

Chevron/Power Market Project

Draft
Initial Study/Mitigated Negative Declaration

August 2024 | 03103.00007.001

Prepared for:

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

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ACRONYMS AND ABBREVIATIONS

AC Transit	Alameda-Contra Costa Transit District
ACFD	Alameda County Fire Department
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
AF	acre-feet
amsl	above mean sea level
APN	assessor's parcel number
BAAQMD	Bay Area Air Quality Management District
BACT	Best Available Control Technology
BART	Bay Area Rapid Transit
BCMM	Basic Construction Mitigation Measures
BMP	Best Management Practices
CA	California
CAAQS	California Ambient Air Quality Standards
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
CBSC	California Building Standards Code
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
CR	Zoning District – Retail Commercial
CO	carbon monoxide
CO ₂ e	carbon dioxide equivalents
CPA	Zoning District – Professional and Administrative Commercial
CUL	Zoning District – Union Landing Commercial
CUPA	Certified Unified Program Agency
dB	decibel
dBA	A-weighted decibel
DOC	California Department of Conservation
DPM	diesel particulate matter

ACRONYMS AND ABBREVIATIONS (cont.)

EIR	Environmental Impact Report
ESA	Environmental Site Assessment
EVR	Enhanced Vapor Recovery
FMMP	Farmland Mapping and Monitoring Program
General Plan	City of Union City 2040 General Plan
GHG	Greenhouse Gases
HELIX	HELIX Environmental Planning, Inc.
HVAC	heating, ventilation, and air conditioning
I-880	Interstate 880
IBC	International Building Code
IS	Initial Study
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
MND	Mitigated Negative Declaration
MRZ	Mineral Resource Zone
MT	metric ton
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
NWIC	Northwest Information Center
O&M	operations and maintenance
OPR	California Governor's Office of Planning and Research
PG&E	Pacific Gas and Electric
PM ₁₀	particulate matter 10 microns or less in diameter
PM _{2.5}	particulate matter 2.5 microns or less in diameter
PRC	Public Resources Code
project	Chevron/Power Market Project

ACRONYMS AND ABBREVIATIONS (cont.)

ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SCP	Stormwater Control Plan
SFBAAB	San Francisco Bay Area Air Basin
SFBRWQCB	San Francisco Bay Regional Water Quality Control Board
SHMA	California Seismic Hazards Mapping Act
SWPPP	Storm Water Pollution Prevention Plan
TAC	toxic air contaminant
UCMC	Union City Municipal Code
UCPD	Union City Police Department
USD	Union Sanitary District
UWMP	Alameda County Urban Water Management Plan 2020-2025
VMT	vehicle miles traveled
WMP	Waste Management Plan

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INITIAL STUDY INFORMATION SHEET

- 1. **Project title:** Chevron/Power Market Project
- 2. **Lead agency name and address:** City of Union City; 34009 Alvarado-Niles Road, Union City, CA 94587-4497
- 3. **Contact person and phone number:** Natalie Dean, AICP, Associate Planner (510) 675-5382
- 4. **Project location:** 31300 Alvarado-Niles Road, Union City, CA 94587
- 5. **Assessor’s Parcel Number (APN):** 463-0104-006-00
- 6. **Project sponsor’s name and address:** H&S Energy Products, LLC, LLC; 2860 North Santiago Boulevard – Suite 200, Orange, CA 92867
- 7. **Existing General plan designation:** Regional Retail Commercial (CRR)
- 8. **Existing Zoning:** Union Landing Commercial District (CUL,)

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1.0 INTRODUCTION

1.1 PURPOSE AND DOCUMENT ORGANIZATION

The City of Union City (City), as Lead Agency, has prepared this Initial Study to provide the general public and interested public agencies with information about the potential environmental impacts of the proposed Chevron/Power Market Project (project). This Mitigated Negative Declaration (MND) has been prepared in accordance with California Environmental Quality Act (CEQA), Public Resources Code (PRC) Section 21000 et seq., and the CEQA Guidelines, California Code of Regulations Section 15000 et seq. Details about the proposed project are included in Section 2.0 (Project Description) of this Initial Study.

CEQA requires that public agencies document and consider the potential environmental impacts of the agency's actions that meet CEQA's definition of a "project." Briefly summarized, a "project" is an action that has the potential to result in direct or indirect physical changes in the environment. A project includes the agency's direct activities as well as activities that involve public agency approvals or funding. Guidelines for an agency's implementation of CEQA are found in the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Provided that a project is not exempt from CEQA, the first step in the agency's consideration of its potential environmental impacts is the preparation of an Initial Study. The purpose of an Initial Study is to determine whether the project would involve significant environmental impacts, as defined by CEQA, and to describe feasible mitigation measures that would avoid or reduce any potentially significant environmental impacts to a level that is less than significant. If the Initial Study does not identify significant impacts, then the agency prepares a Negative Declaration. If the Initial Study notes potential significant impacts and identifies mitigation measures that would reduce these significant impacts to a level that is less than significant, then the agency prepares a Mitigated Negative Declaration. If a project involves significant impacts that cannot be readily mitigated, then the agency must prepare an Environmental Impact Report. The agency may also decide to proceed directly with the preparation of an Environmental Impact Report without an Initial Study.

The proposed project is a project as defined by CEQA and is not exempt from CEQA consideration. The City has determined that the project may have significant environmental impacts and therefore requires preparation of an Initial Study. This Initial Study describes the proposed project and its environmental setting, discusses the potential environmental impacts of the project, and identifies feasible mitigation measures that would avoid or eliminate significant environmental impacts or reduce them to a level that would be less than significant.

The purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to evaluate the potential environmental impacts of the proposed project. This document is divided into the following sections:

1.0 Introduction – This section provides an introduction and describes the purpose and organization of the document.

2.0 Project Description – This section discusses the proposed project in detail.

3.0 Environmental Factors Potentially Affected – This section identifies which environmental subject areas would be potentially affected by this project. Environmental subject areas with a check mark

indicate that the proposed project would result in a “Potentially Significant Impact” or “Less than Significant with Mitigation Incorporated” for that environmental subject area.

4.0 Determination – This section provides a determination if the project will or will not have a significant impact on the environment. This section determines if the appropriate CEQA document is a negative declaration, MND, EIR, or nothing further is required as the environmental impacts of the project were previously analyzed in a prior CEQA document, and potential significant impacts have been avoided or mitigated.

5.0 Environmental Initial Study Checklist – This section provides a description of the environmental setting and impact analysis for each of the environmental subject areas. Project impact analysis is provided in response to subject-specific questions for each environmental subject area, and an impact determination is made for each question. Impact determinations may be “no impact,” “less than significant impact,” “less than significant impact with mitigation incorporated,” or “potentially significant impact” in response to the questions included in the environmental checklist for each environmental subject area.

6.0 References – This section identifies documents, websites, people, and other sources consulted during the preparation of this Initial Study.

7.0 Initial Study Preparers – This section identifies who worked on this MND.

2.0 PROJECT DESCRIPTION

Pursuant to CEQA, this Initial Study evaluates the potential environmental impacts that could result from the demolition, reconstruction, and operation of a gasoline dispensing facility and convenience store in the City of Union City.

2.1 SITE LOCATION AND CONDITION

The 0.5-acre project site is located at 31300 Alvarado-Niles Road, Union City, CA at the northeast corner of the intersection of Alvarado-Niles Road and Union Landing Boulevard. The site is approximately 0.25 mile west of Interstate 880 (I-880) and is located on Assessor's Parcel Number (APN) 463-0104-006-00. Refer to Figures 1 and 2 in Appendix A for the project's location in the region.

The project site is situated on a corner lot with an existing convenience store, a Smog Check Test-and-Repair-certified smog check station, and retail gasoline distribution facility, with commercial land uses to the north, east, and west. There is an existing Shell gas station located to the south of the project site across Alvarado-Niles Road, with residential development beyond. There is also an existing Union Landing Transit Station located adjacent to the northern boundary of the project parcel and an existing iFly Indoor Skydiving Building located adjacent to the eastern boundary of the project parcel. Commercial offices and a hotel are located to the west of the project site across Union Landing Boulevard.

The existing project site slopes gently from north to south with elevations ranging from approximately 10 to 12 feet above mean sea level (amsl). Existing structures on the project site proposed for demolition include a 1,522-square-foot (SF) convenience store/smog check station and a 1,232-SF fueling canopy. An existing trash enclosure located immediately adjacent to the east of the existing convenience store would be removed. There are three (3) underground fuel tanks that would remain on site and would be emptied during demolition and construction. The two existing driveways on Alvarado-Niles Road as well as the existing driveway on the east side of Union Landing Road that provide access to the existing convenience store and gas station would remain in the same locations.

2.2 DESCRIPTION OF PROPOSED PROJECT

The project applicant, H&S Energy Products, LLC, is proposing to demolish the existing 1,232-SF gas station canopy and 1,522-SF convenience store/smog check station and build in its place a 2,875-SF solar canopy and 2,375-SF convenience store. Refer to Figure 3 in Appendix A for the site plan and Appendix B for the detailed project plans.

Gasoline Station and Convenience Store

A 2,875 SF solar canopy would be constructed over the four (4) existing fueling dispensers as part of the proposed project. The four (4) gasoline station islands would accommodate up to eight (8) total vehicles at a time. The height of the proposed solar canopy would be approximately 19 feet and 7 inches. Proposed excavation to construct the canopy would be to a depth of approximately three to five feet.

The convenience store building would be relocated to the northeast corner of the project parcel, such that the storefront would face the intersection of Alvarado-Niles Road and Union Landing Boulevard. The height of the new convenience store would be approximately 22 feet. The proposed convenience

store building would have exterior walls finished with a combination of stucco, wood tiling, stone veneered accent walls, and metal trimming. The building includes a sales floor area (1,436 SF), cashier area (140 SF), walk-in cooler (292 SF), utility and dry storage area (394 SF), and two gender neutral restrooms (58 SF each). The floor plan includes one entrance/exit into the convenience store.

This project would also relocate the trash enclosure from its current position immediately adjacent to the east side of the existing convenience store to a new location in the southeast portion of the project parcel.

The gas station and convenience store would operate 24 hours, seven (7) days a week with two to three employees per 8-hour shift. It is anticipated that up to two million gallons of fuel may be dispensed annually; the existing facility currently averages 130,000 gallons of combined gasoline and diesel throughput per month.

Access and Parking

This project proposes to remove the existing convenience store located along the northern boundary in the central portion of the parcel and to rebuild a new convenience store in the northeast corner of the parcel. This reconfiguration would ensure safe access and improved visibility to and from the project site for garbage trucks, pedestrians, fueling trucks, and fire trucks.

The two existing driveways on Alvarado-Niles Road as well as the existing driveway on the east side of Union Landing Boulevard would remain in the same locations as part of the proposed project. The existing pedestrian access point that leads to the transit station north of the proposed project would be closed, and a new pedestrian access point would be constructed directly west of the new convenience store to provide access to the transit station.

The project would include nine (9) parking spaces, including two (2) Americans with Disabilities Act (ADA) accessible spaces and two (2) electric vehicle charging stations. The ADA accessible parking spaces would be located closest to the convenience store entrance. A designated loading/unloading area would be located in the southwest portion of the parcel near the intersection of Union Landing Boulevard and Alvarado-Niles Road.. An air/water service for automobiles would also be provided between two proposed parking spaces along the northern boundary of the project site.

Landscaping

Landscaping for the proposed project would cover approximately 4,463 SF (20.4%) of the project site, while paved area would comprise approximately 14,853 SF (67.8%). The remaining square footage would be comprised of the 2,375-SF convenience store (10.8%) and the 213 SF trash enclosure area, including paving around the trash enclosure (1%). In summary, the project would result in approximately 17,441 SF of impervious surfaces (79.6%) and 4,463 SF of landscaped area (20.4%).

Ground cover would consist of Turkey Tangle (*Lippia nodiflora*) and would be placed in between the proposed convenience store and the parcel boundary, on either side of the proposed trash enclosure, along the sidewalk on the southern boundary of the parcel in between the two existing driveways, between the loading zone and the southwest boundary of the parcel, and immediately north of the proposed parking spaces. Approximately five (5) Gold Medallion (*Cassia leptophylla*) trees would be planted on the project site, with four being located in the landscaping area proposed immediately north of the designated parking areas, and one located immediately north of the proposed trash enclosure.

Other shrubs, including Blueberry Lily (*Dianella revoluta*), Blue Elf Aloe (*Aloe* x 'Blue Elf'), and Blue Chopsticks (*Senecio serpens*), would be incorporated throughout the planned groundcover area mentioned above. All landscaped areas would be irrigated with a timed irrigation system. Additionally, all landscaped areas would adhere to City requirements and the City's water efficient landscape codes and regulations as stated in Union City Municipal Code (UCMC) Chapter 18.112. The existing storm drain located adjacent to the northwest corner of the project site along Union Landing Boulevard would be retained.

Demolition and Construction Schedule

Construction of the gas station and convenience store with associated improvements would utilize standard construction equipment. Equipment used during project demolition and construction would vary and is expected to include, but not be limited to, excavators, bulldozers, dump trucks, backhoes, cranes, steam rollers, chippers, and various trucks and smaller vehicles. Additionally, hand-operated mechanical equipment such as chainsaws, drills, compactors, and similar tools may be used.

Demolition and construction is anticipated to begin as early as January 2025. Project construction activities would include demolition, site preparation, grading, excavation and installation of a foundation and plumbing, building construction, paving, and architectural coating (e.g., painting). The total construction period would be approximately 12 months. Additionally, there are three (3) underground fuel tanks that would remain on-site and would be emptied during demolition and construction.

Project demolition and construction hours would be limited to the allowable hours outlined in Section 9.40.053 of the UCMC and General Plan Policy S-8.8, which limit construction hours to between 8:00 a.m. to 8:00 p.m. Monday through Friday, between 9:00 a.m. and 8:00 p.m. on Saturdays, and between 10:00 a.m. to 6:00 p.m. on Sundays and holidays.

2.3 REQUIRED PERMITS AND APPROVALS

A listing and brief description of the approvals and/or regulatory permits required to implement the proposed project are provided below. This environmental document is intended to address the environmental impacts associated with the following discretionary actions and approvals.

City of Union City

- **General Plan Amendment:** The project site is designated Regional Retail Commercial (CRR) and the project applicant is seeking a redesignation to Retail Commercial (CR). The amendment also includes an update to Chapter 9: Special Areas to remove the site from Figure SA-12.1: Union Landing General Plan Land Use and Figure SA-12.2: Union Landing Commercial Development Type Sub-Areas. This amendment would also include an update to Chapter 3: Land Use to change the designation of the site on Figure LU-1.
- **Zoning Map Amendment:** The project site is zoned Union Landing Commercial (CUL), and the project applicant is seeking a rezone to Community Commercial (CC). Per UCMC 18.64.060, the Planning Commission will make a recommendation to the City Council who will make a decision based upon a finding that the change is necessary for the purposes of the zoning title; if the finding is made, the City Council will enact an ordinance amending the Zoning Map.

- **Site Development Review:** The project would require Site Development Review approval by the Union City Planning Commission, pursuant to Chapter 18.76 of the UCMC. The City Council decides whether to amend to Title 18, Zoning, and the General Plan, and as such, the City Council would make the final decision for the Site Development Review, and must make findings that the proposed project is in compliance with the City of Union City 2040 General Plan (General Plan) and UCMC Zoning Ordinance.
- **Use Permit Approval:** Per Section 18.36.030(B) of the UCMC, a Use Permit is required for new service stations with convenience 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 and Zoning Ordinance and would not be of detriment to surrounding properties.
- **Consideration of the Environmental Document:** The City of Union City will act as the Lead Agency as defined by CEQA and will have authority to determine if the environmental document is adequate under CEQA and the State CEQA Guidelines.
- **Project Approval:** The Union City Council will consider approval of the project and the entitlements described above.

3.0 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” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards and Hazardous Materials
<input checked="" type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Wildfire	<input checked="" type="checkbox"/> Mandatory Findings of Significance

4.0 DETERMINATION

On the basis of this initial evaluation:

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

Signature

Natalie Dean

Printed Name

Date

Carmela Campbell

For

5.0 ENVIRONMENTAL INITIAL STUDY CHECKLIST

The lead agency has defined the column headings in the environmental checklist as follows:

- A. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- B. “Less Than Significant with Mitigation Incorporated” applies where the inclusion of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” All mitigation measures are described, including a brief explanation of how the measures reduce the effect to a less than significant level. Mitigation measures from earlier analyses may be cross-referenced.
- C. “Less Than Significant Impact” applies where the project does not create an impact that exceeds a stated significance threshold.
- D. “No Impact” applies where a project does not create an impact in that category. “No Impact” answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project specific screening analysis).

The explanation of each issue identifies the significance criteria or threshold used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [CEQA Guidelines Section 15063(c)(3)(D)]. Where appropriate, the discussion identifies the following:

- a) Earlier Analyses Used. Identifies where earlier analyses are available for review.
- b) Impacts Adequately Addressed. Identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Incorporated,” describes the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is located in the western portion of the City of Union City. The topography of the project site is flat with an elevation ranging from approximately 10 to 12 feet amsl. The project site is developed with a gas station and convenience store/smog check station. The area in which the project is located is characterized by commercial development. I-880 is approximately 0.25-mile east of the project site. The project is bounded by Alvarado-Niles Road to the south, Union Landing Boulevard to the west, Union Landing Transit Center to the north, and commercial development to the east. The site borders the intersection of Alvarado-Niles Road and Union Landing Boulevard. There are no designated State scenic highways in Union City.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to aesthetics that apply to the proposed project.

STATE

California Scenic Highway Program

The California Scenic Highway Program, administered by the California Department of Transportation (Caltrans), was established in 1963 to preserve and protect the natural beauty of scenic highway corridors in the State. The Scenic Highway System includes a list of highways that have been designated as scenic highways as well as a list of highways that are eligible for designation as scenic highways. Local

jurisdictions can nominate scenic highways for official designation by identifying and defining the scenic corridor of the highway and adopting a Corridor Protection Program that includes measures that strictly limit development and control outdoor advertising along the scenic corridor.

California Building Standards Code

Title 24 of the CCR, also known as the California Building Standards Code (CBSC), is based on the International Building Code (IBC) used widely throughout the country. The CBSC has been modified for California conditions to include more detailed and/or more stringent regulations. Part 11 of the CBSC is the Green Building Standards Code, also known as CALGreen. Section 5.106.8 (Light Pollution Reduction) of the CALGreen Code includes standards and restrictions for outdoor lighting systems. The intent of this requirement is to minimize light pollution in an effort to maintain dark skies and to ensure that newly constructed projects reduce the amount of backlight, uplight, light, and glare from exterior light sources.

LOCAL

Union City 2040 General Plan

The City's 2040 General Plan includes the following Goals and Policies that apply to the proposed project:

Goal CD-2: Protect and enhance the visual and physical access to the hillsides, Baylands, and creeks.

Goal CD-3: To create distinct and attractive corridor environments along Union City's major roadways and transit lines.

Policy CD-2.4: Landscaped Open Space Required in New Development. The City shall require landscaped open space areas in new developments, including in commercial and industrial areas and along streets and trails. Specimen trees and significant stands of existing trees shall be protected to the extent possible in the design of new development.

Policy CD-3.2: Reinforce Alvarado-Niles Road as the Central Spine. The City shall reinforce Alvarado-Niles Road as Union City's "central spine" by implementing design concepts that reflect its civic importance and emphasizing continued streetscape investments, visible landmarks, and focal points.

Evaluation of Environmental Impacts

a) Have a substantial adverse effect on a scenic vista?

No Impact. No areas have been officially designated as scenic vistas by the City of Union City. While the 2040 General Plan does not officially designate any scenic vistas, the General Plan does describe the hillside areas, wetlands, and other open space areas on the edges of the City as scenic (Union City 2019).

The viewshed at the project site consists of a transit area immediately to the north with commercial buildings beyond, a gas station to the south with a residential neighborhood beyond, a tall, indoor skydiving building immediately east of the project site with a large commercial warehouse beyond, and a commercial center with large commercial buildings to the west across a four-way intersection. The hillside area, marshlands, and other open space areas discussed in the General Plan are not visible from the project site. Because there are no officially designated scenic vistas in the City and the proposed

project is not located in proximity to other areas considered scenic, the proposed project would have no impact on scenic vistas.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The proposed project would remove five trees and includes plans for the installation of at least five trees on the project as part of the landscape concept plan, as discussed in Section 5.IV, Biological Resources. No rock outcroppings or historic buildings are in the proposed project's viewshed. Because there are no state scenic highways in proximity to the project, there would be no impact.

Because there are no scenic resources or scenic highways near the project site, the proposed project would have no impact on scenic resources.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The project site is in an urbanized area with commercial uses to the north, east, and west, and commercial and residential uses to the south. The project site is currently zoned Union Landing Commercial District (CUL) and is seeking a zoning map amendment to Community Commercial (CC), which does not have zoning restrictions regarding scenic quality. The proposed building would be set back from the project boundaries which would reduce visibility from adjacent areas, and the proposed landscaping with trees and perimeter plantings would provide additional screening from adjacent properties. Based on the existing urbanized character of the surroundings and the proposed landscaping which includes visual screening, the proposed project is anticipated to have a less than significant impact on the existing visual character and quality of the site and its surroundings.

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Less than Significant Impact. Current sources of light and glare on the project site include exterior lighting of the existing gas station, convenience store, and smog check station. The proposed project would replace the existing gas station canopy and convenience store/smog check station with a gas station canopy and convenience store of similar size. Lighting would produce a similar amount of light and glare to what is currently present on the site, and there are no sensitive receptors located adjacent to the site. 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 signage 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 be finished with non-reflective storefront glazing. Based on the urbanized setting where outdoor lighting is common and the proposed project's conformance with City codes, the proposed project would have a less than significant impact on light and glare.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

No agricultural activities or timber management occur on or near the project site, and the project site is not zoned for those uses nor designated for those land uses in the General Plan. The California Important Farmland Finder Interactive Map prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (DOC) classifies the project site as urban and built-up land (DOC 2018). Urban and built-up land is defined by the California Department of Conservation as land occupied by structures or infrastructure with a building density of at least one unit to one and one-half acres, or approximately six structures to a 10-acre parcel.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to agriculture or forest resources that apply to the proposed project.

STATE

California Farmland Mapping and Monitoring Program

The FMMP was established in 1982 to provide data to decision makers to assist them in making informed decisions for the best utilization of California's farmland. Under the FMMP, the DOC is responsible for mapping, monitoring, and reporting on the conversion of the State's farmland to and from agricultural use. Important Farmland Maps are updated and released every two years. The following mapping categories, which are determined based on soil qualities and current land use information, are included in the FMMP: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, grazing land, urban and built-up land, other land, and water.

Williamson Act

The Williamson Act (California Land Conservation Act of 1965) was enacted as a means to protect agricultural uses in the State. Under the Williamson Act, local governments can enter into contracts with private landowners to ensure that specific parcels are restricted to agricultural and related open space uses. In return, landowners receive reduced property tax assessments. The minimum term for a Williamson Act contract is ten years, and the contract is automatically renewed for one-year terms unless the landowner files a notice of nonrenewal or a petition for cancellation. When a notice of non-renewal is filed, the annual tax assessment gradually increases over a ten-year period until it reaches the market value tax rate, at which time the contract is terminated. The landowner may also petition the local government to immediately cancel the contract. If the cancellation is approved, the landowner must pay a cancellation fee, and the property is thereafter taxed at its current market value.

