2

EXECUTIVE SUMMARY

PROJECT UNDER REVIEW

The vision of the Downtown Community Plan is a vibrant mixed-use urban destination with street level commercial activities and mid-rise office and residential buildings. Under the Downtown Community Plan, a range of uses would be allowed, and the Plan will establish form-based design guidelines for future development. The Plan will provide development flexibility for individual sites so that they may support either residential or non-residential uses when consistent with the overall design intent of the Plan. In order to promote relatively high development densities in this section of Fremont, the Downtown Community Plan will require a minimum site development floor area ratio (FAR) of 0.80 to assure achievement of urban design and Transit Oriented Development (TOD) goals. The Plan incorporates LEED Neighborhood Development (ND) principles, and will ultimately be a certified LEED ND plan.

This DRAFT Supplemental EIR (DSEIR) describes the environmental consequences of implementing the Downtown Community Plan. A Program EIR addresses a series of related actions that can be characterized as one large project. This Program EIR, as defined by CEQA Guidelines Section 15168, is designed to fully inform City decision-makers, other responsible agencies, and the general public of the potential environmental consequences of adopting and implementing the Downtown Community Plan. Implementation of the Downtown Community Plan would enable the City of Fremont to accommodate substantial additional development.

For the purposes of the program-level Environmental Impact Report, the following development assumptions of Downtown buildout describe the redevelopment and intensification of the existing 1,000,000 square feet of existing commercial, office, and civic uses through 2035. Development assumptions consider an average buildout of 1.5 FAR throughout Downtown. Design Guidelines and particular zoning standards will not impose height restrictions but establish design requirements for build-to lines at street property lines, pedestrian-oriented ground floors, parking standards, green building, public art, and materials and finishes.

Land Use Category	Total Development at Buildout
Office	1,988,800 square feet
Civic	278,000 square feet
Retail/Commercial	443,100 square feet
Residential	2,500 units
Open Space/Plaza	2.3 acres

Office uses under the Downtown Community Plan will include general office, professional services and medical offices. Development anticipated under the Civic land use category includes consolidation of City office space and a new performing arts venue, with these uses coordinated around public open space and plazas. Retail/Commercial development will include establishments that provide personal services, restaurants, retail shops and other uses consistent with downtown development patterns. Residential development will consist of high-density urban housing types. Minimum density guidelines for residential development will be 50 units per acre if projects are stand-along residential development not integrated within mixed-use buildings.

The Downtown Community Plan emphasizes TOD and improved connectivity with the extension of capitol Avenue to Fremont Boulevard. The Plan includes new sidewalk and street right-of-way sections that include bicycle lanes, street parking, street trees, and wide sidewalks. No vehicular capacity improvements are anticipated in conjunction with the development of the Downtown.

A detailed description of the Downtown Community Plan is provided in **Chapter 3: Project Description.**

SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in **Chapter 4: Setting, Impacts and Mitigation Measures**. CEQA requires a summary include a discussion of:

- Potential areas of controversy;
- Significant impacts;
- Significant unavoidable impacts; and
- Alternatives.

Cumulative impacts associated with development in Fremont during the planning period have previously been addressed in the Fremont General Plan Update EIR. Cumulative impacts associated with implementation of the Downtown Community Plan would be those

associated with implementation of the Fremont General Plan 2035, and have not been re-evaluated in this DSEIR.

POTENTIAL AREAS OF CONTROVERSY

Issues raised in response to the Notice of Preparation include the effects of implementation of the Downtown Community Plan on rail safety, the extent to which development under the Downtown Community Plan would affect the facilities of the Fremont Unified School District, the effects of development under the Downtown Community Plan on the local water supply, as well as traffic and noise concerns associated with implementation of the Downtown Community Plan (see **Appendix A**). The protection of historic resources is not a primary goal of the Downtown Community Plan, and adverse effects on historic resources that could result from development under the Plan could prove controversial.

