

SHH/FMC Project, City of Newark, California

Initial Study / Mitigated Negative Declaration

January 24, 2014



Prepared for:
City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560

Prepared by:
HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

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INITIAL STUDY AND ENVIRONMENTAL EVALUATION

Project Title:	SHH/FMC Project
Entitlement Requested:	Tentative Map, Rezone, Architectural and Site Plan Review
Lead Agency Name and Address:	City of Newark Community Development Department 37101 Newark Boulevard, Newark, CA 94560
Contact Person and Phone Number:	Terrence Grindall (510) 578-4208
Project Sponsor's Name and Address:	The SHH Project Owner, LLC Integral Partners Funding, LLC 675 Hartz Avenue, Suite 202 Danville, CA 94526
General Plan Designation (2013 Draft Plan): Community commercial, High density residential (HDR)	Existing Zoning: High technology park district (MT-1)

1. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This Initial Study addresses the proposed SHH/FMC Project and whether it may cause significant effects on the environment. These potential environmental effects are further evaluated to determine whether they were examined in the Dumbarton Transit Oriented Development (TOD) Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2010042012). Consistent with Public Resources Code (PRC) §21083.3, this Initial Study focuses on any effects on the environment which are specific to the proposed project, or to the parcels on which the project would be located, which were not analyzed as potentially significant effects in the EIR prepared for the Dumbarton TOD Specific Plan, or for which substantial new information shows that identified effects would be more significant than described in the EIR.

The Initial Study is also intended to assess whether any environmental effects of the project are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or by other means [§15152(b)(2)] of the California

Environmental Quality Act (CEQA) Guidelines. If such revisions, conditions, or other means are identified, they will be identified as mitigation measures.

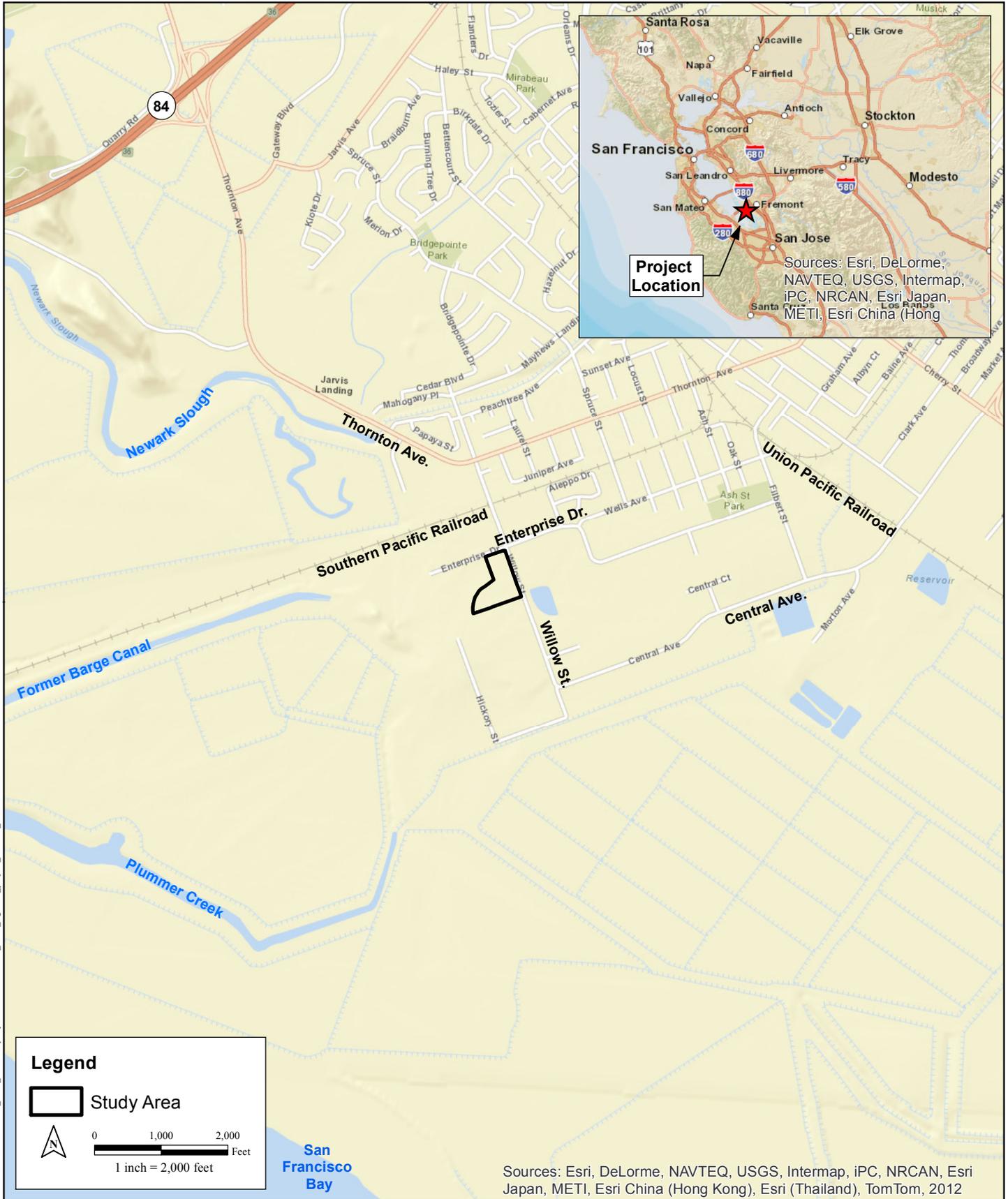
This Initial Study relies on State CEQA Guidelines §§15064 and 15064.4 in its determination of the significance of environmental effects. According to §15064, the finding as to whether a project may have one or more significant effects shall be based on substantial evidence in the record, and that controversy alone, without substantial evidence of a significant effect, does not trigger the need for an EIR.

