

## RESOLUTION NO. 2011-68

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT ADOPTING FINDINGS REGARDING ENVIRONMENTAL EFFECTS, A MITIGATION MONITORING AND REPORTING PROGRAM, AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE 2010 GENERAL PLAN UPDATE**

WHEREAS, the City Council of the City of Fremont has certified that the Environmental Impact Report ("EIR") prepared for the 2010 General Plan Update ("Project"), as defined therein, has been completed in compliance with the California Environmental Quality Act (the CEQA") (Pub. Resources Code Section 21000 *et seq.*), the CEQA Guidelines (14 CCR Section 15000 *et seq.*), and the local procedures adopted by the City pursuant thereto; that the City has reviewed and considered the information and analysis contained in the EIR; and that the EIR reflects the City's independent judgment; and

WHEREAS, the EIR identified certain significant effects on the environment that would be caused by the Project; and

WHEREAS, the City is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved; and

WHEREAS, the 2010 General Plan Update was drafted with the intent that it contain policies and actions which, as development occurs under the Plan, will minimize to the greatest extent possible the impacts of such development. However, it was not possible to reduce all potentially significant effects to a level of less than significant through the inclusion of such policies and actions. Therefore, there are some effects which have been identified as significant and unavoidable; and

WHEREAS, no feasible mitigation measures have been identified which would substantially lessen or avoid the significant and unavoidable effects on the environment associated with the Project, and therefore the City must consider the feasibility of alternatives, as set forth in the Final EIR, that may avoid or substantially lessen such impacts; and

WHEREAS, because the EIR has concluded the Project will result in some significant and unavoidable impacts, CEQA requires the City to adopt a Statement of Overriding Considerations if the Project is approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREMONT AS FOLLOWS:

**SECTION 1.** The City adopts the CEQA Findings of Fact attached as Exhibit A to this resolution, as required by Public Resources Code Section 21081; and

SECTION 2. The City adopts the Statement of Overriding Considerations included in Exhibit A, as required by Public Resources Code Section 21081; and

SECTION 3. The City adopts the Mitigation Monitoring and Reporting Program included in Exhibit A, as required by Public Resources Code Section 21081.6.

ADOPTED, December 13, 2011, by the City Council of the City of Fremont by the following vote, to wit:

AYES: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers Chan, Harrison and Dutra

NOES: None

ABSENT: None

ABSTAIN: None

*Ann Natarajan*  
Vice Mayor

ATTEST:

*Susan Sealman*  
Deputy City Clerk

APPROVED AS TO FORM:

*John A. Boyer*  
Assistant City Attorney

EXHIBIT A  
CITY OF FREMONT 2010 GENERAL PLAN UPDATE  
SIGNIFICANT ENVIRONMENTAL EFFECTS, FINDINGS OF FACT, MITIGATION  
MONITORING AND REPORTING PROGRAM, AND STATEMENT OF OVERRIDING  
CONSIDERATIONS

INTRODUCTION

These findings have been prepared in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines (14 CCR § 15000 *et seq.*), and the local procedures adopted by the City of Fremont ("City"). The City is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these findings and the relevant CEQA documents is the City of Fremont 2010 General Plan Update.

I.

DESCRIPTION OF THE FREMONT 2010 GENERAL PLAN UPDATE PROJECT

A. PROJECT DESCRIPTION

Background

The project under consideration by the City Council of the City of Fremont is the comprehensive update of the City of Fremont General Plan, which was last updated in 1991. The new General Plan lays out a broad vision along with goals, policies, and implementation measures to achieve that vision. It includes a land-use designation map that will replace the 1991 map. The Fremont General Plan Update process began in 2006. The City conducted an extensive public outreach process for the update to ascertain the needs and desires of the community, and to identify and discuss concerns and controversial issues. Hundreds of residents, business owners, community leaders, and other stakeholders participated in development of the General Plan Update.

Requirement to Adopt a General Plan

California Government Code Sections 65300 *et seq.* set forth the obligation of cities to adopt and implement general plans. A general plan is a comprehensive and general document that describes plans for the physical development of a city and of any land outside its boundaries, which, in the city's judgment, bears relation to its planning. A general plan is required to address the following mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. A city may also adopt additional elements. A general plan identifies the goals, objectives, policies, principles, standards, and plan proposals that support the city's vision for each area addressed in the plan. A general plan is a long-range document that typically addresses the physical development of an area over a 20-year period. Although a general plan serves as a blueprint for future development and identifies the overall vision for the planning area, it remains general enough to allow for flexibility in the approach taken to achieve the plan's goals.

## **Project Description**

The Project is the adoption and implementation of an updated General Plan for the City of Fremont. The new General Plan is a comprehensive update of the existing 1991 General Plan. The new General Plan includes the seven required elements of a General Plan, as well as the following optional elements: Sustainability, Community Character, Economic Development, Parks and Recreation, Public Facilities and Community Plans.

The following vision statement informs the new General Plan: "Fremont will serve as a national model of how an auto-oriented suburb can evolve into a sustainable, strategically urban, modern city." While many of the elements are updates from the 1991 plan, several are new, including the Sustainability Element. Sustainability is the over-arching theme of the Plan; because sustainability touches on all the other elements, the Plan includes a "sustainability icon" that is used to identify goals, policies, and implementation measures in each element that further the City's sustainability goals. Other new elements include Community Character, which focuses on design issues; and the Community Plans Element, which builds on previous planning work done in various Fremont neighborhoods and districts and incorporates relevant goals and policies for those locations into the Plan. Each element includes narrative text followed by goals, policies, and implementation measures. The policies provide broad guidance for day-to-day land use decisions. The implementation measures identify specific tasks to put the policies into action in the coming years.

The General Plan also includes a series of color diagrams. The General Plan Land Use Map is particularly important, as it identifies the intended use of all property in the City. One significant change from the previous land use map is the establishment of "TOD (Transit Oriented Development) Overlays" that promote more intense development near transit stations. The Land Use Map also reduces the number of residential land use designations from fifteen to five, with the intent to use zoning to provide finer-grained regulation of development intensity within broader residential General Plan designations. A new "City Park" land use designation has also been included. The Land Use Map identifies Study Areas and Areas of Interest where future land use changes are currently under evaluation or anticipated in the future.

The EIR prepared for the Project evaluated the environmental effects of the adoption of the General Plan Update and projected build-out under the new Plan. The City has established 2035 as the horizon year, or the year by which the City projects is the earliest time period that the growth anticipated in the Plan will be achieved. The impact analysis, including temporary (i.e., construction-related) and operational, direct and indirect environmental effects, assumes that the City's population will increase by approximately 45,000 people with the development of approximately 15,600 additional housing units by 2035. The Project assumes that Fremont will also add development of approximately 43,600 jobs during that time. Total development evaluated in the EIR includes a population estimate of 259,000 people with 158,583 jobs and 89,763 households.

## B. GENERAL PLAN UPDATE OBJECTIVES

Guiding principles were developed through the visioning process early in the General Plan Update and reflect input provided by the public, planning commission, and city council. These principles reflect core community values and identify desired outcomes. They provide broad statements of purpose and direction to achieve the community vision, and served as inspiration for development of the General Plan Update goals, policies, and actions. Each goal, policy, and action of every General Plan Element relates back to one or more of the important principles listed below:

- A Sustainable Community: establishing sustainability - the ability to meet the needs of the current generation without jeopardizing the ability of future generations to do the same - as an overarching theme of the General Plan
- Becoming Strategically More Urban: focusing future housing growth near transit hubs and corridors, becoming more urban in strategic locations
- Mobility- It's Not Just About Cars: balancing the needs of automobile drivers with those of public transit, bicyclists, and pedestrians
- Enhancing Fremont's Parks and Open Space: retaining and enhancing Fremont's "Open Space Frame" and continuing to supplement the outstanding parks system
- An Inclusive Community: cultivating Fremont's ethnic, income, and age diversity by ensuring availability of housing across the economic spectrum and by implementing policies and programs supporting youth and older adults
- Vibrant Centers: preserving and enhancing the unique identities of each of Fremont's town centers while promoting a successful and distinctive City Center to serve as a unifying identity for the community
- A Diversified and Successful Local Economy: ensuring Fremont's industrial and commercial sectors include a continued array of successful business, large and small; and a broad range of retail, including higher-end retail and restaurants
- A Well-Designed Urban Landscape: guiding new development so that as Fremont continues to evolve, the City's built environment evolves with it
- Preservation and Enhancement of Single Family Neighborhoods: preserving and enhancing single-family homes and neighborhoods so the City maintains its character as a desirable location for family life
- Community Life: providing a safe community with high-quality, equitable and fiscally responsible public safety services, utilities, parks, libraries and schools; also a healthy community with access to healthy food and high-quality health care

The purpose of the General Plan Update is to provide the City with a current and relevant vision for its long-term growth and development. Specific objectives of the project include:

- Update the existing General Plan prepared in 1990 with a new plan that reflects the goals and vision of the community through the year 2035;
- Ensure the General Plan Update achieves compliance with state laws and applicable regulations;

- Ensure that the long term growth and development of the City is done in a sustainable fashion with an emphasis on conservation and efficient use of resources;
- Ensure a high quality of development with an urban design aesthetic for placemaking;
- Preserve, acknowledge and embrace the City's cultural and historic heritage;
- Create strong economic sustainability that attracts jobs, provides services in all sectors;
- Increase the tax base and revenue to support desired City services;
- Allow neighborhoods to grow and evolve to improve the health, safety, general welfare and overall quality of life for all in the City;
- Increase use of alternative means of transportation and reduce vehicle miles traveled by providing for attractive and convenient transportation alternatives and places supporting multiple modes of travel;
- Provide a safe and efficient pedestrian and bicycle network throughout the entire City;
- Preserve the City's Open Space Frame and allow continued enhancement and preservation of all open space areas in the City.

### **C. DISCRETIONARY APPROVALS**

In order to adopt the General Plan Update, the City Council will take the following actions:

- Certification of the Fremont Draft General Plan Update Environmental Impact Report
- Adoption of required findings for the adoption of the General Plan Update, including required findings under the CEQA Guidelines, Sections 15090, 15091, and 15093
- Adoption of the new General Plan

The General Plan Update Environmental Impact Report will be used extensively by the City to address CEQA issues related to the implementing actions identified in the General Plan Update, including the Municipal Zoning Code Update, Development Impact Fee Update, and other development standards and guidelines updates.

## **II.**

### **ENVIRONMENTAL REVIEW PROCESS**

The Environmental Impact Report (the "EIR") for the General Plan Update has been prepared by the City in accordance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and applicable local CEQA Implementation Guidelines. The City has served as "lead agency" in the preparation and consideration of the EIR. The EIR has been assigned State Clearinghouse No. 2010882060.

The EIR process began in August 2010 with the mailing of a Notice of Preparation dated August 23, 2010, to all interested persons and affected agencies, followed by preparation of a Draft Environmental Impact Report dated July 2011 (the "DEIR").

The DEIR was submitted to the State Clearinghouse for review on July 6, 2011. Copies of the Notice of Completion were mailed to the City's mailing list of interested parties regarding environmental issues, including all adjoining jurisdictions. Pursuant to Public Resources Code

Section 21092, a copy of the Notice of Completion was filed with the Alameda County Clerk's Office for posting. The comment period on the DEIR closed on August 19,2011.

Seven letters with written comments were received on the DEIR. The comments received on the DEIR, the City's responses to such comments, and conforming revisions to the DEIR are contained in the FINAL EIR (FEIR) dated September 29,2011.

The EIR consists of the DEIR, the FEIR, and corrections or revision made to the DEIR made in response to comments received.

### **III.**

#### **THE RECORD**

The record of proceedings (the Record) for the City's decision on certification of the EIR consists of the following documents:

- Comments received from the scoping meetings conducted by the City;
- The Notice of Preparation dated August 23, 2010, and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR and appendices for the General Plan Update dated July 2011;
- Notices of Completion and of Availability issued on or about July 6, 2011, providing notice that the Draft EIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the 45-day comment period on the Draft EIR;
- All comments and correspondence submitted to the City with respect to the General Plan Update, in addition to timely comments on the Draft EIR;
- The Final EIR for the General Plan Update dated September 2011, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following: All timely comments received on the Draft EIR and responses to those comments and technical appendices;
- Notices of Public Hearing issued in connection with the Planning Commission and City Council adoption hearings on the Project;
- All findings and resolutions adopted by the City in connection with the General Plan Update and all documents cited or referred to therein, including all staff reports prepared for the General Plan Update;
- Letters and correspondence submitted to the City following the release of the Final EIR;
- All documents submitted to the City (including the City Council) by other public agencies or members of the public in connection with the General Plan Update;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the General Plan Update, including, the Planning Commission hearings on October 13, and 20,2011, and the City Council hearing on December 6, and December 13,2011;
- Any documentary or other evidence submitted to the City at or in relation to such information sessions, public meetings and public hearings, including all staff reports prepared for the General Plan Update;

- Matters of common knowledge to the City, including, but not limited to federal, State, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the Record is the City Clerk of the City of Fremont, located at 3300 Capitol Avenue, Fremont, California, 94537.

#### **IV.**

### **FINDINGS**

#### **PART 1 - OVERALL FINDINGS**

Before the City Council may adopt and implement the Fremont General Plan Update, CEQA mandates that the City Council, as lead agency, consider the Record and make certain findings required by Public Resources Code Section 21081 and 14 California Code of Regulations Sections 15091, 15092 and 15093. The EIR identifies potentially significant impacts on the environment that are likely to result from adoption and implementation of the Fremont General Plan Update. Some of these identified potentially significant impacts may be experienced on a cumulative basis, while others may be experienced at a more localized level within the Fremont city limits.

Based on the following findings as to such impacts, the City Council concludes changes or alterations have been incorporated into the Fremont General Plan Update that avoid or substantially lessen all potentially significant environmental impacts identified in the EIR, except for those unavoidable significant impacts summarized in Section V, below, and detailed below in applicable subsections of this Section IV. As to those unavoidable significant impacts, the City Council hereby adopts a statement of overriding considerations, as set forth in Section VII, below.

Further, as required by Public Resources Code Section 21081.6, a monitoring program is adopted for the mitigation measures stated in and required by this Exhibit A.

The purpose of the findings contained in this Exhibit A include: (1) certifying the EIR prepared for the Fremont General Plan Update; (2) briefly describing and summarizing the potentially significant impacts associated with implementation of the Fremont General Plan Update; (3) describing mitigation measures for, and alternatives to, the Fremont General Plan Update; and (4) presenting the City's findings as to the impacts of the Fremont General Plan Update after adoption or rejection of the mitigation measures and alternatives.

The City Council certifies that the EIR has been completed in compliance with CEQA and that it was presented to, and reviewed and considered by, the City Council prior to acting on the Fremont General Plan Update. In so certifying, the City Council recognizes there may be "differences" among and between the information and opinions offered in the documents and testimony that make up the Record. Therefore, by these findings (including Exhibit A and the resolution adopting this Exhibit A), the City Council adopts these clarifications and/or

modifications of the EIR as set forth in these findings, and determines that these findings shall control and that the EIR shall be deemed to be certified subject to the determinations reached by the City Council in these findings, which are based on the substantial evidence in the Record described above.

The City Council also finds and determines that the EIR will serve as the "Program" EIR for the Fremont General Plan Update, pursuant to California Code of Regulations Section 15168. Subsequent specific projects will undergo individual environmental review as described in this Exhibit A and in the EIR and may involve further identification of project-specific impacts, mitigations and alternatives. It is not possible to forecast with certainty the particulars of such subsequent site-specific projects, whether such projects will be approved at the density and intensity assumed in the EIR or will involve the assumptions, environmental impacts and scenarios hypothesized in the EIR. Nonetheless, these findings attempt to address plausible environmental impacts of the Fremont General Plan Update at the earliest stage in the process.

As used in this Exhibit A, "project-related discretionary approvals" (or similar phrases) include (1) any City Council approval of a project, funding request, or improvement involving the conveyance of City property or the provision of City financial or other assistance pursuant to the Fremont General Plan Update, (2) any City approval of a discretionary land use entitlement (e.g., General Plan Amendment, rezoning, subdivision map, use permit, variance) for the construction, rehabilitation, or renovation of private improvements within the City, and (3) any City approval of the funding, construction, rehabilitation, or renovation of a publicly owned building, facility, or improvement pursuant to the Fremont General Plan Update. California Code of Regulations Section 15168 describes how this Program EIR can be used with future project-related discretionary approvals to determine whether additional environmental documentation is needed. In particular, where a subsequent activity includes site-specific operations, the City may use a checklist or similar device to determine whether the environmental effects of the project were covered in this Program EIR. Where the effects were not covered, a subsequent or supplemental environmental document will be prepared.

Except as otherwise expressly noted and explained in this Section IV, the mitigation measures proposed in the EIR are adopted in this Exhibit A, substantially in the form proposed in the EIR, with such clarifications and non-substantive modifications as the City Council has deemed appropriate to implement the mitigation measures. Further, the mitigation measures adopted in this Exhibit A are expressly incorporated into the Fremont General Plan Update. If applicable, feasible mitigation measures and alternatives developed in the EIR must be incorporated into future project-related discretionary approvals within the City, although project-specific environmental review may also result in the adoption of alternative mitigation measures for particular projects. Some of the mitigation measures adopted in this Exhibit A consist of policies and guidelines set forth in City Council resolutions in effect at the time this Exhibit A is prepared and adopted. The adopted mitigation measures shall be deemed to be modified to the extent that policies and guidelines as set forth in City Council resolutions may be modified in the future after appropriate environmental review.

Through the Fremont General Plan Update, including the mitigation measures adopted in this Exhibit A and incorporated in the Fremont General Plan Update, the City has secured substantial social, economic and other benefits (described in detail in Section VII of this Exhibit A), which allow the City to adopt a Statement of Overriding Considerations, which Statement finds any remaining significant environmental impacts to be acceptable, because they are outweighed by the social, economic, and other benefits.

By these findings, the City Council has attempted to avoid or mitigate to a less-than-significant level all potentially significant environmental impacts of the Fremont General Plan Update, and to otherwise consider, address, and resolve all of the environmental concerns raised during the public process, and has adopted all feasible mitigation measures and alternatives. To the extent that a significant impact remains unavoidable or not mitigated to a less-than-significant level, it is determined to be acceptable because the specific social, economic, and other benefits set forth in the Statement of Overriding Considerations contained herein (Section VII) outweigh the unavoidable adverse impacts.

The findings and determinations in this Exhibit A are to be considered as an integrated whole, and, whether or not any subdivision of this Exhibit A fails to cross-reference or incorporate by reference any other subdivision of this Exhibit A, that any finding or determination required or permitted to be made shall be deemed made if it appears in any portion of this document. All of the text included in this document constitutes findings and determinations, whether or not any particular caption sentence or clause includes a statement to that effect.

Although the discussion under the captions "Facts Supporting Finding" below may be based primarily or entirely on the EIR, each finding herein is based on the entire Record, including without limitation written and oral testimony to the Planning Commission, the City Council, and background information relating to the Fremont General Plan Update. The omission of any relevant fact from the summary discussions below is not an indication that a particular finding is not based in part on the omitted fact. The findings as set forth herein are based on all of the facts in the Record before the City Council.

Many of the policies, guidelines and other mitigation measures imposed or adopted pursuant to this Exhibit A to mitigate impacts identified in the administrative record may have the effect of mitigating multiple impacts (e.g., conditions imposed primarily to mitigate traffic impacts may also secondarily mitigate air quality impacts, etc.). The City Council has not attempted to exhaustively cross-reference all potential impacts mitigated by the imposition of a particular policy, guideline or other mitigation measure; however, such failure to cross-reference shall not be construed as a limitation on the potential scope or effect of any such policy, guideline or other mitigation measure imposed or adopted.

Notwithstanding the identification of the following significant environmental effects of the Fremont General Plan Update, the City Council may approve any or all of the Fremont General Plan Update, as authorized by Public Resources Code Section 21081 and 14 California Code of Regulations Sections 15091 and 15092. As required by the aforementioned references, the following findings are made for which there is substantial evidence in the Record. Further, as

required pursuant to Public Resources Code Section 21081.6, a monitoring program is adopted for the mitigation measures adopted by the City Council in this Exhibit A

## PART 2 - IMPACTS, MITIGATION MEASURES AND FINDINGS

The following subsections discuss specific impacts, mitigations measures, and findings. Reference numbers to impacts and mitigation measures in the following subsections are to the numbers used in the DEIR.

### A. TRANSPORTATION AND CIRCULATION

#### 1. Impact TRA-1: Unacceptable Level of Service at Alvarado Boulevard/Deep Creek Road Intersection (#1).

(a) Significant Environmental Effect. During the AM. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Alvarado Boulevard/Deep Creek Road. The intersection of Alvarado Boulevard/Deep Creek Road is LOS C under the Existing Condition, and would deteriorate to LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-1: Modification of Alvarado Boulevard/Deep Creek Road Intersection (#1). By modifying the intersection as shown in DEIR Figure 4.3, the intersection average delay for the AM. peak hour would improve from 76.9 seconds to 66.4 seconds. This location is also under the jurisdiction of Caltrans.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #1, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-1 in place, the LOS at Intersection #1 would remain at LOS E. Further modifications to the intersection cannot be recommended due to the fact that improvements would be made by another agency, and due to the proximity of private homes or the adjacent 1-880 overpass structure. Therefore, this would remain a *significant and unavoidable* impact following implementation of Mitigation TRA-1.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

2. Impact TRA-2: Unacceptable Level of Service at Fremont Boulevard/Paseo Padre Parkway Intersection (#3).

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Paseo Padre Parkway. The intersection of Fremont Boulevard/Paseo Padre Parkway is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-2: Modification of Fremont Boulevard/Paseo Padre Parkway Intersection (#3). By modifying the intersection as shown in DEIR Figure 4.3, the intersection average delay for the P.M. peak hour would improve from 80.3 seconds to 53.0 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the northeast corner.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening or level of service at Intersection #3, reducing the impact to a less-than-significant level.

3. Impact TRA-3: Unacceptable Level of Service at Paseo Padre Parkway/Decoto Road Intersection (#4).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Decoto Road. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Decoto Road is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration

in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-3: Modification of Paseo Padre Parkway/Decoto Road Intersection (#4). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 156.9 seconds to 82.9 seconds. Similarly, the P.M. peak would improve from 123.5 to 82.1 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along each of the quadrants of the intersection.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #4, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-3 in place, the average delay at Intersection #4 would improve. However, the LOS would remain at LOS F for both the AM. and P.M. peak hours. Therefore, this impact would remain *significant and unavoidable* following implementation of Mitigation TRA-3.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**4. Impact TRA-4: Unacceptable Level of Service at Fremont Boulevard/Decoto Road Intersection (#5).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Decoto Road. For both the AM. and P.M. peak hours, the intersection of Fremont Boulevard/Decoto Road is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-4: Modification of Fremont Boulevard/Decoto Road Intersection (#5). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 105.4 seconds to 70.7 seconds. Similarly, the P.M. peak would improve from 107.1 to 74.0 seconds. This mitigation would require significant lane re-striping along Fremont Boulevard, as

well as acquisition of additional right-of-way and utility relocations along the northbound and southbound approaches to Fremont Boulevard.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(I) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening level of service at Intersection #5, reducing the impact to a less-than-significant level.

