

PRINTCHECK DRAFT

**INITIAL STUDY/
NEGATIVE DECLARATION**

**43800 OSGOOD ROAD PROJECT
(PLN2025-00100)**

FREMONT, CALIFORNIA



February 2026

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NEGATIVE DECLARATION**

**43800 OSGOOD ROAD PROJECT
FREMONT, CALIFORNIA**

Submitted to:

City of Fremont
Community Development Department
39550 Liberty Street
Fremont, California 94538

Prepared by:

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6001 Shellmound Street, Suite 425
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Project No. CFR2002.23



February 2026

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- G: TRANSPORTATION PEER REVIEW

LIST OF ABBREVIATIONS AND ACRONYMS

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
AC Transit	Alameda-Contra Costa Transit District
ACE	Altamont Commuter Express
ACFCWCD	Alameda County Flood Control and Water Conservation District
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
Air District	Bay Area Air District
APN	Assessor's Parcel Number
BART	Bay Area Rapid Transit
Basin Plan	Water Quality Control Plan
BIA	Bureau of Indian Affairs
BMP	best management practice
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Safety and Health Administration
CAL-ARP	California Accidental Release Program
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CGP	Construction General Permit
CGS	California Geological Survey

CH ₄	methane
CHRIS	California Historical Resources Information System
City	City of Fremont
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ equivalents
CRPR	California Rare Plant Rank
CTC	County Transportation Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted sound level
DBH	diameter at breast height
DDT	dichlorodiphenyltrichloroethane
DIR	California Department of Industrial Relations
DMA	Drainage Management Area
DOC	California Department of Conservation
DOSD	Division of Safety of Dams
DOSH	Division of Occupational Safety and Health
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EO	Executive Order
EV	electric vehicle
EVSE	electric vehicle supply equipment
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMC	Fremont Municipal Code
FUSD	Fremont Unified School District

GHG	greenhouse gas
GSA	Groundwater Sustainability Agency
GWh	gigawatt-hours
GWP	global warming potential
HASP	Health and Safety Plan
HazMat	Hazardous Materials
HCP	Habitat Conservation Plan
HFCs	hydrofluorocarbons
HMBP	Hazardous Materials Business Plan
HMMP	Hazardous Materials Management Plan
HVAC	heating, ventilation, and air conditioning
I-680	Interstate 680
I-880	Interstate 880
IPaC	Information for Planning and Consultation
kWh	kilowatt-hours
L_{dn}	day-night average noise level
LED	light-emitting diode
L_{eq}	equivalent continuous sound level
LID	Low Impact Development
L_{max}	maximum instantaneous noise level
LOS	Level of Service
LUST	leaking underground storage tank
MRP	Municipal Regional Stormwater NPDES Permit
MS4	Municipal Separate Storm Sewer System
Mw	moment magnitude
N_2O	nitrous oxide
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO_2	nitrogen dioxide
NO_x	nitrogen oxides

NPDES	National Pollutant Discharge Elimination System
O ₃	ozone
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
Pb	lead
PCBs	polychlorinated biphenyls
PFCs	perfluorocarbons
PG&E	Pacific Gas and Electric Company
PM ₁₀	particulate matter less than 10 microns in size
PM _{2.5}	particulate matter less than 2.5 microns in size
POTWs	publicly owned treatment works
PRC	Public Resources Code
PRDs	Permit Registration Documents
project	43800 Osgood Road Project
RCRA	Resource Conservation and Recovery Act
RMP	Risk Management Plan
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCP	Site Cleanup Program
SDSs	Safety Data Sheets
SF ₆	sulfur hexafluoride
SFPUC RWS	San Francisco Public Utilities Commission Regional Water System
SGMA	Sustainable Groundwater Management Act
SJC	San Jose International Airport
SLF	Sacred Lands File
SMARTS	Stormwater Multiple Application and Report Tracking System
SO ₂	sulfur dioxide
SWP	State Water Project
SWPPP	Stormwater Pollution Prevention Plan
SWQCP	Stormwater Quality Control Plan

SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TDF	Travel Demand Forecast
TDM	Transportation Demand Management
TMDL	Total Maximum Daily Load
USD	Union Sanitary District
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
UST	underground storage tank
UWMP	Urban Water Management Plan
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
Water Board	San Francisco Bay Regional Water Quality Control Board
WDID	Waste Discharge Identification Number
ZEV	zero emission vehicle

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1.0 PROJECT INFORMATION

1. Project Title:

43800 Osgood Road Project
(PLN2025-00100)

2. Lead Agency Name and Address:

City of Fremont
Community Development Department
39550 Liberty Street
Fremont, California 94538

3. Contact Person and Phone Number:

Marc Cleveland, Associate Planner
(510) 494-4543

4. Project Location:

43800 Osgood Road
Fremont, California 94539

5. Project Sponsor's Name and Address:

Mark Loper
Reuben, Junius & Rose, LLP
One Bush Street, #600
San Francisco, California 94101

6. General Plan Designation:

Existing: Regional Commercial
Proposed: Tech Industrial

7. Zoning:

Existing: Commercial-Regional (C-R)
Proposed: Tech Industrial (I-T)

8. Description of Project:

The project site is currently developed with an approximately 143,815-square-foot, 37-foot-tall commercial structure and an associated 365 auto space and 62 trailer space surface parking lot formerly occupied by Fry's Electronics, a retail-commercial operator. The proposed project would include a change in use from retail to industrial uses and associated improvements to the existing commercial structure and surrounding surface area to accommodate proposed industrial operations. The proposed improvements would include interior and exterior improvements and updates to the existing structure, including demolishing existing tenant improvement features; replacing the existing roof; upgrading power service to the building; the

addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. No changes to the height or footprint are proposed.

The proposed project would include up to 18 docking doors and 3 drive-in doors on the building's south elevation. In addition, it would include minor modifications to the parking layout to provide separate trailer and auto stalls. The southern portion would also accommodate outdoor storage that would be used for equipment, merchandise, container, and trailer storage. The proposed project would include site improvements such as internal grading, paving, and landscaping.

9. Surrounding Land Uses and Setting:

The 11.2-acre project site is at 43800 Osgood Road in Fremont, Alameda County, California. The project site is bounded by industrial uses and outdoor vehicle storage and surface parking accessed via Cormack Road to the north, Interstate 680 (I-680) to the east, Auto Mall Parkway to the south, and Osgood Road to the west. The nearest arterial streets to the project site include Auto Mall Parkway and Osgood Road, located directly south and west of the project site, respectively. The project site is surrounded by industrial uses to the north. Across I-680 to the east, a partially built mixed-use structure exists followed by undeveloped land. A residential neighborhood is located to the southeast, across I-680, and a mix of commercial uses and undeveloped land are located directly to the south, across Auto Mall Parkway. To the west across Osgood Road are a mix of commercial and industrial uses.

10. Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements):

Refer to **Table 2.B, Potential Permits and Approvals**.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resource Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The proposed project would require a General Plan Amendment and Rezoning from Regional Commercial to Tech Industrial (I-T) and is therefore subject to Senate Bill (SB) 18 in addition to Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1). Consultation efforts conducted under SB 18 and AB 52 are described below.

The City sent a Consultation Request Form to the NAHC on April 22, 2024, and on February 24, 2025, the NAHC responded to the City's request with a consultation list and a letter indicating that a Sacred Lands File (SLF) check for the project site was negative.

On August 4, 2025, the City sent formal notices for both SB 18 and AB 52 to the 27 tribal representatives from California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site, as identified by the NAHC. The letters were sent via email.

The City received four responses to the consultation requests:

- On August 4, 2025, representatives from the Muwekma Ohlone Tribe requested ongoing consultation and provided attachments consisting of a formal consultation request, historic and legal documentation about the history and heritage of the Tribe, and examples of previous cultural resource management work. On August 7, 2025, the City responded asking for confirmation that the tribe was formally requesting consultation, providing a brief description of the project, and asking if the tribe needed additional details. On August 7, 2025, representatives from the Muwekma Ohlone Tribe confirmed that the tribe would like to engage in the consultation process for the proposed project, provided background information on a different project where tribal cultural resources were discovered, asked if the proposed project would include utility trenching or other subsurface excavations, requested the results of the CHRIS record search conducted for the proposed project, and informed the city that the Muwekma Ohlone tribe is the only Bureau of Indian Affairs documented Ohlone tribe of the greater San Francisco Bay Area for inclusion in the City's administrative files.
- On August 5, 2025, representatives from the Lisjan Nation requested consultation on the proposed project, the results of the SLF search, CHRIS records search, and any cultural resource reports prepared for the proposed project. On August 7, 2025, the City responded, providing the NAHC SLF Search results), a brief description of the project, and a link to the City of Fremont standard development requirements which address cultural and tribal cultural resource protection. No further communication was received.
- On August 8, 2025, a different representative of the Muwekma Ohlone tribe responded to the City's notice, offering services if requested by the City.
- On August 12, 2025, representatives of the Wilton Rancheria tribe responded to the City's notice, declining consultation, but requesting notification if there were to be any project updates or changes.
- On August 13, 2025 representatives of the Tamien Nation requested formal consultation and provided two documents, requesting that they be referenced in all future correspondence. The provided documents requested consultation on topics including alternatives to the project, recommended mitigation measures, significant effects of the project, type of environmental review necessary, significance of tribal cultural resources, including any regulations, policies, or standards used to determine significance, and the project's significance of impacts on tribal cultural resources. The attached documents also requested CHRIS record search results, SLF search results, and the geotechnical report prepared for the project site. The Tribe also requested inclusion of key personnel on all correspondence, and provided the below recommended measures for preservation or mitigation:
 1. Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or

other open space, to incorporate the resources with culturally appropriate protection and management criteria;

2. Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

No further communication was received, and the City considers consultation concluded under AB 52 and SB 18.

2.0 PROJECT DESCRIPTION

The following includes a description of the proposed project's location, existing site characteristics, implementation actions, required approvals, and entitlements.

2.1 PROJECT LOCATION

The following describes the precise location and boundaries of the project site, including its geographic context, and provides a brief overview of the existing land uses within and in the vicinity of the project site.

2.1.1 Regional Location and Access

The project site is located at 43800 Osgood Road in Fremont, Alameda County, California, on an approximately 11.2-acre site (Assessor's Parcel Numbers [APN] 513-0701-017, and -18). The project site is bounded by industrial uses and outdoor vehicle storage and surface parking accessed via Cormack Road to the north, Interstate 680 (I-680) to the east, Auto Mall Parkway to the south, and Osgood Road to the west. The nearest arterial streets (both "primary") to the project site include Auto Mall Parkway and Osgood Road, located directly south and west of the project site, respectively.¹ **Figure 2-1: Regional Location and Project Vicinity** depicts the project site's location within the region.

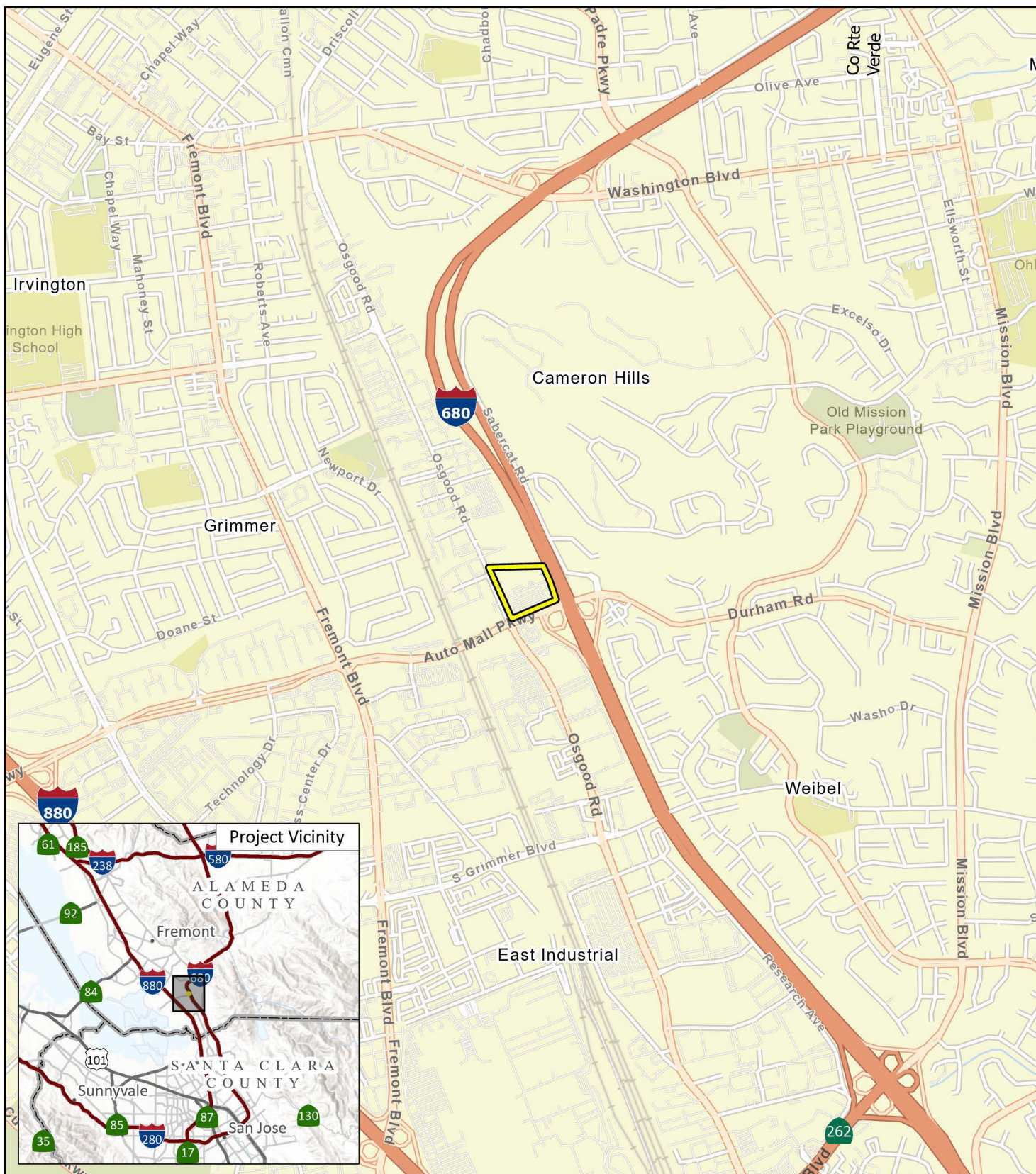
Interstate 880 (I-880) and I-680 facilitate regional access to the project site. I-880, a north-south freeway, provides regional access to the project site at the I-880 and Auto Mall Parkway interchange, located approximately 1.3 miles west of the project site. I-680, a north to south regional highway, runs directly adjacent to the eastern boundary of the project site, and provides direct access to the project site via the Auto Mall Parkway interchange immediately south of the project site. Local access to the project site is available via two existing driveways off Osgood Road, on the western boundary of the project site. In addition, the project site is approximately 0.8 miles northwest of the Bay Area Rapid Transit (BART) Warm Springs/South Fremont Station.

2.1.2 Site Characteristics and Current Site Conditions

The existing project site is relatively level and gently slopes from south to north and northwest towards Osgood Road along the western boundary of the project site, with approximately 2 percent slopes. The project site is currently developed with an approximately 143,815-square-foot, 37-foot-tall commercial structure and an associated 365 auto space and 62 trailer space surface parking lot formerly occupied by Fry's Electronics. The property has been vacant since 2021. The project site is almost entirely covered in impervious surfaces, with 384,141 square feet of impervious area out of 488,285 square feet.

¹ City of Fremont. 2011. City of Fremont General Plan Mobility Element. Website: <https://www.fremont.gov/home/showpublisheddocument/779/637750630784670000> (accessed February 23, 2025).

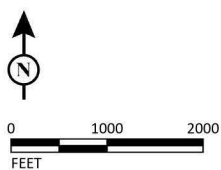
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LSA

 Project Site

FIGURE 2-1



SOURCE: Esri Streets (2025)

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43800 Osgood Road Project
Regional Location and Project Vicinity

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The eastern, southern, and western boundaries of the project site are lined with ornamental vegetation, including several different types of trees. In addition, portions of the surface parking lot include a variety of vegetation and trees. In total, the project site contains 133 trees of 17 different species.²

2.1.3 General Plan and Zoning Designation

According to the City's General Plan Land Use Diagram, the project site has an existing land use designation of Regional Commercial.³ The Regional Commercial Land Use designation is intended for large-scale commercial uses serving a citywide or regional market typically on large sites along freeways or major arterials. Parcels with this designation usually have large floor areas and high sales volumes, and the permitted Floor Area Ratio (FAR) in these areas is 0.30. The City's Zoning Map designates the project site as Commercial-Regional (C-R). The C-R zoning designation is intended to provide locations for national retailers, large format retailers, hotels, auto sales and similar uses which serve the residents of the city and the region. See Section 2.2.2 for proposed zoning and land use designation.

2.1.4 Surrounding Land Uses

The project site is surrounded by industrial uses to the north. Across I-680 to the east, a partially built mixed-use structure exists followed by undeveloped land. A residential neighborhood is located to the southeast, and a mix of commercial uses and undeveloped land are located directly to the south. To the west across Osgood Road are a mix of commercial and industrial uses. **Table 2.A: Surrounding Land Uses and Setting** summarizes the existing land uses, General Plan designations, and zoning on the project site and surrounding properties and **Figure 2-2: Aerial Photograph of the Project Site and Surrounding Land Uses** depicts the project site's surrounding land uses.

2.2 PROPOSED PROJECT

The proposed project would include a change in use from retail to industrial uses and associated improvements to the existing commercial structure and surrounding surface area. The proposed improvements would include interior and exterior improvements and updates to the existing structure including demolishing existing tenant improvement features; replacing the existing roof; upgrading power service to the building; the addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. No changes to the height or footprint are proposed.

² SBCA Tree Consulting. 2024. *43800 Osgood Road Tree Inventory*. September 27.

³ City of Fremont. 2019. City of Fremont General Plan Land Use Diagram. December 17. Website: <https://www.fremont.gov/home/showpublisheddocument/803/637750630865770000> (accessed July 17, 2025).

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LSA

 Project Site

FIGURE 2-2



0 175 350
FEET

SOURCE: Nearmap (2/20/2025)

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43800 Osgood Road Project Aerial Photograph of the Project Site and Surrounding Land Uses

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Table 2.A: Surrounding Land Uses and Setting

Direction	Existing Land Use	General Plan Designation	Zoning
Project Site	Existing commercial building	Regional Commercial: allows for large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. Land uses with this designation normally have large floor areas, with a permitted FAR of 0.3.	Commercial-Regional (C-R): provides locations for national retailers, large format retailers, hotels, auto sales and similar uses which serve the residents of the city and the region.
North	Industrial uses and surface parking lot, with access via Cormack Road.	Service Industrial: allows for a variety of industrial uses which are generally oriented toward local businesses and residents, often located on the perimeter of a City's larger industrial districts, with a permitted FAR of 0.35.	Service-Industrial (I-S): provides locations for industrial uses which are generally oriented toward serving local businesses and residents and can operate in proximity to commercial and residential uses with a minimum of adverse effects.
East	I-680; followed by a partially-built structure and open space.	General Commercial: allows low-scale commercial, service, and office uses located along the City's arterials and collector streets, with a permitted FAR ranging from 0.3 for non-residential projects up to 0.8 for mixed-use projects.	Planned Development District (P-2013-201; P-2006-153): provides a means for effectuating desirable development, redevelopment, rehabilitation and conservation in the city, which features variations in siting, mix of land uses and/or varied dwelling types.
South	Auto Mall Pkwy, commercial uses, and undeveloped land. To the southeast, residential uses.	Regional Commercial (south); Hillside Residential (southeast): allows for single-family lots, hobby farms, estates, open space, and other residential uses with lots under 20,000 square feet and between 8.7 units 2.3 units per net acre.	Commercial-Regional (C-R) (south); Hillside Overlay (H-I) (southeast): promotes and encourages the orderly and safe development of hillside areas of the city by the application of regulations and requirements established to meet the particular problems and challenges associated with development of hillside areas.
West	Osgood Road followed by industrial uses.	Service Industrial	Service-Industrial (I-S)

Sources: City of Fremont. Fremont General Plan Land Use Diagram. December 17, 2019.
City of Fremont. City of Fremont – Zoning Atlas, Page 578-C-372. January 1, 2025.
City of Fremont. Fremont General Plan Land Use Element. December, 2011.
City of Fremont. City of Fremont – Zoning Code.

The proposed project would include up to 18 docking doors and 3 drive-in doors on the building's south elevation. In addition, it would include minor modifications to the parking layout to provide separate trailer and auto stalls. The southern portion would also accommodate outdoor storage that would be used for equipment, merchandise, container, and trailer storage. **Figure 2-3: Proposed Site Plan** depicts the proposed improvements to the existing site. The following is a description of the proposed improvements that would be required to facilitate the proposed change in use.

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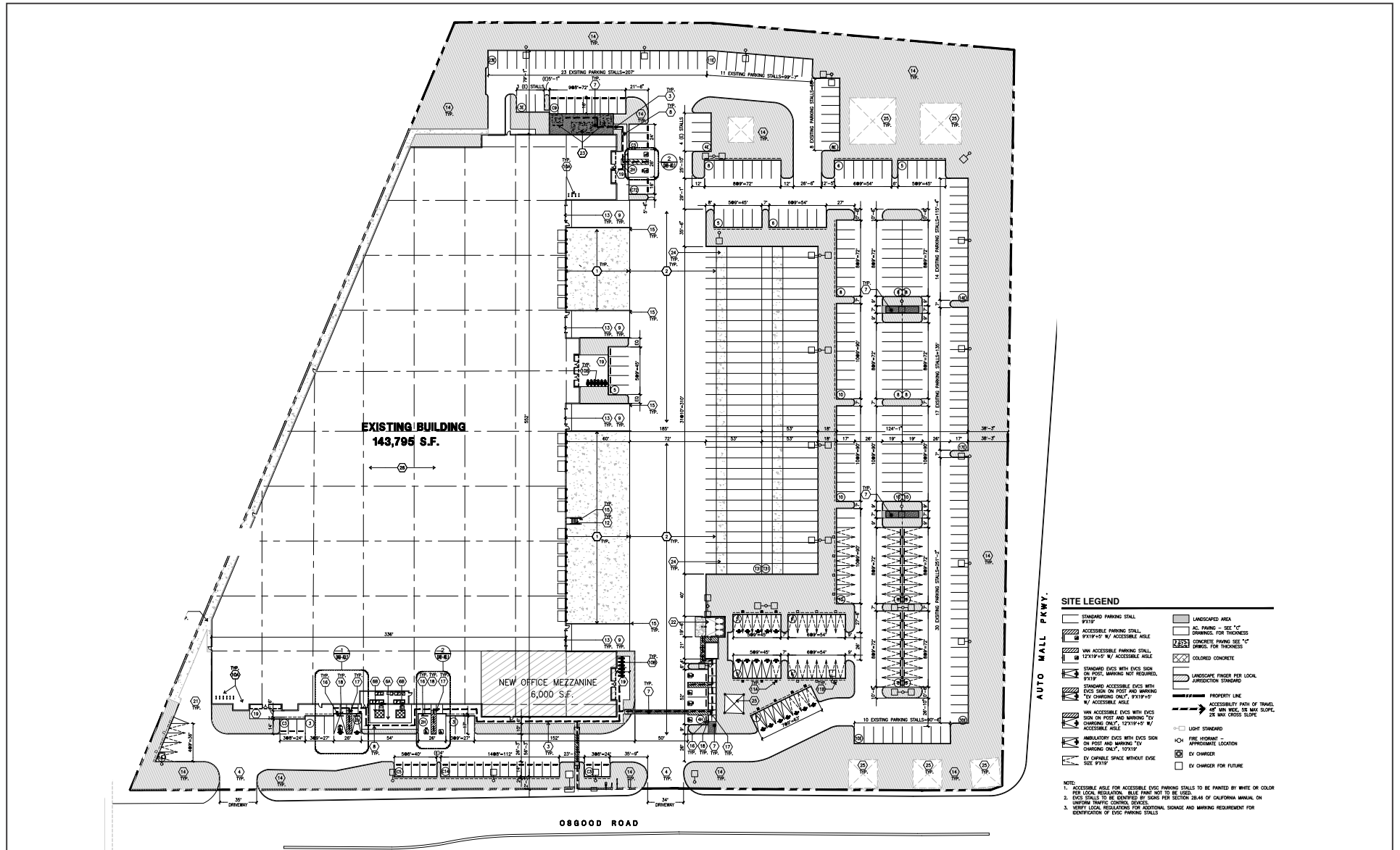


FIGURE 2-3

LSA



0 30 60
FEET

SOURCE: HPA Architecture

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43800 Osgood Road Project
Proposed Site Plan

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2.2.1 General Plan Amendment and Rezoning

The proposed project would require a General Plan Amendment to revise the General Plan designation on the project site from Regional Commercial to Industrial-Tech, and a corresponding change in the zoning designation from Commercial-Regional to Tech-Industrial (I-T). As described in the City's General Plan, the Tech-Industrial land use applies to areas used for research and development, "clean and green" tech, and semi-conductor, computer hardware, software and related technological, administrative, sales, and engineering facilities, as well as warehousing, wholesaling, and distribution facilities. Similarly, as described in Section 18.50.010 of the City's Zoning Code, the Tech-Industrial zoning designation implements the Industrial-Tech General Plan designation and applies to the same areas. Within this district, certain hazardous material uses, and manufacturing and/or the storage of particularly large sizes/quantities of hazardous materials are regulated to minimize potential for off-site impacts. The Tech-Industrial zoning designation requires a lot area larger than 20,000 square feet, a lot width larger than 70 feet, a maximum building height of 75 feet, 15-foot front yard and street side yard setbacks, and no interior or rear yard setbacks.

2.2.2 Vehicle Access, Site Circulation, and Parking

Vehicular access to the project site, including emergency vehicles, would be provided via two existing driveways from Osgood Road, both approximately 35 feet wide, located at the western boundary of the proposed project site. The proposed project would include a total of 365 auto parking stalls, 62 trailer parking stalls, and 44 bicycle rack parking stalls. Of the auto parking provided, 75 stalls would be electric vehicle (EV) capable, 4 stalls would be auto accessible, and 4 stalls would be van accessible. Of the 75 EV capable stalls, 56 stalls would not include electric vehicle supply equipment (EVSE), 17 stalls would include EVSE, one stall would be auto accessible, and one stall would be van accessible. The proposed project would meet the required number of parking spaces, as required by Table 18.183.030, Required Parking Spaces, of the Fremont Municipal Code, at 3.3 parking spaces for 1,000 square feet.⁴ Truck access to the project site would be provided via the existing City of Fremont truck routes on I-680.⁵

2.2.3 Landscaping

According to the preliminary landscape plan the proposed project would include new landscaping within new interior parking areas as well as along on the eastern, southern, and western boundaries of the project site. It is the intent to provide a solid evergreen screen from public right-of-way along the east and south landscape setbacks. New and revitalized landscape is proposed along the frontage of the project on Osgood Road with colorful and enhanced planting at entries to define entry points to the site. **Figure 2-4: Proposed Landscape Plan** illustrates the proposed landscaping.

