

# FIRSTCARBON SOLUTIONS™

## 6000 NewPark Mall Initial Study Checklist and Addendum City of Newark, Alameda County, California

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## SECTION 1: INTRODUCTION

The proposed project is the construction of two hotels and a restaurant on a 6.8-acre parcel in the City of Newark. The project site is located within the Greater NewPark Focus Area identified in the 2013 General Plan Update, for which the 2013 General Plan Update EIR was prepared pursuant to the California Environmental Quality Act (CEQA [Pub. Res. Code § 21000, et seq.]), certified by the Newark City Council in 2013 (2013 EIR).

The NewPark Focus Area of the General Plan would allow for approximately 1,800 new housing units, 700 new hotel rooms, 200,000 square feet of net new retail space, and 500,000 square feet of net new office space in the focus area. The proposed project's 224 hotel rooms and 8,500-square-foot restaurant would fall within the envelope of the future development proposed in the General Plan for this area.

The purpose of the following environmental checklist is to evaluate the proposed improvements in order to determine whether they are within the scope of the 2013 General Plan Update EIR, or whether the project would result in new significant impacts or substantially more severe impacts under CEQA Guidelines Section 15162.

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## SECTION 2: PROJECT DESCRIPTION

### 2.1 - Location and Setting

The 6.8-acre project site is located in the City of Newark, Alameda County (Exhibit 1). The project site is located within the grounds of the NewPark Mall and is bounded by NewPark Mall Road (west); Interstate 880 (north), an Alameda County Flood Control Channel and a recreation vehicle dealership (east); and Balentine Drive (south). The project site consists of two parcels that contain a dome theater complex, surface parking, and undeveloped land, as shown in Exhibit 2. The City of Newark General Plan designates the project site “Regional Commercial” and the Newark Zoning Ordinance zones the project site “Regional Commercial (CR).”

### 2.2 - Project Background

#### 2.2.1 - Greater NewPark Focus Area

The project site is located within the Greater NewPark Focus Area, established in the General Plan and described below.

The Greater NewPark Focus Area is located in the southeastern portion of the City, adjacent to I-880, encompassing the NewPark Mall and its vicinity, as shown in Exhibit 3. The General Plan (Plan) articulates a vision for this 120-acre focus area that involves strengthening NewPark Mall and its environs to enhance its role as a community showcase and a quality environment for shopping, working, and living. The Plan modified the Regional Commercial land use designation applicable to much of the Greater NewPark Focus Area to allow high-density residential, office, and hotel uses to the extent that they support the area’s regional retail focus.

The City estimated that the Plan would allow for approximately 1,800 new housing units, 700 new hotel rooms, 200,000 square feet of net new retail space, and 500,000 square feet of net new office space in this focus area.

The city adopted an accompanying vision document, the “Greater NewPark Master Plan” in September 2015 to guide development in the Greater NewPark Focus Area.

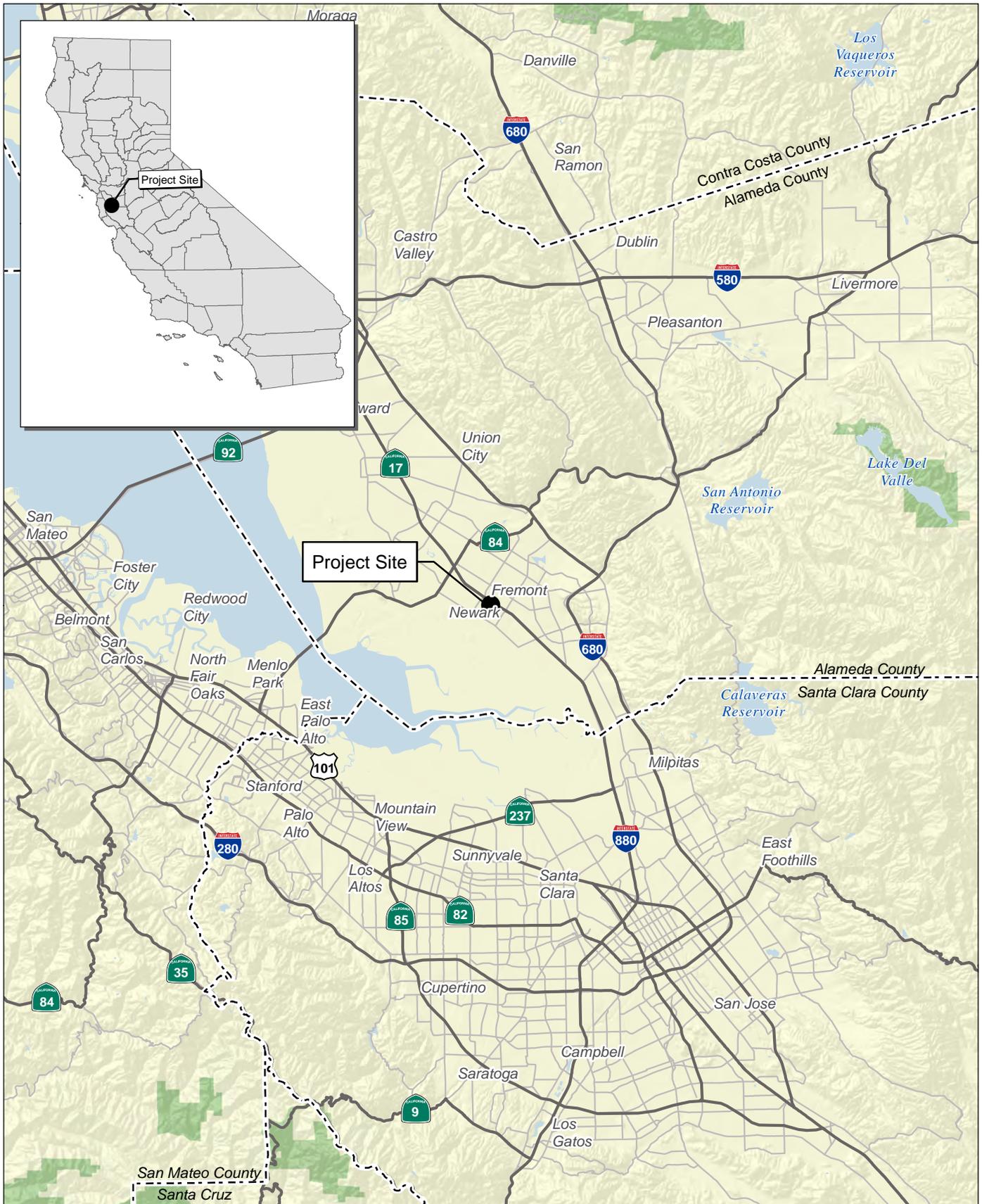
#### 2.2.2 - 6000 NewPark Mall Project Components

The proposed project would implement the Plan for the Greater NewPark Focus Area by demolishing the defunct dome theater complex and developing two hotels and a restaurant on the project site, as shown in Exhibit 4. The hotels would be four-stories each and consist of the 104-room Staybridge Suites and the 120-room Springhill Suites. The restaurant would consist of an 8,500-square-foot Bubba’s 33. A total of 345 off-street parking spaces would be provided, of which 242 spaces would be assigned to the hotels and 103 spaces assigned to the restaurant. The proposed project is consistent with the existing zoning and is simply subject to Architectural and Site Plan Review.

## 2.3 - Scope of the Environmental Checklist

This document determines whether the proposed modifications could have any significant effects on the environment. For purposes of this evaluation, and consistent with the 2013 EIR and current Appendix G of the CEQA Guidelines, the proposed modifications' potential environmental effects are grouped into the following categories.

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

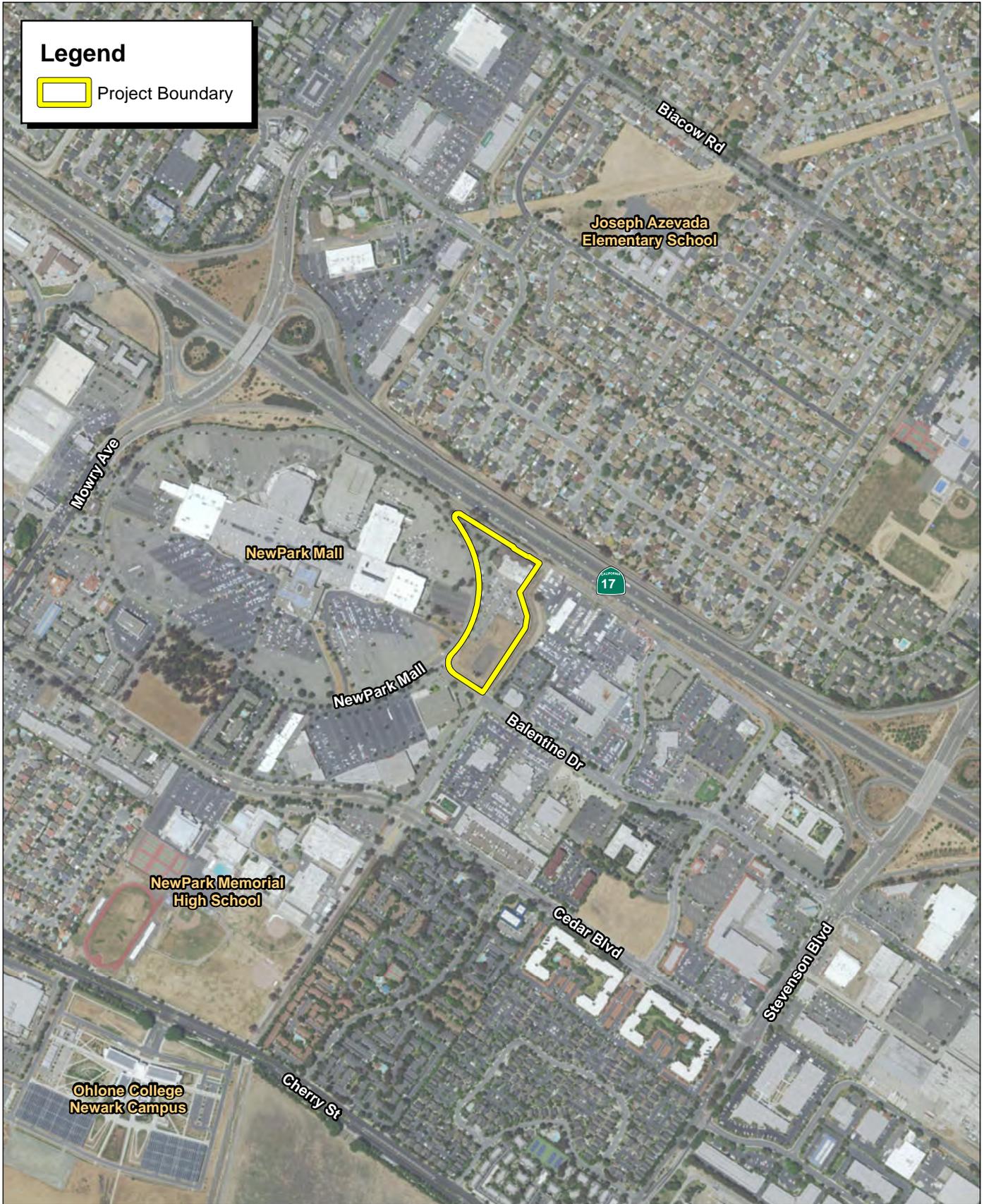


Source: Census 2000 Data, The CaSIL, FCS GIS 2013.



## Exhibit 1 Regional Location Map

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Source: ESRI Imagery, 2014

Exhibit 2

Local Vicinity Map

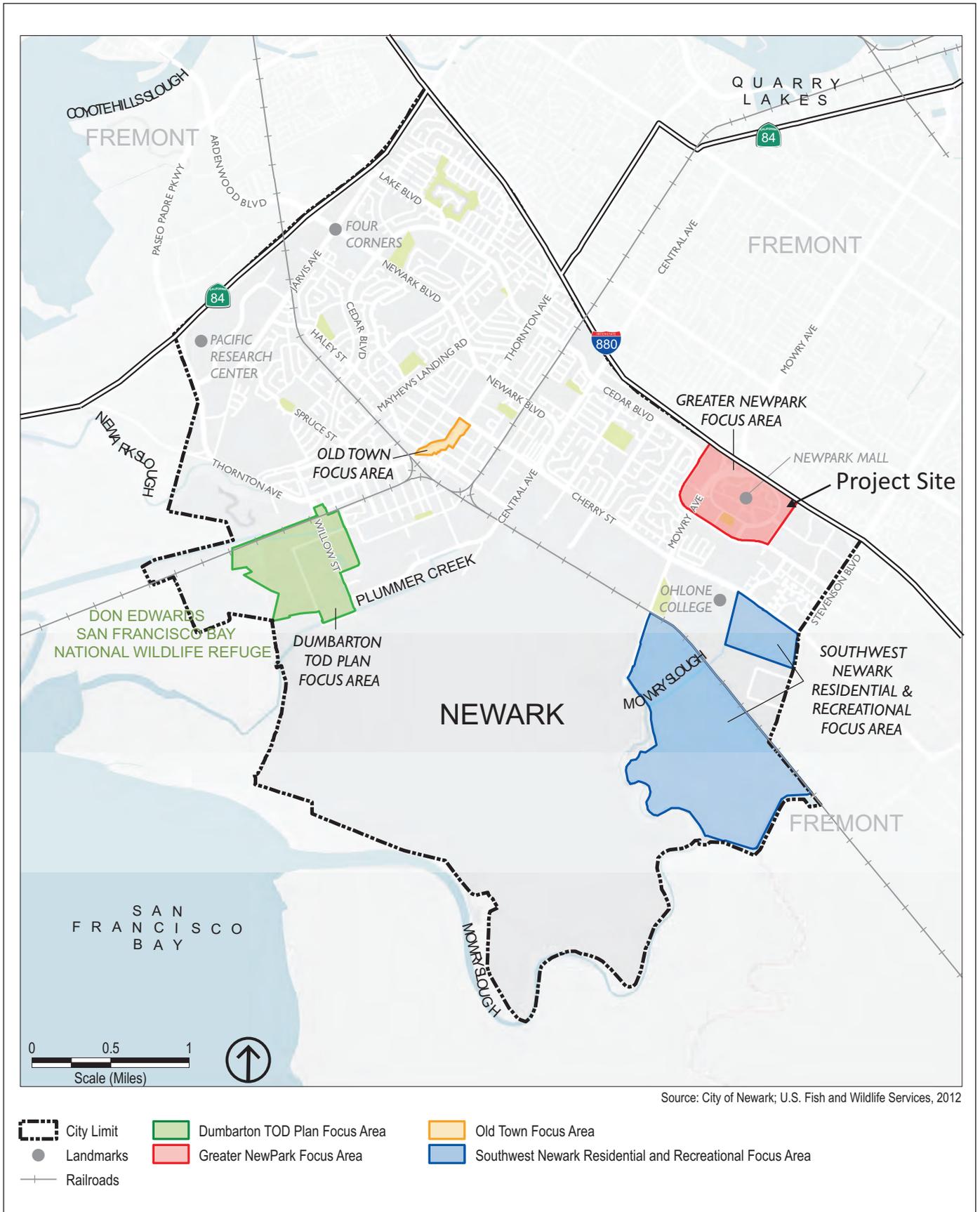
Aerial Base



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Source: The Planning Center



## Exhibit 4 NewPark Mall Focus Area

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## SECTION 3: CEQA CHECKLIST

The purpose of the checklist is to evaluate the categories in terms of any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the EIR prepared for the project. These environmental categories might be answered with a “no” in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the certified EIR.

### 3.1 - Explanation of Checklist Evaluation Categories

#### (1) Conclusion in Prior EIR and Related Documents

This column provides a cross-reference to the pages of the EIR where the conclusion may be found relative to the environmental issue listed under each topic.

#### (2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the revised project will result in new significant environmental impacts not previously identified or mitigated by the EIR, or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

#### (3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

#### (4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR [or ND];
- (B) Significant effects previously examined will be substantially more severe than show in the previous EIR [or ND];

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR [or ND] would substantially reduce one or more significant effect of the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the EIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no,” and no additional environmental document would be required.

