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MEMORANDUM IN SUPPORT OF CEQA CATEGORICAL EXEMPTION

Fremont Avenue Pedestrian Bridge Rehabilitation Project

APRIL 19, 2023



ORIGINAL

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1. Introduction

The City of Los Altos (City) proposes to improve public safety by rehabilitating the existing pedestrian overcrossing on Fremont Avenue over Permanente Creek (proposed project). The existing timber pedestrian overcrossing was designed and built to the standards in effect in the mid-1970's and provides access to residents and commuters crossing Permanente Creek at Fremont Avenue. However, the timber structure has degraded and no longer meets current standards. Temporary rehabilitation measures have been implemented to protect the existing structure; however, these measures have degraded.

(Figures 1 and 2).

Fremont Avenue is a principle collector urban road within the City of Los Altos, California. The Fremont Avenue Bridge was replaced in 2015 and a sidewalk on the north side was omitted given the existing timber pedestrian bridge located just north of the new bridge. The existing pedestrian overcrossing carries pedestrian and bicycle traffic across Permanente Creek from East to West. The timber pedestrian bridge was constructed in the mid-1970's and the superstructure consists of three spans of timber stringers with timber decking and a curb-to-curb width of 11 feet. The main span consists of 4'-4" deep glulam beams. The two end spans consist of 6x12 timber stringers. The substructure consists of a single cast-in-drilled-hole (CIDH) pile supporting a concrete cap beam which the glulam and timber stringers sit on. The end spans are supported on bin type abutment.

The existing pedestrian bridge structure is considered to be in overall good condition but has isolated areas that need repairs. No as-built drawings are available, Dewberry performed a site inspection of the bridge in 2016 to identify potentially damaged members and to estimate member sizes that were not accessible. In 2016, the structure was temporarily reinforced using OSB plywood. Plywood was used to cover each end and was hung over the wood railing and connected with snap ties through gaps in the railing. The proposed project aims to rehabilitate the existing pedestrian bridge on Fremont Avenue over Permanente Creek to current design standards. The proposed project is needed because the existing structure does not meet current standards and is no longer sufficient for public safety. The proposed project was deemed necessary by the City of Los Altos.

2. Proposed Project

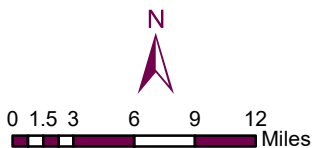
The chosen rehabilitation option was limited to include the work necessary to rehabilitate the existing structure in kind. Based on the existing bridge condition assessment, the rehabilitation option would include the following items:

1. **Replacing the timber decking.** The Project would replace the entire deck of the existing structure in kind with pressure treated lumber to increase the service life of the pedestrian bridge.
2. **Replacing all of the structural blocking and bracing used to support the timber decking.** Due to dry rot, most, if not all, of the structural blocking and bracing would be replaced. Many of the cross bracing is in relatively good condition and may not necessarily require replacement.
3. **Replacing the end-spans middle glulam stringer (2 each side).**



Legend

- ★ Project Location
 Santa Clara County
 City of Los Altos
 ◆ Dewberry | drake haglan



