Recirculated
Initial Study/Mitigated Negative Declaration

Horner Street Mixed-Use Project

Prepared by

UNION CITY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

February 2019

TABLE OF CONTENTS

TABLE OF CONTENTS

Figures

Photos

Tables

Appendices

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACFCWCD	Alameda County Flood Control and Water Conservation District
ACM	Asbestos containing material
AC Transit	Alameda Contra Costa Transit District
ACWD	Alameda County Water District
Alameda CTC	Alameda County Transportation Commission
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
Caltrans	California Department of Transportation
Cal Fire	California Department of Forestry and Fire Protection
CalARP	California Accidental Release Prevention
CalEPA	California Environmental Protection Agency
Cal/OSHA	California Division of Occupational Safety and Health
CARB	California Air Resources Board
CBC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
CNEL	Community Noise Equivalent
CR	Retail Commercial
CRHR	California Register of Historical Resources
CS	Specialty Commercial
CUPA	Certified Unified Program Agency
dB	Decibel
DNL	Day/Night Average Sound Level
DPM	Diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
FEMA	Federal Emergency Management Agency

FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment Program
GHG	Greenhouse gas
HCM	Highway Capacity Manual
ITE	Institute of Transportation Engineers
LID	Low Impact Development
LOS	Level of service
MBTA	Migratory Bird Treaty Act
MMCO2e	Million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
MRP	Municipal Regional Stormwater NPDES Permit
MRZ	Mineral Resource Zone
MT	Metric tons
MTC	Metropolitan Transportation Commission
NESHAP	National Emission Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NHUSD	New Haven Unified School District
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NOD	Notice of Determination
NOI	Notice of Intent
OITC	Outdoor-Indoor Transmission Class
PDA	Priority Development Area
PM	Particulate matter
PPV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Allocation
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCS	Sustainable Communities Strategy
SFHA	Special Flood Hazard Areas
SHMA	Seismic Hazards Mapping Act

SMARA	Surface Mining and Reclamation Act
STC	Sound Transmission Class
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
UCPD	Union City Police Department
UST	Underground storage tank
USACE	United States Army Corps of Engineers
USD	Union Sanitary District
USFWS	United States Fish and Wildlife Service
UWMP	Urban water management plan
WWTP	Alvarado Wastewater Treatment Plant

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Union City as the Lead Agency, has prepared this Initial Study for the Horner Street Mixed-Use project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Union City, California.

The project proposes to construct a mixed-use development consisting of 25 multi-family residential units and approximately 6,943 square feet of ground-floor retail use on the 0.89-acre site. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

On October 5, 2018, the City circulated the Initial Study and Draft Mitigated Negative Declaration for a 20-day public review period that ended on November 5, 2018. Based on written comments received from the Alameda County Water District and feedback from the Planning Commission and public at a November 1, 2018 Study Session regarding the project, the City has decided to recirculate the Initial Study and Draft Mitigated Negative Declaration to disclose new information pertaining to potential hazardous materials conditions that may be present on the site. New text added to the Initial Study is shown in underline format, while revised/deleted text is shown in ~~strikethrough~~ format.

1.2 PUBLIC REVIEW PERIOD FOR RECIRCULATED INITIAL STUDY

Due to the potential involvement of a state responsible agency (e.g. SF Bay Regional Water Quality Control Board, or Dept. of Toxic Substances Control), the public review period for the Recirculated Initial Study is 30 days. Publication of this Initial Study marks the beginning of a ~~20~~30-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the ~~20~~30-day public review period should be sent to:

Avalon Schultz, Senior Planner
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 675-5321
avalons@unioncity.org

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City Council will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during

the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Horner Street Mixed-Use Project

2.2 LEAD AGENCY CONTACT

Avalon Schultz, Senior Planner
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
(510) 675-5321
avalons@unioncity.org

2.3 PROJECT APPLICANT

Richard ~~hunt~~Hunt, AIA
Hunt Hale Jones
444 Spear Street, Suite 105
San Francisco, CA 94105

2.4 PROJECT LOCATION

31063 Watkins Street, Union City, CA 94587

2.5 ASSESSOR'S PARCEL NUMBER

483-0010-039

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

General Plan Land Use Designation: Retail Commercial (CR)

Zoning District: Specialty Commercial (CS)

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Site Architecture Design Development Review
- Demolition Permit
- Grading Permit
- Tree Removal Permit
- Tentative Map
- Building Permits

The project may also require oversight by a responsible agency (e.g. Alameda County Water District or SF Bay Regional Water Quality Control Board) due to the potential presence of underground storage tanks associated with a former gas station.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION

The proposed project site is located at 31063 Watkins Street on the north side of Horner Street, between Watkins Street and Vallejo Street. The approximately 0.89-acre site is surrounded by commercial/residential uses to the west and north, and residential to the south and east. Regional, vicinity, and aerial maps of the project site are attached as Figure 3-1, Figure 3-2, and Figure 3-3, respectively.

3.2 EXISTING CONDITIONS

The project site is currently occupied by the vacant former Silver Dollar Café and Tavern building, a duplex building, and a single-family home.

The project site is designated Retail Commercial (CR) in the City of Union City 2002 General Plan and has a zoning designation of Specialty Commercial (CS). The CR designation is intended to provide areas for retail outlets and services demanded by either neighborhood, community, or subregional/regional markets. Residential uses are allowed in the CS zoning district above first floor retail. The project site was identified in the 2015-2023 Housing Element as an opportunity site for future housing, with an allowed residential density of 30 dwelling units per acre. The proposed residential density of 28 dwelling units per acre is consistent with the CR designation.

3.3 PROJECT DESCRIPTION

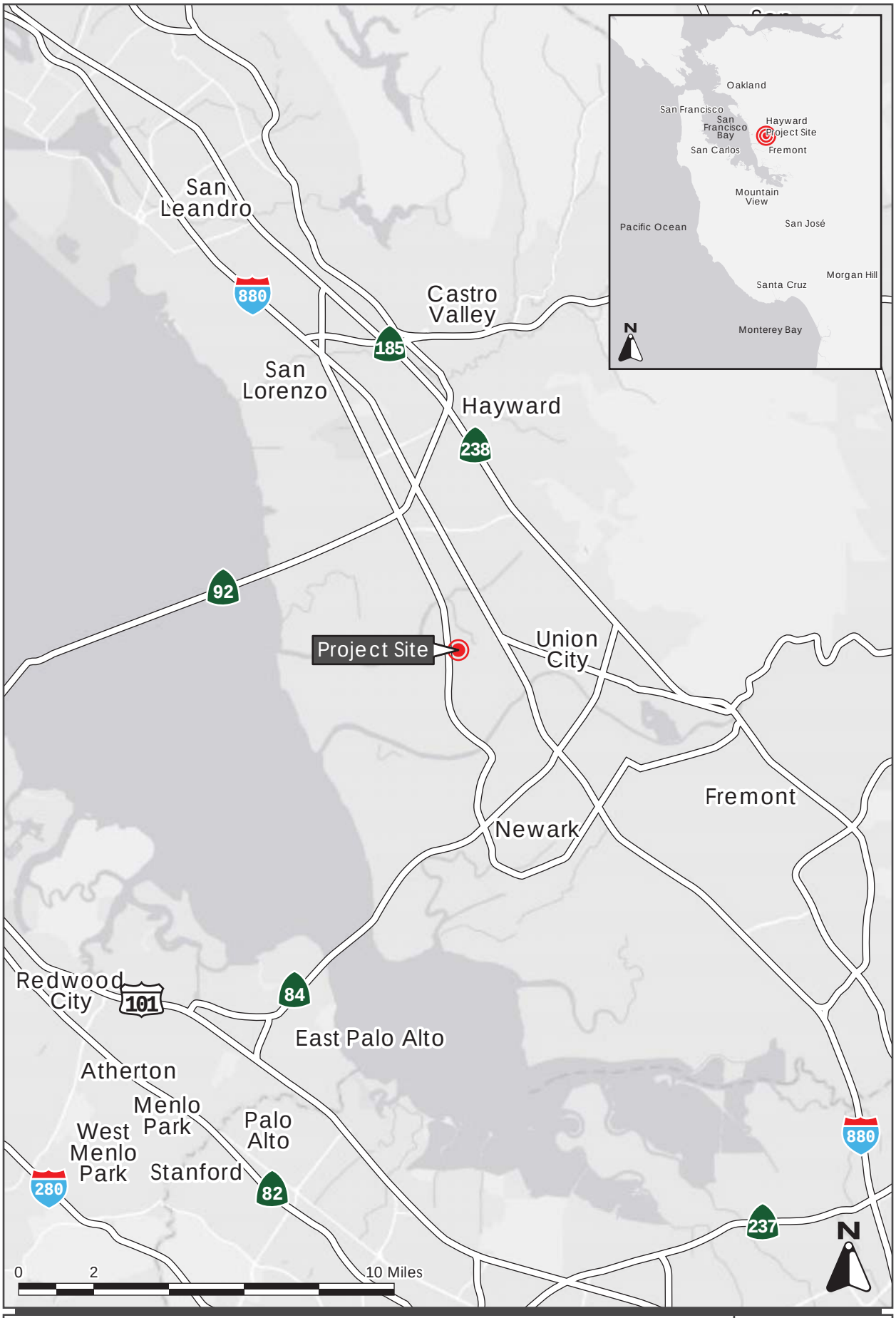
The project description remains unchanged as presented in the Initial Study circulated for public review from October 15, 2018 through November 5, 2018. The project proposes to construct a mixed-use development consisting of 25 multi-family residential units and approximately 6,943 square feet of ground-floor retail use. The three-story (approximately 40 feet) mixed-use building along Horner and Vallejo streets would consist of 19 residential stacked flats above the proposed ground-floor retail use. The stacked flats would be comprised of one- and two-bedroom units, ranging from 806 to 1,271 square feet. The ground-floor retail space would be divided between two commercial condo units. The mixed-used building would be a total of approximately 35,122 square feet.

The project also proposes to construct six, three-story (approximately 35 feet) townhome units along Watkins Street. The townhome units would each consist of three-bedrooms and would be approximately 1,466 square feet in size. The project proposes to demolish the existing vacant bar, single-family home, and duplex on-site. Figure 3-4 shows the project site plan, including the locations of the buildings, parking, and amenities. Conceptual building elevations of the proposed project are shown on Figure 3-5.

3.3.1 Access, Circulation, and Parking

Vehicular access to the project site would be provided via two full access driveways, one along Vallejo Street and one on Watkins Street. The driveway on Vallejo Street would be located

approximately 30 feet north of Horner Street, and the driveway on Watkins Street would be located approximately 200 feet north of Horner Street.



REGIONAL MAP | FIGURE 3-1

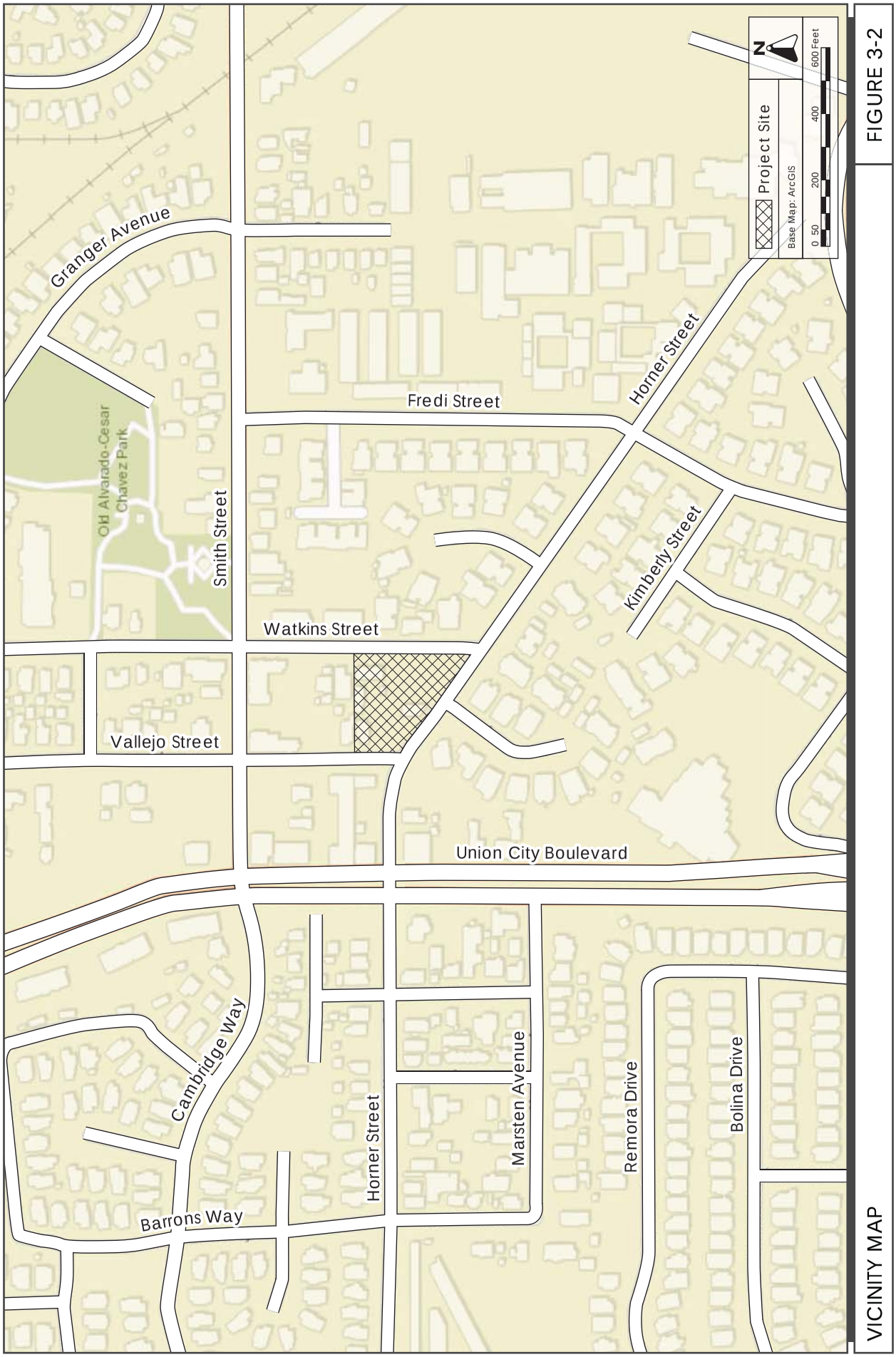
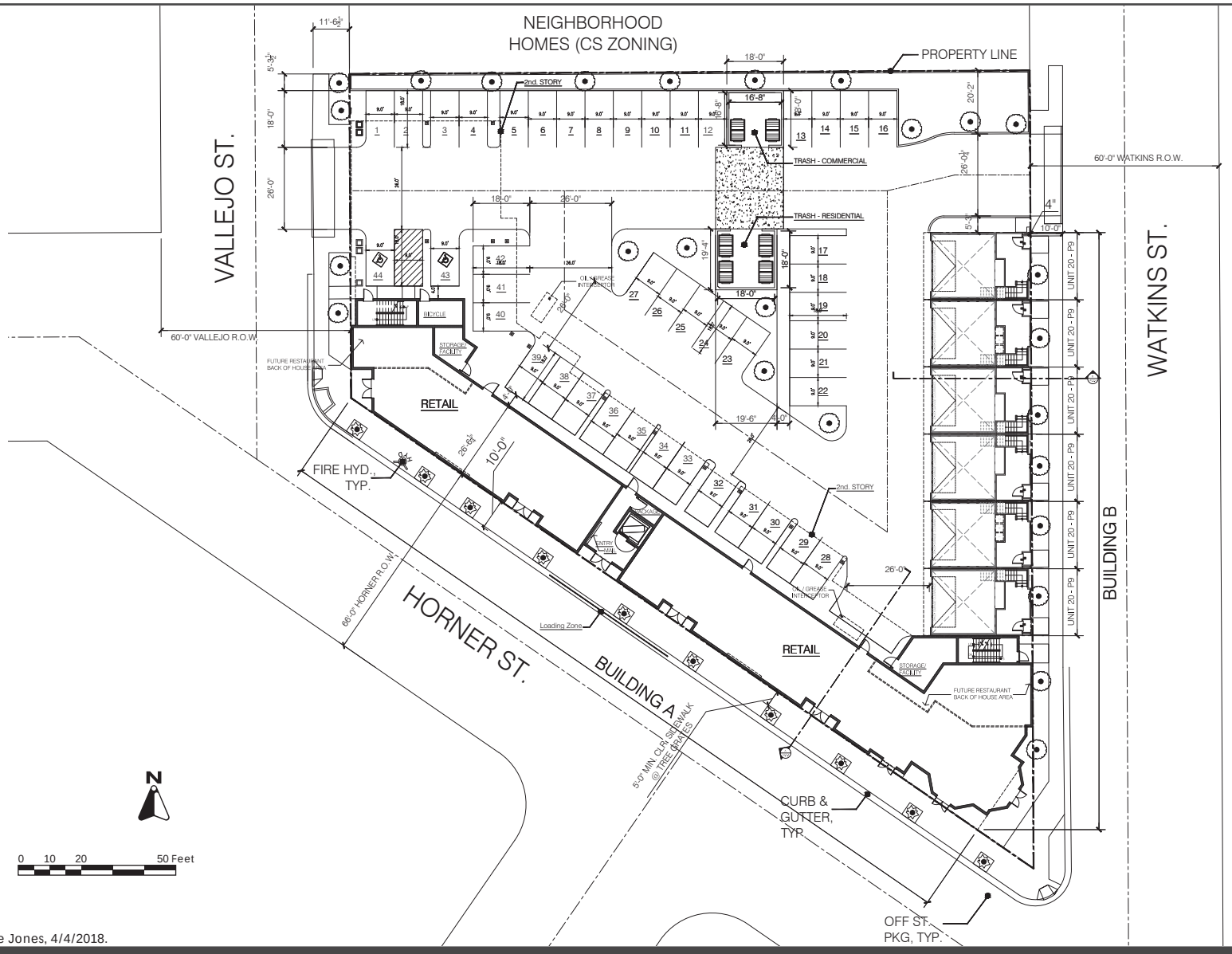


FIGURE 3-2

VICINITY MAP

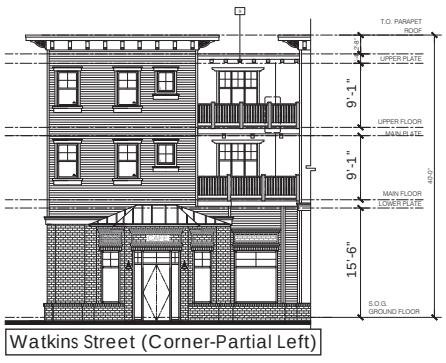
AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3-3



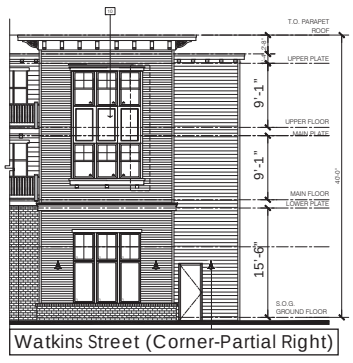
Source: Hunt Hale Jones, 4/4/2018.

SITE PLAN

FIGURE 3-4



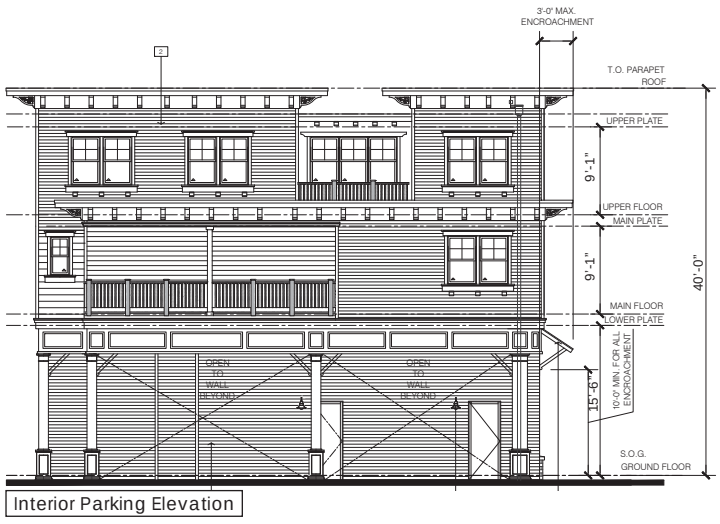
Watkins Street (Corner-Partial Left)



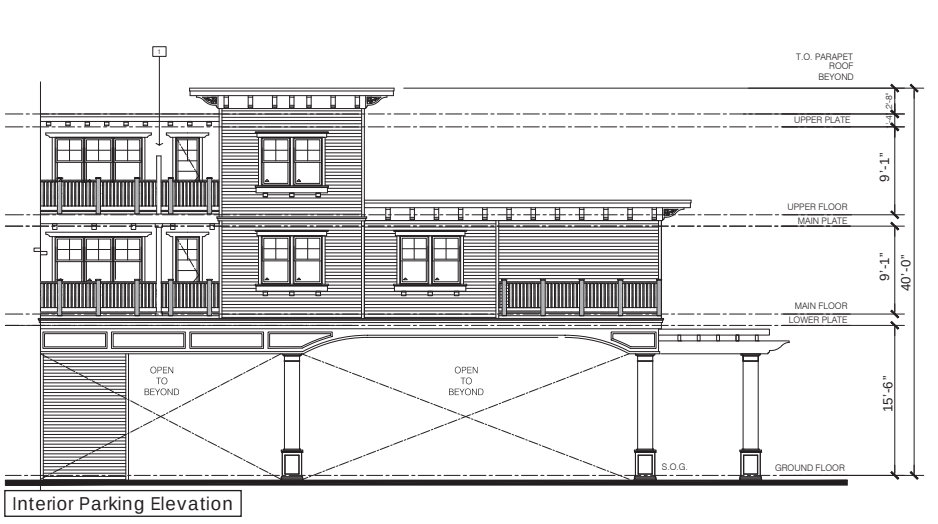
Watkins Street (Corner-Partial Right)

Vallejo Street

Horner Street



Interior Parking Elevation

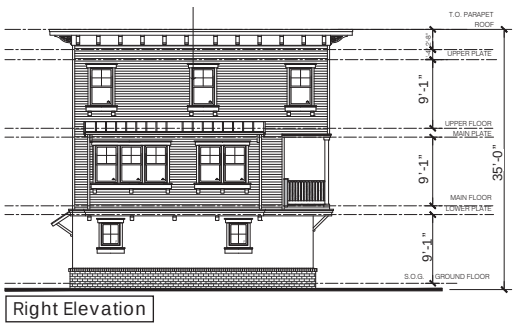


Interior Parking Elevation

Interior Parking Elevation

Watkins Street (Front Elevation)

Interior Parking Elevation



Right Elevation

ELEVATIONS

FIGURE 3-5

The project proposes to provide a total of 56 on-site parking spaces. Guest parking spaces would be shared between the ground-floor retail and above-ground floor stacked flats. Each townhouse unit would have a two-car garage. There will also be on-street parking available on Watkins Street and Horner Street for the ground-floor retail uses. The project proposes to provide parking facilities to accommodate eight bicycles.

