

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

VALLEJO MILL HISTORICAL PARK PICKLEBALL COURTS AND DOG PARK PROJECT

Lead Agency:

City of Fremont
Community Development Department
39550 Liberty St.
Fremont, CA 94538



March 2025

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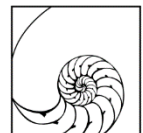


Table of Contents

	<i>page</i>
Introduction to this Document	1
Public Review	2
Project Information.....	2
Mitigated Negative Declaration.....	8
Lead Agency Determination	21
Initial Study Checklist.....	22
Environmental Factors Potentially Affected	22
Evaluation of Environmental Impacts	22
Aesthetics	23
Agricultural and Forest Resources.....	25
Air Quality.....	26
Biological Resources	30
Cultural Resources.....	44
Energy.....	47
Geology and Soils	48
Greenhouse Gas Emissions	51
Hazards and Hazardous Materials.....	53
Hydrology and Water Quality.....	56
Land Use and Planning	59
Mineral Resources.....	60
Noise.....	61
Population and Housing	64
Public Services	65
Recreation	66
Transportation.....	67
Tribal Cultural Resources.....	69
Utilities and Service Systems.....	72
Wildfire	74
Mandatory Findings of Significance	75
Document Preparers	77
Sources.....	77

Figures

page

Figure 1: Project Location5
Figure 2: Existing Conditions6
Figure 3: Project Site Plan7
Figure 4: Biotic Habitats32

Tables

Table 1: Applicable Standard Development Requirements.....8
Table 2: Project Impacts and Mitigation Measures14

Attachments

- Attachment A: Biological Resources Report
- Attachment B: Cultural Resources
- Attachment C: GHG Construction Emissions

INTRODUCTION TO THIS DOCUMENT

Purpose

This document serves as the Initial Study and Mitigated Negative Declaration (IS/MND) for the Vallejo Mill Historical Park Pickleball Courts and Dog Park project.

Per California Environmental Quality Act (CEQA) Guidelines Section 15070, a Mitigated Negative Declaration can be prepared to meet the requirements of CEQA review when the Initial Study identifies potentially significant environmental effects, but revisions in the project and/or incorporation of mitigation measures agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence in light of the whole record that the project as revised may have significant effect on the environment.

Organization

This document is organized in three sections as follows:

- **Introduction and Project Information.** This section introduces the document and presents the project description including location, setting, and specifics of the lead agency and contacts.
- **Mitigated Negative Declaration.** This section lists the impacts and mitigation measures identified in the Initial Study Checklist and proposes findings that would allow adoption of this document as the CEQA review document for the proposed project.
- **Initial Study Checklist.** This section discusses the CEQA environmental topics and checklist questions and identifies the potential for impacts and proposed mitigation measures to avoid these impacts.

Full project application materials are available for review upon request from the Planning Department at City of Fremont (see contact info below).

Documents Incorporated by Reference

Pursuant to CEQA Guidelines Section 15150, an environmental analysis may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Information from the documents that have been incorporated by reference have been briefly summarized in the appropriate sections of this document. The following documents are hereby incorporated by reference:

The City of Fremont General Plan 2030 and associated Environmental Impact Report (EIR) (State Clearinghouse [SCH] Number 2010082060), adopted in 2011, which are available on the City's website at: <https://www.fremont.gov/government/departments/community-development/planning-building-permit-services/plans-maps-guidelines/general-plan>. Physical copies of the General Plan and EIR are available for review at the Community Development Department at 39550 Liberty Street and the Fremont Main Library Branch of the Alameda County Library at 2400 Stevenson Boulevard.

Materials that are included in the project files that are available for review at the Community Development Department at 39550 Liberty Street including:

Ninyo & Moore, Geotechnical Evaluation, Vallejo Mill Historical Park Pickleball Courts, 299 Old Canyon Road, August 23, 2023

Standard Development Requirements

The City of Fremont has established standard development requirements (SDRs) to address resource protection under Fremont Municipal Code (FMC) Chapter 18.218. These requirements apply to air quality (construction-related emissions), biological resources (special-status species), cultural resources (notification of affiliated California Native American Tribes and accidental discovery of cultural resources), geology (seismic-related effects) and noise (construction-related noise).

The proposed project would comply with these SDRs, which are detailed in the relevant sections (see the following sections: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources).

PUBLIC REVIEW

This Initial Study will be circulated for a 30-day public review period. Comments may be submitted in writing by email or regular mail to the following address:

James Willis, Senior Planner
City of Fremont, Community Development Department
39550 Liberty St., Fremont, CA 94538
Phone: (510) 494-4449
Email: jwillis@fremont.gov

PROJECT INFORMATION

All figures for the project information are included together on pages 5 through 7.

Project Characteristics

- 1. Project Title:** Vallejo Mill Historical Park Pickleball Courts and Dog Park Project
- 2. Lead Agency Name and Address:** City of Fremont
Community Development Department
39550 Liberty St.
Fremont, CA 94538
- 3. Contact Person and Phone Number:** Rico Lardizabal, Senior Landscape Architect
(510) 494-4743
rlardizabal@fremont.gov
- 4. Project Location:** Niles Canyon Road and Mission Boulevard, Fremont, CA
APN: 507-480-10-4
- 5. Project Sponsor's Names and Address:** City of Fremont
Community Services Department
39550 Liberty Street
Fremont, CA, 94538
(510) 494-4700

- 6. General Plan Designation:** City Park
- 7. Zoning:** Open Space (OS)
- 8. Description of Project:** Installation of pickleball courts and the addition of a dog park at an existing city park. See Project Description section.
- 9. Surrounding Land Uses and Setting:** Primarily open space and residential.
- 10. Other Public Agencies whose Approval is Required:**
No other public agency approvals are required for the proposed project.
- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**
As discussed further under the Tribal Cultural Resources section, the California Native American tribes traditionally and culturally affiliated with the project area were contacted to inform them of the project. Consultation was completed with no additional requests beyond what is incorporated into project SDRs and implementing Conditions of Approval, and mitigation measures as detailed in this document.

Project Entitlements

Development of the project would require the following approvals from the City of Fremont: Approval of the Site Development Plan

The project is required to comply with Municipal Regional Permit requirements related to stormwater pollution prevention.

Project Location and Existing Uses

The 12.62-acre park site is located in the City of Fremont, California, at the intersection of Mission Boulevard and Niles Canyon Road. The park site is generally triangular in shape, bordered by Mission Boulevard on the west, Niles Canyon Road to the east, and train tracks to the north. **Figure 1** shows the park location.

The existing city park site includes a paved parking area on the northeastern end of the park along Niles Canyon Road, unpaved trails, park furnishings, and signage. **Figure 2** shows the existing park site layout. It is the historical location of two mills built in the 1800s, though the mills no longer exist, with only the foundation of the older mill still visible. The park site is otherwise covered with grasslands and trees.

Proposed project improvements would occur within an approximately 3.6-acre portion of the park site, as shown on **Figure 3**. No disturbance is proposed near the historic mill remnant or within the boundary of a known cultural resource site.

Surrounding Land Uses

Beyond the train tracks to the north/northwest is open space. Single-family residences are located along Mission Boulevard to the west, southwest, and south, separated from the project site by train tracks, open space, and/or roadways. To the southeast, beyond Niles Canyon Road, is an area of undeveloped land followed by single-family residential development along Sycamore Street. Alameda Creek is to the east/southeast of the project site, on the other side of Niles Canyon Road and/or residential development.

Project Description

Overview and Proposed Improvements

The City of Fremont is proposing improvements within the existing park footprint including replacing the existing parking lot with four pickleball courts with acrylic sport court surfacing on asphalt base, adding bark mulch and fencing around an area for use as a dog park, and providing a new parking area and drop-off along the driveway. Other improvements would include lights, signs, park furnishings (drinking fountains, benches, trash and recycling receptacles), utility connections/extensions as necessary, Americans with Disabilities Act (ADA) compliant walkways, and split-rail fencing and gates to discourage vehicles from leaving paved areas. The project also includes installation of a vault toilet restroom. **Figure 3** shows the project site plan.

Access & Parking

The location of the existing park driveway off Niles Canyon Road would remain unchanged. The park driveway would terminate at a new vehicle driveway roundabout that meets emergency vehicle requirements. The existing parking lot, which would be the site of the pickleball courts, would be replaced with a new parking lot with a similar capacity, with twenty-three new parking stalls installed along the north side of the existing driveway, in front of the dog park where they would be visible and accessible from the Niles Canyon Road frontage. The parking would include ADA-accessible stalls and provisions for a future electric vehicle charger.

The SamTrans Mission Boulevard/Niles Canyon Road bus stop is at the northern corner of the park site, serviced by route 232, and the Niles Boulevard/Vallejo Street bus stop is approximately 350 feet from the northern corner of the park site, serviced by routes 216 and 265.

Utilities

The park site currently has an irrigation system, which would be modified to reach new planting areas installed as part of the project. A new potable water line would be installed for the water fountains. Electrical connections would be made to existing lines along Niles Canyon Road. The project would incorporate stormwater retention elements suitable to meet applicable requirements.

Construction

Construction of the proposed improvements is anticipated to span approximately 100 working days. Construction activities would include demolition of the existing parking lot and a portion of the park driveway, paving, installation of fencing, lights, and the vault toilet, clearing and grubbing existing vegetated areas, and rough and finish grading involving minimal soil import/export.

