

## EXHIBIT B

### FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the San Mateo-Foster City School District Board of Trustees (Board) hereby makes these findings with respect to the potential for significant environmental impacts from adoption and implementation of the New Elementary School in Foster City Project ("Project") and the means for mitigating those impacts. For the purpose of these findings, the term "EIR" means the Draft and Final EIR documents collectively, unless otherwise specified.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the Board, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the District ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

#### 1. Air Quality

**AQ-2 Impact.** During construction of the Project, construction activities would generate fugitive dust during ground-disturbing activities and would generate substantial construction-related exhaust emissions from on-site construction equipment and on-road vehicle trips that exceed the BAAQMD significance thresholds identified in Chapter 5, Environmental Analysis, Section 2, Air Quality, Table 4.2-3.

**Mitigation.** The project developer shall require its construction contractor to comply with the following BAAQMD Best Management Practices (BMPs) for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub>:

- Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour (mph). Reclaimed water should be used whenever possible.
- Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

- Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads, parking areas, and staging areas at the construction site to control dust.
- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

The Project developer shall verify compliance during normal construction site inspections that these measures have been implemented.

**Finding.** Implementation of the above FEIR mitigation measure will reduce construction emissions of PM and fugitive dust generated during construction activities to a **less-than-significant** level.

### AQ-3

**Impact.** The actual construction of the proposed Project would cumulatively contribute to the non-attainment designations of the SFBAAB.

**Mitigation.** Implementation of Mitigation Measure AQ-2 would reduce cumulative air quality impacts.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts from fugitive dust generated during construction activities. Consequently, the Project would not cumulatively contribute to the nonattainment designations of the Air Basin and impacts would be **less-than-significant**.

### AQ-4

**Impact.** Construction activities of the Project could expose sensitive receptors to substantial concentrations of Toxic Air Contaminants (TACs) and PM<sub>2.5</sub>.

**Mitigation.** The construction contractor(s) shall use construction equipment with fitted with Level 3 Diesel Particulate Filters (DPF) and engines that meet the United States Environmental Protection Agency (USEPA)-Certified Tier 3 emissions standards for all equipment of 50 horsepower or more. Tier 3 or higher engine standards and DPFs are capable of reducing 50 to 90 percent of diesel exhaust and particulate emissions from off-road equipment. Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meets Level 3 Verified Diesel Emissions Control Strategy emissions requirements. Therefore, Level 3 DPF would not be required for engines that meet Tier 4 Interim or Final standards.

Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the Project developer/SMFCSD clearly show the requirement for Level 3 DPF and EPA Tier 3 or higher emissions standards for construction equipment

over 50 horsepower. During construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the Project site for verification by the District's Chief Facilities Officer or designee. The construction equipment list shall state the makes, models, and number of construction equipment on-site. Equipment shall be properly serviced and maintained in accordance with manufacturer recommendations. The construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

**Finding.** Implementation of the above FEIR mitigation measure will reduce the exposure of off-site sensitive receptors to substantial concentrations of TACs and PM<sub>2.5</sub> to a **less-than-significant** level.

**AQ-6**      **Impact.** Implementation of the Project would cumulatively contribute to air quality impacts in the San Francisco Bay Area Air Basin.

**Mitigation.** Implementation of Mitigation Measures AQ-2 and AQ-4 would reduce cumulative air quality impacts.

**Finding.** Implementation of the above FEIR mitigation measure will reduce the cumulative contribution of criteria air pollutants to a **less-than-significant** level.

## **2. Biological Resources**

**BIO-1**      **Impact.** The proposed Project would have the potential to result in the loss of raptor eggs and nests, and/or the eggs and nests of other protected birds.