3.3.3 Public Right-of-Way and Utility Improvements

The project proposes to connect to existing sanitary sewer and storm drain lines located in Vallejo and Watkins streets. The project would install a new 4-inch water line in Horner Street that would connect via a new connection in Vallejo Street. A new water line for fire suppression would also be installed in Watkins Street along the project frontage.

The project proposes to underground existing overhead electrical power lines along Horner and Watkins Streets. Three new street lights would be installed along Horner Street.

3.3.4 Landscaping and Outdoor Common Areas

The project proposes to remove 11 on-site trees. The project would plant numerous trees of varying species along the perimeter of the site, including Coral Bark Maple, Columnar Red Maple, and Valley Oak. The project would also plant various low to moderate shrubs and grasses along the perimeter and interior of the site (refer to Figure 3-6). The mixed-use building would include three shared balconies with outdoor seating.

3.3.5 Grading and Demolition

The proposed project would require limited grading. The project would require an estimated 180 cubic yards of cut and 180 cubic yards of fill. Demolition activities on the project site involve the removal of the vacant former Silver Dollar Café and Tavern building, a duplex building that comprises two residential units and two integral garages, and a single-family home, along with single-car garage and two accessory buildings. As discussed in more detail in *Section 4.8 Hazards and Hazardous Materials*, if underground storage tanks and/or contaminated soil or groundwater associated with a former gas station on site are found to be present tank removal and additional soil removal and backfill may be necessary. If needed, tank removal and soil excavation are anticipated to require limited amounts of additional site construction activity, likely a week or two of additional site preparation (although the sequencing of the work may occur over a longer period of time) involving excavation, trucks off-hauling the tanks and limited amounts of soil, and import and placement of clean fill to backfill the excavated area.

3.3.6 Green Building Measures

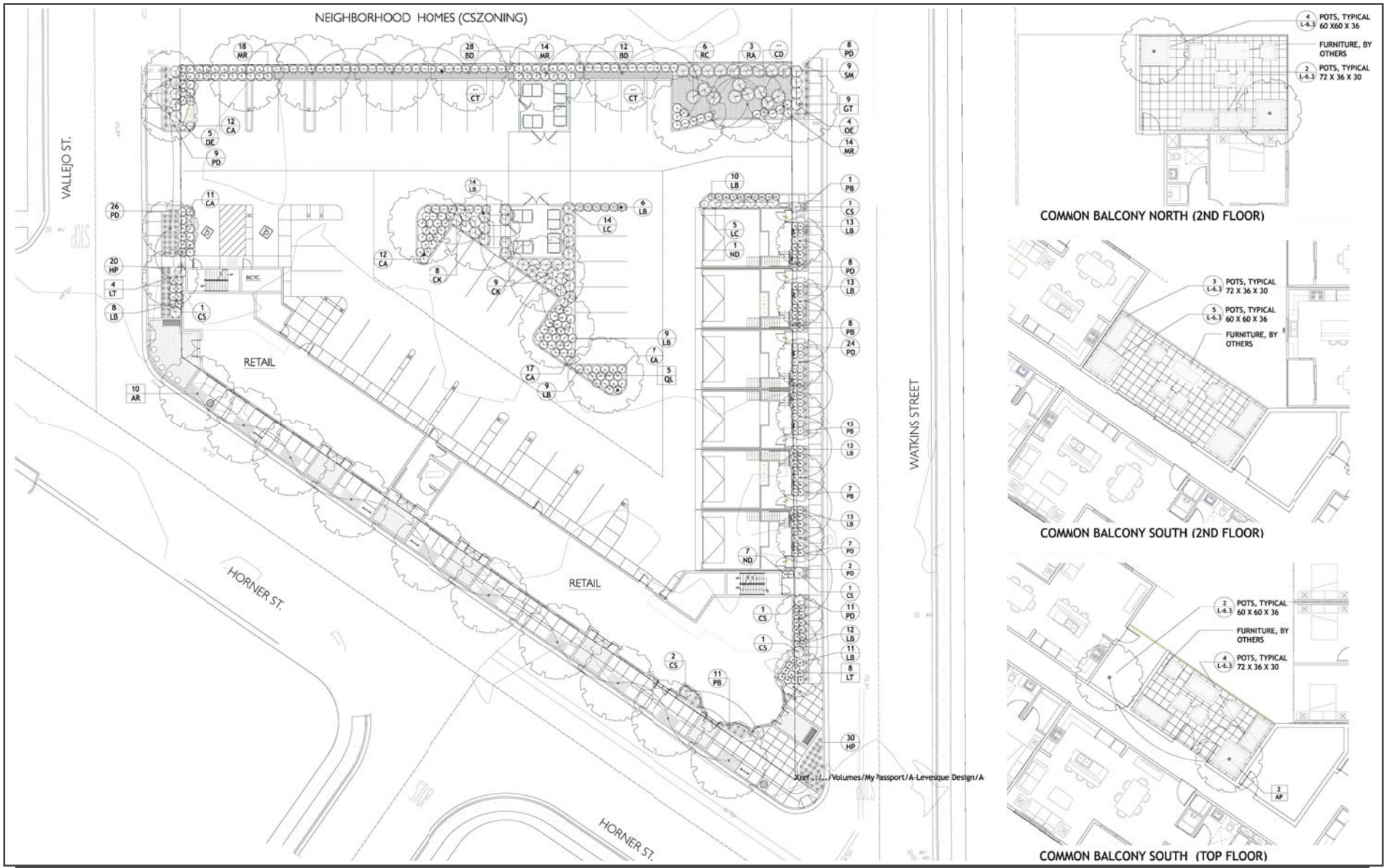
The project proposes to implement the following green building measures and design features to reduce energy use on the site:

- Solar-ready design
- High efficiency fixtures and equipment
- Efficient HVAC zoning system and better insulation

- Efficient water-use planting and irrigation control system
- Use of recycled materials when allowed (i.e., washed gravel baserock and crushed concrete engineered fill)
- Use of pre-engineered wood for floor systems

3.3.7 Construction

Construction of the entire project, including tank and soil removal (if necessary), is anticipated to take up to 12 months, beginning in ~~May~~Summer 2019.



LANDSCAPE PLANTING PLAN | FIGURE 3-6

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.10	Land Use and Planning
4.2	Agricultural and Forestry Resources	4.11	Mineral Resources
4.3	Air Quality	4.12	Noise and Vibration
4.4	Biological Resources	4.13	Population and Housing
4.5	Cultural Resources	4.14	Public Services
4.6	Geology and Soils	4.15	Recreation
4.7	Greenhouse Gas Emissions	4.16	Transportation/Traffic
4.8	Hazards and Hazardous Materials	4.17	Utilities and Service Systems
4.9	Hydrology and Water Quality	4.18	Mandatory Findings of Significance

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Checklist and Discussion of Impacts** – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact HAZ-1** denotes the first potentially significant impact discussed in the Hazards and Hazardous Materials section. Mitigation measures are also numbered to correspond to the impact they address. For example, **MM NOI-2.3** refers to the third mitigation measure for the second impact in the Noise section.
- **Conclusion** – This subsection provides a summary of the project's impacts on the resource.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)* confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Union City has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this Initial Study will discuss operational issues as they relate to City policies. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263. There are no state-designated scenic highways in Union City.

State Bill 743

Recent legislative changes to CEQA contained in State Bill (SB) 743 provide, among other changes, that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project, as defined, on an infill site, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment.

A "transit priority area" is defined as an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

A "major transit stop" is as defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

The mixed-use residential project meets the criteria under SB 743 as an infill site within a transit priority area given its proximity to transit on Union City Boulevard (discussed in Section 4.16 Transportation/Traffic).

City of Union City

2002 General Plan

The General Plan also includes the following aesthetic policies applicable to the proposed project.

Policy	Description
CD-A.1.1	The City shall encourage development that is visually and functionally compatible with the surrounding neighborhoods by:

	a. Maintaining a height and density of development that is compatible with adjacent developed neighborhoods; b. Accenting entrances to new neighborhoods with varied landscaping, hardscaping, and signage treatment; c. Providing various points where residents can enter the wetland/baylands and access the internal bicycle and pedestrian circulation systems; and d. Establishing bulk regulations for residential areas.
CD-A.1.6	The City shall ensure that the design of all new residential development achieves a sense of visual integration and orderliness, but shall promote diversity in terms of specific design solutions.
CD-A.1.13	The City shall require undergrounding of utility lines in new development and as areas are redeveloped except where infeasible for operational or financial reasons.
CD-B.3.5	The City shall ensure that individual site design includes the following: a. Development is well integrated with existing and proposed development on adjoining properties. Visual, pedestrian and vehicular integration should be achieved; b. Landscaped areas are provided between clusters of buildings; c. Adequate landscaped areas are provided along street frontages to soften the appearance of structures; d. Adequate parking is provided for the proposed use. Parking areas should be well landscaped and appear as areas with many rows or clusters of trees rather than "seas" of asphalt; e. Uses are effectively linked with public transportation facilities; and f. Where possible, water elements are provided.
CD-B.3.6	The City should require that buildings and other structures are designed generally to: a. Maintain a human scale. Excessively large or massive, unbroken building faces should be avoided; and b. Have individually unique characteristics, but complement other development in the area. Designs should not be either too similar or too different. Colors and materials should be controlled to ensure a unified appearance in the area. Building signing, lighting, and other similar details should be controlled.
CD-B.6.1	The City shall emphasize commercial revitalization and development in Old Alvarado while retaining its "Old California Town" character. Further, new development should be designed consistent with the architectural style of existing homes in the immediate area of the development.
LU-A.3.3	The City should require that new residential development in the Decoto and Old Alvarado neighborhoods be designed consistent with the architectural style of existing homes in the immediate area of the development.

City of Union City Municipal Code

Chapter 18.36 – Special Design and Siting Criteria for uses in the Old Alvarado Area

The City of Union City adopted the *Design Guidelines for Old Alvarado* in 1989 to preserve the historic character of the Old Alvarado District. In order to encourage commercial revitalization and development in the Old Alvarado commercial area in a manner that is consistent with the land use plan for Old Alvarado, the design of new buildings and the rehabilitation of existing or relocated

buildings shall be guided by the design and siting criteria listed in chapter 18.36 of the Union City Municipal Code and the Design Guidelines for Old Alvarado.

Chapter 18.30 – Sign Regulations

The City of Union City Sign Regulations (Chapter 18.30 of the Union City Municipal Code) provides for a variety of sign types in commercial and industrial districts and the regulations are intended to maintain and enhance the aesthetic environment by providing for the integration of signs into the overall architectural design and site planning of all buildings and developments. The sign regulations affect the development standards such as sign dimensions, type, quantity, use, and location to promote create design that enhances the aesthetic quality of the community.

4.1.1.2 *Existing Conditions*

Project Site

The project site is currently occupied by the vacant former Silver Dollar Café and Tavern building, a duplex building, and a single-family home. The project site is flat and visible from the immediate surrounding area.

Surrounding Area

The project site is located in the Old Alvarado District (formerly Old Alvarado), specifically within the Smith Street Commercial Core, which encompasses the commercial areas along Smith Street, Vallejo Street, Watkins Street, and Horner Street. The area is a mix of older structures and newer buildings that accommodate commercial, residential and institutional uses.

Photo 1: View of the vacant Silver Dollar Café and Tavern building facing northeast.

Photo 2: View of the vacant Silver Dollar Café and Tavern building facing west.

PHOTOS	1 & 2

Photo 3: View of the residences that would be demolished as part of the project facing west.

Photo 4: Vacant portion of site to be redeveloped facing West.

PHOTOS	3 & 4

Photo 5: View of the single-family residence that would be demolished as part of the project facing east.

Photo 6: View of the two-story commercial structure located to the south of the project site.

PHOTOS	5 & 6

Photo 7: View of Watkins Street and the Mosque located northeast of the project site.

Photo 8: View of the commercial property to the west of the project site.

PHOTOS	7 & 8

Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,3
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	1,3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,7,8
d) Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2

4.1.1.3 *Impacts to Scenic Views and Scenic Resources (Checklist Questions a and b)*

The General Plan describes the City's built environment as bounded by natural features, including hillside areas to the east and salt marshes to the west. The project site is located in a generally flat area near the western edge of the City. The City's Hillside Area, which includes the approximately 6,100 acres to the north and east of Mission Boulevard in the City, is located approximately 3 miles east of the project site. Development of the project would therefore not have a substantial adverse effect on a scenic vista.

The project site is not located along a state-designated scenic highway. No scenic view corridors, scenic vistas, or scenic resources are located on site. For these reasons, the proposed project would not diminish scenic views in the project area or damage any designated scenic resources. **(Less Than Significant Impact)**

4.1.1.4 *Visual Character (Checklist Question c)*

The project site is currently developed with a vacant single-story commercial building, a single-story duplex building, and a single-family home. The project site is located in an area that has been identified by the City as an area in need of revitalization.[1] The proposed project would change the visual character of the site by demolishing all existing structures and constructing a new mixed-use development consisting of a three-story mixed-use building, six, three-story townhome units, surface parking, and associated improvements. The mixed-use building would front Horner Street, consistent with the storefront elements described in the *Old Alvarado Guidelines.* The project exterior finishings would include horizontal siding, stone veneer, wood detailing (i.e., wood bracket cornices, decorative wood corbels, trim, and railings), parapets, and decorative lighting fixtures in

[1] City of Union City. *Old Alvarado 2012 Strategy Report.*

keeping with the historical integrity of the area and consistent with the *Old Alvarado Design Guidelines* (refer to Figure 4-1, 4-2, and 4-3).

There are 11 trees that would be removed on the project site due to their locations within the proposed development area or overall poor condition. Overall, the existing landscape at the project site is in a neglected condition. There are three Chinese Pistache trees along Watkins Street that are suitable for preservation as City street trees. In addition, the project would plant numerous trees of varying species along the perimeter of the site, including Coral Bark Maple, Columnar Red Maple, and Valley Oak. The project would also plant various low to moderate shrubs and grasses along the perimeter and interior of the site (refer to Figure 3-6). The project's proposed landscaping would represent a visual improvement over the existing onsite landscaping.

The proposed project would be constructed in compliance with the City of Union City design guidelines and regulations. The City's development review process would ensure that the architecture and design of the project would be consistent with the City's visual environment. For these reasons, the proposed project would not substantially degrade the existing visual quality or character of the site and its surroundings.

Additionally, as mentioned above, the project site meets the criteria as a transit-oriented infill site. Therefore, aesthetic impacts for a mixed-use residential site are not considered significant impacts on the environment. **(Less Than Significant Impact)**

4.1.1.5 ***Light and Glare*** *(Checklist Question d)*

Development of the proposed project would introduce additional sources of light and glare to the site, creating an increase over current levels. New sources of light would include exterior lighting on the buildings, in the landscaping and in the drive aisles and parking areas. Sources of glare would include car headlights from project residents, and car and building windows that reflect the sunlight during the daytime.

The site is located in a developed urban area along a major arterial street, which contains sources of light and glare. The proposed project would not be expected to result in new sources of light and glare that are substantial by comparison to current conditions, or that would be incompatible with the surrounding area. All lighting proposed by the project would be consistent with the policies, guidelines, and controls in the California Building Standards Code, including *Section A4.106.10 Light Pollution Reduction*, which ensures that newly constructed projects reduce the amount of light and glare from both interior and exterior light sources leaving the site. For these reasons, the proposed project would not create a substantial new source of light and glare that would adversely affect day or nighttime views in the area. **(Less Than Significant Impact)**

Watkins Street (Corner-Partial Left)

Watkins Street (Corner-Partial Right)

Vallejo Street

Horner Street

Int. Pkg. Elevation

Int. Pkg. Elevation

Int. Pkg. Elevation

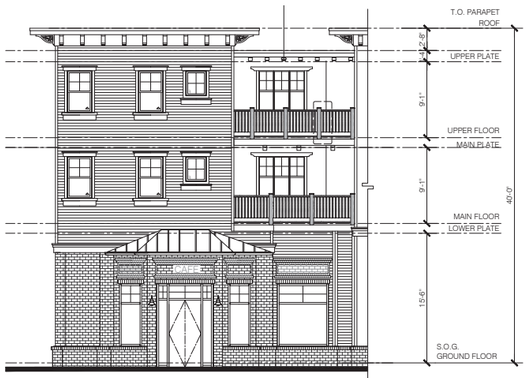
Watkins Street (Front Elevation)

Right Elevation

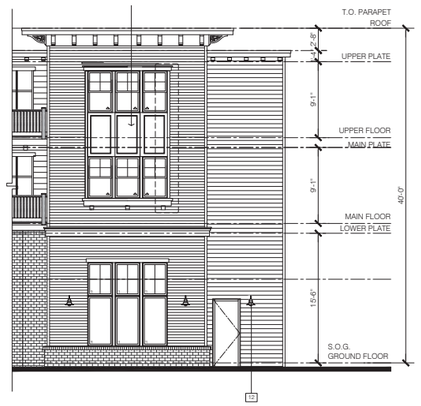
Int. Pkg. Elevation

RENDERINGS

FIGURE 4-1



WATKINS ST (CORNER-PARTIAL LEFT)



WATKINS ST (CORNER-PARTIAL RIGHT)

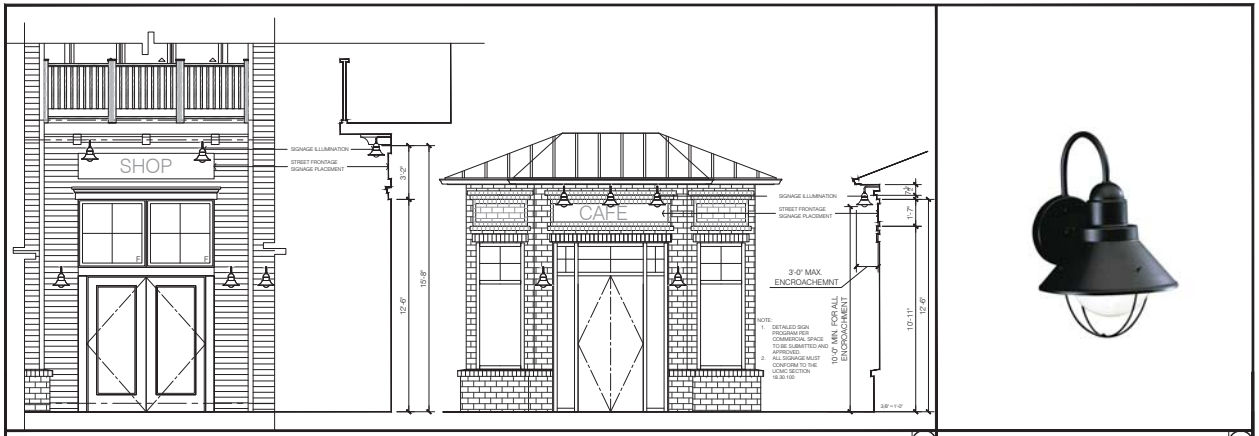
VALLEJO ST

HORNER ST

Source: Hunt Hale Jones. 4/4/2018.

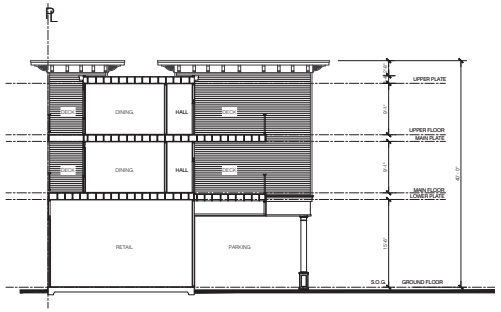
BUILDING ELEVATIONS

FIGURE 4-2

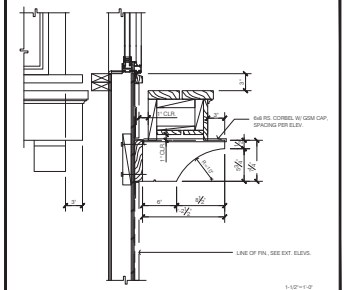


SIGNAGE 2

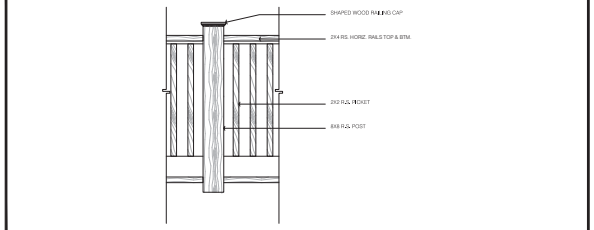
LIGHTING 1



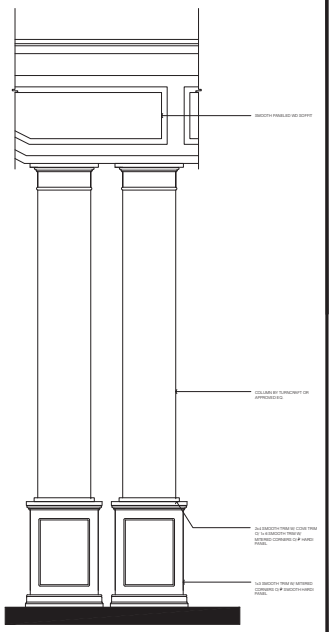
A BUILDING SECTION - 'A'
HORNER STREET



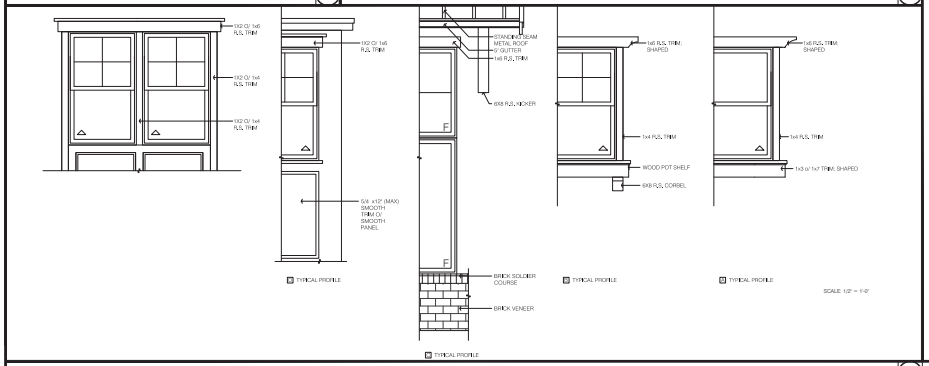
POT SHELF 5



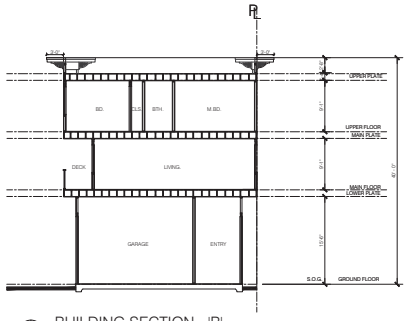
GUARD RAIL 4



COLUMN 3



WINDOW TRIM PROFILES 6



B BUILDING SECTION - 'B'
WATKINS STREET

BUILDING SECTION AND DETAILS

FIGURE 4-3

4.1.2 Conclusion

The project would not substantially degrade the existing visual quality or character of the site and its surroundings, would not impact scenic resources or scenic views, and would not create a substantial new source of light and glare that would adversely affect day or nighttime views in the area. As such, implementation of the project would have a less than significant visual impact. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published County maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to identify sites that may include agricultural resources or are zoned for agricultural uses.

