Interstate 880 Innovation Bridge and Trail Project

INITIAL STUDY / DRAFT MITIGATED NEGATIVE DECLARATION

August 2022

City of Fremont
39550 Liberty Street
Fremont, CA
94538

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DRAFT MITIGATED NEGATIVE DECLARATION

The following proposed project has been reviewed, pursuant to the provisions of Resolution No. 3231, as amended, of the City Council of the City of Fremont for the purpose of determining the likelihood of a significant adverse environmental impact occurring as a result of project completion.

NAME OF PROJECT: Interstate (I)-880 Innovation Bridge and Trail Project

PROJECT NO.: 04-1900-0005

DESCRIPTION OF PROJECT: The City of Fremont (City) proposes the I-880 Innovation Bridge and Trail Project ("Project"), located within the Warm Springs/South Fremont Innovation District (WSI District). The WSI District includes the Bayside Industrial Community Plan Area, which is part of a regional employment center that will eventually provide approximately 40,000 jobs. The proposed Project would increase overall mobility by providing a bicycle and pedestrian facility between the Bayside Industrial Community Plan Area located west of I-880 and the WSI District and the BART station located east of I-880.

The Project includes an approximately 850-foot overcrossing bridge over I-880 (Post Mile 2.61/2.9). The Project represents the southernmost segment of the East Bay Greenway (EBGW) regional trail and consists of the following elements:

- **At-grade Class I multi-use trail** for approximately 3,300 feet along the west side of Kato Road south of the intersection of Industrial Drive to the eastern approach ramp for the I-880 overcrossing bridge and approximately 540 feet between the western approach ramp and Fremont Boulevard.
- **I-880 overcrossing bridge** would be approximately 850 feet in length with approach ramps totaling approximately 625 feet (310 feet for the eastern approach ramp and 315 for the western approach ramp). The bridge concept features an architecturally prominent single-tower cable-stayed structure with a 200-foot-tall pylon that accentuate the drastic curvature of the main span immediately west of Landing Parkway. The area next to the pylon would include a pathway and staircase, low shrubbery, lighting, irrigation, and signage.
- **A raised cycle track** would be installed along the eastern side of Fremont Boulevard connecting to the Fremont Boulevard/Industrial Drive intersection from the south.

The I-880 overcrossing would consist mostly of an aerial structure located between the existing I-880/Fremont Boulevard interchange and the I-880/Mission Boulevard/W. Warren Avenue interchange. Caltrans' overhead signs and one bridge column would be constructed within Caltrans right of way (ROW).

Portions of the proposed Project site are within existing public ROW and a segment of Kato Road that is private. Near Agua Caliente Creek, the proposed trail would be adjacent to the Alameda County Flood Control and Water Conservation District (ACFCWCD) Agua Caliente Creek maintenance road. Permanent aerial easements would be needed for the bridge improvements above the ACFCWCD ROW. There are two portions of the trail that require a permanent easement or ROW agreement with private property owners. One of these locations is along Kato Road, and the other location is between Landing Parkway and Fremont Boulevard.

LOCATION OF PROJECT: Approximately 0.4 miles north of the I-880/Mission Boulevard/W. Warren Avenue interchange

GEOGRAPHIC LOCATION WITHIN CITY: Warm Springs/South Fremont

NAME OF AUTHORIZED AGENT OF CITY: Wayland Li, City of Fremont Principal Planner, Phone: (510) 494-4453, Email: wli@fremont.gov

MAILING ADDRESS OF CITY/AGENT: 39550 Liberty Street, 1st Floor, Fremont, CA 94538

TYPE OF ENTITLEMENT SOUGHT: N/A (Scheduled Capital Improvement Project by City of Fremont)

EXPLANATION OF REASONS FOR THE FINDING: A finding is proposed that this Project would not have a significant effect on the environment. The Project is located within an urbanized area and is consistent with General Plan policy. Furthermore, the Project includes specific mitigation measures which address potentially significant impacts related to geology/soils (preparation and implementation of a Paleontological Mitigation Plan), hazards/hazardous materials (conducting a Phase II Preliminary Site Investigation and incorporating the findings in the project specifications and approved Health and Safety Plans), hydrology/water quality (preparation and implementation of a dewatering plan if required by the findings of the Phase II Preliminary Site Investigation), and noise (implementation of vibration control measures).

Public Hearing: The City Council will consider the Project and recommendation to adopt a Mitigated Negative Declaration at a public hearing. Notice of the date and time of the public hearing(s) will be published and/or mailed as provided by law. Environmental documents are available for review on the City's website at: https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/environmental-review and at the Fremont Planning Division at 39550 Liberty Street, Fremont, CA 94538.

Any comments as to whether the Draft Mitigated Negative Declaration should become final or whether an EIR should be prepared for the project must be submitted within 30 days of the posting of this Draft Mitigated Negative Declaration. **The comment period begins August 11, 2022 and ends at 5 pm on September 12, 2022.**

If this Draft Mitigated Negative Declaration becomes final by City Council action, any person who disagrees with the Council's action may seek judicial review.

Posted within the Development Services Center on August 10, 2022.

Notice of Intent to be sent to:

[X]	Posting of Notice	[X]	County Clerk
[X]	Mailed to owners of contiguous property	[X]	Clearinghouse
[X]	Publish notice		

IF THERE ARE ANY QUESTIONS OR COMMENTS, PLEASE CONTACT:

NAME	TITLE	PHONE NUMBER
Wayland Li	Principal Planner	(510) 494-4453

1 Introduction

Project Title:	Interstate 880 Innovation Bridge and Trail Project City of Fremont Project PWC 8907
Lead Agency Name and Address:	City of Fremont – Community Development Department 39550 Liberty Street, 1st Floor Fremont, CA 94538
Contact Person and Phone Number:	Project Planner – Wayland Li, Principal Planner Phone: (510) 494-4453 Email: wli@fremont.gov
Community Planning Area:	South Fremont Community Plan Area and Bayside Industrial Community Plan Area
Project Sponsor:	City of Fremont Public Works Department Mirabel Aguilar, Senior Engineer Phone: (510) 494-4761 Email: maguilar@fremont.gov
General Plan Designation:	Innovation Center, Industrial–Tech, Open Space–Resource Conservation/Public
Zoning:	Warm Springs Innovation (WSI-6), Open Space, (OS), Industrial-Tech (I-T)

Project Overview

The City of Fremont, California (City), is proposing to construct the Interstate 880 (I-880) Innovation Bridge and Trail Project (Project) that would consist of a Class I multi-use trail and a grade-separated crossing over I-880 in the City's Fremont Warm Springs/South Fremont Innovation District (WSI District). The proposed Project provides a new bicycle and pedestrian connection between the Warm Springs/South Fremont BART station and Bayside Industrial Area. The proposed Project implements the southernmost segment of the East Bay Greenway, a regional trail through Alameda County. The Project Vicinity is shown in Figure 1-1.

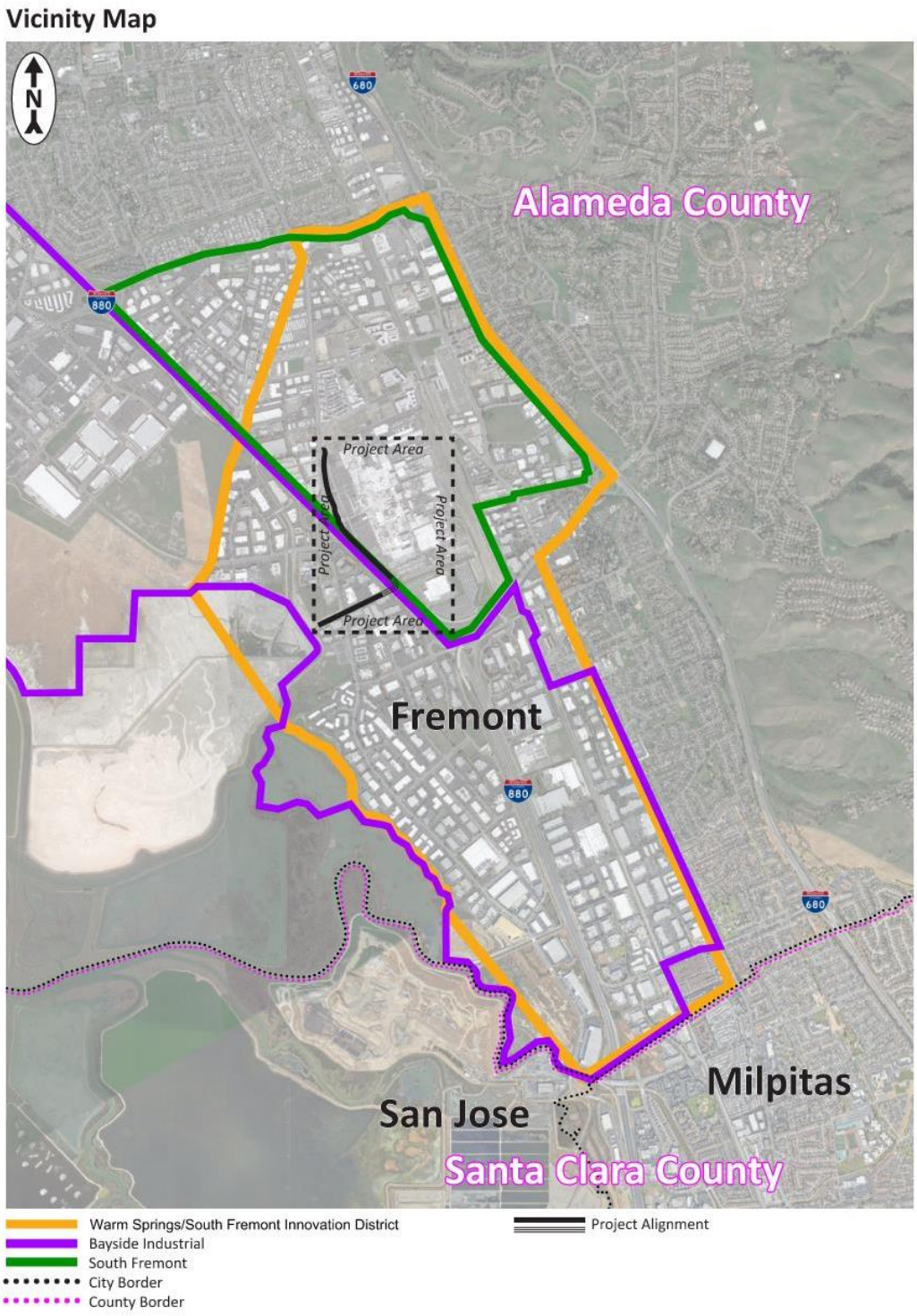


Figure 1-1 Vicinity Map

2 Project Description

2.1 Project Location

The Project site is located within the southern end of the City of Fremont (City) to support the Warm Springs/South Fremont Innovation District (WSI District) and the Bayside Industrial Community Plan Area. The WSI District is a Priority Development Area (PDA) located within the South Fremont Community Plan Area (Figure 1-1), as identified in the 2011 General Plan. The WSI District supports a diversity of uses in a transit-oriented environment easily accessible to the Warm Springs BART/South Fremont BART Station. The Bayside Industrial Community Plan Area is a major regional employment center that accommodates a range of work places, including research and development and advanced manufacturing. The Bayside Industrial Community Plan Area is designated as a Priority Production Area. The proposed Project would increase overall mobility by providing a bicycle and pedestrian facility between the Bayside Industrial Community Plan Area located west of I-880 and the WSI District and the BART station located east of I-880.

The proposed Project would complete the southernmost segment of the multi-municipality East Bay Greenway (EBGW) regional trail. The EBGW is a proposed 49-mile bicycle and pedestrian trail through Alameda County encompassing the existing Ohlone Greenway in Albany and Berkeley and ending at the county line at the south end of Fremont. Figure 1-2 represents Reach 6, the southernmost segment, of the EBGW within the City of Fremont.

From the northeast terminus, the proposed Project begins east of I-880 at Fremont Boulevard, connecting from Quantum Drive to the portion of the EBGW currently under construction in conjunction with a residential development project. A Class I multi-use trail would continue south along the east side of Fremont Boulevard and would merge with a northbound raised cycle track at the southeast corner of the Fremont Boulevard/Industrial Drive intersection. The trail continues from the intersection to a proposed Class I multi-use trail within a public easement along the west side of Kato Road. The trail would then cross over I-880 before traveling west on private properties that parallel north of the maintenance road for Agua Caliente Creek. The trail would cross Fremont Boulevard and intersect with the San Francisco Bay Trail (SF Bay Trail). The surrounding area is associated with industrial and technology-based companies highlighted by the Tesla Factory; commercial uses (largely hotels) located to the west and new mixed use and higher density residential development to the north of the proposed Project.

Project Key Terms and Definitions

Structure: a general term for any transportation facility that is not at same elevation as the current ground.

Overcrossing: A structure carrying a road/trail over a transportation corridor.

At-grade: A trail design to be at the same elevation as the ground or adjacent roadway.

Grade separation: A structure carrying a road/trail over or under another roadway.

Trail: A paved bicycle route that includes pedestrians and other non-motorized vehicles.

Class I multi-use trails: Physically separated from motor vehicle traffic and intended for use by pedestrians, bicyclists, and other non-motorized users. These trails encourage active transportation which in-turn encourage healthy choices for its community members.

Raised Cycle track: separated or protected bicycle lane located within or next to the roadway but made distinct from both the sidewalk and general-purpose vehicle roadway by either vertical or elevation differences.

Abutment: Supports at either end of a bridge, overpass, or overhead structure.

Piles: Structural foundation elements providing support from below ground.

Pylon: A tower that provides support – such as a cable-stay bridge requires a pylon to extend from the ground and rise above the bridge deck to support cables that extend from the pylon to the bridge deck.

Fremont Blvd/Industrial Dr from Kato Rd

Reach 6A
Intersection of Osgood Road/Warm Springs Boulevard/Grimmer Boulevard to Intersection of Lopes Road/Grimmer Boulevard

Reach 6B
Intersection of Lopes Road/Grimmer Boulevard to Quantum Drive at Fremont Boulevard

Reach 6C
Quantum Drive at Fremont Boulevard up to eastern bridge approach ramp along Kato Road

Reach 6D
Bridge over I-880 from Kato Road, including eastern and western bridge approach ramps, to Fremont Boulevard

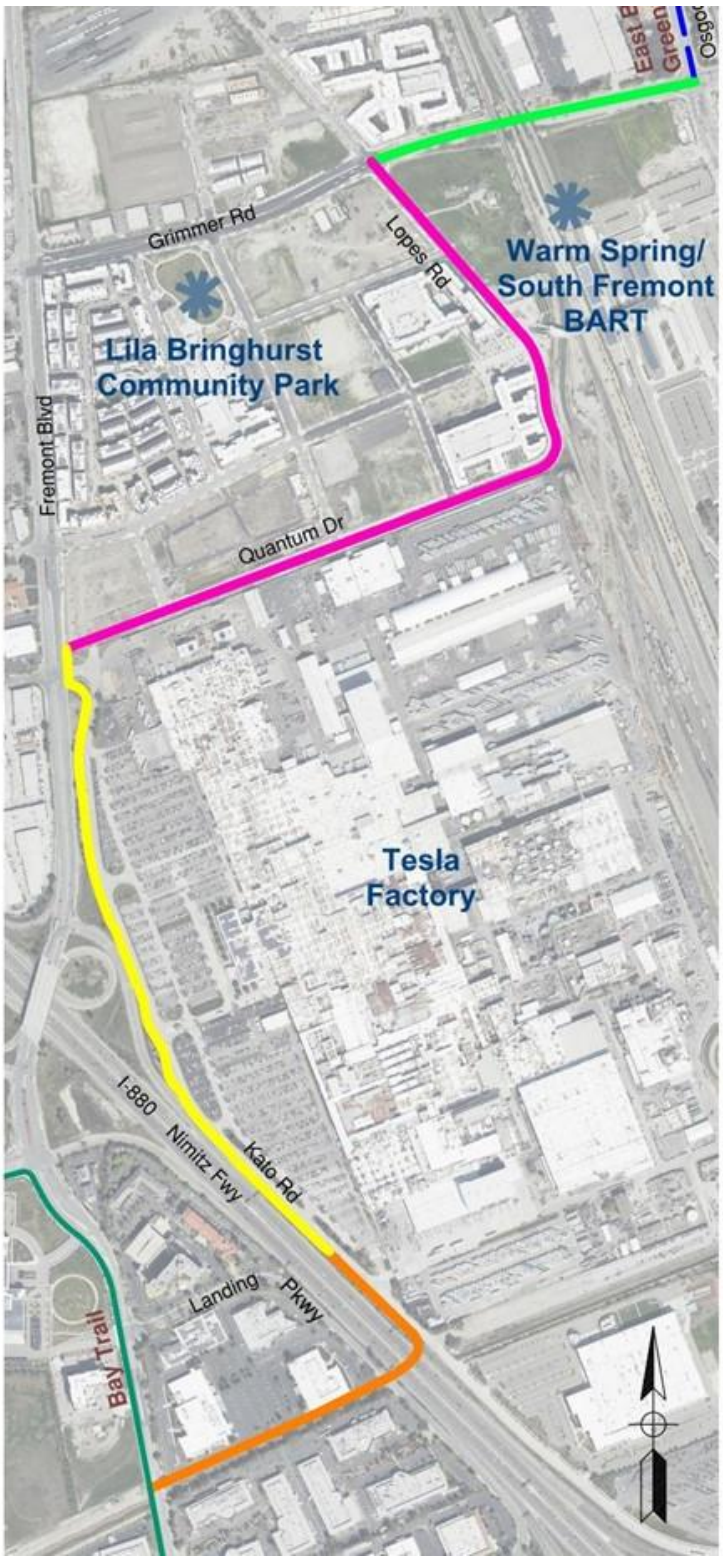


Figure 2-2 Reach 6 of the East Bay Greenway Trail

The proposed Project area is shown in Figure 1-3. The WSI District located on the east side of I-880 includes 4,000 high density residential units (entitled, under construction, or completed), commercial, civic, and industrial uses as part of Transit-Oriented District centered around the BART station. The proposed Project would provide a new active transportation option for those living and working in the WSI District to access other destinations in the Project area and the larger Bay Area. In addition, the WSI District includes the Bayside Industrial Area, which is part of a regional employment center that will eventually provide approximately 40,000 jobs (Warm Springs Brochure, 2016).

2.2 Project Characteristics

The Interstate 880 Innovation Bridge and Trail Project (Project) would improve multi-modal safety and access for pedestrians and bicyclists, improve connectivity to the Warm Springs/South Fremont BART Station and regional trails linkages between EBGW and the SF Bay Trail, while bolstering access to the WSI District and the Bayside Industrial Community Plan Area. The Project alignment is divided into two separate segments defined below.

- **Reach 6C –** Multi-use trail from Fremont Boulevard (east of I-880) along Kato Road within a public easement up to the eastern bridge approach and staircase prior to crossing I-880.
- **Reach 6D** – Overcrossing over I-880 from Kato Road to Landing Parkway (including approach ramps and staircases) and the multi-use trail connection to Fremont Boulevard (west of I-880).

The proposed Project would consist of the following elements (Figure 1-4):

- **At-grade Class I multi-use trail** for approximately 3,300 feet along the west side of Kato Road south of the intersection of Industrial Drive to the eastern approach ramp for the I-880 overcrossing bridge and approximately 540 feet between the western approach ramp and Fremont Boulevard.
- **I-880 overcrossing bridge** would be approximately 850 feet in length with approach ramps totaling approximately 625 feet (310 feet for the eastern approach ramp and 315 for the western approach ramp). The bridge concept features an architecturally prominent single-tower cable-stayed structure with a 200-foot-tall pylon that accentuate the drastic curvature of the main span immediately west of Landing Parkway. The area next to the pylon would include a pathway and staircase, low shrubbery, lighting, irrigation, and signage.
- **A raised cycle track** would be installed along the eastern side of Fremont Boulevard connecting to the Fremont Boulevard/Industrial Drive intersection from the south.

Figure 1-5 illustrates the proposed Project cross sections at different locations along the Class I bicycle and pedestrian trail as called out in Figure 1-4. Generally, the trail would be 10 feet wide except on the overcrossing bridge where there would be sections up to 16.5 feet wide to provide the stairway approaches. The trail would require partial property acquisitions from three private properties (Figure 1-4). Along the trail, landscaping is proposed on both sides where possible consisting of low shrubbery, lighting, irrigation, benches, and signage. Lighting would be

included adjacent to the trail for safety purposes and would be shielded to avoid overflowing onto areas outside the trail and/or bridge structures. Pedestrian scale lighting is proposed for the trail along Kato Road and where the trail is parallel to and north of the maintenance road and Agua Caliente Creek.

Design would comply with the applicable City of Fremont Standard Details which are generic drawings that illustrate and describe a common activity for improvements within the public right of way including Curb, Gutter, and Sidewalk; Signs, Streetlights, Utilities, Trails, and Other Miscellaneous; Traffic; and Landscape.

The proposed Project incorporates Crime Prevention through Environmental Design (CPTED) treatment measures which includes use of landscaping and lighting on trails and possibly the use of security cameras to help maintain proper use of the trail, avoid inadvertant creation of areas that would appeal to encampments, reduce potential for incidents and improve users' feeling of safety.

The proposed Project also incorporates aesthetic treatments to be compatible with the surrounding area. The aesthetic treatments would be context sensitive to the location and would be compatible with existing aesthetic of the surrounding area. The following aesthetic treatments are included as part of the proposed Project measures to comply with City's General Plan policies regarding aesthetic resources within the City, including Policy 4-3.2, Architecture and Identity, which is to use architecture to reinforce the desirable design characteristics of an area, consistent with its heritage and the vision for its future as defined in the General Plan or in an area plan:

- Aesthetic treatments consisting of color, texture and/or patterning will be applied to reduce visual impacts. Bridge safety fencing includes maximizing visual transparency. Aesthetic treatments include deck surface treatment, planting, and lighting.

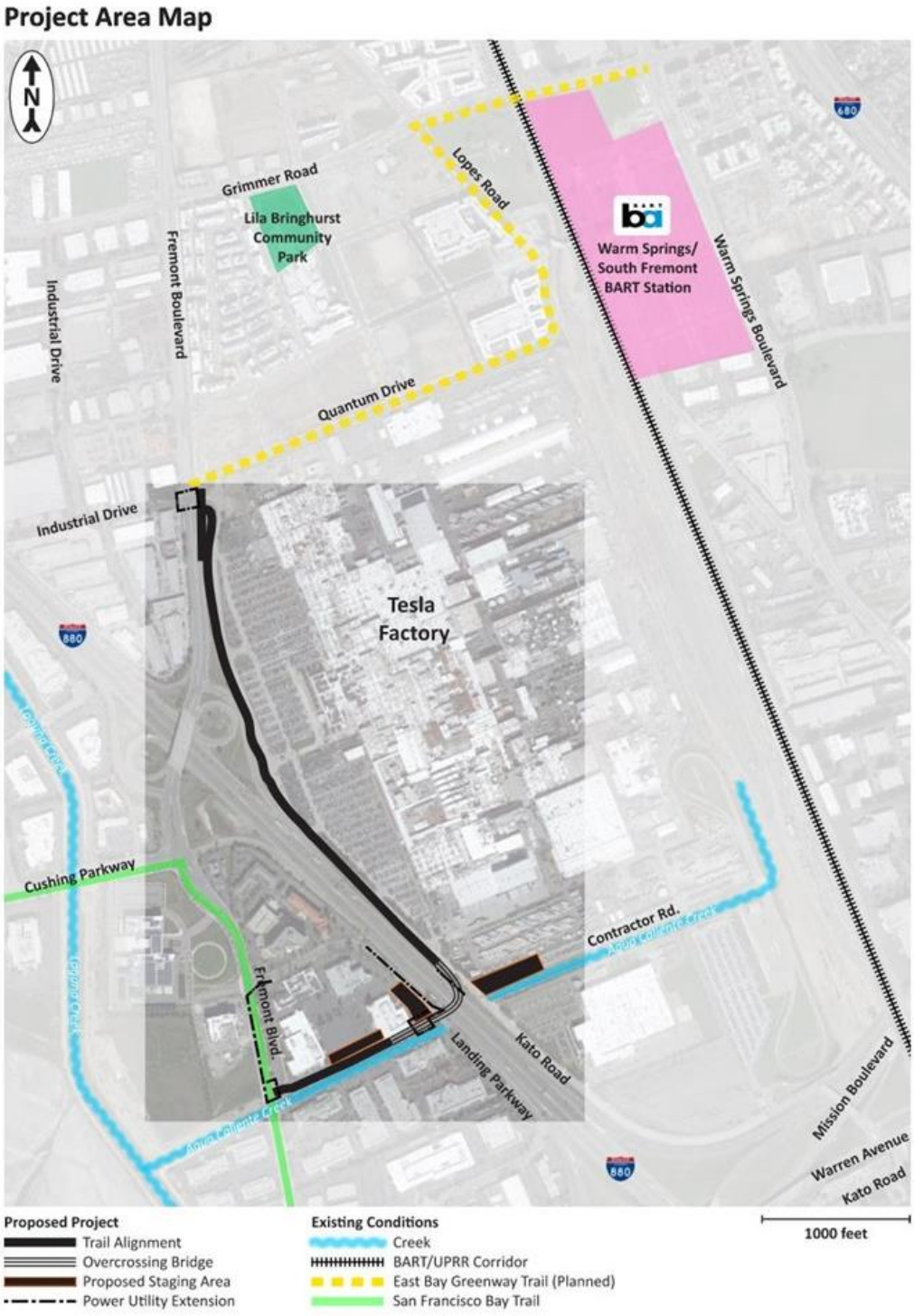


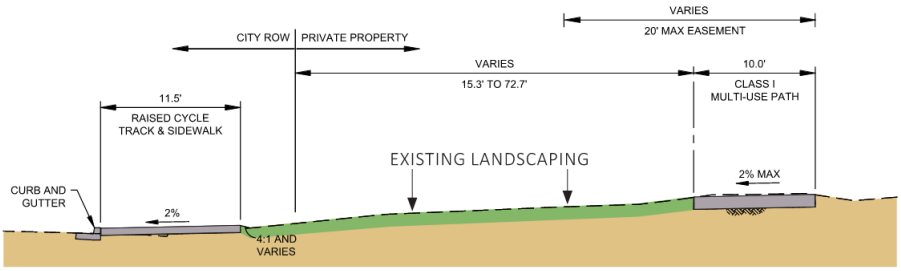
Figure 1-3 Project Area Map

Figure 1-4: Proposed Project Key Elements and Staging Areas

Cross Sections

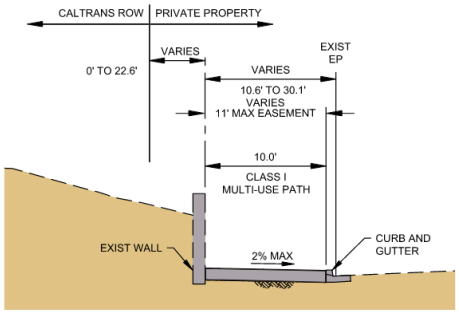
Dedicated Easement on Tesla Property Adjacent to Fremont Blvd. — Looking north.

Cross section A



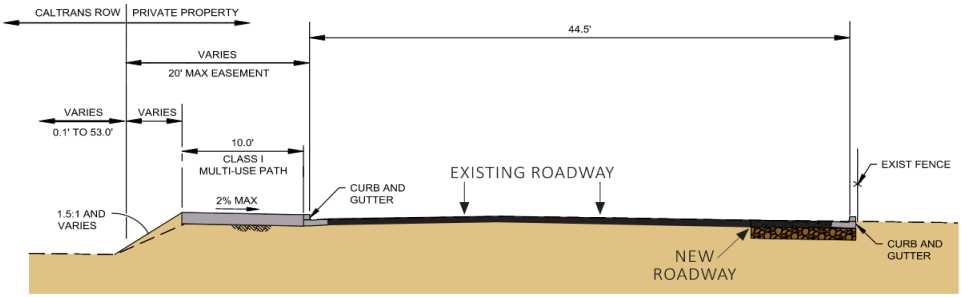
Cross Section between I-880 and Kato Road — Looking north.

Cross section B



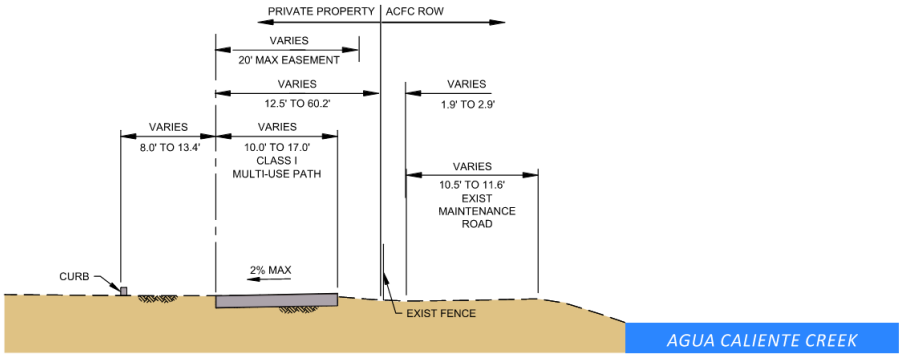
Dedicated Easement on Tesla Property Adjacent to Kato Road — Looking north.

Cross section C



Agua Caliente Creek and Maintenance Road — Looking east.