5. Impact TRA-5: Unacceptable Level of Service at 1-880 NB Ramps/Decoto Road Intersection (#6).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 NB Ramps/Decoto Road. For the A.M. and P.M. peak hours, the intersection of 1-880 NB Ramps/Decoto Road is LOS D and B, respectively, under the Existing Condition, and would deteriorate to LOS F and E, respectively, in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-5: Modification of 1-880 NB Ramps/Decoto Road Intersection (#6). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 167.1 seconds to 73.4 seconds. Similarly, the P.M. peak would improve from 67.4 to 27.2 seconds. This mitigation may require acquisition of additional right-of-way, reconstruction of the overpass at 1-880 and utility relocations. This location is also under the jurisdiction of Caltrans.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #6, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-5 in place, the LOS at Intersection #6 would improve to LOS E in the AM. and LOS C in the P.M. Because of the LOS E condition, the potential reconstruction of the overpass at 1-880, and the fact that improvements would be made by another agency, this would remain a *significant and unavoidable* impact following implementation of Mitigation TRA-5.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

6. Impact TRA-6: Unacceptable Level of Service at 1-880 SB Ramps/Decoto Road Intersection (#7).

(a) Significant Environmental Effect. During the AM. peak hour, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 SB Ramps/Decoto Road. For the AM. peak hour, the intersection of 1-880 SB Ramps/Decoto Road is LOS C under the Existing Condition and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-6: Modification of 1-880 SB Ramps/Decoto Road Intersection (#7). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 94.9 seconds to 31.5 seconds. This mitigation may require acquisition of additional right-of-way, reconstruction of the overpass at 1-880 and utility relocations. This location is also under the jurisdiction of Caltrans.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening level of service at Intersection #7, reducing the impact to a less-than-significant level.

**7. Impact TRA-7: Unacceptable Level of Service at Paseo Padre Parkway/Isherwood Way Intersection (#11).**

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Isherwood Way. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Isherwood Way is LOS C under the Existing Condition, but would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-7: Modification of Paseo Padre Parkway/Isherwood Way Intersection (#11). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 143.5 seconds to 118.6 seconds. Similarly, the P.M. peak would improve from 152.5 to 113.9 seconds. This mitigation would require modification of existing traffic signal hardware, travel lane re-striping and the modification of raised concrete medians on northbound approaches to Paseo Padre Parkway.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #11, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-7 in place, the average delay at Intersection #11 would improve. However, the level of service for the A.M. and P.M. peak hours would remain at LOS F. Therefore, this impact would be *significant and unavoidable* following implementation of Mitigation TRA-7.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

8. Impact TRA-8: Unacceptable Level of Service at Paseo Padre Parkway/Thornton Avenue Intersection (#12).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Thornton Avenue. For the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Thornton Avenue is LOS D under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-8: Modification of Paseo Padre Parkway/Thornton Avenue Intersection (#12). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 217.5 seconds to 39.8 seconds. Similarly, the P.M. peak would improve from 146.0 to 87.1 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southwest corner of the intersection.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #12, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-8 in place, the LOS at Intersection #12 would improve to LOS C in the A.M., but remain LOS F in the P.M. The A.M. impact would be reduced to a level considered *less than significant* with implementation of the mitigation measure. The P.M. impact, however, would be *significant and unavoidable* following implementation of Mitigation TRA-8.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

9. Impact TRA-9: Unacceptable Level of Service at Fremont Boulevard/Central Avenue Intersection (#16).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Central Avenue. For both the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Central Avenue is LOS C under the Existing Condition, and

would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-9: Modification of Fremont Boulevard/Central Avenue Intersection (#16). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 121.5 seconds to 51.7 seconds. Similarly, the P.M. peak would improve from 109.9 to 75.8 seconds. This mitigation would require modification of raised concrete medians, and travel lane re-striping on the northbound approach to Fremont Boulevard.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening level of service at Intersection #16, reducing the impact to a less-than-significant level.

**10. Impact TRA-I0: Unacceptable Level of Service at Paseo Padre Parkway/Peralta Boulevard Intersection (#18)**

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Peralta Boulevard. For the P.M. peak hour, the intersection of Paseo Padre Parkway/Peralta Boulevard is LOS D, under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located along select Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-I0: Modification of Paseo Padre Parkway / Peralta Boulevard Intersection (#18). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the P.M. peak hour would

improve from 164.7 seconds to 133.7 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southeast corner.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #18, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-I0 in place, the P.M. peak hour at Intersection #18 would remain at an LOS worse than LOS E and, therefore, this would be a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**11. Impact TRA-II: Unacceptable Level of Service at Paseo Padre Parkway/Mowry Avenue Intersection (#21).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Paseo Padre Parkway/Mowry Avenue is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-11: Modification of Paseo Padre Parkway/Mowry Avenue Intersection (#21). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 107.0 seconds to 94.8 seconds. Similarly, the P.M. peak would improve from 94.1 to 63.6 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along both Paseo Padre Parkway approaches.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in

Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #21, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-11 in place, the LOS at Intersection #21 would remain LOS F in the A.M. and improve to LOS E in the P.M. The A.M. operation would remain at an LOS F worse than LOS E and, therefore, would be a *significant and unavoidable* impact. The P.M. impact would be reduced to a level considered *less than significant* with implementation of Mitigation TRA-11.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

12. Impact TRA-12: Unacceptable Level of Service at Fremont Boulevard/Mowry Avenue Intersection (#22).

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of Fremont General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Mowry Avenue. For the P.M. peak hour, the intersection of Fremont Boulevard/Mowry Avenue is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-12: Modification of Fremont Boulevard/Mowry Avenue Intersection (#22). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 123.1 seconds to 87.4 seconds. This mitigation would entail minor restriping along the eastbound Mowry Avenue approach, but would not require acquisition of additional right-of-way or utility relocations along the southwest corner.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #22, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-12 in place, the LOS at Intersection #22 would remain LOS F in the P.M. peak hour. The P.M. impact would remain at an LOS worse than LOS E and, therefore, would be a *significant and unavoidable* impact following implementation of Mitigation TRA-12.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

13. **Impact TRA-13: Unacceptable Level of Service at Blacow Road/Mowry Avenue Intersection (#24).**

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Blacow Road/Mowry Avenue. For both the A.M. and P.M. peak hours, the intersection of Blacow Road/Mowry Avenue is LOS C under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. At Intersection #24, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-13 in place, the LOS at Intersection #24 would remain LOS F in both the A.M. and P.M. peak hours. These peak hours would still have an LOS F worse than LOS E and, therefore, would be *significant and unavoidable* impacts following implementation of Mitigation TRA-13.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

14. **Impact TRA-14: Unacceptable Level of Service at Mission Boulevard/Niles Canyon Road Intersection (#28).**

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Niles Canyon Road. For the A.M. and P.M. peak hours, the intersection of Mission Boulevard/Niles Canyon Road is LOS D and E, respectively under the Existing Condition, and would both deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-14: Modification of Mission Boulevard/Niles Canyon Road Intersection (#28). By modifying the intersection as shown in DEIR Figure 4.3, changing the traffic signal to protected phasing operation and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 307.7 seconds to 195.6 seconds. Similarly, the P.M. peak hour would improve from 215.2 seconds to 183.6 seconds. This mitigation would entail minor restriping along eastbound Niles Canyon Road, but would not require acquisition of additional right-of-way or utility relocations.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #28, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-14 in place, the LOS at Intersection #28 would remain LOS F in both the AM. and P.M. peak hours. These peak hours would still have an LOS F worse than LOS E and, therefore, would be *significant and unavoidable* impacts following implementation of Mitigation TRA-14.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**15. Impact TRA-15: Unacceptable Level of Service at Mission Boulevard/Mowry Avenue Intersection (#29).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Mowry Avenue is LOS F under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 74.5 seconds during the AM. peak hour and 63.5 during the P.M. peak hour. This increase in average delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-15: Modification of Mission Boulevard/Mowry Avenue Intersection (#29). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection (which is under Caltrans jurisdiction), average delay for the AM. peak hour would improve from 250.0 seconds to 120.9 seconds. Similarly, the P.M.

peak hour would improve from 242.3 seconds to 108.3 seconds. This mitigation would entail minor restriping along the southbound Mission Boulevard approach and would not require acquisition of additional right-of-way or utility relocations.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #29, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(I) With the modifications identified in Mitigation TRA-15 in place, the LOS at Intersection #29 would remain LOS F in both the AM. and P.M. peak hours. These peak hours would still have an LOS worse than LOS E allowed for regionally influenced intersections and, therefore, would be *significant and unavoidable* impacts following implementation of Mitigation TRA-15.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

16. Impact TRA-16: Impact TRA-16: Unacceptable Level of Service at Mission Boulevard/Walnut Avenue Intersection (#30).

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Walnut Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Walnut Avenue is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. At Intersection #30, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Intersection #30, which is under Caltrans jurisdiction, is "built-out", and additional modifications beyond those already planned are not feasible based on the close

proximity to single family homes and railroad tracks. Acquisition of additional right-of-way and utility relocation may not be feasible at this intersection. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

17. Impact TRA-17: Unacceptable Level of Service at Mission Boulevard /Stevenson Boulevard Intersection (#34).

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Stevenson Boulevard. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Stevenson Boulevard is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. At Intersection #34, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Intersection #34, which is under Caltrans jurisdiction, is "built-out", and additional modifications beyond those already planned are not feasible based on a review of adjacent right-of-way and existing structures. Significant modifications to the tunnel underneath the railroad toward the south would be required to widen Mission Boulevard and improve this location. Acquisition of additional right-of-way and utility relocation may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

18. Impact TRA-18: Unacceptable Level of Service at Blacow Road/ Stevenson Boulevard Intersection (#37).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Blacow Road/Stevenson Boulevard. For the AM. and P.M. peak hours, the intersection of Blacow Road/Stevenson Boulevard is LOS E and F, respectively under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 25.8 seconds during the AM. peak hour and 11.6 during the P.M. peak hour. This increase in average

delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-18: Modification of Blacow Road/ Stevenson Boulevard Intersection (#37). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 83.7 seconds to 78.1 seconds. Similarly, the P.M. peak would improve from 131.5 to 89.2 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southwest corner adjacent to the ARCO fuel station.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIII.A and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #37, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications indicated in Mitigation TRA-18 in place, the LOS at Intersection #37 would improve to LOS E in the AM. and remain LOS F in the P.M. The AM. would still have an increase in intersection average delay greater than 4.0 seconds and, therefore, this would be a *significant and unavoidable* impact. The P.M. would have an increase in intersection average delay less than 4.0 seconds and the impact would be reduced to a level considered *less than significant* with implementation of Mitigation TRA-18.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

19. Impact TRA-19: Unacceptable Level of Service at Fremont Boulevard /Grimmer Boulevard Intersection (#42).

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Grimmer Boulevard. For the P.M. peak hour, the intersection of Fremont Boulevard/Grimmer Boulevard is LOS D under the Existing Condition, and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-19: Modification of Fremont Boulevard /Grimmer Boulevard Intersection (#42). By modifying the intersection as shown in DEIR Figure 4.3, changing to a protected phase operation and optimizing the signal timing, the intersection

average delay for the P.M. peak hour would improve from 56.7 seconds to 38.5 seconds. This mitigation will not require acquisition of additional right-of-way and utility relocations along the north-east corner adjacent to the creek.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening level of service at Intersection #42, reducing the impact to a less-than-significant level.

20. Impact TRA-20: Unacceptable Level of Service at Grimmer Boulevard Blacow Road Intersection (#43).

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Grimmer Boulevard/Blacow Road. For both the AM. and P.M. peak hours, the intersection of Grimmer Boulevard/Blacow Road is LOS F and D, respectively under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-20: Modification of Grimmer Boulevard/Blacow Road Intersection (#43). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 157.1 seconds to 70.6 seconds. Similarly, the P.M. peak would improve from 80.1 to 51.5 seconds. This mitigation may require acquisition of significant additional right-of-way and utility relocations at every corner.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #43, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-20 in place, the LOS at Intersection #43 would improve to LOS E in the A.M. and LOS D in the P.M. The A.M. would still have an LOS worse than LOS D and, therefore, this would be a *significant and unavoidable* impact. The P.M. would have an LOS D, and the impact would be reduced to a level considered *less than significant* with implementation of the Mitigation TRA-20.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

21. Impact TRA-21: Unacceptable Level of Service at Grimmer Boulevard/Auto Mall Parkway Intersection (#44).

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Grimmer Boulevard/Auto Mall Parkway. For the P.M. peak hour, the intersection of Grimmer Boulevard/Auto Mall Parkway is LOS D under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-21: Modification of Grimmer Boulevard/Auto Mall Parkway Intersection (#44). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the P.M. peak hour would improve from 103.4 seconds to 77.7 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the south-west corner adjacent to the Chevron Station.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(I) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening level of service at Intersection #44, reducing the impact to a less-than-significant level.

22. **Impact TRA-22: Unacceptable Level of Service at Union Street-Fremont Boulevard/Washington Boulevard Intersection (#48).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Union Street - Fremont Boulevard/Washington Boulevard. For both the AM. and P.M. peak hours, the intersection of Union Street - Fremont Boulevard/Washington Boulevard is LOS D under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. At Intersection #48, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(I) Intersection #48, a five-legged intersection at five corners in Irvington, is "built-out", and additional modifications beyond those already planned are not feasible based on a review of available right-of-way or the close proximity to existing buildings and historic resources. Acquisition of additional right-of-way and utility relocation may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

23. **Impact TRA-23: Unacceptable Level of Service at Fremont Boulevard/Auto Mall Parkway Intersection (#50).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Auto Mall Parkway. For the AM. and P.M. peak hours, the intersection of Fremont Boulevard/Auto Mall Parkway is LOS D and E, respectively under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. At Intersection #50, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Intersection #50 is "built-out", and additional modifications beyond those already planned are not feasible based on a review of available right-of-way or the close proximity to the existing overhead power structures, adjacent drainage canal and railroad overpass. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

24. Impact TRA-24: Unacceptable Level of Service at Fremont Boulevard/South Grimmer Boulevard Intersection (#51).

(a) Significant Environmental Effect. During the A.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/South Grimmer Boulevard. For the A.M. peak hour, the intersection of Fremont Boulevard/South Grimmer Boulevard is LOS D under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-24: Modification of Fremont Boulevard/South Grimmer Boulevard Intersection (#51). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 186.8 seconds to 82.2 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southbound and eastbound approaches.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(l) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening or level of service at Intersection #51, reducing the impact to a less-than-significant level.

**25. Impact TRA-25: Unacceptable Level of Service at 1-880 SB Ramps\Fremont Boulevard Intersection (#53).**

(a) Significant Environmental Effect. During the AM. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 SB Ramps\Fremont Boulevard. For the AM. peak hour, the intersection of 1-880 SB Ramps\Fremont Boulevard is LOS B under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. At Intersection #53, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Intersection #53, which is under Caltrans jurisdiction, is "built-out" and additional modifications beyond those already planned are not feasible based on a review of adjacent topography and the close proximity to the overpass at 1-880. Roadway reconstruction and utility relocation may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**26. Impact TRA-26: Unacceptable Level of Service at Paseo Padre Parkway\Driscoll Road Intersection (#55).**

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Driscoll Road. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Driscoll Road is LOS C under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-26: Modification of Paseo Padre Parkway /Driscoll Road Intersection (#55). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 65.1 seconds to 49.5 seconds. Similarly, the P.M. peak would improve from 61.2

to 38.4 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the south-west corner.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(I) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening or level of service at Intersection #55, reducing the impact to a less-than-significant level.

27. Impact TRA-27: Unacceptable Level of Service at Osgood Road/Auto Mall Parkway Intersection (#56).

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Osgood Road/Auto Mall Parkway. For the AM. and P.M. peak hours, the intersection of Osgood Road/Auto Mall Parkway is LOS E and F, respectively, under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. At Intersection #56, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(I) Intersection #56 is "built-out" and additional modifications beyond those already planned beyond the planned widening of Auto Mall Parkway to six lanes are not likely feasible. Expansion of the roadway on its northern edge toward Fry's, and relocation of the overhead utility structure would create additional capacity to improve the intersection. This intersection is bounded by bridge structures directly to the east and the west, and overhead power

lines to the north. Acquisition of additional right-of-way and utility relocation may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**28. Impact TRA-28: Unacceptable Level of Service at 1-680 SB Ramps/Durham Road Intersection (#57).**

(a) Significant Environmental Effect. During the P.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of 1-680 SB Ramps/Durham Road. For the P.M. peak hour, the intersection of 1-680 SB Ramps/Durham Road is LOS B under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. At Intersection #57, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Intersection #57, which is under Caltrans jurisdiction, is "built-out", and additional modifications beyond those already planned are not feasible based on a review of adjacent topography and close proximity to the overpass at 1-680. Significant roadway modifications may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

**29. Impact TRA-29: Unacceptable Level of Service at Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard Intersection (#61).**

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard. For the AM. and P.M. peak hours, the intersection of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard is LOS F and C, respectively, under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-29: Modification of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard Intersection (#61). By modifying the intersection

as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 352.3 seconds to 55.3 seconds. Similarly, for the P.M. peak hour, would improve from 410.5 seconds to 62.9 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening or level of service at Intersection #61, reducing the impact to a less-than-significant level.

30. Impact TRA-30: Unacceptable Level of Service at Warm Springs Boulevard/Mission Boulevard (SR-262) Intersection (#62).

(a) Significant Environmental Effect. During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262). For the AM. and P.M. peak hours, the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262) is LOS E and D, respectively, under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-30: Modification of Warm Springs Boulevard/Mission Boulevard (SR-262) Intersection (#62). By modifying the intersection to include a southbound right-turn free movement and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 405.9 seconds to 154.6 seconds. Similarly, the P.M. peak would improve from 395.0 to 174.4 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations at the northwest corner of the intersection. Alternatively the City, in cooperation with Caltrans, will consider grade separation options for the intersection to improve the cross connection ability of the highway between 1-680 and 1-880. In the event that this becomes a reality, then this location will need to be re-evaluated with

revised geometric considerations. Construction of an "urban interchange" would improve operations, but have considerable right-of-way acquisition issues on existing businesses.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #62, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-30 in place, the LOS at Intersection #62 would remain LOS F in both the A.M. and P.M. peak hours. These peak hours would still have an LOS worse than LOS E and, therefore, would be *significant and unavoidable* impacts following implementation of Mitigation TRA-30.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

31. **Impact TRA-31: Unacceptable Level of Service at Warm Springs Boulevard /East Warren Avenue Intersection (#63).**

(a) Significant Environmental Effect. During the A.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/East Warren Avenue. For the A.M. peak hour, the intersection of Warm Springs Boulevard/East Warren Avenue is LOS C under the Existing Condition, and would deteriorate to LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-31: Modification of Warm Springs Boulevard /East Warren Avenue Intersection (#63). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 69.0 seconds to 37.5 seconds. This mitigation may require construction of a "pork chop island" to channelize traffic from westbound Warren Avenue to northbound Warm Springs Boulevard, acquisition of additional right-of-way and utility relocations.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is

hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the BIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with a worsening or level of service at Intersection #63, reducing the impact to a less-than-significant level.

**32. Impact TRA-32: Unacceptable Level of Service at Warm Springs Boulevard/Kato Road - Scott Creek Road Intersection (#64).**

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road. For both the A.M. and P.M. peak hours, the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road is LOS D, under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) Mitigation Measure TRA-32: Modification of Warm Springs Boulevard /East Warren Avenue Intersection (#64). By modifying the intersection as shown in DEIR Figure 4.3, converting the westbound right turn to overlap operation and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 167.6 seconds to 138.8 seconds. Similarly, the P.M. peak hour would improve from 195.8 seconds to 137.3 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the north-east corner of the intersection.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. At Intersection #64, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) With the modifications identified in Mitigation TRA-32 in place, the LOS at Intersection #64 would remain LOS F in both the A.M. and P.M. peak hours. These peak hours would still have an LOS worse than LOS D and, therefore, would be *significant and unavoidable* impacts following implementation of Mitigation TRA-32.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

33. Impact TRA-33: Unacceptable Level of Service at Fremont Boulevard/Dixon Landing Road Intersection (#68).

(a) Significant Environmental Effect. During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Dixon Landing Road. For both the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Dixon Landing Road is LOS B, under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. At Intersection #68, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Additional modifications at Intersection #68 are not feasible beyond those already assumed as part of the approved Creekside Landing Development Project, based on a review of available right-of-way or the close proximity to existing bridge over Coyote Creek and overhead power utilities. Significant roadway modifications may not be feasible. Therefore, this would remain a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

B. AIR QUALITY

1. Impact AIR-I: Conflict with CAP Assumptions.

(a) Significant Environmental Effect. Development anticipated following adoption of the General Plan Update would increase population and employment in the City, leading to additional air pollutant emissions. City-wide vehicle miles traveled (VMT) is projected to increase at a faster rate than the City's population, which conflicts with Clean Air Plan (CAP) assumptions. This is a *significant* impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. With respect to potential conflicts with the Clean Air Plan assumptions, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) With development anticipated under the General Plan Update, vehicle miles traveled (VMT) in both Fremont and Alameda County would increase by 61 percent over existing or baseline conditions. This would equate to a 2.0 percent per year increase in VMT, which would far exceed the projected rate of population growth, and modestly exceeds the combined rate of population and employment growth. It should be noted that the VMT forecasting is based on traffic models that are prone to over-predicting vehicle activity due to the inability of the models to properly internalize trips or double-counting of trips. Since the rate of projected VMT growth would exceed the rate of projected population growth, this would be considered a significant impact.

(2) Beyond the implementation of the General Plan Update programs and policies, there are no feasible measures that would reduce this impact to a level considered less than significant. While policies and other BAAQMD regulations or programs would reduce impacts to air quality, the growth in VMT could disrupt or hinder the effectiveness of the CAP that relies on reductions in traffic-related emissions resulting from land use decisions. This would be considered a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

2. Impact AIR-2: Possible Exposure of Sensitive Receptors to Unhealthy Levels of TACs and PM<sub>2.5</sub>.

(a) Significant Environmental Effect. Development anticipated under the General Plan Update may expose sensitive receptors to TACs and PM<sub>2.5</sub> through development of new sensitive receptors and non-residential development that may be sources of TACs and PM<sub>2.5</sub>. Such exposure would represent a *potentially significant* impact.

(b) Mitigation Measure AIR-2: Modify DRAFT General Plan Update Policy 7-7.3 and Related Implementation Measures to Minimize Potential Exposures of Sensitive Receptors to TACs. Policy 7-7.3 and related implementation measures shall be modified to read as follows:

Policy 7-7.3 Land Use Planning to Minimize Health Impacts from Toxic Air Contaminants

Coordinate land use planning with air quality data and local transportation planning to reduce the potential for long-term exposure to toxic air contaminants (TAC) from permanent sources that affect the community.