2. PROJECT BACKGROUND

The 8.09-acre SHH/FMC Project is planned for transit oriented mixed-use development with commercial and medium/high density residential in the City of Newark (City). The proposed project consists of two properties under separate ownership (the SHH Property and FMC Parcel E) that are planned for concurrent development under the Dumbarton TOD Specific Plan. The SHH Property consists of Assessor's Parcel Numbers (APN) 092-0115-012 and 092-0115-013; the FMC Parcel E consists of APN 092-0115-011. Refer to **Figure 1** for the project location and **Figure 2** for the APNs and the associated properties.

The Dumbarton TOD Specific Plan encompasses approximately 205 acres and is located at the western edge of the City of Newark, and is generally bounded by Union Pacific Railroad tracks (formerly Southern Pacific Railroad) to the north, existing on-going salt production and harvesting facilities to the south and west, an Alameda County Flood Control canal to the south, and Willow Street and industrial and residential uses to the east. A Final EIR (State Clearinghouse No. 2010042012) has been prepared and certified, and the Specific Plan has been adopted by the City.

The Dumbarton TOD Specific Plan identifies all parcels comprising the SHH/FMC Property as medium/high density residential, and the maximum number of units on the FMC Parcel E (APN 092-0115-011) is 47 and the maximum number of units on the SHH Property is 146 (48 units allowed on APN 092-0115-012, and 98 units allowed on APN 092-0115-013). The allowable density range for medium-high density residential is 16 to 60 dwelling units per gross developable acre (RBF 2011). Since adoption of the Specific Plan, the proposed land uses for APN 092-0115-011 has changed, and are reflected in the City's 2013 Draft Updated General Plan. Refer to *Proposed Project* in Section 3 for a description of the proposed land uses, and refer to Section 5, *Previous Relevant Environmental Analysis* for a discussion of the City of Newark 2013 Draft Updated General Plan as it relates to the proposed project.