## **(5) EIR Mitigation Measures Implemented or Address Impacts**

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the EIR provides mitigation measures to address effects in the related impact category. These mitigation measures will be implemented with the construction of the project; a “yes” response will be provided in either instance. If “NA” is indicated, the EIR and this initial study conclude that the impact does not occur with this project or is not significant; therefore, no additional mitigation measures are needed.

## **3.2 - Discussion and Mitigation Sections**

### **(1) Discussion**

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

### **(2) EIR Mitigation Measures**

To the extent that mitigation measures in the 2013 EIR have not already been implemented, applicable mitigation measures that apply to the project are listed under each environmental category. However, several of the listed mitigation measures are inapplicable as they apply to only the entire effects of the General Plan Update and therefore are not discussed further in this analysis. Accordingly, only the mitigation measures that are applicable to the proposed project and are assumed to have not been completed have been included in the analysis below. For informational purposes, a listing of each mitigation measure identified in the 2013 EIR has been provided in Appendix A of this document.

### **(3) Conclusions**

A discussion of the conclusion relating to the analysis is contained in each section.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>I. Aesthetics</b>					
<i>Would the project:</i>					
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact.	No	No	No	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact.	No	No	No	None
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact.	No	No	No	None
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact.	No	No	No	None

## Discussion

a–d) The 2013 EIR found no significant impacts to scenic vistas in the project area from future buildout of the General Plan in the Greater NewPark focus area. There are no scenic highways identified in the City of Newark, so no potential impacts were found to scenic resources within a scenic highway. The buildout of the General Plan will not substantially degrade the existing visual character or quality of the site and its surroundings, or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The 2013 EIR found that there would be no significant impacts to aesthetics as a result of buildout of development planned for the Greater NewPark focus area because of policies in the Plan that provide for design review and protection of views in the City. With buildout of the proposed Plan, the Greater NewPark Focus Area is anticipated to become more a walkable sector of the City, with an emphasis on multi-story construction, high-quality architecture, a mixture of land uses, and improved connectivity between properties. The

Plan calls for signage and lighting to complement the area's architecture, and landscaping to unify the area, soften structures and large, bare walls, enhancing the overall visual quality of the Focus Area. The City of Newark Municipal Code's zoning ordinance (Title 17) would ensure that new development allowed under the proposed Plan would be consistent with community standards, thus minimizing potential impacts to visual character. Additionally, the proposed Plan contains goal and policies that would help to further reduce an already less-than-significant impact to the existing visual character of the Greater NewPark Focus Area.

Compliance with the zoning regulations and implementation of the Plan's proposed policies would reduce the impacts to visual character associated with the Greater NewPark Focus Area to a less than significant level.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts related to aesthetics would occur from the construction of two hotels and a free-standing restaurant in the NewPark Mall focus area. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>II. Agricultural Resources</b>					
<i>Would the project:</i>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	NA	No	No	No	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	NA	No	No	No	None
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	NA	No	No	No	None
d) Result in the loss of forest land or conversion of forest land to non-forest use?	NA	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	NA	No	No	No	None

**Discussion**

a–e) Agricultural impacts were not analyzed in the 2013 EIR. The proposed project site is designated “Urban and Build-Up Land” and is not under a Williamson Act contract. Additionally, the project is not in or adjacent to areas zoned for agriculture. Therefore, no new significant impacts associated agricultural resources would occur.

**Relevant EIR Mitigation Measures**

None.

**Conclusion**

The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>III. Air Quality</b>					
<i>Would the project:</i>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Significant unavoidable impact.	No	No	No	None
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than significant impact.	No	No	No	None
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than significant impact.	No	No	No	None
d) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact.	No	No	No	None
e) Create objectionable odors affecting a substantial number of people?	Less than significant impact.	No	No	No	None

## Discussion

- a–e) The 2013 EIR found that while the proposed Plan would support the primary goals of the 2010 Bay Area Clean Air Plan, buildout of the proposed Plan would not be consistent with the Clean Air Plan because the projected vehicle miles traveled (VMT) increase from

buildout of the proposed Plan would be greater than the projected population increase. Numerous goals, policies, and actions contained in the proposed Plan address future increase in VMT and criteria air pollutants under the Plan; however, the projected increase in VMT in the Plan Area would still exceed the rate of population growth. There are no additional measures that would reduce this impact. This is a significant, unavoidable impact.

The Plan was found not to violate any air quality standard or contribute substantially to an existing or projected air quality violation, or to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment. The Plan would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

The proposed hotels and restaurant would generate approximately 314 PM vehicle trips, using standard generation rates from the Institute of Traffic Engineers. Because the new uses and the number of vehicle miles traveled in relation to the uses were anticipated in the air quality analysis in General Plan EIR, no new significant impacts related to air quality would occur. The conclusions from the 2013 EIR remain unchanged.

### Relevant EIR Mitigation Measures

None.

### Conclusion

The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>IV. Biological Resources</b>					
<i>Would the project:</i>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than significant impact.	No	No	No	None
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Less than significant impact.	No	No	No	None
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less than significant impact.	No	No	No	None
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact.	No	No	No	None
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Less than significant impact.	No	No	No	None

## Discussion

a–f) In general, the urbanized portions of the Plan Area are considered to have low habitat value for biological resources, given the urbanized context of the Plan Area and the extent of existing development in Newark. However, while buildout of the proposed Plan would primarily take the form of redevelopment of previously developed sites in urbanized areas of the City, future development under the Plan could potentially result in impacts on special-status plant and animal species known or suspected to occur within the Plan Area. Direct impacts could result if buildout of the Plan would cause the direct loss of individuals or localized populations, the elimination or degradation of essential habitat, or the isolation of subpopulations due to habitat fragmentation. Additionally, the conversion of existing natural habitat to urban development and infrastructure improvements could result in the elimination of populations of special-status species where they are present within the limits of proposed grading and development. Indirect impacts could result if buildout of the Plan

causes disruption of critical functions affecting reproductive success, degradation of habitat quality to such an extent that occupied habitat is no longer suitable for individual survival, and other influences.

In finding no significant impacts to biological resources from the implementation of the General Plan, the 2013 EIR stated that in most instances, surveys and further detailed assessment would be necessary to confirm the presence or absence of special-status species occurrences on development sites within the City. Federal, state, and local regulations described in the EIR would protect special-status species present or potentially present within the Plan Area and compliance with these regulations would minimize potential impacts. The federal and California Endangered Species Acts, Migratory Bird Treaty Act, Fish and Game Code, and California Native Plant Protect Act all serve to prevent the potential “take” of state, federally, or CNPS (1B) listed plant species that may occur, which could require additional mitigation and possibly authorization from the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and National Oceanic and Atmospheric Administration fisheries.

The following policies from the Plan were implemented to reduce impacts to less than significant:

- **Policy CS-1:** Wildlife and Habitat Protection. Preserve and protect Newark’s plant and animal species and habitats, including wetlands, salt marshes, creeks, and lakes. Ensure that land use decisions consider potential impacts on wildlife habitat.
- **Policy CS-4:** Wetlands Delineation. Encourage the owners of large potentially developable properties to enter into early discussions with appropriate agencies conduct wetland delineation studies. Such studies should be used to identify areas to be conserved as permanent open space, as well as appropriate mitigation measures to offset any wetland impacts.
- **Action CS2.B:** Wetlands Restoration in New Development Areas. Work with the developers of Newark’s remaining large development sites, including Dumbarton TOD and the Southwest Newark Residential and Recreational Project (Areas 3 and 4), on efforts to restore and/or re-vegetate natural habitat areas.
- **Action CS2.C:** Review of Wetland Impacts. Ensure that potential wetland impacts are considered during environmental review and prescribe mitigation measures as necessary to avoid or offset such impacts.

In accordance with the above city policies, a reconnaissance-level survey was conducted by FCS Senior Ecologist, Kristiaan Stuart on November 14, 2015 to evaluate the project for biological resources, including on-site vegetation communities, potentially jurisdictional waters of the U.S., and to assess the potential for occurrence of special-status plant and wildlife species within the Project. Special attention was directed to portions of the survey area that may contain native vegetation, suitable habitat for sensitive plant and wildlife species, and potential waters and wetlands subject to regulatory agency jurisdiction. The undeveloped land surrounding the project was surveyed in order to confirm the adjacent vegetation community/land cover types, and account for any potential indirect impacts associated with the project.

A search of the USFWS Critical Habitat Portal revealed that the project area does not contain identified critical habitat for any federally listed species (USFWS 2011). The nearest area designated as critical habitat is located 2.2 miles to the southeast for the Contra Costa County goldfields (*Lasthenia conjugens*).

There are no refuges within the project boundaries.

Assessment of the potential for each sensitive habitat to occur within the project was based on known occurrences of the habitat type within a 1-mile radius of the project (CDFG 2005), suitability of habitat within the project, and professional expertise. The project is highly disturbed and does not contain any sensitive habitat types.

Field evaluations determined that two closely parallel seasonal wetlands are present in the PSA. Both of these seasonal wetland features are likely the result of the grading operation that occurred several years ago where two slight depression areas were inadvertently formed. Based on the site plans, impacts to these two seasonal wetland features are anticipated to be unavoidable. To ensure consistency with policies set forth above, a formal wetland delineation will be performed to determine the size of these features and if they fall under state and/or federal jurisdiction. If warranted, the appropriate regulatory permits will be obtained and mitigation will be employed, as necessary, for the loss of these features.

No special status species were identified during the field investigation. However, the timing of the survey was not optimal for the identification of most flowering annual plant species. Based on the level of site disturbance, it is not anticipated that special-status plant species will occur in the PSA. However, it is recommended that spring surveys be conducted prior to the initiation of construction to rule out the possibility for their presence. Adjacent and southeast of the PSA is a storm drainage canal that leads south to Mowry Slough. The drainage canal provides suitable habitat for burrowing owls with the many ground squirrel burrows found on its embankment. During the survey no evidence of burrowing owls were observed. It is recommended that burrowing owl surveys consistent with state regulations be conducted prior to ground disturbance activities. Several ornamental trees line the PSA adjacent to Ballentine Drive and NewPark Mall Road, and ornamental trees are also found adjacent to the drainage canal in the northeast margin of the PSA. While no nesting birds or remnant nests were observed during the survey, it is recommended that pre-construction survey be conducted prior to construction if within the avian nesting season (generally March 1 to August 31).

## Relevant EIR Mitigation Measures

None.

## Conclusion

No new significant impacts related to biological resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>V. Cultural Resources</b>					
<i>Would the project:</i>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Less than significant impact	No	No	No	None
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Potential significant impact to archaeological resources in the Southwest Newark Residential and Recreational Focus Area	No	No	No	MM CULT-2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact	No	No	No	None
d) Disturb any human remains, including those interred outside of formal cemeteries?	Potential impact to Native American human remains in the Southwest Newark Residential and Recreational Focus Area	No	No	No	MM CULT-4

## Discussion

a–d) No historical resources were identified within the project site by the 2013 EIR, or by the subsequent records search performed at the Northwest Information Center on November

23, 2015. Historical research, including outreach to local historical societies on November 30, 2015 also failed to reveal any historical resources that will be impacted by the proposed project. It is unlikely that significant paleontological remains will be impacted by the proposed project, due to the relatively recent age of Holocene Bay mud underlying the City as identified in Section 4.4.1.2 of the 2013 EIR. Additionally, since no previous fossil finds have been made in the vicinity, and there are no known paleontological resources in Newark according to the University of California Museum of Paleontology Specimen Search database, paleontological potential of this area is considered low. A subsequent pedestrian field survey conducted on December 3, 2015 at the project site also failed to identify any cultural or paleontological resources.

The pedestrian survey found that the proposed project area was entirely disturbed through construction and grading activity with little to no native soils left intact. The eastern parcel of the project area is entirely developed, and is occupied by buildings and parking lots associated with the now closed Cinedome 7 Theater complex. The western parcel is also highly disturbed, consisting of parking lots and a large, rectangular earthwork mound with vent pipes that appears to be the capping layer of a landfill or refuse pit that drains into the canal running along the southern boundary of the project site. Any open undeveloped areas show evidence of pitting, trenching and grading by heavy machinery, making the probability of discovering intact archaeological resources unlikely. Potential inadvertent discovery of buried archaeological resources or human remains were addressed by Mitigation Measures CULT-2 and CULT-4 of the 2013 EIR, as well as the additional mitigation measures they reference.

The project applicant is proposing to demolish the Cinedome 7 theater complex and develop two hotels and a restaurant on the project site. A review of historic aerials dating back to the 1930s indicates that the theater structures did not exist as of 1979, and are therefore not of historic age (older than 50 years). The National Register of Historic Places (NR) and California Register of Historic Resources Criteria for Evaluation exclude properties that achieved significance within the past 50 years unless they are deemed to be of exceptional importance under Criteria Consideration G. Fifty years is a general estimate of the time needed to develop historical perspective and to evaluate historic significance. This consideration guards against the listing of properties of passing contemporary interest and ensures that the NR is a list of truly historic places.

The phrase “exceptional importance” may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual. Properties listed that have attained significance in less than 50 years include the launch pad at Cape Canaveral from which men first traveled to the moon and the home of nationally prominent playwright Eugene O’Neill. A structure is also eligible “as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history.” The subject property is less than 50 years old, and while the domed movie theater is a locally distinctive and recognizable building, sufficient time has not passed to determine the significance of this style type within the context of architectural history. According to Criteria Consideration G, a property under 50 years of age “can be evaluated only

when sufficient historical perspective exists to determine that the property is exceptionally important. The necessary perspective can be provided by scholarly research and evaluation, and must consider both the historic context and the specific property's role in that context." Though some preliminary study and recognition of these domed theaters as notable works of architecture exists, the information available is not adequate to justify listing at the state or national level for exceptional significance.

When evaluating potential historic resources under Criteria Consideration G, "it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties best represent the historic context in question." Comparative analysis of similar properties in the wider Bay Area and the immediate surroundings indicates that many similar domed theaters have been demolished in recent years. However, a small number exist and remain in relatively good condition in San José, including the Century 24 Theater. Archival research indicates that the cluster of theaters, commonly referred to as Century 21, 22 and 23, located adjacent to the Winchester Mystery House in San José are historically significant. This grouping of five Century theaters includes the Century 21 dome theater that was the flagship theater built by early theater pioneer Raymond Syufy. A recent article in the Wall Street Journal (Heather David, pers. comm., May 30, 2013) indicated that because of its historic significance there is the possibility that the Century 21 Theater may be retained and reused.

Because of its relatively young age, the fact that more significant examples exist in relatively close proximity, and the fact that the subject property is not the first or the last of these theaters in the region, exceptional importance for the Cinedome 7 theater is not warranted. The project would not result in ground disturbance in areas that were previously undisturbed, and no new evidence has come to light through the records search or field survey to indicate the presence or high potential for additional cultural resources to be located within the project area. There is no new information or change in circumstance since the 2013 EIR to determine any impact from the demolition of the Cinedome theater. The proposed project would therefore not result in any new significant impacts or substantially increased cultural resources impacts.

## Relevant EIR Mitigation Measures

**MM CULT-2** Regulatory compliance and implementation of proposed Plan policies would reduce but not eliminate the potential for damage or disturbance. No additional feasible mitigation exists to further reduce this impact.

Relevant General Plan goals and policies include:

- **Goal LU-5:** Identify, preserve, and maintain historic structures and sites to enhance Newark's sense of place and create living reminders of the city's heritage.
- **Policy LU-5.1:** Preserving Important Buildings. Encourage the preservation of historically and architecturally important buildings that help enhance Newark's character and sense of identity. The demolition of historically important buildings is strongly discouraged.

