unidentified tribal cultural resources could be discovered and disturbed. The project's impact on tribal cultural resources would be *less than significant*.

Table 2.2: Standard Development Requirements

SDR FMC 18.218.050(a)(1) Construction Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:

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

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

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

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

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

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

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

(H) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. With implementation of basic construction management practices to control construction dust and emissions as detailed in mitigation measure Air-1, the impact of the project related to construction-period criteria pollutants would be less than significant with mitigation.

SDR FMC 18.218.050(a)(2) Construction Related Emissions – Supplemental Measures. The following supplemental construction measures, as periodically amended by BAAQMD, are required for all proposed development projects that would exceed the thresholds of significance for construction criteria air pollutant and precursors provided in the most recent BAAQMD CEQA Guidelines:

(A) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

(B) All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

(C) Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

(D) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

(E) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the total area of surfaces disturbed at any one time.

(F) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.

(G) Site accesses to a distance of 100 feet from the paved road shall be treated with a six- to 12-inch compacted layer of wood chips, mulch, or gravel.

(H) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

(I) Idling time of diesel-powered construction equipment shall be limited to two minutes.

(J) The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project-wide fleet-average 20 percent nitrogen oxide (NOx) reduction and 45 percent particulate matter (PM) reduction compared to the most recent Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

(K) Low volatile organic compound (i.e., reactive organic gas) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings) shall be used.

(L) All construction equipment, diesel trucks, and generators shall be equipped with best available control technology for emission reductions of NOx and PM.

(M) All contractors shall use equipment that meets the Air Resources Board's most recent certification standard for off-road heavy-duty diesel engines.

SDR FMC 18.218.050(b)(2): Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:

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

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

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

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area. The project would have a less than significant adverse effect, either directly or through habitat modifications, on special status species. No mitigation is necessary.

SDR FMC 18.218.050(b)(3) Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on site shall conduct the following measures prior to demolition:

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

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

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

SDR FMC 18.218.050(c): Construction Management Plan. Prior to the issuance of the first construction-related permit for a new development project, the project applicant and his/her general contractor shall submit a construction management plan (CMP) for review and approval by the planning and building divisions and other relevant city departments, such as the fire department and the public works department, as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, erosion and sedimentation control, storm water pollution prevention, noise control, complaint management, and cultural and tribal cultural resource management as applicable. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

The following Condition of Approval shall be applied to the project in partial satisfaction of SDR FMC 18.218.050(c) to specify construction diesel emission control:

Condition of Approval to implement SDR FMC 18.218.050(c) related to: Construction Diesel Emission Control. All off-road diesel equipment used during construction of the project shall be equipped with the most effective Verified Diesel Emission Control Strategies available for the engine type as certified by CARB (Tier 4 engines automatically meet this requirement).

The following Condition of Approval shall be applied to the project in partial satisfaction of SDR FMC 18.218.050(c) to specifically reference assessment for and abatement of any hazardous building materials:

Condition of Approval to implement SDR FMC 18.218.050(c) related to: Hazardous Building Materials. The Construction Management Plan shall specify the assessment for and abatement of any hazardous building materials, as follows. Prior to demolition, the applicant shall demonstrate that building (and surrounding soil if warranted by the nature of any hazardous building materials discovered) has been assessed for lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk, and that any suspected such materials have been abated by a licensed abatement contractor and disposed of according to all state and local regulations.

SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

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

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

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

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

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

SDR FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities: An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications

standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

The following Condition of Approval shall be applied to the project in satisfaction of SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4):

Condition of Approval to implement SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4): Archaeological and Tribal Cultural Monitoring. If project-related earth disturbances will extend below the existing layer of artificial fill, then an archaeological monitor and tribal cultural representative shall be on-site for any work. Specifically, earth disturbances that would require monitoring include those that exceed 3.5 feet below existing ground surface north of the existing church structure, all disturbance beneath the existing church footprint (once the slab is removed), and more than 1 foot in depth near Peralta Boulevard south of the church. An archaeological monitor and tribal cultural representative is not recommended for work that will not cause significant ground disturbance (vegetation clearing, asphalt removal, slab foundation demolition, paving, etc.).

SDR FMC 18.218.050(e): Geology and Soils. New development projects with the potential to expose people or structures to substantial adverse effects, including the risk of loss, injury, or death due to seismic activity and potential seismic-related ground shaking including liquefaction, if so determined by a site-specific geotechnical study prepared to the satisfaction of the city engineer or his/her designee, shall implement the following measures prior to or during project construction, as applicable.

(A) The project geotechnical consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of any undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the city engineer prior to issuance of building permits for the project.

(B) The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project

shall be summarized by the project geotechnical consultant in a letter and submitted to the city building official/city engineer for review prior to final (as-built) project approval.

To further address and reduce impacts related to potential seismic activity and liquefaction, all grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the California Building Code (CBC), as adopted by the City.

SDR FMC 18.218.050(g): Noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:

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

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

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

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

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

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

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

(H) Temporary noise barriers, such as solid plywood fences, shall be installed around construction sites adjacent to operational businesses, residences or noise-sensitive land uses, unless an existing wall or other barrier provides equivalent noise attenuation.

3

Project Description

Note that Figures 3.1 through 3.5b are included together at the end of this chapter (pages 3-5 through 3-10).

Project Applicant

Temple Peralta Investors, LLC
385 Woodview Avenue
Suite 100
Morgan Hill, CA, 95037

Project Objectives

Project objectives for the 38134 Temple Way Project include, but are not limited to:

- To allow compatible uses and density adjacent to existing residential development.
- To provide an economically feasible project that is able to be built in the current macroeconomic climate.
- To develop new residential units to help meet the City's Regional Housing Needs Allocation (RHNA) requirement.
- To redevelop a vacant religious facility with a housing development containing on-site affordable units.
- To create a continuous and complete streets environment for pedestrians in conformance with the goals and policies of the Mobility Element of the General Plan.
- To accommodate an in-fill residential development in conformance with City and State policies.
- To develop high quality and well-designed housing at a density consistent with the General Plan and State Law.

Location and Vicinity of the Project

Project Location and Existing Uses

The project site is located at 38134 Temple Way, on two parcels totaling 2.3 acres (APNs 501-1278-50 and -51) at the corner of Temple Way and Peralta Boulevard within the Parkmont area of Fremont,

California (**Figure 3.1: Project Location**). The site is relatively flat with elevations ranging from approximately 57 to 60 feet above mean sea level.

The project site is currently developed with a 26,378-square foot church and associated parking lot and landscaping. The site was formerly occupied by the Church of Jesus Christ of Latter-day Saints, but has been vacant since early 2023 (**Figure 3.2: Existing Conditions**). While historic use can be considered the baseline under CEQA when a site is recently vacant, for a conservative analysis, this document uses the existing condition (being a vacant building) as the baseline for this analysis and assumes no existing operational use when considering net changes.

General Plan Designation / Zoning

Low Density Residential / Residential (R-1-6)

Surrounding Land Uses

Single-family residences are located to the north, east, and west (across Temple Way) of the project site, with vacant land to the south across Peralta Boulevard. The vacant land was formerly agricultural but has been fallow for some time and is surrounded by single-family residences and a church.

Project Description

Overview

The project proposes to demolish the existing vacant church and parking lot and develop 27 single-family residences.

Each residential unit would have a square footage between 1,900 and 2,300 square feet. All units would be two stories, with three bedrooms and 2.5 baths, a 2-car garage, and a private yard. Lot sizes would range from 2,477 to 3,861 square feet. The front doors of the units along Temple Way and Peralta Boulevard would face the streets, while the units along the north and east sides would face an internal walkway to the back of existing homes along Horner Way and Acacia Street.

The project would provide 54 parking spaces within 27 garages, placed at the rear of each unit and accessible by a private internal roadway. This alley-loaded design is intended to reduce the need for driveway cuts along Temple Way and to minimize the prominence of garages from the public roadways. No parking would be allowed on the private internal roadway, which would accommodate emergency vehicles and other trucks (such as garbage pickup). Guests would park along adjacent public road frontages, on a first come first serve basis.

Specific details of the proposed development are shown in **Figure 3.3: Illustrative Site Plan, Figure 3.4: Lotting Plan, and Figure 3.5: Project Elevations**.

Affordability and State Density Bonus

The project applicant is seeking to provide affordable housing as part of its proposal pursuant to the State Density Bonus Law, which enables eligible applicants to receive (1) a density bonus, (2) incentives

and concessions, (3) waivers and reductions of development standards, and (4) reduced parking requirements:

1) Density Bonus: The project applicant would construct and set aside 3 units as affordable units (two at very low-income level, and one unit at moderate income level), which allows the project up to 7 additional units above base density under the 32.5% density bonus [Government Code 65915(f)(1)]. The project applicant is requesting 6 additional units.
2) Incentives and Concessions: With the provision of 10% low-income affordable units, the project is eligible for two incentives or concessions. The project applicant is requesting to reduce the minimum parcel sizes from 6,000 square feet to approximately 2,477 square feet for residential lots.
3) Development Standard Waivers and Reductions: The project applicant is requesting a waiver of the following:
    a. Minimum lot depth of 100 feet - proposing a minimum of approximately 75.2 feet
    b. Required 1,600 square feet of common open space – no common open space proposed
    c. Minimum distance between windows of 15 feet - proposing approximately 8.8 feet
    d. Minimum side yard of 15 feet – proposing approximately 8.8 feet
4) Reduced Parking Requirements: The project applicant is requesting the City not require on-site guest parking.

Other Site improvements

A 6-foot-tall privacy fence would be installed along the internal borders of the site, between the front yard of the project units and the backyards of the existing residences on Horner Way and Acacia Street. Within the fence, an interior landscaped sidewalk would be constructed to provide pedestrian access to the front of these project homes.

The sidewalks along the public street frontages would be rebuilt as detached sidewalks with a landscaping strip and street trees along both Temple Way and Peralta Boulevard.

In addition to landscaped front yards and landscaping adjacent to garage entries, each unit would have a fenced private yard area, usually a side yard.

Of 41 existing trees, 34 would be removed to accommodate the proposed development and 69 new trees would be planted.

Infrastructure and Utilities

The project anticipates receiving utility service from the following providers:

- Electricity: Pacific Gas & Electric Company
- Solid Waste & Recycling: Republic Services
- Water: Alameda County Water District
- Sewer: Union Sanitary District
- Stormwater: City of Fremont

Water, sewer, and storm drain lines for the project would be extended from existing utilities in Peralta Boulevard and/or Temple Way.

Stormwater collection and management would be accommodated on-site with bioretention treatment facilities meeting required capacity and stormwater treatment quality standards before connecting to the City's stormwater lines. Off-site improvements would include below grade planters along Temple Way for stormwater capture and treatment.

The Alameda County Water Department (ACWD) determined that the existing water main had insufficient supply for the proposed development, so approximately 550 feet of the existing 6-inch water main along Temple Way would be replaced with a new 8-inch water main.

The following overhead electrical lines would be undergrounded:

- approximately 40 feet of overhead electrical line that crosses Temple Way from the joint pole at the corner of Temple Way and Utah Way to the joint pole on the project site side of Temple Way
- approximately 260 feet of overhead electrical line along Peralta Boulevard, from the joint pole on the opposite corner of Temple Way and Peralta Boulevard to the joint pole at the eastern edge of the project site

The project is proposed to be constructed for all-electrical operations, with no gas hook-ups, consistent with the City's Climate Ready Fremont goals for new residential construction.

The project proposes new asphalt pavement on the Peralta Boulevard frontage.

Construction

Project construction is estimated to occur over approximately 20 months. A start date as early as late 2024 was assumed for this analysis. The later initiation of construction activities than analyzed would not affect conclusions; impacts would be the same or lessened (due to increasing emissions controls) from those analyzed here. Site grading activities would span approximately 1-2 months, with paving and building construction following. For purposes of this analysis, occupancy of residential units on the site was assumed to begin as early as late 2025, with final occupancy by mid-to-late 2026.

Project Approvals

This EIR is intended to be relied upon for all discretionary approval for the project, including without limitation the following approvals required from the City of Fremont: Tentative Map, Final Map, Discretionary Design Review, establishment of a Private Street.

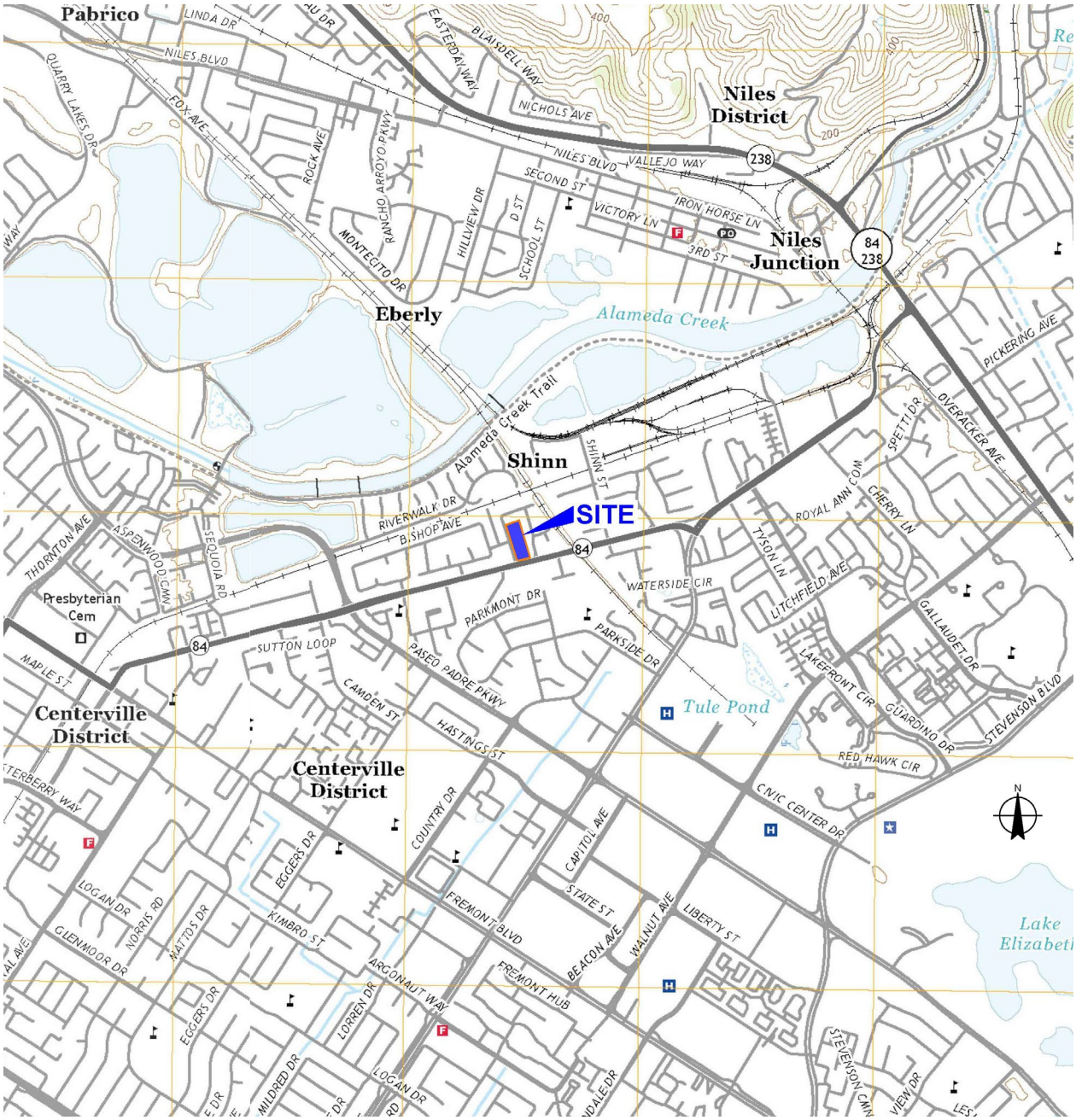

Figure 3.1: Project Location
Source: Ninyo & Moore, 2023

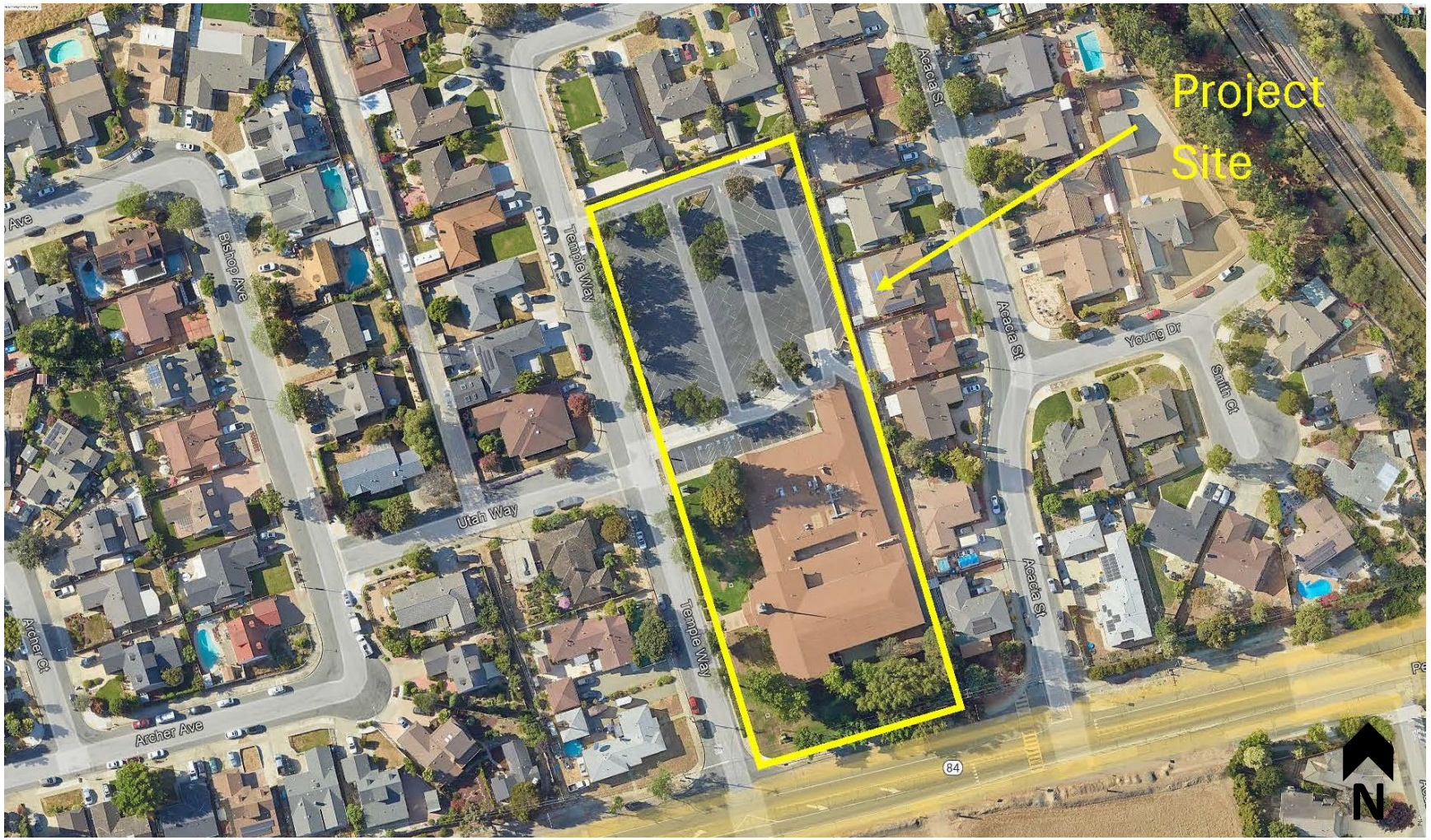

Figure 3.2: Existing Conditions
Source: Google Earth, modified to show project site