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Map date: December 2013

Site and Vicinity Map

SHH / FMC PROJECT
INITIAL STUDY

Figure 1

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Map date: December 2013

Aerial Map

SHH / FMC PROJECT
INITIAL STUDY

Figure 2

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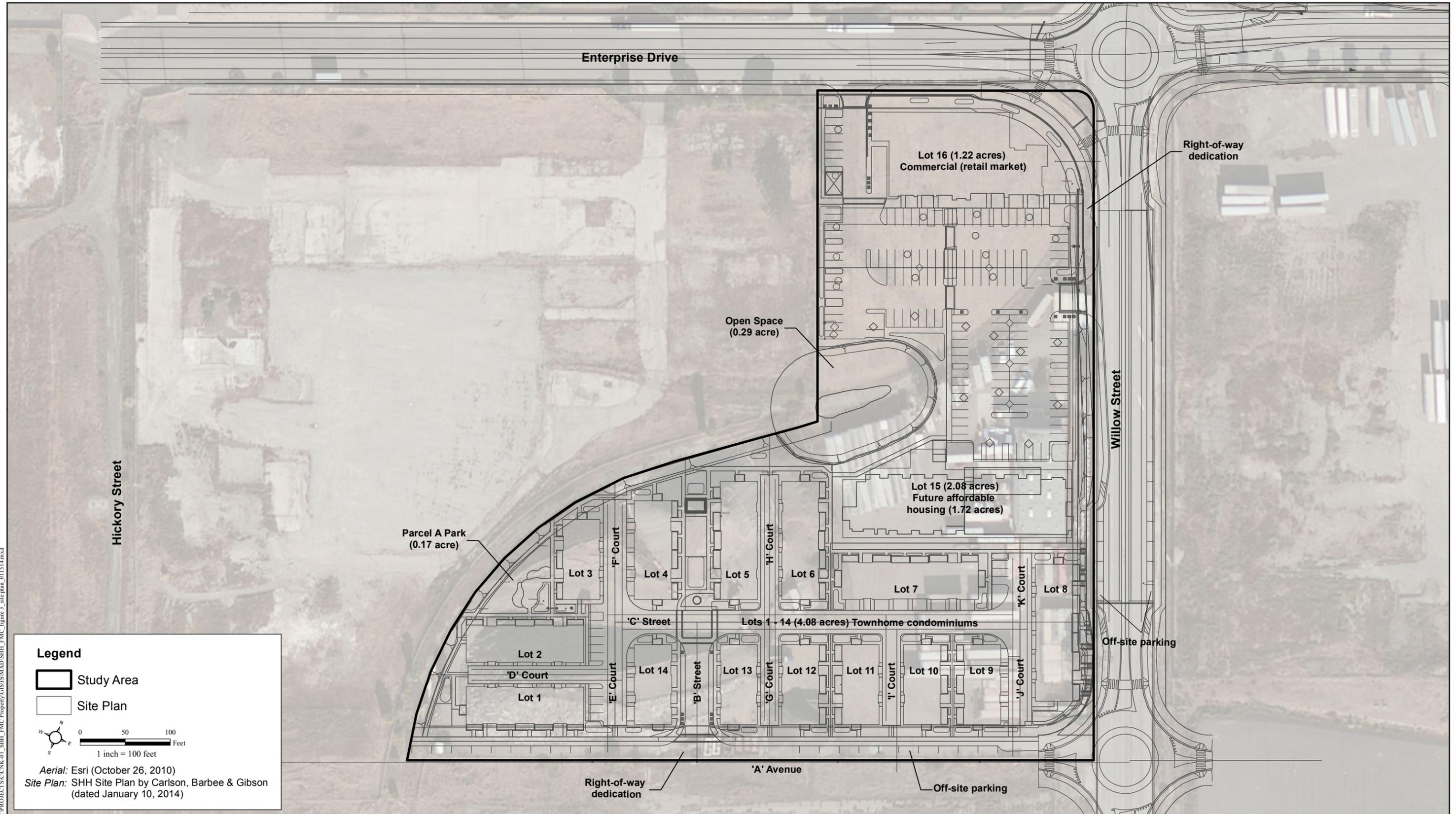
The proposed project consists of 16 lots divided into three land use areas: commercial, townhome condominium, and affordable housing. Lots 1 through 14 in the southern portion of the site are the locations of the proposed townhome condominium development. Lot 15 is near the center of the property, and is designated for future development with affordable housing units and an area designated for open space. Lot 16 encompasses the northern portion of the property and will be developed for commercial uses with a retail market and associated parking at the intersection of Willow Street with Enterprise Drive.¹ Refer to **Figure 3** for the overall site design, and the lots associated with the project.

