HELIX
Environmental Planning

1998 Whipple Road Gasoline Dispensing Facility and Convenience Store Project

Initial Study/Mitigated Negative Declaration

October 2020 | CUC-01

Prepared for:

City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

Prepared by:

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

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ACRONYMS AND ABBREVIATIONS

AC Transit	Alameda-Contra Costa Transit District
ACFD	Alameda County Fire Department
ADA	Americans with Disabilities Act
AF	acre-feet
APN	assessor's parcel number
BAAQMD	Bay Area Air Quality Management District
BACT	the Best Available Control Technology
BART	Bay Area Rapid Transit District
BCMM	Basic Construction Mitigation Measures
BMP	Best Management Practices
CA	California
CadnaA	Computer Aided Noise Abatement model
CalEEMod	California Emission Estimator Model
CALGreen	California green building standards code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CC	Zoning District – Community Commercial
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Union City
CN	Zoning District – Neighborhood Commercial
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2e	carbon dioxide equivalents
CPA	Zoning District – Professional and Administrative Commercial
CS	Zoning District – Specialty Commercial
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
General Plan	City of Union city 2040 General Plan
GHG	Greenhouse Gases

ACRONYMS AND ABBREVIATIONS (cont.)

HELIX	HELIX Environmental Planning, Inc.
HVAC	heating, ventilation and air conditioning
I-880	Interstate 880
ISA	International Society of Arboriculture
L_{DN}	Day-Night sound level
L_{EQ}	time-averaged noise level
LOS	Level of Service
LUST	leaking underground storage tank
mph	miles per hour
MRZ	Mineral Resource Zone
MT	metric ton
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NSLU	noise sensitive land use
O&M	operations and maintenance
OPR	California Governor's Office of Planning and Research
PM_{10}	particulate matter 10 microns or less in diameter
$PM_{2.5}$	particulate matter 2.5 microns or less in diameter
PPV	peak particle velocity
project	998 Whipple Road Gasoline Dispensing Facility and Convenience Store Project
ROW	right-of-way
RPM	revolutions per minute
RWQCB	Regional Water Quality Control Board
SCP	Stormwater Control Plan
SFBAAB	San Francisco Bay Area Air Basin
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
TCM	Transportation Control Measure
Tribe	Confederated Villages of Lisjan

ACRONYMS AND ABBREVIATIONS (cont.)

UCPD	Union City Police Department
UC Transit	Union City Transit
USFWS	U.S. Fish and Wildlife Service
UWMP	Alameda County Urban Water Management Plan 2015-2020
TNM	Traffic Noise Model
VEC	Vapor Encroachment Condition
VMT	vehicle miles traveled
WMP	Waste Management Plan

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California Environmental Quality Act (CEQA)
Environmental Checklist Form

1. Project Title: 1998 Whipple Road New Gasoline Dispensing Facility and Convenience Store Project

2. Lead Agency Name and Address:

City of Union City
Economic & Community Development Department
34009 Alvarado–Niles Road
Union City, CA 94587–4497

3. Contact Person and Phone Number:

Binh Nguyen, Assistant Planner
(510) 675-5382
BinhN@unioncity.org

4. Project Location:

1998 Whipple Road, Union City, California (Alameda County)
Assessor Parcel Number (APN): 475-0165-090

The project site is located at 1998 Whipple Road, Union City, CA, at the southeast corner of the Whipple Road and Amaral Street intersection. The site coordinates are 37°36'20.74"N latitude and 122° 3'30.38"W longitude (WGS84 coordinate reference system). The project also includes off-site roadway and utility improvements within the public rights-of-way (ROW) for Whipple Road and Amaral Street, adjacent to the project site. The 0.55-acre site is surrounded by industrial park and light industrial development to the north and west, respectively, and residential development to the south and east.

5. Project Sponsor's Name and Address:

Chandra Miehe
TAIT & Associates, Inc.
11280 Trade Center Drive
Rancho Cordova, CA 95742
Contact: Chandra Miehe, (916) 635-2444

6. General Plan Designation:

Commercial

7. Zoning:

Zoning District: Neighborhood Commercial District (CN)

1998 Whipple Road Gasoline Dispensing Facility and Convenience Store Project

Project Description

Introduction

Pursuant to the California Environmental Quality Act (CEQA), this Initial Study evaluates the potential environmental effects that could result from the construction and operation of a proposed gasoline dispensing facility and convenience store in the City of Union City (City). Within urbanized areas, construction of commercial buildings not exceeding 10,000 square feet is normally categorically exempt from CEQA review[1]. However, as stipulated in Section 15300.2(e) of the State CEQA Guidelines, a categorical exemption may not be used for a project located on a site that is listed as a hazardous waste site pursuant to Government Code Section 65962.5. Samples from soil borings indicated strong measures of gasoline in 1986, and a leaking gasoline underground storage tank (LUST) was discovered on the property in 1986, triggering regulatory action that resulted in cleanup and remediation of the site. Although the site remediation case was officially closed by the San Francisco Bay Regional Water Quality Control Board (RWQCB) on January 17, 2019, listing of the site on regulatory databases compiled pursuant to Government Code Section 65962.5 precluded the use of a categorical exemption for the proposed project. The City of Union City has therefore determined that the project is subject to review under CEQA.

Site Location and Condition

The 0.55-acre (26,000-square-foot) project site is located at 1998 Whipple Road, Union City, CA, at the southeast corner of the Whipple Road and Amaral Street intersection. The site is approximately 2,000 feet east of Interstate 880 (I-880). The project also includes off-site roadway and utility improvements within the public ROW for Whipple Road and Amaral Street, adjacent to the project site. The project is located on APN 475-0165-090. Refer to Figures 1 and 2 in Appendix A for the project's location in the region. An aerial overview of the project site is shown on Figure 3 in Appendix A.

The boundary between Union City and the City of Hayward runs along Whipple Road and Amaral Street. The project site is situated on a vacant corner lot with industrial park land uses to the north (Hayward), light industrial land uses to the west (Hayward), and single-family residential homes to the east and south (Union City). Quality Rentals, an equipment rental agency, is located approximately 70 feet to the west, on the opposite side of Amaral Street. A large warehouse is located approximately 150 feet to the north, on the opposite side of Whipple Road, and City Sports Club is located approximately 160 feet northwest of the project site.

[1] California Resources Agency. 2018, December 28. CEQA Guidelines, Section 15303(a).

The project site is relatively flat and with elevations ranging from approximately 14 to 15 feet above mean sea level. The topography of the site gradually slopes from east to west. The project site is currently vacant with exposed soils and ruderal vegetation growth. An approximately 7 to 8-foot-high concrete masonry unit wall lines the east and south sides of the project site, and five non-native trees are present along the western edge of the project site. The ROW for Amaral Street and Whipple Road both feature sidewalks with curbs and street lighting. The project site can currently be accessed by four driveway openings crossing the ROW. The intersection of Amaral Street and Whipple Road is a three-way intersection and is signalized with an existing pedestrian ramp at the southeast corner of the intersection. An existing utility easement with overhead utilities follows the western project site boundary in the Amaral Street ROW. Photographs of the project site and adjacent roadway frontage are provided in Appendix B.

Based on site records, previously existing structures on the project site were demolished in 1992 when a former service station was closed, decommissioned, and all underground and aboveground site facilities were removed.[2]

Description of the Proposed Project

The project applicant, TAIT & Associates, Inc., is proposing to develop an approximately 2,800-square foot gasoline station and 7-Eleven convenience store. Refer to Figure 4 in Appendix A for the site plan.

Gasoline Station and Convenience Store

A total of three (3) gasoline station islands with a 1,646-square foot canopy would be constructed as part of the proposed project. The gasoline station islands would accommodate up to six (6) vehicles at a time. Proposed excavation would be to a depth of approximately 16 feet.

The convenience store building would be placed such that the storefront would face both Whipple Road and Amaral Street. As shown in Figure 5 in Appendix A, the building height would be 18 feet, with a 21-foot-tall parapet at the entryway. The facility would operate 24-hours, seven (7) days a week with two (2) to three (3) employees per eight-hour (8-hour) shift. It is anticipated that 2.7 million gallons of fuel would be dispensed annually.

The project would result in approximately 17,000 square feet of impervious surfaces (2,800 square feet of building area + 12,954 square feet of paved area + 1,646 square feet of fuel canopy area).

The proposed project would be consistent with City Municipal Code Chapter 18.36, Commercial Districts, and other applicable Code provisions (including Chapter 18.30, Sign Regulations, Chapter 18.112, Water Efficient Landscaping), and the City's adopted Gas Station Marketeer Policy Statement. Advertising signage would be limited and would not include outside sales of

[2] Alameda County Water District. 2018, December 6. Leaking Underground Fuel Tank Program Case Closure Summary for 1998 Whipple Road, Union City, CA.

merchandise, and no pinball or arcade-type activities would be included at the 7-Eleven convenience store. Public restrooms and air/water service for automobiles would be provided.

Building Elevations and Floorplan

As shown in Figure 4 in Appendix A, the proposed site plan includes a 20-foot building setback from Whipple Road and a 14.5-foot building setback from Amaral Street. The east side of the site (rear yard) and south side of the site (side yard) would both have a 22-foot building setback.

The proposed elevations, shown in Figures 5a through 5c in Appendix A, consist of exterior walls finished with tan-colored stucco and cedar wood paneling, stone/brick accent walls, and dark bronze storefront trimming. The floorplan, shown in Figure 6 in Appendix A, includes a sales floor area of 1,653 square feet. The floorplan includes two exits and two restrooms. The total occupancy load is 36 people.

Access and Parking

Both of the existing driveways on Whipple Road, and the northern driveway on Amaral Street would be closed. A new 35-foot-wide access driveway would be constructed at Whipple Road that would allow only right turns into and out of the project site. A three-foot wide median island would be constructed within the public ROW on Whipple Road to prevent left turns into or out of the project driveway on Whipple Road. The project driveway on Amaral Street would be reconstructed to achieve 35 feet in width and to accommodate all vehicle turn movements. An Americans with Disabilities Act (ADA) pathway would provide pedestrian access to the project site from the existing sidewalk along Whipple Road to the convenience store entrance. Sidewalk and driveway improvements would occur within the public ROW on Whipple Road and Amaral Street, adjacent to the project site.

The project would include sixteen (16) total parking spaces, including six (6) parking spaces at the fuel islands and ten (10) parking spaces in front of the convenience store. This includes one (1) ADA/van accessible parking space in front of the convenience store.

Landscaping and Lighting

Landscaping would comprise approximately 6,252 square feet (27%) of the site. A conceptual landscape plan is shown in Figure 7 in Appendix A. A tall screen hedge estimated to reach 8 to 10 feet in height at maturity would be planted along the east and south property boundary to screen views of the project site from the adjacent residential properties. The screening vegetation would also include a row of trees estimated to reach 20 to 30 feet in height at maturity. A lower shrub hedge (estimated to reach 30 inches high at maturity) would be planted along the street frontages. Other shrubs and groundcover would be incorporated throughout the planned landscaped areas. All landscaped areas would be irrigated with an automatic irrigation system. Additionally, all landscaped areas would adhere to City requirements and the City's water efficient landscape codes and regulations. An approximately 1,542-square foot stormwater treatment/ bio-retention feature would be constructed at the south end of the site.

Three light poles would be installed on the project site: (1) one would be south and east of the driveway to Whipple Road, and would provide lighting to the ADA pathway on the project site; (2) one would be located near the southwest corner of the convenience store and would provide lighting to the parking spaces at the front of the building and the southern side of the building; (3) one would be located at the driveway to Amaral Street (refer to Figure 4 in Appendix A). Additional lighting would be associated with the convenience store (interior and exterior) and the gasoline station islands.

Pacific Gas & Electric Utility

Existing overhead utilities along the Amaral Street ROW, adjacent to the western project site boundary, would be terminated at new and existing utility vaults within the ROW and/or relocated to new underground utility conduits which would extend across Whipple Road to an existing pole on the north side of the street. A new utility pole would be installed in the existing ROW, near the southwest corner of the project site.

Construction

Construction is anticipated to begin in January 2021 and would last approximately 10 months.

Planning Approvals

Site Development Review: The project would require Site Development Review approval by the City Council, pursuant to Chapter 18.76 of the Union City Municipal Code. The City Council will need to make findings that the proposed project is in compliance with the City of Union City 2040 General Plan (General Plan) and the Zoning Ordinance, which includes the zoning regulations for the Neighborhood Commercial District (CN) in which the project is located. Refer to Figures 8 and 9 in Appendix A for the land use and zoning.

Use Permit Approval: Per Section 18.36.030(B), a Use Permit is required for new service stations with convenient stores that are subject to the provisions of the Gas Station Marketeer Policy Statement. The Use Permit will be reviewed concurrently with the Site Development Review and the City Council will need to make findings that the proposed use and location of the use is consistent with the General Plan, the Zoning Ordinance, and the proposed use will not be detrimental to surrounding properties.

Other Approvals

Union City Public Works Department: The project will require a grading permit from the Union City Public Works Department.

Union City Building Division: The project will require building permits from the Union City Building Division.

Pacific Gas & Electric: The project will require approvals from Pacific Gas & Electric to underground the adjacent utility pole and overhead wires.

Alameda County Water District: The project will require permits from Alameda County Water District.

Union Sanitary District: The project will require permits from the Union Sanitary District.

City of Hayward: The project will require an encroachment permit from the City of Hayward to conduct the utility relocation across Whipple Road.

Bay Area Air Quality Management District: The project will require permits from the Bay Area Air Quality Management District (BAAQMD) to construct and operate the gas dispensing facility.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

[X] Aesthetics	[ ] Agricultural Resources	[X] Air Quality
[X] Biological Resources	[X] Cultural Resources	[X] Energy
[X] Geology and Soils	[ ] Greenhouse Gas Emissions	[X] Hazards & Haz. Materials
[X] Hydrology/Water Quality	[ ] Land Use/Planning	[ ] Mineral Resources
[ ] Noise	[ ] Population/Housing	[ ] Public Services
[ ] Recreation	[X] Transportation/Traffic	[X] Tribal Cultural Resources
[ ] Utilities/Service Systems	[X] Mandatory Findings of Significance	

DETERMINATION:

On the basis of the initial evaluation:

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

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

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

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

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

	10/6/2020
Signature	Date
Binh Nguyen	Carmela Campbell
Printed name	For

EVALUATION OF ENVIRONMENTAL IMPACTS:

I. AESTHETICS — *Except as provided in Public Resources Code Section 21099, would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒

Explanation: No areas have been officially designated scenic vistas by the City. While not officially designated scenic vistas, the General Plan notes the hillside area, marshlands, and other open space areas on the edges of the City as scenic.[3]

The viewshed at the project site consists of residences to the east and south, industrial uses to the west across Amaral Street, and large commercial buildings to the north. The hillside area, marshlands, and other open space area are not viewable from the project site area. The nearest potential gateway is I-880 and Industrial Boulevard, approximately 1.2 miles to the northwest. Based on no officially designated scenic vistas in the City and distance to other areas considered scenic or visual gateways, the proposed project would have ***no impact*** on scenic vistas.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☒	☐	☐

Explanation: The proposed project would result in the removal of five trees regulated under the City's tree conservation ordinance. Tree plantings included as part of the landscape concept plan are anticipated to mitigate for the removal of existing trees, as discussed in Section IV, Biological Resources.

No rock outcroppings or historic buildings are in the proposed project's viewshed and neither Whipple Road nor Amaral Street are state scenic highways. Based on the lack of scenic resources at or near the project site and implementation of mitigation measure BIO-02, as detailed in Section IV, Biological Resources, the proposed project's impact on scenic resources would be a ***less than significant impact with mitigation incorporated***.

[3] City of Union City. 2019, December 10. 2040 General Plan, Chapter 4 - Community Design. Available at: http://www.uc2040.com/wp-content/uploads/2020/01/04_2040ucgp_adopted_community-design.pdf.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐

Explanation: The project site is in an urbanized area with commercial and industrial uses to the north and west and residential uses to the east and south. The project site is zoned Neighborhood Commercial District (CN), which does not have zoning restrictions regarding scenic quality. Policy CD-3.4 of the General Plan states that the City will work with the Cities of Hayward and Fremont to beautify major corridors, including Whipple Road. The existing masonry wall along the east and south project site boundaries would remain in place under the proposed project and would continue to screen views of the project site from the adjacent residential properties. Furthermore, the proposed buildings would be set back from the property boundaries which would reduce visibility from adjacent areas (refer to Figure 4 in Appendix A), and the proposed landscaping with perimeter plantings, including hedges and trees, would provide additional screening from adjacent properties (refer to Figure 7 in Appendix A). Under the proposed project, the existing overhead utility lines along Amaral Street adjacent to the project site, and crossing Whipple Road, would be relocated underground. Removing overhead utility wires may be considered an improvement to the visual landscape. Based on the existing urbanized character of the surroundings and the proposed landscaping which includes visual screening, the proposed project is anticipated to have ***less than significant impact*** on degrading the existing visual character and quality of the site and its surroundings.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Explanation: There are currently no sources of light or glare on the project site. Development of the project site with the proposed project would introduce a new source of nighttime lighting. Lighting would consist of three proposed light poles located at the north and south ends of the convenience store building and at the driveway to Alameda Street. Additional lighting would be associated with the gasoline station islands and the convenience store (interior and exterior). As

part of the entitlement process and prior to building permit issuance, the applicant is required to submit a lighting plan for review (Union City Municipal Code Section 18.76.030) which allows the City to ensure that the project would not result in substantial spillover to adjacent properties. Any lighting associated with the signs would be consistent with City Municipal Code Section 18.30.70 which is intended to prevent light spillage and glare from signs.

The proposed building would not be finished in reflective surfaces. Based on the urbanized setting (where outdoor lighting is common) and conformance with City codes, the proposed project would have a ***less than significant impact*** on light and glare.

II. AGRICULTURAL RESOURCES — *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forestry Legacy Assessment Project, and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: The project site is mapped as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program.[4] The proposed project would have ***no impact*** on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

[4] California Department of Conservation, Division of Land Resource Protection. 2018. Alameda County Important Farmland 2016. Available at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Alameda.aspx. Accessed 12/6/2019.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒

Explanation: The project site is zoned Neighborhood Commercial District (CN) and it is not under a Williamson Act contract. The proposed project would have ***no impact*** on existing zoning for agricultural use or a Williamson Act contract.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒

Explanation: The project site is not zoned forest land, timber land, or timberland zoned Timberland Production. As discussed in a) and b) above, the project site is zoned Neighborhood Commercial District (CN). Therefore, the proposed project would have ***no impact*** on forest land, timberland, or timberland zoned Timberland Production.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to a non-forest use?	☐	☐	☐	☒

Explanation: The project site is a vacant lot in an urbanized area, and, as discussed in c) above, it is not zoned forest land. The proposed project would have ***no impact*** on loss or conversion of forest land to non-forest use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: The proposed project would develop an existing vacant lot in an urbanized area. No other changes, such as utilities or access roads away from the project site, are required. There would be ***no impact*** on the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

III. AIR QUALITY — *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Explanation: Consistency with the air quality plan is determined by whether the project would hinder implementation of control measures identified in the air quality plan or would result in growth of population or employment that is not accounted for in local and regional planning. The BAAQMD Clean Air Plan is the applicable air quality plan for the San Francisco Bay Area Air Basin (SFBAAB) and the City.