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[2] Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be affected are located on or adjacent to a project site.

4.2.1.2 *Existing Conditions*

According to the State of California, Department of Conservation *Farmland Mapping and Monitoring Program*, the project site is designated Urban and Built-Up Land.[3] Urban and Built-up Land is defined as residential land with a density of at least six units per ten-acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures. No forest land or timberland, as defined in Public Resources Code Section 12220(g), is located near the project site.

[2] *Forest land* is land that can support 10-percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

[3] State of California, Department of Conservation. *California Important Farmland Finder*. Accessed July 5, 2018. Available at: https://maps.conservation.ca.gov/dlrp/ciff/.

4.2.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,9
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,4
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒	1,4
d) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,4
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,3,9

4.2.3 Impact Discussion

4.2.3.1 *Impacts to Agricultural and Forest Resources (Checklist Questions a – e)*

The project site is designated Urban and Built-Up Land; the project site is not Farmland. Therefore, the proposed project would not convert Farmland to a non-agricultural use. Neither the project site nor the surrounding properties are under a Williamson Act contract.[4] The project site and surrounding properties are also not zoned for agricultural uses. Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project site and surrounding area are not zoned forest land, timberland, or Timberland Production.[5] Therefore, the proposed projects would not conflict with existing zoning for, or cause rezoning of,

[4] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015.

[5] According to California Public Resources Code Section 12220(g), Forest Land is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

forest land, timberland, or timberland zoned Timberland Production. The project site and surrounding area are not forest land. Therefore, the proposed project would not result in a loss of forest land or conversion of forest land to non-forest use. The proposed project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. For these reasons, the proposed project would not result in impacts to agricultural or forest resources. **(No Impact)**

4.2.4 Conclusion

Implementation of the proposed projects would have no impact on agricultural or forest resources. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an air quality assessment prepared by *Illingworth & Rodkin* in August 2018. The report can be found in Appendix A.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

Regional and Local Criteria Pollutants

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as "criteria pollutants"), including particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. "Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$), nor does it meet state standards for respirable particulate matter (PM_{10}). The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants and Fine Particulate Matter

Toxic Air Contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California

highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[6]

Fine Particulate Matter ($PM_{2.5}$) is a complex mixture of substances that includes elements such as carbon and metals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), $PM_{2.5}$ can lodge deeply into the lungs. According to the Bay Area Air Quality Management District (BAAQMD), $PM_{2.5}$ is the air pollutant most harmful to the health of Bay Area residents.

Common stationary sources of TACs and $PM_{2.5}$ include gasoline stations, dry cleaners, and diesel backup generators. The other more significant, common mobile source is motor vehicles on roadways and freeways. Unlike regional criteria pollutants, local risks associated with TACs and $PM_{2.5}$ are evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD would continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Union City and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

[6] CARB. "Overview: Diesel Exhaust and Health". Accessed August 21, 2018. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

2002 General Plan

The General Plan includes the following air quality-related policies applicable to the proposed project.

Policy	Description
HS-D.1.1	The City shall cooperate with the Bay Area Air Quality Management District to implement the Air Quality Plan.
HS-D.1.2	The City shall implement measures that protect air quality that may be required to mitigate the effects of population growth in the planning area.
HS-D.1.3	The City shall encourage development designs for city circulation systems that conserve air quality and minimize direct and indirect emissions of air pollutants.
HS-D.1.4	The City shall encourage a reduction in vehicle-trips through Transportation Systems Management (TSM) and the use of non-polluting forms of transportation, including electric hybrid buses, vans, and city vehicles, bicycles, and walking.

4.3.1.2 *Sensitive Receptors*

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptor to the project site are the adjacent residents to the northern boundary. There are additional residences further out, surrounding the site. There is also an elementary school and middle school approximately 600 feet to the east of the site. The project would introduce sensitive receptors in the form of new residences.

4.3.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,11,31
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,11,31
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	1,11,31
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,11,31
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,11

4.3.3 Air Quality Impacts – Thresholds of Significance

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Union City has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-1.

Impacts to the Project

The California Supreme Court issued an opinion that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards (i.e., impacts to a project) unless the project would exacerbate existing environmental hazards.[7] Specific circumstances where CEQA does require the analysis of exposing new populations to environmental hazards include the location of development near airports, schools near sources of toxic contamination, and

[7] California Supreme Court published opinion in *California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369* (No. S 213478), filed December 17, 2015.

certain exemptions for infill and workforce housing.[8] The proposed project does not fall under any of these situations.

Nevertheless, the City of Union City has policies that address existing air quality conditions affecting a proposed project, which are also discussed below. The criteria used by the City of Union City for determining whether new receptors would be affected are the same as those listed for Project Health Risk and Cumulative Health Risk in Table 4.3-1, below.

Table 4.3-1: Thresholds of Significance Used in Air Quality Analyses

Pollutant	Construction	Operation	
	Average Daily Emissions (pounds)	Average Daily Emissions (pounds)	Maximum Annual Emissions (tons)
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Fugitive Dust (PM_{10}/$PM_{2.5}$)	Implement Best Management Practices	None	None
Risk and Hazards for New Sources and Receptors (Project)	Same as operational threshold	• Increased cancer risk of >10.0 in one million • Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.3 µ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	
Risk and Hazards for New Sources and Receptors (Cumulative)		• Increased cancer risk of >100 in one million • Increased non-cancer risk of > 10.0 Hazard Index (chronic or acute) • Ambient $PM_{2.5}$ increase: > 0.8 µ/m^3 (Zone of influence: 1,000-foot radius from property line of source or receptor)	

Sources: BAAQMD CEQA Thresholds Options and Justification Report (2009) and BAAQMD CEQA Air Quality Guidelines (dated May 2017).

4.3.3.1 *Clean Air Plan Consistency* *(Checklist Question a)*

The 2017 BAAQMD CEQA Air Quality Guidelines contain screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could

[8] Although CEQA does not generally require an evaluation of the effects of existing hazards on future users of the proposed project, it calls for such an analysis in several specific contexts involving certain airport (Public Resources Code Section 21096), school projects (Public Resources Code Section 21151.8), and housing projects (Public Resources Code subsection 21159.21).

result in potentially significant air quality impacts. The screening table lists the minimum dwelling unit count for residential projects and minimum square foot of retail, below which the project would not result in the generation of operational or construction criteria pollutants that exceed BAAQMD's thresholds of significant.

The project proposes to construct 25 dwelling units and 6,943 square feet of ground-floor retail, which does not exceed the screening criteria for operational-related criteria pollutants of 451 dwelling units or 99,000 square feet of retail, respectively. Construction-related activities would not result in substantial emissions of criteria pollutants (screening threshold is 240 dwelling units or 277,000 square feet for retail). The proposed project would not conflict with the 2017 CAP because it would be smaller than the BAAQMD CEQA Air Quality Guidelines Operational Criteria Pollutant Screening Size. Because the project would not exceed the BAAQMD screening criteria, it would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-1. Thus, the project is not required to incorporate project-specific control measures listed in the 2017 CAP. Further, implementation of the project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 CAP. **(Less Than Significant Impact)**

4.3.3.2 *Air Quality Impacts (Checklist Questions b, c, and d)*

Operational Criteria Pollutant Emissions

As discussed previously, the project would not exceed the BAAQMD screening criteria and would therefore not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the thresholds shown in Table 4.3-1. For these reasons, the project would have a less than significant operational air quality impact. **(Less Than Significant Impact)**

Operational Carbon Monoxide Emissions

Carbon monoxide (CO) emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high localized concentrations of CO. Air pollutant monitoring data indicate that carbon monoxide levels have been at healthy levels (i.e., below State and federal standards) in the Bay Area since the early 1990s. As a result, the region has been designated as an area of attainment for the standard. The highest measured level over any eight-hour averaging period during the last three years in the Bay Area is less than 3.0 parts per million (ppm), compared to the ambient air quality standard of 9.0 ppm. Based on the BAAQMD screening criteria, a project would have a significant CO emissions impact if it would cause any intersections to exceed 44,000 vehicles per hour. None of the surrounding intersections are remotely close to handling that volume of traffic. The project would result in 584 net new daily trips, and approximately 52 peak hour trips during the PM peak hour, which would be spread across multiple streets and intersections. Even if project trips were all to be concentrated at one intersection, project traffic is insufficient to increase the traffic volume at any intersection above the screening criteria. Implementation of the project would not result in significant CO emission impacts. **(Less Than Significant Impact)**

Operational Community Risk Impacts – Toxic Air Contaminants

Operation of the proposed mixed-used development would not involve use of stationary equipment involving diesel engines; nor would the vehicles traveling to/from the site involve a substantial mix of trucks with diesel engines. For these reasons, operation of the project would not generate substantial levels of Diesel Particulate Matter (DPM) nor other sources of TACs that would represent a substantial risk for nearby residences or other sensitive receptors in the area. **(Less Than Significant Impact)**

4.3.3.3 *Construction Air Quality Impacts (Checklist Questions b, c, and d)*

Construction Criteria Pollutant Emissions

Construction period emissions were modeled using the California Emissions Estimator Model, Version 2016.3.2 (CalEEMod). Table 4.3-2 shows average daily construction emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 4.3-2, the predicted construction period emissions for the project would not exceed the BAAQMD significance thresholds. In the event underground storage tanks and surrounding soil require removal, the additional week or so of additional activity would not increase emissions above the identified thresholds given the limited duration and scale of the work, relative to the rest of construction activity, which has emissions substantially (90% or more) below the thresholds.

Table 4.3-2: Construction Period Emissions

Scenario	ROG	NOx	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions (tons/year)	0.3655	0.6298	0.0355	0.0328
Average daily emissions*	3.3 lbs.	5.7 lbs.	0.3 lbs.	0.3 lbs.
BAAQMD Thresholds (pounds per day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes: *Assumes 220 workdays.

Dust Emissions

Construction activities, particularly during site preparation and grading, including potentially the removal of underground tanks and surrounding soil, would temporarily generate fugitive dust in the form of PM10 and PM2.5. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. Given the close proximity of sensitive receptors to the project site, construction activities are considered to result in potentially significant impacts due to increased annual $PM_{2.5}$ concentrations caused by construction equipment and traffic exhaust and fugitive dust.

The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce these emissions.

Impact AIR-1: Construction activities have the potential to expose sensitive receptors to increased annual $PM_{2.5}$ concentrations. **(Potentially Significant Impact)**

Mitigation Measure AIR-1: The project would implement measures to control dust and exhaust during construction. With incorporation of these measures, project emissions would be reduced to less than significant levels.

MM AIR-1: During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less than significant level. The contractor shall implement the following best management practices that are required of all projects:

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

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. 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.

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

5. 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.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 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.

7. 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.

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Community Health Risk Impacts – Toxic Air Contaminants

Construction Impacts

Emissions from construction-related equipment and associated heavy-duty diesel truck traffic are the primary concern due to release of DPM, which is a known TAC. Construction activities are also a source of $PM_{2.5}$.

Given the close proximity of sensitive receptors to the project site, construction activities, including potentially the removal of underground tanks and surrounding soil are considered to result in potentially significant impacts in terms of excess cancer risk to any infants[9] present or increased annual $PM_{2.5}$ concentrations caused by construction equipment and traffic exhaust and fugitive dust.

Impact AIR-2: The proposed project would generate TACs during construction that could adversely expose nearby sensitive residential receptors. **(Potentially Significant Impact)**

Mitigation Measure AIR-2: The project would implement measures during all phases of construction to reduce exposure to nearby sensitive receptors to TAC emissions.

MM AIR-2: The project shall use equipment that has low Diesel Particulate Matter (DPM) or zero emissions, implementing the following measures:

1. All mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines that include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices (VDECs) that altogether achieve an 85 percent reduction in particulate matter exhaust; alternatively (or in combination) use of alternatively-fueled or electric equipment (i.e., non-diesel).

2. Avoid diesel generator use by supplying line power to the construction site and limiting the use of diesel generators to no more than 50 total hours.

3. Avoid staging of construction equipment near portions of the site that are adjacent to residences.
4. A construction staging plan shall be provided for staff review prior to grading permit issuance.

Implementation of **MM AIR-1** would reduce exhaust emissions by five percent. Implementation of **MM AIR-2** would further reduce on-site diesel exhaust emissions by approximately 85 percent. This would reduce the cancer risk proportionally, such that the mitigated risk would be effectively

[9] Infants are especially susceptible to TACs due to their more rapid breathing rates compared to adults

controlled. After implementation of these mitigation measures, the project would have a less-than-significant impact with respect to community risk caused by construction activities. **(Less than Significant Impact with Mitigation Incorporated)**

Roadway TAC Health Risks

The proposed project would locate sensitive receptors within 1,000 feet of Union City Boulevard (approximately 285 east of Union City Boulevard). Average daily traffic volumes along Union City Boulevard in the vicinity of the project site are estimated to be approximately 23,090.[10] To determine potential TAC health risks associated with Union City Boulevard, site-specific characteristics were entered into BAAQMD's *Roadway Screening Analysis Calculator* and are summarized below in Table 4.3-3. The results of the screening analysis indicate that future residents would not be exposed to roadway TAC emissions at concentrations exceeding the BAAQMD threshold of significance. **(Less Than Significant Impact)**

Table 4.3-2: Roadway TAC Risk Assessment	
Roadway	Union City Boulevard
Maximum Cancer Risk (per million)	5.36
BAAQMD Threshold for Cancer Risk (per million)	***10***
Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	0.105
BAAQMD Threshold for $PM_{2.5}$ ($\mu g/m^3$)	***0.3***

4.3.3.4 *Odor Impacts*

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors; however, the odors would be localized and temporary and are not likely to affect people off-site. The proposed residential project would not be a source of long-term odors. Implementation of the proposed project would not result in long-term or short-term odor impacts. **(Less Than Significant Impact)**

4.3.4 Conclusion

The proposed project would not result in significant air quality impacts with the incorporation of **MM AIR-1** and **MM AIR-2**. **(Less than Significant Impact with Mitigation)**

[10] Personal communication with Brett Walinksi, Vice President and Principal Associate at Hexagon Transportation Consultants Inc. on August 29, 2018.

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, upon an arborist report prepared in July 2018 for the project by *John J. Leone* (Certified Arborist), and included as Appendix B of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of

the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW. Provisions of these regulations apply to modifications of sensitive aquatic habitats and riparian habitats within the city.

City of Union City

2002 General Plan

The General Plan includes the following biological resource policies applicable to the proposed project.

Policy	Description
NHR-A.1.5	Any proposal that would create new parcels or lots shall demonstrate that the resulting parcels/lots provide adequate building space outside of critical biological areas and areas inhabited by special-status species.

Union City Tree Preservation Ordinance

Under Section 12.16.170 (Tree Conservation) of the Union City Municipal Code, protected trees include:

a. All trees which have a thirty-five-inch or greater circumference of a trunk, or in the case of multi-trunk trees, a total of seventy inches or more of the circumference of all trunks, where such trees are located on residential property;
b. All trees which have a twelve-inch or greater circumference of any trunk, when removal relates to any transaction for which zoning approval or subdivision approval is required;
c. Any tree that existed at the time of a zoning approval or subdivision approval and was a specific subject of such approval or otherwise covered by paragraph (b) of this subdivision;
d. Any tree that was required to be planted by the terms of a zoning approval or a subdivision approval;
e. All trees which have a twelve-inch or greater circumference of any trunk and are located on a vacant lot or undeveloped property;
f. All trees which have a twelve-inch or greater circumference of any trunk and are located on commercial, office or industrial developed property.

A tree removal permit is required from the City prior to removal of any protected tree (as defined above).

4.4.1.2 *Existing Conditions*

The project site is currently occupied by a vacant commercial building, a duplex building, and a single-family home. There are 14 existing trees on the project site, of which five meet the City's

definition of a protected tree. All of the trees onsite are in fair to fair/poor condition. There are three Chinese Pistache trees along Watkins Street that are suitable for preservation as City street trees.

4.4.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☒	☐	1
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☒	☐	1
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐	1
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1,12
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	1,12
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1

4.4.2.1 ***Impacts to Sensitive Species and Habitats*** *(Checklist Question a, b, and c)*

The project site is a developed, urban site and vegetation is limited to approximately 14 existing trees. The project site is disturbed from previous development and unlikely to support endangered,

threatened, or special status wildlife species. There is no riparian habitat or wetlands present on the property. For these reasons, special-status plant and animal species are not expected to occur. As a result, the project is not expected to directly result in impacts to special-status species. **(Less than Significant Impact)**

4.4.2.2 *Impacts to Wildlife Movement (Checklist Question d)*

There are currently 14 trees located on the project site, of which 11 would be removed as part of the project. The mature trees on the project site could provide nesting habitat for birds, including migratory birds and raptors. Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 2800.

Construction of the project during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes abandonment and/or loss of reproductive effort is considered a taking by the CDFW. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute an impact. Construction activities such as tree removal and site grading that disturb a nesting bird or raptor on-site or immediately adjacent to the construction zone would also constitute an impact.

Implementation of the mitigation measure below would reduce impacts to nesting migratory birds from construction activities at the project site to less than significant.

Impact BIO-1: Construction and demolition activities, including the removal of trees from the project site, could impact nesting migratory birds. **(Potentially Significant Impact)**

Mitigation Measure BIO-1: The project would implement measures to avoid impacts to nesting migratory birds during construction. The project, with the incorporation of these measures, would result in a less than significant impact on migratory birds.

MM BIO-1: The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area extends from February 1st through August 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive) to avoid the nesting season, pre-construction surveys for nesting raptors and other migratory nesting birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation on-site and within 250 feet of the site. The pre-construction survey for nesting birds shall be conducted prior to initiation of construction, demolition activities, or tree removals no more than 14 days during the early part of the nesting season between February 1st and April 30th (inclusive) and no more than 30 days prior to initiation of these activities during the late part of the nesting season between May 1st and August 31st (inclusive).

If an active nest is found in or close enough to the project area to be disturbed by construction activities, a qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, to ensure that raptor or migratory bird nests would not be disturbed during ground disturbing activities. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

The ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City of Union City prior to issuance of any grading, demolition, and/or building permit. **(Less than Significant Impact with Mitigation)**

4.4.2.3 *Trees (Checklist Question e)*

There are 14 existing trees on the project site. Of the 14 trees onsite, 11 trees would be removed as a result of project activities either due to their locations within the proposed development area or overall poor condition. Five of the onsite trees meet the City's definition of protected trees. Of the five protected trees onsite, project activities would result in the removal of two protected trees. The three Chinese Pistache trees along Watkins Street are suitable for preservation as City street trees, however the trees could be impacted inadvertently by project construction activities. All of the trees onsite are in fair to fair/poor condition. The project would plant numerous replacement trees of varying species along the perimeter of the site, including Coral Bark Maple, Columnar Red Maple, and Valley Oak.

Impact BIO-2.1: Development of the proposed project could result in the loss of up to five protected trees on the site. **(Potentially Significant Impact)**

Impact BIO-2.2: Project demolition and construction activities could result in damage to existing trees on the site proposed to be preserved with the project. **(Potentially Significant Impact)**

Mitigation and Avoidance Measures

The following mitigation measures will be implemented during construction to reduce or avoid impacts to existing trees:

MM BIO-2.1: The project shall conform to the requirements of the City of Union City's Tree Conservation Ordinance, which includes the requirement to obtain a Tree Removal Permit for the removal of any tree having a trunk circumference of 12 inches or greater, when removal is located on commercial property. **(Less Than Significant Impact With Mitigation)**

MM BIO-2.2: The project shall incorporate tree preservation measures such as the establishment of tree protection zones, demolition and staging area measures, and root cutting, trenching and irrigation standards, as described in the arborist report prepared for the project by *John J. Leone* (Certified Arborist), dated July 2018. The project arborist shall submit written correspondence to the City confirming that tree protection has been satisfactorily installed prior to issuance of grading and/or building permits. Specific tree preservation guidelines and recommendations were provided in the report and include the following measures, which shall be implemented by the project to protect trees to be preserved from demolition and construction impacts:

- Driving vehicles and equipment, or stacking materials under the drip line of trees is prohibited. Heavy activity under the drip line will cause compaction and compromise the health of the tree; thereby causing the tree to eventually perish. The drip line starts at the edge of the branches of the tree.
- Install a substantial non-movable tree protection fence (i.e. chain-link fence) to protect the roots, trunk, and branches of the trees to be preserved within the construction zone. The fence must be 6' chain link fencing and extend to the drip line or outer edge of the branches of the tree. 2" diameter posts, 10' long to the need to be securely driven into the ground 24 inches, until construction is complete. A weather proof sign posted on the fencing which reads, "Authorized Persons Only." Access inside the protection area must be provided by some kind of secure gate or similar device.
- Absolutely no self-driven mechanical or heavy equipment is allowed inside the root protection zone fencing area.
- Any digging inside the root protection zones must be done by hand, air spade or air knife devices.
- Any cutting of roots, larger than 2" in diameter must be done under the supervision of a Certified Arborist.
- Absolutely no soil grade changes should occur in the root zones or drip line of the trees. No piling of soil or scraping of soil should occur within the drip line of the trunk of the tree.
- Store soil intended for later use in piles located well outside of the root zones of trees to be preserved.
- Cutting of buttress roots is to be prohibited, as it can cause instability with the structure of the entire tree. Buttress roots are located directly under the bark flare at the base of the tree.
- Large roots exposed by excavation must be covered with burlap and kept damp to keep them from drying out. Trenching and shredding large roots within the drip line of the tree increases the chances of tree instability and mortality.
- Washing of paints, solvents, or concrete materials within the drip line of the tree must be prohibited. A concrete washout must be provided.