Several of the associated technical studies used in preparation of the adopted EIR have been incorporated into the analysis set forth in this Initial Study, as applicable, and as described further in Section 5, *Previous Relevant Environmental Analysis*. Additionally, the following technical reports or surveys were used in preparation of this Initial Study and are incorporated by reference:

- Traffic Evaluation technical memorandum, November 26, 2013, prepared by Fehr & Peers, Transportation Consultants
- *Air Quality and Greenhouse Gas Emissions Technical Report for the SHH/FMC Project* December 2013, prepared by Helix Environmental Planning, Inc. (HELIX)
- *Acoustical Technical Report for the SHH/FMC Project*, December 2013, prepared by HELIX
- *Biological Resources Evaluation for the SHH/FMC Project*, December 2013, prepared by HELIX
- *Delineation of Potential Jurisdictional Waters for the SHH/FMC Project*, January 2014, prepared by HELIX
- *Delineation of Potential Jurisdictional Wetlands and “Other Waters” under Section 404 of the Clean Water Act, FMC Parcel E*, April 2013 (map updated May 2013), prepared by WRA, Inc.

¹ SHH Site Plan by Carlson, Barbee & Gibson, Inc. dated September 30, 2013.

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Map date: January 2014

Site Plan

SHH / FMC PROJECT
INITIAL STUDY

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3. DESCRIPTION OF PROJECT

PROJECT LOCATION

The proposed project site is situated within the City of Newark in southwestern Alameda County at the southwest corner of the intersection of Willow Street with Enterprise Drive. The proposed project site is located in Sections 2 and 11, of Township 5 South, and Range 2 West of the U.S. Geological Survey (USGS) 7.5-minute “Newark” quadrangle map. Refer to **Figure 1** for the project location in the region.

PROJECT SETTING AND SURROUNDING LAND USES

The project site is bisected by an abandoned railroad corridor. To the north of the former railroad corridor, the site is vacant, and to the south, it contains stockpiles of fill/construction materials and vehicle and truck trailer storage. The surrounding land uses are characterized by existing and former industrial parcels, with nearby business/professional centers and residential lots.

Enterprise Drive borders the project site on the north and Willow Street borders the project site on the east. Neighboring land uses are summarized in **Table 1**.

Table 1. Surrounding Land Uses

Direction	Land Use
North	A vacant former industrial lot is across Enterprise Drive
East	A vacant former industrial lot used for truck trailer storage is across Willow Street from the project site
South	Vacant former industrial lot
West	Vacant former industrial lot

Terrain in the immediate vicinity of the site is primarily flat, with isolated stockpiles providing the most notable topography. The site’s elevation is generally 12 feet above mean sea level (amsl), with isolated stockpiles reaching elevations exceeding 50 feet amsl.

A fence encloses the portion of the project site that is in active use, which is heavily disturbed as a result of the existing use and lacks any natural habitat or vegetation. Various species of mostly non-native trees are present along the perimeter and occasionally within the existing use area. The vacant lot and abandoned railroad corridor are outside the fence and are not in active use. The railroad tracks have been removed from the former railroad corridor; however, cobble railroad ballast remains. The railroad corridor and vacant lot are vegetated primarily with ruderal species typical of disturbed habitats.