#### Implementation 7-7.3A Limit New TAC Sources

Evaluate new sources of TAC emissions pursuant to BAAQMD guidelines and thresholds for an increased health risk of no more than 10 additional incidents of cancer per million exposures or that contribute to a cumulative risk in excess of 100 additional incidents of cancer per million exposures.

#### Implementation 7-7.3B Limit New Residential Development in High Risk Areas

For infill development sites within existing neighborhoods, apply thresholds for review when new sensitive receptors are within areas exposed to health risk levels in excess of 100 additional incidents of cancer per million exposures. Infill development also includes conditional development of a mixed use and urban residential development within residential and commercial areas of Centers and Urban Corridors.

When considering land use changes that add sensitive receptor uses outside of existing neighborhoods, apply thresholds for review when new sensitive receptors are within areas exposed to health risk levels in excess of 10 additional incidents of cancer per million exposures.

#### Implementation 7-7.3C Incorporate TAC Controls with New Development

New development projects with sensitive receptors within 1000 feet of a freeway or major TAC source shall assess the TAC health risk for the site and incorporate, to the maximum extent feasible, risk reduction measures to reduce exposure to TAC. Risk reduction measures may include, but are not limited to, project phasing, site orientation, distance separations, landscape buffering, building air-filtration systems, modified building design or building type, or offsite improvements at a TAC source.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible exposure of sensitive receptors to unhealthy levels of TACs and PM<sub>2.5</sub> reducing the impact to a less-than-significant level.

3. Impact AIR-3: Construction Period Dust, Emissions and Odors.

(a) Significant Environmental Effect. Construction of development projects under the General Plan Update would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered *significant*.

(b) Mitigation Measure AIR-3: Implement BAAQMD - Recommended Measures to Control Particulate Matter Emissions during Construction. Measures to reduce diesel particulate matter and PM<sub>10</sub> from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.

Dust (PM<sub>10</sub>) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- Post a publicly-visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Additional Measures to Reduce Diesel Particulate Matter and PM<sub>2.5</sub> and other construction emissions:

- The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor

vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011

- Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- Properly tune and maintain equipment for low emissions.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. In terms of potential construction period dust, emissions and odors, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) Implementation of Mitigation AIR-3 would be sufficient to reduce exhaust emissions from most construction projects to a level considered *less than significant*, but larger projects, due to their size and construction schedule, might have exhaust emissions that exceed the BAAQMD significance thresholds for construction exhaust emissions. Therefore, it is possible that in some circumstances, the impact would remain *significant and unavoidable*.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

## C. NOISE AND VIBRATION

### 1. Impact NOI-I: Exposure of New Land Uses to Excessive Noise Levels.

(a) Significant Environmental Effect. Those living and working at sites which may be developed in the future (particularly residential uses adjacent to principal streets and railroad lines), could be exposed to excessive noise levels following development anticipated under the General Plan Update. This would be considered a *potentially significant* impact.

(b) Mitigation Measure NOI-IA: Project-Specific Planning for Noise Reduction. Utilize site planning to minimize noise in residential outdoor activity areas

(backyards of single family homes and shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA Ldn from roadway traffic and BART with conditionally acceptable levels in urban development areas of 65 dBA Ldn, and 70 dBA Ldn from railroad trains.

Mitigation NOI-IB: Revision of DRAFT General Plan Update Noise/Land Use Compatibility Policies. Revise and clarify the following General Plan policies related to Noise and Land Use Compatibility to facilitate the project review and CEQA process as they relate to community noise:

*Policy 10-8.1: Site Development Acceptable Noise Environment.* A noise environment which meets acceptable standards as defined by the State of California Building Code and local policies contained herein.

- Implementation 10-8.I.A: New development projects shall meet acceptable exterior noise level standards. The "normally acceptable" noise standards for new land uses established in Land Use Compatibility for Community Exterior Noise Environments shown in Figure 10-11 shall be used as modified by the following:

The goal for maximum acceptable noise levels in residential areas is an Ldn of 60 dBA. This level shall guide the design of future development, and is a goal for the reduction of noise in existing development. A 60 Ldn goal will be applied where outdoor use is a major consideration (e.g., backyards in single family housing developments and recreation areas in multi-family housing projects). The outdoor standard will not normally be applied to small decks associated with apartments and condominiums, but these will be evaluated on a case-by-case basis. When the City determines that providing an outdoor Ldn of 60 dBA or lower cannot be achieved after the application of appropriate mitigations an Ldn of 65 dBA may be permitted at the discretion of the City Council.

Indoor noise level shall not exceed an Ldn of 45 dBA in new housing units. A noise insulation study, conforming to the methodology of the State Building Code, shall be prepared for all new housing, hotels, and motels exposed to an exterior Ldn of 60 dBA or greater and submitted to the building department prior to issuance of a permit.

Railroad noise sources may create instances when the outdoor noise exposure criterion can exceed 65 Ldn up to 70 Ldn for future development, recognizing that train noise is characterized by relatively few loud events. Railroad noise influence shall be evaluated independent of other noise sources. Indoor noise level shall not exceed an Ldn of 45 dBA in new housing units. Typical maximum instantaneous noise level in bedrooms at night should not exceed 50 dBA. Typical maximum instantaneous noise levels in other rooms and bedrooms during the daytime should not exceed 55 dBA. The typical maximum noise level is the maximum level that is exceeded during 30 percent of the measured passbys, based on the measurement of at least 10 events during the daytime and the nighttime.

Appropriate interior noise levels in commercial, industrial, and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 45 Leq (hourly average) or less.

- o Implementation 10-8.1.B: Continue to use noise guidelines and contours to determine if additional noise studies are needed for a proposed new development. Prepare a format and guidelines for noise studies.
- o Implementation 10-8.1.C: Limit new residential development, excepting vertically integrated mixed use development, where the ambient noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in Table 10-12, Noise and Land Use Compatibility Standards for Industrial and Commercial Noise, modified by the following as necessary unless effective mitigation measures are incorporated into the design of the project:
- o The noise level standards specified in Table 10-12, shall be reduced by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. Where the ambient noise level exceeds the noise level standards, the standards shall be adjusted upwards to the ambient levels.

*Policy 10-8.2: Acceptable Noise Environment.* Guidelines articulated by Figure 10-11 are not intended to be applied reciprocally. In other words, if an area currently is below the desired noise standards, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of potential for adverse community response based on a substantial increase in existing noise levels, regardless of the compatibility guidelines.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measures and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible exposure of those occupying new land uses to excessive noise levels, reducing the impact to a less-than-significant level.

2. Impact NOI-2: Traffic-Related Increase in Existing Noise Levels.

(a) Significant Environmental Effect. Development anticipated under the General Plan Update would result in increased traffic, with increased traffic-related noise levels. Along roadways where this increase in noise levels above existing levels would exceed 3 dBA Ldn, this would represent a *significant* impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A.

(d) Finding. With respect to potential increased traffic-related noise levels, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Given the scope of the General Plan Update and expected noise level increases resulting from projected traffic, it may not be reasonable or feasible to reduce project-generated traffic noise for all affected receivers. The increase in development density would increase noise levels noticeably. Measures available to reduce the project noise level increases would not likely be reasonable or feasible in all areas, therefore, the impact would be considered *significant and unavoidable*.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

3. Impact NOI-3: Noise Impacts Associated with Incompatible Land Uses.

(a) Significant Environmental Effect. The proposed high density mixed-use and transit-oriented development would introduce commercial uses adjacent to residential land uses. Commercial uses have not been identified, but such uses would probably include retail stores, restaurants, or cafes. New commercial development proposed along with, or next to, residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise, and would represent a *potentially significant* noise impact.

(b) Mitigation Measure NOI-3: Project-Specific Noise Analysis. Noise levels at residential property lines from commercial development should be maintained not in excess of the noise limits in revised Table 10-12 (Action 8.1.3) - see Mitigation 1. The approvals of the commercial development should require a noise study demonstrating how the business, including loading docks, refuse areas, and ventilation systems, would meet these standards and would be consistent with the City's noise standards.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph

(b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. In terms of potential noise impacts associated with incompatible land uses, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) The implementation Mitigation NOI-3 would reduce the impact to a level considered *less than significant* in most circumstances. However, the temporary transitional nature of some commercial areas transitioning into mixed use neighborhoods will result in conflicts with existing development and new development. Due to the desired transition, there will be potential conflicts between land uses that cannot be effectively mitigated in the short term. This would be a *significant and unavoidable* impact under those circumstances.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

#### 4. Impact NOI-4: Construction Noise.

(a) Significant Environmental Effect. Businesses and residences would be intermittently exposed to high levels of noise throughout the General Plan Update planning horizon. Construction would temporarily elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, which would represent a *potentially significant* impact.

(b) Mitigation Measure NOI-4: Modification, Placement and Operation of Construction Equipment. Construction equipment should be well maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended best practices to reduce noise from construction activities near sensitive uses:

##### Standard Development

- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to the hours between 7:00 AM to 7:00 PM on weekdays and 9:00 AM and 8:00 PM on weekends or holidays.
- Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

- Site plan for large sites loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Comply with Air Resource Board idling prohibitions of unsteady idling of internal combustion engines.

Additional measures that may be applicable to significant or prolonged construction projects:

Extended Projects with High-Intensity Construction Equipment. (this would apply to projects with extended periods of concentrated construction with heavy equipment such as pile drivers):

- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.
- Route construction related traffic along major roadways and as far as feasible from sensitive receptors.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. In terms of potential construction noise impacts, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) The City applies a construction hours ordinance to new development to limit exposure to noise in the most noise sensitive of time periods, nighttime and weekends. Applying construction hours mitigates most noise impacts of new development in Fremont. Application of the above best practice techniques to manage noise, as applicable to the site specific situation, would further reduce noise exposure and result in a *less than significant* impact to temporary noise exposure from construction of individual new development. Although implementation of the measures identified in Mitigation NOI-4 would reduce noise generated by the construction of individual development projects, the impact would remain *significant and unavoidable* where planned development is concentrated and includes phased construction with residential development, such as the Downtown Area of the City Center and urban development in PDAs, as a result of the extended period of time that adjacent occupants would be exposed to construction noise.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

5. **Impact NOI-5: Construction Vibration.**

(a) Significant Environmental Effect. Residences, businesses, and historic structures could be exposed to construction-related vibration resulting in cosmetic cracking (non-structural) during the excavation and foundation work of buildings associated with development anticipated under the General Plan Update, a *potentially significant* impact.

(b) Mitigation Measure NOI-S: Limitations on Construction Activities Generating Excessive Vibration. The following best practice measures when applicable are recommended to reduce vibration from construction activities:

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

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is

hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. In terms of potential construction vibration impacts, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(1) It may not be possible to avoid using pile-drivers, vibratory rollers and tampers entirely during construction associated with high density development anticipated under the General Plan Update. Due to the density of development anticipated in Fremont, notably in the Downtown of City Center and PDAs, some of these activities may take place near sensitive areas. In these cases, implementation of the measures identified in Mitigation NOI-5 may not be sufficient to reduce groundborne vibrations below to a level considered less than significant. Therefore, this impact would be *significant and unavoidable*.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

#### D. HYDROLOGY AND WATER QUALITY

##### 1. Impact HYD-1: Increased Runoff to Laguna Creek Drainage Facility.

(a) Significant Environmental Effect. Development within the tributary area of Laguna Creek (generally Irvington and northeastern parts of the Mission San Jose Community Plan Area) has the potential to contribute runoff beyond the existing flood control capacity of Laguna Creek. This represents a *potentially significant* impact.

(b) Mitigation Measure HYD-1: Include an Implementation Measure as part of DRAFT General Plan Update Policy 10.3-2 Design to Minimize Flooding to Acknowledge Laguna Creek as an Area of Design Concern. Additionally, implementation should include an update to the City's Flood Control Ordinance with measures that ensure that prior to issuance of building permits for a project with a potential net increase in stormwater runoff, the City finds that a flood control management and design plan results in no net increase in runoff or consistency in runoff volumes modeled by Alameda County Flood Control and Water Conservation District.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(I) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible increased runoff to the Laguna Creek drainage facility, reducing the impact to a less-than-significant level.

## E. CULTURAL AND ARCHAEOLOGICAL RESOURCES

### I. Impact CUL-1: Possible Demolition/ Degradation of Historic Resources.

(a) Significant Environmental Effect. Despite the many safeguards and substantial protections in place in City policies, ordinances and regulations, it is theoretically possible that development under the General Plan Update could result in the material impairment of historic resources that are unknown to the City and likely to have gained significance subsequent to 1955. The limited possibility of such an adverse change to a CEQA-defined historic resource would constitute a *potentially significant* impact.

(b) Mitigation Measure CUL-I: Compliance with City of Fremont Historical Resource Protection Policies, Design Guidelines, Regulations and Programs. Required compliance with the City's extensive set of applicable historical resources protection policies, design guidelines, regulations and programs set forth in the General Plan Update, Irvington Concept Plan, Niles Concept Plan, Centerville Specific Plan, Fremont Historic Resources Ordinance, Fremont Register of Historic Resources, and City Zoning Code Historic Overlay District in Niles serves to substantially reduce this potential impact. The policies and implementing measures set forth in General Plan Update Goal 4-6, Historic Preservation, also serve to mitigate this impact. In those instances where development projects are proposed which could result in the demolition or material impairment of any structure, building or object constructed prior to 1955, the City must evaluate the application to determine if there is sufficient significance and integrity to merit classification as a Potential Fremont Register Resource or formal designation as a Register Resource (General Plan Update Implementation 4-6.1 A). Where a structure, building or object has been classified as a Potential Fremont Register Resource or formally identified as a Register Resource, the development proposal must be modified to ensure protection/preservation of those historic resources, consistent with applicable guidelines. Despite these protections, it remains possible that a future project, after going through all applicable processes could result in the demolition of an historical resource, or otherwise cause the significance of the resource to be "materially impaired" (as defined in CEQA Guidelines Section 15064.5(b)(2)). This possibility constitutes a *significant and unavoidable* impact for CEQA purposes.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. In terms of potential demolition or degradation of historic resources, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above, though partial mitigation can be achieved.

(e) Facts Supporting Finding.

(I) Although implementation of Mitigation CUL-I would reduce potential impacts to historic resources to a level considered less than significant in most instances, there remains a limited possibility that demolition or substantial material alteration of historic resources could occur, which would represent a *significant and unavoidable* impact.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

## 2. Impact CUL-2: Possible Disturbance of Unidentified Subsurface Archaeological Resources.

(a) Significant Environmental Effect. Ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a *potentially significant* impact.

(b) Mitigation Measure CUL-2: Halt Work! Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is

hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible disturbance of unidentified subsurface archaeological resources, reducing the impact to a less-than-significant level.

**3. Impact CUL-3: Possible Disturbance of Unidentified Subsurface Paleontological Resources.**

(a) Significant Environmental Effect. Although no paleontological resources are currently known to exist in those portions of the City where development would be anticipated under the General Plan Update, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction of unidentified subsurface paleontological resources, which would represent a *potentially significant* impact.

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

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible disturbance of unidentified subsurface paleontological resources, reducing the impact to a less-than-significant level.

4. **Impact CUL-4: Possible Disturbance of Unidentified Human Remains.**

(a) Significant Environmental Effect. Ground-disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains. Although General Plan Policy 4-6.10 would require coordination with representatives of local Native American organizations to ensure protection of Native American resources, the evaluation of human remains which may be uncovered during construction activity would represent a *potentially significant* impact.

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

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with possible disturbance of unidentified human remains, reducing the impact to a less-than-significant level.

F. **AGRICULTURAL RESOURCES**

1. Impact AG-1: Conversion of Agricultural Land to Urban Uses.

(a) Significant Environmental Effect. Implementation of the General Plan Update could result in the irrevocable conversion of existing agricultural land currently designated by the California Department of Conservation as "Prime Farmland" (the Guardino parcel) or "Unique Farmland" (I-680/Palm properties) to urban uses. This would represent a *potentially significant and unavoidable* impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. *N/A.*

(d) Finding. With respect to potential conversion of agricultural land to urban uses, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) Potential mitigation for conversion of farmland would include rezoning of the properties to open space to limit the development potential of property and ensure its continued availability for use in agricultural production. A second mitigation measure option would be to extract an impact fee for conversion of the land for the purpose of restoring or conserving other lands in the City related to agricultural production. Both of these measures are unlikely to be feasible as the limiting of their development as infill sites within the City would not be consistent with the General Plan Update vision and goals for infill development. Additionally, there is no commercial agricultural production in and around Fremont to support the conservation of land through the collection of impact fees. Impact fees would not serve to restore or protect additional lands in the City related to agricultural production.

(2) When residential development of the Guardino parcel actually takes place in the future (resulting in the loss of "Prime Farmland") and when development of the *1-680/Palm* properties actually takes place in the future (resulting in the loss of "Unique Farmland"), this would represent a *significant and unavoidable* impact associated with implementation of the General Plan Update.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

G. **INFRASTRUCTURE AND UTILITIES**

1. Impact UTIL-1: Increased Water Demand.

(a) Significant Environmental Effect. Development anticipated under the General Plan Update would exceed that currently anticipated under the existing General Plan, and that difference in the level of anticipated development over the planning period would place additional unanticipated demand on projected ACWD water supplies. This would represent a *potentially significant* impact associated with implementation of the General Plan Update.

(b) Mitigation Measure UTIL-IA: Incorporation of ACWD's "Water Efficiency Measures for New Development" in all Development Projects. In order to minimize additional demands on potable water supplies, new development shall be required to install the latest technology in water efficient plumbing fixtures, irrigation systems and landscaping according to the California Green Building Code (CalGreen). Consult with ACWD on incorporating "Water Efficiency Measures for New Development".

Mitigation UTIL-IB: Coordinate Use of Recycled Water with ACWD. For development projects located in areas where recycled water is planned by ACWD, developers shall coordinate with ACWD on the installation of separate, non-potable water distribution systems (i.e., purple pipe) for landscape irrigation and other non-potable water needs.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIIIA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIII.B, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measures and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with increased water demand, reducing the impact to a less-than-significant level.

2. Impact UTIL-2: Sanitary Sewer Conveyance Capacity Constraints.

(a) Significant Environmental Effect. Individual development projects that may be proposed in areas designated for residential densities exceeding 29.9 units per acre in the General Plan Update could exceed the capacity of the existing local sanitary sewer conveyance system serving the specific project. This would represent a *potentially significant* environmental impact.

(b) Mitigation Measure UTIL-2: Include Implementation Measure Supporting Updates to Master Plans and Coordinate Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer Conveyance System/Project-Related Contribution to Necessary Capacity Expansion. Support update of Sewer Conveyance Master Plan by USD as an implementation measure of the General Plan. As individual development projects are proposed in areas designated for residential densities exceeding 29.9 units per acre, coordinate development review process with USD analysis for sanitary sewer capacity and conveyance.

(c) Monitoring/Reporting Program. The monitoring and reporting program set forth in Section VIII below, including both the general monitoring program set forth in Section VIILA and the specific monitoring programs for the mitigation measures identified in paragraph (b) above as set forth in the Mitigation Monitoring Program Chart contained in Section VIILB, is hereby incorporated by this reference as the monitoring program for the above mitigation measure.

(d) Finding. Changes or alterations have been required in, or incorporated into, the Fremont General Plan Update that avoid or substantially lessen the significant impact identified in the EIR.

The above mitigation measure and monitoring program are hereby adopted and incorporated in the new Fremont General Plan.

(e) Facts Supporting Finding.

(1) Implementation of the mitigation measure set forth in paragraph (b) will avoid or substantially lessen the projected adverse effects associated with potential sanitary sewer conveyance constraints, reducing the impact to a less-than-significant level.

## H. GLOBAL CLIMATE CHANGE

### 1. Impact GCC-I: Potential Exceedance of Future BAAQMD Regulatory Thresholds for Greenhouse Gas Emissions.

(a) Significant Environmental Effect. The General Plan includes a program-level GHG reduction strategy that provides a framework for implementing measures within the City's purview and control, with an emphasis on linking land use and transportation in more strategic fashion to reduce vehicle miles traveled; encouraging green building technologies in new development and redevelopment; instituting energy and water conservation programs; and a variety of other programs to reduce solid waste and promote a healthy urban forest. The City will monitor the effectiveness of these strategies. While the GHG emission analysis conducted for the Draft EIR shows the General Plan Update conforms to BAAQMD-established performance level standards for emissions through 2020, there are no established BAAQMD regulatory thresholds through 2035. In the absence of BAAQMD guidelines, the operative standard is AB32, which requires an 80 percent reduction from 1990 levels by 2050. Although it is likely that the per-service-population GHG emissions from new development in Fremont in the years subsequent to 2020 will continue to decrease, it is difficult to estimate the magnitude of the decrease. Much depends on actions of the federal and state governments, as these entities

have a much greater ability to effect emission reductions than do local governments. It is, therefore, possible (absent sufficiently aggressive action at the state and federal levels) that development in Fremont between 2020 and 2035 will result in a *cumulatively significant and unavoidable* impact.

(b) No feasible mitigation identified.

(c) Monitoring/Reporting Program. N/A

(d) Finding. With respect to possible exceedance of future State or BAAQMD regulatory thresholds for greenhouse gas emissions, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures that would be needed to avoid or substantially lessen the significant impact identified above.

(e) Facts Supporting Finding.

(1) It is not possible to accurately foresee what future State or BAAQMD regulatory thresholds related to GHG emissions will be through 2035, and it is not possible to accurately estimate the magnitude of GHG emission reductions that may be accomplished within the City of Fremont after 2020. Given these uncertainties, the potential impact associated with future greenhouse gas emissions after 2020 must be considered *significant and unavoidable*.

This unavoidable significant environmental effect will be discussed in Section VII (Statement of Overriding Consideration), below.

V.