Paints, solvents, and concrete residues are toxic to plant materials and will cause them to decline or die. **(Less than Significant with Mitigation Incorporated)**

4.4.2.4 *Conflict with an Adopted Habitat Conservation Plan (Checklist Question f)*

The project site is not located within any Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat plan area. **(No Impact)**

4.4.3 Conclusion

With the implementation of the previously described mitigation measures **MM BIO-1, MM BIO-2.1 MM BIO-2.2**, the project would not result in significant impacts to biological resources. **(Less than Significant Impact with Mitigation)**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on a Historic Resources Evaluation prepared by *Brunzell Historical* (December 2017) and a Cultural Resources Literature Search and Archaeological Sensitivity Evaluation prepared by *Basin Research Associates* (August 2018). The Historic Resources Evaluation is included with this Initial Study as Appendix C. The Cultural Resources Literature Search and Archaeological Sensitivity Evaluation is on file at the City of Union City Planning Division and can be viewed by qualified professionals.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places

The NHPA is the primary federal law dealing with historic preservation. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history; or
- Is associated with the lives of persons significant to our past; or
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and

affords protections under CEQA. A historic resource listed in, or formally determined to be eligible for listing in the NRHP is, by definition, included in the CRHR (Public Resources Code Section 5024.1(d)(1)).

For a historical resource to be eligible for listing on the CRHR, it must be significant under one or more of the following criteria:

- It is 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;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Tribal Cultural Resources

Assembly Bill (AB) 52 requires that tribal cultural resources be considered under CEQA. A tribal cultural resource can be a site, feature, place, object, or cultural landscape with value to a California Native American tribe that is also eligible for listing on the CRHR. AB 52 includes a broad definition of what may be considered to be a tribal cultural resource, and includes a list of recommended mitigation measures for potential impacts. Once a tribe provides formal written request to a public agency to be informed of projects in a specific geographic area, the lead agency must notify the tribe within 14 days of deciding to undertake a project or determining that a project application is complete (prior to release of the environmental document). The notification to the tribe must be in writing and include a brief project description, the project location, contact information, and a notice of 30 days to respond. If a tribe requests consultation within the 30-day time frame, the lead agency must begin the consultation process within 30 days of receiving the request. Consultation is deemed complete when 1) the parties agree to measures to mitigate or avoid a significant impact (if an impact is found), or 2) when either party agrees that mutual agreement cannot be reached.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

City of Union City

2002 General Plan

The City's General Plan includes historic preservation and archaeological and cultural resources policies regarding preservation of those resources within the City and are applicable to the proposed project.

Policy	Description
NHR-C.1.6	The City shall support efforts to protect and recover archeological resources.
NHR-D.I.4	The City shall use appropriate State and Federal standards significance of cultural resources found in the city.
CD-B.6.1	The City shall emphasize commercial revitalization and development in Old Alvarado while retaining its "Old California Town" character. Further, new development should be designed consistent with the architectural style of existing homes in the immediate area of the development.
LU-A.3.3	The City should require that new residential development in the Decoto and Old Alvarado neighborhoods be designed consistent with the architectural style of existing homes in the immediate area of the development.

Local Criteria

The City of Union City does not have a formal local historic preservation program, but utilizes the state and national standards as guidelines when evaluating potential historic resources. The City's Municipal Code does, however, include a Landmark and Historic Preservation Overlay (LHP) Zone Designation, which contains the following designation findings (Sec. 18.106.240):

The Planning Commission may approve a nomination application for, and the City Council may designate, a structure, improvement, natural feature, object or area for designation as a cultural resource or historic district if it finds that the structure, improvement, natural feature, object or area meets the following criteria:

A. It exemplifies or reflects a special element of the City's cultural, social, economic, political, aesthetic, architectural or natural history and possesses an integrity of location, design, setting, materials, workmanship, feeling and association, and

    1. It embodies distinctive characteristics of style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or
    2. It contributes to the significance of a historic area being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties or properties which contribute to each other and are unified aesthetically by plan or physical development, or
    3. It embodies elements of architectural design, detail materials or craftsmanship that represents a significant structural or architectural achievement or innovation, or

4. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the City of Union City, or
5. It is at least forty-five (45) years of age;

B. It is one (1) of the few remaining examples in the City, region, state or nation possessing distinguishing characteristics of an architectural or historical type or specimen;

C. It is identified with persons or events significant in local, state, or national history.

4.5.1.2 *Existing Conditions*

Prehistoric Resources

In general, southern Alameda County appears to have had a favorable environment for prehistoric occupation with marshlands, riparian and inland resources available to the prehistoric populations. Native American use of the general study area was undoubtedly influenced by the presence of intermittent creeks and other nearby water sources such as Dry Creek to the west/south, and Alameda Creek to the south, and springs in the general vicinity, as well as the San Francisco Bay margin.

Prehistoric site types recorded in the region consist of shell mounds, lithic scatters, quarries, habitation sites (including burials), bedrock mortars or other milling feature sites, petroglyph sites, and isolated burial sites. No prehistoric and/or combined prehistoric/historic archaeological sites have been recorded in, adjacent or within 0.25 mile of the project site.

The project is within an area which could have been in Chochenyo territory of the Costanoan or Ohlone. Alternatively, the project site is situated within the Tuibun group, Ohlone speakers, who occupied the mouth of Alameda Creek and the Coyote Hills area. No known ethnographic or contemporary Native American resources, including villages, trails, sacred places and traditional use areas, have been identified in the study area.

Historic Resources

The project site is currently occupied by the vacant former Silver Dollar Café and Tavern building, a duplex building, a single-family home, and miscellaneous accessory structures ("Santos Family Property"). The buildings were constructed c1927 and c1950, within the general context of the twentieth century residential and commercial development in Alvarado (which became part of Union City after the buildings were constructed).

Alvarado was established in the 1850's and became the first County seat when Alameda County was first established in 1853. At that time, Alvarado functioned as the commerce center of Alameda County. In the following years, agriculture was an important component of the local economy in Alvarado.

The Alvarado area is now referred to as the Historic Alvarado District (formerly Old Alvarado) and is comprised of several historic structures and newer buildings. While the Historic Alvarado District is one of the City's older neighborhoods, the term "District" does not refer to a State, local, or

national designated historic district. As described in more detail below, the structures on-site are not considered to be historic resources according to the CEQA Guidelines definition in Section 15064.5(a).

31088 Vallejo Street (Santos House)

The Santos House is a modest example of a Tudor-style house from the 1920s. The style was popular from about 1890 until 1940, and was inspired by English medieval and Renaissance architecture. The Santos House lacks the decorative features and elaborations that distinguish architecturally significant examples of Tudor architecture, including half-timbered cladding, brick and or stone masonry cladding or trim, strapwork, decorative chimney pots, carved wooden doors, and windows with multiple small panes. Alterations over the years, especially the large hipped-roof addition at the rear and porch enclosure on the south elevation, have also compromised its integrity of design, materials, and workmanship.

31063 and 31067 Watkins Street (Duplex Building)

The duplex building on Watkins Street is a common example of Minimal Traditional architecture, the most popular style for inexpensive houses and small multi-family buildings when it was constructed.

Silver Dollar Café and Tavern

The former Silver Dollar Café and Tavern building was built in 1938 and was associated with commercial development in Alvarado. It was one of several bars that opened in Alvarado after the repeal of Prohibition in 1933. The Silver Dollar building is a primarily utilitarian example of a commercial building constructed to house a bar after Prohibition. Its small hexagonal windows were commonly incorporated into bar buildings during this period in order to make drinkers less visible to children and other passersby. The building's flat roof, irregular plan that conforms to the slant of the road, lack of entry porch or permanent awning, and cladding that is different on front and rear elevations are all features of a building constructed to be inexpensive rather than according to particular design principles. Its only surviving decorative features are minimal molding on wall surfaces and coping at its parapets. Its two original neon signs have been removed, destroying the building's most characteristic decorative features. Other alterations have also been performed, such as replacement of the original door, boarding up of transoms and sidelights, installation of security bars over windows, and installation of a rooftop satellite dish.

Paleontological Resources

Portions of Union City include geologic formations that may contain fossils. West of Mission Boulevard (including the project site) the entire City is mapped as Holocene-aged alluvium that is considered to have no paleontological sensitivity.[11]

[11] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015.

4.5.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5?	☐	☐	☒	☐	1,32
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5?	☐	☒	☐	☐	1,13,32
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☒	☐	☐	1,6
d) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐	1
e) 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:					
1. 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	☐	☐	☒	☐	1,13
2. 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☐	☒	☐	1,13

4.5.2.1 *Impacts to Historic Structures (Checklist Question a)*

Under CEQA, a structure need not be listed on a national, state, or local register to qualify as a significant resource. A structure is considered a significant resource under CEQA if it is listed in or found to be eligible for inclusion on a National, State, or local register.

As previously discussed, the project site is currently occupied by the vacant former Silver Dollar Café and Tavern building, a duplex building, a single-family home, and miscellaneous accessory structures. None of the structures are listed on a national or state register and are not included on the City's Landmark and Historic Preservation Overlay Zone. The structures were evaluated in accordance with Section 15064.5 of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Resources Code, and the City of Union City criteria for designation and listing on the historic inventory under Municipal Code Section 18.106.240. The structures do not meet the significance criteria as outlined in the CEQA Guidelines and therefore are not historical resources for the purposes of CEQA. While the structures were all constructed between 1927 and 1950, none of the buildings are eligible for historic listing either individually or as contributors to a historic district.

The Santos Family Property is not eligible for historic listing with respect to its association with historically significant events. Although the duplex and single-family residence were both loosely associated with residential development and growth in Alvarado, the buildings were among many such dwellings constructed, and research has revealed no important association between the dwellings on the property and this historic trend. The miscellaneous accessory structures are ancillary buildings constructed to provide storage and extra living space for the residents of the house and duplex. As such, they would only be eligible for historic listing based on their association with the house and duplex. Since those buildings are not significantly associated with an important historic context, the ancillary buildings are similarly lacking in historic significance.

Regarding the Silver Dollar Café and Tavern, research done for the property did not reveal any important associations between this particular business and the commercial development of Alvarado. Nor is there evidence that the bar was a significant cultural or social locus for the community. Therefore it is ineligible for individual historic listing based on its association with historical trends. In addition to the bar's lack of significance, its integrity has been compromised. When the Nimitz Freeway was constructed, Horner Street lost its historical status as a highway, significantly altering the setting. Demolition of the adjacent gas station c1961 further compromised the setting. Integrity of feeling and association are especially important for buildings that lack architectural distinction. Integrity of association was lost when the Silver Dollar ceased operation as a tavern c2014. Degradation of most other aspects of integrity combine to form a lack of integrity of feeling.

The Santos Family Property is not eligible for historic listing related to its association with persons important to history. Although members of the Santos family were active in the local community in various capacities during their lifetimes and were somewhat prominent as local business operators, research does not indicate that they were important to local history or influenced historical trends.

The Santos Family Property is not eligible for historic listing related to the architecture and design of the buildings. The Santos House lacks the decorative features and elaborations that distinguish architecturally significant examples of Tudor architecture, including half-timbered cladding, brick and or stone masonry cladding or trim, strapwork, decorative chimney pots, carved wooden doors,

and windows with multiple small panes. Alterations over the years, especially the large hipped-roof addition at the rear and porch enclosure on the south elevation, have also compromised its integrity of design, materials, and workmanship. The duplex building on Watkins Street is a common example of Minimal Traditional architecture, the most popular style for inexpensive houses and small multi-family buildings when it was constructed and therefore does not represent significant historic development. . The accessory structures lack decorative or aesthetic quality. The Silver Dollar Café and Tavern building has been modified over the years, which significantly compromised its integrity of design, workmanship, and materials. The building's flat roof, irregular plan that conforms to the slant of the road, lack of entry porch or permanent awning, and cladding that is different on front and rear elevations are all features of a building constructed to be inexpensive rather than according to particular design principles. For simple buildings such as this one, even minor alterations can significantly degrade historic integrity. In addition, its two original neon signs have been removed, destroying the building's most characteristic decorative features

The Santos Family Property is not eligible for listing as a historic district at any level. A district derives its importance from being a unified entity (even though they are frequently composed of a wide variety of resources). A district must possess significance, as well as being an identifiable entity, to qualify for historic listing. It must be important for historical, architectural, archeological, engineering, or cultural values. The Santos Family Property is not eligible because although it is a distinguishable entity, it lacks the historical or architectural significance required for listing as a historic district.

The proposed project would introduce a new mixed-use development within the Alvarado Historic District, which is not a State, local, or national designated historic district and does not meet the definition of a historic resource as defined by CEQA Guidelines 15064.5. Regardless, the project would be designed to be consistent with the Old Alvarado Design Guidelines. As described in Section 4.1.2.2, the mixed-use building would front Horner Street, consistent with the storefront elements described in the Old Alvarado Guidelines. The project exterior finishings would include horizontal siding, stone veneer, wood detailing (i.e., wood bracket cornices, decorative wood corbels, trim, and railings), parapets, and decorative lighting fixtures in keeping with the historical integrity of the area and consistent with the Old Alvarado Design Guidelines. Based on the discussion above, demolition of the existing buildings and redevelopment of the site would not cause a substantial adverse change in the significance of any historic resources under CEQA. **(Less Than Significant Impact)**

4.5.2.2 *Impacts to Subsurface Cultural Resources (Checklist Questions b, c, d)*

Prehistoric and Historic Archaeological Resources

The project site is located in an area that appears to have had a favorable environment for prehistoric occupation with marshlands, riparian and inland resources available to the prehistoric populations. An archeological literature search and site reconnaissance completed for the project site was completed in August 2018 by Basin Research Associates. The analysis determined that no cultural resources are present at the project site. As previously discussed, the existing structures on the site are not significant historic resources under CEQA.

While the project site is mapped within an area of high archaeological sensitivity, research over the past 45 years has not resulted in the discovery of any significant cultural finds in the area suggesting a low sensitivity based on current archaeological interpretation. As a result, discovery of archaeological resources or pre-historic human remains is unlikely given the location of the project site in comparison to known culturally sensitive areas and previous development activities. Although unlikely, excavation, including potentially the removal of underground tanks and surrounding soil, and trenching for utilities on the site could, however, damage as yet unrecorded subsurface resources.

Impact CUL – 1: The project may inadvertently impact undiscovered archaeological resources or pre-historic human remains during construction. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented by the project to reduce impacts to potential buried archaeological resources or pre-historic human remains:

MM CUL-1.1: In the event that any prehistoric or historic resources are encountered during excavation and/or grading of the sites, all activity within a 50-foot radius of the find shall be stopped, the City of Union City shall be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to the issuance of a building permit. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring shall be submitted to the City of Union City prior to issuance of building permits.

MM CUL – 1.2: If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the City of Union City and the qualified archaeologist, who will then notify the Alameda County Coroner. The Coroner will make a determination as to whether the remains are Native American.

If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

If one of the following conditions occurs, the landowners or his authorized representatives shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
- The descendant identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. **(Less than Significant Impact With Mitigation)**

Paleontological Resources

The project site is not located in an area that is considered sensitive for paleontological resources.[12] The project does not include any underground parking or large-scale excavation. Although not anticipated, construction activities could disturb paleontological resources, if present. Regardless, the project would implement the following standard permit conditions, as necessary, do reduce potential impacts to paleontological resources.

Impact CUL – 2: The project may inadvertently impact undiscovered paleontological resources during construction. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented by the project to reduce impacts to potential paleontological resources:

MM CUL – 2.1: If vertebrate fossils are discovered during construction, the City of Union City shall be notified and all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project proponent(s) will be responsible for implementing the recommendations of the paleontological monitor, and a final report documenting the implementation of the treatment program shall be provided prior to building permit or certificate of occupancy, depending upon when resources are encountered, to the City of Union City. **(Less Than Significant Impact With Mitigation Incorporated)**

4.5.2.3 *Tribal Cultural Resources Impacts (Checklist Question e)*

California AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural

[12] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015.

resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. The City of Union City sent written project notification to all tribes on the NAHC list from August 27 to September 27 of 2018 and no tribes responded requesting a consultation.

As noted above, there are no known tribal cultural resources present on the site. In the event of discovery of resources by the project during construction, the project proponent who encountered tribal cultural resources would implement the Standard Permit Conditions identified previously above in Section 4.5.3.2 *Impacts to Subsurface Cultural Resources.* **(Less than Significant Impact)**

4.5.3 Conclusion

With implementation of the identified mitigation measures MM CUL – 1.1, MM CUL – 1.2, and MM CUL – 2.1 described previously, the proposed project would have a less than significant impact on cultural resources. **(Less than Significant Impact With Mitigation Incorporated)**

4.6 GEOLOGY AND SOILS

The discussion within this section is based on the information contained within the Geotechnical Investigation prepared by Wayne Ting & Associates, Inc. and included with this Initial Study as Appendix D.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The Act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

2002 General Plan

The General Plan includes the following geologic policies applicable to the proposed project.

Policy	Description
HS-A.1.1	The City shall evaluate proposed projects and land use policy decisions based on the environmental hazards identified in this element, its hazard maps, FEMA Flood Insurance Rate Maps, and hazard maps prepared by the California Mines & Geology Division Geology and the Association of Bay Area Governments.
HS-A.1.8	The City shall not permit new construction in areas where emergency access cannot be adequately ensured.
HS-B.1.1	The City shall require investigations by both registered soils engineers and engineering geologists prior to issuing building permits or discretionary approvals (ie., general plan amendment, rezoning, conditional use permit, tentative subdivision map, etc.) for any new construction, unless waived due to current existing information and location. Soils engineering reports shall specifically address secondary seismic hazards, especially potential for soil liquefaction, ground shaking, lateral spreading, local subsidence, and lurch cracking. All such reports shall be independently evaluated, on behalf of the City, for completeness and accuracy. a. All development proposals for lands west of Union City Boulevard shall coordinate with Alameda County Flood Control and Water Conservation District to evaluate the stability of all levees in order to identify potential hazards and necessary mitigation measures. Such evaluation will be the responsibility of the applicant(s) to prepare. b. Soils and geologic engineering reports shall be required for sites within the "Special Seismic Studies Zone and lands east of Mission Boulevard to deal specifically with risks related to primary effects of ground rupture along fault traces and secondary seismic effects of slope instability and erosion control. c. For buildings larger than single-family residences, there shall be a soils report and an engineer-of-record. Contract services for structural review of plans, when necessary, should be done at the applicant's expense. Soils engineer reports shall address secondary seismic hazards, especially potential for soil liquefaction, lateral spreading, and lurch cracking.
HS-B.1.7	The City shall not develop any lands which are found to contain potential geologic or seismic hazards defined as an "unacceptable risk". An unacceptable risk is a level of risk above which specific action by government is deemed to be necessary to protect life and property.

Municipal Code

Title 15 of the Union City Municipal Code includes the adopted portions of the 2016 California Building Code.

4.6.1.2 *Existing Conditions*

Soils

The project site is a relatively flat parcel covered with asphaltic pavements. Based on subsurface investigations performed at the project site in June 2017, subsurface soils consist of brown silty to gravelly sand followed by medium brown silty clay. The maximum depth explored was approximately 45 feet below the ground surface. Soils on the project site are of low plasticity and therefore have a low expansion potential.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in the northwesterly direction.

The project site is not located within a State of California Earthquake Fault Zone and no known active faults cross the site.[13] The nearest active fault to the subject site is the Hayward Fault, which is located approximately 3.4 miles to the northeast. Therefore, the potential for fault rupture to occur at the site is very low.

Liquefaction

Soil liquefaction is a phenomenon in which saturated (submerged) cohesionless soils can be subjected to a temporary loss of strength due to the buildup pore water pressures, especially as a result of cyclic loadings such as induced by earthquakes.[14] Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine sands.

According to the State of California Official Seismic Hazard Zones Map for the Newark Quadrangle, the site is located in an area potentially susceptible to earthquake-induced liquefaction.[15]

Based on the geological investigation completed for the project, it was determined that soils at the project site could experience a differential settlement of up to 3.5 inches due to a moderate to large seismic event.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such a steep bank of a stream channel. Alameda Creek is located approximately 0.4 miles northeast of the project site. The potential for lateral spreading at the site during a seismic event is considered low.

[13] California Department of Conservation. CGS Information Warehouse: Regulatory Maps. Accessed July 18, 2018. Available at: http://maps.conservation.ca.gov/cgs/informationwarehouse/.
[14] Wayne Ting & Associates. *Geotechnical Investigation.* June 26, 2017.
[15] Ibid.