The project would be consistent with the General Plan land use designation of Commercial. Therefore, the small increase in employment (up to nine employees over 24 hours) is consistent with the General Plan and would be consistent with the local and regional employment growth assumptions used in developing the 2017 Clean Air Plan. The project does not include any residential components and would not result in an increase in regional population. In addition, as described under item b), below, the project would not result in a cumulatively considerable increase of any criteria pollutant.

As described in the 2017 Clean Air Plan, all of the 2010 Transportation Control Measures were carried forward into the 2017 Clean Air Plan, although the measure descriptions and numbering were updated. In addition, eight of the 10 Mobile Source Measures, all six of the Land Use Measures, and all four Energy and Climate Measures from 2010 were carried forward into the

2017 Plan.[5] The Mobile Source Measures primarily address vehicles and their components as they relate to emissions and are not directly applicable to the project. The project would be required to comply with the building energy efficiency standards of 2019 Title 24 Part 6, and Title 24 Part 11 (CALGreen; California green building standards code). Therefore, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan and the project would result in a ***less than significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐

Explanation:
An air quality impact assessment was prepared for the project and is included in Appendix C.[6] The SFBAAB is designated as nonattainment for the state and national ozone standards, the state particulate matter, 10 microns or less in diameter (PM_{10}) standards, and the state and national particulate matter, 2.5 microns or less in diameter ($PM_{2.5}$) standards. The BAAQMD is responsible for implementing emissions standards and other requirements of federal and state laws in the SFBAAB.

Construction (Short-Term) Emissions

The project-specific analysis of construction emissions was completed using the California Emission Estimator Model (CalEEMod) Version 2016.3.2 (refer to Appendix C for the methods). The project's estimated construction emissions are shown below in Table 1. The emissions estimates assumed an export of approximately 275 cubic yards of vegetation and soil during grubbing and clearing and an export of approximately 800 cubic yards of soil during grading and excavation. Underground utility work within the public ROW on Whipple Road and Amaral Street was assumed to last for approximately five workdays and to occur concurrently with the project grading. The emissions estimate also assumed implementation of the BAAQMD recommended Basic Construction Mitigation Measures (BCMMs), listed in mitigation measure AQ-1, below, specifically watering exposed areas a minimum of twice per day and enforcing a 15 miles per hour speed limit on unpaved surfaces.

[5] BAAQMD. 2017c, April 19. Final Clean Air Plan – Spare the Air Cool the Climate. Available at: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en.

[6] HELIX Environmental Planning, Inc. (HELIX). 2020, April 9. *1998 Whipple Road New Gas Station and Convenience Store Project Air Quality and Greenhouse Gas Emissions Assessment*.

Table 1
Construction Criteria Pollutant and Precursor Emissions

Phase	Pollutant Emissions (pounds per day)							
	ROG	NO_X	CO	SO_X	Fugitive PM_{10}	Exhaust PM_{10}	Fugitive $PM_{2.5}$	Exhaust $PM_{2.5}$
Site Preparation	0.5	6.3	3.5	<0.1	0.3	0.2	<0.1	0.2
Grading/Excavation	0.7	7.5	7.0	<0.1	0.5	0.3	0.2	0.6
Underground Utilities	0.8	7.6	6.3	0.0	0.1	0.3	0.0	0.3
Paving	0.7	6.5	6.8	<0.1	0.1	0.4	<0.1	0.4
Building Construction	1.0	6.8	7.5	<0.1	0.1	0.4	<0.1	0.4
Architectural Coating	7.3	1.5	1.8	<0.1	<0.1	0.1	<0.1	0.1
Maximum Daily[a]	**7.3**	**15.1**	**13.3**	**<0.1**	**0.7**	**0.6**	**0.3**	**0.6**
BAAQMD Daily Thresholds	*54*	*54*	*none*	*none*	*BCMMs*	*84*	*BCMMs*	*54*
Exceed Daily Threshold?	***No***	***No***	***No***	***No***	***No***	***No***	***No***	***No***

Source: CalEEMod (output data is provided in Appendix C).

Notes: BAAQMD = Bay Area Air Quality Management District; BCMMs = Basic Construction Mitigation Measures; CO = carbon monoxide; NO_X = nitrogen oxide; PM = particulate matter; ROG = reactive organic gases; SO_X = sulpher oxides

[a] Totals may not sum due to rounding.

As shown in Table 1, the project's construction emissions related to the criteria pollutants and precursors would not exceed the BAAQMD thresholds; however, because the BAAQMD considers fugitive dust emissions to be significant if the BCMMs are not implemented, mitigation measure AQ-1 would be required. Therefore, the project's construction emissions of criteria pollutants and precursors would be ***less than significant with mitigation incorporated***.

Operation (Long-Term) Emissions

The project-specific analysis of operational emissions and existing land use operational emissions was completed using CalEEMod Version 2016.3.2 (refer to Appendix C for the methods). The project's estimated daily and annual long-term operational emissions for the anticipated first full year of operations (2022) were compared to the BAAQMD thresholds in Table 2.

Table 2
Operational Criteria Pollutant and Precursor Emissions

Source	Pollutant Emissions							
	ROG	NO_X	CO	SO_X	Fugitive PM_{10}	Exhaust PM_{10}	Fugitive $PM_{2.5}$	Exhaust $PM_{2.5}$
Daily Emissions (lbs per day)								
Area	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Energy	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Mobile	1.1	5.9	9.1	<0.1	2.2	<0.1	0.6	<0.1
Total Project Emissions[a, b]	**1.1**	**5.9**	**9.1**	**<0.1**	**2.2**	**<0.1**	**0.6**	**<0.1**
BAAQMD Daily Thresholds	*54*	*54*	*none*	*none*	*none*	*84*	*none*	*54*
Exceed Daily Threshold?	***No***	***No***	***No***	***No***	***No***	***No***	***No***	***No***
Annual Emissions (tons per year)								
Area	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Energy	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Mobile	0.2	1.1	1.5	<0.1	0.4	<0.1	0.1	<0.1
Total Project Emissions[1]	**0.2**	**1.1**	**1.5**	**<0.1**	**0.4**	**<0.1**	**0.1**	**<0.1**
BAAQMD Annual Thresholds	*10*	*10*	*none*	*none*	*none*	*15*	*none*	*10*
Exceed Annual Threshold?	***No***	***No***	***No***	***No***	***No***	***No***	***No***	***No***

Source: CalEEMod (output data is provided in Appendix C).

Notes: BAAQMD = Bay Area Air Quality Management District; CO = carbon monoxide; NO_X = nitrogen oxide; PM = particulate matter; ROG = reactive organic gases; SO_X = sulpher oxides

[a] Totals may not sum due to rounding.

[b] Maximum daily emissions of ROG and SO_X occur during the summer, maximum daily emissions of NO_X and CO occur during the winter, emissions of PM_{10} and $PM_{2.5}$ are not seasonally dependent.

As shown in Table 2, the project's long-term emissions of criteria pollutants and precursors would not exceed the BAAQMD daily or annual thresholds. Therefore, the project's long-term operational emissions would not result in a cumulatively considerable net increase of any criteria pollutant. The project would result in ***less than significant impacts*** associated with operation.

Mitigation Measure AQ-1: Prior to issuing construction permits, the City shall specify on all grading, building, and other construction permits for the project, implementation of the following Basic Construction Mitigation Measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- 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.
- 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 the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

Explanation:
The air quality assessment for the project included an evaluation of the potential to expose sensitive receptors to substantial pollutant concentrations (Appendix C).[7] In addition, a community health risk assessment of potential increased cancer, chronic and acute health risks associated with long-term operation of the proposed gasoline dispensing facility was completed for the project. The health risk assessment is included in Appendix D.[8]

The closest existing sensitive receptors to the project site are five single-family residences adjacent to the project site to the south and east. Schools are also considered sensitive receptors - the

[7] HELIX Environmental Planning, Inc. (HELIX). 2020, April 9. 1998 Whipple Road New Gas Station and Convenience Store Project Air Quality and Greenhouse Gas Emissions Assessment.

[8] HELIX Environmental Planning, Inc. (HELIX). 2020, March. 1998 Whipple Road New Gas Station and Convenience Store Project Health Risk Assessment.

nearest schools are Cesar Chavez Middle School, 2801 Hop Ranch Road, Union City, approximately one mile to the southeast, and Alvarado Elementary School, 31100 Fredi Street, Union City, approximately one mile to the southwest.

Construction (Short-Term) Local Emissions

Construction activities associated with implementation of the project would result in emissions of diesel particulate matter (DPM) from the use of diesel-powered equipment. Generation of DPM from construction projects typically occurs in a localized area (e.g., at the project site) for a short period of time. Because construction activities and subsequent emissions vary depending on the phase of construction (e.g., grading, building construction), the construction-related emissions to which nearby receptors are exposed to would also vary throughout the construction period. During some equipment-intensive phases such as site preparation and grading/excavation, construction-related emissions would be higher than during other less equipment-intensive phases such as building construction. Site preparation and grading/excavation are anticipated to last a total of approximately 20 working days.

The generation of DPM during construction would be variable and sporadic due to the nature of construction activity. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. Additionally, project construction activities would occur in an area of less than one acre. Construction projects contained in a site of such size typically represent less than significant health risk impacts due to limitations on the size and numbers of off-road diesel equipment able to operate and thus a reduced amount of generated DPM, the reduced amount of dust-generating ground disturbance possible compared to larger construction sites, and the reduced duration of construction activities compared to the development of larger sites.

Due to the short duration and sporadic nature of construction activities requiring the use of heavy diesel-powered equipment, and because the use of heavy construction equipment would not be concentrated near the residential property lines, and because DPM emissions disperse rapidly over relatively short distances, project construction related DPM emissions during construction would not expose sensitive receptors to substantial pollutant concentrations; therefore, the project would result in a ***less than significant impact.***

Operation (Long-Term) Local Emissions

Carbon Monoxide Hotspots

Vehicle exhaust is the primary source of carbon monoxide (CO). In an urban setting, the highest CO concentrations are generally found in close proximity to congested intersections. Under typical meteorological conditions, CO concentrations tend to decrease as distance from the emissions source (i.e., congested intersection) increase. Project-generated traffic has the potential of contributing to localized "hot spots" of CO off-site. Because CO is a byproduct of incomplete combustion, exhaust emissions are worse when fossil-fueled vehicles are operated inefficiently, such as in stop-and-go traffic or through heavily congested intersections. Because CO disperses

rapidly, hotpots are most likely to occur in areas with limited vertical mixing such as tunnels, long underpasses, or below-grade roadways.

The BAAQMD provides screening criteria to determine if a proposed development project would result in a less than significant impact to localized CO concentrations:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited.

According to turning movement counts completed for the project (refer to the traffic impact study prepared for the project in Appendix K), the project-affected intersection with the highest traffic would be the intersection of Huntwood Avenue and Whipple Road which has a peak-hour traffic volume of 2,637 vehicles.[9] The project would add up to 46 additional vehicles to this intersection during the peak-hour. None of the project affected intersections would have limited vertical or horizontal mixing. All project affected intersections would have peak-hour traffic volumes far below the BAAQMD screening criteria of 44,000 vehicles per hours. Therefore, long-term operation of the project would not result in the exposure of sensitive receptors to substantial CO Hotspots and the project would result in a ***less than significant impact***.

Gasoline Dispensing Facilities

Pursuant to the Clean Air Act, including Title V, the BAAQMD provides regulatory oversight to projects using any equipment that may cause air pollution. The BAAQMD reviews equipment design and inspects the installed equipment to ensure all regulations are met for each phase of the project and issues authority to construct and permit to operate following confirmation of compliance. The proposed project would be required to obtain the appropriate authority to construct permit and permit to operate for a gasoline dispensing facility from the BAAQMD. Toxic emissions from gasoline dispensing facilities are proportional to the annual throughput of gasoline at the facility.

The project developers anticipate the average annual throughput of gasoline to be 2.7 million gallons per year; however, for to account for potential fluctuations in annual gasoline sales and to be conservative (health protective) in evaluating risks, the health risk assessment prepared for the project analyzed emissions and health risks at a maximum throughput of 6 million gallons of gasoline per year (refer to Appendix D for the health risk assessment).

[9] KD Anderson and Associates, Inc. (KDA). 2020, September. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project.

The BAAQMD stationary source permitting process is defined and regulated through Regulation 2 Permits, Rule 1 General Requirements and Rule 2 New Source Review. BAAQMD regulates gasoline dispensing facilities through Regulation 8, Rule 7 Gasoline Dispensing Facilities which requires implementation, maintenance and testing of the Best Available Control Technologies (BACTs) to minimize toxic air contaminant (TAC) emissions and the resulting public health risks from the facility.[10] The BACTs for gasoline dispensing facilities are vapor recovery systems to collect gasoline vapors that would otherwise escape into the atmosphere. Gasoline vapor emissions at gasoline dispensing facilities are controlled in two phases. Phase I vapor recovery collects vapors displaced from underground storage tanks when a cargo tank truck delivers gasoline to a gasoline dispensing facility. Phase II vapor recovery collects vapors displaced during the transfer of gasoline from a dispensing nozzle to a vehicle, fuel container, or gasoline-powered equipment; and the storage of gasoline at a gasoline dispensing facility. The California Air Resources Board (CARB) regulations establish standards for the level of emissions control vapor recovery systems must achieve during the transfer and storage of gasoline.

The incremental excess cancer risk is an estimate of the chance a person exposed to a specific source of a TAC may have of developing cancer from that exposure beyond the individual's risk of developing cancer from existing background levels of TACs in the ambient air. For context, the average cancer risk from TACs in the ambient air for an individual living in an urban area of California is 830 in 1 million.[11] Cancer risk estimates do not mean, and should not be interpreted to mean, that a person will develop cancer from estimated exposures to toxic air pollutants.

The maximum estimated community incremental excess cancer, chronic and acute health risks due to exposure to the project TAC emissions from long term operation of the proposed retail gasoline dispensing facility at the maximum proposed permitted gasoline throughput are presented in Table 3. These estimates are conservative (health protective) and assume that the resident or worker is outdoors for the entire exposure period. The full health risk assessment report for the proposed project is included as Appendix D to this Initial Study.

Table 3
Maximum Exposed Individual Incremental Cancer Risk and Hazard Index

	MEI Resident Cancer Risk	MEI Worker Cancer Risk	MEI Resident Chronic Hazard Index	MEI Worker Chronic Hazard Index	MEI Acute Hazard Index
Results	7.2 in 1 million	<0.1 in 1 million	0.03	<0.01	0.03
Threshold	10 in 1 million	10 in 1 million	1	1	1
Exceed Threshold?	No	No	No	No	No

Source: Retail Gasoline Station Health Risk Assessment for the 1998 Whipple Road 7-Eleven Project (HELIX 2020; included as Appendix D).
MEI = Maximum Exposed Individual.

[10] Toxic air contaminants are a diverse group of air pollutants that may cause or contribute to an increase in deaths or in serious illness or that may pose a present or potential hazard to human health.

[11] HELIX Environmental Planning, Inc (HELIX). 2020, March. 1998 Whipple Road New Gas Station and Convenience Store Project Health Risk Assessment.

As shown in Table 3, the maximum incremental increased cancer risks and maximum chronic health index due to exposure to benzene emissions from long term operation of the proposed retail gasoline dispensing facility would not exceed the BAAQMD thresholds at the maximum proposed permitted throughput of 6 million gallons of gasoline per year. Therefore, long-term operation of proposed project would not result in the exposure of sensitive receptors to substantial TAC concentrations. The project would result in a ***less than significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Explanation: The BAAQMD does not have significance thresholds for exposure to objectionable odors from a project's construction period. Diesel fumes from construction equipment and delivery trucks may be found objectionable; however, the generation of odors during the construction period would be temporary and would tend to be dispersed within a short distance from the active work area. For long-term operation of a land use development project, BAAQMD provides examples of land uses that have the potential to generate considerable odors including, but not limited to: wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants.[12] The project does not include any of these uses. Typical urban projects such as retail businesses generally do not result in substantial objectional odors once operational when operated in compliance with City Ordinances (e.g., proper trash removal and storage). The project is a typical urban development that lacks characteristics that would result in the generation of substantial unpleasant odors. The BACTs for gasoline dispensing facilities required by CARB and BAAQMD, described above, control the emissions of gasoline vapors, including odors associated with gasoline vapors. Once operational, the project would not be a significant source odors or other emissions.

Due to the short duration of construction activity and associated emissions, and because once operational, the project would not be a significant source of odors or other emissions, the project would result in a ***less than significant impact*** related to odors affecting a substantial number of people.

[12] BAAQMD. 2017, May. California Environmental Quality Act Air Quality Guidelines. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

IV. BIOLOGICAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Explanation: Biological resources were evaluated based on field reconnaissance of the site and analysis of publicly available data. The biological reconnaissance was conducted on December 20, 2019 by HELIX Environmental Planning (HELIX) biologist and International Society of Arboriculture (ISA) Certified Arborist George Aldridge (ISA Certification No. WE-11778A) assisted by HELIX biologist Halie Goeman. The project site is entirely disturbed and characterized by hardscape (gravel areas) and ruderal vegetation. Vegetation in the site consists entirely of weedy ruderal species with only one native plant species. Five trees are present in the site and are all non-native ornamental species. Site photographs are provided in Appendix B and a list of plant and wildlife species observed during the biological reconnaissance is provided in Appendix E.

HELIX queried the California Natural Diversity Database[13] and the California Native Plant Society Inventory of Rare and Endangered Plants[14] for lists of special-status species recorded in the U.S. Geological Survey "Newark, CA" 7.5-minute quadrangle map. HELIX also queried the U.S. Fish and Wildlife Service Information for Planning and Consulting[15] for species potentially affected by the project. Database queries returned a total of 12 plants, four (4) invertebrates, three (3) fishes, two (2) amphibians, one (1) reptile, 10 birds, and three (3) mammals. The results of the queries are presented in Appendix E along with analysis of the potential for each species to occur in the project site based on the species' geographic range and ecology. None of these regionally-occurring special-status species has potential to occur in the project site due to a lack of suitable habitats. The proposed project would have ***no impact*** on special-status species.

[13] California Department of Fish and Wildlife (CDFW). 2020, August 30. California Natural Diversity Database (CNDDB) – Commercial version. Available at: https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx. Accessed on September 14, 2020.

[14] California Native Plant Society (CNPS), Rare Plant Program. 2020. Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). Available at: http://www.rareplants.cnps.org. Accessed September 14, 2020.

[15] U.S. Fish and Wildlife Service (USFWS). 2020. Information for Planning and Consulting, Species List for the project site. Available at: https://ecos.fws.gov/ipac/. Accessed on September 14, 2020.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

Explanation: No native or naturalized plant communities are present in the project site. Most of the plant species observed in the site are ranked as limited or moderate for invasiveness by the California Invasive Plant Council (Appendix E). The proposed project would have ***no impact*** on sensitive natural communities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒

Explanation: There are no potential wetlands in the project site. The site is entirely flat and level as a result of past development and contaminated soil remediation, and surface soils are coarse-textured fill. Vegetation is predominantly weedy non-natives associated with uplands. There was no surface water present in the site during the biological reconnaissance despite 0.25 inch of rainfall in the previous 48 hours. The only source of water for the project site is direct precipitation and drainage on the site is by percolation into the soil or sheet flow into the municipal storm water system through inlets on Whipple Road and Amaral Street.

The National Wetland Inventory Mapper shows no wetlands or other aquatic features in or adjacent to the site.[16] The nearest mapped features are freshwater emergent wetlands and a storm water drainage along I-880 located 0.25 mile west of the site.