SUMMARY OF UNAVOIDABLE SIGNIFICANT ADVERSE EFFECTS

The following significant adverse effects of the General Plan Update are considered unavoidable:

A Unacceptable Level of Service at Alvarado Boulevard/Deep Creek Road Intersection (#1). During the AM. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Alvarado Boulevard/Deep Creek Road. The intersection of Alvarado Boulevard/Deep Creek Road is LOS C under the Existing Condition, and would deteriorate to LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

B. Unacceptable Level of Service at Paseo Padre Parkway/Decoto Road Intersection (#4). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Decoto Road. For both the AM. and P.M. peak hours, the intersection of Paseo Padre Parkway/Decoto Road is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

C. Unacceptable Level of Service at 1-880 NB Ramps/Decoto Road Intersection (#6). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic

would result in a significant impact at the intersection of 1-880 NB Ramps/Decoto Road. For the A.M. and P.M. peak hours, the intersection of 1-880 NB Ramps/Decoto Road is LOS D and B, respectively, under the Existing Condition, and would deteriorate to LOS F and E, respectively, in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

D. Unacceptable Level of Service at Paseo Padre Parkway/Isherwood Way Intersection (#11). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Isherwood Way. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Isherwood Way is LOS C under the Existing Condition, but would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

E. Unacceptable Level of Service at Paseo Padre Parkway/Thornton Avenue Intersection (#12). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Thornton Avenue. For the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Thornton Avenue is LOS D under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

F. Unacceptable Level of Service at Paseo Padre Parkway/Peralta Boulevard Intersection (#18). During the P.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Peralta Boulevard. For the P.M. peak hour, the intersection of Paseo Padre Parkway/Peralta Boulevard is LOS D, under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located along select Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

G. Unacceptable Level of Service at Paseo Padre Parkway/Mowry Avenue Intersection (#21). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Mowry Avenue. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Mowry Avenue is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

H. Unacceptable Level of Service at Fremont Boulevard/Mowry Avenue Intersection (#22). During the P.M. peak hour, the addition of General Plan Update-related

traffic would result in a significant impact at the intersection of Fremont Boulevard/Mowry Avenue. For the P.M. peak hour, the intersection of Fremont Boulevard/Mowry Avenue is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

I. Unacceptable Level of Service at Blacow Road/Mowry Avenue Intersection (#24). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Blacow Road/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Blacow Road/Mowry Avenue is LOS C under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont.

J. Unacceptable Level of Service at Mission Boulevard/Niles Canyon Road Intersection (#28). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Niles Canyon Road. For the AM. and P.M. peak hours, the intersection of Mission Boulevard/Niles Canyon Road is LOS D and E, respectively under the Existing Condition, and would both deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

K. Unacceptable Level of Service at Mission Boulevard/Mowry Avenue Intersection (#29). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Mowry Avenue is LOS F under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 74.5 seconds during the AM. peak hours and 63.5 during the P.M. peak hour. This increase in average delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a *significant* project impact.

L. Unacceptable Level of Service at Mission Boulevard/Walnut Avenue Intersection (#30). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Walnut Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Walnut Avenue is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

M. Unacceptable Level of Service at Mission Boulevard/Stevenson Boulevard Intersection (#34). During the AM. and P.M. peak hours, the addition of General Plan Update-

related traffic would result in a significant impact at the intersection of Mission Boulevard/Stevenson Boulevard. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Stevenson Boulevard is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

N. Unacceptable Level of Service at Blacow Road/Stevenson Boulevard Intersection (#37). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Blacow Road/Stevenson Boulevard. For the AM. and P.M. peak hours, the intersection of Blacow Road/Stevenson Boulevard is LOS E and F, respectively under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 25.8 seconds during the AM. peak hour and 11.6 during the P.M. peak hour. This increase in average delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a *significant* project impact.

O. Unacceptable Level of Service at Grimmer Boulevard/Blacow Road Intersection (#43). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Grimmer Boulevard/Blacow Road. For both the A.M. and P.M. peak hours, the intersection of Grimmer Boulevard/Blacow Road is LOS F and D, respectively under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

P. Unacceptable Level of **Service** at Union Street-Fremont Boulevard/Washington Boulevard Intersection (#48). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Union Street - Fremont Boulevard/Washington Boulevard. For both the AM. and P.M. peak hours, the intersection of Union Street - Fremont Boulevard/Washington Boulevard is LOS 0 under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a *significant* project impact.

Q. Unacceptable Level of Service at Fremont Boulevard/Auto Mall Parkway Intersection (#50). During the AM. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Auto Mall Parkway. For the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Auto Mall Parkway is LOS D and E, respectively under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

R. Unacceptable Level of Service at 1-880 SB Ramps/Fremont Boulevard Intersection (#53). During the A.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 SB Ramps/Fremont Boulevard. For the A.M. peak hour, the intersection of 1-880 SB Ramps/Fremont Boulevard is LOS B under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

S. Unacceptable Level of Service at Osgood Road/Auto Mall Parkway Intersection (#56). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Osgood Road/Auto Mall Parkway. For the A.M. and P.M. peak hours, the intersection of Osgood Road/Auto Mall Parkway is LOS E and F, respectively, under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

T. Unacceptable Level of Service at 1-680 SB Ramps/Durham Road Intersection (#57). During the P.M. peak hour, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of 1-680 SB Ramps/Durham Road. For the P.M. peak hour, the intersection of 1-680 SB Ramps/Durham Road is LOS B under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

U. Unacceptable Level of Service at Warm Springs Boulevard/ Mission Boulevard (SR-262) Intersection (#62). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262). For the A.M. and P.M. peak hours, the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262) is LOS E and D, respectively, under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a *significant* project impact.

V. Unacceptable Level of Service at Warm Springs Boulevard/Kato Road - Scott Creek Road Intersection (#64). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road. For both the A.M. and P.M. peak hours, the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road is LOS D, under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

W. Unacceptable Level of Service at Fremont Boulevard/Dixon Landing Road Intersection (#68). During the A.M. and P.M. peak hours, the addition of General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Dixon Landing Road. For both the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Dixon Landing Road is LOS B, under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a *significant* project impact.

X. Conflict with CAP Assumptions. Development anticipated following adoption of the General Plan Update would increase population and employment in the City, leading to additional air pollutant emissions. City-wide vehicle miles traveled (VMT) are projected to increase at a faster rate than the city's population, which conflicts with Clean Air Plan (CAP) assumptions. This is a *significant* impact.

Y. Construction Period Dust, Emissions and Odors. Construction of development projects under the General Plan Update would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered *significant*.

Z. Traffic-Related Increase in Existing Noise Levels. Development anticipated under the General Plan Update would result in increased traffic, with increased traffic-related noise levels. Along roadways where this increase in noise levels above existing levels would exceed 3 dBA Ldn, this would represent a *significant* impact.

AA. Noise Impacts Associated with Incompatible Land Uses. The proposed high density mixed-use and transit-oriented development would introduce commercial uses adjacent to residential land uses. Commercial uses have not been identified, but such uses would probably include retail stores, restaurants, or cafes. New commercial development proposed along with, or next to, residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise, and would be a *potentially significant* noise impact.

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

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

DD. Possible Demolition/Degradation of Historic Resources. Despite the many safeguards and substantial protections in place in City policies, ordinances and regulations, it is theoretically possible that development under the General Plan Update could result in the

material impairment of historic resources that are unknown to the City and likely to have gained significance subsequent to 1955. The limited possibility of such an adverse change to a CEQA-defined historic resource would constitute a *potentially significant* impact.

EE. Conversion of Agricultural Land to Urban Uses. Implementation of the General Plan Update could result in the irrevocable conversion of existing agricultural land currently designated by the California Department of Conservation as "Prime Farmland" (the Guardino parcel) or "Unique Farmland" (I-680/Palm properties) to urban uses. This would represent a *potentially significant and unavoidable* impact.

FF. Potential Exceedance of Future BAAQMD Regulatory Thresholds for Greenhouse Gas Emissions. While the GHG emission analysis conducted for the Draft EIR shows that the General Plan Update conforms to BAAQMD-established performance level standards for emissions through 2020, there are no established BAAQMD regulatory thresholds through 2035. In the absence of State or BAAQMD guidelines, the operative standard is AB32, which requires an 80 percent reduction from 1990 levels by 2050. Although it is likely that the per-service-population GHG emissions from new development in Fremont in the years subsequent to 2020 will continue to decrease, it is difficult to estimate the magnitude of the decrease. Much depends on actions of the Federal and State governments, as these entities have a much greater ability to effect emission reductions than do local governments. It is, therefore, possible (absent sufficiently aggressive action at the State and Federal levels) that development in Fremont between 2020 and 2035 will result in a *cumulatively significant and unavoidable* impact.

These significant adverse effects associated with implementation of the General Plan Update are found to be unavoidable despite the adoption by the City Council of all feasible mitigation measures identified in the FEIR.

## VI.

### FINDINGS ON THE FEASIBILITY OF ALTERNATIVES TO THE GENERAL PLAN UPDATE

#### A. Overview

The EIR discusses two alternatives to the General Plan Update, the adoption of which would, in some cases, reduce the significant environmental effects summarized in Section V above. Each alternative is discussed in Section VI and findings are made regarding the feasibility of each alternative. In brief, the two alternatives evaluated in the EIR are as follows:

1. No Project/Development Under Existing General Plan Alternative. Under this alternative, development in Fremont would continue to be guided by the current General Plan during the planning period of the General Plan Update. This alternative assumes that all existing uses in the City would continue to operate as they do now, although new development would also be anticipated, consistent with the current General Plan and other existing land use regulations. The current Housing Element of the General Plan has identified local sites where the development of between 4,000 and 5,000 new residential units could be permitted in Fremont

under current land use regulations, which could support an additional population of between 12,000 and 15,000 people. Additional non-residential development would also be anticipated during the planning period, with the City of Fremont estimating that the total number of local jobs would increase to 126,000 by 2035 under the No Project Alternative development assumptions.

2. Development Trend Growth Alternative. Under this alternative, anticipated development in Fremont over the planning period would be consistent with the land use designations and patterns established in the General Plan Update. It assumed that a total of approximately 10,000 new residential units would be built, resulting in a population increase of 30,000, and that the total number of local jobs would increase to 130,000 during the planning period, based on a continuation of local growth trends from the past ten years. This represents a scenario which would result in more development than would be assumed under the No Project alternative, but approximately 60 percent of the residential development and approximately 45 percent of the non-residential development assumed for the purposes of environmental assessment under the General Plan Update.

#### B. No Project Development Under Existing General Plan Alternative

The No Project/Development Under Existing General Plan Alternative would continue to be guided by the current General Plan. It is assumed that all existing uses in the City would continue to operate as they do now, although new development would also be anticipated, consistent with the current General Plan and other existing land use regulations.

1. Land Use and Planning. Development anticipated under the current General Plan would not be expected to result in the physical division of any existing community within Fremont. Such development would be consistent with existing land use plans, policies and regulations. There are no Habitat Conservation Plans or Natural Community Conservation Plans currently in effect within the City of Fremont, and development under the current General Plan would not conflict with any such plans. Development anticipated under the current General Plan would result in a more urbanized Fremont, but would not be expected to result in any cumulative physical disruption of existing communities within Fremont, or any cumulative impacts associated with conflicts with Habitat Conservation Plans or Natural Community Conservation Plans.

2. Aesthetics. Under the existing land use regulations, building heights are limited to a greater extent than would be the case under the General Plan Update. This would tend to reduce the potential for new structures to interfere with any formally-identified view corridors, reducing potential impacts related to scenic vistas and scenic routes to a level considered less than significant. In some portions of Fremont, development under the current General Plan would be of higher intensity than that currently present there, and higher density development would represent a change in the existing visual character of those areas. However, development anticipated under the current General Plan would not degrade the existing visual character of these areas, and the resulting change in the existing visual character of the area would be considered a less than significant environmental effect. Development under the current General

Plan would result in the construction of new structures on land that is currently vacant. Future structures, the lighting of future parking facilities, and the lights from vehicles that would be parked in those facilities would represent new sources of light and glare within the community. However, site-specific evaluation of the lighting and glare effects associated with proposed development projects would enable potential lighting-related impacts associated with future development to be reduced to a level considered less than significant.

3. Population, Employment and Housing. Population growth under the existing General Plan (based on the availability of housing development sites in Fremont identified in the current Housing Element) would be approximately 30 percent of that anticipated under the General Plan Update. Implementation of the current General Plan would not induce population growth, since new residential development under the current General Plan would instead be intended to accommodate a portion of the City's share of the region's anticipated population growth, and would not involve the extension of infrastructure or public services to undeveloped areas to support new residential development. In some instances, future development under the current General Plan could involve the loss of some existing housing units. However, following anticipated development in these areas under the current General Plan there would likely be a net increase in the total number of housing units in these locations due to the increased residential densities, so there would be no need or requirement to construct replacement housing elsewhere. While the loss of existing housing units could also mean the displacement of those currently living in those housing units, the total number of people that might be displaced is not considered substantial by the City of Fremont.

4. Transportation and Circulation. To compare the transportation-related effects of No Project alternative to the General Plan Update, a comparison was made between the two travel models. The 2035 General Plan Update Conditions travel forecast model included several land use and network changes that resulted in trips being redistributed compared to the 2030 General Plan model. Some streets are projected to receive less traffic, while others are projected to receive more. This shows up in several places throughout the city. It is not just a result of future development within Fremont and citywide traffic patterns, but also external items that result in how traffic from outside Fremont passes through the city. As through-traffic patterns change, roadway capacity on some streets may become available that was otherwise used. And as capacity on roadways becomes available, local traffic assignments (which are based on travel time) will also change. Similarly, as roadways become more congested, traffic will shift to other routes. The forecast for the No Project Alternative traffic operations would result in degraded signal operations from both increased development (growth of housing by 6 percent and jobs by 30 percent) and traffic increasing on major roadways (due in large part to regional growth) by 1 to 1.5 percent a year. The major through routes and arterials of the City would fall below the LOS D threshold in many locations as travel would be of similar patterns as it is today. Planned TIF improvements would relieve some congestion, but would not mitigate all potential impacts to a less than significant level.

The changes in traffic route choice also lead to changes in trip lengths, as shown by the changes in vehicle miles traveled (VMT). Under the No Project condition, travelers will travel longer

distances during the peak hours, but less VMT on a daily basis. This is based on the location of housing and jobs and the choices made available to them, compared to those under the General Plan Update. On a daily basis, the total number of trips would be fewer, but trips per capita would be greater.

Development under the existing General Plan would not be expected to affect current air traffic patterns in any way. Project-specific review could be expected to reduce potential traffic hazards associated with design features to a level considered less than significant. All development proposed under the current General Plan would be subject to review by the City of Fremont (including the Fremont Fire Department and the Fremont Police Department) prior to approval to ensure that individual development projects do not impede emergency access, reducing potential impacts to a level considered less than significant. The existing General Plan does not conflict with policies supporting alternative transportation modes.

5. Air Quality. Development under the existing General Plan could be expected to result in the same types of air quality impacts associated with implementation of the General Plan Update, with impacts associated with vehicle emissions likely to remain significant and unavoidable. Since certification of the EIR for the Fremont 1991 General Plan, new methodologies have been developed for evaluating air quality impacts, and thresholds of significance for air quality impacts have been defined more explicitly. As a result, development under the existing General Plan would be expected to have potentially significant adverse air quality impacts related to the provision of parking, exposure of sensitive receptors to TACs, and exposure of sensitive receptors to construction emissions in the absence of mitigation measures similar to Mitigation AIR-2 and Mitigation AIR-3, discussed above.

6. Noise and Vibration. The use of project-specific noise analyses could be expected to reduce potential exposure of new land uses to excessive noise, and to adverse noise effects associated with potentially incompatible land uses to a level considered less than significant. However, exposure to increased traffic-related noise, and excessive noise and vibration associated with construction activity could result in significant and unavoidable impacts associated with development under this alternative, even with the implementation of Mitigation NOI-4 and Mitigation NOI-5.

7. Hydrology and Water Quality. Residential, commercial, industrial, and public uses consistent with the current General Plan could introduce additional non-point source pollutants to downstream surface waters, could result in increased soil erosion and sedimentation during construction activities (thereby degrading water quality in downstream waterways), and could allow additional non-point pollution sources to contaminate groundwater recharge supplies. However, existing regulations and water quality policies and programs would reduce the potential for water pollution from these activities to a level considered less than significant.

Land use and development anticipated under the current General Plan would result in alterations to existing drainage patterns. However, current practices utilized in the review of flood control, drainage, and grading permits, stormwater runoff controls under NPDES programs, would

mitigate potential impacts associated with increased runoff and other surface drainage modifications, including potential impacts to channel stability, and stream bank erosion.

Development under the current General Plan would result in increases in stormwater runoff and peak discharge, and could increase runoff and result in modifications to local and regional hydrology. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in on- or off-site flooding. However, existing policies and programs would reduce such impacts to a level considered less than significant.

Land uses and development anticipated under the current General Plan would allow continued development in 100-Year Flood Hazard Areas, which could result in potential adverse impacts in the absence of sufficient mitigation (e.g., appropriate design criteria to protect both proposed structures as well as existing structures downstream). Existing flood prevention strategies and policies would reduce potential inundation hazards from dam and levee failure to existing and future development to a level considered less than significant.

Sea level rise could expose the City to inundation impacts. However, existing flood prevention strategies and policies would reduce potential inundation hazards from sea-level rise to existing and future development to a level considered less than significant.

In terms of potential cumulative impacts, implementation of the current General Plan, in combination with the SFPUC WSIP, would contribute to the disruption of soils such that they could be carried in stormwater runoff to local waterways and wetlands and into the San Francisco Bay. The SFPUC WSIP would be required to comply with the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, the SWRCB statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit), and coordinate with County and City water quality requirements. Cumulative impacts to stormwater and groundwater quality would, therefore, be considered less than significant.

Development anticipated under the current General Plan, in combination with other development in the region, would contribute to an increase in impervious surface in the watershed area that could increase the quantity and velocity of stormwater runoff and reduce groundwater recharge. If post-construction flows were not controlled, existing flooding problems could be exacerbated, and additional flooding and channel bank scouring could take place, resulting in an adverse impact on drainage and flooding. However, all future and planned projects in the region would be required to comply with the requirements of the State Water Resource Control Board C.3 regulations and coordinate with City and County construction and flooding regulations, including (for projects located within Fremont) City of Fremont Conservation and Safety Policies. The SWRCB regulations require the incorporation of post-construction stormwater controls, which include measures to reduce stormwater pollutants, or otherwise minimize the change in rate and flow of stormwater runoff. Each project would convey its stormwater runoff via different drainage systems, which would be required to have adequate capacity for any increased runoff.

Therefore, the implementation of the current General Plan, in combination with other planned projects, would have a less than significant cumulative impact to drainage or flooding.

8. Geology, Soils and Seismicity. Development under the current General Plan would be required to comply with the provisions of the Alquist-Priolo Earthquake Fault Zoning Act intended to reduce the potential impacts associated with surface fault rupture to a level considered less than significant. The 2010 California Building Code (*CalGreen*), which was adopted by the City of Fremont through Ordinance No. 23-2010, includes seismic design standards to minimize damage resulting from seismic shaking, which would be expected to reduce the impact of strong to very violent seismic ground shaking to a level considered less than significant.

Implementation of the current General Plan would result in construction in areas that may be underlain by liquefiable material or subject to seismically-induced landslides, which could result in potential adverse impacts in the absence of sufficient mitigation (e.g., appropriate design criteria to protect proposed structures). Such measures could reduce the potential impacts associated with seismically-related ground failure to a level considered less than significant.

Implementation of the existing Local Hazard Mitigation Plan, in conjunction with compliance with federal and state laws related to ensuring dam safety, would minimize the risk of exposing people and structures to the failure of dams in Fremont, reducing related potential impacts to a level considered less than significant.

Construction activities involved in development under the current General Plan will disturb topsoil, which, if not properly mitigated, can be mobilized by stormwater runoff, increasing erosion and loss of topsoil. However, existing regulations and water quality policies and programs would reduce the potential for water pollution from these activities to a level considered less than significant.

Expansive soils are encountered within areas planned for development under the current General Plan. The 2010 California Building Code (*CalGreen*), which was adopted by the City of Fremont through Ordinance No. 23-2010, requires a preliminary soil report to identify and mitigate potential geologic and soil related constraints to development, including expansive soils. As all development anticipated under the current General Plan would be required to comply with the 2007 California Building Code, potential impacts related to construction on expansive soils would be considered less than significant.

Development anticipated under the current General Plan would be required to be connected to the Union Sanitary District sanitary sewer facilities. Therefore, there is no impact related to future development on soils incapable of supporting septic systems.

Geologic and soil-related impacts associated with future development in the Fremont would involve potential hazards associated with site-specific soil conditions, erosion, and ground-shaking during earthquakes. The impacts on each development site would be specific to that site, and its users and would not be common or contribute to (or be shared with, in an additive sense) the impacts associated with other sites. In addition, development on each site would be subject to uniform site development and construction standards designed to protect public safety.

Therefore, provided the current policies and regulations are complied with, potential cumulative impacts related to geology and soils would be considered less than significant.

9. Hazards and Hazardous Materials. Implementation of the current General Plan would likely result in an increase in the number of businesses storing, using, transporting, and/or disposing of hazardous material within Fremont. However, these businesses would be required to comply with California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations, which would reduce the potential impacts associated with the routine use, transport, or disposal of hazardous material to a level considered less than significant.

No hazardous material release is foreseen as a result of implementation of the current General Plan, although this would result in an increase in the number of people exposed to a potential release of hazardous materials. Compliance with California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations designed to reduce the hazard to the population due to a hazardous material release, in combination with emergency response from the City of Fremont Fire Department, would reduce the potential impact of a reasonably foreseeable accidental release of hazardous material to a level considered less than significant.

Implementation of the current General Plan would include development in the vicinity of existing and/or planned schools. However, state regulations on siting of hazardous materials facilities and schools limit the facilities' proximity to schools, reducing the potential impact to a level considered less than significant.

There are a number of sites within Fremont listed on government databases. These generally consist of leaking underground storage tanks (LUSTs), many of which have impacted soil and groundwater with petroleum. Public and environmental hazards are reduced by federal and state remediation regulations.

Implementation of the current General Plan would result in increased development within Fremont and would have the potential to change circulation patterns which could impact emergency evacuation or response plans. However, so long as there is adequate coordination with emergency service providers in the consideration of development proposals to prevent potential interference with an adopted emergency response or emergency evacuation plan, this potential impact could be reduced to a level of less than significant.

Under the current General Plan, limited development could take place in areas of high wildland fire risk. However, so long as there is adequate coordination with emergency service providers in the consideration of development proposals, potential risks associated with wildland fires could be reduced to a level considered less than significant.

Implementation of the current General Plan would result in increased population and a commensurate increase in the number of sites handling hazardous materials in the City. However, the cumulative impact is expected to be slight, and compliance with California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations, would reduce the potential cumulative

hazardous materials impacts of current General Plan implementation. Implementation of the current General Plan would also result in new construction in areas that are subject to wildland fire hazards. However, so long as there is adequate coordination with emergency service providers in the consideration of development proposals, potential risks associated with wildland fires could be reduced to a level considered less than significant. Implementation of the current General Plan would not be expected to result in a cumulative impact on wildland fire hazards in surrounding areas.

10. Cultural and Archaeological Resources. If future development were to occur under the current General Plan that could result in the demolition of historic resources (even with the level of protection provided by HARB review and the Historic Resources Ordinance), this would represent a significant and unavoidable environmental impact, which could not be mitigated to a level of less than significant. However, should demolition be proposed, a separate, site-specific environmental review would be required, requiring an analysis of alternatives and potential project-specific mitigation measures.