Precipitation is the only source of water for the study area. A depression located in the abandoned railroad corridor collects water during the rainy season before slowly drying in the late spring. No other waterbody (such as ponds, creeks, ditches, or canals) is on or adjacent to the project site. Refer to **Figure 2** for an aerial photograph of the project site and vicinity.

PROPOSED PROJECT

The SHH/FMC Project site is 8.09 acres on which the project applicant is proposing to construct a mixed-use commercial and residential development. A townhome condominium development is proposed for construction on 4.08 acres in the southern portion of the site (Lots 1 – 14). A 0.17 acre park is proposed for construction in the townhome condominium neighborhood. A 2.08-acre lot in the center of the site (Lot 15) is proposed for development with affordable housing units. A total of 0.29 acre of Lot 15 is designated for open space as a buffer to avoid an existing isolated, seasonally inundated depression. The commercial development in the northern portion of the site will include a 15,000 square-foot retail market and 49 parking spaces on 1.22 acres (Lot 16)². A total of 0.71 acre will be dedicated to the City as right-of-way for off-site infrastructure improvements. Refer to **Figure 3** for the site design.

A total of 85 townhome condominium units in 14 buildings are proposed for construction to achieve a density of 21 dwelling units per acre on Lots 1 – 14. A total of 74 affordable housing units are proposed for construction on 1.72 acres on Lot 15 to achieve a density of 43 dwelling units per acre. The site design for the lot will be part of future planning and construction, and is not included in the site plan for the proposed project. The total number of housing units proposed for construction is 159 units on 6.16 acres to achieve an overall site density of 26 housing units per acre. Additional proposed site improvements include: on and off-street parking, drive aisles, underground utilities, drainage structures, lighting, sidewalks, and landscaping.

Residential Buildings

The applicant proposes to construct 14 two-story townhome condominium units on Lots 1 – 14. Each building will contain five to eight units: a total of seven 5-plex buildings, one 6-plex building, four 7-plex buildings, and two 8-plex buildings will be constructed. Four floor plan options are available for the units. Each unit will be three stories high, with a two-car garage on the ground level (and living space for three of the floor plans). The garage access will be provided at the rear of the building for all units; therefore, the buildings will be oriented so that the rear of the building faces towards the roadways in the neighborhood. Frequently, the fronts of

² Vesting Tentative Map Tract 8157 SHH & FMC Properties prepared by Carlson, Barbee & Gibson, Inc. dated October 28, 2013.

the buildings will not face roadways, but sidewalks will be constructed to provide access to the fronts of buildings. Buildings adjacent to the proposed park will be oriented so the fronts of the buildings face the park. Refer to the description of circulation in the next section for more information regarding driveway access.

The proposed architectural styles are Farmhouse and Agrarian Rural, consistent with the Dumbarton TOD Form Based Code. Refer to **Sheets A1.0 – A7.3** of the Architectural Site Plans in Appendix A for the unit floorplans and building perspectives.

Commercial Building

The applicant proposes to construct a 15,000-square-foot retail market on Lot 16. The building will range from 18 feet at the loading dock to 35 feet in height at the main entrance. The outer facings of the building will be treated with a combination of stone tile, wood siding, metal store front, paneled wall system, metal siding. An outside seating area with a metal awning will be provided in the front of the store. Refer to **Sheets A8.0-A8.2** of the Architectural Site Plans in Appendix A for the retail market floorplan and building perspectives.

Right-of-Way Dedication to City of Newark

A total of 0.79 acre will be dedicated to the City as right-of-way for off-site infrastructure improvements along Enterprise Drive, Willow Street, and ‘A’ Avenue, which is planned to be constructed along the southern project site boundary as part of the larger Dumbarton TOD project.