Landslides

The project site is located in a flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. The project site is not located within an area susceptible to earthquake-induced landslides.[16]

4.6.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42.)?	☐	☐	☒	☐	1,14,15
2. Strong seismic ground shaking?	☐	☐	☒	☐	1,14
3. Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐	1,14,15
4. Landslides?	☐	☐	☒	☐	1,14,15
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 14
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐	1,14,15
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2016), creating substantial risks to life or property?	☐	☐	☒	☐	1,14
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

4.6.2.2 ***Seismicity and Seismic Hazards*** *(Checklist Questions a and c)*

The project site is located in a seismically active region of California and strong ground shaking would be expected during the lifetime of the mixed-used development. However, there are no known

[16] Ibid.

active faults traversing the project site and the site is not located within the Alquist-Priolo Earthquake Fault Hazard Zone. As such, people or structures would not be exposed to substantial adverse effects from a rupture of a known earthquake fault. Therefore, the potential for surface rupture from displacement or fault movement directly beneath the proposed project is considered low.

Depending upon the intensity and magnitude of a seismic event, new buildings may experience shaking due to the site's proximity to the active faults in the vicinity. The project would be designed and constructed in conformance with the design parameters contained in the 2016 California Building Code to reduce potential seismic impacts. Therefore, impacts related to strong seismic ground shaking would be less than significant.

As noted above, the potential for lateral spreading at the site during a seismic event is considered low and the project site is located in a flat area and would not be exposed to substantial slope instability, subsidence, collapse, erosion, or landslide-related hazards. The project site is not located within an area susceptible to earthquake-induced landslides.[17] Therefore, impacts related to lateral spreading or landslide activity are considered less than significant.

The geological investigation completed for the project identified the presence of potential liquefiable soils. These clayey sands and gravelly sands could result in differential settlement of up to 3.5 inches during a major earthquake.

Impact GEO-1: Due to the presence of potentially liquefiable soils, development of the project could result in liquefaction-induced settlement. **(Potentially Significant Impact)**

To ensure that the future buildings are designed properly to account for the presence of liquefiable soils, the following mitigation measure would be required to avoid or reduce the project's potentially significant impact.

MM GEO-1.1: **Geotechnical Design Considerations.** The project applicant shall implement all the measures and conditions set forth in the Geotechnical Investigation prepared by Wayne Ting & Associates, Inc. in its June 2017 report. These include but are not limited to:

- Site preparation and grading (compaction grouting)
- Foundation design (mat foundation)
- Concrete slabs-on-grade
- Trench backfill

With implementation of the measures outlined in MM GEO-1, construction of the project would not result in seismic-related liquefaction. Therefore, the potentially significant impact would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

[17] Ibid.

4.6.2.3 *Soils Impacts (Checklist Questions b and d)*

The project site is located in a relatively flat area and would not be exposed to substantial slope instability, erosion, or landslide-related hazards. Soils on the project site are of low plasticity and therefore have a low expansion potential.

The project would be required to comply with erosion control standards administered by the RWQCB through the National Pollutant Discharge Elimination System (NPDES) permit process, which requires implementation of nonpoint source control of stormwater runoff. Upon completion of construction activities, the project site would be completely covered with buildings, pavements, and landscaping. The area of disturbance would not exceed the 1-acre threshold above which the San Francisco Bay Regional Water Quality Control Board (RWQCB) requires implementation of erosion control measures as part of coverage under a Construction General Permit (CGP), which is administered by the RWQCB on behalf of the State Water Resources Control Board (SWRCB). However, the project would require a Grading Permit from the Union City Public Works Department, which requires compliance with erosion control measures during construction. Compliance with this standard requirement would ensure that the project's potential soil erosion impacts would be less than significant. **(Less than Significant Impact)**

4.6.2.4 *Wastewater (Checklist Question e)*

The project site is located within an urbanized area of Union City where sanitary sewer lines are available to dispose of wastewater from the project site. No septic tanks will be utilized on the project site. As a result, the soil on-site would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

4.6.3 Conclusion

With implementation of MM GEO-1, the project would not result in significant geology or soils impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion is based on a greenhouse gas emissions assessment prepared by *Illingworth & Rodkin* in August 2018. The report can be found in Appendix A.

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as AB 32, the California Air Resources Board (CARB) established a statewide greenhouse gas (GHG) emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO2e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO2e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). The project site is not located within a PDA. [18]

[18] ABAG. Plan Bay Area. Priority Development Area Showcase. http://gis.abag.ca.gov/website/PDAShowcase/#nogo1.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Union City and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Union City Climate Action Plan

The Union City Climate Action Plan (CAP) is a strategy tool that includes goals and actions to help reduce the City's share of GHG emissions. The CAP was adopted by the City Council in October 2010 and is aligned with the City Council's goal of reducing GHG emissions 20 percent below 2005 levels by the year 2020.[20]

4.7.1.2 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and

[19] CARB. "The Advanced Clean Cars Program". Accessed April 6, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.
[20] City of Union City, California (2010). *Union City Climate Action Plan November 2010.* https://www.unioncity.org/DocumentCenter/View/708/Union-City-Climate-Action-Plan-PDF?bidId=

changes in weather patterns. The principal GHGs contributing to global warming include CO_2, methane, nitrous oxide, and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, manufacturing, utility, and agricultural sectors.

4.7.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,11,31
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,11,31

4.7.3 Thresholds of Significance

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of CO_2e per year or 4.6 MT CO_2e per service population per year for projects fully occupied prior to 2021. A project that is occupied prior to 2021 and in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by BAAQMD and included within the City's Climate Action Plan, however, were calculated to achieve the state's 2020 target for GHG emissions levels (and not the SB 32 specified target for 2030 of 40 percent below the 1990 GHG emissions level).

The project would be operational in 2021 and would not be accounted for under the City's Climate Action Plan for 2020. CARB has completed a 2030 Scoping Plan for SB 32, which will be utilized by BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for 2030. For the purposes of this analysis, however, a Substantial Progress bright-line threshold of 660 MT CO2e/year (or a 40 percent reduction of the 2020 1,100 MT CO_{2e}/year threshold) or an adjusted efficiency metric of 2.6 MT CO_{2e}/year/service population has been calculated for 2030 based on the GHG reduction goals of SB 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

4.7.3.1 *Greenhouse Gas Emissions Impacts (Checklist Question a)*

Construction

Construction of the proposed project, including potentially the removal of underground tanks and surrounding soil, would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project sites. The CalEEMod model was used to estimate total construction GHG emissions for the proposed project. The project would result in 84 MT of CO_{2e}. Neither the City nor BAAQMD have quantified GHG thresholds for construction activities. Because project construction would be a temporary condition (this analysis assumes a total of 12 months) and would not result in a permanent increase in emissions that would interfere with the implementation of SB 32, the increase in emissions would be less than significant. (**Less than significant impact**)

The following measures, based on the City's Municipal Code, have been included to reduce construction GHG emissions.

Measure WR-1.2: Strengthen Construction & Demolition Standards.

The project will be required to comply with California Green Building Standards Code in effect, which currently requires diversion of 50 percent of all construction and demolition debris generated by a project. In addition, the project will also need to comply with the City's Construction and Demolition Debris Recycling Ordinance (Municipal Code Chapter 15.75), which requires demolition and renovation projects having total costs of $100,000 or more, or residential remodels that increase building square footage by 50 percent or more, to divert at least 50 percent of all construction and demolition debris generated.

Operation

The CalEEMod model along with the project-specific information was used to calculate operational period GHG emissions associated with operation of the proposed project. As shown in Table 4.7-1, annual net new GHG emissions from the project are predicted to be 355 MT of CO_{2e} in 2021 and 290 MT of CO_{2e} in 2030, and would not exceed the 2030 "Substantial Progress" threshold of 660 MT CO2e/year. **(Less Than Significant Impact)**

Table 4.7-1: Annual GHG Emissions of CO_{2e} (MT/year)

Source Category	Existing	Proposed Project in 2021	Proposed Project in 2030
Area	< 1	1	1
Energy Consumption	25	39	38
Mobile	33	365	300
Waste	2	9	9
Water Usage	< 1	3	3
Total	62	417	352
Net New Emissions	**--**	**355**	**290**
BAAQMD 2020 Threshold	1,100 MT of CO_{2e}/year		
Substantial Progress 2030 Threshold	660 MT of CO_{2e}/year		

4.7.3.2 *Conformance with Applicable Plans* *(Checklist Question b)*

As previously discussed, the City's CAP includes measures to reduce GHG emissions 20 percent below 2005 levels by 2020. The City has not yet prepared an updated CAP to achieve the state's SB 32 targets for 2030 which are 40 percent below 2020 levels. The proposed project would be operational post-2020 and the CAP only applies to those projects that would be operational by 2020. As noted above, the project's emissions are below the applicable 2030 Substantial Progress threshold. Therefore, the project will not impede the City's nor the State's comprehensive efforts to reduce GHG emissions to remain on a path to achieving the 2050 statewide targets.

4.7.4 Conclusion

The proposed project would result in less than significant GHG emission impacts. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, upon a Phase I Environmental Site Assessment (ESA) completed for the project by *Phase I Assessments* (May 2018), which is included as Appendix E to this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the Union City Environmental Programs Division have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and CalRecycle. The project site is not on the Cortese List.[21]

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings,

[21] DTSC. "Hazardous Waste and Substances Site List (Cortese)". Accessed July 12, 2018. http://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=cortese&site_type=csites,open,fuds,close&status=act,bklg,com,colur&reporttitle=hazardous+waste+and+substances+site+list+(cortese).

plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Union City Environmental Programs Division reviews CalARP risk management plans as the CUPA.

City of Union City

2002 General Plan

The following General Plan policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Policy	Description
HS-G.1.3	Where potential for contamination exists or for critical facilities and/or uses, the City shall require an applicant for new development to prepare a Phase I and II Environmental Site Assessment. The property owner shall: a. Provide appropriate notification to the City, and any additional responsible agencies concerning the sources of any contaminant(s) found and their extent. b. Remediate all environmental hazards and contamination to the most stringent requirements of Federal, State, and local law, code or practice.

4.8.1.2 *Existing Conditions*

Current and Historic Uses

The project site is currently occupied by the vacant former Silver Dollar Café and Tavern building, a duplex building, and a single-family home.

A review of historical aerial photographs show that the project site was vacant up until 1929. From 1929 to 1944, the site was developed with two residential structures and a gas station. From 1946 to

1949, the site was used for agricultural purposes. In aerial photographs from 1958 to 2012, the site appears to have been developed with the existing structures that remain presently.

On-Site Hazardous Materials

According to the Phase I ESA ~~prepare~~prepared by *Phase I Environmental Assessment*, the project site is not listed on any environmental regulatory databases. No Recognized Environmental Conditions are present at the project site. No hazardous substances, petroleum products, aboveground storage tanks, underground storage tanks (USTs), wells, or septic systems were observed to be stored or used on the project site during the inspection on May 26, 2017.

According to the Phase I ESA, two 5,000-gallon USTs ~~were removed from the project site in 1985. Four soil samples were taken from 15 feet below ground surface in the vicinity of where the USTs were removed. The results indicate low volatile hydrocarbon compounds. Based on conversations with the City, the former UST no longer represents an environmental concern.~~existed on the property previously for which incomplete documentation exists regarding their removal and the condition of surrounding soil and groundwater. Based on comments received from the Alameda County Water District regarding the Initial Study/MND circulated for public review from October 15-November 5, 2018, and feedback from the Planning Commission and public at a November 1, 2018 Study Session regarding the project, there is uncertainty surrounding the previous USTs removals and the potential for petroleum hydrocarbons to exist in site soils and/or groundwater.

Based on the estimated age of the existing on-site buildings, ACMs and lead-based paint may be present in some building materials.

Off-Site Sources of Contamination

An environmental regulatory database search was also completed for properties that could be hazardous to the project site. There are facilities on the Regional Water Quality Control Board list containing leaking underground storage facilities which are within 0.5 miles of the project site including J & G Union City Glass (3992 Horner Street, case closed), New Haven USO Corporation (3636 Smith Street, preliminary site assessment underway, no immediate impact), Randy's Frozen Meats (30593 Union City Boulevard, case closed), Sysco Avard/Continent (30315 Union City Boulevard, case closed, A & H Truck Repair (30319 Union City Boulevard, site assessment, no immediate impact), Recycling Center (30685 Union City Boulevard, case closed), and Bettencourt Property (4300 Bettencourt Way, case closed).

The sites listed in the regulatory database do not have the potential to significantly impact the environment of the project site because there were no identified hazardous wastes generators or underground/above ground storage tanks within 0.25 miles of the property. ~~According to the Alameda County Health Department's list of contaminated properties, there are no contaminated sites within one mile of the project site.~~

4.8.1.3 *Other Hazards*

Airports

The project site is located approximately 4 and 11 miles south of the Hayward Executive Airport and Oakland International Airport, respectively, and is not within the airport influence area or safety zone.

Wildland Fire Hazards

According to the CAL FIRE, the project site is not located in a fire hazard zone or the Wildland Urban Interface.[22]

4.8.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,16
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1,16
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1,16
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐	1,16
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,3

[22] CAL FIRE. "Alameda County Fire Hazard Severity Zones in SRA." Accessed July 19, 2018. Available at: http://frap.fire.ca.gov/webdata/maps/alameda/fhszs_map.1.pdf.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:						
f)	For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g)	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,3
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1,17

4.8.2.1 *Routine Transport, Use, or Disposal of Hazardous Materials* *(Checklist Question a)*

Operation of the proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would be comparable to the operations of adjacent facilities and would not pose a risk to adjacent land uses. For these reasons, the proposed projects would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **(Less Than Significant Impact)**

4.8.2.2 *Accidental Release of Hazardous Materials* *(Checklist Question b)*

Potential On-Site Soil Contamination from USTs

~~As previously discussed, the project site is not listed on any environmental regulatory databases. No Recognized Environmental Conditions are present at the project site. Hazardous materials were not observed on the project site during the site visit.~~

As previously discussed, the project site was a former gas station with two 5,000-gallon underground storage tanks (USTs) on-site for which incomplete documentation exists regarding their removal. The two 5,000-gallon USTs were likely removed from the project site in 1985, although this cannot be conclusively confirmed by City or Alameda County Water District records. In 1985, four soil samples appear to have been taken from 15 feet below ground surface in the vicinity of where the USTs were likely removed. The results purportedly indicated low volatile hydrocarbon compounds, although it was unclear whether the result were evaluated against Residential Environmental Screening Levels (ESLs).

According to the Alameda County Water District comment letter regarding the Initial Study/draft MND circulated for public review in 2018, there are no records documenting the actual removal of the USTs, physical observations of the conditions of the USTs, sidewall samples, nor documentation of product lines and pump islands being removed or those areas being sampled for potential release.

Further, the test results provided do not list which volatile hydrocarbon compound was encountered for three of the four samples. For these reasons, it is possible that former USTs remain and/or that they may have leaked and impacted soil and/or groundwater on the site. Therefore, the project site would be required to undergo additional soil/groundwater testing (Phase II) to ensure that the USTs are removed (if in fact still present), and that any hydrocarbons found on-site do not exceed residential ESLs.

In the event that the Phase II report indicates that USTs are present on-site with or without residual contaminated soil, the remediation process would typically consist of removing the tanks and off-hauling any contaminated soil to a nearby hazardous waste disposal facility. After the tanks and residual contaminated soil are removed, clean soil would be backfilled in the areas where the contaminated soil was removed. The overall project construction process identified in *Section 3.0 Project Description* would not be largely affected or increased due to the presence of USTs or contaminated soil in that the additional work related to tank removal and soil removal (if required) is not expected to entail more than a week or two of additional site preparation (although the sequencing of the work may occur over a longer period of time) involving excavation, trucks off-hauling the tanks and limited amounts of soil, and import and placement of clean fill to backfill the excavated area.

Impact HAZ-1: Hazardous materials contamination in the form of volatile or semi-volatile hydrocarbon compounds from underground storage tanks may be present in soil and/or groundwater on-site, which could harm construction workers, surrounding residents and other nearby sensitive receptors, or future inhabitants of the proposed residences. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures would reduce impacts from USTs and impacted soil and/or groundwater to less than significant level.

MM HAZ-1.1: The applicant shall retain a qualified hazardous materials consultant to perform a Phase II Environmental Site Assessment including additional soil/groundwater testing on-site near the locations of the underground storage tanks. The Phase II shall collect at minimum soil, groundwater, and soil vapor samples in the locations of the tanks and pump island. The applicant shall obtain Alameda County Water District approval of the Phase II scope of work, sampling plan, and remediation plan (if remediation is required) prior to issuance of grading permits. The applicant shall also obtain a drilling permit from Alameda County Water District as required.

MM HAZ-1.2: In the event the Phase II results indicate the need for substantial additional construction activity for USTs removal and/or remediation, such that the construction activity would be a substantially more significant undertaking than evaluated in the Initial Study, the project, prior to issuance of grading permit, shall be required to obtain Modified Site Development Review Approvals to authorize the additional construction activity, and undergo additional environmental review to ensure that the increased impacts of construction activity were evaluated in accordance with the thresholds used in the Initial Study, related to construction air quality, construction water

quality, erosion control, noise impacts, etc., and where significant, mitigated to less than significant levels, and disclosed in a recirculated Initial Study. Substantial additional construction activity is work that would require on-site heavy equipment and trucking activity for more than ten total days, although the sequencing of the work may occur over a longer time period.

On-Site Soil Contamination from ACM and Lead-Based Paint

Based on the estimated age of the existing on-site buildings, ACM and lead-based paint may be present in some building materials. Building demolition could result in the release of these materials to the environment, if appropriate control measures are not implemented.

Impact HAZ-~~1~~2: Hazardous materials contamination from asbestos-containing materials and lead-based paint remaining on the site could pose a risk to construction workers and adjacent uses during building demolition. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures would reduce impacts to construction workers from ACM and lead-based paint to less than significant level.

MM HAZ-~~1~~2.1: To reduce the potential for construction workers and adjacent uses to encounter hazardous materials contamination from ACMs and lead-based paint, the following measures are included in the project.

- In conformance with local, state, and federal laws, an asbestos building survey and a lead-based paint survey shall be completed by a qualified professional to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition prior to issuance of a demolition permit for any site structure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of all potentially friable asbestos-containing materials, in accordance with the NESHAP guidelines, prior to building demolition that may disturb the materials. All construction activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to BAAQMD regulations.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed. **(Less than Significant Impact with Mitigation Incorporated)**

Off-Site

As discussed above, regulatory databases were reviewed to identify known or suspected off-site sources of contamination. No off-site spill incidents were reported that appear likely to significantly impact soil, soil vapor, or groundwater beneath the sites. For these reasons, development of the project would not result in a significant impact from off-site hazardous materials conditions. **(Less Than Significant Impact)**

4.8.2.3 *Hazardous Emissions or Hazardous Materials Near Schools* *(Checklist Question c)*

The project site is located within one-quarter mile of two schools, Alvarado Elementary School/Itliong-Vera Cruz Middle School. Construction activities on the site would potentially use hazardous materials such as fuels, lubricants and solvents. The project would be subject to all applicable state and federal laws governing the transport, use, storage and disposal of hazardous materials during construction, which would reduce the risk. As previously stated, operation of the proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities. The small quantities of cleaning supplies and maintenance chemicals used on-site would be comparable to the operations of adjacent facilities and would not pose a risk to adjacent land uses. For these reasons, the proposed projects would not pose a health risk to any nearby school. **(Less Than Significant Impact)**

4.8.2.1 *Hazardous Materials Sites* *(Checklist Question d)*

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. **(Less than Significant Impact)**

4.8.2.2

4.8.2.3 *Other Hazards* *(Checklist Question e through h)*

The nearest airport is the Hayward Executive Airport, located 4 miles north of the project site. The project site is located approximately 11 miles south of the Oakland International Airport. The project site is not located within an airport land use plan referral area or wildland fire hazard area. The proposed projects would not impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

4.8.3 Conclusion

With implementation of MM HAZ-1.1, MM HAZ-1.2, and MM HAZ-2.1, the project would not result in significant hazardous materials impacts. **(Less Than Significant Impact with Mitigation Incorporated)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal, State, and Regional

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the EPA and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit[23] (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural

[23] MRP Number CAS612008

hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[24] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

As part of its comprehensive dam safety program, the Alameda County Flood Control and Water Conservation District (ACFCWCD) routinely monitors and studies the condition of each of its three dams. These regulatory inspection programs reduce the potential for dam failure.

Alameda County Flood Control and Water Conservation District

The ACFCWCD operates as the flood control agency for Alameda County. The District plans, designs, constructs, and maintains flood control projects such as natural creeks, channels, levees, pump stations, dams, and reservoirs. The District also preserves the natural environment through public outreach and enforcement of pollution control regulations governing waterways.

[24] State of California. 2013. *2013 State Hazards Mitigation Plan*. Accessed July 29, 2018. http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.

City of Union City

2002 General Plan

The following General Plan policies are specific to hydrology and water quality and are applicable to the proposed project.

Policy	Description
NHR-B.1.2	The City shall require application of the non-point source requirements promulgated by the Regional Water Quality Control Board. In addition, through application of its grading ordinance, the City shall control grading to prevent erosion. Erosion and runoff control measures will be required pursuant to the requirements of the Regional Water Quality Control Board
NHR-B.1.4	The City shall evaluate public and private development projects, including golf courses, to determine the effects of the projects on on-site and downstream drainage patterns and associated ecological systems. Larger projects may require on-site detention or retention facilities to maintain existing storm flows and velocities in natural drainage systems and allow for enhanced infiltration.
NHR-B.1.6	The City shall ensure, through review and inspection, that erosion control is being handled correctly on construction sites.
NHR-B.1.8	The City shall evaluate proposed projects to ensure that impermeable surfaces are minimized.

4.9.1.2 *Existing Conditions*

Stormwater Drainage

The City of Union City owns and maintains the public storm drain system, which includes all of the storm drains, pipes, catch basins, and manholes within the City right-of-way. The outfalls, channels, creeks, and pump stations are owned and operated by Alameda County Flood Control and Water Conservation District. All storm drains in Union City flow directly into creeks, wetlands, and ultimately, the Bay. There are existing storm drain lines located in Horner, Vallejo, and Watkins streets.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction-sites, parking lots, and other exposed surfaces into storm drains. Urban stormwater runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats to which they drain. The nearest waterway to the project site is Alameda Creek, located approximately 0.4 mile northeast of the project site.

