

**FINAL ENVIRONMENTAL ASSESSMENT  
PROPOSED COMMUNITY BASED OUTPATIENT CLINIC IN  
SOUTHERN ALAMEDA COUNTY, CALIFORNIA**

June 17, 2011

**Prepared for:**

U.S. Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, DC 20420

**Under contract to:**

Carpenter Robbins Commercial Real Estate, Inc.  
3160 Crow Canyon Road, Suite 200  
San Ramon, California 94593

**Prepared by:**

Environmental Science Associates (ESA)  
225 Bush Street, Suite 1700  
San Francisco, California 94104

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# EXECUTIVE SUMMARY

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This Environmental Assessment (EA) is being prepared to address the construction and operation of a new state-of-the-art Community Based Outpatient Clinic (CBOC) to serve the approximately 10,000 veterans in Southern Alameda County, California. The project is proposed by the Department of Veterans Affairs (VA). This EA was conducted in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations 1500-1508) and VA Regulations (38 CFR Section 26.4(a)).

The veterans in Southern Alameda County currently are required to travel to the Livermore VA Medical Center (VAMC) for care. The Livermore facility was built in the 1940's and its aging infrastructure requires constant care and maintenance which uses VA financial resources that could otherwise be used to provide better quality care for veterans.

The VA considered the option of continuing operations at the Livermore VAMC (the No Action alternative). However, because this option would not provide improved quality care for veterans and would require veterans in Southern Alameda County to travel quite a distance for services, this option was the least preferred alternative.

After consideration of several other alternatives such as leasing space, renovating existing facilities, and contracting out services, the VA determined that the best option was the purchase of property and construction of a new CBOC. The VA has identified two possible locations for the proposed CBOC. Both sites are located in the City of Fremont within about one mile of each other.

The CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary care and mental health services, and would include medical/surgical sub-specialty clinics, audiology and speech pathology facilities, an eye clinic, basic blood laboratory, basic pharmacy, physical medicine and rehabilitation facilities, prosthetics services, and radiology (general X-ray) services. The CBOC would not include an emergency room, urgent care, or outpatient surgery services. Parking for up to 420 vehicles would be provided on site for employees and visitors. The CBOC would employ approximately 100 medical and administrative staff. On-site security services would be provided by VA Police.

The CBOC would be LEED (Leadership in Energy and Environmental Design) Silver Certified in accordance with the April 2010 Sustainable Design and Energy Reduction Guide. Construction is

tentatively anticipated to begin in 2013 and would take approximately two years. Operation of the CBOC would begin in late 2015 or early 2016.

The VA has requested concurrence with this report's finding of no significant effect on endangered and threatened species or critical habitat from the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, and has received concurrence from the State Historic Preservation Officer that this project would not adversely affect historic resources pursuant to Section 106 of the National Historic Preservation Act.

As discussed in this EA, the proposed action would have short term adverse effects during construction. However, with the best management practices identified in Chapter 5, these adverse effects would not be significant. Ground disturbing activities during construction also have the potential to result in the discovery of human remains or to damage archaeological resources. As part of these best management practices, if cultural artifacts or human remains are uncovered, all activity in the vicinity of the find would be stopped until the proper protocol and process are observed. No significant adverse long term effects from operation of the proposed CBOC were identified at either site location.

In conclusion, this EA has determined that the proposed action of construction and operation of a CBOC on either site would not result in significant adverse effects on the human environment or natural resources. The proposed action would provide a positive long term effect by providing new jobs, while achieving the objectives of the VA to provide quality care to veterans closer to their places of residence.

# CHAPTER 1.0

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## Introduction

The U.S Department of Veterans Affairs (VA) seeks to acquire land for the construction and operation of a new state-of-the art Community Based Outpatient Clinic (CBOC) to serve the approximately 10,000 veterans in southern Alameda County, California. This proposed facility would be located in Fremont and would provide some of the specialty care that is currently offered only at the existing Palo Alto and Livermore VA facilities. This Environmental Assessment is being prepared to address the environmental effects of building the new CBOC in Fremont as described below.

### 1.1 Purpose and Need

The VA administers the Veterans Administration Palo Alto Health Care System (VAPHCS) which includes the Menlo Park, Palo Alto, and Livermore, California Divisions. The VAPHCS currently operates seven CBOCs in Capitola, Fremont, Modesto, Monterey, San Jose, Sonoma, and Stockton to serve the approximately 198,800<sup>1</sup> veterans residing in approximately half of Alameda and all of San Joaquin, Calaveras, Tuolumne and Stanislaus counties.

As part of its master plan to improve services provided by the VAPHCS, the VA plans to:

- 1) purchase land and to construct a new CBOC in the East Bay area, and a new CBOC collocated with a new 120-bed Community Living Center (CLC) in the Central Valley area; 2) renovate a minimally invasive procedure center at the Palo Alto VA Medical Center (VAMC); and
- 3) eventually close the Livermore VAMC.

The 1940's era Livermore VAMC currently requires a considerable amount of VA resources to maintain its aging infrastructure, resources that would be better used to provide improved services. However, the Livermore VAMC cannot be updated and renovated until the new facilities to serve veterans in Southern Alameda County and the Central Valley area are constructed and the services provided by the Livermore VAMC are relocated to the new facilities.

An interim CBOC, a 10,000 square-foot facility located at 39199 Liberty Street in Fremont, Alameda County, California, currently offers basic primary care and mental health services for the approximately 10,000 veterans in the Southern Alameda County area. This existing Fremont CBOC is intended to be an interim facility until a larger, multi-specialty clinic can be built. Once the proposed CBOC in Fremont is operational, this interim facility would be closed.

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<sup>1</sup> Veterans served by the Monterey facility are not included in this total.

The proposed new CBOC in Fremont will be a state-of-the-art facility that would be able to offer veterans in the area improved services. Specifically, this new facility would ensure that veterans have access to a broad range of ambulatory and ancillary/diagnostic services. A VAMC in Fremont would also centrally locate a VA facility closer to major population centers and academic institutions, providing expanded academic programs with the VA's affiliates. Finally, a state-of-the-art facility would enable the VA to recruit and retain a talented and multi-disciplinary workforce that is committed to treating veterans.

Based on the above, the Proposed Action would:

- Expand currently offered services in the area;
- Provide increased access to state-of-the-art specialty care;
- Ensure a smooth transition of provision of care;
- Expand the VPAHCS academic programs;
- Provide for a more efficient use of resources; and
- Attract and retain a highly qualified and innovative workforce.

## **1.2 Proposed Action**

### **1.2.1 Description**

The CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary, specialty, and ancillary medical care services to veterans. Services and facilities would include primary care and mental health services, medical/surgical sub-specialty clinics, audiology and speech pathology, eye clinic, basic blood laboratory, basic pharmacy, physical medicine and rehabilitation, prosthetics, and radiology (general X-ray). The CBOC would also include a small vending area for use by employees and visitors. The CBOC would not include an emergency room, urgent care, or outpatient surgery services. An emergency generator to serve the CBOC would be located on site. Parking for up to 420 vehicles would be provided on site for employees and visitors. The CBOC would employ approximately 100 medical and administrative staff. On-site security services would be provided by VA Police.

The CBOC would be LEED (Leadership in Energy and Environmental Design) Silver Certified in accordance with the April 2010 Sustainable Design and Energy Reduction Guide. Renewable energy options that would possibly provide power to the facility include solar hot water, photovoltaic panels, and ground source heat pump systems.

### **1.2.2 Construction Activities and Schedule**

Typical construction processes are anticipated for the CBOC. These could include demolition, excavation, grading, laying of foundations, paving, staging, and finishing. Construction staging is anticipated to be conducted on site. Construction is tentatively scheduled to begin in 2013 and to conclude in 2015. The precise construction timeline would be subject to the availability of funding. It is anticipated that the CBOC would be operational in 2015 or 2016.

# CHAPTER 2.0

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## Alternatives

### 2.1 Development of Alternatives

NEPA and its implementation regulations require that federal agencies identify and assess reasonable alternatives to the proposed action that would avoid or minimize adverse impacts (40 CFR 1500.2(e)).

The VA reviewed several alternatives with the aim of attaining the following goals:

- To continue to improve the quality and safety of health care for veterans, particularly those health issues associated with military service;
- To provide timely and appropriate access to health care by implementing best practices;
- To promote excellence in the education of future health care professionals and enhance VA partnerships with affiliates; and
- To promote excellence in business practices through administrative, financial and clinical efficiencies.

The alternatives reviewed were as follows:

#### 2.1.1 No Action Alternative

Under the No Action alternative, the VA would not construct the new CBOC in Fremont. The VA would continue to operate its Livermore VAMC and resources would be used to maintain its aging infrastructure. Veterans in the VAPHCS would not have access to the latest medical advancements or specialized staff. Veterans in Southern Alameda County would have to travel to the Livermore or Palo Alto facilities to receive specialized care. This alternative potentially exposes veterans to reduced quality of care and results in an inefficient use of VA resources. This is the least preferred alternative.

#### 2.1.2 Leasing Space Alternative

Under the Leasing Space alternative, the VA would lease space as opposed to buying property and constructing a new facility. Following the lease award and activation, the VA also would seek to upgrade and renovate the Livermore facility. A cost effectiveness analysis was conducted that indicated a 20-year full service lease is more expensive than new construction. In addition,

the likelihood is low of finding space that suits the needs of the VA in the geographic area best situated to serve the majority of veterans in the Southern Alameda County area. Therefore, this alternative is not considered a feasible alternative and is not discussed further in this report.

### **2.1.3 Renovation Alternative**

Under the Renovation alternative, the VA would renovate the existing Livermore VAMC to provide a safe and modern environment for both inpatient and outpatient programs. This alternative would result in potential problems with providing service to veterans as alternate facilities would have to be created while portions of the Livermore facility are renovated. Furthermore, this alternative would not provide a CBOC in proximity to where veterans live, nor would it provide the state-of-the-art facilities proposed under the preferred alternative. Therefore, this alternative is not considered a feasible alternative and is not discussed further in this report.

### **2.1.4 Contracting Out Alternative**

Under the Contracting Out alternative, the VA would contract for all of Livermore VAMC's current and projected inpatient and outpatient workload. According to the VA's projections, approximately 180,000 outpatient encounters annually and over 35,000 bed days of care would be contracted to community providers. This alternative would be cost prohibitive. Therefore, this alternative is not considered a feasible alternative and is not discussed further in this report.

### **2.1.5 New Construction Alternative**

The new construction alternative is the preferred alternative and represents the proposed action. This alternative would meet all the VA's goals by:

- Replacing outdated inpatient and outpatient services with modern facilities that would improve the quality and safety of health care for veterans;
- Locating the Livermore VAMC's ambulatory care services closer to where veterans reside, giving veterans access to a broad range of ambulatory and ancillary/diagnostic services;
- Providing a CBOC closer to major population centers and academic institutions allowing for an expansion of its academic programs;
- Providing state-of-the-art treatment facilities that would help to attract and retain a highly qualified and innovative workforce that is committed to treating veterans;
- Ensuring that VA resources are better utilized to enhance the delivery of healthcare services for veterans in lieu of maintaining aging capital infrastructure.

Under this alternative, the VA would purchase land and construct a new CBOC in the East Bay area to serve veterans in Southern Alameda County.

## 2.2 Alternatives Retained for Detailed Analysis

The VA has identified two alternative site locations for the proposed CBOC to serve veterans in Southern Alameda County (see **Figures 2-1** and **2-2**):

- *Alternative 1—Technology Court Site*: located at 4100-4149 Technology Drive, Fremont
- *Alternative 2—South Grimmer Boulevard Site*: located at the intersection of Grimmer Boulevard and Old Warm Springs Boulevard, Fremont

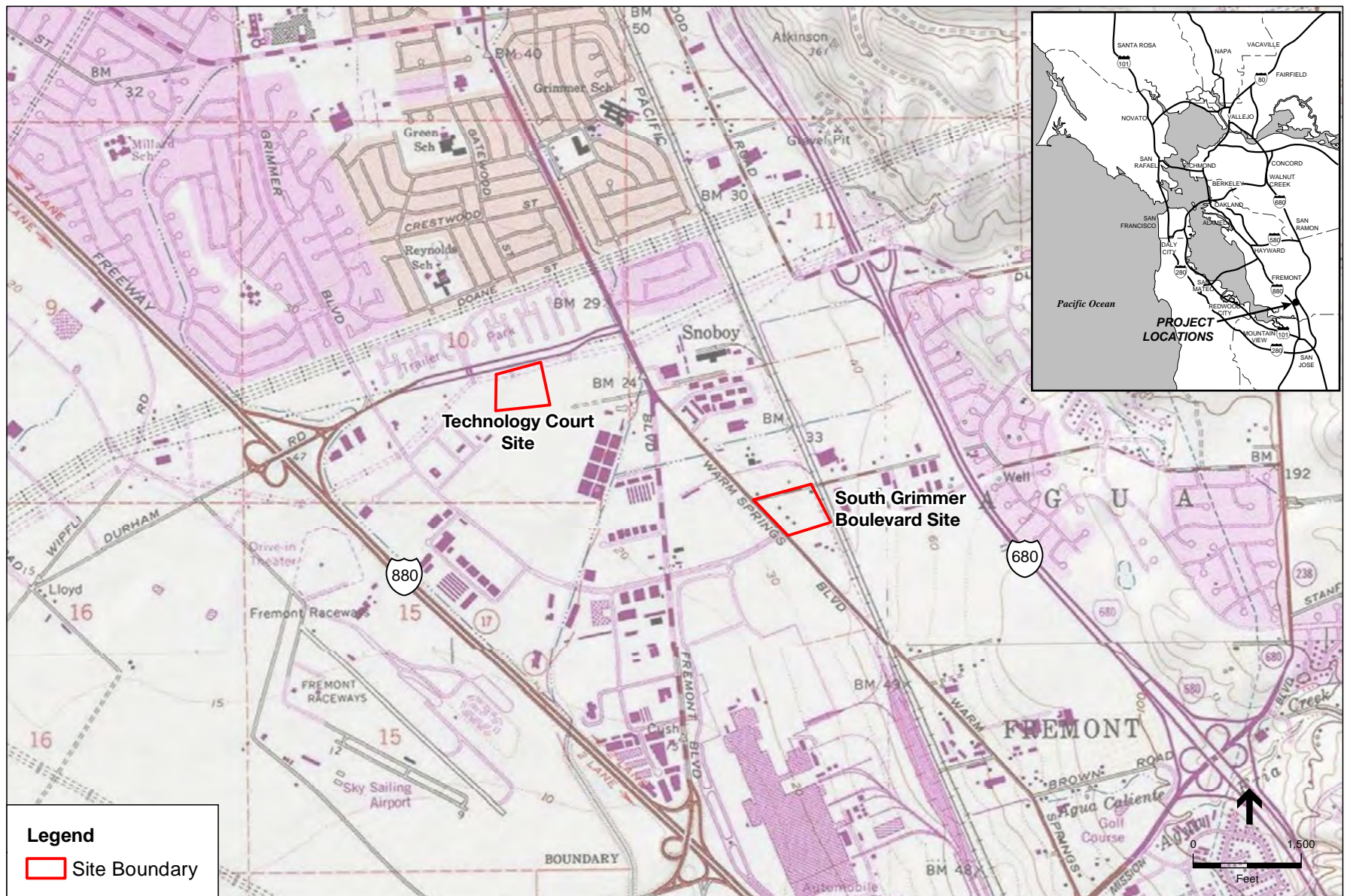
### 2.2.1 Alternative 1: Technology Court Site

The Technology Court site includes five parcels with the following Assessor's Parcel Numbers (APNs): 525-1250-022, -023, -024, -025, and -026. This site is an approximately 7.9-acre, previously disturbed, vacant lot located at the southwest corner of the intersection of Auto Mall Parkway and Technology Drive in Fremont. The site is regularly disked to upturn soil. The site is about one mile east of Interstate Highway 880 and about two miles west of Interstate Highway 680. High-tension electrical wires traverse the northern perimeter of the site, and two electrical towers are located within the parcel. A few mature trees line the southern boundary of the property, and an above-ground utility enclosure is located at the site's southeastern corner. The Technology Court roadway is paved westward from Technology Drive and terminates in a cul-de-sac in the center of the site. To the north of the site, across Auto Mall Parkway, is a mobile home park. The site is surrounded on the east, south, and west by commercial and light industrial uses.

### 2.2.2 Alternative 2: South Grimmer Boulevard Site

The South Grimmer Boulevard site includes three parcels with the following APNs: 519-1310-005-04, -004-01, and -003-04. This site is an approximately 7.7-acre lot bounded by South Grimmer Boulevard to the south, Old Warm Springs Boulevard to the west, Tavis Place to the north, and a freight rail right-of-way to the east. A few mature trees are scattered on the property. The property has been previously disturbed, and currently includes an abandoned boarded up house and adjacent garage in the southwest corner of the lot. High-tension electrical wires traverse the eastern perimeter of the site, and one electrical tower is located within the site's boundaries. To the north of the site, across Tavis Place, is a shipping container storage facility. To the northwest, across Old Warm Springs Boulevard, is a bulk shipping rail and truck transfer station. To the south and west of the site are agricultural fields. The freight rail right-of-way to the east of the site will also accommodate the future Bay Area Rapid Transit (BART) commuter rail line extension. On the other side of the railroad tracks are light industrial uses.

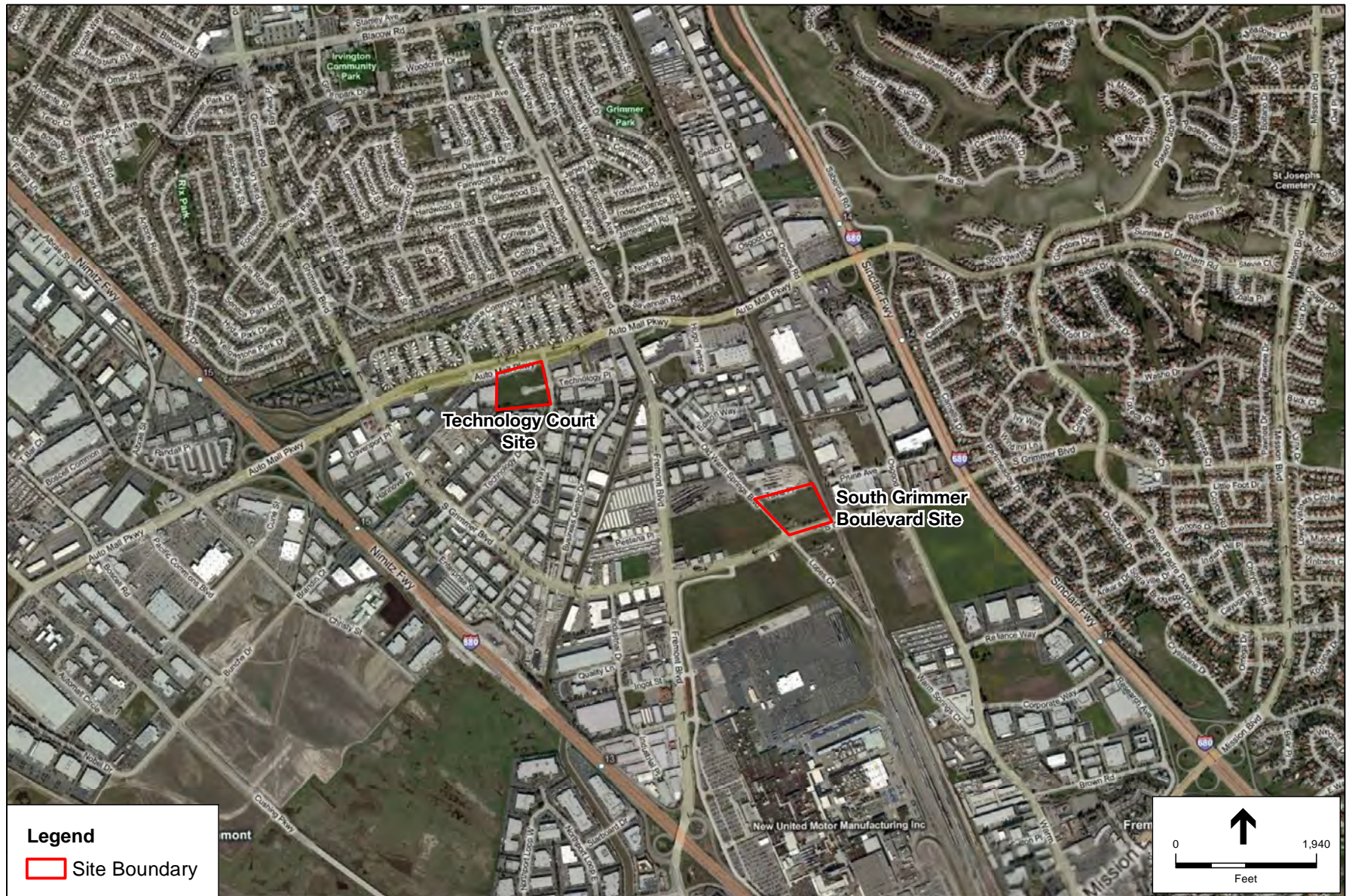
High-tension electrical wires traverse the eastern perimeter of the site, and one electrical tower is located within the site's boundaries. To the north of the site, across Tavis Place, is a shipping container storage facility. To the northwest, across Old Warm Springs Boulevard, is a bulk shipping rail and truck transfer station. To the south and west of the site are agricultural fields. The freight



SOURCE: ESRI, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 2-1**  
Proposed Site Locations



SOURCE: ESRI, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 2-2**  
Aerial Photograph

rail right-of-way to the east of the site will also accommodate the BART to Warm Springs commuter rail line extension. On the other side of the railroad tracks are light industrial uses.

These two alternative site locations are analyzed in detail in this report.

## CHAPTER 3.0

# Affected Environment and Environmental Consequences

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### 3.1 Aesthetics

#### 3.1.1 Affected Environment

##### 3.1.1.1 Alternative 1: Technology Court Site

The Technology Court site is within the southwestern area of Fremont, which is characterized by a mix of vacant and agricultural land, industrial and warehouse buildings, and newer office park development. Interstate 880 and I-680 traverse the area from the southeast to the northwest. In addition, an existing freight rail-road right-of-way traverses this section of Fremont. The Mission Hills can be seen to the east from many locations within this area, and they are an easily recognizable landmark for the purposes of orientation. Views of other natural and man-made features are limited by the area's flat topography, mature vegetation, and intervening buildings.

The immediate site vicinity—within less than one-quarter of a mile of the site—is characterized by the office park developments to the south and east. These office parks comprise one-, two-, and three-story buildings, with minimal ornamentation, surrounded by surface parking lots and landscaped berms. Vegetation is primarily mature. West of the site, a two-story light industrial building is surrounded by a surface parking lot. North of the site is Auto Mall Parkway, which is a four-lane arterial with a wide, grassy median. Auto Mall Parkway creates a visual void and serves as a barrier between the office park development to the south and the single-story, double-wide trailer residential development to the north.

As shown in **Figures 3.1-1** and **3.1-2**, the Technology Court site is characterized by the paved street and cul-de-sac enclosed on three sides by vacant land. It is bounded to the east by Technology Drive, to the north by Auto Mall Parkway, to the west by an industrial building and parking lot, and to the south by an office park. An enclosed utility structure is on the site's southeast corner. High-tension electrical wires traverse east-to-west above the northern perimeter of the site, and two electrical towers are built within the site's boundaries, as shown in Figure 3.1-1(a). The immediate northern edge of the site is a landscaped berm, the vegetation of which obscures Auto Mall Parkway and uses to the north. One luminaire is at the street's terminus in the middle of the site, and another is along the street's southern curb closer to Technology Drive. The western edge of the site abuts neighboring two-story industrial building and landscaped vegetation, as shown in Figure 3.1-2(d). A fence separates the Technology Court site from the



(a) Technology Court Site Looking North



(b) Technology Court Site Looking South

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-1**  
Site Photographs - Technology Court Site North-South



(c) Technology Court Site Looking East



(d) Technology Court Site Looking West

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-2**

Site Photographs - Technology Court Site East-West

industrial building's loading dock to the southeast. As illustrated in Figure 3.1-1(b), immediately south is a landscaped parking lot of the neighboring office park development. There is no fence or other barrier between the Technology Court site and the office park. Aside from the landscaped berm on the northern perimeter of the proposed site, as well as landscaped berms on neighboring office park development, the proposed site and vicinity are primarily flat.

### **3.1.1.2 Alternative 2: South Grimmer Boulevard Site**

The South Grimmer Boulevard site—located at South Grimmer Boulevard and Old Warm Springs Boulevard—is also within the southwestern area of Fremont, which is characterized by a mix of vacant and agricultural land, industrial and warehouse buildings, and newer office park development. The immediate site vicinity—within less than one-quarter of a mile of the site—is characterized by a mix of vacant land and industrial uses. To the north along Old Warm Springs Boulevard are a container shipping storage facility, a rail and truck bulk transfer station, and a mix of one- and two-story office and industrial warehouse buildings and surface parking lots, as shown in Figure 3.1-3(e) and Figure 3.1-4(h). Vegetation is primarily mature. West and southwest of the site are large tracts of vacant agricultural land sparsely developed with one-story buildings along South Grimmer Boulevard, as shown in Figure 3.1-4(g). East of the site are railroad tracks. Beyond the railroad tracks are light industrial and commercial warehouse buildings, which are illustrated in Figure 3.1-4(g). South and southeast of the site are residences surrounded by vacant and agricultural land and a two-story light industrial building that is surrounded by a surface parking lot. Farther south, at the southern terminus of Lopes Court, is the former NUMMI automobile manufacturing plant, its associated parking lots, and the former Southern Pacific rail yard. The surface area of the rail yard and parking lots, combined with the vacant and agricultural land, create expansive views in all directions from within the site, although notable features are limited to the Mission Hills to the east.

The South Grimmer Boulevard site is characterized by disturbed, vacant land. It is bounded to the east by the freight railroad tracks, to the north by Tavis Place (which terminates in a cul-de-sac at the railroad tracks), to the west by Old Warm Springs Boulevard, and to the south by South Grimmer Boulevard, which enters an underpass beneath the railroad tracks to the east. One abandoned house and garage and gravel parking area are located at the southwestern corner of the site. Mature vegetation lines the southern perimeter of the site, and high-tension electrical wires traverse north-to-south above the eastern perimeter of the site. One electrical tower is built within the site's boundaries. There is one paved access drive from the middle of the site to Tavis Place. The remainder of the site comprises disturbed vacant land and a few mature trees. A chain-link fence lines the western, northern, and southern perimeters of the site, and access is available via gates on Old Warm Springs Boulevard and Tavis Place. Utility poles run along both Old Warm Springs Boulevard and Tavis Place. The site is flat. Please see **Figures 3.1-3 and 3.1-4**.



(e) South Grimmer Boulevard Site Looking North



(f) South Grimmer Boulevard Site Looking South

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

### Figure 3.1-3

Site Photographs - South Grimmer Boulevard Site North-South



(g) South Grimmer Boulevard Site Looking East



(h) South Grimmer Boulevard Site Looking West

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-4**

Site Photographs - South Grimmer Boulevard Site East-West

## 3.1.2 Environmental Consequences

### 3.1.2.1 Alternative 1: Technology Court Site

#### ***Short-term Effects***

Construction activities associated with the proposed action would temporarily change the visual character of the Technology Court site. Construction and worker vehicles would be regularly parked on the site. The existing utility poles along the roadway would be removed, although the high-tension wires and towers would not be affected. The site would be graded, and the proposed parking lot and CBOC would be constructed. Night-time lighting for security may be used. These changes to the aesthetic character would be minor and would be temporary adverse effects to the visual character of the area.

#### ***Long-term Effects***

Completion and operation of the CBOC at the Technology Court site would result in the construction and occupation of a two-story building. A conceptual site layout is provided in **Figure 3.1-5**. Given the presence of the high-tension wires on the northern portion of the site, the two-story, approximately 80,000-square-foot CBOC building would be located on the southwestern portion of the site. The building would be surrounded by a landscaped buffer. The landscaped buffer would be ringed by a surface parking lot and vehicular circulation area.

The main entrance of the building would be oriented to the south, and a drop-off lane would be provided in front of the building entrance for site visitors. An additional service entry and loading dock would be located at the building's northwestern corner.

The surface parking lot would be landscaped, and the primary parking lot would be located on the southeastern portion of the site. Public site access would be available via a curb cut from Technology Drive at the southwestern corner of the site. The northern portion of the site, beneath the high-tension wires, would be maintained with landscaped vegetation.

New lighting would be concentrated at building entrances and in the parking lot for safety. It would be directed downward to reduce light pollution, and overall light and glare would be similar to existing light and glare in the surrounding developed area. The development of the Technology Court site would not block views or otherwise degrade the existing visual character of the area. The two-story CBOC building would be of similar height, bulk, and aesthetic character to surrounding office park development. It would be surrounded by a landscaped surface parking lot and would complement the adjacent office park development, which would be a beneficial aesthetic effect.



SITE AREA	:	8.37 ACRES
PARKING AT GRADE	:	400 CARS



### 3.1.2.2 Alternative 2: South Grimmer Boulevard Site

#### ***Short-term Effects***

The visual character of the South Grimmer Boulevard site would be temporarily changed by construction activities. Construction and worker vehicles would be regularly parked on the site, and ongoing construction activities would be visible from adjacent roadways. The site would be graded, and the proposed parking lot and CBOC would be constructed. These changes to the aesthetic character would be minor and would be temporary adverse effects to the visual character of the area.

#### ***Long-term Effects***

The conceptual layout of the CBOC development is shown in **Figure 3.1-6**. The proposed action would result in a new 80,000-square-foot, two-story CBOC building built in the northwestern portion of the site. The building would be surrounded by a landscaped buffer. The main entrance would be on the building's southern side, and the service dock would be on the northern side. A drop-off lane would be provided at the main entrance. A paved surface parking lot and circulation area would cover most of the remainder of the site. The parking lot would be landscaped, and trees would be planted along its perimeter. Staff and service parking lot entries would be available via Tavis Place, and the public entry would be available via Old Warm Springs Boulevard.

The development of the South Grimmer Boulevard site would result in the demolition of the abandoned house and garage on the site. The new CBOC building would partially block views of the Mission Hills from public vantage points along Old Warm Springs Boulevard, but such views are available at other locations along the roadway and in the southwestern portion of Fremont in general. The proposed CBOC building, surrounded on three sides by parking and circulation areas, would generally resemble other developments to the north along Old Warm Springs Boulevard and east across the railroad right-of-way. However, the proposed CBOC would not be characterized by activities associated with industrial use, such as frequent truck activity. New lighting would be concentrated at building entrances, and parking lot lighting would be directed downward to reduce light pollution effects.

The proposed action would present a contrast to the undeveloped agricultural land to the west and south, as well as the NUMMI automotive manufacturing plant and rail yards. Overall, the proposed action would replace the site's existing primarily vacant lot and abandoned, dilapidated buildings with a new building with a massing similar to those nearby, as well as new landscaping. These changes would result in compatible development that doesn't create substantial light and glare, which would be a beneficial aesthetic effect.

### 3.1.3 Mitigation / Management Measures

There would be no adverse effects on aesthetics resources. Therefore, no mitigation is needed.



SOURCE: Ratcliff, 2009

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-6**  
 Conceptual Site Layout - South Grimmer Boulevard Site

## 3.2 Air Quality

Because air quality is, by its nature, analyzed at a regional level, and the two proposed sites are within a mile of each other, the air quality affected environment and environmental consequences for both sites would be the same. Surrounding land uses would differ, and those differences are called out below, as appropriate.

### 3.2.1 Affected Environment

As required by the federal Clean Air Act passed in 1970, the U.S. Environmental Protection Agency (EPA) has identified six criteria air pollutants that are pervasive in urban environments and for which state and national health-based ambient air quality standards have been established. EPA calls these pollutants criteria air pollutants because the agency has regulated them by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. Ozone (O<sub>3</sub>), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (including the size fractions PM<sub>10</sub> and PM<sub>2.5</sub>), and lead are the six criteria air pollutants.

The proposed sites are located in Alameda County, which lies within the San Francisco Bay Area Air Basin (Bay Area). **Table 3.2-1** shows the attainment status of the Bay Area with respect to the National Ambient Air Quality Standards (NAAQS) for different criteria pollutants. The table also summarizes the related health effects and principal sources for each pollutant.

On October 5, 2009, President Obama signed Executive Order 13514 (*Federal Leadership in Environmental, Energy, and Economic Performance*). This Executive Order requires federal agencies to set a 2020 greenhouse gas (GHG) emissions reduction target; meet a number of energy, water, and waste reduction targets; and develop and carry out an integrated Strategic Sustainability Performance Plan that outlines how the agency will meet the targets. The VA completed this plan in June 2010 (VA, 2010).

The VA has also indicated that the April 2010 *Sustainable Design and Energy Reduction Guide* will be followed in the design of all new buildings. As noted by the VA, LEED Silver Certification is a requirement and renewable energy options under consideration include solar hot water, photovoltaic panels, and ground source heat pump systems.

On February 18, 2010, the Council on Environmental Quality (CEQ) issued a *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions* (CEQ, 2010) for public comment. The draft guidelines provide that federal agencies should quantify and describe expected direct GHG emissions where the results may be “meaningful.” The draft guidance suggests that for projects reasonably anticipated to cause direct emissions (on-site stationary source) of 25,000 metric tons or more of GHGs per year, a quantitative and qualitative assessment may be meaningful to decision makers and the public. The proposed action would not create direct emissions that would meet this 25,000 metric tons per year GHG emissions criterion, and therefore no quantitative calculation of GHG emissions is required.

**TABLE 3.2-1  
AMBIENT AIR QUALITY STANDARDS AND BAY AREA ATTAINMENT STATUS**

<b>Pollutant</b>	<b>Averaging Time</b>	<b>Federal Primary Standard</b>	<b>Bay Area Attainment Status for Federal Standard</b>	<b>Pollutant Health and Atmospheric Effects</b>	<b>Major Pollutant Sources</b>
Ozone	8 hour	0.075 ppm	Non-attainment	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when ROG and NO <sub>x</sub> react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial/ industrial mobile equipment.
Carbon Monoxide	8 hour	9.0 ppm	Attainment	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
	1 Hour	35 ppm	Attainment		
Nitrogen Dioxide	Annual Average	0.053 ppm	Attainment	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	1 Hour	0.100 ppm	Unclassified		
Sulfur Dioxide	1 Hour	0.075 ppm	Attainment	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants and metal processing.
Particulate Matter (PM <sub>10</sub> )	24 hour	150 µg/m <sup>3</sup>	Unclassified	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust- and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
Particulate Matter (PM <sub>2.5</sub> )	Annual Arithmetic Mean	15 µg/m <sup>3</sup>	Attainment	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; also, formed from photochemical reactions of other pollutants, including NO <sub>x</sub> , sulfur oxides, and organics.
	24 hour	35 µg/m <sup>3</sup>	Non-attainment		
Lead	Calendar Quarter	1.5 µg/m <sup>3</sup>	Attainment	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction.	Present source: lead smelters, battery manufacturing & recycling facilities. Past source: combustion of leaded gasoline.

NOTE: ppm=parts per million; and µg/m<sup>3</sup>=micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District, 2010, *Air Quality Standards and Attainment Status*, available at [http://hank.baaqmd.gov/pln/air\\_quality/ambient\\_air\\_quality.htm](http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm) as of July 2, 2010; California Air Resources Board, 2009. *ARB Fact Sheet: Air Pollution Sources, Effects and Control*, <http://www.arb.ca.gov/research/health/fs/fs2/fs2.htm>, page last reviewed December 2009.

The Technology Court site is surrounded on the east, south, and west by commercial and light industrial uses and on the north by Auto Mall Parkway. In addition, there are sensitive residential receptors located in a developed trailer park on the north side of Auto Mall Parkway.

The South Grimmer Boulevard site is surrounded by agricultural fields to the west, south, and southeast of the site. East of the site is a rail right-of-way for freight, which will also be the future Bay Area Rapid Transit (BART) to Warm Springs right-of-way. Further east are light industrial uses. Directly north of the site is rail container storage, and northwest is a railway hazardous material loading facility. Sensitive receptors generally include schools, churches, residences, apartments, and hospitals. Thus, the main sensitive receptors for both sites include only the trailer park near the Technology Court site.

### 3.2.2 Environmental Consequences

Air quality impacts for the proposed action fall into two categories: short-term effects during construction, and long-term effects during operation of the proposed CBOC.

#### **Short-term Effects**

Emissions generated during construction activities would include exhaust emissions from heavy duty construction equipment, trucks used to haul construction materials to and from sites, worker vehicle emissions, and fugitive dust emissions associated with earth disturbing activities. A conformity analysis was not deemed necessary because emissions from construction activities would be considered *de minimis*, due to the development of one small building and the short duration of construction activities. General conformity emission triggers vary depending upon the attainment status of the air basin and the pollutants of concern. For the San Francisco Bay Area, which is designed as a federal non-attainment area for eight-hour federal ozone standard and the 24-hour federal PM<sub>2.5</sub> standard, the applicable conformity emission levels are 100 tons per year for ROG or NO<sub>x</sub> and PM<sub>2.5</sub>. The area of ground disturbance would be less than eight acres at either site. In addition, potential impacts would be minimized by implementing the requirements for protection of air resources outlined in the VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*. These include compliance with State and federal air quality regulations and standards, as well as control of particulates, carbon monoxide, and odors during construction.

#### **Long-term Effects**

The proposed action would not induce population growth or other development either directly or indirectly, due to the built out nature of the surroundings and the proposed uses at the site. Long-term emissions from proposed CBOC operations would be associated with increased employee and patient vehicular traffic on the local roadway network, new boilers and emergency electrical generators. The stand-by electrical generators would most likely run on diesel fuel and would only be used during a power outage. The stationary sources (boilers and generators) of air pollutants would be permitted by the Bay Area Air Quality Management District and would not exceed pollutant thresholds. The long-term operation of the proposed CBOC would not result in

any non-permitted sources of toxic air emissions. Finally, in regards to the potential to emit air pollutants and greenhouse gas (GHG) emissions, since the proposed CBOC would replace the interim clinic that is currently operating in Fremont to the north, the incremental increase in emissions would be minimal on a regional basis.

### 3.2.3 Mitigation / Management Measures

There would be no adverse effects on air quality. Therefore, no mitigation is needed.

## 3.3 Cultural Resources

### 3.3.1 Affected Environment

A records search of all pertinent survey and site data was conducted at the Northwest Information Center (NWIC) at Sonoma State University on December 14, 2010 (IC #10-0513). The purpose of the records search was to: (1) determine whether known archaeological or historic architectural resources have been recorded within or adjacent to the proposed sites; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

The Area of Potential Effect (APE) for the proposed sites is the area within the two site boundary. The vertical APE for the purposes of archaeological resources is defined as the depth of ground disturbance. It is anticipated that excavation for building foundation and utilities will extend to a maximum depth of 10 feet below ground surface because the proposed new CBOC would be no more than two stories tall.

The records search included all known resources and previously conducted investigations shown on the NWIC's base maps of the Niles, California, quadrangle U.S. Geological Survey (USGS) 7.5-minute topographic map. The review included the APE and a 0.5 mile radius beyond the site boundaries. The records search included a review of the *Directory of Properties in the Historic Property Data File for Alameda County* for information on sites of recognized historical significance within the *National Register of Historic Places*, the *California Register of Historic Resources*, the *Office of Historic Preservation (OHP) Property Directory & Determination of Eligibility* (2010) list, *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), the *California Points of Historical Interest* (1992 and updates), and historic maps of the area.

The Native American Heritage Commission (NAHC) was contacted on November 24, 2010 and requested to search their Sacred Lands File (SLF) and to provide a list of Native American individuals and groups that should be contacted concerning the proposed action. The NAHC's December 16, 2010 response stated that a search of the SLF failed to indicate the presence of Native American cultural resources in the area, but cautioned that the absence of specific site information in the SLF does not indicate the absence of cultural resources in the site vicinity.

Scoping letters describing the Project have been sent to the Native American representatives listed by the NAHC, with an invitation to initiate formal consultation directly with the VA pursuant to Section 106 of the NHPA.

### **3.3.1.1 Alternative 1: Technology Court Site**

The records search revealed 12 investigations that have been conducted within the search radius for the Technology Court site. Several of the reports include areas relevant to both proposed sites. Many of these surveys covered overlapping linear corridors, although a few block survey areas have been investigated. None of the Technology Court site has been previously surveyed for cultural resources, and less than 10 percent of the 0.5-mile search radius around the site has been subject to cultural resource investigation. The records search also identified 12 regional overview reports that did not result from field surveys, but which may contain pertinent information about the types and distribution of resources in the area.

No cultural resources have been recorded within either the Technology Court site or the surrounding 0.5-mile search radius. None of the federal, State, or local registers consulted listed any historic properties in the Technology Court site or the search radius. Two historic maps of the area were consulted to identify any structures or historic roads within the Technology Court site (Thompson and West 1878; USGS Pleasanton 30' quad 1906). The Thompson and West map shows that the Technology Court site includes portions of parcels once owned by Thomas Cushing and David Reynolds. However, neither of the historic maps shows any buildings, structures, objects, or features within the Technology Court site which might indicate the presence of a cultural resource.

### ***Inventory Results***

An intensive archaeological pedestrian survey of each proposed site was conducted by an ESA archaeologist on November 30, 2010. None of the information in the record search suggested a possibility of cultural resources on this site, and the results of the field survey confirmed this absence. The only cultural materials noted were a cluster of recently discarded shoes in the southeastern portion of the site, and an unoccupied plastic igloo-style doghouse in the far northwestern corner. The Technology Court site was surveyed with 15–20 meter transects over the recently disked ground. Ground surface visibility was good to fair throughout the Technology Court site, except around the edges in areas of dense landscaping and other non-native vegetation. The disking and use of the Technology Court site as a dump for unwanted objects were the only disturbances noted. All buildings that were visible from the proposed site are of modern construction.

### **3.3.1.2 Alternative 2: South Grimmer Boulevard Site**

According to the results of the NWIC records search, 21 surveys have been conducted within the 0.5-mile search radius around the South Grimmer Boulevard site. Approximately 30 percent of the proposed site has been previously surveyed for cultural resources, while approximately 25 percent of the entire 0.5-mile search radius has been subject to field investigation. No cultural resources

have been recorded within the South Grimmer Boulevard site; however, three resources have been recorded within the 0.5-mile search radius. These resources include a prehistoric Ohlone occupation site (CA-ALA-610), a historic farm complex (P-01-010624), and a segment of historic railroad grade (P-01-010625). No formal determinations of NRHP eligibility have been conducted for any of these resources.

The two historic maps of the area that were consulted show that the South Grimmer Boulevard site was once part of a 99.66-acre parcel belonging to Joseph Lavine (Thompson and West, 1878). The 1906 Pleasanton quad shows one or possibly two buildings within the South Grimmer Boulevard site. No resources are listed within the proposed site vicinity on any of the federal, State, or local registers consulted. The SLF search by the NAHC did not identify any important Native American traditional sites in the proposed site vicinity.

### ***Inventory Results***

The South Grimmer Boulevard site is noted on maps as early as 1906 as having at least one structure. The 1961 Niles quadrangle USGS 7.5-minute topographic map shows four buildings, which were confirmed as still existing in the photorevised version of the map from 1980. At the time of the field survey, two buildings were observed on the property: a single-family house and a separate garage/outbuilding shed, both located in the southwest corner of the proposed site. According to the current property owner, Mr. Jack Balch, the house and outbuilding were constructed in 1983, a date confirmed by an inscription in the poured concrete foundation slab (Balch, 2010). The past existence of at least two other buildings in the northeast and northwest corners of the parcel was evident only by very slight depressions in the earth in those locations, and fewer than one dozen fist-sized or smaller fragments of broken concrete. The pedestrian survey of the site did not reveal any additional cultural materials except a few pieces of modern roadside trash.

Although a previously recorded resource is located on the parcel immediately to the south of the South Grimmer Boulevard site on the opposite side of South Grimmer Boulevard, the buildings of this twentieth-century farmstead complex are not readily visible from the proposed site. Approximately 300 feet separates the site boundary from the recorded farmstead buildings. Trees and shrubbery along the southern edge of the site and on the north side of the buildings comprising the resource effectively obscure the line of sight between the parcels. A modern railroad track and the historic railroad extend parallel to the proposed site's eastern boundary. The modern track is the closer of the two, located approximately 20 feet from the fence demarcating the property line of the site. The historic railroad is located approximately 80 feet away from the proposed site boundary.

The survey of this site was conducted using primarily 15-meter-wide transects. Ground surface visibility ranged from good (around the standing house and garage, especially in the area of bare earth used as a driveway) to poor (around the edges of the property in dense stands of weeds). Most of the proposed site had fair visibility, as grasses and other herbaceous vegetation had only started to grow a few weeks prior to the survey on the freshly disked land. No disturbances to the site were noted, other than the removal of previously existing structures and the agricultural activities suggested by the recent disking.

## 3.3.2 Environmental Consequences

### 3.3.2.1 Alternative 1: Technology Court Site

#### ***Short-term Effects***

##### **Inadvertent Discovery of Archaeological Resources**

Neither the archival search nor the field reconnaissance resulted in the identification of prehistoric or historic-era archaeological resources within the Technology Court site. However, surface visibility during the survey was low in a few areas around the edges of the site, making complete surface examination difficult and survey results inconclusive. In addition, buried archaeological resources do not always manifest themselves on the surface, as much of the archaeological record for the region has likely been buried beneath alluvial deposits by erosion and depositional processes typical of this area, especially over the past 9,000 years. Consequently, archaeological materials can be revealed unexpectedly during earth-moving activities.

Therefore, the possibility still exists for the discovery of such resources as a result of proposed action activities. Potential features or artifacts indicative of prehistoric or ethnohistoric Native American occupation could include, but are not limited to: hearths or scatters of fire-affected rock, midden soils or shell deposits, lithic reduction flakes and cores, projectile points or other flaked-stone tools, and bedrock or portable milling stations and handstones. Unreported historic-period archaeological remains could also occur, especially buried features such as privies, root cellars, or trash dumps. Damage or destruction of a potentially National Register-eligible cultural resource during construction would be a direct adverse effect.

##### **Inadvertent Discovery of Human Remains**

There is no indication, either from the archival research results or the pedestrian field survey, that any particular location in either of the proposed sites has been used for human burial purposes in the recent or distant past. Therefore, it is unlikely that human remains would be encountered during construction of the proposed action. However, the possibility of inadvertent discovery cannot be completely discounted, and could result in a direct adverse effect if the remains were damaged or destroyed during project construction activities.

#### ***Long-term Effects***

Because no NRHP-eligible cultural resources are located within the project vicinity, no direct or indirect effects are anticipated as a result of the operation of the proposed CBOC.

### 3.3.2.2 Alternative 2: South Grimmer Boulevard Site

#### ***Short-term Effects***

The buildings located on the South Grimmer Boulevard site are less than 50 years old, and do not qualify as historic properties. The previously recorded farmstead complex (P-01-010624) and historic railroad tracks (P-01-010625) are located outside the proposed site, and would

not be affected by construction or operation of the proposed CBOC. The proposed action would have no direct or indirect effects on known significant historic properties.

Potential short-term effects from construction on the South Grimmer Boulevard site are the same as those identified for the Technology Court site. Inadvertent discovery of subsurface archaeological materials or human remains could result in an adverse effect on these resources during earth-moving activities. This potentially adverse effect would be minimized by implementation of **Management Measure 3.3-2**, in conjunction with **Management Measure 3.3-1**, below.

### ***Long-term Effects***

Because no NRHP-eligible cultural resources are located within the proposed site vicinity, no direct or indirect effects are anticipated as a result of the operation of the proposed CBOC.

## **3.3.3 Mitigation / Management Measures**

There are no anticipated adverse effects on cultural resources. Therefore, no mitigation is needed.

The following management measures are provided to avoid adverse effects to cultural resources. In the event of the unexpected discovery of cultural resources during ground-disturbing activities, implementation of **Management Measures 3.3-1** and **3.3-2** would ensure that adverse damage or destruction of a potential National Register-eligible resource will not exist.

**Management Measure 3.3-1: Cease Work if Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities.** If cultural resources are encountered at the project site during ground-disturbing activities, all activity in the vicinity of the find shall cease until it can be evaluated by a professional archaeologist meeting the Secretary of the Interior's Standards for the appropriate specialty. If the archaeologist determines that the resources may be significant, the VA and the City of Fremont shall be notified and will jointly develop an appropriate treatment plan for the resources. The VA shall consult with the Native American representatives identified by the NAHC in determining appropriate treatment for unearthened cultural resources if the materials are associated with Ohlone or earlier cultural traditions.

In considering any suggested measures proposed by the archaeologist in order to ensure adverse impacts to cultural resources do not result, the VA will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while treatment plans for cultural resources are being developed and implemented.

**Management Measure 3.3-2: Halt Work if Human Remains are Identified during Construction.** If human remains are uncovered at the project site during ground-disturbing activities, work in the vicinity of the find will immediately halt. An appropriate VA Project representative will contact the Alameda County coroner to evaluate the remains. If the County coroner determines that the remains are Native American, the VA representative will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). The

NAHC will provide the name of one or more individuals determined to be the Most Likely Descendant (MLD) for Native American human remains in the project site. Per Public Resources Code 5097.98, the VA (as landowner, at that point) shall ensure that the immediate vicinity of the find is not damaged or disturbed by further development activities until the landowner has discussed and conferred with the MLD regarding their recommendations, taking into account the possibility of multiple human remains.

### 3.3.3.1 Section 106 Consultation Process Update

The findings of the archival search, field surveys and Native American outreach are summarized in a cultural resources survey report prepared by ESA in January, 2011. The VA submitted this technical report to the SHPO in January, 2011, and requested concurrence with its findings. The SHPO concurred with the findings of the technical report and the letter of concurrence dated March 17, 2011 is included in Appendix B, Agency Consultation.

## 3.4 Geology and Soils

Because the two proposed sites are within one mile of each other, the geology and soils analysis for both sites would be the same. Where information differs for the two proposed sites, the differences are called out below.

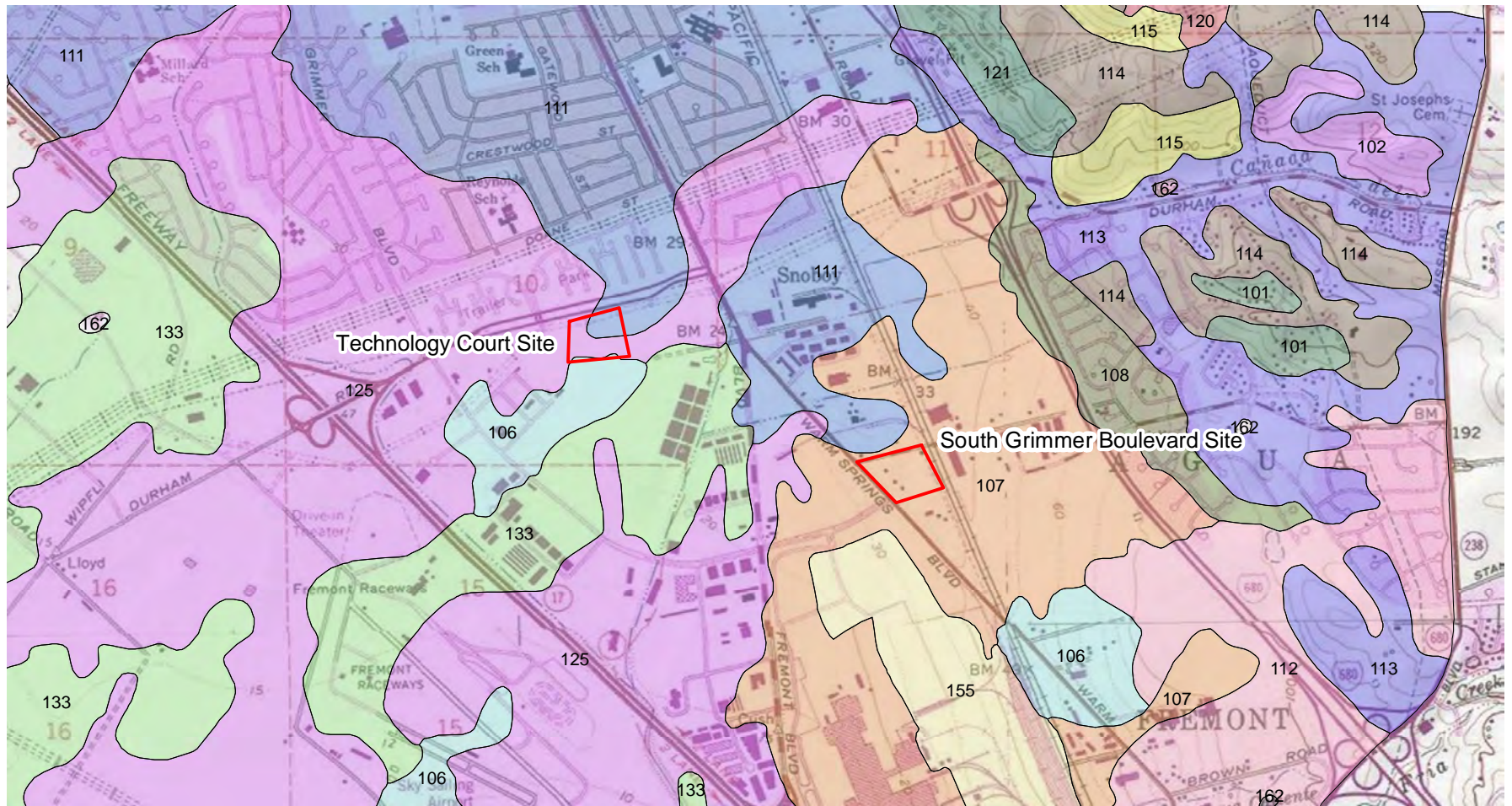
### 3.4.1 Affected Environment

#### 3.4.1.1 Geology

The City of Fremont lies within the geomorphic region of California referred to as the Coast Range province, which lies between the Pacific Ocean and the Great Valley and stretches from the Oregon border to the Santa Ynez River near Santa Barbara.<sup>1</sup> The city of Fremont includes the hilly uplands of the Mission Hills and an alluvial plain that slopes gently westward away from these hills to meet the flat marginal baylands of the San Francisco Bay. The two proposed sites are located on the alluvial plain, approximately three miles west of the base of the Mission Hills in a relatively flat area with a slope of less than five percent. The proposed sites are situated at an elevation of approximately 40 feet above mean sea level.

#### 3.4.1.2 Soils

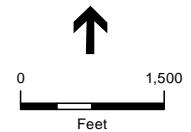
The U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) (formerly known as the Soil Conservation Service) has identified soils at the proposed sites (see **Figure 3.4-1**). The Technology Court site is underlain by Botella Loam, Danville Silty Clay Loam and Marvin Silt Loam. The South Grimmer Boulevard site is underlain by Clear Lake Clay (Soil Survey Staff, 2010). The characteristics of each of the soils are shown in **Table 3.4-1** below. The permeability, strength and shrink swell characteristics identified by the NRCS are for undisturbed soils, generally in the upper five feet. The shrink/swell characteristics indicate the potential of the



### NRCS Soil Units

101; Altamont clay, 15 to 30 percent slopes	112; Danville silty clay loam, 2 to 9 percent slopes	125; Marvin silt loam, saline-alkali
102; Altamont clay, 30 to 50 percent slopes	113; Diablo clay; 9 to 15 percent slopes	133; Pescadero clay, drained
106; Botella loam, 0 - 2 percent slopes	114; Diablo clay, 15 to 30 percent slopes	155; Xerorthents, clayey
107; Clear Lake clay, 0 to 2 percent slopes, drained	115; Diablo clay, 30 to 50 percent slopes	
108; Clear Lake clay, 2 to 9 percent slopes, drained	120; Los Osos silty clay loam, 15 to 30 percent slopes	
111; Danville silty clay loam, 0 to 2 percent slopes	121; Los Osos silty clay loam, 30 to 50 percent slopes	

 Site Boundary



SOURCE: ESRI, 2010; NRCS, 2007

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**Figure 3.4-1**  
Soils Map

**TABLE 3.4-1**  
**SOIL TYPES IDENTIFIED WITHIN THE PROPOSED SITES CONSTRUCTION DISTURBANCE AREAS**

Soil Unit	Percent of Project area	Depth to Bedrock (inches) <sup>a</sup>	Shrink/ Swell Potential <sup>b</sup>	Risk of Corrosion <sup>c</sup>		Erosion and Runoff	
				Uncoated Steel	Concrete	Hydrologic Soil Group <sup>d</sup>	Erosion Factor (Kf) <sup>e</sup>
Technology Court Site							
Botella Loam, 0-2 percent slopes	7	>80	Moderate	Moderate	Moderate	B	.28-.37
Danville silty clay loam, 0 to 2 percent slopes	33	>80	Moderate-High	Moderate	Low	C	.32-.37
Marvin silt loam, saline-alkali	60	>80	Moderate-High	High	Low	C	.28-.55
South Grimmer Boulevard Site							
Clear Lake Clay, 0 to 2 percent slopes, drained	100	>80	High	High	Moderate	D	.20-.28

<sup>a</sup> Depth to bedrock is deeper than the depth explored and is not known (--) where soils are derived from unconsolidated alluvium on valley floors.

<sup>b</sup> Soils characterized by their ability to undergo significant volume change (i.e., to shrink and swell) due to variations in soil moisture content.

<sup>c</sup> "Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete.

<sup>d</sup> Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups (A through D) according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms. Soils in Group A have low runoff rates and water is transmitted freely through the soil. Soils in Group B have a moderate infiltration rate and a moderate rate of water transmission. Soils in Group C have slow infiltration and transmission rates and consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. Soils in Group D have high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted.

<sup>e</sup> Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

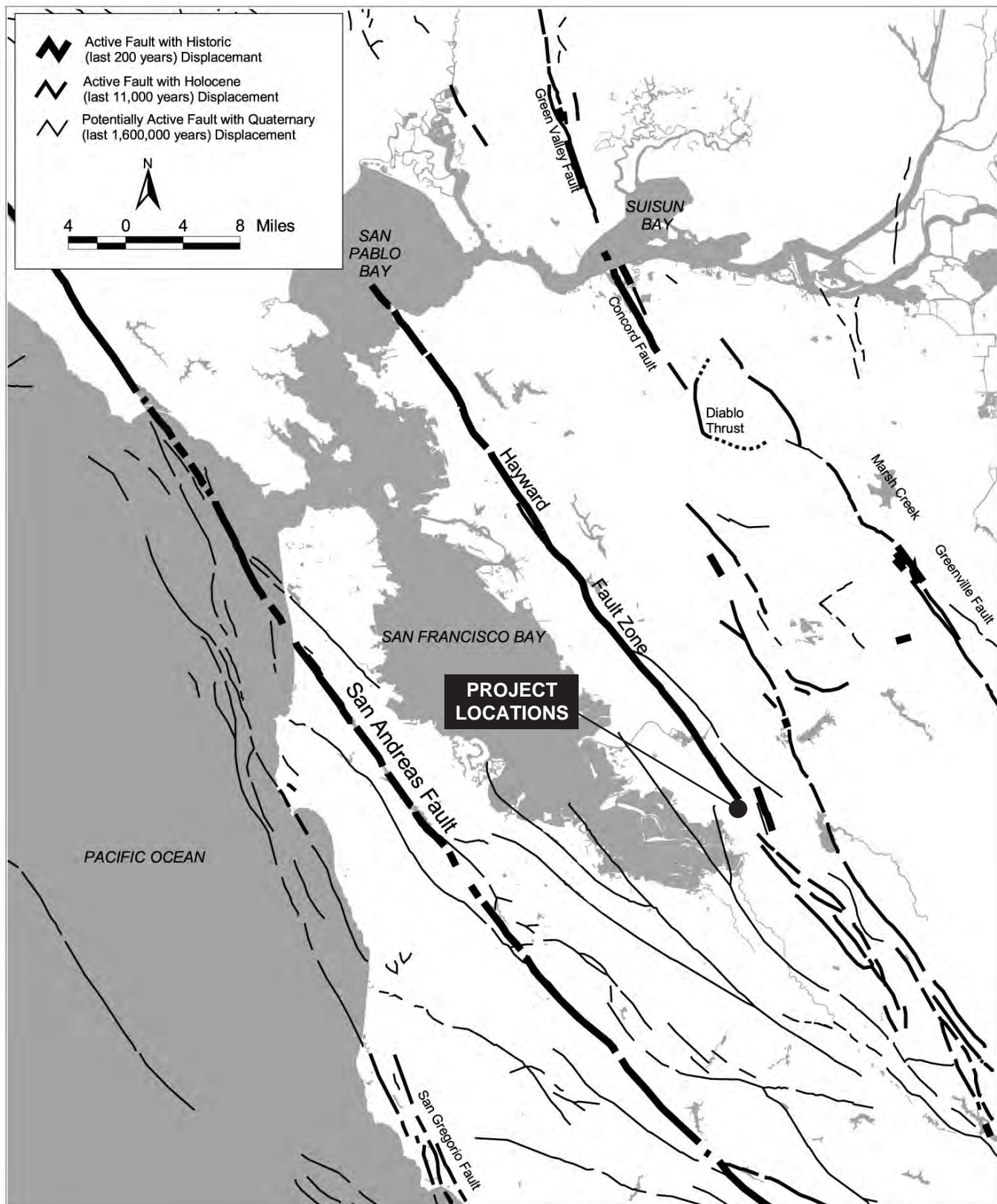
SOURCE: Soil Survey Staff, 2010; NRCS, 2010.

soil to expand or contract with changes in moisture and result in damage to foundations. Risk of corrosion levels indicate whether the chemical composition of the soil could reduce the strength of foundations made of steel or concrete. The erosion and runoff characteristics indicate whether the soil will absorb water flows or if the water will flow over the soil and carry some of the loose particles with the runoff. Each of these characteristics indicates whether special engineering practices would be needed at the site to prevent erosion of soil resources or damage to structures.

### 3.4.1.3 Seismicity

The San Francisco Bay Area contains both active and potentially active faults and is considered a region of high seismic activity (**Figure 3.4-2**).<sup>2</sup> The USGS Working Group on California Earthquake Probabilities has evaluated the probability of one or more earthquakes of Richter magnitude 6.7 or

<sup>2</sup> An "active" fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A "potentially active" fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. "Sufficiently active" is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).



SOURCE: California Department of Conservation,  
Geological Survey (After Jennings, 1994)

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**Figure 3.4-2**  
Principal Active Faults in the  
San Francisco Bay Area

higher occurring in the San Francisco Bay Area within the next 30 years. The result of the evaluation indicated a 63 percent likelihood that such an earthquake event will occur in the Bay Area between 2007 and 2037 (USGS, 2008). Richter magnitude (M) is a measure of the size of an earthquake as recorded by a seismograph, the standard instrument that records ground shaking. The reported Richter magnitude for an earthquake represents the highest amplitude measured by the seismograph at a distance of 100 kilometers from the epicenter. Richter magnitudes vary logarithmically, with each whole number step representing a tenfold increase in the amplitude of the recorded seismic waves. Earthquake magnitudes are also measured by their moment magnitude (M<sub>w</sub>), which is related to the physical characteristics of a fault, including the rigidity of the rock, the size of fault rupture, and the movement or displacement across a fault (CGS, 2002).

### ***Regional Faults***

**Table 3.4-2** lists the location of regionally active faults significant to the proposed sites due to proximity, activity status, and Maximum Credible Earthquake (MCE). The MCE is an estimated moment magnitude (M<sub>w</sub>) for the largest earthquake capable of occurring on a fault. The two main earthquake faults in the region are the San Andreas Fault Zone on the San Francisco Peninsula and the Hayward Fault Zone that extends along the East Bay plain. These two faults are within the San Andreas Fault System, which marks the boundary between two continental plates - the Pacific Plate to the west and the North American Plate to the east. The San Andreas Fault System includes many active fault zones in northern and southern California. Other principal Bay Area faults capable of producing significant ground shaking at the two proposed sites include the Calaveras, Concord–Green Valley, Marsh Creek–Greenville, and Rodgers Creek faults. These are strike-slip faults that are part of the San Andreas Fault System. Most of these faults have produced historic earthquakes of varying magnitude but none are expected to produce earthquakes as large as the San Andreas or Hayward faults. As shown in Figure 3.4-2, the proposed sites are in close proximity to the Hayward Fault zone.