Cross section D



Abbreviation List

ACFC	Alameda County Flood Control and Water Conservation District
EP	Edge of Pavement
EXIST	Existing
MAX	Maximum
ROW	Right of way

Figure 1-5 Proposed Project Cross Sections

Reach 6C

The trail alignment would begin east of I-880 at Fremont Boulevard, connecting from Quantum Drive and tie into the EBGW trail that is currently under construction as part of the private development north of Quantum Drive. A Class I multi-use trail would continue south along the east side of Fremont Boulevard and would merge with a northbound raised cycle track at the southeast corner of the Fremont Boulevard/Kato Road intersection and continuing from the intersection to a proposed Class I multi-use trail along the west side of Kato Road.

The majority of the trail facilities through Reach 6C, along Kato Road, would be located within a bikeway easement identified in a Bikeway Easement Agreement between the City and Tesla. The trail would be at-grade and would travel southeast along the west side of Kato Road and parallel to I-880 for approximately 3,300-feet until reaching an approach ramp structure to the proposed bridge. Trail facilities would meet the City's standard 10-foot travel way trail width requirements. Some trees on along Kato Road may be affected, and the trail is designed to meander through existing trees to minimize tree removal. Along the trail alignment, landscaping is proposed on both sides and would include low shrubbery, pathway lighting, irrigation system, and signage.

Reach 6D

Reach 6D includes the bridge crossing over I-880 from Kato Road to Landing Parkway west of I-880, plus a Class I multi-use trail alignment from the western approach ramp to the bridge, to a new mid-block signalized crossing at Fremont Boulevard.

The overcrossing bridge would be a single pylon cable-stay structure with the main terminal located west of Landing Parkway. The iconic 200-foot-pylon and the staircase access sit to the west of Landing Parkway and I-880. In addition to the pylon, there would be an abutment, two columns on the east and west side of I-880 outside of State right of way, and one column within State right of way located outside the limits of I-880 shoulders and the clear recovery zone (an unobstructed and relatively flat area beyond the edge of travel that allows a motorist to recover control of his vehicle in a run-off-the-road incident). An eastern approach ramp to the overcrossing bridge along the west side of Kato Road would begin near the intersection of Kato Road and Contractor Road. The overcrossing bridge would then arch horizontally across I-880 to the west and would be supported by cables attached to the pylon (Figure 1-6). The overcrossing bridge would maintain a minimum 18.5-foot vertical clearance over the south- and northbound traffic lanes of I-880 and maintain a vertical clearance of at least 15 feet over Landing Parkway. Due to the proximity of the proposed bridge to an existing overhead sign in the northbound and southbound I-880, the existing overhead signs in conflict with the overcrossing bridge would be removed and replaced with new overhead signs constructed within State right of way.

After crossing I-880 from the east, the overcrossing bridge would touch down northwest of Agua Caliente Creek. The western approach ramp would include a secondary ramp from a staircase that would provide access for users from Landing Parkway and the businesses in the surrounding area and would connect to a Class I multi-use trail (Figure 1-7). This Class I multi-use trail would begin from the base of the western approach ramp to the bridge and travel within private property adjacent to the northern boundary of the Agua Caliente Creek maintenance road until reaching Fremont Boulevard. A portion of the ramps, Class I multi-use trail, and the staircase access at the bridge landing would impact approximately 30 parking spaces within

APN 519-850-90-5 and approximately 75 parking spaces within APN 519-850-84-3. Final design work would include working with the property owners to re-stripe and potentially restore 18 of the parking stalls within APN 519-850-84-3. Additionally, the proposed Project may require the removal of some trees on private property where the trail is parallel to and north of the Agua Caliente Creek maintenance road; please see the Tree Protection measures included in Section 2.3, Project Construction . The Class I multi-use trail would then cross Fremont Boulevard and directly connect to the SF Bay Trail and existing bicycle lanes on either side of Fremont Boulevard. A mid-block traffic signal would be required at this crossing location.

Figure 12-6 Iconic Cable-stay Overcrossing Bridge with Horizontal Arch over I-880

Figure 1-7 Illustration of the portion of Reach 6D located north of Maintenance Road for Agua Caliente Creek

2.3 Project Construction

Construction activities would typically occur during the work week, Monday through Friday, between 7:00 a.m. and 4:00 p.m., but it is anticipated that night and weekend work will be necessary, if approved by the City of Fremont, in compliance with Fremont Municipal Code (FMC) requirements, and Caltrans.

Construction activities would comply with the requirements in FMC Chapter 18.218, Standard Development Requirements to Address Resource Protection, which includes direction on managing air quality, endangered species, cultural and tribal resources, geology and soils, hazardous materials, and noise during construction and measures including the pertinent details that would be implemented as part of the proposed Project. Refer to Sections 4.3 (Air Quality), 4.4 (Biological Resources), 4.5 (Cultural Resources), 4.9 (Hazards and Hazardous Materials), and 4.13 (Noise) in this Initial Study for information on the measures to be implemented.

A California licensed engineer will prepare a foundation report per Caltrans standard outlining site-specific recommendations regarding foundation support for the proposed structural elements, grading activities, fill placement, soil corrosivity, soil expansion, and evaluations of seismic hazards, liquefaction, and ground settlement in accordance with all applicable requirements of the State of California, including the Caltrans Seismic Design Criteria. The report will include stability analyses of final design of the approach embankment and the retaining walls. The Project's final plans and specifications shall meet all requirements included in the Final Foundation Report.

- To further address and reduce impacts related to potential seismic activity and liquefaction, all grading, foundations, and structures for the proposed project will be required to be engineered and designed generally in conformance with the 8th edition of the AASHTO LRFD Bridge Design Specifications with Caltrans Amendments (LRFD code), Caltrans Seismic Design Criteria (SDC) v2.0, Caltrans 2018 Standard Plans and 2018 Specifications. Supplemental design criteria will be used to modify and supplement the LRFD code.
- In accordance with Project Quality Control/Quality Assurance, geotechnical aspects of the project construction shall be inspected, tested (as needed), and approved by the Project geotechnical engineer. Inspections will include, but not necessarily be limited to site preparation and grading, excavations for foundations and retaining walls prior to the placement of steel and concrete, and foundation installations.

A Construction Management Plan (CMP) will be developed by the contractor and approved by the City of Fremont and Caltrans[1] and would include measures to minimize potential construction impacts including, but not limited to, dust control, construction emissions, construction traffic control, storm water pollution prevention, noise and vibration control, and cultural and tribal resource management as applicable. The following measures will be included in the CMP:

- **Construction Staging Areas and Materials Storage** – Construction staging areas will be limited to paved areas to avoid disturbance to vegetation and/or irrigation systems. Materials and storage areas shall be placed away from direct views and/or covered/screened where feasible.
- **Construction Site Lighting** – Wherever applicable, during construction light and glare screening measures will be used within the construction areas, including, but not limited to the use of downward cast lighting.
- **Construction Traffic Control Plans** – Develop and implement Traffic Control Plans that describe how the Project would implement construction and phase traffic management to maintain safe and minimally interrupted circulation of all travel modes along I-880, Fremont Boulevard, Landing Parkway, Kato Road and the San Francisco Bay Trail. In accordance with Caltrans requirements, the Traffic Control Plan within State right of way, which include I-880, would include standard signage procedures and construction vehicle restrictions to reduce potential traffic impacts to the community. The Traffic Control Plans within City right of way and Kato Road would be development in accordance with the California Manual on Uniform Traffic Control Devices. The Traffic Control Plans would ensure continued access to the San Francisco Bay Trail during construction.

In addition, the CMP would include directions on managing construction activities in the area around Agua Caliente Creek, as well as tree protection measures and measures for avoiding and minimizing impacts to biological resources. The following measures would be included in the CMP:

[1] The CMP is likely to require Caltrans approval before construction can begin over I-880 right-of-way.

- **Protect Environmentally Sensitive Areas (Agua Caliente Creek)** – Temporary high-visibility fencing (THVF) would be installed along the Project work area adjacent to Agua Caliente Creek and ditches to avoid ground disturbance in jurisdictional areas (i.e., below top of bank). Silt fence would be placed along Agua Caliente Creek and roadside ditches to prevent the discharge of sediment and sediment-laden runoff into waters of the U.S. and non-federal waters of the State. Native trees, shrubs, and herbaceous vegetation would be preserved in place to the extent practicable. All spoils, excavated materials, and plant materials would be disposed at a licensed and approved facility.
- **Tree Protection** – Prior to the start of construction, the following tree protection measures shall be in place. Fencing shall be installed at the dripline around trees identified for preservation. Construction documents, and signage in the vicinity of existing trees, as needed, shall prohibit the storage of materials or construction vehicles within driplines/fenced areas of existing trees. Construction documents shall require on-site monitoring of construction practices around protected trees by a certified arborist during certain construction efforts as identified by a certified arborist. Construction documents shall prohibit the pruning or trimming of existing vegetation except as approved by the City.
- **Preconstruction Botanical Survey** – No more than 30 days prior to construction, a botanical survey would be performed to identify whether special-status plants are present along the banks of Agua Caliente Creek or vegetated areas along the shoulders of I-880. The survey would be performed by a botanist or biologist that is familiar with the flora indigenous to the Fremont and greater San Francisco Bay areas. The pre-construction botanical survey would be appropriately timed to ensure that species with potential to occur within the Biological Study Area (BSA) would be blooming and/or observable. In the event that a special-status plant population is observed within the work area, it would be designated as an environmentally sensitive area (ESA), surrounded with THVF, completely avoided by construction activity, and a record of the observation would be submitted to California Department of Fish and Wildlife (CDFW)/California Natural Diversity Database (CNDDB) within 1 week. If complete avoidance of the special-status plant(s) is not feasible, direct impacts (i.e., ground-disturbing activities) within 25-feet of the special-status plant ESA would not occur until the City consults with CDFW on appropriate measures.
- **Preconstruction Survey for Nesting Raptors –** Preconstruction surveys for nesting raptors, including white-tailed kite and northern harrier, would be conducted by a qualified biologist no more than 72 hours prior to commencing construction activities during the nesting season (February 1 to August 31). Surveys would cover all potential raptor nesting substrates within 300-feet of proposed construction activities or as otherwise limited by permission to enter.
- **Nesting Protection Buffers** – The qualified biologist, who shall be knowledgeable about the behavior of nesting birds, shall erect nest protection buffers around all active bird nests that have potential to be directly or indirectly impacted by Project construction. The nests shall be designated as ESAs and protected while occupied during Project construction with the installation of a high-visibility fence barrier surrounding each nest site or other appropriate markers. A qualified biologist shall develop buffer

recommendations that are site specific and at an appropriate distance, that protects normal bird behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. The qualified biologist shall monitor the behavior of both adult and young birds when present at the nest site to ensure that they are not disturbed by Project construction work. Nest monitoring shall continue during construction until the young have fully fledged, or completely left the nest site and are no longer being fed by the parents, as determined by the qualified biologist.

- **Preconstruction Surveys for Other Breeding Non-raptor Migratory Birds** – Preconstruction surveys for nesting saltmarsh common yellowthroat, Alameda song sparrow, and other breeding non-raptor migratory birds will be conducted by a qualified biologist no more than 72 hours prior to commencing construction activities during the nesting season (February 1 to August 31). Surveys will cover all potential nesting substrates within 50-feet of construction activity or as otherwise limited by permission to enter. If an active nest is observed during the surveys, the qualified biologist will erect nest protection buffers as described above.
- **Deterrence of Migratory Swallow Nesting Activity** – To deter potential migratory swallow nesting activity on existing bridge/culvert structures within the BSA, a qualified biologist will survey the bridge and identify potential breeding locations for swallows. If the structure is deemed suitable for nesting, the qualified biologist will begin surveying for potential nesting behavior by March 15. Once nest precursors appear (i.e., nest formation mud, nest location mud, etc.), they will be manually scraped from the structure. The frequency of nest scraping will be determined by the qualified biologist based on the observed conditions. Nest scraping will be minimized to the extent feasible, and it will only occur within 50-feet of the Project work area and only as needed to allow construction work to proceed. Cliff swallows typically do not react to manual scraping of their nest starts, and they are not harmed by the activity. If nest scraping is not performed consistently and fully formed nests are constructed by swallows and they become active, active nests would not be scraped and the qualified biologist will erect nest protection buffers as described above, as necessary.
- **Preconstruction Survey for Roosting Bats** – No more than 30 days prior to tree removal, a qualified biologist will conduct a pre-construction survey of trees slated for removal. The qualified biologist shall search all trees planned for removal for suitable bat roost habitat (i.e., cavities, crevices, exfoliating bark). If active bat roosts are found on site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the plan.

- **Exclusion for Tree-roosting Bats** – Exclusion for tree-roosting bats would consist of removing the tree over two consecutive days. On the first day, under the supervision of a qualified biologist, who shall be knowledgeable of the life history and biology of California bats, branches and small limbs not containing suitable bat roost habitat (e.g., cavities, crevices, exfoliating bark) shall be removed using chainsaws only. On the second day, the rest of the tree shall be removed. Trees containing suitable bat roosting habitat shall only be removed between either March 1 and April 15 or September 1 and October 15 (during periods of seasonal bat activity and outside of the maternity season).

Construction of the proposed Project may require the removal of trees in areas along Kato Road and on private property north of the Agua Caliente maintenance road. FMC Chapter 18.215, Tree Preservation, includes requirements for tree protection that will be applied to the Project. Requirements of the ordinance include a tree survey for all trees greater than 6 inches diameter at breast height (DBH) for trees proposed for removal. All tree removal, solutions for preservation, and pruning activity, if any, will be completed under the review and approval of the City Urban Forester. Within City right of way, City of Fremont Landscaping Standard Detail (LSD) 9, Tree Protection Fencing, will be implemented. LSD-9 identifies tree protection measures that must be in place before construction including fencing around trees at the dripline identified for preservation, no storage of materials or construction vehicles within driplines/fenced areas of existing trees, and as required, includes a certified arborist approved by the City on site to monitor construction practices around tree protection during certain construction efforts. In addition, existing vegetation would not be pruned or trimmed without approval by the City. For areas within Caltrans right-of-way, the Office of Landscape Architecture would be consulted to determine replacement requirements once tree and shrub removal quantities are known. Typically, non-native plants are replaced at a ratio of 1:1, whereas native plants (e.g., Oaks, Redwoods, Walnut trees) are replaced at a ratio of 3:1. Vegetation loss on any portion of Classified Landscape Freeway of I-880 requires replacement of vegetation to maintain the designation.

Generally, construction operations will be in the following sequence: clearing/grubbing, excavation and backfill, compacted based, vibratory driving of sheet piles and/or oscillating steel casings and, pile installation, and other construction activities would be required. Typical construction equipment used during construction would be based on the construction sequence and would include backhoes, dump trucks, compactors, excavators, pile drill rigs, cranes, concrete transit mixers, concrete pumps, concrete vibrators, and generators and compressors.

Project construction is expected to last 24 to 30 months. No one area would be subject to construction effects for the entire construction duration and construction would be phased to minimize disturbance to the shortest feasible time. The I-880 overcrossing bridge construction would have the longest construction duration and is estimated to take approximately 12 to 18 months.

2.4 Construction Site Access and Staging Areas

Equipment and materials will be staged for construction within established work areas that will be coordinated with property owners. Three locations have been preliminarily identified as potential staging areas as shown on Figure 1-4. These areas consist of one within a private

parking area between Fremont Boulevard and Landing Parking, one along Landing Parkway within a private parking lot near the proposed pylon, and one east of I-880 and south of the Tesla Factory adjacent to Contractor Road. These three areas total approximately five and one-half acres. A crane to install the pylon and stay cables is anticipated to be located near the proposed western landing area. The location of the crane will be finalized once work areas are coordinated with property owners.

Heavy vehicles (i.e., haul [tractor-trailer] trucks, machinery) would access the proposed Project site via I-880 to the median and either the Fremont Boulevard exit or the Warren Avenue exit from I-880 and proceed to the proposed Project area on either side of I-880. Roadways used to access the construction areas would include I-880 freeway both north and south bound lanes, Fremont Boulevard, Landing Parkway, Warren Avenue, Kato Road, and Industrial Road. Construction workers would also be arriving from different directions. Travel routes on local roadways for workers, soil export, and material import would be determined in consultation with the City's Public Works Department and approved by the City during construction, since there are no designated truck routes in the Project area beyond I-880, the I-880/Fremont Boulevard interchange, and a portion of Cushing Parkway.

In addition to off-haul trips, vehicular trips would be generated by construction employees. Parking for construction workers would be on-site within staging areas and not within parking areas for the adjacent businesses. There would be no multi-day staging of vehicles or equipment on or along existing roadways outside of designated areas.

Temporary road closures may be required along Landing Parkway and Kato Road during the weekend or nighttime hours when bringing large equipment and materials to the construction site. Temporary lane closures on Fremont Boulevard and Landing Parkway would also be required during installation of utilities related to the mid-block signal on Fremont Boulevard and for the lighting for the bridge overcrossing. Portions of Landing Parkway may need to be closed for longer durations related to the construction of the overcrossing bridge. A temporary construction easement would be required from the Flood Control District to use the maintenance road for Agua Caliente Creek.

Closures of travel lanes on I-880 are anticipated to be needed during construction which would close the shoulders in each direction. Up to two-night closures per freeway direction (four closures in total) would occur during low volume periods of night traffic (typically 9pm – 5am) to install falsework. Full closures and partial closures may be needed for the installation of the cables and would be determined by the contractor. Detours for closures of I-880 between the I-880/Fremont Boulevard and I-880/Mission Boulevard/Warren Avenue interchanges would use local roads including Kato Road, Warren Avenue, and Fremont Boulevard depending on the direction of travel. A traffic control plan would be required as part of the encroachment permit with Caltrans and would include information on the allowance for the specific days and hours of closures of I-880 that would be determined by Caltrans Traffic Operations relying on current traffic volumes.

2.5 Construction by Project Elements

At Grade Trail

The typical at-grade trail cross sections are shown in Figure 1-5. The at-grade trail would be constructed consistent with City of Fremont standards which consists of minimum of 6 inches of compacted aggregate base and a reinforced concrete leveling of 6 inches. Clearing activities would involve removing asphalt, removing existing vegetation, trees, and surface soils as necessary to accommodate the Project. Additional activities include installation of underground drainage facilities. Elements such as lighting, and trail signage would follow the installation of the trail subbase and concrete paving.

Bridge Approach Ramp

The bridge approach ramps would be built upon cast-in-place retaining walls with cast-in-place concrete deck from the at-grade trail to the concrete bridge abutment.

I-880 Overcrossing Bridge

Piles for the bridge columns would extend between 40 to 60 feet below the footings. Once piles are placed, rebar cages are lifted with the assistance of cranes, false work is framed and then concrete is poured. For the western bridge approach ramp, piles may be augered to minimize vibration impacts on adjacent businesses that use vibration sensitive equipment. The support columns would be located outside of Agua Caliente Creek and the Flood Control District's maintenance roadway such that it would remain open and accessible throughout construction. The western approach includes three back stays anchored in piles supported bents that would balance the pylon from the west using cables.

The pylon would require a pile cap, a thick concrete mat, that has a depth of approximately 10 feet (8 feet for the pile cap and 2 feet of cover). Pilings of up to 200 feet could be required for the pylon structure and the actual depth would be determined once geotechnical analysis has been completed.

To construct the bridge a shoring system called "falsework" would be installed to support formwork and the concrete superstructure until the structure becomes self-supporting. Falsework for the cast-in place structure or delivery of bridge components would occur along the shoulder of the I-880 and potentially in the median at times stipulated by the Encroachment Permit that will be obtained from Caltrans. Cast-in-place bridge construction would require night-time freeway closures for one (1) direction at a time when mounting and then to dismantling falsework. Steel members for the overcrossing bridge would be brought to the site in sequence and components stored on site until erected. The installation of the cable stays to support the overcrossing bridge to the east could also require nighttime closures of I-880 and could require a full closure of I-880. If a full closure is required, the traffic control plans that would be prepared for proposed Project would include information on the detour routing. The architectural finishes phase includes installing finished deck material, handrails, painting, lighting and other architectural details and the construction of the landscaped area at the landing.

Utilities

Electrical systems would be trenched along Fremont Boulevard to provide power required for the mid-block signalized crossing, at the Fremont Boulevard and Industrial Drive Intersection to adapt the signal to the Project, and along Landing Parkway and Kato Road for lighting of the bridge overcrossing. Trenches potentially needed to install electrical utilities are shown on Figure 1-4. The trenches required would be approximately 1-foot wide by 18-inches deep. Once conduit is installed, the trench would be filled with aggregate and fill in conformance with the utility's requirements, then topped with roadway subgrade. Asphalt concrete would be replaced and tampered flush with the existing roadway and restriped as applicable.

Stormwater and Landscaping

Permanent storm water protection measures would be installed as part of the proposed Project in accordance with the requirements set forth by the Municipal Regional Permit. To address stormwater runoff, new impervious surfaces and replaced impervious surfaces would either drain to adjacent pervious surfaces and would be classified as self-treating or runoff would be conveyed to permanent stormwater treatment measures.

All temporarily disturbed landscaped areas would be repaired and blended and existing landscaping removed by the proposed Project would be replaced. Landscaping is anticipated to include finish grading, trees, shrubs, native seeding for exposed soil areas and mulch with an irrigation system for the establishment of trees and shrubs as needed. Vegetation replacement is covered through the Fremont Tree Ordinance *FMC Chapter 18.215, Tree Preservation (Ord. 2481) (Fremont, CA, 2021)* for areas within the City right-of-way and removal and replacement within Caltrans right-of-way would be in accordance with Caltrans policy.

Other public agencies whose approval is required (e.g., permits, financial approval, or participation agreements):

- National Pollutant Discharge Elimination System (NPDES) Construction General Permit
- Caltrans Right-of-Way Certification and Utility Certification
- Joint Caltrans and City of Fremont Maintenance Agreement
    - Encroachment Permit
- Alameda County Flood Control & Water Conservation District
    - Temporary construction easement
    - Aerial easements

Native American Consultation

In conformance with the requirements of Public Resources Code section 21080.3.1, notice of the proposed Project was sent by certified mail and email on December 10, 2019, to the seven Native American tribal representatives whose names and contact information were provided to the City of Fremont by the Native American Heritage Commission in a letter dated December 9, 2019. To date, no requests for consultation pursuant to AB 52 have been received. See Section 4.18, Tribal Cultural Resources, of this Initial Study for further discussion.

Previous Environmental Review

Fremont General Plan Update EIR (SCH No. 2010082060) – available in-person at the City of Fremont Development Services Center and online at www.fremont.gov/generalplan.

General Plan Conformance

As discussed in this Initial Study, the proposed Project would be consistent with the General Plan for which a program-level Environmental Impact Report (EIR) was prepared and certified by the Fremont City Council in December 2011, in accordance with the requirements of the California Environmental Quality Act (CEQA).

Pursuant to CEQA Guidelines Section 15168(c), subsequent activities must be examined in light of the program EIR to determine whether an additional environmental document is required. If a later activity would have effects that were not evaluated in the program EIR, an Initial Study must be prepared leading to either preparation of an EIR or Mitigated Negative Declaration. This Initial Study has been prepared for that purpose and has determined that although the proposed Project would have effects that were not examined in the General Plan EIR (GP EIR), mitigation measures would reduce potential impacts to a less than significant level and a Mitigated Negative Declaration will be prepared.

3 Environmental Factors Potentially Affected:

The following list indicates the environmental factors that would be potentially affected by this Project. Factors identified as a "Potentially Significant Impact" in the Initial Study are labelled "PS", while factors that are identified as "Potentially Significant Unless Mitigation Incorporated" are labelled "M":

☐ Aesthetics	☐ Agriculture and Forest Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Energy
☒ M Geology / Soils	☐ Greenhouse Gas Emissions	☒ M Hazards / Hazardous Materials
☒ M Hydrology / Water Quality	☐ Land Use / Planning	☐ Mineral Resources
☒ M Noise	☐ Population / Housing	☐ Public Services
☐ Recreation	☐ Transportation	☐ Tribal Cultural Resources
☐ Utilities / Service Systems	☐ Wildfire	☐ Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

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

DocuSigned by:
Wayland Li
AB8568AC0BB04DF...

8/4/22

Signature | Date

Wayland Li | Principal Planner

Printed Name | Title

City of Fremont

Agency

4 Environmental Checklist

4.1 Aesthetics

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.1 (a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
4.1 (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
4.1 (c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
4.1 (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Environmental Setting

The City is located on the east side of the San Francisco Bay bordered by Union City to the north, Fremont Hills to the east, and Milpitas to the south. The City is characterized as a large, mostly developed suburban city with residential areas located in the eastern portion and industrial and regional commercial areas located in the western portion along I-880, which is a major automobile corridor that bisects the City. The Project site is located in the southern portion of the City within the Bayside Industrial and South Fremont Community Plan Areas of the City's General Plan 2030.[2] The Project site is located within a heavily urbanized area. Land uses surrounding the site include by residential uses and three high-rise hotels to the north, low-rise industrial and commercial offices to the south, the Tesla Factory and its associated large parking lot to the east, and a vacant land to the west. Existing nighttime views in at the Project area and surrounding area include artificial sources of lighting such as streetlights, building illumination, parking lot lighting, illuminated signs, and headlights from vehicular traffic. The San Francisco Bay is located west of the Project site; however, views of the San Francisco Bay are not available from the Project site.

The Project site is gently sloped from the Fremont Hills in the east toward the San Francisco Bay in the west. The Project site is relatively flat and contains primarily vegetated areas, paved surfaces and commercial development. Visibility of the Project site from public vantage points is limited. The Project site can be seen most directly from Kato Road, I-880, and Landing Parkway. The segment of Kato Road between Fremont Boulevard and Mission Boulevard is a private

[2] City of Fremont, 2011. City of Fremont General Plan – Chapter 2: Land Use.

roadway and primarily serves technology businesses, including the Tesla Factory and Thermo Fisher. Kato Road is not a private road once it reaches Agua Caliente Creek. Views from I-880 of the Project area are fleeting, as motorists travel at high speeds and are likely to keep their focus on the road in front of them. Within the Project area, Landing Parkway operates as a low volume collector road between Fremont Boulevard and W. Warren Avenue. The City's General Plan 2030 does not identify scenic vistas within the City. However, the City's General Plan 2030 does identify the Mission Hills (which are part of the Fremont Hills) as one of the City's primary scenic resources. The Mission Hills are located approximately one mile east of the Project site, to the east of I-680. The Mission Hills can be seen in the background from the Project site, but the existing views of the hills are generally not of high quality, due to the presence of existing buildings and structures tend to obscure views of the hills. The Mission Peak Regional Preserve is located 3.9 miles east of the Project site and provides park visitors with panoramic views of the City.

Between Oakland and San José, various segments of I-880 are designated as a Caltrans Classified Landscaped Freeway. Within the Project area, I-880 is a Caltrans Classified Landscaped Freeway from Post Miles 2.61 to 2.9. This classification helps regulate and control the placement of outdoor advertising and are not an indication of an area that should be protected as a scenic corridor. Although various segments of I-880 are designated as a Caltrans Classified Landscaped Freeway, I-880 within the Project area is not designated as a state scenic highway.

Discussion

This discussion is based in part on the following document:

- Visual Impact Assessment for the Interstate 880 Innovation Bridge and Trail Project, prepared by Circlepoint, August 2021.

4.1 (a) Would the Project have a substantial adverse effect on a scenic vista?

The General Plan Environmental Impact Report (GP EIR) states that the implementation of several General Plan policies would be expected to reduce potential development-related impacts on scenic vistas to a level considered less than significant. These include Land Use Policy 2-1.3: *Maintain Fremont's Open Space Frame,* Community Character Policy 4-1.7: *Strengthen Identity Through Planning*, and Community Character Policy 4-1.8: *Landmarks* (which protects Fremont's open space "frame"). The proposed Project is consistent with these policies, as described below.

Land Use Policy 2-1.3 is to conserve the unique ecological characteristics of the Fremont Hills (which include the Mission Hills) and San Francisco Bay shoreline and wetlands and recognize the contribution of these features to Fremont's identity and livability, and for the City's future land use decisions to ensure the long-term protection of these areas as open space. The Project is consistent with this policy, given that the Fremont Hills area approximately one mile east of the Project site, and the San Francisco Bay shoreline and associated wetlands are approximately 2,000 feet west of the Project site. The Project site and surrounding area is developed with industrial and technology properties. The channelized section of Agua Caliente Creek adjacent to the proposed Project is a linear feature that is maintained as a flood control channel and is not identified as a scenic resource; nevertheless, the proposed Project has been designed to avoid direct impacts to the creek. The proposed Project would have no effect on the long-term

protection of the unique ecological characteristics of the Fremont Hills and San Francisco Bay shoreline and wetlands.

Community Character Policy 4-1.7 is to conduct planning for Community Plan Areas of Fremont as a way to strengthen the sense of place and identify of various parts of the City and recognize the different histories and physical features of the communities that make up Fremont. The proposed Project is consistent with the applicable Warm Springs/South Fremont Community Plan policies; the design of the bridge would reflect the industrial character of the area and would provide a sense of arrival and departure for the Innovation District.

Community Character Policy 4-1.8 is to maintain recognizable built or natural landmarks (visual features and cues that provide orientation and context within the City) that create a reference point or means of orientation with the City, and create a positive identity for an area of the City as a whole. Consistent with this policy, the proposed Project would contribute to the positive identity of the surrounding community by constructing a pedestrian and bicycle bridge that reflects the industrial character of the area and would provide a sense of arrival and departure for the Innovation District. Portions of the proposed Project would be constructed within public ROW and a segment of Kato Road that is private. Permanent easements would be obtained for trail improvements within three private properties, APN 519-1747-11-1 along Kato Road (at 45500 Fremont Boulevard), APN 519-850-84-3 located at 46380 Fremont Boulevard, and APN 519-850-90-5 located at 46335 Landing Parkway. A permanent aerial easement for Alameda County Flood Control & Water Conservation District (ACFCWCD) ROW on APN 519-1747-11-1 would also be needed. Existing features surrounding the Project site, including the Agua Caliente Creek channel would be maintained. Therefore, the proposed Project would have no impact on scenic vistas, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.1 (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The General Plan Environmental Impact Report (GP EIR) states that the implementation of several General Plan policies would be expected to reduce potential development-related impacts on scenic resources to a level considered less than significant. These include Land Use Policy 2-1.3: *Maintain Fremont's Open Space Frame,* Community Character Policy 4-1.7: *Strengthen Identity Through Planning,* and Community Character Policy 4-1.8: *Landmarks* (which protects Fremont's open space "frame"). The proposed Project is consistent with these policies, as described in Section 4.1(a).