Groundwater

The project site is located in the Niles Cone Groundwater Basin, which consists of a series of five aquifers; shallow perched water-bearing zone, the Newark Aquifer, the Centerville Aquifer, the Fremont Aquifer, and the "deeper' Aquifer. The aquifers range in depth from approximately 0 to 60 feet, 35 to 175 feet, 190 to 240 feet, 250 to 300 feet, and more than 300 feet, respectively, separated by thick aquicludes. The groundwater fluctuates from approximately 3.8 feet to 9.5 feet below ground surface. The groundwater flow generally flows to the west to southwest.

Historic groundwater elevations in the vicinity of the proposed project average approximately three feet below the ground surface. Fluctuations in the groundwater level may occur due to seasonal changes, variation in underground drainage patterns, and other factors. Groundwater was encountered at a depth of eight feet below the ground surface during subsurface soil investigations conducted for the project.

Flooding

The project site is located in Flood Zone X, which is an area of minimal flood hazard.[25]

Dam Failure

The Del Valle Dam and the Arroyo Valle Reservoir, James H Turner Dam and the San Antonio Reservoir and Calaveras Dam and the Calaveras Reservoir have the potential to flood the project area via Alameda Creek.[26] However, the ACFCWCD comprehensive dam safety program makes such a risk extremely low.

Seiches, Tsunamis, and Mudflows

A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. There are no landlocked bodies of water near the project site that in the event of a seiche will affect the site.

A tsunami or tidal wave is a series of water waves caused by the displacement of a large volume of a body of water, such as an ocean or a large lake. Due to the immense volumes of water and energy involved, tsunamis can devastate coastal regions. The project site does not lie within a tsunami inundation hazard area.[27]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project site is not susceptible to mudflows.[28]

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[25] Federal Emergency Management Agency. Site accessed July 19, 2018. http://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30.
[26] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015.
[27] Association of Bay Area Governments. *Tsunami Inundation Map for Emergency Planning San Francisco Bay Area*. Site accessed July 19, 2018. http://gis.abag.ca.gov/website/Hazards/?hlyr=femaZones.
[28] Association of Bay Area Governments. *Rainfall-Induced Landslides.* Accessed July 19, 2018. http://gis.abag.ca.gov/website/Hazards/?hlyr=existingLndsld#nogo1.

4.9.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	1,3
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1,3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐	☐	1
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐	1,18
h) Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	☐	☐	☒	☐	1,18
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	1,18,20
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1,18,19

4.9.3 Water Quality Impacts (Checklist Question a, e, and f)

Construction Activities

Construction of the proposed project, including potentially the removal of underground tanks and surrounding soil, would disturb approximately 0.89 acre of land, which is below the one acre threshold for the NPDES General Permit for Construction Activities. While the project is not required to comply with the NPDES permit, it must comply with the City's Municipal Code (Grading and Erosion Control 15.85) which requires use of erosion and sediment control measures, including Best Management Practices (BMPs) installed on and along the perimeter of the building that conform to the construction site control requirements of the MRP.

Impact HYD – 1: The construction of the proposed project could impact water quality during earthmoving activities. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented to reduce construction and development-related water quality impacts. Mitigation measures would be implemented prior to and during earthmoving activities on-site and would continue until the construction is complete, and during the post-construction period, as appropriate.

MM HYD – 1.1:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- The project applicants shall comply with the City of Union City Grading Ordinance, including implementing erosion and dust control during site preparation.

Post-Construction

Water Quality

The project would increase the amount of impervious surfaces on the project site, and associated stormwater runoff, by approximately 36,075 square feet. Under Provision C.3 of the RWQCB's MRP, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require that all post-construction runoff be treated by using LID treatment controls (e.g., biotreatment facilities). Development of the proposed project would result in the placement of more than 10,000 square feet of impervious surfaces. Therefore, the project would be required to comply with Provision C.3 of the MRP to reduce potential post-construction water quality impacts. Details of specific site design, pollutant source control, and stormwater treatment control measures demonstrating compliance with the aforementioned policies shall be included in the project design, to the satisfaction of the City of Union City. The project proposes to install one bioretention basin that would slow and treat on-site stormwater, as shown on Figure 4-4.

Post-Construction Flows/Hydromodification

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks.

Under current conditions, the site consists of a mix of impervious (buildings and paving) and pervious (yards, landscaping, compacted dirt areas) surfaces. Runoff either ponds on-site in low-lying areas or sheetflows off the site into the stormdrain system without treatment. The project would add and/or replace more than 10,000 square feet of impervious surface area, and would therefore be subject to the stormwater treatment provisions of the MRP. The project proposes to incorporate an on-site bioretention basin into the storm drain system that would provide treatment of runoff from the project's impervious surfaces – roofs, streets, sidewalks and driveways – in conformance with the MRP requirements to provide LID treatment measures.

With implementation of a stormwater control plan consistent with RWQCB requirements, the project, following construction, would have a less than significant water quality impact and would produce stormwater runoff volumes consistent with the requirements of the RWQCB. **(Less than Significant Impact)**

4.9.3.1 ***Groundwater*** *(Checklist Question b)*

The proposed project does not include installation of new groundwater wells and would not deplete groundwater supplies. The project site is located within the Niles Cone Groundwater Basin, where historic groundwater fluctuates from approximately 3.8 feet to 9.5 feet below ground surface. The proposed project would be required to treat post-construction runoff using LID treatment controls (e.g., bioretention facilities) in compliance with Provision C.3 of the RWQCB's MRP. While the

project will increase impervious surface area, the developed site does not contribute substantially to groundwater recharge under current conditions. **(Less than Significant Impact)**

4.9.3.2 ***Drainage Patterns*** *(Checklist Question c and d)*

The proposed project would increase the amount of impervious surfaces by 36,075 square feet. The runoff from the site would be retained on-site and be redirected to bio-filtration areas that would connect to new storm drain facilities. The proposed project would be required to implement the construction-related Standard Permit Conditions to minimize erosion, as well as post-construction requirements to minimize and treat stormwater runoff (per the requirements of Provision C.3 of the RWQCB's MRP). Thus, the project would not substantially alter the existing drainage pattern of the site such that erosion or siltation would occur, nor would the project substantially increase the rate or amount of surface runoff beyond the capacity of available storm drain facilities. **(Less than Significant Impact)**

4.9.3.3 ***Flooding*** *(Checklist Questions g through i)*

The proposed project would not place structures in a 100-year floodplain; however, the project site is located in the vicinity of Alameda Creek, which is susceptible to flooding in the event of a dam failure at either Del Valle Dam, James H Turner Dam, or Calaveras Dam. However, the ACFCWCD comprehensive dam safety program makes such a risk extremely low, and the project would not trigger or exacerbate the risk of dam failure. Dam failure is an existing condition that could affect the site and this issue is outside the bounds of CEQA, as outlined in the California Supreme Court December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)], in that CEQA is concerned with a project's effects on the environment and not the environment's potential effects on a project. For this reason, the sites are not subject to a significant risk of loss, injury, or death involving dam inundation. **(Less Than Significant Impact)**

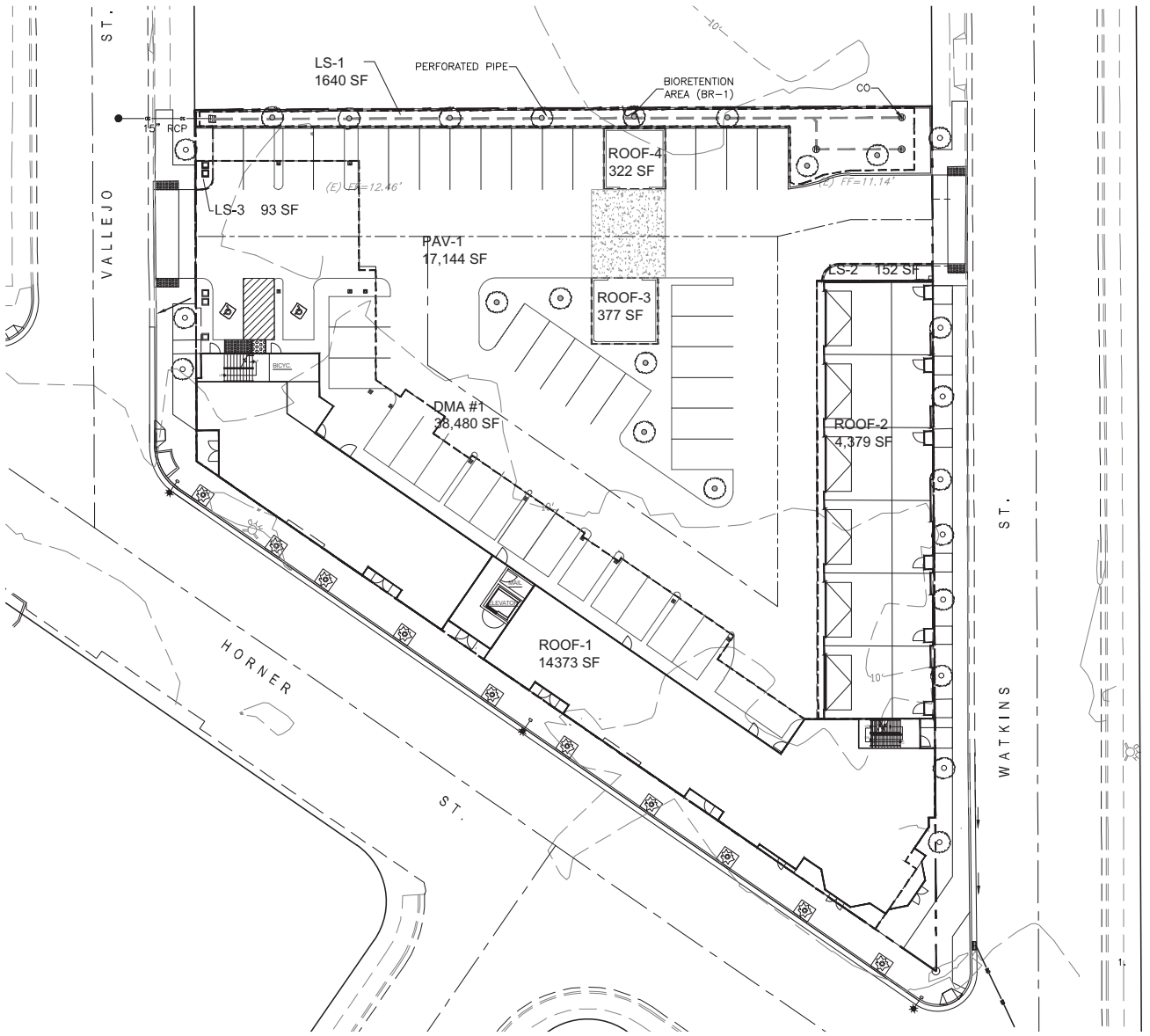
TREATMENT AREA CALCULATION

DRAINAGE DMANAGEMENT AREA	PERVIOUS/ IMPERVIOUS	TYPE OF DRAINAGE	DRAINAGE DMANAGEMENT AREA (SF)	DMANAGEMENT FACILITIES
DMA-1	IMPERVIOUS	Roof-1	14,373	BR-1
	IMPERVIOUS	Roof-2	4,379	BR-1
	IMPERVIOUS	Roof-3	377	BR-1
	IMPERVIOUS	Roof-4	322	BR-1
	PAV-1		15,259	BR-1
	PERVIOUS	LS-1	1,640	Self Treating
	PERVIOUS	LS-2	152	Self Treating
	PERVIOUS	LS-3	93	Self Treating
			1,885	
		TOTAL SIT	38,480	100%
DMA #1	38,480			

Treatment Facility Bio-1

LANDSCAPE AREAS	1,885 SF	Self Treating
IMPERVIOUS AREA	34,710 SF	FLow over landscape
Required Treatment Area (4%)	1,396	Proivde 1500 SF > Required

a. PERVIOUS/IMPERVIOUS SURFACES COMPARISON TABLE: SEE TABLE
b. HYDROLOGIC FEATURES: NO EXISTING WATERCOURSES OR DEPRESSIONS WITHIN PROJECT AREA.
c. SOIL CLASSIFICATION: SILTY LOAM
d. DEPTH TO GROUNDWATER: 5–8 FEET
e. 100–YEAR FLOOD ELEVATION: ZONE D – UNDETERMINED
f. CONTOURS: EXISTING & PROPOSED CONTOURS SHOWN ON GRADING PLAN
g. DRAINAGE AREAS: DRAINAGE MANAGEMENT AREAS (DMAs) SHOWN ABOVE
h. DRAINAGE AREAS – TYPE: SHOWN ON TABLE
i. TREATMENT CONTROL MEASURES: SHOWN ON THE TABLE
j. TREATMENT CONTROL MEASURES – DETAILS: BIORETENTION
k. LANDSCAPING PLANS: TBD
l. CONSISTENCY: TBD
m. SUPPLEMENTAL REPORT: NONE.



N
0 50 100 Feet

Source: GPM Engineer. 2/19/2018.

STORMWATER MANAGEMENT PLAN

FIGURE 4-4

4.9.3.4 *Seiches, Tsunamis, and Mudflows (Checklist Question j)*

The project site is not subject to inundation by seiche, tsunami, or mudflow. **(No Impact)**

4.9.4 Conclusion

The proposed project would result in a less than significant hydrology and water quality impact. **(Less Than Significant Impact)**

4.10 LAND USE AND PLANNING

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

City of Union City

2002 General Plan

The project site is designated Retail Commercial (CR) in the City of Union City 2002 General Plan. The CR designation is intended to provide areas for retail outlets and services demanded by either neighborhood, community, or subregional/regional markets.

The following policies are relevant to the proposed project.

Policy	Description
LU-A.1.2	The City shall promote infill development and reuse of underutilized parcels, consistent with maintaining or enhancing the positive qualities of the surrounding neighborhoods.
LU-A.1.6	The City shall require development project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities, building intensities, and lot patterns will be determined by these and other factors.
LU-A.2.2	The City shall ensure that residential communities are designed with high-quality amenities by: a. Taking advantage of proximity to those resources to enhance public access and understanding of the natural environments where not detrimental to the natural resources; b. Planning to minimize residents' exposure to nuisances from noise, odors, heavy traffic, and unappealing views; c. Encouraging enhanced educational opportunities by locating school facilities near resources or sites that offer unique learning experiences, such as proximate to an outdoor nature laboratory, a wildlife sanctuary, etc.; and d. Providing neighborhood parks of sufficient size to adequately meet the recreational needs of residents.
LU-A.3.2	The City should continue to preserve historic structures, conserve and protect the existing housing stock, provide adequate new housing, and avoid incompatible and uses in the Decoto and Old Alvarado neighborhoods.
LU-A.3.3	The City should require that new residential development in the Decoto and Old Alvarado neighborhoods be designed consistent with the architectural style of existing homes in the immediate area of the development.
LU-A.5.1	The City shall promote high quality design, visual attractiveness, and consider location, adequately sized sites, views, wind direction, sun orientation, and appearance of spaciousness when building high rise buildings. Sufficient off-street parking, bike lanes, and a convenient circulation system shall also be considered for commercially-designated areas of the city.

Zoning Ordinance

The project site is zoned Specialty Commercial (CS), a designation intended to promote a mix of small, convenience retail, commercial, office and entertainment uses to enhance the market base of the Old Alvarado neighborhood.

4.10.1.2 *Existing Conditions*

Existing Land Uses

The approximately 0.89-acre site is currently developed with one single-family home and one duplex that are currently occupied, and one vacant bar, all of which would be demolished as part of the project.

Surrounding Land Uses

The project site is located within the Historic Alvarado District (formerly Old Alvarado). The site is surrounded by commercial/residential uses to the west and north, and residential to the south and east.

4.10.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Physically divide an established community?	☐	☐	☒	☐	1
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2,3,4
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1

4.10.2.1 ***Physically Divide an Established Community*** *(Checklist Question a)*

Projects that have the potential to physically divide an established community are those that would create physical barriers resulting in the separation or division and existing community or neighborhood, such as the construction of new freeways, highways, roadways, or other similar linear infrastructure projects. The project would demolish the existing buildings on site and construct a mixed-use development consisting of 25 multi-family residential units, and approximately 7,000 square feet of ground-floor retail uses. The proposed project would not physically divide an established community. **(Less than Significant Impact)**

4.10.2.2 *Consistency with Applicable Plans, Policies, or Regulations Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect* *(Checklist Questions b)*

2002 General Plan/ Union City Zoning Ordinance

The project site is designated CR in the City of Union City 2002 General Plan, which allows for commercial uses. The project has been designed to comply with the standards in the CS District. The project site is zoned CS. Residential uses are permitted in the CS district, above ground floor commercial uses. Therefore, the proposed project would not conflict with the Zoning Ordinance. Based on a review of the project plans, the project appears to conform to all of the zoning regulations for the CS District and the Historic Alvarado District. The project landscaping will be required to conform to the landscape requirements set forth in Municipal Code Section 18.32.115 and the Landscape Standards Policy Statement.

Based on the analysis summarized above, the proposed project would not conflict with the General Plan, zoning regulations, or any other local plans or policies adopted for the purposes of avoiding or mitigating an environmental effect, as discussed throughout this Initial Study in Sections addressing Air Quality, Hazardous Materials, and Noise and Vibration. **(Less than Significant Impact)**

4.10.2.3 *Conflict with Applicable Habitat Conservation Plan or Natural Community Conservation Plan*

There are no habitat conservation or natural community conservation plans that are applicable to the project site. Therefore, no impact would result from development of the proposed project. **(No Impact)**

4.10.3 Conclusion

The proposed project would not result in significant land use impacts. **(Less than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

4.11.1.2 *Existing Conditions*

The Union City General Plan does not identify or delineate any resource recovery areas within the City. Regionally significant mineral deposits are located in the foothills extending along the eastern edges of the cities of Hayward, Union City, and Fremont.[29] However, the project site is classified Mineral Resource Zone (MRZ) category MRZ-1 by the California Department of Conservation's Division of Mines and Geology.[30] The MRZ-1 designation is assigned to areas where there is adequate information available to indicate that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

4.11.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒	1,21,22
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,3,21,22

[29] California Department of Conservation. Division of Mines and Geology. *Update of Mineral Land Classification: Aggregate Minerals in the South San Francisco Bay Production-Consumption Region.* 1996.
[30] California Department of Conservation. Division of Mines and Geology. *Special Report 146 Part II Classification of Aggregate Resources Areas South San Francisco Bay Production-Consumption Region.* 1987.

4.11.2.1 *Impacts to Mineral Resources (Checklist Questions a and b)*

The proposed project would not result in the loss of availability of a known mineral resource, and no mineral resource recovery sites are present with the general area. The proposed project, therefore, would not result in impacts to mineral resources. **(No Impact)**

4.11.3 Conclusion

The proposed project would not result in impacts to known mineral resources. **(No Impact)**

4.12 NOISE AND VIBRATION

4.12.1 Environmental Setting

4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. The zero on the decibel (dB) scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, Day/Night Average Sound Level (DNL), or Community Noise Equivalent (CNEL).[31] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

4.12.1.2 *Vibration Overview*

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. Because of the impulsive nature of construction activities, the use of the PPV descriptor has been routinely used to measure and assess ground-borne vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV.

4.12.1.3 *Regulatory Framework*

State

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels

[31] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

attributable to exterior sources not exceed 45 dBA DNL or CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source.

The California Green Building Standards Code (CalGreen) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA L_{dn} noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source. The state also requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial building.

City of Union City

2002 General Plan

The General Plan includes the following policies that are specific to noise and vibration and are applicable to the proposed project.

Policies	Description
HS-C.1.1	The City shall consider the following land uses to be "noise sensitive": • single and multi-family residential; • group homes; • hospitals and extended medical facilities; • schools and other learning institutions; • libraries; • similar uses as may be determined by the City.
HS-C.1.2	The City shall use the standards in Table 4.12-1 as the acceptable limits of noise for various land uses throughout the community. These standards specify the maximum exterior noise levels allowable for new developments. For noise sensitive land uses, mitigation shall be included in structural design to reduce interior noise levels to a maximum of 45 dBA CNEL.
HS-C.1.3	For proposed development of new noise sensitive land uses as identified in HS-C.1.1, the City shall require a detailed noise impact analysis in areas where current or future exterior noise levels from transportation sources (Le., roadway, highway/freeway, rail uses, and aircraft noise), or stationary sources exceed the noise standards contained in Table HS-2. This study shall be prepared by a qualified acoustical engineer (i.e., a Registered Professional Engineer in the State of California with a minimum of three years experience in acoustics). The study shall include recommendations and evidence to establish mitigation that will reduce noise exposure to an acceptable level. (New) (Planning Commission-revised - 4/5/01)
HS-C.1.4	The City shall require a noise impact evaluation by a qualified acoustical engineer for all new non-residential land uses that have the potential to exceed the City's noise standards for noise sensitive land uses measured at the property line of the noise sensitive use or district. Noise from an intervening transportation source shall be considered as part of the noise evaluation.

HS-C.1.5	The City shall minimize potential transportation noise through the proper design of street circulation, coordination of routing, and other traffic control measures.
HS-C.1.7	To minimize the impacts of stationary noise, the City shall limit construction activities between the hours of eight a.m. and eight p.m. on Monday through Friday, nine a.m. and eight p.m. on Saturdays, and Sundays and holidays, between ten am. And six p.m.

Noise and land use compatibility guidelines set forth in the General Plan are shown below in Table 4.12-1. The Noise Element utilizes the CNEL noise descriptor, and specifies a limit of 60 dB CNEL for residential exterior areas and 45 dB CNEL for interior areas. Based on the General Plan, residential and commercial uses are allowed in areas with ambient noise levels up to 60 and 65 dB CNEL, respectively; and are conditionally allowed in areas with noise levels up to 70 and 75 dB CNEL, respectively.

Community Noise Ordinance

The Union City Community Noise Ordinance (Chapter 9.40 of the Municipal Code) contains policies intended to reduce potential noise impacts to surrounding properties from construction activities, which are listed below.

- Notwithstanding any other provision of this chapter, between the hours of eight a.m. and eight p.m. daily except Saturday, when the exemption herein shall apply between nine a.m. and eight p.m. and Sundays and holidays, when the exemption herein shall apply between ten a.m. and six p.m., construction, alteration, or repair activities which are authorized by valid City permit shall be allowed if they meet at least one of the following noise limitations:

    - No individual piece of equipment shall produce a noise level exceeding eighty-three dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

    - The noise level at any point outside the property plane of the project shall not exceed eighty-six dBA.