## **3.4.1.4 Geologic Hazards**

### ***Ground Shaking***

As a general rule, the greater the earthquake magnitude and the closer the fault rupture to a site, the greater the intensity of ground shaking. The amplitude and frequency of ground shaking is related to the size of an earthquake, the distance from the causative fault, the type of fault (e.g., strike-slip), and the response of the geologic materials at the site. Ground shaking can be described in terms of acceleration, velocity, and displacement of the ground. A common measure of ground motion during an earthquake is the peak ground acceleration (PGA). The PGA for a given component of motion is the largest value of horizontal acceleration obtained from a seismograph. PGA is expressed as the percentage of the acceleration due to gravity (g), which is approximately 980 centimeters per second squared. For comparison purposes, the maximum peak acceleration value recorded during the 1989 Loma Prieta earthquake was in the vicinity of the epicenter, near Santa Cruz, at 0.64g (Association of Bay Area Governments [ABAG], 2010c). Unlike measures of magnitude, which provide a single measure of earthquake energy, PGA varies

**TABLE 3.4-2  
ACTIVE FAULTS IN THE VICINITY OF THE PROPOSED SITES**

<b>Fault</b>	<b>Distance and Alameda VA Sites (Technology Court, South Grimmer Boulevard)</b>	<b>Recency of Movement</b>	<b>Fault Classification<sup>a</sup></b>	<b>Historical Seismicity<sup>b</sup></b>	<b>Maximum Moment Magnitude Earthquake (Mw)<sup>c</sup></b>
Hayward	1.0, 0.6 miles east	Historic (1836; 1868 ruptures) Holocene	Active	M6.8, 1868 Many <M4.5	7.1
Calaveras	6, 5.5 miles east	Historic (1861 rupture) Holocene	Active	M5.6–M6.4, 1861 M4–M4.5 swarms 1970, 1990	6.8
San Andreas	19, 19.5 miles west	Historic (1906; 1989 ruptures) Holocene	Active	M7.1, 1989 M7.9, 1906 M7.0, 1838 Many <M6	7.9
Marsh Creek–Greenville	21, 20.5 miles northwest	Historic (1980 rupture) Holocene	Active	M5.6 1980	6.9
Concord–Green Valley	27.1, 27.5 miles northeast	Historic (1955) Holocene	Active	Historic active creep	6.9

<sup>a</sup> See footnote 4

<sup>b</sup> Richter magnitude (M) and year for recent and/or large events. The Richter magnitude scale reflects the maximum amplitude of a particular type of seismic wave.

SOURCES: Hart, 1997; Jennings, 1994; Peterson, 1996.

from place to place, and is dependent on the distance from the epicenter and the character of the underlying geology (e.g., hard bedrock, soft sediments or artificial fills).

One useful tool that seismologists use to describe ground-shaking hazard is a probabilistic seismic hazard assessment (PSHA). The PSHA for the State of California takes into consideration the range of possible earthquake sources (including such worse-case scenarios as described above) and estimates their characteristic magnitudes in order to generate a probability map for ground-shaking. The PSHA maps depict values of peak ground acceleration (PGA) that have a 10 percent probability of being exceeded in 50 years. This probability level allows engineers to design buildings for ground motions that have a 90 percent chance of not occurring in the next 50-years, making buildings and structures safer than if they were simply designed for the most likely events (Peterson et al., 1996). Probabilistic seismic hazard maps indicate that peak ground acceleration at the Technology Court site could reach or exceed 0.655g and the South Grimmer Boulevard site could reach or exceed 0.698g (CGS, 2003). As indicated in **Table 3.4-3**, these PGAs could result in damage even in specially designed structures, causing partial collapse of some buildings and breakage of underground pipes.

The Modified Mercalli Intensity Scale (Table 3.4-3) assigns an intensity value based on the observed effects of ground-shaking produced by an earthquake. Unlike measures of earthquake magnitude, the Modified Mercalli (MM) intensity scale is qualitative in nature (i.e., it is based on actual observed effects rather than measured values). MM intensity values for an earthquake at

**TABLE 3.4-3  
MODIFIED MERCALLI INTENSITY SCALE**

<b>Intensity Value</b>	<b>Intensity Description</b>	<b>Average Peak Acceleration</b>
I	Not felt except by a very few persons under especially favorable circumstances.	< 0.0017 g <sup>a</sup>
II	Felt only by a few persons at rest, especially on upper floors on buildings. Delicately suspended objects may swing.	< 0.014 g
III	Felt noticeably indoors, especially on upper floors of buildings, but many people do not recognize it as an earthquake. Standing motor cars may rock slightly, vibration similar to a passing truck. Duration estimated.	< 0.014 g
IV	During the day felt indoors by many, outdoors by few. At night, some awakened. Dishes, windows, doors disturbed; walls make cracking sound. Sensation like heavy truck striking building. Standing motor cars rocked noticeably.	0.014–0.04 g
V	Felt by nearly everyone, many awakened. Some dishes and windows broken; a few instances of cracked plaster; unstable objects overturned. Disturbances of trees, poles may be noticed. Pendulum clocks may stop.	0.04–0.09 g
VI	Felt by all, many frightened and run outdoors. Some heavy furniture moved; and fallen plaster or damaged chimneys. Damage slight.	0.09–0.18 g
VII	Everybody runs outdoors. Damage negligible in buildings of good design and construction; slight to moderate in well-built ordinary structures; considerable in poorly built or badly designed structures; some chimneys broken. Noticed by persons driving motor cars.	0.18–0.34 g
VIII	Damage slight in specially designed structures; considerable in ordinary substantial buildings, with partial collapse; great in poorly built structures. Panel walls thrown out of frame structures. Fall of chimneys, factory stacks, columns, monuments, walls. Heavy furniture overturned. Sand and mud ejected in small amounts. Changes in well water. Persons driving motor cars disturbed.	0.34–0.65 g
IX	Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb; great in substantial buildings, with partial collapse. Buildings shifted off foundations. Ground cracked conspicuously. Underground pipes broken.	0.65–1.24 g
X	Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations; ground badly cracked. Rails bent. Landslides considerable from riverbanks and steep slopes. Shifted sand and mud. Water splashed (slopped) over banks.	> 1.24 g
XI	Few, if any, (masonry) structures remain standing. Bridges destroyed. Broad fissures in ground. Underground pipelines completely out of service. Earth slumps and land slips in soft ground. Rails bent greatly.	> 1.24 g
XII	Damage total. Practically all works of construction are damaged greatly or destroyed. Waves seen on ground surface. Lines of sight and level are distorted. Objects are thrown upward into the air.	> 1.24 g

<sup>a</sup> g (gravity) = 980 centimeters per second squared. 1.0 g of acceleration is a rate of increase in speed equivalent to a car traveling 328 feet from rest in 4.5 seconds.

SOURCES: ABAG 2003c

any one place can vary depending on its magnitude, the distance from its epicenter, and the type of geologic material. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total), and intensities ranging from IV to X could cause moderate to significant structural damage. Because the MM is a measure of ground-shaking effects, intensity values can be related to a range of PGA values, also shown in Table 3.4-3.

### ***Soil Erosion***

Erosion is the wearing away of soil and rock by processes such as mechanical or chemical weathering, mass wasting, and the action of waves, wind and underground water. Soils containing high amounts of silt or clay can be easily erodible while sandy soils are less susceptible. Excessive soil erosion can eventually lead to damage of building foundations and roadways. At the proposed sites, areas that are slightly to moderately susceptible to erosion are those that are underlain by fine grained material and also areas where the soil is exposed during the construction phase. Typically, the soil erosion potential is reduced once the soil is graded and covered with concrete, structures or asphalt.

### ***Expansive and Corrosive Soils***

Expansive soils possess a “shrink-swell” behavior. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. There is a moderate to high potential that expansive soils are present at the proposed sites (Soil Survey Staff, 2010) (see Table 3.4-1).

Corrosivity refers to potential soil-induced electrochemical or chemical action that could corrode or deteriorate concrete, reinforcing steel in concrete structures, and bare-metal structures exposed to these soils. The rate of corrosion is related to factors such as soil moisture, particle-size distribution, and the chemical composition and electrical conductivity of the soil. The potential corrosivity of the soils at the proposed sites, based on soil survey data, is summarized in Table 3.4-1 and shows a range of potential corrosivity from low to high depending on the site and type of material.

### ***Liquefaction***

Liquefaction is a phenomenon whereby unconsolidated and/or near saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion. The relatively rapid loss of soil shear strength during strong earthquake shaking results in the temporary fluid-like behavior of the soil. Liquefaction often occurs in areas with shallow groundwater and loose to dense sand, gravel and unconsolidated soils. The two proposed sites are mapped by the California Geological Survey (CGS) as being susceptible to liquefaction hazards under the Seismic Hazard Mapping Act (CGS, 2004). Additionally, ABAG has mapped the eastern portion of the Technology Court site as having a moderate liquefaction hazard and the South Grimmer Boulevard site as having low and very low liquefaction hazards (CGS, 2004).

### **Surface Fault Rupture**

Seismically induced ground rupture is defined as the physical displacement of surface deposits in response to an earthquake's seismic waves. The magnitude, sense, and nature of fault rupture can vary for different faults or even along different strands of the same fault. Ground rupture is considered more likely along active faults, which are referenced in Table 3.4-2. The two proposed sites are not within an Alquist-Priolo Fault Rupture Hazard Zone, as designated through the Alquist-Priolo Earthquake Fault Zoning Act, and no mapped active faults are known to pass through the proposed sites.

## **3.4.2 Environmental Consequences**

### **Short-term Effects**

#### **Erosion**

The preliminary stages of construction, especially site grading, stripping, and soil stockpiling would leave loose soil exposed to the erosive forces of rainfall and high winds. Erosion and loss of topsoil could be problematic in areas underlain by soils with a high runoff and erosion potential. It is both processes (surface runoff and disturbed soils) that must be managed, to minimize erosion of topsoil and prevent degradation of water quality (see Section 3.5, Hydrology and Water Quality).

The construction contractor would be required to acquire coverage under the State Water Resources Control Board (SWRCB) General Construction National Pollutant Discharge Elimination System (NPDES) Permit. During construction, erosion control measures would be implemented that utilize Construction Water Quality Best Management Practices (BMPs) to avoid or minimize soil erosion and off-site sediment transport. These BMPs would also be required to be in compliance with VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*. Because soil surface disturbance at the proposed sites would be greater than one acre, specific erosion control measures would be identified as part of the NPDES Permit and Storm Water Pollution Prevention Plan (SWPPP) required for construction. Examples of typical construction BMPs include scheduling or limiting activities to certain times of the year; installing sediment barriers such as silt fence and fiber rolls along the perimeter of the construction area; maintaining equipment and vehicles used for construction in good working order; soil-track-out controls, such as stabilizing entrances to the construction site; and developing and implementing a spill prevention and cleanup plan. The SWPPP (and associated BMPs and Temporary Environmental Controls) would be prepared and implemented prior to commencing construction, and BMP effectiveness would be ensured through the sampling, monitoring, reporting, and record keeping requirements contained in the construction general permit. In addition, the general construction permit required under the NPDES program would require that the topsoil be preserved in areas requiring grading in order to ensure proper implementation of post-construction BMPs for site restoration. Additional post-construction BMPs that would be required under the SWPPP would restore the work sites to their original condition (such as reseeded of disturbed areas), thereby preventing or minimizing long-

term erosion problems. Therefore, potential effects related to substantial or accelerated soil erosion or loss of topsoil during and following construction would not be substantial.

### ***Long-term Effects***

#### **Fault Rupture**

No Alquist-Priolo Earthquake Fault Zones have been mapped in the vicinity of the proposed sites. The closest active fault (Hayward) is approximately one mile from the Technology Court site and 0.6 mile from the South Grimmer Boulevard site. Although surface displacement is not limited to the confines of Alquist-Priolo zones, ground rupture is typically associated with active fault traces. Based on the location of the proposed sites and the active faults in the region, the potential for surface fault rupture to affect the proposed sites and pose a hazard to nearby structures or people would be minimal. Therefore, the potential to expose persons or structures to risk of ground rupture along a fault line is not considered substantial.

#### **Ground Shaking and Secondary Seismic Effects**

The Bay Area will likely experience at least one major earthquake, M6.7 or higher, within the next 30 years. The intensity of such an event would depend on which fault the earthquake occurs, the distance of the epicenter from the site and the duration of shaking. A seismic event along the Hayward Fault could produce very violent ground accelerations (MM-X) at both proposed sites (ABAG, 2009a). As a comparison, the 1906 San Francisco earthquake, with an M7.9, produced violent (MM-IX) shaking intensities in the area of the proposed sites (ABAG, 2003a). A characteristic earthquake on the Calaveras, San Andreas, Marsh Creek or Concord and Rodgers Creek faults (listed in Table 3.4-2) could produce moderate (MM-VI) to strong (MM-VII) shaking intensities (ABAG, 2003d). Earthquakes of this intensity may move heavy furniture and cause slight damage.

An earthquake of this intensity on the Hayward fault could cause considerable structural damage if not engineered appropriately. Ground shaking of this intensity could lead to an interruption in patient care due to structural building damage, movement or damage of internal building components (i.e., beds, shelves, and cabinets), or power failure. Several laws and policies impose stringent seismic safety requirements on the design and construction of new structures. VA facilities are required to be compliant with Title 38 United States Code (USC), Section 8105 which requires facilities to be resistant to earthquakes. Design requirements are detailed in VA Document H-18-8, Seismic Design Requirements. Specifically, the design must be based on seismic design criteria that reflect the nature and magnitude of maximum ground motions that can be reasonably expected. These seismic design criteria allow engineers to apply appropriate building codes and design structures to withstand the effects of earthquakes. In particular, buildings that will be occupied by humans more than 2,000 hours per year would have to meet strict seismic safety standards. The new building would comply with the seismic design requirements set forth in the VA Document H-18-8, Seismic Design Requirements. Compliance with VA Document H-18-8 would insure that the structure would resist collapse from ground shaking expected at the proposed sites during a major earthquake. Substantial cracks could appear in the ground, and the shaking could cause other secondary damaging effects such as liquefaction.

As mentioned earlier, the proposed sites are mapped as having low to moderate liquefaction susceptibility. Without proper soil engineering and structural design, liquefaction, lateral spread and settlement could damage proposed buildings and foundations. In a major regional earthquake, liquefaction could damage proposed structures or harm people. However, seismically-induced ground failure hazards are evaluated as a standard practice in design-level geotechnical investigations such as would be conducted as part of VA Document H-18-8 requirements. Incorporation of measures recommended by the geotechnical engineer or engineering geologist into the design specifications would reduce potential substantial adverse effects to people and property resulting from seismically-induced liquefaction.

Predicting seismic events is not possible, nor is it possible to entirely avoid the potential for injury and damage that can occur during a seismic event. However, following current seismic design requirements, using accepted geotechnical evaluation techniques, and standard, accepted engineering remedies can substantially reduce the potential for injury and damage, thereby exposing fewer people and less property to the effects of a major damaging earthquake. Geotechnical characterization of the proposed sites and incorporation of seismic design criteria into final structural designs is standard practice in California and required by VA Document H-18-8. Use of standard seismic engineering design criteria and accepted construction methods will help to avoid the potential for significant impacts related to damage from an earthquake.

#### **Corrosive and Expansive Soils**

The Technology Court site contains soils with high expansion potential and the South Grimmer Boulevard site contains soils with moderate to high expansion potential as outlined in Table 3.4-1. Expansive soils may cause structural damage over a long period of time, usually as the result of inadequate soil and foundation engineering or placement of structures directly on expansive soils. The proposed sites also contain soils that possess moderately corrosive properties. If improperly designed or installed, foundations constructed in areas with expansive or corrosive soils could be damaged over a long period of time. However, geotechnical site preparations as required by VA Document H-18-8 would include foundation soils requirements that would avoid the potential for significant impacts from expansive and corrosive soils, if present.

### **3.4.3 Mitigation / Management Measures**

The VA will adhere to all applicable standards of USC Title 38 and Seismic Design requirements in VA Document H-18-8 and will employ standard engineering and building practices common to construction projects throughout California. Structural foundations and utilities would be designed to accommodate expected soil movements or would be placed on imported engineered fill material. Depending on the nature of the facilities and the characteristics of the soils at each specific work site, the standards and recommendations could require a variety of engineering approaches, including specialized foundation design; over-excavation and placement of clean, non-expansive engineered fill prior to construction; and/or other measures to reduce concerns related to seismic hazards and expansive and corrosive soils, consistent with the prevailing engineering standard of care. Because soil conditions are not unique or particularly hazardous,

and methods to address expansive and corrosive soils are common engineering practices, potential effects to the hospital structures resulting from expansive or corrosive soils are not considered adverse. No mitigation measures would be required.

## **3.5 Hydrology and Water Quality**

Because the two proposed sites are within one mile of each other, the hydrology and water quality analysis for both sites would be the same. Where information differs for the two proposed sites, the differences are called out below.

### **3.5.1 Affected Environment**

#### **3.5.1.1 Regional Hydrology**

Both sites are within the Alameda Creek watershed. The Alameda Creek watershed is located principally in Alameda and Santa Clara counties and covers almost 700 square miles. It is divided into inland and coastal portions, which are connected by Niles Canyon. The inland portion contains the bulk of the watershed, including the headwaters. The coastal portion of the watershed, which includes the two proposed sites, consists of the coastal plain across which Alameda Creek historically meandered between the Mount Diablo Range to the east and the San Francisco Bay to the west.

The proposed sites are located within the Alameda Creek floodplain and are formed on alluvial sediments locally known as the Niles Canyon alluvial cone. In general, the drainage courses of Alameda Creek flow from east to west, originating in the undeveloped foothills as natural streams, passing through developed urban areas through improved channels, and discharging into sloughs that eventually flow into San Francisco Bay. The area surrounding the proposed sites is highly urbanized, with the major land uses being residential, commercial and industrial uses.

#### **3.5.1.2 Local Hydrology**

The major surface water bodies and streams in the vicinity of the proposed sites include Elizabeth Lake, Mowry Slough, Cañada del Aliso Creek, Agua Fria Creek and Agua Caliente Creek. Additionally, Laguna Creek is adjacent to the proposed sites and is channeled underground by Alameda County Flood Control and Water Conservation District (ACFCWCD) through flood control Line E. Several other aboveground and underground flood control channels are located near the proposed sites and drain into San Francisco Bay. ACFCWCD maintenance and operations crews remove large volumes of silt from waterways in the vicinity of the proposed sites because siltation can clog flood control channels and restrict stormwater flow.

The proposed sites are unpaved and have primarily flat topography. Surface runoff flows primarily in a southwesterly direction. Most flows are captured by municipal storm drains, treated in the Union Sanitary District wastewater system and discharged into the San Francisco Bay. A negligible amount of remaining runoff may flow into Agua Fria or Agua Caliente Creeks which drain to Mowry Slough and eventually flow to the San Francisco Bay.

### 3.5.1.3 Surface Water Quality

Surface water quality in an urban setting is typically related to the type of land uses within the drainage area. Pollutants and sediments are transported via runoff from surrounding areas into surface water features such as streams, rivers, storm drains, and reservoirs. Local land uses influence the quality of the surface water through point source discharges (i.e., discrete discharges such as an outfall) and nonpoint source discharges (e.g., storm runoff containing agricultural chemicals such as herbicides and coliform loading from grazing areas). Land use in the vicinity of the proposed sites is predominately urban. Thus, contaminants such as fuels, oils, grease, metals, debris and others pose the greatest threats to water quality. None of the surface water bodies within the vicinity of the proposed sites are listed as impaired in Section 303(d) of the 1972 Clean Water Act.

### 3.5.1.4 Groundwater

The Niles Cone Groundwater Basin is a major subbasin of the Santa Clara Valley Groundwater Basin. This groundwater subarea is located west of the Hayward Fault between the Alameda-Santa Clara County line on the south and just north of Alvarado on the north. It includes the surficial extent of the Alameda Creek alluvial fan and extends southward and westward under San Francisco Bay and the Bay Plain. The eastern portions of the subarea are extremely permeable and yield large quantities of groundwater to wells (DWR, 1968).

The Niles Cone groundwater region consists of a series of flat-lying aquifers separated by extensive clay layers. These aquifers are composed of gently westward-sloping sand and gravel beds that were deposited by streams on the alluvial cones over a period of hundreds of thousands of years. Aquifers in the area are both unconfined (water table) and confined conditions (deep groundwater under pressure from overlying sediments). The upper confined aquifer, between the land surface to about 150 feet below the ground surface, is known as the Newark Aquifer. It is found east of Coyote Hills and underlies almost the entire Niles Cone subarea, ranging in thickness from over 140 feet at the Hayward Fault to less than 20 feet at the western edge (DWR, 2006).

Saltwater intrusion from the Bay into the shallow Newark Aquifer is evident in wells located in the proposed sites area. Underlying the Newark Aquifer are the Centerville Aquifer between 180 and 200 feet below ground surface, and the Fremont Aquifer between 300 and 390 feet below ground surface. All three aquifers are separated by confining clay layers of varying thickness. Deeper aquifers are located at depths greater than 400 feet.

### 3.5.1.5 Stormwater Runoff and Drainage

Stormwater runoff from both the proposed sites is conveyed to municipal stormwater drainage facilities through onsite pavement gutters, surface drains, parking lots, and roof drains. The municipal facilities eventually convey stormwater to treatment facilities and the San Francisco Bay. The storm sewer facilities serving the proposed sites are owned and maintained by the Union Sanitation District. The proposed sites contribute runoff to secondary facilities, defined as

those facilities that have a drainage area of less than 50 acres and are conduits or small channels maintained by the local jurisdiction (e.g., ACFCWCD or Union Sanitary District).

A critical problem associated with urban runoff is water pollution due to increased outflow to receiving waters from city streets and parking lots. Regionally, water runoff is estimated to contribute more heavy metals to the San Francisco Bay than direct municipal and industrial dischargers, as well as significant amounts of motor oil, paints, chemicals, debris, grease and detergents. Runoff in storm drains also includes pesticides and herbicides from lawn care products and bacteria from animal waste. Most runoff flows untreated into creeks, lakes, and the Bay. Since point sources of pollution have been brought under control, the regulatory focus has shifted to non-point sources, particularly urban runoff.<sup>3</sup> Locally, Alameda County and 14 cities within the county, including Fremont, have the responsibility to develop an Urban Runoff Clean Water Program in response to the mandates of the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for the San Francisco Bay Basin. The Alameda County Clean Water Program (ACCWP) has prepared a Stormwater Quality Management Plan that proposes a number of management practices and control techniques to reduce discharge of pollutants in storm water in Alameda County. Components of the Stormwater Quality Management Plan include municipal government activities, new development controls, hydromodification controls and stormwater treatment.

## 3.5.2 Environmental Consequences

### ***Short-term Effects***

Construction may involve excavation, soil stockpiling, boring and pile driving, grading, and dewatering. Earthmoving activities would expose previously covered soils thereby increasing short-term erosion potential. Uncontrolled sediment loads may affect the water quality of nearby water bodies such as Mowry Slough, local creeks and ultimately the San Francisco Bay. They may also have an adverse effect on the municipal storm drain system. Construction would also involve use of chemicals and solvents such as fuel and lubricating oil, as well as grease for motorized heavy equipment. Inadvertent spills or releases of such chemicals could cause an adverse water quality impact.

While it is highly unlikely that dewatering would be required at the proposed sites, should dewatering occur, extracted groundwater may be of poor quality as a result of local contamination. Discharge of groundwater without treatment could degrade water quality of surface waters. Discharge of water resulting from dewatering operations as stated in VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*, would require an NPDES permit, or a waiver (exemption) from the San Francisco Bay RWQCB, which would establish discharge limitations for specific chemicals (if they occur in the dewatering flows). Compliance with the dewatering permit requirements would include appropriate testing and

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<sup>3</sup> Nonpoint source (NPS) pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water.

handling of the extracted water prior to disposal that would ensure that the effects on water quality would not be substantial.

Construction would encompass an area greater than one acre and therefore would be subject to a General Construction Permit under the NPDES permit program of the federal Clean Water Act. As required under the General Construction Permit, the VA's contractors would prepare and implement a SWPPP which would also be consistent with VA Document PG-18-1. The SWPPP requires a submittal of a notice of intent (NOI) application to the San Francisco Bay RWQCB prior to construction activities. Implementation of the SWPPP would be consistent with the ACCWP and would begin with the commencement of construction and continue through completion. The objective of a SWPPP is to identify pollutant sources (such as sediment) that may affect the quality of stormwater discharge and to implement BMPs to reduce pollutants in stormwater to acceptable levels.

Fueling of vehicles and equipment may occur on site during construction. Petroleum based chemicals would be handled according to BMPs to avoid contamination of soils. These BMPs could include measures such as avoiding overtopping during fueling and using fuel containment pans to catch fuel leakages. Further, implementation of standard construction procedures and precautions as discussed in Section 3.12, Solid and Hazardous Materials, and compliance with the City of Fremont regulations (i.e., Chapter 13.08 of the City of Fremont Ordinance Code regulating stormwater management and discharge control) as required would also ensure that the water quality impacts related to the handling of chemicals from construction would be less than significant.

## ***Long-term Effects***

### **Drainage**

The proposed sites are currently undeveloped. Given that operation of the CBOC would require a majority of the site to be paved or landscaped, an increase in impervious surfaces is anticipated. A substantial increase in impervious surfaces could alter existing drainage patterns at the site or in the vicinity of the sites by reducing infiltration of runoff and increasing the volume of water that enters the storm drain system or local waterways. Increased flow volumes could also result in accelerated erosion and decreased water quality. With implementation of **Management Measure 3.5-1**, the CBOC would be designed and managed so that runoff from the proposed sites would not increase the erosion potential of receiving streams. Additionally, post-construction runoff would be required not to exceed pre-construction rates and durations in areas where increased flow or volume would cause increased erosion or other related adverse effects on the beneficial uses of the receiving waters. Implementation of the required drainage plan would ensure that operation of the CBOC would not result in substantial erosion, flooding or exceed the capacity of storm drains. Thus the effects on drainage at the site would not be substantial.

### **Water Quality**

The VA would construct new medical facilities, which could result in increased pollutant releases in stormwater flows into the storm drains or waterways. The total impervious surface area at the site would increase to accommodate the structures and associated parking. Additionally, the facilities

would include landscaped areas. Contaminants that collect on paved areas such as parking lots and roadways include motor vehicle fluids (motor oil, brake fluid, power steering fluid), by-products of brake pad dust from motor vehicles, pesticides and fertilizers. Stormwater runoff can “wash” such residues from paved surfaces allowing pollutants to enter the stormwater system, which leads to local water bodies and the San Francisco Bay. Pollutants and sediments also enter the system as a result of rainfall on cumulative atmospheric dust collected during non-rainy months on new structures and roadways. Additionally, landscaping practices could introduce additional pollutants such as fertilizers and pesticides into the stormwater system.

Thus, development could result in long-term increases in pollutant concentrations in stormwater. However, the new construction would be required to comply with **Management Measure 3.5-1** that would incorporate stormwater pollutant prevention design features. Therefore, the volume and quality of stormwater runoff from the site would equal or less than existing conditions.

### 3.5.3 Mitigation / Management Measures

With implementation of **Management Measure 3.5-1**, operational effects on water quality will not be adverse. Therefore, no mitigation is needed.

**Management Measure 3.5-1:** The VA shall draft and implement a drainage plan that specifies the specific control and treatment measures to manage stormwater pollutant runoff as part of the overall site design. The plan shall list potential pollutant sources on the site and corresponding source control measures as specified in the current edition of the *Stormwater C.3 Handbook*. It shall also identify all activities that would potentially generate pollutants and require stormwater treatment Best Management Practices (BMPs) for those activities. Permanent and operational BMPs shall be used to further reduce the potential for pollutants to enter runoff.

The BMPs in the plan shall address, among others without limitation, potential pollutant sources from:

- Potential dumping of standard commercial cleaning supplies or other liquids into storm drain inlets;
- Potential dumping of wash-water or other liquids into storm drain inlets;
- Fertilizers and pesticides used in landscape maintenance; and
- Minor oil and/or gasoline spills in parking lots and service areas.

The plan may contain structural and treatment BMPs, which shall include but may not be limited to the following:

- Grass strips, high infiltration substrates, and grassy swales shall be used where feasible throughout the development to reduce runoff and provide initial storm water treatment.
- Detention basins shall be installed beneath large parking areas to provide initial filtration prior to discharge into the storm drains.
- Roof drains shall discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of storm water.

- Permanent energy dissipaters shall be included for drainage outlets.
- Water quality detention basins shall be designed to provide effective water quality control measures including the following:
  - Maximize detention time for settling of fine particles;
  - Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets; and
  - Maximize the detention basin elevation to allow the highest amount of infiltration and settling prior to discharge.

## 3.6 Wildlife and Habitat

Because the two proposed sites are within one mile of each other and contain similar habitats, the wildlife and habitat analysis for both sites would be the same. Where information differs for the two proposed sites, the differences are called out below.

### ***3.6.1.1c. Threatened, Endangered, and Other Special-Status Species***

This assessment of special-status species includes those that are listed and receive specific protection defined in federal or state endangered species legislation, as well as species not formally listed as Threatened or Endangered, but designated as “Rare” or “Sensitive” on the basis of adopted policies and expertise of state resource agencies or organizations. A principal source for this designation is the California “Special Animals List” (CDFG, 2009). Legal standards these designations are based on are described briefly below.

#### **Federal Endangered Species Act**

Under the Federal Endangered Species Act (FESA), the Secretary of the Interior and the Secretary of Commerce have joint authority to list a species as threatened or endangered (16 USC 1533(c)). Pursuant to the requirements of FESA, a federal agency reviewing a proposed project within its jurisdiction must determine whether any federally listed, threatened, or endangered species or species proposed for federal listing may be present on the project site, and whether the proposed action would have a potentially significant affect on such species. In addition, the federal agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species proposed for listing under 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)). No federally listed wildlife species have the potential to occur at the proposed sites.

#### **California Endangered Species Act**

Additionally, section 2080 of the California Fish and Game Code prohibits the taking of plants and wildlife listed under the authority of the California Endangered Species Act of 1984 (CESA). In accordance with CESA, the California Department of Fish and Game (CDFG) maintains lists of threatened and endangered species (California Fish and Game Code 2070). The CDFG also maintains a list of candidate species, which are species the CDFG has formally noticed as being under review for addition to either the list of endangered species or the list of threatened species,

and a list of species of special concern that serves as a watch list. No state listed wildlife species have the potential to occur at the proposed sites, but several bird and bat species of concern could be present on the proposed sites.

### **Federal Migratory Bird Act and CDFG Code**

Most bird species not state or federally listed are protected under the federal Migratory Bird Treaty Act (MBTA), or under CDFG code. The MBTA (16 USC, Section 703, Supplement I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.3 of the California Fish and Game Code prohibits take, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. The California Fish and Game Code (Sections 3511-birds, 4700-mammals, 5050-reptiles and amphibians, and 5515-fish) also allow the designation of a species as Fully Protected. This designation provides a greater level of protection than is afforded by the CESA, since it means the designated species cannot be taken at any time. Birds protected by the MBTA and CDFG code could nest or forage at the proposed sites.

### **California Native Plant Society**

The California Native Plant Society (CNPS) maintains a list of special-status plant species based on collected scientific information. Designation of these species by the CNPS does not confer legal status or protection under federal or state endangered species legislation. Species included in lists 1A, 1B, or 2 were included in this assessment of special-status species. CNPS designations are as follows:

- List 1A (plants presumed extinct)
- List 1B (plants rare, threatened, or endangered in California and elsewhere)
- List 2 (plants rare, threatened, or endangered in California, but more numerous elsewhere)
- List 3 (plants about which more information is needed – a review list)
- List 4 (plants of limited distribution – a watch list)

No species listed by the CNPS are expected to occur on the proposed sites.

The California Natural Diversity Database (CNDDB) documents 48 special-status species within the Newark, Niles, Mountain View, and Milpitas U.S. Geological Survey (USGS) quadrangles that include and surround the project site (CDFG, 2010). Potential for the proposed sites to support special-status species was assessed using the CNDDB (CDFG, 2010), the USFWS Endangered Species List (USFWS, 2010), and the CNPS Rare Plant Inventory (CNPS, 2010). All species occurrences recorded in these queries are included in **Table 3.6-1**, along with information about their potential to occur on the proposed sites. Due to the close proximity of, and similar habitats present at the two proposed sites, Table 3.6-1 addresses potential species and likelihood of occurrence for both proposed sites. CNDDB species occurrences in the vicinity of the proposed South Grimmer Boulevard and Technology Court sites are mapped in **Figure 3.6-1**.

**TABLE 3.6-1  
SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

<b>Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)</b>	<b>Habitat Requirements</b>	<b>Habitat Present</b>	<b>Effect</b>	<b>Pertinent Information</b>
<b>FEDERAL OR STATE-LISTED SPECIES</b>				
<b>Invertebrates</b>				
Conservancy fairy shrimp <i>Branchinecta conservatio</i> <b>FE/--</b>	Inhabit pools in grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools that last until June.	No	No	Project sites outside of known range of species; no occurrences in Contra Costa, Alameda, or Santa Clara Counties.
vernal pool fairy shrimp <i>Branchinecta lynchi</i> <b>FT/--</b>	Endemic to grasslands of the Central Valley; inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	No	No	No undisturbed vernal pools are present in either proposed site. Local occurrences are in eastern Alameda and Contra Costa counties.
bay checkerspot butterfly <i>Euphydryas editha bayensis</i> <b>FT/--</b>	Restricted to native serpentine grasslands.	No	No	Regular and ongoing vegetation disturbance at both proposed sites precludes presence of host plants for this species.
vernal pool tadpole shrimp <i>Lepidurus packardii</i> <b>FE/--</b>	Pools are commonly found in grass-bottomed swales of unplowed grasslands; some pools are mud-bottomed and highly turbid.	No	No	No suitable vernal pool habitat is present at the South Grimmer Boulevard site. One small depression is present at the Technology Court site, but is regularly disturbed and not considered suitable vernal pool habitat for this species.
<b>Fish</b>				
green sturgeon, southern DPS <i>Acipenser medirostris</i> <b>FT/CSC</b>	Spends majority of life in ocean waters near shore, estuaries, and bays, spawns in fresh water rivers.	No	No	No waterways capable of supporting this species are within or adjacent to the project site.
delta smelt <i>Hypomesus transpacificus</i> <b>FT/CE</b>	Primarily found in open waters of the Sacramento-San Joaquin Delta. Seasonally in Suisun Bay, Carquinez Strait, and San Pablo Bay.	No	No	Neither proposed site is within the species' range.
steelhead – Central CA Coast DPS <i>Oncorhynchus mykiss</i> <b>FT/--</b>	Spawns and rears in coastal streams between the Russian River and Aptos Creek, as well as drainages tributary to San Francisco Bay, where gravelly substrate and shaded riparian habitat occurs.	No	No	No waterways capable of supporting this species are within or adjacent to the proposed site.
steelhead – Central Valley DPS <i>Oncorhynchus mykiss</i> <b>FT/--</b>	Gravelly substrate and shaded riparian habitat in Central Valley streams tributary to the Sacramento River.	No	No	Migrates through central San Francisco Bay; both proposed sites not within species' range.
chinook salmon – Central Valley spring run ESU <i>Oncorhynchus tshawytscha</i> <b>FT/CT</b>	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta	No	No	No waterways capable of supporting this species are within or adjacent to the proposed site.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
FEDERAL OR STATE-LISTED SPECIES (cont.)				
<b>Invertebrates</b>				
chinook salmon – Sacramento River winter run ESU <i>Oncorhynchus tshawytscha</i> <b>FE/CT</b>	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta, require clean, cold water and gravel beds for spawning	No	No	No waterways capable of supporting this species are within or adjacent to the proposed site.
<b>Amphibians</b>				
California tiger salamander <i>Ambystoma californiense</i> <b>FT/CT</b>	Wintering sites occur in grasslands occupied by burrowing mammals; breed in ponds and vernal pools.	No	No	While breeding habitats and annual grassland dispersal habitats are present in the hills east of the proposed sites, disking of soil, lack of nearby breeding ponds, and heavy development surrounding both proposed sites would prevent presence of this species.
California red-legged frog <i>Rana draytonii</i> <b>FT/CSC</b>	Breed in stock ponds, pools, and slow-moving streams with emergent vegetation for escape cover and egg attachment	No	No	Nearest occurrence is 1.5 miles southeast of the South Grimmer Boulevard site; lack of nearby creeks or ponds, as well as heavy development surrounding both sites, would prevent presence of this species.
<b>Reptiles</b>				
Alameda whipsnake <i>Masticophis lateralis</i> <i>euryxanthus</i> <b>FT/CT</b>	Inhabits open to partially open scrub communities, including coyote bush scrub and chamise chaparral on primarily south-facing slopes.	No	No	While both proposed sites are within a quad-wide CNDDB occurrence for this species, any core habitats would be more than two miles east of the proposed site and heavy development and periodic disking of the site would prevent individuals from moving onto either site.
<b>Birds</b>				
western snowy plover <i>Charadrius alexandrinus</i> <i>nivosus</i> <b>FT/CSC</b>	Sandy coastal beaches, salt pans, coastal dredged spoils sites, dry salt ponds, salt pond levees, and gravel bars. Nests in sandy substrate and forages in sandy marine and estuarine bodies.	No	No	No nesting habitat present within the Technology Court or South Grimmer Boulevard sites.
black rail <i>Laterallus</i> <i>jamaicensis coturniculus</i> <b>-/CT</b>	Freshwater marshes, wet meadows, and shallow margins of saltwater marshes; needs dense wetland vegetation for nesting.	No	No	No nesting or foraging habitat present at either proposed site.
California brown pelican <i>Pelecanus occidentalis</i> <i>californicus</i>	Nests on protected islets near freshwater lakes.	No	No	No nesting or foraging habitat present at either proposed site.
California clapper rail <i>Rallus</i> <i>longirostris obsoletus</i> <b>FE/CE</b>	Salt-water and brackish marshes with tidal sloughs.	No	No	No nesting or foraging habitat present at either proposed site.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
FEDERAL OR STATE-LISTED SPECIES (cont.)				
<b>Birds (cont.)</b>				
California least tern <i>Sterna antillarum</i>  FE/CE	Feeds in relatively shallow, near-shore waters, coastal freshwater ponds, channels, and lakes occupied by small fish. Colonial nesters on sand, gravel, or shell beaches where visibility is good.	No	No	No nesting or foraging habitat present at either proposed site.
bank swallow <i>Riparia riparia</i>  --/CT	Vertical banks/cliffs with sandy soils near water bodies for nesting. Nests primarily in riparian and lowland habitats.	No	No	No nesting or foraging habitat present at either proposed site.
<b>Mammals</b>				
Salt marsh harvest mouse <i>Reithrodontomys raviventris</i>  FE/SE, CFP	Salt marsh habitat dominated by pickleweed.	No	No	No pickleweed/saline emergent wetland in the vicinity of either proposed site.
San Joaquin kit fox <i>Vulpes macrotis mutica</i>  FE/CT	Annual grasslands or grassy open stages with scattered shrubby vegetation; need suitable prey base and loose, sandy soils for dens.	No	No	Suitable undisturbed habitat not present at either proposed site. Fremont is generally considered outside this species' range.
<b>Plants</b>				
robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>  FE/--/1B.1	Cismontane woodland, coastal dunes, or coastal scrub; sandy terraces and bluffs or in loose sand.	No	No	No habitat for this species is present at either proposed site.
Contra Costa goldfields <i>Lasthenia conjugens</i>  FE/--/1B.1	Cismontane woodlands, playas, valley and foothill grasslands, mesic vernal pools.	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
California sea blite <i>Suaeda californica</i>  FE/--/1B.1	Coastal salt marshes.	No	No	No habitat for this species is present at either proposed site.
OTHER SPECIAL-STATUS SPECIES				
<b>Invertebrates</b>				
monarch butterfly <i>Danaus plexippus</i>  --/*	Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress) with nectar and water sources nearby.	No	No	No habitat present at either proposed site. Nearest occurrence in Coyote Hills Regional Park, more than five miles northwest of both proposed sites.
California brackishwater snail <i>Tryonia imitator</i>  --/*	Found in permanently submerged areas in coastal lagoons, estuaries, and salt marshes.	No	No	No Habitat for this species is present at either proposed site.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
OTHER SPECIAL-STATUS SPECIES (cont.)				
<b>Fish</b>				
Chinook salmon Central Valley ESU—fall/late fall run <i>Oncorhynchus tshawytscha</i> --/CSC	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta, require clean, cold water and gravel beds for spawning	No	No	No waterways capable of supporting this species are within or adjacent to the proposed site.
<b>Reptiles</b>				
western pond turtle <i>Emys marmorata</i> --/CSC	Ponds, marshes, rivers, streams, and irrigation ditches. Need basking sites and suitable upland habitat for egg laying.	No	No	Aquatic habitat not present at either proposed site.
<b>Birds</b>				
Cooper's hawk <i>Accipiter cooperii</i> --/--*	Present in marginal, open woodlands; nest sites most often located in riparian deciduous trees and live oaks	Yes	Yes	One Cooper's hawk was observed perching on several trees at the South Grimmer Boulevard site. Potential nesting and foraging habitat exists at both proposed sites.
tricolored blackbird <i>Agelaius tricolor</i> --/CSC	Nests colonially in freshwater marshes with large stands of cattails ( <i>Typha</i> spp.).	Foraging only	No	No nesting habitat present within the Technology Court or South Grimmer Boulevard sites.
golden eagle <i>Aquila chrysaetos</i> --/CFP	Nests in large trees in open areas or cliff-walled canyons; forages in rolling foothills, mountain areas, sage-juniper flats, and desert habitats.	No	No	No nesting habitat present within the Technology Court or South Grimmer Boulevard sites.
burrowing owl <i>Athene cunicularia</i> --/CSC	Present in open annual grasslands with abundance of small mammal burrows for nesting.	No	No	Despite burrowing owl occurrences directly adjacent to the proposed sites, periodic soil disking on both sites prevents establishment of small mammal burrows for owls to colonize. Feral cats, potential predators for owls, were observed on both sites.  Surveys of the South Grimmer Boulevard site in 2000 and 2003 (LSA, 2003) did not find ground squirrel burrows or any signs of burrowing owls.
great egret <i>Ardea alba</i> --/*	Colonial nester in large trees near marshes and large water bodies; forages in marshes and grasslands.	Foraging only	No	No nesting habitat present within either proposed site.
great blue heron <i>Ardea herodias</i> --/*	Nest colonially in groves of trees. Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes.	Foraging only	No	No nesting habitat present within either proposed site.
northern harrier <i>Circus cyaneus</i> --/CSC	Mostly nests in emergent vegetation, wet meadows or near rivers and lakes, but may nest in grasslands away from water.	Foraging only	No	Suitable ground nesting habitat not present at either proposed site due to regular disking of soil.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
OTHER SPECIAL-STATUS SPECIES (cont.)				
<b>Birds (cont.)</b>				
white-tailed kite <i>Elanus leucurus</i> --/CFP	Dense-topped trees for nesting and perching; open grasslands, meadows, or marshes for foraging.	Yes	Yes	Trees and open vegetated areas on both proposed sites provide marginal nesting and foraging habitat.
snowy egret <i>Egretta thula</i> --/*	Nest on the ground in dense marsh areas or in large trees 1.5-3 meters from the ground.	Foraging only	No	No nesting habitat present within either proposed site.
Saltmarsh common yellowthroat <i>Geothlypis trichas sinuosa</i> --/CSC	Emergent wetlands.	No	No	While this species can focus activity in upland areas, habitats in the proposed sites are more than one mile from salt marshes of San Francisco Bay.
Alameda song sparrow <i>Melospiza melodia pusillula</i> --/CSC	Salt marshes of central San Francisco Bay.	No	No	No salt marsh habitats adjacent to either proposed site.
Black-crowned night heron <i>Nycticorax nycticorax</i> --/*	Nest colonially in groves of trees. Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes	No	No	No nesting habitat present within either proposed site.
Double-crested cormorant <i>Phalacrocorax auritus</i> --/*	Colonial nester on coastal cliffs, islands, and large trees near water bodies.	No	No	No nesting habitat present within either proposed site.
<b>Mammals</b>				
Pallid bat <i>Antrozous pallidus</i> --/CSC	Day roosts in caves, crevices, mines, and hollow trees and buildings. Night roosts can occur in more open areas, like porches and open buildings.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the South Grimmer Boulevard site, as well as in trees adjacent to the Technology Court site. Nearest CNDDB occurrence is approximately 4.5 miles east of the proposed site.
Hoary bat <i>Lasiurus cinereus</i> --/*	Typically roosts in large trees hidden from above with ground cover below. Also known to roost in buildings.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the South Grimmer Boulevard site, as well as in trees adjacent to the Technology Court site. Nearest CNDDB occurrence is more than 15 miles east of the proposed site.
Yuma myotis <i>Myotis yumanensis</i> --/*	Open forests and woodlands with sources of water; maternity colonies in caves, mines, buildings, or crevices.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the South Grimmer Boulevard site, as well as in trees adjacent to the Technology Court site. Nearest CNDDB occurrence is approximately seven miles north of the proposed site, near Niles Canyon.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
OTHER SPECIAL-STATUS SPECIES (cont.)				
<b>Mammals (cont.)</b>				
San Francisco dusky-footed woodrat <i>Neotoma fuscipes</i> <i>annectens</i> --/CSC	Forest habitats of moderate canopy and moderate to dense understory. Requires abundant nesting materials, such as grass, leaves, and sticks.	No	No	Only scattered trees - not woodlands - are present at either proposed site.
Salt marsh wandering shrew <i>Sorex vagrans halicoetes</i> --/CSC	In <i>Salicornia</i> marshes, often in band of marsh daily inundated by tides, or at slightly higher elevations with driftwood or other debris for cover.	No	No	No pickleweed habitats or saline emergent wetland present adjacent to either proposed site.
<b>Plants</b>				
Anderson's manzanita <i>Arctostaphylos andersonii</i> --/1B.2	Broadleaved upland forest, chaparral, north coast coniferous forest.	No	No	Habitat not present at either proposed site.
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i> --/1B.2	Playas, valley foothill grasslands, vernal pools/alkaline habitats	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
brittlescale <i>Atriplex</i> <i>depressa</i> --/1B.2	Chenopod scrub, meadows and seeps, playas, valley and foothill grassland, and alkaline/clay vernal pools.	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
San Joaquin spearscale <i>Atriplex joaquinana</i> --/1B.2	Meadows and seeps, playas, valley and foothill grassland/alkaline habitats	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
chaparral harebell <i>Campanula exigua</i> --/1B.2	Rocky chaparral, usually on serpentine soils.	No	No	Habitat not present at either proposed site.
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congonii</i> --/1B.2	Alkaline valley and foothill grasslands.	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
Point Reyes bird's-beak <i>Cordylanthus maritimus</i> ssp. <i>palustris</i> --/1B.2	Coastal salt marshes and swamps.	No	No	Habitat not present at either proposed site.
Hoover's button celery <i>Eryngium aristulatum</i> var. <i>hooveri</i> --/1B.1	Alkaline depressions, vernal pools, and roadside ditches near the coast.	No	No	Habitat not present at either proposed site.
Arcuate bush-mallow <i>Malacothamnus arcuatus</i> --/1B.2	Chaparral, cismontane woodland.	No	No	Habitat not present at either proposed site.
Hall's bush mallow <i>Malacothamnus hallii</i> --/1B.2	Chaparral; some populations on serpentine soils.	No	No	Habitat not present at either proposed site.

**TABLE 3.6-1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE PROPOSED SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
OTHER SPECIAL-STATUS SPECIES (cont.)				
<b>Plants (cont.)</b>				
San Antonio Hills monardella <i>Monardella</i> <i>antonina</i> ssp. <i>antonina</i>	Chaparral, cismontane woodland.	No	No	Habitat not present at either proposed site.
--/--/List 3				
Robust monardella <i>Monardella villosa</i> ssp. <i>globosa</i>	Broadleaved upland coniferous forests, chaparral, cismontane woodland, coastal scrub, valley and foothill grassland.	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
--/--/1B.2				
prostrate vernal pool navarretia <i>Navarretia</i> <i>prostrata</i>	Coastal scrub, valley and foothill grassland, vernal pools.	No	No	Habitat not present at either proposed site.
--/--/1B.2				
hairless popcorn-flower <i>Plagiobothrys glaber</i>	Coastal salt marshes and swamps.	No	No	Species considered extinct; CNDDDB occurrences in area likely extirpated.
--/--/1A				
Oregon polemonium <i>Polemonium carneum</i>	Coastal prairie, coastal scrub, lower montane coniferous forest.	No	No	Vegetation and soils at both proposed sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
--/--/2.2				
most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	Chaparral, valley and foothill grassland, cismontane woodland; on ridges, slopes, and serpentine outcrops.	No	No	Habitat not present at either proposed site.
--/--/1B.2				
slender-leaved pondweed <i>Stuckenia filiformis</i>	In marshes and swamps.	No	No	Habitat not present at either proposed site.
--/--/2.2				

**FEDERAL: (U.S. Fish and Wildlife Service)**

FE = Listed as Endangered (in danger of extinction) by the Federal Government

FT = Listed as Threatened (likely to become Endangered within the foreseeable future) by the Federal Government.

FSC = Former Federal Species of Concern. The USFWS no longer lists Species of Concern but recommends that species considered to be at potential risk by a number of organizations and agencies be addressed during project environmental review. NMFS, however, still lists Species of Concern.

**STATE: (California Department of Fish and Game)**

CE = Listed as Endangered by the State of California

CT = Listed as Threatened by the State of California

CR = Listed as Rare by the State of California (plants only)

CSC = California Species of Special Concern

\* = CDFG Special animal—listed on CDFG's Special Animals List.

**California Native Plant Society**

List 1A=Plants presumed extinct in California

List 1B=Plants rare, Threatened, or Endangered in California and elsewhere

List 2= Plants rare, Threatened, or Endangered in California but more common elsewhere

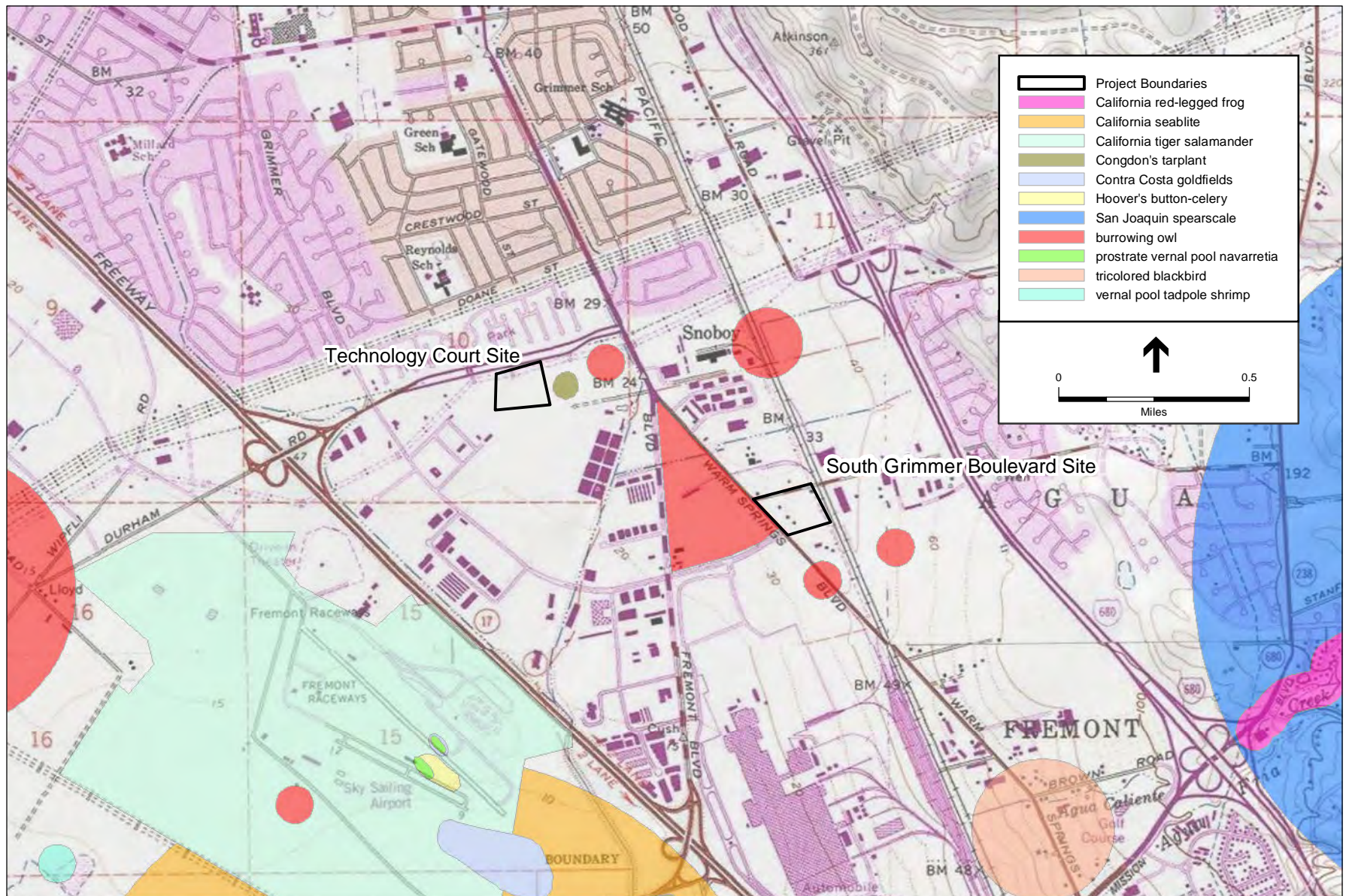
List 3= Plants about which more information is needed

An extension reflecting the level of threat to each species is appended to each rarity category as follows:

.1 – Seriously endangered in California

.2 – Fairly endangered in California

.3 – Not very endangered in California



SOURCE: ESRI, 2010; CDFG, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.6-1**  
Special-Status Species

### 3.6.1 Affected Environment

ESA conducted a reconnaissance-level field survey of both site locations in late November 2010, to verify existing biological conditions and assess vegetation and wildlife habitats. Both sites are heavily disturbed and regularly disked to remove herbaceous vegetation and to upturn soil.

#### 3.6.1.1 Technology Court Site

Vegetation is almost entirely ruderal/non-native grassland, and includes wild oats (*Avena spp.*), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), perennial pepperweed (*Lepidium latifolium*), and young annual grasses present. Trees were only present on the margins of the proposed site and in adjacent properties, and included blue-gum eucalyptus, Monterey pine (*Pinus radiata*), coast redwood (*Sequoia sempervirens*), palm trees, and ornamental shrubs. Common urban wildlife species observed during the site visit included scrub jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), rock dove (*Columba livia*), common raven (*Corvus corax*), gulls (*Larus spp.*), black phoebe (*Sayornis nigricans*), and European starling (*Sturnus vulgaris*). Several feral cats were also observed moving within the site. Nearby trees could provide nesting habitat for bird species as well as potential roosting habitat for bats.

#### 3.6.1.2 South Grimmer Boulevard Site

Vegetation at the South Grimmer Boulevard site is almost entirely ruderal/non-native grassland, with scattered trees and shrubs. Bristly ox-tongue (*Picris echioides*) was the dominant herbaceous species, with young annual grasses also present. Trees growing at the proposed site have been planted as landscape trees, and include elm (*Ulmus spp.*), eucalyptus (*Eucalyptus globulus*), walnut (*Juglans sp.*), olive (*Olea europa*), Italian stone pine (*Pinus pinea*), pepper tree (*Schinus sp.*), and several species of palms. Trees and shrubs grow sparsely along the margins of the site, with a total canopy cover of less than five percent. Common urban wildlife species that were observed during the site visit included turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), gulls (*Larus spp.*), mourning dove (*Zenadia macroura*), and black-tailed jackrabbit (*Lepus californicus*). A feral cat was also observed hunting within the proposed site. Trees present could provide nesting habitat for many bird species.

#### California Special Status Species

California Special Status species that could potentially occur on the proposed sites include Cooper's hawk (*Accipiter cooperii*), white tailed kite (*Elanus leucurus*), pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), and Yuma myotis (*Myotis yumanensis*). Both the Cooper's hawk and white-tailed kite are birds of prey, present in a variety of habitats. Cooper's hawks are known to breed throughout California, and typically hunt for small birds and mammals in habitat edges and riparian woodlands. Nesting microhabitats include large crotches of deciduous trees. One adult Cooper's hawk was observed perching on several trees within the proposed sites during the reconnaissance site visit. White-tailed kites occur in open grasslands, meadows, farmlands, and emergent wetlands, hunting small mammals while briefly hovering.

Nesting trees are located near suitable foraging habitats, typically near the top of dense oak, willow, or other tree stands.

The pallid bat, hoary bat, and Yuma myotis could be present in trees at the proposed sites, or the two abandoned buildings on the proposed South Grimmer Boulevard site. The pallid bat is a California species of concern present in most low elevations in California. Preferred habitats for the pallid bat include rocky outcrops with crevices and access to open areas, but they can be found in a variety of other habitats as well, particularly during migratory periods in the spring and fall. Day roosts can be found in crevices, caves, mines, and occasionally buildings and hollow trees, while night roosts can be in more open areas such as open buildings or porches. Local CNDDDB occurrences include eastern Fremont and adjacent habitats in hills of the Diablo Range. The hoary bat is a California species of concern and can be found at nearly any location in California. Maternity roosts of this species are typically found in woodlands with medium to large trees and dense foliage cover. Hoary bats can be found year-round in the San Francisco Bay Area. While not common behavior, hoary bats may roost or be present on buildings or in building attics. While no CNDDDB occurrences are within 15 miles of the proposed sites, potential habitat is present on the proposed sites, although the potential for such bats to occur is considered relatively low. Yuma myotis is a California species of special concern also found in a variety of habitats in California. Roosting habitat includes buildings, mines, caves, or crevices, as well as in abandoned swallow nests and under bridges. Distribution of this species is closely tied to water bodies for foraging and drinking. Nearby CNDDDB records include an occurrence in Niles Canyon, about five miles from the South Grimmer Boulevard site.

### 3.6.2 Environmental Consequences

While little potential habitat for special-status species is present at the proposed sites, trees and buildings could support special-status birds and bats. Direct impacts on nests of special-status bird species, or any other bird protected under the MBTA or CDFG code, could result from removal of trees on either of the proposed sites. Trees on the proposed sites could also contain pallid bat, hoary bat, or Yuma myotis roosts as well, and the special-status bat roosts potentially present in two abandoned residential structures on the South Grimmer Boulevard site could also be directly affected by demolition in support of the proposed action. Construction noise from heavy equipment could indirectly affect nesting birds and roosting bats by causing nest abandonment, potentially resulting in unsuccessful breeding efforts or mortality of young.

### 3.6.3 Mitigation / Management Measures

The following measures, together with the best management practices outlined in the VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*, would ensure that adverse impacts will not result. No mitigation measures would be required.

Although the VA is not required to comply with local regulations, it will endeavor to do so whenever possible. Trees on a project site with a diameter at breast height (dbh) of six inches or greater are considered protected under the City of Fremont's Tree Preservation Ordinance

(Ordinance No. 2481, § 1, 7-23-02). If the VA would need to remove any trees with a dbh of six inches or greater, the VA would apply for the appropriate City of Fremont permits.

To prevent adverse effects on nesting birds, the VA will implement the following:

**Management Measure 3.6-1:** For any vegetation removal that must be performed in the bird nesting season (February 1 through August 31), the VA will retain a qualified biologist to survey the project site for special status species and verify the presence or absence of these species no more than 14 days prior to construction activities. If active nests are observed, buffer zones will be established around trees/shrubs with nests, with a buffer size established by the qualified biologist through consultation with the appropriate regulatory agency (e.g., CDFG). Buffered zones will be avoided during construction activities until young have fledged or the nest is otherwise abandoned.

To protect special status bat roosts and bats during construction, the VA will require its contractor(s) to implement the following measures:

**Management Measure 3.6-2:**

- Prior to construction or demolition activities within 250 feet of trees/structures with at least a moderate potential to support special-status bats, a qualified biologist will survey for bats. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present, no further action will be required.
- If bats raising pups (also called a maternity colony) are identified within 250 feet of the project site during preconstruction surveys or project construction (typically April 15 through August 15), the VA will create a no-disturbance buffer acceptable in size to the CDFG around the bat roosts. Bat roosts initiated within 250 feet of the project site after construction has already begun are presumed to be unaffected by project-related disturbance, and no buffer would be necessary. However, the “take” of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.
- Trees or buildings with evidence of bat activity shall be removed during the time that is least likely to affect bats as determined by a qualified bat biologist (in general, roosts should not be removed if maternity bat roosts are present, typically April 15 – August 15, and roosts should not be removed if present bats are in torpor, typically when temperatures are less than 40 degrees Fahrenheit). Non-maternity bat roosts will be removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the bats using one-way doors, funnels, or flaps.
- All special-status bat roosts that are destroyed will be replaced at a 1:1 ratio with a roost suitable for the displaced species. The roost will be modified as necessary to provide a suitable roosting environment for the target bat species.

## 3.7 Noise

Because the two proposed sites are within one mile of each other, the noise analysis for both sites is the same. Where there are differences, the sites are called out.

### 3.7.1 Affected Environment

The existing noise setting for the Technology Court site is located within the City of Fremont and is dominated primarily by transportation noise due to vehicle traffic on surrounding roadways. To characterize the noise environment, long term (LT) 24 hour day-night levels (DNL) measurements were taken on-site.

For the Technology Court site, noise levels were measured at 66 dBA (A-weighted decibels) on Tuesday, November 30, and 63 dBA on Wednesday, December 1, 2010. Short-term (ST) five-minute measurements of 54 dBA and 55 dBA were taken on November 29, 2010. Noise measurements are shown in **Table 3.7-1** below. The noise measurement location is shown in **Figure 3.7-1**. At the Technology Court site, notable noise sources were traffic on Auto Mall Parkway as well as background noise from I-680 and I-880. Industrial businesses that exist to the south, west, and east of the site contribute little to ambient noise levels.

For the South Grimmer Boulevard site noise levels were measured to be 63 dBA on Tuesday, November 30, and 64 dBA on Wednesday, December 1, 2010. Short-term five-minute measurements of 54 dBA and 56 dBA were taken on Monday, November 29, 2010. The existing noise sources for the South Grimmer Boulevard site is dominated primarily by transportation noise due to vehicle traffic on local roadways and the adjacent Union Pacific Railroad (UPRR).

**TABLE 3.7-1  
EXISTING NOISE ENVIRONMENT AT THE TECHNOLOGY COURT SITE AND VICINITY<sup>a</sup>**

Location	Time Period	Leq (decibels)	Noise Sources
LT: End of Technology Court, 350 feet from Auto Mall Parkway.	24-hour DNL measurements were: Tue. Nov 30: 66 Wed. Dec. 1: 63	Hourly Average Leq range: Tue. Nov 30: <b>53 - 69</b> Wed. Dec. 1: <b>53 - 61</b>	Unattended noise measurements do not specifically identify noise sources.
ST: End of Technology Court, 350 feet from Auto Mall Parkway.	Monday 11/29/10 1:35 – 1:45 PM	5-minute Average Noise Levels, Leq <b>54, 55</b>	Noise from traffic on Auto Mall Parkway, I-680. Train horn.

<sup>a</sup> All noise levels measured in decibels (dBA). Noise measurement data presented here using a Metrosonics dB-308 sound level meter, calibrated prior to use.

SOURCE: ESA, 2010.



SOURCE: BingMaps, 2009; ESRI, 2009; and ESA, 2010

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**Figure 3.7-1**  
Noise Measurement Location -Technology Court Site

Noise measurements are shown in **Table 3.7-2** below. The noise measurement location is shown in **Figure 3.7-2**. Notable noise sources were traffic on South Grimmer Boulevard and Old Warm Springs as well as background noise from I-680 and I-880. Industrial businesses across the railroad tracks also contribute to ambient noise levels.

**TABLE 3.7-2  
EXISTING NOISE ENVIRONMENT AT SOUTH GRIMMER BOULEVARD SITE AND VICINITY<sup>a</sup>**

Location	Time Period	Leq (decibels)	Noise Sources
LT: 125 feet west-southwest of railroad tracks/adjacent to cul-de-sac of Tavis Place.	24– hour DNL measurements were: Tue. Nov 30: 63 Wed. Dec. 1: 64	Hourly Average Leq range: Tue. Nov 30: <b>48 - 62</b> Wed. Dec. 1: <b>47 - 64</b>	Unattended noise measurements do not specifically identify noise sources.
ST: 125 feet west-southwest of railroad tracks/adjacent to cul-de-sac of Tavis Place.	Monday 11/29/10 1:15 – 1:25 PM	5-minute Average Noise Levels, Leq <b>54, 56</b>	Noise from traffic on I-680 and surrounding roads, industrial businesses across RR tracks. 680 traffic, 55 dBA

<sup>a</sup> All noise levels measured in decibels (dBA). Noise measurement data presented here using a Metrosonics dB-308 sound level meter, calibrated prior to use.

SOURCE: ESA, 2010.

The Federal Highway Administration's (FHWA) Noise Abatement Criteria provides exterior noise criteria from transit noise (FTA, 2006). The proposed action would be classified under the activity category C which allows for an hourly average of 72 dBA due to transit noise. The measured noise levels do not exceed 72 dBA and is not considered significant.

## 3.7.2 Environmental Consequences

### 3.7.2.1 Alternative 1: Technology Court Site

#### ***Short-term Effects***

Future noise levels related to construction within and adjacent to the proposed site would fluctuate depending on the particular type, number, and duration of uses of various pieces of construction equipment. Construction activities could involve excavation, grading, demolition, drilling, trenching, earth movement, and vehicle travel to and from the proposed site. The proposed action would include the development of a new CBOC. No pile driving activities are anticipated.