⁴ City of Fremont. 2025. City of Fremont Municipal Code. Table 18.183.030 - Required Parking Spaces. Website: <https://www.codepublishing.com/CA/Fremont/#!/html/Fremont18/Fremont18183.html> (accessed July 23, 2025).

⁵ City of Fremont. n.d. Fremont Police Department. Truck Routes and Enforcement Regulations, City of Fremont Truck Route Map. Website: <https://www.fremontpolice.gov/about-us/patrol-division/traffic-unit/truck-routes-and-enforcement-regulations> (accessed July 25, 2025).

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Landscaping plant palette includes low water use and or native plant species including but not limited to Sanoran Palo Verde shade trees, Red Oleander evergreen trees, Manzanita and Ceanothus shrubs, blue flowering Salvia shrubs, California fuchsia perennial, and California native Deer Grass ornamental grass. All planter areas are to receive a minimum of 3" of dark brown bark mulch.

The proposed project would retain 76 trees out of the existing 133 currently existing on the site. Additionally, the proposed project would plant 198 trees, located within the surface parking lot, on the perimeter of the project, and on the street frontage of the project site. The proposed project would implement water efficient landscaping techniques, such as automatic water controller, irrigation zones for specific plant water needs, and rain sensors.

2.2.4 Lighting

The proposed project would include on-site lighting through the project site. The proposed project includes a lighting plan and photometric plan, which show the types and locations of proposed lighting fixtures on the project site. According to the proposed lighting plan, shown in **Figure 2-5: Proposed Lighting Plan**, the proposed project would include four new site pole lighting fixtures located in the parking lot and three new wall pack lighting fixtures on the building facades. All new lighting fixtures would utilize LED lights, and all exterior light fixtures would include a dimming motion and daylight sensor to ensure lighting is not on during daylight.

2.2.5 Infrastructure and Utilities

The project site is in an urbanized area and would be served by existing, but upgraded, utility infrastructure. The proposed project would include upgrades to water, wastewater, stormwater drainage, and electric connections. Connections to existing utility infrastructure would be within the adjacent public rights-of-way. In general, the depths of utility improvements would range from approximately 3 feet to 8 feet below ground surface. The proposed utility plan prepared for the proposed project is shown in **Figure 2-6: Proposed Utility Plan**.

2.2.5.1 Stormwater

Under existing conditions, stormwater at the project site either infiltrates at the project site or flows northwest to discharge into existing drainage infrastructure within Osgood Road. As shown in **Figure 2-6**, the proposed project would include two new trench drains that would drain to a pump system. This pump system discharges into a bioretention area to the south and eventually drains into the public storm system on Osgood Road. A small portion of impervious area to the southwest of the building will drain into a bioretention area and then to the public storm system on Osgood Road. Additional stormwater infrastructure improvements would include new storm drain catch basins, storm drain junction boxes, storm drain manholes, a storm drain pump, and back flow prevention devices.

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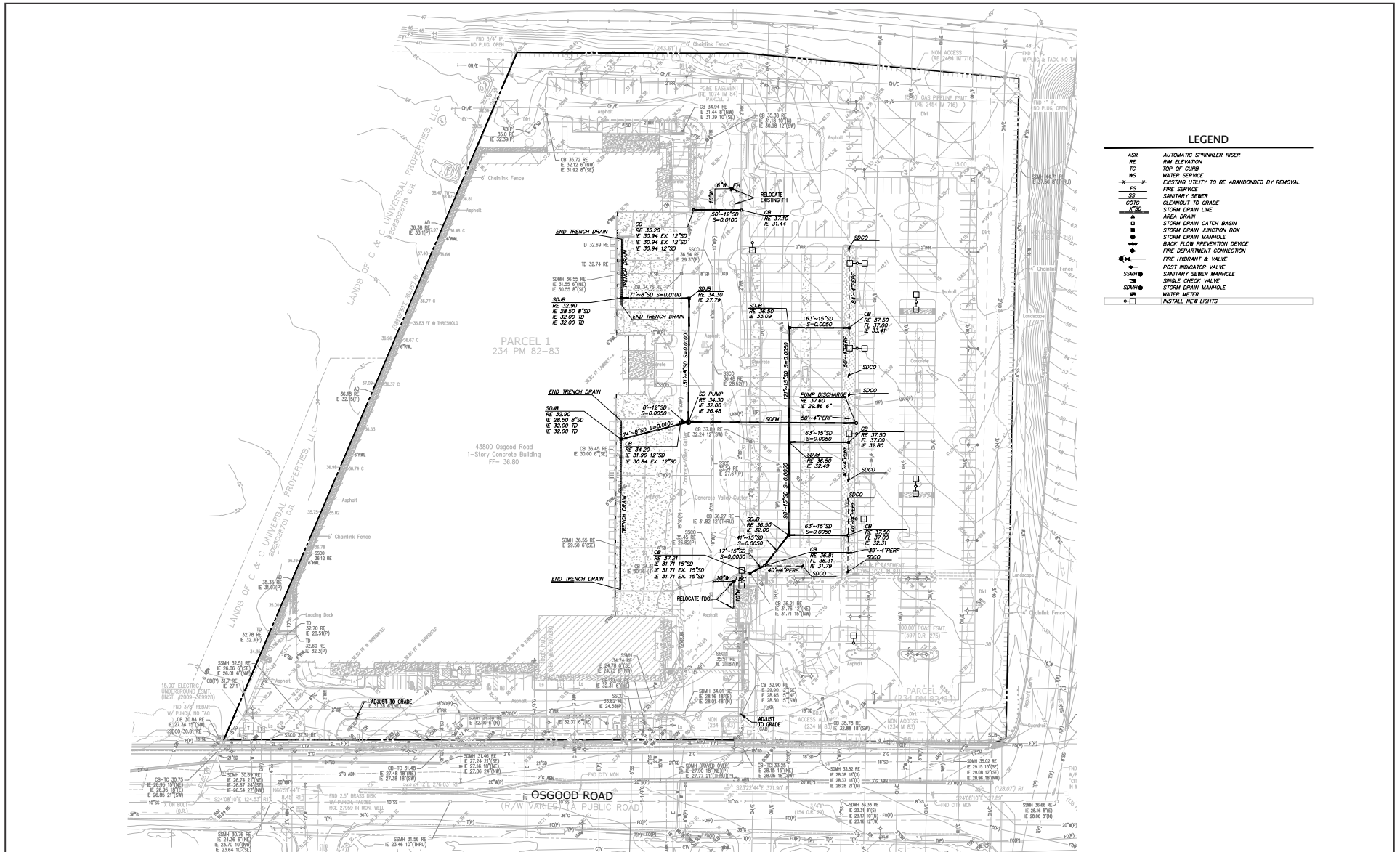


FIGURE 2-6

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SOURCE: HPA Architecture

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43800 Osgood Road Project
Proposed Utility Plan

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2.2.5.2 Electricity and Gas

Electrical service would be provided by Pacific Gas and Electric Company (PG&E) through existing connections via a PG&E easement located on the eastern boundary of the project site. The proposed project would include the replacement of the existing switchboard, the enlargement of the existing electrical room within the structure, and implementation of new lighting fixtures throughout the property. Refer to Section 2.2.5, Lighting, above. While the project site is not in a specific undergrounding district per Chapter 12.35, Underground Districts, of the City's Municipal Code,⁶ implementation of any new lines would require undergrounding. The proposed project would be all-electric and would not utilize natural gas.

2.2.6 Demolition, Grading, and Construction

The proposed project would include site improvements such as interior demolition and construction, as well as grading, paving and landscaping of outdoor areas. Construction activities would take place over a span of approximately 6 months, with an expected start date of April 2026. The proposed project would require 124,000 square feet of asphalt demolition, 10,460 square feet of concrete demolition, and 7,500 cubic yards of soil export. Asphalt and concrete would largely be taken offsite.⁷

Project construction would include the removal of existing pavement and concrete, as well as landscaping in the existing parking area. In addition, the project would include improvements of underground utilities, curbs and gutters, as well as sidewalks, site lighting, fire hydrants, and catch basins, as shown in **Figure 2-7: Proposed Infrastructure and Circulation Improvements**. Soil removal would extend to a 4-foot depth. **Figure 2-8: Proposed Grading and Drainage Plan** shows the proposed improvements. Construction of the proposed project would utilize Tier 4 equipment.

Construction activities would take place between the hours of 7:00 a.m. and 7:00 p.m., weekdays, and 8:00 a.m. and 8:00 p.m., weekends and holidays, in accordance with the City's Noise Ordinance and Fremont Municipal Code section 18.160.010.⁸

2.3 REQUIRED PERMITS AND APPROVALS

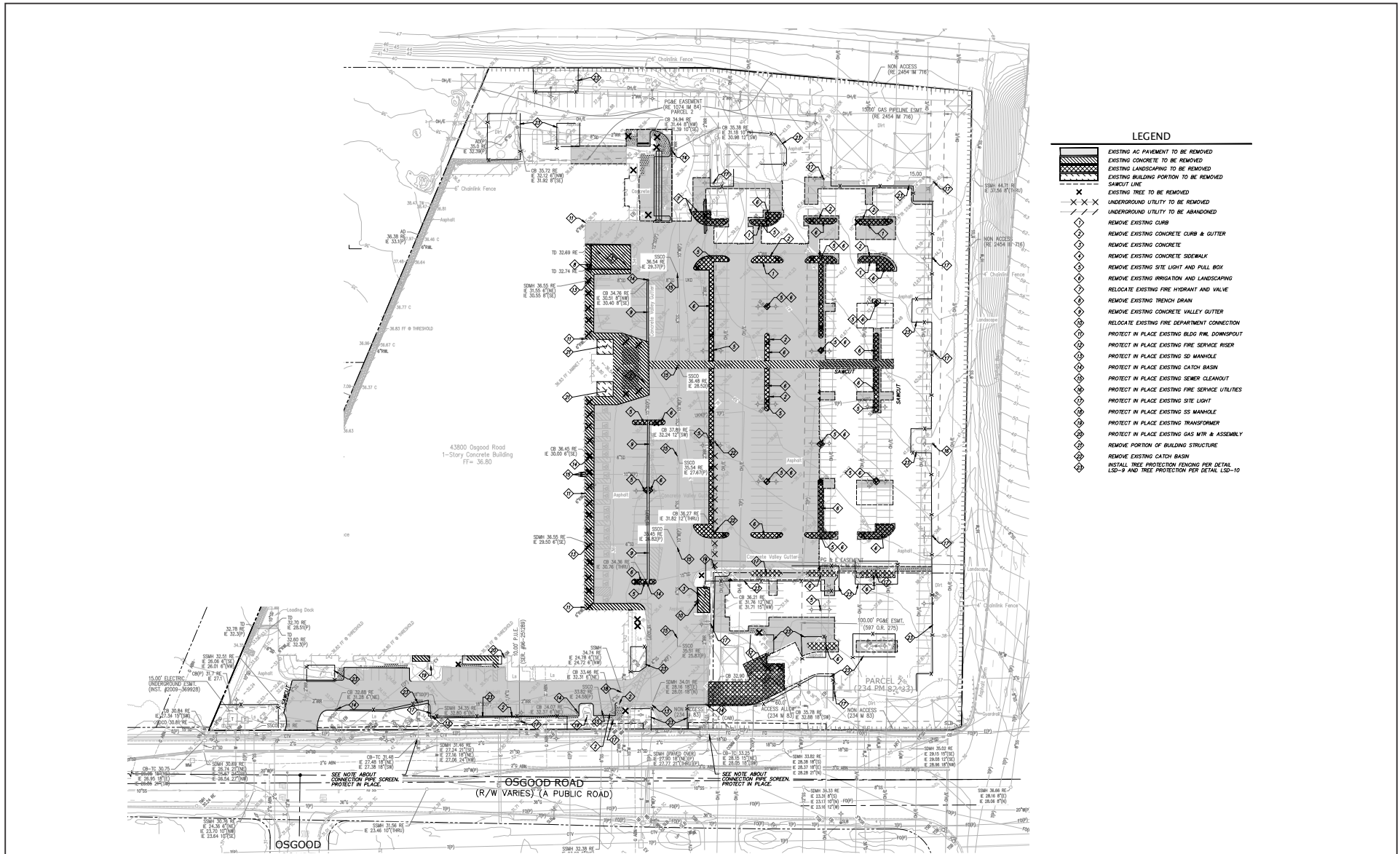
Although the City is the Lead Agency for the project under CEQA, other agencies also have discretionary authority related to the project and approvals or serve as a responsible and/or trustee agency in connection to the project as established in *State CEQA Guidelines* Section 15124(d)(2), "If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed." A list of these agencies and potential permits and approvals that may be required is provided in **Table 2.B: Potential Permits and Approvals**.

⁶ City of Fremont. 2025. City of Fremont Municipal Code. Chapter 12.35 – Utility Underground Districts. Website: <https://www.codepublishing.com/CA/Fremont/#!/html/Fremont12/Fremont1235.html> (accessed July 23, 2025).

⁷ The applicant may reuse some of the asphalt and concrete millings as aggregate base section onsite, and some soil may be reused onsite.

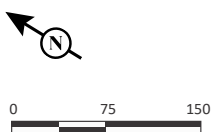
⁸ City of Fremont. 2025. City of Fremont Municipal Code. Chapter 9.25 – Noise. Website: <https://www.codepublishing.com/CA/Fremont/#!/html/Fremont09/Fremont0925.html> (accessed July 23, 2025).

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FIGURE 2-7

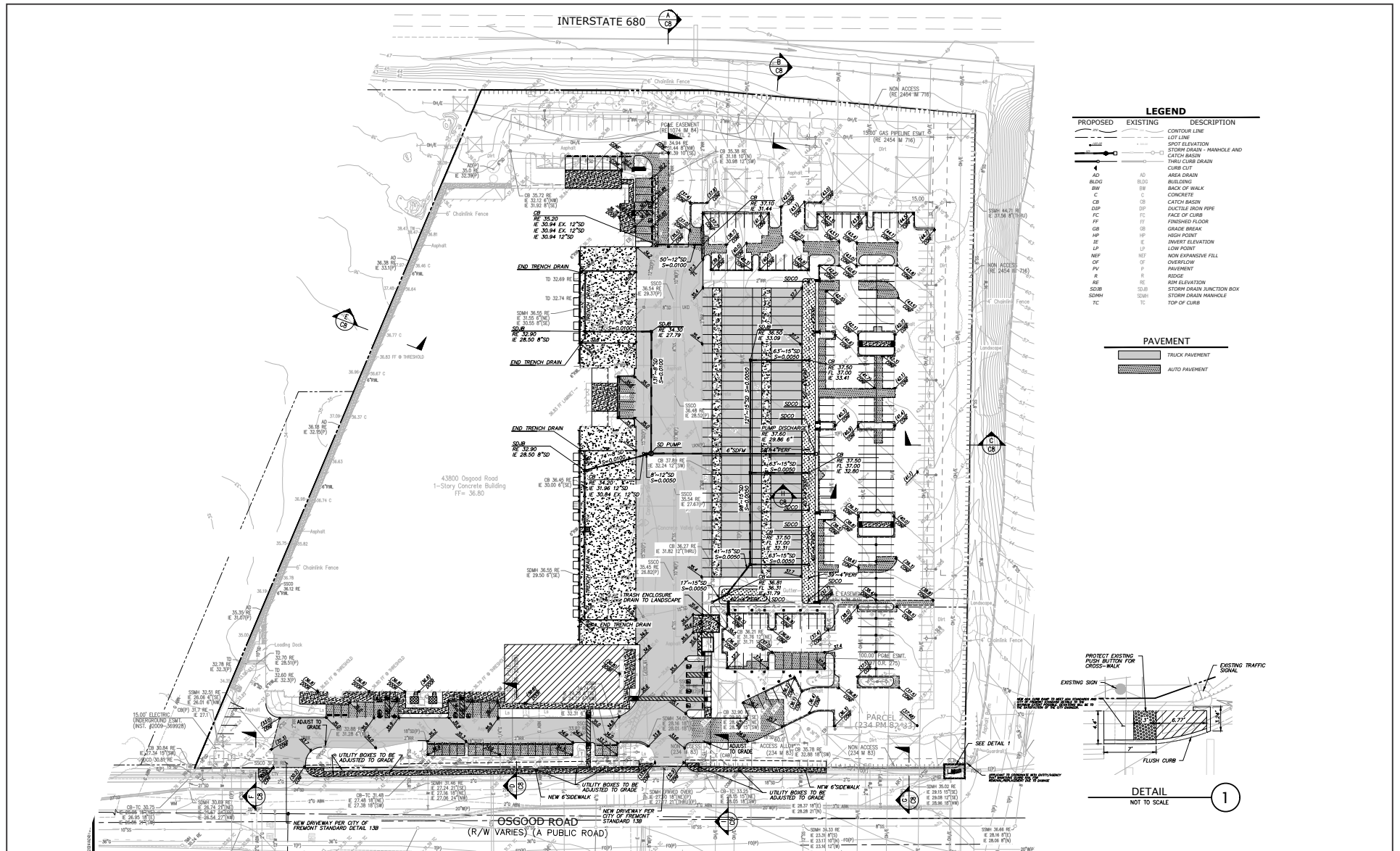


SOURCE: HPA Architecture

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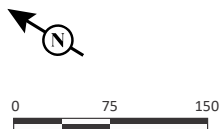
43800 Osgood Road Project
Proposed Infrastructure and Circulation Improvements

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FIGURE 2-8



SOURCE: HPA Architecture

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43800 Osgood Road Project
Proposed Grading and Drainage Plan

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Table 2.B: Potential Permits and Approvals

Lead Agency	Permits/Approvals
City of Fremont	• General Plan Amendment • Rezoning • Discretionary Design Review Permit • Tree Removal Permit
Other Agencies/Entities	
Fremont Fire Department	• Review/approve Fire Access Road Plan
City of Fremont Community Development Department	• Issuance of Building Permits for new construction • Grading Permit
City of Fremont Engineering Division	• Connection to water system • Connection to wastewater system • SWQCP • Encroachment Permit
Pacific Gas and Electric Company (PG&E)	• Connection of electricity/natural gas service • Undergrounding of utilities

Source: Compiled by LSA (2025).

In addition to the potential permits and approvals noted above, the proposed project would be required to implement the following Standard Development Requirements (**Table 2.C: Applicable City of Fremont Standard Development Requirements**), as noted in the City's Municipal Code Section 18.218.050.⁹

Table 2.C: Applicable City of Fremont Standard Development Requirements

Issue Area	Standard Development Requirement
Air Quality	FMC Section 18.218.050(a)(1): Construction Related Emissions. The following construction measures, as periodically amended by BAAQMD, are required for all proposed development projects to reduce construction-related fugitive dust and exhaust emissions: - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times daily. - All haul trucks transporting soil, sand, or other loose material off site shall be covered. - 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. - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. - 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. - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points. - 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.

⁹ City of Fremont. 2025. City of Fremont Municipal Code. Chapter 18.218 – Standard Development Requirements to Address Resource Protection. May 20. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed July 23, 2025).

Table 2.C: Applicable City of Fremont Standard Development Requirements

Issue Area	Standard Development Requirement
Biological, Special-Status Species	h. A publicly visible sign shall be posted with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. FMC Section 18.218.050(b)(2): Nesting Birds. New development projects with the potential to impact nesting birds through tree or shrub removal shall implement the following measures prior to removal of any trees/shrubs, grading, or ground disturbing activities: a. Avoidance. Proposed projects shall avoid construction activities during the bird nesting season (February 1st through August 31st). b. Preconstruction Surveys. If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a preconstruction survey to identify any potential nesting activity. The biologist shall determine the number and time frame (prior to construction) of surveys to be conducted. c. Protective Buffer Zone(s). If the survey indicates the presence of nesting birds, protective buffer zones shall be established around the nests. The size of the buffer zone shall be recommended by the biologist in consultation with the CDFW depending on the species of nesting bird and level of potential disturbance. d. Initiation of Construction Activities. The buffer zones shall remain in place until the young have fledged and are foraging independently. A qualified biologist shall monitor the nests closely until it is determined the nests are no longer active, at which time construction activities may commence within the buffer area. FMC Section 18.218.050(b)(3): Roosting Bats. New development with potential to impact special-status or roosting bat species through demolition of existing structures or removal of trees on site shall conduct the following measures prior to demolition: a. Preconstruction Surveys. A qualified biologist shall conduct a preconstruction survey during seasonal periods of bat activity (mid-February through mid-October) to determine suitability of structure(s) or trees as bat roost habitat. b. Protective Buffer Zone(s). If active bat roosts are found on site, a suitable buffer from construction shall be established per the biologist. The biologist shall determine the species of bats present and the type of roost. c. Mitigation and Exclusion. If the bats are identified as common species, and the roost is not being used as a maternity roost or hibernation site, the bats may be evicted using methods developed by a qualified biologist. If special-status bat species are found present, or if the roost is determined to be a maternity roost or hibernation site for any species, then the qualified biologist shall develop a bat mitigation and exclusion plan to compensate for lost roost. The site shall not be disturbed until CDFW approves the mitigation plan.
Construction Management Plan	FMC Section 18.218.050(c): Prior to the issuance of the first construction-related permit for a new development project, the project sponsor and his/her general contractor shall submit a construction management plan (CMP) for review and approval by the planning and building divisions and other relevant city departments, such as the fire department and the public works department, as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related conditions of approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, erosion and sedimentation control, storm water pollution prevention, noise control, complaint management, and cultural and tribal cultural resource management as applicable. The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized

Table 2.C: Applicable City of Fremont Standard Development Requirements

Issue Area	Standard Development Requirement
	and how each construction-related requirement will be satisfied throughout construction of the project.
Cultural and Tribal Resources	FMC Section 18.218.050(d)(2): Accidental Discovery of Cultural Resources. The following requirements shall be met to address the potential for accidental discovery of cultural resources during ground disturbing excavation: a. The project proponent shall include a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources. b. The project proponent shall retain a professional archaeologist to provide a preconstruction briefing to supervisory personnel of any excavation contractor to alert them to the possibility of exposing buried cultural resources, including significant prehistoric archaeological resources. The briefing shall discuss any cultural resources, including archaeological objects, that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeological team. c. In the event that any human remains or historical, archaeological or paleontological resources are discovered during ground disturbing excavation, the provisions of CEQA Guidelines Sections 15064.5(e) and (f), and of subsection (c)(2)(D) of this section, requiring cessation of work, notification, and immediate evaluation shall be followed. d. If resources are discovered during ground disturbing activities that may be classified as historical, unique archaeological, or tribal cultural resources, ground disturbing activities shall cease immediately, and the planning manager shall be notified. The resources will be evaluated by a qualified archaeologist and, in the planning manager's discretion, a tribal cultural monitor. If the resources are determined to be historical, unique archaeological, or tribal cultural resources, then a plan for avoiding the resources shall be prepared. If avoidance is infeasible, then all significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. Any plan for avoidance or mitigation shall be subject to the approval of the planning manager. As used herein, "historical resource" means a historical resource as defined by CEQA Guidelines Section 15064.5(a); "unique archaeological resource" means unique archaeological resource as defined by Cal. Pub. Res. Code § 21083.221083.2(g); and "tribal cultural resource" means tribal cultural resource as defined by Cal. Pub. Res. Code § 2107421074. Collectively, these terms describe "significant cultural materials." FMC Section 18.218.050(d)(4): Tribal Cultural Monitoring and Training. Should the city receive a formal written request by the designated contact or a tribal representative of a traditionally and culturally affiliated California Native American tribe pursuant to Cal. Pub. Res. Code § 64352.4 to have a tribal cultural representative present at the project site before or during construction activities to identify or monitor sites or objects of significance to Native Americans or to provide construction worker tribal cultural resources awareness training including applicable regulations and protocols for avoidance, confidentiality, and culturally appropriate treatment, the project proponent shall honor that request and include tribal cultural monitoring or training as a component of their project. The tribal cultural representative shall have the ability to request that work be stopped, diverted, or slowed if sites or objects of significance to Native Americans are encountered within the direct impact area and shall be consulted for recommendations regarding the appropriate treatment of such sites or objects. Any compensation for time and expenses related to this activity shall be borne by the project proponent.

Table 2.C: Applicable City of Fremont Standard Development Requirements

Issue Area	Standard Development Requirement
Geology and Soils	FMC Section 18.218.050(e)(1): New development projects with the potential to expose people or structures to substantial adverse effects, including the risk of loss, injury, or death due to seismic activity and potential seismic-related ground shaking if so determined by a site-specific geotechnical study prepared to the satisfaction of the city engineer or his/her designee, shall implement the following measures prior to or during project construction, as applicable. a. The project geotechnical consultant shall review all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements, and design parameters for foundations, and retaining walls). The consultant shall verify that their recommendations, including those regarding the need for further evaluation for potential liquefaction and the presence and lateral extent of any undocumented fill as well as laboratory testing for corrosive soil, have been properly conducted and any necessary design measures are incorporated into the construction plans. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the city engineer prior to issuance of building permits for the project. b. The project geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be summarized by the project geotechnical consultant in a letter and submitted to the city building official/city engineer for review prior to final (as-built) project approval. To further address and reduce impacts related to potential seismic activity and liquefaction, all grading, foundations, and structures for the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the California Building Code (CBC), as adopted by the city.
Hazardous Materials	FMC Section 18.218.050(f)(1): New development projects with the potential to 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, if so determined by a site-specific environmental site assessment prepared to the satisfaction of the fire marshal or planning manager, shall implement the following measures prior to or during project construction, as applicable: a. A soil management plan (SMP) shall be developed to provide guidelines for the appropriate handling and management of soil with known contaminants or recognized environmental condition (REC) concentrations above the applicable screening levels recommended in the California Department of Toxic Substances Control (DTSC) Office of Human and Ecological Risk (HERO) guidance document Human Health Risk Assessment or similar document provided by DTSC. Prior to issuance of building and/or grading permits for site development, remediation work to remove known contaminants or RECs at the subject property shall be implemented to the satisfaction of the Alameda County Water District (ACWD), city of Fremont fire department, California Department of Toxic Substance Control (DTSC), or other appropriate agency having jurisdiction, depending on the location (e.g., depth) and the type of REC found and the jurisdictional purview of the agencies. Completion of the remediation work and procurement of an appropriate closure document or written statement that the remediation work has been satisfactorily completed and without further conditions or obligations shall be submitted to the satisfaction of the city of Fremont community development department. Compliance with this mitigation may require the applicant or their agent to complete a preliminary endangerment report, voluntary cleanup agreement or other documentation as determined by the appropriate agency and receive concurrence that the site's RECs have been resolved.

Table 2.C: Applicable City of Fremont Standard Development Requirements

Issue Area	Standard Development Requirement
Noise	FMC Section 18.218.050(g)(1): Construction Noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented: a. Construction equipment shall be well-maintained and used judiciously to be as quiet as practical. b. Construction, excavating, grading, and filling activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited as provided in Section 18.160.010. c. All internal combustion engine-driven equipment shall be equipped with mufflers, which are in good condition and appropriate for the equipment. d. The contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists. e. Loading, staging areas, stationary noise generating equipment, etc., shall be located as far as feasible from sensitive receptors. f. The contractor shall comply with Air Resource Board idling prohibitions of unnecessary idling of internal combustion engines. g. Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints. Temporary noise barriers, such as solid plywood fences, shall be installed around construction sites adjacent to operational businesses, residences or noise-sensitive land uses, unless an existing wall or other barrier provides equivalent noise attenuation. (Ord. 27-2016 § 37, 12-6-16; Ord. 23-2018 § 41, 10-2-18; Ord. 05-2021 § 52, 4-20-21.)