SIGNIFICANT IMPACTS

Under CEQA Guidelines, Section 21060.5 and Section 21068, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Implementation of the Downtown Community Plan has the potential to generate significant environmental impacts in several areas, including: Aesthetics; Transportation, Circulation and Parking; Air Quality, Noise and Vibration, Hydrology and Water Quality, Geology, Soils and Seismicity; Hazards and Hazardous Materials; and Cultural and Paleontological Resource; (see **Table 2-1**, below).

SIGNIFICANT UNAVOIDABLE IMPACTS

As discussed in **Chapter 4: Setting, Impacts and Mitigation Measures**, implementation of the Downtown Community Plan could result in the following significant unavoidable impacts:

Impact TRA-1: **Unacceptable Level of Service at Mission Boulevard/Mowry Avenue Intersection.** Maximum development anticipated under the Downtown Community Plan would be expected to result in the LOS at the intersection of Mission Boulevard and Mowry Avenue declining from LOS E to LOS F in the AM peak hour, with a >4 seconds delta delay. This would represent a ***significant*** impact.

Mitigation TRA-1: **Add Second West-Bound Right-Turn Lane at Mission Boulevard/Mowry Avenue Intersection.** Adding a second westbound right-turn lane would improve overall vehicular operations of the intersection. However, this mitigation does not reduce the average intersection delay to an acceptable level, although delays are expected

to improve over the "without project" scenarios. The additional westbound right-turn lane will increase the crosswalk distance and duration of pedestrian and bicyclist exposure to motor vehicle traffic. This is a secondary impact.

This lane addition would require right-of-way (ROW) acquisition on Mission Boulevard, plus ROW acquisition on Mowry Avenue to add a second receiving lane at the southern leg of the intersection. This intersection is under the jurisdiction of Caltrans as the intersection of State Routes 84 and 238. The City includes intersection improvements for this intersection in its existing Citywide Transportation Impact Fee program, however it does not include the proposed lane modifications as described in **Mitigation TRA-1**. Since the City cannot guarantee that the measure would be implemented as at this time it is not a funded project or under the complete jurisdictional control of the City, the impact would remain ***significant and unavoidable***.

Impact TRA-4: **Unacceptable Plan-Related Congestion Impacts on Eastbound I-880 from Mowry Avenue to Stevenson Boulevard.** Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound I-880 from Mowry Avenue to Stevenson Boulevard, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable***.

Impact TRA-5: **Unacceptable Plan-Related Congestion Impacts on Eastbound Fremont Boulevard from I-880 to Thornton Avenue.** Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound Fremont Boulevard from I-880 to Thornton Avenue, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties,

financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable.***

Impact TRA-6: Unacceptable Plan-Related Congestion Impacts on Southbound Mowry Avenue from Fremont Boulevard to I-880. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along southbound Mowry Avenue from Fremont Boulevard to I-880, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable.***

Impact TRA-7: Unacceptable Plan-Related Congestion Impacts on Eastbound Paseo Padre Parkway from Thornton Avenue to Stevenson Boulevard. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound Paseo Padre Parkway from Thornton Avenue to Stevenson Boulevard, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable.***

Impact TRA-8: Unacceptable Plan-Related Congestion Impacts on Westbound Fremont Boulevard from Thornton Avenue to I-880. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along westbound Fremont Boulevard from Thornton Avenue to I-880, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary

impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable***.

Impact TRA-9: **Unacceptable Plan-Related Congestion Impacts on Northbound Mowry Avenue from I-880 to Fremont Boulevard.** Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along northbound Mowry Avenue from I-880 to Fremont Boulevard, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable***.

Impact TRA-10: **Unacceptable Plan-Related Congestion Impacts on Northbound Mowry Avenue from Fremont Boulevard to Peralta Boulevard.** Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along northbound Mowry Avenue from Fremont Boulevard to Peralta Boulevard, a ***significant*** impact.