- **Policy LU-5.2:** Context-Sensitive Design. Ensure that the repair, maintenance, and expansion of Newark's historically important structures uses building materials and architectural details, which respect historic context.
- **Policy LU-5.3:** Adaptive Reuse. Where it is no longer feasible to continue to use an older building for its originally intended use, encourage adaptive reuse of the structure rather than demolition and replacement.
- **Policy LU-5.4:** Historic Landscapes. Consider the historic value of landscape features, such as trees, gardens, and fences when evaluating the historical significance or importance of a property.
- **Action LU5.A:** Evaluating Historic Resource Impacts. Evaluate applications for demolition, alteration, or relocation of structures more than 50 years old to determine if the structure has sufficient significance and integrity to merit its designation as a historic resource. In the event alterations to a historic resource are proposed, use the Secretary of the Interior Standards for the Treatment of Historic Properties to guide application review.
- **Action LU5.D:** Historic Inventory. Maintain and periodically update a list of Newark's historic sites and structures.

**MM CULT-4** While compliance with the provisions of SB18, California Health and Safety Code Section 7052 and 7050.5, and California Public Resources Code Section 5097 and 15064.5 together with implementation Mitigation Measure 4.4-1 from the 2009–2104 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would reduce the potential for accidental damage or disturbance of human remains during construction activities associated with buildout of the proposed Plan, damage or disturbance of human remains through the placement of fill and soil compression could still result during construction activities associated with buildout. No additional feasible mitigation exists to further reduce this impact.

Previous environmental review conducted for the 2009–2014 Housing Element and the Area 3 and 4 Specific Plan identified mitigation measures to address potential impacts to archaeological resources that have been adopted by the City. Mitigation Measure 4.4-1 from the Housing Element EIR requires that in the event an archeological Native American artifact is identified during residential development, work will cease in the immediate vicinity of the artifact until a resource protection plan conforming to CEQA Guidelines is prepared by a qualified paleontologist and/or archeologist and approved by the City of Newark. Previous environmental review concluded that implementation of this mitigation measure would reduce associated impacts to a less-than significant level. The Area 3 and 4 Specific Plan EIR also contains mitigation measures that reduce impacts to paleontological resources. Mitigation Measure CUL-2.1 requires before construction activities begin that a hand excavation led by a professional archaeologist be used to determine the extent of archaeological resources in the area. Mitigation Measures CUL-2.2 and CUL-2.3 require that site development plans and grading then use this information to avoid known cultural resources. Mitigation Measure CUL-2.4 requires that where known

archaeological resources are present, and cannot be avoided, preservation in place methods or a program of data recovery will be implemented, following CEQA Guidelines. This would involve a combination of limited hand excavation to remove known human remains to prevent additional damage, as well as heavy equipment under the direction of a professional archaeologist. Mitigation Measure CUL-2.4 requires a certified professional archaeological observe during all construction that causes ground disturbance with specific authority to direct and halt earthmoving activities if, and when, cultural materials are encountered, in accordance with CEQA Guidelines. Additionally, mitigation measure CUL-2.4 requires construction to stop within a 100 foot radius if and when such resources are found, until the archaeologist evaluates the significance of the find, and suggests the appropriate mitigation to protect the resources.

## Conclusion

No new significant impacts to cultural resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>VI. Geology and Soils</b>					
<i>Would the project:</i>					
a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	Less than significant impact.	No	No	No	None
ii) Strong seismic ground shaking?	Less than significant impact.	No	No	No	None
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact.	No	No	No	None
iv) Landslides?	Less than significant impact.	No	No	No	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact.	No	No	No	None
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Less than significant impact.	No	No	No	None
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	No impact.	No	No	No	None

## Discussion

a–e) The 2013 EIR found that with adherence to the City’s zoning and buildings codes and the policies in the General Plan, the proposed Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides. Implementation of the proposed Plan would not result in substantial soil erosion or the loss of topsoil. Development under the proposed Plan would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Development under the proposed General Plan would not create substantial risks to life or property as a result of its location on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994). Implementation of the proposed Plan would not result in impacts associated with the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.

Additionally, the following goals, policies, and actions from the Plan would address hazards related to liquefaction and ground shaking:

- **Policy EH-1.1:** Development Regulations and Code Requirements. Establish and enforce development regulations and building code requirements to protect residents and workers from flooding, liquefaction, earthquakes, fires, and other hazards.

- **Policy EH-1.2:** Considering Hazards in Project Location and Design. Prohibit development in any area where it is determined that the potential risk from natural hazards cannot be mitigated to acceptable levels.
- **Action EH-1.A:** Development Review. Review all development applications to ensure their compliance with all relevant building and safety codes, including those related to fire, flooding, soil, and geologic hazards.
- **Action EH-1.B:** Code Updates. Periodically revise construction codes and regulations to incorporate the latest information and technology related to natural hazards such as earthquakes and flooding.
- **Policy EH-2.1:** Earthquake Safety in New Construction. Require new development to meet structural integrity standards which minimize the potential for damage during earthquakes.
- **Policy EH-2.3:** Earthquake Awareness. Inform Newark residents and businesses of steps they can take to reduce earthquake-related hazards.
- **Policy EH-2.4:** Infrastructure Resilience. Maintain standards for roads and infra-structure which consider geologic hazards, including subsidence and liquefaction.
- **Action EH-2.A:** Geotechnical Studies. At the discretion of the Director of Public Works, require detailed investigations of ground shaking, liquefaction, soil stability, and other geologic hazards as specific development projects are proposed. Such investigations shall be prepared by a qualified geologist or soils engineer, with appropriate mitigation measures identified and implemented.

### Applicable Regulations

- City of Newark Municipal Code, Chapter 15 Building Regulations (including California Building Code adopted by reference, Section 15.50, Newark Municipal Code)
- California Public Resources Code, Division 2, Chapter 7.8, Section 2697(a) (a.k.a. the Seismic Hazards Mapping Act)

Compliance with the above ordinances and mitigation measures would reduce geology- and soils-related impacts to the maximum extent practicable. Consequently, the overall, associated impacts would be less than significant.

The construction of two new hotels and a restaurant would not increase any impacts with respect to geology and soils.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts related to geology or soils would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>VII. Greenhouse Gas Emissions</b>					
<i>Would the project:</i>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Significant and unavoidable impact.	No	No	No	GHG-1
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact.	No	No	No	None

## Discussion

a–b) The 2013 EIR found that the proposed Plan would generate substantial GHG emissions in excess of the long-term 2050 GHG reduction target interpolated from Executive Order S-03-05.

The proposed Plan would not have a significant environmental impact because it does not conflict with the California Air Resources Board’s (ARB’s) scoping plan, MTC’s Plan Bay Area, or the Newark Climate Action Plan.

Implementation of the General Plan policies as well as compliance with the following applicable State standards listed here and described above would ensure that impacts to consistency with state, regional, and local GHG reduction planning efforts would be less than significant.

- CEQA
- City of Newark Climate Action Plan
- Executive Order S-3-05: Greenhouse Gas Emission Reduction Targets
- AB 32: California Global Warming Solutions Act
- SB 375: Sustainable Communities Strategies
- AB 1493: Pavley Fuel Efficiency Standards
- Title 20 California Code of Regulations: Appliance Energy Efficiency Standards
- Title 17 California Code of Regulations: Low Carbon Fuel Standard
- AB 1881: California Water Conservation in Landscaping Act of 2006

- SB 1368: Statewide Retail Provider Emissions Performance Standards
- SB 1078: Renewable Portfolio Standards

The proposed hotels and restaurant would generate approximately 314 PM vehicle trips, using standard generation rates from the Institute of Traffic Engineers. Because the construction of the new uses and the number of vehicle miles traveled in relation to those uses was anticipated in the greenhouse gas analysis in General Plan EIR, no new significant impacts related to greenhouse gas would occur.

## Relevant EIR Mitigation Measures

**MM GHG-1** To further reduce 2035 GHG emissions resulting from future development under the proposed Plan, the City shall require the following Uniformly Applicable Development Standards for new developments:

- Pedestrian and Bicycle Friendly Design/Bicycle Parking. Site plans submitted shall identify pedestrian and bicycle facilities on-site, including bicycle parking.
- Pedestrian and Bicycle Provisions within New Development. Circulation plans submitted shall identify pedestrian and bicycle routes.
- Source Reduction and Diversion for New Construction. Major new non-residential developments shall submit a plan that identifies solid waste source reduction and diversion measures (e.g. location of recycling bins on-site).
- Sustainable Design/Tree Planting in New Development/Minimizing Impervious Surface Coverage. Landscape plans submitted shall minimize impervious surfaces and identify features to reduce the heat island effect (e.g. tree coverage, permeable pavement, cool pavement).

However, it should be noted that while ARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets, at this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the State cannot meet the 2050 goal without major advancements in technology.

## Conclusion

No new significant impacts related to greenhouse gas emissions would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>VIII. Hazards and Hazardous Materials</b>					
<i>Would the project:</i>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact.	No	No	No	None
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact.	No	No	No	None
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact.	No	No	No	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Less than significant impact.	No	No	No	None
e) Be located within two miles of a public airport or private use airport and result in a safety hazard for people residing or working in the project area?	No impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	No impact.	No	No	No	None
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact.	No	No	No	None
h) Be located in an area designated as having a high, extreme, or severe fire hazard, or otherwise expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Less than significant impact.	No	No	No	None

## Discussion

a-h) The 2013 EIR found that the Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor would it result in significant impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Compliance with applicable federal, state, and local laws and regulations regarding the handling of these materials would minimize this risk. The proposed Plan also includes the following goals, policies, and actions that are intended to further minimize this risk:

- **Goal EH-4:** Protect Newark residents and workers from the potential adverse effects of hazardous materials.

- **Policy EH-4.1:** Hazardous Materials Risk Reduction. Seek to reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur.
- **Policy EH-4.4:** Design and Construction of Hazardous Materials Facilities. Require that all facilities in which hazardous materials are used, handled, or stored are designed and constructed to minimize the possibility of environmental contamination and off-site impacts. The City will work with county, state and federal agencies to ensure that such facilities are regularly inspected and that applicable regulations are enforced.
- **Policy EH-4.5:** Hazardous Materials Information. Provide the means for Newark residents and businesses to obtain information about hazardous materials handling, storage, and regulations in the community.
- **Policy EH-4.6:** Hazardous Materials Transport. Seek to reduce the risk of accidents in the transportation of hazardous materials. The City will require compliance with all hazardous waste transport standards established by state and federal agencies.
- **Action EH-4.E:** Hazardous Materials Management Plans. Require the preparation of Hazardous Materials Management Plans for new uses which will handle hazardous materials. HMMPs should include a complete inventory of materials by type, quantities, and conditions of storage and transportation, an assessment of the potential hazards associated with the materials, and steps to be taken to minimize risks. The HMMP also should outline actions to be taken in the event of a spill.
- **Action EH-4.G:** Hazardous Materials Transport Routes. Work with appropriate state and federal agencies to designate and periodically update official routes for the transportation of hazardous materials.
- **Action EH-4.I:** Community Disclosure Laws. Enforce community disclosure laws (e.g. Right to Know laws) that inform property owners of the presence of hazardous materials nearby.

In addition, compliance with the following laws and regulations, together with implementation of MM HAZ-1 would minimize hazards associated with the routine transport, use, or disposal of hazardous materials to the maximum extent practicable:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- ACDEH – CUPA Program
- Alameda County Water District (ACWD) – LUFT and SLIC Oversight Program
- City of Newark Municipal Code, Chapter 17.25 Hazardous Materials Storage Permit

Compliance with applicable federal, state, and local laws and regulations regarding handling of these materials would minimize the release of hazardous materials into the environment.

The proposed Plan also includes the following goals, policies, and actions that are intended to further minimize this risk:

- **Action EH-4.J:** Phase I Assessments. Require a Phase I Environmental Site Assessment when a property is changed from an existing use to a more sensitive use (for example, industrial to residential). If potential hazardous materials issues are identified, ensure that they are investigated and that sites are cleaned to regulatory agency standards prior to development.
- **Action EH-4.K:** Hazardous Building Materials Abatement. As appropriate, incorporate hazardous building materials abatement provisions into building permit and developed approvals. The City will work with property owners to ensure remediation of hazardous building materials such as asbestos, lead, and mercury.

The 2013 EIR found no impact from hazards from private or public airstrips. No hazards from wildfires were identified, as the California Department of Forestry and Fire Protection Services (CAL FIRE) has not identified any very high fire hazard severity zones with the Local Responsibility Areas of Newark.

The Plan also includes the following goals, policies, and actions also intended to further ensure that new development would not conflict with emergency operations in the Plan Area:

- **Goal EH-5:** Emergency Preparedness. Fast, efficient, and coordinated response to natural and man-made emergencies and disaster.
- **Policy EH-5.1:** Complete Circulation System. Provide for a traffic circulation system that assures the City's capacity to deliver emergency services.
- **Policy EH-5.2:** Awareness of Preparedness Programs. Increase public awareness of City emergency preparedness programs and resources.
- **Policy EH-5.3:** Adequacy of Emergency Response Access. Avoid placing new development in areas where emergency response and evacuation cannot be provided within acceptable levels.
- **Policy EH-5.4:** SEMS Plan. Maintain and regularly update emergency plans for floods, earthquakes, fires, hazardous materials, and other disasters. Plans should be consistent with Standard Emergency Management System (SEMS) protocol.
- **Policy EH-5.5:** Interagency Coordination. Cooperate with other public agencies, nearby cities, community groups, and private enterprise in developing comprehensive disaster preparedness, assistance, and post-disaster recovery plans.
- **Policy EH-5.6:** Utility Resilience. Work with local gas, electric, cable, water, sewer, and other utility providers to maintain their facilities and ensure their ability to function (or be quickly restored) following a disaster.
- **Policy EH-5.7:** Communication Improvements. Strive for improved communications and response capabilities following a disaster, including a resilient Emergency Operations Center.
- **Policy EH-5.8:** Multi-Lingual Outreach. Ensure that emergency preparedness information is available in multiple languages, consistent with Newark's demographics. Work with the cultural institutions serving Newark's non-English speaking communities to ensure that information is communicated to all residents.

- **Action EH-5.A:** Capital Improvements to Improve Emergency Response. Periodically update the City's capital improvements program to include railroad grade separations, traffic signal overrides, and other improvements which will expedite emergency response.
- **Action EH-5.B:** Emergency Response Training Conduct regular emergency response training exercises.
- **Action EH-5.C:** Emergency Supplies. Acquire and maintain emergency equipment, supplies, services and communications systems, consistent with emergency management systems plans.
- **Action EH-5.E:** Information on Hazards and Preparedness. Regularly disseminate information about Newark's emergency preparedness plans and resources via the City's website, press releases, Radio Newark, local schools, employee information bulletins, and other means.

The construction of two new hotels and a restaurant would not add any significant impacts in relation to hazards or hazardous materials.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts resulting from hazards or hazardous materials would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>IX. Hydrology and Water Quality</b>					
<i>Would the project:</i>					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact.	No	No	No	None
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Less than significant impact.	No	No	No	None
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant impact.	No	No	No	None
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than significant impact.	No	No	No	None
f) Otherwise substantially degrade water quality	Less than significant impact.	No	No	No	None
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Less than significant impact.	No	No	No	None
h) Place within a 100-year flood hazard structures which would impede or redirect flood flows?	Less than significant impact.	No	No	No	None
i) Expose people or structures to significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Less than significant impact.	No	No	No	None
j) Inundation of by seiche, tsunami, or mudflow?	Less than significant impact.	No	No	No	None

## Discussion

- a–e) The 2013 EIR found that future construction activities associated with development within the Plan Area could negatively affect the water quality of surface waters. Grading and other earthmoving activities during construction would expose soils that could be eroded and deposited into downstream receiving waters. With the implementation of Plan policies and

state and local regulations pertaining to hydrology and water quality, this impact would be less than significant.

Future development within the Plan Area would result in an increase in impervious surfaces. In addition there may be the potential diversion of groundwater to surface water if short-term construction dewatering is required due to shallow water tables underlying Newark. Future development within the Plan Area would involve vegetation removal, grading, earth excavation, and the construction of buildings, sidewalks, driveways, and parking lots. These activities would alter existing drainage patterns and increase the potential for erosion and/or siltation. However, none of the future development would alter the course of an existing stream or river.