BAAQMD = Bay Area Air Quality Management District, now known as the Bay Area Air District

CEQA = California Environmental Quality Act

CDFW = California Department of Fish and Wildlife

Cal. Pub. Res. Code = California Public Resources Code

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3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in Chapter 4.0.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

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.
- ☐ 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 ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Marc Cleveland
Signature

2/26/2026
Date

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4.0 CEQA ENVIRONMENTAL CHECKLIST

4.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	☐	☐	☒	☐
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

4.1.1 Impact Analysis

a. *Would the project have a substantial effect on a scenic vista?*

The Fremont General Plan identifies views of the East Bay hills as scenic resources for neighborhoods and commercial centers.¹⁰ Views to the hills are present across the project site and are somewhat obstructed by the existing buildings, trees, and I-680. Views toward the East Bay hills for travelers on Auto Mall Parkway adjacent to the project site are currently somewhat obstructed by existing buildings and trees, but largely visible. However, views towards the East Bay hills for travelers on Osgood Road adjacent to the project site are largely obstructed by existing industrial and commercial buildings, including the building on the project site.

The proposed project would include a change in use from retail to industrial uses and associated improvements to the existing commercial structure and surrounding surface area. The proposed improvements would include interior and exterior improvements and updates to the existing structure including demolishing existing tenant improvement features, replacing the existing roof, the addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. No changes to the height or footprint of the existing building are proposed.

¹⁰ City of Fremont. 2011. "Chapter 4: Community Character Element." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/781/637750630790930000> (accessed August 18, 2025).

Therefore, as implementation of the proposed project would not result in a taller building or larger footprint, the project would not introduce new obstructions of an existing scenic vista.

Additionally, the General Plan identifies the BART line, located approximately 770 feet from the western site boundary, as a scenic corridor.¹¹ Views to the East Bay hills from the BART corridor would not be obstructed by implementation of the proposed project, as the proposed project would not result in a taller building or larger footprint. Moreover, the BART corridor passes through the project area only slightly above grade on a berm, and views of the project site from the BART corridor would be largely obstructed by the existing commercial and industrial buildings located west of Osgood Road.

Development of the proposed project would not substantially obscure any other scenic vistas from surrounding public vantage points or corridors, such as trails, city gateways, or designated viewing areas, as none are located within the vicinity of the project site. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and this impact would be **less than significant**.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

According to the California Department of Transportation's (Caltrans) State Scenic Highway Program, the portion of I-680 in the vicinity of the proposed project is eligible to be designated a State Scenic Highway.¹² The interstate is directly adjacent to the eastern border of the project site and is at grade through the project vicinity. While the proposed project is visible from this section of the highway, the proposed project would not include any changes to the height or footprint of the existing building. Therefore, the project would not introduce new obstructions of an existing scenic vista. Additionally, the proposed project would be consistent with the character of the existing industrial and commercial area in which it is located. Implementation of the proposed project would have a **less than significant** impact on views from a State Scenic Highway.

c. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is located in an urbanized area, with development on all sides. The project site is surrounded by industrial uses to the north. Across I-680 to the east, a partially built mixed-use structure exists followed by undeveloped land. A residential neighborhood is located to the southeast, and a mix of commercial uses and undeveloped land are located directly to the south. To

¹¹ City of Fremont. 2011. "Community Character Map: Scenic Routes and City Gateways." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/9180/637879756043600000> (accessed August 18, 2025).

¹² California Department of Transportation (Caltrans). 2019. "California State Scenic Highway System Map." Website: <https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed August 18, 2025).

the west across Osgood Road are a mix of commercial and industrial uses. General Plan land use designations surrounding the project site include Regional Commercial to the north and south, General Commercial to the east, Hillside Residential to the southeast, and Service Industrial to the west. The nearest residential neighborhood is located approximately 700 feet southeast of the project site. The City of Fremont General Plan designates the land use and zoning at the proposed project site as Regional Commercial and Commercial-Regional (C-R).¹³ These designations include large-scale commercial uses serving a citywide or regional market, typically on large sites along freeways or major arterials. Uses include furniture and electronic stores, auto dealerships, home improvement stores, department stores, and other “big box” retailers. A permitted FAR of 0.30 and a building height of 40 feet apply.¹⁴

The proposed project would include interior and exterior improvements and updates to the existing structure including demolishing existing tenant improvement features, replacing the existing roof, upgrading power service to the building; the addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. While the proposed project would require a General Plan Amendment rezoning to the Tech Industrial (I-T) designation it would not result in a taller building or a larger footprint, and would therefore be similar in bulk, scale, and potential use to other buildings in the area. Therefore, the project would not conflict with applicable zoning or other regulations governing scenic quality, and impacts on visual character or quality would be **less than significant**.

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 is located in an urbanized area that is surrounded by existing sources of light, including streetlights and nighttime vehicle headlights, as well as exterior lighting and signage from commercial and industrial buildings in the vicinity. The proposed project would be located along Osgood Road, which is designated as a primary arterial roadway, with streetlights lining the sidewalks on either side. Additionally, the proposed project would include on-site lighting through the project site. The proposed project includes a lighting plan and photometric plan, which show the types and locations of proposed lighting fixtures on the project site, which would be similar to existing conditions.

As previously discussed, according to the proposed lighting plan, shown in **Figure 2-5: Proposed Lighting Plan**, the proposed project would include 4 new site pole lighting fixtures and 3 new wall pack lighting fixtures. All new lighting fixtures would utilize LED lights, and all exterior light fixtures would include a dimming motion and daylight sensor to ensure lighting is not on during daylight.

¹³ City of Fremont. 2019. City of Fremont General Plan Land Use Diagram. December 17. Website: <https://www.fremont.gov/home/showpublisheddocument/803/637750630865770000> (accessed August 18, 2025).

¹⁴ City of Fremont. 2022. Fremont Municipal Code Chapter 18.45: Commercial and Mixed-Use Districts. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1845.html> (accessed August 18, 2025).

In addition, these fixtures would comply with the City's development standards,¹⁵ including configuration and placement of any lighting to prevent light spill or other objectionable visual impacts on neighboring properties. The light and glare created by the project would be consistent with levels of light currently emitted at the site and by surrounding development. Therefore, the project would not create any new source of substantial light and glare. Impacts would be **less than significant**.

¹⁵ City of Fremont. 2022. Fremont Municipal Code Section 18.50.050(d): Development standards and requirements applicable to all industrial districts. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.050> (accessed August 18, 2025).

4.2 AGRICULTURE AND FORESTRY 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 the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

4.2.1 Impact Analysis

- a. *Would the 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?*

The project site is surrounded by urban development, and according to the DOC's Farmland Monitoring and Mapping Program,¹⁶ the project site and vicinity are classified as "Urban and Built-Up Land," and are not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

¹⁶ California Department of Conservation (DOC), Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2018. California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/dlrp/ciff/> (accessed August 18, 2025).

Therefore, the proposed project would have **no impact** related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

Per the City of Fremont General Plan, the project site is zoned Commercial-Regional (C-R). The project site is not zoned for agricultural use and is not under a Williamson Act contract, and there are no agriculturally zoned lands or existing Williamson Act contracts in the vicinity of the project site.¹⁷ Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and **no impact** would occur.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The project site is not zoned for forest land, timberland, or any other forestry resources, and there are no forestry resources in the vicinity of the project site. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor would it result in the loss of forest land or conversion of forest land to non-forest uses. **No impact** to forest land or timberland would occur.

d. Would the project result in the loss of forest land or conversion of forestland to non-forest use?

As stated in Section 4.2.c (above), the proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses, and **no impact** to forest land would occur.

e. Would the 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?

As stated in Sections 4.2.a. and 4.2.c. (above), the project site is located in an existing urban environment. Implementation of the proposed project would not involve any changes in the existing environment that, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, **no impact** would occur.

¹⁷ DOC. n.d. Williamson Act Finder. Website: https://maps.conservation.ca.gov/dlrp/WilliamsonAct/App/#data_s=id%3AdataSource_1-196837250e2-layer-6-196837251d1-layer-8%3A1 (accessed August 18, 2025).

4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b. 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?	☐	☐	☒	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

The information and analysis in this section have been prepared based on the *Air Quality, Energy, and Greenhouse Gas Technical Memorandum* (Air Quality, Energy, and GHG Memorandum) ¹⁸ (**Appendix A**) prepared for the proposed project.

The project site is within the jurisdiction of the Bay Area Air District (Air District), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the Air District was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. Neither State nor national ambient air quality standards of the following chemicals have been violated in recent decades: nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and vinyl chloride. Those exceedances of air quality standards that do occur primarily happen during meteorological conditions conducive to high pollution levels, such as cold, windless nights or hot, sunny summer afternoons.

Both State and federal governments have established health-based Ambient Air Quality Standards (AAQS) for six criteria air pollutants: carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), lead (Pb), and suspended particulate matter. In addition, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. The Air District is under State nonattainment status for ozone and particulate matter standards. In addition, the Air District is classified as nonattainment for the federal ozone 8-hour standard and nonattainment for the federal particulate matter less than 2.5 microns in size (PM_{2.5})

¹⁸ LSA Associates, Inc. (LSA). 2025. *Air Quality, Energy, and Greenhouse Gas Technical Memorandum for the 43800 Osgood Road Project, Fremont, California*. March 31.

24-hour standard. As such, the primary pollutants of concern in the project area are O₃, CO, and PM_{2.5}.

4.3.1 Impact Analysis

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The applicable air quality plan is the Air District's 2017 Clean Air Plan¹⁹, which defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas (GHG) emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Clean Air Plan Goals. The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health in the Bay Area, reduce GHG emissions, and protect climate. The Air District has established significance thresholds for project construction and operational impacts of which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. As discussed below, construction and operation of the proposed project would not result in the generation of criteria air pollutants that would exceed the Air District's thresholds of significance. Therefore, the proposed project would not conflict with the Clean Air Plan goals.

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-GHG Pollutants Measures. The proposed project's compliance with each of these control measures is discussed below.

Stationary Source Control Measures. The Stationary Source Control Measures, which are designed to reduce emissions from stationary sources such as metal melting facilities, cement kilns, refineries, and glass furnaces, are incorporated into the rules adopted by the Air District and then enforced by the Air District's Permit and Inspection programs. Because the proposed project would not include any of these stationary sources, the Stationary Source Control Measures of the Clean Air Plan are not applicable to the proposed project.

Transportation Control Measures. The Air District identifies Transportation Control Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, toxic air contaminants (TACs), and GHGs by reducing demand for motor vehicle travel, promoting efficient vehicles and transit service, decarbonizing transportation fuels, and electrifying motor vehicles and equipment.

¹⁹ Bay Area Air District (formerly the Bay Area Air Quality Management District). 2017. Clean Air Plan. April 19.

The project site is currently developed with an existing building that operated as a retail center. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide electric vehicle (EV) charging and access to public transit as the Alameda-Contra Costa Transit District (AC Transit) Bus Route Line 215 has a stop adjacent to the project site. Additionally, as discussed in the Vehicle Miles Traveled (VMT) Analysis²⁰ prepared for the proposed project, a detailed assessment of VMT reduction strategies that are applicable to the project were considered and applied using the Alameda County Transportation Commission VMT Reduction Calculator Tool. Given that the eventual project tenant is unknown, the VMT Analysis presented several trip reduction strategies that may be utilized to mitigate the VMT impact, including priced workplace parking, a mandatory employer commute program, or a combination of multiple strategies such as carpool and/or vanpool programs. The proposed project would be required to implement one of these options to ensure VMT impacts would be less than significant. Refer to Section 4.17, Transportation for additional discussion.

Therefore, the proposed project would support the ability to use alternative and cleaner modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation. Therefore, the proposed project would not conflict with the identified Transportation Control Measures of the Clean Air Plan.

Energy Control Measures. The Clean Air Plan also includes Energy Control Measures, which are designed to reduce emissions of criteria air pollutants, TACs, and GHGs by decreasing the amount of electricity consumed in the Bay Area, as well as decreasing the carbon intensity of the electricity used by switching to less GHG-intensive fuel sources for electricity generation. Because these measures apply to electrical utility providers and local government agencies (and not individual projects), the Energy Control Measures of the Clean Air Plan are not applicable to the proposed project.

Building Control Measures. The Air District has authority to regulate emissions from certain sources in buildings (e.g., boilers and water heaters) but has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that have authority over local building codes, to facilitate adoption of best GHG control practices and policies.

The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. The proposed project would be all-electric. As identified in the Air District's CEQA Guidelines, the elimination of natural gas in new developments would help projects implement their "fair share" of GHG emission reductions necessary to achieve carbon neutrality by 2045, consistent with State goals. As such, if a project does utilize natural gas, a lead agency can conclude that it would not be consistent with achieving the 2045 neutrality goal and will have a cumulative considerable impact on climate

²⁰ Hexagon Transportation Consultants, Inc. 2025. *VMT Analysis for proposed Industrial Development at 43800 Osgood Road in Fremont, California*. March 7.

change. The proposed project would not include natural gas appliances or plumbing. Therefore, the proposed project would contribute to its “fair share” of GHG emission reductions necessary to support achieving the State goals of long-term GHG emission reductions and carbon neutrality by 2045. Therefore, the proposed project would not conflict with any of the Building Control Measures.

Agriculture Control Measures. The Agriculture Control Measures are designed to primarily reduce emissions of methane. Because the project does not include any agricultural activities, the Agriculture Control Measures of the Clean Air Plan are not applicable to the proposed project.

Natural and Working Lands Control Measures. The Natural and Working Lands Control Measures focus on increasing carbon sequestration on rangelands and wetlands, as well as encouraging local governments to adopt ordinances that promote urban-tree plantings. Because the proposed project does not include the disturbance of any rangelands or wetlands, the Natural and Working Lands Control Measures of the Clean Air Plan are not applicable to the proposed project.

Waste Management Control Measures. The Waste Management Control Measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The proposed project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the proposed project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Water Control Measures. The Water Control Measures focus on reducing emissions of criteria pollutants, TACs, and GHGs by encouraging water conservation, limiting GHG emissions from publicly owned treatment works (POTWs), and promoting the use of biogas recovery systems. Because these measures apply to POTWs and local government agencies (and not individual projects), the Water Control Measures are not applicable to the proposed project.

Super GHG Control Measures. The Super-GHG Control Measures are designed to facilitate the adoption of best GHG control practices and policies through the Air District and local government agencies. Because these measures do not apply to individual projects, the Super-GHG Control Measures are not applicable to the proposed project.

Clean Air Plan Implementation. As discussed above, the proposed project would generally implement the applicable measures outlined in the Clean Air Plan, including Transportation Control Measures. Therefore, the project would not disrupt or hinder implementation of a control measure from the Clean Air Plan, and impacts would be **less than significant**.

b. Would the project 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?

The Air District is currently designated as a nonattainment area for State and national ozone standards and national particulate matter AAQS. The Air District's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, the Air District considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary. The following analysis assesses the potential project-level construction- and operation-related air quality impacts.

Short-Term Construction Emissions. During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, grading, paving, and other activities. Emissions from construction equipment are also anticipated and would include CO, NO_x, ROG, directly emitted particulate matter (PM_{2.5} and PM₁₀), and TACs such as diesel exhaust particulate matter.

Project construction activities would include internal demolition and construction, grading, paving and landscaping. Construction-related effects on air quality from the proposed project would be greatest during the site preparation and grading phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM₁₀ emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM₁₀ emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site.

Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The Air District has established standard measures for reducing fugitive dust emissions (PM₁₀). With the implementation of these Basic Best Management Practices (BMPs), fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related PM₁₀ emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO₂, NO_x, ROG, and some soot particulate (PM_{2.5} and PM₁₀) in exhaust emissions. If construction activities were to increase traffic congestion in the area,

CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site.

The California Emissions Estimator Model (CalEEMod) was used to calculate emissions from on-site construction equipment and emissions from worker and vehicle trips to the site. Construction-related assumptions used in the modeling are detailed in the Air Quality, Energy, and GHG Memorandum included in Appendix A and the resulting emissions estimates are presented in **Table 4.3.A**.

Table 4.3.A: Project Construction Emissions (in Pounds Per Day)

Project Construction	ROG	NO _x	Exhaust PM ₁₀	Fugitive Dust PM ₁₀	Exhaust PM _{2.5}	Fugitive Dust PM _{2.5}
Project Construction Emissions	0.5	3.1	<0.1	0.5	<0.1	0.2
Air District Thresholds	54.0	54.0	82.0	BMP	54.0	BMP
Exceed Threshold?	No	No	No	No	No	No

Source: LSA (March 2025).

Note: Average Daily Emissions

Air District = Bay Area Air District

BMP = Best Management Practices

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

ROG = reactive organic gases

As shown in **Table 4.3.A**, construction emissions associated with the project would not exceed the Air District's thresholds for ROG, NO_x, exhaust PM₁₀, and exhaust PM_{2.5} emissions. Fremont Municipal Code (FMC) Section 18.218.050(a)(1)²¹ would require the implementation of the Air District's Basic Construction Mitigation Measures to reduce construction fugitive dust impacts to a less than significant level. As such, construction of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS and impacts would be **less than significant**.

Long-Term Operational Emissions. Long-term air pollutant emission impacts are those associated with mobile sources (e.g., vehicle trips), energy sources (e.g., natural gas), and area sources (e.g., architectural coatings and the use of landscape maintenance equipment) related to the proposed project.

PM₁₀ emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM₁₀ occurs when vehicle tires pulverize small rocks and pavement, and the vehicle's movement generates airborne dust. The contribution of tire and brake wear is small compared to the other particulate matter

²¹ City of Fremont. 2025. City of Fremont Municipal Code. Standard Development Requirements – Air Quality. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 6, 2025).

emissions processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles.

Energy source emissions result from activities in buildings for which natural gas is used. The quantity of emissions is the product of usage intensity (i.e., the amount of natural gas) and the emission factor of the fuel source. As identified above, the proposed project would be all-electric; therefore, the proposed project would not generate energy source emissions.

Typically, area source emissions consist of direct sources of air emissions located at the project site, including architectural coatings, consumer products, and the use of landscape maintenance equipment.

Emission estimates for operation of the project were calculated using CalEEMod. The primary emissions associated with the project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the project, emissions are released in other areas of the Air Basin. The daily and annual emissions associated with project operational trip generation, energy, and area sources are identified in **Table 4.3.B** for ROG, NO_x, PM₁₀, and PM_{2.5}.

Table 4.3.B: Project Operational Emissions

	ROG	NO _x	PM ₁₀	PM _{2.5}
Pounds Per Day				
Mobile Source Emissions	2.3	3.2	7.1	1.8
Area Source Emissions	4.2	<0.1	<0.1	<0.1
Energy Source Emissions	0.0	0.0	0.0	0.0
Total Emissions	6.5	3.2	7.1	1.8
Air District Thresholds	54.0	54.0	82.0	54.0
Exceed Threshold?	No	No	No	No
Tons Per Year				
Mobile Source Emissions	0.4	0.6	1.3	0.3
Area Source Emissions	0.8	<0.1	<0.1	<0.1
Energy Source Emissions	0.0	0.0	0.0	0.0
Total Emissions	1.2	0.6	1.3	0.3
Air District Thresholds	10.0	10.0	15.0	10.0
Exceed Threshold?	No	No	No	No

Source: LSA (March 2025).

Air District = Bay Area Air District

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

ROG = reactive organic gases

The results shown in **Table 4.3.B** indicate the project would not exceed the significance criteria for daily or annual ROG, NO_x, PM₁₀, and PM_{2.5} emissions; therefore, operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS. Impacts would be **less than significant**.

Localized CO Impacts. Emissions and ambient concentrations of CO have decreased dramatically in the Bay Area with the introduction of the catalytic converter in 1975. No exceedances of the State or federal CO standards have been recorded at Bay Area monitoring stations since 1991. The Air District's CEQA Guidelines include recommended methodologies for quantifying concentrations of localized CO levels for proposed transportation projects. A screening level analysis using guidance from the Air District's CEQA Guidelines was performed to determine the impacts of the project. The screening methodology provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the Air District's CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

Implementation of the proposed project would not conflict with the policies or programs of the Alameda County Transportation Commission. As further discussed in Section 4.17, Transportation, the proposed project would generate approximately 131 a.m. peak hour trips and 180 p.m. peak hour trips; therefore, the project's contribution to peak hour traffic volumes at intersections in the vicinity of the project site would be well below 44,000 vehicles per hour. As such, the proposed project would not result in localized CO concentrations that exceed State or federal standards.

As described above, the proposed project would have a **less than significant** impact relating to 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.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

Construction of the proposed project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, the closest receptors to the project site include multi-family residences located approximately 700 feet southeast of the project site. Additionally, construction contractors would be required to implement the Air District's Basic Construction

Mitigation Measures to reduce construction fugitive dust impacts to a less than significant level, as required by FMC Section 18.218.050(a)(1). With implementation of the Air District's Basic Construction Mitigation Measures, project construction pollutant emissions would be below significance thresholds. Therefore, given the distance to the nearest sensitive receptors, the temporary nature of short-term construction impacts, and the absence of any exceeded threshold of significance related to construction impacts, construction of the proposed project would not expose nearby sensitive receptors to substantial pollutant concentrations.

Once operational, the proposed project would generate approximately 964 average daily trips, including 936 vehicle trips and 28 truck trips.²² While the TAC emissions from gasoline-powered vehicles have a small health effect, truck trips would generate diesel exhaust emissions that could expose nearby sensitive receptors to TACs. Project trucks would operate in two modes: stationary idling and moving on and off the site. The emissions from trucks while idling result in a much higher concentration of TACs at nearby sensitive receptors compared to the emissions from moving trucks. This is due to the dispersion of emissions that occurs with distance and with travel of the vehicle.

As identified in Section 2.0, Project Description, the proposed project would provide up to 18 dock doors and 3 drive-in doors. As the project would contain multiple loading docks, offsite queuing of trucks is not anticipated. As identified above, the closest receptors to the project site include multi-family residences located approximately 700 feet southeast of the project site. These residences would be located approximately 1,000 feet from the loading docks. At this distance, project trucks would not be a source of substantial emissions at the nearest residences. In addition, idling of trucks would be limited by the CARB's In-Use Off-Road Diesel Vehicles regulation, which limits idling to 5 minutes or less. As such, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during project construction or operation.

As described above, the proposed project would have a **less than significant** impact related to the exposure of sensitive receptors to substantial pollutant concentrations.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

During construction, the various diesel-powered vehicles and equipment in use on site would create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the project site. Additionally, the proposed uses that would be developed within the project site are not expected to produce any offensive odors that would result in frequent odor complaints. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The impact would be **less than significant**.

²² Hexagon Transportation Consultants, Inc. 2025. *Trip Generation Estimates for High Cube Fulfillment Center – Sort*.

4.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
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 Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☒	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Regulatory Framework. Biological resources in the study area may fall under the jurisdiction of various regulatory agencies and be subject to their regulations. In general, the greatest legal protections are provided for plant and wildlife species that are formally listed by the federal or State government. The following regulations and agencies are commonly associated with projects that have the potential to affect biological resources.

- Federal Endangered Species Act
- Migratory Bird Treaty Act
- Bald and Golden Eagle Protection Act
- Clean Water Act (CWA), Section 404
- California Endangered Species Act
- California Fish and Game Code Sections 3503, 3503.5, and 3513
- California Fish and Game Code Sections 5050, 5515, 3511, and 4700
- California Fish and Game Code Sections 1600–1603

- State Regulations of Wetlands and Waters
- Native Plant Protection Act
- *State CEQA Guidelines* Section 15380
- City of Fremont Tree Ordinance

Existing Vegetation and Habitats. According to the Multi-Resolution Land Characteristics Consortium Land Cover Map, three land cover types were identified within the project site: Developed (high intensity), Developed (medium intensity), and Developed (low intensity).²³ No Riparian habitat or other sensitive natural communities were identified within the project site. Developed land cover areas are not natural vegetation communities, as they lack natural vegetation, and the term is therefore used in this analysis to describe areas that cannot be classified as vegetation communities. The project site is currently developed and is almost entirely covered in impervious surfaces.

Special-Status Species. For the purposes of the analysis contained in this document, special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act or California Endangered Species Act.
- Plant species assigned to California Rare Plant Ranks (CRPR) 1A, 1B, 2A, 2B, or 3.
- Animal species designated as Species of Special Concern or Fully Protected Species by the California Department of Fish and Wildlife (CDFW).
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the *State CEQA Guidelines*.
- Species considered as a taxon of special concern by local agencies.

Special-Status Plants. The CNPS Inventory identified the potential for 11 special-status plant species to occur on the project site.²⁴ Based on a lack of suitable habitat and status as non-federally or State listed, 10 species were determined to have no potential to occur on the project site. One special-status plant species was determined to have a low potential to occur on the site: Contra Costa goldfields (*Lasthenia conjugens*). However, this species is normally found in vernal pools or swales, open grasslands or woodlands, and the project site is already fully developed. Therefore, no special-status plants are expected to occur within the study area.

²³ Multi-Resolution Land Characteristics Consortium. 2016. AK Land Cover. Website: <https://www.mrlc.gov/viewer/> (accessed August 18, 2025).

²⁴ California Native Plant Society. n.d. CNPS Rare Plant Inventory. Website: <https://rareplants.cnps.org/Search/result?frm=T&crpr=1A:1B:2A:2B:3:4&ccl=ALA&qsl=9&quad=3712251:&elev=:m:o> (accessed August 18, 2025).

Special-Status Wildlife. According to the IPaC database²⁵, there is potential for 13 special status animal species to occur on the project site. However, based on a lack of suitable habitat (no riparian or wetland habitat), 7 species would have no potential to occur on the project site. The majority of the remaining special status species, including the San Joaquin Kit Fox (*Vulpes macrotis mutica*), the Alameda Whipsnake (*Lateralis euryxanthus*), and the Monarch butterfly (*Danaus Plexippus*) were determined to have a low potential to occur on the site as the site is already completely developed and fully surrounded by urban development. The remaining special-status species include nesting birds protected under the federal Migratory Bird Treaty Act and California Fish and Game Code.

The study area is not within designated critical habitat for any listed plant or wildlife species, nor were any riparian habitat or other sensitive natural communities identified, and no waters of the United States or State are present in the project site.

4.4.1 Impact Analysis

- a. *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 Game or U.S. Fish and Wildlife Service?*

The proposed project is not expected to result in any direct adverse impacts to special-status plant or wildlife species or their critical habitat based on the habitat and land uses found on the project site, as described above. Project construction, however, could directly impact the nesting and foraging grounds of nesting birds due to trimming of shrubs that may contain active nests and grading of the site where ground-nesting species may be present. The proposed project would comply with the City of Fremont's standard development requirements for nesting birds, as described in Section 18.218.050(b)(2) of the FMC and shown in **Table 2.C** in Section 2.3 of this document. Compliance with these standard requirements would ensure that any special-status plant or wildlife species that may be present in the project area during vegetation clearing and construction activities would be identified, evaluated, and avoided as needed. Therefore, compliance with these measures would ensure that impacts to special-status plant and wildlife species would be **less than significant**.

