

RESOLUTION NO. 2022-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE I-880 INNOVATION BRIDGE AND TRAIL PROJECT (PWC8907)

WHEREAS, the I-880 Innovation Bridge and Trail Project (“Project”) would provide for the construction of a multi-use trail along Fremont Boulevard and Kato Road, an architecturally significant bicycle and pedestrian bridge crossing over I-880, a multi-use trail between Landing Parkway and Fremont Boulevard, immediately north of Agua Caliente Creek, and a mid-block traffic signal at Fremont Boulevard; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) (“CEQA Guidelines”), the City prepared an Initial Study and draft Mitigated Negative Declaration (State Clearinghouse No. 2022080253) (“IS/MND”) for the Project; and

WHEREAS, the IS/MND concluded that significant environmental effects pertaining to paleontological resources (from earth moving activities such as grading and excavation), hazards (from potentially contaminated soils and/or groundwater encountered during construction), hydrology (from potentially contaminated groundwater encountered during dewatering activities), and noise (from vibration levels during construction activities associated with vibration sheet piling) would be avoided or reduced to less-than-significant levels by mitigation measures (“MM”) identified in the IS/MND; and

WHEREAS, on August 11, 2022, the City issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project in accordance with the requirements of CEQA; and

WHEREAS, on August 11, 2022, the IS/MND for the Project was distributed to responsible agencies and circulated for public review and comment, for a period that ended on September 12, 2022, in accordance with the requirements of CEQA; and

WHEREAS, the City received one written comment letter during the public review period from the Department of Toxic Substances Control (“DTSC”) containing recommendations pertaining to hazards and hazardous materials; and

WHEREAS, the City considered the written comments from DTSC and revised the IS/MND to incorporate the recommendations in the comment letter as conditions of approval; and

WHEREAS, the City determined that the added conditions of approval are not necessary to mitigate an avoidable significant effect, and therefore recirculation of the IS/MND is not required pursuant to CEQA Guidelines Section 15073.5(c)(3); and

WHEREAS, on December 6, 2022, the City Council held a duly noticed public hearing to receive staff's presentation and public testimony, and to consider the information contained in the IS/MND along with a Mitigation Monitoring and Reporting Program ("MMRP"), all staff reports, other pertinent documents, and all written and oral statements received prior to and at the public hearing; and

WHEREAS, the City Council has independently reviewed and considered the IS/MND together with the comments and the responses to those comments prior to taking action on the Project.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT HEREBY RESOLVES AS FOLLOWS:

SECTION 1. FINDINGS. The City Council makes the following findings and determinations with respect to the IS/MND for the Project:

1. The City Council has independently reviewed and considered the IS/MND and comments received during the public review period prior to acting on the Project.
2. The text revisions to the IS/MND do not require recirculation pursuant to CEQA Guidelines Section 15073.5(c)(3), in that the additional conditions of approval are not necessary to mitigate an avoidable significant effect.
3. The MND has been completed in compliance with CEQA and the CEQA Guidelines.
4. The MND is complete, adequately describes the environmental impacts of the Project, and reflects the City's independent judgment and analysis as to the environmental effects of the Project.
5. Based on the whole record before it, the City Council determines there is no substantial evidence that the Project as proposed and mitigated will have a significant effect on the environment.

SECTION 2. MITIGATED NEGATIVE DECLARATION. The City Council hereby adopts the Mitigated Negative Declaration prepared for the Project, attached to the December 6, 2022 City Council report as Exhibit "A" and incorporated herein by this reference.

SECTION 3. MITIGATION MONITORING AND REPORTING PROGRAM. The City Council hereby adopts the Mitigation Monitoring and Reporting Program prepared for the Project, attached to the December 6, 2022 City Council report as Exhibit "B" and incorporated herein by this reference.

SECTION 4. NOTICE OF DETERMINATION. The City Council hereby directs staff to file a Notice of Determination with the County Clerk of Alameda County.

This resolution is effective upon its adoption.

ADOPTED, December 6, 2022, by the City Council of the City of Fremont by the following vote, to wit:

AYES: Mayor Mei, Vice Mayor Keng, Councilmembers Jones, Kassan, Shao, Salwan, and Cox
NOES: None
ABSENT: None
ABSTAIN: None



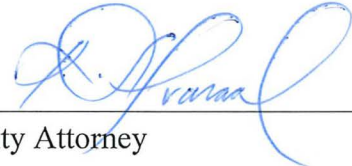
Mayor

ATTEST:

APPROVED AS TO FORM:



City Clerk



City Attorney