The area surrounding the Project site is densely developed with industrial and technology company properties and does not include designated scenic highways or other scenic resources. The proposed Project site has limited views of the Mission Hills, which is considered a scenic resource within the City. The proposed Project would not significantly impact views of the Mission Hills from Kato Road, I-880, or Landing Parkway. The proposed trail alignment would be at ground level and would not obstruct existing views of the Mission Hills. The proposed bicycle and pedestrian bridge would feature a 200-foot-tall pylon with a set of widely spaced twisting cables, which would not significantly block views towards Mission Hills. The Project

site may be visible from the Mission Peak Regional Preserve; however, the views from Mission Peak already overlook urban development including other overcrossings of I-880. Because of the distance from the Project site, and the similar appearance of other development in the area, the proposed Project would not substantially affect views from the Mission Peak Regional Preserve.

The proposed Project is not located within the viewshed of a state scenic highway and, as a result would not damage any trees, rock outcroppings, or historic buildings along a scenic highway. As discussed in Section 4.4, Biological Resources, the Project area does not contain any trees that have been identified as scenic resources or as landmark trees with historical significance. As discussed in Section 4.5, there are no historic buildings within the Project site. Additionally, there are no rock outcroppings on the Project site that would be damaged by the proposed Project.

Given the analysis above, the proposed Project would have a less than significant impact to scenic resources, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

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

The area surrounding the Project site is fully urbanized and is designated in the General Plan as Industrial – Tech, Open Space–Resource Conservation/Public, and Innovation Center. As discussed in Section 4.1(a), portions of the proposed Project's permanent improvements would be located within public ROW and a segment of Kato Road that is private and permanent easements would be obtained for trail improvements within three private properties; an aerial easement for permanent improvements above ACFCWCD ROW would also be required. The proposed Project would provide a bicycle and pedestrian bridge and trail alignment that would serve the existing land and future land uses and would not conflict with the applicable zoning regulations. Consistent with applicable Warm Springs/South Fremont Community Plan policies, the design of the bridge would reflect the industrial character of the area and would provide a sense of arrival and departure for the Innovation District. The proposed Project is consistent with the General Plan's Land Use Policy 2-1.3, Community Character Policy 4-1.7, and Community Character Policy 4-1.8 (which would protect Fremont's open space "frame"). The impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None

4.1 (d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

As discussed in the GP EIR, the lighting of future buildings and the lights from vehicles that would use those buildings would represent new sources of light and glare within the community. However, the GP EIR determined that effective implementation of Community Character Policy

4-4.6: Lighting (which is intended to protect dark skies and reduce glare) would reduce potential lighting-related impacts associated with future development to a level considered less than significant.[3] The Project is consistent with this policy. Existing sources of light or glare in the vicinity of the Project site include vehicles on the roadway, streetlamps that line I-880, Kato Road, and Landing Parkway and existing buildings with lights surrounding them. The proposed Project would not result in additional vehicles surrounding the bicycle and pedestrian bridge. Additional lighting would be added to the entirety of the bridge and existing trails where the bridge connects to the EBGW using light-emitting diode lights (LED). Implementation of lighting fixtures along the trail alignment would result in an incremental increase in nighttime lighting. However, this incremental increase in nighttime lighting would not be noticeable in the context of existing nighttime lighting in the area. The additional lighting would be similar to existing lighting and would not adversely affect day or nighttime views in the area. The proposed Project would comply with all requirements in the California Building Code and all design rules in the Citywide Design Guidelines that require diffused, down-lit exterior lighting. Therefore, this proposed Project would not create new sources of substantial light or glare that would adversely impact the views of the area. This would result in a less than significant impact, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

[3] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

4.2 Agriculture and Forest Resources

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

Environmental Setting

The California Department of Conservation's *2016 Important Farmland Finder Map* identifies the Project site as Urban and Built-up land.[4] There are no agricultural or forest resources located at or near the Project site, nor are there any active agricultural lands, lands under a Williamson Act contract, forest lands, or timberlands on or adjacent to the Project site. The Project site is not designated for agricultural, or forest uses by the General Plan.

Discussion

4.2(a) Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The Project area does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to a non-agricultural use.

[4] California Department of Conservation, 2015; 2016. Available: https://maps.conservation.ca.gov/DLRP/CIFF/ Accessed: December 2021.

The proposed Project would have no impact on the conversion of farmland, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.2(b) Would the Project conflict with existing zoning for agricultural use or a Williamson Act contract?

As discussed in the GP EIR, implementation of the General Plan would not result in any conflict with existing agricultural zoning, since agricultural zoning designations would still be allowed in areas designated Open Space under the General Plan. The Project area is not subject to any Williamson Act contracts.[5] The Project area land use designations include Industrial – Tech and Open Space. The Open Space zoning is not an agricultural land use designation, although, as in many open space land use designations, agricultural uses may be conditionally permitted. The proposed Project would have no impact associated with a conflict with existing zoning for agricultural use or a Williamson Act contract, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.2(c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Project area is not classified as or zoned for forest land (as defined in Public Resources Code Section 1220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). As such, the proposed Project would have no impact on areas classified as or zoned for forest land, timberland, or timberland zoned Timberland Production, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.2(d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

As discussed in Section 4.2(c), the Project area is not classified as forest land. Therefore, the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. There would be no impact regarding the loss or conversion of forest land to non-forest use, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

[5] California Department of Conservation, 2015; 2016. Available: https://maps.conservation.ca.gov/DLRP/CIFF/ Accessed: December 2021.

4.2(e) Would the Project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

As described in the Environmental Setting, there are no agricultural or forest resources located at or near the Project site, nor are there any active agricultural lands, lands under a Williamson Act contract, forest lands, or timberlands on or adjacent to the Project site. The proposed Project would not convert any farmland to non-agricultural use, or convert any forest land to non-forest use. Therefore, the construction of the proposed Project would not involve changes that would result in the conversion of farmland to a non-agricultural use or forestland to a non-forest use. The proposed Project would not have an impact on the conversion of farmland or forest, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.3 Air Quality

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.3(a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
4.3(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

Environmental Setting

The Project site is located in the southern portion of Alameda County, which is in the San Francisco Bay Area Air Basin (SFBAAB). Ambient air quality standards in this region have been established at both the State and federal level. The San Francisco Bay Area (Bay Area) meets all ambient air quality standards with the exception of ground level ozone, respirable particulate matter, and fine particulate matter.

The Bay Area Air Quality Management District (BAAQMD) monitors air quality within the nine Bay Area counties, including Alameda County. Local climate, such as wind speed and direction, temperature, inversion layers, and precipitation and fog, can exacerbate localized air quality problems in the Bay Area air basin.

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter (DPM) near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the state's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

The SFBAAB is currently designated as a nonattainment area for ozone and $PM_{2.5}$, and as an attainment or unclassified area for all other criteria air pollutants. BAAQMD prepares plans to attain state and national ambient air quality standards in the SFBAAB. In 2017, BAAQMD adopted the *Clean Air Plan: Spare the Air, Cool the Climate*.[6] This plan provides a regional strategy to attain compliance with state and federal air quality standards by reducing ozone, particulate matter, and toxic air contaminants. Projects that are consistent with the assumptions used in development of a regional or local air quality plan are considered to not conflict with or obstruct the attainment of air quality levels identified in the plan. Assumptions for emission estimates are based on population, employment, and land use projections taken from local and regional planning documents, including city General Plan documents.

BAAQMD also produced a set of CEQA Guidelines, which establish air pollutant screening criteria for different land use types. The BAAQMD CEQA Guidelines provide conservative guidance as to whether a proposed project could result in potentially significant air quality impacts that would violate an air quality standard or contribute substantially to an existing or projected air quality violation. The BAAQMD CEQA Air Quality Guidelines are for informational purposes only and should be followed by local governments at their own discretion (BAAQMD, 2017). The BAAQMD CEQA Air Quality Guidelines may inform environmental review for development projects in the SFBAAB, but do not commit local governments or the air district to any specific course of regulatory action.

[6] Bay Area Air Quality Management District (BAAQMD), 2017. Final 2017 Clean Air Plan. Available online at: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf. Accessed October 2020.

Discussion

4.3(a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

BAAQMD developed a regional air quality plan, the *Bay Area 2017 Clean Air Plan* (CAP), to meet planning requirements related to regional exceedances of air quality emissions standards.[7] The CAP identifies potential control measures and strategies in order to attain federal and state air quality standards. Projects that do not conflict with assumptions used in development of the CAP are considered consistent with the plan.

The GP EIR identified the following impact regarding conflict with the CAP, which was the version of the BAAQMD CAP in effect at the time of the City's GP EIR certification[8]:

2010 Clean Air Plan (CAP) Population and VMT Consistency

> **General Plan EIR Impact AIR-1: Conflict with CAP Assumptions.** Development anticipated following adoption of the DRAFT General Plan Update would increase population and employment in the City, leading to additional air pollutant emissions. Citywide vehicle miles traveled (VMT) is Projected to increase at a faster rate than the City's population, which conflicts with CAP assumptions. This is a significant impact.

As discussed in the GP EIR, even with the implementation of the General Plan programs and policies, there are no measures that would reduce this impact to a level considered less than significant. While polices and other BAAQMD regulations or programs would reduce impacts to air quality, the growth in VMT could disrupt or hinder the effectiveness of the CAP that relies on reductions in traffic-related emissions resulting from land use decisions. Therefore, the GP EIR determined this would be considered as significant and unavoidable impact. The Fremont City Council adopted the Statement of Overriding Considerations for the GP EIR on December 13, 2011, which found that conflicts with CAP population and VMT assumptions specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified. As the impact was evaluated in the GP's EIR, the proposed Project would not result in significant impacts related to conflicts with an air quality plan.

Furthermore, as discussed in Section 4.11, Land Use and Planning, and in Section 4.16, Recreation, the proposed Project is consistent and accounted for in the City's General Plan and land use designations. Therefore, as the proposed Project is consistent with the current zoning on the Project site, it would not result in significant impacts greater than what was already analyzed in the GP EIR related to conflicts with an air quality plan.

Consistency with the air quality plan is also determined through evaluation of Project-related air quality impacts and demonstration that Project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the national ambient air quality standards. The BAAQMD CEQA Air Quality Guidelines include thresholds

[7] Ibid.
[8] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

of significance that are applied to evaluate regional impacts of project-specific emissions of air pollutants and their impact on BAAQMD's ability to reach attainment. Emissions that are above these thresholds have not accommodated in the air quality plans and would not be consistent with the air quality plans.

As discussed in Section 4.3 below, the proposed Project would fall well below the construction-related and operational pollutant criteria screening sizes and, as such, would not exceed BAAQMD-recommended significance thresholds for Project-related construction and operational criteria pollutant emissions. Therefore, the proposed Project would not conflict with or obstruct implementation of the CAP. This impact is less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.3(b) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

The proposed Project would fall below BAAQMD's screening sizes intended to screen out projects that are not large or intensive enough to cause emissions beyond the BAAQMD's recommended thresholds during construction, as indicated in Table 4-1. Therefore, it can be concluded that the proposed Project would not cause a cumulatively considerable net increase in criteria air pollutants.

Table 4-1 Construction criteria Air pollutant Emissions (Average Pounds per Day)

	ROG	NO_X	Exhaust PM_{10}	Exhaust $PM_{2.5}$	Fugitive Dust PM_{10}	Fugitive Dust $PM_{2.5}$
Construction Emissions[1]	2	16	1	1	49	10
BAAQMD CEQA Thresholds2	54	54	82	54	BMP	BMP

Source: Baseline, 2021

Notes: ROG = reactive organic gases; NOX = nitrogen oxides; PM10= respirable particulate matter; PM2.5 = fine particulate matter; BMP = best management practices

[1]Fugitive dust emissions include a 50 percent reduction from the use of watering trucks.

Construction

Project construction would not involve activities that result in particularly substantial impacts from criteria air pollutants, such as the demolition of habitable structures, extensive site preparation, or extensive materials transport.

The construction of the proposed Project would result in the temporary generation of reactive organic gases (ROG), nitrogen oxides (NO_X), PM_{10}, and $PM_{2.5}$ emissions from soil excavation and material transport. ROG and NO_X emissions are primarily associated with mobile equipment exhaust. Fugitive dust emissions are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on- and off-site. Construction is anticipated to begin in 2023 and would be completed in approximately 24 to 30 months (522-651 weekdays).

As discussed in the GP EIR, the BAAQMD Air Quality Guidelines do not identify Plan-level thresholds that apply to construction.[9] Although construction activities at individual Project sites are expected to occur during a relatively short time periods, the combination of temporary dust from construction activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. Without application of appropriate control measure to reduce construction dust and exhaust, construction period impacts would be considered a potentially significant impact. The GP EIR identified the following impact related to construction period dust, emissions, and odors.

> **General Plan EIR Impact AIR-3: Construction Period Dust, Emission and Odors.** Construction of development projects under the DRAFT General Plan Update would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered significant.

The GP EIR determined that implementation of Mitigation AIR-3 would reduce exhaust, but larger projects might have exhaust emissions that exceed the BAAQMD significance thresholds for construction exhaust emissions.

> **General Plan EIR Mitigation AIR-3: Implement BAAQMD-Recommended Measures to Control Particulate Matter Emissions during Construction.** Measures to reduce diesel particulate matter and PM_{10} from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.

The most recent BAAQMD-recommended measures to control particulate matter emissions during construction have been incorporated into the City's standard development requirements and policies. As discussed in Section 2.3, Project Construction, the proposed Project would comply with the City of Fremont's standard development requirements for resource protection (FMC Chapter 18.218), including the following requirements relating to construction-related emissions, which are based on BAAQMD's Basic Construction Measures and address GP EIR Mitigation AIR-3, and would reduce construction-related fugitive dust and exhaust emissions:

FMC 18.218.050(a) Construction-Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum streetsweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15-miles per hour.

[9] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

With adherence to the FMC Section 18.218.050(a)(1), the proposed Project would not generate significant levels of fugitive dust. Thus, construction of the proposed Project would not violate or contribute substantially to an existing or projected air quality violation. With the City's standard development requirements incorporated into the Project design, this construction impact would be less than significant, and no mitigation is required.

Operations

During the long-term operations of the proposed Project, the proposed bridge and trail would be used for pedestrian and bicycle modes of travel, which do not generate emissions of air pollutants. The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017) identify bicycle and pedestrian improvements as measures that contribute to reductions in motor vehicle traffic and corresponding reductions in emissions of air pollutants. Maintenance of the trail would result emissions related to operation of landscaping equipment, removal of waste from trash receptacles, and other routine maintenance activities. These emissions would be minimal and are anticipated to be offset by the mode shift from passenger vehicles to bicycle and pedestrian modes of travel. Therefore, the proposed Project would not violate or contribute substantially to an existing or projected air quality violation. Operational air emission impacts would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant.
Mitigation: None required

4.3(c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, and people who are at a heightened risk of negative health outcomes due to exposure to air pollution.[10] These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include

[10] California Air Resources Board (CARB), 2017. *Sensitive Receptor Assessment*. Available online at: https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment. Accessed October 2020

residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. The proposed Project, once constructed, would not be a substantial source of localized TACs itself. However, temporary construction activities would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors.

Construction

The nearest sensitive receptors, which are residences, are approximately 700 feet to 0.3 miles from the Project site and are part of the new Lennar Area 4 project, which is a 2,214-unit private development that is currently under construction east of Fremont Boulevard between South Grimmer Boulevard and Innovation Drive.

The greatest potential for TAC emissions during construction of the proposed Project would be related to diesel PM emissions generated by heavy-duty construction equipment. As described in Section 2.3, Project Construction, Traffic Control Plans would be developed and would identify streets where the construction vehicles would not be allowed, to reduce impacts to sensitive receptors. Emissions would occur intermittently throughout the construction period and at various locations around the Project site. There would not be a constant plume of emissions from the Project site. Given the construction schedule, varying buffer distances to the nearest sensitive receptors as construction moves across the Project site, and the highly dispersive nature of diesel PM emissions, construction of the proposed Project would not expose sensitive receptors to substantial TAC concentrations.

As discussed in Section 4.3(b), the GP EIR identified that the combination of temporary dust from activities and diesel exhaust from construction equipment poses both a health and nuisance impact to nearby receptors. GP EIR Mitigation Measure AIR-3 requires that BAAQMD recommended construction emission control measures are implemented into each project to reduce impacts to adjacent sensitive receptors, including impacts associated with TAC emissions. The proposed Project implements the City's standard development requirements, in conformance with GP EIR Mitigation Measure AIR-3. Implementation of the City's standard development requirements for construction-related emissions (FMC 18.218.050(a)(1)), discussed under Section 4.3(b) above would also reduce diesel PM emissions during construction. Therefore, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant, and no mitigation is required.

Operations

During the long-term operations of the proposed Project, the proposed bridge and trail would be used for pedestrian and bicycle modes of travel, which do not generate emissions of air pollutants. The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017) identify bicycle and pedestrian improvements as measures that contribute to reductions in motor vehicle traffic and corresponding reductions in emissions of air pollutants. Therefore, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.3(d) Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors.

Construction activities associated with the proposed Project could result in short-term odor emissions from diesel exhaust associated with construction equipment and dust from trenching for utility relocations. The proposed Project would use typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Further, the standard development requirements for construction-related emissions (FMC 18.218.050(a)(1)), listed in Section 4.3(b) would limit the construction fugitive dust and vehicle exhaust emissions. Because the proposed Project is for pedestrian and bicycle use only, there would be no odors or other emissions associated with Project operation.

Therefore, the proposed Project would not create other emissions or objectionable odors affecting a substantial number of people. The impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.4 Biological Resources

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

Environmental Setting

The Project site is in a highly urbanized area within the City. The site is surrounded by commercial and light industrial businesses along the I-880 transportation corridor. A segment of Agua Caliente Creek is located between Landing Parkway and Fremont Boulevard, adjacent to the Project site. Agua Caliente Creek drains the Diablo Range foothills and flows in underground culverts and aboveground channels until intercepting Laguna Creek and ultimately draining into the San Francisco Bay. East of I-880, Agua Caliente Creek is contained in an engineered channel (Line F) adjacent to the Tesla Factory that enters a culvert to cross beneath I-880. After travelling under I-880, Agua Caliente Creek resurfaces as a modified channel, flanked to the north by an approximately 9- to-15-foot-wide maintenance road and to the south by an approximately 20-foot earthen embankment within ACFCWCD ROW. Currently, there is a locked fence prohibiting public access to Agua Caliente Creek and the maintenance road between Landing Parkway and Fremont Boulevard.

Regulatory Setting

The Project site is subject to City of Fremont regulations pertaining to biological resources, including the Tree Preservation Ordinance (FMC Chapter 18.215). The Tree Preservation Ordinance requires that all private trees proposed for removal must meet certain criteria, including but not limited to location, size, and species of the tree. A full list of criteria is identified in FMC Section 18.215.050. The Tree Preservation Ordinance also stipulates that the removal of protected trees is subject to requirements involving the planting of replacement trees or the payment of in-lieu fees to mitigate the removal of trees that cannot be replaced on-site due to land are constraints.

The Project site is not located within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Discussion

This discussion is based in part on the following document:

- Natural Environment Study-Minimal Impacts (NES-MI) for the Interstate 880 Innovation Bridge and Trail Project, prepared by WRECO, July 2021.

4.4(a) Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

As discussed in the GP EIR, development consistent with the General Plan could result in the loss of populations, and habitats for special-status plant and animal species. The GP EIR found that implementation of the following policies and actions provided in the Conservation Element of the General Plan would assist in reducing potential biological impacts to special status species.[11]

Conservation Policy 7-1.1: Preservation of Natural Habitat

- Implementation 7-1.1.A: Environmental Review Process for Preservation
- Implementation 7-1.1.B: Limit Development near Bodies of Water

Conservation Policy 7-1.2: Protection of Species

- Implementation 7-1.2.A: Creation of Habitat Protection Areas
- Implementation 7-1.2.C: Limit Development in Habitat Protection Areas
- Implementation 7-1.2.D: Mitigation of Special Status Species

Conservation Policy 7-1.5: Promotion of Interagency Coordination

[11] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

- Implementation 7-1.7.A: Evaluate Projects with CEQA
- Implementation 7-5.4.A: Habitat Conversion as Part of Rehabilitation Plans

While implementation of the preceding General Plan policies would partially reduce or avoid direct and indirect impacts within the City, the GP EIR found that project-specific environmental review would ensure that adequate mitigation measures would be identified to further reduce/minimize impacts to special-status species and loss of sensitive habitat supporting these species. Project-specific evaluation of the potential impacts on biological resources, including special-status species, has been prepared for the proposed Project and is documented in the Project's NES-MI.

A review of database species lists from CDFW, California Native Plant Society (CNPS), U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric (NOAA) Fisheries indicated that 36 special-status plant species and 38 special-status wildlife species, protected habitats, and regulated taxa have potential to occur in the proposed Project's BSA. The BSA encompassed the Project site and surrounding areas potentially inhabited by regional special-status species that could be affected directly or indirectly by the Project. The BSA totals approximately 22.1 acres. As described below, with implementation of measures included in the CMP as described in Section 2.3, Project Construction, the evaluation of potential impacts to biological resources indicated the proposed Project would not adversely affect, neither directly nor indirectly, special-status species or habitat, nor would the Project adversely affect migratory bird nests that are protected by the federal Migratory Bird and Treaty Act and Fish and Game Code Section 3503.

Plants

Based on literature and database searches and botanical surveys, 36 plant species were initially evaluated, and three were determined to have potential to occur within the Project area shown in **Figure 2**. Although three special-status plants have potential to occur within the Project area, they are unlikely to be present due to the degree of disturbance within the BSA associated with urban development. The three species that have the potential to occur are as follows: Condon's tarplant (*Centromadia parryi* ssp. *congdonii*), Point Reyes salty bird's beak (*Chloropyron maritimum* ssp. *Palustre*), and hairless popcornflower (*Plagiobothrys glaber*).

The BSA is within a developed urban area that is highly disturbed. A majority of the BSA is paved, consisting of roadways and parking lots, or landscaped. Both of these land cover types preclude the potential for special-status plants to grow. Unpaved areas that lack landscaping, including the banks of Agua Caliente Creek and the shoulders of I-880, provide limited habitat opportunities for special-status plant species. However, species known to grow within disturbed roadside areas near the BSA, such as Congdon's tarplant, as well as saltmarsh species that may disperse with daily fluctuations in tides within the channel of Agua Caliente Creek, like Point Reyes salty bird's beak and hairless popcornflower, have limited potential to become established within the BSA.

With the limited habitat opportunities described above, and the implementation of the measure included in the CMP as described in Section 2.3, Project Construction, to conduct a pre-

construction botanical survey no more than 30 days prior to construction, the Project would neither directly nor indirectly impact special status plant species. The impact would be less than significant, and no mitigation is required.

Fish and Aquatic Invertebrates

Based on literature and database searches, one aquatic invertebrate species and four fish species were initially evaluated. Of these, two species of fish were determined to have potential to occur within the Project area, in Agua Caliente Creek, which is the only potentially suitable habitat within the BSA for special-status aquatic species. There is potential for the following species to occur in Agua Caliente Creek: the southern distinct population segment (DPS) green sturgeon (*Acipenser medirostris*), federally listed as threatened and a California species of special concern; and central California coast distinct population segment of steelhead (*Oncorhynchus mykiss irideus*), federally listed as threatened. The proposed Project would have no direct impact to Agua Caliente Creek. Construction Best Management Practices (BMPs), described in Section 4.10, Hydrology and Water Quality, would be implemented as a Project measure in accordance with the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction and Land Disturbance Activities (Construction General Permit) issued by the State Water Resources Control Board (SWRCB – Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) and Provision C.6 of the Municipal Stormwater Regional Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB – Permit Number CAS612008, Order No. R2-2015-0049), or in accordance with most current orders at the time of approval of plans and specifications for the proposed Project. With the implementation of these BMPs, the proposed Project would minimize indirect impacts on the water quality of Agua Caliente Creek resulting from discharges of construction-related materials, debris, and sediment into Agua Caliente Creek via runoff and storm drain system systems. Therefore, the proposed Project would neither directly nor indirectly impact green sturgeon nor steelhead; the impact would be less than significant, and no mitigation is required.

Reptiles and Amphibians

Based on literature and database searches and botanical surveys, three amphibian species and three reptile species were initially evaluated, and one reptile species was determined to have potential to occur within the Project area, in Agua Caliente Creek. Of these, one reptile species, western pond turtle (*Emys marmorata*), a California species of special concern, was determined to have potential to occur in Agua Caliente Creek. The proposed Project would have no direct impacts on Agua Caliente Creek, which is the only potentially suitable habitat within the BSA for special-status reptile or amphibian species. As described above, under Fish and Aquatic Invertebrates, BMPs would minimize indirect impacts on the water quality of Agua Caliente Creek resulting from discharges of construction-related materials, debris, and sediment into Agua Caliente Creek via runoff and storm drain system systems. Therefore, the proposed Project would neither directly nor indirectly impact western pond turtle; the impact would be less than significant, and no mitigation is required.

Birds

Based on literature and database searches, 16 species of special-status birds' species were initially evaluated. Of these, there is potential for two special-status raptor species – white-tailed

kite (*Elanus leucurus*), a State fully-protected species, and northern harrier (*Circus hudsonius*), a California species of special concern, to occur in the BSA. There is also potential for two special-status songbird species to occur in the BSA, both of which are California species of special concern – saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) and Alameda song sparrow (*Melospiza melodia pusillula*). All four species are also protected under the Migratory Bird Treaty Act (MBTA). No white-tailed kite or northern harriers were observed during biological resources surveys conducted for the Project. Based on reconnaissance surveys performed for the Project, there is no suitable nesting habitat for white-tailed kite or northern harrier within the BSA, although abundant foraging habitat for these species is located near the BSA, and these species may transit through the BSA.

Marginally suitable nesting habitat for saltmarsh common yellowthroat and Alameda song sparrow occurs in the BSA, and foraging habitat for these species is also present. No saltmarsh common yellowthroats were observed during biological resources surveys conducted for the Project. One song sparrow was observed foraging within and near the saline emergent vegetation along Agua Caliente Creek in December 2019, but it is unknown whether this individual belonged to the Alameda song sparrow subspecies. Marginally suitable nesting habitat for saltmarsh common yellowthroat and Alameda song sparrow occurs in the BSA, and foraging habitat for these species is present.

Additionally, nesting birds protected by the MBTA and California Fish and Game Code (FGC) have been observed within the BSA, including a small colony of cliff swallows (*Petrochelidon pyrrhonota*) within the downstream end of the Agua Caliente Creek culvert at Kato Road/I-880/Landing Parkway. The federal MBTA (16 USC 703 et seq.), Title 50 CFR part 10, and California FGC Sections 3503, 3513, and 3800, protect the occupied nests and eggs of all migratory and nongame bird species, including the four special-status species described above. Birds nest in a variety of places, including trees, shrubs, man-made structures, and the ground. Work buffers around migratory birds and their nests are typically needed to minimize impacts to these species.

The proposed Project would comply with the City's standard development requirements for resource protection (FMC Chapter 18.218), including the following measures prior to removal of any tree/shrub, grading, or ground disturbing activities.

FMC 18.218.050(b)(2) Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities:

(A) Avoidance. Proposed project construction activities shall avoid the bird nesting season (February 1st through August 31st) when possible.

(B) Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.

(C) Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be

recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance.

(D) Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area.

Construction of the proposed Project would not result in the direct take of individual kites or harriers, because nesting within the BSA is unlikely and fledged birds are highly mobile. Nesting and foraging are more likely to occur within open grassland and marsh areas near the BSA rather than within the BSA. However, construction noise and the presence of workers could indirectly modify the behavior of these birds, potentially resulting in nest abandonment, if any kites or harriers choose to nest near the BSA. These birds, their nests, and eggs are protected from take by state and federal regulations, and the measures included in the CMP, as described in Section 2.3, Project Description, would reduce indirect Project impacts. Construction of the proposed Project would not result in the take of individual saltmarsh common yellowthroat and Alameda song sparrow, substantially modify the behavior of nesting birds, or result in nest abandonment, because nesting habitat within the BSA is marginally suitable and foraging birds are highly mobile. Migratory birds like cliff swallow are known to nest in close proximity to the work area, including the Agua Caliente Creek culverts. A significant impact would occur if construction activities caused mortality of individual swallows or migratory birds or substantial modifications in behavior that causes nest abandonment. However, construction of the Project would not require modifying Agua Caliente Creek culverts, and no work is proposed on the existing culvert structures.

The potential for impacts to nesting birds and special-status bird species is limited due to the absence of suitable nesting habitat for white-tailed kite and northern harrier and marginal habitat suitability for saltmarsh common yellowthroat and Alameda song sparrow, and because no work is proposed on existing culvert structures. Additionally, the implementation of the FMC standard development requirements described above, as well as the implementation of measures to conduct a preconstruction survey for nesting raptors, provide nesting protection buffers, conduct preconstruction surveys for other non-raptor migratory birds, and deter migratory swallow nesting activity, included in the CMP as described in Section 2.3, Project Construction, would avoid and minimize impacts to nesting birds and special-status bird species. The impact to nesting birds and special-status bird species would be less than significant. No mitigation is required.