- b. *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 Game or U.S. Fish and Wildlife Service?*

No riparian habitat or other sensitive natural community is present on the project site. As a result, the project would have **no impact** on riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or the United States Fish and Wildlife Service.

²⁵ United States Fish and Wildlife Service. n.d. Information for Planning and Consultation. Website: <https://ipac.ecosphere.fws.gov/location/CGJ5GPYR5FAEJPXOZGK6NBJ4BQ/resources> (accessed August 18, 2025).

- c. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

There are no aquatic resources or potential jurisdictional aquatic features in the project site, and regulatory permits would not be required for project activities. The project would have **no impact** on wetlands.

- 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?*

The proposed project site is in a relatively small area isolated by commercial development and does not serve as a wildlife movement corridor. The proposed project would include interior and exterior improvements and updates to the existing structure including demolishing existing tenant improvement features, replacing the existing roof, upgrading power service to the building; the addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. No changes to the height or footprint are proposed. Therefore, construction would not pose a collision hazard for migratory birds, and the project site does not contain habitat that would make it an important stopover site for migratory birds. As a result, a **less than significant** impact would occur.

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

According to the Arborist Report prepared for the proposed project (**Appendix B**),²⁶ many of the existing trees on the project site are in poor health. In its existing state, the project site consists of 133 existing trees, 86 of which are protected. The proposed project would require the removal of 48 protected trees, requiring 48 mitigation trees. Of the existing trees on-site, 76 would remain as part of the revitalized Landscape Plan.

Protection of remaining trees would be completed in accordance with the City of Fremont's Standard Details for Tree Protection Fencing and Temporary Trunk Wrap Protection. Removal of protected trees would require a Tree Removal permit and a replacement tree for each removed tree, or an in-lieu fee to be paid to the City at the time of Building Permit Issuance. Pursuant to Chapter 18.215 of the FMC,²⁷ trees subject to or exempt from permit requirements include:

- 1) A tree having a diameter at breast height (DBH) of 6 inches or more and located on a vacant or underdeveloped lot;

²⁶ SBCA Tree Consulting. 2024. *43800 Osgood Road Tree Inventory*. September 27.

²⁷ City of Fremont. 2022. Fremont Municipal Code Chapter 18.215 Tree Preservation. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18215.html> (accessed August 18, 2025).

- 2) A tree having a DBH of 6 inches or more and located on a developed lot, which is the subject of a contemplated or pending application for a development project;
- 3) A native tree or tree of exceptional adaptability to the Fremont area having a DBH of 10 inches or more;
- 4) A tree having a DBH of 18 inches or more;
- 5) A tree that was required by the City to be planted or retained as mitigation for the removal of a tree;
- 6) A tree planted or retained as a condition of any City-conferred development project approval, including approvals conferred prior to adoption of this chapter; or
- 7) One of six or more trees of the same species that are located on the same lot and that each have 6 or more inches in DBH.

Trees exempt from permit requirements include the following:

- A tree on a developed lot not greater than 10,000 square feet in area and zoned either R-1 or single-family detached planned district, when the tree is behind the forwardmost face of the front of the principal building. Any architectural feature that is allowed to project into a required front yard under Section 18.170.060 shall not constitute any part of the face of a building for the purposes of this subsection. This exemption shall not apply to any landmark tree or to any tree planted or retained in accordance with any City-imposed requirement.
- A container tree.
- A fruit or nut tree of a species grown for commercial food production, except a black walnut or olive tree.
- A private tree or a landmark tree removed or damaged under emergency circumstances as follows:
 - The tree has been damaged by storms, floods, earthquakes, or by any other cause, and a City official has determined that its immediate removal or further damage is necessary to protect persons from imminent personal injury or to prevent imminent and substantial damage to property;
 - When immediate removal or damage is determined to be necessary by fire department personnel actively engaged in fighting a fire;
 - When immediate removal or damage is determined by the landscape architect to be necessary to protect persons from imminent personal injury or to prevent imminent and substantial damage to property; or

- A tree, other than a landmark tree, removed or damaged by a public utility to the extent that such removal or damage is necessary for building or maintaining the public utility's facilities.

Therefore, compliance with the City's tree preservation policies, including protected tree replacement or in-lieu fee requirements, as outlined in FMC 18.215.080, would ensure that impacts would be **less than significant**.

f. 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?

The project site is not located within an HCP/NCCP or other approved local, regional, or state habitat conservation plan. As a result, **no impact** would occur.

4.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☒	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

4.5.1 Impact Analysis

a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

In July of 2025, LSA requested a California Historical Resources Information System (CHRIS) record search. The result of the CHRIS search indicated that no pre-contact Native American resources and no historic-era cultural resources have been previously recorded within the project site. While several cultural resources investigations have been completed in the vicinity, only two reports have been completed which include overlap with the project site (S-023241, S-044861). These studies include review for a cellular facility and a historic property survey report for a freeway performance initiative on I-680, respectively. The study area for both studies overlaps with a small eastern and southeastern portion of the project site. The report associated with the cellular facility (S-023241) did not identify any resources within the project area. While the report prepared for the freeway performance initiative (S-044861) identified two historical resources, (P-01-000023, P-01-002160), the study area was large, and neither resource is located within the vicinity of the project site.

While several reports and resources are recorded in the project vicinity, no historical or archaeological resources were identified within the project site. Aerial imagery shows the project site was developed with smaller uses prior to 1993. These were demolished by 2002, and the existing building and surface parking lot were constructed.

Soil removal extending up to approximately 4 feet is expected for the removal of existing pavement and concrete, landscaping in the existing parking area, and improvements of underground utilities, curbs and gutters, as well as sidewalks, site lighting, fire hydrants, and catch basins. The results of the *Geotechnical Engineering Investigation*²⁸ completed for the proposed project indicate that most of the project site is covered with approximately 5 to 6 inches of asphaltic concrete. Below the asphalt and concrete, the project site is underlain with approximately 4 to 5.5 feet of fill material consisting of sandy silty clay, silty sand with gravel, silty sand with clay and sandy clay. Below the fill, the study

²⁸ Krazan & Associates, Inc. 2024. *Geotechnical Engineering Investigation, Proposed Osgood Industrial Building*. October 10.

encountered predominantly stiff to very stiff sandy silty clay and sandy clay or medium dense clayey gravel and sandy silt.²⁹

As the project site is already fully developed, no cultural resources or other evidence of past human use or occupation are expected to be present at the site. Based on nearby site distribution and the environmental context, the project site has a moderate archaeological sensitivity. However, based on the results of the *Geotechnical Engineering Investigation*, previous disturbance in the project site, and relatively shallow proposed ground disturbance (up to 4 feet for project improvements and 8 feet for utility improvements) there is a relatively low potential to uncover historic resources. Despite the low potential, the possibility of uncovering historic resources cannot be entirely discounted.

The City's standard development requirements, as described in **Table 2.C** in Section 2.3 of this document and adopted under FMC Section 18.218.050(d)(2),³⁰ include provisions for the protection of historical and cultural resources if they are accidentally discovered during the course of project work. The project would be required to abide by the standard development requirements listed in FMC 18.218.050(d)(2) to protect any potential cultural resources within the project site inadvertently discovered during the course of development. Therefore, the project would have a **less than significant** impact on historic resources.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

As discussed in Section 4.5.a of this document, the project site is fully developed and therefore has a low sensitivity for archeological finds. Additionally, based on the results of the *Geotechnical Engineering Investigation*, previous disturbance in the project site, and relatively shallow proposed ground disturbance (up to 4 feet for project improvements and 8 feet for utility improvements), there is relatively low potential to uncover archaeological resources. Despite the low potential, the possibility of uncovering archaeological resources cannot be entirely discounted. The project would be required to abide by FMC 18.218.050(d)(2), as described above, to protect any potential cultural resources within the project site inadvertently discovered during the course of development. Therefore, the project would have a **less than significant** impact on archaeological resources.

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Based on the analysis presented in Section 4.5.a of this document, there is relatively low potential to uncover human remains in the project site. Additionally, the project would be required to abide by FMC 18.218.050(d)(2), as described above. As stated in FMC 18.218.050(d)(2)(c), in the event an

²⁹ Krazan & Associates, Inc. 2024. *Geotechnical Engineering Investigation, Proposed Osgood Industrial Building*. October 10.

³⁰ City of Fremont. 2022. Fremont Municipal Code Section 18.218.050(d)(2). Standard Development Requirements – Cultural and Tribal Cultural Resources. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 5, 2025).

inadvertent discovery of human remains occurs during the course of development, compliance with *CEQA Guidelines* Section 15064.5(e)³¹ would also be required.

***CEQA Guidelines* Section 15064.5(e):** In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - b. If the coroner determines the remains to be Native American:
 - i. The coroner shall contact the Native American Heritage Commission within 24 hours.
 - ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
 - iii. 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, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - b. The descendant identified fails to make a recommendation; or
 - c. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Compliance with FMC 18.218.050(d)(2), and *CEQA Guidelines* Section 15064.5(e) would ensure that the project would have a **less than significant** impact related to disturbance or inadvertent discovery of human remains.

³¹ Association of Environmental Professionals. 2025. 2025 CEQA Statute & Guidelines. Website: https://www.califaep.org/docs/CEQA_Handbook_2025combined.pdf (accessed August 6, 2025).

4.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

The information and analysis in this section have been prepared based on the *Air Quality, Energy, and Greenhouse Gas Technical Memorandum for the 43800 Osgood Road Project, in Fremont, California*³² (**Appendix A**) prepared by LSA Associates, Inc. and dated March 31, 2025.

4.6.1 Impact Analysis

- a. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?*

The proposed project would increase the demand for energy through day-to-day operations and fuel consumption associated with project construction. The discussion and analysis provided below is based on data included in the California Emissions Estimator Model (CalEEMod) output. CalEEMod output sheets are included within the *Air Quality, Energy, and Greenhouse Gas Technical Memorandum* (**Appendix A**).

Construction. As identified in the Project Description, the proposed project would include improvements to reuse the existing structure and surrounding site to convert it into an industrial facility. The proposed project would include site improvements such as internal demolition and construction, grading, paving and landscaping. Construction activities would begin in 2026 and would occur for 6 months.

Construction would require energy for the manufacture and transportation of construction materials, preparation of the site for grading and building activities, and construction activities. All or most of this energy would be derived from nonrenewable resources. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, construction activities are not anticipated to result in inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy (i.e., fuel) usage on the project site during construction would be

³² LSA. 2025. *Air Quality, Energy, and Greenhouse Gas Technical Memorandum for the 43800 Osgood Road Project, Fremont, California*. March 31.

temporary in nature and would be relatively small in comparison to the State's available energy sources.

Operation. Operational energy usage is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips. Energy consumption was estimated for the project using default energy intensities by land use type in CalEEMod. Electricity usage estimates associated with the proposed project are shown in **Table 4.6.A**.

Table 4.6.A: Estimated Annual Energy Use of Proposed Project

Electricity Use (kWh per year)	Natural Gas Use (therms per year)	Gasoline (gallons per year)	Diesel (gallons per year)
1,500,669	0	144,660	51,245

Source: LSA (March 2025).

kWh = kilowatt-hours

In addition, the proposed project would result in energy usage associated with gasoline to fuel project-related trips. Based on the CalEEMod analysis, the proposed project would result in approximately 3,722,681 VMT per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 mpg in 1980 to 22.8 mpg in 2022.³³ The average fuel economy for heavy-duty trucks in the United States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.³⁴ Therefore, based on the default vehicle fleet mix assumed in CalEEMod and using the USEPA fuel economy estimates, the proposed project would result in the consumption of approximately 144,660 gallons of gasoline per year and 51,245 gallons of diesel fuel per year.

As shown in **Table 4.6.A**, the estimated potential increased electricity demand associated with the proposed project is 1,500,669 kWh per year. In 2023, Alameda County consumed 11,314 GWh or 11,314,000,000 kWh.³⁵ Therefore, electricity demand associated with the proposed project would be less than 0.1 percent of Alameda County's total electricity demand.

In addition, the proposed project would result in energy usage associated with gasoline and diesel to fuel project-related trips. As shown above in **Table 4.6.A**, vehicle trips associated with the proposed project would consume approximately 144,660 gallons of gasoline per year and 51,245 gallons of diesel fuel per year. Based on fuel consumption obtained from CARB's Emission Factors 2021 model (EMFAC2021), approximately 536.1 million gallons of gasoline and approximately 155.8 million gallons of diesel will be consumed from vehicle trips in Alameda County in 2025. Therefore, gasoline

³³ United States Department of Transportation (USDOT). 2023. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles> (accessed August 19, 2025).

³⁴ California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed July 10, 2025).

³⁵ CEC. n.d. California Energy Consumption Dashboards - Electricity Consumption. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/california-energy-consumption-dashboards-0> (accessed August 6, 2025).

and diesel fuel demand generated by vehicle trips associated with the proposed project would be a minimal fraction of gasoline and diesel fuel consumption in Alameda County. Fuel consumption associated with vehicle trips generated by project operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

As identified above, the proposed project would be all-electric and would include EV parking. In addition, the expected energy consumption during construction and operation of the proposed project would be consistent with typical usage rates for industrial uses.

PG&E is the private utility that would supply the proposed project's electricity services. In 2022, approximately 40 percent of PG&E's delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric, and various forms of bioenergy.³⁶ PG&E reached California's 2020 renewable energy goal in 2017 and is positioned to meet the State's 60 percent by 2030 renewable energy mandate set forth in SB 100. In addition, PG&E plans to continue to provide reliable service to its customers and upgrade its distribution systems as necessary to meet future demand.

Therefore, the proposed project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Impacts would be **less than significant**.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

In 2002, the Legislature passed SB 1389, which required the CEC to develop an integrated energy plan every 2 years for electricity, natural gas, and transportation fuels for the Integrated Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for zero emission vehicles (ZEVs) and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The CEC's *2025 Integrated Energy Policy Report*³⁷ provides the results of the CEC's assessments of a variety of energy issues facing California. As indicated above, energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the overall use in Alameda County. In addition, energy usage associated with operation of the proposed project would be relatively small in comparison to the overall use in Alameda County, and the State's available energy resources. Therefore, energy impacts at the regional level would be negligible. Because California's energy conservation planning actions are conducted at a regional

³⁶ Pacific Gas and Electric Company (PG&E). 2025. *Clean Energy Solutions*. Website: <https://www.pge.com/en/about/corporate-responsibility-and-sustainability/taking-responsibility/clean-energy-solutions.html> (accessed July 10, 2025).

³⁷ CEC. 2025. *Integrated Energy Policy Report*. Website: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report-iepr/2025-integrated-energy-policy-report> (accessed August 6, 2025).

level, and because the proposed project's total impact on regional energy supplies would be minor, the proposed project would not conflict with or obstruct California's energy conservation plans as described in the CEC's *2025 Integrated Energy Policy Report*. Additionally, as demonstrated above, the proposed project would not result in the inefficient, wasteful, and unnecessary consumption of energy. Impacts would be **less than significant**.

4.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause 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.	☐	☐	☒	☐
ii. Strong seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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 landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
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?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Unless otherwise noted, the following analysis is based on the *Geotechnical Engineering Investigation* prepared for the proposed project, included in **Appendix C**.³⁸

4.7.1 Impact Analysis

a. *Would the project directly or indirectly cause 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.*

³⁸ Krazan & Associates, Inc. 2024. *Geotechnical Engineering Investigation, Proposed Osgood Industrial Building*. October 10.

Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the past 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of development within the delineated area. The Hayward fault is approximately 0.7 mile to the east of the project site, and the nearest, westerly edge of this fault's mapped Alquist-Priolo Fault Zone is directly adjacent to the project site.³⁹ Therefore, there is potential for fault rupture at the project site, as it is located adjacent to a mapped Alquist-Priolo Fault Zone. However, the proposed project would comply with the City's Standard Development Requirements related to geology and soils as described in Municipal Code Section 18.218.050(e)⁴⁰ and shown in **Table 2.C**, which requires the performance of a project specific Geotechnical Investigation (**Appendix C**), site specific inspections including site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel and concrete, the results of which would be submitted to the city building official/city engineer for review prior to final (as-built) project approval. In addition, the proposed project would be required to be engineered and designed in conformance with applicable geotechnical and soil stability standards as required by the California Building Code (CBC), as adopted by the City. Therefore, through compliance with existing regulations, the potential for the proposed project to either directly or indirectly result in substantial adverse effects related to the rupture of a known earthquake fault would be **less than significant**.

ii. Strong seismic ground shaking?

Seismic shaking (or ground shaking) is a general term referring to all aspects of motion of the earth's surface resulting from an earthquake and is normally the major cause of damage in seismic events. The Working Group on California Earthquake Probabilities and the United States Geological Survey (USGS) have predicted a 6.4 percent probability of a 6.7 magnitude (Mw, or moment magnitude)⁴¹ or greater earthquake on the Northern San Andreas Fault between 2014 and 2044, a 14.3 percent chance on the Hayward Fault, a 7.4 percent chance on the Calaveras Fault, and a total probability of 72 percent that an earthquake of that magnitude will occur on one of the regional San Francisco Bay Area faults during that time.⁴²

The extent of ground shaking is controlled by the magnitude and intensity of the earthquake, the distance from the epicenter, and local geologic conditions. Although the Hayward Fault is the closest fault, any of the regional faults are capable of producing significant ground shaking in the project

³⁹ DOC. n.d. California Geological Survey Earthquake Zones of Required Investigation, CGS Alquist Priolo Fault Traces and Zones. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/> (accessed August 19, 2025).

⁴⁰ City of Fremont. 2025. City of Fremont Municipal Code. Section 18.218.050. Website: <https://www.codepublishing.com/CA/Fremont/#/Fremont18/Fremont18218.html#18.218> (accessed August 19, 2025).

⁴¹ Moment magnitude (Mw) is now commonly used to characterize seismic events as opposed to Richter Magnitude. Moment magnitude is determined from the physical size (area) of the rupture of the fault plane, the amount of horizontal and/or vertical displacement along the fault plane, and the resistance to rupture of the rock type along the fault.

⁴² Field, E.H., and 2014 Working Group on California Earthquake Probabilities. 2015. UCERF3: A New Earthquake Forecast for California's Complex Fault System: United States Geological Survey 2015–3009. Website: <https://dx.doi.org/10.3133/fs20153009> (accessed August 19, 2025).

site. Ground shaking maps prepared by the Association of Bay Area Governments (ABAG) project that during the maximum credible earthquake on the Hayward fault, severe to violent shaking may occur in the project vicinity.⁴³

As previously mentioned, the proposed project would be required to comply with the 2022 California Building Code (Title 24 of the CCR),⁴⁴ which provides for stringent construction requirements on projects in areas of high seismic risk based on numerous interrelated factors. It is acknowledged that seismic hazards cannot be completely eliminated, even with implementation of advanced building practices. However, the seismic design standards of the California Building Code are intended to prevent catastrophic building failure in the most severe earthquakes currently anticipated. Therefore, compliance with the 2022 California Building Code, which is required by both the City and the State, would ensure that the potential impacts associated with ground shaking would be **less than significant**.

iii. Seismic-related ground failure, including liquefaction?

Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. These soils lose strength during ground shaking and may move both horizontally and vertically. In areas where sloping ground or open slope faces are present, this mobility can result in lateral spreading. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that are relatively close to the ground surface. However, loose sands that contain a significant amount of fines (silt and clay) may also liquefy.

The project site is located in an area that has been identified by the California Department of Conservation's California Geological Survey (CGS) as being in an area susceptible to seismically-induced liquefaction.⁴⁵ The intent of the CGS mapping of areas susceptible to earthquake-induced liquefaction is to ensure that geotechnical consultants consider possible liquefaction hazards and perform appropriate site-specific characterization and mitigation of liquefaction hazards. The City of Fremont requires the completion of a geotechnical investigation on new construction sites within a fault zone, a liquefaction zone, and/or a landslide zone.⁴⁶ The *Geotechnical Engineering Investigation* prepared for the proposed project determined that the soils underlying the fill material at the site are moderately strong, slightly compressible, and have a moderate expansion potential. In addition, the *Geotechnical Engineering Investigation* determined that groundwater was

⁴³ Association of Bay Area Governments (ABAG). 2023. Probabilistic Earthquake Shaking Hazard Assessment in Metropolitan Transportation Commission/ABAG Hazard Viewer Map. Website: <https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8> (accessed August 19, 2025).

⁴⁴ City of Fremont. 2022. Municipal Code Chapter 15.47: Fremont Residential Building Code. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont15/Fremont15.html> (accessed August 19, 2025).

⁴⁵ DOC. n.d. California Geological Survey Earthquake Zones of Required Investigation, Liquefaction Zones. Website: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/#data_s=id%3Adata_Source_4-191d8e4b825-layer-21%3A83 (accessed August 19, 2025).

⁴⁶ City of Fremont. 2011. "Chapter 10: Safety, Policy 10-1.2." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000> (accessed August 19, 2025).

encountered at approximately 12 feet below existing site grade but has historically been encountered up to 5 feet. As previously stated, compliance with the recommendations provided in the *Geotechnical Engineering Investigation* are required pursuant to the City's Standard Development Requirements related to geology and soils as described in Municipal Code Section 18.218.050(e).⁴⁷ In order to reduce potential hazards associated with liquefaction, the proposed project would be required to utilize compaction reports, perform in-place density tests, and verify that all soils have been compacted to at least 90 percent of maximum dry density prior to construction activities on site. The Geotechnical Engineering Investigation would also require the proposed project to support all new slab-on-grade and exterior flatwork areas by at least 24 inches of non-expansive Engineered Fill. In addition, as detailed further below in Section 4.10, Hydrology and Water Quality, in the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP and the recommendations provided in the *Geotechnical Engineering Investigation* prepared for the proposed project.

As discussed above in Section 4.7(a)(ii), the applicant would be required to comply with the 2022 California Building Code (Title 24 of the CCR),⁴⁸ including Section 1803, which sets out the requirements for geotechnical investigations and reporting. Additionally, FMC 15.10.350 provides an amendment to the 2022 California Building Code Section 1803 that requires following:

- **1803.8 Review.** Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):
 - The plans and specifications substantially conform to the recommendations in the soil investigation.
 - The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.
- **1803.9 Field Report.** Before requesting a foundation inspection from the city, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:
 - The building pad was prepared and compacted in accordance with the soil report and specification.

⁴⁷ City of Fremont. 2025. City of Fremont Municipal Code. Section 18.218.050. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 19, 2025).

⁴⁸ City of Fremont. 2022. Municipal Code Chapter 15.47: Fremont Residential Building Code. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont15/Fremont15.html> (accessed August 19, 2025).

- The foundation or pier excavation, depth, backfill materials, and drainage (if applicable) substantially conforms with the soil report and approved plans.
- **1803.10 Final Report.** Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

Compliance with the 2022 California Building Code as amended by FMC 15.10.350, would result in foundations that are designed to tolerate any liquefaction-induced settlements, thereby ensuring that potential impacts related to seismic-related ground failure, including liquefaction, would be **less than significant**.

iv. Landslides?

The proposed project and surrounding area are located in a relatively flat area and therefore would not be affected by landslides. In addition, the project site is not located in an area mapped by CGS as being susceptible to earthquake-induced landslides.⁴⁹ Therefore, the proposed project would have **no impact** related to landslides.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Redevelopment of the project site would involve construction activities such as grading and excavation, which could result in temporary soil erosion when the disturbed soils are exposed to wind or rainfall. Because the proposed project would involve over 1 acre of land disturbance, it would be required to comply with the SWRCB's CGP, which requires the preparation and implementation of a SWPPP. As described in Section 4.10, Hydrology and Water Quality, of this document, the SWPPP would include erosion control BMPs that would minimize erosion during construction. Upon completion of construction, the project site would be covered with structures, pavement, and landscaping and would not include areas of exposed soil. Therefore, the proposed project would result in **less than significant** impacts related to soil erosion or loss of topsoil. No mitigation is required.

c. Would the project 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 landslide, lateral spreading, subsidence, liquefaction or collapse?

As previously discussed in Section 4.7.a, above, the project site would not be subject to lateral spreading or landslides. The project site would, however, have the potential for liquefaction-induced settlement and differential settlement. Implementation of geotechnical recommendations, as

⁴⁹ DOC. n.d. California Geological Survey Earthquake Zones of Required Investigation, Landslide Zones. Website: <https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/> (accessed August 19, 2025).

required by the 2022 California Building Code as amended by FMC 15.10.350, would ensure potential impacts related to liquefaction would be **less than significant**.

Subsidence can result from the removal of subsurface water resulting in either gradual depression or catastrophic collapse of the ground surface. The proposed project would connect to the City of Fremont's potable water supply system and would not utilize groundwater at the project site. Groundwater is expected to be shallow at the project site and may fluctuate due to seasonal fluctuation, underground drainage patterns, and other factors. As discussed further in Section 4.10, Hydrology and Water Quality, groundwater depth at the project site is approximately 12 feet below existing grades, and construction associated with the project would require excavation up to 4 feet for building improvements, and up to 8 feet for utility improvements. Any dewatering would be temporary, localized, and would not result in the lowering of surrounding groundwater levels. Additionally, in the event that groundwater is encountered during construction and groundwater dewatering is necessary, the proposed project would implement the recommendations provided in the *Geotechnical Engineering Investigation*, which would ensure that any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP and recommendations of the *Geotechnical Engineering Investigation* prepared for the proposed project.

The project site is predominantly underlain by stiff to very stiff sandy clay with gravel and sandy silty clay or loose clayey gravel which are morally strong, slightly compressible, and have moderate expansion potential. To minimize construction and post-construction settlement, the proposed project would be required to utilize compaction reports, perform in-place density tests, and verify that all soils have been compacted to at least 90 percent of maximum dry density prior to construction activities on site. The Geotechnical Engineering Investigation would also require the proposed project to support all new slab-on-grade and exterior flatwork areas by at least 24 inches of non-expansive Engineered Fill.

Compliance with the 2022 California Building Code as amended by FMC 15.10.350 would ensure that potential impacts related to unstable soil would be **less than significant**.

d. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increases, respectively. The changes in soil volume can result in substantial cosmetic and structural damage to buildings and hardscape developed over expansive soils. These effects can be mitigated by moisture conditioning the expansive soil, placing non-expansive fill below slabs and foundations, designing foundations and slabs to resist ground movements associated with volume changes, supporting foundations below the zone of severe moisture change, and/or limiting moisture changes in the surficial soils by using positive drainage away from the building as well as limiting landscape watering.

Moderately expansive fill soils generally blanket the project site. To reduce the potential for damage to the planned structures, the Geotechnical Investigation recommends the proposed project would be required to utilize compaction reports, perform in-place density tests, and verify that all soils have been compacted to at least 90 percent of maximum dry density prior to construction activities

on site. The Geotechnical Engineering Investigation would also require the proposed project to support all new slab-on-grade and exterior flatwork areas by at least 24 inches of non-expansive Engineered Fill.

The implementation of geotechnical recommendations, as required by the 2022 California Building Code as amended by FMC 15.10.350, would ensure that potential impacts related to expansive soils at the project site would be **less than significant**.

e. Would the project 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?