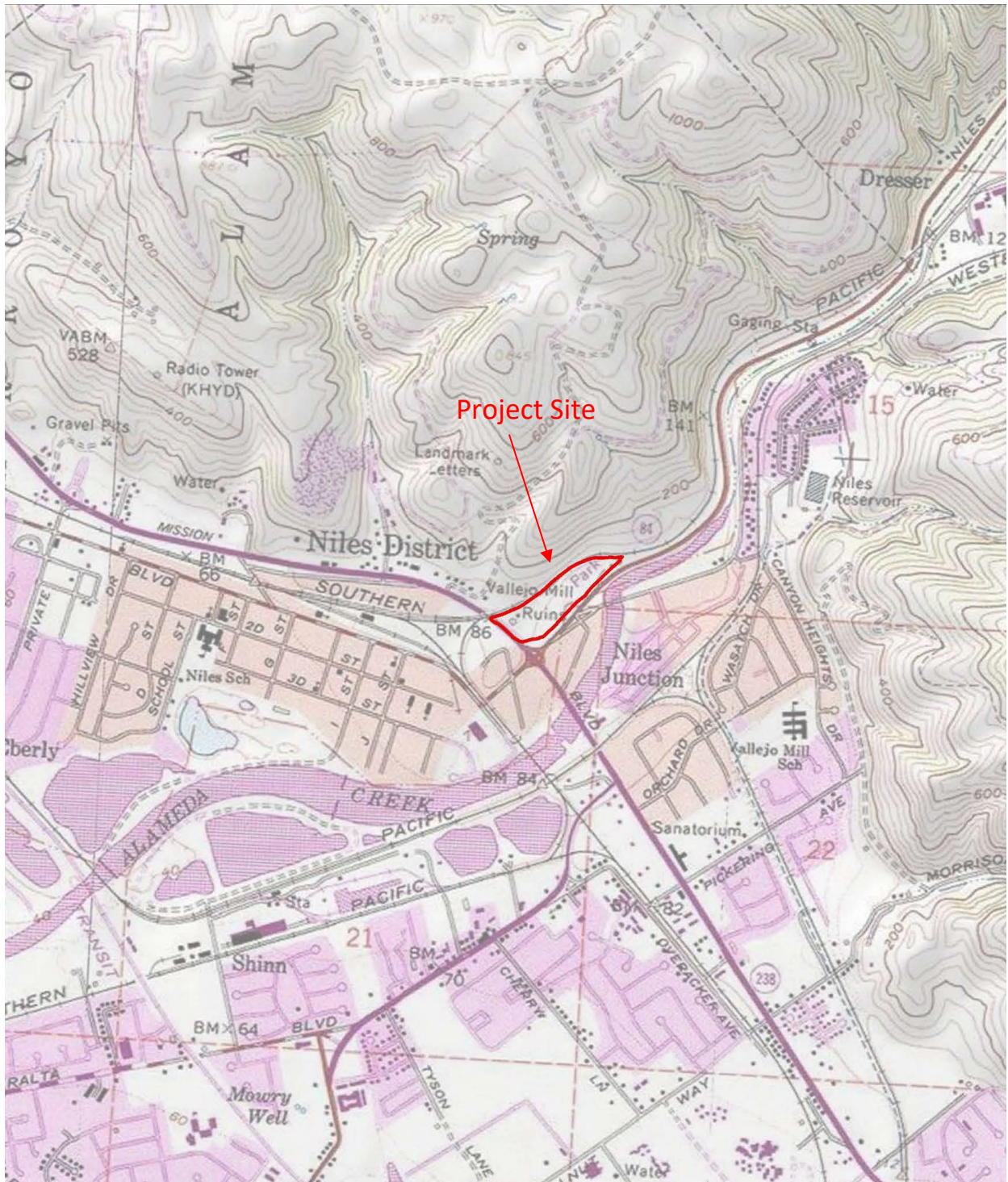


Figure 1: Project Location

Source: SWCA Environmental Consultants, 2025



Figure 2: Existing Conditions
Source: Google Earth, modified

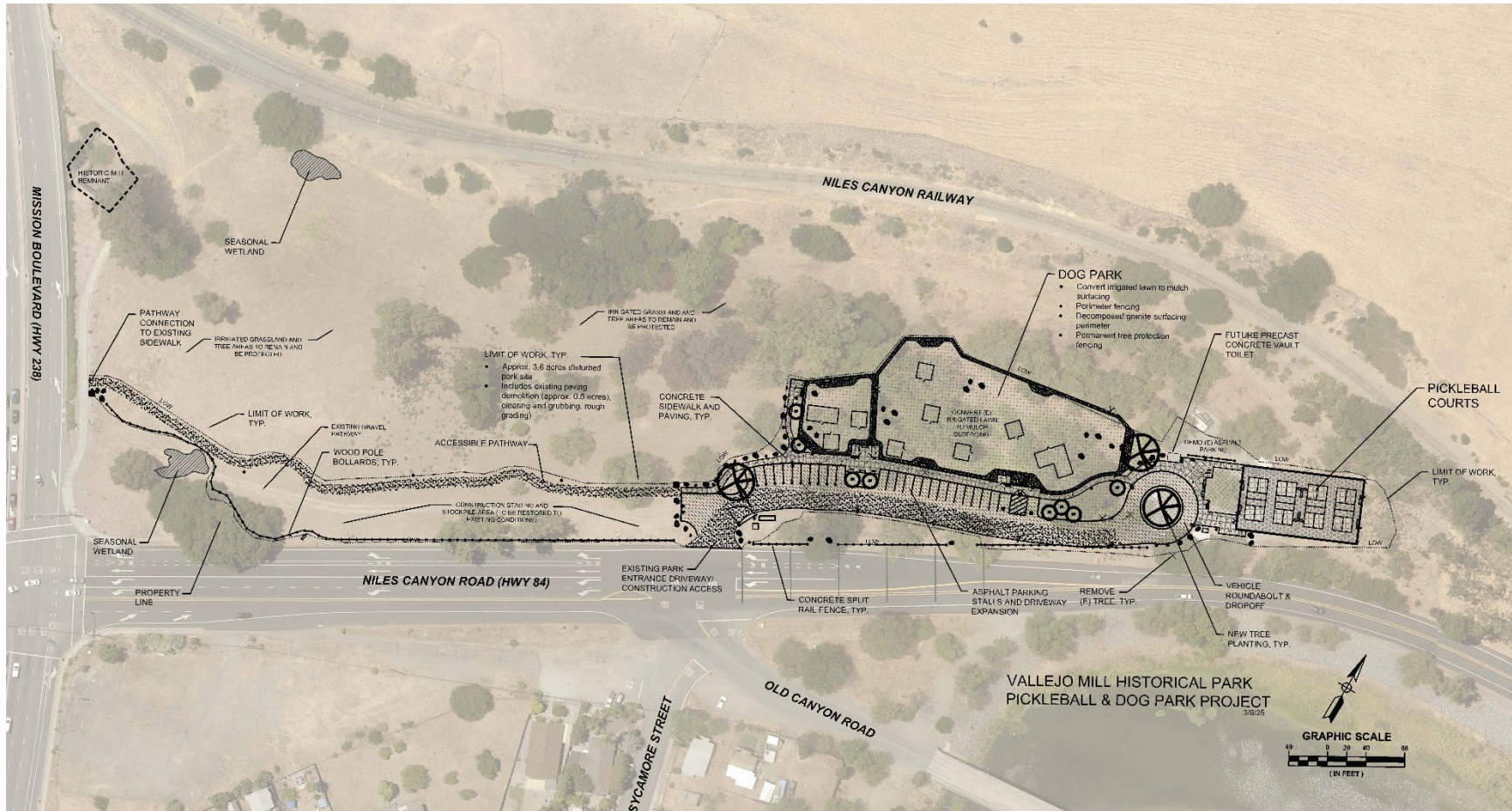


Figure 3: Project Site Plan
Source: City of Fremont, 3/6/2025

MITIGATED NEGATIVE DECLARATION

PROJECT DESCRIPTION, LOCATION, AND SETTING

This Mitigated Negative Declaration has been prepared for the Vallejo Mill Historical Park Pickleball Courts and Dog Park project. See the Introduction and Project Information section of this document for details of the project.

STANDARD DEVELOPMENT REQUIREMENTS

There are regulations and policies applicable to the project that would be considered uniformly applied development policies or standards pursuant to CEQA Guidelines Section 15183(f)(7), or “Standard Development Requirements”. These SDRs are incorporated into a project regardless of the project’s environmental determination and are therefore considered prior to determination of significance and are not considered mitigation under CEQA. The SDRs in **Table 1** below would be applicable to the proposed project.

Table 1: Applicable Standard Development Requirements

Resource Area/Topic	Standard Development Requirements
Air Quality	<p>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:</p> <p>(A) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.</p> <p>(B) All haul trucks transporting soil, sand, or other loose material off site shall be covered.</p> <p>(C) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>(D) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</p> <p>(E) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>(F) 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.</p> <p>(G) 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.</p> <p>(H) A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and</p>

Resource Area/Topic	Standard Development Requirements
	take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
Biological Resources	<p>FMC 18.218.050(b)(1) Burrowing Owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:</p> <p>(A) Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.</p> <p>(B) Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.</p> <p>(C) Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.</p> <p>(D) Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.</p>
Biological Resources	<p>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:</p> <p>(A) Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).</p> <p>(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.</p> <p>(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.</p>

Resource Area/Topic	Standard Development Requirements
	<p>(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.</p>
Biological Resources	<p>FMC 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:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>
Biological Resources	<p>FMC 18.218.050(b) (4) California Tiger Salamander. New development projects with the potential to impact California tiger salamander habitat through grading, demolition, and/or new construction shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:</p> <p>(A) Exclusion fencing shall be installed around the perimeter of the [area of disturbance] to deter tiger salamanders from accessing the fields. The fencing should be regularly maintained, especially during the rainy season when salamanders could traverse onto the fields.</p> <p>(B) A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the [area of disturbance]. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.</p> <p>(C) A qualified biologist shall monitor initial grubbing and grading activities to ensure no California tiger salamanders are present.</p>
Cultural and Tribal Cultural Resources	<p>FMC 18.218.050(d)(1): Notification, Affiliated California Native American Tribes. Within 14 days of determining that an application for a project is complete or a decision by the city is made to undertake a project, 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. The</p>

Resource Area/Topic	Standard Development Requirements
	<p>written notification shall include a brief description of the proposed project and its location, project contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to Cal. Pub. Res. Code § 64352.4.</p> <p>[Note that this SDR has been completed, as detailed in this document.]</p>
Cultural and Tribal Cultural Resources	<p>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:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.”</p>

Resource Area/Topic	Standard Development Requirements
Tribal Cultural Resources	<p>SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.</p> <p>The following Conditions of Approval shall be applied to the project in satisfaction of SDR FMC 18.218.050(d)(4), in response to coordination with tribal representatives.</p> <p>Note: For the purposes of this project, which is on a park site that is already regularly maintained, “ground disturbing activities” would include those that disturb deeper than near surface soils, and would specifically not include compacting soil in place, adding soil or other materials on top of existing soils, or activities also conducted for regular park maintenance, such as landscaping.</p> <p>Condition of Approval to implement SDR FMC 18.218.050(d)(4): Native American Monitoring. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the California Register of Historical Resources and National Register of Historic Places. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p>

Resource Area/Topic	Standard Development Requirements
	<p>Condition of Approval to implement SDR FMC 18.218.050(d)(4): Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the City. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for the Tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.</p> <p>Condition of Approval to implement SDR FMC 18.218.050(d)(4): Halt Work/Coroners Evaluation/Impact to Previously Undiscovered Human Remains. If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist 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 (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist'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 archeological materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in</p>

Resource Area/Topic	Standard Development Requirements
	the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.
Noise	<p>FMC 18.218.050(g): Noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:</p> <p>(A) Construction equipment shall be well-maintained and used judiciously to be as quiet as practical.</p> <p>(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.</p> <p>(C) All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</p> <p>(D) The contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</p> <p>(E) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors.</p> <p>(F) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.</p> <p>(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 project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints.</p> <p>(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. (Ord. 27-2016 § 37, 12-6- 16; Ord. 23-2018 § 41, 10-2-18; Ord. 05-2021 § 52, 4-20-21.).</p>

POTENTIALLY SIGNIFICANT IMPACTS REQUIRING MITIGATION

The following is a list of potential project impacts and the mitigation measures recommended to reduce these impacts to a less than significant level. Refer to the Initial Study Checklist section of this document for a more detailed discussion.

Table 2: Project Impacts and Mitigation Measures

Impact	Mitigation Measure
	<p>Biological Resources, Special Status Plants: Given the available habitat conditions on the project site, five special-status plant species could potentially occur there: caper-fruited troidocarpum, Hospital Canyon larkspur, saline clover, bent-flowered fiddleneck, and Mt. Diablo helianthella. Special status plants could be impacted directly by grading activities, trampling or crushing of plants, or soil</p>

compaction, or indirectly through dust during construction activities, or changes to hydrological conditions of their habitat. This potential impact would be reduced to less than significant levels through implementation of pre-activity surveys followed by avoidance or preservation and enhancement as appropriate, as specified in mitigation measures Bio-1 through Bio-3.

Mitigation Measures

Bio-1: Pre-Activity Surveys for Special-Status Plants. Prior to initial ground disturbance for project-related activities, appropriately timed, presence/absence surveys for special-status plant species will be conducted by a qualified plant ecologist on the project site and within a 50-foot surrounding buffer to assess the presence or absence of these species. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the area, but will be at least 50 feet in width. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading, or the potential for project activities to alter hydrology supporting habitat for the species. Based on the flowering periods of special-status plant species that could potentially occur on the site, surveys will need to occur at least two different times of year to ensure that they occur during appropriate periods for detecting these species: early spring from March to April (to detect caper-fruited tropidocarpum), and late spring from April to June (to detect saline clover, Hospital Canyon larkspur, Mt. Diablo Helianthella, and bent-flowered fiddleneck). The surveys will be conducted in a year with sufficient precipitation to detect these species; alternatively, if these species are determined to be detectable in appropriate reference populations (regardless of precipitation), surveys for these species on the project site can be determined to be valid even if precipitation is well below average. Within the year in which surveys are conducted, mowing must be avoided prior to the surveys so that these species can be detectable if present. If any special-status plants are detected, the plant ecologist will use any available means to determine the abundance and extent of the population, even if the population continues off-site.

If pre-activity surveys detect no special-status plants, then no further mitigation related to the protection of these species is necessary. If special-status plants are detected, then Mitigation Measures Bio-2, and Bio-3 if necessary, will be implemented.

Bio-2: Avoidance Buffers. To the extent feasible, and in consultation with a qualified plant ecologist, the City will construct the proposed project to completely avoid impacts on at least 90% (and ideally all) of individuals in the populations of CRPR 1B plant species on the project site or close enough to the site to be affected by the project. Avoided special-status plant populations will be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around special-status plants to be avoided will be marked in the field (e.g., with flagging, fencing, paint, or other means appropriate for the site in question). This marking will be maintained intact and in good condition throughout project-related construction activities.

If complete avoidance is not feasible and more than 10% of a population (by occupied area or individuals) of CRPR 1B plant species will be impacted by the project as determined by a qualified plant ecologist, Mitigation Measure Bio-3 will be implemented.

Bio-3: Preserve, Enhance, and Manage Mitigation Populations. If avoidance of special-status plant species is not feasible and more than 10% of a population (by occupied area or individuals) of CRPR 1B plant species would be impacted, compensatory mitigation will be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population. To compensate for impacts on these plants, off-site habitat occupied by the affected species will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected), for all impacts to the affected species (i.e., not just the impacts above the 10% threshold). Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for all impacts to the species) or establish an entirely new population in suitable habitat.

Areas proposed to be preserved as compensatory mitigation for impacts to special-status plant species must contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation areas will be managed in perpetuity to encourage persistence and even expansion of this species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality will be achieved by the mitigation activities. The mitigation habitat will be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and will contain at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands will be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A habitat mitigation and monitoring plan (HMMP) will be developed by qualified plant or restoration ecologists and implemented for the mitigation lands. That plan will include, at a minimum, the following information:

- a summary of impacts to the special-status plant species in question, including impacts to its habitat, and the proposed mitigation;
- a description of the location and boundaries of the mitigation site and description of existing site conditions;
- a description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the species;
- a description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist);

	<ul style="list-style-type: none"> • proposed management activities to maintain high-quality habitat conditions for the species; • a description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria will include demonstration that any plant population fluctuations over the monitoring period of a minimum of 5 years for preserved populations and a minimum of 10 years for enhanced or established populations do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management); • if a new population is established, the new population must contain at least 200 individuals or the same number of impacted individuals, whichever is greater, by year 5. This is to ensure the created population will be large enough to expect to persist and gain sufficient dedicated pollination services. If year 5 is a poor weather year for summer and fall-blooming annual plants and reference populations show a decline, this criteria can be measured in the next year occurring with average or better rainfall; and • contingency measures for mitigation elements that do not meet performance criteria. For example, if by year 5 (or the next suitable rainfall year after year 5) of monitoring, the project is unable to establish a self-sustaining population of the required number of individuals as described above, the applicant shall preserve and manage an extant population of that same species under a revised HMMP. <p>Approval of the HMMP by the City will be required before project impacts to special-status plant species occur.</p>
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Biological Resources, California Tiger Salamander, California Red-Legged Frog, and Northwestern Pond Turtles: While the likelihood of these three species to be found on the project site is very low to low due to the distance and/or roadways between the site and high-quality habitat for these species, their presence cannot be completely ruled out. Injury or mortality could occur during construction activities and the attraction of an increased number of predators due to the presence of trash and impacts to individual members of these species would be considered significant under CEQA due to their rarity. These potential impacts would be reduced to less than significant levels through implementation of surveys, monitoring, training, encounter protocols, and trash removal, as specified in mitigation measures Bio-4 through Bio-8 along with SDR FMC 18.218.050(b)(4): California Tiger Salamander.