Bats

Based on literature and database searches and botanical surveys, six species of mammals were initially evaluated. Of these, two bat species were determined to have potential to occur within the Project area – Townsend's big-eared bat (*Corynorhinus townsendii*) and pallid bat (*Antrozous pallidus*), both of which are California species of special concern. No focused bat surveys were conducted. Based on roosting preferences and documented occurrences within the BSA region, there is potential for special-status bats, including Townsend's big-eared bat and pallid bat, to occur within the BSA. These two special-status bat species have potential to roost within the culverts associated with Agua Caliente Creek. The nearest documented occurrences of Townsend's big-eared bat are located approximately 2.3-miles north (CNDDB #420) and 3.6-

miles east (CNDDB #419) of the BSA. Both of these records are presumed extant, but they are from the late 1930s. The nearest documented occurrence of pallid bat is located more than 6-miles from the BSA (CNDDB #105) in Sunol Regional Park.

However, other bat species, such as hoary bat, may elect to roost within trees within the BSA. Tree-roosting bats are generally found in riparian areas in areas with abundant flying insects on which they can forage, and Agua Caliente Creek lacks a riparian corridor within the BSA. There is low potential for tree-roosting bats to be present in landscape trees within the BSA, including those near the proposed Class I multi-use trail along Kato Road.

Construction of the Project would not require modifying Agua Caliente Creek culverts. Because no work is proposed on the existing culvert structures and no other existing structures would be impacted, the Project would have no impact on structure-roosting bats, including the special-status Townsend's big-eared bat and pallid bat. As described in Section 2.3, Project Construction, measures included in the CMP would be implemented to identify any bat roosts within the work area, which would either be protected or excluded.

The Project also includes implementation of the City's standard development requirements for resource protection, including the following requirements relating to bats, which would prevent bat roosts from being adversely affected during construction:

FMC Section 18.218.050(b)(3). Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on-site shall conduct the following measures prior to demolition:

(A) Preconstruction Surveys. A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of structure(s) or trees as bat roost habitat.

(B) Protective Buffer Zone(s). If active bat roosts are found on-site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost.

(C) Mitigation and Exclusion. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.

Because the project would not modify creek culvert structures or include work on other structures, and there is low potential for tree-roosting bats, adverse impacts to roosting bats and special-status bat species are not anticipated. Additionally, the implementation of the FMC standard development requirements described above and the implementation of measures to conduct a pre-construction survey for roosting bats and exclusion for tree-roosting bats included in the CMP, as described in Section 2.3, Project Construction, will avoid and minimize impacts. The impact to roosting bats and special-status bat species would be less than significant. No mitigation is required.

Given the analysis above, the Project would have a less than significant impact on special-status animal and plant species, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None Required

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

The Project area was surveyed for sensitive natural communities, riparian areas, and other natural habitats. Aquatic resources under the respective jurisdictions of the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) are present within the BSA, including Agua Caliente Creek and a roadside ditch. No other sensitive communities were identified in the Natural Environment Study-Minimal Impact. These resources are not located on the Project site, and the proposed Project would have no direct impact to these resources. However, indirect impacts could occur during temporary construction activities. Through the use of BMPs during construction, described in Section 4.10, Hydrology and Water Quality, indirect effects caused by construction would be minimized. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.4(c) Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The proposed Project is located in an area surrounded by urban development. According to the Aquatic Resources Delineation Report (WRECO, 2020), the only Waters of the U.S. within the BSA is Agua Caliente Creek, a tidal watercourse. Table 4-2 summarizes the area and length of Agua Caliente Creek that is subject to regulation under Section 404 of the Clean Water Act within the BSA.

Table 4-2 Waters of the U.S. within the BSA

Feature	Area (acres)	Length (linear feet)
Tidal Waters		
Agua Caliente Creek	0.640	1,232
Agua Caliente Creek Culvert at I-880/Landing Parkway	0.144	346
Agua Caliente Creek Culvert at Fremont Boulevard	0.027	82
Total Waters of the U.S. (Agua Caliente Creek)	0.811	1,660

Source: WRECO, 2020

Work within Agua Caliente Creek would not occur during construction and operation of the proposed Project. Work would occur on roadways above the culverts at I-880/Landing Parkway and Fremont Boulevard, and no work would occur within the culverts or creek itself. Furthermore, proposed Project measures require the installation of temporary high-visibility fencing (THVF) along the top of bank to ensure the construction contractor does not disturb

jurisdictional areas along the creek. Therefore, the proposed Project would not directly impact Waters of the U.S.

BMPs described in Section 4.10, Hydrology and Water Quality, would be included as Project measures and would minimize indirect impacts on Agua Caliente Creek associated with discharges of sediment, materials, debris, refuse, and liquid into Agua Caliente Creek via runoff and storm drain system systems. The BMPs would minimize indirect impacts on Waters of the U.S. by controlling materials and wastes within the work area and stabilizing disturbed sediment once construction is complete. Through the use of BMPs, adverse effects related to Waters of the U.S. would be limited. Therefore, this impact would be less than significant, and no mitigation measures would be required.

Potential Impact: Less than Significant
Mitigation: None required

4.4(d) Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) was passed in 1976 for the conservation and management of the fishery resources of the U.S. to prevent overfishing, to rebuild overfished stocks, to ensure conservation, and to facilitate long-term protection of Essential Fish Habitat (EFH). The Magnuson-Stevens Act is implemented by regional Fishery Management Councils that work with NOAA to develop and implement fishery management plans. The plans must identify the EFH for each fishery within their NOAA jurisdiction. When a project is proposed that could adversely affect EFH, federal agencies must consult with NOAA in order to obtain avoidance and minimization consultation as well as conservation and enhancement recommendations. Agua Caliente Creek contains EFH for species managed under the Pacific Coast Salmon Fishery Management Plan (coho and chinook salmon). However, the proposed Project would not impact any areas below the top of bank along Agua Caliente Creek and alterations in the water quality of the creek would be minimized with the implementation of BMPs described in Section 4.10, Hydrology and Water Quality. Therefore, the proposed Project would neither directly nor indirectly significantly impact EFH; the impact to migratory fish would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.4(e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Numerous trees are present within the Project area. Planted coast redwood (*Sequoia sempervirens*) and Peruvian pepper tree (*Schinolelle*) are present near the proposed trail alignment along Kato Road. Eucalyptus trees (Eucalyptus sp.) are present near Agua Caliente Creek downstream of Landing Parkway. Other trees observed within the Project area include but are not limited to Mexican fan palm (*Washingtonia robusta*), Ngaio tree (*Myoporum laetum*), and various exotic, ornamental species.

Construction of the proposed Project would require the removal of trees. The primary location requiring tree removal is along Kato Road where the proposed Class I multi-use trail would be constructed within an existing bikeway easement. Trees in this area include coast redwood and Peruvian pepper tree. Other areas within the Project area may also require tree removals in order to construct the proposed Project. As described in Section 2.3, Project Construction, in areas outside of Caltrans ROW, the City's Tree Preservation Ordinance (Ord. 2481), will require that the trees removed, damaged, or relocated as part of the proposed Project comply with the requirements stated in the ordinance. Trees that are removed would be replaced at a minimum 1:1 ratio, and the replacement tree would be a 24-inch box. Native trees (e.g., coast redwood) would be replaced in-kind (e.g., coast redwood) or with other native tree species (e.g., coast live oak [*Quercus agrifolia*]). Non-native, invasive trees (e.g., Peruvian pepper tree, Ngaio tree, Mexican fan palm, and eucalyptus) would be replaced with either native species (e.g., coast redwood and coast live oak) or non-native, non-invasive species. Invasive tree species would not be planted.

For areas within Caltrans right-of-way, the Caltrans Office of Landscape Architecture would be consulted in the design phase to determine replacement requirements once tree and shrub removal quantities are known. Typically, non-native plants are replaced at a ratio of 1:1, whereas native plants such as Oaks, Redwoods, Walnut trees are replaced at a ratio of 3:1. Loss of highway planting is expected.

Following construction, operation of the proposed Project would not result in the further removal of trees. Due to the limited removal of trees within the Project area, the proposed Project would not result in conflicts with local policies or ordinances. The impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.4(f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans covering the Project area. Thus, construction or operation of the proposed Project would not impact or conflict with habitat conservation plans in the area, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.5 Cultural Resources

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.5(a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
4.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
4.5(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒

Environmental Setting

A records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University on November 12, 2019 (IC File Number #19-0804). Site records and previous studies of the Project area and a 0.25-mile radius were reviewed. The NWIC records indicate that one previously evaluated built environment resource, the Tesla Factory, intersects the Project Area Limits (PAL). Although evaluations of this resource conducted in 2006 and 2013 found it ineligible for listing the National Register of Historic Places (NRHP) or California Register of Historic Resources (CRHR), a 2016 evaluation of this resource, included in the CEQA Environmental Checklist for the Tesla Master Plan (FirstCarbon Solutions 2016), found the resource eligible for listing in both the NRHP and CRHR. As noted in Appendix B of the CEQA Environmental Checklist for the Tesla Master Plan (Fremont Automobile Plant Summary Evaluation and Treatment Recordations), only the structural elements of the Tesla Factory have the potential for listing on the national, state, or local historic registers due to its historical significance in the City of Fremont (FirstCarbon Solutions 2016). Although the PAL overlaps with the edge of the parcel of land used to define this resource, the proposed Project only includes Kato Road, and does not include any Tesla auto plant buildings, structures, or associated parking lots. Therefore, the structures that have the potential for listing at the Tesla Factory, would not be directly or indirectly affected by the proposed Project. Three other previously recorded resources have been identified within the 0.25-mile radius. These resources consisted of two historic-era sites (P-01-010954, and P-01-011436/P-43-002823), and one precontact site (P-01-011556).

Archival research conducted for the proposed Project found that the PAL had 100 percent survey coverage from previous archaeological inventories. However, due to the heightened sensitivity for buried resources, and nearby intact buried resource, an Extended Phase I (XPI) subsurface investigation was conducted to test for the presence or absence of buried archaeological sites within or adjacent to areas of the Project site in which deep ground disturbance is proposed.

The XPI investigation included the extraction of 10 continuous cores, from March 29 to 31, 2021. Five cores were drilled on the southwest side of I-880 and five were drilled on the northeast, near the areas where deep Project ground disturbance is proposed (i.e., bridge pylon structure, bridge columns, and staircases). Cores were drilled to depths ranging from 4.5 to 7.6

meters (approximately14 to 25 feet). No archaeological materials were identified in any of the cores. Additionally, results of radiocarbon dating of stratigraphic units documented in the PAL confirmed that this investigation reached the bottom of the range of depths in which cultural resources may be anticipated. Pleistocene deposits are considered too old to contain buried archaeological deposits; therefore, below 7.6 meters (approximately 25 feet) there is limited potential for cultural resources to be found.

The City completed a search of the Sacred Land Files to the Native American Heritage Commission, and received a letter of negative result, dated December 9, 2019. On December 10, 2019, the City submitted a request to the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Confederated Villages of Lisian, Costanoan Rumsen Carmel Tribe, the Ohlone Indian Tribe, the Indian Canyon Mutsun Band of Coastnoan, the North Valley Yokuts Tribe, and the Muwekma Ohlone Indian Tribe for further information regarding potential tribal resources within the Project area. The correspondence contained information about the proposed Project; an inquiry for any unrecorded Native American cultural resources or other areas of concern within or adjacent to the Project area; and a solicitation of comments, questions, or concerns with regard to the proposed Project. To date, the City has not received responses to this notice or requests for consultations.

Discussion

This discussion is based in part on the following documents:

- Historic Properties Survey Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by Far Western Anthropological Research Group, August 2021.
- Extended Phase I Results Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by Far Western Anthropological Research Group, August 2021.

4.5(a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

The GP EIR identified the following impact regarding potential demolition or degradation of historic resources:

> **General Plan EIR Impact CUL-1: Possible Demolition/Degradation of Historic Resources.** Despite the many safeguards and substantial protections in place in City policies, ordinances and regulations, it is theoretically possible that development under the DRAFT General Plan Update could result in the material impairment of historic resources that are unknown to the City of Fremont and likely to have gained significance subsequent to 1955. The limited possibility of such an adverse change to a CEQA-defined historic resource would constitute a potentially significant impact.
>
> **General Plan EIR Mitigation CUL-1: Compliance with City of Fremont Historical Resource Protection Policies, Design Guidelines, Regulations and Programs.** Required compliance with the City of Fremont's extensive set of applicable historical resources protection policies, design guidelines, regulations and programs set forth in the DRAFT General Plan Update, Irvington Concept Plan, Niles Concept Plan, Centerville Specific Plan, Fremont Historic Resources Ordinance, Fremont Register of Historic Resources, and City Zoning Code Historic Overlay District in Niles serves to

> substantially reduce this potential impact. The policies and implementing measures set forth in DRAFT General Plan Update Goal 4-6, Historic Preservation, also serve to mitigate this impact. In those instances where development projects are proposed which could result in the demolition or material impairment of any structure, building or object constructed prior to 1955, the City of Fremont must evaluate the application to determine if there is sufficient significance and integrity to merit classification as a Potential Fremont Register Resource or formal designation as a Register Resource (DRAFT General Plan Update Implementation 4-6.1A). Where a structure, building or object has been classified as a Potential Fremont Register Resource or formally identified as a Register Resource, the development proposal must be modified to ensure protection/preservation of those historic resources, consistent with applicable guidelines. Despite these protections, it remains possible that a future project, after going through all applicable processes could result in the demolition of an historical resource, or otherwise cause the significance of the resource to be "materially impaired" (as defined in CEQA Guidelines section 15064.5(b)(2)). This possibility constitutes a significant and unavoidable impact for CEQA purposes. As indicated above, implementation of this mitigation measure would reduce potential impacts to historic resources to a level considered less than significant in most instances.

It was determined that there are no known or anticipated historic built environment resources within the PAL.

The proposed Project would comply with the City of Fremont's historical resources protection policies, design guidelines, regulations and programs described in GP EIR Mitigation CUL-1. Based on the Project description and background research conducted for the proposed Project, it is unlikely that historical resources are present in the Project area. Therefore, the project would have no impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.5(b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The GP EIR identified a potentially significant impact concerning potential disturbance to unidentified subsurface archaeological resources, as follows:

General Plan EIR Impact CUL-2: Possible Disturbance of Unidentified Subsurface Archaeological Resources. Ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a potentially significant impact.

The GP EIR concluded this potentially significant impact could be mitigated through implementation of the following mitigation measure:

> **General Plan EIR Mitigation CUL-2: Halt Work/Archaeological Evaluation/Site-Specific Mitigation.** If archaeological resources are uncovered during construction

activities, all work within 50-feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by Project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings, and recommendations. The report should be submitted to the City of Fremont and the NWIC.

The GP EIR Mitigation Measure CUL-2 has been incorporated into the City of Fremont's standard development requirements for resources protection (FMC Chapter 18.218), which the Project would be required to follow:

FMC 18.218.050(d)(2) Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation:

(A) The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources.

(B) The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team.

(C) In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed.

(D) If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager.

(E) As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique

> archaeological resource as defined by Cal. Pub. Res. Code 21083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code 21074. Collectively, these terms describe "significant cultural materials."

As described in the Environmental Setting section, an XPI study for archeological resources was conducted in March 2021.[12] Ten cores were collected to depths of 4.5 to 7.6 meters (~15 to 25 feet) below surface from within or adjacent to these proposed areas of deep Project ground disturbance. Select samples from the cores (buried soils) were wet screened to test for the presence of archaeological materials with negative results. As described in the XPI Results Report, it is unlikely that cultural resources would be found at depths of 15 to 25 feet. Results of radiocarbon dating of stratigraphic units documented in the PAL did not identify the presence of cultural resources.

Based on the negative results described above, and the proposed Project's compliance with the standard development requirements, there would be no impact from Project construction related to substantial adverse change in the significance of an archaeological resource would be less than significant.

The ongoing operations of the proposed Project are not expected to have any long-term effect on archaeological resource in the Project area, as any resources not unearthed in construction would remain buried. Therefore, no impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.5(c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

The City contains several known prehistoric archaeological sites. Ground-disturbing activities associated with the proposed Project have the potential to disturb unmarked prehistoric archaeological habitation/burial sites. The GP EIR identified a potentially significant impact concerning potential possible disturbance of unidentified human remains during construction activities, as follows:

> **General Plan Impact CUL-4: Possible Disturbance of Unidentified Human Remains** Ground disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains. Although DRAFT General Plan Policy 4-6.10 would require coordination with representatives of local Native American organizations to ensure protection of Native American resources, the evaluation of human remains which may be uncovered during construction activity would represent a potentially significant impact.

[12] XPI studies determine the presence or absence of subsurface archaeological deposits, features, or artifacts. These studies are generally employed to define the vertical and horizontal extents of known archaeological sites that may have buried components and to test for the presence of unknown buried resources in sensitive areas.

The GP EIR concluded this potentially significant impact could be mitigated below the threshold of significance for development projects that are consistent with the General Plan through implementation of the following mitigation measure:

> **General Plan EIR Mitigation Measure CUL-4: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations.** If human remains are encountered during construction activities, all work within 50-feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City of Fremont and the NWIC.

Implementation of GP EIR Mitigation CUL-4 would be a requirement of the proposed Project and would be adequate to address discovery of human remains at the Project site. Therefore, no impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.6 Energy

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.6(a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?	☐	☐	☒	☐
4.6(b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Environmental Setting

California is one of the lowest per capita energy users in the United States, ranked 48th in the nation, due to its energy efficiency programs and mild climate. California consumed 281,180 gigawatt-hours (GWh) of electricity and 12,638 million therms of natural gas in 2018 (California Energy Commission (CEC).[13] Most of California's electricity is generated in-state with approximately 30 percent imported from the northwest and southwest in 2017. In addition, approximately 30 percent of California's electricity supply comes from renewable energy sources, such as wind, solar photovoltaic, geothermal, and biomass.

To reduce statewide vehicle emissions, California requires that all motorists use California Reformulated Gasoline, which is sourced almost exclusively from in-state refineries. Gasoline is the most used transportation fuel in California and is used by light-duty cars, pickup trucks, and sport utility vehicles. Diesel is the second most-used fuel in California and is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles. Both gasoline and diesel are primarily petroleum-based, and their consumption releases greenhouse gas (GHG) emissions, including CO_2 and N_2O.

Discussion

4.6(a) Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

Construction

During construction, construction equipment would require the temporary consumption of fuel and energy, but these energy demands would represent typical construction usage. Additionally,

[13] California Energy Commission, *2019 Build Energy Efficiency Standards*. Available: https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency. Accessed: February 2021.

the proposed Project would comply with the standard development requirements for resource protection (FMC Chapter 18.218) described in Section 2.3, Project Construction, including standards that limit equipment idling and other measures that enhance the energy efficiency of the construction process. With these standards in effect, proposed Project construction would minimize wasteful, inefficient, and unnecessary consumption of energy resources Impacts would be less than significant, and no mitigation measures are required.

Operations

Upon operation, the proposed Project would require artificial lighting of underpasses and the entirety of the bridge structure. Because the proposed Project is considered an alternative transportation corridor, lighting would be incorporated for 24-hour access. LED lighting would be implemented throughout the bridge and the trail additions, but operational energy use would not be regionally significant. Power would be provided through an underground conduit trenched along Landing Parkway and Fremont Boulevard. Additionally, as described in Section 4.17, the proposed Project would provide an alternative travel route for non-motorized travelers that would generally contribute to regional increases in the transportation mode share of non-motorized transportation and may contribute to reductions in VMT and accompanying reductions in transportation energy use. This would result in a less than significant impact, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.6(b) Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency

The City's General Plan (Chapter 9: Public Facilities and Chapter 3: Mobility) outlines policies encouraging public facilities to install high-efficiency streetlights and to work with energy providers to reduce energy consumption for City operations. The use of high-efficiency LED lights lining the bridge and trail does not conflict with any other state or local plans. The bridge, which would connect the SF Bay Trail to the EBGW regional trail, would encourage walking or biking as a mode of transportation, therefore, support reductions in energy used for transportation. The proposed Project would not conflict with or obstruct the City's General Plan energy strategies outlined above; this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.7 Geology and Soils

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.7(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
4.7(a)(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	☐	☐	☒	☐
4.7(a)(ii) Strong seismic ground shaking?	☐	☐	☒	☐
4.7(a)(iii)Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
4.7(a)(iv) Landslides?	☐	☐	☒	☐
4.7(b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
4.7(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
4.7(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
4.7(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
4.7(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Environmental Setting

The Bay Area is one of the most seismically active regions in the United States. Significant earthquakes in the Bay Area are generally associated with crustal movement along the San

Andreas Fault system, located approximately 20-miles west of the Project site. Several other faults are located within the region including:

- Hayward Fault, 1.5-miles east of the Project site
- Calaveras Fault, 6.6-miles east of the Project site

According to the Paleontological Evaluation/Identification Report (PER) provided by Paleo Solutions, the Project site is located within Holocene-Age Alluvial Deposits which is dated 11,700 years old or less. Within the Project area, these deposits are composed of alluvial gravel, sand, and clay of valley area and gravel and sand of major stream channels. The Project area also contains Holocene-Age Bay Mud deposits which are composed of semi-consolidated organic rich clay deposits from the San Francisco Bay. Although Pleistocene-Age Alluvial Deposits are not mapped at the surface with the Project area, it is likely these deposits underlie the Holocene-age deposits at depth. These deposits are approximately 2.6 million to 11.7 thousand years old and consist of slightly dissected alluvial fans.

Discussion

This discussion is based in part on the following document:

- Preliminary Foundation Report: Interstate 880 Innovation Bridge and Trail Project, prepared by Parikh Consultants, Inc., February 2021.
- Paleontological Evaluation/Identification Report: Interstate 880 Innovation Bridge and Trail Project, prepared by Paleo Solutions, October 2020.

4.7(a)(i) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

The GP EIR identifies goals, policies and actions designed to minimize the impact of surface fault rupture.[14] Rupture or displacement has a limited scope of impact that is addressed by setback distance requirements from fault traces. The GP EIR found that the following General Plan policies and implementation measures would reduce potential impacts associated with surface fault rupture to a level considered less than significant:

Safety Policy 10-2.1: *Location of Buildings and Structures*

- Implementation 10-2.1.A: Consistency with Seismic Safety Criteria

Safety Policy 10-2.2: *Building Setbacks from Fault*

- Implementation 10-2.2.A: Identification of Fault Trace
- Implementation 10-2.2.B: Peer Review of Seismic Hazard Studies

[14] [14] City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

Safety Policy 10-2.4: *Location of Critical Facilities*

- Implementation 10-2.4.B: Utility Lines

In addition to the General Plan policies, as described in Section 2.3, Project Construction, recommendations included in the Project's foundation report would be incorporated in Project construction, including recommendations related to evaluations of seismic hazards.

The Alquist-Priolo Earthquake Fault Zoning Act requires the California Geological Survey (CGS) to delineate active and well-defined fault zones. According to the CGS and Association of Bay Area Governments (ABAG) Resilience Program, the Project site is not located within an Alquist-Priolo Earthquake Fault Zone, nor is it located on or immediately adjacent to any known active or potentially active fault.[15] The nearest active fault is the Hayward Fault, located approximately 1.5-miles east of the Project site. Because the Project site is not located on or immediately adjacent to an active fault, the impact related to fault rupture would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

4.7(a)(ii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the strong seismic ground shaking?

The General Plan identifies policies and actions designed to minimize the impacts of strong to very violent seismic shaking.[16] The following General Plan policies and implementation measures were identified in the GP EIR to reduce potential impacts associated with strong to very violent seismic ground shaking to a level considered less than significant:

Safety Policy 10-2.1: *Location of Buildings and Structures*

- Implementation 10-2.1.A: Consistency with Seismic Safety Criteria
- Implementation 10-2.1.B: Mitigate Seismic Impacts

Safety Policy 10-2.2: *Building Setbacks from Fault*

- Implementation 10-2.2.A: Identification of Fault Traces

Safety Policy 10-2.4: *Location of Critical Facilities*

- Implementation 10-2.4.A: Retrofit Existing Facilities

[15] Department of Conservation, 2015. Regulatory Maps. Available: http://maps.conservation.ca.gov/cgs/informationwarehouse/. Accessed: December 2020.
[16] City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

Safety Policy 10-2.5: *Removal of Susceptible Structures*

- Implementation 10-2.5.A: Seismic Retrofit Programs

In addition to the General Plan policies and the City's Standard Development Requirements to Address Resource Protection described in Section 2.3, Project Construction, the recommendations in the Project's foundation report, including recommendations related to evaluations of seismic hazards, will be incorporated in Project construction.

The Project site, along with the entire Bay Area, is dominated seismically by the active San Andreas Fault system. Historically, Fremont has been subject to intense seismic groundshaking and will likely experience seismic events from future earthquakes generated by active faults in the Bay Area. As described in Section 2.3, Project Construction, the proposed Project would be required to follow the Caltrans Seismic Design Criteria. In the event of an earthquake on a fault within the Bay Area, the Project site would experience a range of ground shaking effects. Ground shaking could be significant depending on distance to the epicenter, magnitude of the event, and behavior of underlying materials. Earthquake strength and epicenters are unpredictable and may result in damage to surrounding roadways, utilities, and building foundations. While complete avoidance of damage may not be feasible, the incorporation of standard seismic design measures in accordance with current Caltrans Seismic Design criteria would reduce potential impacts from strong seismic ground shaking to less than significant levels. Construction and operation of the proposed Project would not exacerbate the potential for seismic liquefaction. Therefore, the construction and operational impacts of the proposed Project relating to liquefaction would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.7(a)(iii) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

According to the General Plan (Chapter 10: Safety Element), liquefaction is the most common induced ground failure in Fremont as most of the City is within a liquefaction zone.[17] According to liquefaction maps produced by the U.S. Geological Survey,[18] the Project area has moderate liquefaction susceptibility, which would result in seismic-related ground failure. The GP EIR found that implementation of the following General Plan policies and implementation measures would reduce potential impacts associated with seismically related ground failure to a less than significant level:

[17] City of Fremont, 2011. City of Fremont General Plan. Housing Element. Adopted December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.
[18] U.S. Geological Survey, 2006 and 2000. Open File Reports 2006 and 00-444. Available: https://abag.ca.gov/our-work/resilience/data-research/earthquake. Accessed August 18, 2021.

Safety Policy 10-1.2: *Mitigation of Hazards*

- Implementation 10-1.2A: Site Specific Geologic Studies

Safety Policy 10-2.3: *Soil Engineering Standards*

- Implementation 10-2.3A: Seismic Mitigation

Safety Policy 10-2.4: *Location of Critical Facilities*

- Implementation 10-2.4.A: Retrofit Existing Facilities
- Implementation 10-2.4.C: Critical Facility Locations

As described in Section 2.3, Project Construction, the proposed Project would be required to follow the Caltrans Seismic Design Criteria, which include measures to address potential settlement and resultant damage from liquefaction. While complete avoidance of damage may not be feasible, adherence to the Caltrans Seismic Design Criteria would reduce potential impact from liquefaction and differential settlement to less than significant levels. Construction and operation of the proposed Project would not exacerbate the potential for seismic liquefaction. Therefore, the construction and operational impacts of the proposed Project relating to liquefaction would be less than significant, and no mitigation is required.

Potential Impact: Less than Significant
Mitigation: None required

4.7(a)(iv) Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The GP EIR found that implementation of the following General Plan policies and implementation measures would reduce potential impacts associated with landslides in parts of Fremont, particularly along the eastern boundary.

Safety Policy 10-1.1: *Location of Buildings and Structures*

- Implementation 10-1.1.A: Limit Development in the Hill Area
- Implementation 10-1.1.B: Limit Development in Areas of Land Instability
- Implementation 10-1.1.C: Owner Notification of Land Failure
- Implementation 10-1.1.D: Mitigation Hazards to Acceptable Levels

Safety Policy 10-1.2: *Mitigation of Hazards*

- Implementation 10-1.2A: Site Specific Geologic Studies
- Implementation 10-1.2B: Peer Review of Site Specific Geologic Studies

Safety Policy 10-1.3: *Limits of Grading*

- Implementation 10-1.3.A: Grading Ordinance Consistency
- Implementation 10-1.3.B: Grading Plan Review

Safety Policy 10-2.1: *Location of Buildings and Structures*

- Implementation 10-2.1.A: Consistency with Seismic Safety Criteria
- Implementation 10-2.1.B: Mitigate Seismic Impacts

Safety Policy 10-2.3: *Soil Engineering Standards*

- Implementation 10-2.3A: Seismic Mitigation

Safety Policy 10-2.4: *Location of Critical Facilities*

- Implementation 10-2.4.A: Retrofit Existing Facilities

The Project's Preliminary Foundation Report (Parikh 2021) states that the site elevation and geologic data do not indicate the presence of geologic hazards such as landslides, slope failure, rockfalls, or debris flows. Additionally, according to the California Department of Conservation, the Project vicinity is not in the landslide hazard area.[19] Because the analysis conducted for the Preliminary Foundation Report found no indication of geologic hazards such as landslides, consistent with mapping maintained by the Department of Conservation, the impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant.
Mitigation: None required

4.7(b) Would the Project result in substantial soil erosion or the loss of topsoil?

The General Plan identifies objectives and policies designed to minimize the impact of soil erosion and loss of topsoil. The GP EIR found that implementation of the following General Plan implementation measure would reduce potential impacts associated with soil erosion to a level considered less than significant:

Safety Policy 10-1.3: *Limits of Grading*

- Implementation 10-1.3.A: Grading Ordinance Consistency

Construction of the Project would involve activities such as grading, pile driving, vibratory driving of sheet piles and/or oscillating steel casings, utility trenching, landscaping, ground clearing and brush removal, and excavations. These activities have potential to cause erosion and loss of topsoil.