The current General Plan identifies various sites where new construction or alterations to existing buildings may take place to achieve General Plan objectives. Such construction may alter the characteristics that justify a resource's historical significance, and may change the architectural context of nearby historical architectural resources. Existing City regulations are designed to identify and discourage incompatible new construction and inappropriate building alterations. Some of the effects on historical resources associated with implementation of the current General Plan may be mitigated to a level of less than significant, and others may require further environmental review at the project level. Project compliance with the provisions of the Historic Resources Ordinance and conformance with the Secretary of the Interiors' "Standards" would reduce potential impacts associated with alteration of historic resources to a level of less than significant.

Although no archaeological resources are currently known to exist in portions of the City where the current General Plan is anticipating development, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a potentially significant impact. Implementation of Mitigation CUL-2 would reduce this impact to a level considered less than significant.

Although no paleontological resources are currently known to exist in those portions of the City where development would be anticipated under the current General Plan, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction of unidentified subsurface paleontological resources, which would represent a potentially significant impact. Implementation of Mitigation CUL-3 would reduce this impact to a level considered less than significant.

Ground-disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains, which

would represent a potentially significant impact. Implementation of Mitigation CUL-4 would reduce this impact to a level considered less than significant.

11. Agricultural Resources. Development under the existing General Plan could result in the conversion of some lands currently in agricultural use to no-agricultural uses, and where this would involve lands currently designated as Prime Farmland or Unique Farmland (i.e., Guardino and I-680/Palm properties), such conversions would be considered a significant and unavoidable impact. Existing land use regulations provide some level of protection for parcels currently in an agricultural zoning district and for Hill Area lands which may be under Williamson Act contracts, which would reduce impacts associated with development under the existing General Plan to a level considered less than significant.

12. Biological Resources. In the EIR for the Fremont 1991 General Plan, it was determined that the 1991 General Plan policies would provide for protection and enhancement of the City's biological resources (page 3.6-8).

13. Mineral Resources. Development under the existing General Plan would not be expected to result in the loss of availability of known mineral resources, or in the loss of availability of any locally-known mineral resource recovery site. Development anticipated within Fremont under the existing General Plan would not be expected to add to any cumulative loss of access to existing mineral resources or mineral recovery sites within the region, and any related cumulative impacts would be considered less than significant.

14. Public Services. In the EIR for the Fremont 1991 General Plan, it was determined that the anticipated growth of population and employment would create increased demand for public services (e.g., increased need for additional public leisure and cultural facilities, increased demand for additional school facilities, increased demand for fire protection and increased demand for police protection), overcrowding of city government offices and degradation of open space lands through the development of parks. That EIR indicated that implementation of policies identified in the 1991 General Plan would be expected to reduce those potential impacts to a level of less than significant (pages 3.11-20 - 3.11-22, 3.13-10 – 3.13-11)).

15. Infrastructure and Utilities. In the EIR for the Fremont 1991 General Plan, it was determined that development anticipated would significantly affect the existing water supply, water delivery system, and existing landfill capacity, which could be reduced through implementation of policies identified in the 1991 General Plan (pages 3.11-21 - 3.11-22).

16. Global Climate Change. There would be less development under the "No Project" alternative than would be anticipated under the General Plan Update. However, of the development that would occur, a smaller percentage would be in proximity to transit under the current General Plan than under the General Plan Update. It is, therefore, likely that GHG emissions per service population would be higher under the "No Project" alternative and would exceed the threshold established by the BAAQMD of 6.6 mtons of CO<sub>2</sub>e per service population. This would be considered potentially significant. Conflicts with plans, policies, or regulations adopted for purposes of reducing the emissions of greenhouse gases threshold do not apply to this alternative.

17. Planning Policy Analysis. Development under the "No Project" alternative would be fully consistent with the existing General Plan and other current plans and policies.

**C. Development Trend Growth Alternative**

Under the Development Trend Growth Alternative, anticipated development in Fremont over the planning period would be consistent with the land use designations and patterns established in the General Plan Update. It assumed that a total of approximately 10,000 new residential units would be built, resulting in a population increase of 30,000, and that the total number of local jobs would increase to 130,000 during the planning period, based on a continuation of local growth trends from the past ten years. This represents a scenario which would result in more development than would be assumed under the No Project alternative, but approximately 60 percent of the residential development and approximately 45 percent of the non-residential development assumed for the purposes of environmental assessment under the General Plan Update.

1. Land Use and Planning. Development under this alternative would not be expected to result in the physical division of any existing community within Fremont. As would be the case under the General Plan Update, most future development would be directed toward the Priority Development Areas or "PDAs" (which are generally areas where urban development has already taken place), and planned mobility improvements would not physically divide any existing communities. Implementation of Policy 4-1.22, above, would be expected to effectively limit the potential for future physical division of existing neighborhoods, reducing potential impacts to a level considered less than significant.

Implementation of this alternative would result in development that would substantially increase the intensity of land uses in those portions of the City (e.g., PDAs, including City Center and the Town Centers) where strategic urbanization is desired beyond what would be permitted under current plans, policies and regulations. However, this need not be considered a "conflict" with existing land use plans, policies and regulations, since these would permit additional development in these areas (although not to the extent anticipated under this alternative). Implementation of the applicable General Plan Update policies would continue to protect Fremont's hill areas and baylands, and would ensure that future development maintain compatibility with existing residential neighborhoods, reducing potential conflicts with current land use plans, policies and regulations to a level considered less than significant.

There are no Habitat Conservation Plans or Natural Community Conservation Plans currently in effect within the City of Fremont, and implementation of this alternative would not conflict with any such plans (no impact).

Development anticipated under this alternative would result in a more urbanized Fremont than is currently the case, with relatively high-intensity land uses located in the City Center and in Town Centers where residents and workers would have alternatives to the use of private automobiles. This development pattern would not be expected to result in any cumulative physical disruption of existing communities within Fremont. Since there are no Habitat Conservation Plans or Natural Community Conservation Plans currently in effect within the City of Fremont,

implementation of this alternative would have no related cumulative impacts associated with conflicts with such plans. Implementation of the applicable General Plan Update policies related to land use compatibility would limit potential cumulative impacts associated with anticipated development to a level considered less than significant.

2. Aesthetics. Under this alternative, the implementation of several General Plan Update policies would be expected to reduce potential development-related impacts on scenic resources to a level considered less than significant. These include Policy 2-1.3, Policy 4-1.7, and Policy 4-1.8 (which would protect Fremont's open space "frame"). Effective implementation of these policies would enable future development to minimize effects of development and avoid impacts to natural resources of the open space frame.

Some new structures that may be built within Fremont under this alternative could be expected to be taller than existing structures in the surrounding areas. However, compliance with General Plan Update Policy 4-1.7 (which would protect Fremont's open space "frame"), Policy 4-3.8 (which would require appropriate massing and scale for proposed structures), and Policy 4-5.5 (which would provide protection for scenic routes) could be expected to result in the placement of taller buildings in such a way as to avoid potential interference with any formally-identified scenic routes within Fremont, reducing potential impacts to a level considered less than significant.

In some portions of Fremont, development under this alternative would be of higher intensity than that currently present there, and higher density development would represent a change in the existing visual character of those areas. FAR allowances will be greater in the City Center and TOD Overlays. However, such development would not degrade the existing visual character of these areas, and the resulting change in the existing visual character of the area would be considered a less than significant environmental effect.

Development under this alternative would result in the construction of new structures on land that is currently vacant. Future structures, the lighting of future parking facilities, and the lights from vehicles that would be parked in those facilities would represent new sources of light and glare within the community. However, effective implementation of General Plan Update Policy 4-4.6 (which is intended to protect dark skies and reduce glare) would reduce potential lighting-related impacts associated with future development to a level considered less than significant.

Development anticipated under this alternative would contribute to a cumulative change in the visual character of the region that may be associated with all future development in the San Francisco Bay Area. However, as indicated above, development in Fremont would not be expected to degrade the existing visual character of Fremont, and, by extension, would not degrade the existing visual character of the region. Development under this alternative would not result in any substantive adverse effects to scenic vistas or scenic resources, and would not contribute to any cumulative loss of scenic vistas or resources within the region. Although additional development under this alternative would have the potential to increase light and glare locally and cumulatively within the region (particularly as it might adversely affect the night sky), effective implementation of General Plan Update Policy 4-4.6 would reduce potential

cumulative lighting-related impacts associated with future development in Fremont to a level considered less than significant.

3. Population, Employment and Housing. Population growth in Fremont under this alternative would be approximately two-thirds of that anticipated under the General Plan Update during the planning period, with much of the future residential and mixed-use development within the City directed toward those areas best served by public transit, especially in the vicinity of the Fremont BART station and Central Business District, the Centerville Amtrak/ACE station, and the Irvington BART station. Implementation of this alternative would not induce population growth, since new residential development would instead be intended to accommodate the City's portion of the region's anticipated population growth, and would not involve the extension of infrastructure or public services to undeveloped areas to support new residential development.

Much of the development anticipated under this alternative would involve redeveloping parcels that already support urban uses (e.g., near the Fremont BART station, the Centerville Amtrak/ACE station and the Irvington BART station) in high-density residential or mixed-use projects. In other areas where land may currently be considered underutilized, existing uses may be displaced by new development. In some instances, future development under this alternative could involve the loss of some existing housing units. However, following anticipated development in these areas under this alternative there would be a net increase in the total number of housing units in these locations due to the increased residential densities, which would reduce the impact associated with the loss of some existing housing units to a level of less than significant. There would be no need or requirement to construct replacement housing elsewhere.

As indicated above, with development under this alternative, some existing housing units may be demolished in order to enable higher density residential or mixed-use development in those areas with easy access to public transit or where parcels are currently considered to be underutilized. While the loss of existing housing units could also mean the displacement of those currently living in those housing units, the total number of people that might be displaced is not considered substantial by the City of Fremont.

Under this alternative, higher density residential and mixed-use development would be directed toward those areas best served by public transit, in an effort to reduce reliance on private automobiles (with a corresponding reduction in development-related traffic, air pollutants and greenhouse gases).

4. Transportation and Circulation. The addition of cumulative growth and the buildout of the Trend Growth Alternative would cause many intersections to deteriorate from acceptable levels of service under the existing condition to LOS E or F during the 2035 Trend Growth Alternative Condition.

Implementation of this alternative would not be expected to affect current air traffic patterns in any way (no impact). Under this alternative, implementation of General Plan Policy 3-3.6 would minimize road hazards associated with overgrown vegetation, structures blocking sight lines, and other visual obstructions, and requires that new development is reviewed to ensure that ingress

and egress locations, driveways, crosswalks, and other circulation features, are sited to minimize accident hazards, reducing potential design hazards to a level considered less than significant. All development under this alternative would be subject to review by the City of Fremont (including the Fremont Fire Department and the Fremont Police Department) prior to approval to ensure that individual development projects do not impede emergency access, reducing potential impacts to a level considered less than significant. As indicated in General Plan Update Policy 3-3.3, it is the City's intent to consider grade-separated crossings where major streets bisect railroads or where such crossings are necessary to meet a regional transportation need, which may also improve emergency vehicle response times. Development under this alternative would not conflict with any existing policies which support the use of alternative transportation (no impact).

Development anticipated under this alternative would be expected to contribute a portion of the cumulative traffic anticipated on local roadways in 2035, and would, therefore, make a cumulative considerable contribution to traffic congestion at numerous intersections. In some instances, these impacts could be reduced to a level of less than significant through effective implementation of the Mitigations identified above, but in most instances, traffic congestion at impacted intersections would represent a significant and unavoidable cumulative impact associated with implementation of this alternative.

5. Air Quality. Although less vehicular traffic would be generated relative to that associated with the General Plan Update, development under this alternative could be generally expected to result in the same types of air quality impacts associated with implementation of the General Plan Update, with the specific impact associated with the anticipated rate of increase in VMT as related to CAP consistency remaining significant and unavoidable. Implementation of Mitigation AIR-2 and Mitigation AIR-3, discussed above, could be expected to reduce potentially significant adverse air quality impacts related to the exposure of sensitive receptors to TACs, and exposure of sensitive receptors to construction-related emissions (for all but the largest development projects) to a level considered less than significant.

6. Noise and Vibration. The use of project-specific noise analyses and the implementation of Mitigation NOI-IB and Mitigation NOI-3B could be expected to reduce potential exposure of new land uses to excessive noise, and to adverse noise effects associated with potentially incompatible land uses to a level considered less than significant. However, exposure to increased traffic-related noise would be somewhat less than the General Plan Update, but would still result in significant increases in roadway noise, and excessive noise and vibration associated with construction activity could result in significant and unavoidable impacts associated with development under this alternative, even with the implementation of Mitigation NOI-4 and Mitigation NOI-5.

7. Hydrology and Water Quality. Residential, commercial, industrial, and public uses consistent with this alternative could introduce additional non-point source pollutants to downstream surface waters. However, existing regulations and water quality policies and programs contained in the General Plan Update would reduce this potential source of water pollution to a level considered less than significant.

Land uses and development consistent with this alternative could result in increased soil erosion and sedimentation during construction activities, thereby degrading water quality in downstream waterways. However, existing regulations and water quality policies and programs contained in the General Plan Update would reduce the potential for water pollution from these activities to a level considered less than significant.

Residential, commercial, industrial, and public uses consistent with this alternative could allow additional non-point source pollutants to contaminate groundwater recharge supplies. However, existing regulations and water quality policies and programs contained in the General Plan Update would reduce the potential for groundwater contamination to a level considered less than significant.

Land use and development anticipated under this alternative would result in alterations to existing drainage patterns. Such changes would increase erosion, both in overland flow paths and in drainage swales and creeks. Current practices utilized in the review of flood control, drainage, and grading permits, stormwater runoff controls under NPDES programs, as well as policies contained in the General Plan Update, would mitigate potential impacts associated with increased runoff and other surface drainage modifications, including potential impacts to channel stability, and stream bank erosion. The General Plan Update policies would ensure that drainage impacts to streambank erosion would be less than significant.

Land uses and development anticipated under this alternative would result in increases in stormwater runoff and peak discharge. Existing storm drain systems, including urban creeks and rivers, may be incapable of accommodating increased flows, potentially resulting in on- or off-site flooding. Although flooding would continue to occur in flood prone areas, this is considered an existing condition for purposes of CEQA review, and the policies and programs of the General Plan Update would ensure that flooding in these areas would not worsen (with the exception of potential impacts to the Laguna Creek Drainage Facility - see Impact HYD-I and Mitigation HYD-I, above). Adoption and implementation of the policies and programs contained in the General Plan Update as discussed above would ensure that potential impacts of future development of on- and off-site flooding and drainage infrastructure under this alternative would be reduced to a level considered less than significant.

Land uses and development anticipated under this alternative would allow continued development in 100-Year Flood Hazard Areas with sufficient mitigation. Policies contained in the General Plan Update would reduce potential impacts to a level considered less than significant.

Under this alternative, the policies of the General Plan Update, together with other existing flood prevention strategies and policies, would reduce potential inundation hazards from dam and levee failure to existing and future development to a level considered less than significant.

Under this alternative, the policies of the General Plan Update, together with other existing flood prevention strategies and policies, would reduce potential inundation hazards from sea-level rise to existing and future development to a level considered less than significant.

Implementation of this alternative, in combination with the SFPUC WSIP, would contribute to the disruption of soils such that they could be carried in stormwater runoff to local waterways and wetlands and into the San Francisco Bay. Similar to the policies and implementations incorporated into the General Plan Update, the SFPUC WSIP would be required to comply with the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, the SWRCB statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit), and coordinate with County and City water quality requirements. Compliance will include preparation of a Storm Water Pollution Prevention Plan (SWPPP) and incorporation of Best Management Practices (BMPs), which would require individual onsite treatment of runoff before it is discharged. Cumulative impacts to stormwater and groundwater quality would, therefore, be considered less than significant.

Development anticipated under this alternative, in combination with other development in the region, would contribute to an increase in impervious surface in the watershed area that could increase the quantity and velocity of stormwater runoff and reduce groundwater recharge. However, all future and planned projects in the region would be required to comply with the requirements of the State Water Resource Control Board C.3 regulations and coordinate with City and County construction and flooding regulations, including (for projects located within Fremont) City of Fremont Conservation and Safety Policies. Therefore, the implementation of the General Plan Update, in combination with other planned projects, would have a less than significant cumulative impact to drainage or flooding.

8. Geology, Soils and Seismicity. As a result of development under this alternative people and property could be exposed to the risks associated with surface fault rupture in a major seismic event. The General Plan Update identifies goals, policies and actions designed to minimize the impact of surface fault rupture. General Plan Update implementations, including 10-2.1.A, 10-2.2.A, 10-2.2.B, 10-2.4.B, described above, would reduce the potential impacts associated with surface fault rupture to a level considered less than significant.

As a result of development under this alternative, people and property could be exposed to the risks associated with severe seismic ground shaking. The 2007 California Building Code, which was adopted by the City of Fremont through Ordinance 31-2007, includes seismic design standards to minimize damage resulting from seismic shaking. The General Plan Update identifies additional policies and actions designed to minimize the impacts of strong to very violent seismic shaking. Implementation of General Plan Update implementations, including 10-2.1.A, 10-2.1.B, 10-2.2.A, 10-2.2.B, 10-2.4.A, 10-2.S.A, described above, would reduce the impact of strong to very violent seismic ground shaking to a level considered less than significant.

Development under this alternative could result in exposure of people and property to the risks associated with seismically-related ground failure, as it could result in construction in areas that may be underlain by liquefiable material. However, the General Plan Update identifies objectives and policies designed to minimize the impact of seismically-related ground failure. Implementation of proposed General Plan Update actions, including 10-2.1.A, 10-2.1.B, 10-

2.1.C, 10-2.3.A, 10-2A.A, 10-2A.C, described above, will reduce the potential impacts associated with seismically-related ground failure to a level considered less than significant. The General Plan Update identifies objectives and policies designed to minimize the impacts of landsliding (including seismically-related). Implementation of General Plan Update actions, including 10-1.1.A, 10-1.1.B, 10-1.1.C, 10-1.1.D, 10-1.2.A, 10-1.2.B, 10-1.3.A, 10-1.3.B, 10-2.1.A, 10-2.1.B, 10-2.1.C, 10-2.3.A, 10-2A.A, and 10-2A.C, described above, would reduce the potential impacts associated with landslides and seismically-induced landslides to a level considered less than significant.

Implementation of the Local Hazard Mitigation Plan, in conjunction with federal and state laws related to ensuring dam safety, would minimize the risk of exposing people and structures to the failure of dams in Fremont, reducing related potential impacts associated with development under this alternative to a level considered less than significant.

Construction activities involved in development under this alternative will disturb topsoil, which, if not properly mitigated, can be mobilized by stormwater runoff, increasing erosion and loss of topsoil. The General Plan Update identifies policies and actions designed to minimize the impact of soil erosion and loss of topsoil. Implementation of General Plan Update actions, including 10-1.3.A, described above, would reduce the impact of soil erosion and loss of topsoil to a level considered less than significant.

Relevant General Plan Update Policies identified in the discussion of potential impacts associated with seismic ground shaking, seismically-related ground failure, landslides and soil erosion, above, will reduce the potential impacts on unstable geologic units associated with possible construction associated with this alternative to a level considered less than significant.

Development under this alternative would entail construction on expansive soil subject to shrinking and swelling in response to changes in moisture content. As all development anticipated under this alternative would be required to comply with the 2007 California Building Code, potential impacts related to construction on expansive soils would be considered less than significant.

Development anticipated following adoption of the General Plan Update would be required to be connected to the Union Sanitary District sanitary sewer facilities. Therefore, there is no impact related to future development on soils incapable of supporting septic systems under this alternative.

Geologic and soil-related impacts associated with future development in the City of Fremont would involve potential hazards associated with site-specific soil conditions, erosion, and ground-shaking during earthquakes. The impacts on each development site would be specific to that site, and its users and would not be common or contribute to (or be shared with, in an additive sense) the impacts associated with other sites. In addition, development on each site would be subject to uniform site development and construction standards designed to protect public safety. Therefore, provided the policies and implementation measures included in the Safety Element of the General Plan Update are carried out, potential cumulative impacts related to geology and soils would be considered less than significant.

9. Hazards and Hazardous Materials. Implementation of this alternative would likely result in an increase in the number of businesses storing, using, transporting, and/or disposing of hazardous material within Fremont. However, the General Plan Update identifies goals, policies and implementation measures designed to reduce the impact of businesses routinely using, storing, and transporting hazardous material. These actions, including 10-6.1.A, 10-6.2.A, 10-6.4.A, 10-6.5.A, 10-6.5.B, and 10-6.5.C, described above, in combination with California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations, would reduce the potential impacts associated with the routine use, transport, or disposal of hazardous material to a level considered less than significant.

No hazardous material release is foreseen as a result of implementation of this alternative. However, development under this alternative would result in an increase in the number of people exposed to a potential release of hazardous materials. The General Plan Update identifies objectives and policies designed to reduce the hazard to the population due to a hazardous material release. These actions, including 10-6.1.A, 10-6.2.A, 10-6.4.A, 10-6.5.A, 10-6.5.B, 10-6.5.C, 10-6.6.A, 10-6.7.A, and 10-6.7.B, described above, in combination with emergency response from the City of Fremont Fire Department would reduce the potential impact of a reasonably foreseeable accidental release of hazardous material to a level considered less than significant.

Implementation of this alternative would include development in the vicinity of existing and/or planned schools; however, state regulations on siting of hazardous materials facilities and schools limit the facilities' proximity to schools. Additionally, the General Plan Update includes Policy 10-6.2, described above, would reduce the potential impact to a level considered less than significant.

There are a number of sites within Fremont listed on government databases. These generally consist of leaking underground storage tanks (LUSTs), many of which have impacted soil and groundwater with petroleum. Public and environmental hazards are reduced by federal and state remediation regulations. Additionally, General Plan Update actions 10-6.3.A, 10-6.3.B, and 10-6.3.C would reduce the potential impacts associated with development on, or in the vicinity of, listed hazardous material sites to a level considered less than significant.

There are no airports within 2 miles of the Fremont city limits, therefore, there is no impact under this alternative.

There are no private airstrips in the vicinity, therefore, there is no impact under this alternative.

Implementation of this alternative would result in denser development within Fremont and would have the potential to change circulation patterns which could impact emergency evacuation or response plans. However, the General Plan Update includes policies, and implementation actions designed to provide for sufficient emergency response in Fremont. These actions include the following implementation measures, described above: 10-5.1.A, 10-5.1.B, 10-5.2.A, 10-5.2.B, 10-5.2.A, 10-5.2.B, 10-5.3.A, 10-5.3.B, 10-5.3.C, 10-5.4.A, and 10-5.5.A. Therefore,

potential interference with an adopted emergency response or emergency evacuation plan would be considered a less than significant impact.

The Land Use Element of the General Plan Update would allow limited development in areas of high wildland fire risk, and such development could also be anticipated under this alternative. General Plan Update implementation measures 10-4.1A, 10-4.1.C, 10-4.1.D, 10-4.2.A, 10-4.3.A, 10-4.3.C, and 10-4.3.C, described above, would reduce potential risks associated with wildland fires to a level considered less than significant.