Figure 3.3: Illustrative Site Plan
Source: Project Plan Set, dated December 1, 2023

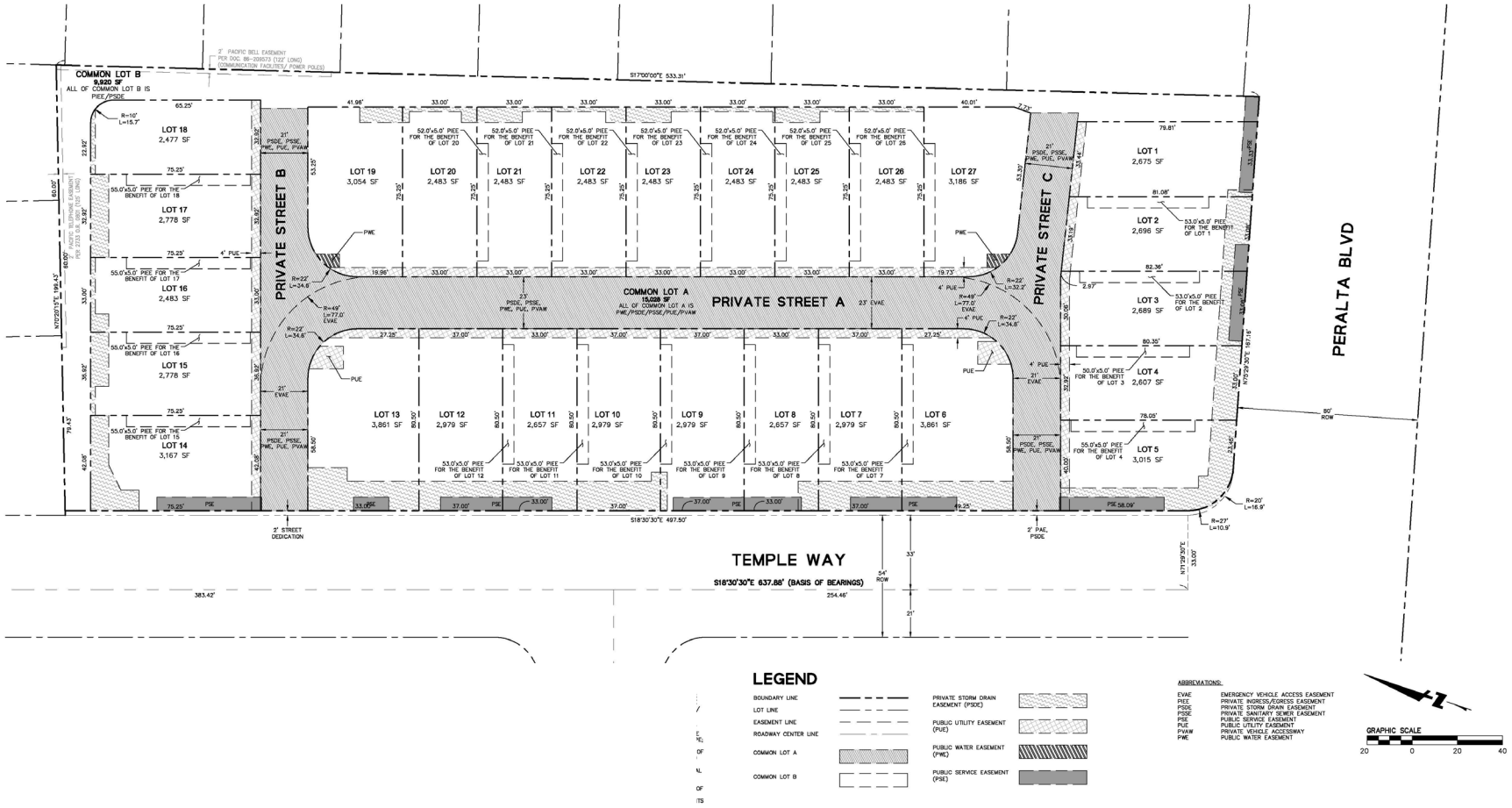

Figure 3.4: Lotting Plan
Source: Project Plan Set, dated December 1, 2023

Figure 3.5: Project Elevations
Source: Project Plan Set, dated December 1, 2023

4

Cultural Resources

Introduction

This chapter describes the existing cultural resources setting at the project site and assesses whether implementation of the project would cause a substantial adverse change in the significance of such resources.

This chapter utilizes information from the following reports prepared for this project or analysis:

- GPA, Historic Resource Evaluation Report, September 2023, prepared for the applicant (included as Appendix B)
- SWCA Environmental Consultants, Cultural Resources Inventory Report and Sensitivity Assessment for 38134 Temple Way, June 2024, prepared for this analysis (included in Appendix C).
- A records search was conducted at the Northwest Information Center (NWIC), at Sonoma State University, File No. 23-1184, dated March 5, 2024, for this analysis (included in Appendix C)

Environmental Setting

The project site is situated on a broad alluvial fan formed by sediment supplied by Alameda Creek and is located less than about 720 feet (220 meters) from a former channel of this creek that no longer exists. The project site is 4 to 5 miles east of the historical margin of San Francisco Bay. As the largest Pacific estuary in the Americas, San Francisco Bay covers about 1,600 square miles (4,160 square kilometers) and is the state's largest drainage outlet that carries 40 percent of the runoff in California. The Bay itself, however, did not yet exist at the time when Native American peoples began to inhabit the region 11,000 years ago or more**.** Since then, the landscape has undergone a series of dramatic changes, including widespread sediment deposition, the formation of the Bay due to post-glacial sea level rise, and significant fluctuations in the distribution and availability of important natural resources.

Pre-Historic Context

The current scientific understanding is that humans entered the New World through multiple migrations using both coastal and inland routes during the Terminal Pleistocene period (14,700–11,700 calibrated years before the present ["cal BP"]). The Terminal Pleistocene is generally considered to be represented by wide-ranging, mobile hunters and gatherers who periodically exploited large game. No archaeological deposits dated to the Terminal Pleistocene have been documented in the Bay Area, likely as a result of several factors, most notably the likelihood that initial human populations were small, highly mobile, and traveled rapidly across the continent. Therefore, their archaeological signature on the landscape

was generally faint and wide-spaced. For coastal areas, sea level rise, coastal erosion, and localized subsidence have further reduced the likelihood of documenting initial occupation of the region.

In much of Central California, the Early Holocene (11,700–8200 cal BP) occupation was indicative of semi-mobile hunter-gatherers exploiting a wide range of food resources from marine, lacustrine, and terrestrial contexts. Early Holocene ancestral Native American material has rarely been encountered in sites in the Bay Area, resulting in few and poorly established archaeological patterns. Five dated Early Holocene sites have been documented in the general region, each of which were found in buried terrestrial contexts, including one site in the city of Fremont located along Interstate 880 known as the Fremont Site (ALA-684).

Comparatively, Middle Holocene (8200–4200 cal BP) occupations are much more common than those representing earlier time segments. More than 30 Bay Area archaeological sites have produced radiocarbon dates indicating occupation during this time period. Both surface and buried sites are present, including a number of substantial residential settlements. Resource exploitation began to shift focus with the expansion of San Francisco Bay's estuary, mud flats, and freshwater tidal marshes. Shellfish exploitation included bay oyster and mussel, while inland East Bay sites exploited freshwater shellfish. The presence of a diverse range of habitation sites, including the basal layers of some Bay margin shell mounds, suggests higher population levels, more complex adaptive strategies, and longer seasonal occupation than took place during the Early Holocene.

The Late Holocene (4200–170 cal BP) is very well-documented in the Bay Area with more than 200 dated sites, predominantly representing complex hunter-gatherers with greater settlement permanence, and archaeological sites often involving shell mounds and ritualized mortuary practices. The Late Period (700–170 cal BP) is the best-documented Late Holocene time segment. Artifact assemblages at the end of this period included "clamshell disk beads, distinctive Haliotis pendants, flanged steatite pipes, chevron-etched bone whistles and tubes, elaborately finished stone 'flower pot' mortars, and needle-sharp coiled basketry awls." The bow and arrow also make their appearance in the Late Period and extensive trade relations appear to have flourished with neighboring groups.

The project area lies in the northeast part of territory dominated by Ohlone-speaking Native Americans (previously referred to as the Costanoans, from the Spanish Costanos for "coastal people"). The basic unit of political organization was a territory-holding group of one or more associated villages and smaller temporary encampments. Each tribe was an autonomous polity numbering 200 to 400 people and fell under the authority of a headman and council of elders who served as advisors to the villagers. Permanent villages were established near the coast and along stream and river channels, while temporary camps were located in or near prime resource-collecting areas. Some tribes occupied a central village, while others had several villages within a few miles of each other. At the time of Spanish occupation, the San Francisco Bay Area and the Coast Range valleys were dotted with these villages, estimated to have populations of about 7,000.

The most common type of housing consisted of small hemispherical huts thatched with grasses and rushes. Other types of village structures included sweathouses, dance enclosures or plazas, and assembly houses. A variety of stone tools were used, including knives, arrow and spear points, handstones and millingslabs, mortars, net sinkers, anchors, and pipes. Chert was obtained from local quarries, and obsidian was acquired in trade. Many perishable items were made from tule (e.g., canoes, mats, and baskets), plant fibers (e.g., cordage, nets, and baskets), and animal skins (sea otter, rabbit, and duck skin blankets). Stationary bedrock mortars and portable variants were important components

of acorn processing technology. Tule balsas were used for transportation and in fishing and duck hunting. Shell beads were gaming and trading commodities as well as ornamental items. The Ohlone traded mussels, dried abalone, salt, and abalone shells with the neighboring Yokuts groups and provided the Sierra Miwok with Olivella and abalone shell beads to the east.

The indigenous way of life for the Ohlone was disrupted by the influx of explorers and the establishment of missions by the Spanish. The reduced population and displacement of the native people caused by missionization and Anglo-American occupation of their land substantially altered their traditional way of life.

Historical Context

Sea-going European explorers first reached the coastline of the San Francisco area in the sixteenth century, but it was not until the late eighteenth century that Europeans began to explore the interior regions. Prior to statehood in 1850, San Francisco Bay was an outpost of the Spanish Empire and a province of Mexico. European colonists (missionaries, soldiers, and settlers) arrived in the Bay Area in 1776, and the first colonial settlement in present-day Alameda County was at Mission San José in 1797, which was the third mission established in the area after Mission San Francisco de Asís (also known as Mission Dolores) in 1776 and Mission Santa Clara de Asís in 1777. Located at the base of Mission Peak, Mission San José was an administrative center for over 900,000 acres of territory in present-day Alameda and Contra Costa Counties, which were used for grazing herds of sheep and cattle to supply the missions.

Native American populations in the area were brought into the mission system between 1801 and 1806, based on Mission San José baptismal records. Raids by Spanish soldiers played an important role in this process. Subsequently, the study area became an important grazing area for the mission's animal herds. When Mexico took control of the region in 1822, a series of privately owned ranchos were established; the mission lands were officially secularized in 1833. The region came under United States rule in 1848, and the subsequent Gold Rush set the stage for the widespread settlement of San Francisco Bay.

After its creation in 1853, Alameda County quickly became a major center for agriculture and ranching activities. The project site vicinity maintained a largely rural character well into the 1950s as ranching and agriculture continued to be the dominant enterprises. This is evident in a 1939 aerial photo that shows several small farms and a patchwork of open pasture lands and cultivated fields in and around the project site.

Present-day Fremont is largely a postwar city. While the roots of its former towns date back to the mid-1800s, it did not develop on a grand scale until after World War II. Though not an immediate postwar boom town, the availability of land in the area and East Bay location eventually made it attractive to real estate developers and large, distinctly postwar housing developments were constructed quickly thereafter. In response to local needs and outside pressures, five of the eight towns of Washington Township [Alvarado, Centerville, Decoto, Irvington (called Washington Corners), Mission San Jose, Newark, Niles, and Warm Springs] incorporated to become Fremont in 1956.

Small-scale subdivision activity peaked leading up to incorporation in 1956. After incorporation, zoning and tax policies, such as those in the new general plan, encouraged concentrated, large-scale development. New and existing subdivisions were expanded between 1956 and 1960. Along with the significant residential development after incorporation, new shopping and commercial centers emerged. They were typically located on major boulevards in close proximity to newly developed housing tracts.

The centers of institutional and social life in Fremont from the end of World War II to 1970 were typical for a city of the period and included schools, social organizations, and churches.

Regulatory Setting

Federal Regulations

National Historic Preservation Act, Section 106

The NHPA (54 U.S.C. Section 300101 et seq.) created the NRHP and the list of National Historic Landmarks. Section 106 of the NHPA requires federal agencies to consider the impact of their actions on historic and archeological properties and provide the Advisory Council on Historic Preservation with an opportunity to comment on projects before implementation (Section 306108). The NRHP and federal guidelines related to the treatment of traditional cultural properties are relevant for the purposes of determining whether significant tribal cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

National Historic Preservation Act and National Register of Historic Places

Built-environment and archaeological resources are protected through the National Historic Preservation Act (16 United States Code 470f). The National Historic Preservation Act requires project review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the National Register, which provides a framework for resource evaluation and informs the process for determining impacts on historical resources under CEQA.

The National Register is the nation's official comprehensive inventory of historic resources. Administered by the National Park Service, the National Register includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, a resource that is more than 50 years of age is eligible for listing in the National Register if it meets any one of the four eligibility criteria and retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. National Register criteria are defined in National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation.

Properties that are listed in the National Register, as well as properties that are formally determined to be eligible for listing in the National Register, are automatically listed in the California Register of Historic Resources (CRHR), described below, and therefore considered historical resources under CEQA.

State Regulations

California Register of Historic Resources

The CRHR is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (Public

Resources Code [PRC] Section 5024.1[a]). The CRHR criteria are based on the National Register criteria (PRC Section 5024.1[b]). Certain resources are automatically included in the CRHR, including California properties that were formally eligible for or listed in the National Register. To be eligible for the CRHR as a historical resource, a resource must be significant at the local, state, and/or federal level under one or more of the following evaluative criteria, as defined in PRC Section 5024.1(c):

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. The resource is associated with the lives of persons important in our past.
3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

As with the National Register, a significant historical resource must possess integrity in addition to meeting the significance criteria to be considered eligible for listing in the CRHR.

California Environmental Quality Act

CEQA defines a historical resource as a property listed in, or eligible for listing in, the CRHR; included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must be old enough to allow an understanding of the historic importance of the resource and obtain a scholarly perspective on the events or individuals associated with the resource, which is generally at least 50 years. Section 21084.1 of the PRC and Section 15064.5 of the CEQA Guidelines define a historical resource for purposes of CEQA as the following:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR (PRC Section 5024.1).
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g). Such resources will be presumed to be historically or culturally significant. Public agencies must treat such resources as significant, unless the preponderance of evidence demonstrates that they are not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1.

A resource included in a local register of historical resources or identified on a historical resource survey as being eligible for the CRHR is presumed to be historically or culturally significant unless a preponderance of evidence demonstrates otherwise.

Impacts to "unique archaeological resources" are also considered under CEQA, as described under PRC Section 21083.2. A unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge there is a high probability that it meets one of the following criteria:

(a) The archaeological artifact, object, or site contains information needed to answer important scientific questions, and there is a demonstrable public interest in that information;

(b) The archaeological artifact, object, or site has a special and particular quality, such as being the oldest of its type or the best available example of its type; or

(c) The archaeological artifact, object, or site is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the above criteria. Impacts to non-unique archaeological resources and resources that do not qualify for listing on the CRHR receive no further consideration under CEQA.

CEQA requires lead agencies to determine if a project would have a significant effect on historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of a project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5[c][4]). In addition, projects that comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource (14 California Code of Regulations 15126.4[b][1]). Projects that do not comply with the Secretary's standards may or may not cause a substantial adverse change in the significance of a historical resource and may be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

Under CEQA, a substantial adverse change in the significance of a historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the CRHR, the National Register, or in a local register or survey that meets the requirements of PRC Sections 5020.1(k) and 5024.1(g).

California Health and Safety Code Sections 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during and after evaluation, and reburial procedures.