The proposed project would have ***no impact*** on jurisdictional wetlands or other waters.

[16] U.S. Fish and Wildlife Service (USFWS). 2020. National Wetland Inventory Mapper. Available at: https://www.fws.gov/wetlands/Data/Mapper.html. Accessed September 13, 2020.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐

Explanation: The California Department of Transportation and California Department of Fish and Wildlife (CDFW) commissioned the California Essential Habitat Connectivity Project to produce a statewide map identifying large, relatively natural habitat blocks that support native biodiversity (Natural Landscape Blocks) and areas essential for ecological connectivity between them (Essential Connectivity Areas). This data is intended to inform regional- and local scale planning and conservation actions.[17] The Critical Linkages: Bay Area and Beyond project was initiated in 2010 by Science and Collaboration for Connected Wildlands to identify landscape linkages within the nine-county Bay Area region and beyond to conservation lands to the north and south. Data from both linkage mapping projects were reviewed on the CDFW Biogeographic Information and Observation System viewer.[18]

The project site is not inside any Natural Landscape Block or Essential Connectivity Area. The nearest lands mapped by the California Essential Habitat Connectivity Project or the Critical Linkages: Bay Area and Beyond project are two miles east of the project site in the East Bay Hills. The project site is an isolated vacant lot surrounded by extensive urban development, and the site is bounded on two sides by a masonry wall and on two sides by streets. The proposed project would have no impacts on wildlife movement related to corridors, such as Natural Landscape Block or Essential Connectivity Areas.

The project site provides suitable nesting habitat for native birds. Wildlife observed during the biological reconnaissance included native birds common in urban environments such as Anna's hummingbird (*Calypte anna*), house finch (*Haemorhous mexicanus*), and black phoebe (*Sayornis nigricans*). Native birds that may potentially nest in the site include species that nest on the ground and/or in shrubs and small trees and are tolerant of human disturbance.

There is potential for native birds to nest in the project site. If project activities commence during the avian breeding season (February 1 through August 31) and active nests are present in or adjacent to the project site, project activities could potentially result in impacts to native birds. Removal of trees or herbaceous vegetation containing active nests would potentially result in destruction of eggs and/or chicks; noise, dust, and other anthropogenic stressors in the vicinity of

[17] Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving.

[18] California Department of Fish and Wildlife (CDFW). 2019. Biogeographic Information and Observation System. Available at: https://apps.wildlife.ca.gov/bios/.

an active nest could lead to forced nest abandonment and mortality of eggs and/or chicks. Needless destruction of eggs or chicks would be a violation of the Fish and Game Code and would be a potentially significant impact. Implementation of mitigation measure BIO-01, consisting of a pre-construction nesting bird survey, would reduce impacts to less than significant. The proposed project's impact on migratory wildlife would be ***less than significant with mitigation incorporated***.

Mitigation Measure BIO-1: Prior to any ground-disturbing or vegetation clearing and grubbing activities occurring during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities. The survey area shall include suitable raptor nesting habitat within 300 feet of the limits of disturbance (inaccessible areas outside of the project site can be surveyed from the site or from public roads using binoculars or spotting scopes). If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:

- A suitable buffer (e.g., 300 feet for raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐

Explanation: City Municipal Code Section 12.16.170 (Tree Conservation Ordinance) regulates the removal of trees meeting certain criteria. An arborist survey was conducted on the project site, and arborist survey letter report is included in Appendix F.[19] The proposed project would result in

[19] HELIX Environmental Planning, Inc (HELIX). 2020, January 10. Tree Survey for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, CA.

the removal of five trees regulated under the City's tree conservation ordinance. All of the trees planned for removal, however, are unsuitable for preservation due to structural defects and/or location under overhead power lines (two trees), as well as declining health in three of the trees.

Removal of trees growing on a vacant or undeveloped lot and having at least one trunk of at least 12 inches circumference would be a potentially significant impact under the City's tree conservation ordinance.

The landscape plan for the proposed project includes 27 ornamental trees in two species: eight pink trumpet trees (*Tabebuia impetiginosa* [=*Handroanthus impetiginosus*]) and 19 Australian willows (*Geijera parviflora*). Both of these species exceed the size of the existing trees on the site at maturity. The 27 trees proposed as part of the project would provide replacement for the trees removed by the project at a ratio of 5.4:1. Implementation of mitigation measure BIO-2, obtaining a tree removal permit and planting replacement trees (if required as a condition of the permit) or paying an in-lieu fee, would mitigate for impacts from tree removal. The proposed project would have a ***less than significant impact with mitigation*** regarding local ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measure BIO-2: Prior to removal of existing trees in the project site, the applicant shall obtain a tree removal permit from the Union City Public Works Division. Replacement trees shall be planted if required as a condition of the tree removal permit.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: There are no adopted Habitat Conservation Plans Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the project site. The project would have ***no impact*** on Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐

Explanation: The discussion below is based on the Cultural Resources Assessment prepared for the project, which is included as Appendix G.[20]

On December 12, 2019, a cultural resources records search was conducted to determine whether any previously documented historic-era or prehistoric cultural resources are located within a 0.25-mile radius of the project area boundaries. The records search was conducted at the Northwest Information Center of the California Historical Resources Information System, located at Sonoma State University. The search examined current inventories of the National Register of Historic Places, the California Register of Historical Resources, the California Historical Landmarks listings, and the California Points of Historical Interest. The California State Historic Property Data File for Alameda County was also reviewed to determine if any local resources have been previously evaluated for historic significance within the search radius.

Based on results of the records search, no recorded sites are within the project site. Within 0.25-mile of the project site, a single cultural resource site was discovered and documented in the early 1970s, however, the artifacts of the site were recovered at that time (1970s) and the area is now developed.

A search of the Native American Heritage Commission (NAHC) Sacred Lands File returned a positive result, suggesting that there are Native American resources in the vicinity. A response letter was received from the Confederated Villages of Lisjan (Tribe) on February 28, 2020, asking that the Tribe be included in consultation for the project. The City responded on March 28, 2020 and invited the Tribe to a meeting to discuss the project. A follow-up attempt was made on April 25, 2020, to date, a reply has not been received from the Tribe. No responses have been received from the other Native American individuals who were contacted.

A qualified archaeologist conducted an intensive pedestrian survey of the project site on January 7, 2020. The current condition of the project area is entirely disturbed and covered by

[20] HELIX Environmental Planning, Inc (HELIX). Cultural Resources Assessment Letter Report.

graveled areas and weedy ruderal vegetation. The soils throughout the project site are heavily compacted fill and capped with gravel near the northern end.

No prehistoric or historic-era resources have been previously recorded within the project area and none were identified during the pedestrian survey. Given that the previously existing service station and underground storage tanks were removed in 1992, any buried cultural deposits, if they did exist, would likely have lost their depositional integrity.

Based on the above, no historical or archaeological resources as defined in Section 15064.5 of the State CEQA Guidelines are at the project site. Should construction of the project lead to an inadvertent discovery of an archaeological resource, disturbance to such resources are potentially significant. Implementation of mitigation measures CUL-1, CUL-2, and CUL-3 would reduce impacts to a level of less than significant. Therefore, regarding historical or archaeological resources for items a) and b), the proposed project would have a ***less than significant impact with mitigation*** incorporated.

Mitigation Measure CUL–1: The City shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CUL–2: In the event that cultural resources are exposed during ground-disturbing activities, construction activities should be halted in the immediate vicinity of the discovery. If the site cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards should then be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the City.

Mitigation Measure CUL–3: The discovery of human remains is always a possibility during a project. If such an event did occur, the specific procedures outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, must be followed:

1. All excavation activities within 60 feet of the remains will immediately stop, and the area will be protected with flagging or by posting a monitor or construction worker to ensure that no additional disturbance occurs.

2. The project owner or their authorized representative will contact the Alameda County Coroner.

3. The coroner will have two working days to examine the remains after being notified in accordance with California Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American and are not subject to the coroner's authority, the coroner will notify NAHC of the discovery within 24 hours.

4. The Native American Heritage Commission will immediately notify the Most Likely Descendant, who will have 48 hours after being granted access to the location of the remains to inspect them and make recommendations for their treatment. Work will be suspended in the area of the find until the City approves the proposed treatment of human remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Explanation: While the Cultural Resources Assessment did not identify a potential for human remains, ground disturbing activities have the potential to result in unanticipated discovery of resources, including the discovery of human remains. If such an event did occur, the specific procedures outlined by the NAHC, in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 (a) of the Public Resources Code, must be followed. Section 5097.98 (a) of the Public Resources Code states:

> (a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

With implementation of mitigation measure CUL-2, as discussed under impacts a) and b), the impact would be ***less than significant with mitigation*** incorporated.

VI. ENERGY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☒	☐	☐

Explanation: The project would be required to comply with all applicable City and State green building measures, including the State Building Energy Efficiency Standards - Title 24, Part 6 and Part 11 (CALGreen).[21] Additionally, unnecessary consumption of energy resources during construction would be avoided through restriction of vehicle idling times and proper maintenance of construction equipment, as detailed in mitigation measure AQ-1 in Section III, Air Quality. Therefore, the proposed project's impacts on energy resources during project operation or construction would be ***less than significant with mitigation***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Explanation: As discussed under item a), the proposed project would be required to comply with all applicable City and State green building measures, including the State Building Energy Efficiency Standards - Title 24, Part 6 and Part 11. Therefore, the proposed project would have ***no impact*** and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

[21] California Building Standards Commission. 2019. CALGreen (CCR Title 24, Part 11). Available at: https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen.

VII. GEOLOGY AND SOILS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒

Explanation: The nearest active earthquake fault is the Hayward-Rodgers Creek fault, located 2.06 miles west of the project site.[22,23] The site is not within a currently established State of California Earthquake Fault Zone for surface fault rupture hazards. No active faults with the potential for surface fault rupture are known to pass directly beneath the site. Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed development is considered low. The proposed project would have ***no impact*** regarding surface rupture at the site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	☐	☐	☒	☐

Explanation: In accordance with Section 15.85.100 of the City Municipal Code and General Plan Policy S-3.1, a project-specific geotechnical report was prepared to identify appropriate mitigation measures to minimize risks associated with geologic and soils hazards.[22] Based on the proximity of several dominant active faults and seismogenic structures, as well as the seismic record, the area of the project site is considered subject to relatively high seismicity. The geotechnical report identified recommended parameters for the design of project structures consistent with the 2016 California Building Code.

[22] California Geological Survey. 1982, January 1. Earthquake Zones of Required Investigation, Newark Quadrangle, Earthquake Fault Zones.

[23] Salem Engineering Group, Inc. 2018, July3. Geotechnical Engineering Investigation, Proposed Convenience Store & Fueling Station, 1998 Whipple Road, Union City, California.

Although strong seismic ground shaking could be experienced at the site during the life of the project, by complying with applicable building codes and recommendations in the geotechnical report, the proposed project would maintain structural integrity and protect the occupants from injury. The proposed project would have a ***less than significant impact*** related to seismic shaking.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐

Explanation: The project site is in an area mapped as a liquefaction zone.[24] Liquefaction zones have a historical occurrence of liquefaction and have a potential for ground displacement. At liquefaction zones, Public Resources Code Section 2693(c) requires mitigation to reduce seismic risk to acceptable levels. Site-specific geotechnical design recommendations were identified in the geotechnical study for the project to address liquefaction and other geotechnical considerations.[25] Without mitigation, impacts related to liquefaction are potentially significant. With implementation of mitigation measure GEO-1, impacts would be reduced to less than significant. The proposed project would have a ***less than significant impact with mitigation***.

Mitigation Measure GEO–1: Recommendations identified in the geotechnical engineering investigation and other geotechnical studies for the project shall be applied to the final design and construction of the proposed project, as applicable and as considered by the project engineer.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides?	☐	☐	☐	☒

Explanation: The project site is not in an area mapped as a landslide zone.[24] The proposed project would have ***no impact*** from landslides.

[24] California Geological Survey. 2003, July 2. Earthquake Zones of Required Investigation, Newark Quadrangle. Seismic Hazard Zones. Available at: http://gmw.conservation.ca.gov/SHP/EZRIM/Maps/NEWARK_EZRIM.pdf. Accessed December 6, 2019.

[25] Salem Engineering Group, Inc. 2018, July 3. Geotechnical Engineering Investigation, Proposed Convenience Store & Fueling Station, 1998 Whipple Road, Union City, California.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

Explanation: The project site is level and not subject to high winds or erosive water features. Site preparation and site grading would take place during construction of the project, and removal and replacement of fill soils is anticipated, per recommendations in the geotechnical report. Best management practices would be implemented to prevent soil erosion during construction. A Storm Water Pollution Prevention Plan (SWPPP) must be prepared to obtain a Grading Permit from the City Public Works Department. Due to implementation of the required SWPPP, the proposed project would have a ***less than significant impact*** on soil erosion or loss of topsoil.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☒	☐	☐

Explanation: As identified in the General Plan,[26] the project site is not in a seismic landslide area; however, it is in a seismic liquefaction area. Seismic landslide areas in Union City's boundaries are in the hillside areas generally east of Mission Boulevard.

The project site is in a seismic liquefaction area. In accordance with Policy S-3.1 of the General Plan, a geotechnical study was prepared for the project to address liquefaction.[27] Site-specific geotechnical design recommendations were identified in the geotechnical study. Mitigation measure GEO-01 requires implementation of design recommendations in the geotechnical study as required by the City Building Division, and would be required to reduce impacts to a level of less than significant. With implementation of mitigation measure GEO-1 and compliance with building codes, impacts would be reduced to less than significant. The proposed project would have a ***less than significant impact with mitigation***.

[26] City of Union City. 2019, December. 2040 General Plan.

[27] Salem Engineering Group, Inc. 2018, July3. Geotechnical Engineering Investigation, Proposed Convenience Store & Fueling Station, 1998 Whipple Road, Union City, California.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐

Explanation: The project site includes medium expansive sandy lean clay soils at the near surface. Due to the expansive nature of the near surface soils, the geotechnical report included a recommendation for support slabs on grade on a uniform layer of imported non-expansive engineered fills. No significant soil effects or geological problems are expected which cannot be addressed through the use of current engineering standards adopted by the City and State. The potential expansion of soils would be addressed through such site design measures that would be required by the City Building Division, compliance with applicable building codes, and implementation of mitigation measure GEO-1 regarding geotechnical measures. Compliance with these standard requirements would ensure that any impacts due to expansive soils would be ***less than significant with mitigation***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: The project site is served by the Union Sanitary District. The proposed project would not require the construction or use of a septic tank or alternative wastewater disposal system. The proposed project would have ***no impact*** on soils incapable of adequately supporting septic tanks or alternative wastewater disposal systems.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Explanation: Much of Union City, including the vicinity of the project site, is underlain by Quaternary nonmarine terrace deposits, which date approximately to the late-Pleistocene. Based

on the *Potential Fossil Yield Classification System* by the Bureau of Land Management, this geological unit has a moderate potential for yielding fossils (Class 3). As discussed in other sections of this Initial Study, the project site was previously used as a gasoline station and excavation of soils took place to remove old fuel tanks at the site. The geotechnical study of the project site also identified previous excavation and fill soils at the site. While the project site has experienced substantial disturbance, there is a possibility that fossils may be encountered at previously undisturbed areas. Without mitigation, destruction of unique paleontological resources during earthmoving activities would be a potentially significant impact. Implementation of mitigation measure GEO-2 would reduce this potential impact to a less than significant level. Therefore, the proposed project's impact on paleontological resources would be ***less than significant with mitigation*** incorporated.

Mitigation Measure GEO–2: If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology.

VIII. GREENHOUSE GAS EMISSIONS — *Would the project:*

The BAAQMD has adopted greenhouse gas (GHG) emissions thresholds of significance that a lead agency may use for determining the significance of a land use development project's GHG impacts. For development project, the BAAQMD recommends a bright line screening threshold of 1,100 metric ton (MT) or carbon dioxide equivalents (CO_2e) per year for a project's long-term operational GHG emissions.[28] The BAAQMD's GHG thresholds were developed to meet the year 2020 statewide GHG emissions targets as mandated by Assembly Bill 32 and implemented by the CARB Scoping Plan. The BAAQMD has not adopted guidance or revised thresholds to account for GHG reduction target beyond 2020. Therefore, this analysis compares the project's emissions to a reduced threshold corresponding to the Senate Bill 32 reduction target of emissions 40 percent below 1990 levels by 2030. Accordingly, a threshold reduced by 4.98 percent for each year between 2020 and 2030 would meet the mandates of Senate Bill 32. The first full year of operation for the project is anticipated to be 2022. Therefore, a threshold 9.7 percent below the BAAQMD threshold of 1,100 MT CO_2e per year (or 993 MT per year) is used in this analysis.

The BAAQMD has not adopted a threshold for determining the significance of a project's construction GHG emissions. However, the BAAQMD recommends quantification and disclosure

[28] BAAQMD. 2017, May. California Environmental Quality Act Air Quality Guidelines. Available at: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

of GHG emissions that would occur during construction. To be conservative in accounting for all of the project's GHG emissions, the project construction GHG emissions were amortized (averaged) over the 30-year estimated life span of the buildings and included in the project's operational GHG emissions inventory.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐

Explanation: A greenhouse gas emissions assessment was prepared for the project and is included in Appendix C.[29]

Construction (Short-Term) Emissions.

Project construction is anticipated to commence in January 2021 and be completed in approximately 10 months. The project's estimated total and amortized short-term construction GHG emissions are shown in Table 4. The amortized construction GHG emissions are included with the operational GHG emissions, below.

Table 4
Construction GHG Emissions

Year	Emissions ($MT CO_2e$)
2021	102.8
Amortized Construction Emissions (30 years)	*3.4*

Source: CalEEMod (output data is provided in Appendix C).

Operation (Long-Term) Emissions.

The project's estimated long-term operational GHG emissions for the anticipated first full year of operations, 2022, are compared to the BAAQMD thresholds in Table 5.

[29] HELIX Environmental Planning, Inc. (HELIX). 2020, April 9. 1998 Whipple Road New Gas Station and Convenience Store Project Air Quality and Greenhouse Gas Emissions Assessment.

Table 5
Operational GHG Emissions

Source	Annual Emissions (MT CO_2e)
Area	<0.1
Energy	9.2
Mobile	497.1
Waste	<0.1
Water	0.2
Operational Subtotal[1]	506.6
Amortized Construction Emissions (30 years)	3.4
Total Project Emissions	510.0
BAAQMD 2022 Adjusted Threshold	*993*
Exceed Threshold?	***No***

Source: CalEEMod (output data is provided in Appendix C).
[1] Totals may not sum due to rounding.

As shown in Table 5, the project's operational emissions of 510.0 MT CO_2e would be below the BAAQMD 2022 adjusted project-level operational screening threshold of 993 MT CO_2e. Therefore, the project's operational GHG emissions would be less than cumulatively considerable and the project would result in ***less than significant impacts***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Explanation: As discussed in criterion a), above, the project's net GHG emission would not exceed the BAAQMD 2022 adjusted GHG emissions threshold. In addition, many long-term GHG reduction plans, including the CARB Scoping Plan, estimate future GHG emissions and corresponding reduction targets based on local and statewide growth estimates. The project site has a General Plan land use designation of Commercial and is zoned Neighborhood Commercial. The proposed project's development of a convenience store with gasoline dispensing facility would be consistent with the land use designation and zoning. Because the project would be consistent with the project site land use designation and zoning, any employment growth in the county as a result of the project would be within the growth assumptions of the General Plan which provides growth assumptions for GHG forecasting in regional plans such as the BAAQMD 2017 Clean Air Plan, and Plan Bay Area 2040.