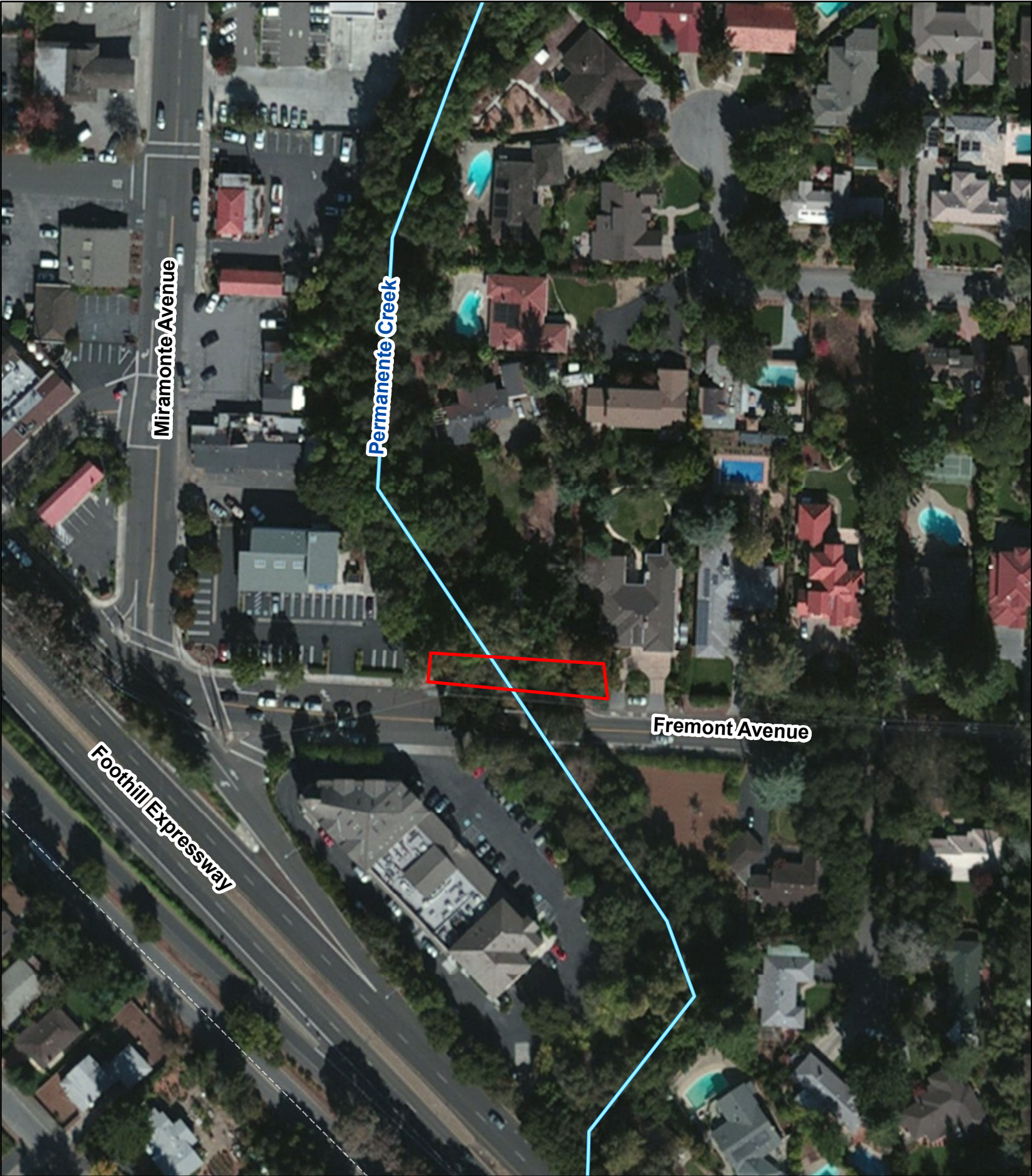
Source: ESRI Online Basemap, National Geographic Map, X County Coordinate System NAD 83 State Plane California V FIPS 0402 Feet

Notes: This map was created for informational and display purposes only

Fremont Avenue Pedestrian
Bridge Rehabilitation
Project
Los Altos, CA

Regional Location
Map

Figure
1



Legend				
	Pedestrian Bridge Footprint		Permanente Creek	
 0 25 50 100 150 Feet		Source: ESRI Online Basemap, National Geographic Map, X County Coordinate System NAD 83 State Plane California V FIPS 0402 Feet Notes: This map was created for informational and display purposes only		
Fremont Avenue Pedestrian Bridge Rehabilitation Project Los Altos, CA			Project Location Map	Figure 2

4. **Replacing the timber railing.** The timber railing would be replaced in its entirety as there are several railings supports that have dry rot and the current railing does not meet current design codes. Specifically, current standards require that railing cannot pass over a 4" sphere through any rail opening. The replacement railing would be similar in visual character and maintain the architectural style of the Fremont Avenue Bridge.
5. **Backfilling the first span to repair scour damage and loss of backfill material.** Both existing abutments are similar to bin type abutments, which have a front wall and a back wall. In this case, the front wall is protecting the abutment back wall from erosion and scour until the creek is high enough to overtop the front wall. When this occurs, the dirt area between the front wall and the back wall of the south abutment is scouring. For rehabilitation, the Project would fill this void with rock to prevent future scour and protect the integrity of the structure.
6. **Replace the end of the North-West Wingwall.** The last approximately 3-ft of the north-west wingwall has failed at a construction joint. This section will be removed and replaced in kind to prevent the western sidewalk from eroding and undermining.
7. **Update Approach Lighting.** In addition to rehabilitating the existing structure, the existing overhead lights at each approach will be updated with new light fixtures.

