

DUMBARTON TRANSIT ORIENTED DEVELOPMENT SPECIFIC PLAN

FINAL ENVIRONMENTAL IMPACT REPORT

(State Clearinghouse No. 2010042012)

MITIGATION MONITORING AND REPORTING PROGRAM

July 2011

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<i>Air Quality</i>					
<p>4.2-1a - Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that Grading Plans, Building Plans, and specifications stipulate that, in compliance with the BAAQMD CEQA Air Quality Guidelines, the following basic construction mitigation measures shall be implemented for all construction projects:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas and unpaved access roads) shall be watered two times per day. ▪ 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 mph. ▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. ▪ 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 	<p>Require as a condition of project approval.</p> <p>Project applicant includes measures on plans submitted for grading permits.</p> <p>Construction contractor implements control measures.</p>	<p>City Council and Planning Division</p> <p>Engineering/Building Division</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review plans prior to issuance of grading permits to ensure that requirements described in Mitigation Measure 4.2-1a have been met.</p> <p>Conduct periodic site visits during demolition, grading and construction.</p>	<p>Deny project approval.</p> <p>Deny grading permits.</p> <p>Halt demolition, grading or construction until control measures are implemented.</p>	

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<p>Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> ▪ 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. ▪ A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. 					
<p>4.2-1b - Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plans, Building Plans, and specifications stipulate that, in compliance with the BAAQMD CEQA Air Quality Guidelines, the following additional construction mitigation measures shall be implemented for all construction projects:</p> <ul style="list-style-type: none"> ▪ All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. ▪ All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 	<p>Require as a condition of project approval.</p> <p>Project applicant includes measures on plans submitted for grading permits.</p> <p>Construction contractor implements control measures.</p>	<p>City Council and Planning Division</p> <p>Engineering/Building Division</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review plans prior to issuance of grading permits to ensure that requirements described in Mitigation Measure 4.2-1b have been met.</p> <p>Conduct periodic site visits during demolition, grading and construction.</p>	<p>Deny project approval.</p> <p>Deny grading permits.</p> <p>Halt demolition, grading or construction until control measures are implemented.</p>	

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<ul style="list-style-type: none"> ▪ Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. ▪ Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. ▪ The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. ▪ All trucks and equipment, including their tires, shall be washed off prior to leaving the site. ▪ Site accesses up to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. ▪ Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. ▪ Minimizing the idling time of diesel powered construction equipment to two minutes. ▪ The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 					

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<p>percent NO_x reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</p> <ul style="list-style-type: none"> ▪ Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). ▪ Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM. ▪ Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. 					
<p>4.2-2 - Prior to building permit issuance, the project applicant shall demonstrate to the City of Newark Community Development Director that emissions from the Dumbarton Transit Station would not exceed BAAQMD health risk criteria at the high/mixed-use residential, medium/high density residential, medium density residential parcels located within 1,000 feet. If health risks are determined for any sensitive receptors located within 1,000 feet of the Dumbarton Transit Station, the project applicant shall demonstrate that the following is provided:</p> <ul style="list-style-type: none"> ▪ A filtered air supply system shall be 	<p>Require as a condition of project approval.</p> <p>Project applicant hires air quality specialist to prepare analysis and submits with building permit plans for residential development within 1,000 feet of Transit Station and meets requirements of Mitigation Measure</p>	<p>City Council and Planning Division</p> <p>Planning/Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review plans prior to issuance of building permits to ensure that requirements described in Mitigation Measure 4.2-2 have been met.</p>	<p>Deny project approval.</p> <p>Deny issuance building permits.</p>	

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<p>installed in all residential units to maintain positive pressure when windows are closed. The ventilation system, whether a central heating, ventilation and air conditioning (HVAC) or a unit-by-unit filtration system, shall include high-efficiency filters meeting minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (equivalent to approximately ASHRAE Standard 52.1 Dust Spot 85 percent) or shall be certified by a licensed design professional that the ventilation system is capable of removing more than 80 percent of ambient PM_{2.5} from habitable areas of dwelling units.</p> <ul style="list-style-type: none"> ▪ Air intakes for HVAC shall be located away from the freeway to the maximum extent feasible. ▪ The applicant shall also prepare and implement a plan that ensures on-going maintenance of ventilation and filtration systems, including informing occupant's of the proper maintenance of any installed air filtration system. 	<p>4.2-2, if health risks are determined.</p>				
<i>Biological Resources</i>					
<p>4.3-1 - In order to avoid potentially impacting the salt marsh harvest mouse, prior to any site grading or development of properties within the Specific Plan area, a federal and state permitted salt marsh harvest mouse biologist shall conduct a "Habitat Assessment" to determine if the parcel where work is proposed provides suitable habitat for the salt marsh</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified biologist to conduct habitat assessment prior to</p>	<p>City Council and Planning Division</p> <p>Planning Division, CDFG and USFWS</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to commencement of grading or construction, ensure that habitat assessment has</p>	<p>Deny project approval.</p> <p>Delay commencement of grading or construction.</p>	

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<p>harvest mouse. The exception to this requirement would be the Torian property since two Habitat Assessments have been prepared for the property (by Live Oak Associates and Zentner and Zentner), which concluded that the property does not provide suitable habitat for the salt marsh harvest mouse. However, the Torian property shall implement protective measures, such as hand removal of pickleweed onsite and installation of mouse-proof exclusion fencing, prior to site development as further described below under "preconstruction measures." If a qualified, CDFG and USFWS permitted salt marsh harvest mouse biologist renders a conclusion that no impacts to the salt marsh harvest mouse would occur from development of the project site, the standards of care dictated by CEQA will be met and no further action shall be warranted.</p> <p>However, if the permitted biologist believes the project could impact the salt marsh harvest mouse or if the biologist that prepares the assessment does not hold current permits from CDFG and USFWS that allow work with the salt marsh harvest mouse, then the Habitat Assessment prepared for the project site parcels would need to be submitted to USFWS and CDFG for their review and comment. These two agencies administer the FESA and CESA (respectively) and oversee the protection of this species. If the non-permitted biologist determines that habitat conditions are not suitable for the salt marsh harvest mouse, and the USFWS and CDFG (the regulatory agencies with jurisdictional authority over this</p>	<p>commencement of grading or construction. If suitable habitat is found, project applicant preserves/acquires suitable habitat and implements preconstruction measures as described in Mitigation Measure 4.3-1.</p>		<p>been conducted and requirements described in Mitigation Measure 4.3-1 have been met.</p>		

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<p>listed species) concur with these findings in writing via a letter or email, then no further regard for the salt marsh harvest mouse would be necessary.</p> <p>However, if a permitted biologist determines that the project site's habitat conditions are suitable for the salt marsh harvest mouse, and the project applicant wishes to pursue development of the parcel, the Habitat Assessment shall be submitted to the USFWS and CDFG and these agencies will be contacted to determine if they will allow a live-trapping study on the parcel to determine this mouse's presence or absence.</p> <p>Since the salt marsh harvest mouse is a "fully protected" mammal species pursuant to CDFG Code §4700, CDFG typically does not allow live-trapping for this species (unless it is a research proposal) since live-trapping/handling the animals constitutes "harassment" (a form of "take" under the Endangered Species Acts). If CDFG and/or USFWS do not allow a trapping study to determine the salt marsh harvest mouse's presence/absence, yet they believe that habitat conditions on a project site are suitable to support this mouse, they typically assume this mouse's presence on the site and require the project applicant to enlist in precautionary preconstruction methods to avoid take of this state and federal listed mouse. Since "take" of fully protected mammals is not allowed under California Fish and Game Code, an "incidental take" permit cannot be issued authorizing take of this species; hence, the need for precautionary</p>					

