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## City of Fremont Initial Study

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1. **Project:** Stratford School (PLN2017-00205)
2. **Lead Agency name and address (including e-mail address/fax no. as appropriate):**  
City of Fremont Community Development Department  
39550 Liberty Street, 1<sup>st</sup> Floor  
Fremont, CA 94538
3. **Lead Agency contact person:**  
Stephen Kowalski, Associate Planner  
Phone: 510-494-4532  
E-mail: [skowalski@fremont.gov](mailto:skowalski@fremont.gov)
4. **Project location:** 43055 and 43077 Osgood Road (two contiguous parcels), Fremont, CA 94539  
(APNs: 525-0331-025-00 and 525-0331-012-04) (See Project Vicinity Map)
5. **Project Sponsor's name and address:**  
Stratford School (Clay Stringham – agent)  
12930 Saratoga Ave., Suite A  
Saratoga, CA 95070  
Phone: 801-712-6800  
E-mail: [clays@stratfordschools.com](mailto:clays@stratfordschools.com)
6. **General Plan Land Use Designation:** Service Industrial
7. **Zoning:** I-S Service Industrial
8. **Description of Project:**

The applicant is requesting approval of a Zoning Administrator Permit and Discretionary Design Review Permit to allow the construction of a new 57-441-square-foot private school for up to 660 children ages pre-school through eighth grade on a 3.92-acre site at 43055/43077 Osgood Road in the Irvington Community Plan Area. The existing commercial building located at 43055 Osgood Road and currently housing an irrigation supply business would remain, while the existing single-family dwelling located at 43077 Osgood Road (which was originally built as a residence but was most recently used as an office for a landscaping business) and a number of small outbuildings behind it would be demolished. The irrigation supply business located at 43055 Osgood Road is currently locked into a lease extending through the next five years with the property owner, after which time the applicant would remove the commercial building and expand the school campus across the site to the north. The future expansion of the school would require an amendment to the Zoning Administrator Permit currently being requested, but the applicant does not plan to apply for this amendment for another 4-5 years until the lease has nearly expired. The applicant has also submitted a Lot Line Adjustment application to adjust the two subject parcels in order to locate the irrigation supply business on a separate, smaller lot and have the remainder of the land available for the proposed private school campus. This Lot Line Adjustment application is currently pending approval; no building permits for the proposed school campus would be issued until it has been approved by the City of Fremont and recorded with the Alameda County Assessor's Office.

The portion of the property where the irrigation supply business is located would be improved with a new parking lot and landscaping improvements in the front yard between the building and the Osgood Road right-of-way. In addition to the removal of the single-family dwelling and associated outbuildings at 43077 Osgood Road, the applicant proposes to remove four trees from the project site. Based on their size/species, these four trees are subject to protection under the City's Tree Preservation Ordinance and must be replaced at a 1:1 ratio to the satisfaction of the City Landscape Architect.

The proposed school campus would feature a two-story 57,441-square-foot building with 10 preschool classrooms, 11 elementary school classrooms and six middle-school classrooms, as well as an attached 5,209-square-foot multi-purpose/assembly hall. Other features would include a science lab, computer lab, engineering lab, music room, three reading rooms and library, play structure, full basketball court, volleyball court and large synthetic turf area for the elementary and middle school students. A total of 95 parking spaces would be provided with 27 spaces reserved for the school’s teachers and administrative staff and the remaining 68 spaces available for parents and guests.

Off-site improvements would include the removal and replacement of all existing driveways with new accessible driveways, and the construction of new curb, gutter and 6-foot wide sidewalk along the entire length of the Osgood Road street frontage, as well as 7-foot wide planter strips with street trees between the sidewalk and street. Accessible curb ramps would be provided where the new public sidewalks would cross the two new driveway entrances to the campus and the single driveway entrance to the irrigation supply business. A new three-way traffic signal would also be installed at the main (northern) entrance to the campus to control the flow of vehicular traffic entering and exiting Osgood Road and improve bicycle and pedestrian safety directly outside the campus.

**9. Surrounding Land Uses and Setting:**

The project site consists of two contiguous parcels totaling 3.92 acres. The northern property at 43055 Osgood Road (3.4 acres) is currently occupied by a 7,513-square-foot commercial building which houses an irrigation supply business, while the southern property at 43077 Osgood Road (0.62 acres) is currently occupied by a vacant single-family dwelling that was previously used by a landscaping business. The dwelling was constructed in the early 1900s but has been evaluated for historical significance by the City and determined to be ineligible for listing on the local, state or federal registers of historic resources. Both parcels are currently zoned I-S Service Industrial and both are designated Service Industrial in the Land Use Element of the General Plan. Osgood Road is classified as a primary arterial roadway in the Mobility Element of the General Plan with two travel lanes in each direction (northbound and southbound) and a center-left-turn lane fronting the project site.

The site is bounded by Osgood Road to the east and the Union Pacific railroad and Bay Area Rapid Transit (BART) tracks to the west. Industrial and commercial uses abut the site to the north and south, including a rock/gravel supply business directly to the south and private recreational vehicle storage and self-storage facilities directly to the north. A light industrial office park and a legal, nonconforming single-family dwelling are located directly across Osgood Road to the east, while a public elementary school (E.M. Grimmer Elementary) and single-family residential neighborhood are located beyond the railroad tracks to the west. The adjacent properties along both sides of Osgood Road to the north and south are all currently zoned I-S Service Industrial and designated Service Industrial in the General Plan, while the school and single-family neighborhood across the railroad tracks to the west are zoned P-F Public Facility and R-1-6 Single-Family Residential, respectively, and designated Public Facility and Low Density Residential, 2.3-8.7 Dwelling Units per Acre, respectively, in the General Plan.

**10. Congestion Management Program - Land Use Analysis:** The project analysis must be submitted to the Alameda County Congestion Management Agency for review if “Yes” to any of the following:

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

**11. Other Public Agencies Requiring Approval:** Alameda County Flood Control District (ACFCD), Alameda County Water District (ACWD), and Union Sanitary District (USD)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics		Agriculture and Forest Resources	<b>M</b>	Air Quality
<b>M</b>	Biological Resources	<b>M</b>	Cultural Resources		Geology / Soils
<b>M</b>	Hazards & Hazardous Material		Hydrology / Water Quality		Land Use / Planning
	Greenhouse Gas Emissions		Mineral Resources	<b>M</b>	Noise
	Population / Housing		Public Services		Recreation
<b>M</b>	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance

**PREVIOUS ENVIRONMENTAL ANALYSES:** None

**DETERMINATION BY THE CITY OF FREMONT:** On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<b>X</b>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

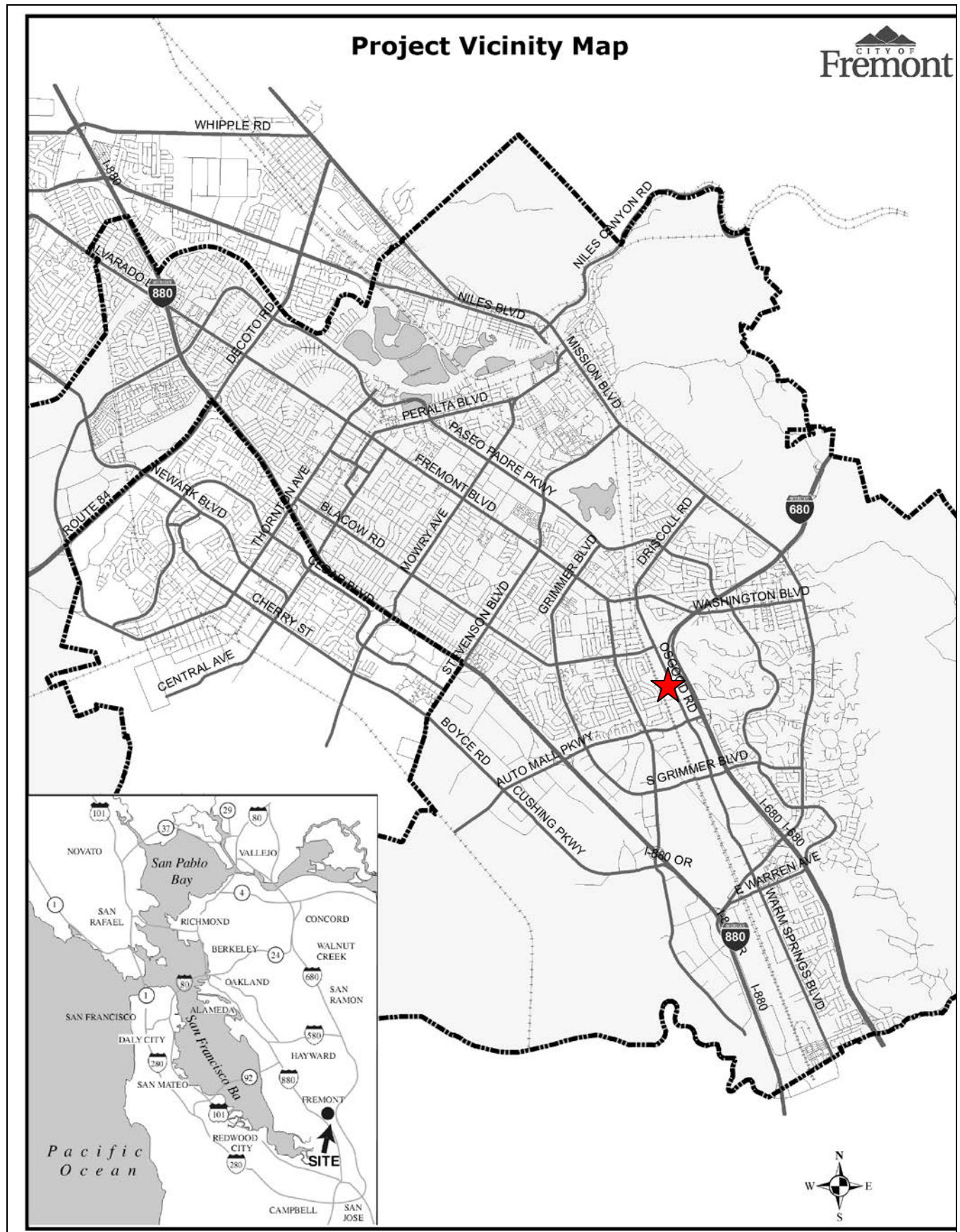
Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: Stephen Kowalski