	<p>Mitigation Measures</p> <p>Bio-4: Pre-construction Survey and Monitoring for California Red-Legged Frog.</p> <p>Consistent with The City of Fremont’s SDR FMC 18.218.050(b)(4): California Tiger Salamander, the following measures shall also be performed for California red-legged frog:</p> <ul style="list-style-type: none"> • A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the [area of disturbance]. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
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- A qualified biologist shall monitor initial grubbing and grading activities to ensure no California red-legged frogs are present.

If any individuals are detected during this survey, Mitigation Measure Bio-7 below will be implemented.

Bio-5: Pre-construction Survey for Northwestern Pond Turtles. A qualified biologist shall survey the project site within 48 hours of the initiation of project activities, including ground disturbance and vegetation removal, looking for individual northwestern pond turtles and their nests. If any individuals or nests are detected during this survey, Mitigation Measure Bio-7 below will be implemented.

Bio-6: Worker Environmental Awareness Program. Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog, California tiger salamander, northwestern pond turtle, their habitat, the importance of these species, the general measures that are being implemented to conserve them as they relate to the project, and the boundaries within which the project may be accomplished.

Bio-7: Protocol if a California Red-legged Frog, California Tiger Salamander, or Northwestern Pond Turtle is Encountered. If a California red-legged frog, California tiger salamander, northwestern pond turtle - or any animal that construction personnel believes may be these species - is encountered during the course of project activities, the following procedures will be followed:

- All work that could result in the injury, disturbance, or harassment of the individual animal shall immediately cease.
- The foreperson and qualified biologist will be immediately notified.
- The qualified biologist will determine if the animal is a California red-legged frog, California tiger salamander, or northwestern pond turtle and, if so, the USFWS and/or CDFW (as appropriate) will be contacted for further guidance before any construction activities resume.

Bio-8: Trash Removal. All food-related trash within the work area will be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left on-site. If containers meeting these criteria are not available, all rubbish will be removed from the project site at the end of each work day.

Biological Resources, Increased Lighting: New lighting installed for the project could potentially spill into adjacent natural areas where an increase in artificial lighting could impact nearby wildlife, either through the interference of physiological processes that are triggered by light cues, or through increased predation. Appropriate lighting design as outlined in mitigation measure Bio-9 would reduce this impact below significance levels.

Mitigation Measure

Bio-9: Minimize Project Lighting. Due to the potential for lighting on the project site to affect wildlife species that occur on the site and in adjacent natural areas, the project will implement the following measures to minimize lighting on the site.

- All exterior lighting shall be fully shielded to block illumination from shining outward towards open space areas located to the north and northeast, and towards Alameda Creek to the southeast.
- To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture.
- If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.
- Fixtures shall comply with lighting zone LZ-1, Low Ambient, as recommended by the International Dark-Sky Association (2011) for rural and low-density residential areas as well as preserves in developed areas. The allowed total initial luminaire lumens for the project site is 1.25 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B2 or G1, as follows:
 - o B2: 1,000 lumens high (60–80 degrees), 2,500 lumens mid (30–60 degrees), 1,000 lumens low (0–30 degrees)
 - o G1 (asymmetrical fixtures): 100 lumens forward very high (80–90 degrees), 100 lumens backlight very high (80–90 degrees), 1,800 lumens forward high (60–80 degrees), and 500 lumens backlight high (60–80 degrees) for asymmetrical fixtures or 1,800 lumens backlight high for quadrilateral symmetrical fixtures.
- In addition, the maximum allowed luminaire lumens (initial lamp lumens for a lamp, multiplied by the number of lamps in the luminaire) for unshielded luminaires at one entry per building is 420 lumens, and for additional unshielded luminaires on the project site is 315 lumens. The maximum allowed luminaire lumens for fully shielded luminaires is 1,260 lumens. Landscape lighting and shielded directional flood lighting are not allowed.
- Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.

Biological Resources, Seasonal Wetlands: Proposed project improvements would occur close to a seasonal wetland area in the southern portion of the park, which could be impacted by the project during construction if construction boundaries are not maintained and during operations if the trail substantially affects the hydrology of that area. With implementation of Mitigation Measure Bio-10, which requires avoidance of the project site wetlands and proper trail construction near the wetland area, the project’s impact related to wetlands would be reduced below significance levels.

Mitigation Measure

Bio-10: Avoid Indirect Impacts to Wetlands. Wetlands to be avoided by the project will be clearly shown on construction plans and protected from construction activities with high-visibility Environmentally Sensitive Area fencing. Where the proposed trail is located immediately adjacent to a mapped wetland, the project will design the trail to minimize impacts on the wetland’s hydrology. The trail will be designed to allow overland flow to continue to occur into the wetland area unimpeded, or if the trail is raised, it will be designed such that runoff from the trail surface will drain into the wetland area.

Cultural and Tribal Cultural Resources, Known Cultural Site: The area impacted by the project activities consists of riverwash soils with a low potential for buried historic or prehistoric artifacts, but it involves ground disturbing activities near a known cultural resources site. While exclusion fencing is a standard part of construction contracts and would avoid significant impacts to the known cultural resources area, details of exclusion fencing requirements with respect to avoiding impacts to the known cultural resource at the park site are specified here as mitigation so implementation can be easily tracked.

Mitigation Measure

Cul-1: Environmentally Sensitive Area Fencing. Prior to the start of ground disturbance, the portion of the boundary of P-01-000227 nearest project-related activities shall be marked as an Environmentally Sensitive Area. This area shall not be marked as an archaeological resource but shall be designated as an “exclusion zone” on the project plans and the protective fencing in order to discourage unauthorized disturbance of the area. A qualified archaeologist shall accompany the construction crew on the day of installation to assist with the placement of the fence and ensure that the site is protected. The qualified archaeologist, or his/her designee, shall periodically inspect this area for the duration of project activities in the vicinity to ensure that protective fencing remains intact and no incursions into the exclusion zone have occurred. Upon completion of all project-related activities in the vicinity, all protective fencing and signage shall be removed.

LEAD AGENCY DETERMINATION

On the basis of this evaluation, it can be concluded that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures to reduce these impacts will be required of the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- 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.
- 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.

INITIAL STUDY CHECKLIST

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Environmental factors that may be affected by the project are listed alphabetically below. Factors marked with an “X” (☒) were determined to be potentially affected by the project, involving at least one impact that is a potentially significant impact as indicated by the Checklist on the following pages. Unmarked factors (☐) were determined to not be significantly affected by the project, based on discussion provided in the Checklist, including the application of mitigation measures.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards / Hazardous Materials |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |
| | <input type="checkbox"/> None | <input checked="" type="checkbox"/> None with Mitigation Incorporated |

EVALUATION OF ENVIRONMENTAL EFFECTS

The Checklist portion of the Initial Study begins below, with explanations of each CEQA issue topic. Four outcomes are possible, as explained below.

1. A “no impact” response indicates that no action that would have an adverse effect on the environment would occur due to the project.
2. A “less than significant” response indicates that while there may be potential for an environmental impact, there are standard procedures or regulations in place, or other features of the project as proposed, which would limit the extent of this impact to a level of “less than significant.”
3. Responses that indicate that the impact of the project would be “less than significant with mitigation” indicate that mitigation measures, identified in the subsequent discussion, will be required as a condition of project approval in order to effectively reduce potential project-related environmental effects to a level of “less than significant.”
4. A “potentially significant impact” response indicates that further analysis is required to determine the extent of the potential impact and identify any appropriate mitigation. If any topics are indicated with a “potentially significant impact,” these topics would need to be analyzed in an Environmental Impact Report.

AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:</p>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project does not propose development of residential, mixed-use residential, or employment center uses, and therefore does not qualify for an aesthetics exception under Public Resources Code (PRC) 21099.

a) Scenic Vistas

The Fremont General Plan considers the East Bay hills to the west, north and northeast of the project site as scenic resources. The other scenic resources identified in the General Plan, the expansive view of the San Francisco Bay, Central Park, Lake Elizabeth, and the Alameda Creek flood control channel, are not in the vicinity of the project site. Vallejo Mill Historical Park currently provides views of the hills to the west, north and northeast. Construction equipment at the site would temporarily block views across the project site. The proposed project would not include any large structures that could substantially block the existing views, and therefore the park improvements proposed for the project do not have the potential to result in a significant impact on scenic vistas. The project impact related to scenic vistas would be **less than significant**.

b) Scenic Highways

According to the California Department of Transportation State Scenic Highway Program, Niles Canyon Road, which borders the park site along the southeast, is an officially designated State

Scenic Highway.¹ In addition, the Fremont General Plan designates both Niles Canyon Road and Mission Boulevard as scenic routes.² The proposed project would remove up to 3 trees that may currently be visible from one or both scenic routes, however this represents a small percentage of trees on the park site and none of the trees designated for removal are Landmark trees.³ New trees would be planted for replacement. There would be no damage to any rock outcroppings, historic buildings or other scenic resources due to the project. Development of the proposed project would have a ***less than significant*** impact on views from a state scenic highway.

c) Visual Character and Quality

The project site is currently designated as a city park, with a paved parking area, unpaved paths, signage, and park furnishings present. The remainder of the park is trees and grass. The proposed project would not change the use of the site, which would remain as a city park. It would add new parking stalls that would be visible from Niles Canyon Road, but this is not unusual for a public park. New park furnishings would be added. The addition of pickleball courts and a dog park would be consistent with the character of a park. Therefore, the project's impact on visual character or quality would be ***less than significant***.

d) Light and Glare

The proposed project would add new streetlights, pedestrian lights, and sport court lights to the park. As detailed in the Biological Resources section of this document, exterior lighting for the project would be downcast and shielded to minimize the amounts of light or glare into surrounding natural areas, except as needed for safety, which would also reduce the amount of light or glare that would cause light pollution or reach nearby residential uses. As such, the project's impacts related to light or glare would be ***less than significant***.

¹ California Department of Transportation, State Scenic Highway Mapping System, available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

² City of Fremont, December 2011, *City of Fremont General Plan*, Diagram 4-6.

³ City of Fremont, August 10, 2012, *Landmark Tree Inventory*, available at: <https://www.fremont.gov/home/showpublisheddocument/11029/637962457637670000>

AGRICULTURE AND FOREST RESOURCES

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

a-e) Agricultural and Forestry Resources

The project consists of improvements to a designated city park. The project site does not contain any farmland/agricultural resources or timberland/forest land, or related uses. The site is identified as “urban and built up land” close to Miles Canyon Road and “nonagricultural or natural vegetation” for the remainder of the project site (and not farmland of any kind) on the California Department of Conservation’s Farmland Map.⁴ There are no agriculturally zoned lands or existing Williamson Act contracts on or in the vicinity of the project site. Therefore, no agricultural resource or forest resource impacts would result from the proposed project and no mitigation is necessary (***no impact***).

⁴ California Department of Conservation, *2016 Alameda County Farmland Map*, available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/ala16.pdf>.

AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Air Quality Plan

Projects within Fremont are subject to the Bay Area Clean Air Plan, first adopted by the Bay Area Air Quality Management District (BAAQMD) in association with the Metropolitan Transportation Commission and the Association of Bay Area Governments (MTC/ABAG) in 1991 to meet state requirements and those of the Federal Clean Air Act. As required by state law, updates are developed approximately every three years. The plan is meant to demonstrate progress toward meeting the ozone standards, but also includes other elements related to particulate matter, toxic air contaminants, and greenhouse gases. The latest update to the plan, adopted in April 2017, is the Bay Area 2017 Clean Air Plan.

BAAQMD recommends analyzing a project’s consistency with current air quality plan primary goals and control measures. The impact would be significant if the project would conflict with or obstruct attainment of the primary goals or implementation of the control measures.

The primary goals of the Bay Area 2017 Clean Air Plan are:

- Attain all state and national air quality standards
- Eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants

- Reduce Bay Area greenhouse gas emissions 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. (This standard is addressed in the Greenhouse Gas Emissions section.)

The project would be required to comply with all applicable rules and regulations related to emissions and health risk and would not result in a new substantial source of emissions or toxic air contaminants (see items b-d below) or otherwise conflict with the primary goals of the 2017 Clean Air Plan.