Increased noise levels would be generated by construction equipment and vehicles during construction. Typical equipment would include backhoes, concrete mixer trucks, cranes, dump trucks, excavators, front end loaders, jackhammers and pickup trucks. Equipment would generate noise levels up to 89 dBA at 50 feet. Occupational Safety and Health Administration (OSHA) standards would protect workers from excessive noise (29 CFR 1926.52). Construction activities associated with the proposed action would be temporary in nature and related noise impacts would be short term.



SOURCE: BingMaps, 2009; ESRI, 2009; and ESA, 2010

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**Figure 3.7-2**  
North Measurement Location - South Grimmer Boulevard Site

The closest sensitive receptors (residences) to the Technology Court site are located approximately 200 feet to the north of the site boundary and across Auto Mall Parkway. During construction these residents may be exposed to noise levels up to 74 dBA.

The closest sensitive receptor to the South Grimmer Boulevard site is a residence approximately 300 feet south of the site boundary and across South Grimmer Boulevard. During construction the residents may be exposed to noise levels up to 70 dBA.

### ***Long-term Effects***

Proposed action operations would include increased employee and patient vehicular traffic on the local roadway network, new boilers and emergency electrical generators. The stand-by electrical generators would most likely run on diesel fuel and would only be used during a power outage and for routine maintenance (15 to 30 minutes, approximately once a week). These noise sources would also be considered negligible.

## **3.7.3 Mitigation / Management Measures**

During construction, the requirements for noise control outlined in VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*, will be implemented. These include such requirements as providing sound-deadening devices on equipment, using shields or other physical barriers to restrict noise transmission, and providing sound proof housings or enclosures for noise-producing machinery. The Contractor shall designate a noise disturbance coordinator to be responsible for responding to any complaints received by residents about noise from construction activities, evaluate the source of the noise, and implement measures to mitigate the source of the disturbance. The Contractor will be required to perform noise-producing work in less sensitive hours of the day or week as directed by the Resident Engineer. Implementation of these measures will avoid adverse impacts, and no mitigation measures would be necessary.

## **3.8 Land Use**

### **3.8.1 Affected Environment**

#### **3.8.1.1 Alternative 1: Technology Court Site**

The Technology Court site is within the southwestern area of Fremont, which is characterized by a mix of vacant and agricultural land, light and heavy industrial uses, transportation corridors, newer office park development, housing, and commercial uses. Interstate 880, I-680, and railroad rights-of-way traverse the area from the southeast to the northwest.

The immediate site vicinity—within less than one-quarter of a mile of the site—is characterized by office park developments to the south and east, as well as warehouse buildings to the west. These developments house a mix of commercial, office, and government uses, although the primary uses are light industrial and research and development uses. These uses include a cloud

computing and utility storage company, a wireless communication technology company, a company specializing in semiconductor wet processing, and an electronics components company. Other uses within the office park area including offices for the Fremont Unified School District, a karate studio, and a church.

To the west, along Auto Mall Parkway, are a mix of commercial, institutional, and civic uses, including a home furnishings showroom, a college specializing in nurse training, and a City of Fremont Fire Department station. To the north, across Auto Mall Parkway, is a mobile home park. Beyond the mobile home park is a large neighborhood of single-family detached residential buildings on small lots within the Irvington area of Fremont.

Several easements apply to the site. A Pacific Gas and Electric (PG&E) maintenance easement applies to the area beneath the power lines, on the northern perimeter of the site. A second PG&E easement applies to the southern perimeter of the site, where an underground gas main is located. Both easements prohibit the erection of structures and require the property owner to allow for continued PG&E access for maintenance purposes. Sanitary and storm sewer easements are also in place for the portion of those utilities that are within the site. (See Section 3.14, Utilities.)

## ***Land Use Plans and Policies***

### **State**

The Technology Court site is designated as “urban and built up land” according to the California Department of Conservation. Therefore, it is not state-protected farmland (DOC, 2009).

### **Local General Plan and Zoning Ordinance**

According to the Draft City of Fremont General Plan 2030 update, the developable land within the City comprises about 45 percent open space, 26 percent public/utility/institutional uses, 16 percent residential uses, 6 percent industrial uses, and 2 percent commercial uses (City of Fremont, 2010). The industrial uses are concentrated in the south and southeastern areas of the City, as are “office-flex” developments, which allow for technology companies to locate both commercial office and research and development facilities in the area office parks. In addition, since 1962, this area of the city was the home of the largest automobile manufacturing plant in the Bay Area, located just over one mile south/southeast of the Technology Court Site. This plant closed in April 2010, although Tesla Motors has indicated it may open a portion of the plant for future automobile manufacturing. Institutional uses are spread throughout the city, but most hospital and medical care uses are concentrated more than 3 miles north of the Technology Court site near the existing BART station.

The Draft General Plan projects continued growth in the City of Fremont. (For a discussion of population growth in the City, please see Section 3.10, Socioeconomics.) The City is seeking to encourage transit-oriented development adjacent to future BART stations, including the Warm Springs BART station that would be located approximately 1 mile southwest of the Technology Court site (Diekmann, 2010). The area around this future station is designated as a “study area” in the current draft of the General Plan, as the land use designation is expected to change after

finalization of the General Plan. The City of Fremont considers it premature to presently change the land use designation for these areas due to the need for future study and impact assessment.

The Technology Court site is designated for “General Commercial” uses in the General Plan. This designation is applied to areas envisioned for auto-oriented, “strip” shopping centers, as well as free-standing commercial offices (City of Fremont, 2008). Properties directly east and west of the site are designated for service industrial use, which would include community-serving light industrial uses. The Technology Court site and properties east and west, fall within a Planned (P) Use district that runs along the south side of Auto Mall Parkway (City of Fremont, 2009). This district allows for flexible development controls—such as floor area ratio, lot coverage, and other design and site layout characteristics—while retaining the underlying land use provisions, which allow for a variety of light industrial uses to serve local businesses and residences, as well as other uses as conditionally permitted by the Planning Commission.

Properties to the south and southeast are designated in both the General Plan and Zoning Ordinance for general industrial use, which is intended for heavier industrial uses that may generate off-site impacts.

### **3.8.1.2 Alternative 2: South Grimmer Boulevard Site**

The South Grimmer Boulevard site is also within the southwestern area of Fremont. The area immediately around the site is characterized by a mix of vacant agricultural land, light and heavy industrial uses, and utility and transportation corridors. North of the site, across Tavis Place, is a shipping container storage and rental facility, as well as light industrial uses. To the northwest, across Old Warm Springs Boulevard, is a bulk rail-to-truck transfer facility. West and south of the site is agricultural land. Four residences are on the property to the south, across Grimmer Boulevard. Farther south, at the terminus of Lopes Court, is a 380-acre automobile manufacturing plant and associated surface parking lots and rail yard. The plant is currently not in operation, although Tesla plans to utilize a portion of the facility in the future. East of the site is a freight railroad right-of-way. Beyond the right-of-way are light industrial uses, including an automobile repair shop and a room remodeling warehouse.

A PG&E maintenance easement applies to the area beneath the power lines, on the eastern perimeter of the site. It prohibits the erection of structures and requires the property owner to allow for continued access by PG&E.

#### **State Land Use Plans and Policies**

The South Grimmer Boulevard site is designated as “other land” according to the California Department of Conservation. Therefore, it is not state-protected farmland (DOC, 2009).

#### **Local General Plan and Zoning Ordinance**

Although the South Grimmer Boulevard site is designated for “General Industrial” uses in the draft General Plan and in the Zoning Ordinance, it is also designated as a “Study Area” (City of Fremont, 2009; 2010). As stated above, the City of Fremont is seeking to encourage transit-

oriented development adjacent to future BART stations, including the Warm Springs BART station that would be located directly to the southeast, across Grimmer Boulevard and the railroad right-of-way from the site (Diekmann, 2010). The area around this future station is designated as a “Study Area” in the current draft of the General Plan, as the land use designation is expected to change after finalization of the General Plan.

Given the South Grimmer Boulevard site’s proximity to the future BART station, it also falls within a Transit-oriented Development (TOD) Overlay district in the draft General Plan. TOD Overlays would have a goal of encouraging density and a land use mix to allow for pedestrian-oriented districts. Low-intensity, auto-oriented uses that do not take advantage of the proximity to transit would be discouraged. The City is currently undertaking a land use alternative study, a financial assessment, an infrastructure and cost analysis, and an economic and market analysis strategic plan to inform future land use decisions in the area of South Fremont, which comprises an area encompassing both the future BART station and the closed automobile manufacturing plant to the south.

## 3.8.2 Environmental Consequences

### 3.8.2.1 Alternative 1: Technology Court Site

#### ***Short-term Effects***

Construction activities would intensify activity on the Technology Court site, which is currently vacant and unused. These activities would not, in and of themselves, represent a classifiable land use change at the site. Land use character and compatibility effects would be minor and temporary, and are addressed in other sections of this EA such as Noise and Air Quality.

#### ***Long-term Effects***

The CBOC would be classified as an institutional land use, similar to a hospital, under the Fremont General Plan. Development of the CBOC would not be in compliance with the “General Commercial” land use designation applied to the site in the draft General Plan. The VA is not subject to local land use controls or zoning. Therefore, a General Plan Amendment and rezoning are not required to develop the CBOC.

In addition, operation of a medical institutional land use at the Technology Court site would not be consistent with neighboring industrial office park land uses to the south and east, nor the service industrial uses to the west. As stated above, medical institutional uses are concentrated near the existing Fremont BART Station, more than three miles northeast of the Technology Court Site. The residential uses north of Auto Mall Parkway are not oriented toward that arterial roadway but instead toward an internal circulation network not directly connected to Technology Drive.

The institutional use of the CBOC, however, would be consistent with the nursing school institutional use farther to the west on Auto Mall Parkway, as well as a church institutional use to the east along Auto Mall Parkway. In addition, although the area south and southeast of the

Technology Court site is designated for general industrial uses—including uses that may not meet strict performance standards—the existing industrial office park development would not be expected to generate such negative externalities that would substantially conflict with the CBOC land use. Therefore, development of the CBOC at the Technology Court site would not result in adverse land use conflicts.

### **3.8.2.2 Alternative 2: South Grimmer Boulevard Site**

#### ***Short-term Effects***

As with the Technology Court site, construction activities at the South Grimmer Boulevard site would not, in and of itself, represent a classifiable land use change at the site. Land use character and compatibility effects would be minor and temporary, and are addressed in other sections of this EA such as Noise and Air Quality.

#### ***Long-term Effects***

As stated above, the VA is not subject to local land use controls. Therefore, a General Plan amendment and rezoning would not be required to allow for development of the CBOC.

Operation of a medical institutional land use at the South Grimmer Boulevard site would not be consistent with neighboring light and heavy industrial uses, specifically the bulk transfer station to the northwest and the freight rail line directly to the east. Medical uses in the City of Fremont are concentrated closer to downtown, about four miles to the north. In addition, the institutional CBOC land use would not be in compliance with the “General Industrial” land use designation applied to the site in the draft General Plan. However, given that the South Grimmer Boulevard site and surrounding properties fall within a draft General Plan “Study Area,” for which land use designations are anticipated to change in the future, consistency with the current land use designation on the site and surrounding area could change over time.

As indicated by the City of Fremont Planning Department and General Plan, the South Grimmer Boulevard site falls within an envisioned high density, transit-oriented development surrounding the future BART Warm Springs station. An institutional medical use like the CBOC would not be inherently inconsistent with such goals; indeed, as stated above, medical uses are currently concentrated in the area around the existing BART Fremont station in downtown Fremont. However, the proposed action would also not be considered high density or mixed use (e.g., with residential uses in upper floors and CBOC on ground floor).

Veterans visiting a CBOC at the South Grimmer Boulevard site could take advantage of the future BART station to reach the site using mass transit. Given the CBOC’s purpose of providing accessible medical services to veterans, however, it must include sufficient parking to allow veterans access to those services. The envisioned surface parking lot to be developed in tandem with the CBOC may conflict with the goals of pedestrian- and transit-oriented development stated in the City of Fremont draft General Plan. Nonetheless, long-term environmental consequences associated with land use would not be considered adverse.

### 3.8.3 Mitigation / Management Measures

There would be no impacts to land use. Therefore, no mitigation is needed.

## 3.9 Floodplains, Wetlands, and Coastal Zone Management

Because the two proposed sites are within one mile of each other, the floodplains, wetlands, and coastal zone management analysis for both sites would be the same.

### 3.9.1 Affected Environment

#### 3.9.1.1 Flooding and Floodplains

Flooding is inundation of normally dry land as a result of rapid accumulation of stormwater runoff or rise in the level of surface waters. Flooding becomes a hazard when the flow of water exposes people or structures to a significant risk of loss, injury, or death. Flooding generally occurs due to excess runoff due to heavy snowmelt or rainfall but it can also result from the failure of dams.

Much of Alameda County is in a floodplain and until the 1960s, significant portions of the County were subjected to repeated flooding events. The ACFCWCD was created by the State Legislature in 1949 at the request of County residents to alleviate risks resulting from flood hazards. ACFCWCD has now designed and constructed flood control infrastructure throughout the County. In Alameda County, floods typically occur during the rainfall season from November through April. Winter storms generally create the greatest flood damage. Laguna Creek is adjacent to the proposed sites and prior to the construction of the Line E flood control channel, experienced seasonal flooding. This channel is now operated and maintained by the ACFCWCD to control and prevent future flooding events.

The Federal Emergency Management Agency (FEMA), through its Flood Insurance Rate Map (FIRM) program, designates areas where flooding could occur during a one percent annual chance (100-year) or a 0.2 percent annual chance (500-year) flood event. Based on FEMA mapping, the Technology Court site is located in the 500-year flood zone, while the South Grimmer Boulevard site is outside of flood hazards zones as designated by FEMA (FEMA, 2009) (see **Figure 3.9-1**).

Flooding could also occur due to dam failure. The California Department of Water Resources, Division of Safety of Dams (DSOD) oversees the construction of dams that are over 25 feet high and impound over 15 acre-feet of water, or those that are over six feet high and impound over 50 acre-feet of water. The DSOD requires dam owners to develop maps designating potential dam failure. ABAG compiled these maps into a central database for many Bay Area cities. Based on these maps and maps included in the Fremont General Plan, the Technology Court site would be at risk for dam failure inundation. Inundation in this area could originate from failure of several dams including those along Alameda Creek. However, the major threat of dam inundation would arise in the event of failure of Tuner Dam on the San Antonio Reservoir or the dam at Del Valle Reservoir (ABAG, 2010; City of Fremont, 1991).



### 3.9.1.2 Wetlands

ESA conducted a reconnaissance site visit of both the Technology Court and South Grimmer Boulevard sites on November 30, 2010 to determine habitats and potential wetlands within the site. As described in Section 3.6, Wildlife and Habitat, both sites are dominated by ruderal grassland habitat which is regularly disked. **Figure 3.9-2** shows wetlands mapped by the USFWS national wetlands inventory (NWI) within the vicinity of both proposed sites. No wetlands mapped by the NWI are located within the proposed sites.

The Technology Court site is largely flat. An isolated depression in the northwest corner of the proposed site was holding a small amount of water at the time of the site visit, and contained two wetland vegetation species: cattail (*Typha latifolia*) and bulrush (*Schoenoplectus* sp.).

Topography of the South Grimmer Boulevard site is also largely flat, and no obvious depressions supporting seasonal wetlands or vernal pools were observed. A concrete-lined irrigation ditch is adjacent to South Grimmer Boulevard, but is outside of the site boundary.

This depression measured approximately 20 feet long by 5 feet wide. Because this area is surrounded by palm trees and located on the border of the proposed site, soil is not regularly disked as it is on the remainder of the site. Runoff from Auto Mall Parkway and a parking lot directly adjacent to the depression likely contribute to accumulation of standing water in this depression. This area has no clear connection to any drainages or other linear features that could convey water in or out of the proposed site. Due to the small size of vegetated habitat, this potential wetland area does not provide significant habitat value to wildlife typically found in freshwater emergent wetlands. At the time of the site visit, approximately half of the cattails had been trimmed with a weed edger.

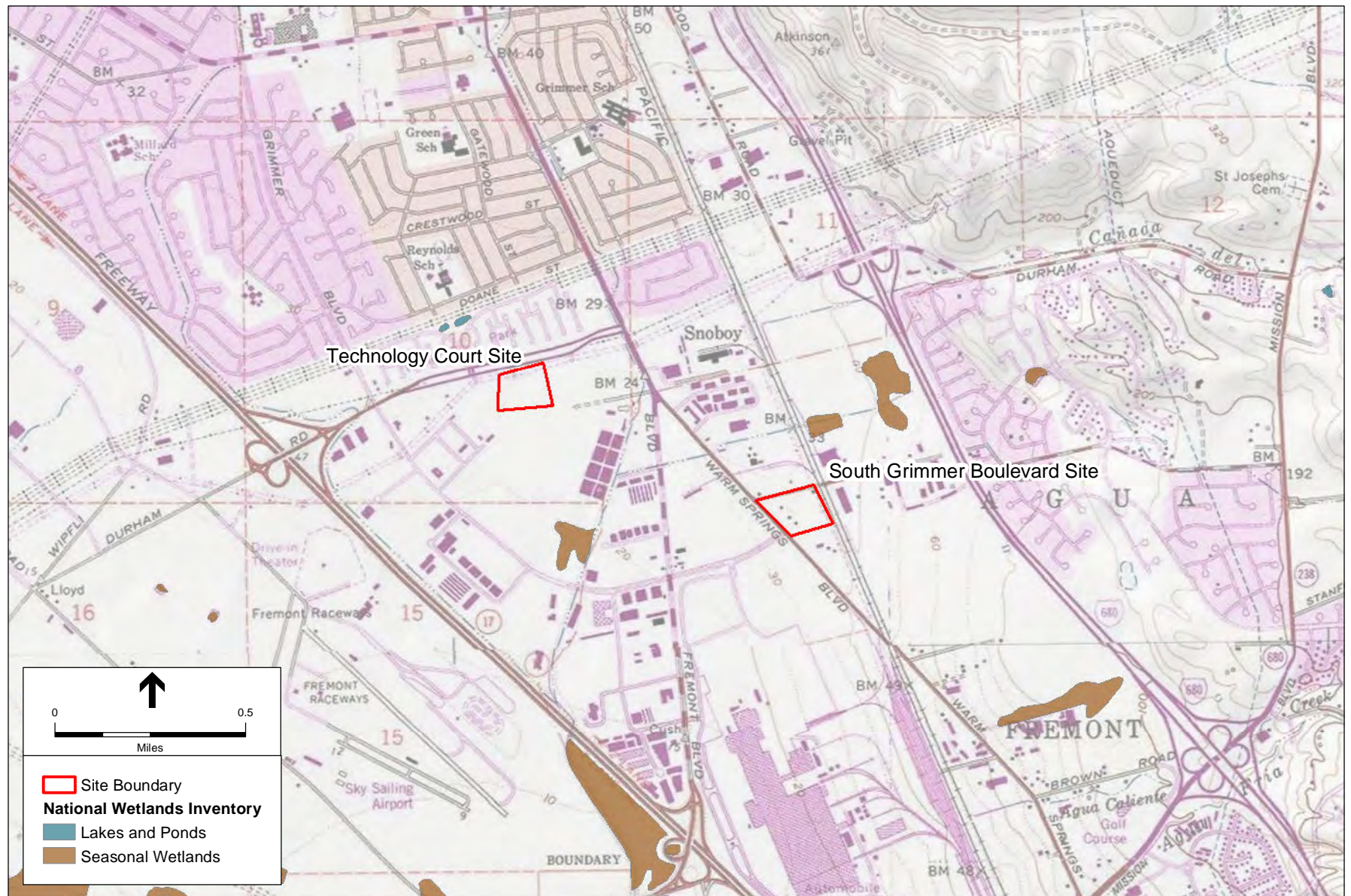
### 3.9.1.3 Coastal Zone Management

California's coastal zone generally extends 1,000 yards inland from the mean high tide line. The proposed sites are well inland and are not within the Coastal Zone Management area.

### 3.9.1.4 Executive Order 11988

Executive Order 11988 addresses concerns about the potential loss of the natural and beneficial functions of the nation's floodplains as well as the increased cost to federal, State and local governments from flooding disasters that are worsened by unwise development of the floodplain. When funding projects, federal agencies are required to avoid the long and short-term adverse effects associated with the occupancy and modification of floodplains and to avoid support of floodplain development wherever there is a practicable alternative.

Executive Order 11988 encompasses all permanent construction and other activities, including debris, roads, bridges, culverts, etc. The regulatory floodplain is defined by areas inundated by a 100-year or 500-year rain event. For most projects, any activities occurring in the 100-year floodplain will require analysis under EO 11988. Any activities associated with a critical facility,



SOURCE: ESRI, 2010; USFWS, 2008

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**Figure 3.9-2**  
Wetlands Map

such as a hospital or fire department that occurs in the 500-year floodplain are also subject to this Executive Order.

### 3.9.1.5 Dam Safety Regulations

The DSOD regulates dams that are 25 feet or more in height or have an impounding capacity of 50 acre-feet or more. The Turner and Del Valle dams meet the qualifications for regulation under DSOD. The principal goal of the regulatory program is to avoid dam failures and consequent loss of life and destruction of property. DSOD staff makes periodic inspections of dams and reservoirs under DSOD jurisdiction to determine their safety and may require that dam owners perform work to safeguard life and property. Construction of any new dam or the repair or alteration of an existing dam requires the approval of the DSOD.

### 3.9.1.6 Fremont Municipal Code (Ord. No. 1829, § 1, 7-26-88)

Chapter 8 of the Fremont Municipal Code contains regulations for flood damage prevention (City of Fremont, 2010). It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. The ordinance requires that construction within areas of special flood hazards obtain a development permit. Special flood hazard areas are mapped by FEMA and include all 100-year flood zones. Additionally, construction must follow standard requirements for construction in special flood hazard areas such as:

- Anchoring to prevent flotation, collapse or lateral movement;
- Constructing with materials and utility equipment resistant to flood damage;
- Constructing with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding; and
- Constructing above the base flood elevation.

### 3.9.1.7 U.S. Army Corps of Engineers

Wetlands and other waters (e.g., rivers, streams, and natural ponds) are a subset of “waters of the U.S.”<sup>4</sup> and receive protection under Section 404 of the Clean Water Act (CWA). The U.S. Army Corps of Engineers has primary federal responsibility for administering regulations that concern

<sup>4</sup> The term “waters of the U.S.,” as defined in Code of Federal Regulations (33 CFR 328.3[a]; 40 CFR 230.3[s]), includes: (1) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (2) all interstate waters, including interstate wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce, including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes; or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or which are used or could be used for industrial purposes by industries in interstate commerce; (4) all impoundments of waters otherwise defined as waters of the U.S. under the definition; (5) tributaries of waters identified in numbers (1) through (4); (6) territorial seas; and (7) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in numbers (1) through (6).

waters of the U.S. In this regard, the Corps acts under two statutory authorities: the Rivers and Harbors Act (Sections 9 and 10), which governs specified activities in “navigable waters,”<sup>5</sup> and the Clean Water Act (Section 404), which governs specified activities in waters of the U.S., including wetlands. The Corps requires a permit if a project proposes placement of structures within navigable waters and/or alteration of waters of the U.S. The EPA has the ultimate authority for designating dredge and fill material disposal sites and can veto the Corp’s issuance of a permit to fill jurisdictional waters of the U.S.

On June 5, 2007 the EPA and the Corps released guidance on CWA jurisdiction in response to the Rapanos Supreme Court decisions, which can be used to support a finding of CWA coverage for a particular water body when either a) there is a significant nexus between the stream or wetland in question and navigable waters in the traditional sense; or b) a relatively permanent water body is hydrologically connected to traditional navigable waters and/or a wetland has a surface connection with that water. According to this guidance the Corps and the EPA will take jurisdiction over the following waters:

- 1) Traditional navigable waters, which are defined as all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- 2) Wetlands adjacent to traditional navigable waters; including adjacent wetlands that do not have a continuous surface connection to traditional navigable waters;
- 3) Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and
- 4) Wetlands adjacent to non-navigable tributaries as defined above; that have a continuous surface connection to such tributaries (e.g. they are not separated by uplands, a berm, dike, or similar feature).

While the Corps will not usually take jurisdiction over isolated waters, Executive Order No. 11990 (May 24, 1977, F.R. 26961 [in furtherance of the National Environmental Policy Act]) requires that projects with a federal nexus avoid all wetlands when there is a practicable alternative.

### **3.9.1.8 San Francisco Bay Regional Water Quality Control Board**

The San Francisco Bay Regional Water Quality Control Board (SFRWQCB) regulates waters of San Francisco Bay region, including rivers, streams, and wetlands, under the Porter-Cologne Water Quality Control Act and its Basin Plan, by which it evaluates the effects of proposed actions on the beneficial uses of waters of the State. Under Section 401 of the Clean Water Act, the SFRWQCB also has review authority of Section 404 permits for federal waters of the U.S. The SFRWQCB has a policy of no net loss of wetlands and typically requires mitigation for all

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<sup>5</sup> Navigable waters are defined as those waters that are subject to the ebb and flow of the tide or that are presently used, have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

impacts to wetlands before it will issue a water quality certification. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of the state, and prospective dischargers are required to submit a report of waste discharge to the SFRWQCB.

## 3.9.2 Environmental Consequences

### 3.9.2.1 Flooding

Flooding due to storm events or dam inundation could expose people or structures to risks of loss of property and life. Both proposed sites are located outside of the 100-year flood zone. However, the Technology Court site is in the 500-year flood zone. As a medical facility, the outpatient clinic could be considered a critical facility under Executive Order 11988 and would be subject to FEMA regulations applicable to special flood hazards zones. Consequently, the proposed action would be required to comply with FEMA permitting requirements and the City of Fremont Ordinance. Both of these regulations would require that the proposed action is constructed in accordance with specifications that would minimize risks and hazards associated with flooding. These requirements could include detailed mapping, elevation and building materials requirements, and anchoring of building foundations. Additionally, construction specifications would be reviewed by FEMA and the City of Fremont. Consequently, adverse effects resulting from flooding would not be substantial.

### 3.9.2.2 Wetlands

No jurisdictional wetlands are present on the South Grimmer Boulevard site.

A depression in the northwest corner of the Technology Court site contains wetland vegetation and had a small amount of standing water at the time of the site visit. This area has no connection to a traditional navigable water, and the Corps would not likely take jurisdiction over this feature. However, the SFRWQCB typically takes jurisdiction over isolated wetlands as waters of the State. Impacting wetland features subject to state or local policies, such as policies of the SFRWQCB, would be considered an adverse effect.

## 3.9.3 Mitigation / Management Measures

There would be no adverse impacts to floodplains or wetlands. Therefore, mitigation is not required.

If the Technology Court site is selected for the proposed action, implementation of **Management Measure 3.9-1** will eliminate the potential for significant adverse effects on any wetlands under the jurisdiction of the SFRWQCB.

**Management Measure 3.9-1:** If practicable, the VA will avoid the potential wetland area at the northwest corner of the project site. The extent of this area will be marked by a qualified wetland biologist prior to any project construction activities, and fenced for avoidance. Construction crews will be notified of the resource and purpose of exclusion fencing.

If impacts to this potential wetland area cannot be avoided, the VA will notify the SFBRWQCB with a description of the potential wetland area, vegetation in other areas of the project site, and details regarding the proposed action. The VA will implement any conditions set forth by the SFBRWQCB, including requirements for wetland delineation or any compensatory replacement of wetland habitat.

## 3.10 Socioeconomics

### 3.10.1 Affected Environment

Because the two sites fall within the same county, city, and Census Tract, the affected socioeconomic environment for the proposed sites are the same.

The Technology Court site has been undeveloped land covered with soil and grasses since the late 1930s, although it may have been used for grazing at some point in the past. The Technology Court roadway was paved sometime between 1974 and 1982. The site does not house an active use, although high power, tower-mounted electrical transmission lines traverse the northern property boundary.

The Technology Court site lies within the City of Fremont, which experienced rapid population growth in the post World War II era. Between the time the City incorporated in 1956 and 1970, the population grew 400 percent, from about 25,000 persons to 100,000 persons (City of Fremont, 2009). The growth rate slowed over the next two decades. By 1990, the City had about 173,000 people (Bureau of the Census, 2010). The City has experienced a population increase of 18.6 percent since 1990, and was 205,517 as of 2009. This composed about 13.8 percent of the entire Alameda County population. Projections for the San Francisco Bay Area predict increases in both the county (26.9 percent) and city (19.6 percent) population over the next 25 years (ABAG, 2009). **Table 3.10-1** summarizes population changes based on U.S. Census data.

**TABLE 3.10-1**  
**POPULATION CHANGES FOR FREMONT, ALAMEDA COUNTY, CALIFORNIA,**  
**AND THE UNITED STATES, 1990 – 2009**

Geographic Unit	1990 Population	2000 Population	1990 – 2000 % Change	2009 Population	2000 – 2009 % Change	1990 – 2009 % Change
Fremont	173,339	203,413	17.3%	205,517	1.0%	18.6%
Alameda County	1,279,182	1,443,741	12.9%	1,491,482	3.3%	3.3%
California	29,760,021	33,871,648	13.8%	36,961,664	9.1%	24.2%
United States	248,709,873	281,424,602	13.2%	307,006,550	9.1%	23.4%

SOURCE: Bureau of the Census, 2010.

In 2009 inflation-adjusted dollars, Fremont's median household income decreased from \$98,596 in 1999 to \$95,028 in 2009. Median household income in 2009 was \$68,863 for Alameda County and \$60,392 for California as a whole. As of 2009, 91 percent of the population over 25 years of

was high school graduates, and 49 percent of the population had a bachelor's degree. About 42 percent of the city's population is foreign-born, and civilian veterans compose 5.6 percent of the population (Bureau of the Census, 2010).

The City of Fremont's labor force numbered about 106,155 in 2009, about the same as the 106,437 workers in 2000. The poverty rate in Fremont was stable between 2000 and 2009 at about 5.3 percent, compared to 10.9 percent in Alameda County in 2009, as summarized in **Table 3.10-2**. The unemployment rate in Alameda County in October 2010 was about 11 percent, lower than California's rate of about 12 percent but higher than the nationwide rate of about 9 percent (Bureau of Labor Statistics, 2010).

**TABLE 3.10-2**  
**INDIVIDUAL POVERTY STATUS, LABOR FORCE, AND EMPLOYMENT FOR THE CITY OF FREMONT, ALAMEDA COUNTY, CALIFORNIA, AND THE UNITED STATES (Percent)**

Geographic Unit	Individual Poverty Status in 2009	Labor Force Size	Unemployment as of October 2010 <sup>a</sup>
Fremont	5.3%	106,155	8%
Alameda County	10.9%	771,736	11%
California	14.2%	18,100,948	12%
United States	14.3%	153,407,584	9%

<sup>a</sup> Not seasonally adjusted

SOURCES: Bureau of the Census, 2010; Bureau of Labor Statistics, 2010; California Employment Development Department, 2010.

The home ownership rate in the City of Fremont was 65.3 percent in 2009, compared to a countywide rate of 56 percent and statewide rate of 58 percent. In 2009, the median value of owner-occupied homes in Fremont was \$650,100, compared to a countywide median of \$606,700 and a statewide median of \$479,200.

In the 2000 Census, the Technology Court site fell within Census Tract 4415.03, Block 1006. For Census tract 4415.03 in 2000, the median household income in 1999 was \$90,359. **Table 3.10-3** summarizes the income information for the area around the Technology Court site.

About 102,000 jobs were located in the City of Fremont in the year 2000. The primary employment sectors were manufacturing (26.9 percent of jobs), professional, scientific, management, administrative, and waste management services (15.2 percent), and education, health, and social services (13.2 percent). Countywide employment distribution was different, with education, health, and social services at 18.3 percent, professional, scientific, management, administrative, and waste management services at 14.8 percent, and manufacturing at 14.2 percent (Bureau of the Census, 2010).

**TABLE 3.10-3  
SUMMARY OF INCOME FOR ALAMEDA COUNTY, FREMONT, CENSUS TRACT 4415.03  
(1999 Dollars)**

Income Level per Year	Census Tract 4415.03 (Technology Court and South Grimmer Boulevard sites)		City of Fremont		Alameda County	
	Number of Households	Percent of Total	Number of Households	Percent of Total	Number of Households	Percent of Total
Less than \$10,000	47	1.3%	2,284	3.3%	41,257	7.9%
\$10,000 to \$24,999	129	3.4%	4,862	7.1%	69,695	13.3%
\$25,000 to \$49,999	344	9.2%	11,432	16.8%	121,984	23.3%
\$50,000 to \$99,999	1,680	45%	26,842	39.3%	174,500	33.3%
Greater than \$100,000	1,533	41%	22,882	33.5%	116,351	22.2%
<b>Total</b>	<b>3,733</b>	<b>99.9%<sup>a</sup></b>	<b>68,302</b>	<b>100%</b>	<b>523,787</b>	<b>100%</b>

<sup>a</sup> Note: Some totals may not reach 100% due to rounding.

SOURCE: Bureau of the Census, 2010.

## 3.10.2 Environmental Consequences

### ***Short-term Effects***

Construction would not displace any existing uses. It is expected that the majority of the construction personnel of the CBOC would come from skilled workers within Alameda County and the surrounding region. The construction is expected to occur over an 18- to 24-month period and to employ up to 100 workers during its peak. Construction-related work for vendors would also be generated. Consequently, construction of the CBOC would have a minor short-term socioeconomic benefit.

### ***Long-term Effects***

Future facility operations would result in approximately 100 employment positions. These new jobs would be both skilled and unskilled. Some of these positions would replace existing positions at the interim VA facility in Fremont on Liberty Street, but other positions would be new to the city and county. Since the operations of the CBOC are federal, the income from the salaries from the added new employees would represent net new income for the Fremont and Alameda County economic base. This increased employment would directly benefit the city and county economy, and it may reduce the City's unemployment rate to 7.9 percent from 8 percent. It would also indirectly contribute new spending to benefit the area through secondary job creation in support services and businesses. The impact of this benefit, however, would not be substantial in the context of the large existing economic base. Operation of the CBOC would have a minor long-term beneficial impact to the local economy.

### 3.10.3 Mitigation / Management Measures

There would be no adverse effects related to socioeconomics. Therefore, no mitigation is needed.

## 3.11 Community Services

This section describes police, fire, and schools. Water, sewage, and stormwater services are discussed in Section 3.14, Utilities. Because the two sites are within one mile of each other and within the City limits of Fremont, most of the analysis related to community services will be the same. Where there are differences, the proposed sites are called out.

### 3.11.1 Affected Environment

#### 3.11.1.1 Police

The City of Fremont Police Department (FPD) provides police protection services in the City of Fremont which includes both proposed sites. FPD is headquartered at 2000 Stevenson Boulevard, in the City's civic center. FPD currently employs 182 sworn officers, 104 un-sworn employees, and 75 volunteer members that support the department. The current service ratio of officers to citizens is approximately 0.95 officers per 1,000 residents. Average response times for priority one calls (life-threatening incidents) is 9:10 minutes. Priority two (requiring immediate response, but not life-threatening) and priority three (requiring response, but not immediate) calls average 11:65 and 17:30 minutes, respectively (City of Fremont, 2010). There were 490 violent crimes and about 5,000 property crimes in the city in 2009, when the city's population was 202,714 (FBI, 2010). FPD currently consists of three patrol zones and both proposed sites are located within Zone 3.

All VA Outpatient Clinics are staffed with VA police officers. These officers are federal agents with the authority to undertake arrests and issue tickets on VA property.

#### 3.11.1.2 Fire

The Fremont Fire Department (FFD) provides fire protection and emergency medical services to the City of Fremont. FFD has 11 fire stations staffed with 13 companies and has a staff of 161, including 146 sworn personnel and 15 non-sworn administrative and business personnel (FFD, 2009). Each year, the department responds to more than 13,000 calls, about 65 percent of which are medically related (FFD, 2011). Average response time within the City limits is four minutes. The department also has mutual aid agreements with the City of Milpitas, City of Newark, Union City, City of Hayward, City of Menlo Park, and California Department of Forestry. In 2008, 0.5 percent of FFD calls were for mutual aid.

Fire Station 7, located at 43600 South Grimmer Boulevard, is the designated first responder for both proposed sites. This three-bay station houses one three-person engine company, one three-person truck company, a technical rescue vehicle, and a reserve truck (FFD, 2002). The FFD's training facility is also located at the station.

### 3.11.1.3 Schools

School services in the City of Fremont are provided by the Fremont Unified School District (FUSD), which operates 41 schools within Fremont and serves approximately 32,000 students within its service boundaries (FUSD, 2009a). The district's offices are located at 4210 Technology Drive.

The Technology Court site is located within the Irvington High School attendance area, which comprises the high school, John M. Horner Junior High School, and the following five elementary schools: Green, Grimmer, Hirsch, Leitch, Warm Springs, and Weibel. The Technology Court site falls within the attendance sub-area of Harvey Green Elementary School, which is located about 1.5 miles to the north at 42875 Gatewood Street. The South Grimmer Boulevard site falls within the attendance sub-area of Grimmer Elementary School, which is located about one mile to the north at 43030 Newport Drive.

**Table 3.11-1** shows projected enrollment for these schools and for the district as a whole through the 2015–2016 school year. As shown in the table, FUSD projects relatively steady enrollment in Green Elementary School, but gradually increasing enrollment at the junior and senior high school. To meet projected enrollment, FUSD estimates that Green Elementary may need to increase capacity by one classroom, Horner Junior High may need to increase capacity by two classrooms, and Irvington High School may need to increase capacity by two classrooms by 2015 (FUSD, 2009a).

**TABLE 3.11-1  
PROJECTED ENROLLMENT FOR FREMONT UNIFIED SCHOOL DISTRICT THROUGH 2015–2106**

School	Current and Projected Enrollment by School Year					
	'10–'11	'11–'12	'12–'13	'13–'14	'14–'15	'15–'16
Green Elementary (Technology Court Site)	407	421	431	418	410	404
Grimmer Elementary (South Grimmer Blvd Site)	418	411	411	419	416	415
Horner Junior High School	978	956	951	998	978	1,030
Irvington High School	2,136	2,151	2,238	2,209	2,233	2,245
Entire Fremont Unified School District	32,308	32,120	32,283	32,404	32,383	32,436

SOURCE: FUSD, 2009a.

## 3.11.2 Environmental Consequences

### *Short-term Effects*

Construction activities at either of the proposed sites could lead to a temporary increase in calls for police protection or fire suppression services. FPD and FFD would have adequate staffing and equipment to serve the site, and no adverse effects to community services are anticipated.

## **Long-term Effects**

### **Police**

Development of the proposed CBOC at the Technology Court site would intensify activity in the area. This increased activity could lead to an increased need for police protection services.

VA police would provide 24-hour on-site security at the proposed CBOC in three, eight-hour shifts daily. VA police would coordinate with FPD as appropriate.

The combination of on-site VA police and FPD protection would adequately meet the security and police protection needs of the CBOC. The long-term effects to police services would not be adverse.

### **Fire**

Development of the CBOC at either of the proposed sites would result in about 80,000 square feet of medical office uses and associated surface parking. The increased intensity of development and activity at the site could result in an increase in calls for emergency medical services and fire suppression. However, due to the proposed action being located in an urbanized area already served by emergency medical and fire suppression services, FFD would not need additional staff or facilities to provide those services to the CBOC. Furthermore, Fire Department review of all project designs at the time building permits are issued would ensure that adequate fire and life safety measures are incorporated into the proposed action in compliance with all applicable state and city fire safety requirements. Consequently, the long-term effect on fire services would not be adverse.

### **Schools**

FUSD uses a blended student generation rate of 0.220 elementary school students, 0.092 middle school students, and 0.153 high school students per housing unit, for a total of 0.465 students per housing unit (FUSD, 2009b).<sup>6</sup> Operation of the CBOC, however, would not create new housing units that could generate students who would enroll in FUSD schools.

The up to 100 new employees of the CBOC, however, could attract more workers with school-aged children to the Bay Area. Some of these workers could choose to live within the FUSD boundaries, and their children would attend FUSD schools. In addition, increased employment in Fremont due to development of the CBOC could indirectly generate additional economic activity, as discussed in Section 3.10, Socioeconomics.

FUSD does not calculate student generation rates associated with employment growth or increased economic activity. However, increased enrollment, if any, associated with development at the Technology Court site would not be expected to be substantial enough to adversely impact the capacity of area schools.

<sup>6</sup> In determining student generation rates, different housing unit types (i.e., single-family detached dwellings versus multi-dwelling apartment buildings) are considered to have different rates. The “blended” rate is the weighted and combined rate of all housing types. For FUSD, all housing types are blended into one rate because only one impact fee may be assessed by the City for all residential development types.

### 3.11.3 Mitigation / Management Measures

There would be no adverse effects on community services. Therefore, no mitigation is needed.

## 3.12 Solid Waste and Hazardous Materials

### 3.12.1 Affected Environment

#### 3.12.1.1 Alternative 1: Technology Court Site

Review of a Phase I Environmental Site Assessment (Geologica, Inc., 2010) performed for the Technology Court site indicates that the property has been undeveloped land covered with soil and grasses since the late 1930s. It may have been used for grazing at some point in the past. Technology Court was paved sometime between 1974 and 1982. The site vicinity is developed with light industrial facilities on three sides; residential development is located to the north. Based upon review of agency records, the potential for offsite facilities to affect the subsurface conditions is low. No recognized environmental conditions<sup>7</sup> were identified on the site. Although not considered a recognized environmental condition, high-power, tower-mounted electrical transmission lines were noted along the northern property boundary.

#### 3.12.1.2 Alternative 2: South Grimmer Boulevard Site

Review of two Phase I Environmental Site Assessments performed for the site (Geologica, Inc., 2010; Phase One Inc., 1998) indicate that the site consists primarily of undeveloped land parcels with the exception of a vacant and boarded up residential dwelling and garage that are at least thirty years old. The site was formerly occupied by walnut orchards and four residences. According to the former property owner, four water wells were previously located on site. Three of these wells have been abandoned and one inactive well remains on-site. Identified recognized environmental conditions include the potential presence of asbestos, lead-based paint, and polychlorinated biphenyl (PCB)-type oil in the structures that would be demolished, and residual pesticides and herbicides in the site soils.

### 3.12.2 Environmental Consequences

#### 3.12.2.1 Alternative 1: Technology Court Site

##### ***Short-term Effects***

Under the proposed action, short-term effects would include the use of hazardous materials such as fuels, lubricants, solvents and paints during construction. The temporary storage and handling of hazardous materials during construction would be performed in accordance with hazardous

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<sup>7</sup> Standard Practice for Phase I Environmental Site Assessments (ASTM Standard E 1527-05) defines recognized environmental conditions as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water or surface water of the property.

materials regulations, construction best management practices and all requirements of the SWPPP described in Section 3.5, Hydrology and Water Quality. These measures require that hazardous materials be stored in appropriate containers in spill containment basins and that workers be trained in spill prevention and cleanup procedures. It is not anticipated that hazardous materials would be encountered during excavation and grading, however, should contaminated soil be encountered, compliance with all federal and state regulations would ensure the safe handling and disposal of this material. Solid trash and construction debris generated during construction would be recycled, to the extent possible, and hauled to an appropriate landfill. Therefore, it is anticipated that the proposed action will have negligible short-term adverse effects from release of or exposure to hazardous materials.

### ***Long-term Effects***

Operation of the VA Outpatient Clinic would generate various waste streams: hazardous medical wastes, hazardous materials, trash and recyclables. Each waste stream would be handled separately and collected in different containers. The VA's Hazardous Materials Management Plan outlines the safe and legal manner for the handling, storage and disposal of hazardous materials. Biohazard and redbag waste (infectious medical waste) would be removed by licensed contractors and disposed of at licensed facilities in accordance with local and state regulations. Other hazardous materials are likely to include items ranging from batteries and light bulbs to benzene and chloroform. Hazardous materials handling, storage and disposal would be performed in accordance with all federal and state regulations. Hazardous wastes would be recorded on hazardous waste manifests and reported to the EPA as required under either the large quantity or small quantity generator programs of the Resource Conservation and Recovery Act (RCRA). Some of the medical equipment would utilize radioactive materials that would be licensed and tracked in compliance with U.S. Nuclear Regulatory Commission regulations and procedures. Solid waste disposal and recycling would be performed according to municipal practices.

With compliance of existing environmental laws and regulations, it is anticipated that the proposed action would have negligible long-term impacts associated with solid waste and hazardous materials.

### ***Electric and Magnetic Fields (EMF)***

This EA does not consider electric and magnetic fields (electromagnetic fields, or EMF) in the context of the NEPA analysis of potential environmental impacts because (1) there is no agreement among scientists that EMF creates a potential health risk, and (2) there are no defined or adopted standards for defining health risk from EMF. However, recognizing that there is a great deal of public interest and concern regarding potential health effects from human exposure to EMF from transmission lines, this document does provide information regarding EMF associated with electric utility facilities and human health and safety. Thus, the EMF information presented below is for the benefit of the public and decision makers.

Potential health effects from exposure to *electric fields* from transmission lines (i.e., the effect produced by the existence of an electric charge, such as an electron, ion, or proton, in the volume

of space or medium that surrounds it) typically do not present a human health risk since electric fields are effectively shielded by materials such as trees, walls, etc. Therefore, the following information related to EMF focuses primarily on exposure to *magnetic fields* (i.e., the invisible fields created by moving charges) from transmission lines.

After several decades of study regarding potential public health risks from exposure to power line EMF, research results remain inconclusive. Several national and international panels have conducted reviews of data from multiple studies and state that there is not sufficient evidence to conclude that EMF causes cancer. Most recently the International Agency for Research on Cancer (IARC) and the California Department of Health Services (DHS) both classified EMF as a *possible* carcinogen. Presently, there are no applicable federal, State or local regulations related to EMF levels from power lines or related facilities.

### **3.12.2.2 Alternative 2: South Grimmer Boulevard Site**

#### ***Short-term Effects***

Under the proposed action, short-term hazardous materials impacts could result from the demolition of the existing dwelling and garage. Due to the age of the buildings, these structures are considered likely to contain asbestos, lead-based paint and possibly PCBs. Potential exposure to asbestos and lead-based paint, and related chronic adverse health effects, is possible throughout demolition of existing buildings if these materials are present. Current regulations require that an asbestos survey and lead-based paint survey and appropriate abatement be performed by licensed contractors prior to demolition.

Excavation and grading for construction could expose construction workers and future site occupants to residual pesticides and herbicides in soil. It is anticipated that residual concentrations of pesticides and herbicides would not be present at levels considered harmful to human health and other potential environmental concerns due to the time period since the site was used for agriculture and the natural degradation of chemicals over time, however, a limited soil sampling investigation would be needed to confirm potential pesticide concentrations present in soil prior to construction.

Groundwater wells remaining on the site after project implementation could be damaged or truncated by excavation equipment. A truncated or improperly abandoned well would act as a preferential pathway to the underlying aquifer allowing surface water, sediment, and surface-borne contaminants to degrade water quality.

As discussed above for the Technology Court site, short-term impacts would include the use of hazardous materials such as fuels, lubricants, solvents and paints during construction. The storage and handling of hazardous materials would be performed in accordance with hazardous materials regulations, construction best management practices and all requirements of the SWPPP described in Section 3.5, Hydrology and Water Quality.

With compliance with existing laws and regulations and implementation of Management Measures 3.12-1 and 3.12-2, it is anticipated that the proposed action will have moderate short-term adverse effects from release of or exposure to hazardous materials.

### ***Long-term Effects***

Operation of the VA Outpatient Clinic would generate various waste streams: hazardous medical wastes, hazardous materials, trash and recyclables. Each waste stream would be handled separately and collected in different containers. The VA's Hazardous Materials Management Plan outlines the safe and legal manner for the handling, storage and disposal of hazardous materials. Biohazard and redbag waste would be removed by licensed contractors and disposed of at licensed facilities in accordance with local and state regulations. Other hazardous materials are likely to include items ranging from batteries and light bulbs to benzene and chloroform. Hazardous materials handling, storage and disposal would be performed in accordance with all federal and state regulations. Hazardous wastes would be recorded on hazardous waste manifests and reported to the EPA as required under either the large quantity or small quantity generator programs of RCRA. Some of the medical equipment would utilize radioactive materials that would be licensed and tracked in compliance with U.S. Nuclear Regulatory Commission regulations and procedures. Solid waste disposal and recycling would be performed according to municipal practices.

With compliance with the existing environmental laws and regulations, it is anticipated that the proposed action would have negligible long-term impacts associated with solid waste and hazardous materials.

### **3.12.3 Mitigation / Management Measures**

There would be no adverse impacts related to solid waste or hazardous materials. Therefore, no mitigation is required.

For the South Grimmer Boulevard site, **Management Measure 3.12-1** requires that soil sampling and analysis be performed to demonstrate that contaminant concentrations are below the California Human Health Screening Levels (CHHSLs) that the California Environmental Protection Agency (Cal/EPA) considers to be below thresholds of concern for risks to human health and the environment. Should concentrations exceed these established thresholds, soil excavation or remediation in accordance with all federal and state regulations would be required prior to implementation of the project.

**Management Measure 3.12-1:** Prior to the commencement of excavation and grading, the VA will hire a licensed environmental contractor to perform a limited soil sampling investigation to evaluate the potential presence of pesticides and herbicides in surface soils. Should soil concentrations exceed Cal/EPA thresholds of concern (CHHSLs), excavation or remediation of site soil will be performed to meet the requirements of Cal/EPA for construction of a healthcare facility. A soil management plan will be developed to ensure appropriate soil disposal and implementation of worker safety measures.

Implementation of **Management Measure 3.12-2** at the South Grimmer Boulevard site requires that any unused groundwater wells be properly sealed and abandoned in accordance with the Alameda County Water District (ACWD) regulations prior to construction.

**Management Measure 3.12-2:** Prior to the commencement of construction activities, the VA will locate and clearly mark any existing groundwater wells on the project site to prevent damage during construction. Groundwater wells that will not remain in operation will be properly destroyed and removed in accordance with the DWR Well Standards and under permit and inspection from the Alameda County Water District.

Hazardous materials will be stored in appropriate containers in spill containment basins and workers will be trained in spill prevention and cleanup procedures consistent with SWPPP requirements and VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*.

## 3.13 Transportation and Parking

### 3.13.1 Affected Environment

#### 3.13.1.1 Alternative 1: Technology Court Site

The California Department of Transportation (Caltrans) manages interregional transportation, including management and construction of the California highway system. In addition, Caltrans is responsible for permitting and regulation of the use of state roadways. Within proximity of the proposed site, there are two regional roadways that fall under Caltrans' jurisdiction: Interstate 680 (I-680), which is about a one mile to the east of the Technology Court site and Interstate 880 (I-880), which is about a one-half mile west of the Technology Court site.

Adjacent roadways to the site include Technology Drive, a two-lane, north-south collector roadway located directly east of the proposed site; Auto Mall Parkway, a four-lane, divided east-west primary arterial roadway located directly north of the proposed site, Technology Place, a two-lane local roadway located east of the proposed site, and Technology Court, a cul-de-sac extension of Technology Place within the proposed site. Alameda-Contra Costa Transit District (AC Transit) provides local and regional bus service in the proposed site vicinity. AC Transit Bus Routes 350 and 623 provide bus service north of the proposed site, along Auto Mall Parkway, and there are two bus stops located at the intersection of Auto Mall Parkway and Technology Drive; Route 350 provides weekend-only service whereas Route 623 provides weekday-only service. There are no designated bicycle facilities (paths, lanes, or routes) within the proposed site vicinity. Intermittent sidewalks are located along the east side of Technology Drive and along portions of the north and south sides of Technology Place, and there are no sidewalks along Auto Mall Parkway. Currently, there are no off-street parking facilities (e.g., surface parking lot or parking garage) on the proposed site and no parking spaces on roadways adjacent to the proposed site.

### 3.13.1.2 Alternative 2: South Grimmer Boulevard Site

Regional roadways in proximity to the proposed site include I-680, which is about one-half mile to the east of the proposed site and I-880, which is about one mile to the west of the proposed site. Adjacent roadways to the proposed site include Old Warm Springs Boulevard, a two-lane, north-south collector roadway located directly west of the proposed site, South Grimmer Boulevard, a four-lane, primarily east-west minor arterial roadway located directly south of the proposed site, and Tavis Place, a two-lane local roadway located directly north of the project site and extends from Old Warm Springs Boulevard to west to its terminus to the east. Alameda-Contra Costa Transit District (AC Transit) provides local and regional bus service in the proposed site vicinity; however, there are no existing transit facilities (e.g., bus stops) adjacent to the proposed site and the closest bus stop (AC Bus Route 212) is approximately 0.3 mile west of the proposed site (located at the intersection of South Grimmer Boulevard at Fremont Boulevard). Bikeways are classified as Class I (bicycle paths separated from roads), Class II (striped bicycle lanes within the paved areas of roadways), or Class III (signed bike routes that allow cyclists to share streets with vehicles). South Grimmer Boulevard include Class II bicycle lanes that provides connectivity to other designated bicycle paths and routes. Pedestrian facilities include sidewalks, crosswalks, curb ramps, pedestrian signals, and streetscape amenities. Raised, concrete sidewalks and crosswalks are located along both sides of South Grimmer Boulevard; however, Old Warm Springs Boulevard and Tavis Place do not provide any pedestrian facilities. Currently, there are no off-street parking facilities (e.g., surface parking lot or parking garage) on the proposed site, and no parking spaces on roadways adjacent to the proposed site.

## 3.13.2 Environmental Consequences

### 3.13.2.1 Alternative 1: Technology Court Site

#### ***Short-term Effects***

Under the proposed action, short-term adverse effects would be related to construction activities. Construction activities over the 24-month period that would generate off-site traffic would include the initial delivery of construction vehicles and equipment to the proposed site, the daily arrival and departure of construction workers, the delivery of materials throughout the construction period, and the removal of construction debris. The number of construction workers on-site would vary depending on scheduled activities; however, the total workforce would not exceed 100 workers during the construction period. Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any roadways. Construction truck traffic would be dispersed throughout the day, and workers typically would commute to and from the site outside of peak traffic hours. Construction equipment would be delivered to and removed from the proposed site in phases for the different construction activities.

The primary off-site impacts resulting from the movement of construction trucks would include a short-term and intermittent lessening of roadway capacities due to the slower movements and larger turning radii of the trucks compared to passenger vehicles. Drivers could experience delays if they were traveling behind a heavy truck. Although construction-related traffic would not be substantial

in relation to traffic flow conditions on local roadways, there could be localized impacts, especially if truck trips were to occur during peak traffic hours on the affected roadways.

Since construction and maintenance activities associated with the proposed action would primarily utilize state roadways as access routes for construction workers and construction vehicles, and under the condition that oversized vehicles (by weight, height, length or width) would not be used, encroachment permits (or other permits) would be not be required from Caltrans. However, if oversized vehicles would be used during the construction of the proposed action, encroachment permits would be required from Caltrans.

As outlined in the City of Fremont Municipal Code, the City is empowered under State and federal Law to control access to and use of public rights-of-way, and any modifications to existing rights-of-way are subject to encroachment permitting authorized by the City and in compliance with City regulations. According to the requirements in the City Code, the proposed action is not exempt from these regulations and is subject to encroachment permitting standards enforced by the City.

The proposed action would include access driveways along Technology Drive and would require the elimination of Technology Court, an existing City-owned roadway. Because the proposed action would eliminate an existing public roadway and create new access driveways to the proposed site from the adjacent roadway, an encroachment permit and other permits may be required from the City of Fremont prior to the construction of the proposed action (City of Fremont, 2010).

### ***Long-term Effects***

Long-term adverse traffic effects will be related to increased traffic volume on the adjacent roadways from an existing 1,380 vehicles per day (City of Fremont, 2008) to an estimated 4,270 vehicles per day along Technology Drive with the proposed action (an increase of 2,890 vehicles per day).<sup>8</sup> The proposed action parking demand would be fully accommodated by the planned on-site parking supply (400 spaces), as the proposed action would yield a peak parking demand of about 282 spaces, with a resulting parking surplus of approximately 118 spaces.<sup>9</sup>

## **3.13.2.2 Alternative 2: South Grimmer Boulevard Site**

### ***Short-term Effects***

Under the proposed action, short-term adverse effects would be related to construction activities. Construction activities over the 24-month period that would generate off-site traffic would include the initial delivery of construction vehicles and equipment to the proposed site, the daily arrival and departure of construction workers, the delivery of materials throughout the construction period, and the removal of construction debris. The number of construction workers on-site would vary depending on scheduled activities; however, the total workforce would not exceed 100 workers

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<sup>8</sup> The trip generation estimate of 2,890 daily vehicle trips was based on ITE *Trip Generation*, 8th Edition.

<sup>9</sup> The parking demand estimate was based on ITE *Parking Generation*, 4th Edition.

during the construction period. Construction-generated traffic would be temporary, and therefore, would not result in any long-term degradation in operating conditions on any access roadways. Construction truck traffic would be dispersed throughout the day, and workers typically would commute to and from the site outside of peak traffic hours. Construction equipment would be delivered to and removed from the proposed site in phases for the different construction activities.

The primary off-site impacts resulting from the movement of construction trucks include a short-term and intermittent lessening of roadway capacities due to the slower movements and larger turning radii of the trucks compared to passenger vehicles. Drivers could experience delays if they were traveling behind a heavy truck. However, the contribution of temporary construction traffic would be a minimal impact on existing traffic conditions because the existing roadway capacity would be able to accommodate the anticipated minor increase in additional vehicles. Although construction-related traffic would not be substantial in relation to traffic flow conditions on local roadways, there could be localized impacts, especially if truck trips were to occur during peak traffic hours on the affected roadways. For purposes of this analysis, this impact is considered potentially significant because additional traffic during peak hours would result in congestion and intersection delays. Implementation of the management measures identified will be undertaken to lessen the impacts to traffic flow and congestion on area roadways during project construction by avoiding truck trips during peak commute hours, minimizing use of local roads by haul trucks, and coordinating with emergency service providers, schools, and transit providers. The impact would not as a result be significant.

### ***Long-term Effects***

Long-term adverse traffic effects will be related to increased traffic volume on the adjacent roadways from an existing 5,083 vehicles per day (City of Fremont, 2008) to an estimated 7,973 vehicles per day along Old Warm Springs Boulevard with the proposed action (an increase of 2,890 vehicles per day).<sup>10</sup> The proposed action parking demand would be fully accommodated by the planned on-site parking supply (420 spaces), as the proposed action would yield a peak parking demand of 282 spaces, with a resulting parking surplus of approximately 138 spaces.<sup>11</sup>

### **3.13.3 Mitigation / Management Measures**

There would be no adverse impacts to traffic or parking. Therefore, mitigation is not required.

Implementation of **Management Measures 3.13-1 and 3.13-2** will lessen the impacts to traffic flow and congestion on area roadways during project construction by avoiding truck trips during peak commute hours, minimizing use of local roads by haul trucks, and coordinating with emergency service providers, schools, and transit providers.

**Management Measure 3.13-1:** Prior to start of construction of the proposed action, the VA will prepare and implement a Traffic Management and Safety Plan that will reduce or eliminate impacts associated with the proposed action. The plan will adhere to Alameda

<sup>10</sup> The trip generation estimate of 2,890 daily vehicle trips was based on ITE *Trip Generation*, 8th Edition.

<sup>11</sup> The parking demand estimate was based on ITE *Parking Generation*, 4th Edition.

County and Caltrans requirements. The traffic control plan will include, at a minimum, the following elements:

- **Element 3.13-1a:** Schedule project-generated construction truck trips on Auto Mall Parkway and Technology Drive outside the peak morning and evening commute hours such as to reduce potential traffic congestion during these peak commute periods.
- **Element 3.13-1b:** Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- **Element 3.13-1c:** Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “Road Work Ahead,” “Slow Trucks,” and/or “Trucks Turning Ahead”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.

**Management Measure 3.13-2:** Prior to start of construction of the proposed action, the VA or their contractor will prepare and implement a Traffic Management and Safety Plan that will reduce or eliminate impacts associated with the proposed action. The plan will adhere to Alameda County and Caltrans requirements. The traffic control plan will include, at a minimum, the following elements:

- **Element 3.13-2a:** Schedule project-generated construction truck trips on Old Warm Springs Boulevard and South Grimmer Boulevard outside the peak morning and evening commute hours such as to reduce potential traffic congestion during these peak commute periods.
- **Element TP-3.13b:** Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- **Element 3.13-2c:** Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “Road Work Ahead,” “Slow Trucks,” and/or “Trucks Turning Ahead”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.

## 3.14 Utilities

Because the two proposed sites are within one mile of each other and within the City limits of Fremont, utilities servicing the two proposed sites are the same. Where there are differences, the proposed sites are called out.

### 3.14.1 Affected Environment

#### **Water**

##### **Demand**

The ACWD provides water to an area of about 105 square miles, including the City of Fremont, City of Newark, and City of Union City, including a population of 333,648 and 7,500 businesses (71 percent of demand is from residential customers) (ACWD, 2011; City of Fremont, 2008). ACWD provided about 45.25 million gallons per day (mgd) in the 2008–2009 fiscal year. Institutional uses comprised about 5 percent of total use in the 2004–2005 year (ACWD, 2005).

##### **Supply**

About 27 percent of supply comes from the California State Water Project, via the Feather River Watershed in the Sierra Nevada Mountains. About 19 percent of the water is supplied by the San Francisco Public Utilities Commission, which delivers water from the Hetch Hetchy aqueducts. The remaining 54 percent of water supply comprises sources from the Alameda Creek Watershed and the Niles Cone groundwater basin (City of Fremont, 2008).

Water is treated at the following plants prior to delivery to customers: Mission San Jose Water Treatment Plant (8.5 mgd capacity), Water Treatment Plant No. 2 (21 mgd capacity), Blending Facility (50 mgd capacity), and the Newark Desalinization Facility (5 mgd).

ACWD projections for normal years predict that the district will have 87,100 acre-feet of water supply per year, and 76,900 acre-feet of water demand per year, by 2030. Projections under multiple dry year scenarios state that supply would be 68,800 acre-feet per year in 2030, which would be below normal year demand. ACWD has a Water Shortage Contingency Plan, however, which ensures that ACWD would have sufficient supplies to withstand a long-term drought. Strategies in the plan include reduction of demand through Best Management Practices and conservation requirements, increased groundwater use, off-site storage and banking, water recycling, and drawing from reserve supplies (ACWD, 2005).

The Technology Court site currently has five water connections—one for each existing parcel on the property. The connections comprise two 8-inch pipes—one for domestic service and one for fire service. The 8-inch pipes are fed by a 12-inch water main that runs within Technology Court and connects to a 12-inch water main running within Technology Drive, both of which were installed in 1981. These mains are fed by a 14-inch main running beneath Auto Mall Parkway (Lai, 2011).

The South Grimmer Boulevard site has a 20-inch water main along Old Warm Springs Boulevard adjacent to the property, and a second 20-inch main along Tavis Place (Lai, 2011). According to the site survey, there is no current connection from the mains to the South Grimmer Boulevard site, possibly because the previous residents utilized on-site groundwater wells (Luk & Associates, 2010; GEOLOGICA, 2010a).

### ***Wastewater***

Wastewater collection and treatment services in the City of Fremont are provided by the Union Sanitary District (USD). USD serves a 60.2-square mile area with 779 miles of pipeline. This area encompasses the cities of Fremont, Newark, and Union City, where 337,562 people reside (97 percent of connections are residential). USD currently treats approximately 24.5 mgd of average dry weather flow (ADWF) with primary and secondary treatment (USD, 2010a). The USD Alvarado Wastewater Treatment Plant (WWTP), in Union City, provides wastewater treatment and disposal services. The WWTP has a permitted capacity of 33 mgd under dry weather conditions (RWQCB, 2010.) As of 2007, the ADWF was 27.5 mgd (City of Fremont, 2007).

Treated wastewater is pumped into the East Bay Dischargers Authority (EBDA) outflow pipe and carried out into San Francisco Bay north of the San Mateo Bridge. USD is entitled to a discharge capacity allocation of 42.9 mgd to EBDA, as well as 8.4 mgd to the Old Alameda Creek, during peak wet weather events (RWQCB, 2010).

An 8-inch sanitary sewer line runs under Technology Court, where it connects with an 8-inch sewer main under Technology Drive (City of Fremont, 2007).

A 10-inch sanitary sewer runs beneath Old Warm Springs Boulevard. There are no existing connections to the South Grimmer Boulevard site (Luk & Associates, 2010).

### ***Stormwater***

The ACFCWCD and the City of Fremont share responsibility for storm drainage in the City of Fremont. These agencies share responsibilities to ensure that adequate storm drainage facilities are built to support new development. ACFCWCD reviews development proposals and advises the City on what drainage measures are needed (City of Fremont, 2008).

A 36-inch storm drainage line bisects the Technology Court site beneath the roadway. It connects to a 24-inch storm line west of the site, which then connects to an 18-inch line and discharges into the City's main storm drain system under Auto Mall Parkway (City of Fremont, 2007). From Auto Mall Parkway, stormwater drains into open channels southward along I-880 toward Mud Slough, which drains into the San Francisco Bay (City of Fremont, 2010).