For: City of Fremont

Principal Planner Review: \_\_\_\_\_



**I. AESTHETICS - Would the project:**

<b>ISSUES:</b>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Have a substantial adverse effect on a scenic vista?			X		1, 8, 11
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X		1, 8, 11, C
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	1, 8, 11
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		1, 8, 11

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently houses a landscape irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land on both parcels is paved and several vehicles, storage containers, and stockpiles of materials are strewn about the site. The site fronts Osgood Road, which is not a designated scenic corridor along this segment of the roadway. There is currently an existing sidewalk with curb and gutter along the frontage of the project site, but no existing street trees.

Regulatory Framework

Local regulations that pertain to the proposed project related to aesthetics include:

- City of Fremont General Plan Community Character Element (adopted December 2011)
- City of Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012)

Discussion/Conclusion/Mitigation

**a-b) Would the project have a substantial adverse effect on a scenic vista? Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

The General Plan does not identify any scenic resources in the vicinity of the project site and there are no scenic highways in the area. There are no identified existing scenic vistas that would be impacted by new development on the site. There are a small number of existing trees on the site that would be removed as part of the project, but none of these trees have been identified as scenic resources or of historical significance in the Arborist Report prepared for the site by HortScience, Inc. on November 29, 2016. The applicant would be required to replace trees identified for removal in accordance with the 1:1 replacement requirement of the City’s Tree Preservation Ordinance to the satisfaction of the City Landscape Architect. As such, impacts from the construction of the project on a scenic vista or scenic resources would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

The northernmost portion of the project site is currently developed with a 7,513-square-foot commercial building, which houses a landscape irrigation supply business that would be preserved. On the southeast portion of the site there is a vacant single-family dwelling and a small number of accessory structures, which were previously used by a landscaping business, which would all be demolished. The area surrounding the site is developed primarily with a mix of commercial and industrial land uses. The nearest residential property consists of a legal non-conforming one-story single-family dwelling directly across Osgood Road from the site to the east. As designed, the proposed school campus would be similar in height and mass to the other two-story industrial and commercial buildings located in the surrounding area along Osgood Road. The project would provide new front yard landscaping and street trees where none currently exist, which would enhance the visual quality of this stretch of Osgood Road. As such, the project would not be out of character with the existing development in the area or significantly degrade the visual character of the site or its surroundings, or impact the privacy of neighboring residential properties. Therefore, no impacts would result and no mitigation is required.

**Potential Impact:** No Impact

**Mitigation:** None Required

**d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

The project site is currently developed with a vacant one-story single-family dwelling and a 7,513-square-foot metal commercial building and parking lot, and is surrounded by commercial and industrial land uses, including a rock/gravel yard and industrial business park to the south, recreational vehicle and self-storage facilities to the north, and an industrial business park and legal nonconforming single-family dwelling directly across Osgood Road to the east. Although the proposed project would result in new sources of light, these would be similar in nature and intensity to the existing conditions in the vicinity and would not generate significant new lighting levels during nighttime hours. Additionally, the school would operate primarily during daytime hours, which would also reduce impacts from new lighting sources. The City's Zoning Ordinance requires that all exterior light sources be designed so as not to create significant glare on adjacent properties through the use of concealed source and/or downcast light fixtures. Compliance with the exterior lighting requirements of the Zoning Ordinance would ensure that the project would not create new source of substantial light and glare and impacts would be less than significant. No mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**II. AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and Forest Carbon Measurement Methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	1, 8, 20
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	1, 8, 20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X	N/A

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently houses a landscape irrigation supply business, would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land on both parcels is paved and several, vehicles, storage containers, and stockpiles of materials are strewn about the site. The subject properties were both occupied by orchards through the late 1960s and mid-1970s, but have been paved over and occupied by their existing industrial land uses since the mid-1970s.

Regulatory Framework

State and local regulations that pertain to the proposed project related to agriculture and forest resources include:

- City of Fremont General Plan Conservation Element
- California Department of Conservation, Alameda County Farmland Map-Access via URL: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/ala14.pdf>

Discussion/Conclusion/Mitigation

**a) Would the proposed project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

According to the California Department of Conservation’s 2014 Alameda County Farmland Map, the site is not designated as Prime Farmland, Unique Farmland or Farmland of Statewide Importance. It is designated as Urban and Built Up land. Therefore, no impact to such lands would result from the project.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**b-e) Would the proposed project conflict with existing zoning for agricultural use, or a Williamson Act contract? Would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)? Would the proposed project result in the loss of forest land or conversion of forest land to non-forest use? Would the proposed project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

The project site has been paved and occupied by its existing land uses since the mid-1970s. All agricultural activities that occurred historically on the project site ceased by 1976, when the commercial building was constructed and the land was paved over.

As shown on the California Department of Conservation’s 2014 Alameda County Farmland Map, the site is classified as “urban and built-up land.” Furthermore, there are no agriculturally-zoned lands or existing Williamson Act contracts in the project area. In addition, the project would not result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no agricultural resource or forest resource impacts would result from the development of the project, and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**III. AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Conflict with or obstruct implementation of any applicable air quality plan?				X	1, 21, 22
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		1, 21, 22
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		1, 21, 22
d.	Expose sensitive receptors to substantial pollutant concentrations?		X			1, 3, 6, 21, 22
e.	Create objectionable odors affecting a substantial number of people?			X		1, 3, 6

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing a landscape irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and vehicles, storage containers, and stockpiles of materials are strewn about the site.



The site is bounded to the northeast by Osgood Road, a primary arterial, which has an average daily traffic volume (ADT) of less than 10,000 vehicles per day, and to the southwest by the Union Pacific railroad.

### Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to air quality include:

- City of Fremont General Plan Conservation Element (Air Quality)
- Clean Air Plan: The City of Fremont uses the guidance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts associated with project construction and operation based on criteria pollutants contained in the adopted *Clean Air Plan*. The *Clean Air Plan* focuses on improvement of air quality throughout the basin. A network of BAAQMD monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is located at 935 Piedmont Road in San Jose. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include reactive organic gases (ROG), nitrous oxides (NO<sub>x</sub>), and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs. per day for ozone precursors.
- Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

### Discussion/Conclusion/Mitigation

- a-c) Would the project conflict with or obstruct implementation of any applicable air quality plan? Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

In formulating its compliance strategies, BAAQMD relies on planned land uses established by local general plans. When a project is proposed in a jurisdiction with an adopted general plan that has been deemed compliant with BAAQMD's *Clean Air Plan* and that project conforms to the General Plan, then it is also considered to be consistent with the *Clean Air Plan*. The Draft Environmental Impact Report (EIR) prepared for the 2011 General Plan concluded that development projects consistent with the General Plan would not cause or contribute to a violation of the ambient air quality standard for carbon monoxide. The proposed project would be consistent with land uses anticipated and allowed by the General Plan in this designation, and therefore would not conflict or obstruct any applicable air quality Plan

A Toxic Air Contaminant and Greenhouse Gas Assessment was conducted for the proposed project by Illingworth & Rodkin, Inc. on January 11, 2017 which analyzed the potential impacts to Criteria Air Pollutant levels, Toxic Air Contaminant levels and Greenhouse Gas (GHG) emissions that would result from the short-term construction of the project as well as its long-term daily operations.