Implementation of this alternative would result in increased population and a commensurate increase in the number of sites handling hazardous materials in the City. However, the cumulative impact is expected to be slight, and identified General Plan Update policies, as well as California Department of Transportation, California Department of Toxic Substance Control, and California State Water Resource Control Board regulations, would reduce the potential cumulative hazardous materials impacts of Plan implementation. Implementation of this alternative would also result in new construction in areas that are subject to wildland fire hazards. However, implementation of the General Plan Update would not result in a cumulative impact on wildland fire hazards in surrounding areas. Cumulative hazards and hazardous materials impacts are considered less than significant.

10. Cultural and Archaeological Resources. It is possible that future development which may occur under this alternative could result in the demolition of historic resources, even with the level of protection provided by Implementation 4-6.I.A, HARB review and the Historic Resources Ordinance. If such a demolition of a historic resource were to take place, this would represent a significant and unavoidable environmental impact, which could not be mitigated to a level of less than significant. However, should demolition be proposed as part of a development project, a separate, site-specific environmental review would be required, requiring an analysis of alternatives and potential project-specific mitigation measures.

The General Plan Update identifies various sites where new construction or alterations to existing buildings may take place to achieve General Plan Update objectives, and these sites could also be developed under this alternative. Such construction may alter the characteristics that justify a resource's historical significance, and may change the architectural context of nearby historical architectural resources. General Plan Update Policy 4-6.2 and Implementation 4-6.2.A (which requires review of any proposed alterations to Register Resources and Potential Register Resources associated with proposed development projects are consistent with the recommended procedures and best practices provided in *The Secretary of Interior Standards for the Treatment of Historic Properties*) would reduce potential impacts associated with alteration of historic resources a level considered less than significant.

Although no archaeological resources are currently known to exist in portions of the City where development is anticipated under this alternative, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources. Implementation of Mitigation CUL-2 would reduce the impact to a level considered less than significant.

Although no paleontological resources are currently known to exist in those portions of the City where development would be anticipated under this alternative, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction of unidentified subsurface paleontological resources. Implementation of Mitigation CUL-3 would reduce the impact to a level considered less than significant.

Ground-disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains. Although General Plan Policy 4-6.10 would require coordination with representatives of local Native American organizations to ensure protection of Native American resources, the evaluation of human remains which may be uncovered during construction activity would represent an impact which could be reduced to a level considered less than significant through implementation of Mitigation CUL-4.

Any demolition of historic resources to occur within Fremont following adoption of the General Plan Update could be regarded as a cumulative contribution to the on-going loss of historic resources within the Bay Area, which would be considered a significant and unavoidable cumulative impact associated with development under this alternative. Effective implementation of the applicable General Plan Update policies, implementation actions and mitigation measures identified above would be expected to reduce any potential development-related impacts associated with alteration of historic structures or disturbance of undiscovered archaeological resources, paleontological resources or human remains to a level considered less than significant, which would also reduce any corresponding potential cumulative impact to a level considered less than significant.

11. Agricultural Resources. Development under this alternative could result in the irrevocable conversion of existing agricultural land currently designated as "Prime Farmland" or "Unique Farmland" to urban uses. This would include the same Guardino and I-680/Palm properties as the General Plan Update. Where such conversions may take place in the future, and where they would result in the loss of "Prime Farmland" or Unique Farmland", this would represent a significant and unavoidable impact associated with implementation of this alternative.

Development under this alternative would not be expected to result in any conflict with existing agricultural zoning.

Under the General Plan Update, areas in Williamson Act contracts are designated "Open Space - Hill Face", "Open Space - Hill", and "Open Space - Resource ConservationPublic" where future urban development is not anticipated. For this reason, it is unlikely that future development in these areas under this alternative would conflict with any current Williamson Act contracts, and the impact would be considered less than significant.

Any conversion of land which is currently in agricultural use to non-agricultural uses would contribute to an on-going cumulative loss of agricultural land in the Bay Area, which could be considered a significant and unavoidable cumulative impact associated with implementation of this alternative.

12. Biological Resources. Land use and development consistent with this alternative could result in adverse impacts on special-status species or essential habitat for special-status species in Fremont. Further environmental review of each development proposal would be necessary, depending on whether the potential environmental impacts of future proposed projects within Fremont have the potential to cause one or more direct or reasonably foreseeable indirect physical changes in the environment that have not been addressed through the implementation of the planning process. Implementation of the applicable policies and actions identified in the General Plan Update could reduce these potential impacts to a level considered less than significant. Development under this alternative could also result in disturbance, degradation, and removal of annual grassland and oak woodland. Remnant riparian habitats (if present), drainages, and wetlands (vernal pools) within these communities may be impacted by the future development. While implementation of the applicable General Plan Update policies and implementation actions would partially reduce and/or avoid direct and indirect impacts to riparian habitat or other sensitive natural communities, environmental review as described above would ensure that adequate mitigation measures will be identified for future projects that will help to further reduce/minimize impacts to sensitive habitat acreage, values, and function, reducing potential impacts to a level considered less than significant. Land uses and development anticipated under this alternative could restrict aquatic or terrestrial wildlife movement through travel corridors. General Plan Update policies would mitigate impacts to wildlife movement corridors and would, therefore, reduce potential impacts to wildlife travel corridors to a level considered less than significant. No additional mitigation is required. The policies and implementation measures contained within the General Plan Update would not conflict with existing City policies and ordinances related to the protection of biological resources (no impact).

13. Mineral Resources. Development under this alternative would not be expected to result in the loss of availability of known mineral resources. Effective implementation of Policy 7-5.1 would reduce the potential for substantive loss of availability of known mineral resources in Fremont to a level considered less than significant.

Development under this alternative would not be expected to result in the loss of availability of any locally-known mineral resource recovery site. Effective implementation of Policy 7-5.1 would reduce the potential for substantive loss of availability of locally-known mineral resource recovery sites in Fremont to a level considered less than significant.

As General Plan Update Policy 7-5.1 would be expected to protect existing mineral resources and locally-important mineral recovery sites from incompatible uses, development anticipated within Fremont would not be expected to add to any cumulative loss of access to existing mineral resources or mineral recovery sites within the region, and any related cumulative impacts would be considered less than significant.

14. Public Services. Development under this alternative would not require the provision of new or physically altered fire stations (the construction of which could cause significant environmental impacts), in order to maintain acceptable response times (less than significant).

With the development anticipated under this alternative, there would be considerably more people living and working in the City of Fremont than at present, creating an increased demand for police protection in the area. While this may require an increase in police staffing and support equipment, it would not be expected to require the construction of a new police station or the expansion of the existing police station, and the impact would be considered less than significant. An expansion of the existing Department Headquarters building to 80,000 square feet may be anticipated during the twenty-year planning period, with or without implementation of this alternative.

This alternative anticipates the development of approximately 10,000 new residential units in the City of Fremont during the twenty-year planning period. Under California law, the payment by a developer of all current school impact fees associated with a proposed development effectively mitigates any impact that such development may have on the facilities of the local school district. Under this alternative, all developers would continue to be required to make such payments to the Fremont Unified School District prior to the City's issuance of any certificate of occupancy, in effect reducing all development-related impacts to local schools to a level considered less than significant.

Under this alternative, the development of future parks and recreational facilities could be expected to entail construction-related impacts similar to those associated with other development projects (e.g., temporary air quality and noise effects during the actual construction activity at the two sites), but with implementation of the applicable mitigation measures identified in the corresponding sections of the Draft EIR, these temporary impacts could be reduced to a level considered less than significant. As long as the established standard of five acres of developed parkland per one thousand Fremont residents is met during the operational life of the General Plan Update, existing parks and recreational facilities would not be expected to become overused or subject to premature deterioration as the local population grows, and implementation of this alternative would have a less than significant impact on the operation of existing park and recreational facilities.

Development anticipated under this alternative would be expected to increase the number of residents and workers within Fremont, which could be expected to place an increased demand on the public library system, resulting in increased use of existing community and senior centers, and an increased demand for child care. However, these increased demands are unlikely to necessitate expansion of existing library facilities, community or senior centers, or child care facilities, or the construction of new facilities and centers, and the impact would be considered less than significant.

Increased population and employment under this alternative would place increased demands on all public services, not just within Fremont, but within the region as well. However, these increases would not necessarily be expected to result in a corresponding need to build new public facilities or to expand existing public facilities in order to maintain existing levels of public service within Fremont or the region. In the absence of such a need, cumulative impacts related to the provision of public services would be considered less than significant. As individual development projects are proposed following adoption of the General Plan Update, specific

project-related effects related to the provision of public services will need to be evaluated within the context of maintaining existing levels of service, budgetary constraints, and the long-term plans of service providers to adjust to anticipated population and employment growth within Fremont and the region.

15. Infrastructure and Utilities. Development anticipated under this alternative would exceed that currently anticipated under the existing General Plan, and that difference in the level of anticipated development over the planning period would place additional unanticipated demand on projected ACWD water supplies. Implementation of Mitigation UTIL-IA and Mitigation UTIL-IB would be expected to reduce the impact associated with increased development-related demand for water to a level considered less than significant.

As indicated in the Hydrology and Water Quality discussion above, land use and development anticipated under this alternative would result in alterations to existing drainage patterns. The Conservation and Safety Elements of the General Plan Update contain several stormwater management policies which would help mitigate the potential drainage and erosion impacts associated with new development. In general, the policies would encourage better land use planning through the use of appropriate hydrologic and hydraulic analysis in the discretionary project approval process with respect to site design, building location and drainage infrastructure design. Current practices utilized in the review of flood control, drainage, and grading permits, stormwater runoff controls under the Phase I and II NPDES programs, as well as policies contained in the General Plan Update, would mitigate potential impacts associated with increased runoff and other surface drainage modifications to a level considered less than significant. Future development may necessitate the construction of new drainage facilities for stormwater conveyance and management. In areas where drainage infrastructure already exists, drainage systems may need to be enlarged or expanded to accommodate future growth. Stormwater management practices commonly used to mitigate increases in peak flows (e.g., detention, retention, infiltration) may also be implemented, as deemed appropriate under policies in the General Plan Update.

Local storm drainage modifications, stream channel alterations, and structural bank stabilization measures could create significant flooding impacts, in some cases by moving the existing flooding and channel instability problems cross channel or downstream, or by changing the timing of peak flows and point of discharge of runoff. Although flooding would continue to occur in flood prone areas, this is considered an existing condition for purposes of CEQA review, and the policies and programs of the General Plan Update would ensure that flooding in these areas would not worsen (with the exception of potential impacts to the Laguna Creek Drainage Facility – see Impact HYD-I and Mitigation HYD-I, above). Adoption and implementation of the policies and programs contained in the General Plan Update as discussed above would ensure that potential impacts of future development of on- and off-site flooding and drainage infrastructure under this alternative would be reduced to a level considered *less than significant*.

Individual development projects that may be proposed under this alternative in areas designated for residential densities exceeding 29.9 units per acre under the General Plan Update could

exceed the capacity of the existing local sanitary sewer conveyance system serving the specific project. This impact could be reduced to a level considered less than significant through implementation of Mitigation UTIL-2.

Increased development anticipated under this alternative would be expected to result in an increased demand for solid waste collection and disposal. However the General Plan Update includes a number of policies promoting waste diversion, recycling, processing, and the ultimate elimination of landfill waste (e.g., Policy 9-6.1, Policy 9-6.3, Policy 9-6.4, Policy 9-7.1, Policy 9-7.3, and Policy 9-8.3) which, if effectively implemented, could be expected to limit potential effects associated with the collection and disposal of solid waste to a level considered less than significant.

As the number of households and businesses increase under this alternative, an increased demand for gas, electricity and telecommunications services can also be anticipated. The providers of these utilities and services (e.g., PG&E, AT&T, etc.) routinely increase the capacity of their delivery systems in order to meet increased demands associated with growth. However, where construction may be required in order to expand service to specific sites which may be developed in the future under this alternative, any potential construction-related effects (e.g., temporary noise and air quality impacts) could be reduced to a level considered less than significant through implementation of the construction-related mitigation measures identified in the corresponding sections of the Draft EIR.

Development under this alternative would be expected to result in an increase in the total population and in the number of businesses within Fremont, with a corresponding increase in the demand for utility services. Additional growth is anticipated during the planning period within the region as well, so development anticipated within Fremont would contribute to a cumulative increase in the demand for water, wastewater treatment, solid waste disposal, energy, and communications service throughout the region. Implementation of the mitigation measures identified above, and the relevant policies of the General Plan Update, would be expected to reduce the local contribution to the cumulative increase in regional utility demand associated with this alternative to a level considered less than significant.

16. Global Climate Change. There would be less development under the Development Trend Growth alternative than would be anticipated under the General Plan Update. The assumed growth pattern and rate of growth through 2020 would not deviate from the assumption of the General Plan Update estimate of emissions. Since the GHG analysis conducted for the Draft EIR indicated that expected emissions associated with development under the General Plan Update would be below the threshold on a per capita basis because of more intense development in TOD areas, the reduced TOD development of the Growth Trend alternative would have a negative effect on the per capita emissions rate even though aggregate emissions would be lower. When considering longer term projections of emissions through 2035, the Development Trend Growth alternative would have lower absolute emissions (due to less development), but the per service population ratio would change as well at roughly the same value of 6.0 mtons/person as the 2020 emission level, rather than decrease as is the case under the General Plan Update. For a long-term 2035 cumulative condition, the Development Trend

Growth alternative would have a worse service population performance ratio and result in considerable contribution to global climate change impacts and in a significant and unavoidable impact. Conflicts with plans, policies, or regulations adopted for purposes of reducing the emissions of greenhouse gases threshold do not apply to this alternative.

17. Planning Policy Analysis. All development proposed in areas where protected wetlands or habitats are present would be required to comply with federal regulations applicable to development in those areas under this alternative. Most of the local federally-protected wetlands and habitat areas are located in the western portions of Fremont adjacent to San Francisco Bay. Much of this area is in federal ownership and part of the San Francisco Bay National Wildlife Refuge, where no development would be anticipated under this alternative. Two Interstate Highways pass through Fremont (1-680 and 1-880), and any future improvements which may be proposed within those rights-of-way would require coordination with Caltrans. All development taking place within Fremont under this alternative would be required to comply with all federal regulations which apply to all development projects anywhere in the U.S. (e.g., compliance with NPDES permit conditions to reduce the potential for stormwater-related pollution, compliance with all regulations related to the use, storage, transportation and disposal of hazardous materials, etc.).

The General Plan Update is intended to promote sustainable development within Fremont, including mixed-use, higher-intensity transit-oriented development in the Priority Development Areas, consistent with the objectives of AB 32 and SB 375. Implementation of this alternative would be consistent with these California measures.

The General Plan Update directs the major portion of future development in Fremont toward the local PDAs, which would promote pedestrian-friendly, transit-oriented development consistent with ABAG objectives for PDAs. Implementation of this alternative would be consistent with these regional directives.

Implementation of this alternative would result in development that would substantially increase the intensity of land uses in those portions of the city (e.g., PDAs, including City Center and the Town Centers) where strategic urbanization is desired beyond what would be permitted under the current General Plan and existing land use regulations. However, this need not be considered a "conflict" with existing local land use plans, policies and regulations, since these would permit additional development in these areas (although not to the extent anticipated under this alternative). Additionally, development of purely residential projects within the CBD would be inconsistent with current General Plan policies for this area.

Implementation of the applicable General Plan Update policies would continue to protect Fremont's hill areas and baylands, and would ensure that future development maintain compatibility with existing residential neighborhoods.

#### **D. Environmentally Superior Alternative**

Development anticipated under the General Plan Update, the existing General Plan (No Project alternative) or the Development Trend Growth alternative would result in a significant increase in the number of people living and working in Fremont, as well as a related increase in

the amount of vehicle traffic on local roadways. Most types of potential development-related impacts associated with the General Plan Update and both alternatives can generally be reduced to a level considered less than significant through the implementation of mitigation measures identified in the Draft EIR, although some potentially significant and unavoidable impacts associated with implementation of the General Plan Update (e.g., potential demolition of historic structures, potential conversion of agricultural land) would be anticipated under any alternative as well. The major difference in the impacts associated with implementing the General Plan Update or either of the two alternatives evaluated relates to traffic and VMT which would result from anticipated development, and the related air quality and noise effects associated with those vehicle trips. Development under the Development Trend Growth alternative would generate less VMT than would development under the General Plan Update, although the similar focus on transit-oriented development could be expected to result in some reduction in vehicle trips in both instances. The much lower level of development anticipated under the No Project alternative, however, would result in a lower VMT value (approximately 90 percent of the VMT associated with the Development Trend Growth alternative, and approximately 87 percent of the VMT associated with the General Plan Update), and as a result, this alternative would result in less congestion on local roadways (although a number of intersections would still be subject to significant and unavoidable impacts related to level of service), and a proportional reduction in the volume of air pollutants and noise generated by vehicles. For this reason, the No Project alternative would be considered the "environmentally superior" alternative, although development under the existing General Plan would not be consistent with the vision, guiding principles and goals of the General Plan Update.

CEQA Guidelines require that where the No Project alternative is also identified as the "environmentally superior" alternative, another alternative which would represent the "environmentally superior" in the absence of the No Project alternative should then be identified. In this case, given the smaller number of daily vehicle trips relative to those anticipated under the General Plan Update, the Development Trend Growth alternative would be considered the "environmentally superior" alternative in the absence of the No Project alternative. Development under this alternative would result in less traffic, a lower VMT, less roadway congestion (and less related air pollution and noise) than would be the case under the General Plan Update, but more than would be anticipated with development under the No Project alternative.

## **H. Conclusion**

After consideration of this reasonable range of identified alternatives to the General Plan Update, the City Council finds that none can fully achieve the goals and objectives set forth in the General Plan Update. The alternatives to the General Plan Update fail to achieve the comprehensive goals and objectives for the City of Fremont as established in the General Plan Update, and as such are deemed infeasible.

## VII.

### STATEMENT OF OVERRIDING CONSIDERATIONS

#### A. Detailed Statement.

The City Council has fully considered the discussion and analyses in the Record regarding the environmental impacts, socioeconomic effects, cumulative impacts, growth-inducing impacts, and irreversible and irretrievable commitments of resources related to the General Plan Update. The City Council finds that the goals, objectives, programs, and benefits of the General Plan Update will provide numerous economic, social, environmental, and other benefits to the City of Fremont, which override any unavoidable significant adverse impacts of adoption and implementation of the General Plan Update, and so find these unavoidable impacts to be acceptable. The City Council further finds that the alternatives to the General Plan Update are infeasible because such alternatives would limit the social, economic, and other benefits of adoption and implementation of the General Plan Update, which are described below, and are therefore outweighed by them. Therefore, pursuant to Public Resources Code Section 21081 (c) and the CEQA Guidelines, the City Council makes the following Statement of Overriding Considerations and findings in support thereof:

1. The General Plan Update consists of policies, objectives, and programs developed through extensive community input to guide future development in Fremont through 2035. This represents a comprehensive update of the City of Fremont General Plan, which was last comprehensively updated in 1991. The new General Plan lays out a broad vision along with goals, policies, and implementation measures to achieve that vision. The new General Plan is intended to provide a balance between the competing consequences of providing for new commercial, industrial, and residential development and growth within Fremont while identifying the means of minimizing the adverse anticipated consequences.
2. The new General Plan balances growth and conservation by accommodating the City's anticipated future residential and non-residential growth in a manner that will minimize impacts on the environment, reduce contributions to global climate change, reduce reliance on oil and other fossil-fuel sources, and decrease consumption of natural resources. The new General Plan provides appropriately designated land necessary to accommodate growth anticipated in the City. By including these areas as part of the General Plan, their development will be subject to its goals, policies, and programs. The new General Plan provides for a more efficient use of land and provides a more effective policy framework for addressing environmental impacts. The new General Plan provides the best balance for meeting the community's housing needs, including state-mandated housing requirements, over the next 25+ years.
3. The General Plan's Land Use Map and other maps and figures direct the location and mix of housing, schools, parks, open space, various commercial and industrial uses, roadways, and other public infrastructure necessary for the continued health and well-

being of Fremont residents, and for proper operation and maintenance of the City, consistent with the over-arching theme of sustainability.

4. The General Plan Update would result in compact walkable, infill and mixed-use development and redevelopment along transit corridors and at other key locations. The compact growth patterns inherent in the Plan encourage preservation of existing open space.
5. The new General Plan fosters increased mobility options and reduces vehicle trips by reducing distances between complementary land uses and emphasizing a balanced, multimodal circulation system that is efficient and safe, and that connects neighborhoods to jobs, shopping, schools, services, local attractions, and open space.
6. The new General Plan is critical in achieving the City's economic development and job creation goals by fostering a positive climate for investment, providing a supply of land that is appropriately located and designated for desired uses, ensuring the readiness of physical conditions to support development, targeting public investment to help attract investment and support local prosperity, creating partnerships within the region to generate jobs, and ensuring a quality of life that makes Fremont a desirable place in which to invest.
7. The new General Plan promotes social equity by ensuring adequate housing opportunities for all income levels; providing open government that values public participation; promoting local neighborhoods; promoting community health through a safe circulation system with multi-modal transportation options; and providing parks and quality public services to all members of the community.
8. The new General Plan establishes a framework for the City's adoption of a wide range of policy documents, standards, specific plans, and regulations, all of which would substantially advance the health, safety, and general welfare of the community. Specifically, the General Plan is the basis for the City to pursue the following: Climate Action Plan, Updated Bicycle and Pedestrian Master Plan, Municipal Code amendments, and the completion and use of other ordinances, guidelines, master plans and other actions consistent with the General Plan for its implementation.

**B. Overall Conclusion**

Based on the substantial evidence throughout the Record, and the detailed findings made in this Exhibit A, which findings require, as a condition of approval of public and private developments pursuant to the new General Plan, the implementation of specified mitigation measures and monitoring programs, the overall finding is made that economic and social considerations outweigh the remaining environmental effects of adoption and implementation of the new General Plan, and the City Council concludes that the new General Plan should be adopted and implemented, taking into account the future significant environmental consequences identified in the EIR and this Exhibit A.

**VIII.**

## **MONITORING AND REPORTING PROGRAM**

### **A. General Program.**

The general monitoring program to be implemented for the mitigation measures adopted in this Exhibit A is as follows:

I. Where responsible City staff determines that the environmental effects of a project-related discretionary approval were covered in the EIR consistent with California Code of Regulations Section 15168(c), feasible mitigation measures included in the monitoring program shall be incorporated into projects, as described below:

(a) City staff responsible for design of each public improvement undertaken to implement the new General Plan will utilize the applicable adopted mitigation measures in preparing, approving and implementing the design of each public improvement.

(b) City staff responsible for review and approval of each land use entitlement application will consider the applicable adopted mitigation measures in determining whether the application is consistent with applicable policies and guidelines and whether to approve the application, and will impose the applicable adopted mitigation measures as conditions of any approval that is granted.