A 30-inch storm drainage line runs beneath Old Warm Springs Boulevard (ALTA, 2010). This line connects to open conduits, which drain southward into Mud Slough and San Francisco Bay.

### ***Solid Waste Disposal***

Allied Waste Services provide City of Fremont businesses and residents solid waste collection services. In 2009, the City of Fremont disposed of approximately 149,593 tons of solid waste, most of which went to the former Tri Cities Recycling and Disposal Facility, located at 7010 Auto Mall Parkway, west of the Technology Court Site (CalRecycle, 2010). Allied Waste Services now transport waste to the Fremont Recycling and Transfer Station, located at 41148 Bryce Road, in Fremont. The Recycling and Transfer Station provides collection for

electronic and household hazardous waste as well as garbage and recycling. Beginning January 1, 2011, all of Fremont's municipal solid waste that cannot be recycled or reused is disposed at the Altamont Landfill. (City of Fremont, 2008).

The Altamont Landfill has an estimated capacity of 62,000,000, of which about 26 percent was used, in the year 2000. The solid waste facility permit is currently undergoing its regular 5-year review. It has a permitted maximum daily disposal of 11,500 tons per day. Alameda County's Integrated Waste Management Plan, prepared by the Alameda County Waste Management Authority (ACWMA) projects disposal tonnage at the Altamont through 2050 (ACWMA, 2003). According to these projections, the Altamont Landfill capacity will be reduced to 20,588,255 tons in the year 2052.

### ***Gas and Electric***

Electrical service in the City of Fremont is provided by PG&E. PG&E provides natural gas and electricity to approximately 13 million people throughout a 70,000 square mile service area in Northern and Central California (PG&E, 2010). Other companies may also provide electricity, but PG&E delivers the service.

Overhead transmission lines cross the City of Fremont from east to west in an alignment parallel with Durham Road and Auto Mall Parkway (City of Fremont, 2008). These transmission lines run along the northern perimeter of the Technology Court site. These lines carry 115,000 to 230,000 volts each and feed into the Newark substation located west of I-880 on Auto Mall Parkway and Boyce Roads. The Fremont substation at Paseo Padre Parkway and Grimmer Road and the Jarvis substation on Decoto Road in Union City also serve Fremont. Power is stepped down at the substations and fed into supply lines throughout the City. The power is then distributed through overhead and underground electric lines which provide service to individual residences and businesses.

The California Energy Commission (CEC) indicates that Alameda County consumed 11,534 gigawatt-hours (GWh) of electricity in 2009, up from 11,097 GWh in 2006 (CEC, 2010). In the PG&E Planning area, total consumption in 2009 was approximately 108,503 GWh, up from 104,719 GWh in 2006; in 2018, total consumption is estimated to be 119,644 GWh with a peak of approximately 24,600 MW (CEC, 2007).<sup>12</sup>

The California Independent System Operator (California ISO) is charged with managing the flow of electricity along the State's open market wholesale power grid. The California ISO Energy Demand Forecast (2008–2018) estimates that residential, commercial, and industrial sectors represented 85 percent of statewide electricity demand in 2008. Statewide consumption is expected to increase 11.6 percent by 2018, due primarily to growth in the residential and commercial sectors.

<sup>12</sup> The CEC defines the PG&E Planning Area to include PG&E bundled retail customers, customers served by energy service providers using the PG&E distribution system to deliver electricity to end users, and customers of publicly owned utilities and irrigation districts in PG&E transmission system (with the exception of the Sacramento Municipal Utility District).

Natural gas is provided to Fremont from PG&E through an interconnected network of underground pipelines and distribution mains. Gas is provided from a variety of sources across North America.

A PG&E natural gas line runs along the southern perimeter of the Technology Court site, and a pad-mounted transformer and an in-ground transformer are located at the southeast corner of the site (Geologica, 2010b). The City's development process includes PG&E to ensure the utility provider is aware of all new development proposed.

The overhead transmission lines that cross the City of Fremont from east to west, branch southward at the Union Pacific Railroad tracks. This high-voltage line runs along the eastern perimeter of the South Grimmer Boulevard site. A 4-inch sub-grade natural gas line runs along the Old Warm Springs Boulevard right-of-way, as well as the Tavis Place right-of-way. Three-phase electric service runs overhead along both Tavis Place and Old Warm Springs Boulevard.

### ***Communications***

Traditional telephone service in the City of Fremont is provided by AT&T. Cellular phones, cable internet, and wireless communications are also available and widely used in the city (City of Fremont, 2008).

Cable and telephone lines run beneath Technology Drive.

Cable and telephone service runs along utility poles on Old Warm Springs Boulevard, adjacent to the South Grimmer Boulevard site.

## **3.14.2 Environmental Consequences**

### **3.14.2.1 Alternative 1: Technology Court Site**

#### ***Short-term Effects***

Connection to existing water, wastewater, stormwater electric, gas, and telecommunications services beneath Technology Drive would require excavation and/or trenching, and may require dewatering. As stated in Sections 3.02 and 3.05 of this EA, these activities—with incorporated management measures—would not have significant adverse effects on air quality or water quality. Construction would also increase water demand at the Technology Court site associated with daily cleanup and dust control. These temporary short-term increases in demand would be negligible within the demand of the overall water system. The procedure for each connection is described below.

#### **Water**

ACWD requires applicants for new water services to submit a "Customer Work Request Application" form (ACWD, 2009). This form requires detailed description of anticipated water use at the facility. Upon receipt of the form, and initial payment for processing and service connection, water service can be provided within 12 weeks, provided that existing pipelines have adequate capacity to meet projected demand (ACWD, 2009; Turner, 2011).

### **Wastewater**

For a new wastewater connection, the VA would be required to contact USD and prepare a “Request for Plan Check” form and submit plans for review; detailed plan requirements are provided on USD’s website. Upon receipt of the application, USD will estimate fees and inform the applicant and perform three stages of review (Baile, 2011). If no major changes are required, USD will approve the drawings for construction (USD, 2011). The VA would then submit a copy of the city building permit. The total time from initial submittal to construction scheduling can be between four and six weeks, depending on coordination with other utility agencies with adjacent facilities (Baile, 2011).

Although detailed building designs and wastewater systems have not yet been prepared, it is possible that the VA could require a separate wastewater disposal line for medically-related disposals. This line would exit the CBOC at a separate location from the primary wastewater line and would have one manhole, which would allow for periodic chemical sampling to meet USD requirements, and RWQCB requirements, regarding wastewater quality. Beyond the manhole, the separate line would connect back with the primary wastewater line, which would then feed into USD’s sanitary system (Baile, 2011).

### **Stormwater**

The City of Fremont requires submittal of an Impervious Surfaces Form for all projects on lots 10,000 square feet or greater—the CBOC development would meet this threshold (City of Fremont, 2010). The lead time for permit issuance is dependent on the site plans and existing City of Fremont facilities nearby. The average lead time is about six or seven weeks (Diekmann, 2011).

### **Solid Waste**

To obtain solid waste services, the VA would contact local solid waste haulers. In addition, the VA would contract with a separate company for pickup and disposal of biohazard and red-bag waste (infectious medical waste).

### **Gas and Electric**

To obtain appropriate electrical connections, PG&E has a six-step process, starting with an application for new service, through engineering, billing, and construction. At the application stage, the VA would be required to submit planned voltage requirements, including specific details regarding motors, air conditioning systems, lighting, heating, and cooking appliances. Construction would be timed as appropriate (PG&E, 2005a; 2011a). If a gas connection is required, the VA would prepare a “Preliminary Request for Information” form, which is the first step in PG&E’s Gas Transmission Service Connection process. This process also requires detailed specifications regarding planned energy systems, appliances, and equipment. Construction of the gas connection can begin about seven months later, and construction timing is dependent on the nature of the VA use and connection requirements (PG&E, 2011b). Detailed gas and electric usage rates for the CBOC would be determined at that time.

Finally, the VA may submit to PG&E an application for “Essential Use Customer Status,” which is considered appropriate for community services, hospitals, nursing facilities, and other such

uses. The VA would be required to provide PG&E with a description of its backup generator capacity (PG&E, 2005b).

### **Communications**

Connection to telephone and data lines requires contact with private utility companies, who would begin service, through existing channels, to the Technology Park site.

### ***Long-term Effects***

#### **Water, Wastewater, and Stormwater**

Long-term water use, wastewater, and stormwater generation at the Technology Court site would increase with development and operation of the CBOC. The increase in water use and wastewater generation at the Technology Court site would be partially offset by the termination of the current water use and wastewater generation at the existing interim VA Clinic on Liberty Street, which would be closed upon opening of the proposed CBOC at the Technology Court Site.

The proposed CBOC facility would incorporate water use reduction design measures not currently used in other VA facilities. The increased water demand from the CBOC would not be expected to contribute substantially to the overall demand ACWD has planned for growth in commercial and institutional water demand through 2030. Long-term impacts to water supply are not expected to be adverse.

The CBOC-generated wastewater would enter the existing sanitary sewer line that runs under Technology Drive and flow to the Union Sanitary District's treatment facilities. Operation of the CBOC would incrementally increase wastewater generation within the context of the entire Union Sanitary District. This incremental increase is not expected to be adverse.

Regarding stormwater, stormwater conveyance utility connections are available at the proposed site. The increase in total impervious surfaces at the site would increase overall stormwater runoff, but they are not expected to be to the extent that would overwhelm the existing infrastructure. Impacts are not expected be adverse. Please also see Section 3.5, Hydrology and Water Quality, regarding impacts related to flooding.

#### **Solid Waste**

The increased solid waste generated by an outpatient clinic would not overwhelm the existing solid waste collection and disposal infrastructure in the City of Fremont or at the Altamont Landfill. In addition, the VA would contract with a separate company for pickup and disposal of biohazard and red-bag waste (infectious medical waste). The impacts associated with this disposal would not be adverse.

#### **Gas and Electricity**

Given the scope of the PG&E service area and overall supply, the increased energy demand generated by the CBOC would not be expected to result in adverse effects.

**Communications**

There are no long-term impacts associated with communications utilities that would result from the development of the CBOC.

**3.14.2.2 Alternative 2: South Grimmer Boulevard Site*****Short-term Effects***

Connection to existing water, wastewater, electric, gas, and communications services beneath Old Warm Springs Road would require excavation and/or trenching, and may require dewatering. As stated in Sections 3.2 and 3.5 of this EA, these activities—with incorporated management measures—would not have significant adverse effects on air quality or water quality.

The connection procedures outlined above for the Technology Court site would also apply to the South Grimmer Boulevard site.

***Long-term Effects*****Water, Wastewater, and Stormwater**

Development and operation of the CBOC at the South Grimmer Boulevard site would increase demand for water, wastewater, and stormwater services. ACWD, however, has planned for the continued growth of the City of Fremont, including the growth of institutional water demand. The increased water demand created by the CBOC would not be expected to contribute substantially to the overall demand, and long-term impacts to water supply would not be adverse. Similarly, increased wastewater generation is anticipated to be accommodated within the existing USD collection system, including the sewer mains within Old Warm Springs Boulevard, adjacent to the site. The increase in impervious surfaces by development of the CBOC and associated paved parking lot would increase total stormwater runoff from the site, but the runoff is anticipated to be accommodated within the existing stormwater drainage infrastructure. The impacts would not be adverse.

**Solid Waste**

The increased solid waste generated by an outpatient clinic would be accommodated with the existing solid waste collection and disposal infrastructure of the City of Fremont. Biohazard and red-bag waste would be collected for disposal by a private contractor. The impacts associated with this solid waste disposal would not be adverse.

**Gas and Electricity**

The incremental increase in energy demand generated by the CBOC would not be expected to result in adverse effects.

**Communications**

There are no long-term impacts associated with communications utilities that would result from the development of the CBOC.

### 3.14.3 Mitigation / Management Measures

There would be no adverse effects on utilities services. Therefore, no mitigation is needed.

## 3.15 Environmental Justice

Because the two proposed sites are within the same Census Tract, city, and county, the analysis is substantially similar. Where there are differences, the sites are called out.

### 3.15.1 Affected Environment

#### 3.15.1.1 Race and Hispanic Ethnicity

In the 2000 Census, the Technology Court site fell within Census Tract 4415.03, Block 1006.

**Table 3.15-1** summarizes the racial composition for the census tract, City of Fremont, and County of Alameda as of the 2000 Census, as well as the racial composition in the city and county as of 2009. (Census Tract information is not available for inter-census years and 2010 Census data is not currently available.) As indicated in the table, the Technology Court site census tract contains a higher percentage of Asian residents than the city or county overall.

The South Grimmer Boulevard site is located on Census Block 1002, surrounded by Blocks 1001, 1003, 1004, 1025, and 1027. According to the 2000 Census, a total of nine people lived on these blocks in the year 2000. Seven of these residents were Asian.

The percentage of residents identifying themselves as Asian increased within the City of Fremont and Alameda County between 2000 and 2009. The census tract and City of Fremont both contain a lower percentage of Black or African American residents than does and county.

In 2000, there were two residents in areas east, south, and west of the Technology Court site (Census Tract 4415.03, Blocks 1005, 1006, 1007, and 1008), one of whom was Asian. To the north, in the residential neighborhood across Auto Mall Parkway, there were a total of 1096 residents in Census Tract 4430.02, Block 1. Of these residents, 219 were Asian, and 45 were Black.

#### ***Poverty Rate***

Federal poverty thresholds are updated each year by the Census Bureau. Poverty thresholds are updated each year using the change in the average annual Consumer Price Index for All Consumers. In 2009, the poverty threshold for a family of four was \$21,954.

The poverty rate in Fremont was stable between 2000 and 2009 at about 5.3 percent, compared to 10.9 percent in Alameda County in 2009 (Bureau of the Census, 2010). Census Tract 4415.03, which includes the Technology Court site, had a lower poverty rate than the surrounding city and county in the year 2000. However, the Block Group containing the Technology Court site had a higher rate of poverty than the Census Tract, city, and county.

**TABLE 3.15-1**  
**RACIAL COMPOSITION AND HISPANIC ETHNICITY OF ALAMEDA COUNTY, FREMONT, CENSUS TRACT 4415.03**  
**(2000 Census and 2009 American Community Survey)**

Race	Census Tract 4415.03		City of Fremont				Alameda County			
	2000		2000		2009		2000		2009	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
White	2,353	21.8%	96,968	47.7%	21.8%	21.8%	704,334	48.8%	684,471	47.0%
Black or African American	287	2.7%	6,310	3.1%	21.8%	21.8%	215,598	14.9%	187,300	12.9%
American Indian and Alaska Native	15	0.1%	1,048	0.5%	21.8%	21.8%	9,146	0.6%	7,720	0.5%
Asian	7,420	68.8%	75,165	37.0%	21.8%	21.8%	295,218	20.4%	358,959	24.6%
Native Hawaiian and Other Pacific Islander	26	0.2%	819	0.4%	21.8%	21.8%	9,142	0.6%	10,866	0.7%
Some Other Race	218	2.0%	11,230	5.5%	21.8%	21.8%	129,079	8.9%	144,998	10.0%
Two or More Races	464	4.3%	11,873	5.8%	21.8%	21.8%	81,224	5.6%	62,781	4.3%
Hispanic or Latino (of any of the above races)	544	5.0%	27,409	13.5%	21.8%	21.8%	273,910	19.0%	310,688	21.3%

SOURCE: Bureau of the Census, 2010.

**TABLE 3.15-2**  
**POVERTY STATUS OF CENSUS TRACT 4415.03, CITY OF FREMONT, AND ALAMEDA COUNTY**  
**(2000 Census and 2009 American Community Survey)**

Year	Percent of Individuals Below Poverty Level			
	Block Group 1 of Census Tract 4415.03	Census Tract 4415.03	City of Fremont	Alameda County
2000 Below Poverty Level	21.6%	3.1%	5.4%	11.0%
2009 Below Poverty Level	N/A	N/A	5.3%	10.9%

N/A = Not available. Census Tract data are not available for inter-census years

SOURCE: Bureau of the Census, 2010.

## 3.15.2 Environmental Consequences

### 3.15.2.1 Alternative 1: Technology Court Site

The proposed action would not involve the acquisition of land or otherwise displace existing minority or low-income communities. As discussed in other sections of this EA, there would be only minor adverse environment impacts associated with the proposed action at the Technology Court site. Given that the proposed site Census Block—as well as the immediately surrounding Census Blocks to the east, south, and west—are sparsely populated or completely unpopulated, the proposed action would not have disproportionate adverse effects on minority or low-income residents on these Blocks.

The proposed action would have minor adverse effects on the residents in Census Tract 4430.02, to the north across Auto Mall Parkway. These effects would be primarily associated with traffic, noise, and air quality associated with project construction and operation, as discussed in this EA. Given that the site is not located immediately adjacent to this neighborhood, however, it would not pose direct environmental health and safety risks to children living in that area. Given the mixed racial profile of the residential neighborhood, the proposed action would not disproportionately affect minority residents living there.

The economic benefits of the facility to the City of Fremont and County of Alameda could be experienced by residents living below the poverty level, either directly by offering new jobs or indirectly through secondary job creation and increased services.

Minority or low-income groups would not disproportionately bear adverse human health and environmental consequences from the proposed action at the Technology Court site (Council on Environmental Quality, 1997).

### 3.15.2.2 Alternative 2: South Grimmer Boulevard Site

The proposed action would not involve the acquisition of land or otherwise displace existing minority or low-income communities. As discussed in other sections of this EA, there would be only minor adverse environment impacts associated with the proposed action at the South Grimmer Boulevard site. Given that the proposed site Census Block—as well as the immediately surrounding Census Blocks in all directions—are sparsely populated or completely unpopulated, the proposed action would not have disproportionate adverse effects on minority or low-income residents on these Blocks.

Minority or low-income groups would not disproportionately bear adverse human health and environmental consequences from the proposed action at the South Grimmer Boulevard site.

### 3.15.3 Mitigation / Management Measures

There would be no adverse effects to minority or low-income communities. Therefore, no mitigation is needed.

## 3.16 Cumulative Impacts

A cumulative impact is defined as “the impact on the environment which results from the incremental impact of the action when added to past, present, or reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR Section 1508.7).

The proposed action would not have a significant adverse effect on the human environment or natural resources if it were located at either of the proposed sites. There would be temporary impacts from construction activities over an approximately two-year period. These impacts would be mitigated as indicated above and in Chapter 5, Mitigation / Management Measures, through the use of permitted and regulated best management practices.

One hundred sixty acres of land adjacent to the South Grimmer Boulevard site has been purchased by the Union Pacific Railroad. Depending upon the use, railroad related uses can result in high emissions of diesel particulate matter which is determined to be a toxic air contaminant. However, it would be speculative to estimate potential emissions until a use has been determined. The eventual use of that property may be required to go through the environmental review process and potentially harmful emissions would be addressed in that process.

The proposed action would not have significant adverse effects on the human environment or natural resources if it were located at either of the proposed sites. The proposed CBOC would be a LEED certified and landscaped facility which would provide jobs for workers in the surrounding community. As discussed above, there would be no significant adverse effects from operation of the proposed CBOC at either of the site locations.

### **3.17 Potential for Generating Substantial Controversy**

The proposed action is not anticipated to generate substantial controversy. The proposed sites are vacant parcels in urbanized neighborhoods. As discussed above, the CBOC would be a permitted use and would fit in with the overall uses in the area. Further, the CBOC at either of the two proposed site locations would not have significant adverse effects on the human environment or natural resources.

## CHAPTER 4.0

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### Public Involvement

Scoping letters were sent to federal and local agencies asking for their comments on the proposed action. No comments were received at the time the Draft EA was published.

The Draft EA was circulated for a 30-day public comment period extending from February 24, 2011 to March 25, 2011. A notice of availability for the Draft EA was published in the *Fremont Argus* on Monday and Tuesday, February 21 and 22, 2011, and Sunday, February 27, 2011. Copies of the Draft EA were mailed to the State Clearinghouse for distribution to State agencies. Copies were made available at the Fremont Main library and the Niles Library.

The Draft EA comment period was extended an additional two weeks through April 8, 2011. Notice of the extension was published in the *Fremont Argus* on Monday and Tuesday, March 31 and April 1, 2011, and Sunday, April 3, 2011.

The public was encouraged to send comments on the Draft EA to

Department of Veterans Affairs  
Real Property Service (00CFM3C)  
ATTN: Amanda Wehner  
811 Vermont Ave NW  
Washington, DC 20571  
AlamedaVA@esassoc.com

Copies of all the comment letters that were received during the comment period and extension as well as responses to the comments are included in Chapter 10, Responses to Comments.

## CHAPTER 5.0

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### Mitigation / Management Measures

The following management measures together with the best management practices outlined in the VA Document PG-18-1, Master Construction Specifications, Section 01-57-19, *Temporary Environmental Controls*, would ensure that the proposed action would not result in significant adverse effects on the human environment or natural resources.

There are no mitigation measures required to reduce impacts to less than significant levels for either site.

#### 5.1 Alternative 1: Technology Court Site

A number of common management measures are applicable to the proposed action if executed at the Technology Court site:

In the event of the unexpected discovery of cultural resources during ground-disturbing activities, implementation of **Management Measures 3.3-1** and **3.3.2** would ensure that adverse damage or destruction of a potential National Register-eligible resource will not exist.

**Management Measure 3.3-1: Cease Work if Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities.** If cultural resources are encountered at the project site during ground-disturbing activities, all activity in the vicinity of the find shall cease until it can be evaluated by a professional archaeologist meeting the Secretary of the Interior's Standards for the appropriate specialty. If the archaeologist determines that the resources may be significant, the VA and the City of Fremont shall be notified and will jointly develop an appropriate treatment plan for the resources. The VA shall consult with the Native American representatives identified by the NAHC in determining appropriate treatment for unearthened cultural resources if the materials are associated with Ohlone or earlier cultural traditions.

In considering any suggested measures proposed by the archaeologist in order to ensure adverse impacts to cultural resources do not result, the VA will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the project site while treatment plans for cultural resources are being developed and implemented.

**Management Measure 3.3-2: Halt Work if Human Remains are Identified during Construction.** If human remains are uncovered at the project site during ground-disturbing activities, work in the vicinity of the find will immediately halt. An appropriate VA

Project representative will contact the Alameda County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. If the County coroner determines that the remains are Native American, the VA representative will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). The NAHC will provide the name of one or more individuals determined to be the Most Likely Descendant (MLD) for Native American human remains in the project site. Per Public Resources Code 5097.98, the VA (as landowner, at that point) shall ensure that the immediate vicinity of the find is not damaged or disturbed by further development activities until the landowner has discussed and conferred with the MLD regarding their recommendations, taking into account the possibility of multiple human remains.

With implementation of **Management Measure 3.5-1** operational effects on water quality will not be adverse.

**Management Measure 3.5-1:** The VA shall draft and implement a drainage plan that specifies the specific control and treatment measures to manage stormwater pollutant runoff as part of the overall site design. The plan shall list potential pollutant sources on the site and corresponding source control measures as specified in the current edition of the *Stormwater C.3 Handbook*. It shall also identify all activities that would potentially generate pollutants and require stormwater treatment Best Management Practices (BMPs) for those activities. Permanent and operational BMPs shall be used to further reduce the potential for pollutants to enter runoff.

The BMPs in the plan shall address, among others without limitation, potential pollutant sources from:

- Potential dumping of standard commercial cleaning supplies or other liquids into storm drain inlets;
- Potential dumping of wash-water or other liquids into storm drain inlets;
- Fertilizers and pesticides used in landscape maintenance; and
- Minor oil and/or gasoline spills in parking lots and service areas.

The plan may contain structural and treatment BMPs, which shall include but may not be limited to the following:

- Grass strips, high infiltration substrates, and grassy swales shall be used where feasible throughout the development to reduce runoff and provide initial storm water treatment.
- Detention basins shall be installed beneath large parking areas to provide initial filtration prior to discharge into the storm drains.
- Roof drains shall discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of storm water.
- Permanent energy dissipaters shall be included for drainage outlets.
- Water quality detention basins shall be designed to provide effective water quality control measures including the following:
  - Maximize detention time for settling of fine particles;

- Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets; and
- Maximize the detention basin elevation to allow the highest amount of infiltration and settling prior to discharge.

Although the VA is not required to comply with local regulations, it will endeavor to do so whenever possible. Trees on the project site with a dbh (diameter at breast height) of six inches or greater are considered protected under the City of Fremont's Tree Preservation Ordinance (Ord. No. 2481, § 1, 7-23-02). If the VA would need to remove any trees with a dbh of six inches or greater, the VA shall apply for the appropriate City of Fremont permits.

To prevent adverse effects on nesting birds, the VA will implement the following:

**Management Measure 3.6-1:** For any vegetation removal that must be performed in the bird nesting season (February 1 through August 31), the VA will retain a qualified biologist to survey the project site for special status species and verify the presence or absence of these species no more than 14 days prior to construction activities. If active nests are observed, buffer zones will be established around trees/shrubs with nests, with a buffer size established by the qualified biologist through consultation with the appropriate regulatory agency (e.g., CDFG). Buffered zones will be avoided during construction activities until young have fledged or the nest is otherwise abandoned.

To protect special status bat roosts and bats during construction, the VA will require its contractor(s) to implement the following management measure:

**Management Measure 3.6-2:**

- Prior to construction or demolition activities within 250 feet of trees/structures with at least a moderate potential to support special-status bats, a qualified biologist will survey for bats. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present, no further action will be required.
- If bats raising pups (also called a maternity colony) are identified within 250 feet of the project site during preconstruction surveys or project construction (typically April 15 through August 15), the VA will create a no-disturbance buffer acceptable in size to the CDFG around the bat roosts. Bat roosts initiated within 250 feet of the project site after construction has already begun are presumed to be unaffected by project-related disturbance, and no buffer would be necessary. However, the "take" of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.
- Trees or buildings with evidence of bat activity shall be removed during the time that is least likely to affect bats as determined by a qualified bat biologist (in general, roosts should not be removed if maternity bat roosts are present, typically April 15 – August 15, and roosts should not be removed if present bats are in torpor, typically when temperatures are less than 40 degrees Fahrenheit). Non-maternity bat roosts will be removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the bats using one-way doors, funnels, or flaps.

- All special-status bat roosts that are destroyed will be replaced at a 1:1 ratio with a roost suitable for the displaced species. The roost will be modified as necessary to provide a suitable roosting environment for the target bat species.

If the Technology Court site is selected for the proposed action, implementation of **Management Measure 3.9-1** will eliminate the potential for significant adverse effects on any wetlands under the jurisdiction of the SFBRWQCB.

**Management Measure 3.9-1:** If practicable, the VA will avoid the potential wetland area at the northwest corner of the project site. The extent of this area will be marked by a qualified wetland biologist prior to any project construction activities, and fenced for avoidance. Construction crews will be notified of the resource and purpose of exclusion fencing.

If impacts to this potential wetland area cannot be avoided, the VA will notify the SFBRWQCB with a description of the potential wetland area, vegetation in other areas of the project site, and details regarding the proposed action. The VA will implement any conditions set forth by the SFBRWQCB, including requirements for wetland delineation or any compensatory replacement of wetland habitat.

Implementation of **Management Measure 3.13-1** will lessen the impacts to traffic flow and congestion on area roadways during project construction by avoiding truck trips during peak commute hours, minimizing use of local roads by haul trucks, and coordinating with emergency service providers, schools, and transit providers.

**Management Measure 3.13-1:** Prior to start of construction of the proposed action, the VA will prepare and implement a Traffic Management and Safety Plan that will reduce or eliminate impacts associated with the proposed action. The plan will adhere to Alameda County and Caltrans requirements. The traffic control plan will include, at a minimum, the following elements:

- **Element 3.13-1a:** Schedule project-generated construction truck trips on Auto Mall Parkway and Technology Drive outside the peak morning and evening commute hours such as to reduce potential traffic congestion during these peak commute periods.
- **Element 3.13-1b:** Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- **Element 3.13-1c:** Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “Road Work Ahead,” “Slow Trucks”, and/or “Trucks Turning Ahead”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.

**Management Measure 3.13-2:** Prior to start of construction of the proposed action, the VA or their contractor will prepare and implement a Traffic Management and Safety Plan that will reduce or eliminate impacts associated with the proposed action. The plan will adhere to Alameda County and Caltrans requirements. The traffic control plan will include, at a minimum, the following elements:

- **Element 3.13-2a:** Schedule project-generated construction truck trips on Old Warm Springs Boulevard and Grimmer Road outside the peak morning and evening commute hours such as to reduce potential traffic congestion during these peak commute periods.
- **Element TP-3.13b:** Comply with transportation permit requirements of Caltrans and California Highway Patrol when scheduling construction truck trips carrying oversized loads. In addition, provide pre-notification to local police, fire, and emergency service providers of the timing, location, and duration of construction activities that could affect the movement of emergency vehicles on area roadways.
- **Element 3.13-2c:** Place signs along appropriate roads to notify drivers of construction traffic throughout the duration of the construction period. Advance warning signs (e.g., “Road Work Ahead,” “Slow Trucks”, and/or “Trucks Turning Ahead”), flaggers, and speed control (including signs informing drivers of state-legislated double fines for speed infractions in a construction zone) shall be provided to achieve required speed reductions for safe traffic flow through the work zone.

## 5.2 Alternative 2: South Grimmer Boulevard Site

**Management Measures 3.3-1, 3.3-2, 3.5-1, 3.6-1, 3.6-2 and 3.13-1**, above would also be applicable to the proposed action if executed at the South Grimmer Boulevard site.

In addition, implementation of **Management Measure 3.12-1** requires that soil sampling and analysis be performed to demonstrate that contaminant concentrations are below the California Human Health Screening Levels (CHHSLs) that the California Environmental Protection Agency (Cal/EPA) considers to be below thresholds of concern for risks to human health and the environment. Should concentrations exceed these established thresholds, soil excavation or remediation in accordance with all federal and state regulations would be required prior to implementation of the project.

**Management Measure 3.12-1:** Prior to the commencement of excavation and grading, the VA will hire a licensed environmental contractor to perform a limited soil sampling investigation to evaluate the potential presence of pesticides and herbicides in surface soils. Should soil concentrations exceed Cal/EPA thresholds of concern (CHHSLs), excavation or remediation of site soil will be performed to meet the requirements of Cal/EPA for construction of a healthcare facility. A soil management plan will be developed to ensure appropriate soil disposal and implementation of worker safety measures.

Further, implementation of **Management Measure 3.12-2** at the South Grimmer Boulevard site would ensure that any unused groundwater wells be properly sealed and abandoned in accordance with the Alameda County Water District (ACWD) regulations prior to construction.

**Management Measure 3.12-2:** Prior to the commencement of construction activities, the VA will locate and clearly mark any existing groundwater wells on the project site to prevent damage during construction. Groundwater wells that will not remain in operation will be properly destroyed and removed in accordance with the DWR Well Standards and under permit and inspection from the Alameda County Water District.

## CHAPTER 6.0

### Conclusions

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As indicated in the preceding chapters, the proposed action would not result in short-term, long-term, or cumulative impacts related to the following topics: land use, floodplains, socioeconomics, community services, utilities, and environmental justice.

Construction activity would generate short-term effects from temporary increases in construction pollutant emissions such as dust, temporary increases in construction traffic on area roadways, construction noise, and stormwater pollution. With best management practices and the management measures outlined in Chapter 5, Mitigation, these temporary adverse effects from construction would be reduced to non significant levels.

Ground disturbing activities during construction also have the potential to result in the discovery of human remains or to damage archaeological resources. As outlined in Chapter 5, if cultural artifacts are uncovered, all activity in the vicinity of the find would be stopped until a qualified archaeologist determines the significance of the find. If human remains are uncovered, all activity in the vicinity of the find would be stopped and the Alameda County coroner would evaluate the remains and follow the appropriate procedures and protocols.

Construction activities also have the potential to disturb nesting birds and roosting bats. As outlined in the management measures, by scheduling construction around the bird nesting period and avoiding the removal of trees, these potentially adverse effects would be avoided.

At the Technology Court site, there exists the potential for impacts to a small jurisdictional wetland. The South Grimmer Boulevard site would require soil sampling and sealing of unused groundwater wells at the site. With implementation of the management measures outlined in Chapter 5, these potential adverse effects would not be significant. No significant adverse long term effects from operation of the proposed CBOC were identified at either of the proposed sites.

In conclusion, the proposed action would not result in significant adverse effects on the human environment or natural resources executed at either of the proposed sites. The proposed action would provide a positive long term effect by providing new jobs, while achieving the objectives of the VA to provide quality care to veterans in closer proximity to their places of residence.

# CHAPTER 7.0

## List of Preparers

Name	Title and Project Role
<b>VA</b>	
Amanda Wehner	Project Manager, Real Property Service, Office of Construction & Facilities Management
Thomas Moran	Environmental Engineer, Office of Construction & Facilities Management
<b>ESA</b>	
Amy Skewes-Cox, AICP	Project Director; overall technical guidance and senior review
Reema Mahamood	Managing Associate; day to day project management; report review and author for non-technical sections
Lisa Bautista	Administrative Staff; report preparation
Jennifer Bowden	Associate; Section Author: Cultural Resources
Brad Brewster	Director; Senior Reviewer: Cultural Resources
Jonathan Carey, AICP LEED	Senior Associate; Author: Aesthetics, Land Use, Community Services, Socioeconomics, Utilities, and Environmental Justice
Kirstin Conti	Associate; Section Author: Geology and Soils, Hydrology and Water Quality, Floodplains/Wetlands/Coastal Zone
Peter Costa, AICP	Senior Associate; Section Author: Transportation and Parking
Ben Frese	Associate; Section Author: Noise
John Hart	Administrative Staff; report production
Julie Moore	Technical Associate; Section Author: Solid and Hazardous Materials
Mathew Morales	Senior Associate; Section Author: Air Quality
Bryan Olney	Associate; Section Author: Wildlife and Habitat
Chris Sanchez	Senior Technical Associate; Senior Reviewer: Air Quality and Noise
Eric Schniewind	Senior Technical Associate; Senior Reviewer: Geology and Soils, Hydrology and Water Quality, Floodplains/Wetlands/Coastal Zone
Ron Teitel	Administrative Staff; graphics
<b>Geologica, Inc.</b>	
David Klimberg, PG	Principal; Phase 1 ESA technical guidance and senior review
Francois A. Bush, PG	Senior Geologist; Phase 1 ESA primary investigator

## CHAPTER 8.0

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## CHAPTER 9.0

### List of Acronyms and Abbreviations

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ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACCWP	Alameda County Clean Water Program
ACFCWCD	Alameda County Flood Control and Water Conservation District
ACWD	Alameda County Water District
ACWMA	Alameda County Waste Management Authority
ADWF	average dry weather flow
APN	Assessor's Parcel Number
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practice
Cal ISO	California Independent System Operator
Cal/EPA	California Environmental Protection Agency
CARB	California Air Resource Board
CBC	California Building Code
CBOC	Community Based Outpatient Clinic
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CEC	California Energy Commission
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CGS	California Geologic Survey
CHHSL	California Human Health Screening Levels
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CWA	Clean Water Act
dBA	A-weighted decibels
dbh	diameter at breast height
DHS	California Department of Health Services
DNL	day-night levels
DOC	Department of Conservation

DSOD	Division of Safety of Dams
DWR	Department of Water Resources
EA	Environmental Assessment
EBDA	East Bay Dischargers Authority
EMF	Electric and Magnetic Fields
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FFD	Fremont Fire Department
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FPD	City of Fremont Police Department
FUSD	Fremont Unified School District
g	acceleration due to gravity
GHG	Greenhouse gases
GWh	gigawatt-hour(s)
HM	Hydromodification
I-680	Interstate 680
I-880	Interstate 880
IARC	International Agency for Research on Cancer
LEED	Leadership in Energy and Environmental Design
LT	long term
M	Richter magnitude
MBTA	Migratory Bird Treaty Act
MCE	Maximum Credible Earthquake
mgd	million gallon(s) per day
MLD	Most Likely Descendant
MM	Modified Mercalli Intensity Scale
Mw	moment magnitude
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NO <sub>2</sub>	nitrogen dioxide
NOI	Notice of Intent
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPS	Non-point source pollution
NRCS	Natural Resource Conservation Service
NWI	USFWS National Wetlands Inventory
NWIC	North West Information Center
O <sub>3</sub>	ozone

OHP	Office of Historic Preservation
OSHA	Occupational Safety and Health Administration
P	Planned Use District
PCB	polychlorinated biphenyl
PG&E	Pacific Gas and Electric
PGA	peak ground acceleration
PM <sub>10</sub>	Particulate matter 10 microns or smaller
PM <sub>2.5</sub>	Particulate matter 2.5 microns or smaller
PSHA	Probabilistic Seismic Hazard Assessment
ROG	Reactive Organic Gas
RWQCB	Regional Water Quality Control Board
SFRWQCB	San Francisco Bay Regional Water Quality Control Board
SLF	Sacred Lands File
SO <sub>2</sub>	sulfur dioxide
ST	short-term
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TOD	Transit-Oriented Development
UPRR	Union Pacific Railroad
USD	Union Sanitary District
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geologic Survey
VA	Department of Veterans Affairs
WWTP	Wastewater Treatment Plant

## CHAPTER 10.0

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### Responses to Comments

The Draft EA was released for a 30-day public review and comment period from February 24, 2011 to March 25, 2011, and further extended an additional two weeks through April 8, 2011. One letter was received from the California Department of Transportation and is reproduced in its entirety on the following pages. Specific comments within the letter are identified by numeric designators. Responses to the comments follow the letter.

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**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5536  
FAX (510) 286-5559  
TTY 711



*Flex your power!  
Be energy efficient!*

March 22, 2011

ALAVAR010  
ALA 580/880  
SCH#2011024003

Ms. Amanda Wehner  
Real Property Service (00CFM3C)  
U.S. Department of Veterans Affairs  
811 Vermont Avenue NW  
Washington, DC 20571

Dear Ms. Wehner:

**Community Based Outpatient Clinic – Environmental Assessment**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Community Based Outpatient Clinic Project. The following comments are based on the application. As lead agency, the U.S. Department of Veterans Affairs is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits.

A-1

A-2

***Traffic Impact Study***

According to the Institute of Transportation Engineers *Trip Generation* (Code 630), the proposed outpatient clinic will generate approximately 123 PM peak hour trips (100 employees X average rate of 1.23). Please include an analysis of the proposed project sites on State highway facilities. The Traffic Impact Study (TIS) should include the following details:

1. Information on the plan's traffic impacts in terms of trip generation, distribution, and assignment. The assumptions and methodologies used in compiling this information should be addressed. The study should clearly show the percentage of project trips assigned to State facilities.
2. Current Average Daily Traffic (ADT) and AM and PM peak hour volumes on all significantly affected streets, highway segments and intersections.
3. Schematic illustration and level of service (LOS) analysis for the following scenarios:  
1) existing, 2) existing plus project, 3) cumulative and 4) cumulative plus project for the roadways and intersections in the project area.

A-3

Ms. Amanda Wehner/U.S. Department of Veterans Affairs  
March 22, 2011  
Page 2

4. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect the State highway facilities being evaluated.
5. The procedures contained in the 2000 update of the Highway Capacity Manual should be used as a guide for the analysis. We also recommend using the Department's "*Guide for the Preparation of Traffic Impact Studies*"; it is available on the following web site:  
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.
6. Mitigation measures should be identified where plan implementation is expected to have a significant impact. Mitigation measures proposed should be fully discussed, including financing, scheduling, implementation responsibilities, and lead agency monitoring.

A-3  
cont.

***Encroachment Permit***


Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

A-4

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



BECKY FRANK  
District Branch Chief  
Federal Grants / Rail Coordination

c: State Clearinghouse

## Letter A Response – California Department of Transportation (Caltrans)

- A-1: Once the VA has selected a preferred site for the proposed CBOC, the VA will prepare a Traffic Impact Study that would address the project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring for all proposed mitigation measures and mitigation fees.
- A-2: The VA will work with state and local agencies in an attempt to align its development with the goals and objectives of the federal laws governing the construction project as well as the state and local laws regarding any required roadway improvements and occupancy permits.
- A-3: As stated above, the VA will prepare a Traffic Impact Study for the preferred site once it has made that determination. The Traffic Impact Study will be prepared according to the guidance provided by the Caltrans.
- A-4: The VA as a federal entity does not file applications for permits. However, the VA will work with Caltrans to align its development with the requirements of the encroachment permit process.

# **APPENDIX A**

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## **Draft EA Distribution List**

## **Draft EA Distribution List**

### **U.S. Fish and Wildlife Service**

Ryan Olah, Field Supervisor  
Sacramento Field Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
(916) 930-5632

### **California Department of Fish and Game**

Chuck Armor, Regional Manager  
California Department of Fish and Game  
3 - Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500

### **State Historic Preservation Officer**

Milford Wayne Donaldson  
State Historic Preservation Officer  
Office of Historic Preservation  
Department of Parks and Recreation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816  
mwdonaldson@parks.ca.gov  
(916) 445-7019

### **Local Planning/Community Development Offices**

Kelly Diekmann, Senior Planner  
City of Fremont  
Community Development Department, Planning Division  
39550 Liberty Street  
P.O. Box 5006  
Fremont, CA 94538  
510-494-4527  
kdiekmann@fremont.gov

### **Alameda County Department of Environmental Health**

Ariu Levi  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

### **Local Libraries**

Fremont Main Library  
2400 Stevenson Boulevard  
Fremont, California 94538

Niles Library  
150 I Street  
Fremont, California 94538

## **APPENDIX B**

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### **Agency Consultation**

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DEPARTMENT OF VETERANS AFFAIRS  
Office of Construction & Facilities Management  
Washington DC 20420

JAN 28 2011

Mr. Ryan Olah  
Field Supervisor  
Sacramento Field Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846

VIA UPS

**Subject:** Proposed Veterans Administration Community Based Outpatient Clinic in Alameda County

Dear Mr. Olah:

The Department of Veterans Affairs (VA) is preparing an Environmental Assessment (EA) in conformance with requirements of the National Environmental Policy Act (NEPA) and Section 7 of the Endangered Species Act for their proposed Community Based Outpatient Clinic (CBOC) located in Alameda County, California. The VA proposes to build a new state-of-the-art CBOC to serve the approximately 10,000 veterans in the southern Alameda County area. We are sending you this scoping letter to inform you of the project and to request your concurrence with our determination of no significant adverse effect on listed species or critical habitat.

### Proposed Action

The VA proposes to build a new state-of-the-art CBOC in Alameda County. The CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary, specialty, and ancillary medical care services to veterans. These services would include primary care, mental health, medical/surgical sub-specialty clinics, audiology and speech pathology, eye clinic, basic blood laboratory, basic pharmacy, physical medicine and rehabilitation, prosthetics, and radiology (general X-ray). The CBOC would also include a small vending area for use by employees and visitors. The CBOC would not include emergency room, urgent care, or outpatient surgery services. An emergency generator to serve the CBOC would be located on site. Parking for up to 420 vehicles would be provided on site for employees and visitors. The CBOC would employ approximately 100 medical and administrative staff. On-site security services would be provided by VA Police.

Construction is tentatively anticipated to begin in 2013 and would take approximately two years. Operation of the CBOC would begin in late 2015 or early 2016.

### Site Locations

The VA has identified two alternative locations for the proposed new CBOC in Alameda County (see **Figures 1-1** and **1-2**, attached):

- Technology Court Site: located at 4100-4149 Technology Drive, Fremont
- South Grimmer Boulevard Site: located at the intersection of Grimmer Boulevard and Old Warm Springs Boulevard, Fremont

### Technology Court Site

The Technology Court site includes five parcels with the following Assessor's Parcel Numbers (APNs): 525-1250-022, -023, -024, -025, and -026. This site is an approximately 7.9-acre, previously disturbed, vacant lot

located at the southwest corner of the intersection of Auto Mall Parkway and Technology Drive in Fremont. The site is about one mile east of Interstate Highway 880 and about two miles west of Interstate Highway 680. High-tension electrical wires traverse the northern perimeter of the site, and two electrical towers are located within the parcel. A few mature trees line the southern boundary of the property, and an above-ground utility enclosure is located at the site's southeastern corner. To the north of the site, across Auto Mall Parkway, is a mobile home park. The site is surrounded on the east, south, and west by commercial and light industrial uses. (See **Figures 3.1-1** and **3.1-2**, attached.)

### **South Grimmer Boulevard Site**

The South Grimmer Boulevard site includes three parcels with the following APNs: 519-1310-005-04, -004-01, and -003-04. This site is an approximately 7.7-acre lot bounded by South Grimmer Boulevard to the south, Old Warm Springs Boulevard to the west, Tavis Place to the north, and a freight rail right-of-way to the east. A few mature trees are scattered on the property. The property has been previously disturbed, and currently includes an abandoned boarded up house and adjacent garage in the southwest corner of the lot. High-tension electrical wires traverse the eastern perimeter of the site, and one electrical tower is located within the site's boundaries. To the north of the site, across Tavis Place, is a shipping container storage facility. To the northwest, across Old Warm Springs Boulevard, is a bulk shipping rail and truck transfer station. To the south and west of the site are agricultural fields. The freight rail right-of-way to the east of the site will also accommodate the future Bay Area Rapid Transit (BART) commuter rail line extension. On the other side of the railroad tracks are light industrial uses. (See **Figures 3.1-3** and **3.1-4**, attached.)

### **Wildlife and Habitat Analysis**

ESA conducted a reconnaissance-level field survey of both site locations in late November 2010, to verify existing biological conditions and assess vegetation and wildlife habitats. Both sites are heavily disturbed and regularly disked to remove herbaceous vegetation and to upturn soil.

**Technology Court Site:** Vegetation is almost entirely ruderal/non-native grassland, and includes wild oats (*Avena spp.*), black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), perennial pepperweed (*Lepidium latifolium*), and young annual grasses present. Trees were only present on the margins of the project site and in adjacent properties, and included blue-gum eucalyptus, Monterey pine (*Pinus radiata*), coast redwood (*Sequoia sempervirens*), palm trees, and ornamental shrubs. Common urban wildlife species observed during the site visit included scrub jay (*Aphelocoma californica*), turkey vulture (*Cathartes aura*), rock dove (*Columba livia*), common raven (*Corvus corax*), gulls (*Larus spp.*), black phoebe (*Sayornis nigricans*), and European starling (*Sturnus vulgaris*). Several feral cats were also observed moving within the site. Nearby trees could provide nesting habitat for bird species as well as potential roosting habitat for bats.

**South Grimmer Boulevard Site:** Vegetation at the South Grimmer Boulevard site is almost entirely ruderal/non-native grassland, with scattered trees and shrubs. Bristly ox-tongue (*Picris echioides*) was the dominant herbaceous species, with young annual grasses also present. Trees growing at the project site have been planted as landscape trees, and include elm (*Ulmus spp.*), eucalyptus (*Eucalyptus globulus*), walnut (*Juglans sp.*), olive (*Olea europaea*), Italian stone pine (*Pinus pinea*), pepper tree (*Schinus sp.*), and several species of palms. Trees and shrubs grow sparsely along the margins of the site, with a total canopy cover of less than five percent. Common urban wildlife species that were observed during the site visit included turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), gulls (*Larus spp.*), mourning dove (*Zenaidura macroura*), and black-tailed jackrabbit (*Lepus californicus*). A feral cat was also observed hunting within the project site. Trees present could provide nesting habitat for many bird species. Adjoining properties south of the project site contain similar disturbed annual grassland habitats, and may have been previously developed.

The two proposed alternative site locations are within about one mile of each other and are very similar in terms of their current condition and surrounding uses. As is shown in **Figure 3.9-1**, there are no wetlands on the sites or in the immediate vicinity of the sites. **Table 1**, attached, lists all the special status species that could occur at the proposed sites and vicinity. **Figure 3.6-1** shows the locations of Special Status Species based on information from the California Natural Diversity Database (CNDDB). As shown in Table 1, there are no federally threatened or endangered species or critical habitat at the proposed sites.

California Special Status species that could potentially occur on the proposed sites include Cooper's hawk (*Accipiter cooperii*), white tailed kite (*Elanus leucurus*), pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), and Yuma myotis (*Myotis yumanensis*). Both the Cooper's hawk and white-tailed kite are birds of prey, present in a variety of habitats. Cooper's hawks are known to breed throughout California, and typically hunt for small birds and mammals in habitat edges and riparian woodlands. Nesting microhabitats include large crotches of deciduous trees. One adult Cooper's hawk was observed perching on several trees within the project site during the reconnaissance site visit. White-tailed kites occur in open grasslands, meadows, farmlands, and emergent wetlands, hunting small mammals while briefly hovering. Nesting trees are located near suitable foraging habitats, typically near the top of dense oak, willow, or other tree stands.

The pallid bat, hoary bat, and Yuma myotis could be present in trees at the proposed sites, or the two abandoned buildings on the proposed South Grimmer Boulevard site. The pallid bat is a California species of concern present in most low elevations in California. Preferred habitats for the pallid bat include rocky outcrops with crevices and access to open areas, but they can be found in a variety of other habitats as well, particularly during migratory periods in the spring and fall. Day roosts can be found in crevices, caves, mines, and occasionally buildings and hollow trees, while night roosts can be in more open areas such as open buildings or porches. Local CNDDB occurrences include eastern Fremont and adjacent habitats in hills of the Diablo Range. The hoary bat is a California species of concern and can be found at nearly any location in California. Maternity roosts of this species are typically found in woodlands with medium to large trees and dense foliage cover. Hoary bats can be found year-round in the San Francisco Bay Area. While not common behavior, hoary bats may roost or be present on buildings or in building attics. While no CNDDB occurrences are within 15 miles of the project area, potential habitat still are present on the proposed sites, although potential to occur is considered relatively low. Yuma myotis is a California species of special concern also found in a variety of habitats in California. Roosting habitat includes buildings, mines, caves, or crevices, as well as in abandoned swallow nests and under bridges.

Distribution of this species is closely tied to water bodies for foraging and drinking. Nearby CNDDDB records include an occurrence in Niles Canyon, about five miles from the South Grimmer Boulevard site.

While little potential habitat for special-status species is present at the proposed sites, trees and buildings could support special-status birds and bats. Direct impacts on nests of special-status bird species, or any other bird protected under the Migratory Bird Treaty Act (MBTA) or California Department of Fish and Game (CDFG) code, could result from removal of trees on either of the proposed sites. Trees on the proposed sites could also contain pallid bat, hoary bat, or Yuma myotis roosts as well, and the special-status bat roosts potentially present in two abandoned residential structures on the South Grimmer Boulevard site could also be directly affected by demolition in support of the proposed action. Construction noise from heavy equipment could indirectly affect nesting birds and roosting bats by causing nest abandonment, potentially resulting in unsuccessful breeding efforts or mortality of young.

Although the VA is not required to comply with local regulations, it will endeavor to do so whenever possible. Trees on the project site with a dbh (diameter at breast height) of six inches or greater are considered protected under the City of Fremont's Tree Preservation Ordinance (Ord. No. 2481, § 1, 7-23-02). If the VA would need to remove any trees with a dbh of six inches or greater, the VA would apply for the appropriate City of Fremont permits.

For any vegetation removal that must be performed in the bird nesting season (February 1 through August 31), the VA would retain a qualified biologist to survey the project area for special status species and verify the presence or absence of these species no more than 14 days prior to construction activities. If active nests are observed, buffer zones shall be established around trees/shrubs with nests, with a buffer size established by the qualified biologist through consultation with the appropriate regulatory agency (e.g., CDFG). Buffered zones shall be avoided during construction activities until young have fledged or the nest is otherwise abandoned.

To protect special status bat roosts and bats, the VA would consider implementing the following measures:

- Prior to construction or demolition activities within 250 feet of trees/structures with at least a moderate potential to support special-status bats, a qualified biologist shall survey for bats. If no evidence of bats (i.e., visual or acoustic detection, guano, staining, strong odors) is present, no further mitigation is required.
- If bats raising pups (also called a maternity colony) are identified within 250 feet of the project area during preconstruction surveys or project construction (typically April 15 through August 15), the project proponent will create a no-disturbance buffer acceptable in size to the CDFG around the bat roosts. Bat roosts initiated within 250 feet of the project area after construction has already begun are presumed to be unaffected by project-related disturbance, and no buffer would be necessary. However, the "take" of individuals (e.g., direct mortality of individuals, or destruction of roosts while bats are present) is prohibited.
- Trees or buildings with evidence of bat activity shall be removed during the time that is least likely to affect bats as determined by a qualified bat biologist (in general, roosts should not be removed if maternity bat roosts are present, typically April 15 – August 15, and roosts should not be removed if present bats are in torpor, typically when temperatures are less than 40 degrees Fahrenheit). Non-maternity bat roosts shall be

Mr. Ryan Olah  
January 28, 2011  
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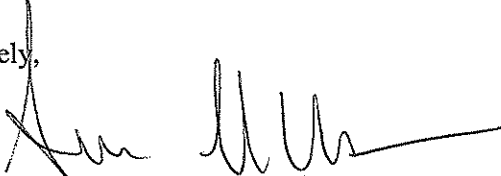
removed by a qualified biologist, by either making the roost unsuitable for bats by opening the roost area to allow airflow through the cavity, or excluding the bats using one-way doors, funnels, or flaps.

- All special-status bat roosts that are destroyed shall be replaced at a 1:1 ratio with a roost suitable for the displaced species. The roost shall be modified as necessary to provide a suitable roosting environment for the target bat species.

There would be no significant adverse effects to threatened and endangered species or critical habitat from the proposed action. Any potential impacts to California Special Status species would be reduced by the measures outlined above. We respectfully request your concurrence with our determination of no significant adverse effects to federally threatened and endangered species or critical habitat from the proposed action.

Please contact me at (202) 461-8269 or via email at [Amanda.wehner@va.gov](mailto:Amanda.wehner@va.gov) if you have any questions or require further information.

Sincerely,



Amanda Wehner, Realty Specialist  
Department of Veterans Affairs

Attachments:

Table 1	Special Status Species Considered
Figure 1-1	Site Location Map
Figure 1-2	Aerial Photograph
Figure 3.1-1	Site Photographs—Technology Court Site North-South
Figure 3.1-2	Site Photographs—Technology Court Site East-West
Figure 3.1-3	Site Photographs – Grimmer Boulevard Site North-South
Figure 3.1-4	Site Photographs – Grimmer Boulevard Site East-West
Figure 3.6-1	Special Status Species in the Vicinity of the Technology Court and South Grimmer Boulevard Sites
Figure 3.9-1	Wetlands in the Vicinity of the Technology Court and South Grimmer Boulevard Sites

**TABLE 1**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>FEDERAL OR STATE-LISTED SPECIES</b>				
<b>Invertebrates</b>				
Conservancy fairy shrimp <i>Branchinecta conservatio</i> FE/--	Inhabit pools in grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools that last until June.	No	No	Project sites outside of known range of species; no occurrences in Contra Costa, Alameda, or Santa Clara Counties.
vernal pool fairy shrimp <i>Branchinecta lynchi</i> FT/--	Endemic to grasslands of the Central Valley; inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	No	No	No undisturbed vernal pools are present in either project site. Local occurrences are in eastern Alameda and Contra Costa counties.
bay checkerspot butterfly <i>Euphydryas editha bayensis</i> FT/--	Restricted to native serpentine grasslands.	No	No	Regular and ongoing vegetation disturbance at both project sites precludes presence of host plants for this species.
vernal pool tadpole shrimp <i>Lepidurus packardii</i> FE/--	Pools are commonly found in grass-bottomed swales of unplowed grasslands; some pools are mud-bottomed and highly turbid.	No	No	No suitable vernal pool habitat is present at the South Grimmer Boulevard project site. One small depression is present at the Technology Court project site, but is regularly disturbed and not considered suitable vernal pool habitat for this species.
<b>Fish</b>				
green sturgeon, southern DPS <i>Acipenser medirostris</i> FT/CSC	Spends majority of life in ocean waters near shore, estuaries, and bays, spawns in fresh water rivers.	No	No	No waterways capable of supporting this species are within or adjacent to the project site.
delta smelt <i>Hypomesus transpacificus</i> FT/CE	Primarily found in open waters of the Sacramento-San Joaquin Delta. Seasonally in Suisun Bay, Carquinez Strait, and San Pablo Bay.	No	No	Neither project site is within the species' range.
steelhead – Central CA Coast DPS <i>Oncorhynchus mykiss</i> FT/--	Spawns and rears in coastal streams between the Russian River and Aptos Creek, as well as drainages tributary to San Francisco Bay, where gravelly substrate and shaded riparian habitat occurs.	No	No	No waterways capable of supporting this species are within or adjacent to the project site.
steelhead – Central Valley DPS <i>Oncorhynchus mykiss</i> FT/--	Gravelly substrate and shaded riparian habitat in Central Valley streams tributary to the Sacramento River.	No	No	Migrates through central San Francisco Bay; both project sites not within species' range.
chinook salmon – Central Valley spring run ESU <i>Oncorhynchus tshawytscha</i> FT/CT	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta	No	No	No waterways capable of supporting this species are within or adjacent to the project site.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>FEDERAL OR STATE-LISTED SPECIES (cont.)</b>				
<b>Fish (cont.)</b>				
chinook salmon – Sacramento River winter run ESU <i>Oncorhynchus tshawytscha</i> <b>FE/CT</b>	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta, require clean, cold water and gravel beds for spawning	No	No	No waterways capable of supporting this species are within or adjacent to the project site.
<b>Amphibians</b>				
California tiger salamander <i>Ambystoma californiense</i> <b>FT/CT</b>	Wintering sites occur in grasslands occupied by burrowing mammals; breed in ponds and vernal pools.	No	No	While breeding habitats and annual grassland dispersal habitats are present in the hills east of the project area, disking of soil, lack of nearby breeding ponds, and heavy development surrounding both project sites would prevent presence of this species.
California red-legged frog <i>Rana draytonii</i> <b>FT/CSC</b>	Breed in stock ponds, pools, and slow-moving streams with emergent vegetation for escape cover and egg attachment	No	No	Nearest occurrence is 1.5 miles southeast of the South Grimmer Boulevard site; lack of nearby creeks or ponds, as well as heavy development surrounding both sites, would prevent presence of this species.
<b>Reptiles</b>				
Alameda whipsnake <i>Masticophis lateralis</i> <i>euryxanthus</i> <b>FT/CT</b>	Inhabits open to partially open scrub communities, including coyote bush scrub and chamise chaparral on primarily south-facing slopes.	No	No	While both projects are within a quad- wide CNDDB occurrence for this species, any core habitats would be more than two miles east of the project site and heavy development and periodic disking of the site would prevent individuals from moving onto either site.
<b>Birds</b>				
western snowy plover <i>Charadrius alexandrinus</i> <i>nivosus</i> <b>FT/CSC</b>	Sandy coastal beaches, salt pans, coastal dredged spoils sites, dry salt ponds, salt pond levees, and gravel bars. Nests in sandy substrate and forages in sandy marine and estuarine bodies.	No	No	No nesting habitat present within the Technology Court or S. Grimmer Boulevard project sites.
black rail <i>Laterallus</i> <i>jamaicensis coturniculus</i> <b>--/CT</b>	Freshwater marshes, wet meadows, and shallow margins of saltwater marshes; needs dense wetland vegetation for nesting.	No	No	No nesting or foraging habitat present at either project site.
California brown pelican <i>Pelecanus occidentalis</i> <i>californicus</i>	Nests on protected islets near freshwater lakes.	No	No	No nesting or foraging habitat present at either project site.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>FEDERAL OR STATE-LISTED SPECIES (cont.)</b>				
<b>Birds (cont.)</b>				
California clapper rail <i>Rallus longirostris obsoletus</i> FE/CE	Salt-water and brackish marshes with tidal sloughs.	No	No	No nesting or foraging habitat present at either project site.
California least tern <i>Sterna antillarum</i> FE/CE	Feeds in relatively shallow, near-shore waters, coastal freshwater ponds, channels, and lakes occupied by small fish. Colonial nesters on sand, gravel, or shell beaches where visibility is good.	No	No	No nesting or foraging habitat present at either project site.
bank swallow <i>Riparia riparia</i> --/CT	Vertical banks/cliffs with sandy soils near water bodies for nesting. Nests primarily in riparian and lowland habitats.	No	No	No nesting or foraging habitat present at either project site.
<b>Mammals</b>				
Salt marsh harvest mouse <i>Reithrodontomys raviventris</i> FE/SE, CFP	Salt marsh habitat dominated by pickleweed.	No	No	No pickleweed/saline emergent wetland in the vicinity of either project site.
San Joaquin kit fox <i>Vulpes macrotis mutica</i> FE/CT	Annual grasslands or grassy open stages with scattered shrubby vegetation; need suitable prey base and loose, sandy soils for dens.	No	No	Suitable undisturbed habitat not present at either project site. Fremont is generally considered outside this species' range.
<b>Plants</b>				
robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i> FE/--/1B.1	Cismontane woodland, coastal dunes, or coastal scrub; sandy terraces and bluffs or in loose sand.	No	No	No habitat for this species is present at either project site.
Contra Costa goldfields <i>Lasthenia conjugens</i> FE/--/1B.1	Cismontane woodlands, playas, valley and foothill grasslands, mesic vernal pools.	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
California sea blite <i>Suaeda californica</i> FE/--/1B.1	Coastal salt marshes.	No	No	No habitat for this species is present at either project site.
<b>OTHER SPECIAL-STATUS SPECIES</b>				
<b>Invertebrates</b>				
monarch butterfly <i>Danaus plexippus</i> --/*	Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress) with nectar and water sources nearby.	No	No	No habitat present at either project site. Nearest occurrence in Coyote Hills Regional Park, more than five miles northwest of both project sites.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>OTHER SPECIAL-STATUS SPECIES (cont.)</b>				
<b>Invertebrates (cont.)</b>				
California brackishwater snail <i>Tryonia imitator</i> --J*	Found in permanently submerged areas in coastal lagoons, estuaries, and salt marshes.	No	No	No Habitat for this species is present at either project site.
<b>Fish</b>				
Chinook salmon Central Valley ESU—fall/late fall run <i>Oncorhynchus tshawytscha</i> --JCSC	Spawning and rearing restricted to Sacramento River basin, migrate through San Francisco Bay and Sacramento-San Joaquin Delta, require clean, cold water and gravel beds for spawning	No	No	No waterways capable of supporting this species are within or adjacent to the project site.
<b>Reptiles</b>				
western pond turtle <i>Emys</i> <i>marmorata</i> --JCSC	Ponds, marshes, rivers, streams, and irrigation ditches. Need basking sites and suitable upland habitat for egg laying.	No	No	Aquatic habitat not present at either project site.
<b>Birds</b>				
Cooper's hawk <i>Accipiter</i> <i>cooperii</i> --J--*	Present in marginal, open woodlands; nest sites most often located in riparian deciduous trees and live oaks	Yes	Yes	One Cooper's hawk was observed perching on several trees at the South Grimmer Boulevard project site. Potential nesting and foraging habitat exists at both project sites.
tricolored blackbird <i>Agelaius tricolor</i> --JCSC	Nests colonially in freshwater marshes with large stands of cattails ( <i>Typha</i> spp.).	Foraging only	No	No nesting habitat present within the Technology Court or S. Grimmer Boulevard project sites.
golden eagle <i>Aquila</i> <i>chrysaetos</i> --ICFP	Nests in large trees in open areas or cliff-walled canyons; forages in rolling foothills, mountain areas, sage-juniper flats, and desert habitats.	No	No	No nesting habitat present within the Technology Court or S. Grimmer Boulevard project sites.
burrowing owl <i>Athene cunicularia</i> --JCSC	Present in open annual grasslands with abundance of small mammal burrows for nesting.	No	No	Despite burrowing owl occurrences directly adjacent to the project sites, periodic soil disking on both sites prevents establishment of small mammal burrows for owls to colonize. Feral cats, potential predators for owls, were observed on both sites. Surveys of the S. Grimmer Boulevard site in 2000 and 2003 (LSA, 2003) did not find ground squirrel burrows or any signs of burrowing owls.
great egret <i>Ardea alba</i> --J*	Colonial nester in large trees near marshes and large water bodies; forages in marshes and grasslands.	Foraging only	No	No nesting habitat present within either project site.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>OTHER SPECIAL-STATUS SPECIES (cont.)</b>				
<b>Birds (cont.)</b>				
great blue heron <i>Ardea herodias</i> --I*	Nest colonially in groves of trees. Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes.	Foraging only	No	No nesting habitat present within either project site.
northern harrier <i>Circus cyaneus</i> --/CSC	Mostly nests in emergent vegetation, wet meadows or near rivers and lakes, but may nest in grasslands away from water.	Foraging only	No	Suitable ground nesting habitat not present at either project site due to regular disking of soil.
white-tailed kite <i>Elanus leucurus</i> --/CFP	Dense-topped trees for nesting and perching; open grasslands, meadows, or marshes for foraging.	Yes	Yes	Trees and open vegetated areas on both project sites provide marginal nesting and foraging habitat.
snowy egret <i>Egretta thula</i> --I*	Nest on the ground in dense marsh areas or in large trees 1.5-3 meters from the ground.	Foraging only	No	No nesting habitat present within either project site.
Saltmarsh common yellowthroat <i>Geothlypis trichas sinuosa</i> --/CSC	Emergent wetlands.	No	No	While this species can focus activity in upland areas, habitats in the project sites are more than one mile from salt marshes of San Francisco Bay.
Alameda song sparrow <i>Melospiza melodia pusillula</i> --/CSC	Salt marshes of central San Francisco Bay.	No	No	No salt marsh habitats adjacent to either project site.
Black-crowned night heron <i>Nycticorax nycticorax</i> --I*	Nest colonially in groves of trees. Rookery sites located near marshes, tide-flats, irrigated pastures, and margins of rivers and lakes	No	No	No nesting habitat present within either project site.
Double-crested cormorant <i>Phalacrocorax auritus</i> --I*	Colonial nester on coastal cliffs, islands, and large trees near water bodies.	No	No	No nesting habitat present within either project site.
<b>Mammals</b>				
Pallid bat <i>Antrozous pallidus</i> --/CSC	Day roosts in caves, crevices, mines, and hollow trees and buildings. Night roosts can occur in more open areas, like porches and open buildings.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the S. Grimmer Boulevard project site, as well as in trees adjacent to the Technology Court project site. Nearest CNDDB occurrence is approximately 4.5 miles east of the project site.
Hoary bat <i>Lasiurus cinereus</i> --I*	Typically roosts in large trees hidden from above with ground cover below. Also known to roost in buildings.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the S. Grimmer Boulevard project site, as well as in trees adjacent to the Technology Court project site. Nearest CNDDB occurrence is more than 15 miles east of the project site.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>OTHER SPECIAL-STATUS SPECIES (cont.)</b>				
<b>Mammals (cont.)</b>				
Yuma myotis <i>Myotis yumanensis</i> --/*	Open forests and woodlands with sources of water; maternity colonies in caves, mines, buildings, or crevices.	Yes	Yes	Potential roosting habitat for this species is present in small buildings and trees present at the S. Grimmer Boulevard project site, as well as in trees adjacent to the Technology Court project site. Nearest CNDDDB occurrence is approximately seven miles north of the project site, near Niles Canyon.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i> --JCSC	Forest habitats of moderate canopy and moderate to dense understory. Requires abundant nesting materials, such as grass, leaves, and sticks.	No	No	Only scattered trees - not woodlands - are present at either project site.
Salt marsh wandering shrew <i>Sorex vagrans halicoetes</i> --JCSC	In <i>Salicornia</i> marshes, often in band of marsh daily inundated by tides, or at slightly higher elevations with driftwood or other debris for cover.	No	No	No pickleweed habitats or saline emergent wetland present adjacent to either project site.
<b>Plants</b>				
Anderson's manzanita <i>Arctostaphylos andersonii</i> --/--/1B.2	Broadleaved upland forest, chaparral, north coast coniferous forest.	No	No	Habitat not present at either project site.
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i> --/--/1B.2	Playas, valley foothill grasslands, vernal pools/alkaline habitats	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
brittlescale <i>Atriplex depressa</i> --/--/1B.2	Chenopod scrub, meadows and seeps, playas, valley and foothill grassland, and alkaline/clay vernal pools.	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
San Joaquin spearscale <i>Atriplex joaquinana</i> --/--/1B.2	Meadows and seeps, playas, valley and foothill grassland/alkaline habitats	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
chaparral harebell <i>Campanula exigua</i> --/--/1B.2	Rocky chaparral, usually on serpentine soils.	No	No	Habitat not present at either project site
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i> --/--/1B.2	Alkaline valley and foothill grasslands.	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
Point Reyes bird's-beak <i>Cordylanthus maritimus</i> ssp. <i>palustris</i> --/--/1B.2	Coastal salt marshes and swamps.	No	No	Habitat not present at either project site.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

Common Name, Scientific Name, and Listing Status (USFWS/CDFG/CNPS)	Habitat Requirements	Habitat Present	Effect	Pertinent Information
<b>OTHER SPECIAL-STATUS SPECIES (cont.)</b>				
<b>Plants (cont.)</b>				
Hoover's button celery <i>Eryngium aristulatum</i> var. <i>hooveri</i> --/--/1B.1	Alkaline depressions, vernal pools, and roadside ditches near the coast.	No	No	Habitat not present at either project site.
Arcuate bush-mallow <i>Malacothamnus arcuatus</i> --/--/1B.2	Chaparral, cismontane woodland.	No	No	Habitat not present at either project site.
Hall's bush mallow <i>Malacothamnus hallii</i> --/--/1B.2	Chaparral; some populations on serpentine soils.	No	No	Habitat not present at either project site.
San Antonio Hills monardella <i>Monardella</i> <i>antonina</i> ssp. <i>antonina</i> --/--/List 3	Chaparral, cismontane woodland.	No	No	Habitat not present at either project site.
Robust monardella <i>Monardella villosa</i> ssp. <i>globosa</i> --/--/1B.2	Broadleaved upland coniferous forests, chaparral, cismontane woodland, coastal scrub, valley and foothill grassland.	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
prostrate vernal pool navarretia <i>Navarretia</i> <i>prostrata</i> --/--/1B.2	Coastal scrub, valley and foothill grassland, vernal pools.	No	No	Habitat not present at either project site.
hairless popcorn-flower <i>Plagiobothrys glaber</i> --/--/1A	Coastal salt marshes and swamps.	No	No	Species considered extinct; CNDDDB occurrences in area likely extirpated.
Oregon polemonium <i>Polemonium carneum</i> --/--/2.2	Coastal prairie, coastal scrub, lower montane coniferous forest.	No	No	Vegetation and soils at both project sites are heavily disturbed from regular soil disking and urban nature of surrounding areas.
most beautiful jewel-flower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i> --/--/1B.2	Chaparral, valley and foothill grassland, cismontane woodland; on ridges, slopes, and serpentine outcrops.	No	No	Habitat not present at either project site.
slender-leaved pondweed <i>Stuckenia filiformis</i> --/--/2.2	In marshes and swamps.	No	No	Habitat not present at either project site.