#### ***Criteria Air Pollutants***

BAAQMD has established pollutant screening criteria for different land use types to provide conservative guidance as to whether a proposed project could result in potentially significant air quality impacts. According to the Toxic Air Contaminant and Greenhouse Gas Assessment conducted for the project, impacts from the project would be well below both the operational and construction-related screening criteria sizes for criteria air pollutants.

**Operational Emissions:** The BAAQMD has established screening size levels to conservatively determine whether projects might result in emissions that would exceed the thresholds of significance for air quality. For operational emissions related to school campuses, the screening size is 271,000 square feet of floor area for elementary schools and 285,000 square feet for junior high schools. Projects of this size or larger could have a potentially significant impact from criteria air pollutants as a result of their everyday operations. The proposed project only proposes approximately 57,500 square feet of floor area, well below the screening level sizes, and therefore, would not result in significant long-term air quality impacts or result in a cumulatively considerable net increase of criteria air pollutants for which the region is classified as non-attainment.

**GHG Emissions:** CalEEMod was used to predict GHG emissions associated with operation of the proposed school. The analysis estimated 1,400 metric tons of CO<sub>2</sub>e per year or 2.1 metric tons (MT) of CO<sub>2</sub>e per year per capita based on 660 students. These emissions are below the BAAQMD threshold of 4.6 MT of CO<sub>2</sub>e per year. Therefore this impact would be considered less than significant.

**Construction-Exhaust Emissions:** For construction exhaust emissions, BAAQMD's screening size level for a new school campus, both elementary and junior high school is 277,000 square feet of floor area. Given that the proposed project, at 57,500 square feet, is substantially below this screening size level, construction activities associated with the project would not be expected to generate significant amounts of air pollutants that would exceed the average daily emissions significance threshold established by the BAAQMD for both construction exhaust and operational emissions.

Based on the above analyses, the project would not conflict with or obstruct implementation of the applicable clean air plan, violate any air quality standard nor result in a cumulatively considerable net increase of any criteria pollutant. Impacts would be less than significant.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

- d-e) **Would the project expose sensitive receptors to substantial pollutant concentrations?  
Would the project create objectionable odors affecting a substantial number of people?**

***Toxic Air Contaminants***

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (cancer risk). Diesel exhaust is a predominant TAC in urban areas and represents about two-thirds of the cancer risk from TACs. Particulate matter emitted from diesel-fueled engines (diesel particulate matter [DPM]) was found to comprise much of that risk. In order to evaluate TAC impacts on land uses involving sensitive populations such as new housing developments or school campuses, a health risk assessment will typically evaluate all significant sources of TACs within 1,000 feet of the project site.

The project site is located adjacent to the Union Pacific Railroad right-of-way that passes through Irvington, along which freight trains with diesel-powered locomotives travel daily. Osgood Road is also a heavily-traveled arterial roadway along which light truck, heavy truck and car traffic travel throughout the school day. Tri-City Rock, a concrete/gravel/landscaping supply business located next-door to the south also generates significant volumes of heavy truck and cement mixer traffic during normal weekday business hours. According to the Toxic Air Contaminant and Greenhouse Gas Assessment conducted for the project, when TAC impacts from these nearby

sources are added together, the school's students and administrators would be exposed to a cancer risk of 53.4 parts per million, a combined annual PM<sub>2.5</sub> concentration of less than 0.3 µg/m<sup>3</sup>, and a non-cancer hazard index of less than 0.04. The City's thresholds of significance for these three categories are 100.0 parts per million for cancer risk, 0.8 µg/m<sup>3</sup> for combined annual PM<sub>2.5</sub> concentration, and 10.0 for non-cancer hazard index. Therefore, long-term community risk impacts from TACs near the proposed project would be well below the significance thresholds for combined TAC emissions.

The Toxic Air Contaminant and GHG Assessment also estimated potential cancer risk and hazards associated with exposure to DPM and PM<sub>2.5</sub> as a result of temporary construction related activities such as site preparation and grading. The use of diesel-powered heavy equipment during construction of the project could generate DPM concentrations that could pose a short-term health risk to the community. However, this impact would be of a temporary duration and would only occur while the school is under construction, and implementation of Mitigation Measure Air-1, below, would reduce this significant impact to a less-than-significant level.

**Potential Impact:** Less than Significant Impact with Mitigation Incorporated

**Mitigation Measure Air-1:** All diesel-powered off-road equipment operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or the equivalent. Note that the construction contractor could use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled (i.e., non-diesel) equipment would meet this requirement. Other measures may be the use of added exhaust devices or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant levels.

#### ***Construction-Related Dust***

The temporary effects of demolition, grading, and construction activities could cause airborne dust during construction of the project which could pose a nuisance to the adjacent businesses and the school and residential neighborhood to the west if not managed through dust control methods. However, this impact would be of a temporary duration and would only occur while the school is under construction, and implementation of Mitigation Measure Air-2, below, would reduce impacts to a less-than-significant level.

**Potential Impact:** Less than Significant Impact with Mitigation Incorporated

**Mitigation Measure Air-2:** Prior to issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee on-site implementation of the plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All parking lots, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

**Objectionable Odors**

The proposed project would generate localized emissions of diesel exhaust during grading and construction activities due to heavy equipment and truck operations. These emissions may be noticeable from time to time by nearby receptors. However, they would be of a temporary duration and would not affect a substantial number of sensitive receptors such as children or the elderly. In addition, there are no existing uses in the project vicinity that produce objectionable odors nor are any uses proposed that would produce objectionable odors. Therefore, impacts would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**IV. BIOLOGICAL RESOURCES - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X	1, 8
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	1, 8
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			1, 8
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		1, 3, 8, C

f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	1, 8, C
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Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing a landscape irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site. There are nine existing trees either on the project site or straddling one of its four property lines. An Arborist Report was prepared for the site by HortScience, Inc. on November 29, 2016 which identified five trees to be preserved while the remaining four trees are proposed for removal. The project site is located in an urbanized area fronting an arterial roadway and surrounded by commercial, industrial and legal non-conforming residential uses.

Regulatory Framework

Federal, state, and local regulations that pertain to the proposed project related biological resources include:

- City of Fremont General Plan, Conservation Element
- City of Fremont Tree Preservation Ordinance
- Federal Migratory Bird Treaty Act
- California Department of Fish and Wildlife Code
- U.S. Fish and Wildlife Service laws and requirements

Discussion/Conclusion/Mitigation

**a-c) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The project site is paved over and developed with commercial and residential structures. Because the developed and paved portions of project site have been occupied for several decades by their current uses, the ground within the project site does not provide suitable habitat for candidate, sensitive or special-status species. However, the Arborist Report prepared for the site identifies nine existing trees on the project site, four of which can be removed and replaced, and five of which would be preserved. A mitigation measure is proposed in subsection (d), below, which would ensure that no migratory birds and/or raptors that are using any of these trees for nesting purposes during the nesting season, would be disturbed by project-related activities, such as tree removal, or while construction of the project takes place. Furthermore, the site does not support riparian habitat given that it has previously been developed with commercial buildings, pavement and other improvements and there are no federally protected wetlands on-site. Thus, no impacts would result and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required.

- d) **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

There are nine existing trees on or immediately adjacent to the project site, all of which may provide suitable nesting habitat for some species of migratory birds and/or raptors. Of these nine trees, four are proposed for removal and five are proposed for preservation. Construction activities adjacent to trees containing active bird or raptor nests, as well as removal of trees containing active bird nests could result in the abandonment of the nesting effort and, thus, pose a potentially significant impact on migratory birds. Active bird nests are protected by the federal Migratory Bird Treaty Act and the California Department of Fish and Wildlife. Implementation of Mitigation Measure Bio-1, below, would reduce impacts to any nesting migratory birds or raptors occupying any of the trees within or adjacent to the project's boundaries to a less-than-significant level.

**Potential Impact:** Less than Significant with Mitigation Incorporated

**Mitigation Measure Bio-1:** If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated. If an active nest is found, a protective buffer zone shall be established that surrounds the nest location. The size of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

- e-f) **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Four existing trees are proposed for removal from the project site. Based on their size/species, these trees are subject to protection under the City's Tree Preservation Ordinance (Fremont Municipal Code Chapter 18.215). This Ordinance requires replacement at a 1:1 ratio with new, minimum 24-inch box size replacement trees to the satisfaction of the City Landscape Architect or payment of an in-lieu fee for each tree that is unable to be replaced on the site. The City's Landscape Architecture Division has reviewed the project plans, including the proposed tree removal and replacement plan, and has authorized the removal of the trees subject to the planting of all new 24-inch box street trees throughout the proposed school campus. As such, impacts would be less than significant and no mitigation is required.