Mitigations for CMA roadway segment impacts would require adding travel lanes and widening roadways throughout the City of Fremont. As the City is built out, there is little opportunity to widen roadways within the available right-of-way. Therefore, roadway widenings would require property acquisition. Wider roadways could also result in secondary impacts to bicyclists and pedestrians by creating longer crossing distances and creating a less comfortable environment for walking or bicycling. Due to the number of affected properties, financial implications and potential secondary impacts, roadway segment impacts are considered ***significant and unavoidable***.

Impact NOI-2: **Traffic-Related Noise Increase Above Existing Levels.** Development anticipated under the Downtown Community Plan would increase traffic noise levels substantially above existing noise levels along some roadway segments, a ***significant*** impact.

Mitigation NOI-2: **Site-Specific Noise Reduction.** Methods available to mitigate project generated noise level increases would need to be studied on a case-by-

case basis at receivers that would be considered noise impacted. Noise reduction methods could include the following:

- New or larger noise barriers or other noise reduction techniques could be constructed to protect sensitive outdoor use areas at existing residential land uses where reasonable and feasible. Final design of such barriers should be completed during project level review on a parcel-by-parcel basis.

- Alternative noise reduction techniques could be implemented, such as re-paving streets with "quieter" pavement types such as Open-Grade or Rubberized Asphalt Concrete. The use of "quiet" pavement can reduce noise levels by 2 to 5 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors.

- Affected residences could be provided building sound insulation such as sound rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.

Given the scope of the Downtown Community Plan and expected noise level increases resulting from project traffic, if affected residences remain in the Downtown area it may not be reasonable or feasible to reduce project-generated traffic noise at all affected receivers. The most likely measure for implementation is City implementation of "quiet paving" techniques during road paving projects as described in the City's Safety Element of the General Plan. Measures available to reduce the project noise level increases would not likely be reasonable or feasible in all areas or in specific time frames, therefore, the impact would be considered ***significant and unavoidable***.

Impact NOI-4: **Contribution to a Cumulative Increase in Noise Levels.** Development anticipated under the Downtown Community Plan would make a "cumulatively considerable" contribution to noise levels that would be substantially increased as a result of cumulative growth in the area. This Plan-related contribution to increased traffic noise levels would be regarded as a ***significant cumulative*** impact.

Mitigation NOI-4: **Implement Mitigation NOI-2 (Site-Specific Noise Reduction).**

Given the scope of the Downtown Community Plan and expected noise level increases resulting from Plan-related traffic (see also **Mitigation NOI-2**, above), if these residences remain in the Downtown area it may not be reasonable or feasible to reduce project-generated traffic noise at all affected receivers. 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***.

Impact NOI-5: **Temporary Exposure to Construction Noise.** Businesses and residences would be intermittently exposed to high levels of noise throughout the planning period. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, a ***potentially significant*** impact.

Mitigation NOI-5: **Prepare a Noise Control Plan addressing Modification, Placement and Operation of Construction Equipment.** Construction equipment should be well maintained and used judiciously to be as quiet as practical. Feasible means of reducing noise at a project level may include:

- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engine.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Place 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. Noise control blanket barriers can be rented and quickly erected.
- Route construction related traffic along major roadways and as far as feasible from sensitive receptors.
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.

- Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.

- Notify businesses, residences or noise-sensitive land uses adjacent to construction sites 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.

Although incorporating some of the above measures would reduce noise generated by the construction of individual development projects, the impact would remain ***significant and unavoidable*** as a result of the extended period of time that adjacent receivers would be exposed to construction noise and a full reduction to noise exposure limits would not be feasible.

Impact NOI-6: **Construction-Related Vibration.** Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work associated with construction anticipated under the Downtown Community Plan, a ***potentially significant*** impact.

Mitigation NOI-6: **Prepare a Construction Control Plan Addressing Effects of Construction Activities Generating Excessive Vibration.** Feasible means of reducing substantial vibration effects at a project level may include:

- Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.

- Avoid using vibratory rollers and tampers near sensitive areas.

- In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:

- Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate

groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.

- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.

- Construction contingencies would be identified for when vibration levels approached the limits.

- At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.

- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.

- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

It may not be possible to avoid using pile-drivers, vibratory rollers and tampers entirely during construction associated with implementation of the Downtown Community Plan. Due to the density of development in the area, some of these activities may take place near sensitive areas. In these cases, the mitigation measures listed above may not be sufficient to reduce groundborne vibrations below a level of significance. Therefore, this impact would be considered ***significant and unavoidable***.

Impact CUL-1: **Demolition of, or Substantial Adverse Changes in, Historical Resources.** Implementation of the Downtown Community Plan may result in the demolition of historic resources or cause substantial adverse changes in the significance of one or more identified potential historic resources if future individual development projects do not incorporate measures that ensure project-related changes are in accordance with either of the following publications:

- *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or*

- *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*

Substantial adverse changes that may occur include demolition, destruction, relocation, or alteration of one or more resources, such that the resource is "materially impaired". The significance of a historic resource is considered to be "materially impaired" when a project demolishes or materially alters the physical characteristics that justify the determination of a historic resource's significance (*CEQA Guidelines* Section 15064.5 ([b]). Such an adverse change to the CEQA-defined historic resource would constitute a ***potentially significant*** impact.

Mitigation CUL-1: **Review Development Projects on a Case-by-Case Basis under the City's Historic Resources Ordinance.** As individual development projects are proposed, those with potential adverse effects on historic resources will be evaluated under the Historic Resources Ordinance.

Although project-specific review may identify measures that could reduce potential adverse development-related effects on historic resources, there may be instances when feasible mitigation measures prove insufficient to provide adequate protection for historic resources or to reduce potential impacts to a level considered less than significant. In such instances, demolition or substantial alteration of historic resources in the Downtown area would represent a ***significant and unavoidable*** environmental impact.

ALTERNATIVES TO THE DOWNTOWN COMMUNITY PLAN

The two alternatives to the Downtown Community Plan that are analyzed in this DEIR are:

- No Project Alternative, which considers development that would currently be permitted consistent with the current City of Fremont General Plan and the current Fremont zoning ordinance;

- Reduced Development Alternative, which considers development within the Downtown District of the same basic character as that anticipated under the Downtown Community Plan during the twenty-year planning period, but at an area-wide average FAR of only 0.8, rather than at the area-wide average FAR of 1.5 anticipated under the Plan.

It should be noted that while the DEIR is intended to provide a program-level evaluation of the environmental impacts which could be anticipated with development under the Downtown Community Plan or the alternatives, it does not focus on the full spectrum of social, economic and regional sustainability aspects and/or benefits that may be associated with development in the Downtown area, as this would be beyond the scope of a CEQA environmental review document.

Evaluation of Alternatives

Although development under either the No Project alternative, the Reduced Development alternative, or the Downtown Community Plan would result in adverse environmental effects, the No Project alternative would result in the lowest level of future development within the Downtown area, and the magnitude of environmental effects associated with this alternative would be less than that associated with either the Reduced Development alternative or the Downtown Community Plan (although the types of impacts would be the same). For this reason, the No Project alternative is considered the "environmentally superior" alternative, although it would not be fully consistent with the vision and goals of the Downtown Community Plan.

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" alternative in the absence of the No Project alternative should then be identified. In this case, given the reduced level of development relative to the Downtown Community Plan (and the incremental reduction in the magnitude of development-related impacts) associated with the Reduced Development alternative, this alternative has been identified as the "environmentally superior" alternative in the absence of the No Project alternative.

SUMMARY TABLE

Information in **Table 2-1: Summary of Significant Plan-Related Impacts and Mitigation Measures** has been organized to correspond with the environmental issues discussed in **Chapter 4: Setting, Impacts and Mitigation Measures**. The Table is arranged in three columns: 1) Significant Impact; 2) Mitigation Measures; and 3) Level of Significance With Mitigation. For a complete discussion of potential impacts and recommended mitigation measures, please refer to the appropriate environmental topic discussions in **Chapter 4: Setting, Impacts and Mitigation Measures**.