Inundation resulting from dam failure could damage property and structures within the City and pose a severe hazard to public safety. However, the California Division of Safety of Dams inspects each dam on an annual basis to ensure the dam is safe, performing as intended, and is not developing problems.

Implementation of plan goals and policies listed below, along with Goal EH-5, Policies EH-5.2, EH-5.3, EH-5.4, EH-5.5, and Actions EH-5.A, EH-5.B, EH-5.C, and EH-5.D from the Hazards section, above, and compliance with applicable regulations as listed below would reduce these impacts to less than significant.

- **Action CS-1.B:** Soil Erosion BMPs. Require new construction projects to incorporate best management practices (BMPs) which minimize soil erosion and runoff of nutrients, sediments, and pesticides.
- **Policy CS-3.1:** Protection of Water Resources. Ensure that land use decisions consider the availability of water for domestic and non-domestic uses, potential impacts on groundwater quality and groundwater recharge capacity, and potential off-site impacts on water quality.
- **Policy CS-3.4:** Reducing Water Pollution. Protect the quality of Newark's surface waters by supporting controls on point source and non-point sources of pollution.
- **Policy CS-3.5:** Containment of Contaminated Runoff. Regulate land uses such as auto dismantling, waste disposal, gas stations, and industries in a manner that minimizes the potential for hazardous materials to enter groundwater, surface water, or storm drains.
- **Policy CS-3.8:** Integrated Pest Management. Minimize the use of pesticides, herbicides, and other toxic materials in the maintenance of City parks, medians, and public spaces, as a strategy to avoid runoff of materials, which could potentially harm local waterways, wetlands, and San Francisco Bay.
- **Action CS-3.G:** Countywide Clean Water Program. Continue to participate in the Alameda Countywide Clean Water Program, in accordance with the federal National Pollution Discharge Elimination System (NPDES) permit. The City will work with Alameda County and other participating jurisdictions to carry out measures to monitor stormwater pollution, regulate construction runoff, sweep local streets, clean storm drain inlets, promote education and outreach, enforce regulations and penalties for illicit discharges, and participate in County meetings to discuss water quality issues.

- **Action CS-3.H:** Stormwater Controls. Implement stormwater runoff and retention controls in new development and construction projects that reduce pollution discharges to surface waters, and reduce the rate of runoff to storm drain system. Such controls should encourage greater use of pervious pavement and surfaces.
- **Action EH-3.D:** Review of Potential Flood Impacts. Use the environmental review process to evaluate potential impacts of new development on the flood control system, and to ensure that post-development runoff rates do not exceed the capacity of the flood control system.
- **Action EH-3.E:** Alameda County Flood Control and Water Conservation District (ACFC & WCD) Referrals. Continue to refer projects in flood prone areas to the ACFC&WCD for review and comment.
- **Policy CS-5.5:** Consideration of Climate in Transportation Planning. Consider potential greenhouse gas emissions impacts when making changes to the transportation system. Give preference to solutions that reduce auto dependency and minimize emissions.
- **Policy CS-5.6:** Local Purchasing. Encourage residents to “buy locally.” This includes shopping in Newark rather than driving long distances to other cities for major purchases, and buying food and other products made in Newark to reduce the emissions associated with transportation from source to market.
- **Policy CS-5.7:** Public Awareness. Enhance and expand outreach, marketing, and education programs to raise awareness of Newark’s greenhouse gas reduction programs.
- **Policy CS-5.8:** Planning for Sea Level Rise. Require proposed development close to the Newark bayfront or in low-lying areas to include an assessment of possible impacts related to sea level rise.
- **Action CS-5.E:** Living Near Work. Work with local employers to explore programs and incentives for employees to purchase homes in Newark, thereby reducing their commute lengths and related greenhouse gas emissions
- **Policy EH-3.3:** Residential Development in the Flood Plain. Require that new residential development, including streets and other surface improvements, be constructed above the 100-year flood elevation.
- **Policy EH-3.4:** Non-Residential Development in the Flood Plain. Require that new non-residential development, including commercial and industrial uses, be flood-proofed or constructed on pads elevated above the 100-year flood elevation.
- **Policy EH-3.5:** Storm Drain Maintenance. Manage and maintain the storm drainage system to avoid flooding and reduce the negative effects of stormwater runoff.
- **Policy EH-3.7:** Mitigating Downstream Flood Impacts. Design new development to reduce the potential for downstream flooding. Measures such as porous pavement and on-site drainage retention facilities should be considered to reduce downstream impacts.
- **Policy EH-3.8:** Flood Control Improvements. Work with Alameda County Flood Control and Water Conservation District (ACFC&WCD) on improvements to the storm drain, flood control channel, and levee system which ensure that these systems continue to protect Newark neighborhoods and business districts from flooding.
- **Action EH-3.A:** Hydrologic and Drainage Studies. Require hydrologic and drainage studies for new development, and use these studies to identify measures that will reduce the risk of flooding.
- **Action EH-3.B:** Flood Insurance Rate Maps. Maintain up-to-date Flood Insurance Rate Maps for use in planning and public works decisions.

- **Action EH-3.C:** Flood Prevention Code Provisions. Continue to enforce Municipal Code provisions for construction in flood hazard areas, and amend these provisions as needed to conform to National Flood Insurance Program criteria.
- **Action EH-3.E:** Alameda County Flood Control and Water Conservation District (ACFC & WCD) Referrals. Continue to refer projects in flood prone areas to the ACFC&WCD for review and comment. The City is not considered to be subject to significant risk from tsunamis, seiches, or mudflows. Implementation of City goals and policies under the proposed Plan would further reduce potential impacts due to tsunamis, seiches, or mudflows.

### Applicable Regulations

- NPDES General Construction Permit
- City of Newark Municipal Code, Chapter 8.36 Stormwater Management and Discharge Control
- ACWD Ordinance No. 2010-01 – Well Ordinance
- Water Conservation Act of 2009
- NPDES General Construction Permit – NOI and SWPPP Requirements
- Alameda County Hydrology and Hydraulics Manual (pending publication)
- Alameda County Clean Water Program – C.3 Provisions
- Alameda County Hydrology and Hydraulics Manual (pending publication)
- FEMA Regulations in floodplains – LOMR-Fill Determination Requirements
- City of Newark FEMA Regulations– Levee Certification
- California Division of Safety of Dams Regulations – California Water Code – Supervision of Dams and Reservoirs
- Association of Bay Area Governments (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan Newark Municipal Code, Chapter 15.40 Construction in Flood Hazard Areas
- ABAG Multi-Jurisdictional Local Hazard Mitigation Plan and Hazard Maps
- City of Newark Municipal Code, Chapter 15.40 Construction in Flood Hazard Zones
- City of Newark Municipal Code, Section 16.08.06 Curb grade for residential subdivisions

The construction of two new hotels and a restaurant within the NewPark Focus Area would not add any development or potential for hydrology impacts to those identified by the General Plan EIR because they will comply with the applicable regulations and plan policies. The construction of the proposed project would not place any residence or structure in a 100-year flood area because the site located outside of the FEMA mapped 100-year flood plain.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts to, or resulting from, hydrology and water quality would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>X. Land Use</b>					
<i>Would the project:</i>					
a) Physically divide an established community?	Less than significant impact.	No	No	No	None
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant impact.	No	No	No	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Less than significant impact.	No	No	No	None

## Discussion

- a–c) The Plan contains the following policies and actions intended to foster greater connectivity in the Plan Area and to prevent new development from dividing existing communities:
- **Policy LU-2.6:** Scale Transition. Avoid abrupt transitions from taller buildings to low-rise buildings, especially where commercial and higher density housing abuts neighborhoods characterized by one-story homes. Buildings taller than three stories should be required to step down in height when located adjacent to single family lots. Overpowering contrasts in scale and height between adjacent lots should be avoided.
  - **Policy LU-4.2:** Connectivity. Improve connectivity between neighborhoods and commercial districts so that the city’s shopping areas function as neighborhood gathering places and focal points. Over time, shopping centers which are oriented exclusively to auto traffic should be redesigned so they are more pedestrian friendly and better integrated with the uses around them.

- **Policy LU-2.5:** Transitional Land Uses. Incorporate transitional land uses as buffers between land uses which are potentially incompatible. For example, this could include office uses as a buffer between industrial and residential areas, and medium density residential uses as a buffer between high and low density residential uses.
- **Policy T-1.4:** Connections to the Regional Street Network. Improve the safety, convenience, and connectivity of existing streets, with the goal of creating seamless links between Newark and the regional transportation network.
- **Policy T-2.3:** Bicycle Network. Maintain and expand an interconnected network of bicycle routes, paths and trails, serving the City's neighborhoods, shopping districts, workplaces, and park and open space areas. The existing bicycle network should be expanded to provide connections to developing areas, including the Dumbarton TOD, the Southwest Residential and Recreational Project, Old Town Newark, and the NewPark Mall vicinity.
- **Policy T-2.5:** Connecting to the Region. Develop bicycle and pedestrian facilities that connect across City boundaries, integrate with larger regional systems, and improve intermodal connections to local and regional public transportation systems.
- **Policy T-2.12:** Trails Along Railroads and Utilities. Consider the use of railroad, flood control, and utility rights of way for jogging, biking, and walking trails, provided that safety and operational issues can be fully addressed.
- **Policy T-2.10:** Railroad Crossings. Ensure that any future grade separated railroad crossings include sidewalks and a designated lane for bicycles.
- **Policy T-2.2:** Pedestrian Facilities. Work to close gaps in the pedestrian network and improve sidewalk connectivity between residential and commercial areas. Develop curbs, gutters, sidewalks on all remaining Newark streets not yet fully improved to encourage safe, convenient pedestrian travel. Where appropriate, include marked crosswalks at intersections and install pedestrian countdowns at traffic signals to facilitate safe pedestrian movement across City streets.
- **Policy T-2.9:** Recreational Trails. Develop and maintain trails in park and open space areas, and between Newark neighborhoods and the city's open spaces.
- **Action T-2.B:** Cedar Boulevard Pedestrian and Bicycle Trail. Convert the linear tract of land formerly reserved for a southerly extension of Cedar Boulevard between Haley St. and Willow St. into a bicycle and pedestrian parkway, including a bicycle and pedestrian bridge over the Union Pacific Railroad. The City will apply for grants and pursue other funding sources to construct this project.
- **Action T-2.G:** Priority Areas for Pedestrian Improvements. Pursue pedestrian and bicycle access improvements in Old Town and in the NewPark Mall vicinity, and between the Mall area and Newark neighborhoods. The City should identify prospective capital improvements which would facilitate walking and cycling within such areas.
- **Action T-2.H:** Wayfinding Signage. Implement a bicycle signage and wayfinding program, including directional signs to indicate major destinations.

Additionally, compliance with the provisions contained in the Newark Municipal Code, including the development standards governing building height, lot width, frontage, and setbacks, would further minimize the potential for physical division of existing neighborhoods. Therefore, with implementation of the above-listed policies and actions

from the proposed Plan and compliance with the relevant provisions of the Newark Municipal Code, the proposed Plan would result in a less than significant impact associated with physical division of existing communities. Overall, implementation of the proposed Plan would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and associated impacts would be less than significant.

### **Applicable Regulations**

- City of Newark Municipal Code, Title 17 Zoning Code.

### **Relevant EIR Mitigation Measures**

None.

### **Conclusion**

No new significant impacts relating to land use would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XI. Mineral Resources</b>					
<i>Would the project:</i>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	N/A	No	No	No	None
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	N/A	No	No	No	None

## Discussion

- a–b) Impacts to mineral resources were not analyzed in the 2013 General Plan EIR. There are no mineral recovery sites in Newark and implementation of the Plan would not affect locally important mining operations.

The construction of the two new hotels and the free-standing restaurant would add no new impacts and does not change the circumstances or available information that the 2013 EIR was based upon.

## Relevant EIR Mitigation Measures

None.

## Conclusion

No new significant impacts relating to mineral resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XII. Noise</b>					
<i>Would the project:</i>					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant impact.	No	No	No	None
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact.	No	No	No	None
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Significant unavoidable impact.	No	No	No	MM Noise-3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact.	No	No	No	None
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
project area to excessive noise levels?					
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Less than significant impact.	No	No	No	None

## Discussion

a–f) The 2013 General Plan EIR found that compliance with Title 24 requirements and implementation of the proposed Plan policies and actions described above would prevent the development of land uses in areas with inappropriately high ambient noise levels, and would ensure that any development of noise-sensitive land uses include the study and adequate mitigation of noise impacts. As a result, associated impacts would be less than significant.

Vibration impacts related to construction would be short-term, temporary, and generally restricted to the areas in the immediate vicinity of active construction equipment. As such, implementation of proposed policies and actions would reduce construction-related vibration impacts to the maximum extent practicable, and vibration impacts from construction would be less than significant.

- **Action EH-6.6:** Construction Noise - Regulating Construction Hours. Reduce noise associated with construction activities by prohibiting construction in residential neighborhoods between the hours of 7PM and 7AM Monday through Friday and at all times on Saturdays, Sundays, and State/federal holidays.
- **Action EH-6.7:** Construction Noise - Addressing Sources of Construction Noise. Reduce noise associated with construction activities by requiring properly maintained mufflers on construction vehicles, requiring the placement of stationary construction equipment as far as possible from developed areas, and requiring temporary acoustical barriers/shielding to minimize construction noise impacts at adjacent receptors. Special attention should be paid to noise-sensitive receptors (including residential, hospital, school, and religious land uses).
- **Action EH7.E:** Vibration-Intensive Construction. Implement a standard operating procedure that requires the evaluation of vibration impacts for individual projects which use vibration-intensive construction activities, such as pile drivers, jack hammers, and

vibratory rollers, near sensitive receptors. If construction-related vibration is determined to be perceptible (i.e., in excess of Federal Transit Administrations vibration annoyance criterion) at vibration-sensitive uses, then additional requirements, such as the use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction. The proposed Plan contains a wide array of policies and actions which would minimize potential vibration impacts:

- **Policy LU-2.5:** Transitional Land Uses. Incorporate transitional land uses as buffers between land uses which are potentially incompatible. For example, this could include office uses as a buffer between industrial and residential areas, and medium density residential uses as a buffer between high and low density residential uses.
- **Action LU-2.A:** Development Regulations. Administer development regulations which ensure that infill development and renovation projects are compatible with adjacent uses. This includes application of setback and height requirements, parking requirements, and other standards aimed at creating compatible uses, protecting public safety, and maintaining neighborhood quality.
- **Policy LU-3.5:** Non-Conforming Uses. Work toward the eventual replacement or relocation of nonconforming industrial and heavy commercial uses located within areas designated for residential use on the General Plan Diagram.
- **Action EH-6.B:** Noise Ordinance – Limits on Hours of Operation. Draft the Noise Ordinance to include limits on the intensity and hours of use for selected noise sources such as construction equipment, manufacturing equipment, motors, delivery trucks, and parking lot vacuum equipment. Limits on hours of operation should be consistent with and achieve the goals of the land use compatibility standards (as proposed in the Plan).
- **Policy EH-7.3:** Reducing Exposure to Operational Noise. In new residential and mixed-use developments, require that stationary equipment (such as air conditioning units and condensers) be placed in separate spaces, rooftops, or other areas such that noise impacts to interior living areas will be reduced. Similarly, potentially noisy common spaces, such as trash collection areas and loading zones, should be located away from residential units or other noise-sensitive spaces.
- **Policy EH-7.6:** New Noise Sources. Require new developments that have the potential to create long-term noise increases to mitigate potential impact to off-site receptor properties.
- **Action EH-7.B:** Noise Mitigation. Use the development review process to ensure that noise impacts are mitigated through setbacks/buffer zones, earthen berms, sound walls, building siting/orientation, and other appropriate means.
- **Actions EH-7.C:** Conditional Use Permits. Use the development review process, including conditional use permits, to limit activities which would generate high levels of noise during nighttime hours (i.e., from 10 PM to 7 AM).
- **Action EH-7.D:** Allowing Noise-Sensitive Uses Near Noise Sources. Use the development review process when evaluating zoning changes to consider potential noise impacts due to noise-sensitive uses being located near commercial uses, industrial uses, or other activities that typically generate excessive noise.