Development of the project site as proposed would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as none exist that affect the area.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

**V. CULTURAL RESOURCES - Would the project:**

<b>ISSUES:</b>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	1, 28, 29, D
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			1, 28, 29, D
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X			1, 28, 29, D
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			1, 28, 29, D

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing an irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site. The existing single-family dwelling is estimated to have been constructed between 1910 and 1920, while the commercial building was built in 1976.

Regulatory Framework

State and local regulations that pertain to the proposed project related to cultural resources include:

- City of Fremont General Plan Community Character Element (Historic Resources)
- Fremont Municipal Code, Title 18, Planning and Zoning (Reformatted October 2012), Section 18.175 Historic Resources

Discussion/Conclusion/Mitigation

**a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?**

The property at 43077 Osgood Road contains a single-family dwelling that was originally constructed between 1910 and 1920. Since this dwelling is over 50 years old, an initial historical evaluation was required to assess whether more detailed research would be needed to determine if it would qualify as a Potential Register Resource in accordance with Fremont Municipal Code Section Chapter 18.175.

The City’s consulting architectural historian conducted an historical evaluation of the single-family dwelling to determine its potential historical significance and status. The evaluation concluded that the structure did not meet the criteria for listing on either the national, state or local (Fremont) registers because the physical changes made to the structure and property over the years since the house had been constructed resulted in a loss of historical integrity in terms of its setting, craftsmanship, materials, and feeling, all of which are required criteria that must be possessed in order for a building to be eligible for listing on the local, state or national registers. As such, demolition of the existing dwelling would not cause a substantial adverse change to any historical resources and no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required.

- b-d) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The project site is not known to contain any archaeological or paleontological resources or human remains. However, there is a possibility that unrecorded resources exist on the site which could be unearthed during grading activities or other site disturbance activities. Implementation of Mitigation Measures Cult-1 through Cult-3, below, would reduce any potential impacts to such resources to a less-than-significant level:

**Potential Impact:** Less than Significant with Mitigation Incorporated  
**Mitigation Measures Cult-1 through Cult-3:** Although there is no indication that archaeological, cultural, paleontological, Native American, or historic-period resources or human remains are present on the site or in the immediate vicinity, there is always a possibility that unknown resources could be discovered during project construction. Implementing the following measures would reduce impacts to unknown cultural resources to a less-than-significant level:

**Mitigation Measure Cult-1: Discovery of Archaeological Resources.** The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

**Mitigation Measure Cult-2: Discovery of Any Human Remains.** In the event of the discovery of any human remains, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify the deceased or descendants of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

If the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent fails to make a recommendation within 24 hours after notified, or the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Commission fails to provide measures acceptable to the landowner, then the land owner shall re-inter, with appropriate dignity, the human remains and items associated with



Native American burials on the property in a location not subject to further subsurface disturbance.

**Mitigation Measure Cult-3: Discovery of Paleontological Resources.** The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

**VI. GEOLOGY AND SOILS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X		1, 5, 6, E
	ii) Strong seismic ground shaking?			X		1, 5, 6, E
	iii) Seismic-related ground failure, including liquefaction?			X		1, 5, 6, E
	iv) Landslides?				X	1, 5, 6, E
b.	Result in substantial soil erosion or the loss of topsoil?				X	1, 5, 6, 8, E
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse?			X		1, 5, 6, E
d.	Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property?			X		1, 5, 6, E
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

**Environmental Setting:**

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing a landscape irrigation supply business would be preserved, while the existing single-family dwelling and

all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several, vehicles, storage containers, and stockpiles of materials are strewn about the site. The entire site is generally level.

The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the most recent State Department of Conservation Geologic and Seismic Hazard Zones map, and the City's GIS, the project site is not located within an earthquake fault zone. However, as with any land in the San Francisco Bay Area, the project site could be subject to strong shaking during a major seismic event along one of the faults located in Northern California.

#### Regulatory Framework

State and local regulations that pertain to the proposed project related to geology and soils include:

- City of Fremont General Plan Safety Element (Seismic and Geologic Hazards)
- City of Fremont Municipal Code (Building Safety)
- 2016 California Building Code

#### Discussion/Conclusion/Mitigation

**a-e) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving a major seismic event? Would the project result in substantial soil erosion or the loss of topsoil? Would the project be located on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in on-site or off-site landslides, lateral spreading, subsidence, liquefaction or collapse? Would the project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?**

The project site is located with an Earthquake-Induced Liquefaction zone as identified by the California Geological Survey, but is not located in either an Alquist-Priolo Earthquake Fault Trace Zone or an Earthquake-Induced Landslide zone.

According to a Geologic Hazards Study prepared for the project by Terracon Consultants, Inc. on January 12, 2017 and a subsequent Summary of Liquefaction Analysis conducted by the same consultant on March 15, 2017, the project site was found to have minimal susceptibility to settlement caused by earthquake-induced liquefaction due to the substantial depth of those soils on the site that would be subject to liquefaction, and the amount of stable soils that overlay them up to the ground's surface. Nevertheless, the study contains recommendations for the design and construction of the building foundation, pavement, utility trenches, retaining walls and drainage facilities, which would minimize the exposure risk of these improvements to post-construction differential settlement and seismic shaking. Furthermore, all proposed structures would be required to be designed in conformance with geotechnical and soil stability standards as required by the California Building Code (CBC). Conformance to the recommendations of the Geologic Hazards Study and all applicable 2016 CBC standards would reduce safety impacts to the school building and its occupants from geological hazards to a less-than-significant level. Additionally, an erosion control plan would be required with plans submitted for grading and/or building permits to ensure that the project would not result in substantial soil erosion during grading and construction activities. As such, impacts associated with seismic ground-shaking, liquefaction, and soil expansion or erosion would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

## **VII. GREENHOUSE GAS EMISSIONS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		1, 3, 8, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X		1, 3, 8, 21, 22, 23

Environmental Setting

With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million people by 2020. It also called for the State’s Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with AB 32’s goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020.

GHG analysis uses carbon dioxide equivalents (CO2e), measured in metric tons, to adjust for the different warming potential of a wide range of greenhouse gases, not just exclusively CO2. The State 2005 GHG emission inventory was 479 million metric tons of CO2e. CARB projected that under business-as-usual conditions (no reduction effort) GHG emissions would grow to 596.4 million metric tons of CO2e by the year 2020. According to the Scoping Plan, reducing GHG emissions to 1990 levels requires cutting approximately 30 percent from the business-as-usual emission levels projected for 2020, or about 15 percent from 2010 levels. The target amount for the 2020 goal is an emission level of no more than 427 million metric tons of CO2e (the 1990 levels). On a per capita basis, this means reducing current annual emissions of 14 tons of CO2e for every person in California down to about 10 tons per person by 2020. The City of Fremont GHG emission inventory estimate for 2010 was 1.99 million metric tons with a service population of jobs and residents of 304,489.

Regulatory Framework

State and local regulations that pertain to the proposed project related to GHG emissions include:

- City of Fremont General Plan Sustainability and Conservation Elements
- State Assembly Bill (AB) 32
- California Green Building Code (Mandatory)

Discussion/Conclusion/Mitigation

**a-b) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

The BAAQMD CEQA Air Quality Guidelines contain methodology and thresholds of significance for evaluating the potential impacts of GHG emissions from land use projects. BAAQMD thresholds were developed specifically for the Bay Area after considering the latest GHG inventory and the effects of AB 32 Scoping Plan measures that would reduce regional emissions. BAAQMD intends to achieve GHG reductions from new land use projects to close the gap between projected regional emissions with AB 32 Scoping Plan measures and AB 32 targets.

BAAQMD suggests applying GHG efficiency thresholds to projects with operational emissions of 1,100 metric tons (MT) of CO<sub>2</sub>e or greater per year. Projects that have emissions below 1,100 MT of CO<sub>2</sub>e per year are considered to result in less than significant GHG emissions. Land use projects with emissions above the 1,100 MT per year per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT of CO<sub>2</sub>e per year per capita. Projects with emissions above this threshold would be considered to have an impact which, cumulatively, would be significant.

A Toxic Air Contaminant and GHG Assessment was conducted by Illingworth & Rodkin, Inc. on January 11, 2017 which analyzed the potential amount of greenhouse gas (GHG) emissions to determine whether they would exceed BAAQMD’s identified thresholds. These thresholds include a “bright-line” emission level of 1,100 metric tons (MT) of equivalent carbon dioxide (CO<sub>2</sub>e) per year for land use type projects. Land use projects with emissions above the 1,100 MT of CO<sub>2</sub>e per year threshold would then be subject to a GHG efficiency threshold of 4.6 MT of CO<sub>2</sub>e per year, per capita.