Transportation sources account for the largest portion of the State's GHG emissions inventory—38 percent in 2015 (CARB 2017). Regional metropolitan Sustainable Communities Strategy plans such as Plan Bay Area 2040 aim to reduce GHG emissions in the transportations sector. A key to accomplishing this is to reduce the vehicle miles traveled (VMT) for cars and light trucks. As part

of the 2019 update to the CEQA Statutes and Guidelines that became effective on January 1, 2019, the guidelines for assessing transportation impacts were revised to reflect Senate Bill 743, which mandates a change in transportation impact analysis from a consideration of the project's congestion impacts to a consideration of a project's VMT impacts. In response to this anticipated change, the Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA to assist CEQA practitioners with the implementation of Senate Bil 743. The technical advisory contains the following recommendations for the transportation analysis of retail development projects:[30]

> Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e., the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project's transportation impacts.
>
> By adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT. Thus, lead agencies generally may presume such development creates a less than significant transportation impact. Regional-serving retail development, on the other hand, which can lead to substitution of longer trips for shorter ones, may tend to have a significant impact.

The project's proposed development of a convenience store and gasoline dispensing facility is consistent with the project site zoning and the site is located near existing residential areas. It is reasonable, therefore, to characterize the project as local-serving retail, and that, on a regional level, VMT may be reduced as a result of the project's customers traveling a shorter distance than previously assumed in regional planning estimates. Therefore, the project would be consistent with the Plan Bay Area 2040.

The City's Climate Action Plan (CAP) contains 21 potential GHG reduction measures. Of the 21 reduction measures, three items are potentially applicable to the project:[31]

> Measure E-3.2 – Promote 'Cool Roofs' to mitigate the urban heat island effect and reduce air conditioning use: The project would comply with the 2019 Title 24, Part 6, which contains requirements for thermal emittance and solar reflectance index for new commercial buildings in each of California's climate zones.
>
> Measure WR-1.2 – Strengthen Construction and Demolition Standards: The project would be required to comply with the City's Construction and Demolition and Debris Recycling Ordinance, which requires new construction projects to recycle or reuse 100 percent of all asphalt, concrete, uncontaminated soil, land-clearing debris, and plant debris; and requires

[30] Office of Planning and Research (OPR). 2018, December. Technical Advisory on Evaluating Transportation Impacts in CEQA. December. Available at: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

[31] City of Union City (City). Union City Climate Action Plan. 2010, November. Available at: https://www.unioncity.org/DocumentCenter/View/708/Union-City-Climate-Action-Plan-PDF?bidId=.

recycling or reuse of 65 percent of all other construction debris generated by the project's construction activities.

Measure WR-1.1 – Water Efficient Landscape Ordinance: The project would be required to comply with the City's Water Efficient Landscape Ordinance through plant selection and efficient irrigation systems.

The project would be required to comply with all applicable City and state green building measures, including the State Building Energy Efficiency Standards - Title 24, Part 6 and Part 11 (CALGreen). The project would be consistent with the General Plan land use and zoning designations support and would implement all applicable GHG reduction measures from the City's CAP. Therefore, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The impact would be ***less than significant***.

IX. HAZARDS AND HAZARDOUS MATERIALS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐

Explanation: Routine transport of fuel to the gasoline dispensing facility will be necessary. To operate underground storage tank systems, owners and operators are required to obtain an underground storage tank permit from the Union City Environmental Programs Division, which is the Certified Unified Program Agency (for the City. As a permitted tank facility, regular inspection, reporting, and testing for leaks is required. Due to the gasoline station's required compliance with strict state and local regulations, reinforced through annual inspections and enforcement by the Environmental Programs Division, the proposed project is anticipated to have a ***less than significant impact*** to the public related to routine transport, use, or disposal of hazardous materials.

Gasoline vapors and air quality impacts are discussed in Section III, Air Quality.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?*	☐	☒	☐	☐

Explanation: The discussion below is largely based on the Phase I and Phase II Environmental Site Assessment (ESA) prepared for the project,[32] case closure letter, and case closure summary.[33] The case closure letter and case closure summary are included as Appendix H. The project site is listed in the Leaking Underground Storage Tank (LUST) and Resource Conservation and Recovery Act-Small Quantity Hazardous Waste Generators databases. Records indicate that the project site formerly had a retail gasoline station from the 1970s through 1992 and was in agricultural use prior to that.

Cleanup actions consisted of the removal and disposal of 200 cubic yards of soil during removal underground storage tanks on November 5, 1992; removal and disposal of 1,360 cubic yards of soil during removal of underground storage tanks in February and May 2000; and removal and disposal of 112,605 gallons of groundwater by vacuum truck, also in February and May 2000. To reduce dissolved hydrocarbon concentrations, oxygen was injected into the two groundwater monitoring wells in 2007 and 2008.

Since 1986, monitoring activities have included the advancement or installation of 30 soil borings, 11 groundwater monitoring wells, and eight soil vapor probes at the site. Quarterly groundwater monitoring and sampling was conducted from 1987 through the first quarter 2012.

The case closure letter was issued in January 2019 (refer to Appendix H), indicating that the case met all the criteria for the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy and that a No Further Action determination was appropriate. The letter concluded that proper management should be implemented as follows should the site be redeveloped:

> There may be residual petroleum-contaminated soil and groundwater at this site that could pose an unacceptable risk as a result of future construction/redevelopment activities, such as onsite excavation activities, the

[32] Stantec Consulting Services, Inc. 2018, August 8. Phase I and II Environmental Site Assessment, Proposed 7-Eleven Store #1043777.

[33] Mumley, Thomas. 2019, January 17. Letter. Subject: Transmittal of Closure Letter and Case Closure Summary for Texaco Station No. 21-1345, 1998 Whipple Road, Union City, Alameda County. Available at: https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/3114937901/01-0603%20-%20NFA%20package%201-17-19.pdf.

installation of water wells at or near the site, or change to a more sensitive land use. Contractors performing subsurface activities at the site should be prepared to encounter soil and groundwater contaminated with petroleum hydrocarbons, and any encountered pollution should be managed properly to avoid threats to human health or the environment. Proper management may include sampling, risk assessment, additional cleanup work, mitigation measures, or some combination of these tasks.

The Phase I and II ESA identified the leaking underground storage tank case at the project site and stated that the former presence of a retail gasoline station and previous environmental case at the site is considered a Historical Recognized Environmental Condition and a potential Vapor Encroachment Condition. The Phase I and II ESA also identified the Moody Services site at 2408 Whipple Road, approximately 160 feet west of the project site. The Moody Services site was listed in the LUST database with a "Completed-Case Closed" status as of November 2, 2011.

Due to the Historical Recognized Environmental Condition at the project site, a limited Phase II ESA was performed to evaluate presence of petroleum hydrocarbons in the subsurface. On June 22, 2018, four borehole soil samples were taken to a depth of 26 to 32 feet below ground surface and groundwater grab samples were taken 25 to 30 feet below ground surface.

The Phase II ESA soil and groundwater samples did not contain concentrations of petroleum hydrocarbons above environmental screening levels, with the exception of total lead in groundwater. Groundwater samples were not filtered prior to analysis for lead and the reported concentrations are likely not indicative of true dissolved lead in the groundwater. The Phase II stated that no additional assessment is recommended.

While soil samples did not contain concentrations of petroleum hydrocarbons above environmental screening levels, there is possibility that residual hydrocarbon impact may be encountered during site construction activities. Mitigation measure HAZ-1 would reduce the impact to *less than significant with mitigation incorporated*.

Mitigation Measure HAZ-1: The City shall ensure that grading plans, other improvement plans and building permits include a statement specifying that if hazardous materials contamination is discovered or suspected during construction activities, then all work shall stop immediately until the Union City Environmental Programs Division has determined an appropriate course of action. Such actions may include, but would not be limited to, site investigation, human health and environmental risk assessment, implementation of a health and safety plan, and remediation and/or site management controls. Any site investigation and recommendations for mitigation, as necessary, shall be completed by a qualified professional and submitted to the City.

Construction workers shall receive on-site training regarding the potential for previously unknown and/or residual soil or groundwater contamination to be present. Training shall be conducted by a qualified professional in hazardous materials handling. The training shall identify the appropriate steps to be taken by the contractor upon discovery of potentially contaminated material.

In the event previously unknown and/or residual contaminated soil, groundwater, or subsurface features are encountered, work on-site shall cease immediately, and the applicant's contractor and/or qualified professional shall notify the Union City Planning and Environmental Programs Divisions.

Applicant shall make all required reports to regulatory agencies in the event that possible contamination is discovered. The Union City Environmental Programs Division shall be responsible for assessing the degree of compliance and the effectiveness of risk mitigation efforts required by regulatory agencies, and reporting to the planning Division whether risks have been satisfactorily abated in accordance with the requirements of this measure.

Activities that involve soil disturbance or that intercept groundwater shall not resume on the site until the Union City Environmental Programs Division has determined further work would not pose an unacceptable human health or environmental risk, based on documentation developed by the applicant's qualified professional and provided to the Union City Environmental Programs Division.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒

Explanation: The project site is not within one-quarter mile of an existing or proposed school. The nearest schools are Cesar Chavez Middle School, 2801 Hop Ranch Road, Union City, approximately one mile to the southeast, and Alvarado Elementary School, 31100 Fredi Street, Union City, approximately one mile to the southwest. The proposed project would have ***no impact*** on hazardous emissions or hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☒	☐	☐

Explanation: As discussed under item b), the project site was subject to cleanup actions due to a leaking underground storage tank from the site's former use as a gasoline dispensing facility from the 1970's through 1992. Cleanup actions, including soil remediation and groundwater monitoring activities have been completed at the site and a closure letter with case closure summary was issued by the San Francisco Bay RWQCB on January 17, 2019 (see Appendix H). The closure letter included a determination of "no further action" and the following recommendation for construction or redevelopment of the site:

> There may be residual petroleum-contaminated soil and groundwater at this site that could pose an unacceptable risk as a result of future construction/redevelopment activities, such as onsite excavation activities, the installation of water wells at or near the site, or change to a more sensitive land use. Contractors performing subsurface activities at the site should be prepared to encounter soil and groundwater contaminated with petroleum hydrocarbons, and any encountered pollution should be managed properly to avoid threats to human health or the environment. Proper management may include sampling, risk assessment, additional cleanup work, mitigation measures, or some combination of these tasks.

A Phase I and II ESA was prepared to identify proper management or mitigation measures, if appropriate.[34] The Phase I and II ESA recommended environmental personnel be onsite during construction in the event that residual hydrocarbon impacts are encountered. Without mitigation, the impact is potentially significant. Implementation of mitigation measure HAZ-1 would reduce the impact to ***less than significant impact with mitigation***.

[34] Stantec Consulting Services, Inc. 2018, August 8. Phase I and II Environmental Site Assessment, Proposed 7-Eleven Store #1043777.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒

Explanation: The nearest airport is Hayward Executive Airport, approximately 4.5 miles northwest of the project site. The project site is not within the airport's influence area boundary.[35] The proposed project would have no impact on safety hazards or excessive noise for people residing or working in the project area. The proposed project would have ***no impact*** on airports and airport-related safety hazards.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Explanation: The proposed project would redevelop the vacant project site with a convenience store and fueling station. As discussed in Section XVI, Transportation, the proposed project would result in less than significant impacts on traffic. The project site is 2,000 feet east of I-880, which is a priority transportation route identified in the San Francisco Bay Area's *Regional Catastrophic Earthquake Mass Transportation/Evacuation Plan.*[36] The design and construction of the reconstructed driveways would be in compliance with the City's Municipal Code and would meet emergency access standards. The proposed project would have ***no impact*** on an adopted emergency response plan or emergency evacuation plan.

[35] Alameda County Community Development Agency. 2012. Hayward Executive Airport, Airport Land Use Compatibility Plan. Available at: https://www.acgov.org/cda/planning/generalplans/documents/HWD_ALUCP_082012_FULL.pdf. Accessed December 12, 2019.

[36] California Emergency Management Agency. 2011, August. Regional Catastrophic Earthquake Mass Transportation/Evacuation Plan, Annex to the San Francisco Bay Area Regional Emergency Coordination Plan. Available at: http://www.bayareauasi.org/sites/default/files/resources/Regional%20Mass%20TransEvac_August%202011.pdf. Accessed December 11, 2019.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Explanation: The project site is in an urbanized area and is surrounded by commercial and residential land uses. The proposed project would have ***no impact*** on the exposure of people or structures to wildland fires.

X. HYDROLOGY AND WATER QUALITY — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐

Explanation:

Construction Impacts

While construction activities have the potential to adversely affect water quality as a result of erosion of sediment, this natural process poses more of an environmental threat on large sites of many acres. Construction projects that disturb one acre of land or more are required to obtain coverage under Construction General Permit Order 2009-0009-DWQ, as part of the National Pollutant Discharge Elimination System (NPDES) administered by the San Francisco Bay RWQCB. Order 2009-0009-DWQ requires project sponsors to implement construction Best Management Practices (BMPs) at the project site and comply with numeric action levels in order to achieve minimum federal water quality standards. The Construction General Permit requires control of non-stormwater discharges as well as stormwater discharges. Measures to control non-stormwater discharges such as spills, leakage, and dumping must be addressed through structural as well as non-structural BMPs.

Although the proposed project is below the one-acre threshold requiring coverage under the Construction General Permit, uncontrolled stormwater runoff from the site during project construction would still have the potential to adversely affect water quality. While on a project-specific basis the magnitude of potential water quality impacts would be small, it would

contribute to other water quality impacts that may be cumulatively considerable. Without mitigation, the proposed project's construction effects on surface water quality would be potentially significant. Implementation of mitigation measures WQ–1 and WQ–2 would reduce construction impacts on water quality to a less than significant level. Therefore, the proposed project's impact on water quality would be ***less than significant impact with mitigation incorporated***.

Mitigation Measure WQ–1: Prior to issuance of a grading permit, the project applicant shall submit a Stormwater Control Plan (SCP) in accordance with current construction and post-construction State Water Resources Control Board, Alameda Countywide Clean Water Program requirements, and the Municipal Regional Stormwater Permit for the project area for review and approval by the Union City Public Works Department. The SCP shall be implemented throughout project construction and project operation. The SCP shall include treatment measures and design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and to manage runoff flows. The SCP shall describe construction stormwater BMPs that will be implemented to minimize the migration of sediments off–site. Typical construction BMPs can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include erosion-reduction controls such as hay bales, water bars, covers, sediment fences, protecting existing curb inlets with filter fabric and sand bags in the vicinity of the project, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds. The applicant shall also demonstrate that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the site, in compliance with the Municipal Regional Stormwater Permit or the applicant will be subject to payment of in-lieu fees.

The applicant shall execute and implement an operations and maintenance agreement (O&M) with the City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. The requirements stipulated in the O&M agreement shall apply to current and all future owners of the project. Prior to issuance of the certificate of occupancy, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit

to the Union City Public Works Department annual certificates of compliance with the requirements stipulated in the O&M agreement.

Mitigation Measure WQ–2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur unless approved erosion control measures are in place.

Operational Impacts

Operational stormwater discharge from new development are regulated under the NPDES, administered by the RWQCB. In Union City, development projects must comply with NPDES Municipal Regional Stormwater Permit No. CAS612008. The permit requires any private or public development project that would create or modify 10,000 square feet or more of impervious surfaces to take measures to improve water quality of stormwater discharges from the project site (i.e., stormwater runoff), including providing treatment of stormwater from the site.

The proposed project would result in approximately 17,000 square feet of impervious surfaces. An approximately 1,542-square foot biotreatment area would be constructed in the southern portion of the project site to collect and treat stormwater runoff prior to allowing it to enter the existing municipal storm drainage system. Proper design and maintenance of the on-site drainage would be necessary to avoid potentially significant impacts on water quality during operation. Without mitigation, the proposed project's operational effects on surface water quality would be potentially significant. Implementation of mitigation measure WQ–1 would require that the Stormwater Control Plan (SCP) for the project comply with all City and State requirements, including the Municipal Regional Stormwater Permit, to ensure that water quality standards and discharge requirements are not violated and water quality is protected. With implementation of mitigation measure WQ-1, the project would result in a ***less than significant impact with mitigation incorporated***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐

Explanation: There are no existing wells on the project site,[37] and the gasoline station and convenience store would be served by the public water system operated by the Alameda County Water District. Although the new impervious surfaces as a result of the project would reduce potential infiltration of rainfall, the relatively small (0.55 acre) project site provides minimal opportunity for groundwater recharge. Development of the project site would not result in a substantial decrease of groundwater supplies. Adequate supply to the facility is anticipated and no new wells would be constructed. No existing wells are onsite. The project would result in a ***less than significant impact*** on groundwater supplies.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c, i) 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 would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐

Explanation: The existing drainage pattern of the site consists of infiltration into site soils and runoff into the municipal stormwater system. The proposed project site would be graded to direct runoff into the new on-site biotreatment area which would discharge the treated stormwater into the existing municipal storm drainage system located in the vicinity of the site. This would not result in substantial erosion or siltation on- or off-site. The project would result in a ***less than significant impact*** on erosion and siltation.

[37] Personal communication on August 20, 2020 between Binh Nguyen, Assistant Planner with the City of Union City, and Cherry Zamora, Environmental Planner with HELIX. Mr. Nguyen provided information regarding wells on the project site.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c, ii) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?	☐	☐	☒	☐

Explanation: No streams or rivers run through the project site, and, as discussed under item c) above, runoff would be directed to the stormwater drainage system via the biotreatment area on the project site. These drainage features would initially detain stormwater on site and gradually release it from the project site. This would not result in an increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The impact would be ***less than significant.***

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c, iii) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff?	☐	☐	☒	☐

Explanation: No streams or rivers run through the project site, and, as discussed under item c) above, runoff would be directed to the stormwater drainage system via the biotreatment area on the project site. These drainage features would initially detain stormwater on site and gradually release it from the project site. This would not result in an increase in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. The impact would be ***less than significant.***

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c, iv) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?	☐	☐	☒	☐

Explanation: Approximately 71 percent (17,000 square feet) of the project site would be covered by impervious surfaces. Since the project would include a biotreatment area on-site to catch runoff, slow stormwater flows, and allow for infiltration, the additional impervious surfaces from the project would not alter drainage patterns in a manner that would impede or redirect flood flows downstream. The impact would be ***less than significant.***

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒

Explanation: The project site is outside the 1 percent annual flood 100-year flood. The project site is within Zone X (areas of determined to be outside the 0.2% annual chance floodplain).[38]

The project site is also outside of the tsunami inundation area. Within Union City, the only identified tsunami inundation zone is at Alameda Creek,[39, 40] approximately 3 miles southwest of the project site.

The project site is not located near a lake and would not be subject to inundation by seiche; the nearest lakes or enclosed water bodies are Quarry Lakes, approximately 3 miles to the southeast, and Jordan Pond, approximately 2 miles to the northeast.

Mudflows are generally a concern for sloped areas with minimal vegetation and less cohesive soils. The project site is generally flat, and the immediate surroundings are paved and urbanized.

[38] Federal Emergency Management Agency. 2009, August 3. Flood Insurance Rate Map, Alameda County, California, and Incorporated Areas, Map Number 06001C0431G.