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<p>preconstruction measures as described below. In addition to the measures detailed below, it shall be necessary to preserve/acquire suitable habitat for the salt marsh harvest mouse at a minimum 1:1 mitigation ratio (that is, for each acre of habitat impacted, one acre of suitable habitat onsite or offsite shall be preserved) or at a ratio as required by CDFG and USFWS. Any salt marsh harvest mouse habitat preserved onsite shall be separated from development by installing a cat-proof fence to protect the salt marsh harvest mouse from cats and other mammalian predators.</p> <p>Preconstruction measures would include hand removal of all suitable salt marsh vegetation from the project area and excluding the suitable habitat area from the remainder of the project area by installing “mouse-proof” fencing. These methods are described in detail below and would only be necessary and/or allowed if:</p> <ul style="list-style-type: none"> ▪ A permitted biologist determines that suitable habitat is present on the project site and, ▪ USFWS and CDFG concur with this determination and do not allow live-trapping to determine the mouse’s presence/absence, but require vegetation stripping to remove suitable habitat conditions. <p>As approved by the CDFG and USFWS, all suitable vegetation that could support the salt marsh harvest mouse within the proposed development footprint shall be removed by hand prior to the initiation of grading or other</p>					

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<p>construction activities. This will remove the attraction of the development site to salt marsh harvest mouse. A permitted CDFG/USFWS salt marsh harvest mouse biologist shall be onsite to monitor vegetation clearing to ensure no mice are harmed. The area that is cleared for the development would be minimized to the extent possible. The vegetation would be stockpiled in an area away from the work activities. In addition, a mouse-proof fence shall be installed and maintained around the cleared area to prevent mice from entering the work area. Fencing has to be climb-proof (for example, smooth plastic, not silt fencing) and installed in such a manner so that the salt marsh harvest mouse cannot dig under the fence. The salt marsh harvest mouse is known to be an agile climber, often climbing vegetation to escape rising tidal waters, but rarely digs extensively. Regardless, fencing material must account for both behaviors.</p> <p>The optimal salt marsh harvest mouse fence shall be constructed using eight-millimeter plastic sheeting that is sandwiched between wooden stakes and buried in a minimum six-inch deep trench. The stakes shall screw together firmly sandwiching the plastic in place. It is mandatory to sandwich the plastic between stakes if the fence is to last through even moderate winds. The finished installed fence shall be three feet above the ground. Plastic sheeting is smooth and non-climbable, and by burying the sheeting and stapling it to the ground at three inch intervals, it prevents rodents from going underneath the fence. However, the integrity of plastic fencing only</p>					

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<p>lasts for a couple of months, or perhaps three months at the longest. Accordingly, the timeframe for completing the project must be within a three-month window or the fencing shall be replaced. The integrity of the salt marsh harvest mouse fencing shall be inspected on a weekly basis by a qualified biologist.</p> <p>Prior to installing the salt marsh harvest mouse fence, all vegetation must be cleared from alongside the fence line route. Vegetation removal shall be pre-approved by CDFG and USFWS. Once the vegetation has been removed and the exclusion fencing installed, an “as-built” report, complete with photographs, shall be prepared by a qualified biologist and submitted to the City Community Development Department.</p>					
<p>4.3-2 - In order to avoid impacts on nesting raptors, a nesting survey shall be conducted on individual project site parcels prior to commencing with earth-moving or construction work if this work would occur during raptor nesting season (between February 1 and August 31). The raptor nesting survey shall include examination of all trees on or within 300 feet of the entire project site, not just trees slated for removal, since ground vibrations and noise from earth-moving equipment can disturb nesting birds and potentially result in nest abandonment. Since northern harriers are ground nesting raptors, the nesting survey shall also include systematic walking transects across all suitable ground on the project site parcels.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified biologist to conduct nesting survey if grading or construction would occur during nesting season.</p> <p>Project applicant provides necessary buffer if nests are identified.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p> <p>Planning/Building Divisions</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to commencement of grading or construction, ensure that survey has been conducted and requirements described in Mitigation Measure 4.3-2 have been met.</p> <p>Conduct periodic site visits during grading and construction.</p>	<p>Deny project approval.</p> <p>Delay commencement of grading or construction.</p> <p>Halt grading and/or construction until necessary buffer is provided.</p>	

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<p>If nesting raptors are identified during the surveys, orange construction fence shall be installed to establish a 300-foot radius around the nest unless a qualified biologist determines that a lesser distance will adequately protect the nest (refer to discussion below for more detail). If the tree or nest is located off the project site, then the buffer shall be demarcated per the above where the buffer intersects the project site.</p> <p>The size of the non-disturbance buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to nesting raptors. If the buffer is reduced, the qualified raptor biologist shall remain onsite to monitor the raptors' behavior during heavy construction in order to ensure that the reduced buffer does not result in take of eggs or nestlings. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1. This date may be earlier or later, and would have to be determined by a qualified raptor biologist. If a qualified biologist is not hired to monitor the nesting raptors then the full 300-foot buffers shall be maintained in place from February 1 through the month of August. The buffer may be removed and work</p>					

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<p>may proceed as otherwise planned within the buffer on September 1.</p>					
<p>4.3-3 - Western burrowing owl surveys shall be conducted by a qualified western burrowing owl biologist 90 days prior to construction of any project within the project site and again 30 days prior to construction of a project as described below to ensure there are no impacts on burrowing owls. Burrowing owl surveys conducted according to the methodologies prescribed by CDFG in their 1995 Staff Report on Burrowing Owl Mitigation are more likely to be accepted by CDFG. The survey methodologies that will otherwise meet the standards of care required by CEQA are provided below. These methods may not be as intense as those methods described in the document cited above but these methods have been coordinated with CDFG biologists for other projects and are sufficient for detecting burrowing owls provided an experienced burrowing owl biologist conducts the surveys.</p> <p>Using the methodology prescribed below, burrowing owl and burrow surveys shall be conducted 90 and 30 days in advance of project site disturbance. Two surveys shall be conducted 90 days before ground disturbance associated with the project and two surveys shall be conducted in the 30 day period prior to ground disturbance associated with the project. The CDFG Staff Report states that preconstruction surveys need to be completed within 30 days of grading prior to CDFG accepting a survey conclusion that no burrowing owls occur in a proposed study area</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified biologist to conduct surveys.</p> <p>Project applicant provides necessary buffer and meets other requirements, as described in Mitigation Measure 4.3-3.</p>	<p>City Council and Planning Division</p> <p>Planning Division and CDFG</p> <p>Planning/Building Divisions</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to commencement of grading or construction, ensure that survey has been conducted and requirements described in Mitigation Measure 4.3-3 have been met.</p> <p>Conduct periodic site visits during grading and construction.</p>	<p>Deny project approval.</p> <p>Delay commencement of grading or construction.</p> <p>Halt grading and/or construction until buffer is provided and other requirements are met.</p>	