The Assessment analyzed a 660-student elementary school using CalEEMod in order to estimate GHG emissions that would result from construction and daily school-based traffic and operations. The Assessment concluded that while the proposed school would generate more than 1,100 MT of CO<sub>2</sub>e per year, it would only generate 2.1 MT of CO<sub>2</sub>e per year per capita, well below the 4.6 MT threshold of being cumulatively significant. Additionally, implementation of Mitigation Measures AIR-1 and AIR-2 would reduce construction-related impacts from GHG emissions. Therefore, the project would not generate GHG emissions at levels that would have a significant impact on the environment and would not conflict with any applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions. Impacts would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

**VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials?				X	1, 6, 7, F, G
b.	Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?		X			1, 6, 7, F, G
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 3, F, G
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	1, 18, F, G
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A

f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	1, 6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	N/A

Environmental Setting:

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing a landscape irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site. The existing single-family dwelling is estimated to have been constructed between 1910 and 1920, while the commercial building was built in 1976.

The closest residential unit to the project site is a legal non-conforming single-family dwelling located directly across Osgood Road to the east, while the nearest school, E.M. Grimmer Elementary School, is located directly across the railroad tracks approximately 125 feet to the west.

Regulatory Framework

State and local regulations that pertain to the proposed project related to hazards and hazardous materials include:

- City of Fremont General Plan Land Use and Safety Elements
- City of Fremont Fire Code
- Department of Toxic and Substances Control (DTSC) Hazardous Waste and Substances Site List

Discussion/Conclusion/Mitigation

**a-c) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

While there is an elementary school located approximately 125 feet from the project site across the railroad right-of-way to the west, the proposed project would not involve the routine transport, use or disposal of hazardous materials beyond those commonly used for institutional cleaning by janitorial services and for landscape maintenance by professional landscaping services. Therefore, no impacts in this regard on the community or the nearby school would result from the project.

The parcel at 43077 Osgood Road contains an old single-family dwelling that was built ca. 1910-1920, and the entire project site contained orchards until as recently as the mid-1970s. A Phase I Environmental Site Assessment (ESA) was conducted by The Vertex Companies, Inc. (Vertex) on September 30, 2016, which identified two Recognized Environmental Concerns associated with the project site. First, due to the property’s past use as agricultural land, pesticides,

herbicides and fertilizers may still be present in the soil at levels above accepted human health risk screening levels. Second, at least three above-ground fuel storage tanks and several 55-gallon drums were removed from part of the site in the 1980s by a concrete business that previously occupied the property at 43055 Osgood Road, but no soil testing was ever conducted to ensure that petroleum products from these containers did not leak into and contaminate the soil at levels above human health risk screening levels. As such, the Phase I ESA recommended that a limited subsurface investigation be undertaken to assess soil conditions on the project site and confirm that no hazardous materials are present above human health risk screening levels.

Vertex subsequently conducted a limited subsurface investigation (Phase II ESA) at the City's request on March 3, 2017. The investigation revealed the presence of some metals, diesel range petroleum hydrocarbons, and two types of pesticides in the soil, but in all cases the detections were below the human health risk screening levels. As such, contamination of the site caused by past land uses does not exist in levels that would pose a significant health risk to the occupants of the proposed school. However, due to the age of the existing dwelling at 43077 Osgood Road, the structure site may contain asbestos and lead-based paint, which could cause a public health hazard when demolished. As such, the Phase I ESA recommends implementation of the following mitigation measure in order to reduce this impact to a less-than-significant level:

**Potential Impact:** Less than Significant with Mitigation Incorporated:

**Mitigation Measure Haz-1:** Prior to issuance of a demolition permit for the existing structure, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The project site is not listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List (Cortese List). Therefore, no impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

The project site is not located within an airport land use plan nor are there any public or private airports located near the site. No impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

- f-g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Would the project expose people**

**or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

The proposed project would not interfere with emergency response or evacuation plans and would be designed to meet all applicable federal, state and local fire safety codes. Emergency vehicle access would be provided throughout the project site via parking lot drive aisles and Emergency Vehicle Access Easements that would be dedicated to the City for exclusive use by emergency vehicles, both of which would be designed in compliance with city Fire Department and Public Works Department standards. Furthermore, the project is not located in an area susceptible to wildland fires. For these reasons, no significant impact to life safety would result from the project and no mitigation is required.

**Potential Impact:** No Impact

**Mitigation:** None Required

**IX. HYDROLOGY AND WATER QUALITY - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Violate any water quality standards or waste discharge requirements?				X	1, 6, 8, 14, 15, 16
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	1, 6, 8, 14, 15, 16
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	1, 6, 8, 14, 15, 16
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X	1, 6, 8, 14, 15, 16
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	1, 6, 8, 14, 15, 16
f.	Otherwise substantially degrade water quality?				X	1, 6, 8, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X	1, 6, 17

i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	1, 6, 8, 17
j.	Inundation by seiche, tsunami, or mudflow?				X	1, 6, 8, 17

Environmental Setting:

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing a landscape irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several, vehicles, storage containers, and stockpiles of materials are strewn about the site. The entire site is generally level. The project site is not located in proximity to any waterway, river, or stream, and is located outside the 100-flood zone.

Regulatory Framework

Federal, state and local regulations that pertain to the proposed project related to hydrology and water quality include:

- City of Fremont General Plan Conservation Element (Water Quality)
- California Regional Water Quality Control Board, San Francisco Bay Region, Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, National Pollution Discharge Elimination System Permit No. CAS00229831(NPDES C.3)
- Federal Clean Water Act 1987

Discussion/Conclusion/Mitigation

**a-c, f) Would the project violate any water quality standards or waste discharge requirements? Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pro-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Would the project otherwise substantially degrade water quality?**

The proposed development would not violate any water quality standards, deplete groundwater supplies, substantially alter the existing drainage pattern of the site, or substantially degrade water quality because the site is currently developed with buildings and paved parking lots and storage areas. In addition, the project would be required to comply with existing state, regional and local regulations that protect water quality. The project would connect to the existing public sanitary sewer line and storm drain line in Osgood Road, and would obtain its water from the existing public water main serving the site in Osgood Road as well. The Alameda County Water District has confirmed that it is capable of meeting the project’s water demands without significantly impacting the District’s supplies or its distribution system.

Because the project would replace in excess of 10,000 square feet of existing impervious surface area with new impervious surface, it would be subject to the NPDES C.3 requirements of the Municipal Regional Stormwater Permit, which regulates the treatment of stormwater runoff on the site. The project as proposed would actually decrease the existing total impervious surface area of the site from 135,271 square feet to 74,182 square feet, or a net reduction of 61,089 square



feet. However, since the project would result in the replacement of 26,093 square feet of existing impervious surface area, the applicant would be required to incorporate low impact development (LID) techniques to treat stormwater runoff from all on-site impervious surfaces in landscape-based bio-retention areas before it is discharged into the public storm drain system. Compliance with the applicable C.3 requirements would ensure that no impacts to water quality would result from the project and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

- d-e) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The proposed project would not substantially alter existing drainage patterns or result in the alteration of the course of any water body. Drainage from the project would be directed into landscape-based treatment areas located throughout the development (see response to questions IX, a-c and f, above), where the flow volumes would be metered and ultimately discharged into the public storm drain system within Osgood Road via a new piped system that would be constructed on the site. Thus, no impact would result and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

- g-j) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Inundation by seiche, tsunami, or mudflow?**

The project site is located within Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), Panel No. 06001C0464G, effective August 3, 2009. According to this FIRM, the majority of the project site is located within an Unshaded "X" zone and is, therefore, outside of the 100-year flood zone. However, the rear most portion of the site is located within a Shaded "X" zone. Lands located within a Shaded "X" zone are areas that have a 0.2% probability of flooding every year (also known as lands located within the "500-year floodplain"). Properties in Shaded "X" zones are considered to be at moderate risk of flooding under the National Flood Insurance Program. The project plans propose to locate only outdoor recreation facilities such as a basketball court, volleyball court and play structure within this area, and such facilities need not be elevated out of the flood plain since they are not habitable structures or located in habitable areas. Finally, the project site is not located in close proximity to San Francisco Bay and would not be subject to inundation by seiche or tsunami. As such, no impact would result.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**X. LAND USE AND PLANNING - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Physically divide an established community?				X	1, 2, 3, 8
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	1, 2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	1, 2, 3, 8

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing an irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site. The existing single-family dwelling is estimated to have been constructed between 1910 and 1920, while the commercial building was built in 1976.

Regulatory Framework

State and local regulations that pertain to the proposed project related to land use and planning include:

- City of Fremont General Plan Land Use and Community Character Elements
- Habitat Conservation Programs, California Department of Fish and Wildlife

Discussion/Conclusion/Mitigation

**a-c) Would the project physically divide an established community? Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?**

The proposed project would not physically divide an established community as it would replace existing commercial development with a new institutional use on a site that is surrounded predominantly by commercial and industrial development but also where a number of other institutional uses such as religious and preschool/day care facilities are located. In addition, the project would not conflict with General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect but would further the goals of in-fill development by redeveloping an underutilized site that is already served by all necessary infrastructure and services. Finally, there are no habitat conservation or natural community conservation plans adopted for the site. Therefore, no impact would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

**XI. MINERAL RESOURCES - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

Environmental Setting

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing an irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site.