Many of the Clean Air Plan's control measures are targeted to area-wide improvements, large stationary source reductions, or large employers, and these are not applicable to the proposed project. However, the project would be consistent with all rules and regulations related to construction activities and would not conflict with any applicable control measures aimed at improving access/connectivity for bicycles and pedestrians (Transportation Control Measure TR9), supporting water conservation (WR2) or any other control measures.

The project, therefore, would be consistent with the Clean Air Plan and have a ***less than significant*** impact in this regard.

b) Air Quality Standards

Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation and include ozone precursors (nitrogen oxides [NO_x] and reactive organic gases [ROG]), carbon monoxide, and suspended particulate matter (PM₁₀ and PM_{2.5}). The Bay Area is considered "non-attainment" for ozone and particulate matter.

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions may contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact were considerable, then the project's impact on air quality would be considered significant.

Air quality impacts fall into two categories: short-term impacts that would occur during construction of the project and long-term impacts due to project operation. BAAQMD's recommended thresholds of significance are average daily emissions of 54 pounds per day or 10 tons per year of NO_x, ROG, and PM_{2.5}, and 82 pounds per day or 15 tons per year of PM₁₀. Both the daily and annual thresholds apply to operation and only the average daily thresholds apply to construction.

Construction-Period Emissions

BAAQMD presents screening criteria in their CEQA Guidelines that identify project sizes by type that could have the potential to result in emissions over criteria levels. Projects below this screening size can be assumed not to have significant impacts without the need for further quantification. The construction-period criteria pollutant screening level for city parks is 10 acres.⁵ While the entirety of

⁵ BAAQMD, August 2023, *2022 California Environmental Quality Act Air Quality Guidelines*, pp. 3-2 to 3-3.

Vallejo Mill Historical Park is 12.62 acres, the area of disturbance would be less than 4 acres, therefore falling well below construction-period threshold levels, and construction for the project does not require emissions modeling to determine the project's significance level for criteria pollutants during construction.

However, BAAQMD recommends implementation of basic measures to reduce construction-related emissions and fugitive dust for all projects, regardless of the comparison to threshold levels, to determine that impacts would remain less than significant. These recommendations are consistent with the City of Fremont's SDRs relating to construction period emissions:

SDR FMC 18.218.050(a)(1) 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:

- (A) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily.
- (B) All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- (C) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- (D) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- (E) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- (F) 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.
- (G) 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.
- (H) 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 implementation of basic construction management practices to control construction dust and emissions as detailed in mitigation measure Air-1, the impact of the project related to construction-period criteria pollutants would be less than significant with mitigation.

The project would implement SDR FMC 18.218.050(a)(1): Construction Related Emissions to minimize construction period emissions and dust and the impact related to construction-period criteria pollutant impacts would be ***less than significant***.

Operational Emissions

Similar to the analysis for construction-period impacts above, the project was compared to BAAQMD screening criteria for operational pollutants. As it relates to operational pollutants, the screening level size for city park uses is 175 acres. The entirety of Vallejo Mill Historical Park is 12.62 acres, the area of disturbance would be less than 4 acres, falling well below the screening threshold.

Additionally, BAAQMD presents traffic-based criteria as screening criteria for carbon monoxide impacts. As operation of the proposed project would not significantly impact traffic levels (see the Transportation section), the project would be below carbon monoxide threshold levels.

Therefore, the project impact related to operational pollutant emissions would be ***less than significant*** without the need for additional quantification or mitigation.

c) Sensitive Receptors

BAAQMD identifies “Overburdened Communities” as those with residents already experiencing higher-than normal levels of air pollution. No portion of Fremont is identified as an overburdened community and therefore no supplemental environmental justice analysis is warranted in addition to the analysis below.^{6, 7}

Sensitive residential receptors are present to the south, southwest, and southeast of the project site. During construction, diesel fueled construction vehicles would emit diesel particulate matter (DPM) as exhaust. However, due to the short length of construction (approximately 100 days) and the limited construction activities, the project would not create substantial pollutant concentrations. Furthermore, the project would implement measures to reduce fugitive dust and limit idling of diesel vehicles, per SDR FMC 18.218.050(a)(1): Construction Related Emissions (see subsection b, above). The project would have a ***less than significant*** impact related to exposure of sensitive receptors and no mitigation would be required.

d) Objectionable Odors

A park is not a use type considered by BAAQMD to be a source of substantial objectionable odors.⁸

During construction, diesel-powered vehicles and equipment would create odors that some may find objectionable; however, these odors would be temporary and not likely to be noticeable much beyond the project site’s boundaries. Therefore, the potential for objectionable odor impacts due to the project would be ***less than significant***.

⁶ Bay Area Air Quality Management District, August 2023. *2022 California Environmental Quality Act Air Quality Guidelines*, Chapter 2.

⁷ The Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the California Environmental Protection Agency (CalEPA), last updated October 2021, Communities Environmental Health Screening Tool: CalEnviroScreen Version 4.0, available at: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>.

⁸ Bay Area Air Quality Management District. August 2023. *2022 California Environmental Quality Act Air Quality Guidelines*, Table 5-4.

BIOLOGICAL RESOURCES

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

This section utilizes information from the Biological Resources Report, included as Attachment A to this document, which was prepared for the City by H. T. Harvey & Associates, dated March 3, 2024, based on both research conducted on the project area and a reconnaissance-level survey conducted on January 25, 2024.

a) Special Status Species

The park site is on the edge of urban residential development and was found to contain five biotic habitats: California annual grassland, remnant sycamore woodland, coast live oak woodland, ornamental woodland, and seasonal wetland, as well as developed/landscaped areas (see **Figure 4**, below). All of these habitats are regionally abundant, and because the project site is regularly disturbed by mowing and public use of the park, would not be expected to be especially valuable habitat for any plant or animal species. Furthermore, the site was assessed for plant and animal communities existing on the project site, and the potential for the site to support special status plant and animal species that might be found in the area. Focused surveys were also conducted for suitable habitat for roosting bats in the trees on the project site, existing nests of raptors (e.g., hawks, owls and falcons), nests of the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), and suitable nesting and roosting habitat for burrowing owls (*Athene cunicularia*) (i.e., burrows of California ground squirrels [*Otospermophilus beecheyi*]).

Water Quality and Special-Status Fish

The project site contains two areas of seasonal wetland and is approximately 75 feet northwest of Alameda Creek. No direct impacts are proposed for these areas during construction or operation of the project. Construction projects in California causing land disturbances that are equal to 1 acre or greater must comply with State requirements to control the discharge of stormwater pollutants under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Board Order No. 2009-0009-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and maintained during the project and it must include the use of best management practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including: on-site sediment control BMPs, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors.

In Alameda County, projects must also comply with the California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit (MRP) (Water Board Order No. R2-2015-0049). This MRP requires that all projects implement BMPs and incorporate Low Impact Development practices into the design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from a site after construction has been completed. To meet these permit and policy requirements, projects must incorporate project elements to reduce the volume of runoff generated and bioretention and/or detention basins to slow release off-site. The project site is mostly pervious ground, and would remain so after implementation of the project, and most stormwater runoff from impervious surfaces would infiltrate the surrounding soil.

The project would comply with all applicable regulations and impacts on water quality and indirect impacts on downstream wetlands and other aquatic habitats would be **less than significant**.



Figure 4: Biotic Habitats
 Source: H. T. Harvey, March 3, 2024

Special Status Plants

Given the available habitat conditions on the project site, five special-status plant species could potentially occur there: caper-fruited tropidocarpum, Hospital Canyon larkspur, saline clover, bent-flowered fiddleneck, and Mt. Diablo helianthella. Special status plants could be impacted directly by grading activities, trampling or crushing of plants, or soil compaction, or indirectly through dust during construction activities, or changes to hydrological conditions of their habitat. The following mitigation measures would reduce the project's impacts to special status species to below significance levels.

Mitigation Measures

Bio-1: Pre-Activity Surveys for Special-Status Plants. Prior to initial ground disturbance for project-related activities, appropriately timed, presence/absence surveys for special-status plant species will be conducted by a qualified plant ecologist on the project site and within a 50-foot surrounding buffer to assess the presence or absence of these species. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the area, but will be at least 50 feet in width. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading, or the potential for project activities to alter hydrology supporting habitat for the species. Based on the flowering periods of special-status plant species that could potentially occur on the site, surveys will need to occur at least two different times of year to ensure that they occur during appropriate periods for detecting these species: early spring from March to April (to detect caper-fruited tropidocarpum), and late spring from April to June (to detect saline clover, Hospital Canyon larkspur, Mt. Diablo Helianthella, and bent-flowered fiddleneck). The surveys will be conducted in a year with sufficient precipitation to detect these species; alternatively, if these species are determined to be detectable in appropriate reference populations (regardless of precipitation), surveys for these species on the project site can be determined to be valid even if precipitation is well below average. Within the year in which surveys are conducted, mowing must be avoided prior to the surveys so that these species can be detectable if present. If any special-status plants are detected, the plant ecologist will use any available means to determine the abundance and extent of the population, even if the population continues off-site.

If pre-activity surveys detect no special-status plants, then no further mitigation related to the protection of these species is necessary. If special-status plants are detected, then Mitigation Measures Bio-2, and Bio-3 if necessary, will be implemented.

Bio-2: Avoidance Buffers. To the extent feasible, and in consultation with a qualified plant ecologist, the City will construct the proposed project to completely avoid impacts on at least 90% (and ideally all) of individuals in the populations of CRPR 1B plant species on the project site or close enough to the site to be affected by the project. Avoided special-status plant populations will be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the

limits of the identified buffer around special-status plants to be avoided will be marked in the field (e.g., with flagging, fencing, paint, or other means appropriate for the site in question). This marking will be maintained intact and in good condition throughout project-related construction activities.

If complete avoidance is not feasible and more than 10% of a population (by occupied area or individuals) of CRPR 1B plant species will be impacted by the project as determined by a qualified plant ecologist, Mitigation Measure Bio-3 will be implemented.

Bio-3: Preserve, Enhance, and Manage Mitigation Populations. If avoidance of special-status plant species is not feasible and more than 10% of a population (by occupied area or individuals) of CRPR 1B plant species would be impacted, compensatory mitigation will be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population. To compensate for impacts on these plants, off-site habitat occupied by the affected species will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected), for all impacts to the affected species (i.e., not just the impacts above the 10% threshold). Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for all impacts to the species) or establish an entirely new population in suitable habitat.

Areas proposed to be preserved as compensatory mitigation for impacts to special-status plant species must contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation areas will be managed in perpetuity to encourage persistence and even expansion of this species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality will be achieved by the mitigation activities. The mitigation habitat will be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and will contain at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands will be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A habitat mitigation and monitoring plan (HMMP) will be developed by qualified plant or restoration ecologists and implemented for the mitigation lands. That plan will include, at a minimum, the following information:

- a summary of impacts to the special-status plant species in question, including impacts to its habitat, and the proposed mitigation;
- a description of the location and boundaries of the mitigation site and description of existing site conditions;

- a description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the species;
- a description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist);
- proposed management activities to maintain high-quality habitat conditions for the species;
- a description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria will include demonstration that any plant population fluctuations over the monitoring period of a minimum of 5 years for preserved populations and a minimum of 10 years for enhanced or established populations do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management);
- if a new population is established, the new population must contain at least 200 individuals or the same number of impacted individuals, whichever is greater, by year 5. This is to ensure the created population will be large enough to expect to persist and gain sufficient dedicated pollination services. If year 5 is a poor weather year for summer and fall-blooming annual plants and reference populations show a decline, this criteria can be measured in the next year occurring with average or better rainfall; and
- contingency measures for mitigation elements that do not meet performance criteria. For example, if by year 5 (or the next suitable rainfall year after year 5) of monitoring, the project is unable to establish a self-sustaining population of the required number of individuals as described above, the applicant shall preserve and manage an extant population of that same species under a revised HMMP.

Approval of the HMMP by the City will be required before project impacts to special-status plant species occur.

Implementation of mitigation measures Bio-1, Bio-2, and Bio-3 would reduce project impacts on special status plants to ***less than significant with mitigation*** through implementation of pre-activity surveys followed by avoidance or preservation and enhancement of detected special-status plant species, as appropriate.

Nesting Birds

Special-status and non-status nesting birds have the potential to nest in trees, shrubs, herbaceous vegetation, and on bare ground within and adjacent to the project site. The federal Migratory Bird Treaty Act and Fish and Game Code of California protect bird species year-round, as well as their eggs and nests during the nesting season. The list of migratory birds includes almost every native bird in the United States. Project construction activities have the potential to impact nests in nearby

areas if construction is initiated during the breeding bird season. Indirect visual and acoustic disturbance from construction to off-site nesting birds in adjacent areas has the potential to result in nest abandonment. The City of Fremont's SDR for nesting birds would apply:

SDR 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 projects shall avoid construction activities during the bird nesting season (February 1st through August 31st).
- (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. The project would have a less than significant adverse effect, either directly or through habitat modifications, on special status species. No mitigation is necessary.

The project would implement SDR FMC 18.218.050(b)(2): Nesting Birds to minimize disturbance of nesting birds and the proposed project would result in **less than significant** impacts to common and special-status nesting birds.