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<p>(i.e., negative findings). Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) shall be counted and mapped. Surveys shall be conducted by walking all suitable habitat on the entire project site and (where possible) in areas within 150 meters (approximately 500 feet) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be systematically spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be no more than 30 meters (approx. 100 feet) and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors shall be used to walk adjacent, parallel transects. To avoid impacts on owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 50 meters (approx. 160 feet) if in the non-breeding months (October 1 through February 1) and 250 feet during the breeding months (February 1 through October 1). Disturbance to occupied burrows and within the established buffers shall be avoided until no burrowing owls occur on the site.</p>					

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<p>If burrowing owls are detected on the site during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 250-foot buffer shall be required between the nest site(s) (i.e., the active burrow(s)) and any earth-moving activity or other disturbance in the project area. This 250-foot buffer could be decreased to 160 feet once it is determined by a qualified burrowing owl biologist that the young have fledged (that is, left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified burrowing owl biologist. If burrowing owls were found on the project site, a qualified biologist shall delineate the extent of burrowing owl habitat on the site.</p> <p>To mitigate impacts on burrowing owls, CDFG prescribes that six and a half acres (6.5 acres) of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set-aside would offset permanent impacts on burrowing owl habitat. To illustrate the extent of mitigation land required by CDFG, this example is provided: If two pairs of burrowing owls are identified on the study area, 13 acres of mitigation land would be acquired. Or, if one pair and one resident bird are identified, 13 acres of mitigation land would be acquired. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFG. Land identified to offset impacts on burrowing owls shall be protected in perpetuity by a</p>					

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<p>suitable property instrument (e.g., a conservation easement or fee title acquisition). A Mitigation Plan shall be prepared in consultation with CDFG for review and approval by the City.</p> <p>The Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes shall be the responsibility of the applicant for at least five years. An annual report shall be prepared for submittal to CDFG and the City by December 31 of each monitoring year. Contingency measures for any anticipated problems should be identified in the plan.</p>					
<p>4.3-4 - In order to avoid impacts on nesting passerines, a nesting survey shall be conducted on individual project site parcels and within 100 feet of the parcel being developed prior to commencing initial earth-moving or construction work on that parcel if this work would occur during the passerine nesting season, that is, between March 1 and September 1. The nesting survey shall also survey lands within 100 feet of the parcel being developed. The nesting surveys shall be</p>	<p>Require as a condition of project approval</p> <p>Project applicant hires qualified biologist to conduct nesting survey if grading or construction would occur during nesting season.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to commencement of grading or construction, ensure that survey has been conducted and requirements described in Mitigation Measure</p>	<p>Deny project approval.</p> <p>Delay commencement of grading and/or building permits.</p>	

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<p>completed approximately 15 days prior to commencing work. If special-status birds are identified nesting on or near the project site, a 100-foot radius around all identified active nests shall be demarcated with orange construction fencing to establish a non-disturbance buffer. If an active nest is found offsite, the intersecting portion of the buffer that is onsite shall be fenced. No construction or earth-moving activity shall occur within this 100-foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones.</p> <p>If common (that is, not special-status) birds, for example, red-winged blackbird, are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with orange construction fencing. Disturbance around an active nest shall be postponed until it is determined by the qualified wildlife biologist that the young have fledged and have attained sufficient flight skills to leave the area.</p> <p>Typically, most birds in the region of the project site are expected to complete nesting by August 1. However, in the region many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until August 1 unless a qualified wildlife biologist determines that young have fledged and are independent of</p>	<p>Project applicant provides necessary buffer if nests are identified.</p>	<p>Planning/Building Divisions</p>	<p>4.3-4 have been met.</p> <p>Conduct periodic site visits during grading and construction.</p>	<p>Halt grading and/or construction until necessary buffer is provided.</p>	

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<p>their nests at an earlier date. If buffers are removed prior to August 1st, the biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the City project planner prior to the time that buffers are removed if the date is before August 1.</p>					
<p>4.3-5 - Prior to City approval of any specific development, special-status plant surveys shall be conducted in appropriate habitats during the appropriate period in which the species are most identifiable in compliance with all CDFG (2000), USFWS (1996), and CNPS (2001) published survey guidelines. Project construction shall not be initiated until all special-status plant surveys are completed and subsequent mitigation, if necessary, is implemented.</p> <p>If special-status plant species are found during surveys, those individuals or populations shall be avoided to the maximum degree possible. If avoidance is not possible while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be developed in consultation with the agencies that are responsible for protection of that plant species based on its protection status. [i.e., City (protected by CEQA), CDFG (protected by California law/regulation), or USFWS (protected by federal law/regulation)]. Appropriate mitigation prescriptions for impacts on special-status plants shall be included as conditions of project approval as detailed below.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified biologist to conduct plant surveys and prepare mitigation compliance report, as described in Mitigation Measure 4.3-5.</p>	<p>City Council and Planning Division</p> <p>Planning Division, CDFG and USFWS</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to commencement of grading or construction, ensure that survey has been conducted and requirements described in Mitigation Measure 4.3-5 have been met.</p>	<p>Deny project approval.</p> <p>Delay commencement of grading or construction.</p>	

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<p>Special-status plant surveys shall be completed as described above prior to breaking ground on any parcel within the project site. A special-status plant survey report that includes the methods used, survey participants, and findings shall then be prepared and submitted to the City demonstrating absence of special-status plants at least 30 days prior to breaking ground. The special-status plant report shall be reviewed by a City planner or biologist. If the report documents that there are no special-status plants on the particular project site parcel surveyed, then there would be no further mitigation and the project may proceed, provided all other applicable permits and authorizations are obtained for the project. However, if a special-status plant is found on the project site, the following mitigation measures shall also be implemented as a condition of project approval.</p> <p>If special-status plant species are found during surveys, project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be implemented as detailed below.</p> <p>A mitigation compliance report shall be submitted to the City planning staff or staff biologist at least 30 days prior to breaking ground. The compliance report shall detail the avoidance and other mitigation measures that have been implemented by the project. The City may approve grading/site disturbance in a</p>					