Future development under the proposed Plan would cause increases in traffic along roadways. Several residential uses and the Newark Memorial High School are anticipated to experience increases in ambient noise levels along the following roadway segments with addition of vehicle trips added to roadways as a result:

- Thornton Avenue from Cherry Street to Newark Boulevard
- Newark Boulevard from Lafayette Avenue to Landing Road
- Newark Boulevard from Landing Road to Thornton Avenue
- Cherry Street from Thornton Avenue to Central Avenue
- Cherry Street from Mowry Avenue to Stevenson Boulevard
- Cedar Boulevard from Central Avenue to Smith Avenue
- Cedar Boulevard from Smith Avenue to Mowry Avenue
- Cedar Boulevard from Mowry Avenue to Balentine Drive
- Cedar Boulevard from Balentine Drive to Stevenson Boulevard
- Central Avenue east of Cedar Boulevard

Implementation of the proposed Plan would result in a significant noise impact at sensitive uses along the roadway segments listed above. The proposed Plan contains numerous policies and actions to address the reception of excessive roadway noise at existing sensitive land uses:

- **Action EH-6.D: Motor Vehicle Code Enforcement.** Request that the California Highway Patrol actively enforce the California Vehicle Code sections relating to adequate vehicle mufflers and modified exhaust systems to limit vehicle noise emissions. Likewise, the City of Newark Police Department should be trained and equipped to properly enforce all local and state ordinances related to excessive vehicle noise emissions.
- **Action EH-6.E: Street Resurfacing to Reduce Noise.** Conduct regular maintenance and resurfacing of city streets to reduce road noise due to potholes, grade irregularities, and uneven surfaces. Additionally, explore the feasibility of using ‘quiet’ paving materials or techniques to reduce road noise at the tire-surface interface.
- **Action EH-6.H: Sound Wall Improvements.** Work with Caltrans to enhance and supplement the benefits of sound walls along I-880 and SR-84. The coordination should be aimed at determining where improvements to these walls may further reduce noise impacts to nearby neighborhoods. Appropriate cost vs. benefit assessments should be part of this coordination and alternative funding sources should be explored.
- **Policy EH-7.4: Residential Noise Standard – Exterior.** Plan for and implement strategies to maintain exterior noise levels that are consistent with the noise compatibility guidelines in Table EH-2. For residential areas, this limit is 60 dBA  $L_{dn}$  for outdoor living areas. Where this level is exceeded due to freeways, arterials, and/or railroads, the construction of berms, walls, buffer zones, and other noise-reduction measures to reduce noise to the greatest extent feasible will be required.

Even after the application of relevant regulations and proposed Plan policies and actions, noise impacts to sensitive uses related to increased traffic would remain significant.

By restricting hours of construction, and directing the City to review project noise impacts as part of the planning and permitting processes, the policies and actions from the proposed Plan would serve to reduce temporary or periodic increases to ambient noise: these include Policies EH-6.6 and 6.7 and Action EH 7-B as listed above in the discussion of potential vibration impacts.

### Applicable Regulations

- California Building Code
- Newark Land Use Noise Compatibility Guidelines

The proposed hotels and restaurant would generate approximately 314 PM vehicle trips, using standard generation rates from the Institute of Traffic Engineers. Because the construction of the new uses and the number of vehicle miles traveled in relation to the uses was anticipated in the noise analysis in General Plan EIR, no new significant impacts related to noise would occur.

### Relevant EIR Mitigation Measures

**MM NOISE-3** Increases in vehicular traffic resulting from implementation of the proposed Plan in conjunction with regional growth would result in permanent increases to ambient noise levels that would exceed applicable standards along ten major roadway segments in the Plan Area. Proposed Plan policies and actions, including Policy EH-7.4, Action EH-6.D, Action EH-6.E, Action EH-6.H, and Action EH-7.B, described above, would reduce associated impacts; however, increases in noise in excess of the applicable standards could still occur. Although the most effective mitigations such as soundwalls or earthen berms may theoretically be capable of reducing increases to ambient noise to levels below the above standards, such reductions cannot be guaranteed; and, in many cases, other considerations will prevent the use of these noise-attenuating features. Therefore, there are no additional measures available to reduce the associated impacts to a less-than-significant level.

### Conclusion

No new significant impacts related to noise would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XIII. Population and Housing</b>					
<i>Would the project:</i>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	Less than significant impact.	No	No	No	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Less than significant impact.	No	No	No	None
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Less than significant impact.	No	No	No	None

**Discussion**

a–c) The 2013 General Plan EIR concluded that no significant impacts associated with population and housing would occur with the implementation of the following goals and policies from the proposed Plan:

- **Policy LU-1.2:** Growth Focus Areas. Achieve a future growth pattern which includes new neighborhoods on vacant land along the southern and western edges of the city, and infill development in transit-served areas such as Old Town and the Greater NewPark Mall Area. Zoning and development review decisions should recognize these areas as the priority locations for growth and change over the next 20 years.
- **Policy LU-1.4:** Coordinating Land Use and Transportation Decisions. Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.

The implementation of Mitigation Measure 4.9-1 from the Newark Housing Element EIR, requiring that the City report estimated population increases to ABAG, would also help

ensure that future planning efforts are coordinated and that additional growth under the proposed Plan would be accommodated.

- **Policy LU-1.2:** Growth Focus Areas. Achieve a future growth pattern which includes new neighborhoods on vacant land along the southern and western edges of the city, and infill development in transit-served areas such as Old Town and the Greater NewPark Mall Area. Zoning and development review decisions should recognize these areas as the priority locations for growth and change over the next 20 years.
- **Policy LU-1.8:** Housing Opportunity Sites. Ensure that adequate sites are provided for the private and nonprofit sectors to develop housing for seniors, persons with disabilities, and lower income households. Such housing should be well designed and managed, and located in a manner that is compatible with existing uses and neighborhood character.
- **Policy LU-1.10:** Vacant and Underutilized Sites. Encourage the development of Newark's remaining vacant and underutilized sites for their highest and best use, consistent with the designations shown on the General Plan Diagram. Future growth in the City should generally be directed to the areas identified in this General Plan.

### Applicable Regulations

- Newark Affordable Housing Program

No residential uses are included in the proposed project, and construction of the hotels and restaurant would not affect any existing residences in the project vicinity. Therefore, the proposed project would not result in any new significant impacts to population and housing, or substantially increase a previously identified significant impact.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts relating to population and housing would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XIV. Public Services</b>					
<i>Would the project:</i>					
a) Fire protection?	Less than significant impact.	No	No	No	None
b) Police protection?	Less than significant impact.	No	No	No	None
c) Schools?	Less than significant impact.	No	No	No	None
d) Parks?	Less than significant impact.	No	No	No	None
e) Other public facilities?	Less than significant impact.	No	No	No	None

## Discussion

a–e) The 2013 General Plan EIR found that the proposed Plan includes goals, policies, and actions that would reduce risks associated with fire hazards and minimize calls for fire and emergency medical response services in Newark:

- **Goal CS-2:** Conserve Newark’s wetlands and baylands.
- **Goal CSF-4:** Provide responsive police, fire, and emergency medical services that ensure the safety of residents, employers, and visitors.
- **Policy CSF-4.2:** Emergency Medical Services. Ensure the provision of high-quality emergency medical response services, including paramedics and emergency medical technicians.
- **Policy CSF-4.4:** Fire Prevention and Response Services. Ensure the provision of fire prevention and response services which minimize fire risks and protect life and property.
- **Policy CSF-4.5:** Mutual Aid Agreements. Support mutual aid agreements that allow for supplemental aid from other police and fire departments in the event of a major fire and which dispatch fire fighters from Newark to other communities in the event of major fires outside the city.

- **Policy CSF-4.6:** Improving Fire Safety. Identify and take action to make buildings fire-safe including, where appropriate, requirements for sprinkler systems, non-combustible materials, and early warning systems.
- **Policy CSF-4.7:** Fire Inspections. Maintain an inspection program for industrial, commercial, public, and multi-family buildings to ensure that fire code violations are identified and corrected.
- **Action CSF-4.F:** Improving Fire Response Capacity. Ensure the provision of sufficient facilities and additional fire personnel, to respond to the demand created by new development.
- **Action CSF-4.G:** Collaboration with ACFD. Work collaboratively with the Alameda County Fire Department to track monthly call frequency, type, and response time. As needed, review and refine the agreement with ACFD to ensure that local needs are met.
- **Action CSF-4.H:** Fire Department Review of Major Development. Engage fire personnel in the review of proposed development to identify necessary fire prevention and risk reduction measures. Fire Department input should also be solicited to ensure that water supplies will be sufficient to meet fire-fighting needs, appropriate building materials are used, and provisions for emergency access are included.

As such, implementation of the proposed Plan goals, policies, and actions cited above and compliance with the provisions of the California Building Code and California Fire Code would ensure that buildout of the proposed Plan would result in a less than significant impact with respect to fire protection services.

### Applicable Regulations

- California Building Code
- California Fire Code
- Newark Fire Prevention Code
- Public Safety Impact Fees
- Development Review

The proposed Plan also includes a goals, policies, and actions that would address the need for new or expanded police facilities on an ongoing basis through 2035:

- **Goal CSF-4:** Provide responsive police, fire, and emergency medical services that ensure the safety of residents, employers, and visitors.
- **Policy CSF-4.1:** Police Services. Maintain professional, efficient, effective Police Department activities which promote a high level of public safety.
- **Action CSF-4:** Police Department Strategic Plan. Prepare and periodically update a Police Department Strategic Plan which lays out the Department's priorities, and identifies strategies for technology, communication, training, and performance management.
- **Action CSF-4.D:** Police Department Review of Development. Engage the Police Department in the review of major new development plans to ensure that projects are designed to minimize the potential for criminal activity and maximize the potential for responsive police services.

Additionally, continued implementation of Capital Facilities Fee Program requiring residential, commercial, and industrial developments to pay impact fees would provide funding for the construction or expansion police facilities.

### Applicable Regulations

- Public Safety Impact Fees
- Development Review

Buildout of the proposed Plan would result in a less than significant impact with respect to the provision of school facilities.

### Applicable Regulations

- Senate Bill 50
- California Government Code, Section 65995(b), and Education Code Section 17620
- Mitigation Fee Act

The proposed Plan does not directly propose the construction of any parks or recreational facilities; however, it includes numerous goals, policies, and actions that seek to promote and encourage the development of parks in the Plan Area. Specific actions for increasing provision of parks include:

- **Action POS-3.A:** calls for developing a Newark Parks Master Plan, which will evaluate local park facilities against National Recreation and Park Association standards and determine the types and locations of improvements needed.
- **Action POS-3.D:** Golf Course. Continue to pursue the development of a public golf course on the undeveloped residentially designated lands located in the southwestern part of the city. In the event a golf course is infeasible, consider development of another major public recreational feature or open space amenity in this area.
- **Action POS-3.H:** Dog Park. Recognize the growing demand for dog play areas in the City, and pursue development of a designated dog park within the Dumbarton TOD area. Therefore, while the proposed Plan would indirectly result in the construction of new parks and recreational facilities in Newark by 2035, associated impacts have previously been addressed at the programmatic level and would be addressed at the project level in the future at such time as specific development applications are made, and consequently impacts from the proposed Plan would be less than significant.

### Applicable Regulations

- The Quimby Act
- City of Newark Park Standards
- City of Newark Parkland Dedication Ordinance

Furthermore, the proposed Plan would serve to ensure that existing facilities are maintained adequately to meet the recreational needs of the community. Goals and policies in the Plan that would serve this purpose include:

- **Goal POS-3:** Manage Newark's parks in a way that enhances their natural qualities, conveys a positive image of the city and its neighborhoods, and fully meets the community's recreational needs.
- **Policy POS-3.1:** Facility Modernization. Periodically modernize or upgrade existing recreational facilities to ensure that they meet the needs of the community, respond to current trends, and make a positive contribution to Newark's quality of life.
- **Policy POS-3.2:** Quality Materials. Utilize quality materials in the construction of parks, public spaces, and recreational facilities. Park equipment and facilities should promote durability and resilience, be responsive to the Bay Area's climate, and be resistant to vandalism to the greatest extent feasible.
- **Policy POS-3.8:** Park Maintenance. Ensure the regular and systematic maintenance of park grounds and facilities. Maintenance methods should be sensitive to the environment, including pest management and weed control methods which minimize toxic chemical use.

Future residents and employees would be expected to increase the use of regional parks, but given the size and number of regional parks accessible from the Plan Area, the physical deterioration of regional parks by buildout of the proposed Plan is unlikely to be substantial. Therefore, the proposed project would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities and a less than significant impact would occur. The Plan does not directly propose the construction or expansion of parks and recreational facilities in Newark. Direct impacts would be less than significant.

### Applicable Regulations:

- The Quimby Act
- City of Newark Park Standards
- City of Newark Parkland Dedication Ordinance

Goals, policies, and actions in the proposed Plan would ensure that adequate library services are provided for Newark residents. These goals, policies, and actions include:

- **Goal CSF-1:** Maintain community services and civic facilities that are readily accessible and respond to the needs of all Newark residents.
- **Policy CSF-1.6:** Library. Ensure that the Newark Public Library continues to offer the services, facilities, and technology needed by Newark residents at the hours desired.
- **Action CSF-1.E:** Demographic Forecasts. Use demographic data and forecasts published by regional, state, and federal agencies to evaluate community service needs and plan for future improvements.
- **Action CSF-1.F:** Community Input on Public Facilities. Conduct periodic community workshops or surveys to evaluate the demand for different services and facilities. Therefore, implementation of the goals, policies and actions in the proposed Plan would ensure that there would be a less-than-significant impact relating to the provision of new or physically altered library facilities.

Construction of the new hotels and restaurant as proposed within the NewPark Focus area would not change the level of impacts to public services determined by the EIR.

### Relevant EIR Mitigation Measures

None.

### Conclusion

No new significant impacts relating to public services would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XV. Recreation</b>					
<i>Would the project:</i>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact.	No	No	No	None
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less than significant impact.	No	No	No	None

## Discussion

a–b) Growth in the resident and employee population in Newark and Fremont would result in increased use of neighborhood parks and local recreational facilities as well as regional facilities. Regionally, increased population would result in greater demand for parks and recreational facilities, possibly requiring the expansion or construction of additional regional parks and other recreational facilities. The proposed Plan includes the following goal, policies and actions that provide a framework for supporting regional parks and recreational facilities:

- **Policy PR-1.5:** Utility Easements. Encourage public utility agencies such as the San Francisco Water Department (Hetch Hetchy Aqueduct) and PG&E to retain their easements in open space or to improve them with linear parks or trails.
- **Policy PR-4.4:** Regional Parks. Support the continued acquisition and improvement of open space in southwest Alameda County by the East Bay Regional Park District to ensure that Newark residents have access to an array of natural open spaces, including hillside parks, wilderness areas, and shoreline trails.
- **Goal PR-5:** Improve Newark's trail system, with a focus on access to the Newark shoreline, and access between the shoreline and Newark neighborhoods.