[39] City of Union City. 2019, June. 2040 Union City General Plan Update Draft Environmental Impact Report.

[40] California Office of Emergency Services. 2019. MyHazards, web mapping tool. Available at: http://myhazards.caloes.ca.gov/. Accessed December 12, 2019.

The proposed project is anticipated to have ***no impact*** on release of pollutants due to inundation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Explanation: The project site is in Hydrologic Unit Code 18050004 within the South Bay Hydrologic Planning Area of the San Francisco Bay Region.[41] The applicable water quality control plan is the *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan).*[42] The project would include a biotreatment area low-impact development feature to accommodate stormwater runoff and protect water quality. The biotreatment area would be constructed at the south side of the project site. The drainage design would be in compliance with all City and State requirements, including the Municipal Regional Stormwater Permit and including post-construction stormwater runoff requirements, to ensure that water quality standards and discharge requirements are not violated and water quality is protected. Correspondingly, the project is not anticipated to conflict with the water quality control plan or groundwater management plan and project's impact would be ***less than significant***.

XI. LAND USE AND PLANNING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒

Explanation: The project site is a vacant corner lot adjacent to Whipple Road, an arterial roadway, and Amaral Street, a collector roadway. While residences are located adjacent to the project site along the east and south boundary, the proposed project's location at a corner lot would not physically divide the community. The proposed project would have ***no impact*** on physically dividing an established community.

[41] U.S. Environmental Protection Agency (USEPA). 2019. EnviroAtlas Interactive Map. Available at: https://www.epa.gov/enviroatlas/enviroatlas-interactive-map. Accessed December 12, 2019.

[42] California Regional Water Quality Control Board. 2017, May 4 (amended). San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan).

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Explanation:

General Plan. The designated land use at the project site is Commercial (see Figure 8). The Commercial land use designation allows retail, personal services, professional offices, banks, restaurants, and entertainment uses and the allowable building floor area ratio between 0.25 and 1.00. Designated land uses east and south of the site boundary are Residential (3 to 6 dwelling units/acre).[43]

The proposed project would be consistent with Land Use Policy LU-1.2, Promote Infill and Enhance Neighborhoods, which reads: "The City shall promote infill development and redevelopment of underutilized parcels while maintaining or enhancing the positive qualities of the surrounding neighborhoods." The site is currently vacant. The proposed project would redevelop the vacant parcel and the convenience store would provide retail uses consistent with the designated Commercial land use.

Zoning Ordinance. The project site is zoned Neighborhood Commercial District (CN), (see Figure 9).[44] The proposed project falls under the conditional use "Gas station marketeers subject to the provisions of the Gas Station Marketeer Policy Statement" identified in Chapter 18.36.030 (B). The proposed project requires Use Permit approval and Site Development Review approval.[45]

The City's "Gas Marketeer Policy Statement" includes a list of objectives for use by the developer, City Council, Planning Commission, and City staff when evaluating use permit proposals to

[43] City of Union City. 2019, December. 2040 General Plan.

[44] City of Union City. 2019. Union City Zoning Ordinance Zoning Map. Available at: https://www.unioncity.org/DocumentCenter/View/1263/Zoning-Map---Union-City?bidId=. Accessed December 13, 2019.

[45] City of Union City. 2019. Municipal Code. Chapter 18.36. Available at: https://qcode.us/codes/unioncity/view.php?topic=18-18_36&frames=on. Accessed December 13, 2019.

establish gasoline dispensing facility marketeers.[46] The policy statement is attached to this Initial Study as Appendix J, and the objectives and criteria in the policy statement are listed below:

1. The floor area devoted to gas station marketeers within existing service stations shall be limited to 500 square feet.
2. The floor area devoted to marketeer activity shall not be specifically limited in conjunction with the construction of an entirely new gas station or with a "raze and rebuild" proposal for an existing station. The appropriate floor area size for such marketeers shall be established on a case-by-case basis during the course of the Use Permit and Site Development Review analysis of the proposal.
3. Expansion or retrofitting of an existing service station to include a marketeer shall require, when necessary at least a minimum upgrade or "clean up" of the facility. Such upgrades may include such investments as new exterior paint, removal non-conforming signs, upgrading of landscape areas including replacement of dead or unhealthy landscaping, and the addition of minor architectural enhancements.
4. No outdoor sales of merchandise shall be permitted, including outdoor vending machines or cases of soda stacked in piles outside the station.
5. Marketeer signage shall be limited to one (1) sign advertising the marketeer and shall comply with all provisions of Section 18.30 of the Zoning Ordinance. No accessory signs such as those typically found in supermarket windows shall be allowed.
6. No pinball or arcade-type activities shall be permitted within the marketeer area.
7. For the convenience of the public and customers, public restrooms as well as air and water service facilities shall be provided on the site.

The proposed project would not conflict with policies 1 and 3 because the site does not have an existing service station. No conflict with policy 2 is anticipated because the project would undergo Use Permit and Site Development Review. The proposed project would be consistent with policies 4 through 7; as discussed in Chapter 1 of this Initial Study, the proposed project would have no outdoor sales, marketeer signage would be limited, no pinball or arcade-type activities would be included. and public restrooms would be available to the public.

[46] City of Union City. 1992, October 5. Gas Station Marketeer Policy Statement. Resolution No. 7981-92. Available at: https://www.unioncity.org/DocumentCenter/View/2830/Gas-Station-Marketeer-Policy-Statement. Accessed December 13, 2019.

The City's development standards for the Neighborhood Commercial District (CN) are promulgated in Chapter 18.36 of the Municipal Code. Key standards pertinent to the proposed project are identified below:

18.36.080 Coverage

The amount of the site area covered by structures shall not be restricted subject to the exception that in the CPA district the maximum site area covered by structures shall be fifty percent (50%).

18.36.090 Front Yard.

A minimum front yard of twenty (20) feet shall be required. For structures which exceed twenty (20) feet in height, the required setbacks shall be a minimum of twenty-five (25) feet. No front yard shall be required in the CS district, within the Old Alvarado neighborhood.

18.36.100 Side Yards

No side yards shall be required, subject to the following exceptions:

A. In the CN and CC districts, on the side street side of a corner site, a side yard of not less than ten (10) feet shall be required.

B. Where the side property line of a site adjoins property in a residential district, a side yard of not less than twenty (20) feet adjoining the residential district shall be required.

C. One (1) foot shall be added at ground level to each required interior side yard for each three (3) feet of height by which the structure exceeds twelve (12) feet.

18.36.110 Rear Yard

No rear yard shall be required, subject to the following exceptions:

A. In the CN district, a rear yard of not less than ten (10) feet shall be required.
B. Where the rear property line of a site adjoins property in an A or R district, a rear yard of not less than twenty (20) feet shall be required.
C. One (1) foot shall be added at ground level to the required rear yard for each three (3) feet of height by which the structure exceeds twelve (12) feet.

18.36.120 Height of structures

No structure shall exceed the height as prescribed in the following table:

	District				
	CPA	CN	CC	CVR	CS
Height limit (in feet)	100	30	100	100	40

CPA = Professional and Administrative Commercial; CN = Neighborhood Commercial; CC = Community Commercial; CS = Specialty Commercial

18.36.170 Landscaping

A. New landscaping and modifications to existing landscaping shall comply with the provisions listed in Chapter 18.112, Water Efficient Landscape Ordinance, and the Landscape Standards Policy Statement.
B. Replacement of dead, dying or deficient landscaping shall be required for establishment of new uses or modification of existing uses.
C. Site Coverage Requirements.
    1. Projects located in commercial districts referenced in this chapter (excluding the Professional and Administrative Commercial (CPA) district), that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure ten percent (10%) of the project site area.
    2. Projects located in the CPA district, that include development of a vacant site or substantial modification of a developed site, shall provide landscaped areas that measure a minimum of fifteen percent (15%) of the project site area.
    3. Drive-in and drive-through establishments (gas stations, fast food, etc.) shall include landscaped areas that measure a minimum of twenty percent (20%) of the project site's area. Excluding sidewalks and walkways, decorative hardscape surfaces and hardscape elements, can constitute up to five percent (5%) of the total requirement.
D. Landscape In-Lieu Fee.
    1. Projects that cannot provide the minimum amount of landscaping required in Section 18.32.170(B) shall pay a landscape in-lieu fee in the amount set forth in the City's Master Fee Schedule.
E. Parking Lot Coverage.
    1. To provide adequate visual screening of parking areas from public ROW, there shall be a landscaped strip ten (10) feet in width which shall be contiguous and parallel to such ROW and shall be planted with trees, shrubs, and ground cover sufficient to obtain the required screening.

The CN district requires a minimum site area of 5,000 square feet and no restriction of coverage. A minimum front yard of 20 feet, unless structures exceed 20 feet in height, then the required setback is a minimum of 25 feet.

A side yard of not less than 10 feet is required within CN districts and where the side property line adjoins property on a residential district, a side yard of at least 10 feet is required. Additionally, for each 3 feet of height the structure exceeds 12 feet, one foot shall be added to each interior side yard. CN districts require a rear yard of at least 10 feet, and if the rear property adjoins an R district, the rear yard must be at least twenty feet.

Based on the 18-foot building height, the 22-foot setbacks at the rear and side yards meet zoning regulations. Based on a review of the project plans, the project appears to conform to all of the zoning regulations described above and there would be no impact pursuant to CEQA. 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. The project would result in a ***less than significant impact.***

XII. MINERAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒

Explanation: The project site is in an area classified as Mineral Resource Zone – 1 (MRZ-1), where MRZ-1 is defined as "Areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence."[47] Accordingly, the proposed project would have ***no impact*** on the loss of availability of a known mineral resource.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: The *Union City 2040 General Plan Update Backup Report*[48] shows State designated "Regionally Significant Construction Aggregate" a mineral resource area east of Mission Boulevard

[47] California Department of Conservation, Division of Mines and Geology. 1996. Revised Mineral Land Classification Map, Aggregate Resources Only, South San Francisco Bay Production-Consumption Region, Newark Quadrangle. Available at: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_96-03/OFR_96-03_Plate2.pdf. Accessed December 13, 2019.

[48] City of Union City. 2015. Union City 2040 General Plan Update Backup Report. Available at: http://www.uc2040.com/wp-content/uploads/2015/06/09_PRD_UCGPU_BR-Ch9_Natural-and-Cultural-Resources_2015-06-11_reduced-size.pdf. Accessed December 13, 2019.

near Appian Way, roughly 3.5 miles to the east. At this distance, the proposed project would have ***no impact*** on the mineral resource area within Union City.

XIII. NOISE — *Would the project result in:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐

Explanation: The discussion below and explanations for items a), b), and c) are based on the Noise Analysis Letter Report[49] included as Appendix I.

Background

Noise Terminology and Metrics. All noise level or sound level values presented herein are expressed in terms of decibels (dB), with A-weighting (dBA) to approximate the hearing sensitivity of humans. Time-averaged noise levels are expressed by the symbol L_{EQ} and represent a period of one hour unless otherwise specified. The Community Noise Equivalent Level (CNEL) is a 24-hour weighted average, where noise levels during the evening hours of 7:00 p.m. to 10:00 p.m. have an added 5 dBA weighting, and sound levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. have an added 10 dBA weighting. This is similar to the Day Night sound level (L_{DN}), which is a 24-hour average with an added 10 dBA weighting on the same nighttime hours but no added weighting on the evening hours.

Temporary (Construction) Noise.

Construction of the project would generate noise from the use of heavy construction equipment. Based on the construction modeling from the air quality emissions analysis for the project, the most intense use of heavy construction equipment would be during the site-preparation and grading/excavation phases and could include graders, backhoes, concrete saws, excavators, and rubber-tired dozers. The site-preparation and grading/excavation phases are anticipated to last a total of approximately 20 workdays (see Section III, Air Quality, above). Construction equipment could be used sporadically throughout the project site but would be concentrated primarily in areas requiring substantial improvements (such as excavation for the underground fuel tanks and the building foundations). Multiple pieces of construction equipment would rarely be used simultaneously in close proximity to each other.

[49] HELIX Environmental Planning, Inc. (HELIX). 2020. Noise Analysis Letter Report. April 9, 2020.

Project construction noise was analyzed using the Roadway Construction Noise Model,[50] which uses estimates of sound levels from standard construction equipment. The loudest piece of construction equipment anticipated to be used on the project site would be a concrete saw. The predicted noise from the concrete saw measured on the nearest noise sensitive land uses (NSLUs; residential properties) adjacent to the project site, considering shielding from the existing solid-masonry wall, would be approximately 82.5 dBA L_{EQ}. Utility work performed within the public ROW along Amaral Street would include the installation of a new utility pole approximately 5 feet from the residential property line south of the project site. The loudest construction equipment required for installation of the utility pole would be a truck mounted auger drill. The engine of truck would be the primary noise source and would be located approximately 15 feet from the property line. The predicted noise from the drill rig truck generates would be approximately 82.6 dBA L_{EQ}. The equipment required for installation of utility vaults and trenchless boring under Whipple Road would operate further from NSLUs and would result in lower noise levels measured at the closest NSLU property line, compared to the utility pole drill rig truck.

Therefore, the noise level from construction activity performed on-site, and utility work performed in the public ROW would not exceed the City Community Noise Ordinance standard of 86 dBA (identified in Section 9.40.053 of the City Municipal Code) included as follows:

> 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:
>
> A. 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.
> B. The noise level at any point outside the property plane of the project shall not exceed eighty-six dBA. (Ord. 275-86 § 1, 1986)

In addition, the project's construction activities would be required to comply with the construction noise control measures specified in the General Plan Policy S-8.9, which includes requirements for: maintenance; prohibition of certain activities; placement of noise-generating equipment to reduce noise levels; and notification to neighbors of construction activities. Therefore, the project would not result in a temporary increase in ambient noise in excess of the City standards and the impact would be ***less than significant***.

[50] U.S. Department of Transportation. 2008. Roadway Construction Noise Model Version 1.1. Available at: https://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/.

Operational (Permanent) Noise.

The proposed operational noise sources for the project include heating, ventilation and air conditioning (HVAC) systems, refrigeration condensers for the convenience store; an air compressor for customer tire inflation; parking lot noise; delivery truck noise; and off-site traffic noise from vehicles traveling to and from the project site.

The exterior on-site noise environment for this report was modeled using the Computer Aided Noise Abatement (CadnaA) version 2019 noise modeling software. CadnaA is a model-based computer program allowing for the input of project related information, such as noise source data, barriers, structures, and topography to create a detailed digital environmental noise model to predict outdoor noise impacts. The off-site traffic noise was modeled using the U.S. Department of Transportation Traffic Noise Model (TNM) version 2.5.[51] The TNM calculates the daytime average hourly L_{EQ} from three-dimensional model inputs and traffic data. The one-hour L_{EQ} noise level is calculated utilizing peak-hour traffic. The model-calculated one-hour L_{EQ} noise output is approximately equivalent to the L_{DN} (Caltrans 2013b). The following assumptions were used in modeling the project's operational noise:

Heating, Ventilation, and Air Conditioning Units

Standard HVAC planning assumes one ton of HVAC for every 350 square feet of habitable space.[52] Based on the 2,800-square foot building size, one 10-ton HVAC unit would be required for the project. Specific HVAC information for the project, including unit types and locations, was not available at the time of the analysis; therefore, the analysis assumed a 10-ton Carrier Centurion Model 50 PG03-12 with a sound rating of 80 dBA sound power. This unit produces noise levels of 45 dBA L_{EQ} at 50 feet, which would be reduced by at least 5 dBA by standard parapet walls installed on a building's roofline. The manufacturer's data sheets are included in Appendix I.

Commercial Refrigeration

Specific information for the convenience store's planned refrigeration condensers was not available at the time of the analysis. This analysis assumes the use of two Hussman Proto-Air 3280 units. The units would use 0.5-horsepower (HP), 1140 revolutions per minute (RPM) motors and variable speed drives (fan speed controllers). The fan was assumed to operate ate 1140 RPM for daytime operations and 850 RPM for nighttime operations. The modeled noise levels from the refrigeration unit fans is shown in Table 6. The manufacturer's data sheets are included in Appendix I of this Initial Study.

[51] U.S. Department of Transportation (USDOT). 2004. Traffic Noise Model Version 2.5. Available at: https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/tnm_v25/

[52] American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE). 2012. ASHRAE Handbook.

Table 6
Typical Refrigeration Condenser Unit Fan Noise

Fan Type	Noise Levels in Decibels[1] (dBA) Measured at Octave Frequencies in Hertz (Hz)							Overall Noise Level (dBA)
	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	
Single Fan 1,140 RPM	90.6	93.6	89.6	86.6	84.6	79.6	75.6	86.3
Single Fan 850 RPM	80.6	83.6	79.6	76.6	74.6	69.6	65.5	79.3

[1] Sound Power Levels (S_{WL})
dBA= A-weighted decibels; Hz = hertz; kHz = kilohertz; RPM = revolutions per minute

Air Compressor

Gasoline stations are required by California law to provide air compressors and water for vehicles. The air is typically provided by a small compressor near the gas pumps. Field measurements of typical small air compressor units used at California gasoline dispensing facilities showed operating noise ranging from a 65 dBA to 85 dBA measured at 5 feet from the unit. Air compressors were assumed to be used once per hour, with a two-minute cycle time. The analysis conservatively assumed the air compressor would generate 85 dBA at 5 feet.

Parking Lot Noise

The project would include 10 at-grade parking spaces around the proposed convenience store, which could be a source of noise. Typical parking lots noise events include vehicle movement, engines starting and stopping, car doors closing, car alarms and horns, and conversations. In addition, the six fuel dispensing stations would generate similar noise events to parking areas. The Project's parking spaces, and fuel dispensing stations were modeled as parking areas in CadnaA. Based on the project trip generation analysis in the Traffic Impact Analysis, an average of 1,935 vehicles per day are anticipated to enter and exit the project driveways, or an average of 81 vehicles per hour.[53] Based on the trip generation, the following conservative (high) estimate of events per hour per space was used in the model: six per hour daytime and two per hour nighttime for gasoline dispensing stations; five per hour daytime and two per hour nighttime for the five parking spaces in front of the store entrance; and three per hour daytime and one per hour nighttime for the five parking spaces at the south of the parking lot.

Delivery Truck Noise

Truck deliveries could result in the occasional use of backup alarms for periods of approximately 30 seconds. Because the noise events related to truck deliveries would be infrequent and of short duration, it is not anticipated that these events would substantially increase the project's hourly average on-site noise generation (L_{EQ}). Therefore, these noise events are not included in the project's operational noise modeling and analysis.

[53] KD Anderson. Traffic Impact Study. 2020.

On-Site Operational Noise Analysis

The maximum allowable noise level from operational sources produced on the project site is defined in Section 9.40.042 of the City Municipal Code:

> No person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than twelve dBA above the local ambient at any point outside of the property line. (Ord. 275-86 § 1, 1986).

Because there are no available measurements of the ambient noise level in the project vicinity, the minimum local ambient noise level of 40 dBA L_{EQ} was used in this analysis, as stated in Section 9.40.030 of the City Municipal Code.