FEDERAL: (U.S. Fish and Wildlife Service)

FE = Listed as Endangered (in danger of extinction) by the Federal Government

FT = Listed as Threatened (likely to become Endangered within the foreseeable future) by the Federal Government.

FSC = Former Federal Species of Concern. The USFWS no longer lists Species of Concern but recommends that species considered to be at potential risk by a number of organizations and agencies be addressed during project environmental review. NMFS, however, still lists Species of Concern.

**TABLE 1 (Continued)**  
**SPECIAL-STATUS SPECIES CONSIDERED FOR THE**  
**PROPOSED ALAMEDA COUNTY VA OUTPATIENT CLINIC SITES**

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STATE: (California Department of Fish and Game)

CE = Listed as Endangered by the State of California

CT = Listed as Threatened by the State of California

CR = Listed as Rare by the State of California (plants only)

CSC = California Species of Special Concern

\* = CDFG Special animal—listed on CDFG's Special Animals List.

California Native Plant Society

List 1A=Plants presumed extinct in California

List 1B=Plants rare, Threatened, or Endangered in California and elsewhere

List 2= Plants rare, Threatened, or Endangered in California but more common elsewhere

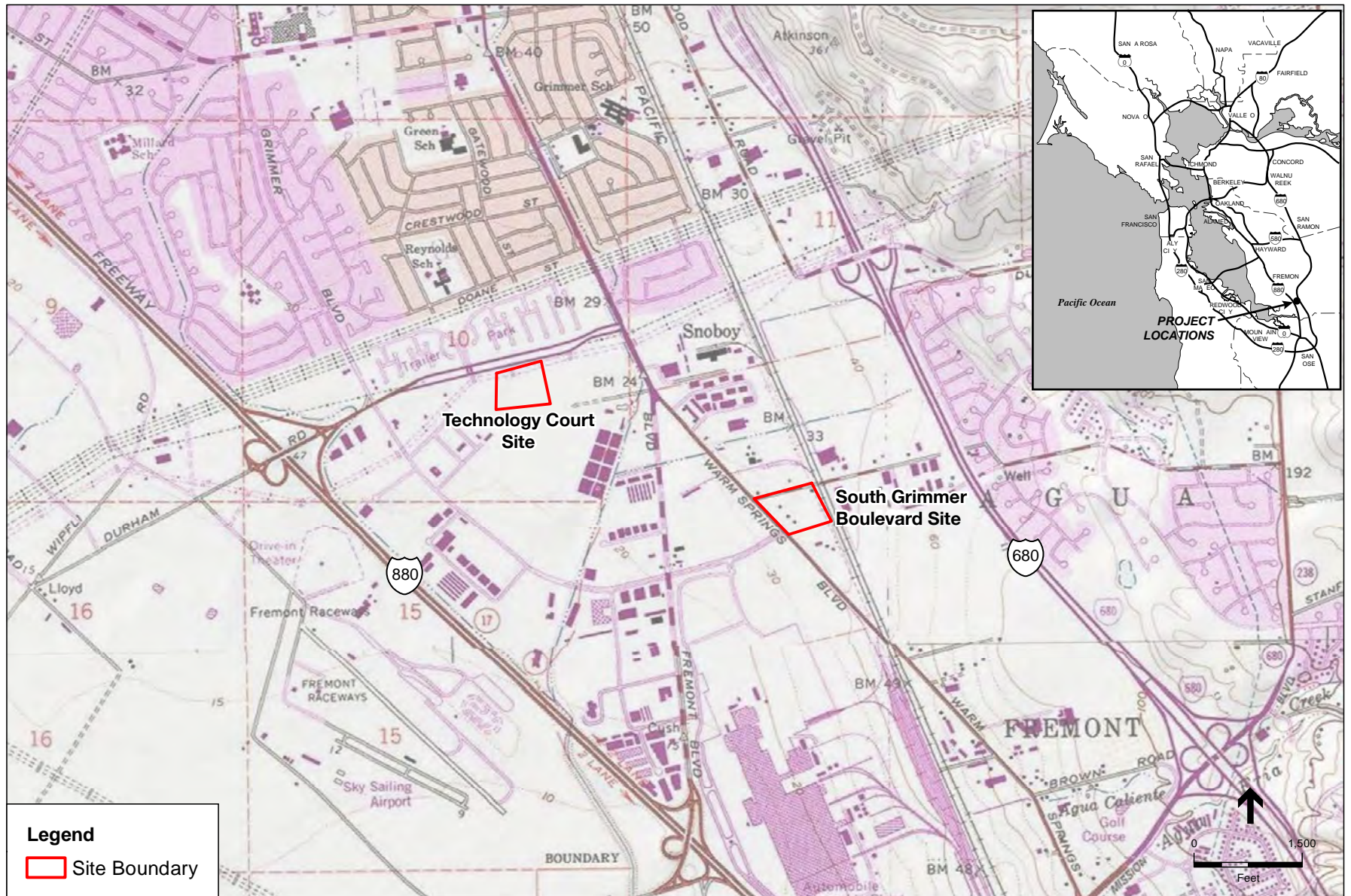
List 3= Plants about which more information is needed

An extension reflecting the level of threat to each species is appended to each rarity category as follows:

.1 – Seriously endangered in California

.2 – Fairly endangered in California

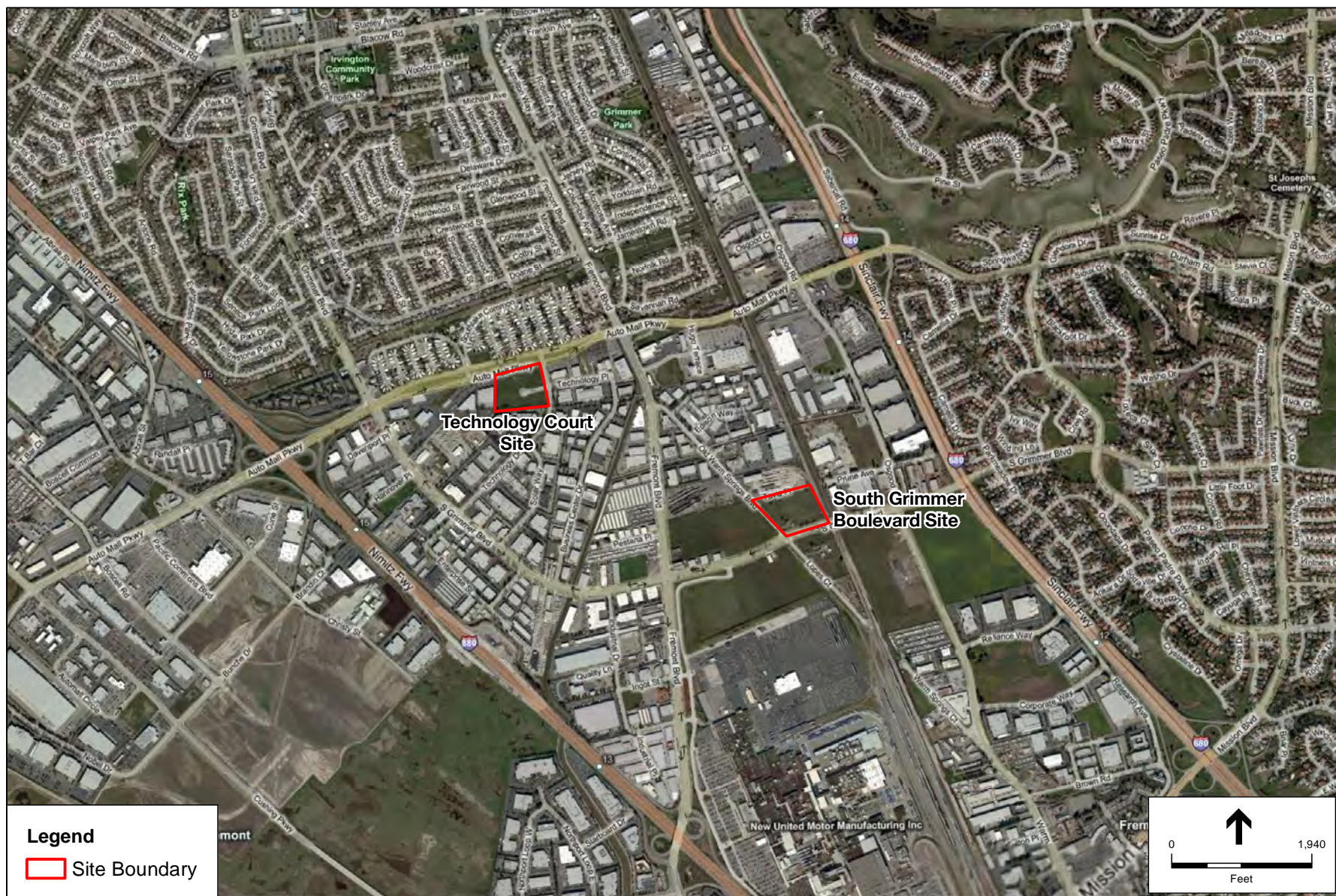
.3 – Not very endangered in California



SOURCE: ESRI, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 1-1**  
Site Location Map



SOURCE: ESRI, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 1-2**  
Aerial Photograph



(a) Technology Court Site Looking North



(b) Technology Court Site Looking South

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-1**  
Site Photographs - Technology Court Site North-South



(c) Technology Court Site Looking East



(d) Technology Court Site Looking West

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-2**

Site Photographs - Technology Court Site East-West



(e) South Grimmer Boulevard Site Looking North



(f) South Grimmer Boulevard Site Looking South

SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

### Figure 3.1-3

Site Photographs - South Grimmer Boulevard Site North-South



(g) South Grimmer Boulevard Site Looking East



(h) South Grimmer Boulevard Site Looking West

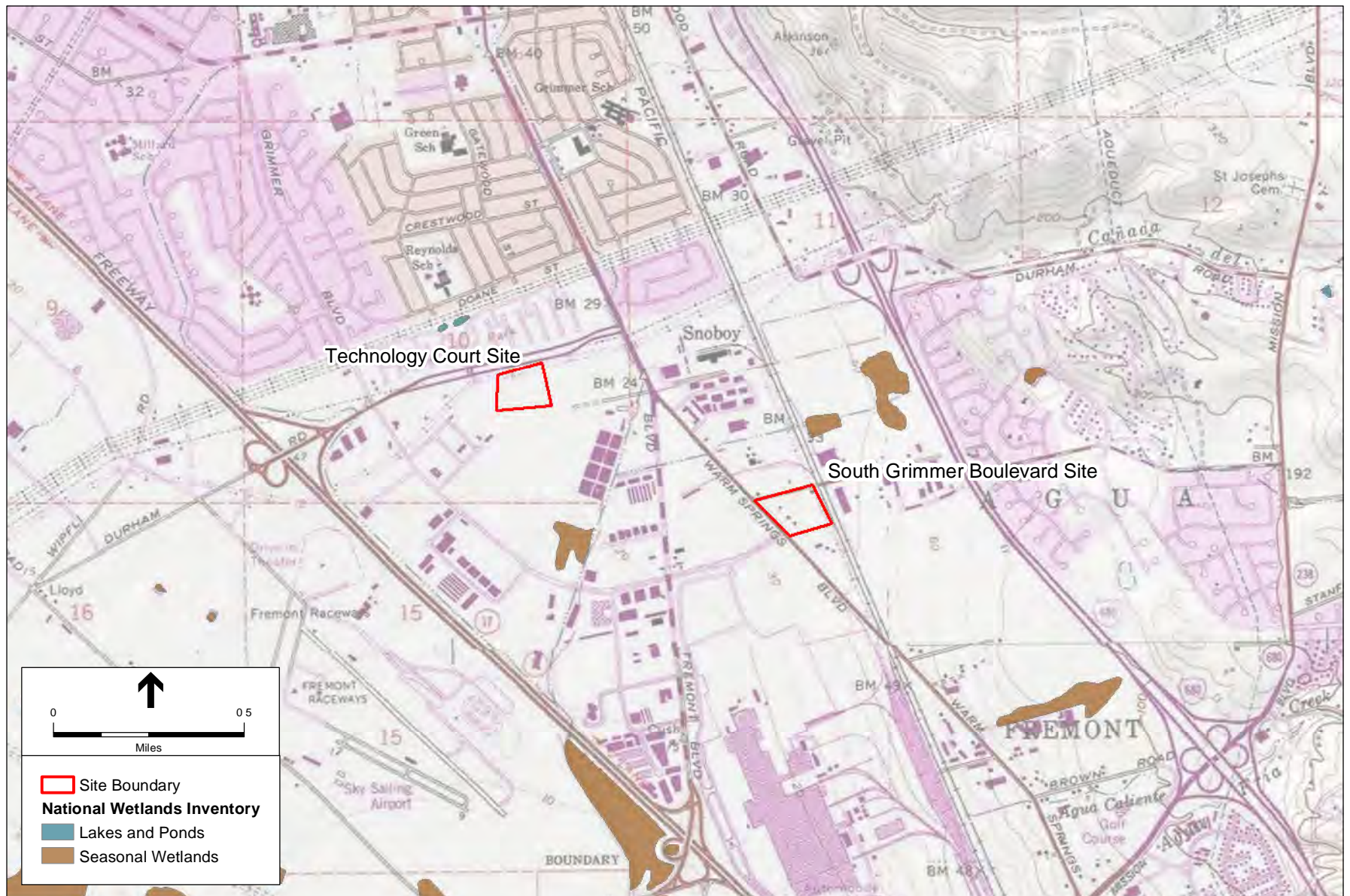
SOURCE: ESA, 2010

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.1-4**

Site Photographs - South Grimmer Boulevard Site East-West





SOURCE: ESRI, 2010; USFWS, 2008

VA Outpatient Clinic, Alameda County, CA . 210586

**Figure 3.9-1**  
Wetlands in the Vicinity of the Technology Court  
and South Grimmer Boulevard Sites



**DEPARTMENT OF VETERANS AFFAIRS**  
**Office of Construction & Facilities Management**  
**Washington DC 20420**

February 2, 2011

Mr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks and Recreation  
Office of Historic Preservation  
1416 9th Street, Room 1442-7  
Sacramento, California 95814

Attention: Edward Carroll

**Subject:** Request for Concurrence; APE Delineation and Determination of No Adverse Effects for the Proposed Department of Veterans Affairs Community Based Outpatient Clinic and Community Living Center in Alameda and San Joaquin Counties, California.

Dear Mr. Carroll:

In accordance with Section 106 of the National Historic Preservation Act, as amended, and implementing guidelines 36 CFR 800.4 through 36 CFR 800.6, we are initiating consultation with your office and requesting concurrence with the recommended Area of Potential Effects (APEs) delineations as well as the preliminary determination of no adverse effects for the proposed Department of Veterans Affairs (VA) Community Based Outpatient Clinic (CBOC) and Community Living Center (CLC) in Alameda and San Joaquin Counties, California. The proposed action is considered a federal undertaking under CFR 800.16(y). As such, the proposed action is under federal jurisdiction, and the VA is the lead federal agency under NEPA and Section 106.

Provided below is a description of the proposed action and locations, the recommended APEs, Native American consultation efforts completed to date, the efforts to identify historic resources, preliminary assessment of effects, and proposed measures to minimize potential effects.

Environmental Science Associates (ESA) was retained by the VA to complete cultural resources technical assessments in support of an Environmental Assessment (EA) under NEPA and Section 106 of the NRHP for the proposed CBOC/CLC projects (see Attachments 1- 3).

## **Proposed Action**

The VA proposes to build two new state-of-the art facilities; one in Alameda County and one in San Joaquin County. The VA has identified two alternative locations within each county for a total of four proposed action sites. A description of the proposed action and their locations within each county is provided below.

### **Alameda County**

The VA proposes to build a new state-of-the art CBOC in Alameda County to serve the approximately 10,000 veterans in the southern Alameda County area. The CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary, specialty, and ancillary medical care services to veterans. These services would include primary care, mental health, medical/surgical sub-specialty clinics, audiology and speech pathology, eye clinic, basic blood laboratory, basic pharmacy, physical medicine and rehabilitation, prosthetics,

and radiology (general X-ray). Parking for up to 420 vehicles would be provided on site for employees and visitors.

The VA has identified two alternative locations for the proposed new CBOC in Alameda County. Each of these is described in detail, below:

### **Technology Court Site (4100-4149 Technology Drive, Fremont)**

The Technology Court site includes five parcels, approximately 7.9 acres in size, located at the southwest corner of the intersection of Auto Mall Parkway and Technology Drive in Fremont. The site has been previously disturbed by agricultural uses, and is currently vacant. High-tension electrical wires traverse the northern perimeter of the site, and two electrical towers are located within the parcel. A few mature trees line the southern boundary of the property, and an above-ground utility enclosure is located at the site's southeastern corner. To the north of the site, across Auto Mall Parkway, is a mobile home park. The site is surrounded on the east, south, and west by commercial and light industrial uses. (See **Figures 1 and 2** in the attached cultural resources assessment for the Alameda County sites).

### **South Grimmer Boulevard Site (Intersection of Grimmer Boulevard and Old Warm Springs Boulevard, Fremont)**

The South Grimmer Boulevard site includes three parcels, approximately 7.7 acres in size, bounded by South Grimmer Boulevard to the south, Old Warm Springs Boulevard to the west, Tavis Place to the north, and a freight rail right-of-way to the east. The property has been previously disturbed by agricultural uses, and contains one modern-period house and adjacent garage (built 1983) in the southwest corner of the lot. High-tension electrical wires traverse the eastern perimeter of the site, and one electrical tower is located within the site's boundaries. To the north of the site, across Tavis Place, is a shipping container storage facility. To the northwest, across Old Warm Springs Boulevard, is a bulk shipping rail and truck transfer station. To the south and west of the site are agricultural fields. The freight rail right-of-way to the east of the site will also accommodate the future Bay Area Rapid Transit (BART) commuter rail line extension. On the other side of the railroad tracks are light industrial uses (See **Figures 1 and 2** in the attached cultural resources assessment for the Alameda County sites).

## **San Joaquin County**

The VA proposes to build a new state-of-the art CBOC and CLC in San Joaquin County to serve the approximately 30,000 veterans in the San Joaquin County area. The CBOC would be a roughly 150,000 square-foot, three-story facility, and the CLC would be a single-story 164,000 square-foot building. The CBOC would provide primary, specialty, and ancillary medical care services to veterans. These services would include primary care, mental health, medical/surgical sub-specialty clinics, audiology and speech pathology, dental, eye clinic, basic blood laboratory, pharmacy, physical medicine and rehabilitation, prosthetics, and radiology (general X-ray). While the CLC would include some medical examination rooms, it is anticipated that most medical services would be provided at the CBOC. The CLC would serve patients requiring both short and long-term stays and would include dining facilities for patients and guests. An emergency generator to serve both facilities would be located on site. Parking for up to 753 vehicles would be provided on site for employees and visitors. The CBOC and CLC would employ approximately 350 people—150 staff in the CBOC and 200 staff in the CLC.

The VA has identified two alternative locations for the proposed CBOC and CLC in San Joaquin County, described below:

### **University Park Site**

The site for the proposed CBOC is an approximately 20.4-acre portion of the larger 103-acre University Park in Stockton. The site is adjacent to buildings for the California State University Stanislaus Stockton Center, and is owned by the State of California. University Park was the former site of the Stockton Developmental Center and Insane Asylum of California which was established in 1853. The property has been previously disturbed with urban development. The northern portion of the property is currently vacant and previously contained two structures (built in 1948 and 1973) that were demolished in 2003. The southern portion is currently occupied by the one-story Weber Square Building (built 1955), the two-story Bertha Knowles Auditorium (built 1950), and the one-story Central Kitchens Building (built 1968). The Weber Square Building is occupied by child care and developmental center uses, and the Central Kitchens Building is occupied by an Asian food production facility. These three buildings would be demolished to allow for construction of the CBOC and CLC. Mature trees, landscaping, roads, and parking lots are scattered around the University Park site. To the north, the site is bounded by East Harding Way, across which are the San Joaquin Cemetery as well as light industrial and single-family detached residential uses. The site is bordered on the east by the former Stockton Pacific Rail Yard and tracks. California State University Stanislaus Stockton Center buildings are adjacent to the site on the west. Some of these buildings are contributors to the Stockton Developmental Center Historic District, which was recommended eligible for listing in the NRHP as a result of a survey and evaluation in 2000. (See **Figures 1 and 2** in the attached cultural resources assessment for the University Park Site).

### **Arnaiz Site**

The Arnaiz site includes four parcels on a vacant site approximately 58.5 acres in size. The property consists of tilled agricultural land. The site is bordered on the north by single-family homes as well as livestock shelters, such as barns, and grazing land. Directly east of the site is South Mantney Road, across which is Interstate 5. The modern-period San Joaquin General Hospital and Children's Center and agricultural land are south of the site. The modern-period San Joaquin Sheriff's Department and County Jail are located to the southwest, as is an approximately 300,000 square-foot wooded area. Directly west is vacant agricultural land. (See **Figures 1 and 2** in the attached cultural resources assessment for the Arnaiz Site).

## **Area of Potential Effects (APE)**

The horizontal APEs for all four proposed sites are recommended to be contiguous with the proposed site boundaries. For the Technology Court and South Grimmer Boulevard sites, the APEs are shown in **Figures 3 and 4** in the attached cultural resources assessment for the Alameda County sites. For the University Park and Arnaiz sites, the APEs are shown in **Figure 4** in the cultural assessments for the San Joaquin County sites. The APEs are recommended to be contiguous with the proposed site boundaries because there is no potential for the proposed undertakings to affect off-site or nearby cultural resources. The areas surrounding the majority of these sites are undeveloped or contain modern-period development, with one exception. Historic-period development is located to the west of the University Park site, including buildings and structures previously recommended eligible for listing in the NRHP as contributors to the Stockton Developmental Center Historic District. However, these structures were excluded from the APE due to the roadways, landscaping, and parking lots which separate the historic structures from the proposed site, and the relatively far distance between them (up to 250 feet away). The

vertical APE for all sites is recommended to extend to a maximum depth of 10 feet below ground surface (bgs) to accommodate the installation of utilities and building foundations.

## **Native American Consultation**

The Native American Heritage Commission (NAHC) was contacted by ESA on November 24th and 25th, 2010 with two requests (one per county) to search their Sacred Lands File (SLF) and to provide a list of Native American individuals and groups that should be contacted concerning the proposed action. The NAHC's December 16, 2010 response for the Alameda County sites stated that a search of the SLF failed to indicate the presence of Native American cultural resources in the area, but cautioned that the absence of specific site information in the SLF does not indicate the absence of cultural resources in the project area. A list of Native American contacts was included with the NAHC's response. To date, no response has been received from the NAHC regarding the SLF request for the San Joaquin County sites. Scoping letters for the project EA have been mailed to all listed contacts provided by the NAHC on the Alameda County sites, and formal consultation under Section 106 of the NHPA is being conducted for all sites directly by VA. Please see attachments 1-3 for a full description of all Native American consultation efforts.

## **Identification of Historic Properties**

To determine the presence or absence of potential cultural resources within the APEs, records searches and pedestrian surveys of the APEs were conducted by ESA in November and December, 2010 (see Attachments 1-3). For the Alameda County sites, the records search was conducted by the staff of the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University, Rohnert Park, California on December 14, 2010 (IC #10-0513). For the San Joaquin County sites, the records search was conducted by the staff of the Central California Information Center (CCIC) at California State University, Stanislaus on November 30, 2010 (IC #7835L). No previously recorded cultural resources were identified within any of the APEs as a result of the records searches.

At the University Park APE, the three extant buildings (Weber Square building, Bertha Knowles Auditorium, and Central Kitchen) were identified as non-contributors to the NRHP-eligible Stockton Developmental Center Historic District in a cultural resources survey completed by Architectural Resources Group (ARG) in 2000 (ARG, 2000). Five contributing buildings to the District were identified as being within the vicinity of the University Park APE. These are Building 003, the Alan Short Center (1914); Building 015, the Curved Needle Building (1929); Building 020, the Foster Grandparents Building (1931); Building 045, the Religious Center (1916); and Building 053, the Volunteer Center (1931). Three other NRHP-listed or eligible properties were identified within ½ mile from the University Park APE and within downtown Stockton.

A report provided by the City of Stockton (Pacific Legacy 2007) recorded human remains in a field immediately south of, and adjacent to, the University Park APE. The remains were recovered, DNA tested, and reburied in a plot within the Stockton Rural Cemetery. The remains were determined not to be Native American, and are likely associated with the asylum. Based on associated artifacts, the human remains dated to the latter half of the nineteenth century.

Intensive archaeological pedestrian surveys of each APE were conducted by ESA archaeologists on November 29 and 30, 2010. Where ground visibility permitted, these systematic surveys included multiple parallel survey transects spaced 15—20 meters apart to identify any archaeological or historic-period era artifacts or features

which may be evident on the surface. Surface visibility was good in most places. No significant cultural materials were identified within any of the APEs as a result of the pedestrian surveys.

## **Reevaluation of Built Structures on the University Park APE**

The Weber Square complex and the Bertha Knowles Auditorium in the University Park APE were surveyed and evaluated at an intensive level by ARG in 2000. The Central Kitchen building was not evaluated at that time because it was constructed in 1968 and was less than 50 years old at the time of the survey (ARG, 2000). As the evaluations to the Weber Square complex and the Bertha Knowles Auditorium are now more than 10 years old, an ESA architectural historian reevaluated them in January 2011 as an update to the original survey and evaluation. The purpose of the reevaluation was to identify any physical changes which may have occurred to these buildings since they were originally evaluated, and to identify any new information which would alter their status as non-contributors to the District and as properties ineligible for listing in the NRHP. The survey and reevaluation found that the Weber Square complex and the Bertha Knowles Auditorium were physically unchanged since their original evaluation, and additional research did not reveal any new information that would change their current historical status. As such, ESA confirmed that the Weber Square building and the Bertha Knowles Auditorium would remain as non-contributors to the District and would be ineligible for listing in the NRHP. The Central Kitchen was recorded on a DPR Primary Record form by ESA, but was not evaluated for its potential historical significance because it remains less than 50 years old as of 2011. Because the Central Kitchen was constructed well outside of the identified period of significance for the District (1853-1946) and is less than 50 years old as of 2011, it would likely be a non-contributor to the District and is also recommended ineligible for listing in the NRHP. The DPR forms for all three buildings are provided in Appendix C of the University Park cultural resources assessment (attachment 2). Please see Attachments 1-3 for a full description of all efforts to identify historic properties.

## **Assessment of Effects**

It is recommended that the proposed action would have no adverse effects to historic properties. Neither the archival search nor the field surveys resulted in the identification of prehistoric or historic-era archaeological resources, or historic architectural resources within any of the APEs. Provided below is a summary of the findings of the cultural resources assessments, in terms of effects to historic architectural properties, and to archaeological resources including human remains.

## **Effects to Historic Architectural Properties**

The house and garage located on the South Grimmer Boulevard Site APE in Alameda County were built in 1983, and are less than 50 years old, and there is nothing to suggest they would be exceptionally significant. Therefore, they would do not qualify as historic properties under NRHP criteria. Demolition of these structures would have no effect on historic architectural properties. No standing structures were found on the Technology Court or Arnaiz APEs. As such, the proposed action would have no effect to historic architectural properties on these APEs.

With regard to effects to historic architectural resources on the University Park APE, the three extant buildings in that APE have been confirmed as non-contributors to the Stockton Developmental Center Historic District

through a survey update, and would remain ineligible for listing in the NRHP. As such, their demolition would have no effect on historic architectural resources in the University Park APE.

The proposed action could have an indirect effect to the historic setting of the five buildings in the vicinity of the University Park APE which contribute to the NRHP-eligible Stockton Developmental Center Historic District. However, due to the relatively far distance between these historic structures and the APE (up to 250 feet away), the intervening roadways and parking lots, and existing mature trees and landscaping which would partially obscure the new facilities from these historical resources, no indirect adverse effect to the historical setting of the Stockton Developmental Center Historic District is anticipated (see Figure 4 in attachment 2). While portions of the upper stories of the CLC may be visible from the closest District contributor (Building 053, Volunteer Center), there would remain a sufficient buffer between the proposed facilities and the historic structures within the District that no adverse effects to the setting of the District is anticipated. As such, the District would remain eligible for listing in the NRHP after completion of the proposed undertaking at the University Park site.

## **Effects to Archaeological Resources and Human Remains**

The cultural resources assessments noted that buried archaeological resources, at all four of the APEs, do not always manifest themselves on the surface, as much of the archaeological record for both regions has likely been buried beneath alluvial deposits by erosion and depositional processes typical of these areas. Consequently, archaeological materials can be revealed unexpectedly during earth-moving activities. Therefore, the possibility exists for the discovery of such resources whether the proposed action would occur at any of the four APEs. Potential features or artifacts indicative of prehistoric or ethnohistoric occupation could include, but are not limited to: hearths or scatters of fire-affected rock, midden soils or shell deposits, lithic reduction flakes and cores, projectile points or other flaked-stone tools, and bedrock or portable milling stations and handstones. Unreported historic-period archaeological materials could also be encountered, especially buried features such as privies, root cellars, or trash dumps. Damage or destruction of a potentially NRHP-eligible cultural resource would be an adverse effect. Measures to minimize this potentially adverse effect are described below.

Although portions of the University Park APE have suffered severe ground disturbance related to the construction and demolition of buildings in the recent past, the APE was within the original grounds of the Insane Asylum of the State of California established in 1853. Maps indicate a structure stood within the APE as early as 1895. Subsequent to 1913, however, the portion of the asylum within the APE appears to have been largely open space with its use largely unknown until the 1940s. Having occupied the site for over 150 years, it is possible that subsurface archaeological resources could be present in portions of the APE not previously subject to deep construction disturbances or could be encountered in pockets in and around previously-disturbed areas. Archaeological resources most likely to be encountered are trash scatters and debris deposits from the asylum period when trash was likely disposed of somewhere on the property. Such deposits could retain sufficient data potential and integrity to better inform our understanding of the workings of such hospital facilities that became so ubiquitous throughout California in the late 19th and early 20th century. As such, the University Park APE is considered to be more archaeologically sensitive than the other APEs, and construction monitoring is recommended at this site only. See discussion below.

## **Measures to Minimize Potential Effects**

The following measures are recommended to reduce the potential effects of accidental discovery to archaeological resources and/or human remains. Measures 1 applies to the University Park Site only, Measures 2 applies to all alternative sites except for the University Park Site, and Measure 3 applies to all alternative sites.

**Mitigation Measure 1. Monitoring by a qualified archaeologist during ground disturbing activities (University Park Site only).** Prior to issuance of a grading permit, a qualified archaeologist meeting the Secretary of Interior qualification standards shall be retained to develop an Archaeological Resources Monitoring and Discovery Plan (Plan) that addresses areas within the University Park APE that may be sensitive for buried archaeological resources and where monitoring of ground disturbing activities should occur. The Plan should also address procedures to stop work, assess, and treat any resources of potential significance that may be encountered.

An archaeological monitor shall conduct monitoring of all areas determined appropriate in the Plan. The locations, duration, and rate of monitoring may be modified at the discretion of the qualified archaeologist based on observations made by the monitor as construction progresses. In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that it can be evaluated. If the archaeologist determines that a resource may be significant, the VA shall be notified and will participate in the development of an appropriate treatment plan for the resource. The VA shall consult with the Native American representatives identified by the NAHC in determining appropriate treatment for unearthed cultural resources if the materials are Native American in origin.

In considering any suggested measures proposed by the archaeologist in order to reduce effects to cultural resources, the VA will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed on other parts of the proposed site while treatment plans for cultural resources are being developed and implemented.

**Mitigation Measure 2. Cease Work if Prehistoric, Historic, or Subsurface Cultural Resources are Discovered During Ground-Disturbing Activities (All Sites Except University Park).** If cultural resources are encountered during ground-disturbing activities, all activity within 200 feet of the find shall cease until it can be evaluated by a qualified archaeologist and a Native American representative. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

**Mitigation Measure 3. Cease Work if Human Remains are Identified During Ground-Disturbing Activities (All Sites).** If human remains are uncovered during ground-disturbing activities, work in the vicinity of the find will immediately cease. An appropriate VA Project representative will contact the County coroner to evaluate the remains. If the County coroner determines that the remains are Native American, the VA representative will contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). The NAHC will assign a Most Likely Descendant (MLD). Per Public Resources Code 5097.98, the VA (as landowner) shall ensure that the

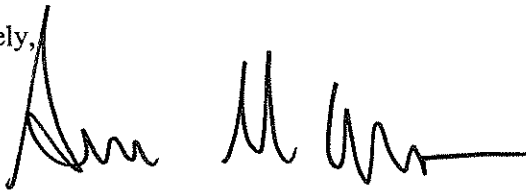
immediate vicinity of the find is not damaged or disturbed by further development activities until the landowner has discussed and conferred with the MLD regarding their recommendations, taking into account the possibility of multiple human remains

## Continued Consultation

We request concurrence with the recommended APE delineations and the preliminary finding of no adverse effects to historic properties. In accordance with 36 CFR 800.5(c)(1), we would appreciate receiving any comments in response to this letter within thirty (30) days. If you need more time please let us know.

If there are any questions or other matters to discuss, please contact Amanda Wehner, Realty Specialist, Department of Veterans Affairs at 202-461-8269 or email at [amanda.wehner@va.gov](mailto:amanda.wehner@va.gov). We look forward to continued consultation with your office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda Wehner', followed by a horizontal line.

Amanda Wehner, Realty Specialist  
Department of Veterans Affairs

### Attachments:

1. ESA, *Phase I Cultural Resources Assessment of Two Locations - VA Outpatient Clinics Project, Alameda County, California*, February, 2011.
2. ESA, *Phase I Cultural Resources Assessment for University Park – VA Outpatient Clinic Project, San Joaquin County, California*, February, 2011.
3. ESA, *Phase I Cultural Resources Assessment for Arnaiz Court – VA Outpatient Clinic Project, San Joaquin County, California*, February, 2011.



DEPARTMENT OF VETERANS AFFAIRS  
Office of Construction & Facilities Management  
Washington DC 20420

February 9, 2011

Mr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks and Recreation  
Office of Historic Preservation  
1416 9th Street, Room 1442-7  
Sacramento, California 95814

Attention: Edward Carroll

Subject: **Supplement to** Request for Concurrence; APE Delineation and Determination of No Adverse Effects for the Proposed Department of Veterans Affairs Community Based Outpatient Clinic and Community Living Center in Alameda and San Joaquin Counties, California.

Dear Mr. Carroll:

Attached for your reference are errata sheets regarding VA's submission of information regarding the planned procurement of land in Alameda and San Joaquin County, CA.

Please accept these as part of VA's request for your concurrence on the recommended Area of Potential Effects (APEs) delineations, as well as the preliminary determination of no adverse effects.

Feel free to contact me with any questions or concerns at (202) 461-8269 or [Amanda.Weohner@va.gov](mailto:Amanda.Weohner@va.gov).

Amanda M. Wehner  
Realty Specialist

Attachments:

1. ESA, Errata page 18 (University Park Cultural Assessment), February 2011.
2. ESA, Errata page 15 (Arnaiz Site Cultural Assessment), February 2011.
3. ESA, Errata pages for Appendix C (University Park Cultural Assessment), February 2011.
4. ESA, Errata pages for Appendix A (Arnaiz Site Cultural Assessment), February 2011.

information that would change their current historical status. As such, ESA confirmed that the Weber Square buildings and the Bertha Knowles Auditorium would remain as non-contributors to the District and would be ineligible for listing in the NRHP. The Central Kitchen building was not evaluated for its potential historical significance as described above, but because it was constructed well outside of the identified period of significance (1853-1946) and is less than 50 years old as of 2011, it would likely be a non-contributor to the District and would be ineligible for listing in the NRHP. The DPR surveys forms for all three buildings are provided in Appendix B.

## Native American Consultation

The Native American Heritage Commission (NAHC) was contacted on November 25, 2010 to request a database search of their Sacred Lands File (SLF) and to provide a list of Native American individuals and groups that should be contacted concerning the Project (see Appendix C). The NAHC's February 3, 2011 response stated that a search of the SLF failed to indicate the presence of Native American cultural resources in the area. A list of Native American contacts was included with the NAHC's response. Scoping letters for the project EA have been mailed to all listed contacts, and formal consultation under Section 106 of the NHPA is being conducted directly by VA.

## Significance Criteria

According to the Section 106 Regulations (36 CFR Part 800.5), an adverse effect "is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative." Adverse effects on historic properties include, but are not limited to:

- i. Physical destruction of or damage to all or part of the property;
- ii. Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary of the interior's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
- iii. Removal of the property from its historic location;
- iv. Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- v. Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

Prior to conducting the survey, historic quadrangle maps (USGS Stockton 7.5-minute 1913; USGS Stockton 15-minute 1952) as well as 1993 and 2003 aerial photographs (Google Earth image) were reviewed to identify past and present land uses within the APE. The historic quadrangle maps indicated the presence of a building and associated access road within the western portion of the APE in 1952. The aerial photographs from 1993 fail to reveal the presence of these features. The existing 58.5-acre APE has been utilized as an agricultural field and was recently plowed. No evidence of the building or road was observed by the surveyor.

Surface visibility throughout the majority of the parcel was near 100 percent as the field had been recently plowed. There were several small discrete areas that were not plowed and visibility was slightly reduced by low-lying grass, but remained above 50 percent. No newly discovered archaeological resources were encountered during the systematic survey of the Arnaiz; however, approximately six historic-period artifacts were encountered scattered across the field. These artifacts were comprised of five small whiteware fragments and one cobalt glass fragment. These artifacts are likely the related occupants of the building depicted on the historic quadrangle maps. While all the artifacts were spaced a minimum of 50 meter apart, they were located in the general vicinity of the former building. The fragments had likely been scattered about the field by multiple plowing events and their original provenience is therefore unknown.

## Native American Consultation

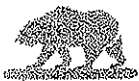
The Native American Heritage Commission (NAHC) was contacted on November 25, 2010 to request a database search of their Sacred Lands File (SLF) and to provide a list of Native American individuals and groups that should be contacted concerning the Project (see Appendix A). The NAHC's February 3, 2011 response stated that a search of the SLF failed to indicate the presence of Native American cultural resources in the area. A list of Native American contacts was included with the NAHC's response. Scoping letters for the project EA have been mailed to all listed contacts, and formal consultation under Section 106 of the NHPA is being conducted directly by VA.

## Significance Criteria

According to the Section 106 Regulations (36 CFR Part 800.5), an adverse effect "is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative."

Adverse effects on historic properties include, but are not limited to:

- i. Physical destruction of or damage to all or part of the property;



# Additional Information



## Sacred Lands File & Native American Contacts List Request

### NATIVE AMERICAN HERITAGE COMMISSION

915 Capitol Mall, RM 364  
Sacramento, CA 95814  
(916) 653-4082  
(916) 657-5390 – Fax  
nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Project: VA Outpatient Clinics - San Joaquin County  
County: San Joaquin  
USGS Quadrangle  
Name: Stockton West (both parcels)  
Township: 1N Range: 6E Section(s): unsectioned (both parcels)  
Company/Firm/Agency: ESA  
Contact Person: Jennifer Bowden  
Street Address: 225 Bush St., Suite 1700  
City: San Francisco, CA Zip: 94104  
Phone: (415) 896-5900  
Fax: (415) 896-0332  
Email: jbowden@esassoc.com

#### Project Description:

Environmental assessments of 2 parcels for development of Veteran's Administration outpatient clinics & community living center. Subject to NEPA & Sec. 106 - field survey will be conducted.



STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390  
Web Site www.nahc.ca.gov



February 3, 2011

Jennifer Bowden  
225 bush St., suite 1700  
San Francisco, CA 94104

Sent by Fax: 415-896-0332  
Number of Pages: 2

Re: Proposed VA Outpatient Clinics, San Joaquin County

Dear Ms. Bowden:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

*Debbie Pitas-Treadway*  
Debbie Pitas-Treadway  
Environmental Specialist III

**Native American Contacts**

San Joaquin County

February 2, 2011

Katherine Erolinda Perez  
PO Box 717  
Linden, CA 95236  
canutes@verizon.net  
(209) 887-3415

Ohlone/Costanoan  
Northern Valley Yokuts  
Bay Miwok

California Valley Miwok Tribe  
Debra Grimes, Cultural Preservation Specialist  
PO Box 1015  
West Point, CA 95255  
dgrimes@californiavalleymiwoktribe-nan.gov  
209-293-4135  
209-770-4137 - cell

Randy Yonemura  
4305 - 39th Avenue  
Sacramento, CA 95824  
honortraditions@mail.com  
(916) 421-1600

Ione Band of Miwok Indians  
Chairperson  
PO Box 699  
Plymouth, CA 95669  
culturalheritage@ionemiwok.  
(209) 274-6753  
(209) 274-6636 Fax

Briana Creekmore  
PO Box 84  
Wilseyville, CA 95257  
209-298-7158

Miwok

Ione Band of Miwok Indians Cultural Committee  
Ms Billie Blue, Chairperson  
604 Pringle Ave, #42  
Galt, CA 95632  
bebluesky@softcom.net  
(209) 745-7112

Miwok

Buena Vista Rancheria  
Rhonda Morningstar Pope, Chairperson  
PO Box 162283  
Sacramento, CA 95816  
rhonda@buenavistatribe.com  
916 491-0011  
916 491-0012 - fax

Me-Wuk / Miwok

Wilton Rancheria  
Mary Daniels-Tarango, Chairperson  
7916 Farnell Way  
Sacramento, CA 95823  
wiltonrancheria@frontier.com  
(916) 427-2909 Home

Miwok

California Valley Miwok Tribe  
Silvia Burley  
10601 N Escondido PL  
Stockton, CA 95212  
s.burley@californiavalleymiwoktribe-nan.gov  
209-931-4567  
209-931-4333

Miwok

Wilton Rancheria  
Leland Daniels, Cultural Resources Rep  
7531 Maple Leaf Lane  
Sacramento, CA 95828  
(916) 689-7330

Miwok

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed VA Outpatient Clinics, San Joaquin County



# Additional Information



## Sacred Lands File & Native American Contacts List Request

### NATIVE AMERICAN HERITAGE COMMISSION

915 Capitol Mall, RM 364  
Sacramento, CA 95814  
(916) 653-4082  
(916) 657-5390 – Fax  
nahc@pacbell.net

Information Below is Required for a Sacred Lands File Search

Project: VA Outpatient Clinics - San Joaquin County  
County: San Joaquin

USGS Quadrangle

Name: Stockton West (both parcels)

Township: 1N Range: 6E Section(s): unsectioned (both parcels)

Company/Firm/Agency: ESA

Contact Person: Jennifer Bowden

Street Address: 225 Bush St., Suite 1700

City: San Francisco, CA Zip: 94104

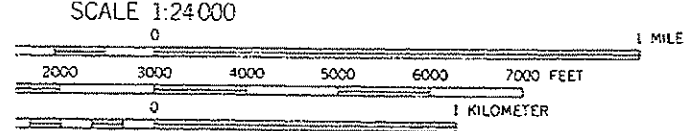
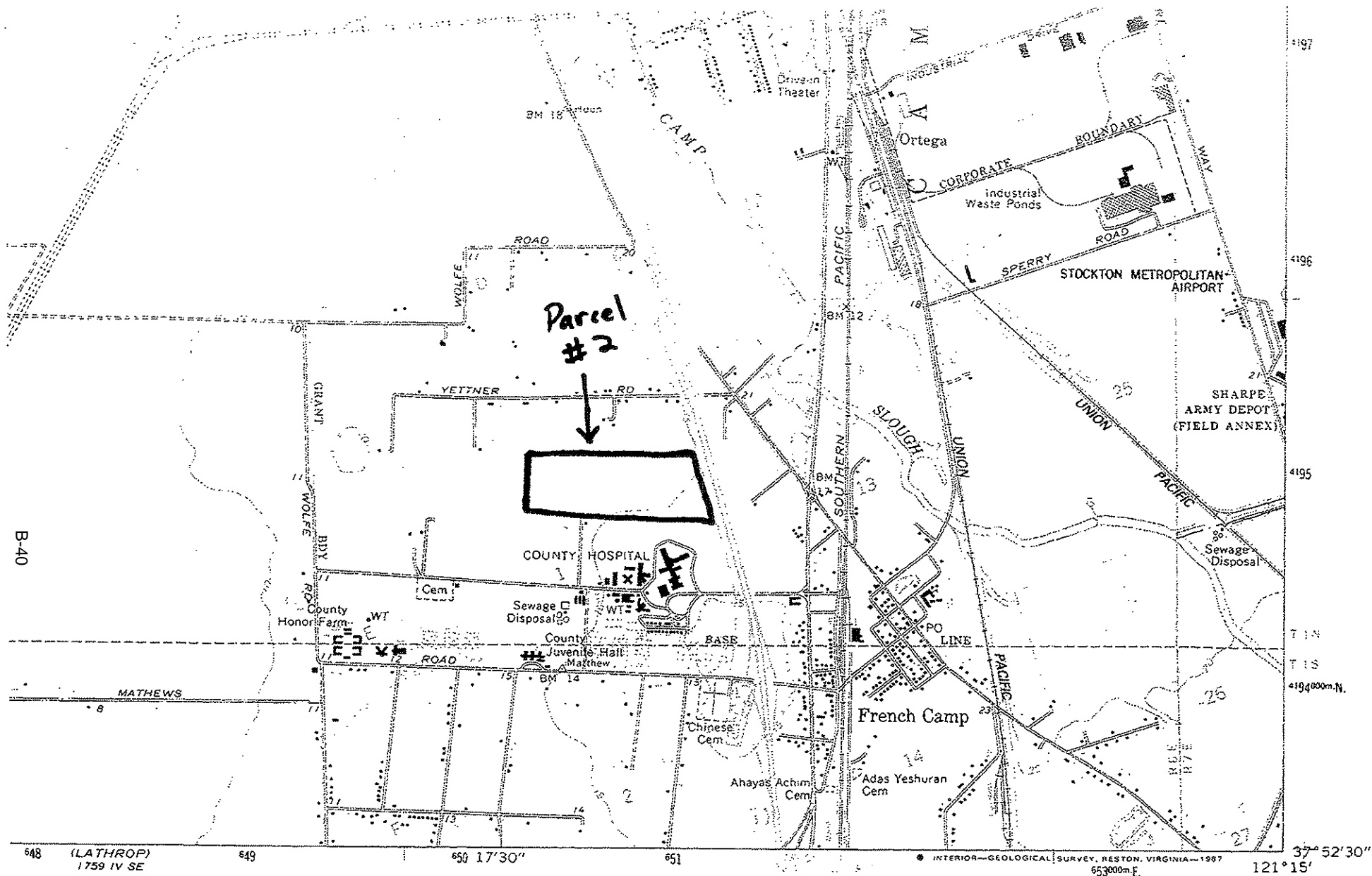
Phone: (415) 896-5900

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Email: jbowden@esassoc.com

Project Description:

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CONTOUR INTERVAL 5 FEET  
 GEOIDETIC VERTICAL DATUM OF 1929  
 FEET—DATUM IS MEAN LOWER LOW WATER  
 DIFFERENCE BETWEEN THE TWO DATUMS IS VARIABLE



ROAD CLASSIFICATION

Primary highway, all weather, hard surface	Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface	Unimproved road, fair or dry weather
Interstate Route	U. S. Route
	State Route

STOCKTON WEST, CALIF.

STATE OF CALIFORNIA

Edmund G. Brown Jr., Governor

## NATIVE AMERICAN HERITAGE COMMISSION

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February 3, 2011

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Sent by Fax: 415-896-0332  
Number of Pages: 2

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*Debbie Pitas-Treadway*  
Debbie Pitas-Treadway  
Environmental Specialist III

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San Joaquin County

February 2, 2011

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Miwok

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**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
SACRAMENTO, CA 95816-7100  
(916) 445-7000 Fax: (916) 445-7053  
calshpo@parks.ca.gov  
www.ohp.parks.ca.gov



March 17, 2011

Reply in Reference To: VA110204B

Amanda Wehner, Realty Specialist  
Department of Veterans Affairs  
Real Property Service (00CFM3C)  
810 Vermont Ave  
Washington DC 20420

Re: Section 106 Consultation for Construction of Veterans Affairs Community Based  
Outpatient Clinic, Fremont, Alameda County

Dear Ms. Wehner:

Thank you for initiating consultation regarding the Department of Veterans Affairs (VA) efforts to comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation found at 36 CFR Part 800.

You have identified the undertaking as the construction of 420 parking spaces and a two story, 84,000 square foot community based outpatient clinic in Alameda County. At this time, the VA has yet to choose between two potential sites for this project. Both project locations, Technology Court (4100-4149 Technology Drive, Fremont, CA) and South Grimmer Boulevard (at intersection with Old Warm Springs Boulevard, Fremont, CA) are approximately eight acre sites and have been evaluated in the following document:

- *Phase 1 Cultural Resources Assessment for Two Alameda County Alternatives- Veterans Affairs Outpatient Clinic Project, Alameda County, California* (Bowden and Koenig: February 2011)

Ground disturbance for utility installation is not expected to exceed ten feet below grade. The results of records search and pedestrian survey did not identify cultural resources within either of the two proposed project areas. The VA is requesting my concurrence with their Area of Potential Effect (APE) delineation and that this project, in either location, will not adversely affect historic resources. After reviewing the submitted documentation, including evidence of tribal notification, I have the following comments:

- 1) I concur that the APE has been properly determined and documented pursuant to 36 CFR Parts 800.4 (a)(1) and 800.16(d).
- 2) The VA has determined that this project will not adversely affect historic resources, however as no cultural resources have been identified within the project areas, I suggest that a finding of No Historic Properties Affected pursuant

to 36 CFR Part 800.4 (d)(1) is appropriate and that the documentation supporting this finding had been provided pursuant to 36 CFR Part 800.11(d).

- 3) Please be advised that under certain circumstances, such as an unanticipated discovery or a change in project description, you may have future responsibilities for this undertaking under 36 CFR Part 800.

Thank you for seeking my comments and considering historic properties as part of your project planning. If you have any questions or concerns, please contact Ed Carroll of my staff at (916) 445-7006 or at email at [ecarroll@parks.ca.gov](mailto:ecarroll@parks.ca.gov).

Sincerely,

*Susan H. Stratton for*

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In Reply Refer To:  
81420-2011-1-0303

APR 22 2011

Ms. Amanda Wehner  
Department of Veterans Affairs  
Real Property Service (00CFM3C)  
810 Vermont Avenue  
Washington DC 20420

**Subject:** Response to Request for Formal Section 7 Consultation Concerning the Proposed Veterans Administration Community Based Outpatient Clinic in Alameda County, Fremont, California

Dear Ms. Wehner:

This letter acknowledges the U. S. Fish and Wildlife Service (Service) February 02, 2011 receipt of your January 28, 2011, letter requesting initiation of formal section 7 consultation under the Endangered Species Act of 1973 (as amended). This consultation concerns your request for concurrence with the Department of Veterans Affairs (VA) determination that the proposed VA Administration Community Based Outpatient Clinic in Alameda County (Project) will not have a significant adverse effect on the federally threatened and endangered species or critical habitat.

Based on information currently available to the Service, the California tiger salamander (*Ambystoma californiense*), vernal pool tadpole shrimp (*Lepidurus packardii*), and Contra Costa goldfields (*Lasthenia conjugens*) all occur within one mile of the proposed Project. Additionally, the California red-legged frog (*Rana draytonii*) is known to occur within 1.2 miles of the proposed Project. While the two potential Project location alternatives are reported to be within highly disturbed habitat, this does not preclude the presence of listed species nor does it change the requirements for Service analysis of project impacts.

The Service has not received all of the information necessary to initiate formal consultation on the Project as outlined in the regulations governing interagency consultations (50 CFR §402.14). To complete the initiation package we will require the following information:


1. A description of any listed species or critical habitat that may be affected by the action [50 CFR §402.14(c)(3)].
2. A description of the manner in which the action may affect any listed species or critical habitat and analysis of any cumulative effects [50 CFR §402.14(c)(4)].

3. Relevant reports, including any environmental impact statement, environmental assessment, or biological assessment prepared [50 CFR §402.14(c)(5)]. Specifically for this proposed Project, the Service requests the results of: (1) a wetland delineation, (2) a botanical survey for listed plant species, (3) a habitat assessment for California tiger salamander, California red-legged frog, Contra Costa goldfields, and (4) possibly vernal pool species (depending on the results of a wetland delineation).

The formal consultation process for the Project will not begin until we receive all of the information, or a statement explaining why that information cannot be made available. Guidance for the preparation of a Biological Assessment, which would address the aforementioned information request, is available at the following internet address:  
[http://www.fws.gov/midwest/endangered/section7/ba\\_guide.html](http://www.fws.gov/midwest/endangered/section7/ba_guide.html)

If you have any questions regarding our response on the proposed Veterans Administration Community Based Outpatient Clinic in Alameda County, please contact Dan Cordova or Ryan Olah at the letterhead address, telephone (916) 414-6600, or electronic mail at [Dan\\_Cordova@fws.gov](mailto:Dan_Cordova@fws.gov) and [Ryan\\_Olah@fws.gov](mailto:Ryan_Olah@fws.gov).

Sincerely,



for Eric Tattersall  
Deputy Assistant Field Supervisor



**DEPARTMENT OF VETERANS AFFAIRS**  
**Office of Construction & Facilities Management**  
**Washington DC 20420**

Mr. Eric Tattersall  
Deputy Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2603  
Sacramento, CA 95825-1846

**Attention:** Mr. Ryan Olah  
Mr. Dan Cordova

**Subject:** USFWS Reference: 81420-2011-1-0303  
VA Community Based Outpatient Clinic, Alameda County

Dear Mr. Tattersall:

This letter is in response to your April 22, 2011 letter regarding Section 7 consultation for the Veterans Administration (VA) Community Based Outpatient Clinic (CBOC) project in Alameda County, California, and the follow-up telephone conference call on May 24, 2011 with Ryan Olah and Dan Cordova of your office. The USFWS requested that the following additional information be provided to support the VA's finding that there is no habitat for any listed species within or in the vicinity of the alternative sites for the proposed project.

Based on the following information, VA respectfully requests your concurrence by June 17, 2011, in order to complete VA's obligations under the National Environmental Policy Act (NEPA), and allow VA to proceed with our site selection process.

## **Detailed Site Setting**

### ***South Grimmer Boulevard Site***

The South Grimmer Boulevard Site is covered entirely by ruderal and non-native grassland habitat. Bristly ox-tongue (*Picris echinoides*) covered a large portion of this site, and most other areas had thatch and young annual grass sprouts, as almost all of the site had been fairly recently disked at the time of the site visit in November 2010. Historically, the property owner has regularly disked the site to prevent ground squirrel and burrowing owl presence, as noted in a burrowing owl survey conducted in 2003 (LSA, 2003). No California ground squirrel (*Spermophilus beecheyi*) burrows were observed during the site visit, and while the 2003 survey did find scattered burrows, recent diskings may have removed any burrows previously present. Topography of the site is flat, and no open water or signs of pooling (such as algal mats, mineral deposits, and sometimes bare soils) were observed. Representative photos of the South Grimmer Boulevard site taken during a site visit in November 2010 are included in Attachment A.

### **Technology Court Site**

The Technology Court Site is also dominated by ruderal and non-native grassland habitats, but with less thatch and greater vegetation coverage than at the South Grimmer Boulevard Site. Soils in the area have been previously disked. Wild oats (*Avena barbata*) and young annual grasses, as well as weedy species such as black mustard (*Brassica nigra*), fennel (*Foeniculum vulgare*), and perennial pepperweed (*Lepidium latifolium*), dominate ground cover within the site. Several species of mature landscape trees and shrubs are present on the perimeter of the site. California ground squirrel burrows were not observed on the site, but recent pocket gopher (*Thomomys* spp.) activity was observed in disturbed areas adjacent to paved streets and curbs. Representative photos of the Technology Court site taken during a site visit in November 2010 are included in Attachment A.

A depression containing standing water and wetland vegetation is present in the northwest corner of the Technology Court site, directly adjacent to a parking lot west of the site boundary. This depression is no larger than 100 square feet in area, and contained less than three inches of standing water during the site visit in late November 2010; cattail (*Typha* spp.) and bulrush (*Schoenoplectus* sp.) were present, but half of vegetated area of the depression had been mowed and was less than two inches tall. Soils at the location of the depression are described as Marvin silt-loam, saline-alkali (NRCS, 2010). While the hydroperiod of this vegetated depression is unknown, it may be influenced by runoff from adjacent paved surfaces, such as the parking lot directly west of the site and Auto Mall Parkway to the north. Representative photos of the depression taken during a site visit in November 2010 are included in Attachment A.

### **Detailed Species Assessments**

An official Endangered Species List from USFWS documents 20 federally listed species in the direct vicinity of the alternative sites (USFWS, 2010). Listed species with specific habitat requirements clearly absent from the alternative sites (i.e. open water, salt marsh or sandy beach habitat) were eliminated from consideration in this detailed assessment. Figure B-1 in Attachment B shows all California Natural Diversity Database records of four federally listed species addressed in this assessment: California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), Contra Costa goldfields (*Lasthenia conjugens*), and vernal pool tadpole shrimp (*Lepidurus packardii*). CNDDB occurrences within three miles of both alternative sites were mapped, and one- and three-mile buffers around both alternative sites are shown. Detailed information associated with these occurrences is presented in Table B-1. Brief descriptions of each species considered in this assessment are included below, along with a detailed explanation of why they were excluded from consideration when assessing impacts from proposed project.

## **Amphibians**

### **California Red-Legged Frog**

The California red-legged frog is a federally-threatened amphibian species that is widely distributed across a variety of habitats in California. California red-legged frog populations are typically associated with deep pools or lakes with overhanging woody vegetation such as willows, and an intermixed fringe of cattails (*Typha latifolia*) (Jennings, 1988; USFWS, 2002). California red-legged frogs frequently breed in ephemeral creeks and drainages and in ponds that may or may not have riparian vegetation. During summer and fall months this species may disperse upstream and downstream of breeding sites to forage and seek sheltering habitat. Such shelter may include all aquatic, riparian, and upland areas within the range of the species and any landscape features that provide cover, such as small mammal burrows, rocks piles, organic debris (e.g., downed trees or logs), leaf litter, or industrial debris. Generally, California red-legged frogs can move to upland sites 1.6 kilometers (approximately one mile) away from aquatic breeding habitats based on telemetry data (USFWS, 2002).

**Significant barriers prevent migration of California red-legged frog to and from the alternative sites.** Studies have shown that roads with significant traffic present significant barriers to migrating amphibians (USFWS, 2002). These roads, as well as human developments that remove habitat and isolate populations, can prevent frogs from dispersing to upland habitat during summer months or from moving between aquatic habitats. Both alternative sites are surrounded by surface streets, and larger roads that would be very difficult for frogs to cross include: Auto Mall Parkway north of the Technology Court site and South Grimmer Boulevard south of the South Grimmer Boulevard site. From a regional context, both alternative sites are between Highway 680 to the east and Highway 880 to the west, which are considered impassable barriers for terrestrial frog movement. The nearest California red-legged frog occurrence is located more than one mile southeast of the alternative sites on Agua Caliente Creek; Highway 680, other major thoroughfares, and other urban development would impede frogs moving from Agua Caliente Creek and other higher-quality habitats toward the alternative sites.