- **Policy PR-5.1:** Bay Trail. Encourage completion of the Bay Trail along the Newark shoreline, in support of the long-term vision of creating a continuous shoreline trail around San Francisco Bay. Pursue trails that are separated from motor vehicle traffic and pursue pedestrian crossings of railroad rights of way to allow for connections to regional open spaces without conflicts with motorized vehicles.(new)
- **Policy PR-5.2:** Spur Trails. Provide spur trails which link the Newark section of the Bay Trail to the network of bicycle lanes and sidewalks serving the rest of the city.
- **Policy PR-5.3:** Shoreline Access. Where feasible, align new sections of the Bay Trail as close as possible to the shoreline. Where shoreline locations are not feasible, encourage alignments that provide views to wetlands or other bay features.
- **Policy PR-5.4:** Trail Safety. Strive for trail designs which minimize grade level street and rail crossings, and which ensure the safety and comfort of users.
- **Policy PR-5.5:** Staging Areas. Develop strategically located parking and staging areas which provide trail access and encourage trail use.
- **Policy PR-5.6:** Land Uses Along Trails. Consider adjacent land uses, existing operations, security, and potential operational conflicts in the alignment and design of the city's trails. Trail design should be coordinated with adjacent landowners.
- **Policy PR-5.7:** Trail Sustainability. Consider long-term sustainability issues, such as projected sea level rise, surface durability, and the condition of levees, in the design of shoreline and wetland trail facilities.
- **Policy PR-5.8:** Trail Design and the Environment. Design trails and public access features to minimize impacts on wetlands and other sensitive habitats, including habitat fragmentation. If necessary, identify secondary alignments in the event a trail must be seasonally closed for habitat protection purposes.
- **Action PR-5.A:** Trail Dedication. Encourage trail dedication and construction by developers for portions of the proposed Bay Trail and spur trails located within future development areas.
- **Action PR-5.B:** Interpretive Features. Support development of interpretive features along the Bay Trail to educate visitors about natural resources and local history.
- **Action PR-5.C:** Funding for Regional Connections. Seek regional and state funding for bridges and railroad overcrossings to facilitate regional open space integration and connection.
- **Action PR-5.D:** Cedar Boulevard Extension Linear Park. As funds allow, construct a linear park and trail on the Cedar Boulevard Extension. Crossing of the Union Pacific Railroad should be grade separated to minimize risk and noise.

The Plan does not directly propose the construction or expansion of parks and recreational facilities in Newark. Direct impacts would be less than significant.

The construction of the two new hotels and a restaurant in the NewPark Focus area of the Plan would not add any new impacts to recreation with the implementation of the policies listed above.

## Relevant EIR Mitigation Measures

None

## Conclusion

No new significant impacts relating to recreation would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XVI. Transportation/Traffic</b>					
<i>Would the project:</i>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Significant and unavoidable	No	No	No	Trans-1a, Trans-1b, and Trans-1c
b) Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for the designated roads or highways?	—	No	No	No	—
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant impact.	No	No	No	None
e) Result in inadequate emergency access?	Less than significant impact.	No	No	No	None
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Less than significant impact.	No	No	No	None

## Discussion

a–f) The General Plan EIR identified potentially significant impacts associated with an decrease in the levels of service along city roadways , assuming the development of the subject site during the build out of the NewPark Focus area with the rest of the proposed General Plan land uses. Implementation of the proposed Plan would cause intersection operation to degrade to unacceptable LOS F at the following intersections:

- a) Ardenwood Boulevard and SR 84 westbound ramps intersection during the AM peak hour in 2035,
- b) the Newark Boulevard and SR 84 eastbound ramps intersection during the PM peak hour in 2035, and
- c) the Cherry Street/Boyce Road and Stevenson Boulevard intersection during the PM peak hour in 2035. Mitigation measures were identified to reduce these impacts; however, significant and unavoidable impacts were identified even after the implementation of these measures

The proposed Plan includes the following goals, policies, and actions that would help to reduce future congestion levels:

- **Goal T-3:** Support safe, affordable public transportation which provides an alternative means of travel through Newark and convenient access to destinations throughout the Bay Area.
- **Policy T-3.1:** Improving Transit Services. Work collaboratively with BART, AC Transit, VTA, other agencies, and the private sector to provide an improved transit system serving persons who live in Newark, work in Newark, and visit Newark. Transit should have service frequencies (headways) of no more than 20 minutes at high ridership locations.
- **Policy T-3.3:** Connecting to BART. Encourage improved transit connections between Newark and the BART stations in Fremont and Union City. A variety of strategies leveraging public and private resources should be explored to establish more frequent, reliable connections to BART.
- **Policy T-3.4:** Transbay Service. Support implementation of the Dumbarton Rail project between Newark and the Peninsula. Continued express bus service across the Dumbarton Bridge should be supported as an interim measure, but not as an ultimate replacement of the rail service.
- **Action T-3.A:** BART Shuttle. Study the feasibility of a private, public-private, or local transit shuttle that connects Newark’s major employment centers, major shopping destinations, and other destinations (such as Ohlone College) with the BART stations in Fremont and/or Union City.
- **Action T-3.B:** Dumbarton Rail Design and Funding. Continue planning, design, and financing studies for the Dumbarton Rail between the Union City BART station and the Peninsula. Support phased implementation of the project, with Newark to the Peninsula as the first phase.
- **Action T-3.C:** Consultation with Local Transit. Work with the local transit provider to align transit routes in Newark in a way that better achieves the goals of the General Plan. This should include better connections between Newark’s neighborhoods and shopping centers, including New Park Mall, Old Town Newark, and the Four Corners area, greater frequency, and more route clarity.
- **Goal T-4:** Reduce vehicle miles traveled (VMT) and dependency on motor vehicles through land use and transportation strategies.
- **Policy T-4.1:** Coordinating Land Use and Transportation. Support land use choices and transportation investments which result in a community that is more walkable and serviceable by public transportation. Land use and development decisions should reflect the existing and planned capacity of Newark’s transportation system.
- **Policy T-4.2:** Transit-Oriented Development. Require that the densities and intensities of development in the vicinity of major transit hubs are high enough to capitalize on the investment that has been made in transit and to encourage and support transit use.
- **Policy T-4.3:** Co-Location of Housing and Services. Locate higher density housing and senior housing close to shopping, medical facilities, senior centers, and public transportation as a way of reducing trip lengths and increasing transportation options for residents of such developments.
- **Policy T-4.4:** Mixed-Use Development. Encourage mixed-use development (such as housing over retail uses) as a way of making it easier to live, work, and shop without owning a car, and as a strategy for reducing the number and length of vehicle trips.

- **Policy T-4.5:** Home Businesses. Encourage home-based businesses, home occupations, live-work development, and space for shared offices and office support uses as a way to make it easier for Newark residents to work from home or from local facilities, rather than commuting to distant employment centers.
- **Policy T-4.6:** Transportation Systems Management. Require new commercial and office development to implement Transportation System Management (TSM) measures to reduce trip generation and/or pay for traffic improvements through impact fees or assessment district financing.
- **Policy T-4.7:** Car Sharing and Bike Sharing. Promote car sharing and bike sharing as a viable means of transportation and an alternative to private auto and bike ownership.
- **Policy T-4.8:** Ridesharing. Encourage Newark employers to provide incentives for employees to carpool, vanpool, or use transit when traveling to work. These incentives could include preferential parking for carpools, employee rideshare and vanpool programs, bike parking areas, and shuttles to transit. It could also include the creation of additional park and ride lots in and around Newark.
- **Policy T-4.9:** Telecommuting and Flextime. Encourage Newark employers to reduce peak hour commute volumes by offering flexible work schedules and telecommute options for employees, and by providing facilities such as showers and locker rooms which make it more feasible for employees to bike to work.
- **Action T-4:** A Car Sharing Programs. Work with private car share vendors to explore the feasibility of incorporating car sharing programs and providing preferential car share spaces in business parks, major shopping centers, and higher density residential developments.
- **Action T-4.B:** Regional Bike Share Program. Partner with ABAG, MTC, Alameda CTC, and other entities to implement a regional bike share system.
- **Action T-4.C:** 511: org Program. Continue to support the “511.org” program and other regional initiatives that help residents and workers find carpools, rides home from work, and other alternatives to driving alone.
- **Action T-4.D:** City Employee Trip Reduction Program. Evaluate ways to reduce driving by City employees, including alternative schedules, work from home programs, and incentives for walking or biking to work.
- **Action T-4.E:** Commuter Benefits Programs. Encourage Newark businesses to develop and implement commuter benefit programs, such as transit passes, eco-passes, and pre-tax transit benefits.
- **Policy T-6.1:** Regional Transportation Planning. Support regional transportation planning for Southern Alameda County and the Bay Area to ensure continued mobility between Newark and the region.
- **Policy T-6.2:** Freeway Improvements. Support improvements to Interstate 880 and SR 84 which improve Newark's connections to the region and provide the capacity needed for the City's continued economic growth.
- **Policy T-6.4:** Regional Passenger Rail Service. Promote improved passenger rail service between the Newark vicinity and other parts of the Bay Area and California, including improved Altamont Commuter Express (ACE) and Amtrak (Capital Corridor) service, as well as the BART extension to San Jose and the Dumbarton Rail project to the Peninsula.

Therefore, overall, the proposed Plan would not conflict with the Alameda CTC Congestion Management Program and associated impacts would be less than significant.

The proposed Plan contains numerous policies intended to promote safe vehicular, pedestrian, and bicycle circulation, including:

- **Policy T-1.6:** Traffic Calming. Use traffic design features and traffic calming techniques to improve safety and maintain the quality of life in Newark neighborhoods. Traffic calming should be incorporated into urban design and streetscape plans so that a safer environment is provided for all users.
- **Action T-1.B:** Best Practices in Street Design. Follow the City's adopted standards for the design of streets. As appropriate, update the City's street classification and engineering design standards to ensure that the roadway system accommodates all users.
- **Policy T-2.7:** Pedestrian and Bicycle Safety. Improve actual and perceived pedestrian and bicycle safety. Make use of the latest technologies available to provide increased safety measures. Special attention should be given to facilitating the safety of children walking or bicycling to school.
- **Policy T-2.8:** Safety Awareness and Health Benefits. Encourage bicycle and pedestrian safety training in schools and through City recreation programs. Such programs should aim to reduce the rate of bicycle and pedestrian accidents while increasing awareness of available facilities and the health benefits of bicycling and walking.
- **Policy T-5.11:** Hazardous Street Conditions. Identify and correct any hazardous street conditions, including obstructed sight lines, on a regular basis.

Compliance with applicable standards described above and implementation of the above-listed proposed Plan policies would ensure that roadway hazard impacts under the Plan would be less than significant.

The proposed Plan contains policies and actions intended to ensure adequate emergency access and efficient circulation, including:

- **Policy T-5.9:** Emergency Access. Improve the street system as necessary to facilitate emergency vehicle response and to provide multiple route options in the event a road is blocked by an emergency or is otherwise made impassable.
- **Policy T-5.1:** Road Hierarchy. Maintain a hierarchy of arterial, collector, and local streets in Newark, and adopt revised design and engineering standards which ensure that each of these streets serves their intended functions.
- **Action T-1.B:** Best Practices in Street Design. Follow the City's adopted standards for the design of streets. As appropriate, update the City's street classification and engineering design standards to ensure that the roadway system accommodates all users.

Compliance with applicable standards described above and implementation of the above-listed proposed Plan policies would ensure that emergency access-related impacts under the Plan would be less than significant.

The proposed Plan includes numerous policies and programs that support AB 1358 and the Newark Complete Streets Policy. The major policies that address public transit and pedestrian and bicycle policies include the following:

- **Goal T-1:** Plan, fund, design, construct, operate, and maintain all transportation improvements to provide mobility for all users, appropriate to the function and context of each facility.
- **Policy T-1.1:** Improving Travel Mobility for All. Create and maintain “complete” streets that provide safe, comfortable, and convenient travel for all categories of users, including pedestrians, bicyclists, transit and operators, movers of commercial goods and freight, emergency responders, children, youth, seniors, and persons with disabilities.
- **Policy T-1.3:** Incorporating Complete Streets Elements in Transportation Projects. Incorporate complete streets elements in the planning, funding, design, approval and implementation of all transportation projects. Any construction, reconstruction, retrofit, maintenance, operations, alteration, or major repair of the street network should consider ways to make streets safer for all users. Exceptions to this policy may be considered, consistent with the Complete Streets Resolution adopted by the City Council in March 2013.
- **Policy T-1.6:** Traffic Calming. Use traffic design features and traffic calming techniques to improve safety and maintain the quality of life in Newark neighborhoods. Traffic calming should be incorporated into urban design and streetscape plans so that a safer environment is provided for all users.
- **Action T-1.B:** Best Practices in Street Design. Follow the City's adopted standards for the design of streets. As appropriate, update the City's street classification and engineering design standards to ensure that the roadway system accommodates all users.
- **Action T-1.C:** Complete Streets Procedures. Take the following steps to implement the City's Complete Streets policy: (a) Maintain, plan, and design future transportation projects so that they are consistent with all adopted local plans; and (b) Develop or clearly define a process to allow for early stakeholder involvement in the design of new transportation projects.
- **Action T-1.D:** Performance Measures. Regularly evaluate how well Newark's transportation network is serving each category of user by establishing performance measures, collecting baseline data, and collecting follow up data on a regular basis.

Additionally, the proposed Plan is consistent with the Newark Transportation System Management Ordinance, adopted to manage employment-related travel demand. The Plan contains the following policy that supports the objectives of the Ordinance:

- **Policy T-4.6:** Transportation Systems Management. Require new commercial and office development to implement Transportation System Management (TSM) measures to reduce trip generation and/or pay for traffic improvements through impact fees or assessment district financing.

The EIR also included a list of goals and policies from the Draft Newark Pedestrian and Bicycle Master Plan that would ensure that impacts to bicycle and pedestrian plans would be less than significant.

The General Plan EIR analyzed the traffic impacts for the project site by applying a travel demand forecast model by zones. This included assumptions from the General Plan about the future types of uses in the NewPark Focus area zone. The two new hotels and restaurant currently proposed would therefore be consistent with the trip generation used in the 2013 EIR, which analyzed an additional 700 hotel rooms and 200,000 square feet of retail space. As a check, the application of ITE trip generation rates proposed project results in 314 PM peak hour trips, which would be consistent with the trip generation of 749 additional PM peak hour trips for the future development anticipated for the NewPark Mall focus area analyzed in the 2013 EIR. Therefore, the proposed project would not result in any new or substantially increased significant impacts compared to the project analyzed in the 2013 EIR.

## Relevant EIR Mitigation Measures

- MM TRANS-1a** To mitigate this impact, the Ardenwood Boulevard and SR 84 westbound ramps intersection would require converting a through lane to a second left-turn lane on Ardenwood Boulevard, south of the Highway 84 westbound ramps. Re-stripping of the northbound approach (i.e., Ardenwood Boulevard) would be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS C under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans and located in the City of Fremont, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans and the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.
- MM TRANS-1b** To mitigate this impact, the Newark Boulevard and SR 84 eastbound ramps intersection would require adding a right turn lane in addition to the shared through-right lane on the Highway 84 eastbound off-ramp at Newark Boulevard. There is sufficient roadway right-of-way for this improvement, therefore the improvement could be implemented with re-stripping of the off-ramp and roadway widening would not be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS D during the PM peak-hour under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.

**MM TRANS-1c** To mitigate this impact, the Cherry Street/Boyce Road and Stevenson Boulevard intersection would require an additional through lane on the northbound approach (Boyce Road/Cherry Street is considered the north-south street for this intersection). There is potentially sufficient roadway right-of-way on Boyce Road/Cherry Street for this improvement; therefore, the improvement could be implemented with re-striping of Cherry Street. The northbound approach (e.g., south leg) of the intersection is located in Fremont. It would also require that the intersection be re-aligned. On the north side of Stevenson Boulevard, Cherry Street would need to be re-striped for approximately 800 feet. The implementation of these improvements would improve intersection LOS to an acceptable LOS D during the PM peak hour under proposed Plan conditions in 2035. Implementation of the above measure would improve conditions at the intersection to LOS D during the PM peak hour, which would be acceptable. However, because this mitigation measure is for an intersection located partly in the City of Fremont, full implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.