Development of the proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. Therefore, the proposed project would have **no impact** related to septic tanks or alternative wastewater disposal systems.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

As described in further detail in Section 4.5, Cultural Resources, no paleontological resources or unique geological features are known to exist within or near the project site. However, the possibility of accidental discovery of paleontological resources during project construction cannot be discounted. The City's standard development requirements, as described in **Table 2.C**, Section 2.3. of this document and adopted under FMC Section 18.218.050(d),⁵⁰ include provisions to ensure that potential impacts to paleontological resources would be less than significant. Compliance with FMC 18.218.050(d) would ensure that construction contractors are notified of the sensitivity of the project site for paleontological resources and ensure that these resources are properly handled in the event of an accidental discovery and therefore would ensure this impact would be **less than significant**.

⁵⁰ City of Fremont. 2022. Fremont Municipal Code Section 18.50.050(d)(2). Standard development requirements. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 19, 2025).

4.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

The information and analysis in this section have been prepared based on the *Air Quality, Energy, and Greenhouse Gas Technical Memorandum*⁵¹ (**Appendix A**) prepared for the proposed project.

GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur hexafluoride (SF₆).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, which is believed to be causing global warming. Although manmade GHGs include naturally occurring GHGs (e.g., CO₂, CH₄, and N₂O), some gases (e.g., HFCs, PFCs, and SF₆) are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of global warming potential (GWP), which is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere (i.e., atmospheric

⁵¹ LSA. 2025. *Air Quality, Energy, and Greenhouse Gas Technical Memorandum for the 43800 Osgood Road Project, Fremont, California*. March 31.

lifetime). The GWP of each gas is measured relative to CO₂, the most abundant GHG; the definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of CO₂ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of CO₂ equivalents (CO₂e).

4.8.1 Impact Analysis

- a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The Air District's CEQA Guidelines⁵² identify applicable GHG significance thresholds. The Air District recommends these thresholds of significance for use in determining whether a proposed project will have a significant impact related to climate change. These thresholds evaluate a project based on its effect on California's efforts to meet the State's long-term climate goals. Applying this approach, the Air District identifies and provides supporting documentation outlining the requirements that new land use development projects must comply with to achieve California's long-term climate goal of carbon neutrality by 2045. Based on this research, the Air District has determined that new land use development projects need to incorporate design elements to contribute the "fair share" towards implementation of the goal of carbon neutrality by 2045. If a project is designed and built to incorporate the identified design elements, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change.

According to the Air District, a project would have a less than significant impact related to GHG emissions if it would:

- a. Include, at a minimum, the following project design elements:
1. Buildings
 - a) The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b) The project will not result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 2. Transportation
 - a) Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT

⁵² Bay Area Air District. 2022. *2022 CEQA Guidelines*. Website: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines> (accessed July 10, 2025).

target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

- i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
- b) Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- b. Or be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

The City adopted its updated CAP, *Climate Ready Fremont*,⁵³ on October 10, 2023. *Climate Ready Fremont* provides a series of local GHG reduction and climate adaptation measures to be undertaken through 2023, including transportation, energy, and waste. Some of the key community-level measures include promoting clean power for residents and businesses, investing in EV charging infrastructure and encouraging the use of EVs, requiring green building for new construction, reducing plastic waste, and promoting active transportation options like biking and walking.

In addition, as discussed in *Climate Ready Fremont*, new development projects that are consistent with the growth projections and applicable GHG reduction measures in *Climate Ready Fremont* are eligible for CEQA streamlining, per the provisions of *State CEQA Guidelines* Section 15183.5. Under these provisions, a project that is subject to discretionary review and is consistent with the City's General Plan growth projections can show consistency with applicable GHG reduction measures in *Climate Ready Fremont*, and the level of analysis for the project required under CEQA can be streamlined. Furthermore, a project's incremental contribution to cumulative GHG emissions may be determined not to be cumulatively considerable in such cases.

Construction GHG Emissions. Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The Air District does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that

⁵³ City of Fremont. 2023. *Climate Ready Fremont*. October 10. Website: <https://www.fremont.gov/home/showpublisheddocument/14218/638428261066300000> (accessed July 10, 2025).

would occur during construction. Using CalEEMod, it is estimated that construction of the proposed project would generate approximately 183.4 MT CO₂e.

Operational GHG Emissions. Long-term GHG emissions associated with the proposed project would typically be generated from mobile sources (e.g., vehicle trips), area sources (e.g., maintenance activities and landscaping), indirect emissions from sources associated with energy consumption, waste sources (land filling and waste disposal), and water sources (water supply and conveyance, treatment, and distribution). Mobile-source GHG emissions would include project-generated vehicle trips to and from the project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site. Energy source emissions would be generated at off-site utility providers as a result of increased electricity demand generated by the project. Waste source emissions generated by the proposed project include energy generated by land filling and other methods of disposal related to transporting and managing project generated waste. In addition, water source emissions associated with the proposed project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment.

As discussed above, a project would have a less than significant impact related to GHG emissions if it would include the project design elements related to natural gas, energy, VMT, and electric vehicles, required by the Air District *or* if it would be consistent with a local GHG reduction strategy that meets the criteria under *State CEQA Guidelines* Section 15183.5(b). As discussed above, the City’s CAP, *Climate Ready Fremont*, meets the requirements for a Qualified Greenhouse Gas Reduction Strategy and is designed to streamline environmental review of future development projects in the City, consistent with *State CEQA Guidelines* Section 15183.5(b). Therefore, the proposed project is evaluated for consistency with applicable GHG reduction measures in *Climate Ready Fremont* as demonstrated in **Table 4.8.A** below.

Table 4.8.A: Project Compliance with the *Climate Ready Fremont* GHG Reduction Measures

GHG Reduction Measure	Project Compliance
Measure BU-1: Transition to 100 percent clean electricity consumption.	Consistent. The proposed project would include solar, which would help generate a portion of the electricity on site. In addition, PG&E is the private utility that would supply the proposed project’s electricity services. In 2022, approximately 40 percent of PG&E’s delivered electricity came from renewable sources, including solar, wind, geothermal, small hydroelectric, and various forms of bioenergy. PG&E reached California’s 2020 renewable energy goal in 2017 and is positioned to meet the State’s 60 percent by 2030 renewable energy mandate set forth in Senate Bill (SB) 100.
Measure BU-3: Require new nonresidential construction to be zero net energy and low carbon.	Consistent. The proposed project would be all-electric, and no natural gas demand is anticipated during construction or operation of the proposed project. The elimination of natural gas in new development would help projects implement their “fair share” of achieving long-term 2045 carbon neutrality consistent State goals.
Measure BU-8: Reduce energy consumption in buildings and operations.	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. The proposed project would be all-electric and would comply with reach codes established by the City, which go beyond the State regulatory requirements.

Table 4.8.A: Project Compliance with the *Climate Ready Fremont* GHG Reduction Measures

GHG Reduction Measure	Project Compliance
Measure BU-10: Reduce overall demand on the electrical grid.	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. The proposed project would be all-electric. As identified in the Air District's CEQA Guidelines, the elimination of natural gas in new developments would help projects implement their "fair share" of GHG emission reductions necessary to achieve carbon neutrality by 2045, consistent with State goals. As such, if a project does utilize natural gas, a lead agency can conclude that it would not be consistent with achieving the 2045 neutrality goal and will have a cumulative considerable impact on climate change. The proposed project would not include natural gas appliances or plumbing. Therefore, the proposed project would contribute to its "fair share" of GHG emission reductions necessary to support achieving the State goals of long-term GHG emission reductions and carbon neutrality by 2045. In addition, PG&E plans to continue to provide reliable service to its customers and upgrade its distribution systems as necessary to meet future demand. Therefore, the proposed project would not conflict with measures related to reducing overall demand on the electrical grid.
Measure BU-13: Reduce water consumption in buildings.	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. Because the proposed project would reuse an existing building, it isn't expected that the proposed project would substantially increase water consumption, consistent with the intent of this measure.
Measure BU-14: Increase the capture of rainwater and use of greywater.	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. Because the proposed project would reuse an existing building, it isn't expected that the proposed project would substantially increase water consumption. The proposed project would also be required to comply with the California Model Water Efficient Landscape Ordinance. As such, the proposed project is consistent with the intent of this measure.
Measure BU-15: Increase sustainable materials use and recovery in construction and demolition (C&D).	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. As such, the proposed project would increase sustainable materials use and recovery in construction and demolition.
Measure IN-3: Install infrastructure to support electric vehicle (EV) charging and other zero-emission vehicle (ZEV) fueling needs.	Consistent. The proposed project would provide 56 EV capable parking stalls and 19 EV installed spaces.
Measure IN-5: Improve pedestrian and bicycle infrastructure as identified in previous City plans and in the new Active Transportation Plan.	Consistent. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide EV charging and Alameda-Contra Costa Transit District (AC Transit) Bus Route Line 215 has a stop adjacent to the project site. Therefore, the proposed project would support the ability to use alternative and cleaner modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation.

Table 4.8.A: Project Compliance with the *Climate Ready Fremont* GHG Reduction Measures

GHG Reduction Measure	Project Compliance
Measure IN-12: Reduce emissions and air pollution associated with diesel fuel use in off-road equipment and stationary sources.	Consistent. Once operational, the proposed project would not include off-road equipment or stationary sources. In addition, implementation of the Air District's Construction Mitigation Measures, as required by FMC Section 18.218.050(a) would reduce the amount of construction vehicle idling consistent with this measure.
Measure LU-1: Promote and enhance active transportation options as identified in the City's Active Transportation Plan and Mobility Action Plan.	Consistent. The project site is currently developed with an existing building that operates as a retail center. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide EV charging and AC Transit Bus Route Line 215 has a stop adjacent to the project site. Therefore, the proposed project would support the ability to use alternative and cleaner modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation.
Measure LU-2: Reduce vehicle miles traveled (VMT) and single-occupancy vehicle trips, as identified in the General Plan.	Consistent. The project site is currently developed with an existing building that operates as a retail center. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide EV charging and AC Transit Bus Route Line 215 has a stop adjacent to the project site. Therefore, the proposed project would support the ability to use alternative and cleaner modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation.
Measure LU-3: Encourage the adoption of zero-emission passenger vehicles.	Consistent. The proposed project would provide 56 EV capable parking stalls and 19 EV installed spaces. Therefore, the proposed project is consistent with measures encouraging the use of EVs.
Measure LU-4: Increase transit ridership and promote transition to zero-emissions transit.	Consistent. AC Transit Bus Route Line 215 has a stop adjacent to the project site. Therefore, the proposed project would support the ability to use alternative modes of transportation.
Measure LU-5: Increase implementation of Transportation Demand Management (TDM) strategies as identified in the General Plan.	Consistent. As discussed in the VMT Analysis prepared for the proposed project, a detailed assessment of VMT reduction strategies that are applicable to the project were considered and applied using the Alameda County Transportation Commission VMT Reduction Calculator Tool. Given that the eventual project tenant is unknown, the VMT Analysis presented several trip reduction strategies that may be utilized to mitigate the VMT impact, including price workplace parking, mandatory employer commute program, or a combination of multiple strategies such as carpool and/or vanpool programs. The proposed project would be required to implement one of these options to ensure VMT impacts would be less than significant. Therefore, the proposed project would support the ability to use alternative modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation. Therefore, the proposed project is consistent with this measure.

Table 4.8.A: Project Compliance with the *Climate Ready Fremont* GHG Reduction Measures

GHG Reduction Measure	Project Compliance
Measure LU-6: Reduce the amount of parking to encourage transit-oriented development (TOD) as identified in the General Plan.	Consistent. The project site is currently developed with an existing building that operates as a retail center. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, reducing the demand for travel by single occupancy vehicles. The proposed project would also provide EV charging and AC Transit Bus Route Line 215 has a stop adjacent to the project site. Therefore, the proposed project would support the ability to use alternative and cleaner modes of transportation, would promote initiatives to reduce vehicle trips and VMT, and would increase the use of alternate means of transportation.
Measure LU-7: Apply smart growth and low-carbon land use development principles.	Consistent. The project site is currently developed with an existing building that operates as a retail center. The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, which would locate employees near existing commercial, industrial, and residential uses, consistent with this measure.

Source: LSA (March 2025).

As demonstrated in **Table 4.8.A** above, the proposed project would be consistent with the applicable strategies from *Climate Ready Fremont*. Therefore, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant effect on the environment. Impacts would be **less than significant**.

b. Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

As discussed above, the proposed project is consistent with the City's CAP, *Climate Ready Fremont*. Absent any other local or regional Climate Action Plan, the proposed project was analyzed for consistency with the goals of the 2022 Scoping Plan,⁵⁴ EO B-30-15, SB 32, and AB 197.

EO B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. CARB released a second update to the Scoping Plan, the 2017 Scoping Plan,⁵⁵ to reflect the 2030 target set by EO B-30-15 and codified by SB 32. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-15. SB 32 builds on AB 32 and keeps California on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32, AB 197, provides additional direction to the CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are collected by CARB was posted in

⁵⁴ California Air Resources Board (CARB). 2021. *2022 Scoping Plan Update*. May 10. Website: <https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf> (accessed July 14, 2025).

⁵⁵ CARB. 2017. *California's 2017 Climate Change Scoping Plan*. November. Website: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf (accessed August 7, 2025).

December 2016. AB 1279 codifies the State goals of achieving net carbon neutrality by 2045 and maintaining net negative GHG emissions thereafter.

In addition, the 2022 Scoping Plan assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

The Air District's Justification Report established guidance on how individual projects would be consistent with California's long-term climate goals and provides substantial evidence in supporting the use of their thresholds for projects throughout California because the thresholds are designed to meet the State's established GHG reduction goals, including the 2022 Scoping Plan goals. If a project is designed and built to incorporate these design elements related to VMT, natural gas, energy, and EVs, then it would contribute its portion of what is necessary to achieve California's long-term climate goals, and an agency reviewing the project under CEQA can conclude that the project would be consistent with the State's 2022 Scoping Plan. As discussed above, the City's CAP, *Climate Ready Fremont*, meets the Air District's requirements for a Qualified Greenhouse Gas Reduction Strategy and is designed to streamline environmental review of future development projects in the City, consistent with *State CEQA Guidelines* Section 15183.5(b) and the Air District's Justification Report. As demonstrated above, the proposed project would be consistent with *Climate Ready Fremont* and would have a less than significant GHG impact. As analyzed against the thresholds of significance, the proposed project would be contributing its "fair share" of emission reductions to support long-term State goals of GHG emission reductions and carbon neutrality, and would therefore be found to be consistent with regional and State goals and applicable plans for GHG emissions reductions.

Therefore, the proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in EO B-30-15, SB 32, AB 197, and AB 1279, and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHG emissions. Impacts would be **less than significant**.

4.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. 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?	☐	☐	☒	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

4.9.1 Impact Analysis

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The project site is currently zoned Regional Commercial (C-R); however, implementation of the proposed project would include a General Plan Amendment and rezoning of the site to the Tech Industrial (I-T) designation, which provides areas devoted to research and development activities; “clean and green” technology; semiconductor, computer hardware, software, and related technology; administrative sales; and engineering facilities. The proposed project would include interior and exterior improvements and updates to the existing structure. Although the tenant and exact operations of the proposed project are not currently known, operation of the site under allowable I-T uses may involve routine transport, use, and/or disposal of hazardous materials. Hazardous materials (e.g., oil, grease, fuels, paint) would be transported and used on site during proposed construction activities.

The routine transport, use, or disposal of these hazardous materials could pose a potential hazard to construction workers and future employees working at the project site, as they would be handling the hazardous materials and could therefore be exposed through inhalation of vapors, direct contact with skin, or accidental ingestion. These materials are typical of materials delivered to construction sites. The amount of hazardous chemicals present during construction would be limited to what is required to operate construction equipment and would be handled in compliance with existing government regulations. The routine transport, use, or disposal of these hazardous materials would not pose a significant hazard to the public or environment unless the hazardous materials were accidentally spilled or released into the environment, as discussed in Section 4.9.b, below.

All future uses of the project site would be subject to existing regulatory programs for hazardous materials. The Hazardous Materials (HazMat) Division of the Fremont Fire Department's Fire Prevention Bureau is designated as the Certified Unified Program Agency (CUPA) for the City of Fremont. The role of a CUPA is to consolidate, coordinate, and make consistent the administrative requirements, permits, inspections, and enforcement activities associated with the regulation of hazardous materials and hazardous wastes. The HazMat Division coordinates the regulation of hazardous materials and hazardous wastes in Fremont through the following programs:

- Hazardous Materials Business Plan (HMBP) Program;
- California Accidental Release Program (CAL-ARP);
- UST Program;
- Hazardous Waste Generator Program; and
- On-Site Hazardous Waste Treatment Tiered Permitting Program.

Businesses that store or use hazardous materials in the city limits of Fremont are required to submit chemical and facility information on the California Environmental Reporting System (CERS), which is a statewide web-based system to support CUPAs in electronically collecting and reporting various hazardous materials-related data as mandated by the California Health and Safety Code and 2008 legislation (AB 2286). Chapter 6.95 of Division 20 of the California Health and Safety Code requires that an HMBP must be submitted to the local CUPA if on-site hazardous materials exceed in aggregate any of the following: 55 gallons for liquids; 500 pounds for solids; or 200 cubic feet of gases at standard temperature and pressure. HMBPs are required to be submitted electronically to the CERS and must include facility information, a Hazardous Materials Inventory Statement, an Emergency Response Plan, and an Emergency Response Training Plan. The HMBP must be re-certified for completeness and accuracy every year or updated and revised as necessary.

The FMC Section 8.35.350⁵⁶ states that any person, firm, or corporation which handles, uses, or stores any hazardous material (pursuant to Section 8.35.070) shall obtain and keep current a Hazardous Materials Management Permit, even at quantities that do not require the filing of a HMBP under the California Health and Safety Code. To obtain a hazardous materials permit, each applicant must submit a written plan, for approval by the City, known as a Hazardous Materials

⁵⁶ City of Fremont. 2022. Fremont Municipal Code Section 8.35.350: Hazardous Materials Management. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html> (accessed July 14, 2025).

Management Plan (HMMP),⁵⁷ which shall demonstrate the safe storage, transportation, use and handling of hazardous materials in compliance with FMC Chapter 8.35, Article IV⁵⁸, including preparation of a Hazardous Materials Inventory Statement. Pursuant to FMC Section 8.35.100,⁵⁹ satisfactory provisions must be made for appropriate containment, neutralization, and removal of spills or leakage of hazardous materials that may occur during storage, handling, transportation, or use, including necessary safety equipment for personnel. The City determines what provisions are “satisfactory” and what safety equipment is “necessary.” No person, firm or corporation shall receive a Certificate of Occupancy for any facility involving the handling of hazardous materials until a permit or approval has been issued.

CAL-ARP aims to reduce the likelihood and impact of accidental releases of regulated toxic and flammable substances. Under CAL-ARP, facilities that handle more than a threshold quantity of a regulated hazardous substance, such as federally listed extremely hazardous toxic and flammable substances, and State-listed acutely hazardous materials, must prepare a Risk Management Plan (RMP). The RMP must analyze the potential for accidental release. Facilities that are required to prepare an RMP must obtain and keep current a CAL-ARP Program Facility Permit, as issued by the Fremont Fire Prevention Division.

Worker health and safety is regulated at the federal level by the United States Department of Labor, Occupational Safety and Health Administration (OSHA). OSHA regulations include training requirements for construction workers and a requirement that hazardous materials be accompanied by manufacturer’s Safety Data Sheets (SDSs). The Federal Occupational Safety and Health Act of 1970 authorizes states to establish their own safety and health programs with OSHA approval. Worker health and safety protections in California are regulated by the California Department of Industrial Relations (DIR). The DIR includes the Division of Occupational Safety and Health (DOSH), which acts to protect workers from safety hazards through its California OSHA (Cal/OSHA) program. Cal/OSHA regulations include requirements for protective clothing, training, and limits on exposure to hazardous materials. California standards for workers dealing with hazardous materials are contained in CCR Title 8 and include practices for all industries (General Industrial Safety Orders), and specific practices for construction. The routine transport, use, and disposal of hazardous materials at the project site during operation and construction activities would be required to comply with a project Health and Safety Plan (HASP) prepared in accordance with CCR Title 8, which would mitigate potential health hazards for workers related to the routine transport, use, or disposal of hazardous materials to a less than significant level.

Because the proposed project would result in soil disturbance greater than 1 acre, management of hazardous materials during construction activities would be subject to the requirements of the

⁵⁷ Section 25504 of the California Health and Safety Code states that, to reduce duplicative regulatory requirements, preparation of a HMBP, for facilities required to do so, also meets the requirements for a HMMP where required by other applicable codes.

⁵⁸ City of Fremont. 2022. Fremont Municipal Code Chapter 8.35, Article IV. Hazardous Materials Management Plan. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html#8.35.220> (accessed July 14, 2025).

⁵⁹ City of Fremont. 2022. Fremont Municipal Code Section 8.35.100 Safety Provisions. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont08/Fremont0835.html#8.35.100> (accessed July 14, 2025).

SWRCB's National Pollutant Discharge Elimination System (NPDES) Permit Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders No. 2010-0014-DWQ, 2012-0006-DWQ, and 2022-0057-DWQ) (CGP). The CGP requires preparation and implementation of a SWPPP, which is discussed in more detail in Section 4.10, Hydrology and Water Quality. The SWPPP includes hazardous materials storage requirements; for example, construction site operators must store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).

The transportation of hazardous materials is subject to United States Department of Transportation (USDOT), RCRA, and State regulations. In 1990 and 1994, the federal Hazardous Materials Transportation Act was amended to improve the protection of life, property, and the environment from the inherent risks of transporting hazardous materials in all major modes of commerce. The USDOT developed hazardous materials regulations that govern the classification, packaging, communication, transportation, and handling of hazardous materials, as well as employee training and incident reporting. The California Highway Patrol, Caltrans, and the DTSC are responsible for enforcing federal and State regulations pertaining to the transportation of hazardous materials.

As part of Alameda County Water District's (ACWD) Groundwater Protection Program, ACWD has entered into Cooperative Agreements with both the California Regional Water Quality Control Board – San Francisco Bay Region⁶⁰ and the City of Fremont,⁶¹ which allows ACWD to provide technical oversight for the investigation and remediation at LUST sites and sites where the pollution is attributed to spills or leaks from structures other than underground fuel tanks, now referred to as Site Cleanup Program sites or SCP (formerly known as Spills, Leaks, Investigation, and Cleanup sites or SLIC sites). As a result, ACWD must be notified if any soil and/or groundwater contamination is encountered during implementation of the proposed project.

Construction of the proposed project would result in the generation of various waste materials that would require recycling and/or disposal, including some waste materials that may be classified as hazardous waste. Hazardous wastes would be required to be transported by a licensed hazardous waste hauler and disposed of at facilities that are permitted to accept such materials as required by the USDOT, RCRA, and State regulations.

Compliance with the existing hazardous materials regulations and programs described above, including the CGP; requirements for HMBPs, HMMPs, and RMPs for facilities handling hazardous materials; Cal/OSHA CCR Title 8 and OSHA regulations; ACWD SCP investigation/remediation procedures; and USDOT, RCRA, and State regulations would ensure that the proposed project would

⁶⁰ Alameda County Water District (ACWD). 1996 (updated 2013). Cooperative Agreement between San Francisco Bay Regional Water Quality Control Board and Alameda County Water District, dated June 27, 1996, updated May 28, 2013. Website: <https://www.acwd.org/DocumentCenter/View/132> (accessed July 14, 2025).

⁶¹ ACWD. 1997. Cooperative Agreement between City of Fremont and Alameda County Water District (Agreement 2880), dated March 25, 1997. Website: <https://www.acwd.org/DocumentCenter/View/128> (accessed July 14, 2025).

not create a significant hazard to the public or the environment associated with the routine transport, use, or disposal of hazardous materials by ensuring that these materials are properly handled during construction and operation of the proposed project. Therefore, any impacts would be considered **less than significant**.

b. 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?

There are two primary ways that the public and/or the environment could be affected by the release of hazardous materials from the project site, including: (1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project; or (2) exposing workers and/or the public to hazardous building materials (e.g., lead paint, asbestos) during demolition of existing structures.

As described above, small quantities of common hazardous materials would be used at the project site during construction and operation of the proposed project. Improper use, storage, or handling could result in the release of hazardous materials into the environment which could pose a risk to construction workers and the public. However, during construction and operation of the proposed project, compliance with CAL-ARP, as well as the other existing hazardous materials regulations and programs described above (including NESHAPS; the CGP; requirements for HMBPs, HMMPs, and RMPs for facilities handling hazardous materials; Cal/OSHA CCR Title 8 and OSHA regulations; ACWD SCP investigation/remediation procedures; and USDOT, RCRA, and State regulations), would reduce the potential for releases of hazardous materials that would be routinely transported, used, disposed of during construction and operation of the proposed project and would ensure that impacts to human health or the environment associated with accidental releases of hazardous materials resulting from the proposed project would be **less than significant**.

c. 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?

In compliance with existing regulations, the proposed project would not produce or emit hazardous emissions or handle a significant amount of hazardous or acutely hazardous materials, substances, or wastes during either construction or operations. The nearest school facility in proximity to the project site is the Stratford School, located at 43077 Osgood Road, approximately 0.4 miles northwest. As discussed above, construction activities associated with the proposed project would use a limited amount of hazardous substances during heavy equipment operation for site excavation, grading, and construction. The amount of hazardous chemicals present during construction would be limited and would be in compliance with existing government regulations.

During project operation, the proposed project would not require the use, storage, disposal, or transport of large volumes of hazardous materials that could cause serious environmental damage in the event of an accident. Although hazardous substances would be present and utilized in limited amounts within the project site, they would typically be present in small quantities and can be cleaned up without affecting the environment. Therefore, the proposed project is not located within one-quarter mile of an existing or proposed school, and impacts related to hazardous emissions or

handling of hazardous or acutely hazardous materials, substances, or waste would be **less than significant**.

- d. Would the project 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 and project vicinity were evaluated via the SWRCB's GeoTracker database,⁶² the DTSC's EnviroStor database,⁶³ and the Cortese List⁶⁴ for the purposes of identifying hazardous materials sites associated with the project site. The project site is not included on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, no active hazardous materials sites were identified within 1,000 feet of the project site. Similarly, the project site is not included on the SWRCB GeoTracker, which identifies sites that require cleanup, such as Leaking Underground Storage Tank (LUST) Sites, Department of Defense Sites, and Cleanup Program Sites. Therefore, the database results indicate that although the project site is not included on the list of hazardous materials release sites compiled in accordance with Government Code Section 65962.5 (also known as the Cortese List), and it does not pose a potential hazard to the public or environment. Therefore, **no impact** associated with the proposed project being included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 would occur.

- e. Would the project be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

There are no airports within Fremont, and the project site is not within 2 miles of any public airport, or in the vicinity of a private airstrip. The closest airports to the project site are Norman Y. Mineta San Jose International Airport (SJC) Palo Alto Airport, and Moffett Federal Airfield, each approximately 10 miles away. As such, there are no associated airport land use plans applicable to the site, and the project would not result in a safety hazard for people working at the site. **No impact** would occur.

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

The proposed project would be consistent with the policies outlined in the City's General Plan Safety Element⁶⁵ and would be designed to meet all applicable federal, State, and local fire safety codes. Vehicular access to the project site would be provided via two driveways off Osgood Road, on the

⁶² State Water Resources Control Board (SWRCB). 2022. Geotracker Database. Website: <https://geotracker.waterboards.ca.gov/> (accessed July 14, 2025).