Circulation

Vehicular Access/Street Design

The commercial development will be accessible directly from Enterprise Drive and Willow Street, and the townhome condominiums will be accessed from ‘A’ Avenue. A direct access point for the future affordable housing units has not been identified at this time.

The townhome condominiums will be oriented along several local roadways serving the neighborhood, arranged in a grid pattern. ‘B’ Street will provide the only roadway access to the neighborhood, via ‘A’ Avenue. ‘C’ Street is an east/west oriented roadway that will function as the main arterial through the neighborhood. ‘E’, ‘F’, ‘G’, ‘H’, ‘I’, ‘J’, and ‘K’ Courts are north/south roadways that intersect C Street. D Court is an east/west roadway that intersects

E Court. 'B' Street, 'C' Street, and 'E,' 'F,' 'J,' and 'K' Courts will be 26-feet-wide. 'D,' 'G,' 'H,' and 'I' Courts will be 20-feet-wide.

Driveways will not directly access 'B' Street, and one driveway will directly access 'C' Street (only Building 7 on Lot 7 will have driveway access to 'C' Street). The remainder of the streets will feature driveway access to the adjacent residential buildings.

No direct vehicular access will be provided between the residential development and the commercial development. The commercial development will be able to be directly accessed from the north via one 28-foot-wide driveway at Enterprise Drive, and from the east via one 30-foot-wide driveway at Willow Street.

Parking

A total of 49 parking stalls will be provided for the commercial development. A total of 94 parking units are planned for the future affordable housing development – 56 parking units will be provided for residents, and 37 parking units will be provided for guests. A total of 213 parking units will be provided for the townhome condominiums, consisting of 170 off-street garage parking (each of the 85 units will feature a two car garage), and 43 will be provided for guests. The guest parking will be on-street parking, and will consist of 13 parking stalls on the project site, and 30 on-street parallel parking units along 'A' Avenue and Willow Street. Ten (10) parking stalls will be provided along the west side of 'E' Court 3 stalls along the west side of 'K' Court, 19 parallel parking stalls along the north side of 'A' Avenue and 11 parallel parking stalls along both sides of Willow Street will provide additional guest parking for the townhome condominiums.

Pedestrian Circulation

The commercial development will include walkways and crosswalks that will connect to off-site sidewalks along Enterprise Drive and Willow Street. Enhanced pedestrian crosswalks will be constructed across the driveways accessing Enterprise Drive and Willow Street and across aisles in the parking lot.

The townhome condominium neighborhood will include a pathway following the western perimeter of the neighborhood that will connect the retail market, the planned future affordable housing development, and the townhome condominium neighborhood with 'A' Avenue. Sidewalks or “pedestrian paseos” will be provided along 'B' Street that would connect with sidewalks along Avenue 'A,' and along the fronts of buildings. Pedestrian access to 'A' Avenue

will be provided from the southern terminus of 'E,' 'G,' 'I,' and 'J' Courts. Buildings facing 'A' Avenue and Willow Drive will directly access the off-site sidewalks along those roadways.

Fire Access

The minimum width available for driving or turning movements through the project site is 20 feet. 'D,' 'G,' 'H,' and 'I' Courts are 20 feet wide, and the turning radius at the intersections of 'C' Street with 'B' Street, and 'E,' 'F,' 'J,' and 'K' Courts will allow a 20-foot-wide drive area for fire trucks.

Parks and Open Space

Parks and Community Use Areas

The townhome condominium neighborhood contains several residential community outdoor areas, including a community park located north of the terminus of 'B' Street, and a small grass area in the southwest corner of the site. Parcel A along the western edge of the neighborhood will be developed as a park. Refer to **Figure 3** for the park locations.

The community park located north of the terminus of 'B' Street will be situated north of the entry feature focal point for the neighborhood. It will feature outdoor cooking areas, overhead trellises, and dining and lounge areas. Some areas of the park will be treated with enhanced paving, and a large turf area will be provided. The small grass area in the southwest corner of the site will be constructed with turf ground cover and a low-decorative fence for a toddler interactive play area.