## Conclusion

No new significant impacts relating to transportation and traffic would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XVII. Utilities and Service Systems</b>					
<i>Would the project:</i>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less than significant impact.	No	No	No	None
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact.	No	No	No	None
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact.	No	No	No	None
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Less than significant impact.	No	No	No	None
e) Result in inadequate wastewater treatment capacity to serve the project's projected demand in	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
addition to the provider's existing commitments?					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Less than significant impact.	No	No	No	None
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Less than significant impact.	No	No	No	None

## Discussion

a–g) The following goal and policies contained in the proposed Plan would ensure that new development projects under the proposed Plan contribute to reducing water demands in the ACWD service area.

- **Goal CS-3:** Conserve and enhance Newark's water resources.
- **Policy CS-3.2:** Water Conservation Standards. Promote water conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs.
- **Policy CS-3.3:** ACWD Conservation Incentives. Support Alameda County Water District (ACWD) incentives, which encourage Newark residents and businesses to conserve water.
- **Policy CS-3.9:** Reclaimed or Non-Potable Water. Plan for the eventual use of reclaimed water to supplement the local water supply and reduce the necessity of using potable water for landscaping, irrigation, and nondomestic purposes.
- **Action CS-3.B:** Development Review. Use the development review process to ensure that water conservation measures are incorporated in new projects.
- **Policy CSF-5.1:** Water Supply. Work with the Alameda County Water District to ensure a stable supply of clean, safe drinking water for existing and future development in Newark.
- **Policy CSF-5.3:** Reclaimed and/or Non-Potable Water. Continue to work with the Alameda County Water District (ACWD) and the Union Sanitary District (USD) in the development of a reclaimed water program. The use of reclaimed or non-potable water sources should be encouraged in order to reduce the use of domestic water for landscaping and other non-potable uses.
- **Policy CSF-5.6:** Green Infrastructure. Encourage sustainable, environmentally friendly practices by water, sewer, drainage, and energy utility service providers. The City

- supports “greener” approaches to infrastructure, such as the use of earthen channels rather than concrete culverts, and porous pavement rather than impervious surfaces.
- **Policy CSF-5.7:** Involving Utility Agencies in Development Review. Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.
  - **Policy CSF-5.8:** Infrastructure Cost. Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project’s expected impacts.
  - **Action CSF-5.A:** UWMP Updates. Encourage the Alameda County Water District to complete regular updates of the state-mandated Urban Water Management Plan to reflect current forecasts, water supply conditions, and best practices in water management.
  - **Action CSF-5.B:** Ensuring Water Availability. Coordinate with the Alameda County Water District to conduct water supply assessments or take other steps to ensure that water is available or can be made available to meet current and anticipated needs. Special precautions should be taken to ensure that adequate water supplies are available during drought periods.

Existing regulations, which are listed below, would further reduce potential impacts on water supplies.

### Applicable Regulations

- Green Ordinance and Bay Friendly Landscape Guide
- SB-X7-7 and ACWD’s water supply and demand management strategies and water shortage contingency plan identified in the UWMP 2010 California Plumbing Code that requires water conserving fixtures and ACWD’s Water Efficiency Measures for New Residential and Commercial Development.

The following General Plan goals, policies, and programs would ensure that impacts to water facilities would be less than significant:

- **Policy CSF-5.7:** Involving Utility Agencies in Development Review. Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.
- **Policy CSF-5.8:** Infrastructure Cost. Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project’s expected impacts.
- **Action CSF-5.B:** Ensuring Water Availability. Coordinate with the Alameda County Water District to conduct water supply assessments or take other steps to ensure that water is available or can be made available to meet current and anticipated needs. Special precautions should be taken to ensure that adequate water supplies are available during drought periods.

## Applicable Regulations

- 25-Year Capital Improvement Program
- ACWD Development Fees and Charges

In summary, buildout of the proposed Plan would not result in water demands that would require the construction of new water treatment facilities or the expansion of existing facilities. The construction of the two new hotels and restaurant will not add to the amount of water supplies or water treatment capacity required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to water supply or water treatment.

Sanitary wastewater treatment requirements are established in the NPDES Permit issued by the San Francisco Bay RWQCB, which currently allows discharges of up to 33 MGD. The NPDES Permit also sets out a framework for compliance and enforcement. As the discharger named in the NPDES Permit (Order No. R2-2012-0004), 30 the EBDA, including the USD, implements and enforces a pretreatment program for effluent discharged into San Francisco Bay. Additionally, as discussed below, the projected wastewater generated from potential future development under the Plan would not exceed the AWWTP's capacity. Therefore, the wastewater treatment requirements of the San Francisco Bay RWQCB would not be exceeded from buildout of the proposed Plan, resulting in a less than significant impact.

### Applicable Regulations:

- NPDES Permit (Order No. R2-2012-0004)

Buildout of the Plan would increase the volume of wastewater for treatment at the AWWTP. However, this increase represents only a small percentage (less than 1 percent) of the available treatment capacity and it would occur incrementally over a period of 20 years. Therefore, it would not be cumulatively considerable. Because the cumulative demand would not substantially impact the existing or planned capacity of the USD's wastewater treatment system, the construction of new wastewater treatment facilities would not be necessary. Furthermore, as described above, the USD has a plan to expand the capacity of the AWWTP to 38 MGD from 33 MGD, as demands in the service area increase.

The proposed Plan contains multiple policies that would serve to ensure provision of adequate wastewater facilities; these policies include:

- **Policy CSF-5.2:** Sanitary Sewer. Work with the Union Sanitary District to ensure that the sewer system is expanded to serve Newark's new development areas, existing facilities are regularly maintained, sufficient wastewater capacity is provided to meet projected growth, and wastewater effluent is treated to meet all state and federal standards.
- **Policies CSF-5.7:** Involving Utility Agencies in Development Review. Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.

- **Policy CSF-5.8: Infrastructure Cost.** Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project's expected impacts.

Therefore, with the implementation of the Plan's policies and compliance with applicable regulations, the buildout of the Plan will have a less than significant effect on wastewater capacity. The construction of the two new hotels and restaurant will not add to the amount of wastewater treatment capacity required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to wastewater treatment.

Development under the proposed Plan has the potential to increase stormwater runoff associated with construction activities and create impermeable surfaces, thereby placing greater demands on the stormwater drainage system. Runoff from developed surfaces, building roofs, parking lots and roads also contains impurities and has the potential to increase flooding. However, as described above, the projects are regulated by C.3 Provisions and would be required to provide sufficient treatment area to meet the requirements for compliance with these provisions. Construction projects that disturb one or more acres of land would be required to comply with the requirements of the SWRCB Construction General Permit. Project applicants would prepare a SWPPP and implement BMPs to prevent excessive stormwater runoff from construction activity. As a result, buildout under the proposed Plan would not substantially increase either the volume or the velocity of stormwater flowing into the existing storm drain system. In addition, the Plan proposes the following policies and actions to minimize impacts to the stormwater system:

- **Policy CSF-5.4: Flood Control.** Coordinate with Alameda County Flood Control and Water Conservation District (ACFCWCD) and Alameda County Public Works to ensure that stormwater runoff is managed in a way that reduces flood hazards.
- **Policy CSF-5.5: Drainage within New Development.** Ensure that new development provides drainage and flood protection improvements which reduce on-site and downstream hazards such as ponding, flooding, and erosion. New development areas should be designed to minimize impervious surfaces in order to reduce associated site runoff and maximize groundwater recharge
- **Policy CSF-5.6: Green Infrastructure.** Encourage sustainable, environmentally friendly practices by water, sewer, drainage, and energy utility service providers. The City supports "greener" approaches to infrastructure, such as the use of earthen channels rather than concrete culverts, and porous pavement rather than impervious surfaces. Storm drain catch basins should be designed to capture sediment and debris and should reduce the transport of pollutants to the Bay. Stormwater management strategies should direct water away from buildings and foundations and maintain natural hydrological functions to the greatest extent possible.
- **Policy CSF-5.7: Involving Utility Agencies in Development Review.** Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.

- **Policy CSF-5.8:** Infrastructure Cost. Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project's expected impacts.
- **Action CSF-5.D:** Stormwater Management Plans. Require the preparation of stormwater pollution prevention plans and stormwater management master plans for large scale developments. Such plans should determine runoff control and treatment measures, identify drainage improvements to be constructed, and address funding and maintenance responsibilities for the storm drainage system.
- **Action CSF-5.E:** ACFCWD Fee Program. Continue the Alameda County Flood Control and Water Conservation District Drainage Area Fee Program to fund flood control and drainage improvements in newly developing areas.
- **Action CS-3.G:** Countywide Clean Water Program. Continue to participate in the Alameda Countywide Clean Water Program, in accordance with the federal National Pollution Discharge Elimination System (NPDES) permit. The City will work with Alameda County and other participating jurisdictions to carry out measures to monitor stormwater pollution, regulate construction runoff, sweep local streets, clean storm drain inlets, promote education and outreach, enforce regulations and penalties for illicit discharges, and participate in County meetings to discuss water quality issues.
- **Policy CS-6.5:** Minimizing Impervious Surface Coverage. Minimize impervious surface coverage and related stormwater runoff in new development areas by allowing narrower roads and shared driveways, and by encouraging the use of pervious materials on driveways and parking areas. Other means of reducing urban runoff, such as rain barrels and bioswales, also should be encouraged.
- **Action CS-3.H:** Stormwater Controls. Implement stormwater runoff and retention controls in new development and construction projects that reduce pollution discharges to surface waters, and reduce the rate of runoff to storm drain system. Such controls should encourage greater use of pervious pavement and surfaces.
- **Policy CS-6.4:** Green Roofs. Encourage the use of green roofs and cool roofs as a way of reducing heating and cooling costs, and reducing stormwater runoff.

Furthermore, as described above, the ACFC has a list of CIPs and plans to develop a Drainage Master Plan Study to address existing deficiencies and accommodate future development in Zone 5.

With the proposed General Plan Policies, the ACCWP, and RWQCB C.3 provisions in place, future development would not substantially increase demands on the stormwater drainage system. Based on the ACFC's CIPs, stormwater facilities would be upgraded and expanded, as necessary to support future development in Newark. As a result, a less than significant impact would occur on stormwater treatment facilities.

The construction of the two new hotels and restaurant will not add to the amount of stormwater treatment facilities required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to stormwater treatment.

## Applicable Regulations

- Alameda County Clean Water Program
- RWQCB C.3 provisions
- ACFC Drainage Master Plan Study ( in progress)
- ACFC Capital Improvement Program

The Altamont Landfill has a remaining life of 43 million tons with a predicted closure date of 2040. Therefore, the Altamont Landfill would have sufficient capacity to accommodate the Plan's solid waste disposal needs through 2035.

In addition, the proposed Plan includes numerous goals and policies which would further reduce waste generation and the demand for landfill capacity; these goals, policies, and actions include:

- **Goal CS-8:** Reduce landfilled waste through recycling, composting, and source reduction.
- **Policy CS-8.1:** Recycling Program. Actively promote recycling, composting, and waste reduction in order to minimize the amount of waste requiring disposal in landfills. Provide for residential recycling and green waste containers and weekly curbside recycling pickup, to make it as easy and convenient as possible for residents to reduce the volume of trash requiring landfill disposal.
- **Policy CS-8.4:** Increasing Commercial, Industrial, and Multi-Family Recycling. Increase recycling rates by the commercial, industrial, and multi-family residential sectors, including apartment buildings, offices, restaurants, hotels, retail stores, and other businesses. Retail centers and multifamily residential development should be required to provide on-site shared collection bins for recyclable waste.
- **Policy CS-8.2:** Interagency Coordination in Waste Reduction. Promote inter-jurisdictional cooperation, coordination, and planning in the development of recycling and waste management programs.
- **Policy CS-8.3:** Maximizing Reuse. Manage solid waste in a way that maximizes the reclamation and reuse of resources. The City encourages the use of salvaged and recycled materials, rather than the disposal of such materials in landfills.
- **Action CS-8.A:** Reduction Targets. In collaboration with StopWaste.org, implement programs to achieve a 75 percent waste diversion rate by 2015, and to achieve an ultimate target of zero waste.
- **Action CS-8.B:** Waste Reduction Program. Maintain a solid waste reduction and management program that is coordinated with and consistent with the Countywide StopWaste.org program. The program should include regularly scheduled trash collection, compost and recycling collection, bulk waste and e-waste collection events, household hazardous materials disposal provisions, education and outreach to promote waste diversion, and other components, which minimize landfilled waste.
- **Action CS-8.C:** Source Reduction and Diversion for New Construction. As part of the development review process, require major new projects to prepare solid waste source reduction and diversion programs before building permits are issued.

- **Action CS-8.D:** Construction and Demolition Debris. Reduce the amount of construction and demolition debris being disposed in landfills through mandatory construction and demolition recycling requirements.

### **Applicable Regulations:**

- California Integrated Waste Management Act
- Mandatory Commercial Recycling Measure
- CALGreen Building Code
- County Integrated Waste Management Plan
- Alameda County Source Reduction and Recycling Plan
- Alameda County Landfill Ban
- Newark Green Ordinance
- Newark Climate Action Plan

In summary, the Altamont Landfill would have sufficient capacity to accommodate the Plan's solid waste disposal needs, and with the applicable state and local regulations in place, buildout of the Plan would not result in a significant impact with regard to landfill capacity. In summary, the City of Newark is currently in compliance with all applicable State and County solid waste regulations and buildout of the Plan would not result in any violations of federal, state, and local regulations related to solid waste.

The construction of the two new hotels and restaurant will not add to the amount of solid waste produced beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to solid waste disposal.

### **Relevant EIR Mitigation Measures**

None.

### **Conclusion**

No new significant impacts relating to utilities and services systems would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
<b>XVIII. Mandatory Findings of Significance</b>					
<i>Would the project:</i>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	—	—	—	—	—
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	—	—	—	—	—
c) Does the project have environmental effects which will cause substantial adverse effects on human beings?	—	—	—	—	—

## Discussion

- a–c) As discussed in the Biological Resources analysis above, the project would have a less than significant impact on listed species, migratory species, and riparian habitat. In addition, as discussed in the Cultural Resources analysis above, the project would have a less than significant impact associated with historical, archaeological, or paleontological resources. The proposed development of the site, demolishing the existing buildings and construction two new hotels and a restaurant in the NewPark Mall Focus area would not affect the conclusions identified in the EIR related to these issues.

As discussed in the preceding sections, many of the potential impacts of the proposed project's would occur during construction, with a few lasting operational effects. Impacts from demolition and construction for the two new hotels and restaurant to accommodate retail uses within the existing building would be reduced to less than significant with implementation of mitigation measures stated in the EIR, and would not result in any new or altered construction impacts. With regard to remaining areas of analysis, the proposed project would not result in significant, long-term cumulative impacts that would substantially combine with impacts of other current or probable future projects' impacts. The proposed project would not create impacts that are cumulatively considerable, nor would the project substantially increase any cumulatively considerable significant impacts.

The preceding sections of this checklist discuss various types of impacts that could have adverse effects on human beings, including:

- Operational emissions (Section III, Air Quality)
- Increase in greenhouse gas emissions (Section VII, Greenhouse Gas Emissions)

## Roadway Noise (Section XII, Noise)

Each type of impact with the potential to cause substantial adverse effects on human beings has been evaluated, and this checklist concludes that these potential impacts would not substantially increase with development of the proposed project and would be consistent with the results concluded in the EIR. Therefore, the proposed project would have a less than significant impact on environmental effects.

## Conclusion

The conclusions from the 2013 General Plan EIR remain unchanged.

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## SECTION 4: ENVIRONMENTAL CONCLUSION

This Environmental Checklist considers development of a site identified as part of the NewPark Focus area in the City of Newark’s General Plan and General Plan EIR as described in Section 2.3 herein, and it is our conclusion that the impacts of the project would be generally the same as, or less than, those identified in the 2013 General Plan EIR.

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## SECTION 5: REFERENCES

The following references were used in the preparation of this analysis and are referenced in the text and/or were used to provide the author with background information necessary for the preparation of thresholds and content.

City of Newark. 2013. General Plan EIR.

Institute of Traffic Engineers. 2012. Trip Generation Manual, 9<sup>th</sup> Edition. September.