Forest Land and Timberland

PRC Section 12220(g) defines Forest Land as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." PRC Section 4526 defines timberland as "land, other than land owned by the federal government, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees." Government Code Section 51104(g) defines Timberland Production Zone as "an area which has been zoned pursuant to [Government Code] Section 51112 or Section 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h)."

LOCAL

Union City 2040 General Plan

The City's General Plan includes the following policy related to agriculture and forestry:

Policy RC-1.1: Provide for a Variety of Open Spaces. The City shall provide a variety of open spaces including open space for public use and enjoyment and for the protection of agricultural uses including grazing, wildlife habitats, and scenic vistas.

Evaluation of Environmental Impacts

- 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?

No Impact. The project is mapped as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program and is not presently used for agricultural purposes (DOC 2018). The proposed project would have no impact on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is zoned Union Landing Commercial (CUL) and 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.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project site is not zoned forest land, timber land, or timberland zoned Timberland Production. As discussed under questions a) and b) above, the project site is zoned Union Landing Commercial (CUL). Therefore, the proposed project would have no impact on forest land, timber land, or timberland zoned Timberland Production.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is in an urbanized area and, as described under question c) above, it is not zoned forest land. The proposed project would have no impact on the loss or conversion of forest land to non-forest use.

- 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?

No Impact. The project would redevelop an existing gas station and convenience store/smog check station 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The project site is within the Southwestern Alameda County climatological subregion of the San Francisco Bay Area Air Basin (SFBAAB). The climate of the SFBAAB is dominated by a semi-permanent, subtropical high-pressure cell over the Pacific Ocean. This cell influences prevailing winds and results in condensation and the presence of fog and stratus clouds during the summer, and stormy conditions with moderate to strong winds, as well as periods of stagnation with very light winds during the winter. The high-pressure cell also creates two types of temperature inversions that may act to degrade local air quality.

Elevation inversions occur during the warmer months as ascending air associated with the Pacific high-pressure cell comes into contact with warmer air up the coastal hills. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions produce ozone, commonly known as smog.

Regulatory Context

Criteria Pollutants

Criteria pollutants are defined and regulated by state and federal law as a risk to the health and welfare of the public and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources including: carbon monoxide (CO); reactive organic gases (ROGs),

also known as volatile organic compounds (VOCs)¹; nitrogen oxides (NO_x); sulfur dioxide (SO₂); coarse particulate matter (PM₁₀); fine particulate matter (PM_{2.5}); and lead. Of these primary pollutants, CO, SO₂, PM₁₀, PM_{2.5}, and lead are criteria pollutants. ROG_s and NO_x are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. The principal secondary criteria pollutants are ozone (O₃) and nitrogen dioxide (NO₂).

Ground-level ozone is not emitted directly into the environment but is generated from complex chemical reactions between the precursor pollutant ROG_s (or non-methane hydrocarbons), and NO_x that occur in the presence of sunlight. PM₁₀ and PM_{2.5} are generated from a variety of sources, including road dust, diesel exhaust, fuel combustion, tire and brake wear, construction operations, and windblown dust. In addition, PM₁₀ and PM_{2.5} can also be formed through chemical and photochemical reactions of precursor pollutants in the atmosphere. Significant anthropogenic ROG, NO_x, PM₁₀, and PM_{2.5} sources in the SFBAAB include motor vehicles and other transportation sources; off-highway equipment used in construction, ports and airports; industrial activity; petroleum refineries; electrical power generation facilities, and agriculture.

Ambient air quality is described in terms of compliance with state and national standards, and the levels of air pollutant concentrations considered safe, to protect the public health and welfare. These standards are designed to protect people most sensitive to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The U.S. Environmental Protection Agency (USEPA) has established national ambient air quality standards (NAAQS) for criteria pollutants. As permitted by the Clean Air Act, California has adopted the more stringent California ambient air quality standards (CAAQS) and expanded the number of regulated air pollutant constituents.

The California Air Resources Board (CARB) is required to designate areas of the state as attainment, nonattainment, or unclassified for the ambient air quality standards. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once. The air quality attainment status of the SFBAAB is shown in Table 1 *San Francisco Bay Area Air Basin Attainment Status*.

Table 1
SAN FRANCISCO BAY AREA AIR BASIN ATTAINMENT STATUS

Pollutant	State of California Attainment Status	Federal Attainment Status
Ozone (1-hour)	Nonattainment	No Federal Standard
Ozone (8-hour)	Nonattainment	Nonattainment (marginal)
Suspended Particulate Matter (PM ₁₀)	Nonattainment	Attainment/Unclassified
Fine Particulate Matter (PM _{2.5})	Nonattainment	Nonattainment (moderate)
Carbon Monoxide (CO)	Attainment	Attainment/Unclassified
Nitrogen Dioxide (NO ₂)	Attainment	Attainment/Unclassified
Lead	Attainment	Attainment/Unclassified
Sulfur Dioxide (SO ₂)	Attainment	Attainment/Unclassified

¹ CARB defines and uses the term ROG_s while the USEPA defines and uses the term VOC_s. The compounds included in the lists of ROG_s and VOC_s and the methods of calculation are slightly different. However, for the purposes of estimating criteria pollutant precursor emissions, the two terms are often used interchangeably.

Pollutant	State of California Attainment Status	Federal Attainment Status
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard
Visibility Reducing Particles	Unclassified	No Federal Standard

Sources: CARB 2023a

The SFBAAB is currently in nonattainment for federal and state ozone and PM_{2.5} standards. The SFBAAB is in nonattainment for the state PM₁₀ standard. Concentrations of all other pollutants meet state and federal standards. The current air quality plan applicable to the project, 2017 Clean Air Plan: Spare the Air, Cool the Climate, was developed by the Bay Area Air Quality Management District (BAAQMD) to describe how the Air District will continue the progress toward attaining all state and national air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities (BAAQMD 2017).

Toxic Air Contaminants

Toxic air contaminants (TACs) 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. TACs can cause long-term health effects such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage, or short-term acute effects such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For carcinogenic TACs, there is no level of exposure that is considered safe and impacts are evaluated in terms of overall relative risk expressed as excess cancer cases per one million exposed individuals. Noncarcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis.

The California Health and Safety Code (Section 39655[a]) defines TAC as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.” All substances that are listed as hazardous air pollutants pursuant to subsection (b) of Section 112 of the CAA (42 United States Code Sec. 7412[b]) are designated as TACs. Under State law, the California Environmental Protection Agency (CalEPA), acting through CARB, is authorized to identify a substance as a TAC if it determines the substance is an air pollutant that may cause or contribute to an increase in mortality or an increase in serious illness, or that may pose a present or potential hazard to human health.

Diesel Particulate Matter

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). Almost all DPM is 10 microns or less in diameter, and 90 percent of DPM is less than 2.5 microns in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung. In 1998, the CARB identified DPM as a TAC based on published evidence of a relationship between diesel exhaust exposure and lung cancer and other adverse health effects. DPM has a significant impact on California’s population—it is estimated that about 70 percent of total known cancer risks related to air toxics in California are attributable to DPM emissions (CARB 2022a).

Asbestos Containing Material

Asbestos is a mineral fiber that naturally occurs in some rock and soil. Long-term exposure to airborne asbestos fibers has been linked to major health effects including lung cancer; mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and abdomen and heart; and asbestosis, a serious progressive, long-term, non-cancer disease of the lungs (USEPA 2019a). Because of its fiber strength and heat resistance, asbestos has been used in a variety of building construction materials for insulation and as a fire retardant, primarily in buildings constructed before 1979. Asbestos fibers may be released into the air by the disturbance of asbestos containing material (ACM) during renovation and demolition activities.

Gasoline Dispensing Facilities

Activities at gas stations can release TACs into the air, including the organic compounds benzene, toluene, and xylene. Other benzene emission sources include burning coal and oil, and motor vehicle exhaust. Acute (short-term) inhalation exposure of humans to benzene may cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, unconsciousness. Chronic (long-term) inhalation exposure of benzene has caused various disorders in the blood, including reduced numbers of red blood cells and aplastic anemia. Increased incidence of leukemia (cancer of the tissues that form white blood cells) has been observed in humans occupationally exposed to benzene. The USEPA has classified benzene as a known human carcinogen (USEPA 2012). Toluene and xylene are not considered carcinogens, but they can contribute to chronic and acute health conditions.

State regulations require all new gas stations to obtain an Authority to Construct (A/C) and a Permit to Operate (P/O) from the local air district. BAAQMD regulates gas stations through Regulation 8, Rule 7 *Gasoline Dispensing Facilities* which requires implementation, maintenance, and testing of the Best Available Control Technology (BACT) to minimize TAC emissions and resulting public health risks from the facility. Gas station BACT designs are regulated and certified by CARB and consist of vapor recovery systems to collect gasoline vapors that would otherwise escape into the atmosphere. Gasoline vapor emissions at gas stations 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 gas station. 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 during the storage of gasoline at a gas station. CARB regulations establish standards for the level of emissions control vapor recovery systems must achieve during the transfer and storage of gasoline.

Vapor recovery system performance standards for gas stations have become more stringent over the years. Since 2001, CARB has adopted several significant advancements as part of the enhanced vapor recovery (EVR) program. Phase I EVR, in accordance with California Executive Order VR-102, requires more durable and leak-tight components, along with an increased collection efficiency of 98 percent. Phase II EVR, in accordance with California Executive Order VR-204, includes three major advancements: (1) dispensing nozzles with less spillage and required compatibility with onboard refueling vapor recovery (ORVR) vehicles, (2) a processor to control the static pressure of the ullage, or vapor space, in the underground storage tank, and (3) an in-station diagnostic (ISD) system that provides warning alarms to alert a gas station operator of potential vapor recovery system malfunctions. Phase I EVR was fully implemented in 2005. Phase II EVR was fully implemented between 2009 and 2011 (CARB 2013). The project would be required to implement Phase I EVR and Phase II EVR systems (with an ISD system) meeting the latest CARB performance standards.

ORVR systems were phased in beginning with 1998 model year passenger vehicles, and are now installed on all passenger, light-duty, and medium-duty vehicles manufactured since the 2006 model year. When an ORVR vehicle is fueled, almost all the gasoline vapor displaced from the fuel tank is routed to a carbon canister in the vehicle fuel system. At the start of dispensing, a small portion of the vapor in the vehicle fuel tank may escape through the fill-pipe before the onboard system is fully engaged. Uncontrolled fill-pipe emissions from ORVR vehicles are approximately two orders of magnitude lower than the same emissions from vehicles without ORVR and are easily captured by Phase II vapor recovery systems (CARB 2013).

Existing Air Quality

The BAAQMD operates a network of ambient air monitoring stations throughout the SFBAAB. The air quality monitoring station closest to the project site is the Hayward-La Mesa Monitoring Station, approximately 4.3 miles northeast of the project site. The Hayward-La Mesa Station only monitors hourly ozone. Data for the other criteria pollutants were obtained from the San Jose-Jackson Street Monitoring Station, approximately 19.5 miles southeast of the project site. There are no monitoring stations in the SFBAAB for SO₂ or Lead. The ambient pollutant concentrations collected at the stations during the last 3 available years (2019 through 2021) are shown in Table 2 *Air Quality Monitoring Data*. The data indicates: exceedance of the state 1-hour standard on 2 days in 2019, 3 days in 2020, and 1 day in 2021; exceedance of the state 8-hour standard on 2 days in 2019, 5 days in 2020, and 3 days in 2021; exceedance of the federal 8-hour standard on 2 days in 2019, 4 days in 2020 and 3 days in 2021; exceedance of the PM₁₀ standards on 11.8 days in 2019; and exceedance of the federal PM_{2.5} standard on 12 days in 2020 and 1 day in 2021. Data for NO₂ showed no exceedances from 2019 through 2021.

Table 2
AIR QUALITY MONITORING DATA

Pollutant Standard	2020	2021	2022
<i>Ozone (O₃) Hayward Monitoring Station</i>			
Maximum 1-hour concentration (ppm)	0.116	0.097	0.098
Days above 1-hour state standard (0.09 ppm)	3	1	2
Maximum 8-hour concentration (ppm)	0.092	0.082	0.073
Days above 8-hour state standard (0.070 ppm)	5	3	2
Days above 8-hour federal standard (0.070 ppm)	4	3	2
<i>Respirable Particulate Matter (PM₁₀) San Jose Monitoring Station</i>			
Maximum 24-hour concentration (mg/m ³)	137.1	45.1	44.5
Measured Days above state standard (50 mg/m ³)	10	0	0
Measured Days above federal standard (150 mg/m ³)	0	0	0
<i>Fine Particulate Matter (PM_{2.5}) San Jose Monitoring Station</i>			
Maximum 24-hour concentration (mg/m ³)	120.5	38.1	36.2
Measured Days above federal standard (35 mg/m ³)	12	1	2
<i>Nitrogen Dioxide (NO₂) San Jose Monitoring Station</i>			
Maximum 1-hour concentration (ppb)	51.9	47.8	46.8
Days above state 1-hour standard (180 ppb)	0	0	0

Source: CARB 2023b

ppb = parts per billion; ppm = parts per million; µg/m³ = micrograms per cubic meter.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved and are referred to as sensitive receptors. CARB and the Office of Environmental Health Hazard Assessment (OEHHA) have identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, infants (including in utero in the third trimester of pregnancy), and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis (CARB 2005, OEHHA 2015).

Residential areas are considered sensitive receptors to air pollution because residents (including children and the elderly) tend to be at home for extended periods of time, resulting in sustained exposure to any pollutants present. Children and infants are considered more susceptible to health effects of air pollution due to their immature immune systems, developing organs, and higher breathing rates. As such, schools are also considered sensitive receptors, as children are present for extended durations and engage in regular outdoor activities.

The closest existing sensitive receptor to the project site is a single-family residence approximately 230 ft to the southwest. A single-family residential neighborhood is located southwest of the project site. The closest school is Alvarado Elementary School, located approximately 0.6 mile to the southwest of the project site.

Methodology

Criteria pollutant and precursor emissions for the project construction activities and long-term operation were calculated using the California Emissions Estimator Model (CalEEMod), Version 2022.1. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the California air districts. CalEEMod allows for the use of default data (e.g., emission factors, trip lengths, meteorology, source inventory) provided by the various California air districts to account for local requirements and conditions, and/or user-defined inputs. The model calculates emissions of CO, PM₁₀, PM_{2.5}, SO₂, and the ozone precursors ROG_s and NO_x. The calculation methodology and input data used in CalEEMod can be found in the CalEEMod User's Guide Appendices A, C, and D (CAPCOA 2022). The input data and subsequent construction and operation emission estimates for the proposed project are discussed below. CalEEMod output files for the project are included in Appendix C to this Initial Study.

Construction Emissions

As described above, construction emissions were assessed using CalEEMod, Version 2022.1. The construction analysis included modeling of emissions from the projected construction equipment that would be used during each construction activity, and emissions from the haul truck used to import or export earth and debris from the project site.

Construction input data for CalEEMod include, but are not limited to, (1) the anticipated start and finish dates of construction activity; (2) inventories of construction equipment to be used; (3) areas to be excavated and graded; and (4) volumes of materials to be exported from and imported to the project area. The analysis assessed maximum daily emissions from individual construction activities, including

demolition, site preparation, grading, building construction, paving, and architectural coating. Individual construction activity length was adjusted per construction schedule.

The project construction activities are anticipated to commence as early as January 2025 and last for approximately 12 months. Construction would require heavy equipment during demolition, site preparation, grading, excavation/foundations, building construction, and paving. Construction would include a 2,375 square-foot convenience store, 14,853 square feet of paved area and a 2,875-sf fuel canopy. Construction equipment estimates are based on CalEEMod defaults, with an excavator and a backhoe added for excavation, and a water truck added for dust suppression during all demolition and earth moving activities. Approximately 40 cubic yards of soil would be exported during construction, and no soil would be imported during site construction.

The modeled construction emissions assume implementation of the BAAQMD Basic Construction Mitigation Measures, specifically watering exposed areas twice per day. Construction trips and vehicle miles traveled (VMT) were adjusted for the anticipated construction schedule.

Operation Emissions

Operational impacts were estimated using CalEEMod, Version 2022.1, as described above. The project land uses were modeled as a 2,375 square-foot convenience store with 4,463 square feet of irrigated landscaping, and 14,853 square feet of paved surfaces. Operational sources of criteria pollutant and precursor emissions in CalEEMod include area, energy and mobile:

- **Area** – area sources include emissions from landscaping equipment, the use of consumer products, and the reapplication of architectural coatings for maintenance. Emissions associated with area sources were estimated using the CalEEMod default values for the project.
- **Energy** – The project would use electricity for lighting, heating and cooling. Electricity would be supplied by Pacific Gas and Electric (PG&E). Criteria pollutant and precursor emissions related to the generation of electrical power are emitted at the site of the generation facilities and are not included in the CalEEMod operation emissions. The project would be built without natural gas to comply with BAAQMD design guidelines. However, natural gas was included using CalEEMod defaults for modeling purposes and was modeled to ensure a conservative assessment of the proposed project. The CalEEMod default natural gas usage rates for convenience stores in Alameda County were used.
- **Mobile** – Operational emissions from mobile sources are associated with project-related vehicle trip generation and trip length. The CalEEMod default vehicle speeds, trip purposes, and distances were used for trip generation.

Significance Criteria

The final determination of whether or not a project has a significant effect is within the purview of the lead agency pursuant to CEQA Guidelines Section 15064(b). The BAAQMD has adopted thresholds which lead agencies can use to determine the significance of a development project's short-term construction and long-term operational pollutant emissions. The BAAQMD's 2022 thresholds of significance for criteria pollutant and precursors are shown in Table 3 BAAQMD *Significance Thresholds* (BAAQMD 2023). Refer to Section 5.VIII, *Greenhouse Gas Emissions* for a discussion of Greenhouse Gases (GHG) emissions.

**Table 3
BAAQMD SIGNIFICANCE THRESHOLDS**

Pollutant	Construction	Operation	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
Reactive Organic Gasses (ROG)	54	54	10
Nitrogen Oxides (NO _x)	54	54	10
Particulate Matter Exhaust (PM ₁₀)	82	82	15
Fine Particulate Matter Exhaust (PM _{2.5})	54	54	10
PM ₁₀ and PM _{2.5} Fugitive Dust	BMPs ¹	none	none
Local Carbon Monoxide (CO)	none	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Sulfur Oxides (SO _x)	none	none	none

Source: BAAQMD 2023a.

ppm = part per million; BMP = Best Management Practices

¹ For construction fugitive dust, rather than a numeric threshold BAAQMD recommends that lead agencies consider projects which implement the Basic Construction Best Management Practices to have a less than significant impact related to fugitive dust.

Evaluation of Environmental Impacts

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. 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's Clean Air Plan is the applicable air quality plan for the SFBAAB and Union City.

The project would be consistent with the General Plan land use designation of Retail Commercial. The proposed project would raze and rebuild an existing gas station and convenience store. As the project is upgrading an existing site, employment would not change significantly. Employment would be consistent with the General Plan and with the local and regional employment growth assumptions used in developing the 2017 Clean Air Plan (BAAQMD 2017). The project does not include any residential components and would not result in an increase in regional population. In addition, as described in impact discussion 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, 8 of the 10 Mobile Source Measures (MSMs), all 6 of the Land Use Measure (LUM)s, and all 4 Energy and Climate Measures (ECMS) from 2010 were carried forward into the 2017 plan (BAAQMD 2017). The MSMs 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). Therefore, the project would not conflict with or obstruct implementation of the 2017 Clean Air Plan and the impact would be less than significant.

- 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?

Less than Significant Impact with Mitigation. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, the potential for a project's individual emissions to contribute to existing cumulatively significant adverse air quality impacts is evaluated.

Construction Emissions

A project-specific analysis of construction emissions was completed using CalEEMod Version 2022.1, as described in the methodology description, above. The project's estimated construction emissions are shown below in Table 4 *Construction Criteria Pollutant and Precursor Emissions*. The emissions estimate assumes the 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.

Table 4
CONSTRUCTION CRITERIA POLLUTANT AND PRECURSOR EMISSIONS (POUNDS PER DAY)

Activity	ROG	NO _x	CO	SO _x	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Demolition	0.7	5.6	7.0	<0.1	0.2	0.2	<0.1	0.2
Site Preparation	0.6	5.4	6.6	<0.1	0.3	0.3	<0.1	0.3
Grading	1.3	12.2	11.8	<0.1	2.2	0.6	1.0	0.5
Excavation/Foundations	0.3	2.7	3.9	<0.1	<0.1	<0.1	<0.1	<0.1
Building Construction	0.7	5.4	8.9	<0.1	0.4	0.2	0.1	0.2
Paving	0.7	4.4	6.0	<0.1	0.2	0.2	<0.1	0.2
Architectural Coating	5.9	0.9	1.3	<0.1	<0.1	<0.1	<0.11	<0.1
Maximum Daily¹	5.9	12.2	11.8	<0.1	2.2	0.6	1.0	0.5
<i>BAAQMD Daily Thresholds</i>	<i>54</i>	<i>54</i>	<i>none</i>	<i>none</i>	<i>BMPs</i>	<i>84</i>	<i>BMPs</i>	<i>54</i>
Exceed Daily Threshold?	No	No	No	No	No	No	No	No

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

¹ Totals may not sum due to rounding.

As shown in Table 4, the project's construction emissions related to the criteria pollutants and precursors would not exceed the BAAQMD thresholds. Because the BAAQMD considers fugitive dust emissions to be significant if the BCMMs are not implemented, Mitigation Measure AQ-1 would require implementation of the BCMMs. Therefore, the project's construction emissions of criteria pollutants and precursors would be less than significant with mitigation.

Mitigation Measure AQ-1: Basin Construction Mitigation Measures

Prior to issuing construction permits, the City shall specify on all grading, building, and other construction permits for the project, implementation of the following Basin 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 miles per hour.
- 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.

Operational Emissions

Long-term operation of the project would result in emissions of criteria pollutants and precursors from mobile sources related to the use of vehicles for worker commute trips, customer trips and vendor trips; energy sources related to the use of propane for heating and hot water; and area sources such as the use of landscape maintenance equipment, cleaning products, and the re-application of architectural coatings for maintenance (e.g., painting).

A project-specific analysis of operational emissions and existing land use operational emissions was completed using CalEEMod Version 2022.1, as described in the methodology description, above. The project's estimated net change in operational emissions (project emissions minus existing use emissions) are shown below in Table 5, *Operation Criteria Pollutant and Precursor Emissions*.

Table 5
OPERATIONAL CRITERIA POLLUTANT AND PRECURSOR EMISSIONS (POUNDS PER DAY)

Category	ROG	NO _x	CO	SO _x	Fugitive PM ₁₀	Exhaust PM ₁₀	Fugitive PM _{2.5}	Exhaust PM _{2.5}
Mobile	4.9	4.7	40.3	0.1	9.3	<0.1	2.4	<0.1
Area	<.01	<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
Total Project Emissions ²	5.0	4.7	40.1	0.1	9.3	<0.1	2.4	<0.1
Existing Use Emissions	(3.2)	(3.0)	(25.9)	(<0.1)	(6.0)	(<0.1)	(1.5)	(<0.1)
Net Project Emissions²	1.8	1.7	14.4	<0.1	3.3	<0.1	0.9	<0.1
Threshold	54	54	None	None	None	82	None	54
<i>Threshold exceeded?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: CalEEMod; Thresholds BAAQMD 2022a.

¹ Maximum daily emissions of NO_x would occur during the winter. Maximum daily emissions of all other pollutant would occur during the summer or are not seasonally dependent.

² Totals may not sum due to rounding.