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<p>quicker timeframe than 30 days if compliance with the mitigation measures can be verified by the City sooner than 30 days.</p> <p>The following measures shall be implemented if special-status plants are found on the project site:</p> <ul style="list-style-type: none"> ▪ Initially the feasibility of avoidance shall be evaluated as noted above. ▪ If avoidance is not feasible, a mitigation plan shall be developed in consultation with CDFG personnel if it is a state listed (i.e., protected pursuant to the CESA) or a CNPS List 1B or List 2 plant. If the plant is state listed, an incidental take permit (i.e., a 2081 Agreement) shall be acquired for the project from CDFG prior to any grading within the project area. A copy of this permit shall be provided to the appropriate department within the City prior to any grading within the project area. Any conditions for the project established by CDFG in the 2081 Agreement shall become conditions of the project also enforceable by the City. ▪ If the plant is federally listed (i.e., protected pursuant to the Federal Endangered Species Act), the project sponsor shall formally notify the USFWS within five days of the finding and this agency's permitting instructions shall be incorporated into the project conditions of approval. As required in-practice by the USFWS, an "incidental take" permit may be necessary from the USFWS for any proposed impacts on any federally listed 					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>plants found within the project site. A copy of this permit or a letter from the USFWS that otherwise states this agency is satisfied with the avoidance and/or mitigation measures shall also be provided to the appropriate department at the City prior to the time the project site can be graded.</p> <ul style="list-style-type: none"> ▪ If a plant is found on the project site that is a CNPS List 1B or 2 species, and the species is not otherwise protected pursuant to state or federal regulations, prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year. Half of the seeds and top soils collected shall be appropriately stored in long-term storage at a botanic garden or museum (for example, Rancho Santa Ana Botanic Garden). The other half of the seeds, propagules, or other plantable portion of all plants shall be planted at the appropriate time of year (late-fall months) in an area of the subject property or off-site, protected property that will not be impacted by the project (if the project has a designated off-site mitigation site for impacts on other special-status species, the plants can be seeded on the mitigation site). This area shall be fenced with permanent fencing (for example, chain link fencing) to ensure protection of the 					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>species. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting effort. These reports shall be submitted to the City and appropriate resource agency (CDFG and/or USFWS) no later than December 1st each monitoring year.</p> <p>These steps shall be implemented prior to site disturbance. If the seeding/transplanting effort fails, the stored seeds and top soils can be taken out of long-term storage and sown in another location (either onsite or offsite) deemed suitable by CDFG. This seeding effort shall then be monitored for an additional three year period to ensure survivorship of the new population. Annual monitoring reports shall be submitted to the City for the three year period.</p> <p>A CNDDDB form shall be filled out and submitted to CDFG for any special-status plant species identified within the project site. Any mitigation plan developed in consultation with CDFG shall be implemented prior to the initiation of grading or issuance of a development permit.</p> <p>In lieu of the above prescribed mitigation, as allowed in writing by the City (for CEQA protected species only) and/or CDFG (for CEQA and/or state listed species), mitigation requirements may be satisfied via the purchase of qualified mitigation credits or the</p>					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>preservation of offsite habitat. If the species in question is federally listed, then USFWS would also have to agree in writing typically through issuance of a Biological Opinion that the purchase of qualified mitigation credits or the preservation of offsite habitat would constitute satisfactory mitigation compensation.</p>					
<p>4.3-6 - Wetland mitigation shall, to the extent not already completed, require a wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Coast Region (Corps 2008) prior to City approval of any specific development proposal. During the wetland delineation, if vernal pools are identified, they shall be noted as areas requiring further study and/or consideration for protection from potential project impacts. This delineation shall be submitted to the USACE for verification. Once that map is “verified,” the full extent of waters of the U.S./State would be known and the extent of impacts on regulated areas ascertained.</p> <p>Authorization from the Corps and the RWQCB (for example, a Nationwide Permit and a Certification of Water Quality) shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project site.</p> <p>As approved by the USACE and the RWQCB, the project applicant may purchase mitigation credits from an approved mitigation bank or an</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified biologist to conduct wetland delineation and submits to USACE for verification.</p> <p>If required, project applicant obtains authorization to fill any waters of the U.S./State, minimizes impact and provides required compensation, as described in Mitigation Measure 4.3-6.</p>	<p>City Council and Planning Division</p> <p>Planning Division and USACE</p> <p>Planning Division, USACE and RWQCB</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permits, confirm that wetland delineation has been prepared and verified by USACE.</p> <p>Prior to grading that would involve filling any waters of the U.S./State, confirm that authorization has been granted.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p> <p>Halt grading until authorization is obtained, impacts are minimized and/or compensation is provided.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>approved in-lieu fee mitigation entity at a minimum 1:1 ratio. As an alternative to the purchase of credits in a mitigation bank, wetlands may be created onsite and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement).</p> <p>Impacts shall also be minimized by the use of Best Management Practices (BMPs) to protect preserved waters of the U.S./State and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed. These practices can include installing orange construction fencing buffers, straw waddles to keep fill from entering preserved/avoided wetlands and other waters, and other protective measures. During project construction, a biological monitor shall be onsite to monitor the integrity of any preserved wetlands and other waters during mass grading or filling of the project site.</p> <p>For those wetland areas that are not avoided, mitigation compensation wetlands shall be completed. As approved by the USACE and the RWQCB, the project sponsor may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a minimum 1:1 ratio.</p> <p>As an alternative to the purchase of credits in a mitigation bank, wetlands may be created onsite and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement). If wetlands cannot be created in-kind and onsite, other alternatives shall include off-site</p>					

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<p>and/or out-of-kind. In any case, mitigation requirements for wetland areas that are not avoided shall be that all impacted wetlands are replaced at a minimum 1:1 ratio (for each square foot of impact, one square foot of wetland would be restored/created) or at a ratio determined by the RWQCB and USACE at the time permits are issued. Mitigation requirements would be based upon the existing conditions of the wetlands impacted. Where practicable, wetland plant/animal populations shall be relocated from the wetlands that would be impacted to any re-created wetlands. Topsoils shall also be removed from wetlands that would be impacted if practicable, and placed into the re-created wetlands. These topsoils would contain a seed bank of the impacted plant species which would germinate with fall/winter hydration of the re-created wetlands.</p> <p>If wetlands are restored/created, adequate compensation shall include creating wetlands at a suitable location that meet the following performance standards:</p> <ul style="list-style-type: none"> ▪ The wetlands shall remain inundated or saturated for sufficient duration to support a predominance of hydrophytic vegetation. ▪ The wetlands shall exhibit plant species richness comparable to existing wetlands. ▪ The wetlands shall replace the lost wetlands at a minimum ratio of one acre created for each acre, or fraction thereof, permanently impacted. 					