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**Appendix A:**  
**2013 Recirculated EIR Mitigation Measures**

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**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>AESTHETICS</b>			
AES-1: The proposed Plan would not have a substantial adverse effect on a scenic vista.	LTS	N/A	LTS
AES-2: The proposed Plan would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a State scenic highway.	LTS	N/A	LTS
AES-3: The proposed Plan would result in a significant impact to the visual character of the Southwest Newark Residential and Recreational Focus Area, as determined in previous environmental review.	S	AES-3: There is no feasible mitigation which would reduce impacts to a less-than-significant level.	SU
AES-4: The Plan would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	LTS
AES-5: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics.	LTS	N/A	LTS
<b>AIR QUALITY</b>			
AIR-1: While the proposed Plan would support the primary goals of the 2010 Bay Area Clean Air Plan, buildout of the proposed Plan would not be consistent with the Clean Air Plan because the projected vehicle miles traveled (VMT) increase from buildout of the proposed Plan would be greater than the projected population increase.	S	AIR-1: Numerous goals, policies, and actions contained in the proposed Plan address future increase in VMT and criteria air pollutants under the Plan; however, the projected growth in VMT in the Plan Area would still exceed the rate of population growth. There are no additional measures that would reduce this impact.	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR-2: The Plan would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.	LTS	N/A	LTS
AIR-3: The proposed Plan would not result in a cumulatively considerable contribution related to an increase in criteria pollutants for which the San Francisco Bay Area Air Basin is designated a non-attainment area.	LTS	N/A	LTS
AIR-4: The proposed Plan would result in less-than-significant impacts with respect to the placement of sensitive receptors proximate to major sources of air pollution or the siting of new sources of air pollution proximate to sensitive receptors in the City.	LTS	N/A	LTS
AIR-5: The Plan would not create or expose a substantial number of people to objectionable odors.	LTS	N/A	LTS
<b>BIOLOGICAL RESOURCES</b>			
BIO-1: Buildout of the proposed Plan would result in less-than-significant impacts to special-status plant and animal species in the Plan Area.	LTS	N/A	LTS
BIO-2: Buildout of the proposed Plan would result in less-than-significant impact to wetlands, riparian habitat, and sensitive natural communities in the Plan Area.	LTS	N/A	LTS
BIO-3: Buildout of the proposed Plan would result in less-than-significant impact to as-yet undelineated waters of the US in the Plan Area.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4: The proposed Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	N/A	LTS
BIO-5: The proposed Plan would not conflict with the City of Newark tree preservation ordinance.	LTS	N/A	LTS
BIO-6: The proposed Plan would result in less-than-significant impacts related to conflicts with the Basin Plan and the Habitat Goals.	LTS	N/A	LTS
BIO-7: The proposed Plan would result in less-than-significant cumulative impacts related to biological resources.	LTS	N/A	LTS
<b>CULTURAL RESOURCES</b>			
CULT-1: The Plan would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.	LTS	N/A	LTS
CULT-2: Construction activities associated with buildout of the proposed Plan could cause a significant impact to archaeological resources in the Southwest Newark Residential and Recreational Focus Area by potentially damaging or disturbing as yet undiscovered archaeological deposits through the placement of fill and soil compression.	S	CULT-2: Regulatory compliance and implementation of proposed Plan policies would reduce but not eliminate the potential for damage or disturbance. No additional feasible mitigation exists to further reduce this impact.	SU
CULT-3: The Plan would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-4: Construction activities associated with buildout of the proposed Plan could cause a significant impact to a significant impact to Native American human remains in the Southwest Newark Residential and Recreational Focus Area by potentially damaging or disturbing as yet undiscovered Native American human remains through the placement of fill and soil compression.	S	CULT-4: While compliance with the provisions of SB18, California Health and Safety Code Section 7052 and 7050.5, and California Public Resources Code Section 5097 and 15064.5 together with implementation Mitigation Measure 4.4-1 from the 2009-2104 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would reduce the potential for accidental damage or disturbance of human remains during construction activities associated with buildout of the proposed Plan, damage or disturbance of human remains through the placement of fill and soil compression could still result during construction activities associated with buildout. No additional feasible mitigation exists to further reduce this impact.	SU
CULT-5: The Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to cultural resources.	LTS	N/A	LTS
<b>GEOLOGY, SOILS, AND SEISMICITY</b>			
GEO-1: The proposed Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides.	LTS	N/A	LTS
GEO-2: Implementation of the proposed Plan would not result in substantial soil erosion or the loss of topsoil.	LTS	N/A	LTS
GEO-3: Development under the proposed Plan would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-4: Development under the proposed Plan would not create substantial risks to life or property as a result of its location on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994).	LTS	NA	LTS
GEO-5: Implementation of the proposed Plan would not result in impacts associated with the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.	No Impact	N/A	No impact
GEO-6: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to geology and soils.	LTS	N/A	LTS
<b>GREENHOUSE GAS EMISSIONS</b>			
GHG-1: The proposed Plan would generate substantial GHG emissions in excess of the long-term 2050 GHG reduction target interpolated from Executive Order S-03-05.	S	<p data-bbox="919 878 1707 967">GHG-1: To further reduce 2035 GHG emissions resulting from future development under the proposed Plan, the City shall require the following Uniformly Applicable Development Standards for new developments:</p> <ul data-bbox="919 984 1707 1359" style="list-style-type: none"> <li data-bbox="919 984 1707 1040">■ Pedestrian and Bicycle Friendly Design/Bicycle Parking. Site plans submitted shall identify pedestrian and bicycle facilities on-site, including bicycle parking.</li> <li data-bbox="919 1057 1707 1114">■ Pedestrian and Bicycle Provisions within New Development. Circulation plans submitted shall identify pedestrian and bicycle routes.</li> <li data-bbox="919 1130 1707 1219">■ Source Reduction and Diversion for New Construction. Major new non-residential developments shall submit a plan that identifies solid waste source reduction and diversion measures (e.g. location of recycling bins on-site).</li> <li data-bbox="919 1235 1707 1359">■ Sustainable Design/Tree Planting in New Development/Minimizing Impervious Surface Coverage. Landscape plans submitted shall minimize impervious surfaces and identify features to reduce the heat island effect (e.g. tree coverage, permeable pavement, cool pavement).</li> </ul>	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>However, it should be noted that while CARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets, at this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the State cannot meet the 2050 goal without major advancements in technology.</p>			
<p>GHG-2: The proposed plan would not conflict with an applicable plan, policy, or regulation for the purpose of reducing the emissions of GHGs.</p>	LTS	N/A	LTS
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p>HAZ-1: The Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</p>	LTS	N/A	LTS
<p>HAZ-2: The Plan would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	LTS	N/A	LTS
<p>HAZ-3: The proposed Plan would not result in significant impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.</p>	LTS	N/A	LTS
<p>HAZ-4: Implementation of the Plan would not create a significant hazard to the public or the environment as a result of development on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.</p>	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Impact Criteria</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
HAZ-5: Implementation of the Plan would not result in a safety hazard for people residing or working in the Plan Area due to development within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	No Impact	N/A	No impact
HAZ-6: Implementation of the Plan would not result in a safety hazard for people residing or working in the Plan Area due to development in the vicinity of a private airstrip.	No Impact	N/A	No impact
HAZ-7: The proposed Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	LTS
HAZ-8: Implementation of the Plan would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	LTS	N/A	LTS
HAZ-9: The Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hazards and hazardous materials.	LTS	N/A	LTS
<b>HYDROLOGY AND WATER QUALITY</b>			
HYDRO-1: The proposed Plan would not violate any water quality standards or waste discharge requirements.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-2: The proposed Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	LTS	N/A	LTS
HYDRO-3: The proposed Plan would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site.	LTS	N/A	LTS
HYDRO-4: The proposed Plan would not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS	N/A	LTS
HYDRO-5: The proposed Plan would not otherwise substantially degrade water quality.	LTS	N/A	LTS
HYDRO-6: The proposed Plan would not result in a significant impact with respect to the placement of housing or structures, which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	LTS	N/A	LTS
HYDRO-7: The proposed Plan would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Impact Criteria</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
HYDRO-8: The proposed Plan would not result in significant adverse effects related to inundation by seiche, tsunami, or mudflow.	LTS	N/A	LTS
HYDRO-9: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to hydrology and water quality.	LTS	N/A	LTS
<b>LAND USE AND PLANNING</b>			
LU-1: The proposed Plan would not physically divide an established community.	LTS	N/A	LTS
LU-2: The proposed Plan would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	LTS
LU-3: The proposed Plan would result in less than significant conflicts with the Bay Plan and the Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan.	LTS	N/A	LTS
LU-4: The proposed Plan, in combination with past, present, and reasonably foreseeable development in the surrounding area, would result in less-than-significant-cumulative impacts with respect to land use and planning.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>NOISE</b>			
NOISE-1: The proposed Plan would not expose people to or generate noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.	LTS	N/A	LTS
NOISE-2: The proposed Plan would not expose people to or generate excessive groundborne vibration or groundborne noise levels.	LTS	N/A	LTS
NOISE-3: Implementation of the proposed Plan would result in a substantial permanent increase in ambient noise levels in the Plan Area above levels existing without Plan implementation.	S	NOISE-3: Increases in vehicular traffic resulting from implementation of the proposed Plan in conjunction with regional growth would result in permanent increases to ambient noise levels that would exceed applicable standards along ten major roadway segments in the Plan Area. Proposed Plan policies and actions, including Policy EH-7.4, Action EH-6.D, Action EH-6.E, Action EH-6.H, and Action EH-7.B, described above, would reduce associated impacts; however, increases in noise in excess of the applicable standards could still occur. Although the most effective mitigations such as soundwalls or earthen berms may theoretically be capable of reducing increases to ambient noise to levels below the above standards, such reductions cannot be guaranteed; and, in many cases, other considerations will prevent the use of these noise-attenuating features. Therefore, there are no additional measures available to reduce the associated impacts to a less-than-significant level.	SU
NOISE-4: Construction activities associated with buildout of the proposed Plan would not result in substantial temporary or periodic increases in ambient noise levels in the Plan Area above existing levels.	LTS	N/A	LTS
NOISE-5: The proposed Plan would not result in exposure of people residing or working in the vicinity of the plan area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Impact Criteria</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
NOISE-6: The proposed Plan would not result in exposure of people residing or working in the project area to excessive noise levels, for a project within the vicinity of a private airstrip.	LTS	N/A	LTS
NOISE-7: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable noise, or groundborne noise and vibration impacts.	LTS	N/A	LTS
<b>POPULATION AND HOUSING</b>			
POP-1: The Plan would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly or indirectly.	LTS	N/A	LTS
POP-2: The Plan would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.	LTS	N/A	LTS
POP-3: The Plan would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	LTS	N/A	LTS
POP-4: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to population and housing.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>PUBLIC SERVICES AND RECREATION</b>			
PS-1: The proposed Plan would not result in the provision of or need for new or physically altered fire protection facilities, the construction or operation of which could cause significant environmental impacts.	LTS	N/A	LTS
PS-2: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to fire protection service.	LTS	N/A	LTS
PS-3: The proposed Plan would not result in a significant impact related to the construction or expansion of police facilities.	LTS	N/A	LTS
PS-4: The proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect to law enforcement services.	LTS	N/A	LTS
PS-5: The proposed Plan would not result in the provision of or need for new or physically altered school facilities, the construction or operation of which could cause significant environmental impacts.	LTS	N/A	LTS
PS-6: The proposed Plan, in combination with past, present, and reasonably foreseeable growth in the NUSD service area, would result in less than significant cumulative impacts with respect to schools.	LTS	N/A	LTS
PS-7: The proposed Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreational facilities in order to maintain the City's adopted ratio of parkland per thousand residents.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
PS-8: The proposed Plan would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.	LTS	N/A	LTS
PS-9: The proposed Plan would not include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	LTS	N/A	LTS
PS-10: The proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect to parks and recreational facilities.	LTS	N/A	LTS
PS-11: The proposed Plan would not result in the need for new or physically altered library facilities.	LTS	N/A	LTS
PS-12: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to libraries.	LTS	N/A	LTS
<b>TRANSPORTATION AND TRAFFIC</b>			
TRANS-1: Implementation of the proposed Plan would cause intersection operation to degrade to unacceptable LOS F at the a) Ardenwood Boulevard and SR 84 westbound ramps intersection during the AM peak hour in 2035, b) the Newark Boulevard and SR 84 eastbound ramps intersection during the PM peak hour in 2035, and c) the Cherry Street/Boyce Road and Stevenson Boulevard intersection during the PM peak hour in 2035.	S	TRANS-1a: To mitigate this impact, the Ardenwood Boulevard and SR 84 westbound ramps intersection would require converting a through lane to a second left-turn lane on Ardenwood Boulevard, south of the Highway 84 westbound ramps. Re-striping of the northbound approach (i.e., Ardenwood Boulevard) would be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS C under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans and located in the City of Fremont, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans and the City of Fremont to implement the mitigation measure and contribute on a fair-share	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.	
		TRANS-1b: To mitigate this impact, the Newark Boulevard and SR 84 eastbound ramps intersection would require adding a right turn lane in addition to the shared through-right lane on the Highway 84 eastbound off-ramp at Newark Boulevard. There is sufficient roadway right-of-way for this improvement, therefore the improvement could be implemented with re-striping of the off-ramp and roadway widening would not be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS D during the PM peak-hour under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.	
		TRANS-1c: To mitigate this impact, the Cherry Street/Boyce Road and Stevenson Boulevard intersection would require an additional through lane on the northbound approach (Boyce Road/Cherry Street is considered the north-south street for this intersection). There is potentially sufficient roadway right-of-way on Boyce Road/Cherry Street for this improvement; therefore, the improvement could be implemented with re-striping of Cherry Street. The northbound approach (e.g., south leg) of the intersection is located in Fremont. It would also require that the intersection be re-aligned. On the north side of Stevenson Boulevard, Cherry Street would need to be re-striped for approximately 800 feet. The implementation of these improvements would improve intersection LOS to an acceptable LOS D during the PM peak hour under proposed Plan conditions in 2035. Implementation of the above measure would improve conditions at the intersection to LOS D during the PM peak hour, which would be acceptable. However, because this mitigation measure is for an intersection located partly in the City of Fremont, full implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as	SU

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.	
TRANS-2: The proposed Plan would not conflict with the 2011 Alameda CTC Congestion Management Program.	LTS	N/A	LTS
TRANS-3: The proposed Plan would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	LTS	N/A	LTS
TRANS-4: The proposed Plan would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	N/A	LTS
TRANS-5: Implementation of the proposed Plan would not result in inadequate emergency access.	LTS	N/A	LTS
TRANS-6: Implementation of the proposed Plan would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS	N/A	LTS
TRANS-7: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable impacts.	LTS	N/A	LTS
<b>UTILITIES AND SERVICE SYSTEMS</b>			
UTIL-1: Implementation of the proposed Plan would increase Water Demand, however, sufficient water supplies are available to serve the project from existing entitlements and resources.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-2: The proposed Plan would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A	LTS
UTIL-3: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to water supply.	LTS	N/A	LTS
UTIL-4: The proposed Plan would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB).	LTS	N/A	LTS
UTIL-5: The proposed Plan would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS	N/A	LTS
UTIL-6: The proposed Plan would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LTS	N/A	LTS
UTIL-7: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to wastewater.	LTS	N/A	LTS

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-8: The proposed Plan would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS	N/A	LTS
UTIL-9: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to stormwater facilities.	LTS	N/A	LTS
UTIL-10: The proposed Plan would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	LTS	N/A	LTS
UTIL-11: The proposed Plan would comply with federal, State, and local statues and regulations related to solid waste.	LTS	N/A	LTS
UTIL-12: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to solid waste.	LTS	N/A	LTS

Note: The abbreviations used in Table 1-1 are as follows: LTS = Less than significant; SU = Significant and Unavoidable; N/A = Not applicable; S = Significant

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