Table 4.12-1: 2002 General Plan Allowable Noise Exposure by Land Use

Land Use Category	Exterior DNL Value in Decibels						
	0-55	56-60	61-65	66-70	71-75	75-80	>81
Residential — Low Density Single Family, Duplex, Mobile Homes							
Residential — Multiple Family, Group Homes							
Motels/Hotel							
Schools, Libraries, Churches, Hospitals, Extended Care Facilities							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arenas, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed insulation features have been included in the design..

Normally Unnacceptable:
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor areas must be sheidled.

Unacceptable:
New construction or development should not be undertaken.

4.12.1.4 *Existing Conditions*

Roadway traffic is the most significant source of noise affecting residents in Union City. Interstate 880, Mission Boulevard, Decoto Road, Alvarado-Niles Road, Whipple Road, Union City Boulevard, Dyer Street, Central Avenue, and Alvarado Boulevard are the most significant sources of traffic noise.[32] The project site is located approximately 275 feet east of Union City Boulevard. According to ambient noise level measurements taken on August 11, 2014, existing noise levels on Union City Boulevard are 68.4 dBA Leq.[33]

[32] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015.
[33] Ibid.

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2,3,6
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,6
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1,2,3,6
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1
f) For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

4.12.2.1 *Significance Threshold*

Appendix G of the CEQA Guidelines states that a project would normally be considered to have significant noise impacts if noise levels generated by the project conflict with adopted environmental standards or plans or if ambient noise levels at sensitive receptors would be substantially increased over a permanent, temporary, or periodic basis. Consistent with Appendix G, the following applicable criteria was used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.
- A significant impact would be identified if the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater where the noise levels would remain "Normally

Acceptable" or b) the noise level increase is 3 dBA DNL or greater where noise levels would equal or exceed the "Normally Acceptable" level as indicated in Table 4.12-1 above.

4.12.2.2 *Noise Impacts from the Project (Checklist Questions a – d)*

Construction Noise Impacts

Construction noise impacts depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise sensitive receptors. The construction of the proposed project would involve demolition of existing structures, grading, excavation to lay foundations, trenching, building erection, and paving. Construction could also potentially involve the removal of underground tanks and surrounding soil, and the backfill of the excavated area with clean fill.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), in areas immediately adjoining noise-sensitive land uses, or when construction durations extend over long periods of time. Construction of the entire project, including potentially the removal of underground tanks and surrounding soil, is anticipated to take up to 12 months. The project shall be required to implement the following standard permit conditions to reduce short-term noise impacts to adjacent uses and receptors.

Standard Permit Conditions:

Compliance with the Union City Community Noise Ordinance (Chapter 9.40 of the Municipal Code) would minimize potential construction noise impacts to adjacent uses and receptors. The project applicant shall comply with policies contained in the Union City Community Noise Ordinance, which are listed below.

- Any noise source which does not produce a noise level exceeding seventy dBA at a distance of twenty-five feet from the noise source under its most noisy condition of use shall be exempt from the provisions of Article 4 between the hours of eight a.m. and eight p.m. daily except Sundays and holidays, when the exemption herein shall apply between ten a.m. and six p.m.

- No individual piece of equipment shall produce a noise level exceeding eighty-three dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.

- The noise level at any point outside the property plane of the project shall not exceed eighty-six dBA.

With implementation of the standard permit conditions, construction of the project would result in a less than significant impact from the temporary increase in ambient noise levels in the project area. **(Less Than Significant Impact)**

Construction Vibration Impacts

The proposed project would include demolition, grading, and construction activities~~.~~, including potentially the removal of underground tanks and surrounding soil. Groundborne vibration could be generated by these activities. The project does not, however, include pile driving or other construction methods that would result in significant groundbourne noise or vibration. While construction activities could produce localized vibration during demolition and construction (for example, if jack-hammers are used to break up existing concreate and asphalt surfaces), any vibration impacts would be localized and temporary and would only occur during the construction phase of the project. Thus, impacts would be less than significant. **(Less than Significant Impact)**

Operational Noise Impacts

Operational noise generated by the proposed project would result primarily from traffic-generated noise and roof-top mechanical equipment. Roof-top mechanical equipment would include air conditioning unit and condenser units. Operation of roof-top mechanical equipment would be subject to the City's Community Noise Ordinance, which prohibits the generation of noise levels more than 10 dBA above the local ambient level at any point outside the property plane. Noise sources that do not comply with the Community Noise Ordinance are required to 1) provide a noise inventory of each source; and 2) prepare a noise reduction plan showing all means of reduction or eliminating noise from each source or at the points of reception and the anticipated time of implementation of such plan.

Standard Permit Conditions: The following measures shall be implemented by the project applicant:

- Consistent with the City of Union City Community Noise Ordinance, in the event of a noise complaint, the following Standard Permit Conditions will be applied to the project to ensure that operation of the project does not generate noise levels more than 10 dBA above the local ambient level.
    - A noise inventory shall be prepared describing each source of noise in question under its control, the level and duration (in twenty-four-hour periods) of each source
    - A noise reduction plan shall be prepared identifying showing all means of reduction or eliminating noise from each source or at the points of reception and the anticipated time of implementation of such plan.

With the implementation of Standard Permit Conditions described above, the project would result in a less than significant impact. **(Less Than Significant Impact)**

Traffic-Generated Noise

An increase of three dBA is considered substantial in noise sensitive areas along roadways. Vehicular traffic on roadways in the City are anticipated to increase as development occurs and the population increases; however, the proposed project would have to double the existing traffic volume in the area to substantially increase noise levels (by three dBA or more). The traffic from the

proposed project would result in 584 daily traffic trips, which would be dispersed over a number of streets serving the site (refer to *Section 4.16, Transportation*). Although the increase in traffic would result in an overall increase in traffic noise, the project would not generate sufficient trips to double the existing traffic volumes and substantially increase noise levels. Therefore, the project would have a less than significant long-term noise impact. **(Less Than Significant Impact)**

4.12.2.3 ***Airport Noise*** *(Checklist Question e and f)*

The project site is located approximately 4 and 11 miles south of the Hayward Executive Airport and Oakland International Airport, respectively. The project site is not located within the airport influence area or airport noise contours. **(No Impact)**

4.12.3 Conclusion

With implementation of Standard Permit Conditions, the proposed project would result in a less than significant noise impact. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis. The City of Union City Housing Element and related land use policies were last updated in 2015.

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified PDAs. The project site is not located within a PDA.[34]

Local

The project site is identified as an underutilized site in the City's Adopted 2015 Housing Element. It was anticipated that a mixed-use development with 13 units or more could be constructed on a 0.5-acre portion of the site. The project proposes to redevelop the full 0.89-acre site and construct 25 units, which meets and exceeds the Housing Element's goals for the project site.

4.13.1.2 *Existing Conditions*

Based on information from the Department of Finance E-5 report, the population of Union City was estimated to be approximately 72,991 in January 2018 with an average of 3.51 persons per

[34] ABAG. Plan Bay Area. Priority Development Area Showcase. http://gis.abag.ca.gov/website/PDAShowcase/#nogo1.

household.[35,36] The City currently has approximately 21,501 housing units as of January 1, 2017. By 2040, the City's population is projected to reach 82,500.[37]

4.13.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	1,5,24
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐	1

4.13.2.1 *Impacts to Population and Housing (Checklist Questions a through c)*

The project would add 25 new multi-family residential units in the City of Union City, which would incrementally increase the population of the city. The project proposes to demolish the existing structures on the site, which include three residences (one single-family home and two duplex units), and replace them with 25 units, thereby adding a net of 22 units to the City's housing stock.

Assuming 3.51 persons per household for the multi-family residential units, development of the project would generate approximately 77 net new residents in the City of Union City, which represents an increase of approximately 0.1 percent.

The project would result in residential growth in the area compared to existing conditions. However, this new growth was anticipated by the City in 2015 when it identified the site for intensification of residential uses during its citywide update of the Housing Element. The project proposes a residential density of approximately 25 units per acre, which complies with the maximum density of 30 units per acre allowed by the CS Zoning designation.

[35] State of California, Department of Finance. E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change – January 1, 2017 and 2018. May 2018. Accessed: July 5, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-1/.
[36] State of California, Department of Finance. Table 2: E-5 Population and Housing Estimates for Cities, Counties, and State January 1, 2011-2018. Accessed: July 5, 2018. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.
[37] City of Union City. *Union City Housing Element.* February 2015.

This displacement of three existing units would not be considered substantial, and would not necessitate the construction of housing elsewhere. The project would be consistent with the General Plan and would not contribute to growth beyond the current General Plan. The displacement of three residences is not substantial and would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. For these reasons, the proposed project would result in less than significant impacts to population and housing. **(Less Than Significant Impact)**

4.13.3 Conclusion

Implementation of the proposed project would result in a less than significant impact on the City's population and housing supply. **(Less than Significant Impact)**

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate land for parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 sets forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

City of Union City

2002 General Plan

The following policies are specific to public services and are applicable to the proposed project.

Policies	Description
PF-A.1.1	The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means).

PF-J.1.3	The City shall require new development to build or fund its fair share of fire protection facilities, personnel, operations, and maintenance that, at minimum, maintains the above service level standards.

4.14.1.2 *Existing Conditions*

Fire and Police Protection Services

Fire protection services for the project site is provided by the Alameda County Fire Department. The Alameda County Fire Department operates four fire stations within the city limits: Station #30, Station #31, Station #32, and Station #33. The closest station to the project site is Station #32, located at 31600 Alvarado Boulevard.

The Alameda County Fire Department is expected to respond to a scene within five minutes in 90 percent of cases, and within 10 minutes, 99 percent of the time.

Police protection services for the project site is provided by the Union City Police Department (UCPD), headquartered at 34009 Alvarado-Niles Road and approximately 3.3 miles southeast of the project site.

In 2014, UCPD maintained a ratio of 1.08 sworn officers per 1,000 residents, which is an increase from 2013 when UCPD maintained a ratio of 1.01 sworn officers per 1,000 residents.[38] The General Plan identifies a service goal of five minutes or less for all Priority 1 (emergency).

Schools

Union City is served by the New Haven Unified School District (NHUSD), which includes Union City and part of neighboring south Hayward. NHUSD has seven elementary schools (grades K-5), two middle schools (grades 6-8), two high schools (grades 9-12), one Independent Study (grades K-12)/Adult School, and one Alternative Learning Academy. Alvarado Elementary School is the closest school to the project site, located approximately 0.1 mile east at 31100 Fredi Street.

Parks

The City of Union City provides a variety of parks, sports fields, community facilities, trails, and open space areas. The City operates over 30 parks within the city limits, providing over 135 acres of local parkland. Park and recreation facilities vary in size, use and type of service and provide for regional and neighborhood uses. The nearest park to the project sites is Old Alvarado Park, located approximately 400 feet north of the project site on Smith Street.

Libraries

The Union City Library is operated by the Alameda County Library and is located at 34007 Alvarado-Niles Road.

[38] Union City General Plan Update. 2015.

4.14.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
- Fire Protection?	☐	☐	☒	☐	1
- Police Protection?	☐	☐	☒	☐	1
- Schools?	☐	☐	☒	☐	1
- Parks?	☐	☐	☒	☐	1
- Other Public Facilities?	☐	☐	☒	☐	1

4.14.2.1 *Impacts to Public Services and Facilities (Checklist Question a)*

Fire and Police Protection

The project would add 22 net new residential units or approximately 77 net new residents in the City of Union City, thus incrementally increasing the need for fire suppression and rescue response services. The project would be constructed to current Fire Code standards, and would not increase the urban area already served by the Alameda County Fire Department. The incremental demand for fire and emergency services would not require the construction of new or expanded fire protection facilities.

The redevelopment of the project site is not expected to substantially increase demand for police services in the project area. UCPD maintains a staffing ratio 1.08 officers per 1,000 residents. While the proposed project would intensify the use of the site, adding approximately 77 net new residents, it is not anticipated that the project would require the construction or expansion of police facilities. In addition, the project design shall be reviewed by UCPD to ensure safety features are incorporated to minimize criminal activity.

The project may incrementally increase the demand for fire and police protection services in the City by increasing the amount of people on site, but would not result in adverse physical impacts or deterioration of facilities. **(Less Than Significant Impact)**

Schools, Parks, and Libraries

The project site is located within the New Haven Unified School District. Students generated by the project would attend Alvarado Elementary School, Itliong-Vera Cruz Middle School, and James

Logan High School. Based on the District's student generation rate of 0.73 students per household, the project would generate approximately 19 students. The project's incremental increase of 19 students does not alone warrant construction of new school facilities. As required by state law (Government Code Section 65996), the project proponent shall pay the appropriate school impact fees to offset the increased demands on school facilities caused by the project. Implementation of the proposed project, with the payment of school impact fees, would result in less than significant impacts to local schools.

Implementation of the proposed project would contribute to an increase in demand for parkland because it would add approximately 77 net new residents to the City. The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated. **(Less Than Significant Impact)**

4.14.3 Conclusion

The proposed project would have a less than significant impact on public services in the City of Union City. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act

The Quimby Act (California Government Code Sections 66477) was approved by the California legislature to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees due in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two at the discretion of the City.

4.15.1.2 *Existing Conditions*

The City of Union City provides a variety of parks, sports fields, community facilities, trails, and open space areas. The City operates over 30 parks within the city limits, providing over 135 acres of local parkland. Park and recreation facilities vary in size, use and type of service and provide for regional and neighborhood uses. The nearest park to the project site is Alvarado Park, located approximately 400 feet north of the project site.

4.15.2 Checklist and Discussion of Impacts

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐	1
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	1

4.15.2.1 ***Impacts to Recreational Facilities*** *(Checklist Questions a and b)*

As described in Section 4.14, implementation of the proposed project would contribute to an incremental increase in demand for parkland because it would add approximately 77 net new residents to the City. The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

4.15.3 Conclusion

The proposed project would have a less than significant impact on recreational facilities in the City of Union City. **(Less Than Significant Impact)**

4.16 TRANSPORTATION/TRAFFIC

The following discussion is based, in part, upon a Traffic Operations Report completed for the proposed project in July 2018 by Hexagon Transportation Consultants, Inc., and included as Appendix F of this Initial Study.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

Regional

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Alameda County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Alameda County Transportation Commission

The Alameda County Transportation Commission (Alameda CTC) coordinates countywide transportation planning efforts; programs local, regional, state and federal funding; and delivers projects and programs including those approved by voters in Alameda County transportation expenditure plans. The Alameda CTC is a joint powers authority governed by a 22-member Commission comprised of elected officials from each of the 14 cities in Alameda County, all five members of the Alameda County Board of Supervisors and elected representatives from Alameda Contra Costa Transit District (AC Transit) and BART. Alameda CTC was created in July 2010 by the merger of the Alameda County Congestion Management Agency and the Alameda County Transportation Improvement Authority. The Alameda CTC develops and updates the legislatively required Congestion Management Program, a plan that describes the strategies to assess, monitor and improve the performance of the county's multimodal transportation system; address congestion; and ultimately protect the environment with strategies to help reduce greenhouse gas emissions.

Congestion Management Program

The Alameda CTC oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. The Alameda CTC has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

City of Union City

2002 General Plan

The General Plan includes the following policies for the purpose of avoiding or mitigating impacts resulting from proposed development projects, which are applicable to the project.

Policy	Description
TR-A.2.7	The City shall work with new businesses in Union City to implement demand reduction strategies.
TR-D.1.1	The City shall work with private developers to provide multiple-level structured parking wherever feasible. The City shall encourage joint use development in conjunction with parking structures.
TR-D.1.5	The City shall ensure that there is adequate off-street parking in local neighborhoods as they develop to avoid an overflow of parking on the street.

4.16.1.2 *Existing Conditions*

Roadway Network

Roadways in the vicinity of the project site include Union City Boulevard, Smith Street, Horner Street, Watkins Street and Vallejo Street.

Pedestrian, Bicycle Facilities, and Transit Facilities

Existing bicycle access to the project vicinity is provided primarily via a network of nearby Class II bike lanes and Class III bike routes (bike routes are streets where bikes share the road with vehicular traffic). There are existing Class II bike lanes on the following roadways in the project vicinity: Union City Boulevard between Alvarado Boulevard and the city limits to the north, Alvarado Boulevard, and most of Alvarado-Niles Boulevard. There is also a Class III bike route on Smith Street.

The City of Union City Pedestrian and Bicycle Master Plan shows planned Class II bike lanes on existing bike lane gaps on Union City Boulevard. A Class III bike route is also planned on Horner Street between Alvarado Boulevard and Veasy Street, providing a direct connection to the proposed Bay Trail alignment.

Existing pedestrian facilities in the project area consist of sidewalks and crosswalks found along all roadways in the study area near the site. According to the City of Union City Pedestrian and Bicycle Master Plan, sections of Union City Boulevard, Smith Street, and Horner Street in the project vicinity are all designated Pedestrian Corridor Improvement Areas. These areas include improvements such as widened sidewalks, priority placements of pedestrian push buttons at signalized intersections, sidewalk furniture, enhanced bus stops, street trees, and pedestrian-scale lighting. An improved pedestrian crossing of the SPRR tracks at Smith Street, just east of Granger Avenue, is also included in the master plan. Adjacent to the project site, the Pedestrian Corridor Improvement Area includes

installation of sidewalks on both sides of Horner Street to close the sidewalk gap between Union City Boulevard and Watkins Street.

Existing transit service in the project vicinity includes AC Transit bus lines 97 and SB. Route 97 operates along Alvarado-Niles Boulevard and Union City Boulevard between the Union City and Bay Fair BART stations on 15 to 20-minute headways during peak hours. Route SB operates between Newark and San Francisco on 20-minute headways during peak hours. The nearest bus stops are located on Union City Boulevard at Horner Street within close walking distance to the project site.

Union City Transit also provides bus service to the area. Union City Transit bus line 7 is a circulator route that interlinks a majority of residential areas within the city limits west of I-880. Line 8 provides service to the Union City BART station. Line 7 has a stop at the intersection of Union City Boulevard and Horner Street, while Line 8 has a stop at the intersection of Union City Boulevard and Smith Street. Both bus lines provide service to the Union Landing Transit Center.

4.16.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	1,2,3,26
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	1,2,3,26
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☒	☒	☐	1,26
e) Result in inadequate emergency access?	☐	☐	☒	☐	1,26

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☒	☐	☐	1,2,3,26

4.16.2.1 *Project Transportation Impacts (Checklist Questions a and b)*

Project Trip Generation

Trip generation rates resulting from the proposed project were estimated using the trip rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition. The number of gross project trips was estimated based on trip generation rates applicable to multi-family housing, retail, and restaurant uses. The site was given credit for the trips associated with the currently occupied single-family house and duplex to be removed as part of the project. When this is considered, it is estimated that the project would generate 584 net trips per day, with 16 net trips occurring during the AM peak hour and 52 net trips occurring during the PM peak hour (as shown in Table 4.16-1).

Table 4.16-1: Project Trip Generation Estimates								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Proposed Use								
Residential[1]	25 units	183	3	9	12	9	5	14
Retail[2]	3,500 s.f.	132	2	1	3	6	7	13
Quality Restaurant[3]	3,500 s.f.	293	2	1	3	18	9	27
	Total	608	7	11	19	33	21	54
Existing Use Credit								
Single-Family Home[4]	1 unit	(9)	0	(1)	(1)	(1)	0	(1)
Duplex[1]	2 units	(15)	0	(1)	(1)	(1)	0	(1)
	Total	(24)	0	(2)	(2)	(2)	0	0
Net Project Trips		**584**	**7**	**9**	**16**	**31**	**21**	**52**

Notes:

(1) Trip generation rate based on Multi-Family Housing – Low Rise (Land Use Code 220) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).

(2) Trip generation rate based on Shopping Center (Land Use Code 820) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).

(3) Trip generation rate based on Quality Restaurant (Land Use Code 931) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).

(4) Trip generation rate based on Single-family detached housing (Land Use Code 210) average rates published in the ITE *Trip Generation Manual, 10th Edition* (2017).

Level of Service

Traffic conditions at four study intersections were evaluated using level of service (LOS). Level of Service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The City of Union City utilizes the Highway Capacity Manual (HCM) 2010 methodology to evaluate signalized intersection operations. The HCM methodology evaluates intersection operations on the basis of average control delay time for all vehicles at the intersection. This average delay can then be correlated to a level of service. SYNCHRO analysis software was used to calculate level of service.

The Union City General Plan identifies mid-range LOS D as the goal for the city's signalized intersections during peak commute hours, with the exception of intersections on major regional routes.

Intersection levels of service were calculated for existing, existing plus project, cumulative, and cumulative plus project conditions. Horizon year 2025 traffic volumes were estimated based on

future forecasts published by the Alameda CTC. The cumulative traffic volumes reflect traffic growth from future development in the City and the region. The results of the intersection level of service analysis are summarized in Table 16-2. The results show that the signalized study intersection at Union City Boulevard and Horner Street would operate at an acceptable LOS A under all study scenarios during both peak hours. The three unsignalized intersections would operate at an acceptable LOS C or better under existing and cumulative conditions with or without the project. **(Less Than Significant Impact)**

Table 4.16-2: Level of Service Summary

			Existing		Existing + Project		Cumulative		Cumulative + Project	
Intersection	**Traffic Control**	**Peak Hour**	**Avg. Delay**	**LOS**	**Avg. Delay**	**LOS**	**Avg. Delay**	**LOS**	**Avg. Delay**	**LOS**
Union City Blvd. & Horner St.	Signal[1]	AM	7.3	A	7.4	A	7.8	A	7.8	A
		PM	6.9	A	7.2	A	7.4	A	7.7	A
Horner St. & Vallejo St.	SSSC[2]	AM	10.4	B	10.4	B	10.6	B	10.6	B
		PM	9.8	A	9.9	A	10.0	B	10.0	B
Horner St. & Watkins St.	SSSC[2]	AM	11.9	B	11.9	B	12.2	B	12.3	B
		PM	9.9	A	10.0	B	10.1	B	10.1	B
Smith St. & Watkins St.	SSSC[2]	AM	13.4	B	13.5	B	14.2	B	14.3	B
		PM	14.6	B	14.7	B	15.7	C	15.9	C

Notes:

(1) Signalized intersection level of service is based on the Highway Capacity Manual 2010 methodology, using average control delay for the entire intersection.