**Breeding or upland habitat is not present within either alternative site.** A vegetated depression with standing water at the Technology Court site is the only freshwater aquatic habitat present at either alternative site, but is not considered potential breeding habitat for California red-legged frog. Typical breeding adult frogs are associated with water greater than two feet deep, and even shallower areas where tadpoles congregate are 10-20 inches deep (USFWS, 2002). At the time of the site visit, standing water in the depression was only three inches deep and with the depression full would not likely be deeper. While the hydroperiod of the depression is unknown, wetland-obligate plant species were not present more than a few feet from the edge of standing water at the time of the site visit, which suggests that standing water in the depression does not expand for a significant duration during the rainy season. Additionally, silt-loam soils would drain relatively quickly even if the pool becomes larger or deeper after rain events.

Upland habitat is regularly disturbed by soil disking, which destroys small mammal burrows and creates a homogeneous landscaped devoid of upland refugia. No downed logs or rock piles are present at either site, and

any leaf litter is disturbed by regular disking. Presence of pocket gopher burrows at the Technology Court site confirm that small mammals can re-establish burrows at the site between disking events, but burrows observed during the site visit were plugged with no obvious shelter for dispersing frogs.

## **Conclusion**

Habitat components required to support breeding and dispersing California red-legged frogs are not present at either alternative site, and highways, major roads, and urban development prevent connections between the alternative sites and any other potentially suitable frog habitat. No extant NWI wetlands are present within the area enclosed by Auto Mall Parkway to the north and South Grimmer Boulevard to the south (USFWS, 2008). Therefore, implementation of the proposed project at either alternative site will not affect any California red-legged frogs.

## **California Tiger Salamander**

California tiger salamanders most commonly breed in vernal pools, but can also breed in the quiet waters of ponds, reservoirs, lakes, and drainages. Ponds that hold water year-round over several years are often unsuitable for California tiger salamander breeding due to presence of aquatic predators including invertebrates, salamanders, and exotic fishes (CDFG, 2010). Adult California tiger salamanders spend most of the year in terrestrial habitats including subterranean refugia such as burrows of California ground squirrels (*Spermophilus beecheyi*) and pocket gophers (*Thomomys* spp.), debris piles, and man-made structures. This species participates in nocturnal breeding migrations that may cover a distance of 0.63 mile or more (Jennings and Hayes, 1994).

***Significant barriers prevent migration of California tiger salamanders to and from the alternative sites.*** Much like for California red-legged frog, major roads in the direct vicinity of the site, as well as larger highways and extensive urban development in the larger alternative site region, impede California tiger salamander movements. California tiger salamander mortality at road crossings has been well documented, with the majority of observed adult salamanders in the vicinity of some breeding areas being road kills (CDFG, 2010). California tiger salamanders have been recorded less than one mile west of the alternative sites at the Don Edwards National Wildlife Refuge. While adult tiger salamanders have been recorded moving 0.63 mile or more, Highway 880, South Grimmer Boulevard, and extensive urban development present significant barriers for tiger salamander movement between these known occurrences and the alternative sites.

***Breeding or upland habitat is not present within either alternative site.*** A vegetated depression with standing water at the Technology Court site is the only freshwater aquatic habitat present at either alternative site, but is not considered potential breeding habitat for California tiger salamander because of the following: while the hydroperiod of the depression is unknown, it may hold water for 12 consecutive weeks in a regular rainfall year, which would be sufficient for California tiger salamander breeding. However, the CDFG status report notes that

breeding has been recorded in ponds from 1 foot deep to 6.6 feet deep (CDFG, 2010); even the lower range of breeding ponds is significantly deeper than the three-inch depth of the depression within the alternative site.

No small mammal burrows were observed at the South Grimmer Boulevard site. Pocket gopher burrows were observed at the Technology Court site, which is one habitat component for adult tiger salamanders moving upland; adults have been recorded excavating plugged gopher mounds, although it is more likely they would enter occupied burrows based on a strong commensal relationship with small mammals (USFWS, 2010). However, only small portions of the site showed small mammal activity, and regular disking would remove this habitat component at least yearly. No other upland microhabitats capable of providing sheltering habitat for adult salamanders (such as downed wood or rock piles) are present at the Technology Court site.

## **Conclusion**

When considered together, significant impediments to California tiger salamander migration, lack of suitable breeding habitats, and the regularly disturbed nature of upland habitats at both alternative sites would preclude presence of California tiger salamanders at either alternative site. No extant NWI wetlands are present within the area enclosed by Auto Mall Parkway to the north and South Grimmer Boulevard to the south (USFWS, 2008). Therefore, implementation of the proposed project at either alternative site will not affect any California red-legged frogs. Therefore, implementation of the proposed project will not affect any California tiger salamanders.

## ***Vernal Pool Species***

### **Contra Costa Goldfields**

Contra Costa goldfields is a federally endangered flowering plant found in vernal pools with approximately 24 extant populations in California. Contra Costa goldfield seeds germinate in August in response to early rains, and the species flowers between March and June. This species typically grows in vernal pools, swales, moist flats, and depressions within a grassland matrix, but historical occurrences have been recorded in the transition zone between vernal pools and tidal marshes on the eastern margin of San Francisco Bay (USFWS, 2005). Contra Costa goldfields typically grow in clay or loam soils.

***Depression at the Technology Court site is not a vernal pool.*** The only aquatic habitat present at either alternative site is a depression at the northwestern corner of the Technology Court site, and is described above under *Detailed Site Setting*. This depression contained a small amount of standing water in November of 2010, but the hydroperiod is unknown. Relatively dense cattail and bulrush were present, which are not species typical of vernal pools that slowly lose water due to evaporation. This may be due to the silt-loam soils at the depression, which drain water more freely than hardpan clays typical of vernal pools. No bare alkaline areas or soil cracks were observed. Contra Costa goldfields occurrences are present approximately one mile southeast of the

alternative sites in the Warm Spring Unit of the Don Edwards National Wildlife Refuge, but this area contains typical vernal pool habitats in hardpan soils, and is a much higher quality habitat for this species.

***Vegetation surrounding the depression is disturbed.*** At the time of the site visit, approximately half of the wetland vegetation growing in the depression had been mowed. Soils outside of the depression are regularly disked as well. Regular disking and mowing would prevent establishment of Contra Costa goldfields populations.

### **Conclusion**

Because the depression at the Technology Court site is not considered a vernal pool, and because vegetation and soils in the area are regularly disturbed, it is not considered habitat for Contra Costa goldfields. Therefore, implementation of the proposed project will not affect any populations of Contra Costa goldfields.

### **Vernal Pool Tadpole Shrimp**

The vernal pool tadpole shrimp is a federally endangered invertebrate species present in a wide variety of ephemeral wetland habitats in California. Vernal pool tadpole shrimp can stay dormant as cysts when pools dry up, hatching in as little as four days after winter rains fill their habitats (USFWS, 2005). Because vernal pool tadpole shrimp can occur in a wide range of habitats varying in size (6.5 square feet to 88 acres), water temperature (50 to 84 degrees Fahrenheit), and pH (6.2 to 8.5), it is difficult to determine specific habitat requirements for the vernal pool tadpole shrimp.

***The depression at the Technology Court site is not a vernal pool.*** As described above under the discussion regarding Contra Costa goldfield, characteristics typical of vernal pools are absent from the depression in the northwest corner of the Technology Court site. Soils and vegetation are more typical of a freshwater wetland, and while the hydroperiod is unknown, a slow evaporative drying period typically associated with hardpan vernal pools does not occur.

***The depression at the Technology Court site is not hydrologically connected to any other aquatic features.*** Based on observations made during a site visit in November 2010, the depression within the Technology Court site is not contiguous with a drainage ditch and does not appear to have a surface water connection to existing drainages in the area. The nearest vernal pool complex is more than one mile southwest of the site, and other vernal pools with tadpole shrimp are present within one mile of the site.

### **Conclusion**

Based on the lack of vernal pool characteristics in the depression within the Technology Court site, as well as its isolation from other vernal pool complexes containing vernal pool tadpole shrimp, the depression is not considered habitat for this species. Therefore, implementation of the proposed project will not affect the vernal pool tadpole shrimp.

Mr. Eric Tattersall  
June 2, 2011  
Page 7

Based on the above, the VA finds that there would be no effects on the four federally listed species that could occur within or in the vicinity of the alternative sites for the proposed VA CBOC to serve Alameda County. We respectfully request your expedited concurrence with this finding.

Sincerely,



Amanda M. Wehner, Esq.  
Project Manager  
Department of Veterans Affairs  
Office of Construction & Facilities Management  
[Amanda.Wehner@va.gov](mailto:Amanda.Wehner@va.gov)  
(202) 632-5676



Thomas W. Moran, P.E.  
Environmental Engineer  
Department of Veterans Affairs  
Office of Construction & Facilities Management  
[Thomas.Moran2@va.gov](mailto:Thomas.Moran2@va.gov)  
(202) 632-5375

## Attachments (2)

Attachment A – Representative Photographs  
Attachment B – CNDDDB Map and Supporting Table

## References

- Jennings, M. R. and M. P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final Report submitted to the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, California.
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- U.S. Department of Agriculture; Natural Resources Conservation Service. 2011. Web Soil Survey for Alameda County. Available online at <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>
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- USFWS. 2002. Final Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). Region 1, Portland, OR. viii + 173 pp.



Photo 1: S. Grimmer Boulevard site, looking southwest.



Photo 2: S. Grimmer Boulevard site, looking east.

SOURCE: ESA

Alameda County VA Outpatient Clinic . 210586

**Figure A-1**  
Representative Photographs



Photo 3: Southwest corner of S. Grimmer Boulevard site, looking southwest.



Photo 4: Technology Court site, looking east.

SOURCE: ESA

Alameda County VA Outpatient Clinic . 210586

**Figure A-2**  
Representative Photographs



Photo 5: Technology Court site, looking southwest.



Photo 6: Depression at northwest corner of Technology Court site.

SOURCE: ESA

Alameda County VA Outpatient Clinic . 210586

**Figure A-3**  
Representative Photographs



Photo 7: Depression at northwest corner of Technology Court site.



Photo 8: Depression at northwest corner of Technology Court site.

SOURCE: ESA

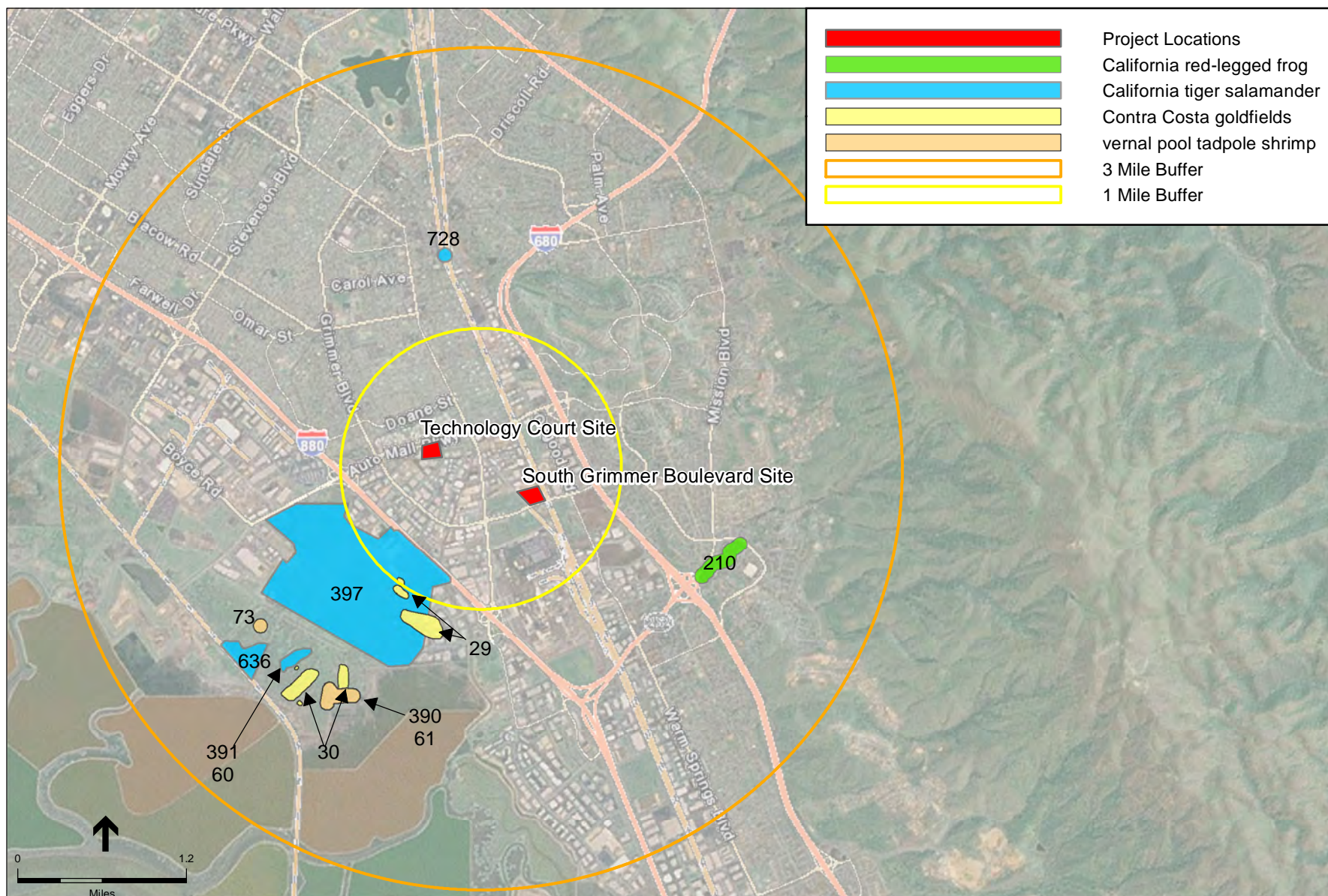
Alameda County VA Outpatient Clinic . 210586

**Figure A-4**  
Representative Photographs



Photo 9: Depression at northwest corner of Technology Court site.

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SOURCE: ESRI, 2010; CDFG, 2010  
 NOTE: CRLF and CTS occurrence numbers labeled  
 CTS = California tiger salamander  
 CRLF = California red-legged frog  
 CCG = Contra Costa Goldfields  
 VPTS = vernal pool tadpole shrimp

Alameda County V.A. Outpatient Clinic Environmental Assessment . 210586

**Figure B-1**

Special Status Species within the Vicinity of  
 the Technology Court and South Grimmer Boulevard Sites

**TABLE B-1**  
**SPECIAL STATUS SPECIES MAPPED WITHIN 3.0 MILES OF THE STUDY AREA**

Occurrence Number	Species	Description of Site
397	California tiger salamander	Described in 1999. 18 adult CTS captured and larvae found in pools in 1997 within this 840 acre area. Over 100 migrating CTS captured in fences between 1998 and 1999. Site has since been partially developed. Wetlands, and small mammal burrows (ground squirrel and botta's pocket gopher) are located on in this area. Site is managed by USFWS. This feature is approximately 0.7 miles southwest, from the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
391	California tiger salamander	Described in 2004. CTS observed in 1993, 1995, 2002, 2003, and 2004 within seasonal wetlands located in the Don Edwards National Wildlife Refuge. Site is managed by USFWS. This feature is over 1.6 miles southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
390	California tiger salamander	Described in 2004. CTS observed in 1993, 1994, 2002, 2003, and 2004 within vernal pool grassland wetlands located in the Don Edwards National Wildlife Refuge. Site is managed by USFWS. This feature is 1.8 miles southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
636	California tiger salamander	Described in 1999. Several migrating CTS caught in drift fences within area referred to as the Pacific Commons Preserve Stem Site. Site is managed by USFWS. This feature is 1.7 miles southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
728	California tiger salamander	Described in 2004. CTS observed between railroad tracks; however site has since been renovated and is regularly maintained by the railroad. This feature is 1.3 miles north of the project locations (north of Auto Mall Parkway).
210	California red-legged frog	Described in 1995, CTS larvae were observed in this barren stock pond located in grazed grasslands. This site is managed by the San Francisco Public Utilities Commission (SFPUC). This feature is 1.15 miles southeast of the project locations (southeast of Interstate 680, Highway 262, and Warm Springs Boulevard).
60	vernal pool tadpole shrimp	Described in 2004. Observed within seasonal wetlands located in the Don Edwards National Wildlife Refuge. Site is managed by USFWS. This feature is over 1.6 miles southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
61	vernal pool tadpole shrimp	Described in 2004. Observed within vernal pool grassland wetlands located in the Don Edwards National Wildlife Refuge. Site is managed by USFWS. This feature is 1.8 miles southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
29	Contra Costa goldfields	Described in 2001. Three colonies; 2400 plants recorded in 2001 in one of the three colonies. Site is managed by USFWS. The closest colony is approximately 1 mile southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).
30	Contra Costa goldfields	Described in 2003. Four colonies; 10,000 plants recorded in 1997. Site is managed by USFWS. This feature is approximately 1.67 mile southwest of the project locations (west of Interstate 880, Cushing Parkway, and Grimmer Boulevard).

SOURCE: CDFG, 2011

## **APPENDIX C**

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### **Utilities Connections Applications**

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## CUSTOMER WORK REQUEST APPLICATION

Form **MUST** be filled out **COMPLETELY**

Attach Drawings/Sketches as Required. Call ACWD Engineering at (510) 668-4499 with questions.

### CUSTOMER INFORMATION

Applicant: *The person, company, or agency that will be paying for the work*

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### PROJECT CONTACT

Main Contact: *If different than Applicant (Developer, Builder, Contractor, etc.)*

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

### PROJECT AND SITE INFORMATION

Project Name: \_\_\_\_\_

Project Address or Location: \_\_\_\_\_ Cross Street: \_\_\_\_\_

Site Contact (e.g. Site Superintendent): *The person who should be contacted by ACWD's field crews to coordinate customer's field staking and ACWD's installation work.*

Name: \_\_\_\_\_ Day Phone: \_\_\_\_\_

#### PROJECT SCOPE (Mark all that apply)

- ☐ New water service to a new building(s) or building(s) to be constructed.
- ☐ New or modified water service to existing building(s).
- ☐ Demolition (*requires meter removal or disconnection prior to site demolition work*)
- ☐ This service will serve more than one building.  
→ If so, how many buildings? \_\_\_\_\_
- ☐ This service will serve more than one residential unit.  
→ If so, how many units? \_\_\_\_\_
- ☐ This service will serve more than one parcel.  
*NOTE: Typically not allowed, contact Engineering.*
- ☐ Relocation of existing ACWD water facilities (i.e. mains, meters, hydrants, air valves, etc.)

#### BACKFLOW SURVEY (Mark 'yes' or 'no' for each question)

- | yes                      | no                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Will the premises be served by more than one water service connection?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a groundwater well on the property?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Will there be a single meter serving more than four (4) residential units?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Will the premises have an auxiliary water supply, such as a water tank, pool or rainwater collector?                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Will there be any chemical or biological hazards on the site?<br>→ If 'Yes', describe: _____                              |
| <input type="checkbox"/> | <input type="checkbox"/> | Is this a Commercial, Industrial, or Irrigation application?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Will your onsite water system be connected to pumps or other pressure systems (i.e. pressure washers or pneumatic tanks)? |

#### PLANS and DRAWINGS (Mark all that apply and provide drawings as required\*)

*If you have them, electronic drawing files will help ACWD expedite the processing of your project and reduce your overall cost.*

- ☐ Improvement plans have been prepared for this project.  
*If so, you MUST submit AutoCAD compatible electronic drawing files with this application.\**
- ☐ I am requesting a meter OR fire service larger than 2-inches.  
*If so, you MUST provide a drawing or sketch the requested location of the device relative to property lines, surface features (such as landscape strips, sidewalks and driveways) and other utilities.*

\*NOTE: Electronic drawing files must meet the following requirements: (1) AutoCad 2006 compatible; (2) all layers unlocked.

#### FIRE SYSTEM BACKFLOW SURVEY (Complete only if the property will be served by at least one separate fire service)

- | yes                      | no                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Will a pump be connected to the onsite fire system?   |
| <input type="checkbox"/> | <input type="checkbox"/> | Will any non-fire related uses be connected to the onsite fire system?                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Will the onsite fire system have more than one connection to the public mains (looped internally or not)? |
| <input type="checkbox"/> | <input type="checkbox"/> | Will there be any private fire hydrants (connected to the private onsite fire system) on your site?       |
| <input type="checkbox"/> | <input type="checkbox"/> | Will the onsite fire system include fire sprinklers?  |
| <input type="checkbox"/> | <input type="checkbox"/> | Will chemicals be injected into the fire line?  |

**DESCRIPTION OF REQUESTED ACWD WORK** (Mark all that apply and provide the required information)► **NEW OR UPGRADED WATER METER AND/OR SERVICE LINE**

1. ☐ Meter ☐ Service Line Quantity: \_\_\_\_\_ Meter Size: \_\_\_\_\_ Service Line Size (if applicable): \_\_\_\_\_  
(inches, diameter) (inches, diameter)
2. ☐ Meter ☐ Service Line Quantity: \_\_\_\_\_ Meter Size: \_\_\_\_\_ Service Line Size (if applicable): \_\_\_\_\_  
(inches, diameter) (inches, diameter)
3. ☐ Meter ☐ Service Line Quantity: \_\_\_\_\_ Meter Size: \_\_\_\_\_ Service Line Size (if applicable): \_\_\_\_\_  
(inches, diameter) (inches, diameter)

► **NEW RESIDENTIAL FIRE SPRINKLER CONNECTION** (On new or existing residential domestic water service)

- ☐ Requires new Meter **and/or** Service Line (be sure to also fill out section above).
- ☐ Use existing Service Line and Meter. Install a Fire Sprinkler Connection behind the existing meter.
- Fire Sprinkler Connection Size: \_\_\_\_\_ (inches, diameter)

► **NEW DEDICATED FIRE SERVICE** (Typically used for commercial, industrial, institutional or multi-family applications)

NOTE: ACWD's standard fire service consists of a fire service line and single check detector check. Any required backflow prevention must be provided by an RP device installed in accordance with ACWD Standard Drawing BP-1-08 or BP-3-08. Contact ACWD Engineering for more information.

1. ☐ Detector Check Device Size: \_\_\_\_\_ ☐ New Fire Service Line Required Req. Line Size \_\_\_\_\_  
(inches, diameter) (nominal diameter) (inches, diameter)
2. ☐ Detector Check Device Size: \_\_\_\_\_ ☐ New Fire Service Line Required Req. Line Size \_\_\_\_\_  
(inches, diameter) (nominal diameter) (inches, diameter)

► **WORK RELATED TO WATER MAINS** (Typically applies only to new developments or utility work in existing streets)

- For any work related to water mains (i.e. 'crossings', vertical or horizontal 'offsets', abandonments, 'tie-ins' or valve related work) you **MUST** describe the work below (including sizes and quantities) and provide suitable drawings.\*  
Review your project with Engineering staff before submitting the application.

► **PUBLIC FIRE HYDRANT(S)**

- ☐ New - Quantity: \_\_\_\_\_ ☐ Relocate - Quantity: \_\_\_\_\_ ☐ Remove - Quantity: \_\_\_\_\_
- ☐ The local fire authority is requiring new site fire protection *prior to or early in* construction.\*\*  
Describe Requirements: \_\_\_\_\_  
Requested completion date for new site fire protection only: \_\_\_\_\_ \*\*\*

► **SPECIAL REQUIREMENTS, ADDITIONAL INFORMATION OR REQUESTED WORK NOT DESCRIBED ABOVE**

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► **WHEN WOULD YOU LIKE THE REQUESTED WORK TO BE COMPLETED?**

Date: \_\_\_\_\_ \*\*\*

**AGREEMENT AND AUTHORIZATION**

- I have provided all requested information on this application and any attachments. I understand an incomplete application will delay my project.
- By submitting this application, I am requesting work by ACWD and I agree that I am responsible for any and all costs incurred by ACWD toward fulfillment of this request, even if this request is later changed or cancelled.
- I attest that I am the property owner or have been authorized by the property owner to obtain information about any existing water services to the site of the work, where applicable.
- I agree that ACWD may reschedule construction of my project as needed for operational reasons and as needed in order to meet established maintenance and construction priorities.

► Applicant Signature: \_\_\_\_\_ Application Date: \_\_\_\_\_

----- ACWD Use Only -----	
Job Nos. _____	
ACWD No. _____	
Received by: _____	Received date: _____
To GWR by: _____	Appl. deemed complete: _____
Assigned by: _____	Init. Log entry date: _____
Assigned to: _____	Sched. J/O release date: _____
Checked by: _____	Actual J/O release date: _____

\*Electronic drawing files must meet the following requirements: (1) AutoCad 2006 compatible; (2) all layers unlocked.

\*\*If the project includes any special phasing of ACWD work, or if the local fire authority is requiring new site fire protection prior to or early in construction, ACWD recommends that the applicant request a pre-project coordination meeting with Engineering staff to review the project requirements.

\*\*\*Although ACWD will make every effort to complete the requested work by this date, ACWD processes work requests in the order received. Factors beyond the control of ACWD such as unique and complex engineering requirements, special encroachment permit requirements, payment of the deposit, etc. may impact the amount of time required for ACWD to complete the work.

To expedite the requested work, ACWD may file for an encroachment permit application with the applicable City or agency prior to receiving the deposit check for the work. In the event that the Customer has not met the conditions required for ACWD to begin work 30 days after the requested completion date, the Customer may be responsible for any additional permit fees imposed by the applicable City or agency.



## **CUSTOMER WORK REQUEST APPLICATION**

### **Overview and Instructions**

Welcome to Alameda County Water District! As our current or future Customer, we want to make doing business with us as easy and efficient for you as possible. This pamphlet provides an overview of the work request process and outlines the information needed to efficiently carry out your request. Any questions regarding this process, the work request application, or the status of ACWD's work on your project can be directed to ACWD's Engineering Department at (510) 668-4499, Monday through Friday, excluding holidays, from 8 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.

First, some Frequently Asked Questions (FAQ's):

#### **"I'd like to get my existing water service turned on (or off)."**

If you simply need to establish water service from an existing meter or open a new water service account, please contact ACWD's Customer Service Division at (510) 668-4299, Monday through Friday, excluding holidays, from 8 a.m. to 5:00 p.m.

#### **"I'd like to install or upgrade my water service."**

The Customer Work Request Application is for use in requesting work by ACWD to install or upgrade a new or existing water service or to request other water service related construction or installation work by ACWD. It covers work requests for:

- New domestic, fire, or irrigation water services to new or existing homes, businesses, and other applications
- Upgrades to existing water services such as an increase in the size and capacity of your water meter or service line (the pipe which extends from the main in the street to your water meter), or the addition of a new fire sprinkler connection for a residential fire sprinkler system
- Abandonment and removal of existing water services
- New or relocated public fire hydrants
- Other water service related work by ACWD

#### **How to Start the Process**

ACWD always encourages customers to meet with one of our Engineering Technicians prior to submitting your application. These meetings are a good way for you to learn about the work request process and for ACWD to fully understand your project and your needs. This may reduce the overall time required to process your request and eliminate changes and rework. The Engineering Technician can review the application with you in detail and explain all of the information needed. If you have all of the information required, the Engineering Technician can help you fill out the application at your meeting together. We recommend that you call in advance and make an appointment for the meeting. We can be reached at (510) 668-4499, Monday through Friday, excluding holidays, from 8 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.

To submit the Customer Work Request Application, please print it (2 pages) and fill it out. Be sure to sign the application. You may fax your completed application to (510) 651-1760 or mail it to ACWD's Engineering Department at ACWD, Engineering Department, P.O. Box 5110, Fremont, CA 94537. You may also bring it to our offices at 43885 South Grimmer Blvd., Fremont, CA 94538 (closest major cross street is Automall Parkway).

#### **Overview of the Customer Work Request Process**

The process begins when you (the Customer) submit the completed Customer Work Request Application and any other necessary information to the ACWD Engineering Department. Work requests are processed in the order received. The time required to process your request is dependent on our current backlog, the completeness of the application and other information submitted, any special encroachment permit conditions, unusual field conditions, and other factors. It typically takes 4 to 6 weeks for the ACWD Engineering Department to process work requests, prepare a design for the work, and develop an estimate for the work and any required fees and charges. In the unlikely event that an easement is required, you will be contacted by the ACWD Engineering Department. You can learn more about easements below.

You will then receive a letter indicating the estimated cost of the work and the deposit necessary. Once the deposit has been received by ACWD, you will need to ensure any necessary field staking is completed so that ACWD Operations Department crews will know where any new or relocated services are to be installed.

The ACWD Operations Department will schedule the work after the following have been completed:

- Customer has paid the deposit amount to the ACWD Engineering Department (check or cash only).
- Any needed encroachment permits have been issued by the appropriate jurisdictions.
- Any necessary easements have been obtained.
- Customer has completed any necessary field staking.
- Any special order parts have been received.

Once the field work has been scheduled, it is usually completed within about 2 weeks.

### **Cost of ACWD Customer Work**

The Customer will be charged the actual cost of labor, materials, and outside services required to complete the requested work in addition to any applicable connection or acreage charges. Connection and acreage charges, if applicable, will be determined from ACWD's *"Schedule of Development Charges and Fees."* A copy of this schedule is available from ACWD's Engineering Department, or on the "Development Services" section of ACWD's website at [www.acwd.org](http://www.acwd.org). In the deposit letter, ACWD will list any applicable charges and fees, and an estimate of the labor, materials, and outside services needed to complete the work. After payment of the requested deposit, ACWD will schedule the work to be done.

After the work is complete, ACWD's Finance Department compiles all applicable charges and payments. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the Customer will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the Customer will receive an invoice in the amount of the overage. In most cases, the refund or invoice will be sent to the Customer within 6 months of completion of the work by ACWD.

**The table on Page 3 outlines the entire typical Customer Work Request Process, step by step.**

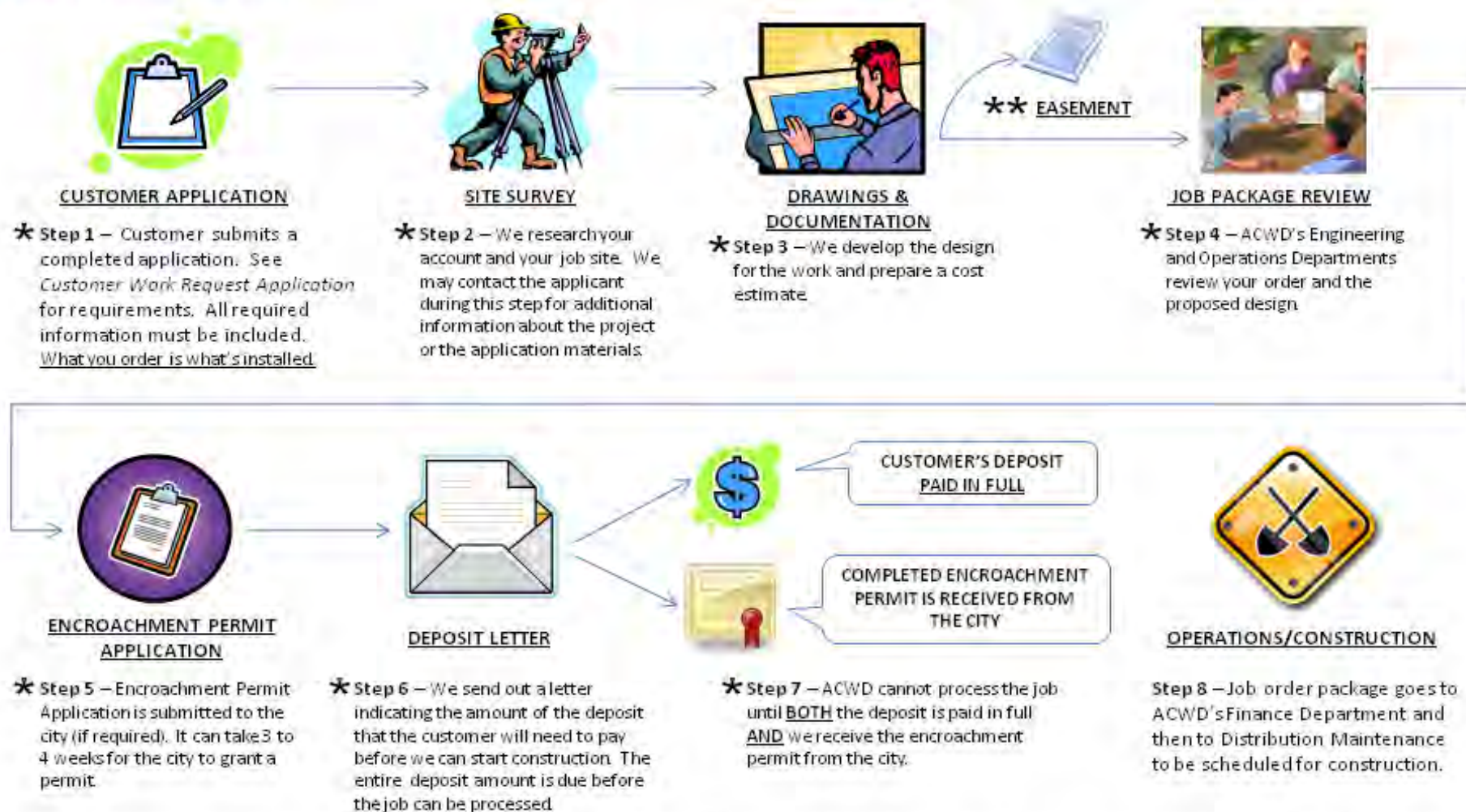
**The Customer Job Path on Page 4 gives a visual overview of a typical Customer Work Request Process.**

## Customer Work Request Process

Step	Who	Action	Time
1	Customer	Completes Customer Work Request Application, attaches any requested information and returns the completed application to the ACWD Engineering Department.  <i>Note: If the application is incomplete, ACWD will not be able to process your work request and this will delay your requested work.</i>	
2	ACWD Engineering	Conducts a site evaluation, designs the new or modified services, and develops a cost estimate in consultation with the ACWD Operations Department.  <i>Note: If additional information or coordination is required in order to process your work request, you will be contacted by an ACWD Engineering Technician.</i>	Usually 4-6 weeks
3	ACWD Engineering	Prepares and files an encroachment permit application with any applicable city, state or other agency.	
4	ACWD Engineering	Prepares a "deposit letter" and mails it to the Customer. The deposit letter includes the estimated cost of the construction work by ACWD as well as amounts for any acreage, connection, or front foot charges which must be paid in order to complete the requested work.  <i>Note: If you don't already have one, you may pick up a current copy of our "Schedule of Development Charges and Fees" at the ACWD Engineering Department for use in planning and budgeting. The schedule is also available on the ACWD website at <a href="http://www.acwd.org">www.acwd.org</a> under the "Development Services" section.</i>	
5	Customer	Provides payment of the deposit (cash or check only) in the amount shown in the deposit letter.	
6	Customer	Marks or stakes the locations of any new or relocated services as instructed in the deposit letter.	
7	ACWD Engineering	Once the Customer's deposit is received and any needed encroachment permits have been received from the appropriate city or agency, the Work Request is released to the ACWD Operations Department for construction.  <i>Note: To determine the status of the work after the deposit has been made, the Customer should contact the ACWD Operations Department (no less than one week after making the deposit).</i>	Usually 1 week
8	ACWD Operations	Obtains any special order parts and schedules the requested work for construction.  <i>Note: The work cannot be scheduled until any necessary field staking is completed by the Customer. For questions regarding field staking or to coordinate field work, the Customer should contact the ACWD Operations Department.</i>	
9	ACWD Operations	Performs the requested work.  <i>Note: The total amount of time required to complete the work depends on several factors including the current work backlog, the type and complexity of the work, and any restrictions placed on ACWD by other jurisdictions.</i>	Usually 2 weeks

**The entire Customer work request process usually takes 8 to 10 weeks from the time the completed application is submitted.** Significant delays can result from an incomplete application, delays in receiving encroachment permits from other jurisdictions, delays in receiving easements if needed, delays in receiving deposit payments from the Customer, unusual field conditions, and other reasons.

# TYPICAL CUSTOMER JOB PATH



C-8

★ ACWD's goal is to complete Steps 1 through 6 within six weeks. Additional time will be required for construction (Step 8). Many variables can affect the length of the job cycle process. It is ACWD's mission to provide prompt, courteous and responsive customer service.

★★ Some jobs will require an easement from a property owner for construction. If an easement is required, additional information and documents will need to be provided to ACWD. For additional information about easement documentation, contact ACWD's Engineering department at the telephone number below.

## **Other Important Information**

### ***Residential Fire Sprinkler Systems***

For many new homes, home addition, or remodel projects, the local fire jurisdiction will require that a residential fire sprinkler system be installed. In order for the fire sprinkler system to work together with your water service, ACWD will need to install a residential fire sprinkler connection to your water service. The fire sprinkler connection is a junction, tee, and valve just downstream of the water meter. In some cases, the connection is installed within a meter box, either along with the meter or in a separate box downstream of the meter box. ACWD standard drawings S-4-08, S-5-08, S-6-08, S-7-08 and S-8-08 show the residential fire service connections available.

Before completing an application for a fire sprinkler connection, you should have your plans approved by the local fire jurisdiction (e.g., Fire Department). The plans should describe the size of the service line, meter, and fire sprinkler connection to be used. ACWD recommends that you submit your approved fire sprinkler design drawings along with your application. If your existing home water service needs to be upgraded (e.g., increased in size) to accommodate the fire sprinkler system, be sure that the application includes the service line and/or meter size approved by the fire jurisdiction.

Please note that ACWD will install what is requested on the application. We will not review the fire system design nor confirm that the meter to be used is capable of providing the needed fire flows to your fire sprinkler system. These design elements must be confirmed by the fire sprinkler designer and approved by the fire jurisdiction.

### ***Customer Side Service Lines***

If the requested work involves replacing or otherwise modifying your existing water service, your service may be temporarily interrupted while ACWD performs the work needed. Unless otherwise instructed, ACWD will temporarily reconnect the Customer's plumbing in order to restore water service as quickly as possible. However, ACWD has no control over the condition of the Customer's existing plumbing (plumbing on Customer's side of the water meter and/or junction box assembly). Therefore, ACWD cannot accept responsibility for any subsequent water leaks occurring either at the temporary reconnection or elsewhere within the Customer's plumbing.

### ***Backflow Preventers***

Backflow preventers are the responsibility of the customer and are to be installed by you on the new and/or existing service lines to your property. ACWD will determine whether a backflow device is required on your new or modified service connection and the level of backflow prevention needed. The backflow preventer assembly must be installed in accordance with ACWD's standard drawings. ACWD will determine the applicable standard drawing for your service(s) and will attach copies of any applicable drawing(s) to the deposit letter. After installing the backflow preventer(s), you'll need to notify ACWD's Cross Connection Control Unit at (510) 668-6504 so that the backflow preventer(s) may be inspected and tested. The new and/or existing water meter(s) will be locked off during installation and water cannot be furnished to the subject property until testing has been completed. In addition, any existing backflow prevention devices may need to be upgraded to current ACWD standards. For more information on Backflow Prevention and ACWD's Cross Connection Control Program, call (510) 668-6504 or visit ACWD's website at [www.acwd.org](http://www.acwd.org) and click on "Backflow Prevention."

### ***Easements***

In some cases ACWD will need to install meters, fire services, hydrants, or other appurtenances on private property, outside the public street right-of-way and outside of a Public Utility Easement. This usually occurs when there is insufficient space in the typical service locations due to land use configurations, conflicts with other utilities or improvements, or other reasons. In such cases, ACWD will require an easement from the property owner. An easement is a legal document which grants ACWD the right to install, operate, and maintain facilities on private property. When an easement is required, you will be contacted by an Engineering Technician with more information and specific requirements. ACWD cannot install facilities on private property without an easement in place.

If an easement is required, ACWD will prepare the easement document, but several items will be needed from the Customer:

1. Current Title Report for the property to which the easement will apply
2. Plat (a drawing or map showing the easement in relation to the property and applicable landmarks)
3. Legal Description (a description of the easement boundaries written in legal terms)

The plat and legal description must be prepared and stamped by a licensed Land Surveyor. Once these items are received, ACWD will prepare the easement document which will need to be signed by the owners of the property and notarized.

It is important to note that the need for an easement may result in significant delays to your project because of the time that may be required for you to obtain a current title report and to prepare the plat and legal description.

### ***Dedicated Fire Services:***

Dedicated fire services are usually used to serve non-residential fire sprinkler systems and private fire hydrants. ACWD's standard fire service configuration consists of a service line and detector check only. The detector check is installed in the typical location for a water meter, behind a curb in a landscape strip, or in the furnishings zone along a street. The detector check does not provide suitable backflow prevention. So, any required backflow prevention must be provided by an approved backflow preventer installed by you in accordance with ACWD standard drawing BP-3-08. ACWD will lock the detector check off until the backflow preventer is installed and approved by ACWD. Once the backflow preventer is installed, you'll need to notify ACWD's Cross Connection Control Unit so that it may be inspected and tested. You may contact ACWD's Cross Connection Control Unit at (510) 668-6504.

ACWD may require fire detector checks and vaults to be installed by ACWD first so that the onsite piping can be extended to, or from, the new detector checks with piping closures being made by the onsite contractor. If onsite piping needs to be extended to the fire detector check location prior to ACWD installation of the fire service, you will need to contact an ACWD Representative for a field meeting. This will be detailed in the deposit letter if required.

### ***Onsite Pre-construction Fire Protection and Phasing Requirements***

For some larger construction projects, the local fire jurisdiction requires site fire protection to be in place prior to initiating any building construction. In such cases, ACWD will probably phase your project so that fire services or public hydrants are constructed first, and other services (such as domestic, irrigation, and fire services dedicated to sprinkler systems) are installed later during site construction. It is important to check with your local fire jurisdiction during the planning stages to confirm what site fire protection will need to be in place during construction and whether any fire services or hydrants need to be installed prior to building construction. Please include such requirements or other water service phasing needs on your customer work request application.

### ***Annexations***

ACWD cannot provide service to areas outside its service boundary. If your site is outside ACWD's service boundary, you will be contacted by an Engineering Technician with more information and specific requirements. Generally in such cases, you will be required to submit an application for annexation of your site into the ACWD service area to the Local Agency Formation Commission (LAFCo). This can be a lengthy process and will involve fees and charges assessed by LAFCo. If your site will require annexation in order to receive water service from ACWD, be sure to allow at least six months for completion of the annexation.



# Plan Check Request

Date Submitted \_\_\_\_\_

## Job Information

Job Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, Zip \_\_\_\_\_  
Assessor Parcel # \_\_\_\_\_

## Bill To

Business Name \_\_\_\_\_  
Contact \_\_\_\_\_  
Email Address \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, Zip \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Fax No. \_\_\_\_\_

## Submitted By

Business Name \_\_\_\_\_  
Contact \_\_\_\_\_  
Email Address \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, Zip \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Fax No. \_\_\_\_\_

## Project Type:

### ✓Check One:

- ☐ New Building Construction
- ☐ Building Addition
- ☐ Tenant Improvement to Existing Building or Space
- ☐ Other (please specify): \_\_\_\_\_

## Property Use:

### ✓Check One:

- ☐ Residential
- ☐ #Single Lots\_\_\_\_\_ ☐#Multi Units\_\_\_\_\_
- ☐ Commercial
- ☐ Restaurant
- ☐ Industrial
- ☐ Other (please specify): \_\_\_\_\_

5072 Benson Road, Union City, CA 94587-2505  
P.O. Box 5050, Union City, CA 94587-8550  
(510) 477-7500 FAX (510) 477-7501



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union sanitary district > doing business with usd > permits > commercial / industrial permit

## Commercial/Industrial Permit

### USD's required process for obtaining the permit:

- Submit plans for review with [Request for Plan Check](#)
- USD will estimate plan check fees and inform applicant
- Plan review fees are due after the first review, upon pickup of comments
- If no major changes are required, USD will approve the drawings for construction (This approval is **not** a permit for construction). If changes are required, drawings must be revised and resubmitted for review
- Submit copy of city building permit to USD
- USD will calculate inspection and connection fees
- Upon payment of all fees and evidence of a city building permit, a sewer permit may be obtained by the party contracted to do the underground construction
- For any industrial waste discharge, a separate permit must be obtained by the discharger of the industrial wastes, prior to approval of plans or issuance of a building sewer construction permit
- Three sets of cut sheets must be submitted to USD for review. [Blank cut sheets](#) and [Cut Sheet Instructions](#) are provided here.
- Call 24 hours before beginning sewer construction to schedule inspection

### USD's requirements for plan submittal:

All plans must be prepared by a Registered Civil Engineer in the State of California and must clearly show the name, address, phone number and title of the company or person preparing the plans.

The submitted plans must be prints made from original reproducible tracings. The plans must be drawn to adequate scale, with north arrow, on a large enough sheet (11" x 17" minimum).

Submit three hard copies and one digital copy of the site plan. For digital submittal guidelines, [click here](#).

#### The site plan must show:

- Property address and Assessor's Parcel Number
- Public street and property dimensions
- All existing and proposed buildings, labeled with general usage and plotted accurately on site
- Areas to be paved and those left unpaved clearly marked
- Ground floor and pad elevations of all buildings
- Finished ground elevations at key points and curb elevations of public street
- Existing ground elevations where cover over proposed sewer is to be less than two (2) feet at time of construction
- Rim elevation of nearest existing public sanitary sewer manhole in the street drawn to scale or with its distance shown to the site's property corner
- Existing and proposed utilities plotted correctly and labeled
- The proposed sanitary sewer must be shown with size, material, minimum slope and invert elevations to nearest 0.1 foot at connection to building plumbing (building drain) and invert elevation at all grade breaks. Show elevation of storm sewers at sanitary sewer crossings
- Proposed structures such as cleanouts, manholes (with rim elevations), grease clarifiers, etc. labeled and shown on the plan

Submit one copy of architectural, structural, landscape and plumbing plans. Floor plan must show area layout and proposed usage of various areas of building.

For commercial kitchens, three sets of plumbing and kitchen equipment plans are required.



**Get Adobe Acrobat Reader**

<http://www.adobe.com/products/acrobat/readstep2.html>

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union sanitary district > doing business with usd > connection fees

## Connection Fees (Capacity Charges)

Connection Category	Charge Per Unit	Unit Definition
Dwelling Unit	\$4,003.91	per unit ( <i>new construction only; not additions or repairs</i> )
Commercial/Industrial/Office use (C/I/O) (Domestic Use Only) and Mixed Use Commercial Property with individual tenant units exceeding 10,000 square feet	\$1.89	Per square foot of building floor area
Boarding Establishments Including Hotels and Motels	\$2,671.25	per unit, or
	\$1,335.61	per capita design tenant
Schools and Day Care Centers (Boarding Facilities Excluded)	\$2.14	per square foot of building floor area
Churches (School and Day Care facilities excluded)	\$1.52	per square foot of building floor area
Public Assembly Facilities	\$95.39	per seat
Health Clubs	\$6.42	per square foot of building floor area
Park or Recreation Site restrooms	\$4,003.91	per water closet
Coin-operated Laundromats	\$3,050.93	per washing machine
*Restaurants - All	\$8.68	per square foot of building floor area
*Eating/Drinking facilities without cooking facilities	\$4.37	per square foot of building floor area
Car Wash with water recycling	\$4,003.91	lump sum
Mixed-use Commercial property with individual tenant units less than 10,000 square feet	\$4.55	per square foot of building floor area
Warehouses	\$0.74	per square foot of building floor area up to 50,000 square feet
	\$0.23	per square foot of building floor area for that portion of each building above 50,000 square feet
*Private cafeterias	\$8.68	per square foot of floor area for food preparation, cooking, food storage, and food service areas (excluding seating areas)
Equipment Wash Pad in Interceptor	\$4,003.91	lump sum, plus
	\$12.79	per square foot for any

		additional pad area above 600 square feet
Mobile Home Holding Tank disposal station	\$7,993.06	lump sum
Miscellaneous	Capacity charges for uses not listed in the above table shall be determined by the District Engineer based upon the volume and pollutant loadings of the wastewater to be discharged.	
<b><a href="#">View complete Ordinance 35.17 (effective August 29, 2010)</a></b>		

**\*Note:**

**In June 2006, the District's Board of Directors extended the Restaurant Capacity Fee Reduction Program. The program was implemented in 1997 to encourage new restaurants in the Tri-Cities area.**

**As an incentive for new restaurants, capacity fees were reduced by 50%. The reduced rates shall remain in effect for a five-year period ending in fiscal year 2011 and shall then be re-evaluated by the board of Directors. We hope this fee reduction contributes to the success of new Tri-City restaurants.**

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## 16.12 MINIMUM REQUIREMENTS FOR DIGITAL SUBMITTAL

Digital files submitted shall be based on accurate coordinate geometry calculations and registered to the California State Plane Coordinate System (Zone 3), NAD83. The digital file submitted shall be in AutoCAD “.dwg” or “.dxf” (digital exchange format) format and shall be in one (1) drawing file containing all layers, illustrating all existing and proposed improvements within the project area including all existing and proposed offsite improvements, tract boundary, street centerlines, outfall sewers, etc. Descriptive information (i.e. text) may be included in the appropriate layer, or added as a separate layer. Submitted digital files shall be in accordance with these minimum requirements, or as otherwise approved by USD.

**All maps, sanitary sewer easements (except those for private sewer or laterals), annexation maps and associated plans and drawings shall be submitted in digital format. Digital submittals shall be submitted with each plan check submittal and any plan or drawing required by the District and shall conform to the following:**

### File Format:

- AutoCAD (DWG) *or*
- Digital Exchange Format (DXF)

### Media:

- Compact Disk (CD) *or*
- 3½" high density diskette (PC format), *or*
- via FTP site

### Miscellaneous:

- Each submittal shall be labeled with the project name and/or map number (tract, parcel map, annexation number, etc.), project number, company name, address and phone number.
- All drawings shall use the California State Plane Coordinate System – Zone 3 in units of feet. The horizontal datum shall be the North American Datum of 1983 (NAD83) in units of feet and the vertical datum shall be the North American Vertical Datum of 1988 (NAVD88) in units of feet, or other ties as authorized by USD.
- All drawing files shall have a North orientation of vertical (i.e. toward the top of the page).
- All externally referenced drawings used in the drawing shall be bound to the “base” drawing and submitted as one (1) drawing file.
- All files shall be uncompressed. Compressed files are acceptable only when using the WinZip utility or if the appropriate software to uncompress the data is provided.

### Layering:

- Layers shall contain, but not be limited to, the layers shown in Exhibit A.
- Layer colors, line types and line weights shall be left to the discretion of the engineer.

AutoCAD Layering Conventions  
For Submission of Developer Projects

Digital files submitted shall be based on accurate coordinate geometry calculations and the NAD83 State Plane Coordinate System (Zone 11I) and NAVD88. USD prefers that the digital file being submitted combines all elements of individual improvement plan sheets for the proposed subdivision along with the elements of the Parcel or Tract Map into a **single** CAD formatted drawing. This drawing shall contain (but not be limited to) the following layers.

Layer Group	Layer Name	Layer Type	Description
Default	0		AutoCAD default layer
Misc	BORDER		Contains features such as north arrow, vicinity map, location map, title of plans, signature blocks, standard title block, scale bar, legend, page borders, etc.etc.
Misc	DETAILS		Standard construction details of jurisdictional agencies.
Misc	TXT	Text	Layer containing general and construction notes, sheet index, special condition notes, becnh mark description, etc.
Landbase	BLDG	Polygon	Building foot prints
Landbase	BLDG-SETBAK	Line	Building setback line
Landbase	BM	Point	Benchmark
Landbase	BNDRY	Polygon	Closed polygon of Tract or Parcel Map boundary
Landbase	CL	Line	Centerline - public streets
Landbase	CLPVT	Line	Centerline - private streets
Landbase	CONTOURS	Polyline	Finished contour lines (grading plans) with elevation attribute (Z value)
Landbase	ELEV	Point	Finished spot elevations (grading plans) with elevation attribute (Z value)
Landbase	EP	Line	Edge of pavement (i.e. lip of gutter or edge of pavement in the case of no curb and gutter construction)
Landbase	ESMT*	Line or Polygon	Easements not related to utilities, such as emergency vehicle access, pedestrian walkways, landscape maintenance, etc.
Landbase	FOG	Line	Face of curbline
Landbase	LOT	Text	Text indicating lot number
Landbase	LP	Line	Lip of gutter
Landbase	MON	Point	Survey monuments
Landbase	MONL	Line	Monument line
Landbase	PARCEL	Polygon	Closed polygons of each parcel or lot
Landbase	ROW	Line	Public rights-of-way
Landbase	ROWPVT	Line	Private rights-of-way
Landbase	SL	Point	Street light poles
Landbase	SLCNDT	Line	Street lighting electrical conduit including pull boxes, service meters, etc.
Landbase	STRIPE	Line	Street striping and pavement markings
Landbase	STIGN	Point	Street/traffic signs
Landbase	SW	Line/Polygon	Sidewalks including handicapped ramps, driveways, back of walk and meandering walks
Landbase	TOPO		All existing topological features (maybe submitted as a separate drawing file)
Landbase	TS	Point	Traffic signal fixtures/poles
Landbase	TSCNDT	Line	Traffic signal conduit including loop detectors, pull boxes, control cabinets etc.
Landscaping	LSIRR	Line	Public landscape irrigation (i.e. landscape maintenance districts) including service line from public main, water meters, valves, backflow and pressure regulating devices, control valves, etc.
Landscaping	LSTREES	Block insert	Street tree plantings that will be maintained by jurisdictional agency
Landscaping	LSPLANT	Block insert	Bushes, shrubs, groundcover and all other organic landscape material
Landscaping	LID	Polygon	Landscape Improvement Dist.
Landscaping	LLD	Polygon	Landscape/Lighting Dist.
Landscaping	LSMOW	Line or Polygon	Concrete mow strips
Misc	* TXT	Text	Layers containing text associated with various other layers where "?" denotes name of layer (e.g. sanitary sewer text would be named SSTEMXT).
Misc	*TIC	Point	Tics at all beginning and ending curves for all utilities, easement boundaries, street centerlines (public and private), tract or parcel boundary, lot boundaries, ect. where "?" denotes name of feature or utility (e.g. CL,TIC, SEE NOTE 1).
Sewer	SS	Line	Sanitary Sewer mains
Sewer	SSLAT	Line	Sanitary Sewer service laterals
Sewer	SSMH	Point	Sanitary Sewer manholes
Sewer	SSESMT	Polygon	Sanitary Sewer easements
Stormdrain	SDCI	Block insert	Storm drain curb inlets
Stormdrain	SDESMT	Polygon	Storm drain easements
Stormdrain	SDCMP	Line	Storm drain corrugated metal pipe
Stormdrain	SDDI	Block insert	Storm drain drainage inlet
Stormdrain	SDMH	Block insert	Storm drain manhole
Stormdrain	SD	Line	Storm drain
Stormdrain	SDVLT	Block insert	Storm drain filtering device
Stormdrain	SDFILT	Point	Storm drain filtering device
Stormdrain	SDMH	Point	Storm drain manholes and/or junction boxes
Utility	ELEC	Line	Electric utility line including power poles, underground conduit, pull boxes, vaults, manholes, ducts banks, etc.
Utility	ESMT*	Polygon	Easements where "?" denotes jurisdiction or purpose (PG&E, PUE, EVAE, etc.). Each utility shall have a separate layer (i.e. ESMTPG&E, ESMTPIUE, etc.)
Utility	GAS	Line	Gas utility lines including service lines, valves, etc.
Utility	TELECOM	Line	All telecommunications utilities including (but not limited to) MCI, PacBell, Sprint, GTE, etc. showing location of underground lines, maholes, pullboxes, junction boxes, utility poles, duct banks, etc. Line type shall include name of utility.
Utility	CATV	Line	Television, cable TV showing location of underground lines, maholes, pullboxes, duct banks, utility poles, etc.
Utility	UTILITY	Line	Conduit layout of all utilities not specifically designated in this schema. <b>Each utility shall have a separate layer named for the utility and shall show all appurtenant facilities</b>
Water	W	Line	Water mains
Water	WARV	Point	Air release valve
Water	WBV	Point	Butterfly valve
Water	WBO	Point	Blow off valve
Water	WESMT	Polygon	Waterline easements
Water	WFH	Point	Fire Hydrants
Water	WFHV	Point	Fire Hydrant valves
Water	WSVC	Line	Water service lines
Water	WM	Point	Water meters
Water	WV	Point	Water valves

NOTE: NAMES FOR LAYERS CONTAINING EXISTING FEATURES SHALL BE PREFIXED WITH "EX". FOR EXAMPLE, THE LAYER CONTAINING EXISTING SEWER MAINS SHALL BE NAMED EX-SS.

NOTE: NAMES FOR LAYERS CONTAINING EASEMENTS SHALL BE PREFIXED WITH "ESMT". FOR EXAMPLE, THE LAYER CONTAINING EMERGENCY VEHICLE ACCESS EASMENTS SHALL BE NAMED ESMT-EVAE.

NOTE: NAMES FOR LAYERS CONTAINING TEMPORARY IMPROVEMENTS OR STRUCTURES SHALL BE PREFIXED WITH "TEMP-" AS DICTATED BY THE TYPE OF IMPROVEMENT OR STRUCTURE. FOR EXAMPLE A LAYER FOR FUTURE CURB WOULD BE LABELED "TEMP-FOC".

NOTES:

- Centerline intersection tics not required on sanitary sewer mains.
  - Names for layers containing existing features shall be prefixed with "EX". For example, the layer containing existing sewer mains shall be named EXSS.
  - Names for layers containing easements other than water, sewer and storm drain shall be prefixed with "ESMT". For example, the layer containing Emergency Vehicle Access Easements shall be named "ESMTEVAC".
  - Name for layers containing temporary improvements or structures shall be prefixed with "TEMP" according to the type of improvement or structure. For example, the layer containing futrue curb would be named "TEMPFOC".
- Any repeatable feature such as sewer manholes, storm drain manholes, streetlight poles, tress, bushes, etc. may be designated with an appropriate symbol or AutoCAD block.

### AutoCAD Layering Conventions For Submission of Developer Projects

Digital files submitted shall be based on accurate coordinate geometry calculations and the NAD83 State Plane Coordinate System (Zone III) and NAVD88. USD prefers that the digital file being submitted combines all elements of individual improvement plan sheets for the proposed subdivision along with the elements of the Parcel or Tract Map into a **single** CAD formatted drawing. This drawing shall contain (but not be limited to) the following layers.

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Layer Group	Layer Name	Layer Type	Description
Default	0		AutoCAD default layer
Misc	BORDER		Contains features such as north arrow, vicinity map, location map, title of plans, signature blocks, standard title block, scale bar, legend, page borders, etc.etc.
Misc	DETAILS		Standard construction details of jurisdictional agencies.
Misc	TXT	Text	Layer containing general and construction notes, sheet index, special condition notes, becnh mark description, etc.
Landbase	BLDG	Polygon	Building foot prints
Landbase	BLDG -SETBAK	Line	Building setback line
Landbase	BM	Point	Benchmark
Landbase	BNDRY	Polygon	Closed polygon of Tract or Parcel Map boundary
Landbase	CL	Line	Centerline - public streets
Landbase	CLPVT	Line	Centerline - private streets
Landbase	CONTOURS	Polyline	Finished contour lines (grading plans) with elevation attribute (Z value)
Landbase	ELEV	Point	Finished spot elevations (grading plans) with elevation attribute (Z value)
Landbase	EP	Line	Edge of pavement (I.e. lip of gutter or edge of pavement in the case of no curb and gutter construction)
Landbase	ESMT*	Line or Polygon	Easements not related to utilities, such as emergency vehicle access, pedestrian walkways, landscape maintenance, etc.
Landbase	FOC	Line	Face of curblane
Landbase	LOT	Text	Text indicating lot number
Landbase	LP	Line	Lip of gutter
Landbase	MON	Point	Survey monuments
Landbase	MONL	Line	Monument line
Landbase	PARCEL	Polygon	Closed polygons of each parcel or lot
Landbase	ROW	Line	Public rights-of-way
Landbase	ROWPVT	Line	Private rights-of-way
Landbase	SL	Point	Street light poles
Landbase	SLCNDT	Line	Street lighting electrical conduit including pull boxes, service meters, etc.
Landbase	STRIPE	Line	Street striping and pavement markings
Landbase	STSIGN	Point	Street/traffic signs
Landbase	SW	Line/Polygon	Sidewalks including handicapped ramps, driveways, back of walk and meandering walks
Landbase	TOPO		All existing topological features (maybe submitted as a separate drawing file)
Landbase	TS	Point	Traffic signal fixtures/poles
Landbase	TSCNDT	Line	Traffic signal conduit including loop detectors, pull boxes, control cabinets etc.
Landscaping	LSIRR	Line	Public landscape irrigation (I.e. landscape maintenance districts) including service line from public main, water meters, valves, backflow and pressure regulating devices, control valves, etc.
Landscaping	LSTREES	Block insert	Street tree plantings that will be maintained by jurisdictional agency
Landscaping	LSPLANT	Block insert	Bushes, shrubs, groundcover and all other organic landscape material
Landscaping	LID	Polygon	Landscape Improvement Dist.
Landscaping	LLD	Polygon	Landscape/Lighting Dist.
Landscaping	LSMOW	Line or Polygon	Concrete mow strips
Misc	* TXT	Text	Layers containing text associated with various other layers where "?" denotes name of layer (e.g. sanitary sewer text would be named STEXT).

Misc	*TIC	Point	Tics at all beginning and ending cruves for all utilities, easement boundaries, street centerlines (public and private), tract or parcel boundary, lot boundaries, ect. where "?" denotes name of feature or utility (e.g. CLTIC, SEE NOTE 1).
Sewer	SS	Line	Sanitary Sewer mains
Sewer	SSLAT	Line	Sanitary Sewer service laterals
Sewer	SSMH	Point	Sanitary Sewer manholes
Sewer	SSESMT	Polygon	Sanitary Sewer easements
Stormdrain	SDCI	Block insert	Storm drain curb inlets
Stormdrain	SDESMT	Polygon	Storm drain easements
Stormdrain	SDCMP	Line	Storm drain corrigated metal pipe
Stormdrain	SDDI	Block insert	Storm drain drainage inlet
Stormdrain	SDMH	Block insert	Storm drain manhole
Stormdrain	SD	Line	Storm drain
Stormdrain	SDVLT	Block insert	Storm drain vault
Stormdrain	SDFILT	Point	Storm drain filtering device
Stormdrain	SDMH	Point	Storm drain manholes and/or junction boxes
Utility	ELEC	Line	Electric utility line including power poles, underground conduit, pull boxes, vaults, maholes, ducts banks, etc.
Utility	ESMT*	Polygon	Easements where "?" denotes jurisdiction or purpose (PG&E, PUE, EVAE, etc.). Each utility shall have a separate layer (i.e. ESMTPG&E, ESMTPUE, etc.)
Utility	GAS	Line	Gas utility lines including service lines, valves, etc.
Utility	TELECOM	Line	All telecommunications utilities including (but not limited to) MCI, PacBell, Sprint, GTE, etc. showing location of underground lines, maholes, pullboxes, junctioin boxes, utility poles, duct banks, etc. Line type shall include name of utility.
Utility	CATV	Line	Television, cable TV showing location of underground lines, maholes, pullboxes, duct banks, utility poles, etc.
Utility	UTILITY	Line	Conduit layout of all utilities not specifically designated in this schema. <b>Each utility shall have a separate layer named for the utility and shall show all appurtenant facilities</b>
Water	W	Line	Water mains
Water	WARV	Point	Air release valve
Water	WBV	Point	Butterfly valve
Water	WBO	Point	Blow off valve
Water	WESMT	Polygon	Waterline easements
Water	WFH	Point	Fire Hydrants
Water	WFHV	Point	Fire Hydrant valves
Water	WSVC	Line	Water service lines
Water	WM	Point	Water meters
Water	WV	Point	Water valves

**NOTE: NAMES FOR LAYERS CONTAINING EXISTING FEATURES SHALL BE PREFIXED WITH "EX". FOR EXAMPLE, THE LAYER CONTAINING EXISTING SEWER MAINS SHALL BE NAMED EX-SS.**

**NOTE: NAMES FOR LAYERS CONTAINING EASEMENTS SHALL BE PREFIXED WITH "ESMT". FOR EXAMPLE, THE LAYER CONTAINING EMERGENCY VEHICLE ACCESS EASMENTS SHALL BE NAMED ESMT-EVAE.**

**NOTE: NAMES FOR LAYERS CONTAINING TEMPORARY IMPROVEMENTS OR STRUCTURES SHALL BE PREFIXED WITH "TEMP-" AS DICTATED BY THE TYPE OF IMPROVEMENT OR STRUCTURE. FOR EXAMPLE A LAYER FOR FUTURE CURB WOULD BE LABELED "TEMP-FOC".**

**NOTES:**

1. Centerline intersection tics not required on sanitary sewer mains.
2. Names for layers containing existing features shall be prefixed with "EX". For example, the layer containing existing sewer mains shall be named EXSS.
3. Names for layers containing easements other than water, sewer and storm drain shall be prefixed with "ESMT". For example, the layer containing Emergency Vehicle Access Easements shall be named "ESMTEVAC".
4. Name for layers containing temporary improvements or structures shall be prefixed with "TEMP" according to the type of improvement or structure. For example, the layer containing future curb would be named "TEMPFOC".