ROG = reactive organic gas; NO_x = nitrogen oxides; CO = carbon monoxide; SO_x = sulfur oxides; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = particulate matter 2.5 microns or less in diameter.

As shown in Table 5, 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 and impacts would be less than significant.

Impact Summary

With the implementation of Mitigation Measure AQ-1, the project would not 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 during either construction or operation. The impact would be less than significant with mitigation.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact.

Construction Local Emissions

Diesel Particulate Matter

Construction of the project would result in emissions of DPM from the use of construction equipment. The amount to which the receptors could be exposed, which is a function of concentration and duration of exposure, is the primary factor used to determine health risk. Current models and methodologies for conducting cancer health risk assessments are associated with longer-term exposure periods (typically 30 years for individual residents) and are best suited for evaluation of long duration TAC emissions with predictable schedules and locations. These assessment models and methodologies do not correlate well with the temporary and highly variable nature of construction activities.

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. Construction of the project would increase the fuel canopy area; however, the number of gas pumps would remain the same. Additionally, project-construction activities would occur in an area of less than 2 acres. 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 and the impact would be less than significant.

Asbestos Containing Material and Lead Based Paint

Asbestos dust and lead may be found in buildings constructed prior to 1979 when lead was used in paint and asbestos was used as a component of building materials such as walls, ceilings, insulation, or fireproofing. Demolition or renovation of existing structures erected prior to 1979 could result in the disturbance of ACMs and lead-based paint (LBP).

Airborne asbestos is regulated in accordance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) asbestos regulations. Federal and state regulations prohibit emissions of asbestos from demolition or construction activities. Following identification of friable ACMs, federal and state Occupational and Safety Health Administration (OSHA) regulations require that asbestos trained, and certified abatement personnel perform asbestos abatement and that all asbestos-containing materials removed from on-site structures must be hauled to a licensed receiving facility and disposed of under proper manifest by a transportation company certified to handle asbestos. Demolition of the existing structures would be subject to BAAQMD Regulation 11, Rule 2–Asbestos Demolition, Renovation, and Manufacturing, which regulates the safe handling and disposal of ACMs (BAAQMD 1998).

Section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants. In accordance with the state regulation, the BAAQMD must be notified prior to demolition or abatement activities. The USEPA's Lead Renovation, Repair and Painting Rule (RRP Rule) requires that firms performing renovation, repair, and painting projects that disturb LBP in structures built before 1978 have their firm certified by USEPA (or an authorized state), use certified renovators who are trained by USEPA-approved training providers, and follow lead-safe work practices. These regulations specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers or lead dust and require notice to federal and/or local government agencies prior to beginning demolition or renovation that could disturb ACM. Therefore, compliance with established regulations would ensure that potential impacts associated with ACM and LBP would be less than significant.

Operation Local Emissions

CO Hotspots

Vehicle exhaust is the primary source of 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, hotspots 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.

Existing Estimated Average Daily Traffic (ADT) Volumes for Alvarado-Niles Road is 13,900 for the back peak hourly and 14,300 for the ahead peak hour according to Caltrans. Back peak hour usually represents traffic south or west of the count location, while front peak hour usually represents traffic north or east of the county location (DOT 2017). The proposed project would raze and rebuild an existing gas station and convenience store and would therefore not significantly change the existing gas station/convenience store’s contribution to the ADT volume on Alvarado-Niles Road. All project-affected intersections would have peak-hour traffic volumes below the BAAQMD screening criteria of 44,000 vehicles per hour. Therefore, long-term operation of the project would not result in the exposure of sensitive receptors to substantial CO Hotspots and the impact would be less than significant.

Gasoline Dispensing Facilities

The proposed project would require authority to construct and a permit to operate for a gasoline dispensing facility from the BAAQMD. Toxic emissions from gas stations are proportional to the annual throughput of gasoline at the facility. The proposed project would increase the fuel canopy area from 1,232 SF to 2,875 SF. However, the location of the new fuel canopy area would be approximately the same as the existing area. Additionally, the existing eight (8) fueling pumps would remain as part of the proposed project, and there would be no increase in pumps. Therefore, there would be no increase in permitted gasoline throughput for the proposed 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 gas stations through Regulation 8, Rule 7 *Gasoline Dispensing Facilities* which requires implementation, maintenance

and testing of the Best Available Control Technologies (BACTs) to minimize TAC emissions and resulting public health risks from the facility. The BACTs for gas stations are vapor recovery systems to collect gasoline vapors that would otherwise escape into the atmosphere. Gasoline vapor emissions at gas stations are controlled in two phases (EVR Phase I and Phase II). Phase I vapor recovery collects vapors displaced from Underground Storage Tanks (USTs) when a cargo tank truck delivers gasoline to a gas station. 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 gas station. CARB regulations establish standards for the level of emissions control vapor recovery systems must achieve during the transfer and storage of gasoline.

Therefore, as the project would not alter the number of existing pumps, long-term operation of the proposed gas station and convenience store would not result in the exposure of sensitive receptors to substantial TAC concentrations. The impact would be less than significant.

Impact Summary

The project would not expose sensitive receptors to substantial pollutant concentrations, including DPM, asbestos, lead or benzene and the impact would be less than significant.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Heavy diesel equipment could generate odors during construction activities. 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. The proposed project would increase the fuel canopy area from 1,232 SF to 2,875 SF. However, the location of the new fuel canopy area would be approximately the same as the existing area. Additionally, the existing eight (8) fueling pumps would remain as part of the proposed project, and there would be no increase in pumps. Therefore, once operational, the project would not be a significant source of odors or other emissions. Due to the short duration of construction activity near any individual residence and due to the project not alternating existing pumps on the site, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and the impact would be less than significant.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Regulatory Setting

Federal Requirements

Federal Endangered Species Acts

The United States Fish and Wildlife Service (USFWS) enforces the provisions stipulated in the Federal Endangered Species Act of 1973 (FESA, 16 USC Section 1531 et seq.). Species identified as threatened or endangered (50 CFR Section 17.11, and 17.12) are protected from take, which is defined as direct or indirect harm, unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Pursuant to the requirements of the FESA, an agency reviewing a proposed project within its jurisdiction must determine whether any federally listed species may be present on the project site

and determine whether the proposed project will have a potentially significant impact on them. Under the FESA, habitat loss is considered to be a potential impact to a species. In addition, the USFWS is required to determine whether the project is likely to jeopardize the continued existence of any species that is proposed for listing under the FESA or to result in the destruction or adverse modification of critical habitat proposed to be designated for such species (16 USC 1536[3], [4]). Therefore, project related impacts to those species or their habitats would be considered significant and would require mitigation. Other federal agencies designate species of concern (species that have the potential to become listed), that are evaluated during environmental review although they are not otherwise protected under the FESA. Impacts to those species or their habitats would likewise be considered significant and would require mitigation.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 established federal responsibilities for the protection of nearly all species of birds, their eggs, and nests. The Migratory Bird Treaty Reform Act of 2004 further defined species protected under the act and excluded all non-native species. Section 16 U.S.C. 703–712 of the Act states “unless and except as permitted by regulations, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill” a migratory bird. A migratory bird is any species or family of birds that live, reproduce or migrate within or across international borders at some point during their annual life cycle. Currently, there are 836 migratory birds protected nationwide by the MBTA, of which 58 are legal to hunt. The U.S. Court of Appeals for the 9th Circuit (with jurisdiction over California) has ruled that the MBTA does not prohibit incidental take (952 F 2d 297 – Court of Appeals, 9th Circuit 1991).

State Requirements

California Endangered Species Act

The California Endangered Species Act (CESA; California Fish and Game Code Section 2050 to 2097) is similar to the FESA. The California Fish and Game Commission is responsible for maintaining lists of threatened and endangered species under the CESA. CESA prohibits the take of listed and candidate (petitioned to be listed) species. “Take” under California law means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch capture, or kill (California Fish and Game Code Section 86). The California Department of Fish and Wildlife (CDFW) can authorize take of a state-listed species under Section 2081 of the California Fish and Game Code if the take is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, funding is ensured to implement and monitor mitigation measures, and CDFW determines that issuance would not jeopardize the continued existence of the species. A CESA permit must be obtained if a project will result in the take of listed species, either during construction or over the life of the project. For species listed under both the FESA and the CESA requiring a Biological Opinion under Section 7 of the FESA, CDFW may also authorize impacts to CESA species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

California Code of Regulations and California Fish and Game Code

The official listing of endangered and threatened animals and plants is contained in the California Code of Regulations Title 14 Section 670.5. A state candidate species is one that the California Fish and Game Code has formally noticed as being under review by CDFW for inclusion on the state list pursuant to Sections 2074.2 and 2075.5 of the California Fish and Game Code.

Legal protection is also provided for wildlife species in California that are identified as “fully protected animals.” These species are protected under Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fishes) of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species at any time. CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by these species. CDFW has informed non-federal agencies and private parties that they must avoid take of any fully protected species. However, Senate Bill 618 (2011) allows CDFW to issue permits authorizing the incidental take of fully protected species under the CESA, so long as any such take authorization is issued in conjunction with the approval of a Natural Community Conservation Plan that covers the fully protected species (California Fish and Game Code Section 2835).

California Environmental Quality Act

Under CEQA (Public Resources Code Section 21000 et seq.), lead agencies analyze whether projects would have a substantial adverse effect on a candidate, sensitive, or special-status species (Public Resources Code Section 21001(c)). These “special-status” species generally include those listed under the FESA and the CESA, and species that are not currently protected by statute or regulation, but would be considered rare, threatened, or endangered under the criteria included in the State CEQA Guidelines Section 15380. Therefore, species that are considered rare are addressed regardless of whether they are afforded special protection through any other statute or regulation. CDFW, in consultation with the California Native Plant Society (CNPS), assigns a California Rare Plant Rank (CRPR) to native species according to rarity; plants with a CRPR of 1A, 1B, 2A, 2B, or 3 are generally considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, State CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare if it can be shown to meet certain specified criteria. Those criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code Section 1900-1913) empowers the Fish and Game Commission to list native plant species, subspecies, or varieties as endangered or rare following a public hearing. To the extent that the location of such plants is known, CDFW must notify property owners that a listed plant is known to occur on their property. Where a property owner has been so notified, the owner must notify CDFW at least 10 days in advance of any change in land use (other than changing from one agricultural use to another), in order that CDFW may salvage listed plants that would otherwise be destroyed. Currently, 64 taxa of native plants have been listed as rare under the act.

Nesting and Migratory Birds

California Fish and Game Code Subsections 3503 and 3800 prohibit the possession, take, or needless destruction of birds, their nests, and eggs, and the salvage of dead nongame birds. California Fish and

Game Code Subsection 3503.5 protects all birds in the orders of Accipitriformes, Falconiformes, and Strigiformes (birds of prey). Fish and Game Code Subsection 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA. The Attorney General of California has released an opinion that the Fish and Game Code prohibits incidental take.

Local Requirements

Trees

Section 12.16.170, Tree Conservation, of the Union City Municipal Code Chapter 12.16, Trees, Shrubs, and Plants, indicates that tree preservation is necessary for the health and welfare of the citizens of the city. Furthermore, trees preserve scenic beauty, prevent the erosion of topsoil, protect against flood hazards and landslides, counteract pollutants in the air, maintain the climatic balance, decrease wind velocities, and contribute greatly to the value of land in the city. It is the intent of the City of Union City to limit the removal of significant trees within the city in order to retain as many trees as possible consistent with the purpose of the municipal code sections and the reasonable economic enjoyment of private property.

Trees that are protected by Union City Municipal Code Section 12.16.170 are as follows:

- a. All trees that have a trunk circumference of 35 inches or more or, in the case of multi-trunk trees, a total trunk circumference of 70 inches or more where such trees are located on residential property;
- b. All trees that have a trunk circumference of 12 inches or more when removal relates to any transaction for which zoning approval or subdivision approval is required;
- c. Any tree that existed at the time of zoning approval or subdivision approval that was the specific subject of such approval or otherwise covered by paragraph (b) of this subdivision;
- d. Any tree that was required to be planted by the terms of a zoning approval or subdivision approval;
- e. All trees that have a trunk circumference of 12 inches or more and are located on a vacant lot or undeveloped property; and
- f. All trees that have a trunk circumference of 12 inches or more and are located on developed commercial, office, or industrial property.

Tree circumference is measured 3 feet above the ground (Union City Municipal Code Section 12.16.170-B3). Union City Municipal Code Section 12.16.170-C states that it is unlawful for any person to trim or remove a tree that is covered by the section without a tree removal permit, with exceptions related to orchard trees, trees that are hazardous or dangerous to life or property, or orders from the Director of Public Works. As a condition for granting a permit, the Director of Public Works may require an in-lieu fee if the required number of replacement trees cannot be accommodated onsite.

Jurisdictional Waters

Clean Water Act

On May 25, 2023, the United States Supreme Court issued a decision in the case of *Sackett v. Environmental Protection Agency* (Supreme Court of the United States, 2023) which will ultimately influence how federal waters are defined. The May 25, 2023 Supreme Court decision in *Sackett v. Environmental Protection Agency* determined that “the Clean Water Act (CWA) extends to only those ‘wetlands with a continuous surface connection to bodies that are “waters of the United States” in their own right,’ so that they are ‘indistinguishable’ from those waters.” The U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) issued a final rule to replace the 2023 rule that amends the Revised Definition of “Waters of the U.S.” to conform key aspects of the regulatory text to the U.S. Supreme Court’s May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*.

Unless considered an exempt activity under Section 404(f) of the Federal Clean Water Act, any person, firm, or agency planning to alter or work in “waters of the U.S.” including the discharge of dredged or fill material, must first obtain authorization from the USACE under Section 404 of the Clean Water Act (CWA; 33 USC 1344). Permits, licenses, variances, or similar authorization may also be required by other federal, state, and local statutes. Section 10 of the Rivers and Harbors Act prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from USACE (33 USC 403). Activities exempted under Section 404(f) are not exempted within navigable waters under Section 10.

The Clean Water Act (33 United States Code (USC) 1251-1376) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters.

Section 401 requires that an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the U.S. obtain a state certification that the discharge complies with other provisions of CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California and may require State Water Quality Certification before other permits are issued.

Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the U.S.

Section 404 establishes a permit program administered by USACE that regulates the discharge of dredged or fill material into waters of the U.S. (including wetlands). Implementing regulations by USACE are found at 33 CFR Parts 320-332. The Section 404 (b)(1) Guidelines were developed by the USEPA in conjunction with USACE (40 CFR Part 230), allowing the discharge of dredged or fill material for non-water dependent uses into special aquatic sites only if there were no practicable alternative that would have less adverse impacts.

Regional Water Quality Control Board

Any action requiring a CWA Section 404 permit, or a Rivers and Harbors Act Section 10 permit, must also obtain a CWA Section 401 Water Quality Certification. The State of California Water Quality Certification (WQC) Program was formally initiated by the State Water Resources Control Board (SWRCB) in 1990 under the requirements stipulated by Section 401 of the Federal Clean Water Act. Although the Clean Water Act is a Federal law, Section 401 of the CWA recognizes that states have the primary authority and responsibility for setting water quality standards. In California, under Section 401, the State and

Regional Water Boards are the authorities that certify that issuance of a federal license or permit does not violate California's water quality standards (i.e., that they do not violate Porter-Cologne and the Water Code). The WQC Program currently issues the certification for discharges requiring USACE permits for fill and dredge discharges within Waters of the United States, and now also implements the State's wetland protection and hydromodification regulation program under the Porter Cologne Water Quality Control Act.

On May 28, 2020, the SWRCB implemented the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) for inclusion in the forthcoming Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California (SWRCB 2019). The Procedures consist of four major elements:

- I. A wetland definition;
- II. A framework for determining if a feature that meets the wetland definition is a water of the state;
- III. Wetland delineation procedures; and
- IV. Procedures for the submittal, review, and approval of applications for Water Quality Certifications and Waste Discharge Requirements for dredge or fill activities.

Under the Procedures and the State Water Code (Water Code §13050(e)), "Waters of the State" are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." "Waters of the State" includes all "Waters of the U.S."

More specifically, a wetland is defined as: *"An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."* The wetland definition encompasses the full range of wetland types commonly recognized in California, including some features not protected under federal law, and reflects current scientific understanding of the formation and functioning of wetlands (SWRCB 2019).

Unless excluded by the Procedures, any activity that could result in discharge of dredged or fill material to Waters of the State, which includes Waters of the U.S. and non-federal Waters of the State, requires filing of an application under the Procedures.

California Department of Fish and Wildlife

CDFW is a trustee agency that has jurisdiction under Section 1600 *et seq.* of the California Fish and Game Code. Under Sections 1602 and 1603, a private party must notify CDFW if a proposed project will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of streambeds...except when the department has been notified pursuant to Section 1601." Additionally, CDFW asserts jurisdiction over native riparian habitat adjacent to aquatic features, including native trees over four inches in diameter at breast height. If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures. Generally, CDFW recommends submitting an application for a Streambed Alteration Agreement (SAA)

for any work done within the lateral limit of water flow or the edge of riparian vegetation, whichever is greater.

Methodology

A biological resource and arborist survey was conducted within the project footprint on April 19, 2023, by HELIX International Society of Arboriculture (ISA) certified Tree Risk Assessment Qualification (ISA TRAQ) arborist Marisa Brilts (WE-13338A). Biological resources were evaluated based on field reconnaissance of the site and analysis of publicly available data.

HELIX queried the California Natural Diversity Database and the California Native Plant Society Inventory of Rare and Endangered Plants for lists of special-status species recorded in the U.S. Geological Survey "Newark, CA" 7.5-minute quadrangle map and the eight surrounding quads. HELIX also queried the U.S. Fish and Wildlife Service Information for Planning and Consulting for species potentially affected by the project. Database queries returned a total of sixty-three plants, twelve invertebrates, three fishes, five amphibians, four reptiles, twenty-six birds, and eleven mammals. The results of the queries are presented in Appendix D along with analysis of the potential for each species to occur in the project site based on the species' geographic range and ecology. The CEQA Appendix G checklist items for potentially significant impacts to biological resources are outlined below.

Evaluation of Environmental Impacts

- 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?

Less Than Significant Impact with Mitigation Incorporated. Biological resources were evaluated based on field reconnaissance of the site and analysis of publicly available data. None of the regionally occurring special-status species plants have the potential to occur in the project site due to a lack of suitable habitats. No listed invertebrates, fishes, amphibians, reptiles, or mammals have the potential to occur in the project site based on the species' geographic range and ecology and the developed nature of the project site.

The project site provides suitable nesting habitat for native birds that are protected by the federal Migratory Bird Treaty Act and California Fish and Game Codes. Wildlife observed during the biological reconnaissance included native birds common in urban environments such as Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), American robin (*Turdus migratorius*), Brewer's blackbird (*Euphagus cyanocephalus*), red-tailed hawk (*Buteo jamaicensis*), and American crow (*Corvus brachyrhynchos*).

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 the project site could result in nest abandonment. Mitigation Measure BIO-01 would be implemented to avoid and minimize impacts to nesting birds. With implementation of Mitigation Measure BIO-01, potential impacts to special-status species and nesting birds would be reduced to less than significant and no additional mitigation measures would be required.

Mitigation Measure BIO-01: Avian Nesting Surveys

If project (construction) ground-disturbing and grubbing activities commence 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 500 feet of the project boundary (inaccessible areas outside of the project site can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project activities have been continuous prior to February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season must be re-surveyed prior to resumption of project activities. 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., typically 300-500-feet for raptors; and 50-100-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.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No impact. No riparian habitats, sensitive natural communities, or other protected habitats are located on or adjacent to the project site. Therefore, no impact to these natural communities would occur.

- 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?

No impact. No riparian habitat or wetlands occur within or immediately adjacent to the project site. As such, no impacts to federally or state protected wetlands as defined by Section 404 of the Clean Water Act are anticipated, and no mitigation would be necessary.

- 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?

Less Than Significant Impact with Mitigation Incorporated. Potential nesting habitat is limited on the project site; however, the proposed project includes removal of vegetation that provides potential nesting habitat for native birds. Project construction activities would potentially result in impacts to nesting birds if construction of the proposed project commences during the typical nesting period for migratory birds. Construction activities and construction-related disturbance (noise, vibration, and increased human activity) could adversely affect these species if they were to nest in or adjacent to the project area. Potential effects include physical destruction of nests by construction equipment and/or nest abandonment. Mitigation Measure BIO-01 would be implemented to avoid and minimize impacts

to nesting birds. With implementation of Mitigation Measure BIO-01, potential impacts to native resident wildlife species and nesting birds would be reduced to less than significant, and no additional mitigation measures would be required.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. A total of twenty-two trees were identified on the project site at the time the arborist survey was conducted. The condition of the trees ranged from good to fair. Tree species present included six American sycamores (*Platanus occidentalis*), four crape myrtles (*Lagerstroemia indica*), two California fan palms (*Washingtonia filifera*), nine Chinese pistache (*Pistacia chinensis*), and one olive (*Olea* sp.). Of the twenty-two trees identified, the project would remove eight trees (tree tag numbers #35, #37, #38, #39, #40, #45, #51, and #57) which include one Chinese pistache, one olive, two California fan palms, two American sycamores, and two crape myrtles. The project may also minimally impact an additional six trees due to the placement of new landscaping within the dripline of the trees. Details regarding the location and condition of the trees in the project site are provided in Appendix E.

City Municipal Code Section 12.16.170 (Tree Conservation) regulates the removal of trees meeting certain criteria. Of the eight trees to be removed, four trees meet the City Municipal Code Section 12.16.170 (Tree Conservation) criteria for protected trees because their trunks have a circumference greater than 12 inches and they would be removed as part of a project. The four trees include tree tag (#35) American sycamore, tree tag (#38) California fan palm, tree tag (#51) California fan palm, and tree tag (#57) olive.

The project will comply with the City's tree ordinance and mitigation requirements. Prior to removal of the four protected trees, the project applicant will apply for a tree removal permit from the City. The application will specify the location of the trees which are to be removed and indicate the method of removal. As a condition for granting a permit, the deciding official or deciding body may require one or more replacement trees of a species and size designated by the Director of Public Works to be planted on public or private property. The landscape plan for the proposed project includes the planting of six sweet bay (*Laurus nobilis*) to be planted onsite. The six trees proposed as part of the project may provide appropriate replacement for the trees removed by the project consistent with City requirements. The project applicant will comply with the requirements of the permit. Because the project would comply with the City's Tree Conservation Ordinance, the impact would be less than significant.

- 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?

No Impact. There is no adopted Habitat Conservation Plan/ Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan applicable to the project site.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The discussion below is based on a cultural records investigation conducted by HELIX that included a Native American Heritage Commission (NAHC) Sacred Lands File (SLF) search, a records search at the Northwest Information Center (NWIC), a site visit to photo document the site, and a historic evaluation narrative. For information about tribal consultation under CEQA (AB 52), please see Section 5.XVIII Tribal Cultural Resources.

Environmental Setting

Study Area

The cultural resources study area for the proposed project is defined as the geographic area where project activities may directly or indirectly cause changes in the character or use of historic properties of archeological buildings, structures, objects, or features that are 45 years or older. The study area for the project includes approximately 0.5 acre in Union City, California, at the intersection of Alvarado-Niles Road and Union Landing Road.

Methodology

On October 20, 2022, HELIX requested a records search of the California Historical Resources Information System, NWIC at California State University, Sonoma. The records search encompassed the 0.5-acre study area and surrounding 0.25-mile area. The objective of the records search was to identify (1) prior cultural resource investigations completed in or near the Project area; and (2) prehistoric or historical resources previously documented in the project area and within 0.25 mile of project area. Sources consulted included reports of previous studies, cultural resource records (Department of Parks and Recreation [DPR] 523-series forms), historical USGS topographic maps, and the Historic Properties Directory of the Office of Historic Preservation to identify National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) eligible or listed resources. The California Points of Historical Interest, California Historical Landmarks, and local Union City cultural resource inventory listings were reviewed to identify historical resources within the project area.