Monarch Butterfly and Crotch's Bumble Bee

Project activities would temporarily and/or permanently impact 1.75 acres of California annual grassland, 0.22 acres of coast live oak woodland, 0.92 acre of sycamore woodland, and 0.18 acre of ornamental woodland that may be occupied by monarch butterflies. The site survey found no evidence of high densities of milkweed, nectar plants or an overwintering site for monarch butterflies. The project site grasslands would also be considered a low quality foraging habitat for Crotch's bumble bee, and regular mowing at the site reduces floral resources regularly. While neither species can be ruled out entirely as occurring on the site, either through the presence of eggs, larvae or pupae (Monarch butterfly) or nests (Crotch's bumble bee), or through foraging activities, no evidence was found that large numbers of either species was found on the project site, and the small proportion of habitat potentially disturbed in relation to the available habitat in the project vicinity would not substantially affect either species. The project would therefore have a **less than significant** impact on these two species.

California Tiger Salamander, California Red-Legged Frog, and Northwestern Pond Turtle

While the likelihood of California red-legged frogs, California tiger salamanders, and northwestern pond turtles to be found on the project site is very low to low due to the distance and/or roadways

between the site and high-quality habitat for these species, their presence cannot be completely ruled out. The possibility that turtles from nearby areas along Alameda Creek would disperse to the site in search of breeding habitat cannot be ruled out and there is therefore a low probability that individual turtles could establish a nest at the site. Impacts to individual members of these species would be considered significant under CEQA due to their rarity. Injury or mortality could occur during construction by vehicle traffic, equipment use, or worker foot traffic, as well as through the destruction of burrows, which could crush or trap individuals of these species, and the attraction of an increased number of predators due to the presence of trash.

The City of Fremont's SDR for California tiger salamanders would apply:

SDR FMC 18.218.050(b)(4): California Tiger Salamander. New development projects with the potential to impact California tiger salamander habitat through grading, demolition, and/or new construction shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

- (A) Exclusion fencing shall be installed around the perimeter of the [area of disturbance] to deter tiger salamanders from accessing the fields. The fencing should be regularly maintained, especially during the rainy season when salamanders could traverse onto the fields.
- (B) A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the [area of disturbance]. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
- (C) A qualified biologist shall monitor initial grubbing and grading activities to ensure no California tiger salamanders are present.

Even with implementation of the City's SDR, the potential for significant impacts would remain due to the possibility of disturbance of any individuals of these species found on the site during construction, and if trash present on the site attracts predators that would prey on these species. Because the City's SDR only addresses California tiger salamander, mitigation measures requiring pre-construction surveys for California red-legged frogs and northwestern pond turtles are also included below. The following mitigation measures would be required:

Mitigation Measures

Bio-4: Pre-construction Survey and Monitoring for California Red-Legged Frog. Consistent with The City of Fremont's SDR FMC 18.218.050(b)(4): California Tiger Salamander, the following measures shall also be performed for California red-legged frog:

- A qualified biologist shall conduct preconstruction surveys prior to grubbing and grading activities within the [area of disturbance]. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
- A qualified biologist shall monitor initial grubbing and grading activities to ensure no California red-legged frogs are present.

If any individuals are detected during this survey, Mitigation Measure Bio-7 below will be implemented.

- Bio-5:** **Pre-construction Survey for Northwestern Pond Turtles.** A qualified biologist shall survey the project site within 48 hours of the initiation of project activities, including ground disturbance and vegetation removal, looking for individual northwestern pond turtles and their nests. If any individuals or nests are detected during this survey, Mitigation Measure Bio-7 below will be implemented.
- Bio-6:** **Worker Environmental Awareness Program.** Before any construction activities begin, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog, California tiger salamander, northwestern pond turtle, their habitat, the importance of these species, the general measures that are being implemented to conserve them as they relate to the project, and the boundaries within which the project may be accomplished.
- Bio-7:** **Protocol if a California Red-legged Frog, California Tiger Salamander, or Northwestern Pond Turtle is Encountered.** If a California red-legged frog, California tiger salamander, northwestern pond turtle - or any animal that construction personnel believes may be either of these species - is encountered during the course of project activities, the following procedures will be followed:
- All work that could result in the injury, disturbance, or harassment of the individual animal shall immediately cease.
 - The foreperson and qualified biologist will be immediately notified.
 - The qualified biologist will determine if the animal is a California red-legged frog, California tiger salamander, or northwestern pond turtle and, if so, the USFWS and/or CDFW (as appropriate) will be contacted for further guidance before any construction activities resume.
- Bio-8:** **Trash Removal.** All food-related trash within the work area will be placed in containers with secure lids before the end of work each day in order to reduce the likelihood of predators being attracted to the site by discarded food wrappers and other rubbish that may be left on-site. If containers meeting these criteria are not available, all rubbish will be removed from the project site at the end of each work day.

While areas of potential habitat for these species would also be disturbed, either temporarily or permanently, by the project, it is not high-quality habitat due to regular human disturbance, and similar grasslands or woodland habitat is regionally abundant. Therefore, no mitigation is required for potential loss of habitat due to the project.

The project would implement SDR FMC 18.218.050(b)(4): California Tiger Salamander, and with implementation of mitigation measures Bio-4 through Bio-8 requiring implementation of surveys, monitoring, training, encounter protocols, and trash removal, the project's impact on California tiger salamanders, California red-legged frogs, and northwestern pond turtle would be reduced to ***less than significant with mitigation***.

Burrowing Owl

Suitable burrows to support burrowing owl nesting and overwintering activities are present on the project site. Impacts to individual burrowing owls is considered significant under CEQA due to their rarity. Injury, mortality, or damage to individuals and/or nests could occur during construction due

to the trampling or compaction of burrows by vehicle traffic, equipment use, or worker foot traffic. Nest abandonment, and the subsequent loss of eggs or young, could occur in areas near project construction activities due to disturbance.

The City of Fremont's SDR for burrowing owls would apply:

SDR FMC 18.218.050(b)(1): Burrowing Owl. New development projects with the potential to impact burrowing owl habitat through grading, demolition, and/or new construction shall implement the following measures prior to grading or ground disturbing activities:

- (A) Preconstruction Surveys. Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of all project activities within potential burrowing owl nesting and roosting habitat (i.e., agricultural habitat with burrows of California ground squirrels) to determine if suitable burrowing owl habitat is present. Surveys shall be conducted by a qualified biologist in conformance with the most recent requirements and guidelines of the California Department of Fish and Wildlife (CDFW). The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted.
- (B) Implement Buffer Zones. Areas currently occupied by burrowing owls shall be avoided for the duration of residing on site and/or the nesting period (February 1st through August 31st). The biologist will recommend a suitable buffer zone distance for avoidance of nesting or roosting habitat.
- (C) Passive Relocation. If burrowing owls cannot be avoided by the proposed project, then additional measures, such as passive relocation during the nonbreeding season, may be utilized to reduce any potential impacts. Measures for successful relocation shall be recommended by a qualified biologist in conformance with CDFW requirements and guidelines.
- (D) Initiation of Construction Activities. When a qualified biologist is able to determine that burrowing owls are no longer occupying the site and passive relocation is deemed successful, construction activities may continue. The applicant shall submit the determination of the biologist to the planning manager for authorization to continue.

Areas of suitable nesting, roosting, and foraging habitat for these species would be lost, either temporarily or permanently, by the project. However, it is not high-quality habitat due to the presence of trees, which provide perches for predatory raptors that prey on burrowing owls. Therefore, the temporary disturbance or permanent loss of 1.75 acres of low-quality habitat for burrowing owls would not remove high-quality or important habitat for this species, and no mitigation is required for potential loss of habitat due to the project.

The project would implement SDR FMC 18.218.050(b)(1): Burrowing Owl to minimize potential disturbance or injury to burrowing owls on the project site, and the proposed project would result in **less than significant** impacts to burrowing owls.

Bald Eagle and Golden Eagle

Golden eagle nests in the vicinity of the project site are not close enough for the project to have a direct impact on nesting individuals. While golden eagles may forage on the project site, construction activities would not result in the loss of individuals, as the individuals can move away from construction equipment or activities before being injured. While bald eagles are not expected to nest on the project site directly, a breeding pair of bald eagles may nest close enough to the

project site to be disturbed by construction activities. SDR FMC 18.218.050(b)(2): Nesting Birds, described above, would apply to the project and prevent or minimize impacts to nesting bald eagles from project construction. The project site does not include suitable foraging habitat for bald eagles. While golden eagles may forage on the project site, it is not important foraging habitat such that changes made to the project site or the operation of the project would have an impact on the regional populations of golden eagles.

The project would implement SDR FMC 18.218.050(b)(2): Nesting Birds to minimize disturbance of nesting birds, including bald eagles, and the proposed project would result in ***less than significant*** impacts to golden eagles and bald eagles.

Non-Breeding Special-Status Birds and Mammals

Several special-status bird and mammal species may occur on the project site as nonbreeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers within or near the project impact area. These are the northern harrier, Vaux's swift, olive-sided flycatcher, tricolored blackbird, Bryant's savannah sparrow, grasshopper sparrow, mountain lion, American badger, ringtail, Townsend's big-eared bat, and western red bat. Direct disruption of foraging could occur in areas near the project site due to construction activities. This disruption would not be permanent and would not result in the loss of individuals of these species, as they would avoid the area of construction disturbance, and thus avoid injury or death, and similar foraging habitat is regionally abundant.

The proposed project would result in a ***less than significant*** impact on non-breeding special-status birds and mammals.

Loggerhead Shrike, White-Tailed Kite, and Yellow Warbler

The white-tailed kite and loggerhead shrike may nest in trees and shrubs on and adjacent to the project site, and the yellow warbler may nest within the remnant sycamore woodland on the site. Nest abandonment, and the subsequent loss of eggs or young, could occur in areas near project construction activities due to disturbance. Based on known characteristics of these species, no more than one pair of each species could potentially nest on or immediately adjacent to the project site. With the implementation of SDR FMC 18.218.050(b)(2): Nesting Birds, above, the project would minimize impacts on these species.

In addition, the project would result in the temporary disturbance and permanent loss of 3.07 acres of suitable nesting habitat for white-tailed kites and loggerhead shrikes, and 0.92 acres of suitable nesting habitat for the yellow warbler. However, similar habitat is regionally abundant, and therefore, no mitigation is required for potential loss of habitat due to the project.

The proposed project would result in a ***less than significant*** impact on these special-status birds.

Common and Special-Status Species of Roosting Bats

Common bat species, such as the Yuma myotis, California myotis, big brown bat, and Mexican free-tailed bat, as well as the pallid bat, a California species of special concern, can potentially roost in sycamore trees containing large cavities on the project site. While no evidence of a colony of roosting bats was found during the project site survey, their presence cannot be completely ruled out. No trees suitable for roosting bats are proposed to be removed by the project. Nevertheless, project construction activities occurring in close proximity to potentially occupied roost trees could

result in increased predation (e.g., of adults as they leave the colony during the day), the abandonment of a roost location, or the abandonment of dependent young in a maternity roost due to indirect disturbance.

The City of Fremont's SDR for roosting bats would apply:

SDR FMC 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.

The project would implement SDR FMC 18.218.050(b)(3): Roosting Bats to minimize disturbance of roosting bats, and the proposed project would result in *less than significant* impacts to roosting bats.

Increased Lighting

The proposed project would result in new driveway/road lighting, sport court lighting, and pedestrian lighting. Depending on the location, direction, and intensity of exterior lighting, this lighting can potentially spill into adjacent natural areas, thereby resulting in an increase in lighting compared to existing conditions. While wildlife species inhabiting the sensitive habitats to north, northeast, and southeast of the project site are already habituated to the existing artificial illuminance from a variety of urban and natural light sources that are found nearby, an increase in artificial lighting could still impact nearby wildlife, either through the interference of physiological processes that are triggered by light cues, or through increased predation. The following mitigation measure would be implemented to minimize the project's impact due to increased artificial lighting.

Mitigation Measure

- Bio-9: Minimize Project Lighting.** Due to the potential for lighting on the project site to affect wildlife species that occur on the site and in adjacent natural areas, the project will implement the following measures to minimize lighting on the site.
- All exterior lighting shall be fully shielded to block illumination from shining outward towards open space areas located to the north and northeast, and towards Alameda Creek to the southeast.
 - To the maximum extent feasible, up-lighting (i.e., lighting that projects upward above the fixture) shall be avoided in the project design. All lighting shall be fully shielded to block illumination from shining upward above the fixture.