**Mitigation.** Adequate measures shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and California Department of Fish and Game Code when in active use. This shall be accomplished by taking the following steps:

- If tree removal and initial construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within 7 days prior to the onset of tree and vegetation removal or building demolition, in order to identify any active nests on the site and surrounding area within 100 feet of proposed construction. The site shall be resurveyed to confirm that no new nests have been established if vegetation removal and demolition has not been completed or if construction has been delayed or curtailed for more than 7 days during the nesting season.
- If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September to February), tree and vegetation removal and building construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal, building demolition, and construction activities restricted within this no-disturbance zone until the qualified biologist has confirmed that any young birds have fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input

received from the CDFW, and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site.

- A report of findings shall be prepared by the qualified biologist and submitted to the SMFCSD for review and approval prior to initiation of vegetation removal, building demolition and other construction during the nesting season (March to August). The report shall either confirm absence of any active nests or shall confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if vegetation removal, building demolition, and other construction is initiated during the non-nesting season (September to February) and continues uninterrupted according to the above criteria.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts to nesting birds during construction to a **less-than-significant** level.

### **3. Cultural Resources**

**CULT-2      Impact.** Construction of the proposed Project would have the potential to cause a significant impact to an unknown archaeological resource pursuant to CEQA Guidelines Section 15064.5.

**Mitigation.** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the District and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. 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. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the District shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, proposed Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the Project site while mitigation for historical resources or unique archaeological resources is being carried out.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts to unknown archeological resources to a **less-than-significant** level.

**CULT-3      Impact.** Excavation for the proposed Project would have the potential to damage an unknown paleontological resource or site.

**Mitigation.** In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or

diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project based on the qualities that make the resource important. The excavation plan shall be submitted to the District for review and approval prior to implementation.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts to unknown unique paleontological resource or site, or unique geologic feature to a **less-than-significant** level.

**CULT-5**      **Impact.** Construction of the proposed Project would have the potential to cause a significant impact to an unknown TCR as defined in Public Resources Code 21074.

**Mitigation.** Implement Mitigation Measures CULT-2 and CULT-3.

**Finding.** Implementation of the above FEIR mitigation measure will reduce impacts to unknown TCRs to a **less-than-significant** level.

#### **4. Geology and Soils**

**GEO-2**      **Impact.** Construction of the proposed Project would have the potential to induce the uneven subsidence of highly-compressible Bay Mud.

**Mitigation.** Prior to Project construction, the Project developer/SMFSCD Geotechnical Engineer shall prepare a Geohazard Report, consistent with DSA requirements IR A-4.13 and the Geohazard Report content requirements of the California Geological Survey (CGS). Construction cannot commence until the report is approved by the DSA and the associated permit issued.

**Finding.** Implementation of the above FEIR mitigation measure will reduce the potential to induce the uneven subsidence of highly-compressible Bay Mud to a **less than significant** level.

**GEO-3**      **Impact.** Development of the proposed Project could result in danger to future occupants associated with cracked or uneven foundations resulting from construction on expansive soils.

**Mitigation.** Implementation of Mitigation Measure GEO-2.

**Finding.** Implementation of the above FEIR mitigation measure will reduce danger to future occupants associated with cracked or uneven foundations resulting from construction on expansive soils to a **less than significant** level.

## **5. Hazards and Hazardous Materials**

**HAZ-1**      **Impact.** The verified presence of small quantities of Asbestos-Containing Materials (ACM) and lead-containing paint (LCP) in existing site buildings may be upset during project demolition, and potentially result in adverse effects to surrounding residential neighborhoods.

**Mitigation.** A systematic plan for identifying, handling, and removing hazardous building materials for structures proposed for demolition at the Project site shall be prepared by a licensed professional and submitted to the project developer/SMFCSD for approval prior to demolition. The plan shall follow all applicable site assessment, risk assessment, and remediation guidance documents prepared in accordance with the requirements of the Department of Toxic Substances and Control (DTSC) for the proposed Project. Under DTSC oversight, a No Further Action or letter of certification shall be obtained stating that the site does not pose a significant risk and is suitable for elementary school use.