On November 7, 2022, HELIX requested a search of the NAHC SLF to identify recorded locations of Native American sacred sites or human remains within the Project area. On December 14, 2022, HELIX

mailed letters requesting information pertaining to the project area to Native American representatives identified by the NAHC. A historic resources evaluation was conducted by HELIX's Senior Architectural Historian, Teri Delcamp, who meets Secretary of the Interior standards for professional archaeology on January 10, 2023.

Records Search Findings

The NWIC records search identified two prior cultural resource studies conducted within the project area, including the *Cultural Resources Evaluation for the Dyer Street, Triangle/Starr Center Mall Project*; and *Historic Property Survey Report for Route I-880/Alvarado Niles Interchange Project*. The NWIC identified no previously recorded resources within the project area or the 0.25-mile radius. No prehistoric cultural resources were identified in the NWIC records search.

Native American Outreach

On December 2, 2022, HELIX received a written response from the NAHC which stated that the SLF record search had positive results. The letter recommended communication with eleven (11) local Native American representatives who might be able to supply further information related to the Project area. HELIX sent letters to the following 11 tribal representatives on December 14, 2022:

- Irene Zwierlein, Chairperson; Amah Mutsun Tribal Band of Mission San Juan Bautista
- Tony Cerda, Chairperson; Costanoan Rumsen Carmel Tribe
- Anne Marie Sayers, Chairperson; Indian Canyon Mutsun Band of Costanoan
- Kanyon Sayers-Roods, MLD Contact; Indian Canyon Mutsun Band of Costanoan
- Monica Arellano, Vice Chairwoman; Muwekma Ohlone Indian Tribe of the SF Bay Area
- Katherine Perez, Chairperson; North Valley Yokuts Tribe
- Timothy Perez, North Valley Yokuts Tribe
- Desiree Vigil, Tribal Historic Preservation Officer; The Ohlone Indian Tribe
- Andrew Galvan, Chairperson; The Ohlone Indian Tribe
- Kenneth Woodrow, Chairperson; Wuksache Indian Tribe/ Eshom Valley Band
- Corrina Gould, Chairperson; The Confederated Villages of Lisjan

As of August 2024, no responses were received to information request letters mailed by HELIX on December 14, 2022. For information about tribal consultation under CEQA pursuant to the requirements of AB 52, please see Section 5.XVIII Tribal Cultural Resources.

Historic Context

Alvarado, Decoto, and Union City

In 1851, John Horner built a landing on a large bend on Alameda Creek. He created a town and called it Union City after his steamship named Union. Around the same time Henry C. Smith also founded a town east of the City along a bend on Alameda Creek called New Haven. Eventually the two towns merged and was renamed Alvarado, after the Mexican Governor of California, Juan B. Alvarado. Alameda County was created in 1853, and Alvarado was named the County seat and was considered the hub of Alameda County. Eventually the County seat was moved to San Leandro due to consistent flooding events on Alameda Creek (Swenson 2008).

The town of Alvarado thrived as an agricultural community in the late nineteenth century. Its major economy was agriculture. Produce was shipped directly by boat to the fast-growing City of San Francisco across the bay. Eventually larger agricultural factories were founded in Alvarado including a sugar beet factory, the first in the United States, and various salt works. When the South Pacific Coast Railroad was built through Alvarado, a spur was created for the sugar beet factory which further grew the business. Eventually Alameda Creek silted and was no longer utilized for shipping (Swenson 2008).

Chinese and Portuguese were early immigrants to Alvarado. They would be the primary workforce for the sugar beet factory and local farms. A Chinatown was once located along the northside of Smith Street. Sometime in the 1920s, local citizens burned down the buildings and forced the Chinese to relocate to Oakland (Swenson 2008). From 1900 to 1930, the Portuguese represented the largest ethnic group; the 1910 and 1920 census records indicate nearly half of all people in Alvarado were Portuguese (Swenson 2012a). The trend was also the same within the larger Washington Township and some of the East Bay (Swenson 2012b).

In 1857, three brothers – Ezra, Adolphus and John Decoto – were attracted to California by the promise of the gold rush and sailed into San Francisco Bay. After hearing of the possibility of a railroad coming to the area, the brothers purchased 334 acres of land in Niles Canyon. Eventually, the transcontinental railroad was built and the Central Pacific Railroad bought back 234 acres of the land and platted the town of Decoto. At the corner of 10th and I Streets is a local market originally serving as a saloon starting in 1897 and converted to a market in 1901. The market served residents and housed the post office and the first telephone exchange in the first decades of the 20th century (Swenson 2012b).

By 1907, Decoto was still a growing town with many lots available for housing but used for other purposes. Real estate promoters chartered a train that year to bring potential buyers from San Francisco and Oakland, entertaining guests with a luncheon and reception. The train fare was subtracted from the cost of a purchased lot, and over 300 lots were reported to have been sold that day (Wilson n.d.). With its proximity to the railroad and abundance of local produce, several canneries were established in Decoto in the early 20th century, allowing shipment across the country (Figure 3). In 1938, Pacific States Steel was the largest employer in Decoto (Swenson 2008).

Alvarado and Decoto were neighboring towns from 1870 until 1959. A Citizens' Committee, led by Tom Kitayama, formed in 1959 to petition for incorporation of the two towns to keep the neighboring City of Hayward from annexing both towns. On January 13, 1959, the issue was put to a vote and Union City was incorporated, uniting the towns of Alvarado and Decoto. Tom Kitayama was the first mayor and the first Japanese American mayor in the United States. Upon its incorporation, Union City had a population of 6,000 and was predominantly agricultural. Within the next 50 years, Union City's population had increased more than ten-fold and residential neighborhoods, commercial centers, schools, churches, and industrial parks had replaced the former agricultural fields (Swenson 2008).

31300 Alvarado-Niles Road

The project's Phase I ESA indicates a service station was present on the site since at least 1973. According to newspaper articles and advertisements, the service station was operating as Alvarado Niles Services Station in early 1974. Based on an article surveying gas station operating hours in March 1974, the site was one of at least four service stations in Union City at that time. By 1984, the site was operating as the A-1 Mobil Service Center (Newsbank 2022, GenealogyBank 2022). From at least 2008 through 2015, the site operated as a Union 76 station. Since at least 2017, H&S has been operating the

site as a Chevron service station (Google 2022). Previous owner/operators also include British Petroleum and Tosco.

Architectural Description

The site is developed with two primary structures: the main service station building and a canopy over two fuel pump islands. A landscaped planter at the corner of the site comprises a rectangular monument sign. To the east of the service station building is an uncovered trash enclosure. The balance of the site is paved for access and parking. The perimeters of the site are landscaped with shrubs and trees, as well as a pedestrian gateway structure connecting the site with the transit center north of the property that appears to have been built with the Union Landing Transit Center circa 2002 (Newsbank 2022). Two driveways access the site from Alvarado-Niles Road and one from Union Landing Blvd.

The service station building is rectangular, oriented east to west at the northerly portion of the site. The building rests on a slightly raised concrete slab foundation. The grade is lower at the west end of the site, and the building is surrounded on three sides by a narrow, raised painted-brick planter. The roof is moderately pitched and comprises two sections. The easterly section is a front gable and the westerly section is a gable on hip roof. The roof is covered in asphalt composition shingles. The roofs feature solid fascias on the rakes and eaves with moderate overhangs. Virtually all of the exterior is clad in metal, vertical board, and batten paneling.

The south (main) elevation of the service station building faces Alvarado-Niles Road. The south elevation contains entrances to the cashier/mini-mart and the service bays. The easterly portion of the service station is devoted to two service bays that occur under a header. The wall above the header is clad in board and batten panels. The bays feature paneled, metal roll-up doors separated by a solid section clad in board and batten. The walls flanking the outside edges of the bays are clad in painted brick panels below the board and batten. The westerly portion comprises the entrance to the cashier/minimart accessed by a door with a solid lower panel under a single fixed-pane window. To the right of the door is a ribbon of three fixed windows below a wide header. The lower halves of the windows appear to be painted over. The wall to the corner is clad in board and batten panels. The most westerly section of this elevation is set back under an extended overhang supported by 4X4 painted metal posts and comprises the public restroom accessed by a single door, with surrounding walls clad in board and batten. The recessed area is enclosed by an iron railing with an opening to access the restroom.

The west side elevation of the service station building faces Union Landing Boulevard. The south portion of the west elevation features the side of the cashier/minimart set back under the extended overhang, while the north portion comprises the side of the restroom. The wall of the cashier/minimart exhibits a set of two fixed windows, one of which is painted over on the lower half, with board and batten panels above. The side of the restroom is clad in board and batten panels, as is the gable end above the hipped roof. Almost centered in the north portion of the west elevation is a utility room door with a transom window above. What appears to have been a second door and transom above it located to the right of the utility room door has been filled in. This façade of the building is raised above grade, with a set of three concrete steps leading to a painted concrete walkway that wraps from the south elevation. The railing continues along this elevation and the roof is supported by four more 4X4 painted metal posts. A low, raised painted brick planter at the base of the raised wall is planted with shrubs and a tree.

The north elevation represents the rear of the building and, with one exception, is a blank wall clad in vertical board and batten panels. A low, raised painted brick planter is located along the base of the

wall, with shrubs and trees along the north wall of the planter. At the most westerly end is a recessed open storage room covered by the roof and secured by a pair of swinging doors. Unfinished wood 2X4s have been installed horizontally spaced at intervals in the opening above the doors. The AC unit occurs on the north elevation, and a variety of piping and conduit occurs on this elevation at the west end.

The east elevation features a wall clad in board and batten panels below the side gabled roof. A ribbon of three multi-lite windows that have all been painted over occurs on this elevation; the upper two lites in each of the three-lite windows comprise a hopper window that opens inward. A louvred metal vent occurs toward the south corner. A low, raised painted brick planter at the base of the wall is planted with shrubs. The masonry trash enclosure with a pair of metal panel gates on the south side is located east of this façade.

The canopy structure is also rectangular, oriented north to south perpendicular to, and south of, the service station building. The canopy roof matches the pitch, style and covering of the service station building. Two fuel pump islands are located under the canopy, each with two fuel pumps. The roof is supported by one square pillar extending from the center of each pump island to a cross beam under the roof; the pillars are clad in painted brick matching the brick that occurs on the main elevation of the service station and the raised planters on the site.

Regulatory Context

FEDERAL

NRHP Criteria

In order to qualify for the NRHP, a property must be significant at the local, state, or national level, under one or more of four criteria. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history;
- B. That are associated with the lives of persons significant in our past;
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one of more of the above criteria, a NRHP-eligible property must also retain sufficient integrity to convey its significance and be at least 50 years of age or of extraordinary importance.

Integrity

Resources must be significant and have historical integrity. Integrity is defined as the ability of a resource to convey its significance through the property's physical features and how those features relate to the property's significance within its period of significance. For historical resources, a period of significance is the date or span of time which reflects the significance of the architecture, or within

which significant events transpired or significant individuals made their important contributions in relation to the resource in question.

The CRHR and NRHP recognize location, design, setting, materials, workmanship, feeling, and association as the seven aspects of historical integrity (NRB 15). Although not all seven aspects of integrity need to be present for a property to be eligible, the property must retain enough physical and design characteristics to reflect the property's significance. The seven aspects of historical integrity are:

- **Location** is the place where a resource was constructed or where an event occurred;
- **Design** results from intentional decisions made during the conception and planning of a resource. Design includes form, plan, space, structure, and style of a property;
- **Setting** applies to a physical environment, the character of a resource's location, and a resource's relationship to the surrounding area;
- **Materials** comprise the physical elements combined or deposited in a particular pattern or configuration to form a property;
- **Workmanship** consists of the physical evidence of crafts employed by a particular culture, people, or artisan, which includes traditional, vernacular, and high styles;
- **Feeling** relies on present physical features of a property to convey and evoke an aesthetic or historic sense of past time and place; and
- **Association** directly links a historic property with a historic event, activity, or person of past time and place; and requires the presence of physical features to convey the property's historic character.

STATE

The policies of the National Historic Preservation Act are implemented at the state level by the California Office of Historic Preservation, a division of the California Department of Parks and Recreation. The Office of Historic Preservation is also tasked with carrying out the duties described in the Public Resources Code (PRC) and maintaining the California Historic Resources Inventory and the CRHR. The state-level regulatory framework also includes CEQA, which requires the identification and mitigation of substantial adverse impacts that may affect the significance of eligible historical and archaeological resources. Granite School is listed in the CRHR and therefore is a historical resource under CEQA.

California Environmental Quality Act

Historical resources, as defined by CEQA, are resources that are listed in, or are determined to be eligible for listing in the NRHP, CRHR, a local historic register, or that are otherwise determined to be historical pursuant to the CEQA Statute or Guidelines (PRC Section 21084.1 or California Code of Regulations [CCR] Section 15064.5). It is important to note under 14 CCR Section 15064.5(a)(4), a resource may also be considered a "historical resource" for the purposes of CEQA at the discretion of the lead agency, despite ineligibility recommendations. A historical resource may be an object, building, structure, archaeological site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in terms of California's architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records. Typically, historical resources are more than 50 years old, and may be prehistoric (i.e., Native American) or historic in age.

CRHR Criteria

The criteria for listing in the CRHR are generally consistent with the NRHP criteria. In order to qualify for the CRHR, a historical resource must be significant at the local, state, or national level, under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, a CRHR-eligible property must also retain sufficient integrity to convey its significance. Unlike the NRHP, a CRHR-eligible property need not be 50 years of age to be eligible if it can be demonstrated that sufficient time has passed to understand its historical importance.

LOCAL**Union City Designation Criteria**

The City defines its designation criteria in the Union City Municipal Code Section 18.106.240 *Designation Findings* (Union City 2022). The Planning Commission may approve a nomination application for, and the City Council may designate, a structure, improvement, natural feature, object, or area for designation as a cultural resource or historic district if it finds that the structure, improvement, natural feature, object, or area meets the following criteria:

- A. It exemplifies or reflects a special element of the City's cultural, social, economic, political, aesthetic, architectural or natural history and possesses an integrity of location, design, setting, materials, workmanship, feeling and association; and
 1. It embodies distinctive characteristics of style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship, or
 2. It contributes to the significance of a historic area being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties or properties which contribute to each other and are unified aesthetically by plan or physical development, or
 3. It embodies elements of architectural design, detail materials or craftsmanship that represents a significant structural or architectural achievement or innovation, or
 4. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community, or the City of Union City, or

5. It is at least forty-five (45) years of age.
- B. It is one (1) of the few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen;
- C. It is identified with persons or events significant in local, state, or national history.

In addition, Union City Municipal Code Section 18.106.110 *Definitions* defines a “Noncontributing property” in a historic district as a building, site, structure, or object that does not add to the historic architectural qualities, historic association or archaeological values for which a historic district is significant because the property:

1. Was not present during the period of the district or the area’s historic significance; or
2. No longer possesses historic architectural integrity due to alterations, disturbances, additions, or other changes; or
3. Does not independently meet the designation criteria as defined in this chapter.

Evaluation of Environmental Impacts

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact. According to the project’s Phase I Environmental Site Assessment (ESA), regulatory records show the property has operated as a service station since at least 1972, making the building more than 50 years old (Partner 2020). Based on the proposal to demolish existing structures that are over 50 years in age, a historic evaluation and narrative of the existing structures was prepared by Teri Delcamp on January 10, 2023. The purpose of the evaluation was to provide the substantial evidence necessary to determine if the structures to be demolished are considered historically significant under CEQA based on the eligibility criteria of the NRHP, the CRHR, and any local designation criteria. Work efforts included a review of historic aerial photographs, building permit records, topographic maps, Sanborn Fire Insurance maps, and any other available materials to provide an architectural description of the structures, characterize any modifications over time, and make a significance determination.

31300 Alvarado-Niles Road Significance Evaluation

NRHP/CRHR

Resources that are found to be significant under one or more of the NRHP and/or CRHR significance criteria must also be evaluated for integrity. If a resource is not found to be historically significant under any of the criteria, then an integrity evaluation is not applicable. The following NRHP/CRHR evaluation adheres to the NPS guidelines for evaluation as provided in *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (NPS 1995).

Criterion A/1

The service station at 31300 Alvarado-Niles Road was constructed circa 1972 and does not appear to be directly associated with any historically significant events, trends, patterns, or themes at the local, state,

or federal level. Therefore, the subject property is not historically significant under Criterion A/1 (association with events that have made a significant contribution to the broad patterns of our history).

Criterion B/2

Research has not revealed any significant association between the service station and any historically significant persons at the national, state, or local level. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion B/2 (association with the lives of significant persons in our past).

Criterion C/3

The service station site was constructed circa 1972 in a Modern Ranch style that was typical of that era. The generic materials used in the site's construction have no unique or distinguishing characteristics or features. There is no evidence available in the record of an architect or builder, so the property is not representative of a master's body of work. Some alterations appear to have occurred to the service station building over time, including the filling in of one secondary door and transom on the west façade and painting over of windows or portions of windows. The service station building and canopy do not possess the distinctive characteristics of a method of construction, represent the work of a master, or possess high artistic values. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion C/3 (embodiment of the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction).

Criterion D/4

This Criterion is most relevant for archaeological sites, but it can be applied to historic built-environment resources if further study has the potential to yield information that cannot be obtained from other sources. However, further study of the service station structures would not add any new information to the historic record or our understanding of 1970s service station development. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion D/4 (has yielded or may be likely to yield, information important in history or prehistory).

Union City Designation Criteria

Criterion A

There is no evidence that the subject property at 31300 Alvarado-Niles Road is associated with any events or elements important to the city's history. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion A (exemplifies or reflects a special element of the City's cultural, social, economic, political, aesthetic, architectural or natural history).

Criterion B

The subject property at 31300 Alvarado-Niles Road is a modest example of the ubiquitous Modern Ranch style services stations built in the middle part of the 20th Century. There were at least three other existing service stations in Union City in the mid-1970s, and many more currently. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion B (is one (1) of the

few remaining examples in the City, region, state, or nation possessing distinguishing characteristics of an architectural or historical type or specimen).

Criterion C

No evidence was discovered to suggest that the subject property is identified with any historically important people or events. Therefore, the subject property at 31300 Alvarado-Niles Road is not historically significant under Criterion C (is identified with persons or events significant in local, state, or national history).

As such, the structures on the site were evaluated regarding eligibility for listing in the NRHP, CRHR, and local register. The significance evaluation concluded that the site is not eligible for designation under any federal, state, or local criteria. Therefore, no historic-era resources exist on the subject property, and there would be no impact.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant Impact with Mitigation. In accordance with CEQA Guidelines, HELIX has assessed the project area for the presence of archaeological resources. The project site itself is not in an area otherwise suspected to contain unknown archaeological resources. The site survey and surveys of written records, historical maps and photographs, and outreach to groups with knowledge of the area's history all suggest that no known or previously unknown archaeological resources would be encountered or disturbed during construction. While ground disturbance would be limited, still, the potential exists for inadvertent discovery of archaeological resources during project construction. The implementation of standard archaeological resource construction mitigation (Mitigation Measures CUL-1) would ensure that potential impacts would be less than significant.

Mitigation Measure CUL-1: Avoid impacts to previously unknown archaeological resources.

In the event that cultural resources are exposed during ground-disturbing activities, construction activities shall be halted within 100 feet of the discovery. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts, or features, including hearths, structural remains, or historic dumpsites. If the resources cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards shall be retained to assess the resource and provide appropriate management recommendations. If the discovery proves to be CRHR- or NRHP-eligible, additional work, such as data recovery excavation, may be warranted and shall be discussed in consultation with the Lead Agency.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation. No human remains are known to exist in the immediate vicinity of the project site. However, there is always the possibility that construction activities associated with the proposed project could potentially damage or destroy previously undiscovered human remains. This is a potentially significant impact. However, if human remains were discovered, implementation of Mitigation Measure CUL-2 would reduce this potential impact to a less than significant level.

Mitigation Measure CUL-2: Avoid and minimize impacts related to accidental discovery of human remains.

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.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The proposed buildings would be designed and engineered to meet Advanced Framing standards as applicable within the building code.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to energy that apply to the proposed project.

STATE

Renewables Portfolio Standard

In 2002, SB 1078 was passed to establish the State’s Renewables Portfolio Standard (RPS) Program, with the goal of increasing the amount of electricity generated and sold to retail customers from renewable energy resources. The initial goal was to increase the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. The Renewables Portfolio Standard has been subsequently amended by the following actions:

California Building Standards Code

Title 24 of the CCR, also known as the California Building Standards Code (CBSC), is based on the IBC used widely throughout the country. The CBSC has been modified for California conditions to include more detailed and/or more stringent regulations. The CBSC consists of 13 parts, including the California Building Code, Energy Code, and Green Building Standards Code.

California Energy Code

The California Energy Code (Part 6 of the CBSC), also known as the State’s Energy Efficiency Standards, was established by the California Building Standards Commission in 1978 with a goal of reducing California’s energy consumption for residential and nonresidential buildings. The Standards include

mandatory measures related to building envelopes, mechanical systems, indoor and outdoor lighting, and electrical power distribution. For all newly constructed nonresidential buildings over 10,000 square feet, building commissioning must be included in the design and construction process to verify that the building's energy systems and components meet State requirements for energy efficiency. The Standards are periodically updated by the California Energy Commission (CEC).

The 2019 update to the Energy Efficiency Standards became effective on January 1, 2020. The Initial Study prepared for the updated Standards estimates that implementation of the 2019 Standards will reduce the energy use of typical new residential buildings by about 7 percent and nonresidential buildings by about 31 percent compared to buildings constructed under the current standards. In addition, the 2019 Standards are projected to decrease water consumption by approximately 246 million gallons per year (GPY), reduce statewide annual electricity consumption by about 650 gigawatt-hours per year, and reduce statewide natural gas consumption by 9.8 million therms per year. Further, there could potentially be a net reduction in the emissions of nitrous oxide by roughly 100 metric tons per year, sulfur oxides by 0.27 metric tons per year, carbon monoxide by 28 metric tons per year, and (PM2.5) by 3.36 metric tons per year. The 2019 Standards are also anticipated to reduce growth in statewide GHG emissions by 230,000 metric tons of carbon dioxide (CO₂e) per year.

California Green Building Standards Code

In 2007, the California Building Standards Commission (CBSC) developed green building standards in an effort to meet the goals established by the California Global Warming Solutions Act of 2006. These standards are referred to as the CALGreen Code and are included as Part 11 of the CBSC. The CALGreen Code requires new residential and commercial buildings to comply with mandatory measures related to planning and design, energy efficiency, water efficiency/ conservation, material conservation, resource efficiency, and environmental quality. The most recent update to the CALGreen Code became effective January 1, 2023. Although it was adopted as part of the State's efforts to reduce GHG emissions, the CALGreen Code has the added benefit of reducing energy consumption from residential and nonresidential buildings that are subject to the Code.

California Environmental Quality Act

Section 15126.2(b) of the CEQA Guidelines states that if analysis of a project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the effects must be mitigated. The Guidelines provide suggestions of topics that may be included in the energy analysis, including identification of energy supplies that would serve the project and energy use for all project phases and components. In addition to building code compliance, other relevant considerations may include the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. The energy use analysis may be included in related analyses of air quality, GHG emissions, transportation, or utilities at the discretion of the lead agency.