Public Resources Code Section 5097.98

Section 5097.98 of the PRC stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and recommend to the owner or the person responsible for the excavation work means for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Local

City of Fremont General Plan

The 2011 Fremont General Plan (General Plan) provides a vision for long-range physical and economic development of the City, provides strategies and specific implementing actions, and establishes a basis for judging whether specific development proposals and public projects are consistent with the City's plans and policy standards. The General Plan contains a Community Character chapter, which includes goals, policies, and implementation plans to conserve and enhance Fremont's historic sites, buildings, structures, objects, and landscapes. The general plan includes the following policies and implementations that are applicable to cultural resources:

- Policy 4-6.1: Protection of Historic Resources. Identify, preserve, protect and maintain buildings, structures, objects, sites and districts which are reminders of past eras, events, and persons important in local, state, or national history. Historic structures which provide significant examples of architectural periods and styles of the past are irreplaceable assets. They should be protected to provide present and future generations with examples of the physical environments in which past generations lived and worked. The needless destruction and impairment of significant historic resources must be prevented so that opportunities for public enjoyment and economic utilization of such resources are not diminished or lost.

- Implementation 4-6.1.A: Demolition, Alteration or Relocation of Historic Resources. Evaluate all applications for demolition, alteration or relocation of buildings, structures or objects constructed prior to 1955 to determine if there is sufficient significance and integrity to merit classification as a Potential Fremont Register Resource or formal designation as a Fremont Register Resource.

- Implementation 4-6.1.B: Evaluation of Historic Context. Develop a "mid-century" historic context report for Fremont to provide direction and criteria for evaluating post-1955 buildings, structures, objects, sites, and districts to determine their historical significance. Until such a report is complete, establish interim standards and criteria.

- Implementation 4-6.1.C: Historic Overlay Districts and Neighborhood Conservation Areas. Create Historic Overlay Districts (HOD) and Neighborhood Conservation Areas (NCA), where appropriate, to protect and support rehabilitation of Fremont's historic resources. NCAs and

HODs should be applied to specific areas and historical settings that warrant formal recognition and designation. The Historical Overlay District (HOD) is a zoning designation applied to areas with particular historical significance. Currently Mission San Jose and Niles are designated as such. HODs usually contain a mix of Register Resources, Contributing Resources, and Non-Contributing Resources. Construction and demolition in HODs is subject to review to ensure that historic resources are not compromised. Neighborhood Conservation Areas (NCAs) have been designated in neighborhoods which may not fully meet the criteria for HOD designation, but have architectural qualities that warrant special design review considerations.

- Implementation 4-6.1.D: Fremont Register. Maintain the Fremont Register as the official list of Fremont Historic Register Resources. Update the list as appropriate and maintain a GIS database of Register resources.

- Implementation 4-6.1.E: Review and Approval of Demolition, Alteration, and Relocation. Continue the role of [the Historical Architectural Review Board] HARB as advisors to the City Council regarding demolition, alteration, and relocation affecting Fremont Register Resources. The City Council is the final body for review and approval of applications affecting Fremont Register Resources.

Fremont Municipal Code

Chapter 18.175 of the Municipal Code identifies the City's Historic Overlay District, sets procedures to evaluate potentially historic structures, establishes safeguards for use and modifications of historic resources, and carries out the goals of the City's General Plan related to historic preservation.

Impacts and Mitigation Measures

Significance Criteria

Under the CEQA Guidelines, Appendix G – Environmental Checklist Form, a significant impact will occur if the proposed project would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code Section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC Section 15064.5;
3. Disturb any human remains, including those interred outside of formal cemeteries.

Historical Resources

1. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Public Resources Code Section 15064.5?

Impact Cultural-1: **Demolition of Historic Aged Building.** The existing church building, which is over 50 years old and therefore of historic age, is proposed to be demolished. However, the existing building is not associated with important persons or events and does not embody distinctive characteristics or have the potential to yield important historical information and therefore does not meet the criteria

to be considered a significant historical resource. The project's impact on historical resources would be ***less than significant***.

The existing church occupying the project site was constructed in 1957 and is of historic age (50 years or older). A Historic Resource Evaluation was completed for the applicant by GPA and is included in Appendix B and was utilized for the analysis under this topic.

The Historic Resource Evaluation included a review of historic photos, maps, documentation and records about the project site. The existing church building was evaluated based on the CRHR evaluation criteria, as summarized below (see Appendix B for additional detail):

1. *Is it associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States?*

   The existing building on the project site was constructed in 1957 for the Church of Jesus Christ Latter-Day Saints (LDS), who used it as a church and school until 2022. Prior to the construction of the church, the project site was used as an orchard. On October 25, 1958, Daughter of Utah Pioneers historical marker No. 246, commemorating the pioneer schoolhouse and chapel built in 1850 for John M. Horner roughly one mile west of the project site, was unveiled by Horner's granddaughters. The historical marker was placed at the southwest corner of the parcel. It has since been removed from the site.

   Although the property was constructed as part of the trend of postwar institutional development in Fremont within the 1956-1970 period of significance, the property's association with the trend of postwar institutional development due to an increased population and lenient planning policies that catered towards the growing population within Fremont is not a sufficient argument for individual significance. In additional to being constructed during the 1956-1970 period of significance, in order to be eligible under the postwar institutional theme, the property must have a direct and significant relationship with postwar and institutional development, and/or be the primary location of an important organization or congregation, and/or be the primary workplace of an important individual within this theme (under Criterion 2). Although the building was constructed at a time of increased development within the city, there is no evidence to suggest that the church had a significant association with the history of Fremont's postwar development. It was merely constructed as part of a trend due to changes in population and city policies which allowed for new construction.

   The installation of the historical marker at the corner of Temple Way and Peralta Boulevard in 1958 would not be considered an important historical event under Criterion 1, as this action did not make a significant contribution to the development of the community. Further, the project site is not eligible under Criterion 1 for its association with the events noted in the historical marker. The inscription on the plaque stated that it was to commemorate the construction of a (since-demolished) Mormon schoolhouse/chapel that was constructed in 1850 roughly one mile west of the marker's location. The project site has no direct, important association to the events described in the historical marker that would qualify it for designation under Criterion 1.

   The project site was not the site of an important event in the history of the LDS denomination. Research did not reveal evidence of an association with any other important events or trends.

   The project site and its buildings fit with the institutional development pattern of the time, both locally and in general at that time in history, and there is no historical significance associated with

either the property or building. The project site is not eligible for the California Register under Criterion 1.

2. *Is it associated with the lives of persons important to local, California, or national history?*

   Research revealed Francis B. Winkel was associated with the church during its initial construction. He was a volunteer bishop, served as the Hayward Stake and later the Fremont Stake president, and was the manager of a lumber company. He appears to have been an active member of the regional LDS church leadership, but no information was found to suggest that he significantly influenced the LDS denomination or played an important role in the social, economic, or political history of Fremont.

   The inscription on the demolished historical marker noted John M. Horner as a significant individual in the establishment of an 1850 schoolhouse/chapel in Centerville. However, Horner was not affiliated with the existing building on the project site as he died roughly 50 years before the church was built. He also did not construct the referenced schoolhouse/chapel on the project site. Horner's schoolhouse/chapel was built roughly one mile west of the project site. Therefore, there is no direct, important association between the project site and Horner.

   Research did not reveal any connection between the project site and any individual with any identifiable importance to history. The existing building on the project site is not eligible for the California Register under Criterion 2.

3. *Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values?*

   The existing building is a modified church building that is not an important example of a particular style, type, period, or method of construction, nor does it appear to be the work of a master. The original architect is unknown. The building underwent several additions and remodels, including a substantial exterior remodel in 1992 that replaced all the windows and doors and no longer reflects its original design. It was constructed with common materials and methods and is not a valuable example of indigenous materials or craftsmanship. The project site is not in a historic district.

   The demolished historical marker is not significant for its design, but is rather a simple historical marker made of common materials. The marker had a simple stacked masonry base with an inscribed bronze informational plaque that would not be considered architecturally or artistically significant or standout on its design qualities. The presence or absence of the historical marker on the site does not change the significance of the church building.

   As the project site building does not embody any design or construction distinction in terms of type, period, region or methods; as it is not the work of any identified architect, engineer, designer or builder; nor does it possess any artistic values; the existing building on the project site is not eligible for the California Register under Criterion 3.

4. *Has it yielded, or have the potential to yield, information important to the prehistory or history of the local area, California, or the nation?*

   This criterion generally applies to archaeological resources but may apply to a built resource in instances where a resource may contain important information about such topics as construction

techniques or human activity. The project site and its existing building have not yielded and have no identifiable potential to yield information important to the prehistory or history of the local area, California, or nation, and therefore are not eligible for the California Register under Criterion 4.

The Historic Resource Evaluation (Appendix B) concluded that the existing building is without any historical design or construction distinction. Furthermore, there are no associated events of any potential historical importance because no individual developments, discoveries, innovations, or inventions of importance are identifiably associated with the church, nor is there any direct association with any person or persons of potential historical importance. Therefore, per the CRHR evaluation criteria, the building at the project site does not have any potential for a finding of historical significance. There would not be a significant impact on any historical resources. The project would have a ***less than significant*** impact on historic resources and no mitigation is necessary.

Archaeological Resources

2. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Public Resources Code Section 15064.5?*

Impact Cultural-2: **Unanticipated Disturbance of Archaeological Resources.** During construction activities with the potential to disturb historical soil surfaces below the artificial fill, it is possible that currently unidentified cultural resources could be discovered and disturbed. The project's impact on archaeological resources would be ***less than significant***.

The NWIC records search (dated March 5, 2024and included in Appendix C) concluded that there are no known archaeological resources in the project area, however, due to the project site location near Alameda Creek and characteristics of the area such as the age of the soil, the potential for discovery of both unrecorded Native American archaeological resources and historic-period archeological resources is considered moderate.

Further research detailed in the Cultural Resources Inventory Report and Sensitivity Assessment (Appendix C) determined that the project site is closer to a former channel of Alameda Creek that no longer exists than to the current location of the creek - less than about 720 feet (220 meters) away - and is situated on a broad alluvial fan formed by sediment supplied by Alameda Creek. Because of this closer distance to the historic location of the creek, the generally flat site, and the relatively young soils at the site, the Cultural Resources Inventory Report and Sensitivity Assessment determined that the potential for unidentified archaeological sites is high, rather than moderate.

The Cultural Resources Inventory Report and Sensitivity Assessment (Appendix C) also found evidence on historical aerial photographs and maps of structures that were present on the project site during the time it was used for agriculture, possibly a private residence or farmstead. These are no longer in evidence above ground and while the former structures and prior agricultural use of the project site may not be unusual or significant, there is a possibility that some relatively intact hollow-filled subterranean features (i.e., cellars, cisterns, wells, or privies) have survived that could contain concentrations of historic-era artifacts and refuse. Such archaeological historical features or artifacts may potentially be eligible for listing in the NRHP, CRHR, or as a City of Fremont Historic Resource if they are present.

The project would be required to comply with the following SDRs during site development work:

SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

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

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

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

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

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

SDR FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological,

> cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

While it is anticipated that earth moving (to condition soil or trench for utilities) would be all or mostly within the 3.5 to 8 feet of artificial fill that overlies the historic ground surface, some project elements, such as utility or sewer trenches, may require deeper excavations that extend into the historical surface below the fill zone, which has a high potential for unidentified archaeological resources. Therefore, the following Condition of Approval shall be applied to the project in satisfaction of SDR FMC 18.218.050(d)(3) (see also Chapter 6: Tribal Cultural Resources for relationship to implementation of SDR FMC 18.218.050(d)(4) as well):

> Condition of Approval to implement SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4): Archaeological and Tribal Cultural Monitoring. If project-related earth disturbances will extend below the existing layer of artificial fill, then an archaeological monitor and tribal cultural representative shall be on-site for any work. Specifically, earth disturbances that would require monitoring include those that exceed 3.5 feet below existing ground surface north of the existing church structure, all disturbance beneath the existing church footprint (once the slab is removed), and more than 1 foot in depth near Peralta Boulevard south of the church. An archaeological monitor and tribal cultural representative is not recommended for work that will not cause significant ground disturbance (vegetation clearing, asphalt removal, slab foundation demolition, paving, etc.).

The project would implement SDRs FMC 18.218.050(d)(2) and FMC 18.218.050(d)(3), which require archaeological monitoring and specify the procedures in the event of accidental discovery of archaeological resources, along with the identified Condition of Approval, which further specifies project-specific implementation of monitoring requirements given site conditions. The impact of the project on archaeological resources would be ***less than significant***.

Human Remains

3. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Impact Cultural-3: **Unanticipated Discovery of Human Remains.** During ground disturbing activities within the project site, it is possible that currently unidentified human remains could be discovered and disturbed. The project would be required to comply with applicable regulations of the California Health and Safety Code specifying appropriate handling of human remains and the project's impact would be ***less than significant***.

There are no known human remains that would be disturbed by the proposed project, but accidental discovery could occur during any earth-moving activities, including those associated with the project. As detailed in the Regulatory Setting section above, the California Health and Safety Code includes provisions requiring the appropriate handling of human remains (Sections 7050.5, 7051, and 7054),

which are adequate to prevent significant impacts related to accidental discovery of human remains. The impact of the project on human remains would be ***less than significant***.

Cumulative Impacts

The geographic context for cumulative impacts associated with cultural resources considers existing development and growth projected in the City and the region. Development of past, current, and future projects within the City and region have the potential to result in development-related impacts on cultural resources. However, new development would be subject to existing federal, State, and local regulations as well as general plan goals, policies, and programs concerning the discovery and subsequent handling of any cultural or historic resources discovered during construction activities, which would reduce cumulative development-related impacts on cultural resources.

Cultural resource impacts could be considered cumulatively significant if this project and other recent, concurrent and planned development in this area were all to affect a common resource or type of resource. This project, as well as any other projects in the area, would be subject to applicable State, federal, County, and local regulations.

The potential for this project to result in project-specific significant impacts related to cultural resources was analyzed in this chapter and the referenced technical documentation. There are no known cultural resources at the project site, and all project-specific impacts related to accidental discovery of unknown cultural resources would be less than significant after implementation of required standards. Therefore, the project would not combine with past, present, and reasonably foreseeable future projects to create a significant cumulative cultural resources impact.

5

Transportation

Introduction

This chapter of the EIR evaluates the potential impacts of the project related to transportation. It utilizes information from the following report, prepared for the applicant and included as Appendix D to this document:

- Hexagon Transportation Consultants, Inc., Transportation Impact Analysis for Single-Family Residential Development at 38134 Temple Way in Fremont, California, dated October 27, 2023. (Included as Appendix D).

Environmental Setting

Roadway Facilities

The project site is located on the northeast corner of Peralta Boulevard and Temple Way in a residential area of the City of Fremont. Acacia Street runs parallel to Temple Way approximately 60 feet east of the project site.

Peralta Boulevard is an east-west, minor arterial that extends from Dusterberry Way in the west to Mowry Avenue in the east. It is a two-lane road with shoulders on both sides in the project vicinity. There are existing sidewalks on both sides of Peralta Boulevard in the project vicinity except for two short segments, one directly opposite to the project site (approximately 400 feet long) and another one at the northeast corner of Acacia Street and Peralta Boulevard (approximately 75 feet long). It has a posted speed limit of 40 mph in the project vicinity. Parking is allowed on some segments with curbs and gutters. The segment of Peralta Boulevard in front of the project site is part of the portion of State Route 84 relinquished from Caltrans to the City of Fremont, giving the City control over street improvements.

Temple Way and Acacia Street are two-lane, north-south, local streets that extend from Peralta Boulevard in the south to Horner Way in the north. They have a speed limit of 25 mph and sidewalks on both sides of the street. Parking is allowed on both sides of the streets.

Transit Facilities and Service

There are currently no bus transit services provided on Peralta Boulevard. The nearest commuter bus routes are Line 216, 251, and 625. The closest bus stops for Line 216 and 625 are located near the Mowry Avenue/Peralta Boulevard intersection approximately 0.5 miles east of the project site. The closest bus stops for Line 251 are located near the Paseo Padre Parkway/Peralta Boulevard intersection approximately 0.5 miles west of the project site. The Fremont BART station is located approximately 0.7 miles southeast of the project site.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, trails, and pedestrian signals. Both Temple Way and Acacia Street have continuous sidewalks on both sides of the street. Peralta Boulevard has sidewalks in the project vicinity on both sides, with a gap of 400 feet directly opposite the project site and a gap of 75 feet on the eastern side of Acacia Street. The intersection of Peralta Boulevard and Acacia Street contains a yellow striped crosswalk and is frequently used by students traveling to Parkmont Elementary School and Centerville Junior High School. A crossing guard is present during the AM and PM school periods. There is a painted median refuge five feet in width at the crosswalk, which increases the visibility of the crossing guard for vehicles queued behind the crosswalk.

Bicycle Facilities

Bicycle facilities consist of separated bikeways, bicycle lanes, routes, trails, and paths, as well as bicycle parking, bicycle lockers, and showers for cyclists. The California Department of Transportation (Caltrans) recognizes four classifications of bicycle facilities as described below.

Class I—Shared-Use Pathway:	Provides a completely separated right-of-way for the exclusive use of cyclists and pedestrians with crossflow minimized (e.g., off-street bicycle paths).
Class II—Bicycle Lanes:	Provides a striped lane for one-way travel on a street or highway. May include a "buffer" zone consisting of a striped portion of roadway between the bicycle lane and the nearest vehicle travel lane.
Class III—Bicycle Route:	Provides for shared use with motor vehicle traffic; however, are often signed or include a striped bicycle lane.
Class IV—Separated Bikeway:	Provides a right-of-way designated exclusively for bicycle travel adjacent to a roadway and which are protected from vehicular traffic. Types of separation include, but are not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

Currently, there are wide shoulders provided on both sides of Peralta Boulevard directly adjacent to the project frontage but no bike lanes. In the future, Class IV separated bikeways are planned for Peralta Boulevard between Fremont Boulevard and Mowry Avenue.[1] Neither Temple Way nor Acacia Street provide any bicycle facilities and it is the expectation that bicycles would share the roadway on these types of local residential streets.