**Finding.** Implementation of the above FEIR mitigation measure will reduce the potential to disturb Asbestos-Containing Materials (ACM) and lead-containing paint (LCP) in existing site buildings may be upset during project demolition, and potentially result in adverse effects to surrounding residential neighborhood to a **less than significant** level.

## **4. Noise**

**NOISE-1**      **Impact.** Typical daytime student activities at the proposed school would create noise levels that exceed Foster City  $L_{max}$  and  $L_5$  thresholds at two sensitive receptors immediately adjacent to the Project site.

**Mitigation.** An 8-foot-tall noise reduction barrier shall be constructed along the property line between the outdoor use areas and the neighboring residences and church. This entirely gap-free barrier of simple wood-construction, with a surface weight of 2.5 pounds per square foot, would reduce noise from outdoor recreational and instructional activities by 8 dBA at first floor (ground level) elevation. This would be a noticeable reduction in noise associated with students on the play area. However, noise levels when students are outside would still exceed an  $L_5$  of 60 dBA and an  $L_{max}$  of 65 dBA at the nearest residences.

**Finding.** Implementation of the above FEIR mitigation measure will not reduce noise levels at tow sensitive receptors adjacent to the Project site and are thus **significant and unavoidable**.

**NOISE-1a**      **Impact.** Mechanical equipment that would be located on school rooftops could generate noise levels above municipal thresholds.

**Mitigation.** The Project developer/SMFCSD shall demonstrate that Project mechanical equipment has been designed to meet the City's noise ordinance limits. For example, at the adjacent residences, the noise ordinance limit for continuously operation equipment is 60 dBA during the daytime and 50 dBA at night.

**Finding.** The implementation of the above FEIR mitigation measures will reduce on-site mechanical equipment noise impacts to a **less than significant** level.

**NOISE-2      Impact.** Equipment used during Project construction would generate excessive groundborne vibration with severe, albeit temporary, effects on a group of residential properties as close as 40 feet from the site of construction. At distances of 50 feet or more, the groundborne vibration due to the operation of a single hoe ram or a large bulldozer would be below the threshold of significance.

**Mitigation.** Equipment used during Project construction would generate excessive groundborne vibration with severe, albeit temporary, effects on a group of residential properties as close as 40 feet from the site of construction. At distances of 50 feet or more, the groundborne vibration due to the operation of a single hoe ram or a large bulldozer would be below the threshold of significance.

**Finding.** Implementation of the above FEIR mitigation measures will not reduce construction-related vibration impacts, thus staying at a **significant and unavoidable** level.

**NOISE-3      Impact.** The proposed Project would result in an increase in ambient noise levels at sensitive receptors that exceeds Foster City thresholds.

**Mitigation.** With construction of an 8-foot noise barrier, the increase in total ambient noise levels would be 1.0 L<sub>dn</sub> or less at all sensitive receiver sites, consistent with Policy N-8 of the Foster City General Plan. The results of noise modeling with mitigation incorporated are shown in Chapter 4, Environmental Analysis, Section 4, Noise Table 4.10-16.

**Finding.** Implementation of the above FEIR mitigation measures will reduce construction-related noise impacts to a **less than significant** level.

**NOISE-4      Impact.** Project construction could result in noise levels up to 93 dBA at some residences immediately west of the proposed playground areas.

**Mitigation.** In order to minimize disruption and potential annoyance during construction, the following is required:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) that are in good condition and appropriate for the equipment.
- All construction equipment shall be maintained to minimize noise emissions.
- Stationary demolition and construction equipment shall be located on the site so as to

maintain the greatest possible distance to the sensitive receptors.

- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.
- The construction contractor shall provide the name and telephone number for an on-site construction liaison. In the event that construction noise is intrusive to the community, the construction liaison shall investigate the source of the noise and require that reasonable measures be implemented to correct the problem.

**Finding.** Implementation of the above FEIR mitigation measures will reduce construction noise levels in nearby residences thus creating a **less-than-significant** impact.