LOCAL

Union City General Plan

The City's General Plan includes the following Goals and Policies related to energy:

Goal RC-6: The City shall continue to promote programs and initiatives that support and maximize energy conservation and the use of renewable energy in Union City.

Policy RC-6.1: Reduced Energy Consumption. The City shall support measures to reduce energy consumption and increase energy efficiency in residential, commercial, industrial, and public buildings.

Policy RC-6.2: Renewable Energy. The City shall promote efforts to increase the use of renewable energy resources, including but not limited to, wind, solar, hydropower, and biomass and the use of battery storage within the community and City operations, where feasible.

Policy RC-6.3: Solar Technology on Private Buildings. The City shall encourage the incorporation of solar panels and other solar technology on parking structures and residential, industrial, and commercial buildings.

Evaluation of Environmental Impacts

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant Impact with Mitigation. 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 (CEC 2022). 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 5.III, Air Quality. Therefore, the proposed project’s impacts on energy resources during project operation or construction would be less than significant with mitigation.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. 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.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The topography of the project site is flat with an elevation of approximately 15 ft amsl at its center. The project site is disturbed and is currently being used as a gas station and convenience store/smog check station. According to the National Resource of Conservation (NRCS) Soil Survey Map, the entire 0.5-acre parcel is made up of well drained Sycamore silt loam (NRCS 2023).

The project site is located in the San Francisco Bay Area, and this region is known to be one of the most seismically active places in the United States. Although the project site is not located within an Alquist-Priolo Study Zone (i.e., active faults), the following three major active faults are located in the greater

San Francisco Bay Area: the Hayward Fault, the San Andreas Fault, and the Calaveras Fault. The nearest active earthquake fault is the Hayward Fault, located approximately 3.30 miles east of the project site (DOC 2023).

Regulatory Context

FEDERAL

National Earthquake Hazards Reduction Act

The National Earthquake Hazards Reduction (NEHR) Act was passed in 1977 to reduce the risks to life and property from future earthquakes in the United States. The Act established the National Earthquake Hazards Reduction Program, which was most recently amended in 2004. The Federal Emergency Management Agency (FEMA) is designated as the lead agency of the program. Other NEHR Act agencies include the National Institute of Standards and Technology, National Science Foundation, and the USGS.

STATE

California Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (PRC Section 2621 *et seq.*) was passed in 1972 to reduce the risk to life and property from surface faulting in California. The Act prohibits the siting of most structures intended for human occupancy on the surface trace of active faults. Before a project can be permitted in a designated Alquist-Priolo Fault Study Zone, a geologic investigation must be prepared to demonstrate that proposed buildings would not be constructed across active faults.

California Seismic Hazards Mapping Act

The California Seismic Hazards Mapping Act (SHMA) of 1990 (PRC Section 2690–2699.6) addresses non surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, and seismically induced landslides. The SHMA also addresses expansive soils, settlement, and slope stability. Under the SHMA, cities and counties may withhold development permits for sites within seismic hazard areas until geologic/geotechnical investigations have been completed and measures to reduce potential damage have been incorporated into development plans.

California Building Standards Code

As discussed in Section 6.VI, the CBSC consists of 13 parts, including the California Building Code, Energy Code, Fire Code, and Green Building Standards Code. Part 2 of the CBSC is the CBC that includes standards for structural design, excavation, grading, seismic design, drainage, and erosion control.

LOCAL

Union City General Plan

The City's General Plan includes the following Goals and Policies related to geology and soils:

Goal S-3: To minimize the risks associated with geologic and soils hazards in order to protect public health and safety, property, and the environment.

Policy S-3.1: Development Review for Safety Compliance. The City shall evaluate all proposed projects to ensure compliance with all relevant building and safety codes, including those related to flooding, fire, earthquake, and other geologic hazards.

Evaluation of Environmental Impacts

- 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.

Less than Significant Impact. The nearest active earthquake fault is the Hayward, located approximately 3.30 miles east of the project site (DOC 2023). The site is not within a currently established State of California Earthquake Fault Zone for surface fault rupture hazards (DOC 2023). Because no active earthquake faults transect the project site, there is no risk of ground rupture on the project site from known earthquake faults. However, the San Francisco Bay Area is one of the most seismically active places in the United States, and the project site will likely be subject to at least one moderate to severe earthquake and associated seismic shaking during the life of the planned development, as well as periodic slight to moderate earthquakes. Some degree of structural damage due to strong seismic shaking is expected at the site, but the impact of seismic-related ground shaking on the project site would be reduced if the project is constructed in compliance with the California Building Code requirements, including seismic design codes. Therefore, impacts would be less than significant.

- ii. Strong seismic ground shaking?

Less than Significant Impact with Mitigation. In accordance with Section 15.85.100 of the City Municipal Code and General Plan Policy S-3.1, prior to the start of demolition and construction, a project-specific geotechnical report will be prepared to identify recommended measures to minimize risks associated with geologic and soil hazards. Although strong seismic ground shaking could be experienced at the site during the life of the project, by complying with applicable building codes and mitigation measure GEO-1, 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 with incorporation of the following mitigation measure.

Mitigation Measure GEO-1: Site-Specific Geotechnical Investigation

Prior to the issuance of final demolition and construction permits for the project, a geotechnical firm with local expertise in geotechnical investigation shall prepare a site-specific geotechnical report. The report shall be prepared by a California-licensed geotechnical engineer or engineering geologist and be submitted to the Union City Building Department for approval prior to issuance of final permits for demolition and construction. This report shall be based on data collected from subsurface exploration, laboratory testing of samples of surface mapping, and address the potential for surface fault rupture, ground shaking, slope failure, and expansive soils and make recommendations based on those findings. The developer shall implement recommendations identified in the site-specific geotechnical report.

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact with Mitigation. The project site is in an area mapped as a liquefaction zone (CGS 2019). 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. Without mitigation, impacts related to liquefaction are potentially significant. With implementation of mitigation measure GEO-1 above, impacts would be reduced to less than significant.

iv. Landslides?

No Impact. The project site is flat and not in an area mapped as a landslide zone (DOC 2023). The proposed project would have no impact from landslides.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The project site is level and not subject to high winds or erosive water features. Best management practices would be implemented to prevent soil erosion during construction. A Storm Water Pollution Prevention Plan (SWPPP) must be prepared to obtain demolition and construction permits from the City Public Works Department. Implementation of the measures included in the project-specific SWPPP would result in a less than significant impact on soil erosion or loss of topsoil.

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?

Less than Significant Impact with Mitigation. As identified in the General Plan, the project site is not in a seismic landslide area; however, it is in a seismic liquefaction area (Union City 2019, DOC 2023). While the project could experience liquefaction-induced field settlement and ground-surface disruption, a geotechnical study will be prepared for the project to address potential issues including liquefaction in accordance with Policy S-3.1 of the General Plan and Mitigation Measure GEO-1. Mitigation Measure GEO-1 requires implementation of design recommendations in the geotechnical study as required by the Union City Building Department and would reduce impacts to a level of less than significant. Therefore, the proposed project would have a less than significant impact with mitigation.

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

Less than Significant Impact with Mitigation. Expansive soils shrink and swell in response to changes in moisture levels. The changes in soil volumes can result in damage to structures including building foundations, and infrastructure, if the project design does not appropriately accommodate the changing soil conditions. The parcel is mapped as Sycamore silt loam and is classified as a Group B soil with low shrink-swell potential (NRCS 2023). The required geotechnical study would include site-specific engineering design measures and construction methods to ensure that impacts associated with expansive soils (if present) are less than significant. Additionally, the proposed project would be designed to meet seismic safety requirements specified in the California Building Code, including standards to minimize impacts from expansive soils. Therefore, with implementation of Mitigation

Measure GEO-1, impacts related to the potential hazards of construction on expansive soils would be less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. 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.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation. 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 (BLM 2016), this geological unit has a moderate potential for yielding fossils (Class 3). As discussed in other sections of this Initial Study, the project site is currently used as a gasoline station and convenience store/smog check station, and excavation of soils took place to remove old fuel tanks 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.

Mitigation Measure GEO-2: Paleontological Resources Mitigation

Prior to the start of construction, construction workers shall receive on-site training regarding identification of paleontological resources. 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Global climate change refers to changes in average climatic conditions on Earth including temperature, wind patterns, precipitation, and storms. Global temperatures are moderated by atmospheric gases. These gases are commonly referred to as GHGs because they function like a greenhouse by letting sunlight in but preventing heat from escaping, thus warming the Earth's atmosphere.

GHGs are emitted by natural processes and human (anthropogenic) activities. Anthropogenic GHG emissions are primarily associated with the burning of fossil fuels during motorized transport, electricity generation, natural gas consumption, industrial activity, manufacturing, and other activities; deforestation; agricultural activity; and solid waste decomposition.

The GHGs defined under California's AB 32, described below, include carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. Estimates of GHG emissions are commonly presented in carbon dioxide equivalents (CO₂e), which weigh each gas by its global warming potential (GWP). Expressing GHG emissions in CO₂e takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted. GHG emissions quantities in this analysis are presented in metric tons (MT) of CO₂e. For consistency with United Nations Standards, modeling and reporting of GHGs in California and the U.S. use the GWPs defined in the Intergovernmental Panel on Climate Change's (IPCC) Fourth Assessment Report (IPCC 2007): CO₂ = 1; CH₄ = 25; N₂O = 298.

Regulatory Context

Executive Order S-3-05

On June 1, 2005, Executive Order (EO) S-3-05 proclaimed that California is vulnerable to climate change impacts. It declared that increased temperatures could reduce snowpack in the Sierra Nevada, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To avoid or reduce climate change impacts, EO S-3-05 calls for a reduction in GHG emissions to the year 2000 level by 2010, to year 1990 levels by 2020, and to 80 percent below 1990 levels by 2050. Executive Orders are not laws

and can only provide the governor's direction to state agencies to act within their authority to reinforce existing laws.

Assembly Bill 32 – Global Warming Solution Act of 2006

The California Global Warming Solutions Act of 2006, widely known as AB 32, requires that CARB develop and enforce regulations for the reporting and verification of statewide GHG emissions. CARB is directed by AB 32 to set a GHG emission limit, based on 1990 levels, to be achieved by 2020. The bill requires CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG emission reductions.

Executive Order B-30-15

On April 29, 2015, EO B-30-15 established a California GHG emission reduction target of 40 percent below 1990 levels by 2030. The EO aligns California's GHG emission reduction targets with those of leading international governments, including the 28 nation European Union. California is on track to meet or exceed the target of reducing GHGs emissions to 1990 levels by 2020, as established in AB 32. California's new emission reduction target of 40 percent below 1990 levels by 2030 will make it possible to reach the goal established by EO S-3-05 of reducing emissions 80 percent under 1990 levels by 2050.

Senate Bill 32

Signed into law by Governor Brown on September 8, 2016, Senate Bill (SB) 32 (Amendments to the California Global Warming Solutions Action of 2006) extends California's GHG emission reduction programs beyond 2020. SB 32 amended the Health and Safety Code to include Section 38566, which contains language to authorize CARB to achieve a statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. SB 32 codified the targets established by EO B-30-15 for 2030, which set the next interim step in the State's continuing efforts to pursue the long-term target expressed in EO B-30-15 of 80 percent below 1990 emissions levels by 2050.

Executive Order N-79-20

EO N-79-20, signed by Governor Newsom on September 23, 2020, establishes three goals for implementation of zero emissions vehicles in California: first, 100 percent of in-state sales of new passenger cars and trucks will be zero-emissions by 2035; second, 100 percent of medium- and heavy-duty vehicles in the state will be zero-emissions vehicles by 2045 for all operations where feasible, and by 2035 for drayage trucks; and third, 100 percent of off-road vehicles and equipment will be zero emissions by 2035 where feasible.

Assembly Bill 1279

Approved by Governor Newsom on September 16, 2022, AB 1279, *The California Climate Crisis Act*, declares the policy of the State to achieve net zero GHG emissions as soon as possible, but no later than 2045, and achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide anthropogenic GHG emissions are reduced to at least 85 percent below the 1990 levels. AB 1279 anticipates achieving these policies through direct GHG emissions reductions, removal of CO₂ from the atmosphere (carbon capture), and almost complete transition away from fossil fuels.

Senate Bill 905

Approved by Governor Newsom on September 16, 2022, SB 905, *Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program*, requires CARB to establish a Carbon Capture, Removal, Utilization, and Storage Program to evaluate the efficacy, safety, and viability of carbon capture, utilization, or storage technologies and CO₂ removal technologies and facilitate the capture and sequestration of CO₂ from those technologies, where appropriate. SB 905 is an integral part of achieving the state policies mandated in AB 1279.

California Air Resources Board Scoping Plan

The Scoping Plan is a strategy CARB develops and updates at least one every five years, as required by AB 32. It lays out the transformations needed across our society and economy to reduce emissions and reach our climate targets. The current 2022 Scoping Plan is the third update to the original plan that was adopted in 2008. The initial 2008 Scoping Plan laid out a path to achieve the AB 32 mandate of returning to 1990 levels of GHG emissions by 2020, a reduction of approximately 15 percent below business as usual. The 2008 Scoping Plan included a mix of incentives, regulations, and carbon pricing, laying out the portfolio approach to addressing climate change and clearly making the case for using multiple tools to meet California's GHG targets. The 2013 Scoping Plan assessed progress toward achieving the 2020 mandate and made the case for addressing short-lived climate pollutants (SLCPs). The 2017 Scoping Plan also assessed the progress toward achieving the 2020 limit and provided a technologically feasible and cost-effective path to achieving the SB 32 mandate of reducing GHGs by at least 40 percent below 1990 levels by 2030. On December 15, 2022, CARB approved the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). The 2022 Scoping Plan lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279. The actions and outcomes in the plan will achieve significant reductions in fossil fuel combustion by deploying clean technologies and fuels; further reductions in SLCPs; support for sustainable development; increased action on natural and working lands to reduce emissions and sequester carbon; and the capture and storage of carbon (CARB 2022b).

Bay Area Air Quality Management District

The BAAQMD provides direction and recommendations for the analysis of GHG impacts of a project and approach to mitigation measures in its CEQA Guidelines (BAAQMD 2023b). On April 20, 2022, the BAAQMD Board of directors adopted revised *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans*, described fully in an associated justification report (BAAQMD 2022). The guidance provided in the BAAQMD CEQA Guidelines and Thresholds of Significance Justification Report were used to prepare this analysis.

Association of Bay Area Governments and Metropolitan Transportation Commission

As required by the Sustainable Communities and Climate Protection Act of 2008 (SB 375), ABAG and the Metropolitan Transportation Commission (MTC) have developed a Regional Transportation Plan and Sustainable Communities Strategy (SCS) as a component of Plan Bay Area 2050 (MTC and ABAG 2021). This plan seeks to reduce GHG and other mobile source emissions through coordinated transportation and land use planning to reduce VMT.

City of Union City

The City adopted a Climate Action Plan (CAP) in November 2010. The CAP presents a summary of actions the City has already taken towards the reduction of GHG emissions; summarizes the 2005 emissions inventory; presents actions the City, residents and businesses can take to further reduce emissions; and sets reduction goals (City 2010).

Existing Greenhouse Gases

Current GHG emissions from the existing gas station and convenience store on the project site were modeled separately to establish a baseline. The estimated existing land use GHG emissions are shown below in Table 6, *Existing Land Use GHG Emissions*.

Table 6
EXISTING LAND USE GHG EMISSIONS

Source	Emissions (MT CO ₂ e per year)
Area	<0.1
Energy	9.5
Mobile	477.5
Waste	1.4
Water	0.2
Refrigerant	52.2
Total Emissions¹	540.1

Source: CalEEMod.

¹ Totals may not sum due to rounding.

MT = metric tons; CO₂e = carbon dioxide equivalent

Methodology

GHG emissions for the project construction activities and long-term operation were calculated using CalEEMod Version 2022.1. CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model was developed for the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the California air districts. CalEEMod allows for the use of default data (e.g., emission factors, trip lengths, meteorology, source inventory) provided by the various California air districts to account for local requirements and conditions, and/or user-defined inputs. The model calculates emissions of the GHGs CO₂, methane, and N₂O, as well as the CO₂e for all GHGs combined. The calculation methodology and input data used in CalEEMod can be found in the CalEEMod User's Guide Appendices A, C, and D (CAPCOA 2022). The input data and subsequent construction and operation emission estimates for the proposed project are discussed below. CalEEMod output files for the project are included in Appendix C to this Initial Study.

Remediation and Construction Emissions

The CalEEMod input and assumptions for modeling remediation and construction emissions are described in Section 5.III, *Air Quality* of this Initial Study.

Operation Emissions

Operational impacts were estimated using CalEEMod, Version 2022.1, as described above. The project land uses were modeled as: a 2,375 square-foot convenience store and 14,853 square feet of paved surfaces. The CalEEMod default vehicle speeds, trip purposes, and distances were used for trip generation. Operational sources of GHG emissions in CalEEMod include area, energy, mobile, water use, solid waste, and refrigerant. Operational project input and design features incorporated into CalEEMod for the project include:

- **Area** – Area sources include GHG emissions from landscaping equipment and the use of consumer products. Emissions associated with area sources were estimated using the CalEEMod default values for the project.
- **Energy** – The project would use electricity for lighting, heating, and cooling, and product refrigeration. Electricity would be supplied by PG&E. The project would be built without natural gas to comply with BAAQMD design guidelines. However, natural gas was included using CalEEMod defaults for modeling purposes and was modeled to ensure a conservative assessment of the proposed project. The CalEEMod default natural gas usage rates for convenience stores in Alameda County were used.
- **Mobile** – Operational emissions from mobile sources are associated with project-related vehicle trip generation and trip length. The CalEEMod default vehicle speeds, trip purposes, and distances were used.
- **Solid Waste** – Solid waste generated by the project would also contribute to GHG emissions. Treatment and disposal of solid waste produces emissions of methane. Modeling was conducted using CalEEMod default solid waste generation rates and GHG factors for Alameda County.
- **Water and Wastewater Sources** – Water-related GHG emissions are from the energy used and process emissions for the conveyance and treatment of water and wastewater. Modeling was conducted using CalEEMod default water use rates and GHG factors for Alameda County.
- **Refrigerant** – Refrigerant sources include fugitive GHG emissions associated with building air conditions (A/C) and refrigeration equipment. Emissions associated with refrigerant sources were estimated using CalEEMod default values.

Significance Criteria

Given the relatively small levels of emissions generated by a typical development in relationship to the total amount of GHG emissions generated on a national or global basis, individual development projects are not expected to result in significant, direct impacts with respect to climate change. However, given the magnitude of the impact of GHG emissions on the global climate, GHG emissions from new development could result in significant, cumulative impacts with respect to climate change. Thus, the potential for a significant GHG emissions impact is limited to cumulative impacts.

On April 20, 2022, the BAAQMD Board of directors adopted revised CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans, described fully in an associated justification report. Rather than quantitative thresholds for emissions of GHG, BAAQMD has adopted thresholds based on performance standards. Land use development projects must include either Threshold A or Threshold B (BAAQMD 2022):

-
- A. Projects must include, at a minimum, the following project design elements:
1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 2. Transportation
 - a. Achieve a reduction in project-generated VMT below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
 - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

Evaluation of Environmental Impacts

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact with Mitigation.

Construction Emissions

Project construction is anticipated to commence in January 2025 and be completed in approximately nine months. Construction GHG emission sources include construction equipment exhaust, on-road hauling trucks exhaust, vendor vehicle exhaust, and worker commuting vehicle exhaust. Construction GHG emissions were estimated using CalEEMod version 2022.1. The BAAQMD has not adopted thresholds of significance for construction-period GHG emissions. The project's estimated total and amortized short-term construction GHG emissions are shown in Table 7, *Construction GHG Emissions*. The amortized construction GHG emissions are included with the operational GHG emissions, below.

Table 7
CONSTRUCTION GHG EMISSIONS

Year	Emissions (MT CO ₂ e)
2024	113
<i>Amortized Construction Emissions (30 years)</i>	<i>3.8</i>

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

Operational Emissions

Long term operation of the project would result in emissions of GHGs from: area sources such as the use of landscape maintenance equipment; energy sources from the use of electricity; mobile sources related to the use of vehicles for customer trips, worker commute trips, and vendor trips; solid waste sources related to the disposal and decomposition of waste generated by the project; water sources related to the energy used for the conveyance and treatment of freshwater and wastewater; and refrigerant sources related to air conditioning and refrigeration equipment. Operational GHG emissions were estimated using CalEEMod version 2022.1.

As described above, the BAAQMD has adopted performance standard-based thresholds rather than quantitative GHG emissions thresholds. The estimated net operational GHG emissions for the project are shown in Table 8 *Operational GHG Emissions*.

Table 8
OPERATIONAL GHG EMISSIONS

Source	Emissions (MT CO ₂ e per year)
Area	<0.1
Energy	16.1
Mobile	745.0
Waste	2.2
Water	0.4
Refrigerant	81.5
Total Project Emissions ¹	845.3
Existing Use Emissions	(540.1)
Net Project Emissions¹	305.2

Source: CalEEMod.

¹ Totals may not sum due to rounding.

MT = metric tons; CO₂e = carbon dioxide equivalent

The City CAP, adopted in 2010, does not address the State's post-2020 GHG reduction mandates. Therefore, the significance of the project's GHG emissions is determined using the BAAQMD performance standard-based Threshold A described above:

A.1.a. No Natural Gas – The project will not include natural gas appliances or natural gas plumbing.

A.2.b. Electric Vehicle Parking – Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2 standards.

In order to comply with A.1.a. No Natural Gas, Mitigation Measure GHG-1 would be implemented to ensure natural gas is not included in the final project design. The proposed project includes nine (9) parking spaces. Per 2022 CALGreen Appendix 5 – Voluntary Non-Residential Measure, a project with 9 total parking spaces would require 3 of the parking spaces to be EV capable. Mitigation Measure GHG-2 would require the City to verify that the proposed project would have three parking spaces that are wired for EV charging. Two of these spaces would have EV charging stations as part of the proposed project. The 2022 CALGreen requirements require that three spaces be wired for EV charging, but does not require that all wired spaces have EV chargers installed. Implementation of this mitigation measure would ensure compliance with A.2.b. Electric Vehicle Parking.

Mitigation Measure GHG-1: Verification of plans for natural gas.

Prior to final project design approval, the City shall require and verify the specification on applicable site and building plans that no natural gas appliance or natural gas pumping is included.

Mitigation Measure GHG-2: Verification of EV Capable Parking Spaces.

Prior to final project design approval, the City shall require and verify the specification on applicable site and building plans that a minimum of 3 of the project's 9 parking spaces would be electric vehicle (EV) capable spaces in accordance with the 2022 CALGreen definitions and 2022 CALGreen nonresidential voluntary Tier 2 requirements.

Impact Summary

In order to comply with the BAAQMD Threshold A performance standards, Mitigation Measure GHG-1 and Mitigation Measure GHG-2 would be implemented. Therefore, with the mitigation measures, the project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The impact would be less than significant with mitigation.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. As discussed in criterion a), above, the project would comply with all of BAAQMD's performance standard GHG emissions thresholds. 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 is proposed to have a General Plan land use designation of Retail Commercial and would be zoned Community Commercial. The proposed project's development of a convenience store with gas station 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 population and employment growth in the City as a result of the project would be within the growth assumptions of the City General Plan which provides growth assumptions for GHG forecasting in regional plans such as the BAAQMD 2017 Clean Air Plan, and the Plan Bay Area 2050.