⁶³ California Department of Toxic Substances Control (DTSC). 2022. EnviroStar Database. Website: <https://www.envirostor.dtsc.ca.gov/public/> (accessed July 14, 2025).

⁶⁴ California Environmental Protection Agency. 2020. Cortese List Data Resources. Website: calepa.ca.gov/sitecleanup/corteselist/ (accessed July 14, 2025).

⁶⁵ City of Fremont. 2011. "Chapter 10: Safety Element." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000> (accessed July 14, 2025).

western boundary of the project site. According to the Fire Access Road Plan prepared for the proposed project⁶⁶, the northern entrance would include a 35-foot-wide driveway and would provide access to the western side of the building, which would be designated for aerial apparatus access in the event of an emergency. Circulation throughout the project site would be consistent with applicable requirements regarding fire access in the event of an emergency, including all Fremont Fire Department standards, City of Fremont ordinances, and the California Fire Code. The proposed project would not reduce the number of traffic lanes on Osgood Road and would not alter the existing street layout; therefore, it would not alter or obstruct emergency evacuation routes. Therefore, the proposed project would not be expected to impair the function of nearby emergency evacuation routes and would have **less than significant** impacts on implementation of an adopted emergency response plan or emergency evacuation plan.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped very high fire hazard severity zones in Alameda County to help responsible local agencies, such as the Fremont Fire Department and Fire Prevention Bureau, identify measures to reduce the potential for loss of life, property, and resources from wildland fire. The project site and surrounding area are mapped by CAL FIRE as being outside of the very high fire hazard severity zone (VHFHSZ).⁶⁷

The project site is in an urban area. Vegetation on the project site consists primarily of landscape plants on the perimeter of the project site. The project site is surrounded by existing roadways, and vegetation in the immediate vicinity of the project site consists primarily of trees and landscaped areas within surrounding properties. There are no large areas of vegetated open space in the vicinity of the project site.

Construction of the proposed project would require the use of construction equipment that could generate sparks and temporarily increase fire risks. Operation of the proposed project could involve industrial activities that could also increase fire risks, and if proposed landscaping vegetation on the project site is not appropriately managed, the project could increase the risk of fire spreading from the project site to surrounding areas. As discussed above, potential handling of hazardous materials during project operation, which may include flammable materials, would be managed under an HMBP. Tenants of the proposed project would also be required by OSHA to establish an emergency action plan that would reduce the exposure of employees to risks of loss, injury, or deaths in the event of fires. However, the project site is not within an area mapped by CAL FIRE as a VHFHSZ; therefore, activities at the project site that have the potential to increase risks of fire are unlikely to contribute to the start or spread of wildland fire. Therefore, impacts related to significant risk of loss, injury, or death involving wildland fire would be **less than significant**.

⁶⁶ Kier and Wright. 2024. 43800 Osgood Road Fire Access Road Plan. November 12.

⁶⁷ California Department of Forestry and Fire Protection (CAL FIRE). 2025. Fire Hazard Severity Zones Mapper. Website: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed July 14, 2025).

4.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
iii. 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; or	☐	☐	☒	☐
iv. Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

4.10.1 Impact Analysis

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate the quality of surface water and groundwater bodies throughout California. In the Bay Area, including the project site, the San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for implementation of the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses and water quality objectives for waterways and water bodies within the region. Section 303(d) of the federal Clean Water Act (CWA) requires that states identify water bodies (including bays, rivers, streams, creeks, and coastal areas) that do not meet water quality standards and the pollutants that are causing the impairment. Total Maximum Daily Loads (TMDLs) describe the maximum amount of a pollutant that a water body can receive while still meeting established water quality standards. A TMDL establishes limits for pollutant discharges into impaired water bodies.

Under existing conditions, stormwater at the project site either infiltrates at the project site or flows northwest to discharge into existing drainage infrastructure within Osgood Road. The existing topography of the project site gently slopes from south to north and northwest towards Osgood Road along the western boundary of the project site, with approximately 2 percent slopes. Stormwater from the project site ultimately discharges to Mud Slough and San Francisco Bay. The SWRCB 2024 California Integrated Report for CWA Section 303(d) does not list any impairments for Mud Slough. The Lower San Francisco Bay is listed as an impaired water body for the following pollutants: dichlorodiphenyltrichloroethane (DDT), mercury, selenium, dioxin compounds, furan compounds, polychlorinated biphenyls (PCBs), dieldrin, trash, PCBs (dioxin-like), and chlordane.⁶⁸

Runoff water quality is regulated by the NPDES Program (established through the federal CWA). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES Program is administered by the Water Board. According to the water quality control plans of the Water Board, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with SWRCB's CGP,⁶⁹ which requires preparation of a SWPPP and implementation of Construction BMPs during construction activities. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

The proposed project would be subject to the California RWQCB San Francisco Bay Region's Municipal Regional Stormwater NPDES Permit (MRP), which went into effect on July 1, 2022 (Order R2-2022-0018, amended October 2023 by Order R2-2023-019; NPDES Permit No. CAS612008). The MRP covers stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties; the cities of Fairfield, Suisun City, and Vallejo; and the Vallejo Flood & Wastewater District, which have joined together to form the Solano Stormwater Alliance (Solano Permittees). Provision C.3 of the MRP requires new development and redevelopment projects that would replace more than 5,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the Provision C.3 requirements, the preparation and submittal of a Stormwater Quality Control Plan (SWQCP) would be required. The proposed project includes an SWQCP⁷⁰, which would treat a total of 145,745 square feet of existing, new, and replaced impervious area.

The purpose of a SWQCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. SWQCPs must include Low Impact Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource rather than a waste product. Additionally, the preparation of a Stormwater Facility

⁶⁸ SWRCB. 2024. *2024 California Integrated Report*. Website: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html (accessed July 28, 2025).

⁶⁹ NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002).

⁷⁰ Kier and Wright. 2024. Stormwater Quality Control Plan. November 14.

Operation and Maintenance Plan is required to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

Construction. The proposed project involves interior demolition and construction, as well as grading, paving and landscaping of outdoor areas. Project construction would include the addition of an approximately 6,000-square-foot mezzanine, removal of existing pavement and concrete, and landscaping in the existing parking area. In addition, the project would include improvements of underground utilities, curbs and gutters, as well as sidewalks, site lighting, fire hydrants, and catch basins. Pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. During construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. In addition, chemicals, liquid products, petroleum products (e.g., paints, solvents, and fuels), and concrete-related waste may be spilled or leaked, and they have the potential to be transported via stormwater runoff into receiving waters.

Because construction of the proposed project would disturb greater than 1 acre of soil, the project is subject to the requirements of the CGP,⁷¹ which requires preparation of a SWPPP and implementation of construction BMPs during construction activities. Compliance with the CGP would include submission of Permit Registration Documents (PRDs), including a Notice of Intent for coverage under the permit to the SWRCB via the Stormwater Multiple Application and Report Tracking System (SMARTS). The project applicant would provide the Waste Discharge Identification Number (WDID) to the Planning Manager of the City of Fremont Planning Department, or designee, to demonstrate proof of coverage under the CGP. Project construction would not be initiated until a WDID is received from the SWRCB and is provided to the City, or designee.

The SWPPP would be prepared by a Qualified SWPPP Developer in accordance with the requirements of the CGP. Requirements include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation would be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association's Best Management Handbook: Construction.⁷²

The SWPPP would also include a construction site monitoring program that identifies requirements for dry-weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner would be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities. Upon completion of construction and stabilization of the site, a Notice of Termination would be submitted via SMARTS. Construction

⁷¹ SWRCB's National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ, NPDES No. CAS000002).

⁷² California Stormwater Quality Association. n.d. BMP Handbooks. Website: <https://www.casqa.org/resources/bmp-handbooks> (accessed August 7, 2025).

BMPs would include, but are not limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters.

Exploratory borings conducted on the project site during preparation of the *Geotechnical Engineering Investigation*⁷³ for the proposed project measured groundwater at a depth range of approximately 12 feet below existing site grade. Additionally, historic high groundwater was estimated to be 5 feet based on information from the Sustainable Groundwater Management Data Viewer (SGMA).⁷⁴ Soil removal extending up to approximately up to 4 feet for building improvements, and up to 8 feet for utility improvements is expected for the removal of existing pavement and concrete, landscaping in the existing parking area, and improvements of underground utilities, curbs and gutters, as well as sidewalks, site lighting, fire hydrants, and catch basins. Fluctuations in groundwater levels can occur due to many factors, including seasonal precipitation, land use and climatic conditions, and other factors. Therefore, although dewatering is not anticipated as part of project construction, dewatering and/or waterproofing may be required should structures or excavations extend below groundwater depth. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters and could cause degradation of the receiving water quality. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP and the recommendations provided in the *Geotechnical Engineering Investigation* prepared for the proposed project. As previously stated, compliance with the recommendations provided in the *Geotechnical Engineering Investigation* are required pursuant to the City's Standard Development Requirements related to geology and soils as described in Municipal Code Section 18.218.050(e).⁷⁵

Proper groundwater dewatering practices in conformance with CGP standards and the recommendations provided in the *Geotechnical Engineering Investigation*, pursuant to FMC Section 18.218.050(e) would address potential impacts related to groundwater dewatering, and would include the following:

- **Construction General Permit and Geotechnical Recommendations.** Prior to dewatering at the project site or in the event that earthwork is performed during or soon after periods of precipitation, the project applicant shall notify the City of Fremont to consult the project applicant's engineer to identify remedial measures to implement during groundwater dewatering. Remedial measures may include installation of a standpipe piezometer, discing and aerating the soil during dry weather, mixing the soil with dryer materials, and removing and replacing soil with an approved lime or cement product. In addition, all dewatering would be required to be conducted in accordance with the CGP, which allows the discharge of dewatering effluent if the source of the water is uncontaminated groundwater and is properly filtered or

⁷³ Krazan & Associates, Inc. 2024. *Geotechnical Engineering Investigation, Proposed Osgood Industrial Building*. October 10.

⁷⁴ Ibid.

⁷⁵ City of Fremont. 2025. City of Fremont Municipal Code. Section 18.218.050. Website: <https://www.codepublishing.com/CA/Fremont/#/Fremont18/Fremont18218.html#18.218> (accessed August 19, 2025).

treated, using appropriate technology. The discharge of dewatering effluent is authorized under the CGP if the following conditions are met:

- The discharge does not cause or contribute to a violation of any water quality standard;
 - The discharge does not violate any other provision of the CGP;
 - The discharge is not prohibited by the applicable Basin Plan;
 - The discharger has included and implemented specific BMPs required by the CGP to prevent or reduce the contact of the non-stormwater discharge with construction materials or equipment;
 - The discharge does not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;
 - The discharge is monitored and meets the applicable numeric action levels; and
 - The discharger reports the sampling information in the annual report.
- If any of the above conditions are not satisfied, the discharge of dewatering effluent is not authorized by the CGP and the discharger must notify the local RWQCB to determine whether a separate NPDES permit is necessary.

Adherence with the recommendations provided in the *Geotechnical Engineering Investigation* for groundwater dewatering, and implementation of the required SWPPP, construction BMPs, and dewatering requirements, would ensure construction impacts related to surface water quality standards, waste discharge requirements, and surface water quality would be **less than significant**.

Operation. Pollutants of concern from long-term operations include pathogens (bacteria/viruses), metals, nutrients, motor vehicle lubricants, coolants, disc brake dust, toxic organic compounds, pesticides/herbicides, sediments/total suspended solids, trash and debris, and oil and grease. The City of Fremont is under the purview of the MRP. Therefore, the proposed project would be subject to the requirements of Provision C.3 of the MRP because the project would replace more than 5,000 square feet of existing impervious surfaces.

Per Provision C.3 of the MRP, prior to the issuance of any permits for ground-disturbing activities, the project applicant would submit the SWQCP to the City's Planning Manager for review and approval. The SWQCP would then act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with operation of the proposed project. The SWQCP would be prepared in accordance with the requirements and guidelines set forth in the Alameda Countywide Clean Water Program C3 Technical Guidance Manual and the City of Fremont Stormwater Control Plan Guidance Manual. At a minimum, the SCP for the project would include:

- An inventory and accounting of existing and proposed impervious areas.

- Low Impact Development (LID) design details incorporated into the project. Specific LID design may include but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.
- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.
- A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which would include periodic inspection and maintenance of the storm drainage system and identification of persons responsible for performing and funding the requirements of the plan. The plan would be finalized prior to issuance of building permits for the project.

The proposed project would increase the impervious surface coverage on the project site compared to existing conditions. However, the increase would be minimal. Under existing conditions, the 488,285 square foot project area contains 384,141 square feet of impervious area. The proposed project would replace and add a total of 135,130 square feet of impervious area, with additional impervious area consisting of impervious sidewalks, patios, paths, driveways, and parking. As the proposed project mainly consists of minor modifications to an existing structure, it would generally maintain the existing drainage pattern at the project site, infiltrating stormwater at the project site and reducing the peak runoff from the project site prior to discharging into existing stormwater infrastructure in Osgood Road. The proposed project would include one Drainage Management Area (DMA) which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff, as required by the Alameda County MS4 Permit. Therefore, compliance with the requirements of the MRP would ensure that operational impacts to water quality would be **less than significant**.

Overall, because the proposed project would be required to comply with the recommendations provided in the *Geotechnical Engineering Investigation* and all other existing regulations, including the CGP and the MRP, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be **less than significant**.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The project site is located within the Niles Cone Groundwater Basin, a subbasin of the larger Santa Clara Valley groundwater basin.⁷⁶ The Niles Cone Subbasin (Number 2-9.01) has a surface area of 65,800 acres (103 square miles) and is bounded to the north by the boundary of the ACWD and southern portions of the City of Hayward; to the south by the Alameda County/Santa Clara County boundary; to the east by the Diablo Range; and to the west by the San Francisco Bay. Alameda Creek, the principal stream in the basin, flows near the eastern and northern margins of the basin,

⁷⁶ California Department of Water Resources (DWR). 2018. *Groundwater Basin Boundary Assessment Tool*. Website: <https://gis.water.ca.gov/app/bbat/> (accessed July 31, 2025).

and Coyote Creek flows along the southern margin of the basin. Average precipitation within the basin is about 18 inches annually. The Niles Cone Basin consists chiefly of the alluvial fan formed by Alameda Creek as it exits the Diablo Range and flows toward the San Francisco Bay.

The Sustainable Groundwater Management Act (SGMA), which was enacted in September 2014, requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. The SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins; ACWD is the GSA identified for the Santa Clara basin.

Construction. As discussed in Section 4.10.a, above, groundwater depth at the project site is approximately 12 feet below existing grades, and construction associated with the project would require excavation up to up to 4 feet for building improvements, and up to 8 feet for utility improvements. However, fluctuations in groundwater levels can occur due to many factors, including seasonal precipitation, land use and climatic conditions, and other factors, and dewatering may be required during construction. Any dewatering would be temporary and would affect only the uppermost water-bearing zone. Such dewatering would be localized and would not result in the lowering of surrounding groundwater levels. Release of dewatered groundwater to surface waters can introduce total dissolved solids and other constituents to surface waters and could cause degradation of the receiving water quality. In the event that groundwater is encountered during construction and groundwater dewatering is necessary, the proposed project would implement the recommendations provided in the *Geotechnical Engineering Investigation*, which would ensure that any groundwater dewatering during excavation would be conducted in accordance with the requirements of the CGP and recommendations of the *Geotechnical Engineering Investigation* prepared for the proposed project.

Operation. Water service for the proposed project would be provided by ACWD, which has three primary sources of water supply: the State Water Project (SWP), the San Francisco Public Utilities Commission Regional Water System (SFPUC RWS), and local supplies. Local supplies include groundwater from the Niles Cone Groundwater Basin, desalinated brackish groundwater from portions of the groundwater basin previously impacted by saltwater intrusion, and surface water from the Del Valle Reservoir. SWP water is primarily sourced from rainfall and snowmelt runoff in Northern and Central California watersheds and water diverted from the Delta, and SFPUC RWS water is primarily sourced from the Central Sierra Nevada and local watersheds in Alameda and San Mateo counties. Therefore, operation of the proposed project would likely involve the use of both surface and groundwater sources for potable water.⁷⁷

The 2020–2025 Urban Water Management Plan (UWMP) indicates that ACWD has sufficient water supplies to meet normal-year demands through 2045; however, deficiencies can occur as a result of dry winter weather or from an extended interruption of imported supplies. ACWD manages all its water supplies every year to maintain target levels in the Niles Cone aquifer and will take actions to maintain appropriate groundwater levels, including: maximizing the import of additional water for artificial recharge of the groundwater basin; reducing use of local groundwater; and maximizing the

⁷⁷ ACWD. 2021. *Alameda County Water District Urban Water Management Plan 2020–2025*. Website: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP> (accessed July 31, 2025).

use of imported supplies.⁷⁸ Therefore, it is not anticipated that the increase in water demand that would result from implementation of the proposed project would substantially decrease groundwater supplies.

Development of the proposed project would result in a minor increase in impervious surfaces on the project site. However, in compliance with the MRP, the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff. Due to the incorporation of the DMA, the implementation of LID techniques as required by the MRP and required compliance with the recommendations provided in the *Geotechnical Engineering Investigation*, the proposed project would not result in a significant decrease in groundwater recharge that would result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, the proposed project would not interfere with groundwater recharge.

For the reasons listed above, impacts related to the decrease of groundwater supplies or interference with groundwater recharge would be **less than significant**.

c. 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 through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site;

Erosion or Siltation. During construction activities, more than 1 acre of soil would be disturbed. Soil would be exposed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. The CGP requires the preparation of a SWPPP to identify construction BMPs to be implemented as part of the proposed project to reduce impacts on water quality during construction, including those impacts associated with soil erosion and siltation. With compliance with the requirements in the CGP and implementation of construction BMPs, construction impacts related to on- or off-site erosion or siltation would be less than significant.

After the completion of project construction, operation of the proposed project would result in a minor increase in impervious surfaces on the project site which would result in a net increase in stormwater runoff that can lead to downstream erosion in receiving waters. However, as discussed above, the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff, as required by the Alameda County MS4 Permit. Due to the incorporation of drainage management and the implementation of LID techniques as required by the MRP, operational impacts related to on- or off-site erosion or siltation would be **less than significant**.

⁷⁸ ACWD. 2021. *Alameda County Water District Urban Water Management Plan 2020–2025*. Website: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP> (accessed July 31, 2025).

- ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*

Flooding. Development of the proposed project would result in a minor increase in impervious surfaces on the project site, which could have the potential to increase the volume and rate of stormwater runoff discharged from the project site. However, as previously discussed, the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff, as required by the Alameda County MS4 Permit, for stormwater control and treatment. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized so that on-site flooding would not occur. Therefore, due to the implementation of LID techniques as required by the MRP, the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Impacts would be **less than significant**.

- iii. 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; or*

Stormwater Drainage System Capacity. As previously mentioned, stormwater at the project site either infiltrates at the project site or flows northwest to discharge into existing drainage infrastructure within Osgood Road. The existing topography of the project site gently slopes from south to north and northwest towards Osgood Road along the western boundary of the project site, with approximately 2 percent slopes. Stormwater from the project site ultimately discharges to Mud Slough and San Francisco Bay.

The proposed project would include improvements of underground utilities, curbs and gutters, catch basins, and a DMA. Stormwater infrastructure on-site would generally maintain the existing drainage pattern at the project site, infiltrating stormwater at the project site and reducing the peak runoff from the project site prior to discharging into existing stormwater infrastructure in Osgood Road. As detailed in Section 4.10(a) of this document, the proposed project would be required to comply with the MRP and would include the incorporation of LID design features, including the DMA for stormwater control and treatment. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sized such that drainage facility capacity would not be exceeded during a design storm. Therefore, the proposed project would not result in an exceedance of planned or existing stormwater drainage systems, and impacts would be **less than significant**.

Polluted Runoff. As discussed in Section 4.10.a, pollutants of concern during construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. Drainage patterns would be temporarily altered during grading and other construction activities, and construction-related pollutants could be spilled, leaked, or transported via storm runoff into adjacent drainages and downstream receiving waters. However, as previously discussed and as detailed in Section 4.10(a), the proposed project would adhere to the recommendations provided in the *Geotechnical Engineering Investigation* and the requirements set forth by the CGP and SWPPP, which would require compliance with the recommendations of the

Geotechnical Engineering Investigation in the event that groundwater dewatering is necessary, and specify BMPs to be implemented to control the discharge of pollutants in stormwater runoff as a result of construction activities. Therefore, construction-related impacts would be **less than significant**.

Expected pollutants of concern from long-term operations include pathogens (bacteria/viruses), metals, nutrients, motor vehicle lubricants, coolants, disc brake dust, toxic organic compounds, pesticides/herbicides, sediments/total suspended solids, trash and debris, and oil and grease. As previously discussed, compliance with the MRP and the implementation of LID techniques would ensure that the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or discharge substantial sources of polluted runoff from the project site. Operation-related impacts would be **less than significant**.

iv. Impede or redirect flood flows?

Flood Flows. The project site would remain relatively flat, and the proposed project would not substantially alter drainage patterns. As previously discussed, development of the proposed project would result in a minor increase in impervious surfaces on the project site. However, as previously discussed, in compliance with the MRP, the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff. The proposed drainage facilities and BMPs needed to accommodate stormwater runoff would be appropriately sited and sized so flood flows would not be impeded or redirected. Impacts would be **less than significant**.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Tsunami. The project site is not located in an area mapped by the California Emergency Management Agency as being potentially inundated by a tsunami.⁷⁹

Seiches. Seiches are waves that are created in an enclosed body of water such as a bay, lake, or harbor and go up and down or oscillate and do not progress forward like standard ocean waves. There are no enclosed bodies of water in the nearby vicinity of the project site, and no seismically induced seiche waves have been documented in the San Francisco Bay throughout history.⁸⁰

Dam Inundation. According to the California Department of Water Resources, Division of Safety of Dams' (DOSD) Dam Breach Inundation mapping, the project site is not located within a mapped dam

⁷⁹ DOC. n.d. *Alameda County Tsunami Hazard Areas*. Website: <https://www.conservation.ca.gov/cgs/tsunami/maps/alameda> (accessed July 28, 2025).

⁸⁰ Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC). 2013. *Plan Bay Area*. July 18.

failure inundation area.⁸¹ In addition, according to the Fremont General Plan Safety Element⁸², the project site is not within a dam failure inundation area.

Flooding. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06001C0464G,⁸³ the project site is not located in a flood hazard zone. In addition, during construction BMPs would be implemented to ensure that during a rain event, pollutants would be retained on site and would be prevented from reaching downstream receiving waters, as detailed in Section 4.10(a). During operation, the DMA and other LID design elements would ensure that post-project flow rates do not significantly exceed pre-project flows, as detailed in Section 4.10(a). Therefore, it is not anticipated that the proposed project would result in the release of pollutants due to inundation caused by flooding.

Based on project design, including the incorporation of a DMA that would address the volume and rate of post-project stormwater flows, and because the project site is not within a tsunami, seiche, or dam inundation zone, implementation of the proposed project would not result in the release of pollutants from a flood, tsunami, seiche, or dam inundation and impacts would be **less than significant**.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

In the Bay Area, including the project site, the Water Board is responsible for implementation of the Basin Plan, which establishes beneficial water uses for waterways and water bodies within the region. As previously discussed, the proposed project would comply with existing NPDES permit requirements, including the CGP and MRP, and would implement construction and operational BMPs to reduce pollutants of concern in stormwater runoff as detailed in Section 4.10(a).

Compliance with these regulatory requirements would ensure that the proposed project would not degrade or alter water quality, causing the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the proposed project would not result in water quality impacts that would conflict with the Basin Plan. Construction and operational impacts related to a conflict with the Basin Plan would be **less than significant**.

As previously mentioned, the Sustainable Groundwater Management Act (SGMA), which was enacted in September 2014, requires governments and water agencies of high- and medium-priority basins to halt overdraft of groundwater basins. The SGMA requires the formation of local Groundwater Sustainability Agencies (GSAs), which are required to adopt Groundwater Sustainability Plans to manage the sustainability of the groundwater basins; ACWD is the GSA identified for the Santa Clara basin. The California Department of Water Resources (DWR)

⁸¹ California Department of Water Resources, Division of Safety of Dams. 2015. *Dam Breach Inundation Map Web Publisher*. Website: https://fmds.water.ca.gov/webgis/?appid=dam_prototype_v2 (accessed July 31, 2025).

⁸² City of Fremont. 2011. "Chapter 10: Safety Element." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/809/637750630888070000> (accessed July 31, 2025).

⁸³ Federal Emergency Management Agency (FEMA). 2009. Flood Insurance Rate Map (FIRM) No. 06001C0464G, effective August 3. Website: <https://msc.fema.gov/portal/search?AddressQuery=43990%20Fremont%20Boulevard%2C%20fremont%2C%20ca#searchresultsanchor> (accessed July 31, 2025).

designates the Niles Cone Subbasin as a medium-priority basin. ACWD developed an Alternative to a Groundwater Sustainability Plan, approved by DWR in 2019, for the management of the subbasin that preserves and continues the successful sustainable groundwater management already being performed by ACWD. ACWD subsequently submitted an Alternative Update to DWR on December 29, 2021, which was approved June 27, 2024. The Alternative Update provides an update on ACWD's groundwater management efforts, explains how the Alternative Update is functionally equivalent to elements of a Groundwater Sustainability Plan, incorporates the seven actions recommended by DWR during review of the first Alternative, and includes information on proposed projects, management actions, and/or next steps to ensure the continued sustainable management of the Niles Cone Subbasin.⁸⁴

As previously discussed in Section 4.10.a, dewatering may be performed during construction activities involving excavation for the proposed project. Construction-related dewatering would be temporary and limited to the area of excavations on the project site, would comply with the recommendations provided in the *Geotechnical Engineering Investigation*, and as detailed in Section 4.10(a), and would not substantially contribute to the depletion of groundwater supplies. Operation of the proposed project would likely involve the use of both surface and groundwater as potable water. However, ACWD has sufficient water supplies to meet normal-year demands through 2045. If a deficiency were to occur, ACWD would take actions to maintain appropriate groundwater levels, including: maximizing the import of additional water for artificial recharge of the groundwater basin; reducing use of local groundwater; and maximizing use of imported supplies.⁸⁵ As previously discussed, development of the proposed project would result in a minor increase in impervious surfaces on the project site. In compliance with the MRP, the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff. For these reasons, the proposed project would not conflict with or obstruct the implementation of a sustainable groundwater management plan. Construction and operational impacts related to conflict with or obstruction of water quality control plans or sustainable groundwater management plans would be **less than significant**.

⁸⁴ ACWD. 2022. *Sustainable Groundwater Management Act*. Website: <https://www.acwd.org/566/Sustainable-Groundwater-Management-Act> (accessed July 31, 2025).

⁸⁵ ACWD. 2021. *Alameda County Water District Urban Water Management Plan 2020–2025*. Website: <https://www.acwd.org/DocumentCenter/View/3816/Final-2020-2025-UWMP> (accessed July 31, 2025).

4.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

4.11.1 Impact Analysis

a. *Would the project physically divide an established community?*

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas.

