

April 6, 2020

Prachi Shambhu
Silicon Sage Builders
560 S. Mathilda Avenue
Sunnyvale, California 94086

RE: Biological Assessment for 41911, 41965 & 42021 Osgood Road, Fremont, CA, 94539

Dear Ms. Shambhu:

On 21 March 2020, Albion Environmental, Inc. (Albion) senior biologist, Sandra Menzel, conducted a survey for biological resources at 41911, 41965 & 42021 Osgood Road (Figure 1) in Fremont, Alameda County, California. The parcels are located west of Freeway 680 and south of Washington Boulevard. The purpose of this survey was to assess if the proposed project will have any potential impacts to biological resources at the site.

Silicon Sage Builders proposes to demolish the existing buildings and construct 284 new housing units on the three parcels. The two new buildings will contain 122 condominiums (Building A) and 162 apartments (Building B), including 24 low-income affordable housing units.

The value of these parcels for biological resources is very low because the site is largely paved, developed, and heavily disturbed. The proposed project site currently contains a residence at parcel 41965 and an industrial building/warehouse each at parcels 41911 and 42021. These latter two parcels have paved parking lots adjacent to the buildings. The only areas with exposed soil are narrow rows of non-native trees and shrubs that are planted in the center of the parking lot, and along the southern and western fence lines at parcel 42021 (Figure 2); parcel 41911 has non-native trees planted along the northern fence line (Figure 3). Parcel 41965 has a small (approximately 12,000 ft²) yard, sandwiched between the two industrial buildings, containing a few small, non-native trees. Parts of the yard are currently used to store building materials.

Dense industrial and residential development surrounds the parcels. Currently, a multi-story residential building is being constructed on the neighboring parcel to the south of the proposed project site. Beyond the western fence line runs parallel an approximately 18-ft wide, compacted dirt path, abutting an approximately 3-ft wide flood control channel, next to a BART rail line (Figures 1 and 4). The flood control channel will not be impacted during construction.

RIPARIAN VEGETATION

The proposed project site has previously been developed and does not contain sensitive riparian habitat. The banks of the flood control channel were overgrown with non-native grasses (family Poacea),

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and other weedy vegetation including mustard (family Brassicaceae) and curly dock (*Rumex crispus*). Native species consisted of two small oaks (*Quercus* spp.) on the west bank of the channel, but no special-status native riparian plant species were detected.

WILDLIFE

The proposed project site does not contain suitable upland habitat for special-status wildlife species that may occur in the vicinity of the site. Potential for occurrence of the following species of conservation concern at the project site or along the flood control channel is unlikely:

CALIFORNIA TIGER SALAMANDER (*AMBYSTOMA CALIFORNIENSE*)

State and federally listed as threatened

California tiger salamander inhabits grassland, oak woodland, ruderal and seasonal pool habitats and spends most of the year underground in mammal burrows. The species breeds in vernal pools and other seasonal aquatic features. Suitable breeding locations and upland estivation sites were not observed at the project site or along the channel. The urban, fragmented nature of the area along the channel makes it unsuitable habitat for this species. No burrows for estivation or refugia were present in the area.

CALIFORNIA RED-LEGGED FROG (*RANA DRAYTONII*)

State Species of Special Concern, federally listed as threatened

California red-legged frogs inhabit permanent and temporary pools, streams, freshwater seeps, and marshes in lowlands and foothills. They may use adjacent upland habitat for foraging and refuge. For breeding, this species requires water for 4–7 months for tadpoles to complete metamorphosis. The project site does not contain suitable upland habitat. The parcels also do not contain burrows that red-legged frogs may use as refugia.

WESTERN POND TURTLE (*ACTINEMYD MARMORATA*)

State Species of Special Concern

Western pond turtles live in ponds, marshes, rivers, streams and irrigation ditches with aquatic vegetation. They need basking sites and suitable (sandy banks or grassy open fields) upland habitat for egg-laying. Suitable habitat for this species was not observed within the project site. The area along the channel is unsuitable for egg-laying and the channel itself contains highly marginal habitat for this species.

ALAMEDA WHIPSNAKE (*MASTICOPHIS LATERALIS EURYXANTHUS*)

State and federally listed as threatened

The Alameda whipsnake inhabits chaparral and foothill hardwood habitats. It prefers south-facing slopes and ravines with rock outcroppings where shrubs form a vegetative mosaic with oak trees and grasses and small mammal burrows provide basking and refuge. The project site and the area along the channel are unsuitable for this species. This urban site has no potential for dispersal or colonization.

OTHER WILDLIFE CONSIDERATIONS

The likelihood for roosting bats to occur at the existing buildings or in trees is very low because of the level of disturbance and the lack of suitable foraging habitat. Because the property is surrounded by urban development, roads, and railways, this is also not a wildlife movement corridor or wildlife nursery site, other than potentially breeding birds; though, suitable foraging habitat for breeding birds is limited. Some species of breeding migratory birds could construct nests in trees, shrubs, or on buildings within the proposed project area, but there is no suitable habitat for any of the special status bird species that may occur in the vicinity of the proposed project area, including Ridgeway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), Western snowy plover (*Charadrius alexandrinus nivosus*), Burrowing owl (*Athene cunicularia*), Salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), Alameda song sparrow (*Melospiza melodia pusillula*), and Tricolored blackbird (*Agelaius tricolor*).

RECOMMENDED MITIGATION MEASURES

All native migratory birds, their nests, eggs, and young are protected by law. If construction activities or tree/brush trimming/removal will occur any time between 1 February and 31 August, we recommend conducting a preconstruction survey for nesting birds no more than 10 days prior to any work to confirm that no nesting birds have moved into the project site.

City of Fremont Resources Protection Ordinance (Municipal Code Chapter 18.218 Standard Development Requirements) requires the following measures in regards to nesting birds:

<https://www.codepublishing.com/CA/Fremont/#!/Fremont18/Fremont18218.html#18.218>

- (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.

No other mitigation measures in regards to biological resources, above and beyond Municipal Code Chapter 18.218 will be necessary prior to the start of construction at 41911, 41965 and 42021 Osgood Road.

Please contact me if you have any questions.

Sincerely,



Sandra Menzel, M.S.
Senior Biologist



Figure 1. Satellite image of the proposed project site outlined in red at 41911, 41965 & 42021 Osgood Road in Fremont, Alameda County.



Figure 2. Ornamental vegetation at 42021 Osgood Road in Fremont, Alameda County.
Photographed on 21 March 2020.



Figure 3. Ornamental vegetation at 41911 Osgood Road in Fremont, Alameda County.
Photographed on 21 March 2020.



Figure 4. Compacted dirt path, flood control channel, and BART train tracks abutting the western property line of the proposed project site at 41911, 41965 & 42021 Osgood Road in Fremont, Alameda County. Photographed on 21 March 2020.