Modeling assumed one hour of continuous operation of all equipment except for the compressor which was modeled as operating for two minutes per hour. The existing 8-foot high solid masonry wall along the project's south and east property line is included in the modeling as an acoustic barrier. Modeled noise levels were analyzed at receivers at a height of five feet above the ground, placed at a distances of 10, 15, and 20 feet from the property line of the five closest single-family residences. The modeled 1-hour (L_{EQ}) noise level at these receivers is compared with the City Community Noise Ordinance standard of 52 dBA for noise produced on a commercial property (12 dBA above the minimum ambient noise level of 40 dBA). The highest modeled noise level from the combined operational noise sources, measured on the adjacent residential properties would be 44.1 dBA L_{EQ}. This location is approximately 15 feet from the property line south of the proposed air compressor (see Figure 4 in Appendix A). Operational noise levels would not exceed the City standard of 52 dBA at nearby residences. The highest operational noise level measured at the surrounding commercial properties would be 48.7 dBA L_{EQ}, measured across Amaral Street to the west of the proposed gas pumps location, and would not exceed the City standard of 52 dBA. Therefore, the project's non-transportation operational noise would not result in a permanent increase in ambient noise in excess of the City standards and the impact would be ***less than significant***.

Off-Site Traffic Noise

Off-site traffic noise modeling is based on data in the Traffic Impact Study.[54] Traffic data includes traffic estimates for surrounding street segments for the Existing, Existing plus Project; Cumulative; and Cumulative plus Project conditions. Table 7 shows the traffic volumes on surrounding streets. Anticipated future traffic noise levels are based on the forecasted peak hour traffic volumes. All traffic was modeled using the posted speed limits: 40 miles per hour (mph) for Whipple Road, and 25 mph for Amaral Street and Almaden Boulevard. A typical vehicle mix of 96 percent cars and light trucks, 3 percent medium trucks, and one percent heavy trucks was used for modeling existing and future noise conditions in the vicinity of the project for all road segments.

[54] KD Anderson. Traffic Impact Study. 2020.

Table 7
Project Traffic Volumes

Roadway Segment	Peak Hour Trips			
	Existing (2020)	Existing + Project	Cumulative (2040)	Cumulative + Project
Whipple Road				
Amaral Street to Huntwood Avenue	1,924	1,939	3,767	3,782
Amaral Street				
Whipple Road to Almaden Boulevard	278	308	579	596
Almaden Boulevard				
Amaral Street to Ascot Way	326	329	602	604

The project-generated traffic noise roadway modeling represents a conservative analysis that does not take into account topography or attenuation provided by existing structures. Table 8 presents the project-generated traffic noise levels at the nearest noise sensitive land uses.

Table 8
Project-Generated Traffic Noise Levels

Roadway Segment	Distance to Nearest NSLU (feet)[1]	NSLU Type	L_{DN} at Nearest NSLU					
			Existing (2020)			Cumulative (Year)		
			2020	2020 + Project	Change in L_{DN}	2040	Year+ 2040	Change in L_{DN}
Whipple Road								
Amaral Street to Huntwood Avenue	55	SF	69.0	69.0	<0.1	71.9	72.0	0.1
Amaral Street								
Whipple Road to Almaden Boulevard	35	SF	57.8	58.4	0.6	61.0	61.4	0.4
Almaden Boulevard								
Amaral Street to Ascot Way	35	SF	58.7	58.7	<0.1	61.4	61.4	<0.1

NSLU = Noise Sensitive Land Use; SF = Single-Family Residential
Notes:
[1] Distance measured from roadway centerline.

As shown on Table 8, exterior traffic noise levels on surrounding roadways would increase by less than one decibel in existing and future conditions as a result of the project. The maximum increase in noise levels from project-added traffic would be 0.6 dBA $L_{DN.}$ In typical noisy environments, changes in sound levels of 1 to 2 dBA are generally not perceptible. A sound level change of 3 dBA is considered a barely perceptible increase and a sound level change of 5 dBA is considered a readily perceptible increase.[55] The project-generated transportation noise would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the project and the impact would be *less than significant*.

[55] California Department of Transportation (Caltrans). 2009. Technical Noise Supplement (TeNS) to the Traffic Noise Protocol.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐

Explanation:

Background

Groundborne Vibration Terminology and Metrics. For the purposes of this analysis, a peak particle velocity (PPV) descriptor with units of inches per second is used to evaluate construction-generated vibration for building damage and human complaints. Generally, a PPV of less than 0.08 inches per second does not produce perceptible vibration. At 0.10 PPV inches per second, continuous vibrations may begin to annoy people, and it is the level at which there is a risk of architectural damage (e.g., cracking of plaster) to historical buildings and other vibration-sensitive structures. A level of 0.30 PPV inches per second is commonly used as a threshold for risk of architectural damage to standard dwellings.[56]

Temporary (Construction) and Permanent (Operational) Groundborne Vibrations

Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted by the project. A possible source of vibration during general project construction activities would be a vibratory roller, which may be used within 60 feet of the nearest off-site residences, south and east of the project site. A large vibratory roller would create approximately 0.210 inches per second PPV at a distance of 25 feet. A 0.210 inch per second PPV vibration level would equal 0.08 inches per second PPV at a distance of 60 feet. This would be less than what is considered a "strongly perceptible" impact for humans of 0.1 inches per second PPV, and less than the structural damage impact to older residential structures of 0.3 inches per second PPV. In addition, the project's construction activities would be required to comply with the construction vibration control measures specified in General Plan Policy S-8.10, which includes a prohibition from using vibratory rollers within 50 feet of structures susceptible to damage. Once operational, the project would not be a source of substantial groundborne vibrations. Therefore, although vibrations from a vibratory roller may be perceptible to nearby human receptors, temporary impacts associated with the roller (and other potential equipment) would be ***less than significant***.

[56] California Department of Transportation (Caltrans). 2013a. Transportation and Construction Vibration Guidance Manual. September. Available at: http://www.dot.ca.gov/hq/env/noise/pub/TCVGM_Sep13_FINAL.pdf.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*	☐	☐	☐	☒

Explanation: The closest airport or private airstrip to the project site is the Hayward Executive Airport, approximately 4.5 miles northwest of the project. The project site is not within the airport influence area, or the 65 dBA CNEL noise contour for Hayward Executive Airport.[57] Commercial aircraft overfly the project site while approaching or departing the Oakland International Airport, approximately 11 miles northwest. According to noise exposure maps for the Oakland International Airport, the project site in not within the 65 dBA CNEL contour for the Oakland International Airport.[58] Therefore, the project would not expose people residing or working in the project area to excessive noise levels from airports and there would be ***no impact***.

XIV. POPULATION AND HOUSING — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*	☐	☐	☒	☐

Explanation: The proposed project would not construct new homes, but it would construct a new business that could potentially attract new employees/potential residents. Based on two to three employees staffing each 8-hour shift, the gasoline dispensing facility and convenience store is estimated to need less than twenty employees per year. Union City's estimated population was

[57] Alameda, County of. 2012. Hayward Executive Airport Land Use Compatibility Plan. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_NUQ_CLUP.pdf.

[58] Port of Oakland. 2006. Oakland International Airport Master Plan Community Noise Equivalent Level (CNEL) Contours 2004 and 2010. Available at: https://www.acgov.org/cda/planning/generalplans/documents/HWD_ALUCP_082012_FULL.pdf.

74,559 in 2018.[59] An increase of twenty residents would be minor and not constitute a substantial growth. The proposed project would have a ***less than significant impact*** on population growth.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Explanation: Development of the project would not require the demolition of any existing housing or otherwise have any effect on housing. The proposed project would have ***no impact*** on housing displacement.

XV. PUBLIC SERVICES - *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☒	☐

Explanation: The project site is within the Alameda County Fire Department (ACFD) service area, with the nearest station being Alameda County Fire Department Fire Station 31, 33555 Central Avenue, Union City, approximately 1.3 miles to the southeast. The ACFD provides fire protection service and emergency medical response.

The Environmental Impact Report (EIR) prepared for the General Plan evaluated demand for public services, including fire protection services, with buildout of the City at the maximum density allowed under the proposed General Plan, including the project site. The 2040 General Plan Draft EIR, concluded that:[60]

[59] United States Census Bureau. 2019. QuickFacts, Union City, California. Population estimates July 1, 2018, (V2018). Available at: https://www.census.gov/quickfacts/fact/table/unioncitycitycalifornia,US/PST045218. Accessed December 13, 2019.

[60] City of Union City. 2019, June. 2040 Union City General Plan Update Draft Environmental Impact Report, SCH #2018102057: 4.13-9.

Consistent with the 2040 General Plan Policy PF-10.2, as future buildout occurs under the 2040 General Plan, the City will evaluate operations and deployment of services to efficiently use resources. Additionally, new development under buildout of the 2040 General Plan would be required to comply with all applicable federal, State, and local regulations governing the provision of fire protection services, including adequate fire access, fire flows, and number of hydrants. This includes the California Fire Code, which contains project-specific requirements such as construction standards in new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for sprinkler systems and minimum fire flow rates for water mains. The ACFD includes a Fire Prevention Branch that reviews building, and facility plans through the City's development review and building permit processes. Fire Prevention personnel also inspect new and remodeled buildings and facilities to ensure that the structures meet State and local fire codes and standards.

New development within the City would be required to comply with the following General Plan policies concerning fire protection services:

Policy PF-1.1: Ensure Adequate Facilities and Services

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 to support the project unless the applicant can demonstrate that all necessary public facilities (including water service, sewer service, storm drainage, transportation, police and fire protection services) will be installed or adequately financed and maintained (through fees, special taxes, assessments, or other means).

Policy PF-1.2: On-site and Off-site Infrastructure

The City shall require all new development and major modifications to existing development to construct necessary onsite and off-site infrastructure to serve the project in accordance with City standards.

Policy PF-1.3: Development Fair Share

The City shall require, to the extent legally possible, that new development or major modification to existing development pays the fair share cost of providing new public facilities and services and/or the cost for upgrading existing facilities.

Policy PF-10.3: Development Fees

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 standards.

Policy PF-10.5: Fire Department Review of Development Projects

The City shall engage fire personnel in the review of proposed development to identify necessary fire prevention and risk reduction measures

The 2040 General Plan Draft EIR concluded that:[61]

> […] there is potential for the ACFD and UCPD to increase staffing levels through the year 2040 to meet established standards under buildout of the 2040 General Plan. This could require the construction of new public service facilities that may result in environmental impacts. The specific impacts associated with the construction of such new facilities are not known at this time, and any analysis of such impacts would be speculative. In addition, any such new facilities would require separate environmental analysis and any necessary project specific mitigation prior to being considered for approval. As a result, this impact would be less than significant

The project does not have a residential component and would not directly result in an increase in the City's population. The project would be consistent with the project site land use designation and zoning. Therefore, the project would be within the growth assumptions used in the 2040 General Plan Draft EIR analysis of fire protection services and the need for new fire protection facilities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. The proposed project would have a ***less than significant impact*** on fire protection services.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Police protection?	☐	☐	☒	☐

Explanation: Police protection services in Union City are provided by the Union City Police Department (UCPD), which operates out of headquarters located at City Hall (34009 Alvarado-Niles Road). The UCPD also operates from two sub-stations, one located at 32195 Union Landing Boulevard and the other located at 31880 Alvarado Boulevard.

The EIR prepared for the General Plan evaluated demand for public services, including police protection services, from buildout of the City at the maximum density allowed under the proposed General Plan, including the project site. The 2040 General Plan Draft EIR, concluded that:[62]

[61] City of Union City. 2019, June. 2040 Union City General Plan Update Draft Environmental Impact Report, SCH #2018102057: 4.13-11 - 4.13-12.

[62] City of Union City. 2019, June. 2040 Union City General Plan Update Draft Environmental Impact Report, SCH #2018102057: 4.13-9.

The addition of 11,486 residents through the year 2040, reaching a total of 84,477 residents, would require the City to employ a total of 119 sworn officers, in order to meet the police service ratio of at least 1.4 police officers per 1,000 residents. As the City currently employs 81 sworn officers, the City would need to incrementally increase their police services by 38 sworn officers through the year 2040, which could require the construction of a new facility to house subsequent personnel, equipment, and vehicles.

The following General Plan policies are applicable to police protection services and facilities:

Policy PF-9.1: Police Staffing

The City shall strive to maintain Police Department staffing levels in line with population growth by using a baseline staffing benchmark based on the average staffing-to-population ratio of cities within Alameda County (sworn officers and civilian support staff).

Policy PF-9.2: Police Equipment and Facilities

The Police Department shall provide and maintain equipment, technologies, and facilities to meet modern standards of safety, dependability, and efficiency.

Policy PF-9.6: Coordinate Emergency Response Services with Local Agencies

The City should continue to coordinate and maintain mutual aid agreements with emergency response services with Alameda County, other jurisdictions within the county, special districts, service agencies, voluntary organizations, and state and federal agencies.

As described In the Fire Protection analysis, above, the 2040 General Plan Draft EIR concluded that there is potential for the ACFD and UCPD to increase staffing levels through the year 2040 to meet established standards under buildout of the General Plan. This could require the construction of new public service facilities that may result in environmental impacts. However, any such new facilities would require separate environmental analysis and any necessary project specific mitigation prior to being considered for approval. As a result, this impact would be less than significant.[63]

The project does not have a residential component and would not result in a direct increase in the City's population, requiring an increase in police staffing levels. However, as a new commercial facility with public access, the project could result in a potential incremental increase in demand for police services. The proposed land use is consistent with the land use identified in the General Plan for the project site; therefore, the project is consistent with the growth assumptions used in the 2040 General Plan Draft EIR analysis of police protection services and the need for new police protection facilities. Therefore, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. The proposed project would have a ***less than significant impact*** on police protection services.

[63] City of Union City. 2019, June. 2040 Union City General Plan Update Draft Environmental Impact Report, SCH #2018102057, pp. 4.13-11 - 4.13-12.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Schools?	☐	☐	☐	☒

Explanation: The proposed gasoline station and convenience store would redevelop a small vacant lot within a developed, urban area, and is not anticipated to induce unplanned population increase. There would be no additional demand for school facilities. The project would have ***no impact*** on schools.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Parks?	☐	☐	☐	☒

Explanation: The proposed gasoline station and convenience store is a redevelopment of a vacant lot and would not induce substantial unplanned population increase. There would be no additional demand for park services. Further, the proposed project would not draw in new recreation users to the area. The nearest neighborhood or regional park is approximately 0.5 mile to the southeast at Town Estates Park, 3438 Andover Drive, Union City. At this distance, customers of the gasoline dispensing facility and convenience store are not anticipated to increase use or physical deterioration of the park. The project would have ***no impact*** on parks.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?	☐	☐	☒	☐

Explanation: The project includes minor work on public facilities. As described in the project description, a concrete median would be constructed on Whipple Road to facilitate the right-in/right-out driveway from the same road and minor construction would take place on adjacent sidewalks. No expansion of other public facilities is required. The proposed project would have a ***less than significant impact*** on other public facilities.

XVI. RECREATION —*Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

Explanation: The proposed project would not draw in new recreation users to the area. The nearest neighborhood or regional park is approximately 0.5 mile to the southeast at Town Estates Park, 3438 Andover Drive, Union City. At this distance, customers of the gasoline dispensing facility and convenience store are not anticipated to increase use or physical deterioration of the park. The project would have ***no impact*** on increased use of parks.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Explanation: The proposed project does not include recreational facilities nor would it require the construction or expansion of recreational facilities. The project would have ***no impact*** related to recreational facilities.

XVII. TRANSPORTATION/TRAFFIC — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐

A traffic impact study was prepared for the project and is included in Appendix K.[64] As of January 1, 2020, the Level of Service (LOS) metric may no longer be used to assess significant CEQA impacts regarding transportation. While the LOS analysis may not be directly applicable to the CEQA analysis, the City and City Public Works Department current standards are based on LOS. The LOS evaluation included in Appendix K of this Initial Study is provided for use by the City in determining if roadway or other traffic improvements as a result of the project may be needed.

The traffic impact study relied to traffic standards and goals from the General Plan, the City of Hayward 2040 General Plan, and the Alameda County Transportation Commission Congestion Management Program (CMP).[65]

Explanation:

Background

General Plan. The following General Plan policies were adopted by the City for evaluation of traffic impacts under CEQA:

> Policy M-4.4 Use Vehicle Miles Traveled Threshold to Evaluate Project Impacts
>
> The City shall use VMT to evaluate the transportation impacts of new development proposals under CEQA.
>
> Policy M-4.12 Access Points to Major Arterials
>
> The City shall control the number of direct access points to Quarry Lakes Parkway, Mission Boulevard, Decoto Road, Union City Boulevard, Alvarado Boulevard, Dyer Street, Whipple Road and Alvarado-Niles Road to maintain traffic flow and minimize potential for accidents.

[64] KD Anderson & Associates, Inc. 2020, September 15. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project.

[65] Alameda County Transportation Commission. 2019. Congestion Management Program; Level of Service and Transit Performance Standards. Available at: < https://www.alamedactc.org/wp-content/uploads/2019/09/CMP_2019_Ch03_LOS_Standards_20190918_FINAL.pdf.>

The General Plan specifies that the "City will continue to implement its LOS policy for the purpose of planning and designing street improvements and understanding a project's contribution to delay at intersections but will not use LOS as a part of CEQA analysis." The following General Plan policy was adopted by the City for evaluation of intersection LOS:

> Policy M-4.3 Level of Service
>
> The City shall strive to achieve a traffic LOS D at all signalized intersections on arterial and collector streets during peak commute hours, with the exception of intersections on major regional routes, including I-880 and Mission Boulevard (SR 238). If maintaining the LOS standards would, in the City's judgement, be infeasible and/or conflict with the achievement of other goals, LOS E or F conditions may be accepted provided that provisions are made to improve the overall system, promote non-vehicular transportation, and/or implement vehicle trip reduction measures as part of a development project or a City-initiated project."

In addition, because Whipple Road and Amaral Street define the boundary between the City of Union City and the City of Hayward, and because some study intersections for the project are located in the City of Hayward, the following LOS policies from the City of Hayward 2040 General Plan would also apply:[66]

> M-1.5 Flexible LOS Standards
>
> The City shall consider flexible LOS standards, as part of a multimodal system approach, for projects that increase transit ridership, biking, and walking in order to reduce air pollution, energy consumption, and greenhouse gas emissions.
>
> M-4.3 Level of Service
>
> The City shall maintain a minimum vehicle LOS Eat signalized intersections during the peak commute periods except when a LOS F may be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays.
>
> M-4.4 System Management
>
> The City shall encourage alternatives to road construction and expansion (e.g., adaptive signals and coordinated signals) as necessary for improving traffic flows.

Alameda County Transportation Commission Congestion Management Program. The CMP identifies a standard of LOS E.

[66] City of Hayward. 2014. 2040, July 1. Hayward General Plan mobility Element. Available at: https://www.hayward-ca.gov/sites/default/files/documents/HayGPU_Part%203.2_MobElement_Approved_2014-07-01.pdf.

Level of Service Thresholds

The analysis contained in the traffic impact study identified thresholds to determine consistency with the applicable plans and policies. The thresholds were based on the General Plan, CMP standards, and in consultation with City of Union City staff (Azim pers. comm.).[67] The City of Hayward 2040 General Plan policies are consistent with the Union City General Plan and would not affect these thresholds. The thresholds are listed below:

- Cause LOS at a signalized intersection on a CMP roadway to degrade from LOS E or better to LOS F.
- Cause the average intersection delay at a signalized intersection on a CMP roadway to increase by five seconds or more at an intersection that operates at LOS F under without project conditions.
- Cause LOS at an unsignalized intersection on a CMP roadway to degrade from LOS E or better to LOS F and meet the California Manual on Uniform Traffic Control Devices 2014 Edition (MUTCD) peak hour signal warrant.68
- Cause LOS at an unsignalized intersection on a non-CMP roadway to degrade from LOS mid-D or better to LOS high-D, LOS E, or F and meet the MUTCD peak hour signal warrant.
- Cause LOS at an unsignalized intersection on a non-CMP roadway to degrade from LOS high-D to LOS E or F and meet the MUTCD peak hour signal warrant.
- Cause LOS at an unsignalized intersection on a non-CMP roadway to degrade from LOS to LOS F and meet the MUTCD peak hour signal warrant.