Transportation sources account for the largest portion of the State's GHG emissions inventory—38 percent in 2020 (CARB 2022c). Regional metropolitan SCS plans such as Plan Bay Area 2050 aim to reduce GHG emissions in the transportations sector. A key to accomplishing this is to reduce the 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 SB 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 OPR released the Technical Advisory on Evaluating Transportation Impacts in CEQA to assist CEQA practitioners with the implementation of SB 743. The technical advisory contains the following recommendations for the transportation analysis of retail development projects (OPR 2018):

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 gas station would be consistent with the project site's 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, local-serving retail tends to reduce VMT because customers travel a shorter distance than typically assumed in regional planning estimates. Therefore, the project would be consistent with Plan Bay Area 2050.

The City's CAP contains 21 potential GHG reduction measures. Of the 21 reduction measures, three items are potentially applicable to the project (City 2010):

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 2022 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 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 City General Plan land use and zoning designations 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The existing project site is on a developed lot currently being used as a gas station and convenience store/smog check station. The project site does not have any known past land uses associated with potentially hazardous sites. The school nearest to the project site is Alvarado Elementary School, located approximately 0.59-mile southwest of the project site at 31100 Fredi Street. Other schools in the vicinity include Itliong-Vera Cruz Middle School, located approximately 0.6 mile southwest of the project site at 31604 Alvarado Boulevard.

The following databases were reviewed for the project site and surrounding area to identify potential hazardous contamination sites: the State Water Resources Control Board’s GeoTracker tool (SWRCB 2023), California Department of Toxic Substance Control’s EnviroStor online tool (DTSC 2023); and the EPA’s Superfund National Priorities List (USEPA 2021).

FEDERAL

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is the primary federal law for the regulation of solid waste and hazardous waste in the United States and provides for the “cradle-to-grave” regulation that requires businesses, institutions, and other entities that generate hazardous waste to track such waste from the point of generation until it is recycled, reused, or properly disposed of. The USEPA has primary responsibility for implementing the RCRA.

USEPA’s Risk Management Plan

Section 112(r) of the federal CAA (referred to as the USEPA’s Risk Management Plan) specifically covers “extremely hazardous materials” which include acutely toxic, extremely flammable, and highly explosive substances. Facilities involved in the use or storage of extremely hazardous materials must implement a Risk Management Plan (RMP), which requires a detailed analysis of potential accident factors and implementation of applicable mitigation measures.

Federal Occupational Safety and Health Administration (OSHA)

The federal OSHA prepares and enforces occupational health and safety regulations with the goal of providing employees with a safe working environment. OSHA regulations apply to the workplace and cover activities ranging from confined space entry to toxic chemical exposure.

U.S. Department of Transportation

The United States Department of Transportation regulates the interstate transport of hazardous materials and wastes through implementation of the Hazardous Materials Transportation Act. This act specifies driver-training requirements, load labeling procedures, and container design and safety specifications. Transporters of hazardous wastes must also meet the requirements of additional statutes such as the RCRA.

STATE

California Code of Regulations, Title 22, Definition of Hazardous Material

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, State, or local agency, or if it has characteristics defined as hazardous by such an agency. A hazardous material is defined in Title 22, Section 66260.10, of the CCR as: A substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of or otherwise managed. The Union City Environmental Programs Division is the Certified Unified Program Agency (CUPA) authorized under state law to implement Title 22 hazardous materials requirements.

Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under the RCRA and the State Hazardous Waste Control Law. Both laws impose “cradle-to-grave” regulatory systems for handling hazardous waste in a manner that protects human health and the environment.

California Occupational Safety and Health Administration (Cal/OSHA)

The California Occupational Safety and Health Administration (Cal/OSHA) has primary responsibility for developing and enforcing state workplace safety regulations, including requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation.

Regional Water Quality Control Board

The SWRCB and RWQCBs regulate hazardous substances, materials, and wastes that may affect surface water or groundwater through a variety of state statutes, including the Porter-Cologne Water Quality Control Act and underground storage tank cleanup laws. Any person proposing to discharge waste within the State must file a Report of Waste Discharge with the appropriate regional board. The proposed project is located within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB).

Hazardous Materials Emergency Response/Contingency Plan

Chapter 6.95, Section 25503, of the California Health and Safety Code requires businesses that handle/store a hazardous material or a mixture containing a hazardous material to establish and implement a Business Plan for Emergency Response (Business Plan). A Business Plan is required when the amount of hazardous materials exceeds 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for compressed gases. A Business Plan is also required if federal thresholds for extremely hazardous substances are exceeded. The Business Plan includes procedures to deal with emergencies following a fire, explosion, or release of hazardous materials that could threaten human health and/or the environment. The Union City Environmental Programs Division is the CUPA authorized under state law to implement HSC chapter 6.95 hazardous materials requirements.

California Accidental Release Prevention Program

The goal of the California Accidental Release Prevention Program (CalARP) is to prevent and mitigate accidental releases of substances that pose the greatest risk of immediate harm to the public and the environment. Facilities are required to prepare a Risk Management Plan in compliance with CCR Title 19, Division 2, Chapter 4.5, if they handle, manufacture, use, or store a federally regulated substance in amounts above established federal thresholds; or if they handle a state regulated substance in amounts greater than state thresholds and have been determined to have a high potential for accident risk. The Union City Environmental Programs Division is the CUPA authorized under state law to implement CalARP program requirements.

Evaluation of Environmental Impacts

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. Routine transport of fuel to the gasoline dispensing station 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 expected 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 5.III, Air Quality.

- 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?

Less than Significant Impact with Mitigation. The discussion below is based on the Phase I ESA prepared for the project, case closure letter, and case closure summary (H&S Energy 2020). The case closure letter, ESA, and case closure summary are included as Appendix G. The project site is listed in the Leaking Underground Storage Tank (LUST) and Resource Conservation and Recovery Act-Small Quantity Hazardous Waste Generators databases (EPA 2021). Records indicate that the project site has operated as a gasoline station from at least 1973 and was in agricultural use prior to that (H&S Energy 2020).

Cleanup actions consisted of the removal of Underground Storage Tanks, including a waste oil Underground Storage Tank, from the subject property in 1987 and 1997. The three current on-site Underground Storage Tanks replaced the original fuel Underground Storage Tanks in 1998 and were found to have no evidence of leaking at the time of the Environmental Site Assessment (H&S Energy 2020).

Groundwater monitoring was performed with a total of 18 total groundwater monitoring wells installed on-site and off-site from 1985 to 2014. Seventeen (17) of these wells have been destroyed and one remains unaccounted for. Approximately 3,600 tons of impacted soil and over 48,000 gallons of impacted groundwater was removed in 1998 during the Underground Storage Tank (UST) replacement activities. Surface water sampling was performed on Old Alameda Creek with results indicating no hydrocarbon contamination. The nearest water supply well is located over 1,000 feet from the subject property, and the concentrations of petroleum hydrocarbons remaining in the subsurface soil and groundwater meet low-risk criteria. The release was granted closure under the "Low Threat Closure" policy on January 29, 2018, indicating that the case met all criteria for the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy and that a No Further Action determination was appropriate (H&S Energy 2020). While soil samples did not contain concentrations of petroleum hydrocarbons above environmental screening levels (H&S Energy 2020), there is possibility that residual hazardous materials may be encountered during site construction activities. Implementation of Mitigation Measure HAZ-1 would reduce the impact to less than significant.

Mitigation Measure HAZ-1: Hazardous Materials Management

The following measures would be incorporated to minimize potential hazardous materials impacts.

- 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 site qualified professional shall notify the Union City Planning and Environmental Programs Divisions.
- Applicant shall make all required reports to regulatory agencies if 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.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The project site is not within one-quarter mile of an existing or proposed school. The nearest schools are Alvarado Elementary School, located at 31100 Fredi Street, Union City, approximately 0.60 mile to the southwest, and New Haven Unified School, located at 2831 Faber Street, Union City, approximately 1 mile to the northwest. 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.

- 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?

Less than Significant Impact with Mitigation. As discussed under item b), the project site has operated as a gasoline station since at least 1973. Cleanup activities included replacing the original USTs with the three current on-site USTs in 1998. Residual contamination of TPH-gasoline, benzene, ethylbenzene, xylenes and total retractable petroleum hydrocarbon (TRPH) and lead remain in the soil and TPH-gasoline (3,300 microgram/liter ($\mu\text{g/L}$)) and TPH-diesel (200 $\mu\text{g/L}$), benzene (53 $\mu\text{g/L}$) and MTBE (31 $\mu\text{g/L}$) was detected in the most recent groundwater sampling event; however, the concentrations of petroleum hydrocarbons remaining in the subsurface soil and groundwater meet low-risk criteria. Groundwater 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 29, 2018 (see Appendix G). The closure letter included a determination of “no further action” and the following recommendation for construction or redevelopment of the site:

The Alameda County Water District and the appropriate local planning and building departments must be notified prior to any changes in land use and site redevelopment. Residual contamination in both soil and groundwater remain at the subject property, therefore, the impact of disturbance of any residual contamination or the installation of a water well near the residual contamination should be assessed and the appropriate action should be taken so that there is no significant impact to human health.

Based on the regulatory closure with restriction, the release associated with the USTs removed in 1998 are considered a Controlled Recognized Environmental Condition. However, implementation of Mitigation Measure HAZ-1 described above would reduce potential impacts from residual contamination to a less than significant impact level. Therefore, impacts would be less than significant with mitigation.

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

No Impact. The nearest airport is Hayward Executive Airport, approximately 5.4 miles northwest of the project site. The project site is not within the airport’s influence area boundary. 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.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed project would redevelop the project site with a convenience store and fueling station. As discussed in Section 5.XVI, Transportation, the proposed project would result in less than significant impacts on traffic. The project site is approximately 1,387 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* (Cal EMA 2011). There would be no reconstruction of the existing driveways, which are all in compliance with the City’s Municipal Code and meet emergency access standards. The proposed project would have no impact on an adopted emergency response plan or emergency evacuation plan.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

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

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The regional setting of the project site is primarily characterized by commercial development. The topography of the project site is relatively flat with an elevation of approximately 15 ft amsl at its center. Drainage runs off the parcel into the existing City storm drain network. A storm drain is located adjacent to the northwest corner of the project site along Union Landing Boulevard. The project site is disturbed and is currently being used as a gas station and convenience store/smog check station.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel 06001C0427G, effective August 2, 2009 (FEMA 2022).

Regulatory Context

FEDERAL

Clean Water Act

The CWA (33 USC Section 1251-1376), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality and was established to “*restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.*” Pertinent sections of the Act are as follows:

1. Sections 303 and 304 provide for water quality standards, criteria, and guidelines.
2. Section 401 (Water Quality Certification) requires an applicant for any federal permit that would authorize a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the Act.
3. Section 402 establishes the National Pollutant Discharge Elimination System (NPDES), a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program is administered by the SWRCB and is discussed in detail below.
4. Section 404, jointly administered by the USACE and USEPA, establishes a permit program for the discharge of dredged or fill material into waters of the United States.

Federal Anti-Degradation Policy

The federal Anti-Degradation Policy is part of the CWA (Section 303(d)) and is designed to protect water quality and water resources. The policy directs states to adopt a statewide policy that protects designated uses of water bodies (e.g., fish and wildlife, recreation, water supply, etc.). The water quality necessary to support the designated use(s) must be maintained and protected.

Safe Drinking Water Act

Under the 1974 Safe Drinking Water Act, most recently amended in 1996, USEPA regulates contaminants of concern to domestic water supply, which are those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are classified as either primary or secondary Maximum Contaminant Levels (MCLs). MCLs and the process for setting these standards are reviewed triennially.

Federal Emergency Management Agency

FEMA is responsible for mapping flood-prone areas under the National Flood Insurance Program (NFIP). Communities that participate in the NFIP are required to adopt and enforce a floodplain management ordinance to reduce future flood risks related to new construction in a flood hazard area. In return, property owners have access to affordable federally funded flood insurance policies.

National Pollutant Discharge Elimination System

Under Section 402(p) of the CWA, the USEPA established the NPDES to enforce discharge standards for both point-source and non-point-source pollution. Dischargers can apply for individual discharge permits or apply for coverage under the General Permits that cover certain qualified dischargers. Point-source discharges include municipal and industrial wastewater, stormwater runoff, combined sewer overflows, sanitary sewer overflows, and municipal separate storm sewer systems. NPDES permits impose limits on discharges based on minimum performance standards or the quality of the receiving water, whichever type is more stringent in a given situation.

STATE

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (California Water Code Section 13000 *et seq.*) is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of waters of the State. The Porter-Cologne Act applies to surface waters, wetlands, and groundwater, and to both point and non-point sources of pollution. The Act requires a Report of Waste Discharge for any discharge of waste (liquid, solid, or otherwise) to land or surface waters that may impair a beneficial use of surface or groundwater of the state. The RWQCBs enforce waste discharge requirements identified in the Report.

State Anti-Degradation Policy

In 1968, as required under the Federal Anti-Degradation Policy, the SWRCB adopted an Anti-Degradation Policy, formally known as the *Statement of Policy with Respect to Maintaining High Quality Waters in California* (State Water Board Resolution No. 68-16). Under the Anti-Degradation Policy, any actions that can adversely affect water quality in surface or ground waters must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial use of the water, and not result in water quality less than that prescribed in water quality plans and policies.

National Pollution Discharge Elimination System

Pursuant to the federal CWA, the responsibility for issuing NPDES permits and enforcing the NPDES program was delegated to the SWRCB and the nine RWQCBs. NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States. Below is a description of relevant NPDES general permits.

- **Construction Activity and Post-Construction Requirements.** Discharges from construction sites that disturb one acre or more of total land area are subject to the NPDES permit for *Discharges of Storm Water Runoff associated with Construction Activity* (currently Order No. 2009-009-DWQ), also known as the Construction General Permit. The permitting process requires the development and implementation of an effective SWPPP. Coverage under the Construction General Permit is obtained by submitting a Notice of Intent (NOI) to the SWRCB and preparing the SWPPP prior to the beginning of construction. The SWPPP must include BMPs to reduce pollutants and any more stringent controls necessary to meet water quality standards. Dischargers must also comply with water quality objectives as defined in the applicable Basin Plan. If Basin Plan objectives are exceeded, corrective measures are required.

The Construction General Permit includes post-construction requirements for areas in the State not covered by a Standard Urban Storm Water Management Plan (SUSWMP) or a Phase I or Phase II MS4 Permit. These requirements are intended to ensure that the post-construction conditions at the project site do not cause or contribute to direct or indirect water quality impacts (i.e., pollution and/or hydromodification) upstream or downstream.

Where applicable, the SWPPP submitted to the SWRCB with the NOI must include a description of all post-construction stormwater management measures. The SWRCB Storm Water Multiple Application and Report Tracking System (SMARTS) post-construction calculator or similar method would be used to quantify the runoff reduction resulting from implementation of the measures. The applicant must also submit a plan for long-term maintenance with the NOI. The maintenance plan must be designed for a minimum of five years and must describe the procedures to ensure that the post-construction stormwater management measures are adequately maintained.

- ***Dewatering Activities (Discharges to Surface Waters and Storm Drains).*** Construction dewatering activities that involve the direct discharge of relatively pollutant-free wastewater that poses little or no threat to the water quality of waters of the U.S., are subject to the provisions of CVRWQCB Order R5-2016-0076-01 (NPDES No. CAG995002), *Waste Discharge Requirements, Limited Threat Discharges to Surface Water*, as amended. WDRs for this order include discharge prohibitions, receiving water limitations, monitoring, and reporting, etc. Coverage is obtained by submitting a NOI to the applicable RWQCB.
- ***Dewatering Activities (Discharges to Land).*** Construction dewatering activities that are contained on land and do not enter waters of the U.S. are authorized under SWRCB Water Quality Order No. 2003-003-DWQ, provided that the dewatering discharge is of a quality as good as or better than the underlying groundwater, and there is a low risk of nuisance.

Water Quality Control Plans (Basin Plans)

Each of the State's RWQCBs is responsible for developing and adopting a basin plan for all areas within its region. The Plans identify beneficial uses to be protected for both surface water and groundwater. Water quality objectives for all waters addressed through the plans are included, along with implementation programs and policies to achieve those objectives. Waste discharge requirements (WDRs) were adopted in order to attain the beneficial uses listed for the Basin Plan areas.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA), enacted in September 2014, established a framework for groundwater resources to be managed by local agencies in areas designated by the Department of Water Resources as "medium" or "high" priority basins. Basins were prioritized based, in part, on groundwater elevation monitoring conducted under the California Statewide Groundwater Elevation Monitoring (CASGEM) program. Of the 517 groundwater basins in the State, 109 are identified as medium- and high-priority basins. Critical conditions of overdraft have been identified in 21 groundwater basins (Department of Water Resources, 2019).

The SGMA requires local agencies in medium- and high-priority basins to form Groundwater Sustainability Agencies by July 1, 2017 and be managed in accordance with locally-developed Groundwater Sustainability Plans (GSPs). Basins identified as critically over drafted are required to be

managed under a GSP by January 31, 2020. All other medium- and high-priority basins must be managed under a GSP by January 31, 2022. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans.

Evaluation of Environmental Impacts

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact with Mitigation.

Construction Impacts

While construction activities have the potential to adversely affect water quality because of erosion of sediment, because of grading, such activities pose 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 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 Measure HYD-1 would reduce construction impacts on water quality to a less than significant level.

Mitigation Measure HYD-1: Stormwater Control Plan

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 and sediment control measures such as wattles, covers, silt fences, installing stabilized construction entrances and/or corrugated steel plates, protecting existing curb inlets with filter fabric and sandbags in the vicinity of the project.

The applicant shall clearly identify any pavement areas that are being removed and replaced and those areas that are currently landscaping/dirt and will be changed to impervious areas, such as Building, pavement or walkways, etc. This information will also be reflected in the Stormwater Requirements Checklist.

The applicant, depending upon the amount of new impervious areas being created or being replaced, as indicated on the Stormwater Requirements Checklist, shall demonstrate that the proposed project includes design features sufficient to capture and treat stormwater runoff, in compliance with the Municipal Regional Stormwater Permit or the applicant will be subject to payment of in-lieu fees.

If applicable, the applicant shall execute and implement an operations and maintenance agreement (O&M) with the City to provide for the maintenance of all on-site stormwater treatment features and devices in perpetuity. The requirements stipulated in the O&M agreement shall apply to current and all future owners of the property. Prior to issuance of the certificate of occupancy, the applicant shall provide proof of recording this agreement at the Alameda County Clerk Recorder's Office. The applicant shall submit to the Union City Public Works Department annual inspection reports with the requirements stipulated in the O&M agreement.

Operational Impacts

Operational stormwater discharge from new development is 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 5,000 SF 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 4,795 SF of total new impervious surfaces with 12,646 SF of existing impervious surface to be removed and replaced, resulting in a total of approximately 17,441 SF of impervious surface areas. Proper design and maintenance of the on-site storm water treatment facilities 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 HYD-1 would require that the 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 HYD-1, the project would result in a less than significant impact.

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

Less than Significant Impact. There are no existing wells on the project site, and the gasoline station and convenience store would be served by the public water system operated by the Alameda County Water District. The site is currently developed, and the majority of the site is covered by impervious surfaces. Although the new 4,795 SF of impervious surfaces would reduce potential infiltration of rainfall, the relatively small (0.503-acre) project site provides minimal opportunity for groundwater recharge.

Redevelopment of the project site would not result in a substantial decrease of groundwater supplies. Adequate water supply to the facility is anticipated, and no wells would be constructed. The project would result in a less than significant impact on groundwater supplies.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. The existing drainage pattern of the site consists of infiltration into site soils and runoff into the municipal stormwater system. 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.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?

Less than Significant Impact. Storm water is removed from the subject property primarily by sheet flow action across the paved surfaces towards storm water drains located in the public right of way. Site storm water from roofs, landscaped areas, and paved areas is directed to on-site concrete swales, which drain to the public right of way. No streams or rivers run through the project site. This would not result in an increase in the amount or rate of surface runoff in a manner which would result in flooding on- or off-site. The impact would be less than significant.

iii. 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?

Less than Significant Impact. No streams or rivers run through the project site, and, as discussed under item c) ii. above, runoff would be directed to on-site concrete swales. These drainage features would drain stormwater to the public right-of-way (ROW). 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.

iv. Impede or redirect flood flows?

Less than Significant Impact. Approximately 79.6% (17,441 SF) of the project site would be covered by impervious surface in the form of paved area, buildings, and canopy. 20.4% (4,463 SF) would be landscaped area (Figure 3, Appendix A). Since the project would direct stormwater flows and runoff to storm drains in the public ROW, the 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.

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

No Impact. The project is outside the 1 percent annual flood 100-year flood zone (Cal OES 2015). The project site is within Zone X. The project site is also outside of the tsunami inundation area. Within Union City, the only identified tsunami inundation zone is at Alameda Creek (Cal OES 2015), approximately 2.42 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 3.54 miles to the southeast, and Jordan Pond, approximately 2.78 miles to the northeast.

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

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The project site is in Hydrologic Unit Code 18050004 within the South Bay Hydrologic Planning Area of the San Francisco Bay Region (USGS 2022). The applicable water quality control plan is the *San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan; RWQCB 2017)*. 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Union City 2040 General Plan guides current and future growth in the City. The Land Use Element lists land use designations for properties in the City and outlines goals and policies concerning development and use of that land. In concert with the 2040 General Plan, UCMC Title 18 Zoning establishes zoning districts in the City and specifies allowable uses and development standards for each district. Under State law, each jurisdiction’s zoning ordinance must be consistent with its general plan.

The project site is designated as Regional Retail Commercial (CRR) in the Union City 2040 General Plan, and would require a General Plan Amendment to be redesignated Retail Commercial (CR) to remove the project site from the Union Landing Special Area. The CR designation allows for retail uses, personal services, professional offices, banks, restaurants, and entertainment uses. Office uses above first floor retail are allowed. The allowed floor area ration (FAR) range for buildings located in this designation is between 0.25 and 1.00. The minimum parcel size for this designation is 5,000 sf. The amendment also includes an update to Chapter 9: Special Areas to remove the site from Figure SA-12.1: Union Landing General Plan Land Use and Figure SA-12.2: Union Landing Commercial Development Type Sub-Areas.

The project site is zoned Union Landing Commercial (CUL) and is seeking a Zoning Map Amendment to redesignate the site to Community Commercial (CC). The proposed project would fall under a conditional use within this zone, thereby requiring a Use Permit per UCMC Section 18.56.020. The proposed project also requires Site Development Review per UCMC Section 18.76.020. (Union City 2019). The CC zoning district is intended to stabilize, promote and improve the characteristics of the commercial business environment by providing adequate locations for stores, services and offices which fulfill the needs of the residents of the City as a whole. Permitted uses within the CC zoning district include a store, motel, office, bank, theaters, restaurant, health services, or similar use being with minimum lot size being 5,000 square feet in floor area. Additional permitted uses include outdoor sales consistent with the Policy Statement for the Regulation of Seasonal Sales Lots.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to land use and planning that apply to the proposed project.

STATE

California Government Code

California Government Code Section 65300 *et seq.* contains many of the State laws pertaining to the regulation of land uses by cities and counties. These regulations include requirements for general plans, specific plans, subdivisions, and zoning. State law requires that all cities and counties adopt General Plans that include seven mandatory elements: land use, circulation, conservation, housing, noise, open space, and safety. A General Plan is defined as a comprehensive long-term plan for the physical development of the county or city, and any land outside its boundaries that is determined to bear relation to its planning. A development project must be found to be consistent with the General Plan prior to project approval.