Any repeatable feature such as sewer manholes, storm drain manholes, streetlight poles, trees, bushes, etc. may be designated with an appropriate symbol or AutoCAD block.

Abbreviations	Description
CL	Centerline
AC	Alameda County
ACFC	Alameda County Flood Control and Water Conservation Dist.
ACWD	Alameda County Water Dist.
ARV	Air release valve
AT&T	AT&T Communications
BV	Butterfly valve
Bndry	Boundry
BO	Blow off valve
CB	Catch basin
CCSF	City and County of San Francisco
CNDT	Conduit
ESMT	Easement
EX	Existing
FH	Fire hydrant
FHV	Fire hydrant valve
IRR	Irrigation
LAT	Lateral (water, sewer, ect.)
M	Meter (water, irrigation, etc.)
MCI	MCI Telecommunications
MH	Manhole
MON	Monument
MONL	Monument line
PG&E	Pacific Gas & Electric
PUE	Public Utility Easement
RR	Railroad
ROW	Right-of-way
SD	Storm Drain
SIC	Siganl Interconnect cable
SL	Street light
SPRINT	Sprint Communications
SS	Sanitary Sewer
TEL	Telephone
TSS	Traffic Signal System
TV	Cable TV
USD	Union Sanitary District
V	Valve (water, gas, etc.)
W	Water

WM	Water main
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This list is offered as a starting point. You may add any other standard abbreviation necessary.





## Impervious Surfaces Form

Required for all projects on lots 10,000 square feet or greater. **Projects that receive permit approvals on or after December 1, 2011, may be subject to new requirements** – summary of new requirements on Page 2.

**Date of Application:** \_\_\_\_\_ **Type of application:** ☐ Site development review ☐ Building permit  
☐ Parcel/tentative/vesting/tract map ☐ Updated form

**Project Location or Address:** \_\_\_\_\_, CA

**Project watershed** (name of creek or other receiving water): \_\_\_\_\_

**Project Name** (if applicable): \_\_\_\_\_

**Project Type:** ☐ Commercial/Industrial ☐ Residential Subdivision ☐ Single-family home ☐ Mixed Use  
☐ Auto-service Facility ☐ Gas station ☐ Restaurant ☐ Parking lot ☐ Public Agency ☐ Road project

**Property Owner's Name:** \_\_\_\_\_

**Applicant's Name:** \_\_\_\_\_  
☐ Owner ☐ Contractor ☐ Engineer/Architect ☐ Developer

**Applicant's Address:** \_\_\_\_\_

**Applicant's Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Parcel/Tract No.:** \_\_\_\_\_ **Lot No.:** \_\_\_\_\_ **APN #** \_\_\_\_\_

**Total Lot (or Parcel/Tract) Area:** \_\_\_\_\_ Sq.Ft. **Total Area Disturbed:** \_\_\_\_\_ Sq.Ft.

Type of Impervious Surface <sup>1</sup>	Pre-Project Condition (sq.ft.), if applicable	Proposed Impervious Surface (IS), in sq. ft.	
		Replaces IS	New IS
Building(s) footprint, Driveway(s), Patio(s), Impervious deck(s)			
Uncovered parking lot (including top deck of parking structure)			
Impervious trails, Miscellaneous paving or structures			
Off-lot Impervious Surface (streets, sidewalks &/or bike lanes)	N/A		
New, contiguous impervious surface created from road project	N/A		
<b>Total Impervious Surface in Square Feet</b>			

- ☐ Check box if project plans showing changes in impervious area are attached (required).  
☐ Check box if project creates/replaces  $\geq 10,000$  ft.<sup>2</sup> impervious surface. If yes, a stormwater management plan is required.  
☐ Check box if stormwater treatment measures or flow duration controls are located on public property or right of way.  
☐ Check box if other permit applications have been submitted for this property within the past year.

Depth to seasonal high groundwater table: \_\_\_\_\_

(Note: Impervious liners may be required if depth to seasonal high groundwater table is less than 10 feet).

Is total uncovered impervious parking, plus impervious surface for auto-service facility, retail gasoline outlet, and/or restaurant $\geq 5,000$ sq. ft.?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, see Notice to Applicants (page 2)
Is the total proposed impervious surface $\geq 10,000$ sq. ft.?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, stormwater treatment, site design and source control measures are required. See Notice to Applicants (pg.2)
Is the total proposed impervious surface $\geq 43,560$ sq. ft.?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, complete HM Applicability Form.

I declare under penalty of perjury, that to the best of my knowledge, the square footage presented herein is accurate and complete. Incorrect impervious area calculations may delay your project application(s) and/or permit(s).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

<sup>1</sup> Pervious pavement underlain with pervious soil or pervious storage material, such as a gravel layer sufficient to hold at least the volume of rainfall runoff specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP), are not impervious surfaces.

## Notice to Project Applicants

### Additional, New Stormwater Use and Treatment Requirements Will Go into Effect December 1, 2011

Additional, new, regional requirements mandated by the Regional Water Quality Control Board will affect private development projects beginning December 1, 2011. The following is a summary of applicable new requirements in Provisions C.3.b.ii and C.3.c.i.2 of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (“Municipal Regional Permit” or “MRP”). The full text of the MRP may be downloaded at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.org).

#### **New Restrictions on Methods of Stormwater Treatment**

Beginning December 1, 2011, all projects that are required to treat stormwater will need to treat the permit-specified amount of stormwater runoff with the following low impact development methods: rainwater harvesting and reuse, infiltration, evapotranspiration, or biotreatment. However, biotreatment (filtering stormwater through vegetation and soils before discharging to the storm drain system) will be allowed only where harvesting and reuse, infiltration and evapotranspiration are infeasible at the project site. Criteria for determining infeasibility are scheduled to be developed by May 1, 2011. ***Vault-based treatment, including media filtration units, will not be allowed as a stand-alone treatment measure.*** (See Provision C.3.c.i.2 of the MRP.)

#### **New Rules for Auto Service Facilities, Retail Gasoline Outlets, Restaurants, and Uncovered Parking**

Beginning December 1, 2011, projects that create and/or replace 5,000 square feet or more of impervious surface related to auto service facilities<sup>1</sup>, retail gasoline outlets, restaurants<sup>2</sup>, and/or surface parking will be required to provide low impact development treatment of stormwater runoff. ***This requirement will apply to uncovered parking that is stand-alone, or included as part of any other development project***, and it applies to the top uncovered portion of a parking structure, unless drainage from the uncovered portion is connected to the sanitary sewer (see Provision C.3.b.ii.1 of the MRP). For all other land use categories, 10,000 square feet will remain the threshold for requiring low impact development (LID), source control, site design, and stormwater treatment. Projects that do not fall into either one of the categories above must incorporate LID and best management practices to the maximum extent practicable.

#### **Will These Requirements Affect My Project?**

- If you submitted a development application that was deemed complete before December 1, 2009 and you “diligently pursue<sup>3</sup>” the project, the additional, new requirements will not affect your project.
- If you submit a development application that is deemed complete after December 1, 2009, the additional, new requirements will not apply if the development application has received final discretionary approval before December 1, 2011.
- In all other cases, the additional, new requirements will apply.

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<sup>1</sup> Auto service facilities, described by the following Standard Industrial Classification (SIC) codes:

- 5013: Establishments primarily engaged in wholesale distribution of motor vehicle supplies, accessories, tools, equipment, and parts.
- 5014: Establishments primarily engaged in wholesale distribution of tires and tubes for passenger and commercial vehicles.
- 5541: Gasoline service stations primarily engaged in selling gasoline and lubricating oils.
- 7532: Establishments primarily engaged in the repair of automotive tops, bodies, and interiors, or automotive painting and refinishing.
- 7533: Establishments primarily engaged in the installation, repair, or sale and installation of automotive exhaust systems.
- 7534: Establishments primarily engaged in repairing and retreading automotive tires.
- 7536: Establishments primarily engaged in the installation, repair, or sales and installation of automotive glass
- 7537: Establishments primarily engaged in the installation, repair, or sales and installation of automotive transmissions.
- 7538: Establishments primarily engaged in general automotive repair.
- 7539: Specialized automotive repair such as fuel service (carburetor repair), brake relining, front-end and wheel alignment, and radiator repair.

<sup>2</sup> Restaurants described by SIC code 5812: Retail sale of prepared food and drinks for on-premise or immediate consumption.

<sup>3</sup> Diligent pursuance may be demonstrated by the project applicant’s submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project.



## Hydromodification Management (HM) Applicability Worksheet

(To be completed for projects that create and/or replace 43,560 sq. ft. or more of impervious surface. Definitions of terms in bold text are included on Page 2)

1. Date of Application: \_\_\_\_\_ Type of application: ☐ parcel/tentative/vesting/tract map  
☐ site development review ☐ building permit
2. Project Location or Address: \_\_\_\_\_, CA
3. Project Name (if applicable): \_\_\_\_\_
4. Applicant's Name: \_\_\_\_\_  
☐ Owner ☐ Contractor ☐ Engineer/Architect ☐ Builder/Developer
5. Applicant's Phone: \_\_\_\_\_ 7a. Fax: \_\_\_\_\_ 7b. Email: \_\_\_\_\_
6. Parcel/Tract No.: \_\_\_\_\_ 8a. Lot No.: \_\_\_\_\_ 8b. APN # \_\_\_\_\_
7. Total Lot (or Parcel/Tract) Area in Sq.Ft: \_\_\_\_\_
8. Total amount of Impervious Surface Created and/or Replaced (obtain from the completed Impervious Surface Form): \_\_\_\_\_ sq. ft. *If less than 1 acre (43,560 sq. ft.), this form is not needed.*
9. Is the project located in a hydromodification management (HM) control area? (See HM Control Areas guidance at [http://cleanwaterprogram.org/businesses\\_developers.htm](http://cleanwaterprogram.org/businesses_developers.htm), scroll to Hydromodification Management).  
☐ Yes. *Attach map, check 9a or 9b, then continue to Question 10.* **Check one:**  
9a. Map showing project in high slope zone or special consideration watershed. ☐  
9b. Map showing project in west county "white area." ☐  
☐ No. *HM requirements do NOT apply to project site.* **Check one:**  
*Check 9 c, d, or e. Skip to Question 11, and check 11a.*  
9c. Map showing project in exempt area (tidal/depositional or extreme east county). ☐  
9d. Map showing project in west county white area, and statement signed by engineer or qualified professional certifying that all project runoff will flow through "fully hardened channels," per Municipal Regional Stormwater Permit (MRP) Attachment B, pg. B-5. ☐  
9.e. Documentation that onsite HM controls are impracticable, per MRP Attachment B, Section 2, pg. B-3, including list of all applicable costs and brief description of alternative HM project (name, location, date of start-up, entity responsible for maintenance). ☐
10. Does the project replace existing impervious surface (such as a building, parking lot, roadway, etc.) and is the total impervious area NOT increased from the pre-project condition?  
☐ *The project does not increase impervious surface area and is not required to incorporate HM measures. Go to Question 11 and check 11a.*  
☐ *The project does increase impervious surface area and is required to incorporate HM measures. Go Question 11, and check 11b.*

### Determination of HM Applicability

- |  |                          |
|--|--------------------------|
| 11. Is the project...  | <b>Yes (check one):</b>  |
| 11a. Exempt from HM requirements?  | <input type="checkbox"/> |
| 11b. Subject to HM requirements? <i>Project is subject to requirements in Provision C.3.g and Attachment B of the Municipal Regional Stormwater Permit, available for download at: <a href="http://www.cleanwaterprogram.org">www.cleanwaterprogram.org</a>.</i> | <input type="checkbox"/> |

## **Glossary of Terms**

### *for the Hydromodification Management (HM) Applicability Worksheet*

Hydromodification - The modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (e.g., made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding.

Hydromodification management control area - The areas of HM applicability in Alameda County as shown in the HM map included in the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit ("Municipal Regional Permit" or "MRP"). The map may be viewed at [http://cleanwaterprogram.org/businesses\\_developers.htm](http://cleanwaterprogram.org/businesses_developers.htm) (scroll to Hydrograph Modification). An interactive version of this map is also available at the above link.

Impervious surface - A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Landscape areas and pervious pavement, including pavers with pervious openings and seams underlain with pervious soil or pervious storage material sufficient to hold at least the MRP Provision C.3.d volume of rainfall runoff, are not impervious surfaces. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether a project is a Regulated Project under MRP Provisions C.3.b. and C.3.g. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling to meet the Hydromodification Standard.

Municipal Regional Stormwater NPDES Permit - The San Francisco Bay Regional Water Quality Control Board's Order R2-2009-0074 issuing Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit No. CAS612008 for the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4s) of more than 70 municipalities in the San Francisco Bay Area, including the City of Fremont, is available for download at [www.cleanwaterprogram.org](http://www.cleanwaterprogram.org).



**Alameda Countywide  
Clean Water Program**  
*A Consortium of Local Agencies*

## **Glossary for the Flow Duration Control Review Worksheet for HM Submittals**

The worksheet and glossary are intended to assist the development community and municipal staff in determining whether the HM submittal complies with the HM standard as mandated in the Municipal Regional NPDES Permit (MRP) reissued by the San Francisco Bay Regional Water Quality Control Board on October 14, 2009 as Order R2-2009-0074, NPDES Permit No. CAS612008.

For projects using the Bay Area Hydrology Model to meet the HM Standard, this worksheet may be used to assist project engineers in determining the correct BAHM settings to use; municipal staff may use the worksheet to determine if the software has been used properly to demonstrate compliance with the HM Standard. All questions must be checked “Yes” for the project to be in compliance.

### **Glossary of Terms**

Bay Area Hydrology Model (BAHM) – A computer software application, available for downloading from [www.bayareahydrologymodel.com](http://www.bayareahydrologymodel.com), for analyzing the potential hydrograph modification effects of land development projects, and sizing specialized flow duration control facilities to mitigate the increased stormwater runoff from these projects and assist project applicants in meeting the requirements of the HM standard permit amendment.

DOC file – An electronic report file produced by the Bay Area Hydrology Model (BAHM), which can be read by Microsoft Word or any text-editing program, and must be included in HM submittals that include flow duration controls and are designed using the BAHM.

Flow duration controls – Specialized detention and discharge structures designed to reduce excess post-project flow duration for a designated range of flows based on continuous simulation models of runoff from both pre-project and post-project site conditions, comparing flow durations for the designated range of flows, in order to mitigate development-caused hydromodification.

Hydrologic source controls – The HM Standard uses the term hydrologic source controls to refer to site design techniques that minimize and/or slow the rate of stormwater runoff from the site. There is considerable overlap between site design measures that minimize and/or slow the rate of runoff and site design measures that reduce impacts to water quality and beneficial uses. Because municipal staff are familiar with the term “site design measures” and already require site design measures to reduce impacts to water quality/beneficial uses, the HM Applicability Worksheet does not use the term hydrologic source controls, and instead uses the term “site design measures,” specifying that when site design measures are incorporated to meet the HM standard, they must serve to minimize and/or slow the rate of runoff.

Hydromodification - The modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (e.g., made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding.

Hydromodification Management (HM) Standard – Stormwater discharges from applicable new development and redevelopment projects shall not cause an increase in the erosion potential of the receiving stream over the pre-project (existing) condition. Increase in runoff flow and volume shall be managed so that post-project runoff shall not exceed estimated pre-project rates and durations, where such increased flow and/or volume is likely to cause increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts to beneficial uses due to increased erosive force. Such management shall be through implementation of the hydromodification requirements the HM Standard permit provision and its Attachment B.

Impracticability Provision – Provision C.3.g.2 (Attachment B of the MRP) of the HM Standard, which identifies conditions under which a project may be allowed to meet the requirement for flow duration control by contributing financially to an alternative HM project.

In-stream measures - In-stream measures involve modifying the receiving stream channel slope and geometry so that the stream can convey the new flow regime without increasing the potential for erosion and aggradation. In-stream measures are intended to improve channel stability and prevent erosion by reducing the erosive forces imposed on the channel boundary.

Site Design Measures - Site planning techniques to conserve natural areas and/or limit the amount of impervious surface at new development and significant redevelopment projects. Site design measures may be employed for the purpose of reducing impacts to water quality and beneficial uses, or for the purpose of minimizing and/or slowing the rate of runoff offsite and thereby reducing potential for hydromodification of creek channels. Site design measures that minimize and/or slow the rate of runoff are also called hydrologic source controls. In practice, many site design measures accomplish both purposes described above.

WD2, WDM and WHM Files – project files that are created by the Bay Area Hydrology Model (BAHM), which must be included in HM submittals that include flow duration controls and are designed using the BAHM.



## Flow Duration Control Review Worksheet for HM Submittals

(To be completed for projects that include flow duration controls. Terms in bold text are defined in the glossary section of the HM Applicability Worksheet Guidance and Glossary.)

1. Project Location or Address: \_\_\_\_\_, CA
2. Project Name (if applicable): \_\_\_\_\_
3. Design Engineer: \_\_\_\_\_ 3a. Phone No.: \_\_\_\_\_ 3a. Email: \_\_\_\_\_
4. Parcel/Tract No.: \_\_\_\_\_ 4a. Lot No.: \_\_\_\_\_ 4b. APN # \_\_\_\_\_

### Required Project Information

	Included	NA
5. Check the "Included" box if the submittal includes the following documents, or check "NA" if NOT applicable. All applicable documents must be included.		
5a. Site plans with pre- and post-project impervious areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement <sup>2</sup> .	<input type="checkbox"/>	<input type="checkbox"/>
5b. Soils report or other site-specific document showing soil types at all parts of site.	<input type="checkbox"/>	<input type="checkbox"/>
5c. If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.	<input type="checkbox"/>	<input type="checkbox"/>
5d. If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.	<input type="checkbox"/>	<input type="checkbox"/>
5e. If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).	<input type="checkbox"/>	<input type="checkbox"/>
5f. If the project uses alternatives to the default BAHM approach or settings, a written description and rationale (see also Question 7 below).	<input type="checkbox"/>	<input type="checkbox"/>

### Hydromodification Management (HM) Site Design Requirement<sup>2</sup>

6. Do plans include appropriate site design measures that minimize and/or slow rate of runoff from site?
- ☐ Yes. *Continue to Question 7.*
- ☐ No. Incorporate appropriate site design measures prior to approval, or explain why this is impracticable:

### Bay Area Hydrology Model (BAHM)

7. Is the Bay Area Hydrology Model used to demonstrate compliance with the HM standard?
- ☐ Yes. *Continue to Question 8.*
- ☐ No. *Describe the method used to comply with the HM standard and attach an evaluation of the method and results, indicating whether the HM standard has been met. Skip to Question 29.*
- Alternative method(s): ☐ Modified design criteria in BAHM ☐ Alternate modeling software
- ☐ In-stream measures ☐ Full channel stability assessment ☐ Other: \_\_\_\_\_
8. Soil types used for BAHM are based on: ☐ Project geotechnical report by \_\_\_\_\_
- ☐ NRCS soils map ☐ Other/unknown (describe): \_\_\_\_\_

### Checklist for BAHM Project Review (All boxes must be checked Yes for approval.)

	Yes	No
9. Were required project files (WDM, WHM, WD2) received?	<input type="checkbox"/>	<input type="checkbox"/>
10. Was the BAHM report (DOC) file received?	<input type="checkbox"/>	<input type="checkbox"/>
11. Do the project files load to reviewer's computer properly?	<input type="checkbox"/>	<input type="checkbox"/>
12. Does the project location in submittal match location on the BAHM screen?	<input type="checkbox"/>	<input type="checkbox"/>
13. Does the Pre-Project scenario run properly?	<input type="checkbox"/>	<input type="checkbox"/>
14. Does the Post-project Mitigated scenario run properly?	<input type="checkbox"/>	<input type="checkbox"/>
15. Compare BAHM Report screen with report file:		

<b>Checklist for BAHM Project Review</b> (All boxes must be checked Yes for approval.)	Yes	No
15a. Project location descriptions match.	<input type="checkbox"/>	<input type="checkbox"/>
15b. Precipitation gages and precipitation factors match.	<input type="checkbox"/>	<input type="checkbox"/>
15c. Flow frequency results match.	<input type="checkbox"/>	<input type="checkbox"/>
15d. All flow duration values PASS. (Flow values are non-zero.)	<input type="checkbox"/>	<input type="checkbox"/>
15e. Any pervious area (PERLND) changes?	<input type="checkbox"/>	<input type="checkbox"/>
15f. Any impervious area (IMPLND) changes?	<input type="checkbox"/>	<input type="checkbox"/>
15g. Any scaling factor changes?	<input type="checkbox"/>	<input type="checkbox"/>
15h. Any duration criteria changes?	<input type="checkbox"/>	<input type="checkbox"/>
15i. Pond (or vault or tank) dimensions match.	<input type="checkbox"/>	<input type="checkbox"/>
15j. Pond Discharge Structure information matches.	<input type="checkbox"/>	<input type="checkbox"/>
16. Do the BAHM pond/vault/tank dimensions match drawings?	<input type="checkbox"/>	<input type="checkbox"/>
17. Compare Discharge Structure(s) in BAHM report to drawings:		
17a. Do configuration and dimensions match, including low-flow orifice?	<input type="checkbox"/>	<input type="checkbox"/>
17b. If low-flow orifice is enlarged on plans, is the difference mitigated via design features consistent with Appendix D of the User Manual?	<input type="checkbox"/>	<input type="checkbox"/>
18. Is the pond surface area included in the Post-project Mitigated basin?	<input type="checkbox"/>	<input type="checkbox"/>
19. Are the Precipitation Applied and Evaporation Applied options used appropriately for each type of element?	<input type="checkbox"/>	<input type="checkbox"/>
20. Infiltration: a. Is this turned ON for each infiltration pond or LID element?	<input type="checkbox"/>	<input type="checkbox"/>
b. Is selection of Infiltration Reduction Factors consistent with Appendix D?	<input type="checkbox"/>	<input type="checkbox"/>
21. Does total BAHM drainage area match drainage maps/drawings?	<input type="checkbox"/>	<input type="checkbox"/>
22. Does Post-project Mitigated drainage area(s) match Pre-project?	<input type="checkbox"/>	<input type="checkbox"/>
23. Is Pre-project vegetation correct? (e.g. lawns shown as Urban, not Grass)	<input type="checkbox"/>	<input type="checkbox"/>
24. Are Post-project Unmitigated land use areas correct?	<input type="checkbox"/>	<input type="checkbox"/>
25. Do low impact development (LID) options correspond to the site design measures to minimize/reduce runoff rate, or other stormwater management measures shown on plans?	<input type="checkbox"/>	<input type="checkbox"/>
26. Are the routing and connectivity of drainage areas and LID or stormwater management measures consistent with plans?	<input type="checkbox"/>	<input type="checkbox"/>
27. Does the pond usually drain in 5 days or less, according to the Drawdown Table?	<input type="checkbox"/>	<input type="checkbox"/>
28. If claiming treatment credit on a volume basis for the pond, are documentation or calculations provided and consistent with volumes shown in Drawdown Table?	<input type="checkbox"/>	<input type="checkbox"/>

<b>HM Submittal Approval</b>	Yes	No	N/A
29. Is documentation provided for any required review or approval by other agencies (e.g. ACFCWCD, Zone 7, local groundwater managers)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30. Do other issues need correction before project is approved? Describe: _____	<input type="checkbox"/>	<input type="checkbox"/>	
31. Is the HM submittal APPROVED? NOTE: Operation & maintenance agreement required prior to occupancy.	<input type="checkbox"/>	<input type="checkbox"/>	

**City of Fremont Instructions for Completing the Stormwater Treatment Measures Maintenance Agreement (also known as the Operations and Maintenance Agreement)**

1. Provide the initial submittal of the O&M Agreement (the Agreement) document in Word format. Exhibits may be provided in PDF format.
2. Do not notarize the Agreement until the City has reviewed and approved the document.
3. Do not alter the language of the template Agreement.
4. Paginate the Agreement and exhibits. Paginate each page of the Agreement as “x” page of the total number of pages in the Agreement (i.e. 1/30, 2/30, 3/30, etc.)
5. Complete the main Agreement as follows:
  - Fill in the blank spaces at the top of the 1<sup>st</sup> page (PLN, BLD, tract/parcel #, property address and/or subdivision name). If not applicable, mark the space N/A.
  - Leave the date in the opening paragraph blank. The Agreement will be dated when all signatures are obtained (including City signatures).
  - Insert the name of the property owner and type of legal entity in the opening paragraph on page 1. Report the property owner precisely as it is shown on the title report.
  - Insert the property address in the third *WHEREAS* statement on page 1. If the property is a subdivision or commercial property with multiple addresses, include subdivision or project name.
  - Insert the PLN in the *NOW, THEREFORE* statement on page 2.
  - Format the signature block on page 6 according to the type of legal entity that owns the property.
6. Complete Exhibit A, the legal description of the property as follows:
  - Tract or parcel maps: use Alameda County Recorder’ Office map book pages.
  - Single lots: use complete legal description.
7. Complete Exhibit B, the conceptual site plan. The exhibit must be no larger than 8.5” x 11” and simplified such that it includes only relevant stormwater information, as delineated below. A reduced size plan sheet will be rejected by the City.
  - Location & type of stormwater treatment and hydromodification (HM) measures, as applicable.
  - Label stormwater treatment & HM measures (e.g. swale #1, swale #2). Include a legend.
  - Indicate the direction of on-site stormwater flow.
  - Include the location of stormwater pumps, if applicable.
  - Include a North arrow and periphery streets for reference.
  - Text-mask or otherwise ensure that text is clearly legible. Font must be at least 0.12.”
  - All background layers must be removed.
8. Complete Exhibit C. Include the following information:
  - Maintenance plans for all stormwater treatment and HM measures (including pumps, if applicable). Sample maintenance plans may be found on-line at <http://fremont.gov/stormwaterdevelopment>.
  - All O&M Agreements must include either the Commercial-Industrial Site Housekeeping and Pesticide Reduction Measures maintenance plan or the Residential Good Housekeeping document (provided by the City or found on-line at the website referenced above).
  - Include soil specifications and plant species included in landscape based treatment measures.
  - Provide manufacturers maintenance information along with the model number and design details for proprietary treatment measures.
  - No photos are permitted; text and black/white diagrams only.
9. Complete Exhibit D, as follows:
  - Complete sections I-IV of the *Treatment Measure Operation and Maintenance Inspection Report*.
  - Leave sections V-VIII blank and mark as “sample.”
  - Provide the inspection checklists for all treatment & HM measures in the Attachments to Exhibit D, *Treatment Measure Operation and Maintenance Inspection Report*. All checklists must be clearly marked “sample” for notarization purposes.
10. Provide design details for landscape-based stormwater treatment measures as an appendix to the document.
11. Provide 2 original, notarized Agreements to the City upon approval of the document. Photocopied documents will be rejected. Follow the City of Fremont signatory guidelines (attached).



## **SIGNATURE REQUIREMENTS**

When signing documents, it is important that they be properly executed to guarantee their validity and recordation. The following procedures must be followed for all documents processed by the City of Fremont such as: Subdivision Maps, Grants of Easements, Grant Deeds, Agreements, Bonds, etc.

- I. FOR ALL SIGNATURES.** The name and title of the signer should be typed or printed beneath the signature. The name must be signed exactly as it is typed or printed.
- II. SIGNATURES FOR INDIVIDUALS.** The name must be signed exactly as it is printed or typed. The signer's title or interest in the property (e.g. "owner") must be stated.
- III. SIGNATURES FOR PARTNERSHIPS.** The signing party must be either a general partner or be authorized in writing to have the authority to sign for and bind the partnership.
- IV. SIGNATURES FOR CORPORATIONS.** Authorization to sign contracts and other documents on behalf of the corporation must be demonstrated by one of the following methods. For maps and documents to be recorded, and for sureties signing bonds, the signatures must be notarized as provided in Method 3 and paragraph V., below.

**Method 1** (Two Specified Officers). Authorization may be shown by two officers, one from each of the following groups, signing the instrument. (ref. Corp. Code §312.)

### **Group A**

- (i) Chairman of the Board
- (ii) President
- (iii) Any Vice-President

### **Group B**

- (i) Secretary
- (ii) Any Assistant Secretary
- (iii) Chief Financial Officer
- (iv) Any Assistant Treasurer

**Method 2** (Certified Board Authorization). Authorization may be shown by providing the City a copy of the corporation's bylaws, board of directors meeting minutes, or any resolution of corporation's board authorizing the person signing the instrument to execute instruments of the type in question, and certified by the Secretary or Asst. Secretary of the corporation to be a true copy. (ref. Corp. Code §314.)

**Method 3** (Notarized Officer Signature). Authorization may be shown by the signature of either the corporation's president, vice president, secretary, or assistant secretary accompanied by a notary acknowledgment in the form prescribed by Civil Code §1189. (ref. Civil Code §1190)

- V. SIGNATURES FOR LIMITED LIABILITY COMPANIES (LLC's).** Authorization must be demonstrated by providing the portion of the operating agreement authorizing the person signing the instrument to execute instruments of the type in question, and if the LLC does not have an operating agreement, then by providing the articles of incorporation for review by the CAO. (ref. Corp Code §§17151, 17154, 17157.)
- VI. MAPS AND DOCUMENTS TO BE RECORDED.** For maps and documents to be recorded, including all transactions affecting title to real property, all signatures must be properly notarized and accompanied by a certificate of acknowledgement in the form prescribed by Civil Code section 1189. (ref. Gov't Code §§ 27287, 66436, 66439, 66447) The names and titles of the people signing the documents must be listed on the notary flag.
- VII. CHANGES.** Should any changes be made to the document once signed, the changes must be initialed by all parties signing the document. Obliteration of any type will not be acceptable.

CAO: \_\_\_\_\_

<b>Recording requested by and after recording return to:</b>  City of Fremont 39550 Liberty Street P.O. Box 5006 Fremont, CA 94537-5006 Attn: Environmental Services	<b>THIS SPACE FOR RECORDER'S USE ONLY</b>
--	---

**PLN:** \_\_\_\_\_ **BLD:** \_\_\_\_\_  
**Tract # or Parcel # (if applicable):** \_\_\_\_\_  
**Address:** \_\_\_\_\_

### **STORMWATER TREATMENT MEASURES MAINTENANCE AGREEMENT**

This Stormwater Treatment Measures Maintenance Agreement ("Agreement") is entered into this \_\_\_\_\_ date of \_\_\_\_\_, 201\_\_\_\_ by and between the City of Fremont, a municipal corporation, ("City") and [insert name of property owner], a explain type of legal entity (partnership, corporation, etc.), (the "Property Owner").

Comment [LS1]: Explain type of legal entity (e.g. partnership, corporation, sole proprietorship, etc.)

### **RECITALS**

**WHEREAS**, on October 14, 2009, the Regional Water Quality Control Board, San Francisco Bay Region, adopted Order R2-2009-0074, CAS612008, issuing the San Francisco Bay Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for the municipalities and countywide clean water programs in Alameda County, Contra Costa County, San Mateo County, Santa Clara County, the cities of Fairfield and Suisun City, and the City of Vallejo and the Vallejo Sanitation and Flood Control District; and

**WHEREAS**, the City of Fremont is member agency of the Alameda Countywide Clean Water Program and a Permittee to the Municipal Regional NPDES Permit; and

**WHEREAS**, Provision C.3.h. of this NPDES permit, and as it may be amended or reissued, requires the City to provide minimum verification and access assurances that all stormwater treatment measures shall be adequately operated and maintained by persons and entities responsible for the stormwater treatment measures; and

**WHEREAS**, Property Owner is the owner of real property commonly known as [insert property address] (the "Property"), and more particularly described in the attached **Exhibit A**, upon which stormwater treatment measures (STMs) are located or to be constructed, as shown in **Exhibit B** (the "Site Plan"); and

Comment [LS2]: Insert property address

**WHEREAS**, the Property Owner, its administrators, co-owners, executors, successors, heirs, assigns or any other persons, including any homeowners or property owners association (hereinafter collectively referred to as "Property Owner") recognizes that

the STMs, more particularly described and shown on **Exhibit B**, of which full-scale plans and any amendments thereto are on file with the Planning and/or Engineering Department of the City of Fremont must be installed and maintained as indicated in this Agreement and as required by Provision C.3.b. of the NPDES permit.

**WHEREAS**, the City and the Property Owner agree that the health, safety and welfare of the citizens of the City require the STMs detailed in the Site Plan shall be constructed and maintained on the Property; and

**WHEREAS**, Fremont Municipal Code Section 8-11206, and other City criteria, guidelines, and directions require that the STMs, as shown on the approved Site Plan, be constructed and maintained by the Property Owner;

**NOW, THEREFORE**, in consideration of the benefit received by the Property Owner as a result of the City's approval of PLN, the Property Owner hereby covenants and agrees as follows:

Comment [LS3]: State type of approval granted and PLN number

#### SECTION 1: CONSTRUCTION OF STORMWATER TREATMENT MEASURES

The STMs shown on the Site Plan shall be constructed or cause to be constructed by the Property Owner in strict accordance with the approved plans and specifications identified for the development and any other requirements thereto which have been approved by the City in conformance with appropriate City ordinances, guidelines, criteria and other written direction.

#### SECTION 2: OPERATION & MAINTENANCE RESPONSIBILITY

This Agreement shall serve as the signed statement by the Property Owner accepting responsibility for operation and maintenance of the STMs as set forth in this Agreement until the responsibility is legally transferred to another entity. Prior to transferring title for all or any part of the Property, Property Owner shall provide written notice of the Agreement to the transferee and provide the City a copy of such notice.

#### SECTION 3: MAINTENANCE OF STORMWATER TREATMENT MEASURES

The Property Owner shall not destroy or remove the STMs from the Property nor modify them in a manner that lessens their effectiveness. The Property Owner shall, at its sole expense, adequately maintain the STMs in good working order satisfactory to the City and in accordance with all applicable Federal, state and local laws and regulations and the maintenance plan, attached hereto as **Exhibit C**, which is incorporated herein by this reference. This includes maintenance for all pipes, channels or other conveyances built to convey stormwater to the STMs, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater runoff. Adequate maintenance is herein defined as maintaining the described facilities in good working condition so that these facilities continue to operate as originally designed and approved. The maintenance plan shall include a detailed description of and schedule for long-term maintenance activities.

In the event the STMs are destroyed damaged, removed, or modified in a manner that lessens their effectiveness, the Property Owner, at its sole expense, shall restore them such that they perform as intended.

#### SECTION 4: NECESSARY CHANGES AND MODIFICATIONS

At its sole expense, the Property Owner shall make changes or modifications to the System and/or the long-term Maintenance Plan, **Exhibit C**, as may be determined as

reasonably necessary by the City to ensure that the STMs are properly maintained and continue to operate as originally designed and approved.

If the Property Owner desires to modify the STMs in any way, the Property Owner must submit a building permit application, complete with plans, to the City for approval.

Any necessary modifications to this Agreement shall be made and the modified Agreement or amendment shall be signed, notarized and recorded in the Alameda County Recorder's Office.

#### SECTION 5: SEDIMENT MANAGEMENT

Sediment accumulation resulting from the normal operation of the STMs shall be managed appropriately by the Property Owner. The Property Owner shall provide for the removal and disposal of accumulated sediments. Disposal of accumulated sediments shall not occur on the Property, unless provided for in the maintenance plan. Any disposal or removal of accumulated sediments or debris shall be in compliance with all Federal, state and local law and regulations.

#### SECTION 6: ANNUAL INSPECTION AND REPORT

The Property Owner shall conduct a minimum of one (1) annual inspection of the STMs before the wet season. This inspection shall occur between August 1<sup>st</sup> and October 1<sup>st</sup> of each year. More frequent inspections may be required by the Maintenance Plan, **Exhibit C**. The results of the inspections shall be recorded on the Inspection and Maintenance Checklist(s) attached as **Exhibit D**. The Property Owner shall, on an annual basis, complete the Stormwater Treatment Measure Operation and Maintenance Inspection Report (annual report), attached to this Agreement as **Exhibit D**. The annual report shall include all completed Inspection and Maintenance Checklists for the reporting period. The annual report shall also include a record of the volume of all accumulated sediment removed from the STMs.

The Property Owner shall retain each annual report at a location on the Property for a period of at least five (5) years. The City may request Property Owner to provide copies of any or all annual reports prepared during the prior five years in order to verify that inspection and maintenance of the applicable STMs have been conducted pursuant to this Agreement. Property Owner shall comply with any such request within five (5) working days.

#### SECTION 7: ACCESS TO THE PROPERTY

The Property Owner hereby grants permission to the City; the San Francisco Bay Regional Water Quality Control Board (Water Board); the Alameda County Mosquito Abatement District (Mosquito Abatement District); and their authorized agents and employees to enter upon the Property at reasonable times and in a reasonable manner to inspect, assess, sample or observe the STMs in order to ensure that the STMs are being properly maintained and are continuing to perform in an adequate manner to protect water quality and the public health and safety. The permission includes the right to enter upon the Property when the City, Water Board or Mosquito Abatement District has a reasonable basis to believe that a violation of this Agreement, the City's stormwater management ordinance, guidelines, criteria, other written direction, or the San Francisco Bay Regional Municipal Stormwater Permit (Water Board Order R2-2009-0074, and any amendments or re-issuances of this permit) is occurring, has occurred or threatens to occur. The above listed agencies also have a right to enter the Property when necessary for abatement of a public nuisance or correction of a violation of the ordinance guideline, criteria or other written direction. Whenever possible, the City, Water Board, or the Mosquito Abatement District shall provide reasonable notice to the Property Owner before entering the property and

shall make an effort to minimize interference with the Property Owner's use of the Property and the STMs.

#### SECTION 8: FAILURE TO MAINTAIN STORMWATER TREATMENT MEASURES

In the event the Property Owner fails to maintain the STMs as shown on the approved Site Plan or comparable document in good working order acceptable to the City and in accordance with the maintenance plan incorporated in the Agreement, the City, and its authorized agents and employees with reasonable notice, may enter the Property and take whatever steps it deems necessary and appropriate to return the STMs to good working order, in addition to all other rights and remedies available in law and in equity. Prior notice will not be necessary if emergency conditions require immediate remedial action. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the Property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the STMs and in no event shall this Agreement be construed to impose any such obligation on the City.

#### SECTION 9: REIMBURSEMENT OF CITY EXPENDITURES

In the event the City, pursuant to the Agreement, performs work of any nature (direct or indirect), including any reinspections or any actions it deems necessary or appropriate to return the STMs to good working order as specified in Section 8, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, the Property Owner shall reimburse the City, or shall forfeit any required bond upon demand within thirty (30) days of receipt thereof for the costs incurred by the City hereunder. If these costs are not paid within the prescribed time period, the City may assess the Property Owner the cost of the work, both direct and indirect, and applicable penalties. Said assessment shall be a lien against the Property, or prorated against the beneficial users of the Property or may be placed on the property tax bill and collected as ordinary taxes by the City. The actions described in this section are in addition to and not in lieu of any and all legal remedies as provided by law, available to the City as a result of the Property Owner's failure to maintain the STMs.

#### SECTION 10: INDEMNIFICATION

The Property Owner shall indemnify, hold harmless and defend the City and its authorized agents, officers, officials and employees collectively ("City Parties") from and against any and all claims, demands, suits, damages, liabilities, losses, accidents, casualties, occurrences and payments, including attorney fees and court costs, claimed or which might arise or be asserted against the City that are alleged or proven to result from the construction, presence, existence or maintenance of the STMs on the Property as provided for in this Agreement by the Property Owner or from the performance by the City of maintenance or repair activities at the Property as described in Section 8 above (collectively "Claims"). In the event a third party claim is asserted against any or all of the City Parties, the City shall promptly notify the Property Owner and, subject to the conditions herein, the Property Owner shall defend at its own expense any suit based on such claim; and if any judgment or claims against any or all City Parties shall be allowed, the Property Owner shall pay for all costs and expenses in connection herewith. This section shall not apply to any claims, demands, suits, damages, liabilities, losses, accidents, casualties, occurrences, claims and payments, including attorney fees and court costs claimed which arise due solely to the negligence or willful misconduct of any or all of the City Parties.

#### SECTION 11: NO ADDITIONAL LIABILITY

It is the intent of this Agreement to insure the proper maintenance of the STMs by

the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability not otherwise provided by law of any party for damage alleged to result from or caused by storm water runoff.

#### SECTION 12: PERFORMANCE FINANCIAL ASSURANCE

The City may request the Property Owner to provide a performance bond, security or other appropriate financial assurance providing for the maintenance of the stormwater treatment measure(s) pursuant to the City's ordinances, guidelines, criteria or written direction.

#### SECTION 13: TRANSFER OF PROPERTY

This Agreement shall run with the land and shall be binding upon all heirs, successors, and assigns of Property Owner. The Property Owner further agrees whenever the Property is held, sold, conveyed or otherwise transferred, it shall be subject to this Agreement which shall apply to, bind and be obligatory to all present and subsequent owners of the Property.

#### SECTION 14: SEVERABILITY

The provisions of this Agreement shall be severable and if any phrase, clause, section, subsection, paragraph, subdivision, sentence or provision is adjudged invalid or unconstitutional by a court of competent jurisdiction, or the applicability to any Property Owner is held invalid, this shall not affect or invalidate the remainder of any phrase, clause, section, subsection, paragraph, subdivision, sentence or provision of this Agreement.

#### SECTION 15: RECORDATION

This Agreement shall be recorded by the Property Owner, or by the City by mutual agreement, within five (5) business days, or such time as agreed upon by both parties, after the execution date of this Agreement as stated above among the deed records of the County Recorder's Office of the County of Alameda, California at the Property Owner's expense and shall constitute notice to all successors, transferees, and assigns of the title to the Property of the obligations set forth in this Agreement.

#### SECTION 16: RELEASE OF AGREEMENT

In the event that the City determines that the STMs located on the Property are no longer required, then the City, at the request of the Property Owner shall execute a release of this Agreement, which the Property Owner, or the City by mutual agreement, shall record in the County Recorder's Office at the Property Owner's expense. The STMs shall not be removed from the Property unless such a release is so executed and recorded.

#### SECTION 17: EFFECTIVE DATE AND MODIFICATION

This Agreement is effective upon the date of execution as stated at the beginning of this Agreement. This Agreement shall not be modified except by written instrument executed by the City and the Property -Owner at the time of modification. Such modifications shall be effective upon the date of execution and shall be recorded.

#### SECTION 18: MISCELLANEOUS

a. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and

heard in a court of competent jurisdiction in the County of Alameda.

b. In the event of legal action occasioned by any default, inaction or action of the Property Owner, the Property Owner agrees to pay all costs incurred by the City in enforcing the terms of this Agreement, including reasonable attorney's fees, litigation expenses, including experts' fees and costs, and other costs which shall become part of the lien against the Party.

## **PROPERTY OWNER**

### **Signature block for CORPORATIONS**

XYZ Land Development Inc.  
a California corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: \_\_\_\_\_  
(needs to be officer from the operations side: President, CEO, Vice President)

Comment [CoF4]: Use the signature block for the type of legal entity and delete the other options.

Comment [j5]: Include the appropriate title and delete the remaining.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: \_\_\_\_\_  
(needs to be officer from the finance side: treasurer, CFO, secretary)

Comment [j6]: Include the appropriate title and delete the remaining.

One corporate signature is acceptable if the person is an officer if the signature is notarized (a corporate resolution showing that person is authorized to sign is requested). A single signature where the person is not a corporate officer – eg general manager, etc – must be supported by a corporate resolution indicating that person has been delegated authority to sign contracts on behalf of the corporation.

Comment [j7]: Delete instructions from project document.

### **LIMITED LIABILITY COMPANY**

XYZ Land Development, LLC,  
a California Limited Liability Company

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: Managing Member (we need to see the operating agreement or certificate filed with secretary of state showing the person or entity is the managing member)

Comment [j8]: Delete instructions from project document.

If the Managing Member is not an individual, but is a business entity then you would indent the signature block for the appropriate persons to sign as in the example for the limited partnership below.

Comment [j9]: Delete instructions from project document.

### **LIMITED PARTNERSHIPS**

XYZ Land Development, LLP,  
A California limited partnership

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: General Partner (need limited partnership agreement or certificate filed with state showing the person or entity is the general partner)

Comment [j10]: Delete instructions from project document.

In many cases the general partner will be a corporation so the signature block would look like this:

Comment [j11]: Delete instructions from project document.

XYZ Land Development, LP,  
A California limited partnership

By: ABC Developers, Inc,  
a California corporation

Its: General Partner

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: President, CEO, VP

Comment [j12]: Include appropriate title and delete the rest.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: Secretary, Treasurer, CFO

Comment [j13]: Include the appropriate title and delete the rest.

{attach notary acknowledgments}

## CITY OF FREMONT

\_\_\_\_\_  
Jill Keimach, Community Development Director Date

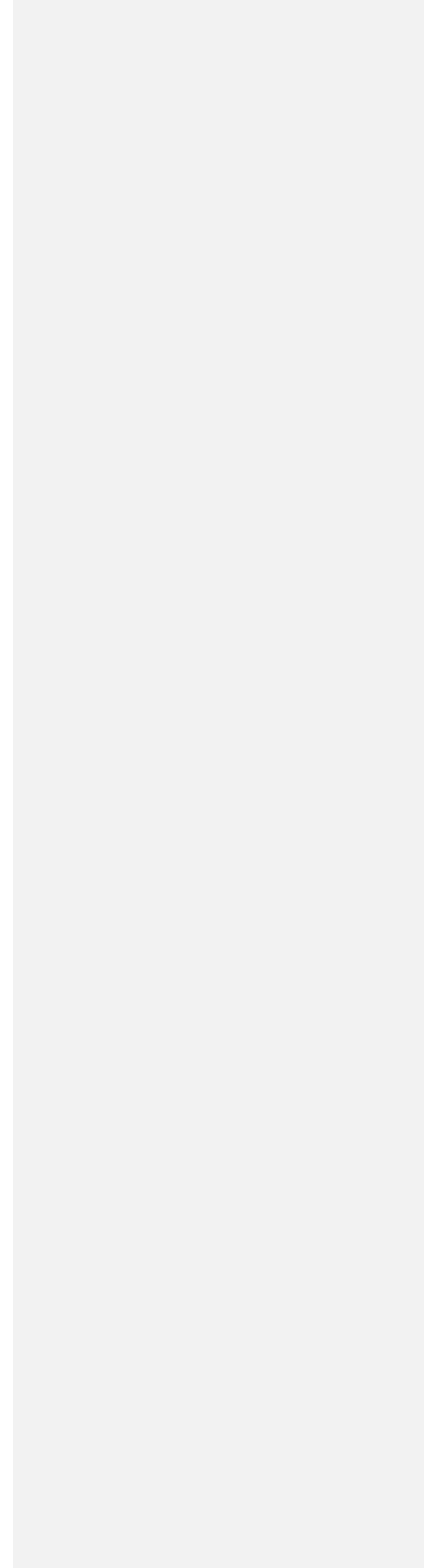
{attach notary acknowledgment}

Approved as to form:

\_\_\_\_\_  
Nellie Ancel, Senior Deputy City Attorney

**Exhibit A**

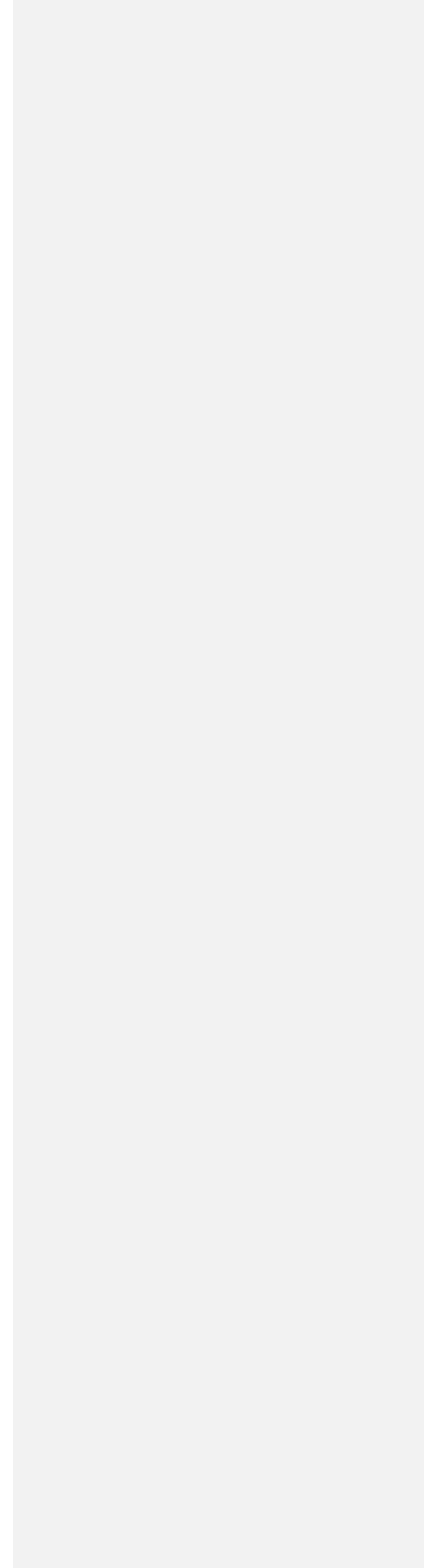
*{legal description of property}*



## **Exhibit B**

*{legible reduced –scale (no larger than 8.5”x11”) conceptual plan  
showing location and type of stormwater treatment measures, as applicable.*

*Refer to the instructions for completing  
O&M Agreement for more information}*



## Exhibit C

{ *maintenance plans* }

Comment [CoF14]: Sample maintenance plans may be downloaded at <http://fremont.gov/Construction/StormwaterRegulations/DevelopmentSubmittalRequirements.htm> or may be obtained from the manufacturer. Note: photos are not acceptable.

## Exhibit D

*{Annual report form for  
stormwater treatment measure operation and  
maintenance inspection checklists}*

Comment [CoF15]: Sample inspection checklists may be found on-line at <http://fremont.gov/Construction/StormwaterRegulations/DevelopmentSubmittalRequirements.htm> or may be obtained from the manufacturer.

**Stormwater Treatment Measure Operation and Maintenance  
Inspection Report to the  
City of Fremont, Alameda County, California**

This report and attached inspection checklists document the inspection and maintenance conducted for the identified stormwater treatment measure(s) (STMs) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

**I. Property Information:**

Property Address or APN: \_\_\_\_\_

Property Owner: \_\_\_\_\_

**II. Contact Information:**

Name of person to contact regarding this report: \_\_\_\_\_

Phone number of contact person: \_\_\_\_\_ Email: \_\_\_\_\_

Address to which correspondence regarding this report should be directed:

\_\_\_\_\_  
\_\_\_\_\_

**III. Reporting Period:**

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from January 1 to December 15 annually.

**IV. Stormwater Treatment Measure Information:**

The following stormwater treatment measures (identified treatment measures) are located on the property identified above and are subject to the Maintenance Agreement:

Number of each type of STM	Type of STM	Location of STM on the Property
		Refer to map, Exhibit B

**V: Sediment Removal**

Total amount of accumulated sediment removed from the STM(s) during the reporting period: \_\_\_\_\_ cubic yards.

The sediment was removed and disposed as follows: \_\_\_\_\_

**VI. Inspector Information:**

The inspections documented in the attached inspection checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

**VII. Statement of STM Condition**

Based on the inspections documented in the attached checklists, is(are) the STM (s) identified in this report present, functional and being maintained as required by the Maintenance Plan? (Check yes or no.)

\_\_\_ YES \_\_\_ NO

If "NO", describe problem, proposed solution and schedule of correction:

**VIII. Certification:**

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

\_\_\_\_\_  
Signature of Property Owner or Other Responsible Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**Attachments to the  
Stormwater Treatment Measure Operation and Maintenance  
Inspection Report:  
Inspection Checklists**

Comment [CoF16]: "sample" inspection checklists for each type of treatment measure. Select samples may be downloaded at [www.fremont.gov](http://www.fremont.gov) or may be obtained from the manufacturer.

CAO: \_\_\_\_\_

<p><b>Recording requested by and after recording return to:</b></p> <p>City of Fremont 39550 Liberty Street P.O. Box 5006 Fremont, CA 94537-5006 Attn: Environmental Services</p>	<p>THIS SPACE FOR RECORDER'S USE ONLY</p>
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PLN: \_\_\_\_\_ BLD: \_\_\_\_\_

**Tract # or Parcel # (if applicable):**\_\_\_\_\_

**Address:** \_\_\_\_\_

## STORMWATER TREATMENT MEASURES & FLOW DURATION CONTROLS MAINTENANCE AGREEMENT

This Stormwater Treatment Measures & Flow Duration Controls Maintenance Agreement ("Agreement") is entered into this \_\_\_\_\_ date of \_\_\_\_\_, 201\_\_\_\_, by and between the City of Fremont, a municipal corporation, ("City") and [insert name of property owner], a [explain type of legal entity (partnership, corporation, etc.)]. (the "Property Owner").

Comment [LS1]: Explain type of legal entity (e.g. partnership, corporation, sole proprietorship, etc.)

## RECITALS

**WHEREAS**, on October 14, 2009, the Regional Water Quality Control Board, San Francisco Bay Region, adopted Order R2-2009-0074, CAS612008, issuing the San Francisco Bay Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for the municipalities and countywide clean water programs in Alameda County, Contra Costa County, San Mateo County, Santa Clara County, the cities of Fairfield and Suisun City, and the City of Vallejo and the Vallejo Sanitation and Flood Control District; and

**WHEREAS**, the City of Fremont is member agency of the Alameda Countywide Clean Water Program and a Permittee to the Municipal Regional NPDES Permit; and

**WHEREAS**, Provision C.3.h. of this NPDES permit, and as it may be amended or reissued, requires the City to provide minimum verification and access assurances that all stormwater treatment measures (STMs) and all flow duration controls (FDCs) shall be adequately operated and maintained by persons or entities responsible for the STMs and FDCs; and

**WHEREAS**, Property Owner is the owner of real property commonly known as [insert property address] (the "Property"), and more particularly described in the attached **Exhibit A**, upon which STMs and FDCs are located or to be constructed, as shown in **Exhibit B** (the "Site Plan"); and

Comment [LS2]: Insert property address

**WHEREAS**, the Property Owner, its administrators, co-owners, executors,

successors, heirs, assigns or any other persons, including any homeowners or property owners association (hereinafter collectively referred to as "Property Owner") recognizes that the STMs and FDCs, more particularly described and shown on **Exhibit B**, of which full-scale plans and any amendments thereto are on file with the Planning and/or Engineering Department of the City of Fremont must be installed and maintained as indicated in this Agreement and as required by Provision C.3.b. of the NPDES permit.

**WHEREAS**, the City and the Property Owner agree that the health, safety and welfare of the citizens of the City require the STMs and FDCs detailed in the Site Plan shall be constructed and maintained on the Property; and

**WHEREAS**, Fremont Municipal Code Section 8-11206, and other City criteria, guidelines, and directions require that the STMs and FDCs, as shown on the approved Site Plan, be constructed and maintained by the Property Owner;

**NOW, THEREFORE**, in consideration of the benefit received by the Property Owner as a result of the City's approval of PLN, the Property Owner hereby covenants and agrees as follows:

Comment [LS3]: State type of approval granted and PLN number

#### SECTION 1: CONSTRUCTION OF STORMWATER TREATMENT MEASURES AND FLOW DURATION CONTROLS

The STMs and FDCs shown on the Site Plan shall be constructed or cause to be constructed by the Property Owner in strict accordance with the approved plans and specifications identified for the development and any other requirements thereto which have been approved by the City in conformance with appropriate City ordinances, guidelines, criteria and other written direction.

#### SECTION 2: OPERATION & MAINTENANCE RESPONSIBILITY

This Agreement shall serve as the signed statement by the Property Owner accepting responsibility for operation and maintenance of the STMs and FDCs as set forth in this Agreement until the responsibility is legally transferred to another entity. Prior to transferring title for all or any part of the Property, Property Owner shall provide written notice of the Agreement to the transferee and provide the City a copy of such notice.

#### SECTION 3: MAINTENANCE OF STORMWATER TREATMENT MEASURES AND FLOW DURATION CONTROLS

The Property Owner shall not destroy or remove the STMs and FDCs from the Property nor modify them in a manner that lessens their effectiveness. The Property Owner shall, at its sole expense, adequately maintain the STMs and FDCs in good working order satisfactory to the City and in accordance with all applicable Federal, state and local laws and regulations and the maintenance plan, attached hereto as **Exhibit C**, which is incorporated herein by this reference. This includes maintenance for all pipes, channels or other conveyances built to convey stormwater to the STMs and FDCs, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater runoff. Adequate maintenance is herein defined as maintaining the described facilities in good working condition so that these facilities continue to operate as originally designed and approved. The maintenance plan shall include a detailed description of and schedule for long-term maintenance activities.

In the event the STMs or FDCs are destroyed, damaged, removed, or modified in a manner that lessens their effectiveness, the Property Owner, at its sole expense, shall restore them such that they perform as intended.

#### SECTION 4: NECESSARY CHANGES AND MODIFICATIONS

At its sole expense, the Property Owner shall make changes or modifications to the System and/or the long-term Maintenance Plan, **Exhibit C**, as may be determined as reasonably necessary by the City to ensure that the STMs and FDCs are properly maintained and continue to operate as originally designed and approved.

If the Property Owner desires to modify the STMs or FDCs in any way, the Property Owner must submit a building permit application, complete with plans, to the City for approval.

Any necessary modifications to this Agreement shall be made and the modified Agreement or amendment shall be signed, notarized and recorded in the Alameda County Recorder's Office.

#### SECTION 5: SEDIMENT MANAGEMENT

Sediment accumulation resulting from the normal operation of the STMs and FDCs shall be managed appropriately by the Property Owner. The Property Owner shall provide for the removal and disposal of accumulated sediments. Disposal of accumulated sediments shall not occur on the Property, unless provided for in the maintenance plan. Any disposal or removal of accumulated sediments or debris shall be in compliance with all Federal, state and local law and regulations.

#### SECTION 6: ANNUAL INSPECTION AND REPORT

The Property Owner shall conduct a minimum of one (1) annual inspection of the STMs and FDCs before the wet season. This inspection shall occur between August 1<sup>st</sup> and October 1<sup>st</sup> of each year. More frequent inspections may be required by the Maintenance Plan, **Exhibit C**. The results of the inspections shall be recorded on the Inspection and Maintenance Checklist(s) attached as **Exhibit D**. The Property Owner shall, on an annual basis, complete the Stormwater Treatment Measure and Flow Duration Control Operation and Maintenance Inspection Report (annual report), attached to this Agreement as **Exhibit D**. The annual report shall include all completed Inspection and Maintenance Checklists for the reporting period. The annual report shall also include a record of the volume of all accumulated sediment removed from the STMs and FDCs.

The Property Owner shall retain each annual report at a location on the Property for a period of at least five (5) years. The City may request Property Owner to provide copies of any or all annual reports prepared during the prior five years in order to verify that inspection and maintenance of the applicable STMs and FDCs have been conducted pursuant to this Agreement. Property Owner shall comply with any such request within five (5) working days.

#### SECTION 7: ACCESS TO THE PROPERTY

The Property Owner hereby grants permission to the City; the San Francisco Bay Regional Water Quality Control Board (Water Board); the Alameda County Mosquito Abatement District (Mosquito Abatement District); and their authorized agents and employees to enter upon the Property at reasonable times and in a reasonable manner to inspect, assess, sample or observe the STMs and FDCs in order to ensure that the STMs and FDCs are being properly maintained and are continuing to perform in an adequate manner to protect water quality and the public health and safety. The permission includes the right to enter upon the Property when the City, Water Board or Mosquito Abatement District has a reasonable basis to believe that a violation of this Agreement, the City's stormwater management ordinance, guidelines, criteria, other written direction, or the San Francisco

Bay Regional Municipal Stormwater Permit (Water Board Order R2-2009-0074, and any amendments or re-issuances of this permit) is occurring, has occurred or threatens to occur. The above listed agencies also have a right to enter the Property when necessary for abatement of a public nuisance or correction of a violation of the ordinance guideline, criteria or other written direction. Whenever possible, the City, Water Board, or the Mosquito Abatement District shall provide reasonable notice to the Property Owner before entering the property and shall make an effort to minimize interference with the Property Owner's use of the Property and the STMs and FDCs.

#### SECTION 8: FAILURE TO MAINTAIN STORMWATER TREATMENT MEASURES OR FLOW DURATION CONTROLS

In the event the Property Owner fails to maintain the STMs and FDCs as shown on the approved Site Plan or comparable document in good working order acceptable to the City and in accordance with the maintenance plan incorporated in the Agreement, the City, and its authorized agents and employees with reasonable notice, may enter the Property and take whatever steps it deems necessary and appropriate to return the STMs and FDCs to good working order, in addition to all other rights and remedies available in law and in equity. Prior notice will not be necessary if emergency conditions require immediate remedial action. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the Property. It is expressly understood and agreed that the City is under no obligation to maintain or repair the STMs or FDCs and in no event shall this Agreement be construed to impose any such obligation on the City.

#### SECTION 9: REIMBURSEMENT OF CITY EXPENDITURES

In the event the City, pursuant to the Agreement, performs work of any nature (direct or indirect), including any reinspections or any actions it deems necessary or appropriate to return the STMs or FDCs to good working order as specified in Section 8, or expends any funds in the performance of said work for labor, use of equipment, supplies, materials, and the like, the Property Owner shall reimburse the City upon demand within thirty (30) days of receipt thereof for the costs incurred by the City hereunder. If these costs are not paid within the prescribed time period, the City may assess the Property Owner the cost of the work, both direct and indirect, and applicable penalties. Said assessment shall be a lien against the Property, or prorated against the beneficial users of the Property or may be placed on the property tax bill and collected as ordinary taxes by the City. The actions described in this section are in addition to and not in lieu of any and all legal remedies as provided by law, available to the City as a result of the Property Owner's failure to maintain the STMs or FDCs.

#### SECTION 10: INDEMNIFICATION

The Property Owner shall indemnify, hold harmless and defend the City and its authorized agents, officers, officials and employees collectively ("City Parties") from and against any and all claims, demands, suits, damages, liabilities, losses, accidents, casualties, occurrences and payments, including attorney fees and court costs, claimed or which might arise or be asserted against the City that are alleged or proven to result from the construction, presence, existence or maintenance of the STMs or FDCs on the Property as provided for in this Agreement by the Property Owner or from the performance by the City of maintenance or repair activities at the Property as described in Section 8 above (collectively "Claims"). In the event a third party claim is asserted against any or all of the City Parties, the City shall promptly notify the Property Owner and, subject to the conditions herein, the Property Owner shall defend at its own expense any suit based on such claim; and if any judgment or claims against any or all City Parties shall be allowed, the Property Owner shall pay for all

costs and expenses in connection herewith. This section shall not apply to any claims, demands, suits, damages, liabilities, losses, accidents, casualties, occurrences, claims and payments, including attorney fees and court costs claimed which arise due solely to the negligence or willful misconduct of any or all of the City Parties.

#### SECTION 11: NO ADDITIONAL LIABILITY

It is the intent of this Agreement to insure the proper maintenance of the STMs and FDCs by the Property Owner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability not otherwise provided by law of any party for damage alleged to result from or caused by storm water runoff.

#### SECTION 12: PERFORMANCE FINANCIAL ASSURANCE

The City may request the Property Owner to provide a performance bond, security or other appropriate financial assurance providing for the maintenance of the STMs and FDCs pursuant to the City's ordinances, guidelines, criteria or written direction.

#### SECTION 13: TRANSFER OF PROPERTY

This Agreement shall run with the land and shall be binding upon all heirs, successors, and assigns of Property Owner. The Property Owner further agrees whenever the Property is held, sold, conveyed or otherwise transferred, it shall be subject to this Agreement which shall apply to, bind and be obligatory to all present and subsequent owners of the Property.

#### SECTION 14: SEVERABILITY

The provisions of this Agreement shall be severable and if any phrase, clause, section, subsection, paragraph, subdivision, sentence or provision is adjudged invalid or unconstitutional by a court of competent jurisdiction, or the applicability to any Property Owner is held invalid, this shall not affect or invalidate the remainder of any phrase, clause, section, subsection, paragraph, subdivision, sentence or provision of this Agreement.

#### SECTION 15: RECORDATION

This Agreement shall be recorded by the Property Owner, or by the City by mutual agreement, within five (5) business days, or such time as agreed upon by both parties, after the execution date of this Agreement as stated above among the deed records of the County Recorder's Office of the County of Alameda, California at the Property Owner's expense and shall constitute notice to all successors, transferees, and assigns of the title to the Property of the obligations set forth in this Agreement.

#### SECTION 16: RELEASE OF AGREEMENT

In the event that the City determines that the STMs or FDCs located on the Property are no longer required, then the City, at the request of the Property Owner shall execute a release of this Agreement, which the Property Owner, or the City by mutual agreement, shall record in the County Recorder's Office at the Property Owner's expense. The STMs or FDCs shall not be removed from the Property unless such a release is so executed and recorded.