As discussed in Section 4.10, Hydrology and Water Quality, the Project would disturb more than one acre of land and would therefore require coverage under the Construction General Permit through the SWRCB. To obtain coverage under this permit, submission of a SWPPP would be required, which requires implementation of BMPs to minimize erosion and topsoil loss and minimize the potential for discharges of other pollutants associated with construction activity to receiving waters. The proposed Project would include standard erosion and transportation of soil

[19] Department of Conservation, 2019. Earthquake Zones of Required Investigation. Available: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed: December 2020.

particles control measures designed to prevent the loss of topsoil or erosion. BMPs described in Section 4.10, Hydrology and Water Quality, would be implemented throughout the construction period and may include practices such as installation of fiber rolls and silt fences to reduce potential sediment transport from the construction site. Other BMPs may include stabilized construction entrances, hydroseeding and other methods of slope stabilization, and storm drain inlet protection. The contractor would be responsible to maintain all BMPs in good and effective condition.

Once operational, the disturbed areas would be stabilized in accordance with Construction General Permit requirements, including vegetation growth to resist erosion throughout the Project's lifetime. The standard erosion control measures include provisions to install physical barriers, such as curb inlets or fiber rolls, to allow runoff to separate from sediment. With implementation of BMPs, substantial soil erosion and loss of topsoil resulting from the proposed Project would be prevented. This impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.7(c) Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The General Plan identifies objectives and policies designed to minimize the impact of construction on unstable geologic units and soils. The GP EIR found that implementation of the following General Plan implementation measure would reduce potential impacts associated with unstable geologic units to a level considered less than significant:

Conservation Policy 7-6.1: Awareness of Soil Conditions.

Conservation Policy 7-6.2: Minimize Soil Erosion.

Safety Policy 10-1.1: Location of Buildings and Structures.

- Implementation 10-1.1.A: Limit Development in the Hill Area.
- Implementation SF 10-1.1.B: Limit Development in Areas of Land Instability.
- Implementation SF 10-1.1.C: Owner Notification of Land Failure.
- Implementation SF 10-1.1.D: Mitigation Hazards to Acceptable Levels.

Safety Policy 10-1.2: Mitigation of Hazards.

- Implementation 10-1.2.A: Site Specific Geologic Studies.
- Implementation 10-1.2.B: Peer Review of Site Specific Geologic Studies.

Safety Policy 10-1.3: Limits on Grading.

- Implementation 10-1.3.A: Grading Ordinance Consistency.
- Implementation 10-1.3.B: Grading Plan Review.

Safety Policy 10-2.1: Location of Buildings and Structures.

- Implementation 10-2.1.A: Consistency with Seismic Safety Criteria.
- Implementation 10-2.1.B: Mitigate Seismic Impacts.
- Implementation 10-2.1.C: Limit Development near Seismic Hazard Areas.

Safety Policy 10-2.2: Building Setbacks from Fault.

- Implementation 10-2.2.A: Identification of Fault Trace.
- Implementation 10-2.2.B: Peer Review of Seismic Hazard Studies.

Safety Policy 10 2.3: Soil Engineering Standards.

- Implementation 10-2.3.A: Seismic Mitigation.

Safety Policy 10-2.4: Location of Critical Facilities.

- Implementation 10-2.4.A: Retrofit Existing Facilities.
- Implementation 10-2.4.B: Utility Lines.
- Implementation 10-2.4.C: Critical Facility Locations.

Landslide and lateral spreading risks at the Project site are minimal due to flat topography. However, as discussed above, liquefaction potential on the Project site is moderate, which would result in a significant impact due to soil instability. With adherence to recommendations in the Project's foundation report and compliance with the Caltrans Seismic Design Criteria the proposed Project measures for geology and soils included in the Project, as described in Section 2.3, Project Construction, the appropriate protocols to minimize liquefaction risks would be applied; this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

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

The Project site may contain expansive soils, which shrink and swell with changes in water content. Cycles of expansion and contraction may result in negative effects to Project stability. This would create substantial risk to life and property, which represents a potentially significant impact. However, as described in Section 2.3, Project Construction, the Project incorporates recommendations from the foundation report, including measures related to soil expansion. With adherence to the measures for geology and soils recommended in the foundation report and adherence to the Caltrans Seismic Design Criteria, the appropriate protocols to minimize risks

related to soil expansion would be applied; this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None Required

4.7(e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The proposed Project would not generate wastewater and does not propose septic tanks or alternative wastewater disposal systems. No impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.7(f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The GP EIR identified a potentially significant impact concerning potential possible disturbance of unidentified subsurface paleontological resources, as follows:

> **General Plan EIR Impact CUL-3: Possible Disturbance of Unidentified Subsurface Paleontological Resources.** Although no paleontological resources are currently known to exist in those portions of the City of Fremont where development would be anticipated under the DRAFT General Plan Update, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface paleontological resources, which would represent a potentially significant impact.

The GP EIR also identified this potentially significant impact could be mitigated below the threshold of significance through implementation of the following mitigation measure:

> **GP EIR Mitigation CUL-3 - Halt Work/Paleontological Evaluation/Site-Specific Mitigation** Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

As described in the Paleontological Evaluation/Identification Report, the paleontological study conducted for the proposed Project included review of geologic maps, literature, and online databases. The entirety of the Project site is mapped as low paleontological sensitivity Holocene-age alluvium (Qa), with low sensitivity Holocene-age bay mud (Qbm) outside the Project area. There are no documented areas of paleontological significance within the boundaries of the

Project site, and the Holocene-age alluvial deposits at the surface have a low potential to contain fossils due to their young age. However, fossils have been recorded in the vicinity from Pleistocene-age alluvial deposits in Alameda County, which are similar to the sediments likely present at various depths beneath the Holocene-age surficial deposits that are present at the Project site. The greatest potential for adverse direct and/or indirect impacts to paleontological resources are anticipated to be during foundation excavations for the bridge structures. In the event that paleontological resources are encountered during construction, this would be a potentially significant impact. Excavations for the trails and utilities are anticipated to be shallow and be entirely within Holocene-age alluvial sediments. Therefore, trail construction and utility relocation activities are unlikely to result in adverse direct impacts to paleontological resources.

Potential Impact GEO-1: Implementation of the proposed Project would result in ground disturbance in areas that may contain unique paleontological resources. Should these paleontological resources qualify as significant, disturbance of these materials during proposed Project construction may constitute a substantial adverse change in their significance, which, under CEQA Guidelines §15064.5(b), would result in a potentially significant impact to the environment. The greatest potential for adverse direct and/or indirect impacts to paleontological resources are anticipated to be during foundation excavations for the bridge structures.

Mitigation Measure: Implementation of the **General Plan EIR Mitigation Measure CUL-3** and **Mitigation Measure GEO-1** would reduce this impact to a less-than-significant level.

> **Mitigation Measure GEO-1**: A Paleontological Mitigation Plan (PMP) shall be prepared for City approval and implemented by a qualified paleontologist. The PMP shall be prepared under the supervision of professional paleontologist that meets the Caltrans qualifications for Principal Paleontologist. The PMP shall comply with the following performance standards at a minimum:
>
> - General fieldwork and laboratory methods – The PMP shall describe how any monitoring will be conducted, the safety measures that will be implemented, the volume of any bulk samples to be taken and their locations (if known), and preparation procedures for recovered specimens and reporting format and content.
> - Curation requirements – The PMP shall identify the curation facility and include a draft curation agreement.
> - Format and content for report preparation – The PMP shall include requirements for the final report that will document implementation of the City-approved PMP. At a minimum the final report shall be required to provide detailed information regarding field and laboratory methods and results, with the collection catalog attached as an appendix.
> - Report distribution – The PMP shall specify the number of copies of the final report based on input from the City and other applicable agencies.
> - Proposed staff and their qualifications – The PMP shall identify the number of field and lab crew needed to implement the PMP, the estimated duration of their participation, and a brief statement of the qualifications (e.g., educational background and paleontological experience) of all personnel.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measure GEO-1

4.8 Greenhouse Gas Emissions

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

Environmental Setting

Greenhouse gases (GHGs) trap heat in the earth's atmosphere in a natural process called the greenhouse effect and enable the maintenance of a habitable climate. The most common GHGs are Carbon Dioxide (CO_2), Methane (CH_4), Nitrous Oxide (N_2O), water vapor, perfluorocarbons (PFCs), Sulphur Hexafluoride (SF_6), and hydrofluorocarbons (HFCs). These gases are released into the atmosphere via a variety of natural and human processes, including:

- Combustion of fossil fuels (CO_2 and N_2O)
- Fertilization of agricultural crops (N_2O)
- Off-gassing from agricultural practices and landfills (CH_4)
- Refrigeration and cooling (HFCs)
- Aluminum production and semi-conductor manufacturing (PFCs)

The effect of a GHG upon the earth's energy balance is expressed in terms of global warming potential (GWP). CO_2 provides the base value of 1 for the GWP, while significantly stronger gases, such as SF_6, have much higher GWP, in this case 23,900. In GHG emissions inventories, the GWP is multiplied by the weight of the gas and is measured in terms of CO_2 equivalents (CO_2e).

Under existing global climate conditions, global warming is theorized as the major driver responsible for sea level rise, global weather pattern changes/inconsistencies, ocean acidification, and precipitation rates. Most relevant scientific studies suggest that these extreme climate trends will continue into the future. Natural events and phenomena within California, including the climate, could be adversely affected by these trends. Potential impacts could include increased precipitation and sea level rise, coastal flooding, mass migration and/or extinction of flora and fauna, as well as more extreme weather events such as storms and heat waves.

BAAQMD CEQA Guidelines

The BAAQMD Air Quality Guidelines supply emissions thresholds for sources of GHG emissions. These thresholds include an operational emissions threshold of 1,100 MT per year for non-stationary source projects, and 10,000 metric tons per year for stationary sources. Any projects emitting GHGs above these thresholds would be considered to have a cumulatively considerable significant impact.

Discussion

4.8(a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

As discussed in the GP EIR, the General Plan has the potential to increase the number of future residents and jobs within the City of Fremont, which may both directly and indirectly result in the increase of GHG emissions. However, the expected emissions of the estimated 49,496 new residents and 68,100 new jobs envisioned in the General Plan will equate to 5.57 million tons (MT) of CO_2 per service population, which is below the threshold established by the BAAQMD of 6.6 MT of CO_2 per service population. This increase in GHG emissions associated with implementation of the General Plan would be considered less than significant. The proposed Project is consistent with the existing General Plan Land Use designation for the site and therefore expected GHG emissions would be consistent with the levels analyzed in the GP EIR.

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating GHG emissions from stationary source projects and projects other than stationary sources. The BAAQMD thresholds were developed specifically for the Bay Area after considering the latest Bay Area GHG inventory and the effects of AB 32 scoping plan measures that would reduce regional emissions.

The BAAQMD applies GHG efficiency thresholds to projects with emissions of 1,100 metric tons (MT) of CO_2e (carbon dioxide equivalency) or greater during operation. Projects that have emissions below 1,100 MT of CO_2e per year are considered to have less-than-significant GHG emissions. These thresholds are typically applied to long-term operational emissions of projects that are not stationary sources.

Construction

Project construction could generate GHG emissions resulting from construction equipment and grading and paving activities. The BAAQMD CEQA Air Quality Guidelines do not contain thresholds of significance for construction-related GHG emissions. However, the construction-related emissions listed in Table 4-3are well below regionally significant carbon dioxide equivalent emissions.

Table 4-3 Construction Criteria Air Pollutant Emissions (Average Pounds per Day)

Build Scenario	CO_2e (Total Metric Tons)	CO_2e (Annual Average Metric Tons)
Construction Emissions	1,058	585

Source: Baseline, 2021

Note: CO_2e = carbon dioxide equivalents

As previously discussed, per FMC Section 18.218.010, all development projects that have that have the potential to adversely affect the environment through to construction activities such as grading, demolition, and tree and shrub removal shall implement the City's adopted standard development requirements to address resource protection provided in FMC Section 18.218.050. As a standard project requirement, the Project shall implement FMC Section 18.218.050(a), which incorporates BAAQMD Best Management Practices for Project construction, and, therefore, would reduce impacts to air quality from GHG emissions during Project construction to less than significant. Implementation of development standard in FMC Section 18.218.050 (a) applicable to construction related emissions would reduce construction related impacts. Because the Project is intended for pedestrian and bicycle use only, it would not contribute to carbon dioxide equivalent emissions during operation. Therefore, this impact would be less than significant.

Operations

The assessment of project-level emissions looks at whether a project's emissions would significantly affect the ability of the State to reach its greenhouse gas emissions goals under AB 32 goals. During the long-term operations of the Project, the proposed bridge and trail would be used for pedestrian and bicycle modes of travel, which do not generate emissions of air pollutants. The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017) identify bicycle and pedestrian improvements as measures that contribute to reductions in motor vehicle traffic and corresponding reductions in GHG emissions. Therefore, because the Project would contribute to reductions in motor vehicle traffic and corresponding reductions in GHG emissions, impacts from the Project during operation would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.8(b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The General Plan's Conservation Element outlines the City's GHG Reduction Strategy. The Strategy establishes a goal to reduce GHG emissions to below 2005 levels by 2020. The proposed Project would provide an alternative to vehicular travel. Reducing VMT would contribute to lowering GHG emissions, which is consistent with the City's GHG Reduction Strategy. Because the proposed Project would ultimately reduce levels of GHG emissions, there would be no impact, and no mitigation measures are required.

Potential Impact: No Impact.
Mitigation: None required

4.9 Hazards and Hazardous Materials

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.9(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
4.9(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
4.9(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
4.9(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
4.9(e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	☐	☐	☐	☒
4.9(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
4.9(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☒	☐

Environmental Setting

Environmental setting information related to the presence of hazardous materials is provided below, followed by environmental setting information related to hazards such as natural disasters.

Hazardous Materials

This section describes potential hazards and hazardous materials related to the Project that could pose a significant threat to human and environmental health and safety. Information for this section was gathered from the Environmental Data Resources (EDR) search of available environmental records, conducted in February 2020 and included in the Project's Initial Site Assessment.

As early as 1939, the Project area was used as agricultural land, with limited paved areas, and access roads. By 1959, the mainline of the I-880 highway and the I-880/Fremont Boulevard Interchange had been built. By 1963 Kato Road and the former New United Motors Manufacturing, Inc. (NUMMI) plant (currently Tesla Factory) had been built. From the mid-1970s to the mid-1990s, large portions of the farmlands surrounding the project site were converted to commercial and light-industrial land uses. By 2016, most of the remaining farmlands and vacant parcels adjacent to the study limits had been converted to commercial and light-industrial land uses.

There is evidence of historical contamination on the project site. The Phase I Environmental Site Assessment (ISA) reviewed environmental records and identified 17 hazardous materials release sites within a 1-mile radius of the study limits. Of the 17 sites discovered, five of the release sites are considered a potential threat of affecting environmental conditions within the study limits. The other 12 release sites are not expected to affect environmental conditions within the study limits. This is due, in part, to the other 12 release sites being located downgradient from the Project area; the downgradient sites are not expected to affect the environmental conditions of the Project area.

Hazards

The Project area is not located within an airport land use plan. There are no public or private airports within the City of Fremont. The closest airports by approximate distance from the Project site are Moffett Federal Airfield (approximately 7-miles), San Jose International Airport (approximately 8-miles), and Hayward Executive Airport (approximately 15-miles).

The City's Disaster Management Operations Plan (DMOP) provides policies and procedures for an evacuation, dispersal, or relocation of people from hazardous areas during natural disasters, including wildfires. The DMOP was developed in compliance with State requirements and also meets the requirements of the Federal Emergency Management Agency, as the City's local hazard mitigation plan. The DMOP specifies multiple evacuation routes that may be utilized in the event of a natural disaster depending on the type and location of the emergency.

There is a risk of wildfire in Fremont due to the interface of residential and open space land uses. In order to address local wildfire risk, the City of Fremont has adopted a Wildland Urban Interface Ordinance that designates areas of the City as Very High Fire Hazard Severity Zones, even if they are not designated as Fire Hazard Areas on state maps. The Very High Fire Hazard Severity Zone generally includes lands to the east of Mission Boulevard in north Fremont and to the east of I-680 in South Fremont. The Project area is not located within a City-designated Very High Fire Hazard Severity Zone. The Project site is served by the Fremont Fire Department.

Discussion

This discussion is based in part on the following document:

- Initial Site Assessment for the Interstate 880 Innovation Bridge and Trail Project, prepared by Baseline, October 2020.

4.9(a) Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The General Plan identifies goals, policies and implementation measures designed to reduce the impact of businesses routinely using, storing, and transporting hazardous material.[20] The GP EIR found that implementation of the following General Plan policies and implementation measures in combination with California Department of Transportation (Caltrans), California Department of Toxic Substance Control (DTSC), SWRCB, and RWQCB regulations would reduce the potential impacts associated with the routine use, transport, or disposal of hazardous material to a level considered less than significant:

Safety Policy 10-6.1: Hazardous Material Regulation

- Implementation 10-6.1.A: Land Use Evaluation

Safety Policy 10-6.2: Sensitive Receptors

- Implementation 10-6.2A: Proximity to Hazardous Materials Users

Safety Policy 10-6.4: Hazardous Waste Management Plan

- Implementation 10-6.4.A: County Plan as City Plan

Safety Policy 10-6.5: Hazardous Material Oversight

- Implementation 10-6.5.A: Hazardous Material Enforcement
- Implementation 10-6.5.B: Hazardous Material Monitoring on SR 84
- Implementation 10-6.5.C: Truck Route Review

The City has also developed standard development requirements for Hazardous Materials, described below.

FMC 18.218.050(f) Hazardous Materials. New development projects with the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, if so determined by a site-specific environmental site assessment prepared to the satisfaction of the fire marshal or planning manager, shall implement the following measures prior to or during project construction, as applicable:

> (A) A soil management plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or

[20] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

> recognized environmental condition (REC) concentrations above the applicable screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment or similar document provided by DTSC.

Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), city of Fremont fire department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the city of Fremont community development department. Compliance with this mitigation may require the applicant or their agent to complete a preliminary endangerment report, voluntary cleanup agreement or other documentation as determined by the appropriate agency and receive concurrence that the site's RECs have been resolved.

The proposed Project would include the standard development requirements and has been evaluated as required per the above General Plan policies.

Construction of the proposed Project would include ground clearing, grading, and pile driving, and other construction activities, which may require the limited use of hazardous materials such as fuels, oils, solvents, glues, paint and building material finishing products. Such materials would be used temporarily and typically do not generate hazardous air pollutant emissions or pose a long-term threat to human health or the environment. Improper disposal could increase risk of exposure for nearby residents through direct contact or by adversely affecting soil, groundwater, or other surface waters. However, hazardous materials transportation, use, and disposal as part of the proposed Project would be subject to federal and state hazardous materials laws and regulations. Primary federal laws pertaining to hazardous materials and wastes include the Resource Conservation and Recovery Act of 1976 (RCRA) and the Comprehensive Environmental Responsibility, Compensation, and Liability Act of 1980 (CERCLA). RCRA includes procedures and requirements for managing hazardous materials and for cleanup of hazardous materials releases. CERCLA delineates the liability for contamination between current property owners and others. The Hazardous Materials Transportation Act regulates the transport of hazardous materials. The federal government delegates enforcement authority to the states. With adherence to such regulations, the transport, use, and disposal of hazardous materials during Project construction would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and impacts associated with the transport, use, and disposal of hazardous materials would be less than significant, and no mitigation measures are required.

Operations

Project operations would involve the ongoing public use and maintenance of the new bicycle and pedestrian bridge and trail, and would not involve the routine transport, use or disposal of hazardous materials beyond those commonly used by City maintenance staff for landscape and

trail maintenance. Products such as fertilizers, pesticides, paint, and solvents are used by City maintenance staff in accordance with the City's standard procedures and applicable federal and State laws. Use of these products would not represent a significant use of hazardous materials at the site and would not create a significant hazard to the public or the environment. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.9(b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

The General Plan identifies objectives and policies designed to reduce the hazard to the population due to a hazardous material release. The GP EIR found that implementation of the following policies and implementation measures in combination with emergency response from the City Fire Department would reduce the potential impact of a reasonably foreseeable accidental release of hazardous material during implementation of the General Plan to a level considered less than significant:

Safety Policy 10-6.1: Hazardous Material Regulation

- Implementation 10-6.1.A: Land Use Evaluation

Safety Policy 10-6.2: Sensitive Receptors

- Implementation 10-6.2A: Proximity to Hazardous Materials Users

Safety Policy 10-6.4: Hazardous Waste Management Plan

- Implementation 10-6.4.A: County Plan as City Plan

Safety Policy 10-6.5: Hazardous Material Oversight

- Implementation 10-6.5.A: Hazardous Material Enforcement,
- Implementation 10-6.5.B: Hazardous Material Monitoring on SR 84
- Implementation 10-6.5.C: Truck Route Review

Safety Policy 10-6.6: Hazardous Material Disclosure

- Implementation 10-6.6.A: Disclosure and Emergency Action Plans

Safety Policy 10-6.7: Emergency Action Plan

- Implementation 10-6.7A: Hazardous Materials Emergency Response
- Implementation 10-6.7B: Hazardous Material Emergency Training

Construction

Construction of the proposed Project would include ground clearing, grading, and pile driving, and other construction activities, which may require the limited use of hazardous materials such

as fuels, oils, solvents, glues, paint and building material finishing products. The use of hazardous materials for construction is temporary and, with proper construction site management procedures, typically does not generate hazardous air pollutant emissions or pose a long-term threat to human health or the environment. As discussed further in Section 4.10, Hydrology and Water Quality, the proposed Project would be required to obtain coverage under the statewide Construction General Permit (Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ) because it is greater than one acre in size. In accordance with the Construction General Permit, the contractor would be required to prepare and implement a SWPPP which would include BMPs to prevent accidental spill of these hazardous materials into the environment.

The ISA identified contaminants of concern that have potential to occur in the Project area, including aerially deposited lead along roadsides due to the historic use of lead in gasoline, pesticides from historic agricultural use in the area, undocumented soil contamination (asbestos, metals, pesticides, and petroleum hydrocarbons) that may occur in fill materials used for the I-880 northbound off- ramp embankment at Fremont Boulevard, and potential groundwater contamination (petroleum hydrocarbons and chlorinated solvents) near the I-880/Fremont Boulevard interchange from release sites identified in that area. Based on information presented in the ISA, ground clearing, grading, pile driving, and other construction activities may result in a release of hazardous materials to the environment, due to the potential for Project construction activities to encounter contaminated soils and/or contaminated groundwater. This is a potentially significant impact.

Potential Impact HAZ-1: The potential for Project construction activities to encounter contaminated soils and/or contaminated groundwater during ground clearing, grading, pile driving, and other construction activities and result in a release of hazardous materials to the environment is a potentially significant impact. Implementation of **Mitigation Measure HAZ-1**, together with **Mitigation Measure HYD-1** in Section 4.10, Hydrology and Water Quality, the City's standard development requirements for hazardous materials, and the above-mentioned GP EIR mitigation measures and General Plan Policies, would reduce this impact to a less than significant level.

> **Mitigation Measure HAZ-1**: A Phase II Preliminary Site Investigation will be conducted during the final design of the Project to evaluate potential contaminants of concern in soil and groundwater. The Preliminary Site Investigation will include drilling to collect and analyze soil and groundwater samples for the potential contaminants of concern identified in the ISA. The City will provide the findings of the Preliminary Site Investigation to the contractor and require the contractor to incorporate the findings of the Preliminary Site Investigation in the soil disposal and reuse options for the Project and associated worker health and safety concerns during excavation. The City will inform contractors of groundwater management options during dewatering. All environmental investigations for the Project will be provided to the Project contractors to incorporate into their Health and Safety and Hazard Communication programs. These requirements will be included in the Project specifications and the contractor shall integrate them into their Health and Safety Plans for City approval and shall implement the approved Health and Safety Plans.

Operations

Project operations would not involve the use of hazardous materials beyond those commonly used by City maintenance staff for landscape and trail maintenance. Products such as fertilizers, pesticides, paint, and solvents are used by City maintenance staff in accordance with the City's standard procedures and applicable federal and State laws. This use of such products would not reasonably result in an accidental release of hazardous materials into the environment, and this impact would be less than significant, and no mitigation measures are required.

With implementation of **Mitigation Measure HAZ-1**, together with **Mitigation Measure HYD-1**, the City's standard development requirements for hazardous materials the above-mentioned GP EIR mitigation measures and General Plan Policies, impacts associated with reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be reduced to a less-than-significant level.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measure HAZ-1 and Mitigation Measure HYD-1

4.9(c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

There are no schools within a quarter mile of the Project site. The closest schools to the Project site are approximately 0.27 miles northeast (Lila Bringhurst Elementary) and 1.2-miles south, respectively (Warm Springs Elementary located at 47370 Warm Springs Boulevard and James Leitch Elementary located at 47100 Fernald Street). As such, construction or operation of the proposed Project would have no impact with respect to handling hazardous materials within a quarter mile of a school, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.9(d) Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?

According to the ISA, the Project site was not identified on the California Department of Toxic Substances Control (DTSC) Hazardous Waste Tracking System (HWTS) or on the DTSC Envirostor Database. Therefore, no impact would result, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

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

There are no airports or airstrips within the City. The closest airports by approximate distance from the Project site are Moffett Federal Airfield (approximately 7-miles), San Jose International

Airport (approximately 8-miles), and Hayward Executive Airport (approximately 15-miles). Therefore, construction or operation of the proposed Project would have no impact related to any airport hazards, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.9(f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Construction

As discussed in Section 4.17, Traffic and Transportation, construction activities at the Project site would result in temporary lane closures, increased construction truck traffic, and other roadway effects on Fremont Boulevard, Landing Parkway, and I-880 that could impede emergency response or evacuations. However, these effects would be temporary and would be addresses in a Traffic Control Plan required as part of the encroachment permit process with Caltrans, as described in Section 4.17(c). Construction activities would not fundamentally alter emergency response and evacuation routes in the vicinity of the Project site, which would generally remain unchanged from existing conditions. These construction impacts in relation to emergency and evacuation plans would result in a less than significant impact, and no mitigation is required.

Operations

The Project would be reviewed by the Fremont Fire Department prior to approval to ensure that there is adequate emergency vehicle access. The potential operational impact related to emergency and evacuation plans would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.9(g) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

The Project site is not within the "Fremont Very High Fire Hazard Severity Zone" adopted by the City, and is designated by the State as being a "Local Response Area Urban Unzoned" on the California-Defined Fire Hazard Severity Zones Map (City of Fremont, 2007). This designation indicates that the area is not within the wildland-urban interface and, therefore, special development controls relating to heightened fire protection and vegetation management are not required to minimize the risk of wildland fires. In addition, construction of the Project would remove the existing overgrown, dry grass surrounding Aqua Caliente Creek which could present a fire hazard. Therefore, the Project would not expose people or structures to significant risks associated with wildland fires, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10 Hydrology and Water Quality

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.10(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☒	☐	☐
4.10(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
4.10(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
4.10(c)(i) Result in substantial on- or offsite erosion or siltation;	☐	☐	☒	☐
4.10(c)(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
4.10(c)(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
4.10(c)(iv) Impede or redirect flood flows?	☐	☐	☒	☐
4.10(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?	☐	☐	☒	☐
4.10(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Environmental Setting

Environmental setting information related to the surface waters that receive runoff from the Project area is provided below, followed by environmental setting information related to groundwater, tsunamis and seiche waves, and floodplains.

Surface Waters

The receiving water bodies for the proposed Project are Agua Caliente Creek and Laguna Creek. Within the Project area (**Figure 2**), both creeks are engineered channels that cross I-880 through underground culverts at Post Miles 2.77 and 3.68, respectively. Available mapping of existing drainage facilities suggests stormwater runoff from storm drain systems along Landing Parkway and Kato Road from the Agua Caliente creek crossing to approximately 0.19 miles northwest of

this creek crossing would be conveyed into Agua Caliente Creek. Stormwater runoff from the remaining portions of the Project would be collected in existing storm drain systems along Cushing Parkway, Kato Road, and Fremont Boulevard, and would drain to Laguna Creek. Agua Caliente Creek discharges into Laguna Creek approximately 0.45 miles southwest of the I-880/Laguna Creek crossing. Laguna Creek discharges into Mud Slough and then the San Francisco Bay, approximately 6 miles southwest of the I-880/Laguna Creek crossing.

Groundwater

The Project site overlies the Niles Cone groundwater subbasin. As described in the Water Quality Assessment Report, the Niles Cone Sub-basin covers 65,800 acres within Alameda County; recharge sources include precipitation and infiltration from the surface water bodies and aquifers within the basin. Percolation of runoff from the Alameda Creek watershed is the primary source of recharge for the Niles Cone Groundwater Basin. Water level measurements within the Niles Cone Groundwater Sub-basin ranged from artesian conditions to approximately 68 feet below ground surface. The Niles Cone Sub-basin consists of two smaller sub-basins: the Below Hayward Fault (BHF) to the west and the Above Hayward Fault (AHF) sub-basin to the east due to the Hayward Fault, which runs northwest to southeast along State Route 238 and Interstate 680 impeding the westward flow of groundwater and separating it into two further sub-basins. The BHF sub-basin is composed of a series of gently westward dipping aquifers separated by extensive clay aquitards. The aquifers are comprised of gravels and sands deposited from ancestral Alameda Creek and other small creeks as fluvial or alluvial deposits. The aquitards are comprised of silts and clays deposited from distal (low energy) portions of the alluvial fans and from the bay as marine, and estuarine deposits. Groundwater from the Niles Cone Groundwater Basin is one of the water supply sources for the local area. Other local water supply sources include surface water from the Del Valle Reservoir and desalinated brackish groundwater from groundwater basins previously impacted by seawater intrusion.