LOCAL

Union City General Plan

The City's General Plan includes goals, policies, and implementation measures designed for the purpose of avoiding or minimizing environmental effects. The UCMC implements the City's General Plan. The purpose of the land use and planning provisions of the Code (Title 18, Zoning) is to provide for the orderly and efficient application of regulations and to implement and supplement related laws of the state of California, including but not limited to CEQA.

Union City Gas Marketeer Policy Statement

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 establish gasoline dispensing facility marketeers (Union City 1992). The policy statement is attached to this Initial Study as Appendix F 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 SF.
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 size for such marketeers shall be established on a case-by-case basis during 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 of 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 City's development standards for the Neighborhood Commercial and Community Commercial Districts are established 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 Zoning District – Professional and Administrative Commercial (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.

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:

**Table 9
CITY OF UNION CITY HEIGHT LIMITS**

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

CPA = Professional and Administrative Commercial; CN = Neighborhood Commercial; CC = Community 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 CC district requires a minimum site area of 5,000 SF and no restriction of coverage. A minimum front yard of 20 feet is required. If structures exceed 20 feet in height, the required setback is a minimum of 25 feet.

Within CC 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 at ground level to each interior side yard or rear yard. If the rear property adjoins an A or R district, a rear yard of not less than 20 feet is required.

Evaluation of Environmental Impacts

a) Physically divide an established community?

No Impact. The project site is a corner lot adjacent to Union Landing Boulevard and Alvarado-Niles Road, both arterial roadways. No residences are located adjacent to the project site, and 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.

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?

Less than Significant Impact.

General Plan

The current designated land use at the project site is Regional Retail Commercial (CRR), and the project site is currently part of the Union Landing Special Area. The proposed project would require a General Plan Amendment to redesignate the site Retail Commercial (CR). This redesignation would remove the site from the Union Landing Special Area and would maintain consistency with the 2040 General Plan. The CR land use designation allows for retail uses, personal services, professional offices, banks, restaurants, and entertainment uses. Office uses above first floor retail are allowed. The allowed floor area ratio (FAR) range for buildings located in this designation is between 0.25 and 1.00, and the minimum parcel size for this designation is 5,000 sf. The amendment also includes an update to Chapter 9: Special Areas to remove the site from Figure SA-12.1: Union Landing General Plan Land Use and Figure SA-12.2: Union Landing Commercial Development Type Sub-Areas.

Designated land uses to the south are retail commercial with residential land uses beyond (3-6 Dwelling Units per acre). Designated land uses to the north, east, and west are regional retail commercial (Union City 2023).

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 proposed project would redevelop the existing parcel and the convenience store would provide retail uses consistent with the designated Retail Commercial land use.

Zoning Ordinance

The proposed project would not conflict with Policy 2 of the City's Gas Marketeer Policy Statement because the project would undergo Use Permit and Site Development Review. The proposed project would be consistent with Policies 1 and 3-7 of the City's Gas Marketeer Policy Statement, 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.

The 17-foot building height and the one-foot seven-inch-setbacks at the rear and interior side yards, and the 120-foot front and 55-foot street side setbacks meet zoning regulations for the CC zoning districts. Based on a review of the project plans, the project conforms to all the zoning regulations described above. The project landscaping will be required to conform to the landscape requirements set forth in Municipal Code Section 18.112, Water Efficient Landscape, and the Landscape Standards Policy Statement.

Based on the analysis summarized above and pending approval of the land use redesignation and zoning map amendment of the project site, 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

There are no active mines on the proposed project site or in the immediate vicinity (DOC 2023). The nearest mine is the Mission Clay Products Quarry (Mine ID: 91-01-0014), which is located outside of the City limits.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to mineral resources that apply to the proposed project.

STATE

Surface Mining and Reclamation Act of 1975

The Surface Mining and Reclamation Act (SMARA), Chapter 9, Division 2 of the PRC, provides a comprehensive surface mining and reclamation policy to ensure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition.

Mineral Resource Zones (MRZs) are applied to sites determined by the California Geological Survey (CGS) as being a resource of regional significance and are intended to help maintain mining operations and protect them from encroachment of incompatible uses. The Zones indicate the potential for an area to contain significant mineral resources.

LOCAL

There are no local regulations pertaining to mineral resources that apply to the proposed project.

Evaluation of Environmental Impacts

- 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?

No Impact. 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,” (California Department of Conservation 1996). Accordingly, the proposed project would have no impact on the loss of availability of a known mineral resource.

- 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?

No Impact. The Union City 2020-2040 General Plan Update Backup Report (Union City 2015) shows State designated “Regionally Significant Construction Aggregate” a mineral resource area east of Mission Boulevard near Appian Way, located approximately 3.88 miles to the east of the project site. No known mineral resources are located on the project site. At this distance, the proposed project would have no impact on the mineral resource area within Union City.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The predominant existing noise sources in the vicinity of the project site are vehicles on adjacent streets and I-880, as well as traffic at the Union Landing Transit Center adjacent to the project site. No commercial airports are located within two miles of the project site, although occasional overflights and associated noise occur from aircraft landing at Hayward Executive Airport, approximately 4.67 miles northwest of the project site or Oakland International Airport, approximately 11.15 miles northwest of the project site. The nearest sensitive receptors to the site are the residential homes located approximately 240 feet southwest of the project site adjacent to the intersection of Union Landing Boulevard and Alvarado-Niles Road.

The UCMC Section 9.40.053 requires that the noise as a result of construction activity not exceed the following standards:

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)

The Safety Element of the City's General Plan also includes goals and policies to minimize excessive noise and vibration. The goals and policies which apply to the proposed project are as follows:

Goal S-8: To protect public health and welfare by minimizing excessive noise and vibration.

Policy S-8.8: Limit Construction Hours. To minimize the potential noise impacts of construction activities on surrounding land uses, the City shall limit construction activities between the hours of 8:00 a.m. and 8:00 p.m. on Monday through Friday, 9:00 a.m. and 8:00 p.m. on Saturdays, and 10:00 a.m. and 6:00 p.m. on Sundays and holidays. The City Manager may make specific exceptions to the construction hours when utility work in the streets would have a severely negative impact on traffic flow and public safety.

Policy S-8.9: Construction Noise Control Measures. The City shall include the following noise control measures as standard conditions of approval for projects involving construction:

1. Properly muffle and maintain all construction equipment powered by internal combustion engines.
2. Prohibit unnecessary idling of combustion engines.
3. Locate all stationary noise-generating construction equipment such as air compressors as far as practical from existing nearby residences and other noise-sensitive land uses. Such equipment shall also be acoustically shielded.
4. Select quiet construction equipment, particularly air compressors, whenever possible. Fit motorized equipment with proper mufflers in good working order.
5. Residences adjacent to project sites shall be notified in advance in writing of the proposed construction schedule before construction activities commence. The construction schedule shall comply with Policy S-8.8. 6. The project applicant shall designate a "noise disturbance coordinator" responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of any noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. A telephone number for the disturbance coordinator shall be posted at the construction site.

Policy S-8.10: Construction Vibration Control Measures. The City shall include the following measures as standard conditions of approval for applicable projects involving construction to minimize exposure to construction vibration:

1. Avoid the use of vibratory rollers (i.e., compactors) within 50 feet of buildings that are susceptible to damage from vibration.
2. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that the Federal Transit Administration identifies as sensitive to daytime vibration (FTA 2006).

3. Notify neighbors of scheduled construction activities that would generate vibration.

Evaluation of Environmental Impacts

- 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?

Less than Significant Impact. Construction of the project would generate noise from the use of heavy construction equipment. The anticipated duration of construction is approximately nine months. Construction equipment could be used sporadically throughout the project site, and multiple pieces of equipment would rarely be used simultaneously in close proximity to each other. Project construction hours would be limited to the allowable hours outlined in UCMC Section 9.40.053 and General Plan Policy S-8.8, which limit construction hours to between 8:00 a.m. to 8:00 p.m. Monday through Friday, between 9:00 a.m. and 8:00 p.m. on Saturdays, and between 10:00 a.m. to 6:00 p.m. on Sundays and holidays. Construction noise would also be required to comply with Policy S-8.9: Construction Noise Control Measures to limit noise generated during construction. Therefore, noise generated during project demolition and construction would be less than significant.

The project would demolish and rebuild an existing gas station and convenience store. No new sources of operational noise would be introduced. 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. Noise generated from the project would be similar to existing noise on the site. Therefore, there would be no impact from operational noise and overall noise impacts related to the project would be less than significant.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be necessary for project demolition or construction. 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.

- 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?

No Impact. The closest airport or private airstrip to the project site is the Hayward Executive Airport, approximately 4.67 miles northwest of the project. The project site is not within the airport influence area, or the 65 dBA Community Noise Equivalent Level (CNEL) noise contour for the Hayward Executive Airport AC. Commercial aircraft overfly the project site while approaching or departing the Oakland International Airport, approximately 11.15 miles northwest. According to noise exposure maps for the Oakland International Airport, the project site is not within the 65 dBA CNEL contour for the Oakland

International Airport (Alameda County 2012). Therefore, the project would not expose people residing or working in the project area to excessive noise levels and there would be no impact.

XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project applicant is seeking a Zoning Map Amendment from Union Landing Commercial to Community Commercial, as well as a General Plan Amendment from Regional Retail Commercial to Retail Commercial. This would remove the project site from the Union Landing Special Area and ensure consistency with the 2040 General Plan. The site is surrounded by Regional Retail Commercial land uses to the north, east, and west, and Retail Commercial land uses to the south with Single Family Residential beyond. There are no existing residences on the project site, but there is an existing gas station/convenience store. The nearest residences are south of the project site across from Alvarado-Niles Boulevard.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to population or housing that apply to the proposed project.

STATE

California Government Code Section 65581

California Government Code Section 65581 *et seq.* requires a Housing Element to be included in all city and county General Plans. State Housing Element law mandates that jurisdictions provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction's ability to provide adequate land to accommodate a share of the region's projected housing needs for the applicable planning period. This share is known as the Regional Housing Needs Allocation (RHNA).

LOCAL

Union City General Plan

The City's General Plan includes the following Goals and Policies related to population and housing:

Goal HE-6: To ensure fair and equal opportunity to secure safe, sanitary, and affordable housing for everyone in the community.

Policy HE-6.5: Improve neighborhood opportunity. The City shall work to make all neighborhoods places of opportunity.

Evaluation of Environmental Impacts

- 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)?

Less than Significant Impact. The proposed project would not construct new homes but would instead rebuild a gas station and convenience store on the site of an existing gas station and convenience store. The gas station would employ approximately two to three employees per eight-hour shift. This is similar to the number of employees that work at the existing gas station. Union City's estimated population was 68,681 in 2021 (U.S. Census Bureau 2021). Even if new employees were to move to the area to fill these positions, an increase of less than two dozen residents would be minor and not constitute substantial growth. However, it is expected that project employees would come from Union City and the surrounding areas. The proposed project would have a less than significant impact on population growth.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Fire Protection

The Alameda County Fire Department (ACFD), contracted by the City of Union City, provides fire protection and emergency medical services in the City and thus to the project site. The closest fire station is located at 31600 Alvarado Boulevard, approximately 0.6 mile southwest of the project site.

Police Protection

The Union City Police Department (UCPD) provides police, law enforcement, animal control, and patrol services. The department is located at 34009 Alvarado-Niles Road, approximately 2.25 miles southeast of the proposed project site.

Schools

The school nearest to the project site is Alvarado Elementary School, located approximately 0.5 mile southwest of the project site at 31100 Fredi Street.

Parks

Casa Verde Park is located at 3182 San Rafael Way, approximately 0.13 mile southwest of the project site. Park facilities include picnic areas and playgrounds.

Regulatory Context

There are no federal or State regulations pertaining to public services that apply to the proposed project.

LOCAL

Union City General Plan

The City's General Plan includes the following Goals and Policies related to public services:

Goal S-2/PF-1: Ensure efficient, effective, and coordinated response to natural and manmade disasters

Policy M-4.10: Emergency Vehicle Access. The City shall periodically review emergency vehicle access on private property (areas required to provide fire and emergency vehicle access) and ensure property owners maintain these access routes.

Policy S-4.7: Adequate Street Width for Emergency Access. The City shall ensure the General Plan, Municipal Code, and other supporting regulations include street widths and clearance areas sufficient to accommodate fire protection equipment and emergency vehicles.

Policy S-2.1: Ensure Emergency Access for New Construction. The City shall not permit new construction in areas where emergency access cannot be adequately ensured.

Evaluation of Environmental Impacts

a) Fire protection?

No Impact. The project site is within the ACFD service area, with the nearest station being Alameda County Fire Department Fire Station 32 located at 31600 Alvarado Boulevard, Union City, approximately 0.61 mile to the southwest of the project site. The ACFD provides fire protection service and emergency medical response. The proposed project would raze and rebuild an existing gasoline station and convenience store within a developed, urban area. The project is not anticipated to induce unplanned population increase. While the project would include the storage of combustible fuels onsite, it would be replacing an existing gas station and the land use onsite would not change and therefore would not result in an increase in demand for fire protection.

b) Police protection?

No Impact. Police protection services in Union City are provided by the UCPD, which operates out of a headquarters located at City Hall at 34009 Alvarado-Niles Road. The UCPD also operate from two substations, one located at 32195 Union Landing Boulevard and the other located at 31880 Alvarado Boulevard. The proposed project would raze and rebuild an existing gasoline station and convenience store within a developed, urban area. The project is not anticipated to induce unplanned population increase, and the land use on-site would not change. There would be no additional demand for police protection.

c) Schools?

No Impact. The proposed project would raze and rebuild an existing gasoline station and convenience store within a developed, urban area. The project 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.

d) Parks?

No Impact. The proposed gasoline station and convenience store is a redevelopment of an existing gasoline station and convenience store and would not induce substantial unplanned population growth. 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 774 feet to the southwest of the project site at Casa Verde Park, 3182 San Rafael Way, 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.

e) Other public facilities?

No Impact. The proposed project would raze and rebuild an existing gasoline station and convenience store within a developed, urban area. The project is not anticipated to induce unplanned population increase; there would be no additional demand for other public facilities. The project would have no impact on other public facilities.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Casa Verde Park is located approximately 0.16 mile southwest of the project site. San Andreas Park is located about 0.32 mile southeast of the project site.

Evaluation of Environmental Impacts

- 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?

No Impact. The proposed project would not draw in new recreation users to the area. The nearest neighborhood or regional park is approximately 774 feet to the southwest of the project site at Casa Verde Park, 3182 San Rafael Way, 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.

- 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?

No Impact. 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

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

Environmental Setting

The project site consists of one parcel located in the western portion of Union City and within Alameda County, California. I-880 is approximately 0.28 miles east of the project site. The project is located at the intersection of Alvarado-Niles Road and Union Landing Boulevard. Alvarado-Niles Road is a four-lane arterial that extends from Niles Boulevard in Fremont to Dyer Street in Union City.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to transportation/traffic that apply to the proposed project.

STATE

California Streets and Highways Code

California Streets and Highways Code Section 660 et seq. requires that an encroachment permit be obtained from Caltrans prior to the placement of structures or fixtures within, under, or over State highway ROW. This includes, but is not limited to, utility poles, pipes, ditches, drains, sewers, or other above-ground or underground structures.

California Environmental Quality Act

SB 743 of 2013 (CEQA Guidelines Section 15064.3 et seq.) was enacted as a means to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHGs. Pursuant to SB 743, traffic congestion is no longer considered a significant impact on the environment under CEQA. The new metric bases the traffic impact analysis on vehicle-miles travelled (VMT).

VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of a project on transit and non-motorized travel. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household, or in any other measure. The requirement to use the VMT metric became effective statewide on July 1, 2020.

LOCAL

Plan Bay Area 2050

The current Regional Transportation Plan (RTP) produced by ABAG and MTC, the *Plan Bay Area 2050*, was adopted in October 2021 (ABAG and MTC 2021). The Plan sets forth regional transportation and land use policy, and provides capital program planning for all regional, State, and federally funded projects. In addition, the Plan provides strategic investment recommendations to improve regional transportation system performance through the year 2050, including investments in regional highway, transit, local roadway, bicycle, and pedestrian improvements.

Countywide Transportation Plan

The ACTC, also referred to as the Alameda County CMA, acts as the countywide planning and programming agency for transportation related issues in Alameda County. Every four years, the ACTC updates the Alameda Countywide Transportation Plan, a long-range document that serves as a guide for future transportation projects, programs, policies, and advocacy for all of Alameda County through 2040 (ACTC 2016)

Union City Bicycle and Pedestrian Master Plan

The 2021 Union City Bicycle and Pedestrian Master Plan provides a blueprint for developing a system of trails, bikeways, and other transportation and recreation facilities for non-motorized users in Union City (Union City 2021). The Bicycle and Pedestrian Master Plan considers a broad range of non-motorized travel methods, including commute bicycling; recreational on-road and off-road bicycling; walking, jogging, and running; motorized and non-motorized wheelchairs; and other forms of non-motorized, wheeled transportation. The Bicycle and Pedestrian Master Plan was most recently updated in 2021 to reflect updated background information, pedestrian and bicycle facilities constructed since 2012 and feedback received from the City's Planning Commission and Bicycle and Pedestrian Advisory Committee and the public.

Union City General Plan

The following General Plan policies were adopted by the City for evaluation of traffic impacts under CEQA (Union City 2019):

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 including 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.

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.” (Union City 2019). 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, apart from 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.

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* (OPR 2018) 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.

Evaluation of Environmental Impacts

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The City’s Bicycle and Pedestrian Master Plan identifies a proposed Class I Shared-Use Bicycle Path along Alvarado-Niles Road, which would turn into a proposed Class IV Separated Bike Lane after the intersection with Union Landing Road. This proposed bike lane would run adjacent to the proposed project along Alvarado-Niles Road. The proposed project does not include any improvements which would hinder the establishment of the proposed shared-use bicycle path or separated bike lane. The project proposes to relocate the existing pedestrian access to the Union Landing Transit Center slightly to the west to allow for the new location of the convenience store. This relocation would not impact pedestrian access to the transit center. .

The project would not conflict with a plan, ordinance, or policy addressing bicycle or pedestrian facilities.

Public transit service in the immediate vicinity of the project site is provided by Union City Transit and by the Alameda-Contra Costa Transit District (AC Transit). The Union Landing Transit Center is located adjacent to the north of the project site. The Bay Area Rapid Transit (BART) provides public transit service on a regional level. The project site is approximately 2.73 miles from the Union City BART Station. As the project consists of the replacement of an existing gas station and convenience store, the project is not expected to increase the use of public transit. The project would not conflict with a plan, ordinance, or policy addressing public transit.

Construction of the project would result in trucks entering and exiting the project site. Construction activities would maintain through traffic on Alvarado-Niles Road and Union Landing Boulevard and no detours are anticipated. Traffic-related impacts associated with construction would be temporary, and no significant impacts to traffic circulation would occur. Therefore, the impact would be less than significant.

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

Less than Significant Impact. 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. Furthermore, the proposed project would raze and rebuild an existing gas station and convenience store and would not create a new or different land use which would increase vehicle miles traveled. The proposed project would result in a less than significant impact on VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact. The proposed project has been designed to allow for truck turning movements and required access into the site for fueling and loading. 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.

Trucks would be able to enter the project site at either of the two project site driveways on Alvarado-Niles Road or at the driveway on Union Landing Blvd., maneuver within the project site, and exit the project site at the driveway on Union Landing Boulevard or Alvarado-Niles Road. Trucks would be able to accomplish these movements without blocking the project site driveways. The proposed project would have a less than significant impact on hazards due to geometric design features or incompatible uses and is not expected to increase hazards.

Garbage trucks entering the side from the most easterly driveway on Alvarado-Niles Road would be able to do 3-point turns to line up with the enclosure to pick up garbage or drive around the fuel pumps and arrive at the enclosure to get into the position to pick up the garbage. The dumpsters would need to be kept out of the way of any vehicles that might enter the site from this driveway and be put back into the enclosures as soon as possible to get them out of the way of entering vehicles.

d) Result in inadequate emergency access?

Less than Significant Impact. Although construction of the proposed project may require some travel lanes to be unavailable, this would be short term and vehicle access through Alvarado-Niles Road and Union Landing Boulevard 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Tribal cultural resources are defined in CEQA as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, which may include nonunique archaeological resources previously subject to limited review under CEQA. AB 52 requires the lead agency (in this case, Union City) to begin consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report if (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation (Public Resources Code Section 21080.3.1[b]).

On March 14, 2023, the City sent letters via certified mail to representatives of the following tribal representatives. These letters can be found in Appendix H.

- Monica Arellano, Vice Chairman of the Muwekma Ohlone Tribe of the San Francisco Bay Area
- Charlene Nijmeh, Chairperson of the Muwekma Ohlone Tribe of the San Francisco Bay Area

- Timothy Perez of the North Valley Yokuts Tribe
- Katherine Perez, Chairperson of the North Valley Yokuts Tribe
- Corrina Gould, Chairperson of the Confederated Villages of Lisjan Nation
- Andrew Galvan, Chairperson of The Ohlone Indian Tribe
- Kenneth Woodrow, Chairperson of the Wukache Indian Tribe/Eshom Valley Band
- Irene Zwierlein, Chairperson of the Amah Mutsun Tribal Band of Mission San Juan Bautista
- Tony Cerda, Chairperson of the Costanoan Rumsen Carmel Tribe
- Ann Marie Sayers, Chairperson of the Indian Canyon Mutsun Band of Costanoan, and
- Kanyon Sayers-Roods, MLD Contact of the Indian Canyon Mutsun Band of Costanoan.

On April 4, 2023, Corrina Gould, Tribal Chair of the Confederated Villages of Lisjan Nation responded requesting a copy of technical reports and records searches related to the project. No other responses were received.

Regulatory Context

FEDERAL

There are no federal regulations pertaining to tribal cultural resources that apply to the proposed project.

STATE

California Environmental Quality Act

Assembly Bill 52 of 2014 (Public Resources Code Section 21084.2) establishes that “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” In order to determine whether a project may have such an effect, a lead agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if:

1. The tribe requested to the lead agency, in writing, to be informed through formal notification of proposed projects in the geographical area; and
2. The tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation.

The consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Pursuant to PRC Section 21084.3, lead agencies must, when feasible, avoid damaging effects to a tribal cultural resource and must consider measures to mitigate any identified impact.

PRC Section 21074 defines “tribal cultural resources” as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the CRHR; or are included in a local register of historical resources as defined in PRC Section 5020.1(k).

2. A resource determined by the lead agency, taking into consideration the significance of the resource to a California Native American tribe, to be significant pursuant to criteria set forth in PRC Section 5024.1(c).

In addition, a cultural landscape that meets one of these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. A historical resource described in Section 21084.1, a unique archaeological resource as defined in Section 21083.2(g), or a “nonunique archaeological resource” as defined in Section 21083.2(h) may also be a tribal cultural resource if it meets one of these criteria.

LOCAL

There are no local regulations pertaining to tribal cultural resources that apply to the proposed project.

Evaluation of Environmental Impacts

- 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)?

Less than Significant Impact with Mitigation. See Section 5.V, Cultural Resources, for a discussion of historical resources and Native American outreach and consultation efforts. The project site is not considered to be of any historical importance and is not identified as such by the California State Historical Resources Commission or in the Union City General Plan. The site has not been identified as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe. While no historic or archaeological resources were identified, Mitigation Measures CUL-1 and CUL-2 would address inadvertent discoveries during construction. The project’s potential impact on tribal cultural resources would be less than significant impact with mitigation.

- 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?