Emergency Vehicle Access

Emergency vehicles typically use major streets through the study area when heading to and from an emergency and/or an emergency facility. Arterial roadways allow emergency vehicles to travel at higher speeds and provide enough clearance space to permit other traffic to maneuver out of the path of the emergency vehicle and yield the right-of-way. The nearest fire stations are Station 6 located at 4355 Central Avenue (1.6 miles/about 5 minutes from the project site), Station 1 located at 4200 Mowry

[1] City of Fremont, *City of Fremont's 2018 Bicycle Master Plan*, July 10, 2018.

Avenue (1.9 miles/ about 7 minutes from the project site), Station 9 located at 39609 Stevenson Place (2.4 miles/ about 7 minutes from the project site), or Station 8 at 35659 Fremont Boulevard (2.4 miles about 7 minutes from the project site).

Regulatory Setting

Federal Regulations

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive rights and protections to individuals with disabilities. The goal of the ADA is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities. To implement this goal, the US Access Board, an independent federal agency created in 1973 to ensure accessibility for people with disabilities, has created accessibility guidelines for public rights-of-way. While these guidelines have not been formally adopted, they have been widely followed by jurisdictions and agencies nationwide in the last decade. These guidelines, last revised in July 2011, address various issues, including roadway design practices, slope and terrain issues, and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, public transit, and other components of public rights-of-way. These guidelines would apply to adjacent roadways to the project site.

State Regulations

Assembly Bill 32 and Senate Bill 375

With the passage of Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, the state committed itself to reducing greenhouse gas (GHG) emissions to 1990 levels by 2020. The California Air Resources Board (CARB) is coordinating a response to comply with AB 32. In 2008, CARB defined its 1990 baseline level of emissions. On December 11, 2008, CARB adopted its Proposed Scoping Plan for AB 32. This scoping plan included approval of SB 375 as the means for achieving regional transportation-related GHG targets. In 2011, CARB completed its major rulemaking for reducing GHG emissions. Rules on emissions, as well as market-based mechanisms such as the cap-and-trade program, took effect on January 1, 2012.

SB 375 provides guidance regarding curbing emissions from cars and light-duty trucks to help the state comply with AB 32. There are four major components to SB 375. First, SB 375 requires regional GHG emissions targets. CARB's Regional Targets Advisory Committee guides the adoption of targets to be met by 2020 and 2035 for each Metropolitan Planning Organization (MPO) in the state. These targets, which MPOs may propose themselves, must be updated every eight years in conjunction with the revision schedule of the housing and transportation elements of local general plans. Second, MPOs are required to create a Sustainable Communities Strategy (SCS) that provides a plan for meeting regional targets. The SCS and the Regional Transportation Plan (RTP) must be consistent, including action items and financing decisions. If the SCS does not meet the regional target, the MPO must produce an alternative planning strategy that details an alternative plan for meeting the target. Third, SB 375 requires regional housing elements and transportation plans to be synchronized on eight-year schedules. In addition, Regional Housing Needs Assessment allocation numbers must conform to the SCS. If local jurisdictions are required to rezone land as a result of changes in the housing element, rezoning must take place within three years of adoption of the housing element. Finally, MPOs must use transportation and air

emissions modeling techniques that are consistent with the guidelines prepared by the California Transportation Commission. Regional transportation planning agencies, cities, and counties are encouraged, but not required, to use travel demand models that are consistent with California Transportation Commission guidelines. The adopted RTP, per SB 375 (Plan Bay Area 2050), is discussed below.

Complete Streets (AB 1358)

AB 1358, also known as the California Complete Streets Act of 2008, requires cities and counties to include "complete street" policies in their general plans. These policies address issues regarding the safe accommodation of all users, including bicyclists, pedestrians, motorists, public transit vehicles and riders, children, the elderly, and persons with disabilities. These policies can apply to new streets as well as the redesign of transportation corridors.

Senate Bill 743

Senate Bill (SB) 743, was signed into law in 2013 and is codified in Section 21099 of the California Public Resources Code with the intent to better align CEQA transportation impact analysis practices and mitigation outcomes with the State's goals to reduce GHG emissions, encourage infill development, and improve public health through more active transportation. SB 743 created several key statewide changes to CEQA, as described in the EIR sections referenced above. This discussion focusses on changes related to the assessment of transportation and parking impacts under CEQA.

As required by SB 743, the Governor's Office of Land Use and Climate Innovation (LCI) (formerly the Office of Planning and Research) amended CEQA Guidelines Section 15064.3 to provide an alternative to automobile delay, as described by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, for evaluating traffic impacts of proposed projects. The new metric, vehicle miles traveled (VMT), measures the total number of miles traveled by vehicles daily on the roadway network and thereby the impacts on the environment from those miles traveled (e.g., through GHG emissions). In other words, SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts on drivers to measuring the impact of driving on the environment, particularly as it relates to GHG emissions. Land use projects with one or more of the following characteristics would generally have lesser VMT impacts relative to projects without these characteristics:

- A mix of project uses;
- Support for a citywide jobs/housing balance;
- Proximity to high-quality transit service; and
- Locations in highly walkable or bikeable areas.

Additionally, CEQA Guidelines Section 15064.3 (b)(1) states that lead agencies generally should presume that projects within 0.5 miles of an existing major transit stop or an existing stop along a high-quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT. Transportation infrastructure projects that reduce or have no impact on VMT, such as a street extension, are presumed to have a less-than-significant impact on VMT.

This shift in transportation impact criteria is expected to align transportation impact analysis and mitigation outcomes with state goals to reduce GHG emissions, encourage infill development, and

improve public health through more active transportation. Although LCI provides recommendations for adopting new VMT analysis guidelines, lead agencies retain discretion in designing their methodology. Lead agencies must select their preferred method for estimating and forecasting VMT, their preferred significance thresholds for baseline and cumulative conditions, and the mitigation strategies they consider feasible. Lead agencies must prove that their selected analysis methodology aligns with SB 743's goals to promote infill development, reduce GHGs, and reduce VMT. To aid in SB 743 implementation, the following state guidance has been published:

- LCI's Technical Advisory on Evaluating Transportation Impacts in CEQA
- CARB's 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals
- Caltrans' Local Development–Intergovernmental Review Program Interim Guidance, Implementing Caltrans Strategic Management Plan 2015–2020 Consistent with SB 743

The VMT thresholds applied in this analysis are further described in the Vehicle Miles Traveled section below.

Regional

Plan Bay Area 2050

Plan Bay Area 2050 was adopted in 2021 by the Association of Bay Area Governments and Metropolitan Transportation Commission. As a single plan for the nine-county San Francisco Bay Area that includes the RTP and SCS, Plan Bay Area 2050 sets forth regional transportation policy and provides capital program planning for all regional, State, and Federally funded projects. The SCS of Plan Bay Area 2050 aims to reduce GHG emissions from cars and light trucks by coordinating land use and transportation planning. Under Plan Bay Area 2050's strategies, just under half of all Bay Area households would live within one half-mile of frequent transit by 2050, with this share increasing to over 70 percent for households with low incomes. Transportation and environmental strategies that support active and shared modes, combined with a transit-supportive land use pattern, are forecasted to lower the share of Bay Area residents that drive to work alone from 50 percent in 2015 to 33 percent in 2050. GHG from transportation would decrease significantly as a result of these transportation and land use changes, and the Bay Area would meet the state mandate of a 19 percent reduction in per capita emissions by 2035. Plan Bay Area 2050's strategies also aim to increase commercial density and job growth near frequent transit areas.

Local

City of Fremont General Plan

The City of Fremont General Plan (General Plan), adopted in 2011, provides a vision for long-range physical and economic development of the City, provides strategies and specific implementing actions, and establishes a basis for judging whether specific development proposals and public projects are consistent with the City's plans and policy standards. The General Plan contains a Mobility Element, which includes goals, policies, and implementing actions. The General Plan includes the following policies related to transportation and circulation that are applicable to this project.

- Policy 3-1.5: Improving Pedestrian and Bicycle Circulation. Incorporate provisions for pedestrians and bicycles on city streets to facilitate and encourage safe walking and cycling

throughout the city. Landscaping should reduce wind, provide shade, provide a buffer to adjacent roadways, and stimulate visual interest. Visually appealing, energy-efficient street lighting should be provided to ensure night-time safety.

As noted earlier in this Element, the City of Fremont has adopted a Pedestrian Master Plan and a Bicycle Master Plan as part of its General Plan. Both plans include maps showing routes and locations for future improvements. The emphasis is on closing gaps in the system and connecting existing sidewalks and trails. Both Plans also strive to provide additional facilities near major activity generators such as schools, commercial districts, and transit stations. Improvements can be scheduled through the City's Capital Improvement Projects, and may also be incorporated as mitigation measures as development is proposed.

- Policy 3-1.6: Pedestrian and Bicycle Safety. Improve the safety of pedestrians and bicyclists throughout Fremont through design, signage, capital projects, pavement maintenance, street sweeping and public education.

- Policy 3-1.7: Sidewalks. Require the provision of sidewalks in all new development, including infill development and redevelopment, in order to eventually complete the City's sidewalk network. Sidewalks shall be required on both sides of all public streets, except in hillside areas where a single sidewalk may be adequate. Sidewalks and direct pedestrian connections between uses should also be provided in parking lots.

  This is an existing City standard, and it will remain relevant and appropriate over the lifetime of this Plan. The specific design details are dependent on the adjacent land use. For example, sidewalks on residential streets are typically five feet wide and are separated from the curb by landscaping and also maintained by adjacent property owner. Sidewalks on commercial streets may be 10 feet wide and have tree wells.

- Policy 3-2.3: Pedestrian Networks. Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.

- Policy 3-2.4: Improving Bicycle Circulation. Enhance bicycle circulation, access, and safety throughout Fremont, particularly in the City Center, the Town Centers, around existing and planned BART stations, and near schools and other public facilities. Barriers and impediments to bicycle travel should be reduced.

- Policy 3-3.2: Street Connectivity. Promote connectivity in the street network. Except where necessitated by topography, the use of dead-ends and cul-de-sacs shall be minimized, and the extension or preservation of a grid street pattern shall be encouraged. Additional street network connectivity (i.e., a "grid pattern") should be created and existing gaps in the road, bike, and pedestrian networks should be closed.

- Policy 3-3.6: Road Hazards. Minimize road hazards associated with overgrown vegetation, structures blocking sight lines, and other visual obstructions. New development should be reviewed to ensure that ingress and egress locations, driveways, crosswalks, and other circulation features, are sited to minimize accident hazards.

The City of Fremont monitors collision data in order to determine areas requiring special attention. This may result in the installation of warning signs, stop signs, more visible pavement markers, traffic signals, and other traffic control devices.

- Policy 3-4.2: Transportation Analysis. Utilize Vehicle Miles Traveled (VMT) as the measurement system for determining transportation environmental impacts beginning July 1, 2020, in compliance with Senate Bill 743 and the CEQA Guidelines. The threshold of significance [for residential projects is 15% below existing average VMT per capita for the City of Fremont]. Projects that have a significant VMT impact must include feasible mitigation measures which will avoid or substantially lessen such significant effects.

- Policy 3-4.4: Mitigating Development Impacts. Require new development to mitigate its impacts on mobility conditions through traffic impact fees, street and intersection improvements, transportation demand management programs, and other measures.

Complete Streets and City of Fremont SR 84 Relinquishment Measure BB Scoping Study

The Peralta Boulevard and Mowry Avenue Complete Streets project will improve segments of former State Route (SR) 84, including Peralta Boulevard (from Sequoia Road) and Mowry Avenue, relinquished from Caltrans to the City of Fremont in 2018. Being under Caltrans' jurisdiction for many years, these roadways are in poor condition and were developed to old state highway standards focused on vehicle traffic with wide lanes and curb radii. There are large gaps in the sidewalk and bicycle lanes, and an overall lack of improvements for bicycles and pedestrians. This relinquishment of SR 84 allows the City to have local control over this street right-of-way to repave the streets and implement "complete streets" improvements to enhance safety and mobility for all users, including drivers, pedestrians, bicyclists, school children, and businesses.

In 2016, traffic consultant company Fehr & Peers completed the City of Fremont SR 84 Relinquishment Measure BB Scoping Study for the City of Fremont, which gave recommendations for improving roadways and bicycle and pedestrian facilities along SR 84 in the city, which includes Peralta Boulevard along the project frontage. In the project vicinity, complete street improvements such as wider sidewalks, reduced curb return radii, enhanced street landscaping, as well as Class IV buffered bikeways are planned on Peralta Boulevard.[2]

The project site is located along a portion of Phase II of the Complete Streets project. Phase I, Centerville Complete Streets (to the south/southwest of the project), is expected to begin construction soon.[3]

[2] Fehr & Peer for the City of Fremont, June 2016, Fremont SR 84 Relinquishment Measure BB Scoping Study, available at https://www.fremont.gov/home/showpublisheddocument/7894/637835656332730000.

[3] City of Fremont, Public Works Projects webpage, accessed on 1/3/2025, available at https://www.fremont.gov/government/departments/public-works/public-works-projects.

City of Fremont Bicycle and Pedestrian Master Plans

The City of Fremont adopted the latest Bicycle Master Plan on July 10, 2018.[4] It identifies a priority network of projects intended to provide "low stress" bicycling corridors that are either on low-volume roadways or physically separated from traffic.

The latest City of Fremont Pedestrian Master Plan was adopted in December of 2016.[5] It identifies goals in the areas of activity, safety, infrastructure and design, connectivity and accessibility, and land development.

City of Fremont Transportation Impact Analysis Handbook

The City of Fremont Transportation Impact Analysis Handbook (TIA Handbook), adopted in June 2020, provides CEQA transportation analysis exemptions based on screening criteria for some development projects. The criteria are based on the type of project, characteristics, and/or location. If a project meets the screening criteria, its VMT impacts are assumed to be less-than-significant.

For small infill residential projects, the project must be:

- single-family detached housing of 15 units or less; or
- Single-family attached or multi-family housing of 25 units or less

For location-based screening, the project must be:

- within a half mile of a major transit stop; or
- in an area with low VMT per capita and in an area with planned growth

And must:

- have a minimum of 35 units per acre, or the maximum density allowed, whichever is lower;
- provide no more than the minimum parking spaces required;
- not replace affordable residential units with a smaller number of moderate- or high-income residential units; and
- be consistent with Plan Bay Area, the applicable Sustainable Communities Strategy (as determined by the City, with input from the Metropolitan Transportation Commission)

Impacts and Mitigation Measures

Significance Criteria

Based on Appendix G of the CEQA Guidelines, the proposed project would have a transportation and circulation impact if it would do any of the following:

[4] City of Fremont, July 10, 2018, City of Fremont Bicycle Master Plan. Available at: https://www.fremont.gov/government/departments/transportation-engineering/walking-bicycling/bicycle-master-plan

[5] City of Fremont, December 2016, City of Fremont Pedestrian Master Plan. Available at: https://www.fremont.gov/government/departments/transportation-engineering/walking-bicycling/pedestrian-master-plan

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

2. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);

3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses; or

4. Result in inadequate emergency access.

Project Trip Characterization

While congestion-based analysis is no longer used for assessment of CEQA impacts per SB 743, the project's trip generation is still useful in conveying an understanding of the project and to better assess circulation on and around the site.

Proposed project traffic added to the surrounding roadway system was estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th edition, to determine average weekday, AM peak hour, and PM peak hour vehicle trip generation volume, shown in **Table 5.1**.

Table 5.1: Project Trip Generation

Land Use	Size	Daily Total	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Detached Housing	27 units	255	5	14	19	16	9	25

Source: Hexagon, 2023 (Appendix D)
Trip generation rates based on ITE Trip Generation, 11th Edition Average Rates for Single Family Detached Housing (ITE 210).

As shown in the table above, the project would generate 255 new daily trips, 19 new AM peak hour trips (5 inbound and 14 outbound), and 25 new PM peak hour trips (16 inbound and 9 outbound). As noted previously, the project site is currently not in use and therefore no trips were discounted from the total trip generation estimate for baseline conditions.

Conflict with a Transit, Bicycle, or Pedestrian System Program or Policy

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

Impact Trans-1: **Consistency with Circulation System Plans and Policies.** The project would improve pedestrian facilities at the site and while it may require some construction-period disruption and would add some use of bicycle, pedestrian, transit, and roadway facilities, the project would not conflict with applicable plans and policies. (***Less than Significant***)

Construction

Construction activities can cause temporary obstructions to use of nearby sidewalks and roadways during improvement work in or adjacent to these areas or due to staging or movement of large equipment or materials. As this is true of most construction projects, the City has a standard procedure for review and approval of specific construction details, which has been formalized as SDR FMC

18.218.050(c): Construction Management Plan. The specifics of construction activities are required to be detailed for the construction permitting process and the required Construction Management Plan will include transportation-related details such as worker parking and construction traffic control. The following SDR would be applicable to the project:

> SDR FMC 18.218.050(c): Construction Management Plan. Prior to the issuance of the first construction-related permit for a new development project, the project applicant and his/her general contractor shall submit a construction management plan (CMP) for review and approval by the planning and building divisions and other relevant city departments, such as the fire department and the public works department, as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, erosion and sedimentation control, storm water pollution prevention, noise control, complaint management, and cultural and tribal cultural resource management as applicable. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

The project would implement SDR FMC 18.218.050(c), which includes the requirement for City review of detailed construction period traffic control to ensure compliance with City requirements and policies to minimize the effects of any construction-period transportation disruptions. The impact of the project with respect to conflicts with programs, plans, ordinances, or policies addressing the circulation system would be ***less than significant***.

Operation

The project would include two driveways connecting the proposed private internal roadway with Temple Way – the same number of driveways but in different locations on Temple Way than under existing conditions. As shown in Table 5.1 above, the project would generate a relatively low volume of trips, below the amount for which the City would require an operational traffic analysis (100 trips in any peak hour). In addition to an interior landscaped sidewalk to units internal to the site, the project proposes to rebuild sidewalks along the public street frontages of the site as detached sidewalks with a landscaping strip and street trees along both Temple Way and Peralta Boulevard. Proposed project site improvements, including sidewalks and driveways, are required to meet City and ADA requirements. As discussed in the Regulatory Section above, the Complete Streets program is not yet being implemented in the project vicinity, but proposed improvements are required to be coordinated with the City such that they are consistent with and do not conflict with planned Complete Street improvements. See the analysis under Impact Trans-3, below, for additional discussion of safety.