The project site is located at 43800 Osgood Road on an approximately 11.2-acre site. The project site is bounded by an industrial building and surface parking lot to the north, I-680 to the east, Auto Mall Parkway to the south, and Osgood Road to the west. General Plan land use designations surrounding the project site include Regional Commercial to the north and south, General Commercial to the east, Hillside Residential to the southeast, and Service Industrial to the west. The nearest residential neighborhood is located approximately 700 feet southeast of the project site.

The project site is currently developed with an approximately 143,815-square-foot structure and an associated surface parking lot formerly occupied by Fry's Electronics. Redevelopment of the project site, which includes interior and exterior improvements to the existing building and associated site improvements to allow a change in use from commercial to industrial, would represent a general continuation of the commercial and industrial uses found adjacent to the project site and would be consistent with the type and intensity of development in the area. Local access to the project site would be provided via Auto Mall Parkway and two driveways off Osgood Road, on the western boundary of the project site. No changes to the existing site footprint or surrounding roadways would occur. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. As a result, the proposed project would have **no impact** related to physically dividing an established community.

b. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

An environmental impact could occur when a project conflicts with a policy or regulation intended to avoid or reduce an environmental impact. The following discussion does not replace or preclude

consistency discussions as part of project approval considerations, which take into account more than potential impacts to the environment.

Land use at the project site is designated Regional Commercial in the City of Fremont General Plan and is also zoned Commercial-Regional (C-R).⁸⁶ The Regional Commercial Land Use designation is intended for large-scale commercial uses serving a citywide or regional market typically on large sites along freeways or major arterials. Parcels with this designation usually have large floor areas and high sales volumes, and the permitted Floor Area Ratio (FAR) in these areas is 0.30. The C-R zoning designation is intended to provide locations for national retailers, large format retailers, hotels, auto sales and similar uses which serve the residents of the city and the region.

As previously stated, General Plan land use designations surrounding the project site include Regional Commercial to the north and south, General Commercial to the east, Hillside Residential to the southeast, and Service Industrial to the west. The nearest residential neighborhood is located approximately 700 feet southeast of the project site.

The proposed project would require a General Plan Amendment to revise the General Plan Designation on the project site from Regional Commercial to Tech-Industrial, and a corresponding change in the zoning designation from Commercial-Regional to Tech-Industrial (I-T) to allow operation of the existing building with a future end use that may include Industrial or Research and Development (R&D) land uses.

As described in the City's General Plan and Section 18.50.010 of the City's Zoning Code, the Tech-Industrial land use applies to areas devoted to research and development; "clean and green" technology; semiconductor, computer hardware, software, and related technology; administrative sales; and engineering facilities. This land use designation includes a permitted FAR of 0.35, which can be increased to 0.45 for manufacturing and warehouse uses. Within this district, certain hazardous material uses, and manufacturing and/or the storage of particularly large sizes/quantities of hazardous materials are regulated to minimize potential for off-site impacts. Within this area, only certain nonsensitive assembly, business service, and nonsensitive recreational uses may be permitted due to uses that handle hazardous materials. The I-T district is also characterized by superior architectural and landscaping treatment and site planning.

Rezoning the project site to Tech Industrial would not change the character of the surrounding area, and the proposed zoning change at the proposed project site would be compatible with land uses and zoning in the vicinity. Upon approval of the City's General Plan Amendment and Rezoning request, the project would be consistent with the City of Fremont General Plan, as the General Plan itself would reflect the project.

⁸⁶ City of Fremont. 2019. City of Fremont General Plan Land Use Diagram. December 17. Website: <https://www.fremont.gov/home/showpublisheddocument/803/637750630865770000> (accessed August 7, 2025).

Additionally, the potential for the project to result in environmental impacts has been individually considered in all topic areas of this document, and no significant impacts would occur. Therefore, the project would have a **less than significant** impact related to conflicts with land use plans.

4.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

4.12.1 Impact Analysis

a. 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?

There are no known mineral resources within the project site based on available information from the City of Fremont General Plan: the nearest known mineral resource is the former Henry Sands Quarry, approximately 0.2 mile to the northeast, and the nearest State-designated mineral resource is the Sector K area of Regionally Significant Construction Aggregate, located approximately 2 miles southeast of the project site.⁸⁷ The former Henry Sands Quarry is located across the I-680. Therefore, intervening development separates it from the project site. Neither of these known resources are in close enough proximity to be impacted by the proposed project or are located within the project site. Therefore, the proposed project would have **no impact** related to the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.

b. 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?

As discussed in Section 4.12.a, there are no known mineral resources within the project site. The proposed project would have **no impact** related to 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.

⁸⁷ City of Fremont. 2011. "Conservation Maps: Mineral Resources and Sites Subject to SMARA (Surface Mining and Reclamation Act)." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/9184/637879757130870000> (accessed August 18, 2025).

4.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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?	☐	☐	☒	☐

A project would result in a significant noise effect if it would substantially increase the ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of applicable regulatory agencies, including, as appropriate, the City of Fremont.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The project site is surrounded by urban development and is bordered by an industrial building and surface parking lot to the north, I-680 to the east, Auto Mall Parkway to the south, and Osgood Road to the west. The closest sensitive receptors include the multi-family residences approximately 700 feet southeast of the project site, across both the I-680 and Auto Mall Parkway.

Noise and Vibration Fundamentals. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound.

Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA), and this scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements, which better represent how humans are more sensitive to sound at night.

As noise spreads from a source, it loses energy, so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate, or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise-sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} , the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A-weighted decibels. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening relaxation hours. CNEL and L_{dn} are within 1 dBA of each other and are normally interchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. Vibration energy propagates from a source, through intervening soil and rock layers, to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, rattling of items on shelves or hanging on walls, or a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings radiating sound waves.

Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less, an order of magnitude below the damage threshold for normal buildings.

Regulatory Setting. The following presents the regulatory noise and vibration requirements for the proposed project.

Per FMC Section 18.50.040,⁸⁸ performance standards have been established to ensure that adjoining properties are provided protection against adverse conditions (including noise) that may be created by uses operating within the City's industrial zoning districts. The maximum noise level at the property line generated by any user located within an industrial zoning district shall not exceed 70 dBA L_{dn} when adjacent users are also industrial or commercial, business, professional, or office uses.

⁸⁸ City of Fremont. 2022. Fremont Municipal Code Section 18.50.040: Performance Standards. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont1850.html#18.50.040> (accessed August 1, 2025).

FMC Section 18.218.050(d)⁸⁹ provides standard development requirements related to construction noise. To reduce the potential for noise impacts during construction, the following requirements shall be implemented:

- Construction equipment shall be well maintained and used judiciously to be as quiet as practical.
- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- The contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Loading, staging areas, stationary noise-generating equipment, etc., shall be located as far as feasible from sensitive receptors.
- The contractor shall comply with CARB prohibitions of unnecessary idling of internal combustion engines.
- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number for the project sponsor in the event of noise complaints. The applicant shall designate an on-site complaint and enforcement manager to track and respond to noise complaints.
- Construction, excavating, grading, and filling activities (including the loading and unloading of materials, truck movements, and warming of equipment motors) shall be limited as provided in Section 18.160.010.

Per FMC Section 18.160.010,⁹⁰ construction activity for projects not located within 500 feet of residences, lodging facilities, nursing homes, or inpatient hospitals (e.g., the project) shall be limited to the weekday hours of 6:00 a.m. to 10:00 p.m. and to the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.

⁸⁹ City of Fremont. 2022. Fremont Municipal Code Section 18.50.050: Development standards and requirements applicable to all industrial districts. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 1, 2025).

⁹⁰ City of Fremont. 2022. Fremont Municipal Code Section 18.160.010: Construction hours – Limitations. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18160.html> (accessed August 1, 2025).

4.13.1 Impact Analysis

- a. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Construction-Period Impacts. Redevelopment activities associated with the proposed project could include construction activities that would result in temporary increase in ambient noise levels in the project site vicinity.

Project construction could result in short-term noise impacts to surrounding properties and uses. The closest sensitive receptors include the multi-family residences approximately 700 feet southeast of the project site, across both the I-680 and Auto Mall Parkway. Given this separation, the dominant noise sources affecting the surrounding area are traffic volumes along I-680 and Auto Mall Parkway, which generate a continuous background of roadway noise. Construction noise from the project site would be largely masked by these existing ambient conditions and would not be perceptible at the nearest sensitive receptors. As such, short-term construction activities would not result in a substantial temporary increase in ambient noise levels.

Although there would be temporary high intermittent construction noise at times in the project area during project construction, implementation of the FMC standard development requirements related to construction noise mentioned above would ensure construction of the proposed project would not significantly affect land uses adjacent to the project site. In addition, construction of the project would comply with the hourly limits specified by the City. Therefore, the project would not result in a substantial temporary or periodic increase in ambient noise levels, and this impact would be **less than significant**.

Long-Term Noise Impacts. The project would generate long-term noise impacts from both traffic and stationary noise sources, as discussed below.

Traffic Noise Impacts. Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer.

Existing ambient noise at the project site is dominated by traffic noise along Osgood Road and Auto Mall Parkway. According to the Transportation Analysis (**Appendix D**),⁹¹ prepared for the proposed project, the project would generate 993 net new daily vehicle trips. Based on project specific traffic study there are currently a total of 4,904 peak a.m. hour trips and approximately 4,381 peak p.m. hour trips on Osgood Road. In order for a project to result in a 3 dBA increase over existing ambient noise a doubling of vehicles trips would take place. As the project would add 993 new daily trips, the proposed project would not add a substantial amount of trips that would result in a 3 dBA noise increase due to increase in project trips. A noise level increase of less than 3 dBA would not be

⁹¹ Hexagon Transportation Consultants, Inc. 2025. *Transportation Analysis for the High Cube Fulfillment Center at 43800 Osgood Road in Fremont, California*. April 18.

perceptible to the human ear; therefore, the traffic noise increase resulting from the proposed project would be **less than significant**.

Stationary Noise Impacts. Stationary noise sources associated with the project could include heating, ventilation, and air conditioning (HVAC) mechanical equipment, truck loading/unloading activities, and typical motor vehicle/parking area activities. The FMC limits noise from commercial or industrial property to 70 dBA at any point outside of the property.⁹² Of the on-site stationary noise sources during operation of the project, noise generated by truck activity would generate the highest maximum noise levels. Typical parking activities, such as people conversing or doors slamming, would generate noise levels of approximately 60 dBA to 70 dBA L_{max} at 50 feet, while delivery truck loading and unloading activities would result in a maximum noise level of 75 dBA L_{max} at 50 feet based on measurements previously conducted by LSA.

Loading activities at the project site would primarily involve the movement of manufactured goods produced on site. These operations could generate intermittent noise associated with truck movements, equipment operation, and material handling. However, the loading areas are located toward the interior of the site, and the nearest noise-sensitive receptor is approximately 700 feet away, across both the I-680 and Auto Mall Parkway. This separation provides substantial noise attenuation and would prevent loading activities from generating perceptible increases in ambient noise levels at surrounding properties. In addition, loading and unloading would occur intermittently during daytime hours and would be consistent with the type of activity expected in an industrial setting. As such, loading activities associated with the proposed project would not result in a substantial increase in off-site noise levels or expose sensitive receptors to excessive noise. Therefore, the proposed project would not substantially increase noise levels over existing conditions and any potential noise impacts would be **less than significant**.

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Common sources of groundborne vibration and noise include trains and construction activities such as blasting, pile driving, and operating heavy earthmoving equipment. Construction of the proposed project would involve internal demolition and construction, grading, paving and landscaping, but would not involve the use of construction equipment that would result in substantial groundborne vibration or groundborne noise on properties adjacent to the project site. No pile-driving, blasting, or substantial grading activities are proposed. Furthermore, operation of the proposed project would not generate substantial groundborne noise and vibration. Therefore, the project would not result in the exposure of persons to or generation of excessive groundborne noise and vibration, and project impacts would be **less than significant**.

⁹² City of Fremont. 2024. Fremont Municipal Code Section 18.50.040: Performance Standards. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont1850.html#18.50.040> (accessed August 1, 2025).

- c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 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?*

The project site is approximately 10 miles northeast of the closest airport, SJC. The project site is outside the 65 dBA CNEL noise contour of SJC. Furthermore, the proposed project site is not within the vicinity of a private airstrip, and the site does not lie within an airport land use plan area or within the 60 dBA CNEL noise contours of any private airfield. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels, and impacts would be **less than significant**.

4.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned 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)?	☐	☐	☒	☐
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

4.14.1 Impact Analysis

- a. *Would the project induce substantial unplanned 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)?*

The proposed project would include a change in use from retail to industrial uses and associated improvements to the existing commercial structure and surrounding surface area. The proposed project, as an industrial use, is estimated to provide between 150 to 200 jobs.⁹³

The proposed project would not result in direct population growth, as it does not include residential uses. The potential exists for the proposed project to result in indirect population growth through employment opportunities. However, while the proposed project would require a zoning change from Regional Commercial to Service Industrial, the number of potential employees would be consistent with either designation, and the proposed project would not generate growth beyond that anticipated in the City's General Plan. Therefore, the proposed project would not directly or indirectly induce population growth, and this impact would be **less than significant**.

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project consists of interior and exterior improvements and updates to an existing commercial structure, as well as associated site improvements. The existing site does not contain housing. Therefore, the project would not displace existing housing or require the construction of replacement housing and would result in **no impact**.

⁹³ Hexagon Transportation Consultants, Inc. 2025. *TDM Plan for the Proposed 43800 Osgood Road Industrial Use*. May 5.

4.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. 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:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	☐
iv. Parks?	☐	☐	☒	☐
v. Other public facilities?	☐	☐	☒	☐

4.15.1 Impact Analysis

- 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:*

i. *Fire protection?*

Fire Protection. Fire suppression, emergency medical and rescue services, and other life safety services are provided to the project site and surrounding area by the Fremont Fire Department. There are 11 stations and one tactical training center within Fremont. The project site is in the fire district serviced by the closest station to the project site, Fire Station 4, which is approximately 0.9 mile northeast of the project site at 1000 Pine Street.⁹⁴

Planned growth under the City's General Plan would increase calls for fire protection service in the city. The proposed project could result in a minor increase in demand for fire protection services as a result of an increase in daytime population (up to 200 employees) on the project site. Although implementation of the proposed project would require a General Plan Amendment and rezoning to the Tech Industrial (I-T) designation, the increase in population would be consistent with the site's existing and revised General Plan designation and therefore does not represent unplanned growth. The proposed project would also be required to comply with all applicable codes for fire safety and emergency access.

⁹⁴ City of Fremont Fire Department. 2012. "Fire Station Locations Map." Website: <https://www.fremont.gov/home/showpublisheddocument/1695/637753408997530000> (accessed August 18, 2025).

According to the Fire Access Road Plan⁹⁵ prepared for the proposed project, the northern entrance would include a 35-foot-wide driveway and would provide access to the western side of the building, which would be designated for aerial apparatus access in the event of an emergency. Similarly, the southern entrance would include a 34-foot-wide driveway and would provide access to the western, eastern and southern boundaries of the project site. Circulation throughout the project site would be consistent with applicable requirements regarding fire access in the event of an emergency, including all Fremont Fire Department standards, City of Fremont ordinances, and the California Fire Code. The Fire Access Road Plan would ensure adequate emergency access for the proposed project.

The Fremont Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The minor increase in demand for services would not adversely affect existing response times to the site or within the city. Therefore, construction and operation of the proposed project would have a **less than significant** impact on fire protection and safety services and facilities.

ii. Police protection?

Police Protection. The City of Fremont Police Department provides police protection to the project site and surrounding area. The City has one police station, located at 2000 Stevenson Boulevard, approximately 2.8 miles northwest of the project site.⁹⁶ The proposed project could result in a minor increase in demand for police protection services as a result of an increase in daytime population (employees) on the project site. Although implementation of the proposed project would require a General Plan Amendment and rezoning to the I-T designation, the increase in daytime population would be consistent with the site's existing and revised General Plan designation and therefore does not represent unplanned growth. The City's police department would continue to provide services to the project site without requiring any additional officers, and the construction of new or expanded police facilities would not be required. Therefore, impacts to police protection would be **less than significant**.

iii. Schools?

Schools. The Fremont Unified School District (FUSD) operates 41 schools in total and offers programs like early education and preschool, adult education, and more. FUSD operates 29 elementary schools, 5 middle schools, 5 comprehensive high schools, 1 continuation high school, and 1 alternative high school.⁹⁷ The proposed project does not include any residential uses and would not directly affect student population. As previously discussed in Section 4.14, the proposed project could increase the workforce population by up to 200 employees. Workforce population does not directly increase demand for schools, so this growth would only result in a minor increase

⁹⁵ Kier and Wright. 2024. 43800 Osgood Road Fire Access Road Plan. November 12.

⁹⁶ Fremont Police Department. n.d. Fremont Police Campus Directions and Contact. Website: <https://www.fremontpolice.gov/about-us/about-fremont-police/police-campus-directions-and-contact> (accessed August 19, 2025).

⁹⁷ Fremont Unified School District (FUSD). 2022. "About Fremont Unified." Website: <https://fremontunified.org/about/welcome/> (accessed August 19, 2025).

in student population and may be spread among the whole school district (or outside of the district in neighboring communities), depending on each employee's place of residence.

State Education Code Section 17620 authorizes the governing board of a school district to levy school fees to offset the impacts to school facilities from new residential and commercial/industrial construction and reconstruction.⁹⁸ The FUSD requires payment of a school impact fee, calculated per square foot of industrial development, at the current rate in effect at the time an owner/developer presents the Certificate of Compliance issued by the City of Fremont's Community Development Department.⁹⁹ The project applicant would be required to pay this fee prior to issuance of a certificate of occupancy. The FUSD school impact fee is calculated to offset any impact to schools that could result from the proposed project. Therefore, the proposed project would have a **less than significant** impact to schools.

iv. Parks?

Parks. The City of Fremont's parks system currently consists of 64 developed and undeveloped parks covering approximately 1,224 acres.¹⁰⁰ The 2022 Draft Comprehensive Parks and Recreation Master Plan updates the City's goal of "5.0 acres of parkland per 1000 residents"¹⁰¹ to "a 10-minute walk to park access for all." The closest park to the project site is Sabercat Historic Park, located approximately 0.7 mile northeast of the project site. Other nearby parks are over 1 mile from the project site and include Rix Park, Irvington Community Park, Lila Bringham Community Park, and Arroyo Caliente Park.¹⁰²

As previously discussed in Section 4.14, the proposed project could increase the workforce population by up to 200 employees. Workforce population does not generally heavily use public park facilities, resulting in minimal increased usage of parks. Therefore, the minor population increase that could result from the proposed project could also increase the use of these parks in the project vicinity, as well as other parks within the city and region. The proposed project would not provide any new residential uses and the minor increase in park use associated with the project would not adversely affect the physical conditions of local and regional open space areas or recreational facilities or require the provision of new parks or facilities in order to meet established service goals. Therefore, impacts to parks would be **less than significant**.

⁹⁸ FUSD. 2024. 2024 School Fee Justification Study. Website: <https://drive.google.com/file/d/1cRCPQicsOAbafgZ3MO7Av60dxTyAFyv/view> (accessed August 19, 2025).

⁹⁹ FUSD. 2024. Developer Fees FAQ, May 26, 2024. Website: <https://fremontunified.org/about/business-services/accounting-services/developer-fees-faq/> (accessed August 19, 2025).

¹⁰⁰ City of Fremont Community Services Department. 2022. "Chapter 1: Executive Summary." *Draft Comprehensive Parks and Recreation Master Plan, February 2022*. Website: <https://www.fremont.gov/home/showpublisheddocument/9619/637889034743070000> (accessed August 19, 2025).

¹⁰¹ City of Fremont. 2011. "Chapter 8: Parks and Recreation Element." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/805/637750630871400000> (accessed August 19, 2025).

¹⁰² City of Fremont. n.d. Parks & Recreation, Parks. Website: <https://www.fremont.gov/government/departments/parks-recreation/parks/park-locations> (accessed August 19, 2025).

v. Other public facilities?

Other Public Facilities. As previously discussed above and in Section 4.14, Population and Housing, the proposed project could increase the workforce population by up to 200 employees and may be spread across the whole city or other surrounding communities. Development of the proposed project could result in an increase in demand for other public services, including libraries, community centers, and public healthcare facilities. However, the increased demand would be minor and would not substantially increase the usage of these facilities. Therefore, no new or expanded facilities would be required to maintain service standards. As with all development projects in Fremont, the project would be required to pay Development Impact Fees, which are intended to fund and sustain improvements that are needed as a result of new development. Under this program, the required Capital Facility Fee helps pay for services such as City administration facilities, the City's Services Maintenance Center and Corporation Yard, and County libraries. Impacts to other public facilities would be **less than significant**.

4.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

4.16.1 Impact Analysis

- 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?*

As discussed in Section 4.15, Public Services, of this document, workforce population does not generally heavily utilize public recreational facilities, as reflected by exclusion of this type of development from Fremont park dedication and park facilities fee requirements.¹⁰³ While the proposed project could result in a population increase of up to 200 employees, this would result in a minor usage increase of recreational facilities and would not contribute to substantial deterioration of existing recreational facilities. The proposed project does not include or require the construction or expansion of existing public recreational facilities. Therefore, impacts related to existing neighborhood and regional parks or other recreational facilities would be **less than significant**.

- 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?*

As discussed in Section 4.16.a, the proposed project would result in a minor usage increase of recreational facilities and does not include or require the construction or expansion of existing public recreational facilities. Therefore, impacts related to the construction or expansion of recreational facilities would be **less than significant**.

¹⁰³ City of Fremont. 2025. City of Fremont Municipal Code. Section 18.290.110 – Exemptions, exclusions, and exceptions. Website: <https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18290.html#18.290.090> (accessed August 19, 2025).

4.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b. Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☒	☐
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d. Result in inadequate emergency access?	☐	☐	☒	☐

This section relies on analysis from the *Transportation Analysis*¹⁰⁴, the *TDM Plan*¹⁰⁵, and the *VMT Analysis*¹⁰⁶, which were prepared for the proposed project and peer reviewed by LSA.¹⁰⁷ These documents are included in **Appendices D, E, F, and G**, respectively.

The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility, including interior and exterior improvements and updates to the existing structure. The proposed project would include site improvements such as internal demolition and construction, grading, paving and landscaping.

The project site is located along Auto Mall Parkway, a two-to six-lane east-west arterial roadway, and Osgood Road, a four-lane north south arterial roadway. According to the City's Mobility Map, both Auto Mall Parkway and Osgood Road are primary arterial roadways within the city.¹⁰⁸ Access to the site would be provided via two existing driveways on Osgood Road. The project would provide 365 automobile parking spaces, 62 trailer parking stalls, 24 short-term bicycle parking spaces, and 20 long-term bicycle parking spaces. The site would have internal vehicular circulation provided by several drive aisles, varying in width between 26 feet and 34 feet. In addition, the main drive aisle, at 72 feet wide, would serve tractor-trailer trucks at the 18 loading docks on the south elevation of the building. Emergency access to and throughout the project site is designed in accordance with

¹⁰⁴ Hexagon Transportation Consultants, Inc. 2025. *Transportation Analysis for the High Cube Fulfillment Center at 43800 Osgood Road in Fremont, California*. April 18.

¹⁰⁵ Hexagon Transportation Consultants, Inc. 2025. *TDM Plan for the Proposed 43800 Osgood Road Industrial Use*. May 5.

¹⁰⁶ Hexagon Transportation Consultants, Inc. 2025. *VMT Analysis for proposed Industrial Development at 43800 Osgood Road in Fremont, California*. March 7.

¹⁰⁷ LSA. 2025. *Review of the 43800 Osgood Road Project Transportation Impact Analysis and Transportation Demand Management Plan*. August 1.

¹⁰⁸ City of Fremont. 2011. "Mobility Map: Functional Classification." *City of Fremont General Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/9178/637879756485100000> (accessed August 4, 2025).

the City of Fremont Fire Department's specifications, as shown in the Fire Access Road Plan prepared for the proposed project.¹⁰⁹

4.17.1 Impact Analysis

a. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Transit Service: The Alameda-Contra Costa Transit District (AC Transit) is the local bus service provided in most of Alameda County, including Fremont. Due to the COVID-19 pandemic, AC Transit has reduced service, including eliminating lines and reducing service frequencies. The nearest bus stops are located directly fronting the site and directly across the street from the site. Surrounding bus stops are served by the following AC Transit lines:

- Line 215, which connects Fremont BART station to the intersection at Warren Avenue and Kato Road, via Osgood Road. It generally operates on weekdays except holidays from about 7:20 a.m. to 9:20 p.m.¹¹⁰
- Line 623, which provides school service to Horner Middle School and Irving High School. It operates on school days only, with three buses providing service to the schools before the start of school in the morning and two or three buses providing service from the schools after the end of school in the afternoon. Although the line primarily serves local schools, it is open to the public. However, this line is intended to serve Irvington High School/Horner Middle School and is therefore not expected to serve the site.¹¹¹

BART is the regional rail service that connects Fremont to other destinations primarily in Alameda, Contra Costa, and San Francisco counties. The nearest BART station to the project site is the Warm Springs Station, which is located approximately 0.8-miles from the project site, and would require a 1.1 mile walk from the project site. Trains run every 15 minutes on weekdays and every 20 minutes on weekends and holidays. Considering the distance between the project site and the station, using BART would not be a commute option for most project employees. In addition, BART has plans to construct a new infill station—the Irvington Station—located southwest of the Washington Boulevard & Osgood Road intersection approximately one and one-quarter miles north of the project site. The station is scheduled to open in 2026.¹¹²

The Altamont Commuter Express (ACE) is a rail service that connects communities in the San Joaquin Valley to San Jose with a station in Fremont. Amtrak is an inter-city rail service that connects Fremont to communities beyond the Bay Area, including Sacramento and San Jose, through the Capital Corridor service. Both the ACE and Amtrak services are provided at the Fremont Centerville

¹⁰⁹ Kier and Wright. 2024. 43800 Osgood Road Fire Access Road Plan. November 12.

¹¹⁰ AC Transit. n.d. Line 215: Osgood – Warm Springs – Landing. Website: https://www.actransit.org/bus-lines-schedules/215/upcoming?utm_source=chatgpt.com (accessed August 4, 2025).

¹¹¹ AC Transit. n.d. Line 623: Irvington High – Horner Middle. Website: <https://www.actransit.org/bus-lines-schedules/623> (accessed August 4, 2025).

¹¹² Hexagon Transportation Consultants, Inc. 2025. *Transportation Analysis for the High Cube Fulfillment Center at 43800 Osgood Road in Fremont, California*. April 18.

Station, which is about a 5-mile drive from the project site and would not be a commute option for most project employees.

The project could generate a small number of transit trips from employees traveling to and from the site. However, the volume of transit trips generated by the project would not exceed the available transit capacity, on either bus or regional transit, and the increase in trips would not be sufficient to justify changes in the transit network serving. While the proposed project would result in a less than significant impact related to transit service, the proposed project would incorporate bus stop improvements (including but not limited to a bench or covered seating) at the nearest stop in front of the site as a condition of approval. Therefore, project impacts would be **less than significant**.