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<ul style="list-style-type: none"> ▪ The developer shall provide for the protection of the mitigation areas in perpetuity either through deed restrictions or conservation easements. ▪ The developer shall establish a five-year program to monitor the progress of the wetland mitigation toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, and the USACE. This report shall document the hydrological and vegetative condition of the mitigation wetlands, and shall recommend remedial measures as necessary to correct deficiencies. ▪ The USACE and other regulatory agencies generally require that wetlands not impacted by the proposed project and any new wetlands created to mitigate project impacts be set aside in perpetuity, either through deed restrictions or conservation easements. If a perpetual deed restriction is used to preserve the wetland preserve site the land owner and any assignees/transferees of the title of the property shall assume liability for the perpetual management of the preserved lands. The deed restriction shall provide the allowed and prohibited uses of the preserved site and these uses shall be approved by the RWQCB and the Corps. If a conservation easement is established, a non-wasting management endowment (non-wasting infers that principal may not be used to pay for management actions, only interest on the principal sum may be 					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>used) shall be established in concert with the grantee of the conservation easement and shall be large enough to pay for necessary management actions. In lieu of a management endowment, other financial assurances may be provided that otherwise are found acceptable to the grantee of the conservation easement. An example of an alternative funding source would be via a Geologic Hazards Assessment District (GHAD). Home Owners' Associations and Landscape Lighting Districts are not suitable funding entities as funds collected via these entities can be distributed City wide at the discretion of the City. In contrast, GHADs must be used within the taxing district where the funds are acquired.</p>					
<p>4.3-8 - A tree permit shall be obtained from the City prior to the removal of any tree protected by City ordinance on project site parcels. To offset impacts resulting from the removal of these trees, replacement trees shall be planted in designated open space areas on the subject parcel. Tree replacement shall be at a 1:1 ratio (that is, for each tree removed, one tree shall be planted as a replacement). Replacement trees shall be native California species that are native to the Newark area.</p> <p>Replacement trees planted adjacent to the Don Edwards San Francisco Bay National Wildlife Refuge should first be coordinated with the Refuge to avoid the introduction of perching sites for predatory species.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant obtains tree permit, provides tree replacement and prepares a Tree Management Plan, as described in Mitigation Measure 4.3-8.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review tree permit to ensure that requirements of Mitigation Measure 4.3-8 have been met.</p>	<p>Deny project approval.</p> <p>Deny issuance of tree permit.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>A Tree Management Plan shall be prepared for any project on any project site parcel where tree removal occurs. Preparation of this plan and subsequent planting and monitoring shall be a condition of project approval and shall be tied to a security bond or cash deposit posted by the developer with the City to pay for any remedial work that might need to occur, if the prior effort fails.</p> <p>All planted trees shall be provided with a buried, irrigation system that shall be maintained over a minimum three-year establishment period. The irrigation system shall be placed on automatic electric or battery operated timers so that trees are automatically watered during the dry months of the establishment period. At the end of the three-year establishment period, the irrigation system could be removed, if necessary. The planted trees' health shall be monitored annually for five years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City.</p> <p>At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the numbers of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three year period after any replanting occurs. Any replanting and follow-up monitoring shall be reported in</p>					

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annual reports prepared for the City, Community Development Department. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails.					
<i>Cultural Resources</i>					
<p>4.4-1a - Prior to the issuance of grading permits for future development allowed within the Dumbarton TOD Specific Plan area, project sponsors shall retain qualified archaeologists meeting the Secretary of the Interior's Professional Qualification Standards to train the construction crew on the mechanisms used to identify cultural resources and to caution them on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts or human remains from the project sites.</p> <p>If subsurface deposits believed to be cultural or human in origin are discovered during the construction of future development projects within the Dumbarton TOD Specific Plan area, then all work shall halt within a 200-foot radius of the discovery and they shall be evaluated by a professional archaeologist. If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project sponsor shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, data recovery as mitigation.</p> <p>If human remains of any kind are found during</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified archaeologist to train construction crew.</p> <p>If subsurface deposits are discovered during construction, contractor halts work and complies with requirements, as described in Mitigation Measure 4.4-1a.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p> <p>Planning/Building Divisions</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permits, confirm that archaeologist has been hired and training has been completed.</p> <p>Conduct periodic site visits during grading and construction.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p> <p>Halt grading and/or construction until requirements are met.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>construction activities, all activities shall cease immediately and the Alameda County Coroner shall be notified as required by State law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains.</p>					
<p>4.4-1b - Prior to approval of Tentative Subdivision Maps for any development within the Dumbarton TOD Specific Plan area that would directly affect any existing buildings or structures or the Union Pacific Railroad corridor, or is proposed within 100 meters (328 feet) of any existing buildings or structures or the Union Pacific Railroad corridor, the resource shall be evaluated for inclusion in the National Register by a qualified professional archaeologist familiar with the architecture and history of Alameda County.</p> <p>If the building or structure is considered eligible for inclusion in the National Register, then the project sponsor shall submit a study prepared by a qualified historian or architectural historian to determine whether the proposed project would materially alter in an adverse manner those physical characteristics of the known historical resource that conveys its historical significance.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant hires qualified archaeologist or architectural historian to evaluate affected buildings or structures or the Union Pacific Railroad corridor and complies with requirements, as described in Mitigation Measure 4.4-1b.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to approval of Tentative Maps, confirm that archaeologist or architectural historian has conducted evaluation, as needed, and requirements of Mitigation Measure 4.4-1b have been met.</p>	<p>Deny project approval.</p> <p>Deny Tentative Map approval.</p>	

<i>Geology and Soils</i>				
<p>4.5-1 - The ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations located within the City of Newark under ACWD Ordinance No. 2010.01. Future developers within the Specific Plan area shall have a design-level geotechnical engineering investigation performed for their individual property or properties prior to its (their) development. The mitigation measures specified by the design-level geotechnical engineering investigations shall become conditions to the issuance of grading permits for such individual property. The design-level geotechnical engineering investigations shall only address each specific individual property proposing construction, unless future developers mutually agree to include more than one property in a single investigation.</p> <p>The design-level geotechnical engineering investigations shall take into consideration the specific locations and types of development, as well as specific soil and rock conditions identified by subsurface investigation and laboratory testing. The likely mitigation measure recommendations of the design-level geotechnical engineering investigations regarding the design and construction of project-related development are regularly employed, have known and proven efficacy, and could include without limitation, one or more of the following:</p> <ul style="list-style-type: none"> ▪ Removing the soft/loose soil by excavating the soil and backfilling the excavation with compacted soil, thus densifying the soft/loose soil; 	<p>Require as a condition of project approval.</p> <p>Project applicant submits design-level geotechnical investigation.</p>	<p>City Council and Planning Division</p> <p>Engineering Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permits, review geotechnical investigation and confirm that recommendations are included in construction plans.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p>

<ul style="list-style-type: none"> ▪ Supporting structures on deep foundations, such as piles or piers; ▪ Improving the soft/loose soils by various methods, such as dynamic deep compaction, constructing surcharge fills, installing wick drains, grouting, and other methods; ▪ Strengthening structures to withstand seismic shaking and differential ground settlement; and/or, ▪ Other methods as determined by the geotechnical engineer in the geotechnical report to be prepared for the sites. 					
<p>4.5-2 Prior to any soil improvement measures and/or dewatering activities, the project geotechnical engineer(s) shall coordinate with the ACWD to ensure compliance with ACWD Ordinance No. 2010-01.</p>	<p>Require as a condition of project approval.</p> <p>Project geotechnical engineer coordinates with ACWD.</p>	<p>City Council and Planning Division</p> <p>Engineering Division and ACWD</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permits, review plans and confirm that requirements of ACWD Ordinance No. 2010-01 are met.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p>	
<p>4.5-3 Prior to construction, the project applicant shall develop a plan, reviewed and approved by ACWD, for the protection of wells prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant submits plan for protection of wells.</p>	<p>City Council and Planning Division</p> <p>Engineering Division and ACWD</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of demolition or grading permits, review plans and confirm that requirements of ACWD Ordinance No. 2010-01 are met.</p>	<p>Deny project approval.</p> <p>Deny issuance of demolition or grading permits.</p>	