- If up-lighting cannot be avoided in the project design, up-lights shall be shielded and/or directed such that no luminance projects above/beyond objects at which they are directed (e.g., trees) and such that the light would not shine directly into the eyes of a bird flying above the object. If the objects themselves can be used to shield the lights from the sky beyond, no substantial adverse effects on migrating birds are anticipated.
- Fixtures shall comply with lighting zone LZ-1, Low Ambient, as recommended by the International Dark-Sky Association (2011) for rural and low-density residential areas as well as preserves in developed areas. The allowed total initial luminaire lumens for the project site is 1.25 lumens per square foot of hardscape, and the BUG rating for individual fixtures shall not exceed B2 or G1, as follows:
 - o B2: 1,000 lumens high (60–80 degrees), 2,500 lumens mid (30–60 degrees), 1,000 lumens low (0–30 degrees)
 - o G1 (asymmetrical fixtures): 100 lumens forward very high (80–90 degrees), 100 lumens backlight very high (80–90 degrees), 1,800 lumens forward high (60–80 degrees), and 500 lumens backlight high (60–80 degrees) for asymmetrical fixtures or 1,800 lumens backlight high for quadrilateral symmetrical fixtures.
- In addition, the maximum allowed luminaire lumens (initial lamp lumens for a lamp, multiplied by the number of lamps in the luminaire) for unshielded luminaires at one entry per building is 420 lumens, and for additional unshielded luminaires on the project site is 315 lumens. The maximum allowed luminaire lumens for fully shielded luminaires is 1,260 lumens. Landscape lighting and shielded directional flood lighting are not allowed.
- Exterior lighting shall be minimized (i.e., total outdoor lighting lumens shall be reduced by at least 30% or extinguished, consistent with recommendations from the International Dark-Sky Association [2011]) from 10:00 p.m. until sunrise, except as needed for safety and City code compliance.

Implementation of Mitigation Measure Bio-9 would reduce project impacts on wildlife species due to increased artificial lighting to ***less than significant with mitigation***.

b) Sensitive Communities or Riparian Habitat

The project site does not contain any riparian or sensitive natural communities or vegetation alliances, nor are there any such areas adjacent to the project site. The remnant sycamore woodland present on the site is not associated with a wetland hydrology and is therefore not considered a riparian habitat.

The project would have ***no impact*** on sensitive habitat and no mitigation is necessary.

c) Wetlands

The park site has two areas that collect water during the wet season but do not contain any water during drier seasons. Ponded water was observed during the site visit in two shallow depressions on the northern and southern sides of the western end of the project site (see Figure 4, above). Both of these areas are outside the project’s area of disturbance, and the project would not directly affect

these seasonal wetlands. The southern wetland is close to the proposed trail and could be impacted by the project during construction if construction boundaries are not maintained or during operations if the trail substantially affects the hydrology of that area. Standard permitting requirements, as described in the Special Status Species subsection, above, would protect water quality during construction.

Mitigation Measure

Bio-10: **Avoid Indirect Impacts to Wetlands.** Wetlands to be avoided by the project will be clearly shown on construction plans and protected from construction activities with high-visibility Environmentally Sensitive Area fencing. Where the proposed trail is located immediately adjacent to a mapped wetland, the project will design the trail to minimize impacts on the wetland's hydrology. The trail will be designed to allow overland flow to continue to occur into the wetland area unimpeded, or if the trail is raised, it will be designed such that runoff from the trail surface will drain into the wetland area.

With implementation of Mitigation Measure Bio-10, which requires avoidance of the project site wetlands and proper trail construction near the wetland area, the project's impact related to wetlands would be ***less than significant with mitigation***.

d) Wildlife Corridors

The project site is located at the edge of urban residential development. It would not disrupt the connectivity of the open space adjacent to the project site. Wildlife that currently traverses the project site could continue to do so under project conditions, or would use the open space to the north. The split rail fencing along Niles Canyon Road may inhibit some animals from moving between Alameda Creek and the open space to the north of the project site, but most animals would be able to pass through or over the fence, and other animals could cross from natural areas immediately northeast of the park to Alameda Creek. The project would have a ***less than significant*** impact on fish or wildlife movement or nursery sites and no mitigation is necessary.

e) Local Policies and Ordinances

The project would remove approximately 3 trees. None of the trees qualify as "landmark" trees under the City's Municipal Code but may qualify as protected trees.⁹ Pursuant to Chapter 18.215 of the City of Fremont's Municipal Code, a tree removal permit is required prior to removing, damaging, or relocating protected trees on private property. The project would include the planting of 7 new trees. There are no other local policies or ordinances related to biological resources that could be applicable to the project site. The project would have a ***less than significant*** impact related to local biological resources policies or ordinances.

f) Conservation Plans

There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that covers the project site. The project would have ***no impact*** related to conservation plans.

⁹ City of Fremont, August 10, 2012, *Landmark Tree Inventory*, available at: <https://www.fremont.gov/home/showpublisheddocument/11029/637962457637670000>

CULTURAL RESOURCES

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

This section utilizes information from the Cultural Resources Inventory Report prepared for this analysis by SWCA Environmental Consultants, dated February 2025, based on both research conducted on the project area and an intensive archaeological survey conducted on May 8, 2024. A redacted (non-confidential – because of the presence of resources) version of the report is included as Attachment B.

a,b,c) Historic Resources/ Archaeological Resources/Human Remains

A records search at the California Historical Resources Information System (CHRIS) Northwest Information Center (NWIC) was completed for the Cultural Resources Inventory Report, to identify known cultural resources and previous cultural resource studies within 0.25 miles of the project area.

The project represents improvements to an existing park site that includes the Vallejo Mill, California Historical Landmark #46 (P-01-000227), a multicomponent site consisting of the remains of flour mills built in 1841 and 1856 by José de Jesús Vallejo as well as precontact burials, lithic debris, foundations, historic plaques and signs, a stone aqueduct, and a trash deposit. Project disturbance is not proposed within this known cultural resources site.

The City of Fremont has set the following SDRs related to archeological resources:

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."

FMC 18.218.050(d)(3): Archaeological Monitoring. New development projects with the potential to impact subsurface archaeological or cultural resources through grading, demolition, and/or new construction, if so determined by a site-specific study prepared by an archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology, shall implement the following measures prior to any grubbing, grading, or ground disturbing activities:

An archaeologist shall monitor construction-related ground disturbance within the vicinity of project site features identified as having the potential to include subsurface archaeological, cultural, or tribal cultural resources that could be impacted through ground-disturbing activities related to the construction of the project. Monitoring should continue until the archaeologist determines that there is a low potential for encountering subsurface archaeological, cultural, or tribal cultural resources. An archaeologist that meets the Secretary of the Interior's professional qualifications standards for archaeology shall oversee the monitoring. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

The Cultural Resources Inventory Report (Attachment A to this document) determined that the area impacted by the project activities lies in a formerly active channel of Alameda Creek, and therefore consists of riverwash soils, and has a low potential for buried historic or prehistoric artifacts. The project involves minimal grading and minimal ground disturbing activities in areas previously disturbed by previous park development and activities. For these reasons, the Cultural Resources

Inventory Report determined that construction monitoring per FMC 18.218.050(d)(3): Archaeological Monitoring was not required for the project. The project would be required to implement SDR FMC 18.218.050(d)(2) in the event of accidental discovery of cultural resources, including human remains. Additionally, while exclusion fencing is a standard part of construction contracts, details of exclusion fencing requirements with respect to avoiding impacts to the known cultural resource at the park site are specified here as mitigation so implementation can be easily tracked.

Mitigation Measure

Cul-1: Environmentally Sensitive Area Fencing. Prior to the start of ground disturbance, the portion of the boundary of P-01-000227 nearest project-related activities shall be marked as an Environmentally Sensitive Area. This area shall not be marked as an archaeological resource but shall be designated as an “exclusion zone” on the project plans and the protective fencing in order to discourage unauthorized disturbance of the area. A qualified archaeologist shall accompany the construction crew on the day of installation to assist with the placement of the fence and ensure that the site is protected. The qualified archaeologist, or his/her designee, shall periodically inspect this area for the duration of project activities in the vicinity to ensure that protective fencing remains intact and no incursions into the exclusion zone have occurred. Upon completion of all project-related activities in the vicinity, all protective fencing and signage shall be removed.

The project would implement SDR FMC 18.218.050(d)(2) in the event of accidental discovery of cultural resources, including human remains and with implementation of Mitigation Measure Cul-1, which requires exclusion fencing to ensure construction activities do not disturb the known cultural resource area, the project’s impact related to cultural resources would be ***less than significant with mitigation.***

ENERGY

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

a,b) Energy

Construction of the project would result in the consumption of fuel for construction vehicles and equipment. This energy use would be typical of similar construction and would be minimized by following SDR FMC 18.218.050(a)(1): Construction Related Emissions, which reduces fuel use of construction equipment by reducing idling times and requiring properly tuned and maintained equipment (see Air Quality section). Energy used during construction would not be considered wasteful, inefficient, or unnecessary. By providing a local dog park and pickleball courts, the project may reduce vehicle miles traveled, and thereby vehicle fuel consumption, by nearby residents engaging in those activities.

During operations, the project would use energy in the form of electricity for streetlights, pedestrian lights, and sports court lighting. This would not be a wasteful, inefficient, or unnecessary use of energy. Impacts related to energy resources would be **less than significant**.

GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a, c, d) Geologic Hazards

This section utilizes information from the Geotechnical Evaluation prepared for the City by Ninyo & Moore, dated August 23, 2023, which is available as part of the project application materials.

The Hayward fault is located about 1.2 miles northwest of the project site, and Mission Fault is located approximately 0.25 miles northeast of the project site. Fault rupture is not expected to be a potential hazard at the project site, as it is outside the mapped Alquist-Priolo Fault Zone (**no impact**).

Seismic shaking (or ground shaking) is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake, and is normally the major cause of damage in seismic events. The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, distance from the epicenter, and local geologic conditions. Although the Mission and Hayward faults are the closest, any of the regional faults are capable of producing significant ground shaking in the project site. Groundshaking maps prepared by ABAG project that during the maximum credible earthquake on the Hayward fault, violent shaking may occur in the project vicinity.¹⁰ No residential buildings are proposed and all structures would be required to be built to California Building Code safety standards, as applicable. The project would have **no impact** in respect to seismic groundshaking.

The strong ground motions that occur during earthquakes are capable of inducing landslides, generally where unstable slope conditions already exist. The project site is adjacent to a landslide hazard zone, but the project would not have an impact on the possibility of a landslide in the area, and is not proposing any structures or facilities intended for human occupancy.¹¹ Human use of the site would be limited in duration. The project would have a **less than significant** impact related to landslides.

Liquefaction is the rapid transformation of saturated, loose, fine-grained sediment to a fluid-like state because of earthquake ground shaking. In the process, the soil undergoes transient loss of strength, which commonly causes ground displacement or ground failure to occur. Since saturated soils are a necessary condition for liquefaction, soil layers in areas where the groundwater table is near the surface have higher liquefaction potential than those in which the water table is located at greater depths. Damage caused by liquefaction and lateral spreading is generally most severe when liquefaction occurs within 15 to 20 feet of the ground surface. The California Department of Conservation's Geologic Survey maps the project site as being in an area susceptible to liquefaction hazards.¹² Due to the nature of the project's proposed improvements, liquefaction hazards are not of particular concern, as there are no large structures proposed, and historic high groundwater at the site is between 20 to 40 feet below ground surface, which would reduce the likelihood of severe lateral spreading. The project would have a **less than significant** impact in respect to liquefaction.

The subsurface condition investigation did not find unstable soil conditions at the project site, and determined that the soil has low expansion potential. The weight of the pickleball courts is not

¹⁰ MTC/ABAG, Hazard Viewer Map, accessed 4/10/24 at: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>

¹¹ City of Fremont, December 2011, *City of Fremont General Plan*, Diagram 10-4

¹² California Department of Conservation, California Geologic Survey, accessed 4/10/24 at: <https://maps.conservation.ca.gov/cgs/EQZApp/>

expected to cause ground settlement greater than one inch with proper foundation design. The project does not propose any large structures or improvement that would cause ground instability, and the project impact with respect to unstable or expansive soils would be **less than significant**.

b) Soil Erosion

Construction activities, particularly grading and site preparation, can result in erosion and loss of topsoil. Because the site is greater than one acre in size, the project would be subject to a NPDES permit from the Regional Water Quality Control Board (RWQCB). The construction contractors would be required to prepare a SWPPP and an Erosion Control Plan. The SWPPP must describe the site, the project, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, control of post-construction sediment and erosion control measures, maintenance responsibilities, and management controls. Inspection of construction sites before and after storms would be required to identify stormwater discharge, and to identify and implement necessary controls. Compliance with the SWPPP and Erosion Control Plan during demolition and construction such as straw wattles, silt fencing, concrete washouts, and inlet protection during construction would reduce impacts resulting from loss of topsoil. Soil erosion after construction would be controlled by implementation of approved landscape and irrigation plans. For the above reasons, the proposed project would result in **less than significant** impacts related to soil erosion.

e) Septic Tanks

No septic tanks or alternative wastewater disposal systems are proposed or required for this project. The proposed vault toilet is not a septic system and would not otherwise involve site soils for wastewater disposal. There would be **no impact** related to septic tanks.

f) Unique Paleontological Resource or Geologic Feature

The project site is generally flat; there are no unique geologic features at the site. The project site is underlain by Holocene-age alluvial fan deposits, which are in general considered too young to contain significant fossils.¹³ There are no recorded vertebrate or invertebrate fossils that have been found within Holocene-age soils in Alameda County.¹⁴ There is no excavation proposed, so the project would not substantially disturb native soil more than 5 feet below the surface. The project would be required to implement SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources in the event of accidental discovery of paleontological resources (see Cultural Resources section), and the impact of the project on paleontological resources would be **less than significant**.

¹³ Ninyo & Moore, August 23, 2003, *Geotechnical Evaluation Vallejo Mill Historical Park Pickleball Courts 299 Old Canyon Road, Fremont, California*.