TABLE 2-1: SUMMARY OF SIGNIFICANT PLAN-RELATED IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Transportation, Circulation and Parking		
Impact TRA-1: Unacceptable Level of Service at Mission Boulevard/Mowry Avenue Intersection. Maximum development anticipated under the Downtown Community Plan would be expected to result in the LOS at the intersection of Mission Boulevard and Mowry Avenue declining from LOS E to LOS F in the AM peak hour, with a >4 seconds delta delay. This would represent a ***significant*** impact.	**Mitigation TRA-1: Add Second West-Bound Right-Turn Lane at Mission Boulevard/Mowry Avenue Intersection.** Adding a second westbound right-turn lane would improve overall vehicular operations of the intersection. However, this mitigation does not reduce the average intersection delay to an acceptable level, although delays are expected to improve over the "without project" scenarios. The additional westbound right-turn lane will increase the crosswalk distance and duration of pedestrian and bicyclist exposure to motor vehicle traffic. This is a secondary impact.	**Significant and Unavoidable**
Impact TRA-2: Unacceptable Level of Service at Fremont Boulevard/Capitol Avenue Intersection. Maximum development anticipated under the Downtown Community Plan would be expected to result in the LOS at the intersection of Fremont Boulevard and Capitol Avenue declining from LOS C to LOS F in the PM peak hour. This would represent a ***potentially significant*** impact.	**Mitigation TRA-2: Modify Southbound Shared Left/Through/Right Lane at Fremont Boulevard/ Capitol Avenue Intersection.** Modifying the southbound shared left/through/right lane to provide separate left and shared through/right-turn lanes would improve the overall vehicular operations of the intersection. This mitigation reduces the average intersection delay to an acceptable level.	Less than Significant
Impact TRA-3: Unacceptable Level of Service at Fremont Boulevard/Walnut Avenue Intersection. Maximum development anticipated under the Downtown Community Plan would be expected to result in the LOS at the intersection of Fremont Boulevard and Walnut Avenue declining from LOS D to LOS E in the PM peak hour. This would represent a ***potentially significant*** impact.	**Mitigation TRA-3: Add Second Southbound Left-Turn Lane at Fremont Boulevard/Walnut Avenue Intersection.** Adding a second southbound left-turn lane would improve overall vehicular operations of the intersection. This mitigation reduces the average intersection delay to an acceptable level.	Less than Significant
Impact TRA-4: Unacceptable Plan-Related Congestion Impacts on Eastbound I-880 from Mowry Avenue to Stevenson Boulevard. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound I-880 from Mowry Avenue to Stevenson Boulevard, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**
Impact TRA-5: Unacceptable Plan-Related Congestion Impacts on Eastbound Fremont Boulevard from I-880 to Thornton Avenue. Maximum development anticipated under the	No feasible mitigation identified.	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound Fremont Boulevard from I-880 to Thornton Avenue, a ***significant*** impact.		
Impact TRA-6: Unacceptable Plan-Related Congestion Impacts on Southbound Mowry Avenue from Fremont Boulevard to I-880. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along southbound Mowry Avenue from Fremont Boulevard to I-880, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**
Impact TRA-7: Unacceptable Plan-Related Congestion Impacts on Eastbound Paseo Padre Parkway from Thornton Avenue to Stevenson Boulevard. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along eastbound Paseo Padre Parkway from Thornton Avenue to Stevenson Boulevard, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**
Impact TRA-8: Unacceptable Plan-Related Congestion Impacts on Westbound Fremont Boulevard from Thornton Avenue to I-880. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along westbound Fremont Boulevard from Thornton Avenue to I-880, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**
Impact TRA-9: Unacceptable Plan-Related Congestion Impacts on Northbound Mowry Avenue from I-880 to Fremont Boulevard. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along northbound Mowry Avenue from I-880 to Fremont Boulevard, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**
Impact TRA-10: Unacceptable Plan-Related Congestion Impacts on Northbound Mowry Avenue from Fremont Boulevard to Peralta Boulevard. Maximum development anticipated under the Downtown Community Plan could be expected to result in unacceptable levels of congestion along northbound Mowry Avenue from Fremont Boulevard to Peralta Boulevard, a ***significant*** impact.	No feasible mitigation identified.	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Noise		
Impact NOI-1: Exposure to Traffic-Related Noise. Those living and working in new development anticipated in the Downtown area under the Downtown Community Plan, particularly residential uses adjacent to principal streets, could be exposed to excessive traffic-related noise levels. This would represent a ***potentially significant*** impact.	**Mitigation NOI-1: Site-Specific Noise Studies/Site Planning.** 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 design goal is an exposure that does not exceed a noise level of 60 dBA Ldn from roadway traffic. Exceeding 60 dBA Ldn may occur per subsequent development review approval in accordance with City Safety Element Policies. The California Building Code and the City of Fremont require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower. Noise insulation features shall be considered on a case by case basis at the time of building permit review for noise sensitive offices and commercial uses proposed where noise levels exceed 65 dBA Ldn.	Less than Significant
Impact NOI-2: Traffic-Related Noise Increase Above Existing Levels. Development anticipated under the Downtown Community Plan would	**Mitigation NOI-2: Site-Specific Noise Reduction.** Methods available to mitigate project generated noise level increases would need to be studied on a	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
increase traffic noise levels substantially above existing noise levels along some roadway segments, a ***significant*** impact.	case-by-case basis at receivers that would be considered noise impacted. Noise reduction methods could include the following: • New or larger noise barriers or other noise reduction techniques could be constructed to protect sensitive outdoor use areas at existing residential land uses where reasonable and feasible. Final design of such barriers should be completed during project level review on a parcel-by-parcel basis. • Alternative noise reduction techniques could be implemented, such as re-paving streets with "quieter" pavement types such as Open-Grade or Rubberized Asphalt Concrete. The use of "quiet" pavement can reduce noise levels by 2 to 5 dBA depending on the existing pavement type, traffic speed, traffic volumes, and other factors. • Affected residences could be provided building sound insulation such as sound rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.	
Impact NOI-3: Increased Noise Exposure Associated with Land Use Incompatibility. Development anticipated under the Downtown Community Plan would introduce commercial uses adjacent to residential land uses. Specific tenants for the commercial uses have not been identified, but uses would probably include retail stores, grocery 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 potential noise impact. These would be considered ***potentially significant*** impacts.	**Mitigation NOI-3: Incorporate Practical Limitations for Loading /Unloading/Maintenance Activities.** New commercial development proposed in the same building as or adjacent to residential development could result in noise levels exceeding City standards. • Noise levels at residential property lines from commercial development should be maintained not in excess of the Fremont General Plan 2035 limits provided in Table 10-1 or the Ldn noise limits set forth in the Municipal Code. 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. • Ensure that noise-generating activities, such as maintenance activities and loading	Less than Significant