<i>Greenhouse Gas Emissions</i>					
<p>4.6-1 - The Specific Plan shall include energy (e.g. increase energy efficiency beyond Title 24 requirements, plant shade trees) and transportation design features (e.g. provide secure bike parking, provide free or preferential parking for carpool, vanpool, low emission vehicles, and car share vehicles). These features shall be incorporated into the Specific Plan and future buildings to ensure consistency with adopted Statewide plans and programs. The project applicant shall demonstrate the incorporation of project design features prior to the issuance of building permits.</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> ▪ Increase energy efficiency beyond Title 24 requirements. ▪ Plant shade trees within 40 feet of the south side or within 60 feet of the west sides of properties. ▪ Require the use of cool roof materials (albedo greater than or equal to 30). ▪ Install green roofs. ▪ Require smart meters and programmable thermostats. ▪ Install solar or tank-less water heaters. ▪ Make residential and commercial buildings solar ready. ▪ Incorporate design guidelines for transit oriented development and complete street standards. ▪ Implement HVAC duct sealing. ▪ Maximize interior daylight in residential uses. ▪ Increase roof and ceiling insulation. 	<p>Require as a condition of project approval.</p> <p>Project applicant incorporates energy and transportation design features in Specific Plan and future buildings.</p>	<p>City Council and Planning Division</p> <p>Planning/Building Divisions</p>	<p>Draft and incorporate as part of conditions of project approval.</p> <p>Review plans prior to issuance of building permits and ensure that energy and transportation design features are included.</p>	<p>Deny project approval.</p> <p>Deny issuance of building permits.</p>	

<p>Transportation</p> <ul style="list-style-type: none"> ▪ Provide a minimum of 15 percent affordable housing units. ▪ Provide secure bike parking (at least 1 space per 20 vehicle spaces). ▪ Provide information to the public (i.e., bike maps and transit schedules) on transportation alternatives. ▪ Provide free or preferential parking for carpool, vanpool, low emission vehicles, and car share vehicles. 					
Hazards and Hazardous Materials					
<p>4.7-1a - Prior to the issuance of grading or building permit for an individual property within the Specific Plan area with known, suspected, or potential residual environmental contamination, the property owner shall, to the extent such activities have not previously been performed by the property owner pursuant to the requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) or other overseeing agency under applicable environmental laws (Oversight Agency), do all of the following: 1) summarize available information regarding the magnitude and extent of soil and groundwater contamination at the subject property; 2) perform a data gap analysis; 3) based on the results of the data gap analysis, determine whether any additional investigation is needed to fill data gaps and, if so, propose and perform such investigation with the approval of the Oversight Agency; 4) provide either a Health Risk Assessment (HRA) or Feasibility Study (FS) containing an HRA to summarize potential risks to human health and the environmental posed by the contamination with respect to the proposed development; 5)</p>	<p>Require as a condition of project approval.</p> <p>Project applicant coordinates with Oversight Agency to determine that proposed land use does not present unacceptable risk.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of building permits, confirm that determination has been made.</p>	<p>Deny project approval.</p> <p>Deny issuance of building permits.</p>	

based on the HRA or as set forth in the FS, develop remedial options to address the identified risks based upon the proposed development, which remedial option may include engineering or institutional controls, and tentatively select the most appropriate remedial option to ensure that the proposed development will not present an unacceptable risk to human health or the environment as required by applicable environmental laws, as well as procedures for proper management of contaminated soil and groundwater that may be encountered during development; and 6) submit a report to the Oversight Agency for review and regulatory approval of the proposed remedial plan, including engineering and/or institutional controls, under applicable environmental laws.					
4.7-1b - Prior to grading permit issuance, areas to be graded shall be cleared of debris, significant vegetation, pre-existing abandoned utilities, buried structures, and asphalt concrete.	Require as a condition of project approval. Project applicant clears areas to be graded.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of project approval. Prior to issuance of grading permits, confirm that areas to be graded have been cleared, as described in Mitigation Measure 4.7-1b.	Deny project approval. Deny issuance of grading permits.	
4.7-1c - Prior to the import of a soil to a particular property within the Specific Plan area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials. Exceeding applicable Environmental Screening Levels for the proposed land use at such a property as required by the Oversight Agency prior to importing to such a property.	Require as a condition of project approval. Project applicant has import soil sampled for toxic or hazardous materials.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of project approval. Prior to import of soil, confirm that soil has been sampled.	Deny project approval. Delay import of soil.	
4.7-1d - Areas containing Naturally Occurring Asbestos (NOA) within the Dumbarton TOD	Require as a condition of project approval	City Council and Planning Division	Draft and incorporate condition as part of	Deny project approval	

<p>Specific Plan area shall be confirmed prior to grading permit issuance. Prior to grading or construction of a particular property containing NOA, an application from the Bay Area Air Quality Management District shall be required for projects over one-acre in size. Dust control and an NOA air monitoring program shall be required. Additionally, the following general construction practices shall be adhered to for those properties containing NOA:</p> <ul style="list-style-type: none"> ▪ The site shall be maintained in a wet condition to prevent airborne dust. Onsite soil shall be wetted during grading and trenching operations. ▪ Over excavation and removal of NOA material to one foot below utility is recommended for utility corridors. 	<p>Project applicant confirms areas containing NOA and obtains permit from BAAQMD, if required.</p>	<p>Building/Engineering Divisions</p>	<p>project approval</p> <p>Prior to issuance of grading permits, ensure that requirements of Mitigation Measure 4.7-1d have been met</p>	<p>Deny issuance of grading permits.</p>	
<p>4.7-1e - On those properties where NOA is known to occur, the following measures shall be used as guidance only. The specific requirements for each property shall be determined by the risks involved and appropriate mitigation measures required to protect human health.</p> <ul style="list-style-type: none"> ▪ <u>Detached Single Family Residences</u> – A minimum three-foot soil cover in building pad areas, extending at least five feet beyond the building perimeter is recommended. Deed restrictions should be considered (such as not allowing swimming pools) if there is less than 10-feet of soil cover over the serpentinite with NOA. ▪ <u>Podium Type Multi-Unit Residential Structures</u> – A minimum two-foot thick soil cover is recommended. ▪ <u>Commercial or Industrial Developments</u> – A minimum two-foot thick soil cover is 	<p>Require as a condition of project approval.</p> <p>Project applicant incorporates appropriate measures on grading plans.</p>	<p>City Council and Planning Division</p> <p>Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review plans prior to issuance of grading permits and ensure that appropriate measures have been incorporated.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p>	

<p>recommended.</p> <ul style="list-style-type: none"> ▪ <u>Pavement and Concrete Hardscape</u> – If NOA material is covered to prevent airborne dust after construction, soil cover is not required. ▪ <u>Landscaped Areas</u> – A minimum two-foot thick soil cover in landscaped areas is recommended. 					
<i>Hydrology and Water Quality</i>					
<p>4.8-4a - Plans submitted for grading permits shall include a detailed hydrology reports. The reports shall include calculations regarding the anticipated volume of stormwater runoff generated by the proposed development, and shall demonstrate that adequate stormwater conveyance and capacity is available in the existing facilities selected depending on the location of the proposed development (i.e., the Line F-1 channel, the City’s existing outfall into the Line F-1 channel, the existing human-created tidal channel that is tributary to Newark Slough, and existing City facilities in Willow Street). The hydrology reports shall be subject to review and approval by the City Engineer.</p> <p>If the hydrology reports determine that the existing facilities do not have adequate stormwater conveyance and capacity to serve the proposed development, then the project applicant shall develop a detailed stormwater detention plan for the retention/detention of stormwater runoff on the project site. The stormwater detention facilities shall be designed with adequate capacity to ensure that that stormwater generated on the project site during a peak storm event is retained at a rate that would ensure that discharges from the site do not exceed pre-construction levels. All detention facilities shall be developed in</p>	<p>Require as a condition of project approval.</p> <p>Project applicant submits detailed hydrology reports and submits a detailed retention/detention plan if adequate conveyance and capacity is unavailable.</p>	<p>City Council and Planning Division</p> <p>Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review hydrology reports prior to issuance of grading permits to ensure that requirements of Mitigation Measure 4.8-4a have been met.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p>	