Tsunamis and Seiches

Seismically-induced ocean waves are caused by displacement of the sea floor by a submarine earthquake and are called tsunamis. Seiches are waves produced in a confined body of water such as a lake or reservoir by earthquake shaking or landsliding. Seiches are possible at reservoir, lake or pond site. Substantial groundshaking during earthquakes could affect the Bay, however the Project site is not within a seismically induced tsunami zone.[21]

Floodplains

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Alameda County and Incorporated Areas (FEMA 2009), Reach 6D is predominantly located within the Agua Caliente Creek's Zone AE floodplain. Zone AE regions represent areas subject to flooding by the 1%-annual-chance flood event determined by detailed methods where base flood elevations (BFE) are provided. The Zone AE floodplain along the Agua Caliente Creek channel starts spreading out beyond the channel approximately 700-feet upstream of its crossing at Kato Road and downstream of its I-880 crossing. The BFE just upstream of Kato Road is 21-feet, and downstream of the I-880 crossing, it is 15-feet North American Vertical Datum 88.

[21] California Department of Conservation. *Tsunami Hazard Area Map,* 2021.

In Reach 6D, Kato Road and I-880 are identified as unshaded Zone X regions. Unshaded Zone X regions are outside the special flood hazard areas and represent areas outside of the 0.2% chance of flooding annually. However, there is a narrow Zone AE floodplain between the western shoulder of Kato Road and the eastern shoulder of I-880 that extends northwest. Near the northwestern limits of Reach 6D, this narrow Zone AE floodplain transitions into a Zone AO floodplain, which continues through Reach 6C along the eastern shoulder of I-880 and through the northbound Fremont Boulevard off-ramp. Zone AO areas have a 1%-annual-chance shallow flooding where average depths are between 1 and 3-feet, usually due to sheet flow on sloping terrain. As identified on the FIRM, this Zone AO floodplain has a depth of 2-feet.

Regulatory Setting

The State Water Resource Control Board's (SWRCB) statewide stormwater general permit for construction activity (Order 2009-009-DWQ as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ – "Construction General Permit") is applicable to all land-disturbing construction activities that would disturb one acre or more. Because disturbed acres within the Project site would be greater than one acre, the proposed Project would obtain coverage under the Construction General Permit through the SWRCB. Compliance with the Construction General Permit is overseen and enforced by the RWQCB.

- Per SWRCB permit requirements, the applicant must comply with standard erosion control measures that employ BMPs and develop a SWPPP. The goal of the SWPPP is to implement measures in disturbed areas to minimize non-stormwater discharges (i.e., discharge or accidental spills of fuels, oils, petroleum hydrocarbons, paints, solvents, cleaners, or other construction materials) and minimize stormwater discharge (i.e. transport of sediments) into nearby drainage conveyances. Potential erosion and transportation of soil particles and/or environmental contaminants would be managed through standard construction BMPs that must be selected based on site-specific conditions for each phase of project construction, that may include, but are not limited to, the following: Good site management "housekeeping" practices such as covering and berming stockpiles, storage of chemicals in watertight containers, spill response and control, and concrete washout requirements.

- Implementing temporary erosion and sediment control BMPs in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include, but are not limited to, silt fences, stalked straw wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.

- Using drainage swales, ditches, and earth dikes to control erosion and runoff by intercepting and diverting runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure. Establishing permanent vegetative cover to reduce erosion in disturbed areas by slowing runoff velocity, trapping sediment, and enhancing filtration.

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the US EPA and the SWRCB have been developed to fulfill the requirements of this legislation. US EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls

sources that discharge pollutants into waters of the US (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by water quality control boards, which for the City area is the San Francisco Bay RWQCB.

The RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008, Order No. R2-2015-0049) (MRP). The regional permit applies to 77 Bay Area municipalities, including the City. Under provisions of this NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Post-construction runoff must be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration – in locations where the local rivers, streams, and creeks are susceptible to hydromodification as a result of development-induced increases in the rate and volume of stormwater runoff.

Discussion

This discussion is based in part on the following documents:

- Location Hydraulic Study-Floodplain Evaluation Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by WRECO, August 2021.
- Water Quality Assessment Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by WRECO, August 2021.

4.10(a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The GP EIR states that implementation of the General Plan could result in development of some currently unpaved lands, resulting in an increase in impervious surface area and a corresponding increase in pollutants conveyed by stormwater runoff into receiving waters, thereby further degrading the water quality of streams within the City. However, the GP EIR found that adoption and implementation of the current stormwater, grading and erosion control regulations and proposed policies and implementation programs would reduce the impact to water quality resulting from residential, commercial, industrial and public land uses consistent with the General Plan to a level considered less than significant. In conformance with General Plan Policy Conservation 7-3.3: Enforce Water Quality Requirements, the Project would be required to comply with federal, state and locally issued mandates regarding water quality.

Construction

The Project involves more than 1 acre of land disturbance; as such, the Project would be subject to the requirements of statewide Construction General Permit. A SWPPP would be required for the Project, which would identify temporary BMPs required for erosion control, sediment control, wind control, as well as non-stormwater storage, and spill control and prevention plan. The implementation of construction BMPs would minimize any discharges of pollutants and reduce the risk for construction activities to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

Dewatering activities are anticipated to be necessary for installation of the bridge footings and retaining wall piles. Due to the historic and current industrial land uses in the surrounding area, there is potential to encounter contaminated groundwater during dewatering activities. If contaminated groundwater is encountered during construction, there is potential for the pumped water to enter the storm drain system and result in degrading surface water quality, if the contaminated groundwater is not contained and disposed of properly.

Potential Impact HYD-1: Dewatering during Project construction may encounter contaminated groundwater, which has the potential to enter the storm drain system and result in degrading surface water quality, if the contaminated groundwater is not contained and disposed of properly, which could result in a potentially significant impact to surface water quality.

Mitigation Measure: Implementation of **Mitigation Measure HYD-1**, along with **Mitigation Measure HAZ-1** and BMPs required by the Construction General Permit, would reduce impacts associated with the potential to encounter contaminated groundwater during construction dewatering activities to less than significant.

> **Mitigation Measure HYD-1:** Groundwater extracted from temporary dewatering activities will be managed based on the groundwater quality within the Project site. Clean groundwater could be used for dust control, collected on-site using tanks prior to discharging to receiving waters, or transported to a publicly owned treatment works (POTW) as allowed by the agency with jurisdiction over the POTW. The potential for groundwater contamination will be determined when the Project's Phase II Preliminary Site Assessment is available. If the Project site contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, applicable waste discharge requirements or permits will be obtained prior to construction. Groundwater depths will be determined before the installation of bridge footings and retaining wall piles. If required, a dewatering plan will be prepared and implemented. The dewatering plan shall comply with the following performance standards at a minimum:
>
> - Maps and narrative description: The dewatering plan shall include maps and a narrative description identifying the location of dewatering activities, equipment, and disposal.
> - Best management practices (BMPs): The dewatering plan shall include requirements to implement dewatering BMPs to prevent releases of contaminated groundwater, such as a testing protocol for conducting water quality monitoring to detect contamination in accordance with the applicable waste discharge requirements or permits identified by the applicable regulatory agencies, such as Alameda County Water District, City of Fremont or other relevant regulatory agencies.
> - Monitoring procedures: The dewatering plan shall include monitoring procedures to ensure effective sediment and erosion controls are place, and procedures for collecting and properly disposing of any contaminated groundwater.
> - Identification of permits: The dewatering plan shall identify any necessary permits and approvals and shall require that all necessary permits be obtained prior to dewatering activities.

Although there is potential for construction activities to result in discharges of pollutants that could substantially degrade water quality, the implementation of construction BMPs and **Mitigation Measure HYD-1** would reduce the potential impacts to less than significant.

Operations

The proposed Project would result in the creation or replacement of approximately 110,974 square feet, or approximately 2.5 acres of impervious surface. Therefore, the proposed Project is required to comply with the Municipal Stormwater Regional Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB – Permit Number CAS612008, Order No. R2-2015-0049, or most current (MRP) requirements to incorporate LID stormwater treatment measures that meet the MRP hydraulic sizing requirements. The proposed Project would implement pervious surfaces and permanent BMPs (permanent stormwater treatment measures) to treat the total impervious surface created/replaced. Portions of new impervious surface to be created and existing impervious surface to be replaced would drain to pervious surfaces within the Project site and be classified as self-retaining and thereby would not be required to be treated through stormwater treatment measures. Runoff from the remaining impervious surfaces requiring treatment would be conveyed to permanent stormwater treatment measures (i.e., bioretention areas) in accordance with Provision C.3 of the MRP. The pervious surfaces and permanent BMPs would reduce pollutant discharge to the receiving water bodies. Depending on the design of the facilities, some infiltration of stormwater runoff into native soils may occur as allowed by the MRP and in accordance with applicable recommendations included in the proposed Project's foundation report.

Although the proposed Project would create and or replace more than one acre of impervious surface, the MRP hydromodification management requirements do not apply to the proposed Project, because runoff from the new and replaced impervious surfaces would ultimately discharge to a tidally influenced/depositional area or an area with earthen channels (Agua Caliente Creek or Laguna Creek). The short segments of earthen channel located outside of tidally influenced areas that would receive runoff from the proposed Project meet the criteria for exemption from the MRP hydromodification requirements. As such, the proposed Project is exempt from implementing hydromodification management measures. With the incorporation of permanent stormwater controls required by the MRP, the impact during proposed Project operations would be less than significant.

With the incorporation of stormwater controls as required by the MRP and BMPs required by the Construction General Permit, and the implementation of **Mitigation Measure HYD-1** and **Mitigation Measure HAZ-1**, the proposed Project would not violate any water quality standards or waste discharge requirements and would have less than significant impact related to the degradation of surface or groundwater quality. The impact would be less than significant with mitigation incorporated.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measure HYD-1 and Mitigation Measure HAZ-1

4.10(b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Per the GP EIR, implementation of General Plan Conservation Policy 7-3.2: Groundwater Resources, including Implementation Measures7.31A through 7.3.2D, would protect groundwater from contamination. This policy proposes to prevent spills and leakages that could potentially contaminate groundwater resources, establishes buffers between development and surface water recharge areas, reviews annual ACWD groundwater quality reports and coordinates with ACWD regarding any pending development proposals that could have a negative impact on groundwater. Existing regulations and the proposed water quality policies and implementation programs of the General Plan would ensure that impacts to groundwater quality associated with development would be less than significant.

Dewatering activities are anticipated for the installation of the bridge footings and retaining wall piles associated with the construction of the proposed Project. This has the potential to result in a temporary decrease of the groundwater table. Groundwater depths within the Project site will be determined during site investigations in the design phase to estimate dewatering needs. Groundwater depths will be monitored during construction for actual real-time levels.

As described in Section 4.10(a), the proposed Project would create and/or replace 110,974 square feet (approximately 2.5 acres) of impervious surface. Stormwater runoff would either infiltrate into on-site landscaped areas or would drain to LID stormwater treatment facilities included in the proposed Project. The creation of impervious surface may result in reductions of the amount of recharge to the underlying aquifer. However, the primary source of recharge for the Niles Cone Groundwater Basin is percolation of runoff from the Alameda Creek watershed. Additionally, the proposed Project would include pervious surfaces and LID stormwater treatment facilities with any applicable recommendations included in the Project's foundation report as well as, requirements of the MRP, City requirements, and Alameda County Clean Water Program guidance.

The total area of land that would be disturbed by the proposed Project is 6.3 acres. This area is relatively small compared with the 65,800-acre Niles Cone groundwater subbasin. A reduction in groundwater recharge from the proposed Project would have a negligible impact on the groundwater basin as a whole because of the small area disturbed. Therefore, despite the potential temporary reduction of the groundwater table during construction and potential reduction in groundwater recharge with the creation of new impervious surfaces, the impact of the proposed Project on regional groundwater would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(c)(i) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial on- or offsite erosion or siltation;

As discussed in the GP EIR, erosion and sedimentation resulting from construction activities and new development in Fremont could represent a significant source of pollution conveyed in storm water runoff. The GP EIR found that erosion and runoff impacts resulting from development anticipated under the General Plan would be reduced by compliance with the existing City building and grading requirements and by NPDES permitting requirements. The General Plan Conservation Goal 7-6 Land Resources specifies urban development consistent with soil conditions to minimize erosion and protect health and property. Conservation Policy 7-6.1: Awareness of Soil Conditions, including Implementation Measure 7-6.1A, ensures that development projects take soil conditions into account. Conservation Policy 7-6.2 Minimize Soil Erosion, including Implementation Measures 7-6.2A, 7-6.2B, 7-6.2C, and 7-6.2D, eliminates soil erosion from development to the maximum extent possible.

The Project site currently includes a combination of pervious and impervious surfaces along Fremont Boulevard, Kato Road, and the ACFCWCD maintenance road along Agua Caliente Creek, as well as pervious and impervious surfaces within the I-880 ROW. The development of the proposed Project would alter existing drainage patterns by creating new impervious surfaces in some areas that are currently landscaped, replacing some existing impervious surfaces with new impervious surfaces, and by removing some impervious surfaces and providing new landscaped areas. The proposed Project would result in the creation or replacement of 110,974 square feet (approximately 2.5 acres) of impervious surface. Stormwater runoff would either infiltrate into on-site landscaped areas or would drain to LID stormwater treatment facilities such as biotreatment facilities. The proposed Project would incorporate these drainage control features in compliance with the MRP, Alameda County Clean Water Program guidance, City requirements, and recommendations contained in the proposed Project's foundation report.

The proposed Project would not alter the course of a stream or river. Although changes in the drainage patterns of stormwater runoff would occur due to the proposed creation and replacement of impervious surfaces, the implementation of drainage control requirements would minimize the potential for erosion and siltation, such that substantial erosion and sedimentation would not occur. Therefore, this impact is less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(c)(ii) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

As discussed in the GP EIR, land uses and development consistent with the General Plan could increase runoff and modifications to local and regional hydrology. General Plan Safety Goal 10-

3 Flood Hazards, within the Safety Element of the General Plan, seeks to minimize feasible risks to life and property resulting from flooding and flood induced hazards. Safety Policy 10-3.2 requires design of new development and redevelopment projects to minimize hazards associated with flooding and limit the amount of runoff that contributes to flooding. Specifically, Implementation Measure 10-3.2.A requires new development to demonstrate that existing and/or planned (on- or off-site) drainage facilities area sized to accommodate Project storm runoff and to prevent off-site increase in peak runoff rates and flood elevations. The GP EIR found that runoff impacts resulting from development anticipated under the General Plan would be reduced by compliance with the existing City building and grading requirements and by NPDES permitting requirements. The Project site includes areas identified as FEMA Zone AE, which represents areas subject to flooding by the 1%-annual chance flood event, and Zone AO, which represents areas that have a 1%-annual-chance shallow flooding where average depths are between 1 and 3 feet. The Project site also includes areas identified as FEMA Unshaded Zone X, which are outside the special flood hazard areas and represent areas outside of the 0.2% chance of flooding annually.

Hydraulic modeling of the pre-Project and post-Project condition was conducted for the proposed Project. Although the Project features that are proposed would have an overall small footprint within the floodplain, and the trail segments would be at grade, Post-Project modeling accounted for the following Project features that may be considered obstructions in relation to the floodplain: staircase and pylon structure, bridge column structures, and an approach ramp. HEC-RAS modeling found that the proposed Project would result in an increase in water surface elevations ranging from 0.04 feet to 0.01 feet. The maximum increase in water surface elevation from the existing condition to the proposed condition of 0.04 feet would occur upstream of the west approach ramp; however, there would be no impact to the 100-year flood profile. The analysis concluded that the proposed Project would not alter the greater existing drainage pattern of the Laguna Creek watershed in which it is located. Drainage from the proposed Project would connect to the City of Fremont's existing storm drain facilities that convey stormwater to existing outfalls to Agua Caliente Creek and Laguna Creek. Coordination with local water resources and floodplain management agencies is included as part of environmental review and would continue in the final design and construction of the proposed Project. Based on the results of the Project's hydraulic analysis, the water surface impacts results in 0.04 ft which is less than the 1-foot threshold for FEMA coordination, and, therefore, coordination with the FEMA is not anticipated.

The proposed Project would alter the drainage pattern of stormwater runoff due to the creation and replacement of impervious surface on the site. Although there may be an increase in the amount of surface runoff related to the creation of impervious surfaces, with the implementation of the drainage control requirements of the MRP and City, Alameda County Clean Water Program guidance, and recommendations of the Project's foundation report, the proposed Project would not substantially alter drainage patterns such that flooding on- or off-site would result. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(c)(iii) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Safety Policy Implementation Measure 10-3.2.A in the General Plan requires new development to demonstrate that existing and/or planned (on- or off-site) drainage facilities area sized to accommodate project storm runoff and to prevent off-site increase in peak runoff rates and flood elevations. As discussed above in Sections 4.10(c)(i) through (iii), potential impacts associated with the capacity of the drainage infrastructure would be minimized through adherence to the drainage control requirements of the MRP and City and guidance provided by the Alameda Countywide Clean Water Program. Stormwater runoff would be managed through stormwater controls that are integrated into the Project design, such as biotreatment areas and landscape areas. Compliance with these requirements would avoid or minimize potential impacts related to the contribution of substantial amounts of additional runoff, pollution, or sediment into the municipal storm drain system. Due to the stormwater controls implemented in the Project design, the proposed Project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The impact to those drainage systems would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(c)(iv) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would impede or redirect flood flows?

As discussed in the GP EIR, land uses and development consistent with the General Plan could increase runoff and modifications to local and regional hydrology. The General Plan Safety Goal 10-3 Flood Hazards, within the Safety Element of the General Plan, seeks to minimize feasible risks to life and property resulting from flooding and flood induced hazards. The GP EIR found that, although flooding would continue to occur in flood prone areas, this is considered an existing condition for purposes of CEQA review, and the policies and programs of the General Plan would ensure that flooding in these areas would not worsen. Adoption and implementation of the policies and programs contained in the General Plan as discussed above would ensure that potential impacts of future development of on- and off-site flooding and drainage infrastructure would be reduced to a level considered less than significant.

As described in Section 4.10(c)(ii), hydraulic modeling of the post-Project condition was conducted and accounted for the following Project features that may be considered obstructions in relation to the floodplain: staircase and pylon structure, bridge column structures, and an approach ramp. Modeling results indicated that the proposed Project would result in an increase in water surface elevations ranging from 0.04 feet to 0.01 feet; however, there would be no impact to the 100-year flood profile, and the proposed Project would not alter the greater existing drainage pattern of the Laguna Creek watershed in which it is located.

The proposed Project would alter the drainage pattern of stormwater runoff due to the creation and replacement of impervious surface on the site, including Project features that may be considered obstructions in relation to the floodplain. However, the implementation of the drainage control requirements of the MRP and City, Alameda County Clean Water Program guidance, and recommendations of the Project's foundation report, would include LID stormwater treatment measures such as biotreatment facilities, which would allow for temporary storage of captured stormwater runoff, and infiltration where feasible. With the incorporation of these drainage control requirements, the alteration of drainage patterns would not substantially increase the rate or amount of surface runoff in a manner that would impede or redirect flood flows. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(d) In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?

As discussed in the GP EIR, it is anticipated that inundation by dam failure for sites in Fremont is unlikely and a relatively low risk due to the structural engineering of the dams in the vicinity of Fremont and compliance with federal and state laws enacted to enhance dam safety. Seiche waves and tsunamis are not considered a hazard to the proposed Project because it is not located near any large, enclosed bodies of water. The Project site is located inland and is not within a tsunami inundation zone (ABAG, 2017).

Although portions of the proposed Project would be located within FEMA special hazard zones, due to the nature of the proposed Project as a bicycle and transportation facility, Project operations would not involve the risk of a release of pollutants due to Project inundation because operation does not involve activities that would result in the potential result of pollutants. With adherence to the City's standard development requirement for hazardous materials (FMC 18.218.050(f)), the risk of a release of pollutants due to Project inundation during construction would be less than significant. There would be a less than significant impact, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.10(e) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As previously stated, the Project site is under the jurisdiction of the RWQCB, which is responsible for implementing the Basin Plan. The Basin Plan establishes beneficial water uses for waterways and water bodies within the San Francisco Bay region. The implementation of BMPs described in Section 4.10(a) would minimize construction period water quality impacts.

Additionally, there would be no groundwater withdrawal during Project operation. Given this, the proposed Project would not interfere with the Basin Plan, and this impact would be less than significant, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.11 Land Use and Planning

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.11(a) Physically divide an established community?	☐	☐	☐	☒
4.11(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

Environmental Setting

Land uses surrounding the Project site include industrial business parks, high-density residential, hotels, parking lots, and commercial areas. The area surrounding the Project site is zoned as Warm Springs Innovation (WSI-6) to the east, Open Space (OS), and Industrial-Tech (I-T) to the northeast. High density residential uses are located to the north of the proposed Project site, with low-rise industrial and commercial offices to the south, a Tesla Factory and associated large parking lot to the east, and vacant land to the west. The park associated with the Lila Bringhurst Elementary school is the closest existing public park located approximately 0.3 miles northeast of the Project site. The closest residential land use near the proposed Project is the new Lennar Area 4 project, which is a 2,214-unit private development that is currently under construction on Fremont Boulevard between South Grimmer Boulevard and Innovation Drive. The closest features of the Lennar Area 4 project are approximately 700 feet to 0.3 miles from the Project site. The Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), which is designated in the City's General Plan as an Open Space – Resource Conservation/Public use, is located approximately 1,000-feet west of the westernmost edge of the Project site on Fremont Boulevard and continues approximately 6 miles to the San Francisco Bay.

Pacific Commons Sports Park, a proposed 41-acre sports field complex identified in the City's General Plan Parks and Recreation Element, would be located 2 miles northwest of the Project site.

The Project site is located in the southern portion of the City within the Warm Springs/South Fremont Priority Development Area and the South Fremont subarea of the City General Plan 2030. The Warm Springs/South Fremont Community Plan has identified the following goals policies that are applicable to the proposed Project:

Policy 11-10.2: South Fremont - Warm Springs BART Station. Develop the area around the future Warm Springs BART station with high-intensity land uses that promote the use of BART and encourage walking or bicycling to and from the station.

Policy 11-10.3: Innovation as a Community Design Theme. Promote the concept of "innovation" as a development theme around the South Fremont – Warm Springs BART station.

Policy 11-10.7: Connecting South Fremont. Improve linkages through South Fremont to better connect the Warm Springs District and the Irvington District. This could include additional

sidewalks, bicycle trails, greenways, changes to the street system, and other improvements that enhance north-south connectivity.

Policy 3-1.1: Complete Streets. Design major streets to balance the needs of automobiles with the needs of pedestrians, bicyclists, and transit users. Over time, all Fremont's corridors should evolve into multi-modal streets that offer safe and attractive choices among different travel modes.

Policy 3-1.5: Improving Pedestrian and Bicycle Circulation. Incorporate provisions for pedestrians and bicycles on city streets to facilitate and encourage safe walking and cycling throughout the city. Landscaping should reduce wind, provide shade, provide a buffer to adjacent roadways, and stimulate visual interest. Visually appealing, energy-efficient street lighting should be provided to ensure night-time safety.

Policy 3-2.3: Pedestrian Networks. Integrate continuous pedestrian walkways in Fremont's City Center, Town Centers, residential neighborhoods, shopping centers, and school campuses. Place a priority on improving areas that are not connected by the City's pedestrian network, with the objective of making walking safer, more enjoyable, and more convenient.

Policy 3-2.4: Improving Bicycle Circulation. Enhance bicycle circulation, access, and safety throughout Fremont, particularly in the City Center, the Town Centers, around existing and planned BART stations, and near schools and other public facilities. Barriers and impediments to bicycle travel should be reduced.

Policy 4-1.4: Corridors. Utilize Fremont's major transportation corridors to connect the city, provide a sense of arrival and departure when traveling through different parts of Fremont, and create a positive impression of Fremont for persons using all modes of travel through the city. The planning and design of corridors should reflect their varied functions and the desire to transform Fremont into a less auto-oriented, more pedestrian-friendly community.

City of Fremont General Plan

The General Plan was adopted by the City's Council on December 13, 2011. The City's General Plan functions as a high-level statement of the community's vision as well as an on-the-ground tool used by the City to make development decisions over a 25-year period. The General Plan aims to establish a flourishing downtown, increase jobs to match an increasing resident workforce, provide a variety of housing types, and provide pedestrian-oriented commercial districts. The General Plan also addresses the overarching vision of Fremont as a "green" city through goals and policies to meet climate change objectives, reduce solid waste, and enhance the pedestrian and cycling network. Ten Guiding Principles are embodied within the City's General Plan that collectively provide a framework for the goals and policies laid out in the Plan.

The following policies, and implementation action from the Land Use Element of the General Plan (City of Fremont, 2011) apply to the Project:

Goal 2-2: Directing Change. Growth and development that is orderly and efficient, leverages public investment, ensures the continued availability of infrastructure and public services, reduces adverse impacts on adjacent properties, and protects the natural environment.

Policy 2-2.4: Use of the General Plan Land Use Map. Ensure that future land use decisions are fully consistent with the General Plan Land Use Map. Each General Plan land use category shall have at least one corresponding zoning district. More than one zoning district per General Plan category may be established for categories which accommodate a wide range of densities or development types. Residential zoning districts should generally be differentiated by the number of units allowed per net acre (or square feet of lot area per dwelling unit).

Policy 2-2.5: Zoning and Subdivision Regulations. Use zoning and subdivision regulations to direct the City's growth, ensure sufficient opportunities for new development, improve Fremont's quality of life, create complete neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.

Implementation 2-2.5.F: Planned (P) District Use. Planned development (P) zoning to provide flexibility in application of the zoning code, encourage more desirable site planning outcomes, or achieve particular mixes of land uses or unit types.

Regulatory Setting

The City of Fremont General Plan, which was adopted in December 2011, is the land use plan applicable to the Project. The Project is not a component of a specific plan or local coastal program. The Fremont Municipal Code is the zoning ordinance applicable to the Project.

Discussion

4.11(a) Would the Project physically divide an established community?

The proposed Project would not divide an established community and would provide new linkages within the WSI District. The proposed Project also provides a new direct connection over I-880 for pedestrians and bicyclists.

Because the proposed Project would benefit communities and not divide communities there would be no impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.11(b) Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed Project would not conflict with any land use plan or policy applicable to the Project site. The proposed Project is an active transportation project that would increase overall mobility within the area and would encourage multi-modal transportation to and from the Bay Area Rapid Transit (BART) Warm Springs Station and the SF Bay Trail. The proposed Project would encourage safe walking and cycling throughout the City and would provide new connectivity across I-880 for bicycle and pedestrian modes of travel. Consistent with applicable Warm Springs/South Fremont Community Plan policies, the design of the bridge would positively reflect the industrial character of the area and would provide a sense of arrival and departure for the Innovation District. The Project site and surrounding area are fully urbanized

and zoned as Industrial – Tech, Open Space, and Warm Springs Innovation. The proposed Project would not conflict with land use designations as the permanent improvements proposed by the proposed Project are within private ROW and public ROW except for trail improvements proposed on three private parcels, APN 519-1747-11-1 along Kato Road (at 45500 Fremont Boulevard), APN 519-850-84-3 located at 46380 Fremont Boulevard, and APN 519-850-90-5 located at 46335 Landing Parkway. The existing land uses on the three private parcels are Heavy Industrial for the parcel along Kato Road and Industrial Tech for both the 46380 Fremont Boulevard and 46335 Landing Parkway parcels. The proposed easements would improve pedestrian and bicycle access for the land uses on these parcels and would be consistent with General Plan Policy 3-2.3, Pedestrian Networks, and Policy 3-2.4, Improving Bicycle Circulation, to enhance pedestrian networks and bicycle circulation, access, and safety. The proposed Project would provide new bicycle and pedestrian transportation connections for the existing land uses and would not require land use changes.

For the reasons described above, the proposed Project would be consistent with General Plan policies and the land use designation for the Project site. Therefore, no impact associated with conflicts with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect would occur. The impact would be less than significant, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.12 Mineral Resources

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.12(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
4.12(b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Environmental Setting

The California Geological Survey is responsible under the Surface Mining Control and Reclamation Act for classifying land into Mineral Resource Zones (MRZs) based on the known or inferred mineral resources potential of that land. The Project site is classified as an MRZ-1 zone, which is defined as "areas where geological information indicates no significant mineral deposits are present". [22]

Discussion

4.12(a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

According to the City's General Plan and the California Department of Conservation's Mineral Land Classification Data Portal, Fremont does not contain minerals of local or statewide importance. Because the Project site is not located near or on a known mineral resource, there would be no impact to the loss of a known or locally important mineral resource, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.12(b) Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

The Project site is not within any of the mineral resource sectors identified in the City of Fremont General Plan. The Project site is within an MRZ-1 indicating there are no significant mineral deposits present or that there is little likelihood for the presence of mineral deposits. The

[22] Department of Conservation, 2019. *Mineral Land Classification*. Available online at: https://maps.conservation.ca.gov/cgs/ informationwarehouse/index.html?map=mlc; last accessed: November 2020.

proposed Project would have no impact on the loss of mineral resources as designated on a local general plan, specific plan, or other land use plan, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.13 Noise

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.13(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	☐	☐	☒	☐
4.13(b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
4.13I For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒

Environmental Setting

Existing Noise Environment

Noise can be defined as unwanted sound. Noise is measured in decibels (dB), which is the relative amplitude of a sound. Decibels are calculated on a logarithmic base, such that every ten-decibel increase is perceived as a doubling in loudness. Sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. An "A-weighted" sound level (dBA) is used to measure the noise level relevant to human sensitivity. Consistent noise levels above 75 dBA result in increased nervous system response (irritability), while consistent noise levels above 85 dBA can cause permanent damage to human hearing. Standard noise levels are listed in **Table 4-4.**

The major noise source affecting the Project site is vehicular traffic along I-880 to the east and Fremont Boulevard to the west. The City's General Plan Safety Element[23] establishes existing noise conditions along I-880 and Fremont Boulevard as 65-75 dBA $L_{dn.}$ When compared to the average quiet urban daytime noise level (around 50 dBA), the Project site experiences considerably loud ambient noise from the existing transportation infrastructure surrounding it.[24]

Ground-borne vibration comprises rapidly fluctuating motions or waves through various soils and rock strata. Vibration is quantified through the Peak Particle Velocity (PPV), which is a quantified evaluation of human response to vibration. Vibration amplitude is defined as the positive or negative peak of a vibration wave at any one moment. Disruptive vibrations may be felt by people within close proximity to construction sites, depending on the type of equipment used and the length that it is used for. For example, pile driving, and other compaction

[23] City of Fremont, 2011. *City of Fremont General Plan – Chapter 10: Safety Element*
[24] Caltrans, 2015. *Annotated Noise Study Report*

equipment, typically produce high ground-borne vibration levels. Excessive ground-borne vibration may cause structural damage to old or structurally unsound buildings and structures.