Vehicle Miles Traveled. The VMT metric for assessing traffic impacts became mandatory on July 1, 2020. The City has adopted General Plan policies to use VMT to evaluate new development proposals under CEQA and to establish a VMT CEQA threshold; however, a VMT significance threshold has not yet been adopted. The OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA*[69] recommends that "by adding retail opportunities into the urban fabric and thereby improving retail destination proximity, local-serving retail development tends to shorten trips and reduce VMT" and "…where such development decreases VMT, lead agencies should consider the impact to be less than significant." While the City has not yet adopted a VMT significance threshold, OPR's recommended impact threshold is any increase in VMT.

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[67] KD Anderson & Associates, Inc. 2020, September 15. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project.

[68] California Department of Transportation. 2014. California Manual on Uniform Traffic Control Devices 2014 Edition. Sacramento CA.

[69] Office of Planning and Research. 2018. December. Technical Advisory on Evaluating Transportation Impacts in CEQA. Available at: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

City of Union City Pedestrian and Bicycle Master Plan. The *City of Union City Pedestrian and Bicycle Master Plan* identifies a planned bicycle facility (Class I, II, or III) along Whipple Road and Amaral Street adjacent to the project site.[70] Pedestrian sidewalks also border the north and west sides of the project site.

Impact Analysis

Construction

Construction of the project would result in trucks entering and exiting the project site. Construction activities would maintain through traffic on Whipple Road and Amaral Street and while no detours are anticipated, traffic controls would be needed during construction of the median on Whipple Road and if trenching is used to place the utilities underground across Whipple Road to maintain through-traffic. While the traffic-related impacts associated with construction would be temporary, potentially significant impacts could occur to traffic circulation during construction and mitigation would be necessary. The proposed mitigation (mitigation measure TRANS-1) requires that traffic controls be implemented during construction and that they remain consistent with City requirements. Since Whipple Road is a major road, the City will limit any work that might impact the flow of traffic on Whipple Road from 9am to 3pm.

Mitigation Measure TRANS 1. Prior to the City and the City of Hayward issuing encroachment permits for the utility relocation and median improvements on Whipple Road, the Contractor shall prepare and submit to both Cities for approval a traffic control plan consistent with the requirements of the City in which the traffic control activities will occur during construction. In all instances, traffic flow through Whipple Road and Amaral Street shall be maintained for the duration of construction.

Consistency with General Plan Policy M-4.12

Except for a median island placed north of the site on Whipple Road, the proposed project would not change any roadways. The median island would not preclude the construction of bicycle facilities along Whipple Road and Amaral Street. The median island would facilitate the right-in/right-out movements at the northern driveway on Whipple Road, consistent with General Plan Policy M-4.12, described above, and would result in a ***less than significant impact***.

Vehicle Miles Traveled

The nearest gasoline stations are Quick Stop at 1824 Whipple Road, Union City (0.3 mile to the east); Whipple 76 & Circle K at 2492 Whipple Road, Hayward (0.3 mile to the west); and Chevron at 30151 Industrial Parkway, Hayward (0.4 mile to the west). Based on the availability of gasoline stations in the area, the proposed project is anticipated to serve customers driving in local

[70] City of Union City. 2012, January. City of Union City Pedestrian and Bicycle Master Plan. Available at: https://www.unioncity.org/DocumentCenter/View/1391/Pedestrian-and-Bike-Master-Plan?bidId=.

proximity to the site regardless of whether or not the project is built. Furthermore, the project site is zoned CN (Neighborhood Commercial) which is intended to provide limited retail and convenience goods and services, with minimal associated impacts, to meet the day to day needs of the City's residential neighborhoods (City Municipal Code Section 18.36.015). Consistent with the zoning for the project site, the proposed project would not be a regional retail development, and as a local-serving retail development, it is anticipated that trips would be shortened and VMT would be reduced. OPR's *Technical Advisory on Evaluating Transportation Impacts in CEQA*[71] suggests that local-serving retail development tends to shorten trips and reduce VMT, and lead agencies should consider the impact to be less than significant. The proposed project would not increase VMT and is anticipated to have a ***less than significant*** impact on VMT.

Level of Service

The project site is served by roads that connect the site with other portions of Union City and with other communities in the region. I-880 is a north-south freeway providing regional connectivity. Whipple Road is an east-west roadway which is designated as an aerial in the General Plan, and it is four lanes wide in the vicinity of the project site. Amaral Street is a two-lane north-south collector roadway along the western edge of the project site. The northern terminus of the roadway is at Whipple Road. Additional roadways in the study area are collector roadways including Huntwood Avenue, Almaden Boulevard, and Ascot Way.

Existing Conditions: Table 9 presents the intersections evaluated for LOS and the existing LOS calculated for the study intersections. The intersection LOS definitions and evaluation criteria are described the "Analysis Methodology" section of the traffic study (Appendix K).

Table 9
Level of Service – Existing Conditions

Roadway Segment	Traffic Control	Signal Warrant Met?	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Delay	LOS	Delay	LOS
Whipple Road and Amaral Street	Signal	NA	A	9.3	B	10.8
Whipple Road and Huntwood Avenue	Signal	NA	C	26.3	C	23.1
Almaden Boulevard and Amaral Street	AWSC	No	A	8.3	A	8.6
Almaden Boulevard and Ascot Way	Unsig	No	B	12.0	B	11.3
Whipple Road and the project site driveway	Unsig	--	--	--	--	--
Amaral Street and the project site driveway	Unsig	--	--	--	--	--

Source: KD Anderson & Associates, Inc. 2020. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project. September 15, 2020.
Notes: "LOS" = Level of Service. "Inters. Control" = Type of intersection control.
"Unsig" = Unsignalized stop-sign control. "AWSC" = All-way stop-sign control.
"Signal" = Signalized light control. Delay is measured in seconds per vehicle.

All study intersections operate at LOS A, B or C during both the a.m. and p.m. peak hour, thereby meeting the City's General Plan policy for the preferred LOS (the City should strive to achieve LOS D at all intersections).

[71] Office of Planning and Research. 2018, December. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Available at: http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

Existing Plus Project Conditions: The proposed project would generate an unadjusted 125 trips during the a.m. peak hour and 18 trips during the p.m. peak hour. With adjustments to reflect pass-by trips to the project, the proposed project would generate a net 46 trips during the a.m. peak hour and 47 trips during the p.m. peak hour. Trips that would be generated by the project were geographically distributed over the roadway network. The geographic distribution pattern of project-related trips was estimated based on the existing geographic distribution of travel at study intersections. Refer to the traffic study for the methods used to calculate the project trip generation, and for trip distribution.

Traffic volumes at study intersections under Existing Plus Project conditions were calculated by adding project-related trips to existing background conditions traffic volumes. Table 10 summarizes the Existing Plus Project LOS at the study intersections.

As shown in Table 10, all study intersections would operate at LOS A, B or C during both the a.m. and p.m. peak hour, meeting the General Plan Policy M-4.3 standard of LOS D, and the City of Hayward General Plan Policy M-4.3 standard of LOS E. Therefore, the project's contribution to transportation/traffic LOS would be consistent with the City General Plan Policy M-4.3, and the City of Hayward General Plan Policy M-4.3, resulting in a ***less than significant impact***.

Table 10
Level of Service – Existing Plus Project Conditions

Roadway Segment	Traffic Control	Signal Warrant Met?	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Delay	LOS	Delay	LOS
Whipple Road and Amaral Street	Signal	NA	B	11.1	B	12.8
Whipple Road and Huntwood Avenue	Signal	NA	C	26.4	C	23.2
Almaden Boulevard and Amaral Street	AWSC	No	A	8.3	A	8.7
Almaden Boulevard and Ascot Way	Unsig	No	B	12.0	B	11.3
Whipple Road and the project site driveway	Unsig	No	B	13.6	B	12.0
Amaral Street and the project site driveway	Unsig	No	A	9.5	A	9.7

Source: KD Anderson & Associates, Inc. 2020. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project. September 15, 2020.
Notes: "LOS" = Level of Service. "Inters. Control" = Type of intersection control.
"Unsig" = Unsignalized stop-sign control. "AWSC" = All-way stop-sign control.
"Signal" = Signalized light control. Delay is measured in seconds per vehicle.

Cumulative Conditions: Cumulative transportation impacts were evaluated in the traffic impact analysis prepared for the project. The year 2040 traffic volumes for Cumulative No Project conditions were derived from traffic forecasts developed as part of the Alameda Countywide Travel Demand Model. For this traffic impact study, 2020 and 2040 travel demand model results for both the a.m. peak hour and p.m. peak hour were used. The future 2040 roadway network includes planned roadway improvements. Future land use includes planned development forecasted for 2040.

Traffic volume forecasts from the travel demand model were used to generate growth factors. These growth factors were applied to existing peak hour intersection turning movement traffic volumes. The development of future year intersection turning movement traffic volumes requires

that the turning movements at each intersection "balance". To achieve the balance, inbound traffic volumes must equal the outbound traffic volumes, and the volumes must be distributed among the various left-turn, through, and right-turn movements at each intersection. No roadway improvements are planned at the study intersections. Table 11 summarizes the Cumulative No Project conditions LOS.

Table 11
Level of Service – Cumulative No Project Conditions

Roadway Segment	Traffic Control	Signal Warrant Met?	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Delay	LOS	Delay	LOS
Whipple Road and Amaral Street	Signal	NA	D	40.7	B	18.8
Whipple Road and Huntwood Avenue	Signal	NA	F	306.3	F	102.2
with potential improvement	*Signal*	*NA*	*E*	*68.4*	*C*	*30.7*
Almaden Boulevard and Amaral Street	AWSC	No	B	11.7	A	15.9
Almaden Boulevard and Ascot Way	Unsig	No	C	19.1	B	13.0
Whipple Road and the project site driveway	--	--	--	--	--	--
Amaral Street and the project site driveway	--	--	--	--	--	--

Source: KD Anderson & Associates, Inc. 2020. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project. September 15, 2020.
Notes: "LOS" = Level of Service. "Inters. Control" = Type of intersection control.
"Unsig" = Unsignalized stop-sign control. "AWSC" = All-way stop-sign control.
"Signal" = Signalized light control. Delay is measured in seconds per vehicle.

As shown in Table 11, the following three of the four study intersections would operate at acceptable LOS D or better during both the a.m. and p.m. peak hours: Whipple Road and Amaral Street; Almaden Boulevard and Amaral Street; Almaden Boulevard and Ascot Way. Under Cumulative No Project conditions, the intersection of Whipple Road and Huntwood Avenue would operate at LOS F and improvements would be required. As shown in Table 11, with implementation of the improvements analyzed in the traffic impact study, the LOS could be improved to LOS E and C during the peak hour. LOS E would be acceptable with the provisions implemented.

The project's contribution to the Cumulative No Project traffic conditions were evaluated. The proposed project would generate a net 46 trips during the a.m. peak hour and 47 trips during the p.m. peak hour. Table 12 summarizes the Cumulative Plus Project conditions LOS.

Table 12
Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Traffic Control	Signal Warrant Met?	Weekday AM Peak Hour		Weekday PM Peak Hour	
			Delay	LOS	Delay	LOS
Whipple Road and Amaral Street	Signal	NA	D	43.5	C	20.3
Whipple Road and Huntwood Avenue	Signal	NA	F	308.4	F	103.3
Almaden Boulevard and Amaral Street	AWSC	No	B	11.8	C	16.0
Almaden Boulevard and Ascot Way	Unsig	No	C	19.1	B	13.0
Whipple Road and the project site driveway	Unsig	No	D	25.3	B	13.6
Amaral Street and the project site driveway	Unsig	No	B	11.0	B	12.2

Source: KD Anderson & Associates, Inc. 2020. Traffic Impact Study for the 1998 Whipple Road Gas Station and Convenience Store Project. September 15, 2020.
Notes: "LOS" = Level of Service. "Inters. Control" = Type of intersection control.
"Unsig" = Unsignalized stop-sign control. "AWSC" = All-way stop-sign control.
"Signal" = Signalized light control. Delay is measured in seconds per vehicle.

Addition of the project-generated traffic would result in relatively small increases in intersection delay at each of the study intersections. As shown in Table 12, all of the intersections, except the Whipple Road and Huntwood Avenue intersection, would operate at acceptable LOS D or better during both the a.m. and p.m. peak hours. The Whipple Road and Huntwood Avenue intersection would operate at LOS F under the cumulative condition with and without the project. The project's contribution to the LOS delay would be two seconds during the a.m. and p.m. peak hours, which would be less than the identified threshold of five seconds per vehicle. Therefore, the project's cumulative contribution to transportation/traffic LOS would be consistent with the City General Plan Policy M-4.3, and the City of Hayward General Plan Policy M-4.3, resulting in a ***less than significant cumulative impact.***

Bicycle and Pedestrian Facilities

In the vicinity of the project site, Class II bike lanes are present on:

- The north side of Whipple Road between Huntwood Avenue and Central Avenue, and
- The south side of Whipple Road between Amaral Street and Hayman Street.

In the vicinity of the project site, sidewalks are present on both sides of:

- Whipple Road,
- Amaral Street,
- Huntwood Avenue, and
- Almaden Boulevard.

In the vicinity of the project site, the City of Union City Pedestrian and Bicycle Master Plan[72] shows a "Proposed Bicycle Network Class I, II or III" facility on:

- Whipple Road east of Amaral Street,
- Amaral Street between Whipple Road and Almaden Boulevard, and
- Almaden Boulevard between Amaral Street and Alvarado Niles Road.

Existing bicycle and pedestrian travel in the immediately vicinity of the project site is low. Bicycle and pedestrian travel data at the intersection of Whipple Road and Amaral Street were collected for this traffic impact study for the a.m. peak hour and p.m. peak hour. During the a.m. peak hour, one pedestrian and two bicycles were recorded. During the p.m. peak hour, two pedestrians and three bicycles were recorded.

Implementation of the 1998 Whipple Road Project would result in an increase in demand for bicycle and pedestrian facilities. As a result of the presence of bicycle and pedestrian facilities listed above, the increase in demand for bicycle and pedestrian facilities is considered ***a less than significant impact***.

Transit

As described in the traffic study for the project (Appendix K), public transit service in the immediate vicinity of the project site is provided by Union City Transit (UC Transit) and by the Alameda-Contra Costa Transit District (AC Transit). The Bay Area Rapid Transit District (BART) provides public transit service on a regional level. UC Transit routes 2 and 4 provide service along Whipple Road adjacent to the project site. These routes provide access to the Union City BART Station and the Union Landing Transit Center. AC Transit routes 41 and 56 provide service along Whipple Road. These routes provide access to the South Hayward BART Station and the Union Landing Transit Center. The project site is approximately two miles from the South Hayward BART Station and approximately 2.5 miles from the Union City BART Station.

Implementation of the proposed project would result in an increase in demand for public transit service. Both UC Transit and AC Transit stops are co-located close to the project site. As a result, it is possible some number of people would use public transit to travel to and from the project site. The number of people would not be expected to be large. Because the frequency and proximity of future transit service is not known at this time, demand for transit cannot be quantified. However, it is expected that both UC Transit and AC Transit can accommodate the additional passengers the proposed project would generate. The project would result in a ***less than significant impact*** on transit.

[72] Union City, City of. 2012. City of Union City Pedestrian and Bicycle Master Plan. Union City, CA.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

Explanation: Section 15064.3 (b) (1) states that land use projects "that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact." As detailed under item a) above, the proposed project is a local-serving retail project within a highly developed area and is not anticipated to increase net VMT. The proposed project would result in a ***less than significant impact*** on VMT.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

Explanation: A median island is proposed on Whipple Road to facilitate a right-in/right-out-only turning movement at the northern driveway. The median design would be consistent with City standards and is not anticipated to increase hazards. The proposed project has been designed to allow for truck turning movements and required access into the site for fueling and loading. The proposed project would have ***less than significant impact*** on hazards due to geometric design features or incompatible uses.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

Explanation: Trucks would be used to deliver fuel, remove garbage, and provide emergency services to the project site. The proposed project would not generate a large number of truck trips; however, because of their large turning radius, trucks may be unable to provide services without blocking access to and from the project site driveways, which may result in queues of

patron vehicles backing up onto Whipple Road or Amaral Street. Truck turning movements were evaluated to determine the potential for the project to result in incompatible or hazardous conditions associated with blocking an intersection or driveway.

As described in the traffic study for the project (Appendix K), trucks would be able to enter the project site at the project site driveway on Amaral Street, maneuver within the project site, and exit the project site at the project site driveway on Whipple Road. Trucks would be able to accomplish these movements without blocking the project site driveways. The project would result in a ***less than significant impact*** associated with hazards due to a design feature or incompatible uses.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?	☐	☐	☒	☐

Explanation: Although construction of the proposed project may require some travel lanes to be unavailable, this would be short-term and vehicle access through Whipple Road and Amaral Street would be maintained through standard traffic control.

Following construction, Whipple Road and Amaral Street would continue to provide emergency access to the project site. The driveways to the project site would be designed in compliance with the City's Municipal Code and would meet emergency access standards.

The proposed project would have a ***less than significant impact*** on emergency access.

XVIII. TRIBAL CULTURAL RESOURCES — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☒	☐	☐

Explanation: See Section V, Cultural Resources, for a discussion of Native American outreach and consultation efforts. While no historic or archaeological resources were identified, mitigation measures CUL-1, CUL-2, and CUL-3 would address inadvertent discoveries during construction. The project's potential impact on tribal cultural resources would be ***less than significant impact with mitigation***.

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

Explanation: See item a) under Section V, Cultural Resources, for a discussion of Native American outreach and consultation efforts. Impacts would be ***less than significant with mitigation incorporated***.

XIX. UTILITIES AND SERVICE SYSTEMS — *Would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*	☐	☐	☒	☐

Explanation:

Water: The proposed project is located in the existing service area of the Alameda County Water District. As described in more detail under item b), below, water would be supplied to the project by the Alameda County Water District. The *Alameda County Urban Water Management Plan 2015-2020* (UWMP)[73] identified water supply and demands to planning horizon year 2040, addressing normal, dry, and multiple dry year scenarios, and is projected to exceed supply for most years. The Alameda County Water District operates three treatment plants within its service area with an average daily production of 37 million gallons per day (Fiscal Year 2018 - 2018).[74] The District has sufficient capacity to serve the proposed project within its existing service area and the proposed project would not result in new or expanded water facilities. The impact would be less than significant.

Wastewater. The project site is located within the existing service area of the Alvarado Wastewater Treatment Plant operated by the Union Sanitary District. The treatment plant currently has the capacity to treat 33 million gallons of wastewater per day, and in 2019, it treated an average of 23.7 million gallons of wastewater per day.[75] The proposed project would include two public restrooms and various water drainage from food self-serve areas in the convenience store. The existing treatment plant has substantial excess capacity to serve the incremental increase in wastewater as a result of the project. The increase in wastewater treatment demand would be minor and not expected to result in an exceedance of wastewater treatment requirements. The proposed project would have less than significant impact on wastewater treatment requirements.