(c) In connection with each individual public improvement or land use entitlement, the responsible City staff will also impose any project-specific monitoring and reporting requirement that is determined necessary to assure compliance with the imposed mitigation measures.

2. Where additional environmental review is required for project-related discretionary approval, modified mitigation measures, and alternatives may be required for a specific project, as specified and reviewed in the subsequent or supplemental environmental document.

### **B. Specific Program.**

The chart attached as Attachment No.1 (the "Mitigation Monitoring Program Chart") sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure adopted in this Exhibit A.

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

ImDact	Mitigation Measure	Implementation	Monitoring Resoonsibility	Status/Timing
<p>Transportation and Circulation</p> <p>Impact TRA-1: Unacceptable Level of Service at Alvarado Boulevard/Deep Creek Road Intersection (#1). During the AM. peak hour. the addition of Draft General Plan Update-related traffic would result in a significant impact at the intersection of Alvarado Boulevard/Deep Creek Road. The intersection of Alvarado Boulevard/Deep Creek Road is LOS C under the Existing Condition. and would deteriorate to LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptabk threshold of LOS 0 for the City of Fremont. Therefore. this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-1: Modification of Alvarado Boulevard/Deep Creek Road Intersection (#1). By modifying the intersection as shown in DEIR Figure 4.3. the intersection average delay for the A.M. peak hour would improve from 76.9 seconds to 66.4 seconds. This location is also under the jurisdiction of Caltrans.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #1 improvements will be partially implemented with TIF program improvements</p>	<p>CDD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #1 exceeds LOS D</p>
<p>Impact TRA-2: Unacceptable Level of Service at Fremont Boulevard/Paseo Padre Parkway Intersection (#3). During the P.M. peak hour. the addition of DRAFT General Plan Update-related traffic would result in a signiticant impact at the intersection of Fremont Boulevard/Paseo Padre Parkway. The intersection of Fremont Boulevard/Paseo Padre Parkway is LOS D under the Existing Condition. and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore. this would be considered a <i>significant</i> orioect imoact.</p>	<p>Mitigation TRA-2: Modification of Fremont Boulevard/Paseo Padre Parkway Intersection (#3). By modifying the intersection as shown in DEIR Figure 4.3. the intersection average delay for the P.M. peak hour would improve from 80.3 seconds to 53.0 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the northeast corner.</p>	<p>Intersection #3 improvements will be partially implemented with TIF program improvements</p>	<p>CDD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #3 exceeds LOS D</p>
<p>Impact TRA-3: Unacceptable Level of Service at Paseo Padre Parkway/Decoto Road Intersection (#4). During the AM. and P.M. peak hours. the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Decoto Road. For both the AM. and P.M. peak hours. the intersection of Paseo Padre Parkway/Decoto Road is LOS 0 under the Existing Condition. and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceotable threshold of LOS E</p>	<p>Mitigation TRA-3: Modification of Paseo Padre Parkway/Decoto Road Intersection (#4). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing. the intersection average delay for the AM. peak hour would improve from 156.9 seconds to 82.9 seconds. Similarly. the P.M. peak would improve from 123.5 to 82.1 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along each of the quadrants of the intersection.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #4 improvements will be partially implemented with TIF program improvements</p>	<p>COD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #4 exceeds LOS D</p>

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE – MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.				
Impact TRA-4: Unacceptable Level of Service at Fremont Boulevard/Decoto Road Intersection (#5). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Oecoto Road. For both the AM. and P.M. peak hours, the intersection of Fremont Boulevard/Decoto Road is LOS 0 under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.	Mitigation TRA-4: Modification of Fremont Boulevard/Decoto Road Intersection (#5). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 105.4 seconds to 70.7 seconds. Similarly, the P.M. peak would improve from 107.1 to 74.0 seconds. This mitigation would require significant lane re-striping along Fremont Boulevard, as well acquisition of additional right-of-way and utility relocations along the northbound and southbound approaches to Fremont Boulevard.	Intersection #5 improvements will be partially implemented with TIF program improvements	CDD. T&O	Initiate modifications when LOS at Intersection #5 exceeds LOS 0
Impact TRA-5: Unacceptable Level of Service at 1-880 NB Ramps/Decoto Road Intersection (#6). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 NB Ramps/Decoto Road. For the AM. and P.M. peak hours, the intersection of 1-880 NB Ramps/Decoto Road is LOS 0 and B, respectively, under the Existing Condition, and would deteriorate to LOS F and E, respectively, in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.	Mitigation TRA-5: Modification of 1-880 NB Ramps/Decoto Road Intersection (#6). By modifying the intersection as shown in OEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 167.1 seconds to 73.4 seconds. Similarly, the P.M. peak would improve from 67.4 to 27.2 seconds. This mitigation may require acquisition of additional right-of-way, reconstruction of the overpass at 1-880 and utility relocations. This location is also under the jurisdiction of Caltrans.  Impacts are significant and unavoidable.	Intersection #6 improvements will be partially implemented with TIF program improvements	CDO. T&O	Initiate modifications when LOS at Intersection #6 exceeds LOS 0
Impact TRA-6: Unacceptable Level of Service at 1-880 SB Ramps/Decoto Road Intersection (#7). During the AM. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 SB Ramps/Oecoto Road. For the A.M. peak hour, the intersection of 1-880 SB Ramps/Decoto Road is LOS C under the Existing Condition and would deteriorate to	Mitigation TRA-6: Modification of 1-880 SB Ramps/Decoto Road Intersection (#7). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 94.9 seconds to 31.5 seconds. This mitigation may require acquisition of additional right-of-way, reconstruction of the overpass at 1-880 and utility relocations. This location is also under the jurisdiction of Caltrans.	Intersection #7 improvements will be partially implemented with TIF program improvements	CDO. T&O	Initiate modifications when LOS at Intersection #7 exceeds LOS D

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>				
<p>Impact TRA-7: Unacceptable Level of Service at Paseo Padre Parkway/Isherwood Way Intersection (#11). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Isherwood Way. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Isherwood Way is LOS C under the Existing Condition, but would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-7: Modification of Paseo Padre Parkway/Isherwood Way Intersection (#11). By modifying the intersection as shown in OEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 143.5 seconds to 118.6 seconds. Similarly, the P.M. peak would improve from 152.5 to 113.9 seconds. This mitigation would require modification of existing traffic signal hardware, travel lane re-striping and the modification of raised concrete medians on northbound approaches to Paseo Padre Parkway.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #11 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #11 exceeds LOS 0</p>
<p>Impact TRA-8: Unacceptable Level of Service at Paseo Padre Parkway/Thornton Avenue Intersection (#12). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Thornton Avenue. For the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Thornton Avenue is LOS 0 under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-8: Modification of Paseo Padre Parkway/Thornton Avenue Intersection (#12). By modifying the intersection as shown in OEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 217.5 seconds to 39.8 seconds. Similarly, the P.M. peak would improve from 146.0 to 87.1 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southwest corner of the intersection.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #12 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #12 exceeds LOS 0</p>
<p>Impact TRA-9: Unacceptable Level of Service at Fremont Boulevard/Central Avenue Intersection (#16). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Central</p>	<p>Mitigation TRA-9: Modification of Fremont Boulevard/Central Avenue Intersection (#16). By modifying the intersection as shown in OEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 121.5 seconds to 51.7 seconds. Similarly, the P.M. peak would improve</p>	<p>Intersection #16 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #16 exceeds LOS 0</p>

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Avenue. For both the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Central Avenue is LOS C under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a <b>significant</b> project impact.</p>	<p>from 109.9 to 75.8 seconds. This mitigation would require modification of raised concrete medians, and travel lane re-striping on the northbound approach to Fremont Boulevard.</p>			
<p>Impact TRA-IO: Unacceptable Level of Service at Paseo Padre Parkway/Peralta Boulevard Intersection (#18). During the P.M. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Peralta Boulevard. For the P.M. peak hour, the intersection of Paseo Padre Parkway/Peralta Boulevard is LOS D, under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located along select Priority Development Areas for the City of Fremont. Therefore, this would be considered a <b>significant</b> project impact.</p>	<p>Mitigation TRA-IO: Modification of Paseo Padre Parkway/Peralta Boulevard Intersection (#18). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the P.M. peak hour would improve from 164.7 seconds to 133.7 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southeast corner.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #18 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #18 exceeds LOS 0</p>
<p>Impact TRA-II: Unacceptable Level of Service at Paseo Padre Parkway/Mowry Avenue Intersection (#21). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Mowry Avenue. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Mowry Avenue is LOS 0 under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a <b>significant</b> project impact.</p>	<p>Mitigation TRA-II: Modification of Paseo Padre Parkway/Mowry Avenue Intersection (#21). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 107.0 seconds to 94.8 seconds. Similarly, the P.M. peak would improve from 94.1 to 63.6 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along both Paseo Padre Parkway approaches.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #21 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #21 exceeds LOS 0</p>

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE – MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Impact TRA-12: Unacceptable Level of Service at Fremont Boulevard/Mowry Avenue Intersection (#22). During the P.M. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Mowry Avenue. For the P.M. peak hour, the intersection of Fremont Boulevard/Mowry Avenue is LOS D under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a <b>significant</b> project impact.</p>	<p>Mitigation TRA-12: Modification of Fremont Boulevard/Mowry Avenue Intersection (#22). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 123.1 seconds to 87.4 seconds. This mitigation would entail minor restriping along the eastbound Mowry Avenue approach, but would not require acquisition of additional right-of-way or utility relocations along the southwest corner.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #22 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #22 exceeds LOS D</p>
<p>Impact TRA-13: Unacceptable Level of Service at Blacow Road/Mowry Avenue Intersection (#24). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related tramc would result in a significant impact at the intersection of Blacow Road/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Blacow Road/Mowry Avenue is LOS C under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <b>significant</b> project impact.</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #24 improvements are not feasible</p>		
<p>Impact TRA-14: Unacceptable Level of Service at Mission Boulevard/Niles Canyon Road Intersection (#28). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related tramc would result in a significant impact at the intersection of Mission Boulevard/Niles Canyon Road. For the AM. and P.M. peak hours, the intersection of Mission Boulevard/Niles Canyon Road is LOS D and E, respectively under the Existing Condition, and would both deteriorate to LOS F in the 2035 General Plan Update Condition. This</p>	<p>Mitigation TRA-14: Modification of Mission Boulevard/Niles Canyon Road Intersection (#28). By modifying the intersection as shown in DEIR Figure 4.3, changing the traffic signal to protected phasing operation and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 307.7 seconds to 195.6 seconds. Similarly, the P.M. peak hour would improve from 215.2 seconds to 183.6 seconds. This mitigation would entail minor restriping along eastbound Niles Canyon Road, but would not require acquisition of additional right-of-way or utility relocations.</p>	<p>Intersection #28 improvements will be partially implemented with TIF program improvements</p>	<p>CDD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #28 exceeds LOS D</p>

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Triggering
<p>deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Impacts are significant and unavoidable.</p>			
<p>Impact TRA-15: Unacceptable Level of Service at Mission Boulevard/Mowry Avenue Intersection (#29). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Mowry Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Mowry Avenue is LOS F under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 74.5 seconds during the A.M. peak hours and 63.5 during the P.M. peak hour. This increase in average delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-15: Modification of Mission Boulevard/Mowry Avenue Intersection (#29). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection (which is under Caltrans jurisdiction), average delay for the A.M. peak hour would improve from 250.0 seconds to 120.9 seconds. Similarly, the P.M. peak hour would improve from 242.3 seconds to 108.3 seconds. This mitigation would entail minor restriping along the southbound Mission Boulevard approach and would not require acquisition of additional right-of-way or utility relocations.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #29 improvements will be partially implemented with TIF program improvements</p>	<p>COD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #29 exceeds LOS 0</p>
<p>Impact TRA-16: Unacceptable Level of Service at Mission Boulevard/Walnut Avenue Intersection (#30). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Mission Boulevard/Walnut Avenue. For both the AM. and P.M. peak hours, the intersection of Mission Boulevard/Walnut Avenue is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #30 improvements are not feasible</p>		
<p>Impact TRA-17: Unacceptable Level of Service at Mission Boulevard/Stevenson Boulevard Intersection (#34). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable</p>	<p>Intersection #34 improvements are not feasible</p>		

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>would result in a significant impact at the intersection of Mission Boulevard/Stevenson Boulevard. For both the A.M. and P.M. peak hours, the intersection of Mission Boulevard/Stevenson Boulevard is LOS C under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>				
<p>Impact TRA-18: Unacceptable Level of Service at Blacow Road/Stevenson Boulevard Intersection (#37). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Blacow Road/Stevenson Boulevard. For the A.M. and P.M. peak hours, the intersection of Blacow Road/Stevenson Boulevard is LOS E and F, respectively under the Existing Condition, and would be LOS F in the 2035 General Plan Update Condition. The addition of traffic under 2035 conditions would cause an increase in average delay of 25.8 seconds during the A.M. peak hour and 11.6 during the P.M. peak hour. This increase in average delay exceeds the 4.0 second threshold for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-18: Modification of Blacow Road/Stevenson Boulevard Intersection (#37). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 83.7 seconds to 78.1 seconds. Similarly, the P.M. peak would improve from 131.5 to 89.2 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southwest corner adjacent to the ARCO fuel station.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #37 improvements will be partially implemented with TIF program improvements</p>	<p>CDD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #37 exceeds LOS D</p>
<p>Impact TRA-19: Unacceptable Level of Service at Fremont Boulevard/Grimmer Boulevard Intersection (#42). During the P.M. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Grimmer Boulevard. For the P.M. peak hour, the intersection of Fremont Boulevard/Grimmer Boulevard is LOS D under the Existing Condition, and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a</p>	<p>Mitigation TRA-19: Modification of Fremont Boulevard/Grimmer Boulevard Intersection (#42). By modifying the intersection as shown in DEIR Figure 4.3, changing to a protected phase operation and optimizing the signal timing, the intersection average delay for the P.M. peak hour would improve from 56.7 seconds to 38.5 seconds. This mitigation will not require acquisition of additional right-of-way and utility relocations along the north-east corner adjacent to the creek.</p>	<p>Intersection #42 improvements will be partially implemented with TIF program improvements</p>	<p>COD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #42 exceeds LOS D</p>

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p><i>significant project impact.</i></p> <p>Impact TRA-20: Unacceptable Level of Service at Grimmer Boulevard/Blacow Road Intersection (#43). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related tramc would result in a significant impact at the intersection of Grimmer Boulevard/Blacow Road. For both the A.M. and P.M. peak hours, the intersection of Grimmer Boulevard/Blacow Road is LOS F and O, respectively under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore, this would be considered a <i>significant project impact.</i></p>	<p>Mitigation TRA-20: Modification of Grimmer Boulevard/Blacow Road Intersection (#43). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 157.1 seconds to 70.6 seconds. Similarly, the P.M. peak would improve from 80.1 to 51.5 seconds. This mitigation may require acquisition of significant additional right-of-way and utility relocations at every comer.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #43 improvements will be partially implemented with TIF program improvements</p>	<p>CDO, T&amp;O</p>	<p>Initiate moditications when LOS at Intersection #43 exceeds LOS D</p>
<p>Impact TRA-21: Unacceptable Level of Service at Grimmer Boulevard/Auto Mall Parkway Intersection (#44). During the P.M. peak hour, the addition of DRAFT General Plan Update-related tramc would result in a significant impact at the intersection of Grimmer Boulevard/Auto Mall Parkway. For the P.M. peak hour, the intersection of Grimmer Boulevard/Auto Mall Parkway is LOS D under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant project impact.</i></p>	<p>Mitigation TRA-21: Modification of Grimmer Boulevard/Auto Mall Parkway Intersection (#44). By modifying the intersection as shown in OEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the P.M. peak hour would improve from 103.4 seconds to 77.7 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the south-west corner adjacent to the Chevron Station.</p>	<p>Intersection #44 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate moditications when LOS at Intersection #44 exceeds LOS D</p>
<p>Impact TRA-22: Unacceptable Level of Service at Union Street-Fremont Boulevard/Washington Boulevard Intersection (#48). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related tramc would result in a significant impact at the intersection of Union Street - Fremont Boulevard/Washington Boulevard. For both the A.M. and P.M. peak hours, the intersection of Union Street - Fremont Boulevard/Washington Boulevard is LOS 0</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #48 improvements are not feasible</p>		

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>				
<p>Impact TRA-23: Unacceptable Level of Service at Fremont Boulevard/Auto Mall Parkway Intersection (#50). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Auto Mall Parkway. For the AM. and P.M. peak hours, the intersection of Fremont Boulevard/Auto Mall Parkway is LOS D and E, respectively under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>No feasible mitigation identified.  Impacts are significant and unavoidable.</p>	<p>Intersection #50 improvements are not feasible</p>		
<p>Impact TRA-24: Unacceptable Level of Service at Fremont Boulevard/South Grimmer Boulevard Intersection (#51). During the AM. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/South Grimmer Boulevard. For the A.M. peak hour, the intersection of Fremont Boulevard/South Grimmer Boulevard is LOS D under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-24: Modification of Fremont Boulevard/South Grimmer Boulevard Intersection (#51). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the A.M. peak hour would improve from 186.8 seconds to 82.2 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the southbound and eastbound approaches.</p>	<p>Intersection #51 improvements will be partially implemented with TIF program improvements</p>	<p>CDD.1&amp;0</p>	<p>Initiate modifications when LOS at Intersection #51 exceeds LOS D</p>
<p>Impact TRA-25: Unacceptable Level of Service at 1-880 SB Ramps/Fremont Boulevard Intersection (#53). During the A.M. peak hour, the addition of DRAFT</p>	<p>No feasible mitigation identified.  Impacts are significant and unavoidable.</p>	<p>Intersection #53 improvements are not feasible</p>		

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>General Plan Update-related traffic would result in a significant impact at the intersection of 1-880 SB Ramps/Fremont Boulevard. For the AM. peak hour, the intersection of 1-880 SB Ramps/Fremont Boulevard is LOS 8 under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>				
<p>Impact TRA-26: Unacceptable Level of Service at Paseo Padre Parkway/Driscoll Road Intersection (#55). During the AM. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Paseo Padre Parkway/Driscoll Road. For both the A.M. and P.M. peak hours, the intersection of Paseo Padre Parkway/Driscoll Road is LOS C under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-26: Modification of Paseo Padre Parkway/Driscoll Road Intersection (#55). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 65.1 seconds to 49.5 seconds. Similarly, the P.M. peak would improve from 61.2 to 38.4 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the south-west corner.</p>	<p>Intersection #55 improvements will be partially implemented with TIF program improvements</p>	<p>CDD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #55 exceeds LOS D</p>
<p>Impact TRA-27: Unacceptable Level of Service at Osgood Road/Auto Mall Parkway Intersection (#56). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Osgood Road/Auto Mall Parkway. For the A.M. and P.M. peak hours, the intersection of Osgood Road/Auto Mall Parkway is LOS E and F, respectively, under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>No feasible mitigation identified. Impacts are significant and unavoidable.</p>	<p>Intersection #56 improvements are not feasible</p>		
<p>Impact TRA-28: Unacceptable Level of Service at 1-680 S8 Ramps/Durham Road</p>	<p>No feasible mitigation identified.</p>	<p>Intersection #57 improvements are not</p>		

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Intersection (#57). During the P.M. peak hour, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of I-680 SB Ramps/Durham Road. For the P.M. peak hour, the intersection of I-680 SB Ramps/Durham Road is LOS B under the Existing Condition, and would deteriorate to LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Impacts are significant and unavoidable.</p>	<p>feasible</p>		
<p>Impact TRA-29: Unacceptable Level of Service at Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard Intersection (#61). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard. For the A.M. and P.M. peak hours, the intersection of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard is LOS F and C, respectively, under the Existing Condition and would be LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for intersections located in Priority Development Areas for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-29: Modification of Osgood Road - Warm Springs Boulevard/South Grimmer Boulevard Intersection (#61). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing signal timing, the intersection average delay for the AM. peak hour would improve from 352.3 seconds to 55.3 seconds. Similarly, for the P.M. peak hour, would improve from 410.5 seconds to 62.9 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations.</p>	<p>Intersection #61 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #61 exceeds LOS 0</p>
<p>Impact TRA-30: Unacceptable Level of Service at Warm Springs Boulevard/Mission Boulevard (SR-262) Intersection (#62). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262). For the AM. and P.M. peak hours, the intersection of Warm Springs Boulevard/Mission Boulevard (SR-262) is LOS E and D, respectively, under the</p>	<p>Mitigation TRA-30: Modification of Warm Springs Boulevard/Mission Boulevard (SR-262) Intersection (#62). By modifying the intersection to include a southbound right-turn free movement and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 405.9 seconds to 154.6 seconds. Similarly, the P.M. peak would improve from 395.0 to 174.4 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations at the northwest corner of the intersection. Alternatively the City, in cooperation</p>	<p>Intersection #62 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #62 exceeds LOS 0</p>

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS E for regionally influenced intersections for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>with Caltrans, will consider grade separation options for the intersection to improve the cross connection ability of the highway between 1-680 and 1-880. In the event that this becomes a reality, then this location will need to be re-evaluated with revised geometric considerations. Construction of an "urban interchange" would improve operations. but have considerable right-of-way acquisition issues on existing businesses.</p> <p>Impacts are <b>significant</b> and unavoidable.</p>			
<p>Impact TRA-31: Unacceptable Level of Service at Warm Springs Boulevard/East Warren Avenue Intersection (#63). During the AM. peak hour. the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/East Warren Avenue. For the A.M. peak hour, the intersection of Warm Springs Boulevard/East Warren Avenue is LOS C under the Existing Condition, and would deteriorate to LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore. this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-31: Modification of Warm Springs Boulevard/East Warren Avenue Intersection (#63). By modifying the intersection as shown in DEIR Figure 4.3 and optimizing the signal timing, the intersection average delay for the AM. peak hour would improve from 69.0 seconds to 37.5 seconds. This mitigation may require construction of a "pork chop island" to channelize traffic from westbound Warren Avenue to northbound Warm Springs Boulevard. acquisition of additional right-of-way and utility relocations.</p>	<p>Intersection #63 improvements will be partially implemented with TIF program improvements</p>	<p>COD. T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #63 exceeds LOS 0</p>
<p>Impact TRA-32: Unacceptable Level of Service at Warm Springs Boulevard/Kato Road - Scott Creek Road Intersection (#64). During the A.M. and P.M. peak hours. the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road. For both the AM. and P.M. peak hours. the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road is LOS O. under the Existing Condition and would both have an LOS F in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS 0 for the City of Fremont. Therefore. this would be considered a <i>significant</i> project impact.</p>	<p>Mitigation TRA-32: Modification of Warm Springs Boulevard/East Warren Avenue Intersection (#64). By modifying the intersection as shown in DEIR Figure 4.3, converting the westbound right turn to overlap operation and optimizing the signal timing, the intersection average delay for the A.M. peak hour would improve from 167.6 seconds to 138.8 seconds. Similarly, the P.M. peak hour would improve from 195.8 seconds to 137.3 seconds. This mitigation may require acquisition of additional right-of-way and utility relocations along the north-east corner of the intersection.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #64 improvements will be partially implemented with TIF program improvements</p>	<p>COD, T&amp;O</p>	<p>Initiate modifications when LOS at Intersection #64 exceeds LOS D</p>