¹⁴ University of California Museum of Paleontology (UCMP) Online Database. UCMP specimen search portal, accessed April 2024 at: <https://ucmpdb.berkeley.edu/>,

GREENHOUSE GAS EMISSIONS

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

a) Greenhouse Gas Emissions

BAAQMD determined that greenhouse gas (GHG) emissions and global climate change represent cumulative impacts. Construction and operation of the proposed project would be additional sources of GHG emissions, primarily through consumption of fuel for transportation and energy usage on an ongoing basis.

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions but encourages lead agencies to quantify and disclose such emissions. As estimated using CalEEMod, project construction activities would generate approximately 143.6 metric tons of carbon dioxide equivalent over the construction period (see Attachment C). SDR FMC 18.218.050(a)(1) Construction Related Emissions would help reduce GHG emissions by limiting idle times for construction vehicles.

Operation of the project would create GHG emissions through park maintenance and vehicle trips for park visitors, however, local parks are intended to serve local populations and are not considered a use that would generally increase overall vehicle miles traveled and associated emissions, and therefore would not be a substantial source of new GHG emissions.

The project would have a **less than significant** impact with respect to greenhouse gas emissions.

b) Greenhouse Gas Reduction Plan

The City adopted a qualified climate action plan with reduction targets to 2045, Climate Ready Fremont, in October 2023.¹⁵ There is not currently a checklist for development projects, and most actions are not applicable to a park improvement project, however the project would support the following actions:

NL-M-3.1 Preserve the existing tree canopy and increase tree plantings on City-owned land and right-of-way, including within City parks.

¹⁵ City of Fremont, adopted Oct 2023, *Climate Ready Fremont*, available at: <https://www.fremont.gov/about/sustainability/climate-action-plan>.

Supports – The project would replace the 3 trees removed during construction with 7 new trees.

NL-M-5.1 Continue implementing Bay-Friendly Landscape requirements for civic improvement Projects.

Supports – New landscaping for the project would meet Bay-Friendly Landscaping requirements.

NL-M-5.4 Evaluate options for replacing grass in City parks, especially for sports fields, with environmentally-friendly low or no water use softscapes.

Supports – The dog park would replace a grassy area with mulch.

NL-M-5.5 Install drought tolerant landscaping and apply compost and mulch at City facilities; seek innovative partnership opportunities to expand compost usage.

Supports – New landscaping would be drought tolerant.

The project would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

Adopted in October 2021 by the MTC and ABAG, Plan Bay Area 2050 includes the region's Sustainable Communities Strategy (SCS) and the Regional Transportation Plan. Plan Bay Area 2050 provides transportation and environmental strategies to continue to meet the regional GHG reduction targets set by the California Air Resources Board.¹⁶

The Plan Bay Area 2050 Consistency Checklist is available to help assess consistency of a development project.¹⁷ Most of the strategies are related to housing and employment center development or transportation. However, the project does support the relevant recreation strategy and would not otherwise obstruct any other strategies.

EN6. Modernize and expand parks, trails and recreation facilities. Invest in quality parks, trails and open spaces that provide inclusive recreation opportunities for people of all backgrounds, abilities and ages to enjoy.

Supports – The project would modernize park furnishings and add pickleball courts and a dog park. The project would make the use of the park trails ADA-accessible.

The project would be consistent with applicable GHG reduction plans, policies, and regulations, and the impact would be ***less than significant***.

¹⁶ ABAG/MTC, 2021, *Plan Bay Area 2050*, https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf.

¹⁷ ABAG/MTC, *Checklist: Plan Bay Area 2050 Consistency for Development Projects*, available at: <https://mtc.ca.gov/digital-library/5023230-checklist-plan-bay-area-2050-consistency-development-projects>. Accessed on March 6, 2023.

HAZARDS AND HAZARDOUS MATERIALS

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

a) Routine Use of Hazardous Materials

During Construction

Construction of the project would involve the routine management of some hazardous materials that could pose a significant threat to human health or the environment if not properly managed or if accidentally released. This may include the use of fuels, lubricants and other hazardous materials associated with construction and associated equipment. However, in consideration of the relatively minor extent of proposed construction, there is a low likelihood for any significant quantities of hazardous materials being necessary at the site during the construction period and these would in any case be handled according to requirements in place to avoid significant impacts.

During Operations

Operation of the proposed project may include the use of landscaping or cleaning chemicals, however the quantity would not be large enough to pose a health or environmental threat due to its transport, use, or disposal.

The project would create a **less than significant** impact on the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Accidental Release

The information used in this topic discussion has been derived from the Phase I Environmental Site Assessment prepared by TRC Solutions for the City, available as part of the project application materials.

There were no identified features, activities, uses, or conditions found during a site reconnaissance that indicated the presence of hazardous substances. The park site's known history is limited to uses as a flour mill and as a park. The eastern portion of the park was temporarily used as a homeless encampment until 2023, which included the presence of dilapidated vehicles, but no evidence of stained soil or stressed vegetation was observed that would indicate the release of hazardous substances. The project would use standard amounts of hazardous materials during construction, such as diesel fuel for vehicles, and standard landscaping and cleaning supplies during operation.

The impact of accidental release of hazardous materials from the project would be **less than significant**.

c) Hazardous Materials Near Schools

There are no schools within one-quarter mile of the project site. The nearest school is Vallejo Mill Elementary, which is 0.5-miles southeast of the project site. There would be **no impact** related to hazardous materials near schools.

d) Hazardous Materials Site

The Phase I Environmental Site Assessment (see subsection b, above) details that the project site is not a hazardous materials site as listed on the "Cortese List" pursuant to Government Code Section 65962.5, and there is no known or suspected existing site contamination that would create a significant hazard to the public or the environment. There would be **no impact** from the project related to a hazardous materials site.

e) Airport Hazard

The project site is not located within two miles of any public airport, or in the vicinity of a private airstrip. Hayward Executive Airport, located over 9 miles away, is the closest airport to the project site. As such, there are no associated airport land use plans applicable to the site, and the project would not result in a safety hazard for people working at or visiting the site. **(No impact)**

f) Emergency Response Plan

The project would not physically alter any public roadways or create any obstructions that could impede or impair an emergency response or evacuation plan. The need for traffic lane reductions due to construction is unlikely, but would be short-term, temporary and localized, and adequately managed through standard traffic management practices, if necessary. The project would have **no impact** related to emergency response and evacuation planning.

g) Wildland Fire

As discussed in the Wildfire section of this Initial Study Checklist, the project site is not located in a Very High Fire Hazard Severity Zone as designated by CalFire.¹⁸ While it is in a wildland urban interface zone, no human habitation is proposed.¹⁹ The project exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires would be **less than significant**.

¹⁸ CalFire, Very High Fire Hazard Severity Zone map, access 4/10/24 at: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

¹⁹ USDA US Forest Service, 2020, Wildland Urban Interface Map, accessed 4/11/2024 at: <https://data-usfs.hub.arcgis.com/documents/usfs::wildland-urban-interface-2020-map-service/explore>

HYDROLOGY AND WATER QUALITY

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

a, e) Water Quality and Discharge

Construction activities associated with the project could adversely affect water quality through the potential discharge of construction materials and wastes, as well as sedimentation from disturbed soils, to any nearby stormwater collection system or nearby Alameda Creek or streams. The delivery, handling, and storage of construction materials and wastes, as well as use of construction equipment, could also introduce the risk of stormwater contamination.

Any development project that would disturb an area larger than one acre is required to obtain an NPDES General Construction Permit from the State Water Resources Control Board (SWRCB). The terms of this permit require applicants to prepare a SWPPP to demonstrate that project development would not cause any increase in sedimentation, turbidity, or hazardous material concentrations within downstream receiving waters. Design requirements and implementation measures for erosion and sedimentation controls would be set forth in the applicant's SWPPP, in accordance with SWRCB design standards.

With adherence to the requirements of the NPDES permit and SWPPP, the impact of the project on water quality and discharge would be ***less than significant***.

b) Groundwater Recharge and Supplies

The project does not involve excavation that would affect groundwater. Historical high groundwater is 20 to 40 feet below ground surface.²⁰ Following construction, the project site would remain mostly pervious surface and would not substantially deplete groundwater and would not have a substantial impact on groundwater recharge. Therefore, the proposed project would have a ***less than significant*** impact on groundwater.

c) Drainage Pattern Alteration

The park site is largely pervious ground and would remain so under the project. The project would not substantially alter drainage patterns or increase the flow of runoff from the site. Most runoff would infiltrate surrounding soil. The project would add some impervious surface area with the addition of parking stalls along the existing park driveway, and runoff would be directed to surrounding pervious ground. The impact of the project on the rate or amount of surface water runoff and capacity of the existing stormwater drainage system would be ***less than significant***.

d) Inundation

Based on Federal Emergency Management Agency (FEMA) National Flood Hazard Layer Viewer (NFHL),²¹ no portion of the project site is located within 100-year flood hazard boundaries, a Special Flood Hazard Area (100-year floodplain) or other Areas of Flood Hazard (e.g., the 500-year [or 2%] flood zone).

Areas that are highly susceptible to tsunami inundation tend to be low-lying coastal areas such as tidal flats, marshlands and former Bay margins that have been artificially filled. The project site is not located within a tsunami inundation area.²²

²⁰ Ninyo & Moore, August 23, 2003, *Geotechnical Evaluation Vallejo Mill Historical Park Pickleball Courts 299 Old Canyon Road, Fremont, California*, available as part of the project application materials.

²¹ Federal Emergency Management Agency (FEMA), National Flood Hazard Layer Viewer, accessed on 4/12/24 at: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

²² California Geological Survey, 2021, *Tsunami Hazard Area Map, San Mateo County*, available at: <https://www.conservation.ca.gov/cgs/tsunami/maps>.

The project site is at risk of inundation as a result of failure at the following dams:²³

- Calaveras - 100,000 acre-feet capacity - owned by City/County of San Francisco
- Del Valle - 77,100 acre-feet capacity - owned by California Department of Water Resources

It would take an estimated 90 to 160 minutes for flood waters to reach the mouth of Niles Canyon where the project site is located.²⁴ There are no buildings intended for human habitation, and activities and visitation to the park would be of short duration. The project would not increase the risks of pollutants being affected by inundation due to dam failure as there would not be significant use of pollutants at the site (see the Hazards and Hazardous Materials section).

Seiches are standing waves created on rivers, reservoirs, ponds, and lakes when seismic waves from an earthquake pass through an area. Seiches can have similar effects to a tsunami and could affect the City of Fremont by causing either of the reservoirs (Del Valle and Turner) in the hills to overtop their dams, leading to inundation or flooding in Niles Canyon and other portions of the city. However, it would take an estimated 90 minutes to 160 minutes for waters from these reservoirs in the hills to reach the mouth of Niles Canyon, where they could spread into populated areas. The General Plan EIR determined that inundation by the dams is unlikely and a relatively low risk due to the structural engineering of the dams and compliance with federal and state laws enacted to enhance dam safety.²⁵

In California, sea level is predicted to rise approximately 0.8 feet by 2050 and up to 6.6 feet by 2100.²⁶ The project site is more than 6 miles from the shoreline and about 80 feet above mean sea level and therefore the increase in sea level associated with the predicted 2100 rise would not result in flooding of the project site.

Additionally, the project would not handle substantial amounts of hazardous substances such that inundation would lead to significant pollutant release. Therefore, the proposed project would not result in the risk of release of pollutants due to inundation by a tsunami, seiche, or flooding and the project impact in this regard would be ***less than significant***.

²³ City of Fremont, December 2011, *City of Fremont General Plan*, page 10-15 and Diagram 10-6

²⁴ Ibid

²⁵ City of Fremont prepared by Lamphier-Gregory, July 2011, *Fremont General Plan Update Environmental Impact Report* (SCH#2010082060), pp. 4-249 and 4-258.

²⁶ California Ocean Protection Council, 2024, *State of California Sea-Level Rise Guidance*, Table 2.1. Available at: https://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

LAND USE AND PLANNING

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

a) Physical Division of a Community

The project involves improvements to an existing park, and these improvements would not physically divide an established community. There would be **no impact** from the project with respect to dividing an established community.

b) Conflict with Land Use Plan

The project involves improvements to an existing park on a site with appropriate zoning and General Plan designation for this type of use. Therefore, the project would have **no impact** with respect to conflicts with land use plans.

MINERAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, b) Mineral Resources

According to the United State Geological Society mineral resources maps, there are no known mineral resources of importance to the state or region on the project site or within the surrounding area.²⁷ Therefore, **no impact** to mineral resources would result from the project.

²⁷ U.S. Geological Survey, Mineral Resources Data System: U.S. Geological Survey, Reston, Virginia. Accessed 4/10/24 at: <https://mrddata.usgs.gov>.

NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Excessive Noise

Temporary Excessive Noise

Temporary construction noise impacts are related to the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise-sensitive receptors.

Significant construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early morning, evening, and nighttime hours) in areas immediately adjoining noise-sensitive land uses. The nearest noise sensitive receivers (residences) are approximately 200 feet from the site. Additionally, no pile-driving is proposed and other construction activities would not have the potential to cause noise impacts at those distances.²⁸

FMC Section 18.218.050 provides an SDR related to construction noise.

