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## OTHER CEQA CONSIDERATIONS

### SIGNIFICANT UNAVOIDABLE IMPACTS

As discussed in **Chapter 4: Setting, Impacts and Mitigation Measures**, implementation of the Downtown Community Plan would 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.

## EFFECTS FOUND NOT TO BE SIGNIFICANT

### Agricultural Resources

- Additional urban development within the Downtown area would not result in the conversion of any such Farmland to non-agricultural uses, and there would be *no Plan-related impacts* on Farmland.
- Additional urban development in the Downtown area would not result in any conflict with agricultural zoning or the provisions of any active Williamson Act contracts. There would be *no Plan-related impacts* on any areas zoned for agricultural use, or on any areas currently under Williamson Act contracts.
- Additional urban development in the Downtown area would not be expected to jeopardize any active agricultural operations, or result in the conversion of any Farmlands to non-agricultural uses. There would be *no Plan-related impacts* on any existing agricultural activities.

### Biological Resources

- No areas that currently provide habitat for special-status species would be affected by implementation of the Downtown Community Plan, and any potential Project-related impacts on special-status species would be *less than significant*.
- Development that would be enabled under the Downtown Community Plan would not adversely affect any existing habitat areas. Developer compliance with all applicable requirements associated with the protection of water quality in stormwater runoff

would reduce any potential indirect Project-related impacts to riparian habitat located beyond the Downtown area to a level of *less than significant*.

- Development that would be enabled under the Project would have no adverse effects on federally-protected wetlands. Developer compliance with all applicable requirements associated with the protection of water quality in stormwater runoff would reduce any potential indirect Project-related impacts to wetlands located beyond the Downtown area to a level of *less than significant*.
- The Downtown area is a highly urbanized environment. Development enabled under the Downtown Community Plan would not have any adverse effects on wildlife corridors or nursery areas (*no Plan-related impact*).
- Implementation of the Downtown Community Plan would not conflict with existing policies and ordinances intended to protect biological resources generally, and trees specifically (*no Plan-related impact*).
- No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan is applicable within the Downtown area. Development enabled under the Downtown Community Plan would not conflict with any applicable Habitat Conservation Plans or Natural Community Conservation Plans (*no Plan-related impact*).

#### Mineral Resources

- There are no known mineral deposits of local importance or value to the region or to residents of the State identified within the boundaries of the Downtown area. Implementation of the Downtown Community Plan would not result in a loss of availability of any known or locally-important mineral resources, and there would be *no Plan-related impact*.

The Downtown area is a highly urbanized area, and does not represent a locally-important mineral resource recovery site in a traditional sense (e.g., one that supports mining operations). Implementation of the Downtown Community Plan would, therefore, not be expected to result in the loss of availability of any mineral resource recovery site, and there would be *no Plan-related impact*.

## **SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

Development under the Downtown Community Plan would not result in changes in land use which would commit future generations, since most areas that could be developed already support urban development, and limited undeveloped areas would be expected to support future development in the Downtown area.

Urban development in the Downtown area would be similar in character to the development that has previously taken place there, and would not result in significant irreversible changes in the existing physical environment.

As portions of the Downtown area are developed or redeveloped, additional energy could be required for construction and on-going maintenance/operations. Implementation of the Downtown Community Plan would not result in any significant increase in dependence on non-renewable energy resources or in substantial increases in peak or base-period energy use. All new development would be required to incorporate applicable energy conservation features in compliance with California Code of Regulations (CCR) Title 24 (the California Building Standards Code).

## **GROWTH-INDUCING IMPACTS**

Under CEQA Guidelines, Section 15126.2 (d), a project would be growth-inducing if it would directly or indirectly foster economic or population growth or the construction of additional housing. Some examples of projects likely to induce growth are those that would extend of infrastructure (e.g., roadways, sewer lines, water lines, etc.) beyond that needed to serve the particular project, or the development of residential subdivisions or industrial parks in areas which are either currently sparsely developed or undeveloped.

Based on the level of development anticipated under the Downtown Community Plan during the planning period, there would be growth in the number of jobs in Fremont, and an increase in economic activity relative to current conditions. However, this increase would not exceed Association of Bay Area Government estimates for such growth, and would be generally consistent with the current Fremont General Plan. As the Downtown area is already regarded as nearly fully urbanized, development under the Downtown Community Plan would represent “infill development”, and would not require the extension of infrastructure to serve development sites. Implementation of the Downtown Community Plan would not induce unanticipated growth, but would accommodate job growth that has already been projected for the City of Fremont in a location accessible to transit.

## **CUMULATIVE IMPACTS**

Cumulative impacts associated with development in Fremont during the planning period have previously been addressed in the Fremont DRAFT 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.

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