Construction activities would occur outside of Permanente Creek and the ordinary high-water mark (OHWM), and minimal activities would occur at the top of the creek banks in order to repair the scour between abutment walls.

2.1 Utility Relocations

There are existing utilities located on the pedestrian bridge that would be protected in place during construction. These utilities include overhead electrical (OHE) and overhead telephone/communication (OHTC) located on wooden poles and a 2" utility line attached to the inside face of the south glulam stringer. The existing bridge also has existing lighting at both ends of the bridge. During construction, these utilities would be protected in place and remain operational during construction.

2.2 Right-of-Way

The pedestrian overcrossing would be repaired within the existing right-of-way. Permanent right-of-way acquisition is not anticipated for the proposed project. Temporary construction easements may be required to establish a construction staging area. Potential construction easements may be necessary from the following parcels:

- APN 193-400-28
- APN 193-400-16
- APN 193-400-36
- APN 193-400-44

2.3 Temporary Road Closure

Fremont Avenue, adjacent to the pedestrian bridge, may require temporary closures or traffic control in order to get the replacement members into the construction site and to finish construction. Construction of the pedestrian bridge rehabilitation would not impact automobiles on Fremont Avenue. During construction, the pedestrian bridge will need to be closed intermittently to cyclists and pedestrians. With pedestrian and bicyclist safety as the main priority, notices would be distributed to residents and business owners in the area before prior to construction. Pedestrian traffic will be detoured around the site, using the sidewalk on the south side of Fremont Avenue.

2.4 Construction Staging Area

Construction activities would be performed in accordance with the Caltrans Standard Specifications modified to meet environmental permit requirements. All debris resulting from construction activities would be removed from the proposed project site and properly disposed of by the contractor. It is anticipated that the staging area would be within the existing west approach sidewalk and roadway shoulder, west of the bridge between the approach sidewalk and the adjacent driveway. The sidewalk will be closed around the bridge during construction and the adjacent driveway west of the bridge is planned to be permanently closed.

2.5 Construction Activities

Construction would consist of the following activities in the general order detailed below:

- Minor Clearing and Grubbing
- Erosion Control
- Replace Timber Decking
- Replace Structural Blocking used to Support Timber Decking
- Replace Timber Railing
- Backfill First Span to Repair Scour Damage and Loss of Backfill Material
- Remove and Replace the end of the North-West Wingwall
- Replace Approach Lighting

Landscaping and Revegetation as Required

2.6 Construction Schedule

Construction of the proposed project is anticipated to take one construction season to complete. The approximately six-month construction period is scheduled to begin Spring 2023. Construction Equipment List

Table 1 provides a description of the type of equipment likely to be used during construction of the proposed project.

Table 1. Construction Equipment

Equipment	Construction Purpose
air compressor	demolition + excavation + finishing work
backhoe	soil manipulation + drainage work
bobcat	fill distribution
bulldozer / loader	earthwork construction + clearing and grubbing
compaction equipment	soil manipulation
concrete truck and pump	concrete placement
crane	lowering materials down below the bridge
debris bin	debris storage and containment
dump truck	fill material delivery + excavation removal
flatbed truck	material handling and delivery
haul truck	earthwork construction + clearing and grubbing
water truck	earthwork construction + dust control
welding equipment	Pier strengthening, water line supports
Jack Hammer	Concrete Removal

3. Hazardous Materials

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR) for the proposed project (2021). The target property (Fremont Avenue at the proposed project site) was not listed in any of the databases searched by EDR.

The database search revealed 22 facilities within a half-mile radius surrounding the proposed project site, which had reported use, storage, or release of hazardous materials. Most facilities had more than one listing. The listed facilities included three RCRA sites [one large quantity generator (LQG) and three small quantity generators (SQG)], ten LUSTs sites, one CA FID UST site, seven historical (HIST) LUST sites, one Underground Storage Tank (UST) site, three HIST UST sites, five Statewide Environmental Evaluation and Planning System (SWEEPS) UST sites, and one Drycleaner facility. Seven of these facilities were identified on the Cortese List, which is a list of hazardous waste and substances sites updated annually by the California Environmental Protection Agency (California EPA), pursuant to Government Code §65962.5.

The proposed project would not involve the routine transport, use, disposal, or emission of hazardous materials. The handling of hazardous materials during construction of the proposed project would be performed in accordance with local, State, and federal laws, and would not expose the public, environment, or construction workers to significant hazards. The proposed project would not demolish structures and therefore there is little potential to encounter asbestos containing materials (ACMs) during construction. Within the proposed project site, there is no significant occurrence of ultramafic rock where naturally occurring asbestos minerals (NOA) are likely to occur, as reported in the *General Location Guide for Ultramafic Rocks in California*.