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

²⁸ U.S. Department of Transportation Federal Transit Administration, May 2006, *Transit Noise and Vibration Impact Assessment*, Table 12.1.

- (A) Construction equipment shall be well maintained and used judiciously to be as quiet as practical
- (B) All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment
- (C) The contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists
- (D) Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors
- (E) The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines
- (F) 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 project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints, and
- (G) 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

Per FMC Section 18.160.010, construction activity for projects located within 500 feet of residences, lodging facilities, nursing homes, or inpatient hospitals (e.g., the project) shall be limited to the weekday hours of 7:00 a.m. to 7:00 p.m., and Saturday or holiday hours of 9:00 a.m. to 6:00 p.m. Sunday construction is not allowed. The City Manager’s designee has the authority to modify these construction hours if (among other factors), modified construction hours are, “reasonably foreseeable to result in an equal or superior level of comfortable enjoyment of life and property by the community.”

Permanent Excessive Noise

Existing ambient noise at the project site is dominated by traffic noise along Mission Boulevard and Miles Canyon Road. The proposed project would not substantially increase traffic on these roads (traffic noise levels do not begin to perceptibly change until there is a doubling in traffic volumes), and no significant increase in traffic noise would occur. New activities at the park would include the use of pickleball courts and the dog park. The closest residences would be approximately 300 feet from the dog park, with Niles Canyon Road and Old Canyon Road between them. The pickleball courts would be over 400 feet from the nearest residences, which would be on the opposite side of Alameda Creek. Both of these noise sources are typical of city parks. Park hours are from dawn until 30 minutes past sunset. The project would not cause excessive noise during operations.

Conclusions

The project would implement SDR FMC 18.218.050(g): Noise to minimize construction noise and the project’s impact on noise levels, both temporary and permanent, would be ***less than significant***.

b) Excessive Vibration

The project’s construction efforts do not include any pile driving or other extreme noise and vibration-generating activities that would produce excessive groundborne vibration or groundborne

noise levels. Operation of project activities would not be a source of substantial vibration. The project's impact on vibration, both temporary and permanent, would be ***less than significant***.

c) Airport Noise

The closest airport to the project site is Hayward Executive Airport, approximately 10 miles away. The project site is not within the Airport Influence Area of any airport, and implementation of the project would not expose people in the project area to excessive airport or aircraft noise levels. There would be ***no impact*** in relation to airport noise as a result of the project.

POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Substantial Population Growth*

The project involves improvements to an existing city park. There are no new residences or jobs that would be created by the project. There would be **no impact** of the project with respect to unplanned population growth.

b) *Displacement of Housing or People*

The project involves improvements to an existing city park and does not involve displacement of people or housing. The project would have **no impact** with respect to displacement of people and housing.

PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Public Services

The project involves improvements to an existing city park. The project would not cause an increase in population, and there would not be an increase in need for public services, including police and fire protection, schools, libraries, or additional parks. The project would have **no impact** on public services.

RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Increases Usage

The project involves improvements to an existing city park, which is expected to increase the usage of the park. Such increased usage is the intent and would be managed such that substantial physical deterioration would not occur.

The impact of the project related to increased usage of recreational facilities would be **less than significant**.

b) Construction or Expansion of Recreational Facilities

The project involves improvements to an existing city park. The effects of the project improvements on the environment are analyzed throughout this document. Mitigation Measures and SDRs have been included in the project to reduce potential adverse impacts to a less than significant level (see Air Quality, Biological Resources, Cultural and Tribal Cultural Resources, and Noise sections of this Initial Study).

The impact of the project related to construction or expansion of recreational facilities would be **less than significant**.

TRANSPORTATION

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

a) *Circulation System Facilities*

The project would not change the off-site transit, roadway, bicycle, or pedestrian circulation systems and would not conflict with any future implementation of planned improvements. Therefore, the project would not conflict with programs, plans, ordinances, or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. **No impact** on circulation system facilities would result from the project.

b) *Vehicle Miles Traveled*

According to the City of Fremont’s Transportation Impact Analysis Handbook, projects do not require a detailed CEQA transportation analysis if the project meets specified screening criteria.²⁹ The handbook notes that local serving public facilities improve people’s proximity to recreation, safety, and other important community needs and would be screened out of the need for a detailed CEQA transportation analysis. The project proposes improvements to a local-serving public park and the project therefore meets the screening criteria.

The project would be expected to reduce vehicle miles traveled in the community due to closer local access to a dog park and pickleball courts, which are currently only available at more distant park facilities. Therefore, the project would have a **less than significant** impact on VMT, and no mitigation is required.

²⁹ City of Fremont, June 2020, *City of Fremont Transportation Impact Analysis Handbook*, Figure 3.

c) Hazards

The project would not change the location of the park entrance and would not change the roadway design outside of the project site. During construction, construction vehicles would likely be staged within the park and off of public roadways. If lane closure is necessary, the project would comply with procedures found in the *California Temporary Traffic Control Handbook*.³⁰ The project would result in a **less than significant** impact in respect to hazards.

d) Emergency Access

The project would not change the entrance to the park and would extend the current park driveway to end in a new roundabout to meet emergency vehicle requirements. The project would result in a **less than significant** impact in respect to emergency access.

³⁰ California Inter-Utility Coordinating Committee, May 2018, *California Temporary Traffic Control Handbook*. Available at: <https://www.sce.com/sites/default/files/inline-files/tcm.pdf>

TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>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:</p>				
<p>a) 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)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) 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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a, b) Tribal Cultural Resource

A search of the Sacred Lands File was performed by the Native American Heritage Commission (NAHC) at the request of the City. A response was received on February 12, 2024, indicating that the Sacred Lands File search produced a negative result for Native American Sacred Lands in the larger quadrangle in which the project is located. Consistent with AB 52 requirements and in full satisfaction of SDR FMC 18.218.050(d)(1) requiring tribal notification, the City of Fremont sent consultation letters to local tribal representatives on May 26, 2024. After an initial indication of interest, attempted follow up, including voicemails, did not receive replies from two tribes.

Consultation was requested by the Confederated Villages of Lisjan Nation. Documentation and information was shared via email or on video calls if/when requested, wording of SDRs and the relevant implementing Conditions of Approval were coordinated as requested, and consultation proceeded until no further follow up was requested.

The Lisjan Nation formally requested that a Tribal representative be present to monitor construction during ground disturbing activities, and so the following SDR would be applicable to the project:

SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to

have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

The following Conditions of Approval shall be applied to the project in satisfaction of SDR FMC 18.218.050(d)(4), in response to coordination with tribal representatives. Due to the project site's use as an active park, the ground surface is regularly maintained. and the archaeological survey conducted by SWCA Environmental Consultants (see Cultural Resources section and Attachment B), for the purposes of this project, ground disturbing activities would not include those that disturb only near surface soils, and would not include compacting soil in place, adding soil or other materials on top of existing soils, or regular park maintenance activities.

Condition of Approval to implement SDR FMC 18.218.050(d)(4): Native American Monitoring. Prior to ground disturbing activities, a Confederated Villages of Lisjan Nation (CVLN) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) will have the authority to halt and redirect work should any archeological or tribal cultural resources be identified during monitoring. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 100 feet of the find must halt and the find must be evaluated for listing in the California Register of Historical Resources and National Register of Historic Places. Monitoring may be reduced or halted at the discretion of the CVLN monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Condition of Approval to implement SDR FMC 18.218.050(d)(4): Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 100 feet shall cease until an archeologist has evaluated the nature and significance of the find as a cultural resource and a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The archeologist will stake the area of discovery, placing stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA and/or the Tribe, the entity shall retain a qualified archeologist and a Tribal monitor, at the applicant's expense, to prepare a mitigation plan, which shall be implemented by the entity in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe and, if applicable, a qualified archeologist. Examples of appropriate mitigation for the Tribal cultural

resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, or heritage recovery.

Condition of Approval to implement SDR FMC 18.218.050(d)(4): Halt Work/Coroners Evaluation/Impact To Previously Undiscovered Human Remains. If human remains are encountered during construction and ground disturbing activities, all work within 100 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist 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 (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, if not identifiable as human or animal, shall be treated as human remains and the appropriate protocols followed. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist'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 archeological materials. The report should be submitted to the City, the project proponent, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the consultant, where the reburial would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.

In addition to the SDR FMC 18.218.050(d)(4) and related Conditions of Approval, the project would be required to implement SDR FMC 18.218.050(d)(2) in the event of accidental discovery of tribal cultural resources or human remains (see Cultural Resources section) and the impact of the project on tribal cultural resources would be ***less than significant***.

UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *New or Expanded Utility Facilities*

The project would result in new sport court lighting and new pedestrian, parking lot and driveway lighting with auto on/auto off features. A new concrete pad mounted PG&E transformer would be installed. There would not be a need for additional electric facilities. A vault toilet restroom would be installed, which would be emptied by truck and not connected to wastewater facilities. No new natural gas or telecommunication use would occur as a result of the project. New water use would include three new drinking fountains and extended landscape irrigation. The project would not change the amount of stormwater entering local storm drains, as most of the project site is pervious

surface and would remain so after project completion. Therefore, the impact on utilities and service systems would be ***less than significant***.

b) Water Supply

The size of the project does not trigger a need for a project-specific Water Supply Assessment under Senate Bill 610, which means the project can rely on the local urban water management plan. The project would include the installation of three new drinking fountains and expanded landscape irrigation. The project would be required to conform to all current utility-related regulations including those related to water efficiency. The project would have a ***less than significant*** impact on water supply, and no mitigation is necessary.

c) Wastewater

The park does not currently contain restrooms. Under the project a vault toilet restroom would be installed. Waste would be stored in an underground tank and would be emptied by truck. The restroom would not connect to wastewater facilities. The project would have a ***less than significant*** impact with respect to wastewater.

d-e) Solid Waste

The project would be served by the city's franchised waste hauler, Republic Services, in compliance with the applicable standards governing solid wastes and recyclables, and would comply with all applicable waste reduction goals and regulations. The amount of solid waste generated by future park users would not be expected to exceed local facility capacity. The project would have a ***less than significant*** impact with respect to solid waste and no mitigation is required.

WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-d) Wildfire Risk and Emergency Response

The project site is not within a state responsibility area but has been identified as part of a fire hazard severity zone per the Fremont General Plan.^{31, 32} The project would not change any public roads or construct any structures that could physically impair an emergency response or evacuation plan. The project does not propose any commercial or residential structures that could be exposed to wildfire risk, nor any physical changes to the site that may exacerbate wildfire risks. There is no new infrastructure proposed that may exacerbate fire risks. The park driveway would remain in its current location. The project would have a **less than significant impact** related to wildfire.

³¹ California Department of Forestry and Fire Protection Fire and Resource Assessment Program, September 29, 2023, Fire Hazard Severity Zones in State Responsibility Area. Accessed on 4/10/24 at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>.

³² City of Fremont, December 2011, *City of Fremont General Plan*, Safety and Noise Element, Diagram 10-8.

MANDATORY FINDINGS OF SIGNIFICANCE

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

a) *Environmental Quality*

As indicated in the Biology and Cultural Resources sections, the project site has sensitive biological and cultural resources that could potentially be impacted by the project. The project’s proposed improvements are mostly to already disturbed areas of the park site and involve minimal ground disturbance. Implementation of SDR FMC 18.218.050(d)(2): Accidental Discovery of Cultural Resources, SDR FMC 18.218.050(d)(4): Tribal Cultural Monitoring and Training and related Conditions of Approval, and Mitigation Measure Cul-1 would minimize the potential of the project to have a significant impact on archeological or tribal cultural resources.

Implementation of FMC 18.218.050(b)(2): Nesting Birds, FMC 18.218.050(b)(4): California Tiger Salamander, FMC 18.218.050(b)(1): Burrowing Owl, FMC 18.218.050(b)(3): Roosting Bats and Mitigation Measures Bio-1 through Bio-10 would minimize any potential impact on sensitive species or habitats. As such, the project does not 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. Therefore, the potential adverse effects of the project on environmental quality would be less ***than significant with mitigation***.

b) Cumulative Impacts

The project would not result in an air quality violation or contribute substantially to an existing or projected air quality violation, nor would it make a significant contribution to the exposure of sensitive receptors to substantial air pollutants.

The project would be consistent with the City of Fremont's Climate Action Plan, and would not be a substantial contributor to growth in VMT generation in the city because it provides local serving recreation.

The project and all other future development projects would be required to comply with NPDES General Construction Permit provisions and standard erosion control measures. Therefore, the project and other future cumulative development would not result in cumulatively considerable impacts associated with water quality.

The project would implement all applicable SDRs, and with the incorporation of mitigation measures identified in this document, there would be no significant project-level impacts and no potential for cumulatively considerable impacts.

Therefore, the potential cumulative impacts would be ***less than significant with mitigation***.

c) Adverse Effects on Human Beings

Implementation of the project would not result in substantial effects on human beings. There are no substantial amounts of hazardous materials involved with the project. The project would not result in significant noise impacts. The project would implement SDR FMC 18.218.050(a)(1) Construction Related Emissions and the project would not result in a substantial increase in any criteria air pollutant. Therefore, the potential adverse effects of the project on human beings would be ***less than significant***.

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City of Fremont

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