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	and unloading activities are minimized during the hours of 7:00 AM to 9:00 PM.	
Impact NOI-4: Contribution to a Cumulative Increase in Noise Levels. Development anticipated under the Downtown Community Plan would make a "cumulatively considerable" contribution to noise levels that would be substantially increased as a result of cumulative growth in the area. This Plan-related contribution to increased traffic noise levels would be regarded as a ***significant cumulative*** impact.	**Mitigation NOI-4: Implement Mitigation NOI-2 (Site-Specific Noise Reduction).**	**Significant and Unavoidable**
Impact NOI-5: Temporary Exposure to Construction Noise. Businesses and residences would be intermittently exposed to high levels of noise throughout the planning period. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more, a ***potentially significant*** impact.	**Mitigation NOI-5: Prepare a Noise Control Plan addressing Modification, Placement and Operation of Construction Equipment.** Construction equipment should be well maintained and used judiciously to be as quiet as practical. Feasible means of reducing noise at a project level may include: • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. • Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. • Prohibit unnecessary idling of internal combustion engine. • Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. • Place 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	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. • Route construction related traffic along major roadways and as far as feasible from sensitive receptors. • Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays. • Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays. • Notify businesses, residences or noise-sensitive land uses adjacent to construction sites 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.	
Impact NOI-6: Construction-Related Vibration. Residences, businesses, and historic structures could be exposed to construction-related vibration during the excavation and foundation work associated with construction anticipated under the Downtown Community Plan, a ***potentially significant*** impact.	**Mitigation NOI-6: Prepare a Construction Control Plan Addressing Effects of Construction Activities Generating Excessive Vibration.** Feasible means of reducing substantial vibration effects at a project level may include: • Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. • Avoid using vibratory rollers and tampers near sensitive areas.	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	• In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: • Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. • Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. • Construction contingencies would be identified for when vibration levels approached the limits. • At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. • When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. • Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of	