The majority of the neighboring streets have sidewalks, except one segment directly opposite the project site (approximately 400 feet) and another one at the northeast corner of Acacia Street and Peralta Boulevard (approximately 75 feet). Crosswalks are provided at all signalized intersections in the project vicinity. The Transportation Impact Analysis (Appendix D) determined that the volume of

pedestrians generated would not exceed the carrying capacity of the existing sidewalks and crosswalks on streets in the project vicinity.

Currently, there are wide shoulders but no bike lanes provided on both sides of Peralta Boulevard directly adjacent to the project frontage. In the future, Class IV separated bikeways are planned for Peralta Boulevard between Fremont Boulevard and Mowry Avenue.[6] The Transportation Impact Analysis (Appendix D) determined that the volume of bicycle trips generated by the project would not exceed the bicycle-carrying capacity of the streets surrounding the site, and the increase in bicycle trips would not, by itself, require new off-site bicycle facilities.

Alameda County Congestion Management Program (CMP) Transportation Impact Analysis Technical Guidelines state that a project would create an impact on pedestrian and bike circulation if: (1) its vehicle trips would present a barrier to bikes/pedestrians safely crossing roadways, or (2) it would reduce or sever existing or planned bike/pedestrian circulation in the area. The addition of project trips would not present a barrier to bikes or pedestrians safely crossing roadways with implementation of the proposed recommendations in this analysis, and the project would not preclude any planned modifications to the bike/pedestrian network. Based on these criteria, the Transportation Impact Analysis (Appendix D) determined that the proposed project would not create an adverse impact to bike/pedestrian circulation in the area.

There are currently no bus transit services provided on Peralta Boulevard. The nearest commute bus routes are Line 216, 251, and 625. The closest bus stops for Line 216 and 625 are located near the Mowry Avenue/Peralta Boulevard intersection approximately 0.5 miles east of the project site. The closest bus stops for Line 251 are located near the Paseo Padre Parkway/Peralta Boulevard intersection approximately 0.5 miles west of the project site. In addition, the Fremont BART station is located approximately 0.7 miles southeast of the project site. The Transportation Impact Analysis (Appendix D) estimated that transit trips comprise approximately 3 percent of the total commute mode share in Fremont, equating to approximately 1 new transit trip during the peak commute hours resulting from the project. Thus, the volume of riders generated by the project would not exceed the carrying capacity of the existing bus service near the project site.

According to the Alameda County CMP Transportation Impact Analysis Technical Guidelines, a project would create an impact on transit service if: (1) it would cause vehicular congestion that would significantly degrade transit operations, or (2) it would conflict with existing transit service plans or preclude future transit service to the project area. The project would not generate enough traffic to significantly impact transit operations, nor would it preclude any existing or future transit plans in the area. Based on these criteria, the proposed project would not cause a significant impact to transit operations in the study area.

As discussed above, project operations would not produce a detrimental impact on existing bicycle, pedestrian, or transit facilities or otherwise conflict with programs, plans, ordinances, or policies addressing the circulation system and the project's operational impact with respect to this topic would be ***less than significant***.

[6] City of Fremont, July 10, 2018, City of Fremont Bicycle Master Plan. Available at: https://www.fremont.gov/government/departments/transportation-engineering/walking-bicycling/bicycle-master-plan

Vehicle Miles Traveled

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

Impact Trans-2: **Vehicles Miles Traveled**. The average VMT per capita exceeds the City's adopted threshold of 15 percent below the existing average VMT per capita for the City of Fremont and even with implementation of feasible reduction strategies, cannot feasibly be reduced below threshold levels. (***Significant and Unavoidable with Mitigation***)

The project does not meet the VMT screening criteria from the City of Fremont TIA Handbook (see Regulatory Setting above) because it is not a small project and is not located within a half mile of a major transit stop or in an area with low VMT per capita.

According to the TIA Handbook, as a residential development, VMT is calculated on a per capita basis and compared to an impact threshold set to 15 percent below the existing average VMT per capita for the City of Fremont. The City average daily VMT per capita is 23.7. Therefore, the impact threshold for residential use is 20.2 average daily VMT per capita.

The project is located in a zone where the average daily VMT per capita is 23.5.[7] This is higher than the threshold of 20.2 and is therefore a significant impact unless mitigated below the threshold level. Note that this impact is not unique to this project. Any residential development projects in Fremont outside of the central downtown area would likely not meet the City's VMT significance threshold.

The City of Fremont requires trip reduction and Transportation Demand Management (TDM) to be implemented by certain employers (FMC 10.20), but does not have a TDM process or requirements for residential projects. However, per Fremont General Plan Policy 3-4.2, projects that have a significant VMT impact must include feasible mitigation measures which will avoid or substantially lessen such significant effects.

The Transportation Impact Assessment (Appendix D) used the Alameda County Transportation Commission (ACTC) VMT Reduction Calculator Tool to identify measures (called "strategies") that could potentially be feasible and act to substantially reduce project VMT. The following strategies are already included in the proposed project:

Increase Residential Density (Strategy 2B1)

A VMT reduction can be achieved by designing a project with a higher density of dwelling units compared to the average residential density. Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. Increasing residential density results in shorter and fewer trips by single occupancy vehicles.

The project, by design, would have VMT reduction characteristics due to the increased residential density.

[7] City of Fremont, Open Data Hub website, accessed for the Transportation Impact Assessment (Appendix D). Available at https://fremont-ca-open-data-cofgis.hub.arcgis.com/.

Integrate Affordable and Below Market Rate Housing (Strategy 2C)

Below-market housing has been shown to reduce VMT, as residents of below-market housing are more likely to use alternative travel modes.

The project would include 3 below-market housing units out of the total 27 housing units provided onsite and therefore by design, would have VMT reduction characteristics due to the provision of affordable housing onsite.

The Transportation Impact Assessment identified the following additional strategies from the ACTC VMT Reduction Calculator Tool that may be feasible for the project and could be implemented to further reduce project VMT:

Implement Subsidized Transit Program for Residents (Strategy 1D2)

This measure could reduce the number of vehicular trips on the roadway network by creating incentives for residents to use public transit. Incentives could be in the form of reimbursements for transit fares or passes.

Pedestrian Facility Improvement (Strategy 4B)

Providing contiguous sidewalks and an enhanced pedestrian network encourages people to walk instead of drive, resulting in a reduction in VMT. Gaps in the local sidewalk network, which include a gap of 400 feet directly opposite the project site and a gap of 75 feet on the eastern side of Acacia Street, present a barrier to pedestrian access and interconnectivity that could be corrected to improve VMT.

The following mitigation measures address implementation of these additional strategies to reduce project VMT.

Mitigation Measures

Trans-2a: **Subsidized Transit Program for Residents**. The project shall coordinate with the City to determine a program for appropriate and feasible reimbursements for transit fares and passes to its residents. The program rules and amount of the reimbursements would be determined in coordination with City staff to be implemented by the project through an HOA or other mechanism.

Trans-2b: **Local Sidewalk Connections**. The project shall coordinate with the City to contribute to connecting vicinity sidewalks across existing gaps, as feasible. Existing gaps in the local sidewalk network include a gap of 400 feet directly opposite the project site and a gap of 75 feet on the eastern side of Acacia Street.

Implementation of the above potentially feasible strategies to reduce project VMT was calculated to result in a maximum of 9.9 percent reduction, for a resultant project average daily VMT per capita of 21.2, which remains above the impact threshold of 20.2. The feasibility and timing of the above mitigation measures is uncertain and no other potentially feasible strategies were identified that could substantially reduce project VMT.

With implementation of all feasible mitigation measures, including mitigation measure Trans-2a, requiring subsidized transit passes for project residents, and mitigation measure Trans-2b, requiring local sidewalk connections, project VMT would remain above the significance threshold. Therefore, this impact would be ***significant and unavoidable with mitigation***.

Transportation Hazards

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

Impact Trans-3: **New Project Meeting Safety Standards**. The proposed project would not substantially increase hazards due to a geometric design feature or incompatible uses. (***Less than Significant***)

The Transportation Impact Assessment (Appendix D) analyzed the safety of the proposed project. Access to the project site would be provided via two driveways on Temple Way, which would be located approximately 100 feet and 430 feet north of the Temple Way/Peralta Boulevard intersection. Both driveways would allow full movement access to the project site from Temple Way.

Both driveways would be able to accommodate a single vehicle waiting to exit, beyond which vehicle queues exiting the driveway would block adjacent single family home driveways. Vehicle delays at these locations would be brief and vehicle queues would seldom exceed one vehicle due to the low traffic volumes on Temple Way and the site driveways. The onsite vehicular queues would not interfere with traffic operations at the intersection of Temple Way and Peralta Boulevard.

Utah Way, which intersects with Temple Way on the opposite side (west side) of the project site, is located 130 feet south of the north driveway and 200 feet north of the south driveway. The spacing of the project site driveways, and their locations relative to existing adjacent intersections, are acceptable given the relatively low traffic volumes on Temple Way and Utah Way.

The sight distance at the project driveways was analyzed and determined to be adequate.

The Transportation Impact Analysis (Appendix D) also reviewed collision data in the area and determined that that is no historical collision pattern that indicates any existing safety concerns in the vicinity of the project.

As discussed above, the project meets relevant design criteria and safety standards and the project's impact related to transportation hazards would be ***less than significant***. No mitigation is required.

While not an impact under CEQA, the Transportation Impact Analysis also identified two items for which more detailed plans would be necessary to determine compliance with mandatory standards. These items are specified in a Condition of Approval and City review of these items would be required prior to issuance of construction permits.

> Condition of Approval: Conformance with Transportation Design Requirements. Prior to final design approval, the following conditions shall be satisfied:
>
> - The project applicant shall demonstrate to City staff that back-up distances for the private garages are adequate and conform with the City design requirements.

- The project applicant shall demonstrate to City staff that the project meets the requirements for trash collection.

Emergency Access

4. Would the project result in inadequate emergency access?

Impact Trans-4: **Adequate Emergency Access**. The proposed project would not result in inadequate emergency access. (***Less than Significant***)

Vehicle trips generated by the project would represent a small percentage of overall daily and peak hour traffic on roadways and freeways in the study area. The project would generate about one or two vehicle trips per three minutes on average during peak hours, which is not expected to introduce or exacerbate conflicts for emergency vehicles traveling near the project. The project would not include features that would alter emergency vehicle access routes or roadway facilities; fire and police vehicles would continue to have access to all facilities around the entire City. Emergency vehicles would have full access to the project site via two driveways connecting to Temple Way and the internal roadway; each driveway would be equipped to handle all types of emergency vehicles. The layout of the internal drive aisles as well as the provision of two interconnected driveways would accommodate garbage trucks and emergency vehicles to turn around onsite and without the need to back up to the public street in order to exit.

Therefore, the project would result in adequate emergency access, and the project's impacts to emergency access would be ***less than significant***. No mitigation is required.

Cumulative Impacts

Per the City of Fremont TIA Handbook, projects must demonstrate consistency with the Fremont General Plan to address cumulative impacts. If a project is consistent with the General Plan, it will be considered part of the cumulative solution to meet the General Plan's long-range transportation goals, resulting in a less-than-significant cumulative impact.[8]

The project would be consistent with all applicable General Plan Mobility Element policies, and therefore would have a less than significant cumulative impact.

While not an impact under CEQA, in addition to determining that project vehicles and pedestrian traffic would not have a significant impact on pedestrian facilities (see discussion under Impact Trans-1 above), the Transportation Impact Analysis conducted an evaluation of the need for additional crossing treatments at the off-site Acacia Street/Peralta Boulevard crossing.

There is no crosswalk across Peralta Boulevard at the project frontage at the Temple Way intersection, but there is a crosswalk located on the west leg of the intersection at Acacia Street/Peralta Boulevard, which is approximately 240 feet to the east of Temple Way and approximately 70 feet east of the proposed internal project sidewalk connection to Temple Way. There is no stop sign or signal on Peralta Boulevard at the crosswalk, which is painted, and has signage and a small painted median refuge. A

[8] City of Fremont, June 2020, City of Fremont Transportation Impact Analysis Handbook, page 18. Available at: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000

crossing guard is present during the school AM and PM peak hours to facilitate safe pedestrian movements to nearby schools including the Parkmont Elementary School (about one-quarter mile away) and the Centerville Junior High School (about one mile away).

The Transportation Impact Assessment (Appendix D) found no historical collision pattern related to this crosswalk or intersection and all vehicular traffic on Peralta Boulevard was observed to be yielding to pedestrians at the crosswalk, so determined there was no environmental impact at this intersection or crosswalk under CEQA. That being said, it was also determined that the characteristics of the crossing (traffic volume and crosswalk distance) and school-related peak volume of pedestrians meets the warrant for enhanced crossing treatment under existing conditions and a Rectangular Rapid Flashing Beacon (a user-actuated amber LED flashing beacons that supplement warning signs at crosswalks at unsignalized intersections or mid-block locations) is specifically recommended.

As noted above, a warrant for enhancement of this off-site crosswalk under existing conditions is not an environmental impact, but such enhancement of this crosswalk was identified in the Transportation Impact Analysis as contributing to improvement of the local pedestrian network and making improvements anticipated to be consistent with the upcoming phase of Complete Streets improvements in the vicinity. These following Condition of Approval would require consideration of the crosswalk enhancement funding and timing along with project implementation:

Condition of Approval: Contribution to Peralta/Acacia Crosswalk Enhancement. Prior to final design approval, the following condition shall be satisfied:

- The project applicant shall coordinate with City staff to determine an appropriate contribution to and/or implementation of a crosswalk enhancement (Rectangular Rapid Flashing Beacon) at the Peralta Boulevard and Acacia Street intersection.

6

Tribal Cultural Resources

Introduction

This chapter describes existing tribal cultural resources setting at the project site and assesses whether implementation of the project would cause a substantial adverse change in the significance of such resources.

This chapter utilizes information from the following reports prepared for this project or analysis:

- A records search was conducted at the Northwest Information Center (NWIC), at Sonoma State University, File No. 23-1184, dated March 5, 2024, for this analysis (included in Appendix C)
- A search of the Sacred Lands File was conducted by the Native American Heritage Commission (NAHC), dated February 28, 2024, for this analysis (included in Appendix C)
- SWCA Environmental Consultants, Cultural Resources Inventory Report and Sensitivity Assessment for 38134 Temple Way, June 2024, prepared for this analysis (included in Appendix C).

Public Resources Code Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

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

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

Environmental Setting

The project site is situated on a broad alluvial fan formed by sediment supplied by Alameda Creek and is located less than about 720 feet (220 meters) from a former channel of this creek that no longer exists. The project site is 4 to 5 miles east of the historical margin of San Francisco Bay. As the largest Pacific estuary in the Americas, San Francisco Bay covers about 1,600 square miles (4,160 square kilometers) and is the state's largest drainage outlet that carries 40 percent of the runoff in California. The Bay itself, however, did not yet exist at the time when Native American peoples began to inhabit the region 11,000 years ago or more**.** Since then, the landscape has undergone a series of dramatic changes, including widespread sediment deposition, the formation of the Bay due to post-glacial sea level rise, and significant fluctuations in the distribution and availability of important natural resources.

Regional Cultural Sequence

The current scientific understanding is that humans entered the New World through multiple migrations using both coastal and inland routes during the Terminal Pleistocene period (14,700–11,700 calibrated years before the present ["cal BP"]). The Terminal Pleistocene is generally considered to be represented by wide-ranging, mobile hunters and gatherers who periodically exploited large game. No archaeological deposits dated to the Terminal Pleistocene have been documented in the Bay Area, likely as a result of several factors, most notably the likelihood that initial human populations were small, highly mobile, and traveled rapidly across the continent. Therefore, their archaeological signature on the landscape was generally faint and wide-spaced. For coastal areas, sea level rise, coastal erosion, and localized subsidence have further reduced the likelihood of documenting initial occupation of the region.

In much of Central California, the Early Holocene (11,700–8200 cal BP) occupation was indicative of semi-mobile hunter-gatherers exploiting a wide range of food resources from marine, lacustrine, and terrestrial contexts. Early Holocene ancestral Native American material has rarely been encountered in sites in the Bay Area, resulting in few and poorly established archaeological patterns. Five dated Early Holocene sites have been documented in the general region, each of which were found in buried terrestrial contexts, including one site in the city of Fremont located along Interstate 880 known as the Fremont Site (ALA-684).

Comparatively, Middle Holocene (8200–4200 cal BP) occupations are much more common than those representing earlier time segments. More than 30 Bay Area archaeological sites have produced radiocarbon dates indicating occupation during this time period. Both surface and buried sites are present, including a number of substantial residential settlements. Resource exploitation began to shift focus with the expansion of San Francisco Bay's estuary, mud flats, and freshwater tidal marshes. Shellfish exploitation included bay oyster and mussel, while inland East Bay sites exploited freshwater shellfish. The presence of a diverse range of habitation sites, including the basal layers of some Bay margin shell mounds, suggests higher population levels, more complex adaptive strategies, and longer seasonal occupation than took place during the Early Holocene.

The Late Holocene (4200–170 cal BP) is very well-documented in the Bay Area with more than 200 dated sites, predominantly representing complex hunter-gatherers with greater settlement permanence, and archaeological sites often involving shell mounds and ritualized mortuary practices. The Late Period (700–170 cal BP) is the best-documented Late Holocene time segment. Artifact assemblages at the end of this period included "clamshell disk beads, distinctive Haliotis pendants, flanged steatite pipes, chevron-etched bone whistles and tubes, elaborately finished stone 'flower pot' mortars, and needle-sharp coiled basketry awls." The bow and arrow also make their appearance in the Late Period and extensive trade relations appear to have flourished with neighboring groups.