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Impact TRA-33: Unacceptable Level of Service at Fremont Boulevard/Dixon Landing Road Intersection (#68). During the A.M. and P.M. peak hours, the addition of DRAFT General Plan Update-related traffic would result in a significant impact at the intersection of Fremont Boulevard/Dixon Landing Road. For both the A.M. and P.M. peak hours, the intersection of Fremont Boulevard/Dixon Landing Road is LOS B, under the Existing Condition and would be LOS E in the 2035 General Plan Update Condition. This deterioration in LOS exceeds the acceptable threshold of LOS D for the City of Fremont. Therefore, this would be considered a <i>significant</i> project impact.</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>	<p>Intersection #68 improvements are not feasible</p>		
<p>Air Quality</p>				
<p>Impact AIR-I: Conflict with CAP Assumptions. Development anticipated following adoption of the DRAFT General Plan Update would increase population and employment in the City, leading to additional air pollutant emissions. City-wide vehicle miles traveled (VMT) is projected to increase at a faster rate than the city's population, which conflicts with Clean Air Plan (CAP) assumptions. This is a <i>significant</i> impact.</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>			
<p>Impact AIR-2: Possible Exposure of Sensitive Receptors to Unhealthy Levels of TACs and PM<sub>2.5</sub>. Development anticipated under the DRAFT General Plan Update may expose sensitive receptors to TACs and PM<sub>2.5</sub> through development of new sensitive receptors and non-residential development that may be sources of TACs and PM<sub>2.5</sub>. Such exposure would represent a <i>potentially significant</i> impact.</p>	<p>Mitigation AIR-2: Modify DRAFT General Plan Update Policy 7-7.3 and Related Implementation Measures to Minimize Potential Exposures of Sensitive Receptors to TACs. Policy 7-7.3 and related implementation measures shall be modified as follows:</p> <p>Policy 7-7.3: Land Use Planning to Minimize Health Impacts from Toxic Air Contaminants</p> <p>Coordinate land use planning with air quality data and local transportation planning to reduce the potential for long-term exposure to toxic air contaminants (TAC) from permanent sources that affect the community.</p>	<p>Modify General Plan Update text as indicated to provide the Implementation Measure.</p>	<p>CDD</p>	<p>Prior to adoption of the General Plan Update.</p>

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

	Mitigation Measure	Monitoring Location	Monitoring Frequency	Monitoring Agency
	<p><b>Implementation 7-7.3A Limit New TAC Sources</b></p> <p>Evaluate new sources of TAC emissions pursuant to BAAQMD guidelines and thresholds for an increased health risk of no more than 10 additional incidents of cancer per million exposures or contribute to a cumulative risk in excess of 100 additional incidents of cancer per million exposures.</p> <p><b>Implementation 7-7.38 Limit New Residential Development in High Risk Areas</b></p> <p>For intill development sites within existing neighborhoods, apply thresholds for review when new sensitive receptors are within areas exposed to health risk levels in excess of 100 additional incidents of cancer per million exposures. Intill development also includes conditional development of a mixed use and urban residential development within residential and commercial areas of Centers and Urban Corridors.</p> <p>When considering land use changes that add sensitive receptor uses outside of existing neighborhoods, apply thresholds for review when new sensitive receptors are within areas exposed to health risk levels in excess of 10 additional incidents of cancer per million exposures.</p> <p><b>Implementation 7-7.3C Incorporate TAC Controls with New Development</b></p> <p>New development projects with sensitive receptors within 1000 feet of a freeway or major TAC source shall assess the TAC health risk for the site and incorporate, to the maximum extent feasible, risk reduction measures to reduce exposure to TAC. Risk reduction measures may include, but not limited to, project phasing, site orientation, distance separations, landscape buffering, building air filtration systems, modified building design or building type, or offsite improvements at a TAC source.</p>			

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Impact AIR-3: Construction Period Dust, Emissions and Odors. Construction of development projects under the DRAFT General Plan Update would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered <i>significant</i>.</p>	<p>Mitigation AIR-3: Implement BAAQMD-Recommended Measures to Control Particulate Matter Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.</p> <p>Dust (PM10) Control Measures:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>• Cover all hauling trucks or maintain at least two feet of freeboard.</li> <li>• Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).</li> <li>• Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.</li> <li>• Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> <li>• Suspend construction activities that</li> </ul>	<p>Require all those involved in site preparation and construction activity to comply with BAAQMD-recommended measures to reduce dust and diesel emissions.</p>	<p>COD, ENG</p>	<p>During site preparation and construction activity.</p>

**ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART**

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p>cause visible dust plumes to extend beyond the construction site.</p> <ul style="list-style-type: none"> <li>Post a publicly-visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul> <p>Additional Measures to Reduce Diesel Particulate Matter and PM<sub>2.5</sub> and other construction emissions:</p> <ul style="list-style-type: none"> <li>The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (&gt;50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011</li> <li>Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.</li> <li>The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).</li> </ul>			

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<ul style="list-style-type: none"> <li>Properly tune and maintain equipment for low emissions.</li> </ul> <p>Impacts are significant and unavoidable.</p>			
Noise and Vibration				
<p>Impact NOI-I: Exposure of New Land Uses to Excessive Noise Levels. Those living and working at sites which may be developed in the future (particularly residential uses adjacent to principal streets and railroad lines), could be exposed to excessive noise levels following development anticipated under the DRAFT General Plan Update. This would be considered a <i>potentially significant</i> impact.</p>	<p>Mitigation NOI-IA: Project-Specific Planning for Noise Reduction. Utilize site planning to minimize noise in residential outdoor activity areas (backyards of single family homes and shared outdoor space in multi-family developments) by locating the areas behind noise barriers, the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. The goal is a maximum noise level of 60 dBA L<sub>dn</sub> from roadway traffic and BART with conditionally acceptable levels in urban development areas of 65 dBA L<sub>dn</sub> and 70 dBA L<sub>dn</sub> from railroad trains.</p> <p>Mitigation NOI-IB: Revision of DRAFT General Plan Update Noise/Land Use Compatibility Policies. Revise and clarify the following General Plan policies related to Noise and Land Use Compatibility to facilitate the project review and CEQA process as they relate to community noise:</p> <p><i>Policy 10-8.1: Site Development Acceptable Noise Environment.</i> A noise environment which meets acceptable standards as defined by the State of California Building Code and local policies contained herein.</p> <ul style="list-style-type: none"> <li>Implementation 10-8.I.A: New development projects shall meet acceptable exterior noise level standards. The "normally acceptable" noise standards for new land uses established in Land Use Compatibility for Community Exterior Noise Environments shown in Figure 10-1 shall be used as modified by the following:</li> </ul> <p>The goal for maximum acceptable noise levels in residential areas is an L<sub>dn</sub> of</p>	<p>Require site planning for noise reduction and modify General Plan Update text to include the indicated Noise/Land Use Compatibility Policies</p>	<p>COD</p>	<p>For site planning to achieve noise reduction, prior to project approvals. For inclusion of Noise/Land Use Compatibility Policies, prior to adoption of the General Plan Update.</p>

**ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART**

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p>60 dB(A). This level shall guide the design of future development. and is a goal for the reduction of noise in existing development. A 60 Ldn goal will be applied where outdoor use is a major consideration (e.g., backyards in single family housing developments and recreation areas in multi-family housing projects). The outdoor standard will not normally be applied to small decks associated with apartments and condominiums. but these will be evaluated on a case-by-case basis. When the City determines that providing an outdoor Ldn of 60 dB(A) or lower cannot be achieved after the application of appropriate mitigations an Ldn of 65 dB(A) may be permitted at the discretion of the City Council.</p> <p>Indoor noise level shall not exceed an Ldn of 45 dB(A) in new housing units. A noise insulation study, conforming to the methodology of the State Building Code. shall be prepared for all new housing, hotels, and motels exposed to an exterior Ldn of 60 dB(A) or greater and submitted to the building department prior to issuance of a permit.</p> <p>Railroad noise sources may create instances when the outdoor noise exposure criterion can exceed 65 Ldn up to 70 Ldn for future development. recognizing that train noise is characterized by relatively few loud events. Railroad noise influence shall be evaluated independent of other noise sources. Indoor noise level shall not exceed an Ldn of 45 dB(A) in new housing units. Typical maximum instantaneous noise level in bedrooms at night should not exceed 50 dB(A). Typical maximum instantaneous noise levels in other rooms and bedrooms during the daytime should not exceed 55 dB(A). The typical maximum noise</p>			

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p>level is the maximum level that is exceeded during 30 percent of the measured passbys, based on the measurement of at least 10 events during the daytime and the nighttime. Appropriate interior noise levels in commercial, industrial, and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 45 Leq (hourly average) or less.</p> <ul style="list-style-type: none"> <li>• Implementation 10-8.I.B: Continue to use noise guidelines and contours to determine if additional noise studies are needed for a proposed new development. Prepare a format and guidelines for noise studies.</li> <li>• Implementation 10-8.I.C: Limit new residential development, excepting vertically integrated mixed use development, where the ambient noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in Table 10-12. Noise and Land Use Compatibility Standards for Industrial and Commercial Noise, modified by the following as necessary unless effective mitigation measures are incorporated into the design of the project:</li> <li>• The noise level standards specified in Table 10-12, shall be reduced by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. Where the ambient noise level exceeds the noise level standards, the standards shall be adjusted upwards to the ambient levels.</li> </ul> <p><i>Policy 10-8.2: Acceptable Noise Environment.</i></p>			

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p>Guidelines articulated by Figure 10-11 are not intended to be applied reciprocally. In other words, if an area currently is below the desired noise standards, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of potential for adverse community response based on a substantial increase in existing noise levels, regardless of the compatibility guidelines.</p>			
<p>Impact NOI-2: Traffic-Related Increase in Existing Noise Levels. Development anticipated under the DRAFT General Plan Update would result in increased traffic, with increased traffic-related noise levels. Along roadways where this increase in noise levels above existing levels would exceed 3 dBA <math>L_{dn}</math>, this would represent a <i>significant</i> impact.</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>			
<p>Impact NOI-3: Noise Impacts Associated with Incompatible Land Uses. The proposed high density mixed-use and transit-oriented development would introduce commercial uses adjacent to residential land uses. Commercial uses have not been identified, but such uses would probably include retail stores, restaurants, or cafes. New commercial development proposed along with, or next to, residential development could result in noise levels exceeding City standards. Typical noise levels generated by loading and unloading would be similar to noise levels generated by truck movements on local roadways. Mechanical equipment would also have the potential to generate noise, and would represent be a <i>potentially significant</i> noise impact.</p>	<p>Mitigation NOI-3: Project-Specific Noise Analysis. Noise levels at residential property lines from commercial development should be maintained not in excess of the noise limits in revised Table 10-12 (Action 8.1.3) - see Mitigation I. The approvals of the commercial development should require a noise study demonstrating how the business, including loading docks, refuse areas, and ventilation systems, would meet these standards and would be consistent with the City's noise standards.</p> <p>Impacts are significant and unavoidable.</p>	<p>Project applicants will be required to complete project-specific noise studies for commercial projects prior to approval.</p>	<p>COD</p>	<p>Prior to project approvals.</p>
<p>Impact NOI-4: Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the DRAFT General Plan Update planning horizon. Construction would temporarily elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, which would represent a <i>potentially significant</i> impact.</p>	<p>Mitigation NOI-4: Modification, Placement and Operation of Construction Equipment. Construction equipment should be well maintained and used judiciously to be as quiet as practical. The following measures, when applicable, are recommended best practices to reduce noise from construction activities near sensitive uses:</p>	<p>Those involved in site preparation and construction activity will be required to comply with requirements involving the modification, placement and</p>	<p>COD, ENG</p>	<p>During site preparation and construction activity.</p>

**ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE- MITIGATION MONITORING PROGRAM CHART**

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p><u>Standard Development</u></p> <ul style="list-style-type: none"> <li>• Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays.</li> <li>• Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays.</li> <li>• Contractors equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>• Contractors utilize "quiet" models of air compressors and other stationary noise sources where technology exists.</li> <li>• Site plan for large sites loading, staging areas, stationary noise-generating equipment, etc. as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</li> <li>• Comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines.</li> </ul> <p>Additional measures that may be applicable to significant or prolonged construction projects:</p>	<p>operation of construction equipment.</p>		

**ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART**

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p><u>Extended Projects with High-Intensity Construction Equipment</u> (this would apply to projects with extended periods of concentrated construction with heavy equipment such as pile drivers):</p> <ul style="list-style-type: none"> <li>• Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.</li> <li>• Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.</li> <li>• A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling.</li> <li>• Route construction related traffic along major roadways and as far as feasible from sensitive receptors.</li> <li>• Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</li> </ul>			

ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/risk:
<p>Impact NOI-5: Construction Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration resulting in cosmetic cracking (non-structural) during the excavation and foundation work of buildings associated with development anticipated under the DRAFT General Plan Update, a <i>potentially significant</i> impact.</p>	<p>Impacts are significant and unavoidable.</p> <p>Mitigation NOI-5: Limitations on Construction Activities Generating Excessive Vibration. The following best practice measures when applicable are recommended to reduce vibration from construction activities:</p> <ul style="list-style-type: none"> <li>• Comply with construction hours ordinance to limit hours of exposure.</li> <li>• Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.</li> <li>• Minimize or avoid using vibratory rollers and tampers near sensitive areas.</li> <li>• When vibration sensitive structures are adjacent to a subject site, survey condition of existing structures and when necessary perform site specific vibration studies to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage.</li> <li>• Construction management plans for substantial construction projects shall include predefined vibration reduction measures, notification requirements for properties within 200 feet of construction schedule, and contact information for on-site coordination and complaints.</li> </ul> <p>Impacts are significant and unavoidable.</p>	<p>Those involved in site preparation and construction activity will be required to comply with requirements to reduce potential excessive vibration associated with such activities.</p>	<p>COD, ENG</p>	<p>During site preparation and construction activities.</p>

**ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE – MITIGATION MONITORING PROGRAM CHART**

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p><b>Hydrology and Water Quality</b></p> <p><b>Impact HYD-I: Increased Runoff to Laguna Creek Drainage Facility.</b> Development within the tributary area of Laguna Creek (generally Irvington and northeastern parts of the Mission San Jose Community Plan Area) has the potential to contribute runoff beyond the existing flood control capacity of Laguna Creek. This represents a <i>potentially significant</i> impact.</p>	<p><b>Mitigation HYD-I: Include an Implementation Measure as part of DRAFT General Plan Update Policy 10.3-2 <u>Design to Minimize Flooding to Acknowledge Laguna Creek as an Area of Design Concern.</u></b> Additionally, implementation should include an update to the City's Flood Control Ordinance with measures that ensure that prior to issuance of building permits for a project with a potential net increase in stormwater runoff, the City finds that a flood control management and design plan results in no net increase in runoff or consistency in runoff volumes modeled by Alameda County Flood Control and Water Conservation District.</p>	<p>In conjunction with development review and as conditions of approval.</p>	<p>CDD. ENG</p>	<p>Prior to project approvals.</p>
<p><b>Cultural and Archaeological Resources</b></p>	<p><b>Mitigation CUL-I: Compliance with City of Fremont Historical Resource Protection Policies, Design Guidelines, Regulations and Programs.</b> Required compliance with the City's extensive set of applicable historical resources protection policies, design guidelines, regulations and programs set forth in the DRAFT General Plan Update, Irvington Concept Plan, Niles Concept Plan, Centerville Specific Plan, Fremont Historic Resources Ordinance, Fremont Register of Historic Resources, and City Zoning Code Historic Overlay District in Niles serves to substantially reduce this potential impact. The policies and implementing measures set forth in DRAFT General Plan Update Goal 4-6, Historic Preservation, also serve to mitigate this impact. In those instances where development projects are proposed which could result in the demolition or material impairment of any structure, building or object constructed prior to 1955, the City must evaluate the application to determine if there is sufficient significance and integrity to merit classification as a Potential Fremont Register Resource or formal designation as a Register Resource (DRAFT General Plan Update Implementation 4-6.IA). Where a structure, building or object has been classified as a Potential Fremont Register Resource or formally identified as a Register Resource, the development proposal must be modified to ensure protection/preservation of those historic</p>	<p>In conjunction with development review and as conditions of approval. In some instances adherence to mitigation may not be feasible and result in an adverse change to its status.</p>	<p>CDD. ENG</p>	<p>Prior to project approvals or prior to issuance of building permit for discretionary approval.</p>

ATTACHMENT No. I - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
	<p>resources, consistent with applicable guidelines. Despite these protections, it remains possible that a future project, after going through all applicable processes could result in the demolition of an historical resource, or otherwise cause the significance of the resource to be "materially impaired" (as defined in CEQA Guidelines section 15064.5(b)(2)). This possibility constitutes a <i>significant and unavoidable</i> impact for CEQA purposes.</p>			
<p>Impact CUL-2: Possible Disturbance of Unidentified Subsurface Archaeological Resources. Ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a <i>potentially significant</i> impact.</p>	<p>Mitigation CUL-2: Halt Work/ Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.</p>	<p>Those involved in site preparation and construction activity will be required to halt work if subsurface archaeological resources are disturbed during these operations, and to contact the City.</p>	<p>COD. ENG</p>	<p>During site preparation and construction activity.</p>
<p>Impact CUL-3: Possible Disturbance of Unidentified Subsurface Paleontological Resources. Although no paleontological resources are currently known to exist in those portions of the City where development would be anticipated under the DRAFT General Plan Update, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction of unidentified subsurface paleontological resources, which would represent a <i>potentially significant</i> impact.</p>	<p>Mitigation CUL-3: Halt Work/Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.</p>	<p>Those involved in site preparation and construction activity will be required to halt work if subsurface paleontological resources are disturbed during these operations, and to contact the City.</p>	<p>COD. ENG</p>	<p>During site preparation and construction activity.</p>

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>Impact CUL-4: Possible Disturbance of Unidentified Human Remains. Ground-disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains. Although DRAFT General Plan Policy 4-6.10 would require coordination with representatives of local Native American organizations to ensure protection of Native American resources, the evaluation of human remains which may be uncovered during construction activity would represent a <i>potentially significant</i> impact.</p>	<p>Mitigation CUL-4: Halt Work! Coroner's Evaluation/Native American Heritage Consultation/ Compliance with Most Likely Descendent Recommendations. If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.</p>	<p>Those involved in site preparation and construction activity will be required to halt work if subsurface human remains are disturbed during these operations, and to contact the City.</p>	<p>COD. ENG</p>	<p>During site preparation and construction activity.</p>
<p><b>Agricultural Resources</b></p>				
<p>Impact AG-I: Conversion of Agricultural Land to Urban Uses. Implementation of the DRAFT General Plan Update could result in the irrevocable conversion of existing agricultural land currently designated by the California Department of Conservation as "Prime Farmland" (the Guardino parcel) or "Unique Farmland" (I-680/Palm properties) to urban uses. This would represent a <i>potentially significant and unavoidable</i> impact.</p>	<p>No feasible mitigation identified.  Impacts are significant and unavoidable.</p>			
<p><b>Infrastructure and Utilities</b></p>				
<p>Impact UTIL-I: Increased Water Demand. Development anticipated under the DRAFT General Plan Update would exceed that currently anticipated under the existing General Plan, and that difference in the level</p>	<p>Mitigation UTiL-IA: Incorporation of ACWD's "Water Efficiency Measures for New Development" in all Development Projects. In order to minimize additional demands on potable</p>	<p>In conjunction with development review and as conditions of approval</p>	<p>COD. ENG</p>	<p>Prior to project approvals.</p>

ATTACHMENT No.1 - FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART

Impact	Mitigation Measure	Implementation	Monitoring Responsibility	Status/Timing
<p>of anticipated development over the planning period would place additional unanticipated demand on projected ACWD water supplies. This would represent a <i>potentially significant</i> impact associated with implementation of the DRAFT General Plan Update.</p>	<p>water supplies. new development shall be required to install the latest technology in water efficient plumbing fixtures, irrigation systems and landscaping according to the California Green Building Code (CalGreen). Consult with ACWD on incorporating "Water Efficiency Measures for New Development".</p> <p>Mitigation UTIL-1B: Coordinate Use of Recycled Water with ACWD. For development projects located in areas where recycled water is planned by Alameda County Water District, developers shall coordinate with ACWD on the installation of separate, non-potable water distribution systems (i.e., purple pipe) for landscape irrigation and other non-potable water needs.</p>			
<p>Impact UTIL-2: Sanitary Sewer Conveyance Capacity Constraints. Individual development projects that may be proposed in areas designated for residential densities exceeding 29.9 units per acre in the DRAFT General Plan Update could exceed the capacity of the existing local sanitary sewer conveyance system serving the specific project. This would represent a <i>potentially significant</i> environmental impact.</p>	<p>Mitigation UTIL-2: Include Implementation Measure Supporting Updates to Master Plans and Coordinate Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer Conveyance System/Project-Related Contribution to Necessary Capacity Expansion. Support update of Sewer Conveyance Master Plan by USD as an implementation measure of the General Plan. As individual development projects are proposed in areas designated for residential densities exceeding 29.9 units per acre, coordinate development review process with USD analysis for sanitary sewer capacity <u>and conveyance</u>.</p>	<p>Modify General Plan Update text as indicated to provide the Implementation Measure.</p>	<p>COD</p>	<p>Prior to adoption of the General Plan Update.</p>
<p><b>Global Climate Change</b></p>				
<p>Impact GCC-I: Potential Exceedance of Future BAAQMD Regulatory Thresholds for Greenhouse Gas Emissions. While the GHG emission analysis conducted for the DRAFT EIR shows that the DRAFT General Plan Update conforms to BAAQMD-established performance levels standards for emissions through 2020, there are no established BAAQMD regulatory thresholds through 2035. In the absence of BAAQMD guidelines, the operative standard is AB32, which requires an 80 percent reduction from 1990 levels by 2050. Although it is likely that the per-service-population GHG emissions from new development in Fremont</p>	<p>No feasible mitigation identified.</p> <p>Impacts are significant and unavoidable.</p>			

**ATTACHMENT No. 1- FREMONT GENERAL PLAN UPDATE - MITIGATION MONITORING PROGRAM CHART**

	MO: M		M R'bil'	S/IT
<p>in the years subsequent to 2020 will continue to decrease, it is difficult to estimate the magnitude of the decrease. Much depends on actions of the Federal and State governments, as these entities have a much greater ability to effect emission reductions than do local governments. It is, therefore, possible (absent sufficiently aggressive action at the State and Federal levels) that development in Fremont between 2020 and 2035 will result in a <i>cumulatively significant and unavoidable</i> impact.</p>				