(2) SSSC - Side Street Stop Control. SSSC intersection level of service and delay are reported for the side street approach.

4.16.2.2 *Air Traffic Patterns* *(Checklist Question c)*

The project site is located approximately 4 and 11 miles south of the Hayward Executive Airport and Oakland International Airport, respectively. The project site is not located within the airport influence area or safety zone and does not require Federal Aviation Administration airspace review. The projects would not result in changes in air traffic patterns. **(No Impact)**

4.16.2.3 *Design Feature Hazards* *(Checklist Question d)*

On-Site Circulation

The proposed project would have two driveways, one on Vallejo Street and one on Watkins Street. The driveway on Vallejo Street would be located approximately 30 feet north of Horner Street, and the driveway on Watkins Street would be located approximately 200 feet north of Horner Street,

measured from the edge of driveway to the stop bar. The driveways would be internally linked within the project site.

The onsite circulation was reviewed in accordance with generally accepted traffic engineering standards. Onsite, parking would be provided at 90 degrees to the drive aisles. The parking area has a triangle-shaped layout with adequate internal vehicular circulation and no dead-end aisles. All onsite drive aisles are shown as 26 feet wide and provide for two-way traffic.

The site plan includes two trash enclosures. Garbage and small delivery trucks would be accommodated onsite, and the garage area of the site is designed such that garbage trucks and small delivery trucks would be able to travel onsite between Watkins Street and Vallejo Street. The site plan includes a designated loading area. Larger trucks (such as moving trucks) would likely utilize the public streets for loading and unloading. Typically, large truck deliveries are infrequent and do not require special loading areas. However, should large truck deliveries prove frequent and problematic, an on-street loading area could be designated on Watkins Street.

Intersection Operation – Queueing

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety issue. From a CEQA standpoint, there are no thresholds specific to queuing. The operations analysis is based on vehicle queuing for high-demand turning-movements at these intersections, to identify whether turn-pocket storage is adequate.

The Vallejo Street driveway has a throat depth of less than one car's length, beyond which vehicle queues exiting the driveway would block the adjacent perpendicular parking spaces. Under project conditions, it is anticipated that this driveway would serve approximately 11 AM peak hour project trips and 31 PM peak hour trips. The Watkins Street driveway has a longer throat depth of approximately 40 feet (or two vehicles), beyond which there is a cross parking aisle providing access to garage parking stalls. Under project conditions, it is anticipated that this driveway would serve approximately 7 AM peak hour project trips and 23 PM peak hour trips.

According to the level of service and queuing calculations, both driveway approaches would operate at LOS A with 95th percentile queues of one vehicle during the AM and PM peak hours. The 95th-percentile maximum outbound vehicle queues at the Watkins Street driveway would not exceed its available storage capacity (the storage capacity being the distance from the curb at the street back to the first parking space or cross aisle). Therefore, the maximum vehicle queue would not block any parking spaces or cross traffic in the parking aisles on site. At the Vallejo Street driveway, although the available storage capacity is shorter than one car's length, it is anticipated that the blockage of the adjacent parking stalls by a vehicle queue would be brief because of very low ambient traffic on Vallejo Street.

There are multiple existing driveways on Watkins Street opposite the project frontage. The Watkins Street driveway aligns adequately with the existing driveway on the east side of Watkins Street, which would allow safe and efficient traffic operations. The spacing of the project driveways, and their locations relative to existing driveways, are acceptable given the relatively low traffic volumes at the nearby driveways.

Left and right turns into the site at both driveways are uncontrolled, that is, vehicles do not need to stop. According to the level of service and queuing calculations, inbound left and right turn movements at both driveways would operate at LOS A with 95th percentile queues of one vehicle during the AM and PM peak hours due to the low ambient traffic volumes on both streets.

Because the Vallejo Street driveway is located only 30 feet from the existing stop bar at the Horner Street intersection, vehicles turning left from the driveway would have to come to a stop almost immediately after the turning movement. According to queuing calculations, the 95th percentile maximum southbound queue at Vallejo Street and Horner Street is only one vehicle. In addition, the volume of left turns from the driveway would be very low (approximately one vehicle every eight minutes during the highest peak hour). Therefore, the storage distance between the Horner Street stop bar and the driveway would be sufficient to accommodate the anticipated queue on Vallejo Street without blocking the site driveway.

Based on field observation, the sight distance is restricted on the southbound Vallejo Street approach at Horner Street due to the location of the stop bar on Vallejo Street and the presence of on-street parking on Horner Street.

Impact TRANS – 1: The Horner Street/Vallejo Street intersection would have inadequate intersection sight distance for the southbound Vallejo Street approach. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measure shall be implemented that would improve intersection sight distance for the southbound Vallejo Street approach. With these modifications, the proposed project would not substantially increase hazards due to a design feature or incompatible land uses.

MM TRANS – 1.1: Modifications (i.e., installation of curb extensions or bulb-outs) to the existing northeast and northwest corners of the Horner Street/Vallejo Street intersection would be required to improve intersection sight distance for the Vallejo Street approach, increase storage space between the stop bar and the Vallejo Street project driveway, improve intersection safety by tightening the corner curb radius, and reduce crossing distance for pedestrians. The applicant shall be responsible for the necessary modifications, to the satisfaction of the City Engineer. **(Less Than Significant Impact with Mitigation Incorporated)**

Bicycle Parking

The site plan shows pedestrian access paths to the site from existing and proposed sidewalks along the project frontages on Horner Street, Vallejo Street, and Watkins Street. The project proposes to provide a total of 8 bicycle spaces.

4.16.2.4 *Emergency Access (Checklist Question e)*

The design, construction, and maintenance of project driveways would be in compliance with the City's Municipal Code and would meet all emergency access standards. Also, as noted above, implementation of the proposed project would not result in a significant increase in the amount of traffic volume or delay experienced on the local roadway network. Therefore, the project would have a less-than-significant impact on emergency access. **(Less Than Significant Impact)**

4.16.2.5 *Pedestrian, Bicycle, and Transit Access (Checklist Question f)*

As previously discussed, existing pedestrian facilities in the project area consist of sidewalks and crosswalks found along all roadways in the study area near the site. Currently, there are no sidewalks along the project frontage on the north side of Horner Street and at the northwest corner of the intersection at Horner Street and Watkins Street. The project proposes new sidewalks and wheelchair ramps along the project frontages on Horner Street, Vallejo Street, and Watkins Street, and generally improves pedestrian circulation in the area.

Impact TRANS-2: The project site currently has insufficient pedestrian facilities. **(Potentially Significant Impact)**

Mitigation Measures: The following mitigation measures would improve pedestrian connectivity in the vicinity of the project site and reduce impacts to a less than significant level:

MM TRANS – 2.1: The project shall provide striped crosswalks at the curb returns at the Vallejo Street/Horner Street and Watkins Street/Horner Street intersections. **(Less Than Significant Impact with Mitigation Incorporated)**

The Alameda County 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. Based on these criteria, the proposed project would not create an impact to bike/pedestrian circulation in the area.

Bus service in the project area is provided by AC Transit (bus lines 97 and SB) and Union City Transit (bus line 7 and 8). For the proposed project, assuming nine percent of total commute trips would be transit trips, this would equate to two transit trips during the AM peak hour and five transit trips during the PM peak hour. In addition to commute-related transit trips, there will be additional bus trips to schools, parks and shopping areas. The existing bus service in the project vicinity has available capacity to accommodate the increase in transit usage from the proposed project. Therefore, no improvements to existing bus service frequencies would be necessary in conjunction with the proposed project.

According to the Alameda County CMP *Transportation Impact Analysis Technical Guidelines*, a project would create an impact on transit service if it: (1) causes vehicular congestion that would significantly degrade transit operations, (2) cause a ridership increase that would exceed existing transit capacity, or (3) conflict with existing transit service plans or preclude future transit service to

the project area. Based on these criteria, the proposed project would not create an impact on transit operations in the study area. **(Less Than Significant Impact)**

4.16.3 Conclusion

The proposed project, with implementation of MM TRANS-1.1 and MM Trans-2.1, would result in less than significant transportation impacts. **(Less than Significant Impact with Mitigation Incorporated)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The Alameda County Water District adopted its most recent UWMP in June 2016.

Wastewater

The San Francisco Bay RWQCB includes regulatory requirements that each wastewater collection system agency shall provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

2002 General Plan

The proposed project would be subject to the utilities and services policies of the City's General Plan, including the following.

Policy	Description
PF-A.1.1	The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required. The City shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means).
PF-A.1.2	The City shall require all new development or major modifications to existing development, to construct necessary on-site infrastructure to serve the project in accordance with City standards.
PF-B.I.3	The City shall require, to the extent possible, that new development pays the cost of providing new public facilities and services and/or the costs for upgrading of all existing facilities that are used. Exceptions may be made when new development generates significant public benefits (e.g., low-income housing, significant primary wage earner employment) and/or when alternative sources of funding can be identified to offset foregone revenues.
PF-B.I.5	The City shall require all new development or major modifications to existing development, to construct or provide a fair share contribution toward the construction of any off-site improvements necessary to off-set project impacts and/or support the project
PF-C.1.1	The City shall coordinate its review of development proposals with the ACWD to ensure that new development can be adequately served by the District's water supply system.
PF-C.1.3	The City shall only approve new development where an adequate public water supply and conveyance system exists or will be provided by the ACWD.
PF-D.1.1	The City will coordinate its review of development proposals with the USD to ensure that new development can be adequately served by the sewage collection and treatment system.
PF-D.1.2	The City shall only approve new development where it will be served by a public sewer system.
PF-E.1.5	New development shall have surface drainage disposal accommodated in one of the following ways: a. Positive drainage to a City-approved storm drain, stream, creek, or other natural water course. b. On-site drainage that is retained within the development.
PF-E.1.6	Future drainage system requirements shall comply with applicable State and Federal non-point source pollutant discharge requirements
PF-E.I0	The City shall encourage project designs that minimize coverage with impermeable surfaces.

PF-F.1.2	The City shall promote maximum use of solid waste reduction, recycling, composting, and environmentally-safe transformation of wastes and strive for an annual reduction in commercial and industrial waste disposal.

4.17.1.2 *Existing Conditions*

Water Service

Water service is provided to the City of Union City by the Alameda County Water District (ACWD). ACWD produces, stores, treats, and distributes water for a population of over 330,000 people in southern Alameda County and, as of June 2013, provided water service through over 83,000 connections. ACWD manages 825 miles of water pipelines and manages 12 reservoirs and tanks. Total production in 2015 was approximately 38,400 acre feet.[39]

Water is provided to ACWD from four sources: groundwater from the Niles Cone Groundwater Basin (including fresh groundwater from two wellfields and the desalination of brackish groundwater), surface water from the Del Valle Reservoir, water imported from the SWP and water imported from the San Francisco Regional Water System administered through the Bay Area Water Supply and Conservation Agency. The amount of water available from these sources is highly variable in any given year due to hydrologic conditions and other factors. Assuming wet local conditions and full delivery of imported water supplies, these four sources may provide up to approximately 125,900 acre-feet per year.

Sanitary Sewer/Wastewater Treatment

The Union Sanitary District (USD) is an independent special district that provides wastewater collection, treatment, and disposal services in Union City. USD provides both primary and secondary treatment services: the primary treatment uses screening and sedimentation, while the secondary treatment uses activated sludge. USD maintains 783 miles of sewer pipeline, and in 2013 treated an average of 24 million gallons of wastewater per day.[40]

The USD service area is made up of three drainage basins: Irvington, Newark, and Alvarado. The Alvarado Basin covers all of Union City and a small portion of Fremont. The Irvington Pump Station transports flows through 33-inch twin force mains to the Newark Pump Station. The Newark Pump Station transports flows through 39-inch diameter twin force mains to the headwork at the Alvarado Wastewater Treatment Plant (WWTP). The hydraulic capacity of the Irvington-Newark and Newark-Alvarado WWTP force mains are 29 and 60 million gallons per day (mgd), respectively.[41] The treatment capacity of the WWTP is 33 mgd.[42]

Storm Drainage System

The City of Union City owns and maintains the public storm drain system, which includes all of the storm drains, pipes, catch basins, and manholes within the City right-of-way. The outfalls, channels,

[39] Alameda County Water District. *Urban Water Management Plan 2015-2020.* June 2016.
[40] City of Union City. *Union City 2040 General Plan Update Background Report.* May 2015
[41] Ibid.
[42] Ibid.

creeks, and pump stations are owned and operated by Alameda County Flood Control and Water Conservation District. There are existing storm drain lines located in Horner, Vallejo, and Watkins streets.

Solid Waste

Union City provides weekly garbage collection and disposal services through an exclusive franchise agreement with Republic Services of Alameda County (Republic), the second largest provider of solid waste collection, transfer, recycling, and disposal services in the nation. Republic and Tri-CED Community Recycling (Tri-CED) provide recycling and organics services in Union City. Municipal solid waste transfer and disposal services are provided by the Fremont Recycling and Transfer Station and Altamont Landfill, respectively. The total permitted capacity of Altamont Landfill is approximately 124.4 million cubic yards per year with disposal capacity through 2045.[43][44]

4.17.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,6
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,6,29,30
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,29,30
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,6

[43] CalRecycle. Facility/Site Summary Details: Altamont Landfill & Resource Recovery (01-AA-0009). Accessed July 10, 2018. http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/.
[44] Waste Management. Sustainability. Accessed July 10, 2018. http://altamontlandfill.wm.com/sustainability/index.jsp.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,27,28, 29,30
g) Comply with federal, state, and local statutes and regulations related to solid waste.	☐	☐	☒	☐	1,27,28, 29,30

4.17.2.1 *Water Service Impacts (Checklist Questions b and d)*

ACWD supplies water to Union City. It obtains water from multiple sources, including the State Water Project, the San Francisco Regional Water System, and from the local Niles Cone Groundwater Basin. The water demand for the proposed mixed-use project is estimated to be approximately 9,535 gallons per day.[45] The 2015-2020 Alameda County Urban Water Management Plan determined that the additional demand resulting from buildout under the current General Plan would be within the available capacity of ACWD.[46] The proposed project is consistent with the General Plan and therefore encompassed within the water demand and supply projections contained in the ACWD's latest Urban Water Management Plan. In addition, the project would be subject to applicable water conservation measures required by federal, state and local agencies, including CALGreen, ACWD's Water Efficiency Measures, and the State's Model Water Efficient Landscape Ordinance. Therefore, there are sufficient water supplies available to serve the project and the project would not result in the construction of new water treatment facilities or the expansion of existing facilities. **(Less Than Significant Impact)**

4.17.2.1 *Wastewater Services Impacts (Checklist Questions a, b, and e)*

Development of the proposed mixed-use project would result in additional wastewater being generated. As previously described, USD provides wastewater treatment services for the Tri-City area, including Union City. USD operates the WWTP, which has a treatment capacity of 33 mgd.[47] The project is anticipated to generate approximately 8,105 gpd of wastewater.[48] According to the 2015-2020 Alameda County Urban Water Management Plan, the capacity of the WWTP is 33 million gallons per day.[49] Therefore, the project would not exceed wastewater treatment requirements of the San Francisco Bay RWQCB and would not result in the construction of new wastewater treatment facilities or the expansion of existing facilities. **(Less than Significant Impact)**

[45] California Air Pollution Control Officers Association. CalEEMod. *Appendix D Default Tables.* Table 9.1 Water Use Rates. September 2016.
[46] Alameda County Water District. *Urban Water Management Plan 2015-2020*. June 2016.
[47] City of Union City. *Union City 2040 General Plan Update Background Report*. May 2015.
[48] Wastewater demand is typical 85 percent of a project's water demand.
[49] Alameda County Water District. *Urban Water Management Plan 2015-2020*. June 2016.

4.17.2.2 ***Storm Drainage Impacts*** *(Checklist Questions c)*

As discussed in Section 4.9 *Hydrology and Water Quality*, construction of the project would result in an increase of approximately 36,075 square feet of impervious surface and associated stormwater runoff for the project site. The proposed project would be required to implement the construction-related mitigation measure (MM HYD – 1) to minimize erosion, as well as post-construction requirements to minimize and treat stormwater runoff (per the requirements of Provision C.3 of the RWQCB's MRP). The project includes the installation of on-site post-construction treatment controls, which will reduce both the volume and velocity of runoff from the developed project site.

The public storm drain system will also be extended along Horner Street, Watkins Street, and Vallejo Street with construction of the project's frontage improvements. There are three existing culvert pipes at the corner of Watkins Street and Horner Street. The new project will be abandoning and capping the culverts along with construction of new curb, gutters, and sidewalks. The new project will be tying into the stormdrain lines in the streets. The construction impacts from these physical modifications are reflected in the impacts discussion throughout this Initial Study, e.g. sections *4.3 Air Quality*, *4.9 Hydrology and Water Quality*, and *4.12 Noise and Vibration*. With implementation of a stormwater control plan (as reflected in Figure 4-4) consistent with RWQCB requirements, the project would have a less than significant water quality impact. **(Less than Significant Impact)**

4.17.2.3 ***Solid Waste Impacts*** *(Checklist Question f and g)*

As previously discussed, municipal solid waste transfer and disposal services in Union City are provided by the Fremont Recycling and Transfer Station and Altamont Landfill, respectively. [50][51] The Altamont Landfill has a remaining capacity of approximately 40 million tons with an estimated closure year of 2037.[52] The proposed mixed-use project is estimated to generate approximately 18 tons of solid waste per year.[53] Therefore, sufficient landfill capacity is available to serve the project and impacts to solid waste would be less than significant. **(Less than Significant Impact)**

4.17.3 Conclusion

Implementation of the proposed project would result in less than significant utilities and service system impacts. **(Less than Significant Impact)**

[50] CalRecycle. Facility/Site Summary Details: Altamont Landfill & Resource Recovery (01-AA-0009). Accessed July 10, 2018. http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/.
[51] Waste Management. Sustainability. Accessed July 10, 2018. http://altamontlandfill.wm.com/sustainability/index.jsp.
[52] City of Union City. *Union City Housing Element Update General Plan Amendment and Rezoning Draft Initial Study and Mitigated Negative Declaration*. November 2015.
[53] California Air Pollution Control Officers Association. CalEEMod. *Appendix D Default Tables*. Table 10.1 Solid Waste Disposal Rates. September 2016.

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1-32
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	1-32
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1-32

4.18.1 Project Impacts

Project construction activities have the potential to degrade the quality of the environment by exposing sensitive receptors to increased annual $PM_{2.5}$ concentrations. In addition, the project would generate TACs during construction that could adversely expose nearby sensitive residential receptors. The project could result in impacts to migratory birds if they are present in trees located on or immediately adjacent to the project site. The project could result in impacts to buried cultural resources, should they be discovered on site. Due to the presence of potentially liquefiable soils, development of the project could result in liquefaction-induced settlement. Hazardous materials contamination from asbestos-containing materials and lead-based paint remaining on the site could pose a risk to construction workers and adjacent uses during building demolition. Project construction could potentially involve the removal of underground tanks and surrounding soil, depending on the results of required soil testing to be completed prior to grading. Construction activities associated with the project may cause short-term noise impacts to adjacent uses and receptors. With the implementation of the mitigation and avoidance measures and Standard Permit Conditions included in the project and described in *Section 4 Environmental Setting, Checklist, and Discussion of Impacts*, the proposed project would not result in significant environmental impacts to air quality, biological, cultural resources, geology and soils, hazardous materials, and noise.

4.18.2 Cumulative Impacts

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The discussion of cumulative conditions that follows is based on available growth projections according to adopted plans, such as the Union City General Plan and the Alameda County Transportation Commission regional model.

The project would not impact agricultural, forestry, or mineral resources. Therefore, the project would not contribute to cumulative impacts to these resources.

The project's geology and soils and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere.

The project would have the potential to result in cumulative hydrology and water quality impacts, when taking into account the multitude of other development projects that are occurring or will occur generally within the San Francisco Bay Area watershed and within the site's local watershed. This potential cumulative impact would be addressed by routine permit requirements that any future development projects must comply with the San Francisco Bay Area NPDES General Permit for Construction Activities (including submitting a Notice of Intent to the RWQCB and development of a Stormwater Pollution Prevention Plan to control discharge associated with construction activities) and conformity with the City's drainage and erosion control standards and post-construction storm water runoff requirements. With implementation of Standard Permit Conditions and compliance with City policies pertaining to stormwater and drainage, the project would have a less than significant water quality impact and not contribute to significant cumulative impacts.

Traffic from the proposed project would increase noise along roadways in the project area. However, the increase in traffic from cumulative plus project conditions would not generate sufficient trips to double the existing traffic volumes and substantially increase noise levels. Therefore, the project would not result in a cumulatively considerable noise impact.

The proposed project would generate 584 net trips per day, with 16 net trips occurring during the AM peak hour and 52 net trips occurring during the PM peak hour. Intersection levels of service were calculated for existing, existing plus project, cumulative, and cumulative plus project conditions. Horizon year 2025 traffic volumes were estimated based on future forecasts published by the Alameda CTC. The cumulative traffic volumes reflect traffic growth from future development in the City and the region. The results show that the signalized study intersection at Union City Boulevard and Horner Street would operate at an acceptable LOS A under all study scenarios during both peak hours. The three unsignalized intersections would operate at an acceptable LOS C or better under existing and cumulative conditions with or without the project. For these reasons, the project would not result in a cumulatively considerable traffic impact.

The project would emit criteria air pollutants and GHG emissions and contribute to the overall regional and global emissions of such pollutants. By its very nature, air pollution and GHG emissions are largely a cumulative impact. The project-level air quality thresholds identified by BAAQMD (which the projects' impacts were compared to in Section 4.3) are the basis for determining whether a project's individual impact is cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As discussed in Section 4.3, the project would have a less than significant impact on air quality. For this reason, the projects would have a less than significant cumulative impact on air quality overall. For GHG emissions, a similar approach was taken, as presented in Section 4.7, and project emissions were modeled and were determined to be below the targets set for 2030. For this reason, the project would have a less than significant cumulative impact on GHG emissions.

4.18.3 Direct or Indirect Adverse Effects on Human Beings

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction-related air quality emissions, release of asbestos-containing materials and lead-based paint during demolition, and noise. Implementation of mitigation measures and General Plan policies would, however, reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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