Table 4-4 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1000 feet		
	— 100 —	
Gas lawn mower at 3 feet		
	— 90 —	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	— 80 —	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	**— 70 —**	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	**— 60 —**	
		Large business office
Quiet urban daytime	**— 50 —**	Dishwasher next room
Quiet urban nighttime	**— 40 —**	Theater, large conference room (background)
Quiet suburban nighttime		
	— 30 —	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	— 20 —	
		Broadcast/recording studio
	— 10 —	
Lowest threshold of human hearing	**— 0 —**	Lowest threshold of human hearing

Source: Caltrans 2013.

Noise Sensitive Receptors

Sensitive receptors to noise are facilities or land uses that include members of the population that are particularly sensitive to noise. Examples include schools, day care centers, and residential areas.[25] The Project site is located within the Bayside Industrial Community, which is primarily zoned as Industrial Tech and is surrounded by commercial and industrial uses. The Project site extends north and east to Landing Parkway, to the south along the maintenance road adjacent to Agua Caliente Creek, and to the west by Fremont Boulevard. The closest residential land use near the proposed Project is the new 2,214-unit private residential development that is currently under construction east of Fremont Boulevard between South Grimmer Boulevard and Innovation Drive. Residences included in the residential development are located approximately 700 feet to 0.3 miles east from the Project. The nearest schools are Lila Bringhurst Elementary school approximately 0.27 miles northeast, and James Leitch Elementary and Warm Springs Elementary, approximately 1.2-miles east. Nearby parks and open spaces include Lila Bringhurst Community Park approximately 0.27 miles northeast, Don Edwards San Francisco Bay National Wildlife Refuge approximately 1,000 feet west, Booster Park approximately 1.6-miles southeast, and Warm Springs Community Park, approximately 1.4-miles southeast.

[25] Environmental Protection Agency, 2017. Available online: https://www3.epa.gov/region1/eco/uep/sensitivereceptors.html. Accessed on: February 2020.

Vibration Sensitive Receptors

Vibration sensitive receptors are defined as locations where structures, people, and/or equipment are more susceptible to adverse effects from construction vibration. The operation of vibration-sensitive equipment for research, microelectronics manufacturing, medical diagnostics, and similar activities can be adversely affected by construction vibration. The closest structures are modern industrial and commercial buildings adjacent to the Project site. There are no historic buildings in the Project vicinity. The closest residential building is the Lennar Area 4 developments described in Section 4.11, Land Use and Planning. A hotel (La Quinta Inn & Suites by Wyndham Fremont/Silicon Valley at 46200 Landing Parkway) is located about 800 feet from the locations where highest construction noise levels would be generated (i.e., vibratory sheet piling).

According to a preliminary survey conducted by the City in December 2020, the Molex facility located adjacent to the Project area shown in **Figure 2** is known to contain vibration-sensitive equipment that could potentially be impacted by the proposed construction activities. According to the survey, Molex uses optical profilometers and laser interferometers. Vibration levels as low as 0.002 in/sec could affect the accuracy of laser-based systems. However, Molex uses vibration isolation tables with compressed air to isolate equipment from vibration sources and to minimize the effects of vibration. In addition, according to Molex, background vibrations from nearby truck traffic does not affect the vibration-sensitive equipment.

Applicable Noise Regulations

The General Plan Safety Element outlines acceptable exterior and interior noise standards for residential development. The General Plan states that exterior noise levels should not exceed an L_{dn} of 60 dBA at backyards in single-family housing Projects; however, where an outdoor L_{dn} of 60 dBA or lower cannot be achieved after the application of feasible mitigations, an L_{dn} of 65 dBA may be permitted at the discretion of the City Council. The General Plan states that interior noise levels should not exceed 45 dBA L_{dn} in new housing. Typical instantaneous noise levels should not exceed 50 dBA in bedrooms during the nighttime or 55 dBA in any other rooms and bedrooms during the daytime.

FMC Section 18.50.040 excludes from its performance standards noise generated from temporary construction activities. However, construction activity is controlled via limitations on construction hours. FMC Chapter 18.160 limits weekday construction hours for activities within 500-feet of a noise-sensitive receptor to the weekday hours of 7:00 a.m. and 7:00 p.m. and the Saturday or holiday hours of 9:00 a.m. to 6:00 p.m.; Sunday construction is not allowed.

Applicable Vibration Regulations

The City does not have development standards regarding construction vibration. In the General Plan Safety Element, the City outlines vibration impact criteria and current vibration conditions. Ground vibration levels in the City are caused primarily by railroads, BART, and construction activity. Vibration levels are routinely measured as a part of development applications. Pile-driving and vibratory compaction equipment typically generates the highest construction-related ground borne vibration levels. PPV has been routinely used to measure and assess ground-borne vibration and to assess the potential of vibration to result in vibration impacts to sensitive

receptors to vibration. As the City continues developing urban infill, more sensitive receptors would be subject to short term, construction related, perceptible ground vibration levels.

Caltrans has developed maximum vibration criteria based on PPV values to evaluate the potential impact of construction vibration on structures and people, which are shown in Tables 4-5 through 4-7. Construction vibrations that equal or exceed the maximum vibration criteria could result in potential impacts. Construction vibrations include transient sources (i.e., a single isolated vibration event), such as construction blasting, and continuous or frequent intermittent sources, such as impact pile drivers, vibratory pile drivers, and vibratory compaction equipment. A vibration study was conducted for the proposed Project discussing potential vibration impacts, based on Caltrans' Transportation and Construction Vibration Guidance Manual.[26] The Project's vibration study is documented in the technical report, *Vibration Prediction and Screening Assessment:* Interstate 880 Innovation Bridge and Trail Project, prepared by Baseline.

Table 4-5: Maximum Vibration Criteria for Structural Impacts

	Maximum PPV (in/sec)	
Structure and Condition	**Transient Sources**	**Continuous or Frequent Intermittent Sources**
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: Caltrans, 2020. Transportation and Construction Vibration Guidance Manual. April. Table 19.

Table 4-6: Maximum Vibration Criteria for Human Impacts

	Maximum PPV (in/sec)	
Human Response	**Transient Sources**	**Continuous or Frequent Intermittent Sources**
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.1
Severe	2.0	0.4

Source: Caltrans, 2020. Transportation and Construction Vibration Guidance Manual. April. Table 20.

Table 4-7: Maximum Vibration Criteria for Sensitive Equipment Impacts

Maximum Vibration Level (in/sec)	Description of Equipment Use
0.008000	Usually adequate for computer equipment, semiconductor probe test equipment, and microscopes less than 40x.
0.004000	Suitable in most instances for surgical suites, microscopes to 100x and for other equipment of low sensitivity.
0.002000	Adequate in most instances for optical microscopes to 400x, microbalances, optical balances, proximity and projection aligners, etc.
0.001000	Appropriate for inspection and lithography equipment (including steppers) to 3-micrometer line widths.

[26] Caltrans, 2020. *Transportation and Construction Vibration Guidance Manual.* Available: https://dot.ca.gov/programs/environmental-analysis/noise-vibration/guidance-manuals. Accessed: February 2021.

Maximum Vibration Level (in/sec)	Description of Equipment Use
0.000500	Appropriate standard for optical microscopes to 1,000x, lithography and inspection equipment (including moderately sensitive electron microscopes) to 1-micrometer detail size, TFT-LCD stepper/scanner processes.
0.000250	Suitable in most instances for the most demanding equipment including many electron microscopes (SEMs and TEMs) and E-Beam systems.
0.000125	A challenging criterion to achieve. Assumed to be adequate for the most demanding of sensitive systems including long path, laser-based, small target systems, E-beam lithography systems working at nanometer scales, and other systems requiring extraordinary dynamic stability.

Source: Caltrans, 2020. Transportation and Construction Vibration Guidance Manual. April. Table 16.
Note: The information given in this table is for guidance only. In most instances, it is recommended that the advice of someone knowledgeable about the applications and vibration requirements of the equipment and process be sought.

Discussion

This discussion is based in part on the following document:

- Vibration Prediction and Screening Assessment: Interstate 880 Innovation Bridge and Trail Project, prepared by Baseline, July 2021.

4.13(a) Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Construction

The GP EIR identified the following impact associated with construction noise:

General Plan EIR Impact NOI-4: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the DRAFT General Plan Update planning horizon. Construction would temporarily elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, which would represent a ***potentially significant*** impact.

The GP EIR determined that the following mitigation measure would reduce impacts associated with construction noise to a level of less-than-significant:

> **GP EIR Mitigation NOI-4: Modification, Placement and Operation of Construction Equipment.** Construction equipment should be well maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended best practices to reduce noise from construction activities near sensitive uses:
>
> - Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays.
> - Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays.
> - Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

- Contractors utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Site plan for large sites loading, staging areas, stationary noise generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of uneasy idling of internal combustion engines

These requirements have since been incorporated into the City’s construction hours ordinance as well as the standard development requirements for resource protection (FMC 18.218.050(c) as discussed below.

Construction of the proposed Project would result in noise levels that may temporarily affect surrounding sensitive receptors. Construction activity noise levels at the Project site would fluctuate during the different construction phases, exposing nearby sensitive receptors to substantial noise. Construction-related material haul trips would raise ambient noise levels along haul routes, and the amount of increase would depend on the number of haul trips made and types of vehicles used. In general, demolition and site preparation phases of construction typically generate the most substantial noise levels due to the on-site equipment associated with these activities.

Site preparation, grading, and other construction phases would occur on the Project site using construction equipment similar to and potentially as intensely as the demolition phase. The City’s Construction Hours Ordinance (FMC 18.160) applies to construction activity for development projects in any zoning district on any property within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals. None of these land uses are located within 500 feet of the Project site. However, the proposed Project would generally limit construction activity to the construction hours identified in FMC 18.160, except for modifications to the construction hours that would, on balance, minimize disruption to the community as a whole to facilitate the orderly flow of traffic or to reduce negative impacts, as allowed in FMC 18.160 for projects in a ROW or easement or on publicly owned property. For example, the erection of falsework for construction of the proposed bridge is anticipated to require closure of I-880. This work would occur at night to minimize traffic disruption.

The proposed Project would comply with the following standard development requirement for construction noise:

FMC 18.218.050(c) Construction Noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:

(A) Construction equipment shall be well-maintained and used judiciously to be as quiet as practical.

(B) Construction, excavating, grading, and filling activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited as provided in Section 18.160.010.

(C) All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment.

(D) The contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

(E) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors.

(F) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.

(G) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the City in the event of noise complaints. The City's contractor shall be required to designate an on-site complaint and enforcement manager to track and respond to noise complaints.

(H) Temporary noise barriers, such as solid plywood fences, shall be installed around construction sites adjacent to operational businesses, residences or noise-sensitive land uses, unless an existing wall or other barrier provides equivalent noise attenuation.

Construction of the proposed Project would use typical construction equipment and adhere to the City's construction hours and standard development requirements. Therefore, construction of the proposed Project would generate a temporary increase of noise levels that could be in excess of standards established in the local general plan or noise ordinance. However, with adherence to the City's construction hours and standard development requirements, the impact would be less than significant, and no mitigation measures are required.

Operations

Noise generated by operations of the proposed Project may include the operation of lawn mower and other equipment for routine maintenance activities including landscape maintenance, as well as human voices of people bicycling and walking on the trail. Operation of the proposed Project would not exceed City established noise standards. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None

4.13(b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction

The GP EIR adopted thresholds for significance of groundborne vibration generated by construction activities are 0.5 inches/sec, PPV for buildings structurally sound and designed to modern engineering standards, 0.2 inches/sec, PPV for buildings that are found to be structurally sound but structural damage is a major concern, or 0.08 inches/sec, PPV for historic buildings or buildings that are documented to be structurally weakened. The GP EIR identified the following impact associated with construction-period vibration:

> **General Plan EIR Impact NOI-5: Construction Vibration.** Residences, businesses, and historic structures could be exposed to construction-related vibration resulting in cosmetic cracking (non-structural) during the excavation and foundation work of buildings associated with development anticipated under the DRAFT General Plan Update, a potentially significant impact.

The GP EIR determined that the following mitigation measure would reduce impacts associated with construction-period vibration to a level of less than significant:

> **General Plan EIR Mitigation NOI-5: Limitations on Construction Activities Generating Excessive Vibration.** The following best practice measures when applicable are recommended to reduce vibration from construction activities:
>
> - Comply with construction hours ordinance to limit hours of exposure.
> - Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
> - Minimize or avoid using vibratory rollers and tampers near sensitive areas.
> - When vibration sensitive structures are adjacent to a subject site, survey condition of existing structures and when necessary, perform site specific vibration studies to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage.
> - Construction management plans for substantial construction projects shall include predefined vibration reduction measures, notification requirements for properties within 200-feet of construction schedule, and contact information for on-site coordination and complaints.

Groundborne vibration from construction activities at the Project site could produce vibration at nearby sensitive receptors. The proposed I-880 Overcrossing Bridge would require pilings that would extend to a depth of approximately 200 feet. The vibration levels at the nearest vibration-sensitive receptors from Project construction equipment were estimated based on Caltrans published criteria, which are considered to be conservative compared with the City's General Plan criteria described above. Table 4-8 includes the Caltrans published criteria and identifies the approximate buffer distances around construction equipment that would be required to reduce vibration levels below the maximum vibration criteria for potential impacts to structures, people, and vibration-sensitive equipment.

Table 4-8: Buffer Distances for Potential Vibration Impacts from Project Construction

Vibration-Generating Equipment	Source Character	Buffer Distances for Potential Vibration Impacts (Feet)			
		Structural Impacts	Human Impacts	Sensitive Equipment Impacts	Existing Condition Impacts
Vibratory Sheet Piling	Continuous or Frequent Intermittent Sources	30	160	7,460	640
Pavers	Continuous or Frequent Intermittent Sources	15	75	3,535	300
Paving Equipment	Continuous or Frequent Intermittent Sources	15	75	3,535	300
Rollers	Continuous or Frequent Intermittent Sources	15	75	3,535	300
Casing Oscillators/Vibrators	Continuous or Frequent Intermittent Sources	10	45	1,995	170
Bore/Drill Rigs	Continuous or Frequent Intermittent Sources	10	45	1,995	170
Excavators	Transient Sources	5	15	1,995	170
Trenchers	Transient Sources	5	15	1,995	170
Rubber Tired Loaders	Transient Sources	5	10	1,795	155
Skid Steer Loaders	Transient Sources	5	10	1,795	155
Tractors/Loaders/Backhoes	Transient Sources	5	10	1,795	155

Source: Baseline 2022. Vibration Prediction and Screening Assessment: Interstate 880 Innovation Bridge and Trail Project.

Potential Impact NOI-1: Project construction activities associated with vibratory sheet piling could generate the highest vibration levels. As shown in Table 4-8, a buffer distance of 30 feet would be required around vibratory sheet piling equipment, to reduce vibration levels below the vibration criterion of 0.5 in/sec PPV for structural impacts at modern industrial and commercial buildings.

Mitigation Measure: Implementation of **Mitigation Measure NOI-1** would reduce the potential vibration structural impacts to buildings located within 30 feet.

> **Mitigation Measure NOI-1:** Project construction specifications shall include vibration control measures to reduce construction vibration levels at buildings within the 30-foot buffer below a threshold of 0.5 in/sec PPV for continuous or frequent intermittent sources and 2 in/sec PPV for transient sources. Examples of the types of measures to be incorporated into the Project specifications include the following:
>
> - Avoid impact pile-driving within the 30-foot buffer where possible.
> - Minimize or avoid using vibratory rollers and tampers within the 30-foot buffer.
> - Notification requirements for properties within the 30-foot buffer regarding construction schedule and contact information for on-site coordination and complaints.

Potential Impact NOI-2: As shown in Table 4-8, a buffer distance of 7,460 feet would be required around vibratory sheet piling equipment, to reduce vibration levels below the vibration criterion of 0.000125-in/sec PPV for vibration-sensitive equipment. Buildings located within the

7,460-foot buffer that contain vibration-sensitive equipment could be affected by vibratory sheet piling.

Mitigation Measure: Implementation of **Mitigation Measure NOI-2** would reduce the potential impacts to sensitive receptors located within the 7,460-foot buffer that are found to contain vibration-sensitive equipment and could be affected by vibratory sheet piling.

> **Mitigation Measure NOI-2:** The project construction specifications shall include vibration control measures that can be implemented in a good faith effort to minimize or avoid effects to sensitive equipment by working with potentially affected property owners to implement reasonable and prudent measures that are cost effective. Examples of the types of measures to be incorporated into the Project specifications include the following:
>
> - Modification of work schedules to lower day-time impacts.
>
> - Notification requirements for potentially affected properties regarding construction schedule and contact information for on-site coordination and complaints.

There are no residences or hotels located within 160 feet of the Project site, the buffer distance that would be required around vibratory sheet piling equipment, to reduce vibration levels below the vibration criterion of 0.04 in/sec PPV for human impacts, as shown in Table 4-8. Therefore, Project construction activities would not generate vibration that is distinctly perceptible to people.

For informational purposes, buffer distances around Project construction equipment were also calculated to evaluate potential exceedances of the existing background vibration level of about 0.005 in/sec PPV at nearby buildings from truck traffic. As shown in Table 4-8, vibratory sheet piling could exceed the existing background vibration level within 640 feet. In other words, Project construction vibrations would not be expected to exceed existing background vibration levels and potentially disturb vibration-sensitive receptors beyond 640-feet from the Project. In addition, there are active construction activities in the Project vicinity related to the approved Lennar Area 4 project north of the proposed Project and it is possible that some of the adjacent buildings are exposed to higher vibration levels than truck traffic from other construction projects.

With implementation of Mitigation Measures NOI-1 and NOI-2, the impact associated with construction vibration would be reduced to a less than significant level.

Operations

Long-term operation of the proposed Project is not anticipated to include activities that would generate substantial groundborne vibration.

Potential Impact: Less than Significant with Mitigation Incorporated
Mitigation: Mitigation Measures NOI-1 and NOI-2

4.13(c) For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?

There are no airports within the City. The closest airports to the Project site are Moffett Federal Airfield (approximately 7-miles), San Jose International Airport (approximately 8-miles), and Hayward Executive Airport (approximately 15-miles). The proposed Project does not include features that would affect air traffic patterns or otherwise affect air traffic operations or safety. The Project is also not located within San Jose International Airport Land Use Plans or Moffett Federal Airfield Land Use Plans. Therefore, construction or operation of the proposed Project would not expose people residing or working in the Project area to excessive airport noise levels, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.14 Population and Housing

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

Environmental Setting

The closest residences near the Project site are the new 2,000 plus units of private development on the east corner of Fremont Boulevard between South Grimmer Boulevard and Innovation Drive; residences included in this development project are located approximately 700 feet to 0.3 mile from the Project.

Discussion

4.14(a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project does not include land uses that would induce population growth. Implementation of a bike and pedestrian alignment connecting Kato Road to the SF Bay Trail has the potential to increase foot traffic within the area, but would not result in unplanned population growth within the region. No impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.14(b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The proposed Project would not displace existing residents or housing. The property proposed to be acquired for construction of the proposed Project is not residential and would not result in displacing people. Construction or operation of the proposed Project would not impact housing. Therefore, no impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.15 Public Services

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.15(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
4.15 (a)(i) Fire protection?	☐	☐	☒	☐
4.15 (a)(ii) Police protection?	☐	☐	☒	☐
4.15 (a)(iii) Schools?	☐	☐	☐	☒
4.15 (a)(iv) Parks?	☐	☐	☐	☒
4.15 (a)(v) Other public facilities?	☐	☐	☐	☒

Environmental Setting

The following paragraphs provide information regarding the environmental setting for fire and police protection, schools, and parks.

Fire Protection

Fire protection services for the Project site are provided by the City Fire Department. The closest station to the Project site is Station 11, located at 47200 Lakeview Boulevard, which is approximately 1.4-miles southeast.[27]

Police Protection

Police protection services are provided by the City's Police Department. The City has one police station located at 2000 Stevenson Boulevard, which is approximately 7.5-miles north of the Project site. Additionally, the California Highway Patrol (CHP) serves the Project site along I-880 from the CHP Office 347 located at 4416 Interstate 880, Fremont, approximately 0.4 miles northwest of the Project site.

Schools

The Project site is located within the service boundaries of Fremont Unified School District (FUSD). The elementary schools near the Project site are Lila Bringhurst Elementary located at 45051 Wisdom Way approximately 0.27 miles from the Project, Warm Springs Elementary located at 47370 Warm Springs Boulevard, approximately 1.2-miles from the Project, and James Leitch Elementary located at 47100 Fernald Street, approximately 1.2-miles from the Project.

[27] Fremont Fire Department, 2018. *Fremont Fire Department 2018 Annual Report.*

Parks

Parks operated by the City of Fremont in the vicinity of the Project site include Lila Bringhurst Community Park, at 45051 Wisdom Way, approximately 0.3 miles northeast from the Project site; Warm Springs Community Park, at 47300 Fernald Street, approximately 1.3-miles from the Project site; and Booster Park, at the intersection of Gable Drive and Hoyt Street, approximately 1.6-miles away. The City maintains a parkland standard of five acres of parkland per 1,000 residents. Existing park acreage is sufficient to meet the City's goal of five acres of parkland per 1,000 residents.

Discussion

4.15(a)(i) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?

During operations of the proposed Project, pedestrians and bicyclists could require services from the fire department. The proposed Project does not include residential components that would induce population growth or increase demand for fire services and would not affect Fremont Fire Department's existing service ratio or require new or expanded facilities. During the construction period, temporary closures of lanes and roadways could have an impact on emergency response times. However, the traffic control plans prepared for the Project would include detour information that will minimize delays during construction, and no impacts anticipated to result from temporary closures. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.15(a)(ii) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?

The proposed Project does not include residential components that would induce population growth or increase demand for police services and would not affect the City of Fremont Police Department's existing service ratio or require new or expanded facilities. However, during operations of the Project, pedestrians and bicyclists could require services from the police department. Additionally, as described in more detail in Section 2.2, Project Characteristics, the proposed Project also incorporates both Crime Prevention through Environmental Design (CPTED) and aesthetic treatment measures which includes use of landscaping and lighting on trails and possibly the use of security cameras which help to maintain proper use of trail, reduce potential for incidents and improve users' feeling of safety. During the construction period, temporary closures of lanes and roadways could have an impact on emergency response times. However, the traffic control plans prepared for the Project would include detour information that will minimize delays during construction, and no impacts anticipated to result from temporary

closures. This impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.15(a)(iii) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools?

The proposed Project would not include new residential development that would permanently increase population or generate new student-aged children. As such, the proposed Project would not increase demand for school services or require the construction or expansion of school facilities. Therefore, the proposed Project would have no impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.15(a)(iv) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks?

The proposed Project does not include residential land uses that would induce permanent population growth, thus requiring new or expanded park facilities. Although the proposed Project would increase pedestrian and bicycle circulation and use of the SF Bay Trail and the EBGW, it is not anticipated that it would result in a substantial increase in the use of parks in the area or result in degradation of the physical environment. Therefore, the proposed Project would have no impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.15(a)(v) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities?

The proposed Project would not result in a permanent population increase, and as such, would not result in increased demand for other public services, including libraries, community centers, or public health care facilities. Therefore, the proposed Project would have no impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.16 Recreation

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.16(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
4.16(b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐

Environmental Setting

The City's Recreation Services Division provides parks and recreation facilities and services to the City. These facilities include four community centers, three program centers, various parks, a sports complex, tennis center, Fremont Park Golf Club, and Olive Hyde Art Gallery. The Recreation Services Division also provides access to a variety of classes and summer camps to its residents.[28] The Park Maintenance and Urban Forestry Division is responsible for maintaining the City's 52 parks spanning 850-acres.[29] The following recreational resources are located within the Project area:

East Bay Greenway Trail

The EBGW is a proposed 49-mile bicycle and pedestrian trail through Alameda County encompassing the existing Ohlone Greenway in Albany and Berkeley and ending at the county line at the south end of Fremont. Figure 1-2, in Section 1, Introduction, represents Reach 6, the southernmost segment, of the EBGW within the City of Fremont. As part of the Lennar Area 4 Project, the EBGW terminates in the vicinity of the intersection of Fremont Boulevard/Industrial Drive upon completion of the construction of that project. A Class I multi-use trail continues from Kato Road along the proposed EBGW, but this existing Class I multi-use trail along Kato Road is currently a private facility. Within the City's 2016 Pedestrian Master Plan, the City describes plans to convert the Kato Road Class I multi-use trail to the EBGW.

San Francisco Bay Trail

The segment of Fremont Boulevard from Agua Caliente Creek to Cushing Parkway is officially designated as a planned segment of the San Francisco Bay Trail.[30] As part of the Project, a mid-block traffic signal and crossing would be constructed at the intersection of Fremont Boulevard and Agua Caliente Creek, and trenching activities would be required to facilitate the placement

[28] City of Fremont, 2017. City of Fremont Recreational Services, Available online: https://fremont.gov/259/Recreation-Services. Accessed: February 2020.
[29] City of Fremont, 2017. City of Park Maintenance, Available online https://fremont.gov/1254/Park-Maintenance. Accessed: February 2020.

of underground utilities. These actions would not interfere with this segment of the SF Bay Trail along Fremont Boulevard.

Don Edwards San Francisco Bay National Wildlife Refuge

Encompassing 30,000 acres, the Don Edwards San Francisco Bay National Wildlife Refuge consists primarily of tidal marsh, salt ponds, mud flats, and seasonal wetlands. CDFW operates the portions of the Refuge within City limits. The Refuge is located approximately 1,000-feet west of the westernmost portion of Project site on Fremont Boulevard.

Other Recreation Facilities

The parks located closest to the proposed Project are Lila Bringhurst Community Park, an existing public park located approximately 0.27 miles northeast from the Project site, Warm Springs Community Park, an existing public park located 1.2 miles southeast of the Project site, and Booster Park, an existing public park located approximately 1.6-miles from the Project. Pacific Commons Sports Park, a proposed 41-acre sports field complex identified in the City's General Plan Parks and Recreation Element, would be located 2 miles northwest of the Project site.

Discussion

4.16(a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed Project would create a safe bicycle and pedestrian connection from EBGW to the SF Bay Trail. The Project does not include residential development that would induce permanent population growth and increase demand for recreational facilities. Implementation of the proposed Project would result in an increase of bicyclists and pedestrians using the Class I multi-use trails. However, use of the Class I multi-use trails for their intended purpose would not result in substantial physical deterioration of the Class I multi-use trails. Construction-period air emissions and noise attributable to the proposed Project would not affect nearby recreation facilities, such as the Lila Bringhurst Community Park, Don Edwards San Francisco Bay National Wildlife Refuge, Warm Springs Community Park, Booster Park, or the proposed Pacific Commons Sports Park, due to their distance from the proposed Project. Additionally, implementation of local and state water quality and discharge standards would ensure that construction activities would not substantially impair the protected features of the Refuge. Therefore, this would result in a less than significant impact, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.16(b) Would the Project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

The proposed Project would expand the existing Class I multi-use trail that would complete the southern portion of EBGW and connect to the SF Bay Trail. Although the proposed Project

would entail construction and expansion of a recreational facility, the proposed Project would be required to comply with the conditions and requirements of the Construction General Permit and San Francisco Bay Municipal Regional Permit (MRP), Order No. R2-2015-0049. The proposed Project would also be subject to, and required to adhere to, the California State Water Resources Control Board NPDES Construction General Permit (Order No. 2009-009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ), or the most current version at the time of construction, for implementation of temporary construction BMPs. During operation, there would be no adverse physical effect on the environment. As such, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.17 Transportation

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

Environmental Setting

Within the Project limits, I-880 is a 10-lane facility with 5 travel lanes and an inside and outside shoulder in each direction. Kato Road is a predominately privately-owned local frontage street that runs parallel to I-880 and provides access to businesses along Warren Avenue to Scotts Creek Road. Within the proposed Project site, Kato Road is privately-owned. Contractor Road is a privately owned road off of Kato Road that is used by Tesla employees to access parking areas adjacent to the Tesla Factory. To the west of I-880, Landing Parkway, Fremont Boulevard, Agua Caliente Creek and Laguna Creek are all features within the Project limits. Landing Parkway is a two-lane, two-way collector street, a low capacity street that connects to residential communities, while Fremont Boulevard (south of the southern I-880 interchange) is an arterial street with two lanes in each direction and a two-way left turn lane or raised median island.