conformance with the City's standards and the standards of the Alameda County Flood Control and Water Conservation District. The plans and specifications of the proposed detention facilities shall meet the standards of the City Engineering Department as an adequate engineering product. The construction of stormwater detention facilities may be phased to correspond with development of the project site over time, provided that adequate detention is provided at all times to ensure that runoff from the site does not exceed pre-construction levels.					
4.8-4b - Plans submitted for grading permits for future projects requiring storm drainage lines and water mains that cross the Hetch Hetchy Pipeline shall include measures to ensure that there is sufficient room for these infrastructure improvements to pass over Hetch Hetchy Pipeline (i.e., placement of additional fill).	Require as a condition of project approval. Project applicant submits plans that demonstrate that there is sufficient room for storm drainage lines.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of project approval. Review plans prior to issuance of grading permits to ensure that requirements of Mitigation Measure 4.8-4b have been met.	Deny project approval. Deny issuance of grading permits.	
Noise					
4.10-1a. - To reduce noise impacts due to construction, project applicants shall require construction contractors to implement a site-specific noise reduction program, subject to City review and approval, which includes that following measures, ongoing through demolition, grading and/or construction: <ul style="list-style-type: none"> ▪ Restrict noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and between 8:00 a.m. to 5:00 p.m. on Saturdays. ▪ Equipment and trucks used for project 	Require as a condition of project approval. Project applicant submits noise reduction program.	City Council and Planning Department Planning/Building Divisions	Draft and incorporate condition as part of project approval. Review noise reduction program prior to issuance of demolition, grading and/or building permits.	Deny project approval. Deny issuance of demolition, grading and/or building permits.	

<p>construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).</p> <ul style="list-style-type: none"> ▪ Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. ▪ Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporated insulation barriers, or other measures to the extent feasible. ▪ If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time. 					
<p>4.10-1b. - Prior to the issuance of each grading permit, project applicants shall submit to the City Building Inspection Division a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. These measures shall include the following:</p>	<p>Require as a condition of project approval.</p> <p>Project applicant submits list of measures.</p>	<p>City Council and Planning Department</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review list prior to issuance of grading permits to ensure that requirements of</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permit.</p>	

<ul style="list-style-type: none"> ▪ A procedure and phone numbers for notifying the City Building Inspection Division staff and Newark Police Department (during regular construction hours and off-hours). ▪ A sign posted onsite pertaining the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours). ▪ The designation of an onsite construction complaint and enforcement manager for the project. The manager shall act as a liaison between the project and its neighbors (including onsite residents). The manager's responsibilities and authority shall include the following: <ul style="list-style-type: none"> - An active role in monitoring project compliance with respect to noise; - Ability to reschedule noisy construction activities to reduce effects on surrounding noise sensitive receivers; - Site supervision of all potential sources of noise (e.g., material delivery, shouting, debris box pick-up and delivery) for all trades; and, - Intervening or discussing mitigation options with contractors. ▪ Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of construction activities regarding the details and estimated duration of the activity; and, ▪ A preconstruction meeting shall be held 			Mitigation Measure 4.10-1b have been met.		
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with the job inspectors and the general contractor/onsite project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.					
<p>4.10-2 - If pile driving is required for building construction, construction contractors shall incorporate the following additional requirements:</p> <ul style="list-style-type: none"> ▪ Wherever possible, sonic or vibratory pole drivers shall be used instead of impact pile drivers (sonic pile drivers are only effective in certain soils). ▪ Engine and pneumatic exhaust controls on pile drivers shall be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible. ▪ Where feasible, pile holes will be pre-drilled to reduced potential noise and vibration impacts. ▪ Occupied residences within 300 feet of pile driving activities shall be notified of pile-driving activities at least two weeks prior to the commencement of pile driving. ▪ Should pile driving activities take place within 25 feet of an occupied structure, a site specific vibration impact analysis shall be conducted to ensure vibration levels do not exceed 0.2 inch-per-second Peak Particle Velocity. 	<p>Require as a condition of project approval.</p> <p>Construction contractors incorporate additional noise reduction requirements, as described in Mitigation Measure 4.10-2.</p>	<p>City Council and Planning Department</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review plans prior to issuance of grading permits to ensure that additional requirements are incorporated.</p>	<p>Deny project approval.</p> <p>Deny issuance of grading permits.</p>	
4.10-3 - Prior to building permit issuance, an Acoustical Assessment shall be prepared for the high/mixed-use residential, medium/high density residential, medium density residential parcels located north of Enterprise Drive	<p>Require as a condition of project approval.</p> <p>Project applicant</p>	<p>City Council and Planning Division</p> <p>Planning/Building</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Review Acoustical</p>	<p>Deny project approval.</p> <p>Deny issuance of</p>	

(within approximately 600 feet of the Dumbarton transit corridor) to demonstrate that the exterior and interior noise levels are consistent with the City's land use compatibility standards and Title 25, Section 1092 of the California Code of Regulations. The Acoustical Assessment shall be prepared by a qualified Acoustical Consultant and submitted to the Community Development Director for review and approval. Measures (e.g., attenuation barriers, acoustically rated windows [i.e., appropriate STC or OITC ratings], upgraded insulation, etc.) shall be implemented where conditions exceed the Noise and Land Use Compatibility Criteria of "Normally Acceptable" noise exposure levels.	submits Acoustical Assessment that demonstrates noise levels are consistent with land use compatibility standards and Title 25.	Divisions	Assessment prior to issuance of building permits to ensure consistency.	building permits.	
4.10-4 - Prior to building permit issuance, the project applicant shall coordinate with the City's Public Works Director to change the posted speed limit along Willow Street (between Thornton Avenue and Central Avenue) to 25 miles per hour. Implementation of this measure shall be indicated on all project plans and specifications.	Require as a condition of project approval. Project applicant coordinates with Public Works Director and indicates speed limit on plans submitted for Tentative Maps.	City Council and Planning Division Public Works Department	Draft and incorporate condition as part of project approval. Prior to approval of Tentative Maps, review plans and confirm that posted speed limit will be changed.	Deny project approval. Deny issuance of building permits.	
<i>Public Services, Utilities and Service Systems</i>					
4.12-2 - Prior to approval of a tentative map within the Dumbarton TOD Specific Plan area, additional necessary improvements, if any, beyond those already included in the USD Master Plan and updated fee program, shall be determined regarding proposed new connections (from such tentative map development) and then-existing or proposed wastewater facilities. Such improvements shall be installed prior to issuance of a building permit and shall be consistent with	Require as a condition of project approval. Project applicant determines if any additional improvements are necessary. Project applicant	City Council and Planning Department Engineering/Building Divisions Engineering/Building	Draft and incorporate condition as part of project approval. Prior to approval of Tentative Maps, confirm the determination has been made. Prior to issuance of	Deny project approval. Deny Tentative Map approval. Deny issuance of	