Less than Significant Impact with Mitigation. On March 14, 2023, the City sent letters to 11 tribal representatives via certified mail to representatives as noted in the Environmental Setting section above: Muwekma Ohlone Tribe of the San Francisco Bay Area, North Valley Yokuts Tribe, the Confederated Villages of Lisjan Nation, the Ohlone Indian Tribe, the Wukache Indian Tribe, the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Costanoan Rumsen Carmel Tribe, and the Indian Canyon Mutsun Band of Costanoan. On April 4, 2023, Corrina Gould, Tribal Chair of the Confederated Villages of Lisjan Nation responded requesting a copy of technical reports and records searches related to the project. No other responses were received.

The project would raze and rebuild an existing gas station and convenience store. No known tribal cultural resources are located on the project site. As the land is already developed, it is unlikely that tribal cultural resources will be found during project demolition and construction. However, the possibility of an unanticipated discovery exists. If unanticipated tribal cultural resources are found on the project site, mitigation measures CUL-1 and CUL-2 would address inadvertent discoveries during construction. The project's potential impact on tribal cultural resources would be less than significant with mitigation.

XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The Union Sanitary District (USD) provides several services, including operating and maintaining the wastewater collection system, wastewater treatment plant, water supply facilities, the water distribution system, and the storm drain system.

Wastewater Collection and Treatment

The USD service area encompasses a total of 60.2 square miles in southern Alameda County: 9.9 square miles in Union City, 13.8 square miles in Newark, and 36.4 square miles in Fremont. USD serves a total population of over 347,000 residents. In 2018 USD had a total of 114,251 connections.

Domestic/residential living units accounted for about 111,136, or about 97 percent of the total number of connections. The other USD connections were 1,768 commercial connections and 1,347 industrial connections (USD 2019). The USD service area is made up of three drainage basins: Irvington, Newark, and Alvarado. Each basin contains a separate pump station and each pump station collects the wastewater from within its particular basin. The Alvarado Basin covers all of Union City and a small portion of Fremont. The USD’s Alvarado Treatment Plant is located in the Alvarado Basin within the City’s Horner-Veasby area. The Alvarado Treatment Plant uses activated sludge as the biological liquid treatment process to meet the National Pollutant Discharge Elimination System (NPDES) permit

requirements for secondary treatment. Additional treatment processes include primary and secondary clarification, and chlorination. The capacity of the Alvarado Treatment Plant is 33 MGD (USD 2019). Solids handling at the Alvarado Treatment Plant includes: sludge thickening, digestion and dewatering. Dewatered sludge is transported by truck to approved agricultural fields in Sacramento, Solano, and Alameda Counties, where biosolids are surface applied and incorporated into the soil.

Water Service

Water for the Alameda County Water District (ACWD) comes from three sources: local supplies, the State Water Project, and San Francisco's Regional Water System. Surface water is imported from the Sacramento-San Joaquin River Delta and/or Lake Del Valle via the South Bay Aqueduct. This water is purified at ACWD's surface water treatment plant and then delivered to customers.

Storm Drainage

The City owns and maintains the public storm drain system, which includes all of the storm drains, pipes, catch basins, and manholes within the City ROW. The outfalls, channels, creeks, and pump stations are owned and operated by Alameda County Flood Control and Water Conservation District. All storm drains in Union City flow directly to nearby creeks, wetlands, and the Bay. The Environmental Programs Division of Union City implements the industrial and commercial facility inspection program. The Public Works Department implements all other clean water program requirements. Additionally, the City reviews storm water pollution prevention plans (SWPPP), conducts storm water event inspections of construction sites, and receives and investigates complaints about illicit discharges into the public storm drain system.

Solid Waste

Republic Services, a private company, is responsible for the collection of all municipal solid waste generated in Union City. Republic collection vehicles deliver the material to the Fremont Recycling and Transfer Station in Fremont, California. The solid waste is then transferred onto larger trucks and transported to the Altamont Landfill and Resource Recovery Facility, located 48 miles east of Union City in Livermore, California. A disposal agreement with Waste Management, owner/operator of the Altamont Landfill, ensures long-term disposal capacity at the landfill for Union City and neighboring jurisdictions. Weekly curbside collection of residential recyclables in Union City is provided by Tri-CED. Single stream recycling allows residents to place cans, bottles, paper, plastics, etc. in the same receptacle. No sorting of materials is required by the resident.

Tri-CED employees process the recyclables at the non-profit's large Materials Recovery Facility, located at 33377 Western Avenue in Union City. The facility also houses a certified California Redemption Center, where residents can redeem aluminum cans, plastic beverage bottles, glass bottles, and containers labeled with the California Redemption Value symbol. Year round drop off of unwanted electronic waste, such as televisions, computer screens, and cell phones is also available at the buyback center.

According to the Solid Waste Facility Permit for the Altamont Landfill, peak traffic volume for incoming waste materials shall not exceed 557 trips per day, and the peak tonnage of incoming waste shall not exceed 11,150 tons per day (CalRecycle 2005). The maximum permitted capacity of the landfill is 124.4 million cubic yards or 87.1 million tons per the Solid Waste Facility Permit. According to CalRecycle, the remaining capacity of the landfill in December 2014 was 65,400,000 cubic yards, or 45.8 million tons

(CalRecycle 2018). According to CalRecycle (2018), the Altamont Landfill receives approximately 530 tons per day of municipal solid waste for disposal, based on the daily average for 2013 through 2017. Municipal solid waste comes from primarily the Bay Area region, but also from more distant municipalities and cities, such as Ukiah, Sacramento, and Monterey (CalRecycle 2018).

Regulatory Context

FEDERAL

There are no federal regulations pertaining to utilities and service systems that apply to the proposed project.

STATE

Senate Bill 610 (2001)

Under SB 610, enacted in 2001, water supply assessments must be included in any environmental documentation for certain projects that are subject to CEQA. As stated in Water Code Section 10912(b), *“[i]f a public water system has fewer than 5,000 service connections, then “project” means any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system’s existing service connections...”* Water Code Section 10910(c)(4) states that the water supply assessment for the project shall include a discussion with regard to whether the City’s water supply during normal, single dry and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses.

California Integrated Waste Management Act

The California Integrated Waste Management Act (CIWMA) of 1989, as amended, was enacted to reduce, recycle, and reuse solid waste generated in the State. The CIWMA requires cities and counties to divert 50 percent of the total waste stream from landfill disposal. Under the CIWMA, cities and counties must prepare Solid Waste Management Plans and Source Reduction and Recycling Elements to implement CIWMA goals.

Solid Waste Reuse and Recycling Access Act

The Solid Waste Reuse and Recycling Act of 1991 (AB 1327) requires that cities and counties adopt regulations that require commercial, industrial, or institutional buildings, and multifamily residential dwellings of five units or more, to provide adequate storage areas for the collection of recyclable materials.

Assembly Bill 341 (2011)

AB 341, enacted in 2011, established a statewide goal that 75 percent of solid waste be reduced, recycled, or composted by 2020. AB 341 established a statewide mandatory commercial recycling program. A business or public entity that generates four cubic yards or more of commercial solid waste per week, or a multifamily residential dwelling of five units or more, must arrange for recycling services no later than July 1, 2012. Cities and Counties are required to implement a commercial solid waste recycling program to meet this requirement.

Assembly Bill 1826 (2014)

AB 1826, enacted in 2014, requires businesses to recycle their organic waste (food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste), depending on the amount of waste generated per week. Local jurisdictions are required to implement an organic waste recycling program to divert organic waste generated by businesses, including multi-family dwellings of five or more units (multi-family dwellings are not required to have a food waste diversion program). Exemptions are allowed for jurisdictions in rural areas. CalRecycle has exempted the City of Mt. Shasta from the organic waste recycling program.

Senate Bill 1383 (2016)

SB 1383, enacted in 2016 established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Building Standards Code

The CALGreen Code, included as Part 11 of the CBSC, includes requirements for construction waste reduction, disposal, and recycling. The intent of this requirement is to reduce the amount of waste from new construction and demolition that would be sent to landfills, and to encourage reuse and recycling of construction waste products (e.g., carpet, wood, aggregate, shingles, wallboard, and other materials that have recyclable value). A minimum of 65 percent of nonhazardous construction and demolition waste must be recycled and/or salvaged for reuse. The CALGreen Code requires that a Construction Waste Management Plan be submitted with the building permit application and approved by the Building Official prior to issuance of a building permit.

The CALGreen Code also includes mandatory water conservation measures for both indoor and outdoor water use. Indoor measures require the use of water conserving plumbing fixtures and fittings. Outdoor measures require that landscape areas in excess of 500 square feet comply with the California Department of Water Resources Model Water Efficiency Landscape Ordinance (MWELo), or a local water efficient landscape ordinance that is at least as effective as the State's MWELo. The MWELo is intended to reduce outdoor water use by requiring more efficient irrigation systems, graywater usage, and onsite stormwater capture, and by limiting the portion of landscapes that can be covered in turf.

LOCAL**Municipal Stormwater Permitting Program**

The San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015- 0049 (MRP) issues the Waste Discharge Requirements and NPDES Permit for the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4s) of over 70 municipalities, including Union City, and local agencies in five Bay Area counties. Under the MRP, permittees are prohibited from non-stormwater discharges into storm drain systems and watercourses. Permitted discharges must not cause or contribute to a violation of any applicable water quality standard for receiving waters. Upon a determination by either the MRP permittee(s) or the RWQCB that discharges are causing or contributing to an exceedance of an applicable water quality standards, the permittee(s) must notify, within no more

than 30 days, and thereafter submit a report to the RWQCB. The report must describe controls or best management practices (BMPs) that are currently being implemented, and the current level of implementation, and additional controls or BMPs that will be implemented, and/or an increased level of implementation, to prevent or reduce the discharge of pollutants that are causing or contributing to the exceedance of water quality standards.

The MRP also sets forth requirements for monitoring water quality. Provision C.3 of the MRP establishes discharge requirements for new development and redevelopment projects. The goal of Provision C.3 is for the MRP permittees to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. According to the MRP, this goal is to be accomplished primarily through the implementation of low impact development (LID) techniques.

The Public Works Department has overall responsibility for MRP compliance, with other city departments in support.

Union Sanitary District Sewer System Management Plan

The USD Sewer System Management Plan (SSMP) focuses proper management, operation, and maintenance of all parts of the sanitary sewer system to help reduce and prevent sanitary sewer overflows (SSOs), as well as mitigate any SSOs that do occur (USD 2020). The goals of the USD SSMP are to:

- Properly manage, operate, and maintain all parts of the wastewater collection system
- Provide a safe work environment for employees
- Minimize preventable SSO
- Understand the condition of and maintain infrastructure to maximize the life of the collection system
- Operate and maintain systems to minimize impact on customers
- Prepare for emergencies
- Be a part of the community and be a responsible public agency
- Involve employees in the strategic planning process
- Effectively plan system expansion in order to meet the capacity needs of the three cities that USD serves
- Set high, achievable standards for the construction of new infrastructure

The Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D)

Alameda County residents approved Measure D in November 1990. Measure D requires that a per ton disposal surcharge be imposed at the Altamont and Vasco Road Landfills in order to provide the necessary funds to design and implement municipal recycling services for residents and businesses. The Alameda County Recycling Board collects an \$8.23 per ton landfill disposal fee imposed by Measure D to support waste reduction efforts. The distribution of Measure D funds is as follows: 50 percent to cities

for recycling programs; 15 percent discretionary to supplement the other categories and for administration; 10 percent grants to non-profits; 10 percent for source reduction; 10 percent for market development; and 5 percent for recycled product procurement price preference. Funds disbursed to municipalities must be used "...for the continuation and expansion of municipal recycling programs." Measure D is intended to ensure that the State's waste diversion mandates are met and possibly exceeded by supporting source reduction and recycling in Alameda County.

Alameda County Integrated Waste Management Plan: Countywide Element

The Countywide Integrated Waste Management Plan is a State-mandated plan prepared by the Alameda County Waste Management Authority. The Plan identifies solid waste facilities and waste sheds within Alameda County. It describes the countywide plan for reaching the State mandated 50 percent recycling goal and the county-mandated 75 percent recycling goal. Waste reduction and disposal facilities in the county that require Solid Waste Facility Permits must conform to policies and siting criteria contained in the Countywide Integrated Waste Management Plan.

Alameda County Mandatory Recycling Ordinance

The Alameda County Mandatory Recycling Ordinance prohibits the disposal of certain readily recyclable materials. It requires multifamily residential properties with five or more units and businesses with four cubic yards or more of weekly garbage service to provide on-site recycling to handle the amount of recyclable materials generated at the location. Phase 1 of the Ordinance became effective July 1, 2012. Phase II of the Ordinance expands the recycling requirement to all businesses and adds discarded food and compostable paper products to list of covered materials. The City plans to participate in Phase II in near future. Alameda County Reusable Bag Ordinance The objective of this countywide ordinance is to reduce the use of single-use carryout bags and to promote the use of reusable bags. As of January 1, 2013, grocery stores and other stores in Alameda County that sell packaged food no longer provide single-use plastic carryout bags, nor do they distribute paper bags or reusable bags for free at checkout, pursuant to the Ordinance.

Union City Municipal Code Chapter 7: Health and Sanitation

Chapter 7 of the Union City Municipal Code includes regulations related to the storage, accumulation, collection and disposal of solid waste in the City. Requirements associated with the diversion of recyclables, green waste and other materials are also outlined. It also adopts and incorporates the Alameda County Waste Management Authority Mandatory Recycling Ordinance No. 2012-1 ("Mandatory Recycling Ordinance, The Ordinance"), passed on January 25, 2012, which requires, among other things, that covered jurisdictions implement commercial solid waste recycling programs that consist of education, outreach and monitoring of businesses and report to the State on the progress achieved in implementing the program. Union City Municipal Code Chapter 15.75 Construction and Demolition Debris Recycling regulates the disposal of debris from construction and demolition projects within the City and to divert such debris from landfill. Union City Municipal Code Chapter 7.10 Single-use bag reduction adopts and incorporates the Single Use Bag Reduction Ordinance No. 2012-02 of the Alameda County Waste Management Authority designed to reduce the use of single-use carryout bags and promote the use of reusable bags at the point-of-sale in Union City.

Union City Climate Action Plan

The Union City Climate Action Plan provides a plan to achieve a measurable reduction in GHG emissions, consistent with State law (i.e., Assembly Bill 32 and Executive Order S-03-05). The plan includes a series of “Waste Reduction” policies designed to increase waste diversion, strengthen construction and demolition recycling standards, expand outreach programs, and increase waste reduction in municipal facilities. The total GHG reduction potential of the Waste Reduction Action Area is approximately nine percent of the total GHG reductions of the CAP. In addition, the plan presents a strategy to achieve the City’s goal of reducing GHG emissions 20 percent below 2005 levels by the year 2020.

Evaluation of Environmental Impacts

- 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?

Less than Significant Impact.

Water

The proposed project is located in the existing service area of the Alameda County Water District. Water for the proposed project would be supplied to the project by the Alameda County Water District. The *Alameda County Urban Water Management Plan 2020-2025* (ACWD 2021) 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 36.6 million gallons per day (ACWD 2021). 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 (USD 2019). The proposed project would include one public restroom 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 because 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 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 for several reasons. First, the overall site area is small relative to the greater watershed drainage area encompassed 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 paved and impermeable. Thus, rather than percolating to groundwater, the majority of storm runoff from the site already drains to the local storm drain. 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 PG&E. 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.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Urban Water Management Plan (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 61,000 acre-feet (AF) in 2025; 60,400 AF in 2030; 60,100 AF in 2035; 60,200 AF in 2040; and 67,600 AF in 2045 (ACWD 2021). Under normal year conditions, the supply is expected exceed the demand; estimated normal year water supply is 68,200 AF in 2025; 68,200 AF in 2030; 68,300 AF in 2035; 68,300 AF in 2040; and 68,200 AF in 2045. 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 (C); therefore, development of the site has been reasonably considered during preparation of the UWMP.

In conclusion, the proposed project would remain consistent with the existing development on the project site and therefore would not result in an increase in water 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. Since the proposed project would be a raze and rebuild, the water demand that would be generated by the project can be assumed to remain consistent with the current water demand at the project site. The proposed project would have a less than significant impact on water supply and demand.

- 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?

Less than Significant Impact. 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 (USD 2019), 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 accommodate the proposed project as the raze and rebuild of the existing gas station would not result in an increase in water demand. The projected water demand is anticipated to remain consistent with the water demand of the existing gas station; thus, the project would result in a less than significant impact on wastewater service capacity.

- 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?

Less than Significant Impact. 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 (CalRecycle 2018). As of June 30, 2016, the landfill had 65,400,000 cubic yards of remaining capacity (CalRecycle 2018). There is adequate permitted capacity at the landfill to accommodate the solid waste that would be generated by both construction and operation of the project. Therefore, the proposed project would have a less than significant impact on solid waste disposal capacity.

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. 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 type 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 Officer within 30 days of completion of construction. Additional requirements are set forth in 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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

According to Local Responsibility Area (LRA) mapping, no land within the City limits is designated as a Very High Fire Hazard Severity Zone (CAL FIRE 2008). Additionally, according to CAL FIRE, there are no State Responsibility Areas (SRAs) mapped within the City limits (CAL FIRE 2007).

Regulatory Context

FEDERAL

There are no federal regulations pertaining to wildfire that apply to the proposed project.

STATE

California Department of Forestry and Fire Protection (CAL FIRE)

The Bates Bill (AB 337), enacted in 1992, required CAL FIRE to work with local governments to identify high fire hazard severity zones throughout each county in the State. CAL FIRE adopted Fire Hazard Severity Zone (FHSZ) Maps for SRAs in November 2007. Pursuant to California Government Code Section 51175-51189, CAL FIRE also recommended FHSZs for Local Responsibility Areas (LRAs). Over the years, CAL FIRE has updated the maps and provided new recommendations to local governments based on fire hazard modeling.

The fire hazard model considers wildland fuels (natural vegetation that burns during the wildfire); topography (fires burn faster as they burn up-slope); weather (fire burns faster and with more intensity when air temperature is high, relative humidity is low, and winds are strong); and ember production and movement (how far embers move and how receptive the landing site is to new fires). The model recognizes that some areas of California have more frequent and severe wildfires than other areas. The proposed project is not located in an SRA FHSZ.

California Fire and Building Codes

California Fire Code, Part 9, Chapter 49 (Wildland-Urban Interface Fire Areas), and California Building Code Chapter 7A (Materials and Construction Methods for Exterior Wildfire Exposure) include standards for new construction in Wildland-Urban Interface Fire Areas (fire hazard severity zones). A Wildland-Urban Interface Fire Area is defined as a geographic area identified by the State as a Fire Hazard Severity Zone in accordance with PRC Section 4291 through Section 4204, and Government Code Section 51175 through Section 51189, or other areas designated by the local enforcing agency to be at a significant risk from wildfires. The purpose of the standards is to prevent a building from being ignited by flying embers that can travel as much as a mile away from a wildfire and to contribute to a systematic reduction in fire-related losses through the use of performance and prescriptive requirements.

LOCAL

Association of Bay Area Governments Multi-Jurisdictional Local Hazard Mitigation Plan

The Association of Bay Area Governments' (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan covers mitigation measures that should be adopted by participating municipalities across the San Francisco Bay Area. The mitigation measures focus on hazards such as earthquake, fire, flood, and tsunami (ABAG 2011). The ABAG hazard mitigation planning process provided local governments with the tools necessary to meet federal hazard mitigation planning requirements, and this regional template has been used by numerous counties and cities within the ABAG planning area, including Union City.

Union City/Newark Multi-Jurisdictional Hazard Mitigation Plan

In 2016, the Cities of Union City and Newark prepared an updated multi-jurisdictional hazard mitigation plan (HMP) using the lessons learned from the 2011 ABAG hazard mitigation planning efforts. The HMP aims to reduce risks for those who live in, work in, and visit the Cities of Union City and Newark and provides a planning framework for all foreseeable natural hazards. The HMP's goals and recommendations intend to lay the groundwork for the development and implementation of local mitigation activities and partnerships for long-term benefits, including the following (Union City/Newark Planning Team 2016):

- Increased understanding of hazards faced by all planning partners,
- More sustainability and disaster-resistant communities,
- Financial savings through partnerships that support planning and mitigation efforts,
- Focused use of limited resources on hazards that have the biggest impact on the communities, and
- Reduced long-term impacts and damage to human health and structures, and reduced repair costs.

Union City General Plan – Safety Element

The Safety Element of the City’s General Plan also includes goals and policies related to wildfire. The goals and policies which apply to the proposed project are as follows:

Goal S-1: To protect the public health and safety and minimize the damage to structures, property, and infrastructure as a result of natural and manmade hazards.

Policy S-1.1: Development Review for Safety Compliance. The City shall evaluate all proposed projects to ensure compliance with relevant building and safety codes, including those related to flooding, fire, earthquake, and other geologic hazards.

Policy S-4.1: Time Future Development to Ensure Adequate Fire Infrastructure. The City shall not approve new development unless the development will be protected by adequate fire control facilities and equipment by the time of occupancy.

Santa Clara Unit Strategic Fire Plan

The CAL FIRE Strategic Fire Plan for the Santa Clara Unit, last updated in 2013, applies to Alameda County and neighboring counties to the north, east, and south. This plan documents an assessment of wildfire hazards in the Santa Clara Unit and identifies strategic targets to minimize fire risks, such as fire prevention and vegetation management (CAL FIRE 2011).

Evaluation of Environmental Impacts

- a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The project site is in a Local Responsibility Area and is classified as a Non-Very High Fire Hazard Severity Zone (CALFIRE 2007). The nearest State Responsibility Area is approximately 2.55 miles to the northeast. The nearest State Responsibility Area classified as a Very High Fire Hazard Severity Zone is approximately 10.73 miles east in the Sunol Ridge and Pleasanton Ridge areas (CALFIRE 2007). The project would result in no impact on adopted emergency response or emergency evacuation plan for State Responsibility Areas or areas classified as Very High Fire Hazard Severity Zone.

- b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The project site is located 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.

- c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. 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.

- d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. 100-year flood zones are roughly 1.07 miles north and 0.83 miles east of the project site (FEMA 2021). 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 development 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 no impact on exposing people or structures to risk because 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 substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant with Mitigation. As detailed in Section IV. Biological Resources, special-status species are unlikely to occur in the project site due to lack of suitable habitat. The existing trees on site have the potential to act as nesting habitat for native birds. Implementation of Mitigation Measure BIO-01 would avoid disturbance of any nesting birds if construction were to occur during the nesting season. As detailed in Section V, Cultural Resources, no cultural resources were identified on the project site. Mitigation Measures CUL-1, and CUL-2 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 rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?

Less than Significant with Mitigation. Cumulatively considerable impacts are not anticipated. The proposed project would demolish and rebuild an existing 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:

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. Air quality impacts related to construction would be short-term and temporary, and would be reduced to a less than significant level with the incorporation of Mitigation Measure AQ-1. 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 nesting birds during construction. Implementation of mitigation measure BIO-01 would avoid impacts to nesting birds, thus avoiding cumulative impacts. 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, and CUL-2 would be implemented in the event of inadvertent discovery. Cumulative impacts on cultural resources would be avoided.

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 measure HYD-1 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.

In summary, without mitigation, impacts on air quality, biological resources, cultural resources, and hydrology and water quality would be potentially significant. Implementation of mitigation measures AQ-1, BIO-1, CUL-1, CUL-2, and HYD-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.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant with Mitigation. 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 with mitigation incorporated, and as discussed in Section XIII, Noise, item a), potential noise impacts from construction would be less than significant. Project-related effects on human beings are therefore less than significant with mitigation incorporated.

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