Discussion

4.17(a) Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The proposed Project would conform with General Plan Policy 3-4.2: Transportation Analysis and the Bicycle and Pedestrian Master Plans, as discussed in the proceeding sections. [31]

Construction

Project construction would add vehicle trips to nearby roadways as construction workers and vehicles enter and exit the Project site. However, construction-related trips represent a negligible traffic increase that would cease after construction and would not permanently affect traffic circulation in the area. Construction truck trips would spread over the entirety of the workday (mostly outside of AM and PM peak periods), while construction worker trips would be more

[31] City of Fremont. 2011. Fremont General Plan Update EIR. Certified December 2011. Available: https://fremont.gov/generalplan. Accessed January 2021.

likely to occur during the weekday AM and PM peak periods (7:00 AM to 9:00 AM for AM peak, and 4:00 PM to 6:00 PM for PM peak).

Due to the fact that truck traffic would occur throughout the day, this impact would be dispersed in time and end once construction is complete. Furthermore, construction related lane closures would generally be restricted to times outside of the AM and PM peak periods. Therefore, the impact of construction traffic and activities on the circulation system would be less than significant and no mitigation measures are required.

Operations

Vehicular Circulation: For VMT-based analysis, the City of Fremont uses screening sizes to identify when a project should be expected to cause a less than significant impact without conducting a detailed study (see also CEQA Guidelines, §§ 15063(c)(3)(C), 15128, and Appendix G). The Technical Advisory on Evaluating Transportation Impacts in CEQA (2019) by the Governor's Office of Planning and Research (OPR) suggests that lead agencies may screen out VMT impacts using project size, maps, transit availability, and provision of affordable housing. Per OPR: "Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact."

The proposed Project is considered an active transportation project and can be presumed to have a less than significant impact on VMT. It would also maintain vehicle operations within Fremont's previous LOS standard under existing and cumulative conditions. Therefore, the impact of the proposed Project on vehicular circulation is less than significant, and no mitigation measures are required.

Pedestrian and Bicycle Facilities: The proposed Project would add a pedestrian/bicycle connection over I-880, which would increase bicycle and pedestrian access to the SF Bay Trail. As such, the proposed Project would result in a positive benefit aligned with the goals, objectives, and policies of the Fremont General Plan. Policies included within the Fremont General Plan, such as Policy 3-1.5 (Improving Pedestrian and Bicycle Circulation) and Policy 3-1.6 (Pedestrian and Bicycle Safety), anticipate the future growth of pedestrian and bicycle paths in order to reduce vehicular traffic and increase pedestrian/bicycle access. Therefore, the impact of the proposed Project on pedestrian and bicycle facilities is considered a beneficial impact, and no mitigation measures are required.

Mass Transit: The proposed Project would not develop new mass transit facilities. The raised cycle track proposed along Fremont Boulevard would modify one bus stop along Fremont Boulevard between Landing Parkway and Agua Caliente Creek. One bench is currently located at this bus stop; there is no bus shelter. The proposed Project would widen the sidewalk behind the existing bus stop, and place the raised cycle track in front of the bus stop. The City is coordinating with AC Transit, and the final design may include widening the sidewalk in front and behind the bus stop and placing the raised cycle track behind the bus stop. There would be no impact to the transit service or access provided at this bus stop. The proposed Project would not modify other facilities that are currently used by the mass transit system (roadways, bus stops, etc.). The proposed Project would not increase population in the Project area to the extent

that would cause conflicts with the implementation of any applicable transit related plan, ordinance, or policy. The proposed Project would improve pedestrian and bicycle access to the Warm Springs/South Fremont BART Station and the AC Transit bus stop described above, which would have the beneficial effect of shifting passenger vehicle trips to alternative modes of travel. Therefore, the impact of the proposed Project on mass transit systems would be less than significant, and no mitigation measures are required.

The proposed Project does not include permanent roadway modifications that would interfere with adopted transit policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Overall, the proposed Project would not conflict with an applicable plan, ordinance, or policy establishing measures of the performance of the circulation system. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.17(b) Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

The proposed Project has been evaluated in conformance with CEQA Guidelines Section 15064.3, and the City's adopted General Plan Policy 3-4.2: Transportation Analysis and would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this analysis, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to the proposed Project. Construction-related traffic impacts would be negligible and are temporary in nature.

The proposed Project would not include land uses that represent new sources of automobile trips, such as residences, offices, or public parks. The proposed Project would provide a Class I bicycle/pedestrian connection to the SF Bay Trail across the I-880 freeway, which is currently considered a major barrier for east-west active transportation access in the area. The new trail crossing traffic signal at Fremont Boulevard (immediately north of Agua Caliente Creek) would facilitate a controlled pedestrian and bicycle crossings at Fremont Boulevard between the proposed Project site and the Bay Trail network. Additionally, the proposed Project would not construct facilities (such as parking or restroom facilities) that would increase vehicle trips directly or indirectly associated with the proposed Project. Rather, the proposed Project would provide an alternative travel route for non-motorized travelers that may generally contribute to a reduction in regional VMT. Therefore, the proposed Project would not have a significant impact to the regional VMT, the impact finding is less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

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

As discussed in the GP EIR, implementation of General Plan Mobility Policy 3-3.6, Road Hazards, would minimize road hazards associated with overgrown vegetation, structures blocking sight lines, and other visual obstructions, and requires that new development is reviewed to ensure that ingress and egress locations, driveways, crosswalks, and other circulation features, are sited to minimize accident hazards, reducing potential design hazards to a level considered less than significant.

The Project does not propose new dangerous curves or intersections. Rather, the proposed Project would encourage safe travel for bicyclists and pedestrians traveling through the Project area by providing a separate trail facility across the I-880 freeway, which is currently a major barrier for east-west access for bicyclists and pedestrians. Bicyclists and pedestrians would no longer have to utilize the existing sidewalk and Class II bike lane in close proximity to motorized vehicles across the I-880/Fremont Boulevard interchange and the I-880/Mission Boulevard/W. Warren Avenue interchange, but instead have an exclusive trail bridge and path to cross the I-880 freeway. The project would also provide a new mid-block signal-controlled crossing at Fremont Boulevard immediately north of Agua Caliente Creek, ultimately connecting the trail users from the Project site to the SF Bay Trail. The proposed Project would be consistent with the City's design standards and applicable standard details and standard specifications, and the design would be consistent with ADA guidelines. Therefore, the project will not increase hazard or incompatible uses to the area, no impact would occur, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.17(d) Would the Project result in inadequate emergency access?

As discussed in the GP EIR, all development proposed following adoption of the General Plan would be subject to review by the City (including the Fremont Fire Department and the Fremont Police Department) prior to approval to ensure that individual development projects do not impede emergency access, reducing potential impacts to a level considered less than significant.

Construction

As previously mentioned, there will be temporary nighttime lane closures on I-880 to erect falsework. Once the falsework is in place, there will be no interruptions to I-880 traffic service during construction. The Traffic Control Plan includes standard signage procedures and construction vehicle restrictions to reduce potential traffic impacts to the community. Prior approval by the City would be required to ensure the proposed Project would not impede emergency access. Construction truck traffic would comply with all posted signage and striping pertaining to emergency vehicle access, including but not limited to fire lanes and ingress/egress points. No property owned or used by emergency service providers would be acquired under the proposed Project and construction activities would not disrupt emergency access to adjacent properties. Additionally, the proposed Project would not require the alternation of existing

emergency response plans. Therefore, the impact is less than significant, and no mitigation measures are required.

Operations

The proposed Project would not result in substantial amounts of new vehicle traffic that would conflict with emergency vehicle access in the Project area. The proposed Project's addition of bicycle facilities to existing public streets would retain the existing circulation pattern within the Project area. Therefore, the Project's operational impacts on emergency access would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.18 Tribal Cultural Resources

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.18(a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
4.18(a)(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
4.18(a)(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	☒

Environmental Setting

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for listing, in the national, state, or local register of historical resources. Additionally, a tribal resource may also be a resource that the lead agency determines, in its discretion, is a tribal cultural resource.

To help determine whether the proposed Project may cause a substantial adverse change in the significance of a tribal cultural resource, the City contacted the California Native American tribes traditionally and culturally affiliated with the geographic area of the proposed Project. As previously stated in Section 4.5, Cultural, the City submitted a request to the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Confederated Villages of Lisian, Costanoan Rumsen Carmel Tribe, the Ohlone Indian Tribe and the Indian Canyon Mutsun Band of Coastnoan for further information regarding potential tribal resources within the Project area. The correspondence contained information about the proposed Project; an inquiry for any unrecorded Native American cultural resources or other areas of concern within or adjacent to the Project area; and a solicitation of comments, questions, or concerns with regard to the Project. To date, the City has not received responses to this notice.

Discussion

This discussion is based in part on the following documents:

- Historic Properties Survey Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by Far Western Anthropological Research Group, August 2021.
- Extended Phase I Results Report for the Interstate 880 Innovation Bridge and Trail Project, prepared by Far Western Anthropological Research Group, August 2021.

4.18(a) Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

4.18(a)(i)Would the Project be listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

As discussed in Section 4.5, Cultural Resources, the Native American tribes contacted during the consultation process initiated on December 10, 2019 did not respond with identification of tribal cultural resources within the Project area. No tribal cultural resources are known to occur within the Project area. Additionally, as discussed in Section 4.5, the cultural resources analyses conducted for the proposed Project determined that there are no known or anticipated historic built environment resources within the PAL, and limited potential for cultural resources to be found at the depths considered to have potential for buried cultural resources.

As discussed in Section 2.3, Project Construction, and Section 4.5, Cultural Resources, the Project would comply with the City of Fremont requirements for Cultural and Tribal Resources (FMC 18.218.050(d)), including requirements related to the accidental discovery of cultural resources, and Mitigation Measure CUL-4 from the GP EIR, Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. Compliance with the standard development requirements and GP EIR Mitigation Measure CUL-4 would prevent any tribal and cultural resources from being adversely affected by the construction of the Project. There would be no impact to tribal cultural resources, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.18(a)(ii) Would the Project cause a substantial adverse change in the significant of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

As noted above under (a)(i), no tribal cultural resources have been identified. Although no known resources have been identified, because of ground disturbance there remains the potential

for encountering something before discussing what will be implemented as part of the project. Ground-disturbing activities associated with new construction and related underground utility installation could result in encountering tribal resources. As discussed in Section 2.3, Project Construction, and Section 4.5, Cultural Resources, the proposed Project would comply with the City of Fremont requirements for Cultural and Tribal Resources (FMC 18.218.050(d)), including requirements related to the accidental discovery of cultural resources, and Mitigation Measure CUL-4 from the GP EIR, Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. Compliance with the standard development requirements and GP EIR Mitigation Measure CUL-4 would prevent any unknown tribal and cultural resources from being adversely affected by the construction of the proposed Project. There would be no impact to tribal cultural resources.

The proposed Project includes implementation of the City's standard development requirements which include the City's notification of Native American tribes that might have knowledge of tribal cultural resources within the Project area: *Notification, Affiliated California Native American Tribes.* Prior to preparation of an environmental assessment and within 14 days of determining that an application for a project is complete, the City shall provide formal notification to the designated contact or a tribal representative of traditionally and culturally affiliated California Native American tribes that have requested to receive such notice from the City of Fremont. The written notification shall include a brief description of the project and its location, project contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to AB 52.

The ongoing operations of the Project are not expected to have long-term effects on tribal cultural resources in the Project area, as resources not unearthed in construction would remain buried. There would be no overall impact to tribal cultural resources, no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.19 Utilities and Service Systems

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.19(a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
4.19(b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
4.19(c) Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand, in addition to the provider's existing commitments?	☐	☐	☒	☐
4.19(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
4.19(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Setting

Wastewater

The Union Sanitary District (USD) operates Alvarado Treatment Plant, and provides wastewater collection, treatment and disposal services to over 347,000 people in Fremont, Newark and Union City. The Alvarado Treatment Plant has a capacity of 33 million gallons per day (mgd), and in 2015 treated an average of 21.85 mgd. The treatment plant provides both primary and secondary treatment. USD maintains over 800-miles of sewer lines and has 108,457 connections for residential living units.[32] There are a total of seven pump stations in USD's service area. Most of Fremont's wastewater goes to the Irvington Pump Station first and is then conveyed to the Alvarado Treatment Plant.

Water Supply and Treatment

Alameda County Water District (ACWD) provides water supply services to the Project area. ACWD serves a population of approximately 357,000 people over 104.8 square-miles in Fremont, Newark, and Union City. ACWD has developed an Integrated Resource Plan to manage water supply and ensure that current and future demands are met. ACWD has analyzed long-term water needs of the Tri-City area (Fremont, Newark, Union City) and has identified the

[32] Union Sanitary District, 2016. *About Us*. Available online at: http://www.unionsanitary.com/about-us. Accessed: November 2019.

most efficient ways to meet them. Through water saving strategies, demand has dropped by more than 25 percent from 1995, despite continued growth.[33]

The State of California's Urban Water Management Planning Act, Water Code Sections 10610 through 10656, requires that every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000-acre-feet of water annually to prepare and adopt an urban water management plan (UWMP). ACWD developed its UWMP 2015-2020 in 2016 which includes growth projections for the Tri-City up to the year 2040. According to the UWMP, the District estimates that future water demands for single-family residential uses to be 22,700-acre-feet per year (AF/yr) in 2020 and 22,600 AF/yr in 2040.[37]

Approximately 50 percent of the water production is obtained from Niles Cone Groundwater Basin and 50 percent from Del Valle Reservoir. Approximately 70 percent of the water produced is for residential use. In 2014-2015 the average daily production was 34.3 mgd and the maximum day production was 52.2 million gallons (ACWD, 2015).

Water treatment is provided by the ACWD Water Treatment Plant No. 2 (WTP2). The sustainable production rate at WTP2 is 26 mgd.

Storm Drainage

ACFCWCD supervises major storm drainage facilities within Alameda County, such as channels and creeks and some underground storm drainage pipes, including facilities located in the City. ACFCWCD provides flood protection to the Project area by planning, designing, constructing and maintaining flood control projects, including natural creeks, channels, levees, pump stations, dams and reservoirs. The Project site is located within Flood Control Zone 6 (ACFCWCD, 2014). The City manages the municipal stormwater system, and operates and maintains the majority of the underground storm drainage system within the City.

Agua Caliente Creek and Laguna Creek are engineered channels that cross I-880 through underground culverts at Post Miles 2.77 and 3.68, respectively. Stormwater runoff from the northern section of the Project is anticipated to be collected in the City's existing storm drain system along Cushing Parkway and conveyed into Laguna Creek. Runoff from the southern section of the Project is anticipated to be collected into the City's storm drain systems along Landing Parkway and/or Fremont Boulevard. Agua Caliente Creek discharges into Laguna Creek approximately 0.45 miles southwest of the I-880/Laguna Creek crossing. Laguna Creek discharges into Mud Slough and then the San Francisco Bay, approximately 6 miles southwest of the I-880/Laguna Creek crossing.

Solid Waste

The City delivers municipal solid waste to the Fremont Recycling and Transfer Station facility located at 41149 Boyce Road, where recyclable materials are recovered. Waste is transferred to Altamont Landfill located at 10840 Altamont Pass Road in Livermore. The Altamont Landfill

[33] Alameda County Water District, 2017. *ACWD Fact Sheet*. Available online at: http://acwd.org/index.aspx?nid=93. Accessed: November 2020.

has a disposal capacity through 2070. The Altamont Landfill has a maximum permitted throughput of 11,150 tons per day (tpd).[34]

The Alameda County Waste Management Authority, known as Stopwaste.org, is responsible for developing and implementing a Countywide Integrated Waste Management Plan. This plan includes a Source Reduction and Recycling Element, a Nondisposal Facility Element, and a Household Hazardous Waste Element.[35] AB 939 mandates that each year jurisdictions must divert 50% of their landfill waste. The City of Fremont consistently meets or achieves the annual diversion requirement, per CalRecycle. The City follows the CalGreen Building Code, which requires resuse or recycling of 65% of non-hazardous construction debris during construction/demolition projects. The project will not generate solid waste in excess of state or local standards, or impact the attainment of solid waste goals.

Discussion

4.19(a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Water

The proposed Project may potentially result in temporary impacts to water meters or fire hydrants during construction. However, any temporary impacts would be coordinated with ACWD and, if applicable, the Fremont Fire Department. Upon operation, the proposed Project would not require new or expanded water, wastewater treatment or stormwater drainage. Therefore, the proposed Project's impacts on water would be less than significant, and no mitigation measures are required.

Wastewater

There may be temporary impacts to lateral sewer lines during construction. If lateral sewer lines cannot be avoided, temporary impacts would be coordinated with USD. Upon operation, the proposed Project would not require new or expanded water, wastewater treatment or stormwater drainage. Therefore, the proposed Project's impacts on wastewater would be less than significant, and no mitigation measures are required.

Stormwater

Construction or expansion of new storm water drainage facilities outside the Project site would not be required. Impacts during operation associated with changes in existing drainage patterns and increased stormwater runoff would not require the construction of new stormwater drainage facilities.

[34]CalRecycle, 2019. *SWIS Facility Detail, Altamont Landfill & Resource Recovery (01-AA-0009).* Available online at: https://www2.calrecycle.ca.gov/swfacilities/Directory/01-AA-0009/. Last Accessed: November 2020.
[35] City of Fremont, 2011. *City of Fremont General Plan, Public Facilities Chapter 9*. Prepared for the City of Fremont. Last Accessed: November 2020.

Therefore, the proposed Project's impacts on municipal drainage facilities would be less than significant, and no mitigation measures are required.

Electric, Natural Gas, and Telecommunications

During construction, existing utilities may be temporarily relocated at the intersection of Fremont Boulevard and Landing Parkway. Trenching would occur for electrical conveyance systems would occur along Fremont Boulevard with possible trenching occurring along Landing Parkway. Coordination with the utility service providers would be conducted to maintain service throughout the construction period. Therefore, temporary relocation of existing utilities would not cause significant environmental effects. The proposed Project would require electrical power for lighting, but the LED lights used would be energy efficient and require relatively little electricity when compared to the regional energy demand. Therefore, the proposed Project's impacts on electric, natural gas, and telecommunications would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.19(b) Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?

Project construction would require temporary water for dust management during trenching and vehicle cleaning, but this water demand would end after the construction period. During operation, the proposed Project would require water for landscape irrigation; however, as described in Section 4.1, Hydrology and Water Quality, the proposed Project would incorporate source control measures listed in the City's Stormwater Requirements Checklist that are applicable to the proposed Project, including the selection of drought-tolerant plants and the use of efficient irrigation systems. Impacts would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.19(c) Would the Project result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand, in addition to the provider's existing commitments?

The proposed Project does not include residential, industrial, or commercial elements that would permanently increase the need for water, wastewater drainage, stormwater drainage, electric power, natural gas, or telecommunications facilities. Project construction may also generate wastewater and solid waste during construction activities, but these activities would not permanently affect utility provider services. Project operation would require water for landscape irrigation only. The irrigation system would be designed and maintained to provide the amount of water necessary for plant health and would not generate wastewater. Therefore, the impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.19(d) Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Construction

Construction of the proposed Project would generate solid waste in the form of building materials associated with the trail and the overcrossing. Given the size and type of project, the solid waste generated is expected to be minimal. The City requires all applicants to submit a Waste Handling Plan and Environmental Services Acknowledgement Form prior to beginning any construction. The City also requires applicants to submit a Debris Diversion and Disposal Report within 30 days of completion of the project to ensure that the recycling requirements were met. The diversion of materials from the landfill during construction ensures that the impact of construction on landfill capacity would be less than significant, and no mitigation measures are required.

Project construction would also require disposal of vegetation from grubbing, sediment from grading or dredging, and general construction debris. The materials accumulated from these activities would be disposed of in a landfill.

Operations

Operation of the proposed Project would involve solid waste generated by trail users, such as snack wrappers and other waste generated during trail use. Material generated would be minimal and receptables would be maintained by City staff.

The Project would not conflict or interfere with the City's ability to implement its adopted solid waste management programs and policies. Therefore, this impact would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.19(e) Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed Project would be subject to existing requirements regarding recycling and waste disposal. Compliance with the City's waste disposal requirements, in turn, leads to compliance with other federal, State and local requirements. Thus, the proposed Project would not violate federal, State or local regulations related to solid waste. Thus, the proposed Project's impacts would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.20 Wildfire

Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4.20(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
4.20(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
4.20(c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4.20(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

Environmental Setting

There is a risk of wildlife in the City due to the interface of residential and open space land uses. Wildfire risk is greatest adjacent to open space frame of the City and becomes less significant towards the interior and largely urbanized areas of the City. The Project site is within a highly urbanized area of the City. The Project site is not in or near a Very High Fire Hazard Severity Zone, and it is not within a state responsibility area (CAL FIRE 2008).[36]

The City recently adopted an Emergency Operations Plan (EOP) (City of Fremont 2019), which outlines the framework used by the City should a natural disaster, including a wildfire, occur. Specifically, it provides guidance for personnel assigned to emergency management by delineating the strategic, operational, and tactical initiatives employed by the City in response to an emergency. The EOP assigns authority and responsibility, outlines coordination efforts and communications systems, and identifies and provides the location of predesignated emergency facilities, and resources. The City's Local Hazard Mitigation Plan (City of Fremont 2016) includes risk mitigation plans and strategies pertinent to relevant local hazards including natural disasters such as flooding, earthquakes, landslides, and wildfire. The plan also identifies key facilities, such as schools, hospitals, and utility infrastructure, which may be especially vulnerable in a disaster scenario. The Project site is served by the Fremont Fire Department.

[36] Cal Fire, 2007. *Fire Hazard Severity Zones in SRA – Alameda County.*

4.20(a) Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

As discussed in the GP EIR, implementation of the General Plan would result in development within Fremont and would have the potential to change circulation patterns which could impact emergency evacuation or response plans. However, the General Plan includes policies and implementation measures designed to provide for sufficient emergency response in Fremont. Therefore, potential interference with an adopted emergency response or emergency evacuation plan would be considered a less than significant impact.

The proposed Project would not require the alteration of existing emergency response plans. Therefore, the impact is less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.20(b) Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?

Due to the risk of wildfire on a regional and statewide scale, bicyclists and pedestrians could potentially be subject to a wildfire-related decrease in air quality. These impacts would be widespread, dispersed, and limited in duration. These pollution risks are generally applicable to developments in the region, and the proposed Project would not have any characteristics that exacerbate these risks above the general regional risk level. Therefore, the proposed Project would have a less than significant impact, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.20(c) Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in a temporary or ongoing impact to the environment?

The development of the proposed Project would not necessitate the construction of infrastructure for fire prevention or suppression, including roads, fuel breaks, emergency water sources, power lines, or other utilities that increase the risk of wildfire. Therefore, the proposed Project would not have an impact, and no mitigation measures are required.

Potential Impact: No Impact
Mitigation: None required

4.20(d) Would the Project expose people or structures to significant risks. Including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The California Department of Forestry and Fire Protection (CAL FIRE) identifies fire hazards based on relevant factors such as fuels, terrain, and weather. The Project site is not in or near a Very High Fire Hazard Severity Zone, and it is not within a state responsibility area (CAL FIRE

2008).[37] Additionally, Chapter 10, Safety Element, of the City's General Plan does not classify the Project site as an area of fire hazard. The proposed Project would not expose people of structures to significant risks because of the location, and no mitigation measures are required.[38]

Potential Impact: No Impact
Mitigation: None required

[37] Cal Fire, 2007. *Fire Hazard Severity Zones in SRA – Alameda County*.
[38] City of Fremont, 2011. *City of Fremont General Plan – Chapter 10: Safety Element.*

4.21 Mandatory Findings of Significance

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

Discussion

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

Based upon background research, site visits, and the analysis included in this Initial Study, the proposed Project does not have the potential to substantially reduce the habitat of fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community. The impact associated with special-status animal and plant species is less than significant.

Potential Impact: Less than Significant
Mitigation: None required

4.21(b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

A proposed 41-acre sports field complex identified in the City's General Plan Parks and Recreation Element, would be located 2 miles northwest of the Project. The approved Lennar Area 4 project is immediately northeast of the Project. The closest residential land use near the Project is the new 2,214-unit private development south of Fremont Boulevard between South Grimmer Boulevard and Innovation Drive.

Potential adverse environmental impacts due to Project construction activities have been identified, including temporary air quality and noise impacts, traffic congestion, and temporary detours. It is possible that other proposed projects in the vicinity to have construction schedules that may coincide with the project's schedule; however, the proposed Project includes measures to minimize impacts and other potential cumulative projects in the vicinity would be required to implement similar measures to avoid and/or minimize impacts. Due to compliance with the mitigation measures and Project measures incorporated into the Project to minimize the Project's impact on the environment, the cumulative impacts of the proposed Project would be less than significant, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

4.21(c) Does the Project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Based upon background research, and the analysis herein, construction of the proposed Project does not have environmental effects that will cause substantial adverse effects on human beings. Construction duration would be between 24 and 30 months and would not occur in one place for the entire time. Additionally, the operation of the proposed Project would enhance recreation opportunities and support the shifting of passenger automobile trips to other modes of travel. The standard development requirements and Project design features result in a Project that has a less than significant impact on human beings, and no mitigation measures are required.

Potential Impact: Less than Significant
Mitigation: None required

5 Mitigation Measures

Mitigation Measure GEO-1: A Paleontological Mitigation Plan (PMP) shall be prepared for City approval and implemented. The PMP shall be prepared under the supervision of professional paleontologist that meets the Caltrans qualifications for Principal Paleontologist. The PMP shall comply with the following performance standards at a minimum:

- General fieldwork and laboratory methods – The PMP shall describe how any monitoring will be conducted, the safety measures that will be implemented, the volume of any bulk samples to be taken and their locations (if known), and preparation procedures for recovered specimens and reporting format and content.
- Curation requirements – The PMP shall identify the curation facility and include a draft curation agreement.
- Format and content for report preparation – The PMP shall include requirements for the final report that will document implementation of the City-approved PMP. At a minimum the final report shall be required to provide detailed information regarding field and laboratory methods and results, with the collection catalog attached as an appendix.
- Report distribution – The PMP shall specify the number of copies of the final report based on input from the City and other applicable agencies.
- Proposed staff and their qualifications – The PMP shall identify the number of field and lab crew needed to implement the PMP, the estimated duration of their participation, and a brief statement of the qualifications (e.g., educational background and paleontological experience) of all personnel.

Mitigation Measure HAZ-1: A Phase II Preliminary Site Investigation will be conducted during the final design of the Project to evaluate potential contaminants of concern in soil and groundwater. The Preliminary Site Investigation will include drilling to collect and analyze soil and groundwater samples for the potential contaminants of concern identified in the ISA. The City will provide the findings of the Preliminary Site Investigation to the contractor and require the contractor to incorporate the findings of the Preliminary Site Investigation in the soil disposal and reuse options for the Project and associated worker health and safety concerns during excavation. The City will inform contractors of groundwater management options during dewatering. All environmental investigations for the Project will be provided to the Project contractors to incorporate into their Health and Safety and Hazard Communication programs. These requirements will be included in the project specifications and the contractor shall integrate them into their Health and Safety Plans for City approval and shall implement the approved Health and Safety Plans.

Mitigation Measure HYD-1: Groundwater extracted from temporary dewatering activities will be managed based on the groundwater quality within the Project site. Clean groundwater could be used for dust control, collected on-site using tanks prior to discharging to receiving waters, or transported to a publicly owned treatment works (POTW) as allowed by the agency with jurisdiction over the POTW. The potential for groundwater contamination will be determined when the Project's Phase II Preliminary Site Assessment is available. If the Project site contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, applicable waste discharge requirements or permits will be obtained prior to

construction. Groundwater depths will be determined before the installation of bridge footings and retaining wall piles. If required, a dewatering plan will be prepared and implemented. The dewatering plan shall comply with the following performance standards at a minimum:

- Maps and narrative description: The dewatering plan shall include maps and a narrative description identifying the location of dewatering activities, equipment, and disposal.
- Best management practices (BMPs): The dewatering plan shall include requirements to implement dewatering BMPs to prevent releases of contaminated groundwater, such as a testing protocol for conducting water quality monitoring to detect contamination in accordance with the applicable waste discharge requirements or permits identified by the applicable regulatory agencies, such as Alameda County Water District, City of Fremont or other relevant regulatory agencies.
- Monitoring procedures: The dewatering plan shall include monitoring procedures to ensure effective sediment and erosion controls are place, and procedures for collecting and properly disposing of any contaminated groundwater.
- Identification of permits: The dewatering plan shall identify any necessary permits and approvals and shall require that all necessary permits be obtained prior to dewatering activities.

Mitigation Measure NOI-1: Project construction specifications shall include vibration control measures to reduce construction vibration levels at buildings within the 30-foot buffer below a threshold of 0.5 in/sec PPV for continuous or frequent intermittent sources and 2 in/sec PPV for transient sources. Examples of the types of measures to be incorporated into the Project specifications include the following examples:

- Avoid impact pile-driving within the 30-foot buffer where possible.
- Minimize or avoid using vibratory rollers and tampers within the 30-foot buffer.
- Notification requirements for properties within the 30-foot buffer regarding construction schedule, and contact information for on-site coordination and complaints.

Mitigation Measure NOI-2: The project construction specifications shall include vibration control measures that can be implemented in a good faith effort to minimize or avoid effects to sensitive equipment by working with potentially affected property owners to implement reasonable and prudent measures that are cost effective. Examples of the types of measures to be incorporated into the Project specifications include the following:

- Modification of work schedules to lower day-time impacts.
- Notification requirements for potentially affected properties regarding construction schedule and contact information for on-site coordination and complaints.

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