#### SECTION 17: EFFECTIVE DATE AND MODIFICATION

This Agreement is effective upon the date of execution as stated at the beginning of this Agreement. This Agreement shall not be modified except by written instrument executed by the City and the Property -Owner at the time of modification. Such

modifications shall be effective upon the date of execution and shall be recorded.

#### SECTION 18: MISCELLANEOUS

a. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

b. In the event of legal action occasioned by any default, inaction or action of the Property Owner, the Property Owner agrees to pay all costs incurred by the City in enforcing the terms of this Agreement, including reasonable attorney's fees, litigation expenses, including experts' fees and costs, and other costs which shall become part of the lien against the Party.

#### PROPERTY OWNER

##### Signature block for CORPORATIONS

XYZ Land Development Inc.  
a California corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: \_\_\_\_\_  
(needs to be officer from the operations side: President, CEO, Vice President)

Comment [CoF4]: Use the signature block for the type of legal entity and delete the other options.

Comment [j5]: Include the appropriate title and delete the remaining.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: \_\_\_\_\_  
(needs to be officer from the finance side: treasurer, CFO, secretary)

Comment [j6]: Include the appropriate title and delete the remaining.

One corporate signature is acceptable if the person is an officer if the signature is notarized (a corporate resolution showing that person is authorized to sign is requested). A single signature where the person is not a corporate officer – eg general manager, etc – must be supported by a corporate resolution indicating that person has been delegated authority to sign contracts on behalf of the corporation.

Comment [j7]: Delete instructions from project document.

##### LIMITED LIABILITY COMPANY

XYZ Land Development, LLC,  
a California Limited Liability Company

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name of Signer

Its: Managing Member (we need to see the operating agreement or certificate filed with secretary of state showing the person or entity is the managing member)

Comment [j8]: Delete instructions from project document.

If the Managing Member is not an individual, but is a business entity then you would indent the signature block for the appropriate persons to sign as in the example for the

limited partnership below.

Comment [j9]: Delete instructions from project document.

**LIMITED PARTNERSHIPS**

XYZ Land Development, LLP,  
A California limited partnership

By: \_\_\_\_\_  
Printed Name of Signer

Date: \_\_\_\_\_

Its: General Partner (need limited partnership agreement or certificate filed with state showing the person or entity is the general partner)

Comment [j10]: Delete instructions from project document.

In many cases the general partner will be a corporation so the signature block would look like this:

Comment [j11]: Delete instructions from project document.

XYZ Land Development, LP,  
A California limited partnership

By: ABC Developers, Inc.,  
a California corporation

Its: General Partner

By: \_\_\_\_\_  
Printed Name of Signer

Date: \_\_\_\_\_

Its: President, CEO, VP

Comment [j12]: Include appropriate title and delete the rest.

By: \_\_\_\_\_  
Printed Name of Signer

Date: \_\_\_\_\_

Its: Secretary, Treasurer, CFO

Comment [j13]: Include the appropriate title and delete the rest.

{attach notary acknowledgments}

**CITY OF FREMONT**

\_\_\_\_\_  
Jill Keimach, Community Development Director

\_\_\_\_\_  
Date

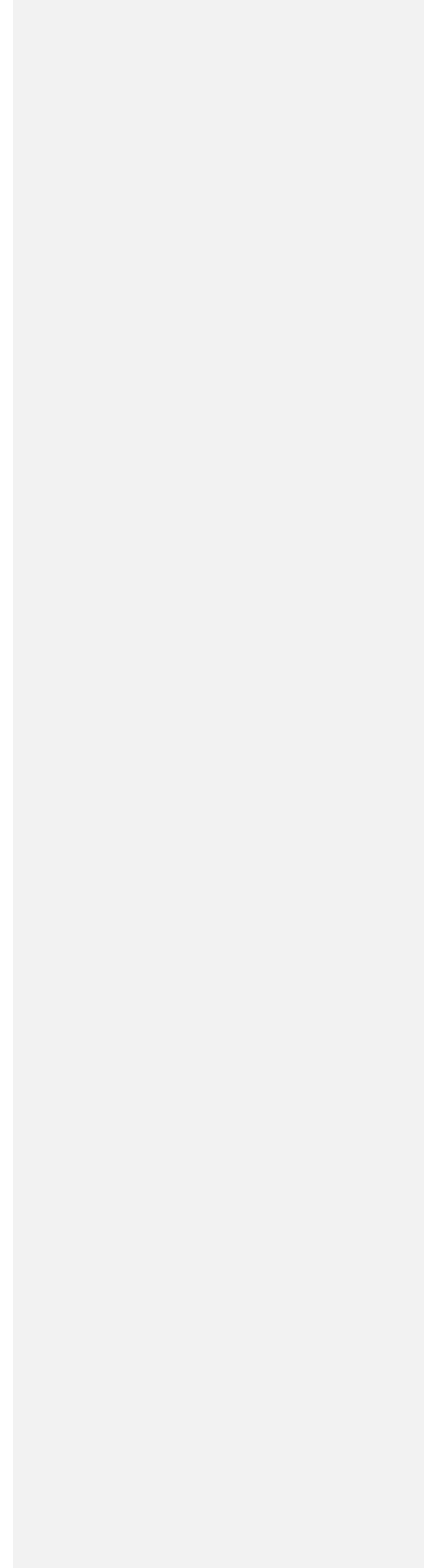
{attach notary acknowledgment}

Approved as to form:

\_\_\_\_\_  
Nellie Ancel, Senior Deputy City Attorney

**Exhibit A**

*{legal description of property}*



## **Exhibit B**

*{legible reduced –scale (no larger than 8.5”x11”) conceptual plan showing location and type of stormwater treatment measures & flow duration controls, as applicable. Refer to the instructions for completing O&M Agreement for more information}*

## Exhibit C

{ *maintenance plans* }

Comment [CoF14]: Sample maintenance plans may be downloaded at <http://fremont.gov/Construction/StormwaterRegulations/DevelopmentSubmittalRequirements.htm> or may be obtained from the manufacturer. Note: photos are not acceptable.

## Exhibit D

*{Annual report form for  
stormwater treatment measures flow duration controls  
operation and maintenance inspection checklists}*

Comment [CoF15]: Sample inspection checklists may be found on-line at <http://fremont.gov/Construction/StormwaterRegulations/DevelopmentSubmittalRequirements.htm> or may be obtained from the manufacturer.

## Stormwater Treatment Measures and Flow Duration Controls Operation and Maintenance

### Inspection Report to the

### City of Fremont, Alameda County, California

This report and attached inspection checklists document the inspection and maintenance conducted for the identified stormwater treatment measures (STMs) and flow duration controls (FDCs) subject to the Maintenance Agreement between the City and the property owner during the annual reporting period indicated below.

#### I. Property Information:

Property Address or APN: \_\_\_\_\_

Property Owner: \_\_\_\_\_

#### II. Contact Information:

Name of person to contact regarding this report: \_\_\_\_\_

Phone number of contact person: \_\_\_\_\_ Email: \_\_\_\_\_

Address to which correspondence regarding this report should be directed:

\_\_\_\_\_  
\_\_\_\_\_

#### III. Reporting Period:

This report, with the attached completed inspection checklists, documents the inspections and maintenance of the identified treatment measures during the time period from January 1 to December 15 annually.

#### IV. Stormwater Treatment Measure and Flow Duration Control Information:

The following STMs and FDCs are located on the property identified above and are subject to the Maintenance Agreement:

Number of each type of STM or FDC	Type of STM or FDC	Location of STMs & FDCs on the Property
		Refer to map, Exhibit B

**V: Sediment Removal**

Total amount of accumulated sediment removed from the stormwater treatment measure(s) during the reporting period: \_\_\_\_\_ cubic yards.

The sediment was removed and disposed as follows: \_\_\_\_\_

**VI. Inspector Information:**

The inspections documented in the attached inspection checklists were conducted by the following inspector(s):

Inspector Name and Title	Inspector's Employer and Address

**VII. Statement of STM and FDC Condition**

Based on the inspections documented in the attached checklists, are the STMs and FDCs identified in this report present, functional and being maintained as required by the Maintenance Plan? (Check yes or no.)

\_\_\_ YES \_\_\_ NO

If "NO", describe problem, proposed solution and schedule of correction:

**VIII. Certification:**

I hereby certify, under penalty of perjury, that the information presented in this report and attachments is true and complete:

\_\_\_\_\_  
Signature of Property Owner or Other Responsible Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**Attachments to the  
Stormwater Treatment Measure  
and Flow Duration Control  
Operation and Maintenance  
Inspection Report:  
Inspection Checklists**

Comment [CoF16]: "sample" inspection checklists for each type of treatment measure. Select samples may be downloaded at [www.fremont.gov](http://www.fremont.gov) or may be obtained from the manufacturer.



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## CONTACT CUSTOMER SERVICE



### Customer Service Inquiry

You may make an automated payment by telephone 24 hours a day by calling (414) 837-2400. For all other inquiries, please complete the form below or call (510) 657-3500.

\* Indicates Required Field

Is your inquiry about an account in:\*

Please Select One

If your inquiry is about a specific account, please enter:

Billing name:

Service address:

- ☐ Home  
☐ Apartment/Condo  
☐ Business/Organization

Email address:\*

Retype Email address:\*

Daytime phone:\*

510 -  -  ext:

Your question/request:\*

Security Code:\*



Submit

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## FREMONT CUSTOMERS - RATES FOR BUSINESSES

Effective January 1, 2010 - Dec. 31, 2011

### RECYCLING COLLECTION

The City's [Recycling for Business](#) program offers a free recycling cart, serviced every other week.

Commercial recycling services in Fremont are open market rather than franchised. Please contact [Customer Service](#) to get rates for bins or roll-off containers.

### FOOD WASTE COLLECTION (Carts/Bins)

Standard rates for [Composting for Business](#) once-a-week service are displayed below. Please contact [Customer Service](#) to get rates for increased frequency, other services and special fees.

Container Size	Monthly Rate
One Cubic Yard	\$35.95
Two Cubic Yard	\$58.40
Three Cubic Yard	\$80.83
Four Cubic Yard	\$103.25
64 Gallon Cart	\$14.36



### REFUSE COLLECTION (Carts/Bins)

Standard rates for once-a-week service are displayed below. Please contact [Customer Service](#) to get rates for increased frequency, compacted containers, other services and special fees.

Container Size	Monthly Rate
One Cubic Yard	\$73.89
Two Cubic Yard	\$120.00
Three Cubic Yard	\$166.10
Four Cubic Yard	\$212.17
Six Cubic Yard	\$304.40
Seven Cubic Yard	\$350.52
Eight Cubic Yard	\$396.60
32 Gallon Cart	\$14.68
64 Gallon Cart	\$29.39
96 Gallon Cart	\$44.62



### REFUSE COLLECTION (Roll Off/Debris Boxes)

Standard per-haul rates are displayed below. Please contact [Customer Service](#) to get rates for delivery, compacted containers, other sizes, or special services/fees.

Container Size	Per-Haul Rate
6 Cubic Yard	\$274.60
10 Cubic Yard	\$292.21
14 Cubic Yard	\$309.84
20 Cubic Yard	\$345.27
30 Cubic Yard	\$451.73
40 Cubic Yard	\$646.96



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**Pacific Gas and Electric Company**  
San Francisco, California  
U 39

Revised	Cal. P.U.C. Sheet No.	28312-E
Cancelling	Revised	Cal. P.U.C. Sheet No.
		27580-E

**Electric Sample Form No. 62-0685**  
Application for Service -- Commercial/Industrial Development

**Please Refer to Attached  
Sample Form**

Advice Letter No: 3442-E-A  
Decision No.

Issued by  
**Brian K. Cherry**  
Vice President  
Regulatory Relations

Date Filed	April 22, 2009
Effective	May 22, 2009
Resolution No.	

1C7

# Application for Service

## Commercial / Industrial Development

Please complete this application and submit the completed form and attachments to PG&E Application for Service at P.O. Box 24047, Fresno, CA, 93706-2010. You may also submit applications at [www.pge.com/mybusiness/customerservice/otherrequests/newconstruction/](http://www.pge.com/mybusiness/customerservice/otherrequests/newconstruction/) or call 1-877-PGE-SRVC.  
\*Indicates optional fields.

### Project Type

☐ Commercial Service (new)   ☐ Commercial/Industrial Development   ☐ Commercial/Industrial Service Upgrade (additional load / equipment)  
☐ Industrial Service (new)   ☐ Mixed Use Commercial/Residential   Number of Buildings   Number of Electric Services

### Project Information

☐ Gas Service   ☐ Electric Overhead Service   ☐ Electric Underground Service   Date Initial Service Needed  
Project Address or Lot Number   City   County   Zip  
Nearest Cross Street  
\*Assessor's Parcel No.   \* Building Permit No.  
Applicant / Company Name  
☐ Individual   ☐ Partnership   ☐ Corporation   ☐ Limited Liability Corporation   ☐ Governmental Agency  
☐ Sole Proprietor   ☐ Other  
Day Phone (   )   \*Cell Phone (   )   \*Fax (   )   \*Email address  
(Correspondence will be sent via e-mail )  
Applicant Address   City   State   Zip

### Contract Information

Legal name to appear on contract  
☐ Individual   ☐ Partnership   ☐ Corporation   ☐ Limited Liability Corporation   ☐ Governmental Agency  
☐ Sole Proprietor   ☐ Other  
\*State of incorporation or LLC  
Name of person authorized to sign contracts   \* Title  
(First Name, Middle Initial, Last Name)  
Mailing address for contract   City   State   Zip

### Representative Information (Party who will relay project information and updates to the PG&E representative)

Name of Representative  
Day Phone (   )   \*Cell Phone (   )   \*Fax (   )   \*Email address  
Mailing address   City   State   Zip  
\*Contractor's Name   \*Contractor's Phone (   )

### Credit Information (Party responsible for energy use after the meter is installed)

Name/Company Name to appear on bill   Day Phone (   )   \*Evening Phone (   )  
(First Name, Middle Initial, Last Name)

☐ Individual    ☐ Partnership    ☐ Corporation    ☐ Limited Liability Corporation    ☐ Governmental Agency

☐ Sole Proprietor    ☐ Other

Mailing address for bill                      City                      State                      Zip

Does the customer currently have service with PG&E? ☐ No    ☐ Yes

\*If yes, please provide the PG&E Account Number

\*Do you want the new service included on your existing bill? ☐ No    ☐ Yes

\*NAICS (North America Industrial Classification System ) Code                      \*Business Activity

\*Desired Electric Rate Schedule                      \*Desired Gas Rate Schedule

If you want additional information on rate options or want to request a free rate analysis, visit <http://www.pge.com/mybusiness/myaccount/rates/> or call 1-877-PGE-SRVC. If a rate schedule is not selected, PG&E will select an applicable rate schedule.

### Applicant Design and Installation Options

As an applicant for new gas or electric service, you can choose either PG&E or a qualified contractor to design new gas/electric distribution and/or service facilities. You can also choose either PG&E or a qualified contractor to construct all or a portion of new gas/electric distribution and/or service facilities. PG&E will provide you with a bid for the design and the construction work, to assist you in making a selection. You will then have the opportunity to choose either a qualified contractor to perform the design/or construction work. In accordance with PG&E's filed tariffs, electric trenching, conduits, substructures and gas service trenching are the applicant's responsibility. Once you make a decision about who will perform the work, if you subsequently change your selection, you will be responsible for any re-engineering charges incurred as a result of that change.

You should become familiar with the applicant design installation requirements, including PG&E's Applicant Design Guide and General Terms and Conditions, before you make your selection. For copies of these documents and/or for additional information, visit Document, Preliminary Statement Part A [www.pge.com/newconstruction/processguide/step1/appdes.shtml](http://www.pge.com/newconstruction/processguide/step1/appdes.shtml) or request information by calling 1-877-PGE-SRVC.

*PG&E must provide project specific information to design contractors. PG&E can provide this information sooner if we know whether or not you are considering using a design contractor to design gas/electric distribution or service facilities.*

*Providing this information on this Application is voluntary and is not binding. PG&E will provide you with a bid for the design work regardless of whether or not you answer this question now and will not require a final decision from you until later in the process.*

Are you currently planning to use a design contractor? Yes                      No

### Construction Information

**\*\*Please note if you have selected "Electric Overhead Service" without "Gas Service" all trench related questions become optional fields.**

Joint trench drawing to be prepared by:                      ☐ Applicant                      ☐ PG&E                      ☐ Not required

Who will trench and backfill for the distribution facilities? ☐ Applicant / Elec    ☐ PG&E / Elec    ☐ Date Joint Trench Required

Proposed distribution trench occupants or joint pole occupants: (check all that apply)    ☐ Electric    ☐ Gas    ☐ Phone    ☐ CATV

☐ Other

Who will install distribution conduit and substructures? ☐ Applicant                      ☐ PG&E

Who will trench and backfill for the service facilities?    ☐ Applicant / Gas    ☐ PG&E / Gas    ☐ Date Joint Trench Required

☐ Applicant / Elec    ☐ PG&E / Elec

Proposed service trench occupants or joint pole occupants: (check all that apply) ☐ Electric ☐ Gas ☐ Phone ☐ CATV

☐ Other

Who will install service conduit and substructures? ☐ Applicant ☐ PG&E

\*Transformer type requested: ☐ Padmounted ☐ Subsurface (additional Special Facilities charges may apply)

*Water, sanitary sewer, storm drain, low pressure gas, oil or other fluid carrying piping or facilities or private utilities (e.g. fire alarm, private streetlight systems, private phone, private CATV or gate controllers) are not permitted in a PG&E occupied joint trench.*

### **General Construction Information**

Include on this application any eligible Rule 20B or Rule 20C conversion work or any eligible relocation work.

\*Will temporary electric service be required? ☐ No ☐ Yes Date needed

\*Will temporary gas service be required? ☐ No ☐ Yes Date needed

If, yes please complete the following:

\*Will Temporary Service power be operated for less than one year? ☐ No ☐ Yes

Have you ever completed a temporary power project with us before? ☐ No ☐ Yes

\*Who will trench and backfill for Temporary Service?

☐ Applicant/Gas ☐ PG&E/Gas

☐ Applicant/Electric ☐ PG&E/Electric

### **Electric Temporary Services**

\*Panel, Main Breaker Size          amps

\*Will Applicant or Contractor Install Pole? ☐ No ☐ Yes

### **Gas Temporary Services**

\*Gas Service Delivery Pressure Requested: ☐ ¼ psig ☐ other

\*Number of Meters at each service location?

\*Total Gas Load

Will existing PG&E electric overhead facilities require under grounding?

☐ No ☐ Yes ☐ Not sure Date needed

Will any existing PG&E gas or electric facilities require relocation or removal?

☐ No ☐ Yes ☐ Not sure Date needed

### **Load Information**

Square footage of building (including all floors)          Number of stories of building

**IN THE EVENT THAT APPLICANT SHALL MAKE ANY MATERIAL CHANGE EITHER IN THE AMOUNT OR CHARACTER OF THE APPLIANCES OR APPARATUS INSTALLED UPON THE PREMISES TO BE SUPPLIED BY PG&E, INCLUDING PANEL SIZE OR HOURS OF OPERATION. APPLICANT SHALL IMMEDIATELY GIVE PG&E WRITTEN NOTICE OF THIS FACT.**

### **Operating Hours**

Hours per day          Days per week          Months per year

Typical daily operating hours: From ☐ AM To ☐ AM

☐ PM☐ PM

Please describe other operating characteristics

### Electric Load Information

Main Switch Size (Service Termination Enclosure)      amps      Number of meters at each service location

Voltage: (select one)

☐ 120/240 Volt, 3-wire, 1Ø    ☐ 120/208 Volt, 3-wire, 1Ø    ☐ 240/120 Volt, 4-wire, 3Ø    ☐ 208/120 Volt, 4-wire, 3Ø

☐ 480/277 Volt, 4-wire, 3Ø    ☐ Primary voltage (> 2,400 Volts)    ☐ Other (specify)

Single Largest 1Ø Motor (      hp) Total 1Ø Motors (      hp) Single Largest 3Ø Motor (      hp) Total 3Ø Motors (      hp)

Single Largest 1Ø Air Conditioning (      tons)      Single Largest 3Ø Air Conditioning (      tons)

Total Lighting (      kW)    Parking Lot Lighting (      kW)    Streetlights (      kW)

Receptacles (      kW)    Water Heating (      kW)    Cooking (      kW)

Additional electric load (if additional space is needed please attach a spread sheet using same format as below)

<u>Number of Appliances</u>	<u>Phase</u>	<u>Description of Appliance</u>	<u>Connected Load</u>	<u>Units</u>
<input type="checkbox"/> 1Ø <input type="checkbox"/> 3Ø		at	<input type="checkbox"/> kW	<input type="checkbox"/> hp <input type="checkbox"/> tons
<input type="checkbox"/> 1Ø <input type="checkbox"/> 3Ø		at	<input type="checkbox"/> kW	<input type="checkbox"/> hp <input type="checkbox"/> tons
<input type="checkbox"/> 1Ø <input type="checkbox"/> 3Ø		at	<input type="checkbox"/> kW	<input type="checkbox"/> hp <input type="checkbox"/> tons
<input type="checkbox"/> 1Ø <input type="checkbox"/> 3Ø		at	<input type="checkbox"/> kW	<input type="checkbox"/> hp <input type="checkbox"/> tons

\*Please provide motor codes for motors that have reduced voltage starting or are 25 hp and greater.

### \* Street Light Load Information

Number of street lights to be added in development      Watts per lamp      Number of existing street lights to be removed

Bulb type: ☐ High Pressure Sodium Vapor    ☐ Low Pressure Sodium Vapor    ☐ Mercury Vapor    ☐ Metal Halide

☐ Incandescent    ☐ Other

What rate schedule will the lights be placed on? ☐ LS1 ☐ LS2 ☐ OL1 ☐ LS3 ☐ Other      (additional forms may be required)

Who is responsible for the street light billing?

Billing address for streetlights:      City:      State:      Zip:

**Important Note:** For city or county owned street lighting, a letter will be required from the city/county accepting ownership of the lighting, which includes the date of acceptance and states they will be responsible for the billing. Until the letter is received and dated with the city/county acceptance, the billing will be placed in the applicant's name and billed according to the rate schedule requested once the lights have been energized.

### Natural Gas Load Information

Natural gas standard service delivery pressure is provided at ¼ psig (7" water column). Requests for elevated service delivery pressure require PG&E's review and approval. If granted, elevated service delivery pressure may be reduced at any time due to PG&E operational needs. Special Facilities costs and cost-of-ownership charges may apply for elevated service delivery pressure. For further information, contact your local PG&E office and refer to Gas Rule 2. MBtu/h = 1,000 Btu/h

Gas Service Delivery Pressure Requested: ☐ ¼ psig ☐ Other (      psig)

Number of meters at each service location

Check all that apply: (If additional space is required please attach a spreadsheet using same format as below)

☐ Space Heating Equipment (      MBtu/h) ☐ Boilers (      MBtu/h) ☐ Water Heating (      MBtu/h)

☐ Air Conditioning (      MBtu/h) ☐ Cooking (      MBtu/h) ☐ Dryers (      MBtu/h)

Other gas load (specify)

**IMPORTANT NOTE: Do NOT install your electric main switch or gas house line until the meter location is approved by PG&E.**

## Self-Generation and Net Metering Options

If you are planning to install any self generation equipment, photovoltaic, or wind generation, additional applications for interconnection to PG&E's electric system must be submitted and approved by PG&E prior to engineering for your new construction project. The information you provide on your generation interconnection application may affect the final PG&E design for your project.

For information on PG&E's net metering programs, including eligibility guidelines, generation interconnection program application forms, links to the California Public Utilities Commission, Energy Commission and the US Department of Energy, visit [www.pge.com/b2b/newgenerator/](http://www.pge.com/b2b/newgenerator/) or contact PG&E's Generation Interconnection Services at (415) 972-5676.

Are you planning on installing any self generation equipment? Yes ☐ No ☐

If yes, please provide us with an estimate of the Generation proposed for this project.

\*Total # of generation units      \*Total output of all generation(      kW )      \*Generation Type

## Attachment – 2 copies required

- A. Complete set of site improvement plans, including grading plans. (Include 3 ½" high-density disk with AutoCAD 2000i.dwg file of the site plan.)
- B. Building floor plan and exterior elevations.
- C. Electric drawings and schedules with complete breakdown of equipment; include single line drawing if available.
- D. Electric switchboard drawings. (Must be approved by PG&E prior to manufacturing the main panel.)
- E. Plumbing plans.
- F. Assessors parcel map showing all easements, rights-of-way, property lines, etc.
- G. Detailed site plan showing roads, sidewalk, driveways, location of fire hydrants and other structures, proposed location of gas and electric meters, building elevations, and proposed future improvements. (Meter locations are subject to PG&E approval).
- H. Landscaping plans including sprinkler controller meter location.
- I. Streetlight and traffic signal plans.
- J. Title 24 Utility Report or building permit.
- K. Copies of all environmental permits and/or conditions of approval.

Applicant is responsible for identifying all environmental requirements within said permits, approvals and/or conditions. For additional information visit [www.pge.com/mybusiness/customerservice/otherrequests/newconstruction](http://www.pge.com/mybusiness/customerservice/otherrequests/newconstruction).

## Agreement to Pay and Signature

I understand that service will be engineered and installed based upon the information provided here. I agree to pay PG&E, on demand, for all work PG&E performs and all costs PG&E incurs for this application for service. PG&E may cancel this Application for Service (a) if the application is incomplete and I do not provide all necessary supporting documents and project data after being notified by PG&E, (b) if I fail to provide an engineering advance within ninety days after one is requested by PG&E, or (c) if PG&E sends a proposed contract and I do not return the contract, with the required payment, within ninety days. If the project is postponed or cancelled, by either party, I will pay PG&E for all such work and costs incurred by PG&E prior to the postponement or cancellation. PG&E's costs may include, for example, labor, material and supplies, (including long lead time materials), transportation, and other direct costs which PG&E allocates to such work. Incomplete information or any changes made at my request during the engineering, or after it is completed, will subject me to additional charges and may delay the establishment of service. I further agree to pay for any damage to new or existing PG&E facilities caused by my contractors or me. Service shall be subject to all of PG&E's applicable tariff schedules on file with and authorized by the California Public Utilities Commission (CPUC) and shall at all times be subject to such changes or modifications as the CPUC may direct from time to time in the exercise of its jurisdiction.

I understand that PG&E may require an engineering advance to cover some or all of its costs for project review, design work and cost development in connection with this application for service. I understand that any advance will be based upon current costs and the amount of work anticipated by PG&E based upon the information submitted in this application. I understand that any advance will be credited against the amount I owe, applied to the amount I may owe on the resulting line extension agreement, or refunded to me without interest when PG&E has completed its engineering work or if the project has been cancelled or postponed.

**I have read the above information. I understand and agree with the provisions and my responsibilities.**

Applicant's Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_  
First Name, Middle Initial, Last Name



**Pacific Gas and Electric Company**  
San Francisco, California  
U 39

Original  
Cancelling

Cal. P.U.C. Sheet No.  
Cal. P.U.C. Sheet No.

23599-E

**Electric Sample Form No. 79-1038**  
Application for Essential Use Customer Status

**Please Refer to Attached  
Sample Form**

Advice Letter No: 2667-E  
Decision No.

Issued by  
**Karen A. Tomcala**  
Vice President  
Regulatory Relations

Date Filed June 1, 2005  
Effective July 1, 2005  
Resolution No. \_\_\_\_\_



**Application for Essential Use Customer Status**

--	--

Billing Name

Electric Service ID No.

--	--	--	--

Billing Address

City

State

Zip

--	--	--	--

Service Address

City

State

Zip

--	--

E-mail Address

Daytime Phone No.

Please complete all four sections of this Application if the facility at the service address above provides one of the public health, safety, or security services described in detail on the attached *"Essential Use Customer Classification and Priority System for Rotating Outages"*.

1. Check ☒ the box that most accurately represents the services provided at this facility (choose one):

- |   |  |
|---|--|
| <input type="checkbox"/> Fire, police, prison services                            | <input type="checkbox"/> Radio & TV emergency broadcasting station           |
| <input type="checkbox"/> Government national defense agencies                     | <input type="checkbox"/> Rail rapid transit systems as approved by CPUC      |
| <input type="checkbox"/> Acute care hospital or licensed skilled nursing facility | <input type="checkbox"/> Transmission-level net generators                   |
| <input type="checkbox"/> Communication utility                                    | <input type="checkbox"/> Petroleum refineries and vital ancillary facilities |
| <input type="checkbox"/> Air or sea traffic control or navigation                 | <input type="checkbox"/> Electric utility facilities and fuel transportation |
| <input type="checkbox"/> None of the above  | <input type="checkbox"/> Water or sewage treatment facility                  |

2. The facility (choose one):

- ☐ has backup generation that *can* adequately support critical load for up to two hours.  
☐ has backup generation that *cannot* adequately support critical load for up to two hours.  
☐ does *not* have backup generation.

3. Please briefly describe how the electricity supplied to the referenced facility is used to support public health, safety and security. (Attach additional pages if necessary)


4. I certify that the above information accurately describes the facility and Service ID Number referenced above.

Print Name \_\_\_\_\_

Position/Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Please send this form to:  
or fax to (415) 973-2194

Pacific Gas and Electric Company  
Rotating Outage Representative  
Mail Code B19C  
P.O. Box 770000  
San Francisco, CA 94177-0001



## Background: Rotating Outages and Essential Use Customers

Rotating outages are controlled power interruptions that are instituted at the direction and under the supervision of state regulators when there is an insufficient supply of electricity to meet customer demand. In Decision 91548 (1978), the California Public Utilities Commission (CPUC) created a priority system in which certain customers who provide essential public health, safety, and security services should normally be exempt from rotating outages. The priority system was modified on April 3, 2001 pursuant to Decision 01-04-006, on May 24, 2001 pursuant to Decision 01-05-089, on June 28, 2001 pursuant to Decision 01-06-085, on September 6, 2001 pursuant to Decision 01-09-020 and on April 22, 2002 pursuant to Decision 02-04-060. The relevant portions of the new modified criteria provide as follows:

- A. Government and other agencies providing essential fire, police, and prison services.
- B. Government agencies essential to the national defense.
- C. Hospitals and skilled nursing facilities.
- D. Communication utilities, as they relate to public health, welfare, and security, including telephone utilities.
- E. Navigation communication, traffic control, and landing and departure facilities for commercial air and sea operations.
- F. Electric utility facilities and supporting fuel and fuel transportation services critical to continuity of electric power system operation.
- G. Radio and television broadcasting stations used for broadcasting emergency messages, instructions, and other public information related to the electric curtailment emergency.
- H. Water and sewage treatment utilities may request partial or complete [rotating outage] exemption from electric utilities in times of emergency identified as requiring their service, such as fire fighting.
- I. Areas served by networks, at utilities' discretion.
- J. Rail transit systems as necessary to protect public safety, to the extent exempted by the Commission.
- K. Customers served at transmission voltages to the extent that (a) they supply power to the grid in excess of their load at the time of the rotating outage, or (b) their inclusion in rotating outages would jeopardize system integrity.
- L. Optional Binding Mandatory Curtailment Program (OBMC): Any customer, or customers, meeting the following criteria.

The customer must file an acceptable binding energy and load curtailment plan with the utility. The customer must agree to curtail electric use on the entire circuit by the amount being achieved via rotating outages. The customer's plan must show how reduction on the entire circuit can be achieved in 5 percent increments to the 15 percent level, and show how compliance can be monitored and enforced. The customer must maintain the required reduction during the entire rotating outage period. The required curtailment level is requested prior to commencement of Stage 3. Several customers on a circuit may file a joint binding plan to guarantee the required curtailment from the entire circuit. Each utility shall facilitate communication between customers on a circuit if any customer expresses interest in enrolling in the OBMC program.

- M. Limited other customers as necessary to protect public health and safety, to the extent exempted by the Commission. Exemptions granted September 6, 2001 by the CPUC under category M had a limited duration of 24 months. Category M customers received a 30-day notice prior to the exemption expiration date of September 6, 2003.
- N. Petroleum refineries, vital ancillary facilities, and other customers in the critical fuels chain of production, to the extent exempted by the Commission. Petroleum refineries are facilities that separate or alter the components in crude oil, and convert the components into usable fuels or feedstock for further processing. Vital ancillary facilities are facilities that, if curtailed during a rotating outage, would cause one or more petroleum refineries to significantly curtail production, initiate a controlled shutdown, or initiate an emergency shutdown. Eligible refineries and vital ancillary facilities must be firm electricity service customers served at transmission level, or served at distribution level in an outage block exempt from rotating outages.



The CPUC noted that even for these customers, "Protection cannot be guaranteed because daily circuit switching may temporarily change a customer's outage block and priority classification."

#### **Backup/Standby Generation**

In 1982, the Commission directed the utilities "to evaluate the adequacy of the standby generating equipment of [essential] customers and to consider removing them from the lists of essential use customers." Decision No. 82-06-021 at p. 12. The Commission reasoned that "[essential use] customers that have sufficient standby generating equipment for their essential load should not be routinely protected from rotating outages because this double protection may be jeopardizing other equally essential customers at the higher load reduction levels." For that reason, some essential customers may be "nonexempt" – that is, subject to rotating outages – if they have sufficient and adequate backup generation to support their critical activities for up to two hours, the expected typical upper duration of a rotating outage.

#### **Special Rules for Acute Care Hospitals and Licensed Skilled Nursing Facilities**

On March 23, 2001, in an Assigned Commissioner's Ruling, the utilities were ordered to provide an automatic and unqualified exemption for all hospitals with 100 or more beds, whether or not those hospitals have any backup generating facilities. That Ruling was subsequently modified on April 3, 2001, in Decision 01-04-006 to exempt all hospitals from rotating outages regardless of the number of beds. The Ruling was again modified on April 22, 2002, in Decision 02-04-060 to exempt skilled nursing facilities licensed by the California Department of Health Services, regardless of the status of backup or standby generation.

#### **Special Rules for Water and Sewage Treatment Facilities**

With regard to water and sewage treatment facilities, the CPUC clarified its position in Decision No. 92315, concluding that such customers would not be automatically exempted from rotating outages. However, water and sewage facilities may request an exemption from a specific rotating outage if an emergency exists [requiring their service]." The CPUC noted that the utilities were expected to grant such requests, but that water and sewage facilities were not to request an exemption "unless absolutely required to ensure the public's health and safety." Decision No. 92315 at p. 4.

#### **Pacific Gas and Electric Company Implementation of the Commission's Priority System**

To implement the CPUC's Priority System for Rotating Outages, Pacific Gas and Electric Company ("the Company") has exempted from rotating outages all circuits which serve identified essential use customers (except those who are nonexempt). In the unlikely event an essential use customer is inadvertently interrupted due to a rotating outage, the Company has a toll-free number 1-800-743-5000, which the essential use customer can call to report the outage. If feasible, the Company will restore service to the essential use customer.

Water and sewage treatment facilities are provided with a specific toll-free number to call if an emergency arises which requires their service, such as firefighting. The Company will take all steps necessary to restore service as quickly as possible.

The Company annually reviews its essential use customer list to verify that each customer on the essential use customer list should continue to be included. The Company makes contact with each essential use customer to ensure that (a) its business functions have not changed in a manner which would eliminate it from the Commission-designated categories of essential use customers and (b) there has been no change in the sufficiency or adequacy of its backup generation which would affect whether an essential use customer should be exempt. Any customer who is found to need reclassification (either essential to nonessential or nonessential to essential) receives a notification 15 days in advance of the effective date of reclassification. In addition, the Company contacts new customers to determine if they should be included on the essential use customer list.

# New or Upgraded Utility Service Connections (New Construction) Process Guide

## Step 1 of 6: Application for New or Upgraded Service

Apply for residential, commercial/industrial, or agricultural, existing service—relocation/change service and temporary service by using our online application at PG&E Connect. This self-service option gives you the flexibility to complete your application wherever and whenever it's convenient.

You can receive assistance on the application process from our New Construction Service Center (NCSC)—a team of employees dedicated to handling requests for new or upgraded utility service connections—by calling 1-877-PGE-SRVC (1-877-743-7782).

Customer service representatives in the NCSC will take your application over the phone, as well as answer questions about the application process Monday-Friday from 7 a.m. -6:00 p.m.

You also may download and print applications for service from the list under Brochures and Forms. Please complete your application and send it to PG&E at P.O. Box 24047, Fresno, CA 93706-2010.

To avoid delays, please make sure that your application is complete and as accurate as possible. Once your completed application is received, a PG&E representative (job owner), will contact you within five business days. Your job owner may require the following information:

- Site plan
- Improvement plans
- Architectural plans (elevation plans, for example, to review meter location)
- Project-approval and permit conditions that need to be incorporated in utility design and construction activities (This may include requirements and conditions for **on-site** activities as well as to **off-site** improvements. Refer to the permits and project approvals you have secured and if applicable, supply this information to PG&E)
- Additional load details beyond those listed in application
- Electrical and mechanical plans

## Permits and Approvals

You should consider the possible connection point(s) to PG&E supply lines when securing permits and approvals. If unforeseen conditions impact the utility service design and/or construction work for your project, please notify your PG&E representative to insure all design and construction work is completed in compliance with those governing agency requirements.

PG&E is committed to providing timely service so it is critical that all design and construction activities are performed in compliance with all regulatory and local building department requirements. In addition to load information, be sure to share with PG&E permits and project-approval conditions. Additionally, be sure to contact the other utilities (phone and cable TV) and apply for service with them as well.

## Step 2 of 6: Field Meeting

For most projects, your PG&E representative will schedule a field meeting to discuss gas and electric service requirements and construction process in more detail. Your PG&E representative will normally confirm your service arrangements in the field or follow up with a letter. Please review this information carefully. Any changes you make after this time that result in engineering or field changes may be billed to you directly or deducted from your engineering deposit.

Here are some of the items your representative may cover:

### Project Conditions

In order to complete the design and plan for timely construction of gas and/or electric service for your project, please insure that all conditions (listed within granted approvals and permits) that must be adhered to are fully disclosed and shared with your PG&E representative. These conditions may include (but are not limited to) those for your project site as well as **off-site**.

### Engineering Advances

You may be required to pay an engineering advance to cover PG&E's expenses for revisions to, or cancellations of, service requests. When your project is complete, we will credit the advance against the amount you owe, apply it to the amount you owe on the resulting line extension agreement or refund any unused portion to you without interest. Project advances also may be required for any preliminary cost estimates you may request.

### Service Routes/Meter Locations

CPUC rules say that PG&E must install gas and electric facilities along the shortest, most practical route. If you want another route because of aesthetic or other non-financial reasons, you'll normally pay the extra cost. In addition, we are required to install all gas and electric meters to meet certain clearance standards and be readily accessible for reading and maintenance.

### Rights-of-Way

Rights-of-way may be needed for service to your project, depending on the length and location of the service route. If so, you'll be responsible for contacting your neighbors when the rights-of-way are needed from them. If you prefer, we can prepare the appropriate documents and get the needed signatures at your expense. For many projects, securing a right-of-way could be the single biggest factor in arranging for the shortest, least expensive route for gas and electric lines to your project. Your good relations with your neighbors can help!

### Tree Pruning

If we need to install poles and power lines, we'll need a clear path on your property. You or one of our contractors can prune or remove trees at your expense before construction begins. The path around the power lines will need to stay clear in the future, too, for safety and access. Always think of the size of your trees at maturity and plant the right tree in the right place so as not to pose a safety hazard. Consult a licensed arborist, a nursery or us for suggestions on appropriate trees.

### Construction Responsibilities

Some tasks can be done by you or by us at your expense. For projects involving underground gas or electric facilities, the most important decision you'll need to make is who will do trenching and install the electric conduits and pull-boxes. The trenching party will also need to coordinate the installation of other utilities (telephone and cable TV). Make this decision early in your planning.

### Temporary Construction Power

There's usually construction power available if we have existing facilities with enough capacity next to or on your construction site. Your PG&E representative will let you know the costs for construction power, which vary from site to site. If construction power is available, we may be able to install it within three to five working days. You'll need to pay these costs, and the city or county building department will need to inspect and approve your temporary meter panel **before** we can install the temporary service and meter.

## Date Service is Needed

While our lead-times vary from project to project, we will make every attempt to meet your service needs. If there are scheduling conflicts, we'll give higher priority to projects that have received final building inspections, signed all contracts, paid all service costs, secured all rights-of-way and necessary permits, and met all agreed-to construction responsibilities.

## Preliminary Costs

We can give you preliminary cost estimates when we've completed our engineering. If you'd like a preliminary cost estimate, you may be required to provide an advance.

## Rates

You may be able to choose from several different rates for the gas and electricity you use. The best rate for you depends on your rate class (residential, commercial or agricultural), the appliances and loads you install, and your lifestyle or end-use needs.

## Step 3 of 6: Engineering

During the engineering phase, we identify our costs, prepare construction drawings, order critical materials with long lead times and coordinate your service engineering with other utilities.

One of our engineers generally will visit your job site to verify the service route and gather more information about our existing facilities and site conditions. Sometimes we may need to change the service route based on the engineer's observations, or we may be delayed by special permit requirements. Your representative will discuss any changes with you.

## Step 4 of 6: Billing, Contract and Right-Of-Way

Once we receive all contracts and payments, and all requirements for rights-of-way, permits and disclosed conditions (refer to Step 1) are met, PG&E will schedule your project for construction.

## Step 5 of 6: Construction

You'll need to complete all of the construction responsibilities you agreed to before we can complete our part of the gas and electric service. A PG&E representative may set up a pre-construction meeting to review construction responsibilities in more detail and discuss final scheduling.

If you need any scheduling changes after that, please contact our construction supervisor, our inspector assigned to your project, or your PG&E representative (job owner). We'll make every effort to meet your service needs. In the event of a construction scheduling conflict, we'll prioritize the work, favoring customers who have met their responsibilities and who are close to receiving a final building inspection. Bad weather or emergency situations may lead to unavoidable construction delays.

## Successful-Project Checklist

- Ensure all conditions imposed on project have been incorporated in design and all construction activities comply with those conditions.
- Send your completed contracts and bill payments to us using the pre-addressed envelope that will be provided to you.
- Obtain signed and notarized rights-of-way.
- Get gas and electric trench inspections from PG&E for the work you are performing.

- Complete your agreed-to tree trimming and clearing well before PG&E construction begins.
- Clear gas and/or electric service routes of obstructions caused by debris, dirt, outbuildings or construction equipment.
- Finish your grading along the service route.
- Install the electric meter panel and/or "stub-out" the gas houseline. Install pull-tapes in electric conduits.
- Secure attaching electric conduits for surface-mounted panels to the building.

## Step 6 of 6: Meter Set

Once construction is complete, the last step is for you to contact us to install (set) the gas and/or electric meters. Usually, your account will already be established using the information from your original application. Call 1(800) PGE-5000 to schedule an appointment to have your meter(s) set.

### Please note the following items:

- When inspections are required by the state, or by a city or county building department, we must receive approval from that agency before we can set a gas or electric meter. Many building departments relay this information to us at the end of each business day. If you call us on the same day of your inspection, we most likely will not have a record of the inspection yet.
- You should permanently mark your address on your house or business. For multi-tenant buildings, each gas and electric meter needs a separate identifiable address on the electric panel and/or gas house lines, along with a corresponding permanent address marking on each tenant space. For the types of markings approved by PG&E, contact your representative.
- Meter locations must be accessible. Please discuss any access concerns with your PG&E representative.

### Inspection Notice

Our process has changed. Municipalities will now FAX agency inspection notices to the designated PG&E northern or southern regional Resource Management Center.

#### Northern Region

Northern panel inspection results should be directed to:

##### **Sacramento Resource Management Center**

**FAX:** 1(800) 700-5723

**E-mail:** [PGENorthernAgencyInspections@pge.com](mailto:PGENorthernAgencyInspections@pge.com)

**Counties in Northern Region:** Alameda, Butte, Colusa, Contra Costa, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Mateo, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Yolo, Yuba

#### Southern Region

Southern Region panel inspection results should be directed to:

##### **Fresno Resource Management Center**

**FAX:** 1(800) 700-5722

**E-mail:** [PGESouthernAgencyInspections@pge.com](mailto:PGESouthernAgencyInspections@pge.com)

**Counties in Southern Region:** Alpine, Amador, Calaveras, Fresno, Kern, Kings, Madera, Mariposa, Merced, Monterey, San Benito, San Bernardino, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne

**Summary Table - Gas Transmission Service Connection Process**

Step	Applicant:	PG&E:	Cost to Applicant:	Approximate Time Required	Accuracy of Information
1. Preliminary Request for Information	<ul style="list-style-type: none"> <li>Provides completed Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed with developing preliminary information</li> </ul>	PG&E Typically Provides <ul style="list-style-type: none"> <li>Connection point to transmission system</li> <li>Estimated service line size</li> <li>Estimated minimum service pressure available to applicant</li> <li>Advance to proceed with Preliminary Application for Service</li> </ul>	\$0	10 working days	Assumptions based upon readily available information. No detailed engineering is provided.
2. Preliminary Application for Service	<ul style="list-style-type: none"> <li>Provides updated Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed with SIS and PRS</li> <li>Provides cash advance</li> </ul>	PG&E <ul style="list-style-type: none"> <li>Performs System Impact Study</li> <li>Performs Preliminary Facility Study</li> <li>Develops Order-of-magnitude costs</li> </ul> PG&E provides Applicant with: <ul style="list-style-type: none"> <li>Connection point to transmission system</li> <li>Map of alternative service line routes</li> <li>PG&amp;E preferred service line route</li> <li>Service line size(s), both standard and elevated deliver pressures)</li> <li>Service delivery pressures, both standard and elevated</li> <li>Applicant's estimated order-of-magnitude costs</li> <li>Additional information as requested by Applicant</li> </ul>	\$5,000 - \$70,000	12 weeks	Order-of-Magnitude Estimate, +/- 50%
3. Formal Application for Service	<ul style="list-style-type: none"> <li>Provides final Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed final engineering and ordering long lead time material</li> <li>Provides cash advance</li> <li>Executes contracts</li> <li>Obtains and rights for which Applicant is responsible</li> </ul>	PG&E <ul style="list-style-type: none"> <li>Develops detailed design</li> <li>Finalizes Job estimate</li> <li>Obtains project authorization.</li> <li>Orders long lead time material</li> <li>Obtains land rights for which PG&amp;E is responsible</li> </ul> PG&E provides applicant with <ul style="list-style-type: none"> <li>Meter set design and construction drawings</li> <li>Additional information as requested by Applicant</li> <li>Final billing letter</li> </ul>	\$70,000 - \$750,000	Dependent upon the complexity of the project, typically ~4 months	+/- 25%
4. Construction	<ul style="list-style-type: none"> <li>Requests PG&amp;E to proceed with construction</li> <li>Provides final cash advance</li> </ul>	Constructs facilities	Dependent upon advances paid to date and costs for construction	Dependent upon the extent of construction required	N/A

## Establishing Engineering Priority

Step	Engineering Priority is Established when Applicant:
1. Preliminary Request for Information	<ul style="list-style-type: none"> <li>Provides completed Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed with developing preliminary information</li> </ul>
2. Preliminary Application for Service	<ul style="list-style-type: none"> <li>Provides updated Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed with SIS and PRS</li> <li>Provides cash advance</li> </ul>
3. Formal Application for Service	<ul style="list-style-type: none"> <li>Provides final Cogen / Power Plant Interconnection Information Sheet</li> <li>Requests PG&amp;E to proceed final engineering and ordering long lead time material</li> <li>Provides cash advance</li> </ul>
4. Construction	<p>(Land rights are required, and contracts executed in previous step)</p> <ul style="list-style-type: none"> <li>Requests PG&amp;E to proceed with construction</li> <li>Provides final cash advance</li> </ul>

### Establishing Priority Access to Pipeline Capacity

Step	Priority access to pipeline capacity is established as follows:
Establish priority access to pipeline capacity	<p>Priority access to pipeline capacity is established when:</p> <ol style="list-style-type: none"> <li>1. The Applicant requests a Preliminary Application for Service and PG&amp;E deems it to be complete, and</li> <li>2. The Applicant requests a Formal Application for Service and PG&amp;E deems the information and advance provided to PG&amp;E it to be complete.</li> </ol> <p>PG&amp;E will notify Applicant within 10 days if Formal Application for Service is complete, or if additional information is required.</p> <p>After PG&amp;E completes its engineering work for the Formal Application for Service, PG&amp;E will provide the Applicant a final billing and construction letter delineating the remaining costs and a cost payment schedule to be paid by the Applicant to receive gas service, and a construction schedule.</p>
Maintaining priority access to pipeline capacity	<p>In order for an Applicant to maintain its priority access to pipeline capacity it must exercise its rights as follows:</p> <ol style="list-style-type: none"> <li>1. Provide all payments for construction prior to the dates as specified in the final billing and construction letter.</li> <li>2. Within 60 calendar days of receiving PG&amp;E's final billing letter as discussed in step 3 of the gas transmission connection process, the Applicant shall: <ul style="list-style-type: none"> <li>• Execute all required contracts (Rule 2, 15 and/or 16);</li> <li>• Submit, or have submitted, to the California Energy Commission, an Application for Certification for the proposed power plant, if applicable.</li> </ul> </li> <li>3. For generating facilities requiring CEC approval, the Applicant must, within 18 months of establishing priority access to pipeline capacity: <ul style="list-style-type: none"> <li>• obtain approval of the AFC from the CEC.</li> <li>• obtain all land use permits for construction.</li> <li>• Should the Applicant for any reason withdraw its AFC from the CEC, the Applicant will lose its priority access to pipeline capacity.</li> </ul> </li> <li>4. If CEC approval is not required, the Applicant must, within 3 months of establishing priority access to pipeline capacity, obtain all land use permits for construction.</li> </ol> <p>If the Applicant establishes access to pipeline capacity and fails to meet any of the above criteria, the Applicant loses its established priority access to pipeline capacity.</p>



## Contact Us

- ▼ [AT&T BusinessDirect®](#)
- ▼ [Online tools for services originally set up with SBC](#)
- ▼ [Online tools for services originally set up with BellSouth](#)
- ▼ [AT&T Business Customer Service Numbers](#)

### AT&T BusinessDirect®

The AT&T BusinessDirect® Portfolio offers eServicing tools that allows customers to productively and cost effectively manage their AT&T services and accounts.

- [Ordering & Status](#)
- [Trouble Ticketing](#)
- [Account & Billing](#)
- [Network Management](#)
- [Performance Reporting](#)

[Learn More](#)  
[Log In](#)

### Online tools for services originally set up with SBC

If you originally set up service with SBC, use the tools below to manage those services:

- [Check ATM/Frame Relay circuit performance](#)
- [Submit a Business Billing Inquiry](#)
- [Submit a data network trouble ticket](#)
- [Check equipment staging/installation status](#)
- [Check IP backbone SLA status](#)
- [View Web hosting report](#)
- [Place an order for Business Local Access Services](#)
- [Login to the 1-800-CONFERENCE Meeting Center](#)
- [Manage/analyze bills](#)

### Online tools for services originally set up with BellSouth

If you originally set up service with BellSouth, use the tools below to manage those services:

- [Long Distance eRepair](#)
- [Network eRepair Service](#)
- [Equipment eRepair Service](#)
- [Customer Care Connect](#)
- [Equipment Online Sales](#)
- [Submit Business Billing Inquiry](#)
- [Place an order for Business Local](#)

### AT&T Business Customer Service Numbers

Billing Inquiries		
AT&T billed		800-342-5288
Exchange carrier billed		800-325-0138
Customer Service Inquiries		
DSL Internet Service		877-937-5288
Global Video Service		800-221-7680
Video Conferencing	800-GO-VIDEO or	800-843-3646
All Other Services		800-248-3632

Small Business

Enterprise



Internet, Phone, and TV for Business

HELP | ABOUT US

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SERVICES

ENTERPRISE

CONTACT US

RESOURCE CENTER

EXISTING CUSTOMERS

### What do your customers watch?

Comcast Business Class TV offers a wide variety of channel packages that will appeal to all of your customers.

[View TV Packages](#)
[home](#) > [contact us](#)

## Contact Us

Our Business Class customer support team is here for you 24/7.

### Business Class Customers

#### To Order, Add or Upgrade Service, or General Questions:

Call **(866) 621-1191**, or [click here to request a consultation](#), or [here to order](#).

#### For 24/7 Technical Support:

Call **(800) 391-3000**.

### Residential Customers

Call **(800) 266-2278** or [click here for support](#).

### Ethernet Customers

Call **(866) 511-6489 (option 1)** or [click here to request an ethernet consultation](#).

#### For 24/7 Ethernet Technical Support:

Call **(800) 741-4141**.

### Enterprise Customers

Call **(888) 262-7300**

### Wireless Customers

Call **(800) 391-3000**.



### Find Products & Services

Search Business Class by service, business size or business type. [Find it Faster](#)

### How Can We Help you?

I want to [price a package of services](#)

>

I want to [start my order](#) >

I'd like someone to [contact me](#) >

For questions or ordering  
**(866) 621-1191**

For 24x7 technical support  
**(800) 391-3000**

### Check Comcast services in your area

CHECK

Enter your business phone number  
or check by address

[We respect your privacy - learn more](#)

### Service Testimonials



[View Testimonials >](#)

Hear real business owners speak about the 24/7 support that comes with business services from Comcast.

### Link more locations for less



A custom Ethernet network from Comcast allows you to seamlessly link more locations and exchange data at up to 1 gigabit per second.

[View Ethernet Network Services](#)



## **APPENDIX D**

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### **Phase 1 Survey Reports**

***AVAILABLE UPON REQUEST***  
*(omitted from this version to decrease file size)*

# **APPENDIX E**

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## **Public Notices**

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**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # **2011024008**Project Title: Proposed Community Based Outpatient Clinic in Southern Alameda County, CaliforniaLead Agency: U.S. Department of Veterans AffairsContact Person: Amanda WehnerMailing Address: 811 Vermont Avenue NWPhone: (202) 461-8198City: Washington, DCZip: 20571County: N/AProject Location: County: AlamedaCity/Nearest Community: FremontCross Streets: Old Warm Springs Blvd / South Grimmer Boulevard; Technology CourtZip Code: 94538Longitude/Latitude (degrees, minutes and seconds):       °       '       " N /       °       '       " W Total Acres: variesAssessor's Parcel No.: multiple (varies by site)Section:       Twp.:       Range:       Base:       Within 2 Miles: State Hwy #: I-880, I-680, SR-262Waterways: San Francisco BayAirports:       Railways: Union PacificSchools: Fremont USD**Document Type:**CEQA: ☐☐ NOP☐ Draft EIR☐ Supplement/Subsequent EIR  
(Prior SCH No.)       Other:       **RECEIVED****FEB 24 2011****STATE CLEARING HOUSE**☐ NOI☒ EA☐ Draft EIS☐ FONSIOther: ☐☐ Joint Document☐ Final Document☐ Other:       **Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ General Plan Amendment☐ Master Plan☐ Prezone☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Annexation☐ Redevelopment☐ Coastal Permit☐ Other:       **Development Type:**☐ Residential: Units        Acres       ☐ Office: Sq.ft.        Acres        Employees       ☐ Commercial: Sq.ft.        Acres        Employees       ☐ Industrial: Sq.ft.        Acres        Employees       ☐ Educational:       ☐ Recreational:       ☐ Water Facilities: Type        MGD       ☐ Transportation: Type       ☐ Mining: Mineral       ☐ Power: Type        MW       ☐ Waste Treatment: Type        MGD       ☐ Hazardous Waste: Type       ☒ Other: Medical Outpatient Facility**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☐ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☐ Minerals☒ Soil Erosion/Compaction/Grading☐ Growth Inducement☒ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☐ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☒ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other:       **Present Land Use/Zoning/General Plan Designation:**

Vacant sites; designated for "General Commercial"/"General Industrial"

**Project Description:** *(please use a separate page if necessary)*

Construction of a new Community Based Outpatient Clinic (CBOC) located in the City of Fremont, to serve veterans in the Southern Alameda County area. This proposed new CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary care and mental health services. Parking for up to 420 vehicles would be provided. The CBOC would employ approximately 100 staff. On-site security services would be provided by VA Police. Construction is tentatively anticipated to begin in 2013 and would take approximately two years. Operation of the CBOC would begin in late 2015 or early 2016. The CBOC would be constructed and operate on one of 2 sites: the Technology Court Site, or the Grimmer Boulevard Site.

*Note, The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.*

Revised 2008

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input checked="" type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input checked="" type="checkbox"/> Caltrans District #4	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input checked="" type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Central Valley Flood Protection Board	<input checked="" type="checkbox"/> Regional WQCB #3
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input checked="" type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input checked="" type="checkbox"/> Fish & Game Region #3	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input checked="" type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input checked="" type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Integrated Waste Management Board	
<input type="checkbox"/> Native American Heritage Commission	

### Local Public Review Period (to be filled in by lead agency)

Starting Date 02/24/2011 Ending Date 03/25/2011

### Lead Agency (Complete if applicable):

Consulting Firm: <u>ESA</u>	Applicant: _____
Address: <u>225 Bush Street, 17th Floor</u>	Address: _____
City/State/Zip: <u>San Francisco, CA 94104</u>	City/State/Zip: _____
Contact: <u>Reema Mahamood</u>	Phone: _____
Phone: <u>415-896-5900</u>	

Signature of Lead Agency Representative:  for Amanda Wehner Date: 02/23/2011

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# Argus

c/o Bay Area News Group-East Bay  
37468 Fremont Blvd.  
Fremont, CA 94536  
Legal Advertising  
(800) 595-9595 opt. 4

Enviro Science Associates  
Accounts Payable, 225 Bush St., #1700  
San Francisco CA 94104-4248

## PROOF OF PUBLICATION

FILE NO. Draft Envir. Asse

In the matter of

Argus

The Argus

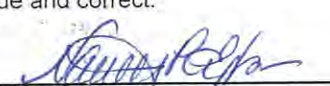
I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Argus, a newspaper published in the English language in the County of Alameda, State of California.

I declare that the Argus is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated June 12, 1961, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Argus as a Newspaper of General Circulation, Case Number 314854, and as amended, April 25, 1967. Said order, as amended, states "The Argus' has been established, printed and published in the County of Alameda, State of California; [ ] That it is a newspaper published daily for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; and ... THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED: ... That 'The Argus' is a newspaper of general circulation for the County of Alameda, California." Said order as amended, has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

2/21/2011, 2/22/2011, 2/27/2011

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

0003880742

### Notice of Availability Draft Environmental Assessment U.S. Department of Veterans Affairs Construction of a Proposed New CBOC City of Fremont, California

The Department of Veterans Affairs (VA) announces the availability of a Draft Environmental Assessment (EA) for the proposed construction of a new Community Based Outpatient Clinic (CBOC) located in the City of Fremont, to serve veterans in the Southern Alameda County area. This proposed new CBOC would be a roughly 84,000 square-foot, two-story facility. This CBOC would provide primary care and mental health services. Parking for up to 420 vehicles would be provided. The CBOC would employ approximately 100 staff. On-site security services would be provided by VA Police. Construction is tentatively anticipated to begin in 2013 and would take approximately two years. Operation of the CBOC would begin in late 2015 or early 2016.

The Draft EA has been prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations 1500-1508) and VA Regulations (38 CFR Section 26.4(a)). The VA intends to issue a Finding of No Significant Impact (FONSI) following a thirty (30) day comment period in accordance with the Council on Environmental Quality Regulations for implementing NEPA, Section 1508.13 providing there are no comments which warrant further evaluation.

The comment period commences on February 24, 2011 and will close on March 25, 2011.

Copies of the Draft EA may be viewed during regular business hours at the following locations:

Livermore Public Library  
1188 S. Livermore Ave.  
Livermore, CA 94550

Fremont Main Library  
2400 Stevenson  
Boulevard, Fremont,  
California 94538

Niles Library  
150 I Street  
Fremont, California  
94538

For further information  
please contact:  
Department of  
Veterans Affairs  
Real Property Service  
(00CFM3C)  
ATTN: Amanda Wehner  
811 Vermont Ave NW  
Washington, DC 20571  
Phone: (202) 461-8198

AR #3880742  
Feb. 21, 22, 23, 2011



DEPARTMENT OF VETERANS AFFAIRS  
Office of Construction & Facilities Management  
Washington DC 20420

March 25, 2011

State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)

Submitted via email

1. State Clearing House No: **2011024002**

Project Title: Proposed Community Based Outpatient Clinic and Community Living Center in San Joaquin County, CA

The Comment Period on the Draft Environmental Assessment is extended through 5:00 p.m. PST on April 8, 2011.

Please see attached notice.

2. State Clearing House No: **2011024003**

Project Title: Proposed Community Based Outpatient Clinic in Southern Alameda County, California

The comment period on the Draft Environmental Assessment is extended through 5:00 p.m. PST on April 8, 2011.

Please see attached notice.

If you have any questions, please contact me at [amanda.wehner@va.gov](mailto:amanda.wehner@va.gov).

Thank you.

A handwritten signature in black ink, appearing to read "Amanda Wehner".

Amanda Wehner  
Realty Specialist  
Real Property Service (00CFM3C)  
(202) 461-8269

**Notice of Extension of Comment Period  
Draft Environmental Assessment  
U.S. Department of Veterans Affairs  
  
Construction of a Proposed New CBOC  
City of Fremont, California**

The Department of Veterans Affairs (VA) announces that the closing deadline for submission of comments responsive to the Notice of Availability of the Draft Environmental Assessment (EA) for the proposed construction of a new Community Based Outpatient Clinic (CBOC) located in the City of Fremont, to serve veterans in the Southern Alameda County area, has been extended until 5:00 p.m. Pacific Standard Time (PST) on April 8, 2011.

The Draft EA has been prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations 1500-1508) and VA Regulations (38 CFR Section 26.4(a)). The VA intends to issue a Finding of No Significant Impact (FONSI) following the comment period in accordance with the Council on Environmental Quality Regulations for implementing NEPA, Section 1508.13 providing there are no substantive comments which warrant further evaluation.

The comment period will close at 5:00 p.m. PST on April 8, 2011.

Copies of the Draft EA may be viewed during regular business hours at the following locations:

Livermore Public Library	Fremont Main Library	Niles Library
1188 S. Livermore Ave.	2400 Stevenson Boulevard	150 I Street
Livermore, CA 94550	Fremont, California 94538	Fremont, California 94538

For further information and/or a copy of the Draft EA, please contact:

Department of Veterans Affairs  
Real Property Service (00CFM3C)  
ATTN: Amanda Wehner  
811 Vermont Ave NW  
Washington, DC 20571  
Phone: (202) 461-8198  
[amanda.wehner@va.gov](mailto:amanda.wehner@va.gov)

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(800) 595-9595 opt. 4

Enviro Science Associates  
Accounts Payable, 225 Bush St., #1700  
San Francisco CA 94104-4248

## PROOF OF PUBLICATION FILE NO. Notice of Extensi

In the matter of

Argus

The Argus

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Argus, a newspaper published in the English language in the County of Alameda, State of California.

I declare that the Argus is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated June 12, 1961, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Argus as a Newspaper of General Circulation, Case Number 314854, and as amended, April 25, 1967. Said order, as amended, states "'The Argus' has been established, printed and published in the County of Alameda, State of California; [ ] That it is a newspaper published daily for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; and ... THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED: ... That 'The Argus' is a newspaper of general circulation for the County of Alameda, California." Said order as amended, has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3/31/2011, 4/1/2011, 4/3/2011

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No.

0003936839

### Notice of Extension of Comment Period Draft Environmental Assessment U.S. Department of Veterans Affairs Construction of a Proposed New CBOC City of Fremont, California

The Department of Veterans Affairs (VA) announces that the closing deadline for submission of comments responsive to the Notice of Availability of the Draft Environmental Assessment (EA) for the proposed construction of a new Community Based Out-patient Clinic (CBOC) located in the City of Fremont, to serve veterans in the Southern Alameda County area, has been extended until 5:00 p.m. Pacific Standard Time (PST) on April 8, 2011.

The Draft EA has been prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations 1500.11508) and VA Regulations (38 CFR Section 26.4(a)). The VA intends to issue a Finding of No Significant Impact (FONSI) following the comment period in accordance with the Council on Environmental Quality Regulations for implementing NEPA, Section 1508.13 providing there are no substantive comments which warrant further evaluation.

The comment period will close at 5:00 p.m. PST on April 8, 2011.

Copies of the Draft EA may be viewed during regular business hours at the following locations:

Livermore Public Library  
1188 S. Livermore Ave.  
Livermore, CA 94550

Fremont Main Library  
2400 Stevenson  
Boulevard, Fremont,  
California 94538

Niles Library  
150 I Street  
Fremont, California  
94538

For further information and/or a copy of the Draft EA, please contact:

Department of  
Veterans Affairs  
Real Property Service  
(00CFM3C)  
ATTN: Amanda Wehner  
811 Vermont Ave NW  
Washington, DC 20571  
Phone: (202) 461-78198  
amanda.wehner@va.gov  
AR #3936839  
Mar. 31; April 1, 3, 2011