requirements in the Sewer Master Plan (anticipated to be available in the summer of 2012). The City and USD shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which such improvements are necessary.	installs any necessary improvements prior to issuance of building permits.	Divisions	building permits, confirm that improvements have been installed.	building permits.	
<i>Transportation/Traffic</i>					
<p>Mitigation Measure 4.14-1 - <u>Willow Street/Thornton Avenue</u>: A right turn overlap phase to the northbound approach on Willow Street shall be provided. Additionally, a U-turn restriction for the westbound left turn movement on Thornton Avenue shall be posted.</p> <p><u>Willow Street/Enterprise Drive</u>: Two options for mitigation at this intersection are proposed by the Specific Plan, including a roundabout or signalization of the intersection. One of the two options shall be implemented.</p> <p><u>Cherry Street/Mowry Avenue</u>: The westbound approach of the intersection of Cherry Street/Mowry Avenue shall be modified to include a right turn and a through-right turn lane. This improvement would require modification of the traffic signal and removal of the existing pork chop island.</p>	Require as a condition of project approval.	City Council and Planning Division	Draft and incorporate condition as part of project approval.	Deny project approval.	
	<u>Willow Street/ Thornton Avenue</u> : Project applicant shows right turn overlap and U-turn restriction on plans submitted for Tentative Maps.	Public Works Department	Prior to approval of Tentative Maps, ensure that improvements are shown on plans.	Deny Tentative Map approval.	
	<u>Willow Street/ Enterprise Drive</u> : Project applicant shows roundabout or intersection signalization on plans submitted for Tentative Maps.	Public Works Department	Prior to approval of Tentative Maps, ensure that improvement is shown on plans.	Deny Tentative Map approval.	
	<u>Cherry Street/Mowry Avenue</u> : Project applicant shows right turn and through-right turn lanes and removal of pork chop island on plans submitted for Tentative Maps and	Public Works Department	Prior to approval of Tentative Maps, ensure that improvements are shown on plans.	Deny Tentative Map approval.	

	works with Public Works Department to modify signal timing.				
4.14-2 - The City shall coordinate with AC Transit to improve bus service to the Specific Plan area to lessen the impact of vehicular traffic on the local and regional roadways. Potential transit accommodations may include:	Require as a condition of project approval. City coordinates with AC Transit.	City Council and Planning Division Planning Division	Draft and incorporate condition as part of project approval. Prior to occupancy of any project within Specific Plan area.	Deny project approval. NA	
4.14-6 - <u>SR 84 Eastbound Ramps/Thornton Avenue</u> : An additional eastbound right turn lane on the SR 84 Eastbound Off-Ramp at the intersection of SR 84 Eastbound Ramps/Thornton Avenue shall be provided. <u>Gateway Boulevard/Thornton Avenue</u> : The northbound right turn lane on Thornton Avenue at the intersection of Gateway Boulevard/Thornton Avenue shall be restriped to provide a shared through-right turn lane. <u>Willow Street/Thornton Avenue</u> : The intersection of Willow Street/Thornton Avenue shall have a right turn overlap phase to the northbound approach on Willow Street. <u>Willow Street/Enterprise Drive</u> : Two options for mitigation at this intersection are proposed,	Require as a condition of project approval. <u>SR 84 Eastbound Ramps/Thornton Avenue</u> : Project applicant submits plans to Caltrans for right turn lane. <u>Gateway Boulevard/Thornton Avenue</u> : Project applicant shows right turn lane and restriping on plans submitted for Tentative Maps.	City Council and Planning Division Public Works Department and Caltrans Public Works Department	Draft and incorporate condition as part of project approval. Prior to approval of Tentative Maps, ensure that plans for improvements have been submitted to Caltrans. Prior to approval of Tentative Maps, ensure that improvements are shown on plans.	Deny project approval. Deny Tentative Map approval.	

<p>including a roundabout or signalization of the intersection. One of the two options shall be implemented.</p> <p><u>Cherry Street/Mowry Avenue:</u> The westbound approach at the intersection of Cherry Street/Mowry Avenue shall be restriped to include a right turn and a through-right turn lane.</p> <p><u>I-880 NB Ramps/Mowry Avenue:</u> The intersection of I-880 NB Ramps/Mowry Avenue shall be restriped to include a left/right share lane resulting the northbound approach having a final lane configuration of a left-turn lane, a left and right shared lane, and dual right-turn lanes.</p> <p>If restriping of the intersection is not achievable, an alternate mitigation shall be to revise the City’s General Plan policy to permit LOS D operations at freeway ramp intersections with existing or proposed bicycle facilities. Currently, City General Plan Policy 3d states that the City should “Work with the State and City of Fremont to maintain LOS “C” at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections.” Additionally, General Plan Policy 2e supports completion of the Citywide Bicycle Master Plan, which may include new bicycle lanes on Mowry Avenue through the I-880 interchange. In order to recognize that automobile traffic operations</p>	<p><u>Willow Street/ Thornton Avenue:</u> Project applicant provides right turn overlap on plans submitted for Tentative Maps.</p> <p><u>Willow Street/ Enterprise Drive:</u> Project applicant shows roundabout or intersection signalization on plans submitted for Tentative Maps.</p> <p><u>Cherry Street/Mowry Avenue:</u> Project applicant shows restriping on plans submitted for Tentative Maps.</p> <p><u>I-880 NB Ramps/ Mowry Avenue:</u> Project applicant shows restriping on plans submitted for Tentative Maps or General Plan Policy 3d is amended.</p>	<p>Public Works Department</p> <p>Public Works Department</p> <p>Public Works Department</p> <p>Planning Division/Public Works Department</p>	<p>Prior to approval of Tentative Maps, ensure that improvement is shown on plans.</p> <p>Prior to approval of Tentative Maps, ensure that improvement is shown on plans.</p> <p>Prior to approval of Tentative Maps, ensure that improvement is shown on plans.</p> <p>Prior to approval of Tentative Maps, ensure that improvement is shown on plans or General Plan Amendment is approved.</p>		
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<p>should be balanced with bicycle access and pedestrian access across the interchange, General Plan Policy 3d may be amended in the following way to promote access for all travel modes: “Work with the State and City of Fremont to maintain LOS “C” at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections, <i>except at intersections that are along the City’s proposed Bikeway Network where automobile LOS D is permitted.</i>” Revision of the City’s General Plan to permit LOS D at freeway interchange intersections along the proposed bicycle network would reduce this impact to less than significant.</p>					
<p>4.14-8 - Prior to issuance of building permits for a Specific Plan use, the applicant shall pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time permits are sought. Such fees shall include, but not be limited to, the City of Newark Capital Facilities Fee for Transportation, and the ACTC Regional Transportation Impact Fee.</p>	<p>Require as a condition of project approval.</p> <p>Project applicant pays fees.</p>	<p>City Council and Planning Division</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of building permits, collect required fees.</p>	<p>Deny project approval.</p> <p>Deny issuance of building permits.</p>	