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	construction activities.	
Hydrology and Water Quality		
Impact HYD-1: Short-Term Construction-Related Water Quality Impacts. Construction impacts on water quality are ***potentially significant***, and could lead to exceedance of water quality objectives or criteria.	**Mitigation HYD-1: Compliance with City Water Quality Requirements and State NPDES Construction General Permit.** All construction activities, including installation and realignment of utilities, would be subject to existing regulatory requirements, including the SWRCB statewide NPDES General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit) (Order No. 2009 0009-DWQ, NPDES No. CAR000002). The NPDES Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list BMPs that the discharger will use to protect stormwater runoff, including the placement and timing of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.	Less than Significant
Impact HYD-2: Long-Term Operational Water Quality Impacts. Operational impacts associated with increased development under Downtown Community Plan could adversely affect water quality, which would represent a ***potentially significant*** impact associated with Plan implementation.	**Mitigation HYD-2: Compliance with NPDES Permit Requirements, City Ordinances and ACCWP Guidelines.** All future near- and long-term development must comply with the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MS4 Permit), City of Fremont Storm Water Management and Discharge Control ordinances, and ACCWP Guidelines.	Less than Significant
Impact HYD-3: Development-Related Impacts to Groundwater Quality. Construction anticipated under the Downtown Community Plan could adversely affect groundwater quality via interference with active monitoring wells and abandoned groundwater wells, or subsurface drilling activities, a ***potentially significant*** impact.	**Mitigation HYD-3: Implement Measures to Protect Groundwater Quality.** To ensure the protection of groundwater quality, the following mitigations should be conducted in coordination with ACWD: • Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the Downtown District, and each well must be either protected or properly destroyed prior to construction activities. If the well(s) are to remain, a letter so indicating must be sent to ACWD. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3)	Less than Significant

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Fremont Well Ordinance. In addition, any abandoned wells located within the Downtown area must be properly destroyed prior to construction activities. • Drilling Permit Requirement: Prior to the start of any subsurface drilling activities, a drilling permit from ACWD must be obtained. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or via ACWD's website at http://www.acwd.org/engineering/drilling, .permit.php5. Before a permit is issued, the applicant is required to deposit with ACWD, cash or check in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work. • Access to ACWD Facilities: Safe access must be maintained to any ACWD installed monitoring wells in the Downtown area.	
Impact HYD-4: Increased Stormwater Runoff. Development anticipated under the Downtown Community Plan could result in increased stormwater runoff. In the absence of detailed development plans and site-specific stormwater runoff analysis for individual projects, increased runoff from development anticipated under the Downtown Community Plan could be considered a ***potentially significant*** impact.	**Mitigation HYD-4: Developer Compliance with State NPDES Municipal Regional (MS4) Permit and City Urban Runoff Standard Conditions of Approval and City Development Design Requirements.**	Less than Significant
Geology, Soils and Seismicity		
Impact GEO-1: Potential Exposure of Structures to Strong Seismic Ground Shaking. Property damage, personal injury, and loss of life may result from poorly constructed buildings	**Mitigation GEO-1: Compliance with California Building Code Requirements.** Any structures built in the Downtown Community Plan District following adoption of the Downtown Community Plan shall meet requirements of the 2010 California	Less than Significant