Construction requirements and best management practices (BMPs) are included to avoid potential impacts.

4. Cultural Resources

The proposed project footprint was included in the previous study prepared for the Fremont Avenue Bridge Replacement Project, which was completed in 2015. Documents prepared included an Archaeological Survey Report (ASR) prepared by Basin Research Associates, Inc (2007). No ground disturbance is anticipated as a result of the proposed project; therefore, no cultural record search or pedestrian surveys would be required.

No National Register of Historic Places or California Register of Historical Resources listed, determined eligible, pending, or potentially eligible properties were identified in or adjacent to the Areas of Potential Effects (APE) as a result of a records search, literature review, and field survey. Urban development including road construction and utility installation has caused significant subsurface impacts within the APE. No known archaeological resources have been exposed during urban development in the general area.

The Fremont Bridge over Permanente Creek Replacement Project did not warrant the completion of a formal discovery plan based on the absence of recorded, reported, or identified archaeological sites in and adjacent to the bridge replacement project and the perceived low potential for exposing unknown archaeological materials during construction. However, it is recommended that if prehistoric or historic archaeological materials are exposed during construction, operations stop immediately within 75 feet of the exposure and Caltrans is notified of the find within 24 hours to initiate a review.

5. Biological Resources

A Biological Resources Study was prepared by Dewberry in support of the proposed project. Habitats identified within the proposed project include ruderal grassland, riverine (perennial), mixed riparian forest, and urban (developed). The proposed project would have minimal impacts to the biological resources of the proposed project site including impacts to mixed riparian forest. Several special-status wildlife species may occur in the vicinity of the proposed project including sharp-shinned hawk (*Accipiter striatus*), merlin (*Falco columbairus*), Vaux's swift (*Chaetura vauxi*), and California yellow warbler (*Dendroica petechia brewsteri*). None of these are expected to breed on or regularly use of the proposed project site.

The proposed project contains low quality dispersal habitat for federally threatened California red-legged frog (CRLF) (*Rana draytonii*). Although this species has been recorded along Permanente Creek approximately 1.5-miles upstream, there is no suitable breeding habitat on or near the Project site. Due to the distance between the site and areas of known occurrence or higher quality habitat upstream, as well as many impediments to migration (i.e., predation or harassment by pets and humans, intermittent stream conditions, and low-quality habitat) between those upstream areas and the site, the probability of CRLF is negligible.

Cooper's hawk (*Accipiter cooperii*), a California species of special concern, could potentially nest in trees on or near the proposed project site. The proposed project could potentially have very limited direct impacts on nesting of this species. However, these effects would be minimal in terms of regional populations of, or habitat availability for, Cooper's hawk. Specific mitigation measures to limit the potential effects of the proposed project include the following: 1) avoid constructing during nesting season; 2) inhibiting nesting by removing vegetation from the site; and 3) conducting pre-construction/pre-disturbance surveys during nesting season to ensure that no nests are disturbed during proposed project construction.

Avoidance and minimization measures, as well as BMPs, are incorporated into the proposed project to reduce the potential for impacts to migratory birds and raptors, as well as invasive species. These measures focus on conducting pre-construction surveys and consulting with the appropriate resource agency if these species are detected within the proposed project area to determine if further avoidance and minimization measures are required. Because invasive species were found in and adjacent to the proposed construction areas, measures are included to prevent the further spread of invasive species including the inspection and cleaning of construction equipment prior to entering or leaving the site as well as the inspection of borrow sites or stockpile areas for the presence of invasive species prior to their use for construction. Measures also include treatments to eradicate invasive species if they are found.

6. Required Construction Standards

In accordance with CEQA, each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes.

Based on a review of the proposed project site, CEQA guidelines, and the discussion above, the proposed project would meet the requirements of a CE under CEQA. Dewberry | Drake Haglan has prepared and attached a Notice of Exemption (NOE) should the City agree with our finding and choose to complete environmental compliance of the proposed project by filing the NOE with the County of Santa Clara County Clerk.

Based on the preceding, the following pre-construction and construction best management practices are included in bid packages and construction notices for implementing during construction.

6.1 Preconstruction Training

Prior to commencing construction, all contractors shall attend preconstruction training with City staff to review project design conditions.