Pedestrian Facilities: Both Osgood Road and Auto Mall Parkway have sidewalks in the vicinity of the site. However, there is currently no sidewalk, bike lane, or bike path along the project frontage on Auto Mall Parkway between Osgood Road and the I-680 southbound ramps, as is identified for future installation in the City's planning documents. In addition, there is currently no crosswalk on the east leg of the Auto Mall Parkway and Osgood Road intersection, and there are no ADA compliant wheelchair ramps at the northeast corner of this intersection (adjacent to the project site). Pedestrian facilities on site include the accessibility path of travel between the handicap parking and the building entrance, one path of which crosses the main drive aisle at the building entrance. The other accessibility path of travel is located along the west side of the building, between it and the west drive aisle. The plan also shows a pedestrian path and crosswalk, between the building and the sidewalk on Osgood Road, just north of the South Driveway. The plan otherwise does not show on-site pedestrian paths or pedestrian connections to the sidewalk on Osgood Road.

As described previously, there are currently no sidewalks along sections of Auto Mall Parkway near the site. However, the City of Fremont Pedestrian Master Plan identifies citywide roadway projects designed to address the major sidewalk gaps in the city. Sidewalk gaps exist along Auto Mall Parkway and East of Osgood Road, and were identified as high-priority sidewalk projects in the City of Fremont Pedestrian Master Plan.¹¹³ In addition, the city requires the installation of sidewalks, pedestrian walkways, and other pedestrian-oriented features in new development, pursuant to Policy 3-1.7 and Implementation 3-17.A of the City's General Plan.

Bicycle facilities in the City of Fremont are identified and described in the Fremont Bicycle Master Plan.¹¹⁴ Along the site frontage are existing Class II buffered bike lanes northbound and a Class III bike route southbound. The city's master bike plan shows Osgood Road to have Class II buffered bike lanes north of Auto Mall Parkway. Auto Mall Parkway has existing Class II bike lanes west of Osgood Road but is to be upgraded to a Class IV separated bikeway from west of Osgood Road to

¹¹³ City of Fremont. 2016. "Chapter 3: Network Recommendations." *City of Fremont Pedestrian Master Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/7277/637825156602300000> (accessed August 4, 2025).

¹¹⁴ City of Fremont. 2018. Bicycle Master Plan. Website: <https://www.fremont.gov/government/departments/transportation-engineering/walking-bicycling/bicycle-master-plan> (accessed August 7, 2025).

the I-680 overcrossing east of Osgood Road.¹¹⁵ The proposed project would include 24 short-term bicycle parking spaces, and 20 long-term bicycle parking spaces, consistent with the FMC Section 18.183.135. The proposed project would include Short-term bicycle parking racks at the building entrance and at the southeast corner of the building. Long-term bicycle parking would be located at the northwest corner of the building, near the North Site Driveway.

Usually, the installation of sidewalks, bike facilities, crosswalks and ADA compliant ramps along a project frontage are City requirements. However, installation of these improvements would be complicated by several factors, including the presence of industrial power lines and towers at the northeast corner of Auto Mall Parkway and Osgood Road, as well as a significant elevation difference between the north side of Auto Mall Parkway and the project site (resulting in a steep grade). As the City already identified the need for both pedestrian and bike improvements in the area, a comprehensive plan to address the specific bike and pedestrian challenges is needed in the area, as opposed to the implementation of project-specific improvements. This may include major reconstruction along Auto Mall Parkway and through the interchange with I-680. While the proposed project would result in a **less than significant** impact related to pedestrian and bicycle facilities, the proposed project would incorporate enhanced pedestrian and bike facilities, that would be implemented in collaboration with the City's Public Works and Transportation Department as a condition of approval.

Traffic Operations Analysis. Consistent with Senate Bill (SB) 743 and Section 15064.3 of the CEQA Guidelines, the California Environmental Quality Act (CEQA) no longer considers automobile delay, as measured by Level of Service (LOS), to be a significant environmental impact under CEQA. The analysis of transportation impacts under CEQA is now based on vehicle miles traveled (VMT) rather than intersection delay or congestion. Nevertheless, a brief LOS analysis was prepared for informational and local planning purposes to evaluate the project's consistency with the City's circulation policies and engineering design standards. This LOS analysis is not used to determine significance under CEQA, but rather to inform the City's broader transportation planning considerations. Additional details regarding the LOS methodology, assumptions, and results are provided in **Appendix D** (Transportation Analysis).

Transportation Demand Management. A *TDM Plan*¹¹⁶ was prepared to ensure the project contributes to regional mobility goals by reducing single-occupancy vehicle trips and encouraging alternative transportation modes, pursuant to FMC Sections 10.20.030¹¹⁷ and 18.50.050¹¹⁸. The stated goal for TDM measures in Fremont is to reduce total vehicle trips as well as vehicle trips

¹¹⁵ City of Fremont. 2018. "Chapter 5: Five Year Project List." *City of Fremont Bicycle Master Plan*. Website: <https://www.fremont.gov/home/showpublisheddocument/7253/637825147774630000> (accessed August 4, 2025).

¹¹⁶ Hexagon Transportation Consultants, Inc. 2025. *TDM Plan for the Proposed 43800 Osgood Road Industrial Use*. May 5.

¹¹⁷ City of Fremont. n.d. Fremont Municipal Code. Section 10.20.030 – Definitions. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont10/Fremont1020.html#10.20.030> (accessed August 4, 2025).

¹¹⁸ City of Fremont. n.d. Fremont Municipal Code. Section 18.50050 – Development standards and requirements applicable to all industrial districts. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont1850.html#18.50.050> (accessed August 4, 2025).

during peak hours by a minimum of 20 percent. The TDM Plan developed for the proposed project identified proposed measures to ensure the project is in compliance with the City's TDM requirements. The required measures identified by the TDM Plan include Price Workload Parking, a TDM Coordinator, an Online Transportation Kiosk, an Employer Carpool Program, an Employer Vanpool Program, and implementation of Bicycle Trip End Facilities. Compliance with TDM policies per FMC 10.20.030 and 18.50.050 would ensure that the proposed project is compliant with City TDM policies and impacts would be **less than significant**.

Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. As such, project impacts would be **less than significant**.

b. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

With the passage of SB 743, VMT is now the State-mandated criterion for determining if a project will result in a "significant transportation impact." In furtherance of this State legislative directive, in June 2020, the City amended the General Plan Mobility Element to replace LOS with VMT as the measurement to be used when conducting a Transportation Impact Analysis under CEQA. The *VMT Analysis*¹¹⁹ conducted for the proposed project is based on the thresholds and guidelines provided in the *City of Fremont Transportation Impact Analysis Handbook*.¹²⁰

The proposed project would not meet any of the applicable City VMT screening criteria, which for industrial uses, includes exemptions for location-based screening and transit proximity. Therefore, a VMT analysis was conducted using Fremont's Open Data Portal, which is based on the Alameda County Transportation Commission (CTC) Travel Demand Forecast (TDF) model, and the Alameda CTC VMT Reduction Calculator Tool.

Consistent with the OPR's recommendations,¹²¹ the City uses the metric of home-based work VMT per employee for evaluating the impacts of employment-based uses, such as the proposed project. The home-based work VMT per employee measures all the commute trips between employees' homes and the project site and divides that total distance by the number of employees at the site. Consistent with OPR guidelines, the City does not include heavy-duty truck VMT as part of the VMT analysis. Because the proposed project is an industrial development, VMT was calculated and reported on a per employee basis. The impact threshold applied by the City of Fremont for industrial uses is the existing regional average VMT per employee, which is 18.10.

The project is located in a zone where the VMT per employee is 19.94 based on Fremont's Open Data Portal. Therefore, without additional VMT reduction measures, the project's VMT impact

¹¹⁹ Hexagon Transportation Consultants, Inc. 2025. *VMT Analysis for proposed Industrial Development at 43800 Osgood Road in Fremont, California*. March 7.

¹²⁰ City of Fremont. 2020. *Transportation Impact Analysis Handbook*. Website: <https://www.fremont.gov/home/showpublisheddocument/391/637747611844000000> (accessed August 4, 2025).

¹²¹ Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Website: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf (accessed August 19, 2025).

would be considered significant per the City of Fremont's VMT policy (since 19.94 is greater than 18.10). To reduce the project's VMT impact to less significant levels, the project would need to reduce its VMT per employee by 9.3 percent.

Pursuant to Sections 10.20.030 and 18.50.050 of the FMC, the proposed project would be required to implement TDM strategies to reduce single-occupancy vehicle trips and encourage alternative transportation modes. Implementation of these combined measures is estimated to achieve an approximate 9.3 percent reduction in VMT from the project site, resulting in an average VMT per employee of 17.85, which is below the applicable VMT threshold of 18.10. Therefore, the project's transportation impacts would be reduced to **less than significant** under CEQA.

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The *Transportation Analysis* prepared for the proposed project determined that sight distance was adequate, and that there were no vertical or horizontal curves, no on-street parking, and no existing landscaping that would limit sight distance. However, sight distance may be altered based on landscaping associated with the proposed project. While the *Transportation Analysis* provided a recommendation for the City to review landscaping prior to final design to ensure that adequate sight-distance triangles are maintained at both project driveways, this recommendation would be fulfilled by the requirements set forth in FMC Section 18.183.110, Development and Maintenance of Parking and Loading Area, subsection (a), Screening. Compliant with FMC Section 18.183.110(a), the proposed project shall implement adequate visual screening of vehicles from adjacent residential lots and from the public street by requiring walls and landscaping in accordance with standards as applicable to the proposed project. Compliance with existing regulations would ensure that sight distance would be adequate with the project, provided the landscaping setback is maintained and no monument signs or other permanent fixtures are constructed that would limit sight distance.

As previously described, the fire truck access plan shows the fire access route to run from the North Site Driveway, south along the west drive aisle, across the main drive aisle to the southwest drive aisle, east along the central parking aisle, then jogs north along the southeast parking aisle, eastward and northward along the east parking aisle, back to the main drive aisle westward along the building frontage and back to Osgood Road. The fire access plan shows a scaled turn-template overlay for fire trucks. However, it is not clear whether the template also applies to the intended building purpose, which would involve heavy use by tractor trailer trucks. In order to reduce potential impacts associated with truck turns in site drive aisles and driveways, prior to final design, the project applicant shall coordinate with City staff to ensure the onsite drive aisles and driveways conform to city standards for tractor trailer trucks. The proposed project would be required to utilize truck turning templates to confirm adequacy as a condition of approval.

With utilization of truck turning templates, the site plan would make clear, via truck turning templates, that the on-site circulation system and site driveways would adequately accommodate semi tractor trailer trucks. Additionally, the proposed project would be subject to the City Public Works Engineering and Transportation Engineering Division's review for consistency with the City's design standards and applicable City of Fremont Standard Details and Standard Specifications to

ensure the safety of all users and would be designed to be compatible with ADA guidelines. In addition, there are no incompatible uses associated with the proposed project. As such, the proposed project would not substantially increase traffic hazards due to geometric design features or incompatible uses, and impacts would be **less than significant**.

d. Would the project result in inadequate emergency access?

As previously discussed, the proposed project includes a Fire Access Road Plan¹²². According to the Fire Access Road Plan, the northern entrance would include a 35-foot-wide driveway and would provide access to the western side of the building, which would be designated for aerial apparatus access in the event of an emergency. Similarly, the southern entrance would include a 34-foot-wide driveway and would provide access to the western, eastern and southern boundaries of the project site. During construction, emergency access would be maintained, and Osgood Road would be the primary emergency response route for the project site.

The proposed project would involve limited roadwork on Osgood Road, including the installation of a signalized entrance at the North Site Driveway and potential sidewalk improvements. The proposed project would not reduce the number of traffic lanes on Osgood Road or alter the existing street layout; therefore, it would not alter or obstruct emergency access. Circulation throughout the project site would be consistent with applicable requirements regarding fire access in the event of an emergency.

Access to, from, and within the site for emergency vehicles would be reviewed and approved by the City's Fire Department prior to project construction. The proposed project would comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and within the site for emergency vehicles. Therefore, implementation of the proposed project would result in a **less than significant** impact related to emergency access.

¹²² Kier and Wright. 2024. 43800 Osgood Road Fire Access Road Plan. November 12.

4.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or	☐	☐	☒	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

4.18.1 Impact Analysis

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
- i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? Or*
 - ii. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

PRC Section 21074 (a) defines tribal cultural resources as either of the following:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.

- b. Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.
- 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

PRC Section 65352.3 establishes a formal consultation process with California Native American tribes prior to the adoption or any amendment of a city or county's general plan; this consultation is commonly called SB 18 consultation. Because the proposed project would require a General Plan Amendment and rezoning to the Service Industrial (I-S) designation, the City is required to engage in SB 18 consultation. Native American tribes to be included in the process are those that are on the contact list maintained by the NAHC for the purpose of preserving or mitigating impacts to places, features, and objects described in PRC Sections 5097.9 and 5097.995 that are located within the city or county's jurisdiction.

PRC Section 21080.3.1 also establishes a formal consultation process with California Native American tribes regarding tribal cultural resources, commonly called AB 52 consultation. The AB 52 consultation process must be completed before a CEQA document can be certified. Under PRC Section 21080.3.1, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency. Additionally, the City has adopted AB 52 noticing as a standard development requirement.¹²³

The proposed project would include improvements to reuse the existing structure and surrounding site to convert it to an industrial facility. The proposed project would include interior and exterior improvements and updates to the existing structure including demolishing existing tenant improvement features, replacing the existing roof, upgrading power service to the building; the addition of an interior mezzanine level of approximately 6,000 square feet in the southwest corner of the existing building; new loading and receiving docks and drive-in doors; and façade design improvements. Soil removal extending up to 4 feet is expected for the removal of existing pavement and concrete, landscaping in the existing parking area, and improvements of underground utilities, curbs and gutters, as well as sidewalks, site lighting, fire hydrants, and catch basins, and up to 8 feet for utility improvements.

The City sent a Consultation Request Form to the NAHC on April 22, 2024, and on February 24, 2025, the NAHC responded to the City's request with a consultation list and a letter indicating that an SLF check for the project site was negative.

¹²³ City of Fremont. 2022. Fremont Municipal Code Section 18.218.050(d)(2). Standard development requirements. Website: <https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218> (accessed August 5, 2025).

On August 4, 2025, the City sent formal notices for both SB 18 and AB 52 to the 27 tribal representatives from California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site, as identified by the NAHC. The letters were sent via email.

The City received 4 responses to the consultation requests:

- On August 4, 2025, representatives from the Muwekma Ohlone Tribe requested ongoing consultation and provided attachments consisting of a formal consultation request, historic and legal documentation about the history and heritage of the Tribe, and examples of previous cultural resource management work. On August 7, 2025, the City responded asking for confirmation that the tribe was formally requesting consultation, providing a brief description of the project, and asking if the tribe needed additional details. On August 7, 2025, representatives from the Muwekma Ohlone Tribe confirmed that the tribe would like to engage in the consultation process for the proposed project, provided background information on a different project where tribal cultural resources were discovered, asked if the proposed project would include utility trenching or other subsurface excavations, requested the results of the CHRIS record search conducted for the proposed project, and informed the city that the Muwekma Ohlone tribe is the only BIA documented Ohlone tribe of the greater San Francisco Bay Area for inclusion in the City's administrative files.
- On August 5, 2025, representatives from the Lisjan Nation requested consultation on the proposed project, the results of the SLF search, CHRIS records search, and any cultural resource reports prepared for the proposed project. On August 7, 2025, the City responded, providing the NAHC SLF Search request, a brief description of the project, and a link to the City of Fremont standard development requirements which address cultural and tribal cultural resource protection. No further communication was received.
- On August 8, 2025, a different representative of the Muwekma Ohlone tribe responded to the City's notice, offering services if requested by the City.
- On August 12, 2025, representatives of the Wilton Rancheria tribe responded to the City's notice, declining consultation, but requesting notification if there were to be any project updates or changes.
- On August 13, 2025 representatives of the Tamien Nation requested formal consultation and provided two documents, requesting that they be referenced in all future correspondence. The attached documents requested consultation on topics including alternatives to the project, recommended mitigation measures, significant effects of the project, type of environmental review necessary, significance of tribal cultural resources, including any regulations, policies, or standards used to determine significance, and the project's significance of impacts on tribal cultural resources. The attached documents also requested CHRIS record search results, SLF search results, and the geotechnical report prepared for the project site. The Tribe also requested inclusion of key personnel on all correspondence, and provided the below recommended measures for preservation or mitigation:

- Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - Protecting the cultural character and integrity of the resource;
 - Protection the traditional use of the resource; and
 - Protecting the confidentiality of the resource
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Protecting the resource.

The City did not receive any other requests for consultation during the 30-day AB 52 notification period or 90-day SB 18 notification period. Therefore, the City considers the AB 52 and SB 18 consultation process to be concluded.

As discussed in Section 4.5.a of this document, the July 2025 CHRIS record search indicated that no precontact Native American resources and no historic-era cultural resources have been previously recorded within the project site. Based on nearby site distribution and the environmental context, the project site has moderate archaeological sensitivity. The SLF search yielded negative results. The project *Geotechnical Engineering Investigation* indicated that subsurface conditions on the project site consist of approximately 6 inches of asphaltic concrete, followed by approximately 4 to 5 and a half feet of fill material, followed by sandy soil. Therefore, it is reasonable to assume that the first 5 feet of soil on the project site would not be sensitive to cultural or tribal cultural resources. Project construction would include ground disturbance of up to 4 feet for building improvements and up to 8 feet for utility improvements. The City's consultation with tribal representatives indicated that the project site has potential sensitivity for resources in native soil, which is located below 5 feet.

As described in Section 4.5, Cultural Resources, the project would be required to abide by standard development requirements to protect any potential cultural resources, or human remains within the project site inadvertently discovered during the course of development. In addition, as there is potential for the proposed project to inadvertently discover or unearth previously undocumented Native American tribal cultural resources during ground-disturbing activities and based on the consultation, the project would comply with FMC Section 18.218.050(d)(4): Tribal Cultural Monitoring and Training. In accordance with the zoning code, the project proponent would allow a tribal cultural representative to be present before or during construction to monitor tribal cultural

resources or provide worker awareness training on applicable laws and protocols, for any excavation that would extend beyond 5 feet below the ground surface. In addition, the tribal representative may request that work be stopped, diverted, or slowed if culturally significant sites or objects are discovered, and must be consulted on appropriate treatment measures. The project proponent is responsible for all associated costs.

Compliance with FMC Section 18.218.050(d)(4): Tribal Cultural Monitoring and Training would ensure that any inadvertent discoveries of tribal cultural resources would be protected through coordination with consulting Tribes, full-time monitoring by both qualified tribal and archaeological specialists, and appropriate identification and managing of discoveries. Therefore, impacts to tribal cultural resources would be **less than significant**.

4.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c. 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?	☐	☐	☒	☐
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

4.19.1 Impact Analysis

- a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The project site is in an urbanized area and is currently served by existing utilities, including water, sanitary sewer, storm drainage, electricity, telecommunications, and fiber-optic infrastructure. Water service to the proposed project would be provided by the Alameda County Water District (ACWD). Wastewater from the project would be treated at the Alvarado Wastewater Treatment Plant, which is operated by Union Sanitary District (USD). The Alameda County Flood Control and Water Conservation District (ACFCWCD) and the City of Fremont share responsibility for stormwater drainage within the city. Electric power and natural gas services in Fremont are provided by PG&E, however the proposed project would not utilize natural gas. There are a variety of providers of telecommunications services and fiber-optic infrastructure available in the project area.¹²⁴ The

¹²⁴ City of Fremont. n.d. Fremont Draft General Plan Update Environmental Impact Report. Website: <https://www.fremont.gov/home/showpublisheddocument/825/637750631748000000> (accessed July 28, 2025).

proposed project would connect to existing public and private utilities, including water, sewer, storm drain facilities, and electric power, as described in Section 2.2.5 of this document.

In its existing condition, the project site is covered almost entirely by impervious surfaces. As described in Section 2.2.5.1, the proposed project would include two new trench drains that would drain to a pump system. This pump system would discharge into a bioretention area to the south of the project site and eventually would drain into the public storm system on Osgood Road. A small portion of impervious area to the southwest of the building will drain into a bioretention area and then to the public storm system on Osgood Road. Additional stormwater infrastructure improvements would include new storm drain catch basins, storm drain junction boxes, storm drain manholes, a storm drain pump, and back flow prevention devices.

As previously described in Section 4.10, Hydrology and Water Quality, the proposed project would increase the impervious surface coverage on the project site compared to existing conditions. However, the increase would be small. According to the Stormwater Quality Control Plan (SWQCP)¹²⁵ the proposed project would include one DMA which would retain and infiltrate the required Capture Volume for the project site (6,967 cubic feet), while detaining and reducing the developed peak runoff, as required by the Alameda County MS4 Permit.

The small increase in impervious surfaces would not change existing stormwater drainage patterns or require the construction of new stormwater drainage facilities in the city. The proposed project would not result in any new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities. As a result, impacts during construction would be **less than significant**.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

California's Urban Water Management Planning Act requires ACWD to prepare a UWMP and to update it every 5 years. The most recent update was adopted in 2021.

ACWD's service area is approximately 105 square miles, including the cities of Fremont, Newark, and Union City, and serves a population of approximately 357,000 (as of 2020). Approximately 18 percent of water demand in the district comes from commercial and industrial customers. Water for commercial and industrial customers is supplied from ACWD's treatment and production facilities, not from groundwater pumping.¹²⁶

According to the water demand forecast in the updated UWMP, ACWD anticipates reduced future demands for water compared to previous forecasts, as well as in comparison to demonstrated past levels of actual demand, despite projected population and housing increases within the service area. The water demand forecast is consistent with growth projections in the City's General Plan. While the proposed project may generate workforce population, any increase would be minor and would

¹²⁵ Kier and Wright. 2024. Stormwater Quality Control Plan. November 14.

¹²⁶ ACWD. 2021. Urban Water Management Plan 2020–2025. Website: <https://www.acwd.org/DocumentCenter/View/4116/Final-2020-2025-UWMP-Version-Including-Minor-Edits> (accessed July 28, 2025).

fall within the General Plan's projected growth. The water demand projected in the UWMP would therefore include demand resulting from construction and operation of the proposed project. The UWMP determined that no new infrastructure is needed to support water supply reliability for its customers over the next 25 years.¹²⁷ Therefore, the project would have a **less than significant** impact, and no mitigation is required.

- c. 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 into existing sewer lines serving the project site. Wastewater service would be provided by the USD. Proposed wastewater use on the project site would not result in a significant increase in wastewater production compared to historical uses at the existing building. During construction, if portable toilets are required, the waste would be transported to the appropriate facilities for disposal and treatment. Therefore, the proposed project would have a **less than significant** impact related to wastewater treatment.

- d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Construction activities would generate solid waste associated with interior demolition and construction, as well as grading, paving and landscaping or outdoor areas. All construction debris would be disposed of in compliance with a City-approved Waste Handling Plan¹²⁸ and in compliance with the City's most up-to-date demolition/construction recycling requirements. Current requirements include reuse or recycling of 100 percent of all asphalt, concrete, and dirt; separation and composting of 100 percent of plant and tree debris; and reuse or recycling of 65 percent of all remaining project debris.¹²⁹

During operation, generation of solid waste would be typical of industrial and/or research and development uses. The project would be served by the City's franchised waste hauler, Republic Services. Any business occupying the proposed project would be required to comply with all applicable waste reduction goals and regulations and to maintain waste containers for recycling. The amount of waste generated would not be in excess of State or local standards, or in excess of the capacity of local infrastructure, nor would it otherwise impair the attainment of solid waste reduction goals. The project would have a **less than significant** impact.

¹²⁷ ACWD. 2021. Urban Water Management Plan 2020–2025. Website: <https://www.acwd.org/DocumentCenter/View/4116/Final-2020-2025-UWMP-Version-Including-Minor-Edits> (accessed July 28, 2025).

¹²⁸ City of Fremont Environmental Services Division. 2023. Construction and Demolition Debris. Website: <https://www.fremont.gov/government/departments/environmental-services/construction-demolition-debris> (accessed July 28, 2025).

¹²⁹ City of Fremont Environmental Services Division. 2018. Waste Handling Guidelines. Website: <https://www.fremont.gov/home/showpublisheddocument/1481/637752483703200000> (accessed July 28, 2025).

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

As discussed in Section 4.19.d, all construction debris would be disposed of in compliance with a City-approved Waste Handling Plan¹³⁰ and in compliance with the City's most up-to-date demolition/construction recycling requirements.

During operation, any business occupying the proposed project would be required to comply with all applicable waste reduction goals and regulations and to maintain waste containers for recycling. The project would have a **less than significant** impact related to compliance with federal, State, and local management and reduction statutes and regulations related to solid waste.

¹³⁰ City of Fremont Environmental Services Division. 2023. Construction and Demolition Debris. Website: <https://www.fremont.gov/government/departments/environmental-services/construction-demolition-debris> (accessed July 28, 2025).

4.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

4.20.1 Impact Analysis

a. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The project site is within the developed urban area of Fremont, which is not within a State Responsibility Area¹³¹ and has not been identified by the City as part of a VHFHSZ.¹³² The project would have **no impact** related to substantially impairing an adopted emergency response plan or emergency evacuation plan.

b. Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Refer to Section 4.20.a. The project would have **no impact** related to exacerbation of wildfire risks due to slope, prevailing winds, and other factors and would not thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

¹³¹ CAL FIRE. n.d. Fire Hazard Severity Zones in a State Responsibility Area. Website: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008> (accessed August 18, 2025).

¹³² CAL FIRE. n.d. Fire Hazard Severity Zone Viewer. Website: <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/> (accessed August 18, 2025).

- c. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Refer to Section 4.20.a. The project would have **no impact** related to the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

- d. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Refer to Section 4.20.a. The project would have **no impact** related to exposing people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a. Does the project have the potential to substantially 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, substantially 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?	☐	☐	☒	☐
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.)	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

4.21.1 Impact Analysis

- a. Does the project have the potential to substantially 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, substantially 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?*

Compliance with regulatory requirements as detailed in Section 4.4, Biological Resources would ensure that potential impacts to special-status species would be reduced to **less than significant** levels. Compliance with regulatory requirements as detailed in Section 4.5, Cultural Resources and Section 4.17, Tribal Cultural Resources would ensure that potential impacts to cultural resources and tribal cultural resources would be reduced to **less than significant** levels.

Therefore, compliance with regulatory requirements would ensure that development of the proposed project would not: (1) degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife species population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare or endangered plant or animal; or (6) eliminate important examples of the major periods of California history. Therefore, this impact would be **less than significant**.

- 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)?*

The proposed project's impacts would be individually limited and not cumulatively considerable due to the site-specific nature of the potential impacts.

For the topics of aesthetics, agriculture and forestry resources, air quality, biological resources, energy, geology and soils, hazards and hazardous wastes, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire, project design and compliance with regulatory requirements would ensure that the project would have **no impact** or **less than significant impact**; therefore, the project would not substantially contribute to any potential cumulative impacts for these topics.

All environmental impacts that could occur as a result of the proposed project would be reduced to a less than significant level through implementation of the regulatory compliance measures recommended in this document. Therefore, this impact would be **less than significant**.

- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The proposed project's potential to result in environmental effects that could directly or indirectly impact human beings has been evaluated in this Initial Study. With implementation of the recommended regulatory compliance measures, all environmental effects that could adversely affect human beings would be **less than significant**.

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