The Historic Period (170–50 cal BP) brought sea-going European explorers, who first reached the coastline of the San Francisco area in the sixteenth century. But it was not until the late eighteenth century that Europeans began to explore the interior regions. Prior to statehood in 1850, San Francisco Bay was an outpost of the Spanish Empire and a province of Mexico. European colonists (missionaries, soldiers, and settlers) arrived in the Bay Area in 1776, and the first colonial settlement in present-day Alameda County was at Mission San José in 1797, which was the third mission established in the area after Mission San Francisco de Asís (also known as Mission Dolores) in 1776 and Mission Santa Clara de Asís in 1777. Located at the base of Mission Peak, Mission San José was an administrative center for

over 900,000 acres of territory in present-day Alameda and Contra Costa Counties, which were used for grazing herds of sheep and cattle to supply the missions.

Native American populations in the area were brought into the mission system between 1801 and 1806, based on Mission San José baptismal records. Raids by Spanish soldiers played an important role in this process. Subsequently, the study area became an important grazing area for the mission's animal herds. When Mexico took control of the region in 1822, a series of privately owned ranchos were established; the mission lands were officially secularized in 1833. The region came under United States rule in 1848.

Ethnographic Setting

The project area lies in the northeast part of territory dominated by Ohlone-speaking Native Americans. These boundaries between language groups are best-guess approximations based on incomplete ethnohistoric observations, Spanish mission records, and salvage ethnography of the early twentieth century. As such, they are subject to differing interpretations by anthropologists based on their own paradigmatic perspectives and the relative merit placed on particular lines of evidence**.** Certainly these "boundaries" were not static, undoubtedly varied during pre-contact times, and have much less relevance for most of the region's prehistory.

Ohlone (previously referred to as the Costanoans, from the Spanish Costanos for "coastal people") is a linguistic subfamily of the Penutian language stock. According to early linguists, there are eight branches of the Costanoan language, and the eastern bay region (including the study area) falls within the Chochenyo or East Bay Costanoan language of the Ohlone family.

The basic unit of political organization was a territory-holding group of one or more associated villages and smaller temporary encampments. Each tribe was an autonomous polity numbering 200 to 400 people and fell under the authority of a headman and council of elders who served as advisors to the villagers. Permanent villages were established near the coast and along stream and river channels, while temporary camps were located in or near prime resource-collecting areas. Some tribes occupied a central village, while others had several villages within a few miles of each other. At the time of Spanish occupation, the San Francisco Bay Area and the Coast Range valleys were dotted with these villages, estimated to have populations of about 7,000.

The most common type of housing consisted of small hemispherical huts thatched with grasses and rushes. Other types of village structures included sweathouses, dance enclosures or plazas, and assembly houses. A variety of stone tools were used, including knives, arrow and spear points, handstones and millingslabs, mortars, net sinkers, anchors, and pipes. Chert was obtained from local quarries, and obsidian was acquired in trade. Many perishable items were made from tule (e.g., canoes, mats, and baskets), plant fibers (e.g., cordage, nets, and baskets), and animal skins (sea otter, rabbit, and duck skin blankets). Stationary bedrock mortars and portable variants were important components of acorn processing technology. Tule balsas were used for transportation and in fishing and duck hunting. Shell beads were gaming and trading commodities as well as ornamental items. The Ohlone traded mussels, dried abalone, salt, and abalone shells with the neighboring Yokuts groups and provided the Sierra Miwok with Olivella and abalone shell beads to the east.

The indigenous way of life for the Ohlone was disrupted by the influx of explorers and the establishment of missions by the Spanish. The reduced population and displacement of the native people caused by missionization and Anglo-American occupation of their land substantially altered their traditional way of life. As a result, the Ohlone are not well-known ethnographically.

Regulatory Setting

FEDERAL REGULATIONS

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act (NAGPRA) requires federal agencies and institutions that receive federal funds, including museums, universities, state agencies, and local governments, to repatriate or transfer Native American human remains and other cultural items to the appropriate parties upon request of a culturally affiliated lineal descendant, Indian tribe, or Native Hawaiian organization (43 Code of Federal Regulations [CFR] Section 10.10). Federal NAGPRA regulations (43 CFR Part 10) provide the process for determining the rights of culturally affiliated lineal descendants, Native American tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony, which are indigenous to Alaska, Hawaii, and the continental United States but not to territories of the United States, that are (i) in federal possession or control,(ii) in the possession or control of any institution or state or local government receiving federal funds, or (iii) excavated intentionally or discovered inadvertently on federal or tribal lands.

National Historic Preservation Act, Section 106

The NHPA (54 U.S.C. Section 300101 et seq.) created the NRHP and the list of National Historic Landmarks. Section 106 of the NHPA requires federal agencies to consider the impact of their actions on historic and archeological properties and provide the Advisory Council on Historic Preservation with an opportunity to comment on projects before implementation (Section 306108). The NRHP and federal guidelines related to the treatment of traditional cultural properties are relevant for the purposes of determining whether significant tribal cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

State Regulations

CalNAGPRA

The California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA), as amended, requires all state agencies and state-funded museums that have possession or control over collections of California Native American human remains or cultural items to provide a process for the identification, inventory, and repatriation of these items to the appropriate tribes. Lineal descendants of human remains or cultural items may file a claim for the return of the materials by demonstrating the relationship between the lineal descendent and the materials.

California Native American Historic Resources Protection Act

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines of up to $50,000 per violation, for persons who unlawfully and maliciously excavate, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed in or may be listed in the CRHR.

California Health and Safety Code Sections 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during and after evaluation, and reburial procedures.

Public Resources Code Section 5097.98

Section 5097.98 of the PRC stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and recommend to the owner or the person responsible for the excavation work means for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

SB 18 (Government Code Sections 65352.3, 65352.4, and 65562.5)

As approved into State law in 2004, this bill includes guidelines for consulting with California Native American tribes during the preparation of a General Plan for purposes of the preservation of, or the mitigation of impacts to specified Native American places, features, and objects. The bill addresses procedures for identifying the appropriate California Native American tribes, for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects, and for facilitating voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects. The bill also requires that, prior to the adoption or amendment of a city or county General Plan, the city or county conduct consultations with California Native American tribes for the purpose of protecting or developing treatment with appropriate dignity of specified places, features, and objects that are located within the city or county's jurisdiction. The project does not propose adoption or amendment of the Fremont General Plan, and this regulation is therefore not applicable to the project.

Assembly Bill 52

In September of 2014, the California Legislature passed AB 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB52 requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archeological resources. As defined under AB 52, a tribal cultural resource is, "a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe, and is either on or eligible for the CRHP or a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a tribal cultural resource." AB 52 also requires lead agencies to engage in consultation procedures with respect to California Native American tribes (PRC Section 21080.3.1, 21080.3.2, 21082.3). See discussion of tribal contact under Impact Tribal-1, below.

Local

City of Fremont General Plan

The 2011 Fremont General Plan (General Plan) provides a vision for long-range physical and economic development of the City, provides strategies and specific implementing actions, and establishes a basis for judging whether specific development proposals and public projects are consistent with the City's plans and policy standards. The General Plan contains a Community Character chapter, which includes goals, policies, and implementation plans to conserve and enhance Fremont's historic sites, buildings, structures, objects, and landscapes. The general plan includes the following policies that are applicable to tribal cultural resources:

- Policy 4-6.10: Protection of Native American Remains: Coordinate with representatives of local Native American organizations to ensure the protection of Native American resources and to follow appropriate mitigation, preservation, and recovery measures in the event such resources could be impacted by development.

Impacts and Mitigation Measures

Significance Criteria

Based on Appendix G of the CEQA Guidelines, the proposed project would have a significant impact if it would do any of the following:

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

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

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

Tribal Cultural Resources

Impact Tribal-1: **Unanticipated Disturbance of Tribal Cultural Resources.** During construction activities with the potential to disturb historical soil surfaces below the artificial fill, it is possible that currently unidentified tribal cultural resources could be discovered and disturbed. The project's impact on tribal cultural resources would be ***less than significant***.

Record Searches and Site-Specific Assessment

A search of the Sacred Lands File (SLF) was performed by NAHC at the request of the City (dated February 28, 2024 and included in Appendix C), indicated a positive database result in the larger quadrangle in which the project is located associated with the following tribe(s): Northern Valley Yokut / Ohlone Tribe and The Ohlone Indian Tribe. A positive SLF result means that a Native American group has notified the NAHC that sensitive Native American resources are located in the same quadrangle as the project. A quadrangle is an area mapped by the United States Geological Survey, which covers between 49 and 70 square miles. A positive SLF result is not specific to the project site and the NAHC recommends follow up with the tribes for any information that may be related to the subject site. The NAHC provided a list of contacts for the Native American tribes historically associated with the area and follow-up is discussed under the Tribal Contact and Coordination subheader below.

The NWIC records search (dated March 5, 2024 and included in Appendix C) concluded that there are no known archaeological resources in the project area, however, due to the project site location near Alameda Creek and characteristics of the area such as the age of the soil, the potential for discovery of unrecorded Native American archaeological resources is considered moderate.

Further research detailed in the Cultural Resources Inventory and Sensitivity Assessment (Appendix C) assessed the potential for cultural and tribal cultural resources at the project site, as summarized below. The records search indicated that 3 archaeological sites have been discovered within Fremont, as close as 2 to 3 miles from the project site.

Prehistoric sites are not distributed randomly throughout the landscape but tend to occur in specific geoenvironmental settings. In many regions, prehistoric settlements are most often associated with relatively level landforms that occur near perennial streams, especially near confluences, and near waterbodies such as lakes, springs, or wetlands where plant and animal populations are generally more diverse and concentrated, such as Tyson's Lagoon and Lake Elizabeth along the Hayward Fault to the southeast. The "distance-to-water factor" is an important factor for modeling archaeological sensitivity in any area. At the same time, the apparent connection between water and site locations can sometimes be masked or skewed because the position of active channels and other water sources may have changed over time.

Evidence of a former or now abandoned "paleo-channel" was identified just northwest of the project site in historic aerial photographs. The remnant of this channel originates at the edge of the historical Alameda Creek channel meander belt and follows a southwest course before turning westward into an orchard. The presence of this former channel is important because it suggests that Alameda Creek was once located less than 220 meters away from the western part of the project site. Archaeological sensitivity either increases or decreases depending on the proximity to a water source. Areas of highest archaeological sensitivity are those located 220 meters (722 feet) or less from a perennial stream, lake, or wetland, and those located 160 meters (525 feet) or less from a seasonal stream or wetland.

Another factor in modeling the potential for archaeological sites to be located in a particular area is surface slope. Because people prefer to inhabit relatively level landforms for practical and energetic reasons, the amount of surface slope is important for determining where sites may be located. Land surfaces with low-angle slopes between 0 and 11 percent are considered more sensitive than steeper slopes. The slope of the project site is less than 3%.

The third factor for modeling archaeological sensitivity of an area is the age of surface soils. Simply stated, the potential for archaeological sites to be buried is greater where younger geological deposits occur at the surface, and lower in areas with older surface deposits. For example, landforms that are too old (e.g., Pleistocene) or non-depositional (e.g., bedrock) have little if any potential for buried sites. The land surface in and around the project site consists of Younger Holocene alluvial fan deposits (Qhf1) that are estimated to be less than 1,000 years old, which are some of the youngest fan deposits in the area.

In summary, the potential for unidentified archaeological sites is high in and near the project site because: 1) the entire project site is situated between 220 and 440 meters from a former channel and the historic meander belt of Alameda Creek; 2) the slope of the original historical ground surface is less than 3 percent, and 3) the entire site is underlain by Younger Holocene Alluvial fan deposits (Qhf1) with Yolo surface soils that are estimated to be less than 1,000 years old according to current geological mapping and local radiocarbon and stratigraphic evidence.

Tribal Contact and Consultation

Consistent with AB 52 requirements and in full satisfaction of SDR FMC 18.218.050(d)(1) requiring tribal notification, the City of Fremont contacted the 17 representatives for tribes historically associated with the area as provided by the NAHC. An example contact letter and notes with more details about the contact and consultation are included in Appendix C and summarized below. Consultation was requested by the Ohlone Indian Tribe, the Indian Canyon Mutsun Band of Costanoan, and the Confederated Villages of Lisjan Nation. Documentation and information was shared via email or on video calls if/when requested, wording of SDRs and the relevant implementing Condition of Approval were coordinated as requested, and consultation proceeded with each contact until no further follow up was requested.

The Lisjan Nation requested that a Tribal representative conduct the worker awareness training along with an archaeologist. This is reflected in SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training, SDR FMC 18.218.050(d)(3): Archaeological Monitoring, and the Condition of Approval to implement SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4): Archaeological and Tribal Cultural Monitoring below.

Potential Unanticipated Discovery of Tribal Cultural Resources

As discussed above, there are no known tribal cultural resources at the project site, but there are known resources in the greater area and site-specific assessment determined there to be a high potential for undiscovered resources to be located at the site.

While it is anticipated that earth moving (to condition soil or trench for utilities) would be all or mostly within the 3.5 to 8 feet of artificial fill that overlies the historic ground surface, some project elements, such as utility or sewer trenches, may require deeper excavations that extend into the historical surface below the fill zone, which has a high potential for unidentified archaeological resources, including tribal cultural resources. The following SDR would be applicable to the project:

> SDR FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology,

shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

Additionally, with formal request for the inclusion of a tribal representative for the worker awareness training program prior to construction activities that have the potential to disturb tribal cultural resources, the following SDR would be applicable to the project:

SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

The following Condition of Approval shall be applied to the project in satisfaction of SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4):

Condition of Approval to implement SDR FMC 18.218.050(d)(3) and monitoring requirements of SDR FMC 18.218.050(d)(4): Archaeological and Tribal Cultural Monitoring. If project-related earth disturbances will extend below the existing layer of artificial fill, then an archaeological monitor and tribal cultural representative shall be on-site for any work. Specifically, earth disturbances that would require monitoring include those that exceed 3.5 feet below existing ground surface north of the existing church structure, all disturbance beneath the existing church footprint (once the slab is removed), and more than 1 foot in depth near Peralta Boulevard south of the church. An archaeological monitor and tribal cultural representative is not recommended for work that will not cause significant ground disturbance (vegetation clearing, asphalt removal, slab foundation demolition, paving, etc).

Should any tribal cultural resources be discovered during site development work, SDR FMC 18.218.050(d)(2) would require appropriate handling, reducing the project's potential to have a significant impact on those resources.

SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

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

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

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

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

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

The project would implement SDR FMC 18.218.050(d)(2), SDR FMC 18.218.050(d)(3), and SDR FMC 18.218.050(d)(4), which require archaeological monitoring, tribal cultural monitoring and training, and compliance with identified procedures in the event of accidental discovery of archaeological resources, along with the identified Condition of Approval, which further specifies project-specific implementation of monitoring requirements given site conditions. The impact of the project on tribal cultural resources would be ***less than significant***.

Cumulative Impacts

The geographic context for cumulative impacts associated with tribal cultural resources considers existing development and growth projected in the City and the region. Development of past, current, and future projects within the City and region have the potential to result in development-related impacts on tribal cultural resources. Tribal cultural resource impacts could be considered cumulatively significant if this project and other recent, concurrent and planned development in this area were all to affect a common resource or type of resource. However, new development would be subject to existing federal, State, and local regulations as well as general plan goals, policies, and programs, which would, to the maximum extent practicable, reduce cumulative development-related impacts on tribal cultural resources.

The potential for this project to result in project-specific significant impacts related to tribal cultural resources was analyzed in this chapter and the referenced technical documentation. There are no known tribal cultural resources at the project site, and all project-specific impacts related to accidental discovery of unknown tribal cultural resources would be less than significant after implementation of required standards. Therefore, the project would not combine with past, present, and reasonably foreseeable future projects to create a significant cumulative cultural resources impact.

7

Other CEQA Topics

Introduction

This chapter of the Draft EIR contains discussion of the following additional CEQA considerations:

- Mandatory Findings of Significance
- Significant Irreversible Modifications in the Environment
- Growth Inducing Impacts

The environmental effects of the proposed project, proposed mitigation measures, and alternatives are summarized in Chapter 2: Executive Summary.

Mandatory Findings of Significance

Appendix G of the CEQA Guidelines (Environmental Checklist) contains a list of mandatory findings of significance that may be considered significant impacts if any of the following occur:

1. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or prehistory?
2. Does the project have impacts that are individually limited, but cumulatively considerable?
3. Does the project have environmental effects which will cause substantial adverse effects on human beings either directly or indirectly?

Quality of the Environment

The project site is a developed site in an urbanized area and the Initial Study concluded that the project would not have a significant impact on biological resources with implementation of required SDRs.

A comment letter on the Initial Study (see Appendix A) received from the California Department of Fish and Wildlife (CDFW) indicated that the site could support special status bats and nesting birds and recommended measures to reduce the potential for impacts to these species. The City has adopted standard development requirements to reduce impacts to these species and the following SDRs would be applicable to the project.

> SDR FMC 18.218.050(b)(2): Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:

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

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

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

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area. The project would have a less than significant adverse effect, either directly or through habitat modifications, on special status species. No mitigation is necessary.

SDR FMC 18.218.050(b)(3) Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on site shall conduct the following measures prior to demolition:

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

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

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

The project would implement SDRs FMC 18.218.050(d)(2) and FMC 18.218.050(d)(3), which require surveys for and appropriate buffering and agency coordination as necessary for nesting birds and special status bats, which addresses the species of concern indicated in the CDFW's letter. The impact of the project on biological resources would be less than significant. Therefore, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

As detailed in the Cultural Resources and Tribal Cultural Resources chapters of this Draft EIR, the project site does not contain significant historic resources or known archaeological or tribal cultural resources but the project site was determined through site-specific analysis to have a high potential to contain

undiscovered underground resources. The project would implement SDR FMC 18.218.050(d)(2), SDR FMC 18.218.050(d)(3), and SDR FMC 18.218.050(d)(4), which require training, monitoring, and compliance with procedures in the event of accidental discovery and the impact related to these topics would be less than significant. Therefore, the project does not have the potential to eliminate important examples of the major periods of California history or prehistory.

As discussed above, the potential adverse effects of the project on environmental quality would be ***less than significant***.