6.2 Health and Safety Plans

Health and safety considerations for construction workers and the general public must be taken into account during development of a Health and Safety Plan (HASP) for the proposed project. The construction contractor would prepare and implement a HASP for the proposed project. Since known historical contaminants have been identified around the proposed project site, general construction health and safety procedures would be included. The HASP would also describe appropriate procedures to follow in the event that any unknown contaminated soil or groundwater is encountered during construction activities.

6.3 Migratory Birds

The following shall be used when work occurs on or in the vicinity of trees or shrubs that are subject to nesting by migratory birds. This is a general MBTA provision.

- **Avoid Active Nesting Season.** To avoid and minimize impacts to tree and shrub nesting species, the following measures shall be implemented:
 - Conduct all tree and shrub removal and grading activities during the non-breeding season (generally September 1 through January 31).
 - If grading and tree removal activities are scheduled to occur during the breeding and nesting season (February 1 through August 31), pre-construction surveys shall be performed prior to the start of Project activities.
- **Conduct Pre-Construction Nesting Bird Surveys.** If construction, grading, or other Project-related activities are scheduled during the nesting season (February 1 through August 31), pre-construction surveys for other migratory bird species shall take place no less than 14 days and no more than 30 days prior to the beginning of construction within 250 feet of suitable nesting habitat.
 - If the pre-construction surveys do not identify any nesting migratory bird species within areas potentially affected by construction activities, no further mitigation shall be required.
 - If the pre-construction surveys do identify nesting bird species within areas that are within 250 feet of construction activities, the following measures shall be implemented:
 - Project-related construction impacts shall be avoided by establishment of appropriate no-work buffers to limit Project-related construction activities near the nest site. The size of the no-work buffer shall be determined in consultation with CDFW. The no-work buffer zone shall be delineated by highly visible temporary construction fencing. In consultation with CDFW, monitoring of nest activity by a qualified biologist shall be required if the Project-related construction activity has potential to adversely affect the nest or nesting behavior of the bird. No Project-related construction activity shall commence within the no-work buffer area until a qualified biologist and CDFW confirms that the nest is no longer active.

6.4 Unanticipated Cultural Resource Discoveries

If a cultural resource is discovered during construction activities, the construction contractor shall comply with the following provisions:

- The person discovering the cultural resource shall notify the City of Los Altos or the Project's designated qualified cultural resource professional by telephone within 4 hours of the discovery or the next working day if the department is closed.
- When the cultural resource is located outside the area of disturbance, the Project's designated qualified cultural resource professional shall be allowed to photo document and record the resource and construction activities may continue after this process. On parcels of two or more gross acres, the area of disturbance includes building pads, driveways or utility lines, grading and vegetation removal areas, plus 100 feet.
- When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by site's designated qualified cultural resource professional may continue. The project's designated qualified cultural resource professional shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource, which evaluation shall be complete within 2 weeks of the discovery unless extraordinary circumstances require additional time.
- When the cultural resource is determined to be not significant, the Project's designated qualified cultural resource professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Project's designated qualified cultural resource professional.
- When the cultural resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by the Project's designated qualified cultural resource professional or a cultural resource management plan shall be prepared by the Project's designated qualified cultural resource professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of CEQA to address the effects of construction on the resource. The Project's designated qualified cultural resource professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Project's designated qualified cultural resource professional. All further activity authorized by this permit shall comply with the cultural resource's management plan, if necessary.

For the purposes of implementing this measure, a "qualified cultural resource professional" is an individual (i.e., historian or archaeologist) meeting the Secretary of the Interior's Qualification Standards. A "cultural resource" is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, educational, military, engineering, or architectural significance to the citizens of Santa Clara County, the State of California, or the nation which is 50 years of age or older or has been listed on or is eligible for listing on the National Register of Historic Places, the California Register of Cultural Resources, or any local register.

6.5 Human Remains

If human remains, burial, cremation, or other mortuary features are uncovered during construction activities; upon discovery, secure the location, do not touch or remove remains and associated artifacts; do not remove associated spoils or go through them; document the location and keep notes of activity and correspondence. All work within 100 feet of the discovery shall stop until the County Coroner can determine whether the remains are that of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to obtain the Most Likely Descendent (MLD) and follow State law (PRC 5097.98 and Health and Safety Code 7050.5(c)). No further work or disturbance shall occur within 100 feet until all of the preceding actions, as applicable to the discovery, are implemented and completed. Preservation in situ is the preferred treatment of human remains and associated burial artifacts. [Public Resources Code Sections 5097.94, 5097.98, and Health and Safety Code

Section 7050.5(c) and Section 15064.5 of the California Code of Regulations implementing the California Public Resources Code, Sections 21000-21177].