Regulatory Framework

State and local regulations that pertain to the proposed project related to mineral resources include:

- City of Fremont General Plan Conservation Element
- Surface Mining and Reclamation Act (SMARA) 1975, California Department of Conservation

Discussion/Conclusion/Mitigation

**a-b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

According to local and state mineral resources maps, there are no known mineral resources of importance to the state or region on the site or within the surrounding area. Therefore, no impact to such resources would result.

**Potential Impact:** No Impact

**Mitigation:** None Required

**XII. NOISE - Would the project result in:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			1, 3, 9, H
b.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X		1, 3, 9, H
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	1, 3, 9, H
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			1, 3, 9, H

e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A

Environmental Setting

There are two main noise sources that would affect the project site: roadway noise from vehicular traffic along Osgood Road abutting the site to the east, and freight/passenger rail traffic along the Union Pacific and BART railroad tracks traversing the site to the west. Osgood Road is designated as a primary arterial in the City’s General Plan.

Regulatory Framework

State and local regulations that pertain to the proposed project related to noise include:

- City of Fremont General Plan Safety Element (Noise and Vibration)
- City of Fremont Municipal Code
- California Building Code

The Noise subsection of the Safety Element of the City of Fremont General Plan establishes interior and exterior noise level standards and vibration level limits for noise and vibration sources. Noise Policy 10-8.6 requires that noise sensitive uses, such as schools, be protected from noise levels exceeding those in residential areas. The maximum acceptable indoor noise level for residential and office developments is an  $L_{dn}$  of 45 dBA, which would be applicable to the proposed school also. Pursuant to Table 10-4 of the Noise subsection of the Safety Element, the maximum acceptable outdoor noise level in residential areas and for sensitive uses such as schools, libraries and hospitals is an  $L_{dn}$  of 60 dBA. This level would be applicable to common open space areas in housing developments and outdoor recreational areas on school campuses such as playgrounds and quads.

Discussion/Conclusion/Mitigation

**a-c) Would the project exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Would the project exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Would a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

Noise Analysis: The project site fronts along Osgood Road to the east and abuts the Union Pacific railroad and BART tracks to the west. An Environmental Noise Assessment was conducted by J.C. Brennan & Associates, Inc., on November 29, 2016, to analyze noise impacts from the adjacent roadway and railroad/BART tracks on the proposed school campus. As part of the assessment, both long-term and short-term noise measurements were taken over a two-day period.

Roadway Noise

The General Plan noise threshold for outdoor recreation areas in school campus developments is 60 dBA  $L_{dn}$ . When the City determines that providing an outdoor  $L_{dn}$  of 60 dBA or lower cannot be achieved after application of appropriate mitigations, an  $L_{dn}$  of 65 dBA may be permitted in cases where a detailed analysis of the noise reduction requirements has been conducted and noise-reducing mitigation measures have been incorporated into the project design.

In analyzing noise impacts from traffic along Osgood Road on the proposed school campus, the Environmental Noise Assessment assumed an estimated traffic volume increase of one (1) dB along the roadway to accommodate future growth in the area over the next 10 years. The Assessment calculated the worst case future exterior noise exposure at the school building façade facing Osgood Road to reach 65 dBA  $L_{dn}$ . However, the Assessment determined that the outdoor recreation area at the rear of the site would only be exposed to noise levels of 57 dBA  $L_{dn}$  due to shielding of roadway noise by the proposed school building. As such, the outdoor recreation area would meet the City's acceptable outdoor noise level and not require noise-reducing measures. Along Osgood Road, the façade of the school building would require noise-reducing measures in order to comply with the maximum acceptable interior noise level for school buildings.

#### Railroad/BART Noise

In analyzing noise impacts from the adjacent Union Pacific railroad and BART right-of-ways on the proposed school campus, the Assessment concluded that the outdoor recreation area would be exposed to noise from passing BART trains that - when operational - would exceed the maximum acceptable threshold for outdoor play areas. Of the two adjacent rail lines, the BART right-of-way is located closest to the project site. The existing sound wall located between the BART and Union Pacific railroad tracks reduces the noise levels from freight and passenger trains passing the site on the Union Pacific railroad tracks to acceptable levels. However, mitigation in the form of a 6-foot tall sound wall would be required between the project site and the BART rail line in order to reduce noise impacts to a conditionally acceptable level of 61 dBA  $L_{dn}$  at the center of the outdoor recreation area on the project site. Neither the Union Pacific railroad nor passing BART trains would generate noise that exceeds the maximum acceptable interior noise levels for the school building. As such, mitigation is only needed to reduce noise levels from passing BART trains on the outdoor recreation area at the back of the campus site.

Implementation of Mitigation Measures Noise-1 and Noise-2, below, would reduce impacts from noise on the occupants of the proposed units to a less-than-significant level.

**Potential Impact:** Less than Significant with Mitigation Incorporated:

**Mitigation Measure Noise-1:** The applicant shall construct a masonry sound wall along the western property line that is six (6) feet in height relative to the BART track bed elevation.

**Mitigation Measure Noise-2:** All windows parallel and perpendicular to Osgood Road in the row of classrooms and administrative office on both floors facing Osgood Road shall have a minimum Sound Transmission Class (STC) rating of 30.

**Vibration Analysis:** The assessment determined that while vibration from passing freight and BART trains might be felt within portions of the school building, the vibration levels would not exceed the acceptable level prescribed by the Noise/Vibration subsection of the Safety Element of the City's General Plan for institutional land uses such as schools (83 vibration decibels [VdB] for infrequent events such as train passings). As such, impacts to the project from vibration caused by passing trains would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None required

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

Development of the project would result in a temporary increase in noise levels during daylight hours, particularly from diesel-powered earth-moving equipment and other heavy machinery during construction. All construction-related activities would be required to comply with the noise standards contained in the City of Fremont’s Municipal Code which limits such activities to certain times of the day and week to reduce noise impacts on any sensitive receptors such as residences, schools or senior care facilities near to the construction site. In this case, these restrictions are:

Monday-Friday: 7 a.m. to 7 p.m.  
Saturdays and Holidays: 9 a.m. to 6 p.m.  
Sundays: No construction activities allowed.

These construction hours apply to all development located within 500 feet of a sensitive receptor, and are designed to limit construction activities primarily to daylight hours when most residents are awake, and when other noise sources such as vehicular traffic, lawn mowers, leaf blowers and air traffic are also occurring. Enforcement of these restrictions would reduce noise impacts from the construction of the project to a less-than-significant level; therefore, no mitigation is required.

**Potential Impact:** Less than Significant  
**Mitigation:** None Required

- e-f) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?**

There are no public or private airports located in the City or vicinity. No impact would result and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**XIII. POPULATION AND HOUSING - Would the project:**

<b>ISSUES:</b>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 4
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X		1, 2, 4
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X		1, 2, 4

Existing Conditions

The project site consists of two contiguous parcels located at 43055 and 43077 Osgood Road totaling a combined 3.92 acres. The existing commercial building located at 43055 Osgood Road currently housing

an irrigation supply business would be preserved, while the existing single-family dwelling and all outbuildings located at 43077 Osgood Road would be demolished. Nearly all of the land is paved over and several vehicles, storage containers, and stockpiles of materials are strewn about the site.

Regulatory Framework

Local regulations that pertain to the proposed project related to population and housing include:

- City of Fremont General Plan Land Use and Housing Elements (referencing City Housing Element, July 2009)

Discussion/Conclusion/Mitigation

**a-c) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

The proposed project is located in an industrial service land use designation and zoning district, which would not allow new residential development. The proposed project would result in the removal of one existing legal non-conforming single-family dwelling that has not been used for residential purposes for several years. As a school campus with a student body consisting primarily of Fremont residents, the project would not induce population growth into the area either directly or indirectly.

In addition, the project site is surrounded by existing commercial, industrial and legal non-conforming residential development and would, therefore, not require the extension of new infrastructure or services that could induce additional population growth in the area. Furthermore, the removal of one single single-family dwelling that has not been used for habitation purposes for several years would not result in the displacement of a significant number of people and necessitate the construction of replacement housing.

**Potential Impact:** No Impact

**Mitigation:** None Required

**XIV. PUBLIC SERVICES:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire/Police protection?				X	1, 10
	Schools?				X	1, 10
	Parks?				X	1, 10
	Other public facilities?				X	1, 10

Existing Conditions

The project site is located in an area that is designated in the General Plan predominantly for light industrial uses to the east, south and north of the site. The lands to the west of the site, across the adjacent railroad right-of-way, are designated for single-family residential and public school uses. The site is located in a fully-developed area of the City of Fremont where all public services needed for the project are already in place.