Cumulative Impacts

The immediate vicinity of the project site is largely already developed. The cumulative context for analysis in this EIR includes the existing development as well as any concurrent projects in the project vicinity. While there is a vacant lot across Peralta Boulevard from the project site, there are no current plans to develop that site.

As detailed in this EIR and the attached Initial Study, impacts of the project would be less than significant for all topic areas except transportation, specifically VMT, and the same would therefore be true for cumulative impacts given the cumulative scenario for this site.

The project would result in a significant impact with respect to the project's average VMT per capita, which would be above the adopted threshold even with identified mitigation measures requiring implementation of reduction strategies as feasible. However, per the City of Fremont Transportation Impact Analysis Handbook, if a project is consistent with the General Plan, it will be considered part of the cumulative solution to meet the General Plan's long-range transportation goals, resulting in a less-than-significant cumulative impact.[1] As the project is consistent with policies in the Circulation Element of the General Plan, the project would have a ***less than significant*** impact on cumulative VMT.

Adverse Effects on Human Beings

Potential impacts of the project on human beings include exposure to emissions, site soils and seismic activity, and routine hazardous materials use.

A comment letter on the Initial Study (see Appendix A) received from the Department of Toxic Substances Control (DTSC) commented that the project site's historical use for agricultural purposes could indicate the presence of contaminants in the soil. The Phase I Environmental Site Assessment completed by Ninyo & Moore for the applicant (incorporated by reference in the Initial Study), considered this topic and determined based on historic evidence of the specific use of the site that such contamination was unlikely and no further testing was necessary. If contaminated soil is encountered during construction, required regulations would be followed. The DTSC also commented on the possibility of hazardous materials being present in the existing building. Surveys and abatement of any concerning materials would be conducted under the following SDR:

> SDR FMC 18.218.050(c): Construction Management Plan. Prior to the issuance of the first construction-related permit for a new development project, the project applicant and his/her

[1] City of Fremont, June 2020, City of Fremont Transportation Impact Analysis Handbook, page 18. Available at: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000

general contractor shall submit a construction management plan (CMP) for review and approval by the planning and building divisions and other relevant city departments, such as the fire department and the public works department, as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, erosion and sedimentation control, storm water pollution prevention, noise control, complaint management, and cultural and tribal cultural resource management as applicable. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

The following Condition of Approval shall be applied to the project in partial satisfaction of SDR FMC 18.218.050(c) to specifically reference assessment for and abatement of any hazardous building materials:

Condition of Approval to implement SDR FMC 18.218.050(c): Hazardous Building Materials. The Construction Management Plan shall specify the assessment for and abatement of any hazardous building materials, as follows. Prior to demolition, the applicant shall demonstrate that building (and surrounding soil if warranted by the nature of any hazardous building materials discovered) has been assessed for lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk, and that any suspected such materials have been abated by a licensed abatement contractor and disposed of according to all state and local regulations.

Impacts in the topics of air quality emissions, geology and soils, and hazardous materials are less than significant with compliance with SDRs and regulatory requirements as detailed in this Draft EIR and the attached Initial Study. The project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, and the impact of the project would be ***less than significant*** in this regard.

Significant Irreversible Modifications in the Environment

An EIR must identify any significant irreversible environmental changes that could be caused by a project. These may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses. Irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified. The CEQA Guidelines describe three distinct categories of significant irreversible changes:

1. Changes in land use which would commit future generations to specific uses;
2. Irreversible damage; and
3. Commitment of resources.

Changes in Land Use which would Commit Future Generations

The project proposes residential development on a site zoned as residential. The type of use is consistent with plans and policies for development of the site and would not constitute a change in land use which would commit future generations.

Irreversible Damage

The project site is currently developed and is not in a "natural" state, and development of this site in an urbanized area would not represent damage to an otherwise natural resource. While air quality and greenhouse gas emissions would contribute to regional pollutant levels and global climate change, through compliance with applicable regulatory requirements and local greenhouse gas reduction measures identified in this Draft EIR and attached Initial Study, the project would comply with emissions reduction targets and would not result in significant contribution to emissions-related environmental damage.

Commitment of Resources

Consumption of nonrenewable resources can include increased energy consumption, conversion of agricultural lands, and lost access to mining reserves. The project would not result in the loss of agricultural lands or mining reserves, as these are not located at or near the site. Development of the project site as proposed could result in the commitment of nonrenewable resources (e.g., gravel and petroleum products) and slowly renewable resources (e.g., wood products) used in construction. The operation of the proposed use would also require commitment of water and energy resources (e.g., petroleum products for vehicle operations, electricity for lighting, heating, and cooling).

As a project that is consistent with the General Plan and zoning designation for the site, it can be concluded that the project is consistent with City plans for area development and, therefore, that energy consumption for construction and operations would not be considered unnecessary. The project incorporates energy and energy-related efficiency measures meeting all applicable requirements, including water and waste efficiency. The project would be required to comply with all standards of Title 24 of the California Code of Regulations and the California Green Building Standards Code (CALGREEN), as applicable, aimed at the incorporation of energy-conserving design and construction. The project is also consistent with regional and local climate actions plans, as currently applicable, which include measures related to energy consumption.

Growth-Inducing Effects

CEQA Guidelines Section 15126.2(d) requires that an EIR discuss the ways in which the proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Recognizing the inherent difficulties involved in forecasting the extent and type of development that might be fostered by a particular project, CEQA calls for a general assessment of possible growth-inducing impacts rather than a detailed analysis of a project's specific impacts on growth. Growth inducement may be considered detrimental, beneficial, or insignificant under CEQA. Typically, induced growth is considered a significant adverse impact if it:

- Provides infrastructure or capacity to accommodate growth beyond the levels currently permitted in applicable local and regional plans and policies.

- Encourages growth or a concentration of population in excess of what is planned for in the applicable general plan or other land use plan, or in projections made by regional planning agencies such as the Association of Bay Area Governments (ABAG).
- Adversely affects the ability of agencies to provide needed public services or infrastructure.

Pursuant to CEQA Guidelines § 15126.2(e), to address this issue, potential growth-inducing effects are examined through analysis of the following questions:

1. Would this project remove obstacles to population growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?
2. Would this project result in the need to expand one or more public services to maintain desired levels of service?
3. Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?
4. Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?

Potential Growth Related to the Project

The project would result in the development of 27 single family residential units. This housing would generate approximately 79 new residents, based on the 2023 average household size of 2.92 persons.[2] The project is consistent with the zoning and General Plan designation for the site and the estimated 79 new residents would be within the population growth projected in the General Plan and located on a residentially-zoned site, and would therefore not represent substantial unplanned population growth.

Would this project remove obstacles to population growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area or through changes in existing regulations pertaining to land development)?

The project site is an infill site in a developed residential neighborhood. The project has coordinated with ACWD to upgrade the water main along the project's Temple Way frontage, but this upgrade is within an already-developed neighborhood (and not an area for unplanned growth) and is intended to accommodate the project's increased demand. The project would not otherwise extend or upgrade the capacity of infrastructure. The project site is zoned for residential development and would not result in changes to existing regulations pertaining to land development.

Would this project result in the need to expand one or more public services to maintain desired levels of service?

As discussed under the Public Services and Recreation sections of the attached Initial Study, the project would not result in the need for expansion of public services.

[2] California Department of Finance, Demographic Research Unit, E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2023, with 2020 Benchmark. Available at: https://dof.ca.gov/forecasting/demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/

Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

The proposed project is a relatively small residential project, and while it could be argued that there would be some support of construction-related jobs and some patronage of local commercial businesses by residents of the project, any resultant economic effects would be relatively minor, within those anticipated by growth under the General Plan, and would not result in a significant impact on the environment.

Would approval of this project involve some precedent setting action that could encourage and facilitate other activities that could significantly affect the environment?

The project is consistent with the zoning and General Plan designation for the site with application of the State Housing Density Bonus Law. The project would comply with all mandatory regulations. Approval of the project would not encourage or facilitate any activities that could significantly affect the environment.

8

Alternatives

Introduction

The California Environmental Quality Act Guidelines (CEQA Guidelines, 1970, as amended, Section 15126.6) require an EIR to include a discussion of a reasonable range of alternatives to the proposed project. The CEQA Guidelines also require that the EIR explain why specific project alternatives considered at one time were rejected in favor of the proposed project. The selection of alternatives is to be guided by the provision of reasonable choices and the promotion of informed decision making and informed public participation. An EIR need not evaluate alternatives that would have effects that cannot be determined, or for which implementation would be remote and speculative.

The Guidelines also require that the EIR specifically evaluate a "no project" alternative within this discussion and that an "environmentally superior" alternative be identified (Section 15126.6 [e]).

1. The alternatives addressed in this EIR were selected based on the following factors:
2. The extent to which the alternative would accomplish most of the basic project objectives.
3. The extent to which the alternative would avoid or lessen any of the identified significant environmental effects of the project (discussed in Chapters 4 through 15).
4. The potential feasibility of the alternative (as discussed in this Chapter).
5. The extent to which the alternative contributes to a "reasonable range" of alternatives necessary to permit a reasoned choice.

The proposed project is fully described in Chapter 3 of this EIR (Project Description). The environmental consequences are addressed in Chapters 4 through 7 of this EIR, as well as the attached Initial Study (Appendix A).

Project Objectives

CEQA requires the analysis of alternatives that would feasibly attain "most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Therefore, the stated objectives can be used as a metric against which an alternative can be measured when determining overall feasibility. Additionally, CEQA requires the evaluation of a proposed project to address only impacts to the physical environment; economic and social effects can be analyzed only as one link in a chain of cause and effect from a proposed decision (e.g., physical changes caused, in turn, by economic and social changes). However, economic viability can be considered when determining the feasibility of a project alternative.

The following are the objectives that would be fulfilled by the proposed project. Alternatives are evaluated in part based on their ability to meet these objectives.

1. To allow compatible uses and density adjacent to existing residential development.
2. To provide an economically feasible project that is able to be built in the current macroeconomic climate.
3. To develop new residential units to help meet the City's Regional Housing Needs Allocation (RHNA) requirement.
4. To redevelop a vacant religious facility with a housing development containing on-site affordable units.
5. To create a continuous and complete streets environment for pedestrians in conformance with the goals and policies of the Mobility Element of the General Plan.
6. To accommodate an in-fill residential development in conformance with City and State policies.
7. To develop high quality and well-designed housing at a density consistent with the General Plan and State Law.

Summary of Project Impacts

Significant and Unavoidable Impacts

Based on the analysis presented in this EIR, the project would result in the following environmental impact that would be considered significant and unavoidable:

Vehicles Miles Traveled Impact (Trans-2): The average VMT per capita exceeds the City's adopted threshold of 15 percent below the existing average VMT per capita for the City of Fremont and even with implementation of feasible reduction strategies, cannot feasibly be reduced below threshold levels. Even with a subsidized transit program for residents to increase use of alternate modes of travel (mitigation measure Trans-2a) and contributing to local pedestrian facilities to encourage walking (mitigation measure Trans-2b), this impact would remain significant and unavoidable.

Note that this impact is not unique to this project. Most single-family housing developments of more than 15 units in Fremont outside of central downtown would result in a significant impact on VMT due to high per capita averages and distance from mass transit.

Less than Significant Impacts

All other topic areas would have no impact or less than significant impacts only, with no mitigation warranted.

A comparison of the alternatives with respect to all the topic areas listed above is included in **Table 8.1** at the end of this chapter.

Alternatives Analysis

The alternatives analysis is presented as a comparative analysis to the proposed project. A project may have the potential to generate significant impacts, but changes to certain features may also afford the

opportunity to avoid or reduce such impacts. The following alternatives analysis compares the potential significant environmental impacts of the alternatives with those of the proposed project. This analysis focuses on potentially significant impacts with other topics grouped together.

Selection of Alternatives

The two alternatives analyzed in this EIR are listed below. These alternatives are intended to meet the CEQA requirements for the EIR to describe the no project alternative as well as a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen significant effects.

- No Project
- Increased Density

Each of the alternatives is more fully described below, and their potential environmental effects are compared to those of the project. As permitted by CEQA (CEQA Guidelines Section 15126.6[d]), the effects of the alternatives are discussed in less detail than the impact discussions of the project. However, the alternatives analysis is conducted at a sufficient level of detail to provide the public, other public agencies, and City decision-makers adequate information to evaluate the alternatives as compared to the project. For each of the alternatives, the significance of each impact is compared to applicable thresholds. These significance conclusions assume implementation of those same regulatory requirements, SDRs, and mitigation measures as applied to the project (if necessary).

Alternatives Rejected From Further Consideration

Section 15126.6(c) of the CEQA Guidelines requires an EIR to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination.

Off-Site Alternative

An off-site alternative would be an alternative that places the proposed development at a different site instead of at the proposed site.

The current proposal is specific to the project site and consistent with zoning for the site. While other sites suitable for residential development may be available in Fremont, the project would have the same significant and unavoidable impact on VMT in most areas of Fremont. In order to avoid a significant VMT impact, the project would need to be located in a Transit Priority Area, near central downtown Fremont. Locating a similar, available parcel zoned for single-family residential that the applicant would be able to acquire is "remote and speculative" and therefore need not be considered [CEQA Guidelines Section 15126.6(f)(3)]. Additionally, while the applicant may control other sites suitable for residential development, the development of one site does not preclude them from proposing development on any other sites. Because residential development is not unique such that consideration of residential development on a different site would mean it was no longer considered at this site, an off-site alternative was determined to be both speculative and not to provide a useful discussion for this analysis.

Reduced Density Alternative

According to City thresholds, the project would be considered to have a less than significant impact in regard to VMT if there were 15 single-family housing units or less.[1] However, State law does not allow the requirement for reduction of the density of housing projects, so this alternative was determined not to provide a useful discussion for this analysis.

It should also be noted that while the 15-unit threshold above identifies projects considered too small to have a significant VMT impact, as discussed in more detail in the Chapter 5: Transportation of this EIR and Alternative B below, increased - rather than decreased - density is associated with lower average VMT rates.

Alternative A: No Project

Alternative Description

Alternative A is a "no project" alternative. CEQA requires evaluation of a "No Project" alternative, which means "the existing conditions, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (CEQA Guidelines, Section 15126.6[e][2]). The CEQA Guidelines allow the no project alternative to assess development under the continuation of the existing plan, policy, or operation into the future.

While the development at the site is currently vacant, there is no reason to believe the site would not be reused or repurposed if redevelopment such as the project proposes did not proceed. This alternative assumes the proposed project is not approved and the existing church building and parking lot would remain and be reused, with no substantial exterior building construction. It is possible that this could mean the site would resume its function as a church, but that is considered unlikely given the vacant condition. The project site is also zoned to allow for use as various local-serving facilities that could theoretically reuse the existing development, including a daycare or meeting hall.

A daycare use would be both allowed under existing zoning, subject to a discretionary Conditional Use Permit, and could be a potentially feasible reuse of a vacant church building. Daycare operations affect a residential neighborhood differently than residential neighbors, so add a useful comparison as an alternative. Therefore, Alternative A considers reuse of the existing development for a daycare. Assuming that reuse of an existing building would not be able to use square footage as efficiently as new construction, this alternative assumed a daycare that could serve up to about 100 children. Minimal site construction would likely be required for internal building renovations and to repurpose part of the parking lot for outdoor play space and off-street drop-off/pick-up. A noise wall between the play area and adjacent residences would likely be necessary.

[1] City of Fremont, June 2020, City of Fremont Transportation Impact Analysis Handbook, Figure 3. Available at: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000

Impact Summary

As a re-use of an existing building with limited construction, the "No Project" Alternative would have no impacts or less than significant impacts in all topic areas. As a local-service use, a daycare would not have a significant VMT impact like the residential project.

Due to the age of the existing building, it would be less energy and water efficient than the project, which would be constructed under current building codes. The existing building uses natural gas, as opposed to the project, which is all-electric.

That being said, while they would not represent significant impacts under CEQA as discussed below, a daycare would generate both more trips and more noise than the proposed residential project.

Aesthetics

The project site is not aesthetically sensitive and the "No Project" Alternative represents no substantial change to the site and therefore no potential for aesthetics impacts.

Agricultural, Forestry, Mineral Resources, and Wildfire

There are no agricultural, forestry, or mineral resources or regulations at the project site and therefore no potential for impact. The project site is not in or near a state responsibility area or any very high fire hazard severity zone for wildfire and therefore no potential for significant impact. The proposed project and all alternatives would have no impact with respect to these topics.

Air Quality

The "No Project" Alternative represents no substantial construction activities and therefore no potential for significant construction emission impacts.

Biological Resources

The project site is already developed and located in an urban environment, with minimal potential of development at the site to impact biological resources. As under the project, the "No Project" Alternative would comply with the City's SDRs related to nesting birds and roosting bats during any applicable construction activities and the impact with respect to biological resources would be less than significant.

Cultural and Tribal Cultural Resources

There are no known cultural or tribal cultural resources at the project site but a potential to discover such resources if soil below the fill layer is disturbed. The "No Project" Alternative would not require construction activities with the potential to disturb soil below the fill layer would have no potential for cultural and tribal cultural resources impacts.

Geology and Soils and Hydrology and Water Quality

The "No Project" Alternative represents no substantial construction activities or substantial changes to the site and therefore would have no potential for geology and soils or hydrology and water quality impacts.

Greenhouse Gas Emissions

As with the project, the "No Project" Alternative would be required to support relevant actions of the City's qualified greenhouse gas reduction plan, Climate Ready Fremont, and in doing so, would have a less than significant impact with respect to greenhouse gas emissions.

Hazards and Hazardous Materials

The project is not located on a hazardous material site and any routine use of construction-related or operational hazardous materials (such as gasoline and cleaning products) would be handled per applicable regulations and manufacturers labeling. As with the project, the "No Project" Alternative would be required to implement the City's standard SDR FMC 18.218.050(c) and the implementing condition requiring abatement of hazardous building materials as applicable as part of construction activities to prepare the building for the new use.

Land Use and Planning

This alternative would not construct residential units to assist the City in meeting its RHNA numbers, including affordable housing. However, since that is the existing condition and the "No Project" Alternative would not cause a change, it would not be considered an impact under CEQA. Repurposing the existing building for an allowable use under the zoning ordinance, such as a daycare, would not represent a CEQA impact with respect to Land Use and Planning.