6.6 Administrative Measures

The following administrative measures shall be implemented in order to minimize noise and vibration disturbances at sensitive receptors during periods of construction:

- Plan noisier operations during times of least sensitivity to receptors (daytime, weekday hours).
- Keep noise levels relatively uniform and avoid impulse noises.
- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. The City of Los Altos will provide a project description and Project updates including the construction schedule on their website. In addition, the City will provide public outreach brochures and hold at least one public meeting prior to construction to keep residents and local businesses informed of the Project.

6.7 Equipment (Noise) Control

The following control measures shall be implemented in order to minimize noise and vibration disturbances at sensitive receptors during periods of construction:

- Use newer equipment with improved muffling and ensure that all equipment items have the manufacturer's recommended noise abatement measures (such as mufflers, engine enclosures, and engine vibration isolators intact and operational). Newer equipment will generally be quieter in operation than older equipment. All construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (i.e., mufflers and shrouding).
- Utilize construction methods or equipment that will provide the lowest level of noise and ground vibration impact.
- Turn off idling equipment after no more than five minutes.
- Use, and relocate as needed, temporary noise barriers to protect sensitive receptors against excessive noise from construction activities. Noise barriers can be made of heavy plywood, or moveable insulated sound blankets.

6.8 Traffic Access Management Plan

Prior to commencing construction, the Contractor will prepare (to the City's satisfaction), and throughout Project construction will implement, a traffic access management plan to maintain emergency ingress, egress, and daily traffic flows throughout the Project boundaries. The access management plan shall address public notification of upcoming construction, anticipated road closures, and detours (i.e., mailers in invoices, publication in local newspaper, website notices, postings along streets to be closed, electronic message boards). The City will coordinate road closures with the fire and police departments to ensure that emergency ingress and egress is addressed prior to and during street closures.

7. CEQA

Categorical Exemptions (CE) under CEQA represent activities that generally do not result in significant environmental impacts. The Secretary of the Resource Agency has established a list of classes of projects, which have been determined not to have a significant effect on the environment and are therefore exempt from the provisions of CEQA (CEQA Guidelines Section 15300-15333).

This section discusses and provides justification for CEQA Compliance with exemption criteria listed under Section 15300.2 of the CEQA Guidelines (14 California Code of Regulations [CCR] Section 15300.2).

Table 2. CEQA Categorical Exemption Categories

CRITERIA	DESCRIPTION	DISCUSSION
Criterion 1	If this project falls within exempt class 3, 4, 5, 6, or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.	The proposed project would not fall under exempt class 3, 4, 5, 6, or 11. No permanent right-of-way acquisitions would be required in order to rehabilitate the existing bridge. The proposed project will not impact an environmental resource of hazardous or critical concern.
Criterion 2	There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.	The proposed project was deemed necessary by the City of Los Altos. The proposed project is needed because the existing structure does not meet current standards and is no longer sufficient for public safety.
Criterion 3	There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.	There are no unusual circumstances of concern involves with the proposed project. The proposed project is located in a largely built and disturbed environment.
Criterion 4	This project does not damage a scenic resource within an officially designated state scenic highway.	The proposed project is not located on any officially designated state scenic highway. In addition, the proposed project would not damage any visual or scenic resources. The closest officially designated scenic highway to the proposed project is State Route 280 at Stanford University, approximately 9 miles northwest of the proposed project (California Scenic Highway Mapping System, www.dot.ca.gov , accessed July 20, 2021).
Criterion 5	This project is not located on a site included on any list compiled pursuant to Govt. Code §65962.5 ("Cortese List").	The EDR database record search identified sites adjacent to the proposed project; however, right-of-way would not be taken from these sites. In addition, limited to no excavation would be necessary as a result of the proposed project and would not reach the groundwater table near the sites; therefore, there is no potential for soils, surface water, or groundwater to be

		impacted at the proposed project site.
Criterion 6	This project does not cause a substantial adverse change in the significance of a historical resource.	No historic resources are recorded as occurring in the vicinity of the proposed project site. Thus, the proposed project would not cause a substantial adverse change to a significant historical resource. In addition, standard monitoring provisions are included in the bid package and construction notes relative to unanticipated (subsurface) resources.

8. Conclusion

The proposed project would be eligible as a CE under Class 1 – Existing Facilities (Section 15301(c)), existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).