Regulatory Framework

Local regulations that pertain to the proposed project related to public services include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire, police, schools, parks or other public facilities?**

On September 3, 1991, the City Council passed resolutions implementing the levying of Development Impact Fees for all new development within the City of Fremont. These fees are required of any new development for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following categories: Traffic Impact Fees, Park Dedication In-lieu and Park Facilities Fees, Capital Facilities Fees, and Fire Service Fees. Payment of the required Development Impact fees by the applicant prior to issuance of building permits for the proposed private school would result in the project having no significant impact on public services or facilities.

The proposed development is located in an area of the City where public facilities and services needed to serve the project are already in place. The applicable Development Impact Fees that would be collected in the amounts required for each type of public service would be sufficient to continue to offset the project’s impacts to those services. As such, no impacts to public facilities or services would result and no mitigation is required.

**Potential Impact:** No Impact  
**Mitigation:** None Required

**XV. RECREATION:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	1, 2, 3, 12
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	1, A



Existing Conditions

The City of Fremont maintains approximately 1,148 acres of parkland, spread over 53 parks, which provide recreational facilities and opportunities to the community. In addition, residents and community members also have access to park and trail systems maintained by other agencies including the East Bay Regional Parks District, the Don Edwards San Francisco Bay National Wildlife Refuge, the San Francisco Bay Trail, and other recreational facilities including five community centers, various sports facilities, a water park, and art gallery.

The project site is located in a mixed commercial/industrial area of the City; there are no existing recreational facilities located within a half mile of the project site.

Regulatory Framework

Local regulations that pertain to the proposed project related to recreation include:

- City of Fremont General Plan Parks and Recreation Element

Discussion/Conclusion/Mitigation

**a-b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Construction of the proposed school campus would not result in an increase in demand for local and regional park and recreation facilities since the campus would provide on-site recreational facilities including a fully-enclosed play area for the preschool students, as well as a play structure, basketball court, volleyball court and large synthetic turf area for the elementary and middle school students

**Potential Impact:** No Impact

**Mitigation:** None Required

**XVI. TRANSPORTATION/TRAFFIC - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X			1, 7, I
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X		1, 7, I
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	1, 7, I

d.	Substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses?				X	1, 7, I
e.	Result in inadequate emergency access?				X	1, 6, 7, I
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	1, 7, I

Existing Conditions

The project site is located on Osgood Road. The nearest major signalized intersections to the site are Washington Boulevard/Driscoll Road/Osgood Road to the north, and Auto Mall Parkway/Osgood Road to the south.

Regulatory Framework

Local regulations that pertain to the proposed project related to transportation/traffic include:

- City of Fremont General Plan Mobility Element

Discussion/Conclusion/Mitigation

**a-b) Would the project exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Would the project conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

A Transportation Impact Analysis (TIA) was conducted by Hexagon Transportation Consultants, Inc., on February 17, 2017 in order to analyze the proposed project’s impacts on the major streets, freeways and freeway on/off ramps within the surrounding area during the AM peak (7:00-9:00 AM), PM peak (4:00-6:00 PM) and after-school peak (2:00-4:00 PM) hours. Nine city street intersections were analyzed in the TIA, along with two northbound freeway ramps and two southbound freeway ramps along Interstate 680. The TIA analyzed the following six conditions:

1. Existing Traffic Volumes Without Project
2. Existing Traffic Volumes Plus Project-Generated Trips
3. Background Traffic Volumes Without Project
4. Background Traffic Volumes Plus Project-Generated Trips
5. Year 2040 Cumulative Traffic Volumes Without Project
6. Year 2040 Cumulative Traffic Volumes Plus Project-Generated Trips

**City Streets:** For signalized intersections outside of the City’s Downtown District, Town Center Districts, and the Warm Springs/South Fremont BART station area, the City of Fremont defines a significant traffic impact as one which would either: (a) cause the intersection’s operations to deteriorate from a Level of Service (LOS) “D” or better under the existing conditions to an LOS “E” or LOS “F” when the project’s projected trips are added; or (b) cause the average vehicle control delay to increase by more than four (4) seconds during either the AM or PM peak hours at those intersections already operating at LOS “F”.

The signalized intersection level of service analysis shows that, measured against the City of Fremont level of service standards, under existing, background, existing plus project, and

background plus project conditions, all signalized study intersections would operate at acceptable levels of service (LOS) or better based on their respective LOS standards during the AM, school PM, and commute PM peak hours.

The TIA identified one significant impact under cumulative conditions. The TIA concluded that the project's projected trips would result in a significant impact to the LOS of one of the nine city street intersections under the Year 2040 Cumulative Traffic Volumes Plus Project-Generated Trips condition. Specifically, the project would have a significant impact on the LOS at the intersection of Washington Boulevard/Osgood Road/Driscoll Road in that it would add more than four seconds of average vehicle control delay to the queueing of vehicles in the year 2040 during the AM peak hour. The project would not significantly impact any of the other eight city intersections that were analyzed since it would not cause either of the above scenarios to be triggered. According to the TIA, the following mitigation measure would reduce the identified impact to the intersection of Washington Boulevard/Osgood Road/Driscoll Road during the AM peak hour under the Year 2040 Cumulative Traffic Volumes Plus Project-Generated Trips scenario to a less-than-significant level:

**Potential Impact:** Less than Significant with Mitigation Incorporated

**Mitigation Measure Trans-1:** The applicant shall pay a fair share monetary contribution toward the installation of a right-turn overlap traffic signal phase at the eastbound-Washington Boulevard-to-southbound-Osgood-Road movement. The applicant is only required to pay a fair share contribution (as opposed to paying for the entire installation) because the identified traffic impact does not occur under Existing-Plus-Project or Background-Plus-Project conditions and is the result of cumulative traffic increases. This signal overlap phase, when activated with a green right-turn arrow display, will allow the right-turn movement to proceed at the same time as the northbound left-turn movement on Osgood Road. The project's fair share monetary contribution shall be accomplished by a direct monetary payment into the City's traffic impact fee program. The installation would be triggered whenever cumulative traffic causes the subject intersection to operate at LOS "F."

**Freeway On/Off-Ramps:** For freeway on/off-ramps, a project is said to have a significant traffic impact if it does either of the following: (a) cause the volume-to-capacity (V/C) ratio of the freeway ramp to exceed 1.0; or (b) if a freeway ramp is already operating at or above a V/C ratio of 1.0 without the project and the project's projected trips cause an increase in the V/C ratio by 0.05 or more.

The TIA analyzed the northbound and southbound on/off-ramps at the intersections of Interstate 680 and Washington Boulevard and Interstate 680 and Auto Mall Parkway, and concluded that the projected trips that would be generated by the project would not cause either of the above scenarios to be triggered under any of the six conditions analyzed. As such, no significant impacts to freeway on/off-ramps would result, and no mitigation is necessary.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

- c-d) **Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

The proposed project would not have an impact on air traffic patterns as there are no airports in Fremont or near the project site. The design of the proposed project, including the entrances to the campus from Osgood Road and all internal parking lot drive aisles, would be consistent with City development standards. The project would not increase hazards due to design because vehicular access to the site would be provided via driveway entrances off Osgood Road which would be designed to City standards for traffic safety and accessibility purposes. Furthermore, as a condition of approval of the project, the applicant would be required to install a new three-way traffic signal at the main driveway entrance to the campus to control the flow of vehicular traffic entering and exiting Osgood Road and improve bicycle and pedestrian safety directly outside the campus to the satisfaction of the Public Works Department (this new traffic signal is not required as a mitigation measure, but rather is being installed voluntarily by the applicant at the request of the Public Works Department). Thus, no impacts would result and no mitigation is required.

**Potential Impact:** No Impact

**Mitigation:** None Required

**e-f) Would the project result in inadequate emergency access? Would the project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

Emergency vehicle access would be provided throughout the proposed campus over the proposed parking lot drive aisles and across the surface of the outdoor recreation area at the rear of the site in the form of a recorded emergency vehicle access easement (EVAE) benefiting the City’s Fire Department. No sharp curves or dangerous intersections would be created by the project, as the entry/exit driveways along Osgood Road and all parking lot drive aisles would be designed in accordance with the City’s current standards. Furthermore, the proposal does not feature any other unusual design elements that could pose a substantial safety hazard to vehicular or bicycle traffic or pedestrians. The project would also not conflict with any plans, policies or programs supporting alternative transportation in that it would include bicycle parking facilities and would not obstruct or otherwise impact any existing transit stops or bicycle lanes. As such, no impacts would result and no mitigation is required.

**Potential Impact:** No Impact

**Mitigation:** None Required

**XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:**

<b>ISSUES:</b>		<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		10, agency notice
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		10, agency notice

d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		10, agency notice
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		10, agency notice
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		10, 24
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	10, 24

Existing Conditions

The project site consists of two contiguous parcels totaling 3.92 acres at 43055 and 43077 Osgood Road. The site is located in a mixed commercial/industrial area of the City where all public services needed for the proposed development are already in place. The project would connect to existing public and private utilities, including water, sewer and storm drain facilities, via underground connections within the Osgood Road right-of-way.