Noise

While daycare uses are allowed in the residential zone, with more children at the site playing together than would be expected in a residential lot, the noise levels can be substantially higher. It is assumed the "No Project" alternative would build a sound wall or walls around any outdoor play areas to bring noise levels within acceptable thresholds at nearby residential receivers. Additionally, the added traffic of a daycare (see Transportation below) would increase traffic noise in the area, but because the traffic noise environment is due to the high-volume adjacent Peralta Boulevard, increased traffic noise would not be generally perceptible or represent a significant impact.

Population and Housing, Public Services, and Recreation

The "No Project" Alternative represents provision of a local service to existing residential development and would not represent an increase in population or significant impact with respect to housing, public services, and recreation impacts.

Transportation

Operation as a daycare under the "No Project" Alternative would result in more trips than a residential development, estimated at about 630 daily trips, and 145 AM and PM peak hour trips (compared to the

255 daily trips and 19 to 25 peak hour trips for the project). However, as a local serving use, it would be expected to result in a less than significant VMT impact per the City of Fremont TIA Handbook, compared to the project's significant and unavoidable impact.[2] As a re-use project with no significant VMT impact, the "No Project" Alternative would not require the mitigation identified for the project (subsidized transit passes and completion of local sidewalks).

Utilities and Service Systems, and Energy

Re-use of the existing building as a daycare under the "No Project" Alternative would use energy for electricity, heating, cooling, and for vehicles for both employees and patrons. It would use water and create wastewater. While the existing building would not be as efficient from an energy and utility perspective as new construction built to current standards, this is the existing condition, and would not represent an impact under CEQA.

Ability to Accomplish Project Objectives and Feasibility

The "No Project" Alternative would have the following ability to meet project objectives:

1. The "No Project" Alternative would meet the objective to allow compatible uses and density adjacent to existing residential development. A daycare reuse of the existing building would be an allowable use at the project site per the zoning ordinance.

2. The "No Project" Alternative would meet to a lesser degree the objective of providing an economically feasible project that is able to be built in the current macroeconomic climate. No daycare operator has proposed such a use and the cost to rehabilitate the building and restructure the site for such a use have not been determined.

3. The "No Project" Alternative would not meet the objective to develop new residential units to help meet the City's Regional Housing Needs Allocation (RHNA) requirement. This alternative would not result in the construction of any residential units at the site.

4. The "No Project" Alternative would not meet the objective to redevelop a vacant religious facility with a housing development containing on-site affordable units. This alternative would not result in a housing development or affordable housing.

5. The "No Project" Alternative would not meet the objective to create a continuous and complete streets environment for pedestrians in conformance with the goals and policies of the Mobility Element of the General Plan. This alternative would not result in improved and completed sidewalks in the project vicinity.

6. The "No Project" Alternative would not meet the objective to accommodate an in-fill residential development in conformance with City and State policies. This alternative would not result in any residential development.

[2] City of Fremont, June 2020, City of Fremont Transportation Impact Analysis Handbook, Figure 3. Available at: https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000

7. The "No Project" Alternative would not meet the objective to develop high quality and well-designed housing at a density consistent with the General Plan and State Law. This alternative would not result in any housing.

The "No Project" Alternative would meet only one of the seven project objectives to the same degree and one to a lesser degree than the project.

This alternative represents the possibility that no project is approved on this site at this time, and the existing building is repurposed for a non-residential use compatible with the site's zoning ordinance. Reuse as a daycare was assumed for purposes of comparing the environmental impacts though such reuse has not been proposed by any daycare operator or other entity. Reuse of the existing building would not preclude application for residential development of the site at a later point, as that would remain consistent with site zoning.

Alternative B: Increased Density

Alternative Description

According to the ACTC's VMT calculator tool (see Chapter 5: Transportation of this EIR), increased - rather than decreased - density is associated with lower average VMT rates. Affordable housing is also known to have lower average VMT rates than market-rate units and can be used to reduce a development's average VMT. Therefore, the average VMT could meet threshold levels through increases to density and affordable housing percentage, thereby avoiding that impact. The "Increased Density" Alternative was chosen at a density and affordable housing percentage that would reduce the VMT impact to a less than significant level. Using the ACTC's VMT calculator tool, the City determined that with about 30% of the units being offered as affordable, the unit density would need to be 14.5 dwelling units per acre minimum to bring the VMT below the significance threshold, which would equate to 34 units on this project site, 10 of which would be affordable. This alternative assumes the 34 single-family units would be built on the same project site, using smaller lots and smaller houses to accommodate 7 additional units compared to the proposed project.

Impact Summary

Under the "Increased Density" Alternative, less than significant construction and operational impacts would be marginally increased compared to the project, due to the increased number of residential units. The exception would be that increased density and affordable housing units would reduce VMT to meet the City's threshold levels and this alternative would avoid the significant and unavoidable project VMT impact.

Aesthetics

The project site is not aesthetically sensitive (not visible from scenic highways or corridors and not near scenic vistas) and while a change from existing conditions and denser than surrounding residential development, a residential project in an area zoned for residential uses would not represent a degradation of the visual character and quality of the site and surroundings. Therefore, as under the project, the "Increased Density" Alternative would not have significant impacts with respect to aesthetics.

Agricultural, Forestry, Mineral Resources, and Wildfire

There are no agricultural, forestry, or mineral resources or regulations at the project site and therefore no potential for impact. The project site is not in or near a state responsibility area or any very high fire hazard severity zone for wildfire and therefore would have no potential for significant impact. The proposed project and all alternatives would have no impact with respect to these topics.

Air Quality

The "Increased Density" Alternative would involve some increase in construction emissions and emissions from operations including vehicles, but would remain below BAAQMD's screening threshold for air quality emissions during construction and operations (254 units and 421 units respectively). This alternative would have a marginal increase in air quality impacts, though would still be less than significant without mitigation.

Biological Resources

The project site is already developed and located in an urban environment, with minimal potential of development at the site to impact biological resources. As under the project, the "Increased Density" Alternative would comply with the City's SDRs related to nesting birds and roosting bats and the impact with respect to biological resources would be less than significant.

Cultural and Tribal Cultural Resources

Because site construction and ground disturbance would be generally the same under the "Increased Density" Alternative as under the proposed project, there would be no substantial change in cultural and tribal cultural resources impacts compared to the project. As under the project, the "Increased Density" Alternative would comply with the City's SDRs related to accidental discovery and monitoring and identified implementing Conditions of Approval, and the impact would be less than significant.

Geology and Soils and Hydrology and Water Quality

The "Increased Density" Alternative would be constructed on the same project site, and would be required to comply with the same building codes and stormwater requirements as the proposed project. There would be no substantial change in geology and soils or hydrology and water quality impacts compared to the project, which would be less than significant.

Greenhouse Gas Emissions

As with the project, the "Increased Density" Alternative would be required to support relevant actions of the City's qualified greenhouse gas reduction plan, Climate Ready Fremont, and in doing so, would have a less than significant impact with respect to greenhouse gas emissions.

Hazards and Hazardous Materials

The project is not located on a hazardous material site and any routine use of construction-related or operational hazardous materials (such as gasoline and cleaning products) would be handled per applicable regulations and manufacturers labeling. As with the project, the "Increased Density"

Alternative would be required to implement the City's standard SDR FMC 18.218.050(c) and the implementing condition requiring abatement of hazardous building materials during demolition.

Land Use and Planning

The "Increased Density" Alternative could be allowed under existing zoning with inclusion of affordable housing units and application of the State Affordable Housing Density Bonus, which would assist the City in meeting its RHNA numbers, including affordable housing. Similar to the proposed project, the "Increased Density" Alternative would not represent a conflict with applicable land use regulations and planning documents or a significant environmental impact in that topic.

Noise

The "Increased Density" Alternative would result in construction and operation of more residential units than under the project, resulting in marginally increased noise production at the site. However, the use (residential) would remain consistent with the surrounding neighborhood and the noise impacts would be less than significant, as under the projected project.

Population and Housing, Public Services, and Recreation

The "Increased Density" Alternative would result in more new residents than the project (about 99 compared to 79), with related demand for public services and recreation, but this would still be within the population growth projected in the General Plan and anticipated to meet RHNA numbers. The project site is in existing service areas and would pay appropriate development fees toward existing public services and recreation, and as under the project, the impact under these topics would be less than significant.

Transportation

According to ACTC's VMT calculator tool (see Chapter 5: Transportation of this EIR), factoring in the density and affordable housing percentage, the average VMT of the "Increased Density" Alternative would be 20.2 per capita, which meets the City's threshold level, and the impact would be less than significant with no requirement for additional mitigation measures. This would represent a substantial reduction compared to the significant and unavoidable VMT impact of the project.

Utilities and Service Systems, and Energy

With more residential units than the project (approximately 26% more), the "Increased Density" Alternative would marginally increase the use of utilities, service systems, and energy compared to the project. The project site is in existing service areas and would comply with applicable efficiency standards, and the impact under these topics would be less than significant.

Ability to Accomplish Project Objectives and Feasibility

The "Increased Density" Alternative would have the following ability to meet project objectives:

1. The "Increased Density" Alternative would meet the objective to allow compatible uses and density adjacent to existing residential development. The alternative would construct residential units in a

residential neighborhood, at a density allowed with application of the State Affordable Housing Bonus Density.

2. The "Increased Density" Alternative would meet to a lesser degree the objective to provide an economically feasible project that is able to be built in the current macroeconomic climate. This alternative would require additional affordable housing units at a higher percentage (30% compared to 15%) than under the project.

3. The "Increased Density" Alternative would meet to a greater degree the objective to develop new residential units to help meet the City's Regional Housing Needs Allocation (RHNA) requirement. This alternative would result in the construction of 7 more residential units in total including 6 more affordable units than the project.

4. The "Increased Density" Alternative would meet to a greater degree the objective to redevelop a vacant religious facility with a housing development containing on-site affordable units. This alternative would result in 6 more affordable units than the project.

5. The "Increased Density" Alternative would meet the objective to create a continuous and complete streets environment for pedestrians in conformance with the goals and policies of the Mobility Element of the General Plan. This alternative would result in the same sidewalk and pedestrian improvements as the project.

6. The "Increased Density" Alternative would meet the objective to accommodate an in-fill residential development in conformance with City and State policies. This alternative would construct residential units on an infill site.

7. The "Increased Density" Alternative would meet the objective to develop high quality and well-designed housing at a density consistent with the General Plan and State Law. The alternative would construct residential units at a density allowed with application of the State Affordable Housing Bonus Density.

The "Increased Density" Alternative would meet all seven of the project objectives, including one to a lesser degree and two to a greater degree than the project.

Environmentally Superior Alternative

In addition to the discussion and comparison of impacts of the proposed project and the alternatives, Section 15126.6 of the CEQA Guidelines requires that an "environmentally superior" alternative be selected and the reasons for such a selection disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets the goals or needs of the City.

Table 8.1, on the following pages, provides a summary comparison of the environmental impacts of the alternatives compared to the proposed project. The table lists the level of significance of the impacts of the proposed project to each of the environmental topics areas analyzed in the EIR and shows whether the impacts anticipated under each proposed alternative would be similar to ("s"), greater ("+"), marginally greater ("s+"), lesser ("-"), or marginally lesser ("s-") than the proposed project.

The only significant and unavoidable impact identified under the proposed project was for VMT. All other project impacts are less than significant without mitigation. Both the “No Project” Alternative and the “Increased Density” Alternative would reduce the VMT impact to less than significant.

The “No Project’ Alternative would require only minimal construction activities and related impacts, so would represent a marginal reduction compared to the project’s less than significant construction-period impacts. While the daycare assumed under the “No Project” Alternative would increase noise and vehicle trips at the site, these would be marginal increases and would remain less than significant as under the project.

Because it would marginally reduce construction-period less than significant impacts in addition to avoiding the significant and unavoidable project VMT impact, the “No Project” Alternative would be the environmentally superior alternative. However, the “No Project’ Alternative would only meet one of the project objectives to the same degree as the project and the economic feasibility has not been determined.

The CEQA Guidelines also require that “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives” (CEQA Guidelines Section 15126.6(e)(2)). While the “Increased Density” Alternative would marginally increase less than significant construction-period and operational impacts, it would also avoid the significant and unavoidable project VMT impact, and would therefore be considered an environmentally superior alternative to the project. The “Increased Density’ Alternative would meet all seven of the project objectives, including one to a lesser degree and two to a greater degree than the project, but the economic feasibility of the higher affordable housing percentage has not been determined.

Table 8.1: Summary Comparison of Impacts, Proposed Project and Alternatives

ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
AESTHETICS			
Would the project have a substantial adverse effect on a scenic vista?	**LTS**	-	s
Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	**LTS**	-	s
Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	**LTS**	-	s
Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	**LTS**	-	s
AGRICULTURAL, FOREST, AND MINERAL RESOURCES			
Would the project result in conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; a conflict with existing zoning for agricultural use, or a Williamson Act contract; a conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); the loss of forest land or conversion of forest land to no-forest land; or changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.?	**No Impact**	s	s
Would the project result in loss of availability of a known mineral resource that would be of future value to the region and the residents of the state; or loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	**No Impact**	s	s

LTS = less than significant impact
LTS (w/MM) = an impact reduced to less than significant through incorporation of mitigation measures
SU = significant and unavoidable impact (not used)

s = same or similar impacts
s+ = marginally increased impacts
s- = marginally reduced impacts

+ = increased impacts
- = reduced impacts

ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
AIR QUALITY			
Would the project conflict with or obstruct implementation of the applicable air quality plan?	**LTS**	-	s
Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	**LTS**	-	s+
Would the project expose sensitive receptors to substantial pollutants?	**LTS**	-	s+
Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	**LTS**	-	s
BIOLOGICAL RESOURCES			
Would the project have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Services?	**LTS**	-	s
Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game, or the US Fish and Wildlife Service?	**No Impact**	s	s
Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal etc.), through direct removal, filling, hydrological interruption, or other means?	**No Impact**	s	s
Would the project interfere substantially with the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?	**LTS**	-	s
Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	**LTS**	-	s

LTS = less than significant impact
LTS (w/MM) = an impact reduced to less than significant through incorporation of mitigation measures
SU = significant and unavoidable impact (not used)

s = same or similar impacts
s+ = marginally increased impacts
s- = marginally reduced impacts

+ = increased impacts
- = reduced impacts

ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
Would the project conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	**No Impact**	s	s
CULTURAL RESOURCES			
Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	**LTS**	-	s
Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	**LTS**	-	s
Would the project disturb any human remains, including those interred outside of formal cemeteries?	**LTS**	-	s
ENERGY			
Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	**LTS**	s+	s+
Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	**LTS**	s+	s
GEOLOGY AND SOILS			
Would the project directly or indirectly cause substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides?	**LTS**	-	s
Would the project result in soil erosion or the loss of topsoil?	**LTS**	-	s
Would the project be located on a geologic unit or soil that is unstable (or would become unstable as a result of the project) and could potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	**LTS**	-	s
Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	**LTS**	-	s

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ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
Would the project have soils incapable of adequately supporting the use of septic tanks or alternate waste water disposal systems where sewers are not available for the disposal of waste water?	**No Impact**	s	s
Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**LTS**	-	s
GREENHOUSE GAS EMISSIONS			
Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	**LTS**	s+	s
Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	**LTS**	s+	s
HAZARDS AND HAZARDOUS MATERIALS			
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	**LTS**	-	s
Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	**LTS**	-	s
Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	**LTS**	-	s
Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	**LTS**	-	s
For a project located within an airport land use plan area, would it result in a safety hazard or excessive noise for people residing or working in the project area?	**No Impact**	s	s
Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	**LTS**	-	s
Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	**LTS**	-	s

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ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
HYDROLOGY AND WATER QUALITY			
Would the project violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	**LTS**	-	s
Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	**LTS**	-	s
Would the project alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner, which would result in substantial erosion or siltation on- or off-site?	**LTS**	-	s
Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, or substantially increase the rate or amount of surface runoff in a manner which would impede or redirect flood flows, result in flooding on- or off-site or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	**LTS**	-	s
In a flood hazard, tsunami or seiche zone, risk release of pollutants due to project inundation?	**LTS**	s	s
Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	**LTS**	-	s
LAND USE			
Would the project result in the physical division of an established community?	**No Impact**	s	s
Would the project cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	**LTS**	s	s

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ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
NOISE			
Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	**LTS**	s+	s+
Would the project result in generation of excessive groundborne vibration or groundborne noise levels?	**LTS**	-	s
For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project expose people residing or working in the project area to excessive noise levels?	**No Impact**	s	s
POPULATION AND HOUSING			
Would the project induce substantial unplanned population growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	**LTS**	-	s
Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	**No Impact**	s	s
PUBLIC SERVICES			
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, fire protection, police protection, schools, parks, other public facilities?	**LTS**	-	s
RECREATION			
Would the project result in increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or does the project include recreational facilities or require	**LTS**	-	s

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ENVIRONMENTAL ISSUE AREA	Proposed Project	"No Project" Alternative	"Increased Density" Alternative
the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			
TRANSPORTATION AND CIRCULATION			
Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	**LTS**	s	s
Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subsection (b) [specifying criteria for analyzing transportation impacts]?	**SU**	-	-
Would the project substantially increase hazards due to a geometric design feature or incompatible uses?	**LTS**	-	s
Result in inadequate emergency access?	**LTS**	-	s
TRIBAL CULTURAL RESOURCES			
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe?	**LTS**	-	s
UTILITIES AND SERVICE SYSTEMS			
Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	**LTS**	s-	s+
Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	**LTS**	s-	s+
Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	**LTS**	s-	s+

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Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	**LTS**	s-	s+
Would the project conflict with federal, state, and local management and reduction statutes and regulations related to solid waste?	**LTS**	s-	s+
WILDFIRE			
Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?	**No Impact**	s	s
Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	**No Impact**	s	s
Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	**No Impact**	s	s
Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	**No Impact**	s	s

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EIR Preparers and References

Report Preparers

This Draft EIR was prepared for the City of Fremont as Lead Agency by Lamphier-Gregory in affiliation with the technical specialists listed below.

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