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
subject to strong to violent seismic ground shaking. This would represent a ***potentially significant*** impact associated with implementation of the Downtown Community Plan.	Green Building Code published by the International Conference of Building Officials, and as modified by the amendments, additions and deletions as adopted by the City of Fremont, California.	
Impact GEO-2: Potential Construction-Related Soil Erosion. Construction activity associated with development under the Downtown Community Plan could result in disturbance of topsoil, which may be subject to erosion by stormwater runoff. This would represent a ***potentially significant*** impact associated with implementation of the Downtown Community Plan.	**Mitigation GEO-2: Implementation of Storm Water Pollution Prevention Plan (SWPPP).** In accordance with the Clean Water Act and the State Water Resources Control Board (SWRCB), the applicant for any construction projects that disturb more than one acre shall file a Storm Water Pollution Prevention Plan (SWPPP) prior to the start of construction. The SWPPP shall include specific best management practices to reduce soil erosion. This is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Additionally, any construction activities planned as a result of the implementation of the community plan shall require an Erosion Control Plan to be submitted to the City in conjunction with the Grading Permit Application. The Plan shall include winterization, dust, erosion and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control Measures, with sediment basin design calculations. The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and after construction to control pollution resulting from both storm and construction water runoff. The Plan shall include locations of vehicle and equipment staging, portable restrooms, mobilization areas, and planned access routes. Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains. Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, and note any violations, which shall be corrected immediately.	Less than Significant
Impact GEO-3: Construction on Unstable Geologic Units. Property damage, personal injury, and loss of life may result from building in areas which may be characterized as unstable geologic units. This would represent a ***potentially significant*** impact associated with implementation of the Downtown Community Plan.	**Mitigation GEO-3: Compliance with California Building Code Requirements (Mitigation GEO-1).**	Less than Significant
Hazards and Hazardous Materials		

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Impact HAZ-1: Increased Exposure to Hazardous Materials. With increased population and construction activity anticipated in the Downtown area under the Downtown Community Plan, the number of residents and workers who could potentially be exposed to hazardous materials which may already be present at some sites would increase. This would represent a ***potentially significant*** impact associated with implementation of the Downtown Community Plan.	**Mitigation HAZ-1: Require Phase 1 Environmental Site Assessments for (Re)development Projects.** Prior to development/re-development of properties located within the Downtown area, a Phase I Environmental Site Assessment shall be performed to assess any potential risks of hazardous material release to the property or the environment due to any previous land uses. This Phase I environmental site assessment will determine the likelihood of the presence of hazards and/or hazardous materials and determine whether construction activities on the building site will lead to a release of hazardous material.	Less than Significant
Cultural and Paleontological Resources		
Impact CUL-1: Demolition of, or Substantial Adverse Changes in, Historical Resources. Implementation of the Downtown Community Plan may result in the demolition of historic resources or cause substantial adverse changes in the significance of one or more identified potential historic resources if future individual development projects do not incorporate measures that ensure project-related changes are in accordance with either of the following publications: • *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*; or • *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* Substantial adverse changes that may occur include demolition, destruction, relocation, or alteration of one or more resources, such that the resource is "materially impaired". The significance of a historic resource is considered to be "materially impaired" when a project demolishes or materially alters the physical characteristics that justify the determination of a historic resource's significance (CEQA	**Mitigation CUL-1: Review Development Projects on a Case-by-Case Basis under the City's Historic Resources Ordinance.** As individual development projects are proposed, those with potential adverse effects on historic resources will be evaluated under the Historic Resources Ordinance.	**Significant and Unavoidable**

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Guidelines Section 15064.5 ([b]). Such an adverse change to the CEQA-defined historic resource would constitute a ***potentially significant*** impact.		
Impact CUL-2: Possible Disturbance of Unidentified Subsurface Archaeological Resources. Although no archaeological resources are currently known to exist in portions of the City where the Downtown Community Plan is anticipating development, substantial 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.	**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.	Less than Significant
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 Downtown Community 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.	**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.	Less than Significant
Impact CUL-4: Possible Disturbance of Unidentified Human Remains. Substantial 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.	**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	Less than Significant

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	(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.	

(This page intentionally left blank.)