Regulatory Framework

Local regulations that pertain to the proposed project related to utilities and service systems include:

- City of Fremont General Plan Public Facilities Element
- City of Fremont Municipal Code

Discussion/Conclusion/Mitigation

**a-e) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

The proposed project would connect to existing water, sanitary sewer, and storm drain lines within Osgood Road which already serve the surrounding area. The utility companies that would provide utility services to the project site were notified of the project and did not indicate that it would generate an increase in wastewater or stormwater runoff levels that could exceed the capacity of the sewer and storm drain lines serving the property or generate excessive demand for water resources that could not be provided by the existing water mains serving the area. As such, the existing sewer, storm drain, and water lines serving the area need not be expanded to accommodate the proposed development and impacts to utilities would be less than significant.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**f-g) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

The project would be served by the City's franchised waste hauler agreement with Republic Services in compliance with applicable standards for conventional school waste products and recyclables. The agreement provides landfill capacity for anticipated growth within the City. The City's Environmental Services Division reviews proposals involving new development to ensure that the proposed use(s) would not generate unusually large volumes of solid waste that may not be able to be accommodated by the landfill space guaranteed to the City under the franchise agreement. Because the City currently maintains a robust diversion rate for institutional uses (including commingled recycling service and organics composting), the proposed school campus would not result in significant volumes of solid waste that could not be accommodated by the landfill facility with which the City maintains its waste disposal agreement. As such, impacts would be less than significant and no mitigation is required.

**Potential Impact:** Less than Significant

**Mitigation:** None Required

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE:**

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

Discussion/Conclusion/Mitigation

Based on the analysis provided herein, the proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Mitigation measures designed to minimize project- and construction-related environmental effects on air quality, biological resources, cultural resources, hazardous materials, noise exposure and traffic are listed in previous sections. No significant operational impacts related to the project are anticipated. Any potential

short-term increases in potential effects to the environment during construction or use would be reduced to a less than significant level by existing regulations and mitigation measures, as described throughout the Initial Study.

## **MITIGATION MEASURES:**

**Mitigation Measure Air-1:** All diesel-powered off-road equipment operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines or the equivalent. Note that the construction contractor could use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the thresholds. The use of equipment that includes CARB-certified Level 3 Diesel Particulate Filters or alternatively-fueled (i.e., non-diesel) equipment would meet this requirement. Other measures may be the use of added exhaust devices or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less-than-significant levels.

**Mitigation Measure Air-2:** Prior to issuance of a grading and/or building permit, whichever occurs first, the following best management practices shall be included in a dust control plan to limit particulate matter (fugitive dust emissions) and noted on construction plans with the contact information for a designated crewmember who will oversee on-site implementation of the plan:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. A publicly visible sign with the telephone number and person to contact at the City of Fremont regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Mitigation Measure Bio-1:** If project-related activities are scheduled to occur during the nesting season (February 1 through August 31 for protected raptors and migratory birds), a focused survey of the work area for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of any project-related activities. If a lapse in project-related work of 15 days or longer occurs during the nesting season, another survey shall be required before project work can be reinitiated. If an active nest is found, a protective buffer zone shall be established that surrounds the nest location. The size of the buffer shall be determined by the survey biologist and shall be dependent on the location of the nest and the affected species. No project-related work or activities shall be permitted within the buffer area until the biologist has determined the nest is no longer active. The final determination shall be made by the City of Fremont Planning Manager upon receipt of the biologist's recommendation.

**Mitigation Measure Cult-1: Discovery of Archaeological Resources.** The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, all work within 200 feet of the find shall halt until a qualified archaeologist and



Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.

**Mitigation Measure Cult-2: Discovery of Any Human Remains.** In the event of the discovery of any human remains, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission within 24 hours. The Commission shall attempt to identify the deceased or descendants of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. If the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent fails to make a recommendation within 24 hours after notified, or the landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the Commission fails to provide measures acceptable to the landowner, then the land owner shall re-inter, with appropriate dignity, the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

**Mitigation Measure Cult-3: Discovery of Paleontological Resources.** The project proponent shall include a note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources. In the event of the discovery of Paleontological resources during construction or demolition, there shall be no further excavation or disturbance of the site within a 200 foot radius of the location of such discovery until it can be evaluated by a qualified archeologist or paleontologist. Work shall not continue until the archeologist or paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

**Mitigation Measure Haz-1:** Prior to issuance of a demolition permit for the existing structures, testing for asbestos-containing materials and lead-based paint shall be conducted by a certified environmental professional. If asbestos-containing materials or lead-based paint are detected, then an asbestos operations and maintenance plan or lead-based paint management plan shall be developed for the structures by said professional and submitted to the Planning Manager for review and approval.

**Mitigation Measure Noise-1:** The applicant shall construct a masonry sound wall along the western property line that is six (6) feet in height relative to the BART track bed elevation.

**Mitigation Measure Noise-2:** All windows parallel and perpendicular to Osgood Road in the row of classrooms and administrative office on both floors areas facing Osgood Road shall have a minimum Sound Transmission Class (STC) rating of 30.

**Mitigation Measure Trans-1:** The applicant shall pay a fair share monetary contribution toward the installation of a right-turn overlap traffic signal phase at the eastbound-Washington Boulevard-to-southbound-Osgood-Road movement. The applicant is only required to pay a fair share contribution (as opposed to paying for the entire installation) because the identified traffic impact does not occur under Existing-Plus-Project or Background-Plus-Project conditions and is the result of cumulative traffic increases. This signal overlap phase, when activated with a green right-turn arrow display, will allow the right-turn movement to proceed at the same time as the northbound left-turn movement on Osgood Road. The project's fair share monetary contribution shall be accomplished by a direct monetary payment into the City's traffic impact fee program. The installation would be triggered whenever cumulative traffic causes the subject intersection to operate at LOS "F."

## **GENERAL SOURCE REFERENCES:**

The following is a list of references used in the preparation of this document. Unless attached herein, copies of all reference reports, memorandums and letters are on file with the City of Fremont Department of Community Development. References to publications prepared by federal or state agencies may be found with the agency responsible for providing such information.

1. Existing land use.
2. City of Fremont General Plan (Land Use Element Text and Maps)
3. City of Fremont Municipal Code Title 18, Planning and Zoning (including Tree Preservation Ordinance)
4. City of Fremont General Plan (Certified 2015 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Safety Element)
6. City of Fremont General Plan (Safety Element)
7. City of Fremont General Plan (Mobility Element)
8. City of Fremont General Plan (Conservation Element, including Biological Resources, Water Resources, Land Resources, Air Quality, Energy Conservation and Renewable Energy)
9. City of Fremont General Plan (Safety Element, subsection Noise & Vibration)
10. City of Fremont General Plan (Public Facilities Element)
11. City of Fremont General Plan (Community Character Element)
12. City of Fremont General Plan (Parks and Recreation Element)
13. City of Fremont General Plan (Community Plans Element, Measure T)
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Stormwater General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Safety Element)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Ca./EPA, pursuant to Government Code Section 65962.5 (accessed online)
19. Department of Conservation Important Farmland Map 2014
20. City of Fremont Agricultural Preserves Lands Under Contract (2007 Map and List)
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010)
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title 8, Health and Safety (e.g. solid waste, hazardous materials, etc.)
25. City of Fremont Municipal Code Title 12, Streets, Sidewalks & Public Property
26. City of Fremont Municipal Code Title 15, Building Regulations
27. City of Fremont Wireless Telecommunications Ordinance
28. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
29. Local Cultural Resource Maps (CHRIS)
30. Fremont High Fire Severity Zone Map

**PROJECT RELATED REFERENCES:**

- A. Project plans prepared by Archevon, Inc., et al., dated January 11, 2017
- B. Site reconnaissance visit by City Planning Division, January 17, 2017
- C. Preliminary Arborist Report prepared by HortScience, Inc., dated November 29, 2016
- D. Toxic Air Contaminant and Greenhouse Gas Assessment prepared by Illingworth & Rodkin, Inc., dated January 11, 2017
- E. Geologic Hazards Study prepared by Terracon Consultants, Inc., dated January 12, 2017 with subsequent Summary of Liquefaction Analysis dated March 15, 2017
- F. Phase I Environmental Site Assessment prepared by The Vertex Companies, Inc., dated September 30, 2016
- G. Limited Subsurface Investigation conducted by The Vertex Companies, Inc., dated March 3, 2017
- H. Environmental Noise Assessment prepared by J.C. Brennan & Associates, Inc., dated November 29, 2016
- I. Transportation Impact Analysis Report prepared by Hexagon Transportation Consultants, Inc., dated February 17, 2017