Stormwater: Stormwater from the site enters the City's network of stormwater collection and drainage pipes located under City streets, and is ultimately discharged into San Francisco Bay. The

[73] Alameda County Water District. N.D. Urban Water Management Plan (2015 - 2020). Available at: https://www.acwd.org/DocumentCenter/View/1264/ACWDs-2015---2020-UWMP?bidId=.

[74] Alameda County Water District. 2020. Fact Sheet (Fiscal Year 2017 - 2018). Available at: https://www.acwd.org/93/Fact-Sheet. Accessed on September 14, 2020.

[75] Union Sanitary District. 2020. Mission, Organization, Facts, and History. Available at: https://www.unionsanitary.com/about-us/about-us/mission-facts-history. Accessed on September 14, 2020.

proposed project would not alter the existing stormwater drainage facilities and would not require new or expanded facilities to accommodate storm runoff from the site. Although the project would increase the amount of impervious surfaces on the site, it would result in an insignificant incremental increase in peak storm runoff from the site for several reasons. First, the overall site area is small relative to the greater watershed drainage area encompassed the by the City's storm drainage network. Secondly, the front, rear, and side yards of the site would be landscaped, maintaining or improving upon the existing permeability of the ground. Third, the existing ground surface over much of the site is composed of hard-packed earth and gravel, which is expected to have low permeability. Thus, rather than percolating to groundwater, the majority of storm runoff from the site already drains to the local storm drain. Also, the proposed project would include a biotreatment area which would accommodate stormwater runoff. Therefore, implementation of the project is not expected to substantially increase the rate or volume of stormwater runoff from the site. This would be a less than significant impact on stormwater.

Electric power. The proposed project would connect to existing power in the vicinity provided by the Pacific Gas and Electric Company. All utilities to the project site would be constructed underground. The existing overhead utilities along the Amaral Street ROW, adjacent to the western project site boundary, would be terminated at new and existing utility vaults within the ROW and/or relocated to new underground utility conduits which would extend across Whipple Road to an existing pole on the north side of the street. A new utility pole would be installed in the existing ROW, near the southwest corner of the project site. The relocation of the utilities would occur within the project footprint and would not result in the expansion of a power facility. The project would have a less than significant impact on electric power.

Based on the discussion above, implementation of the project would not require or result in the relocation of new or expanded public services. The project would result in a ***less than significant impact***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

Explanation: The UWMP*,* by the Alameda County Water District, identified water supply and demands to planning horizon year 2040, addressing normal, dry, and multiple dry year scenarios. Estimated future water demands are 63,400 acre-feet (AF) in 2020; 67,700 AF in 2025; 69,400 AF in 2030; 69,900 AF in 2035; and 70,300 AF in 2040. Under normal year conditions, the supply is expected exceed the demand; estimated normal year water supply is 77,200 AF in 2020; 76,900 AF in 2025; 76,600 AF in 2030; 76,300 AF in 2035; and 76,000 in 2040. Under modeled single dry year conditions, the demand was estimated to exceed the supply for years 2020 to 2040. Under

modeled multiple dry year conditions, the demand is projected to exceed supply for most years between 2022-2040. The Alameda County Water District's goal is to sustain a shortage of no more than 10 percent during dry and critically dry conditions; none of the modeled scenarios exceed a 10 percent shortage. As described in the UWMP, the Alameda County Water District has sufficient water supplies to meet demands in most years. Where shortages can occur due to dry weather, the district will utilize off-site storage at the Semitropic Water Storage District's Groundwater Banking Program to meet water supply needs.

Estimates of water demands in the UWMP were based, in part, on future land use conditions as identified in various general plans by the cities served by the Alameda County Water District. This included information from the General Plan, as described in Table 1-2 of the UWMP. The proposed project is consistent with the General Plan land use designation (Commercial); therefore, development of the site has been reasonably considered during preparation of the UWMP.

In conclusion, the proposed project would result in an increase in water consumption for commercial use and for irrigation of landscaping; while the amount of water that could be used at the site would not be negligible, as a portion of total water consumption in the City, it would be a small increase relative to existing demand. Furthermore, the long-range planning efforts of the Alameda County Water District, which provides water to the City's residents and businesses, are based on anticipated demand associated with development in accordance with the General Plan. Since the General Plan designates the project site for Commercial development, the water demand that would be generated by the project can be assumed to be included in the Alameda County Water District's future water supply and demand projections. The proposed project would have a ***less than significant impact*** on water supply and demand.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐

Explanation: As described in the discussion of Wastewater under item a), above, the project site is served by the Alvarado Wastewater Treatment Plant operated by the Union Sanitary District. The treatment plant currently has the capacity to treat 33 million gallons of wastewater per day, and in 2019, it treated an average of 23.7 million gallons of wastewater per day. The existing treatment plant has substantial excess capacity to serve the incremental increase in wastewater as a result of the project. The project would result in a ***less than significant impact*** on wastewater service capacity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐

Explanation: Regular solid waste collection is provided to the residents of Union City by Republic Services. Republic Services hauls the residential waste it collects in Union City to the Fremont Transfer and Recycling Station, located on Boyce Road between Stevenson Road and Auto Mall Parkway in Fremont. There the waste is reloaded into large-capacity transfer trucks, and transported to the Altamont Landfill, located adjacent to Interstate 580, east of the City of Livermore. Altamont Landfill is permitted for a total refuse capacity of 124,400,000 cubic yards (approximately 14,880,000 tons), with a daily permitted throughput of 11,150 tons/day.[76] As of December 31, 2014, the landfill had 65,400,000 cubic yards of remaining capacity. There is adequate permitted capacity at the landfill to accommodate the solid waste that would be generated by the project. Therefore, the proposed project would have a ***less than significant impact*** on solid waste disposal capacity.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Explanation: The proposed project would be required to comply with all laws and regulations pertaining to solid waste. The City requires applicants of all new construction projects to comply with its Construction and Demolition Debris Recycling Ordinance (Municipal Code Chapter 15.75), and requires posting of a performance security bond to ensure compliance. Prior to issuance of a building permit, applicants must submit a Construction and Demolition Waste Management Plan (WMP) that identifies the types of construction and demolition materials that will be generated on the job site and the vendor or facility that the applicant proposes to use to collect, receive, or reuse each material. The WMP must provide for reuse or recycling of 100 percent of the Portland cement concrete, asphalt concrete, land-clearing and soils, and plant debris, and the reuse or recycling of at least 50 percent of all remaining construction and demolition debris generated by the project. Documentation of compliance must be submitted to the City's WMP Compliance

[76] CalRecycle (formerly California Integrated Waste Management Board). 2018. Solid Waste Information System Facility/Site Database, Available at: http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/. Accessed April 28, 2018.

Officer within 30 days of completion of construction. Additional requirements are set forth Chapter 15.75 of the City Municipal Code. No aspects of the proposed project were identified that could potentially conflict with regulations pertaining to solid waste. The project would result in a ***less than significant impact.***

XX. WILDFIRE — *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Explanation: The project site is located in a Local Responsibility Area and is classified as a Non-Very High Fire Hazard Severity Zone. The nearest State Responsibility Area is approximately two miles to the northeast. The nearest State Responsibility Area classified as Very High Fire Hazard Severity Zone is approximately six miles to the east in the Sunol Ridge and Pleasanton Ridge areas.[77] The project would result in ***no impact*** on an adopted emergency response or emergency evacuation plan for State Responsibility Areas or areas classified as Very High Fire Hazard Severity Zone.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒

Explanation: The project site is a vacant lot in a flat, urbanized area with a low risk of wildfire. The project would have ***no impact*** on pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

[77] CAL FIRE. 2008, September 30. Very High Fire Hazard Severity Zones in LRA. Available at: https://osfm.fire.ca.gov/media/6638/fhszl_map1.pdf. Accessed December 11, 2019.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒

Explanation: The project site is adequately served by existing infrastructure, including roads, water sources, power lines, and other utilities. The proposed project would have ***no impact*** on infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Explanation: The 500-year floodzone is roughly 700 feet north of the project site and 100-year floodzones are roughly 0.6 mile north and 0.6 mile south of the project site. No project features have the potential to affect flood zones. Post-fire slope instability is not anticipated because the project site is essentially flat and within an urbanized developed area. No waterbodies are at the site and the project would not require substantial drainage improvements. The project would drain runoff to the existing stormwater system and would be designed in accordance with City standards and Municipal Regional Stormwater Permit requirements. Based on the reasons discussed, the proposed project would have ***less than significant impact*** on exposing people or structures to risks as a result of runoff, post-fire slope instability, or drainage changes.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?*	☐	☒	☐	☐

Explanation: As detailed in Section IV. Biological Resources, no special-status species have potential to occur in the project site due to lack of suitable habitat. As detailed in Section V, Cultural Resources, no cultural resources were identified. Mitigation measures CUL-1, CUL-2, and CUL-3 would address inadvertent discovery of unknown cultural resources during construction and reduce potential impacts to ***less than significant with mitigation***.

The proposed project does not have the potential to reduce the habitat of 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.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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.)*	☐	☒	☐	☐

Explanation: Cumulatively considerable impacts are not anticipated. The proposed project re-develops a vacant lot in an urbanized setting. The surrounding area is built-out with residential,

commercial, and industrial uses. Affected resources identified elsewhere in this Initial Study and the potential for cumulative impacts are discussed below:

Aesthetics: As discussed in Section I, Aesthetics, five trees regulated under the City's tree conservation ordinance would be removed. The landscape concept plan for the proposed project includes tree plantings throughout the project site and implementation of mitigation measure BIO-02 would mitigate for impacted trees. Potential impacts to aesthetics would be reduced to a less than significant level through implementation of proposed mitigation measure BIO-02 and cumulative impacts to aesthetics would be avoided.

Air Quality: As discussed in Section III, Air Quality, long-term operation of the proposed project would not exceed BAAQMD daily or annual thresholds for criteria pollutants; would not result in the exposure of sensitive receptors to substantial CO Hotspots, and would not result in the exposure of sensitive receptors to substantial TACs. Cumulative impacts on air quality would be less than significant.

Biological Resources: As discussed in Section IV, Biological Resources, the proposed project could potentially impact native birds and raptors during construction. Implementation of mitigation measure BIO-01 would avoid impacts to nesting bird, thus avoiding cumulative impacts. Removed trees would also be mitigated through measure BIO-02 to obtain a tree permit and implement replacement plantings, if required. Cumulative impacts on biological resources would be avoided.

Cultural Resources: As discussed in Section V, Cultural Resources, no historic or archaeological resources are anticipated. Standard mitigation measures CUL-1, CUL-2, and CUL-3 would be implemented in the event of inadvertent discovery. Cumulative impacts on cultural resources would be avoided.

Hazards and Hazardous Materials: As discussed in Section VIII, Hazards and Hazardous Materials, the project site was previously subject to cleanup actions and removal of a leaking underground storage tank. Implementation of mitigation measure HAZ-1 requires training for construction crews, and a halt to construction work and notification of the City if hazardous materials contamination is discovered or suspected during construction activities. Correspondingly, the proposed project is not anticipated to have cumulative impacts on hazardous waste.

Hydrology and Water Quality: As discussed in Section IX, Hydrology and Water Quality, uncontrolled stormwater runoff during construction and operation may adversely affect water quality. Implementation of mitigation measures WQ–1 and WQ–2 would reduce construction impacts on water quality to a less than significant level. Correspondingly, the proposed project is not anticipated to have cumulative impacts on hydrology and water quality.

Transportation/Traffic. An evaluation of the project's contribution on cumulative transportation conditions is included in Section XVI, Transportation/Traffic. Addition of the project-generated traffic would result in relatively small increases in intersection delay at each of the study intersections. As shown, all of the intersections except the Whipple Road and Huntwood Avenue intersection would operate at acceptable LOS D or better during both the a.m. and p.m. peak hours. The Whipple Road and Huntwood Avenue intersection would operate at LOS F under the

cumulative condition with and without the project. The project's contribution to the LOS delay would be two seconds during the a.m. and p.m. peak hours, which would be less than the identified threshold of five seconds per vehicle. The project would result in a less than significant cumulative impact on transportation/traffic LOS. In the event other construction projects would occur concurrently that could affect traffic conditions on Whipple Road and/or Amaral Street in the vicinity of the proposed project, implementation of mitigation measure TRANS-1 would reduce the potential for the project to contribute to a cumulatively considerable impact to less than significant. Furthermore, the project would result in less than significant impacts on VMT, bicycle and pedestrian facilities, and transit. With implementation of mitigation measure TRANS-1, the project's contribution to a cumulatively considerable impact on transportation/traffic would be less than significant.

In summary, without mitigation, impacts on aesthetics, air quality, biological resources, cultural resources, and hazards and hazardous materials would be potentially significant. Implementation of mitigation measures BIO-1, BIO-2, CUL-1, CUL-2, CUL-3, HW-1, WQ-1, WQ-2, and TRANS-1 would reduce impacts to a less than significant level. Therefore, the proposed project's cumulative impacts would be ***less than significant with mitigation incorporated***.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Explanation: Project-related effects on human beings would be related to air quality and construction noise. As discussed in Section III, Air Quality, air quality impacts are less than significant, and as discussed in Section XIII, Noise, item a), potential noise impacts from construction would be less than significant with mitigation incorporated. Project-related effects on human beings are therefore ***less than significant with mitigation incorporated***.

REPORT PREPARATION

This Initial Study and Mitigated Negative Declaration was prepared by HELIX Environmental Planning, Inc. with support from the Union City Economic & Community Development Department.

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MITIGATION MEASURES

The mitigation measures listed below would reduce the severity of all potentially significant impacts to a less than significant level. The Mitigation Monitoring and Reporting Program, which includes the mitigation measure implementation responsibility, monitoring responsibility, and timing, is included as Appendix L to this Initial Study.

Air Quality

Mitigation Measure AQ-1: Prior to issuing construction permits, the City shall specify on all grading, building, and other construction permits for the project, implementation of the following Basic Construction Mitigation Measures:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.

- 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 the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- 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.

Biological Resources

Mitigation Measure BIO-1: Prior to any ground-disturbing or vegetation clearing and grubbing activities occurring during the avian breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities. The survey area shall include suitable raptor nesting habitat within 300 feet of the limits of disturbance (inaccessible areas outside of the project site can be surveyed from the site or from public roads using binoculars or spotting scopes). If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:

- A suitable buffer (e.g., 300 feet for raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted.

Mitigation Measure BIO-2: Prior to removal of existing trees in the project site, the applicant shall obtain a tree removal permit from the Union City Public Works Division. Replacement trees shall be planted if required as a condition of the tree removal permit.

Cultural Resources

Mitigation Measure CUL–1: The City shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.

Mitigation Measure CUL–2: In the event that cultural resources are exposed during ground-disturbing activities, construction activities should be halted in the immediate vicinity of the discovery. If the site cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards should then be retained to evaluate the find's significance under CEQA. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with the City.

Mitigation Measure CUL–3: The discovery of human remains is always a possibility during a project. If such an event did occur, the specific procedures outlined by the Native American Heritage Commission, in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, must be followed:

1. All excavation activities within 60 feet of the remains will immediately stop, and the area will be protected with flagging or by posting a monitor or construction worker to ensure that no additional disturbance occurs.

2. The project owner or their authorized representative will contact the Alameda County Coroner.

3. The coroner will have two working days to examine the remains after being notified in accordance with California Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American and are not subject to the coroner's authority, the coroner will notify NAHC of the discovery within 24 hours.

4. The Native American Heritage Commission will immediately notify the Most Likely Descendant, who will have 48 hours after being granted access to the location of the remains to inspect them and make recommendations for their treatment. Work will be suspended in the area of the find until the City approves the proposed treatment of human remains.

Energy

See AQ-1.

Geology and Soils

Mitigation Measure GEO–1: Recommendations identified in the geotechnical engineering investigation and other geotechnical studies for the project shall be applied to the final design and construction of the proposed project, as applicable and as considered by the project engineer.

Mitigation Measure GEO–2: If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology.

Hazards and Hazardous Materials

Mitigation Measure HAZ-1: The City shall ensure that grading plans, other improvement plans and building permits include a statement specifying that if hazardous materials contamination is discovered or suspected during construction activities, then all work shall stop immediately until the Union City Environmental Programs Division has determined an appropriate course of action. Such actions may include, but would not be limited to, site investigation, human health and environmental risk assessment, implementation of a health and safety plan, and remediation and/or site management controls. Any site investigation and recommendations for mitigation, as necessary, shall be completed by a qualified professional and submitted to the City.

Construction workers shall receive on-site training regarding the potential for previously unknown and/or residual soil or groundwater contamination to be present. Training shall be

conducted by a qualified professional in hazardous materials handling. The training shall identify the appropriate steps to be taken by the contractor upon discovery of potentially contaminated material.

In the event previously unknown and/or residual contaminated soil, groundwater, or subsurface features are encountered, work on-site shall cease immediately, and the applicant's contractor and/or qualified professional shall notify the Union City Planning and Environmental Programs Divisions.

Applicant shall make all required reports to regulatory agencies in the event that possible contamination is discovered. The Union City Environmental Programs Division shall be responsible for assessing the degree of compliance and the effectiveness of risk mitigation efforts required by regulatory agencies, and reporting to the planning Division whether risks have been satisfactorily abated in accordance with the requirements of this measure.

Activities that involve soil disturbance or that intercept groundwater shall not resume on the site until the Union City Environmental Programs Division has determined further work would not pose an unacceptable human health or environmental risk, based on documentation developed by the applicant's qualified professional and provided to the Union City Environmental Programs Division.

Hydrology and Water Quality

Mitigation Measure WQ–1: Prior to issuance of a grading permit, the project applicant shall submit a Stormwater Control Plan (SCP) in accordance with current construction and post-construction State Water Resources Control Board, Alameda Countywide Clean Water Program requirements, and the Municipal Regional Stormwater Permit for the project area for review and approval by the Union City Public Works Department. The SCP shall be implemented throughout project construction and project operation. The SCP shall include treatment measures and design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and to manage runoff flows. The SCP shall describe construction stormwater BMPs that will be implemented to minimize the migration of sediments off–site. Typical construction BMPs can include covering soil stockpiles, sweeping soil from streets or other paved areas, performing site-disturbing activities in dry periods, and planting vegetation or landscaping quickly after disturbance to stabilize soils. Other typical stormwater BMPs include

erosion-reduction controls such as hay bales, water bars, covers, sediment fences, protecting existing curb inlets with filter fabric and sand bags in the vicinity of the project, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds. The applicant shall also demonstrate that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the site, in compliance with the Municipal Regional Stormwater Permit or the applicant will be subject to payment of in-lieu fees.

The applicant shall execute and implement an operations and maintenance agreement with the City to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. The requirements stipulated in the O&M agreement shall apply to current and all future owners of the project. Prior to issuance of the certificate of occupancy, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual certificates of compliance with the requirements stipulated in the O&M agreement.

Mitigation Measure WQ–2: All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur unless approved erosion control measures are in place.

Transportation/Traffic

Mitigation Measure TRANS–1: Prior to the City of Union City and the City of Hayward issuing encroachment permits for the utility relocation and median improvements on Whipple Road, the Contractor shall prepare and submit to both Cities for approval a traffic control plan consistent with the requirements of the City in which the traffic control activities will occur during construction. In all instances, traffic flow through Whipple Road and Amaral Street shall be maintained for the duration of construction.