Parcel A is a 0.17-acre parcel that will be developed as a community park. It will contain landscaping and an active tot lot park play structure, seating, a turf area, and an overhead shade structure.

Open Space

A 0.29-acre area adjacent to the planned future affordable housing development is designated for open space and includes a 0.03-acre isolated, seasonally inundated depression and a 40-foot-wide buffer between the depression and the development. A post and cable fence will be constructed to separate the open space from the development and signage will be posted identifying the isolated, seasonally inundated depression. No grading or other construction activities will be conducted within the open space.

Infrastructure

Grading and Drainage

The 0.29 acre area designated for open space will remain undisturbed, but the remainder of the project site will be disturbed during site preparation and grading. Lots 1 – 14 and 16 will be cleared of structures, debris, vegetation and graded, with the areas of the planned roadways in the townhome condominium development graded to achieve 0.5-2 percent slope, and the commercial parking lot graded to achieve 1-2 percent slope.

A storm drain system consisting of bio-retention areas, curbs and gutters along the roadways, and underground storm drain pipes will be installed on the project site, and will be designed to connect to the existing storm drain system in Willow Street at a point southeast of the project site. Storm drain pipes (8-24 inches) will be installed in the parking lot and along the northern and eastern project site boundary at Lots 15 and 16. Bio-retention areas will be constructed along the eastern and western edges of the lots, and northeast of the open space area.

Bioretention basins will be constructed in the parks, and intermittently throughout the townhome condominium neighborhood. Twelve-inch wide storm drain pipes will connect the bioretention basins to 18-inch-wide storm drain pipes in ‘E’ Court and ‘C’ Street, which will connect to the main 24-36-inch-wide storm drain pipe under ‘J’ and ‘K’ Courts. Two stub storm drains will be provided on the site of the planned future affordable housing development for future storm drain tie in from the development.

Storm drain easements a minimum of 10 feet wide will be provided for all storm drain lines on the project site. The storm drains within public streets will be maintained by the City, and the storm drains within private yards, lanes, and interior roadways will be privately maintained by the homeowners. Refer to **Sheets TM-5 and TM-6** from the Grading Drainage and Utility Plan in Appendix A.

Water Supply

The Alameda County Water District will supply water to the project site. A three-inch-wide water line will be installed to provide water to the retail market that will tie into the existing 16-inch water transmission main in Willow Street east of the project site, near the intersection with Enterprise Drive. An additional three-inch-wide water line will be installed to provide water to the planned future affordable housing development and it will tie into the existing water transmission main in Willow Street directly east of the planned future development. Eight-inch-

wide water lines will be used to supply water to the townhome condominium neighborhood. The water supply network for the neighborhood will tie into a planned water line in 'A' Avenue at a point near Willow Street.

Sanitary Sewer

The Union Sanitary District will provide sanitary sewer for the project site. A 36-inch gravity main in Willow Street carries wastewater flows through a series of trunk gravity mains to the Newark Pump Station near the northwest corner of the Specific Plan area. The wastewater is pumped from this station to the Alvarado Treatment Plant, approximately five miles to the north.

Two sanitary sewer lines will be installed on the commercial development: a four-inch-wide line will service the trash depository for the retail market, and a six-inch-wide line will service the store. Both lines will connect with the existing gravity main in Willow Street east of the commercial development. A six-inch-wide sanitary sewer line will be installed to connect to the planned future affordable housing development. Eight-inch-wide sanitary sewer lines will be installed in all of the roadways of the townhome condominium neighborhood. The sanitary sewer line network for the neighborhood will tie into a planned sanitary sewer line in 'A' Avenue at a location south of 'I' Court.

Landscaping

The project proposes a landscaping plan that includes ornamental trees, shrubs, and groundcover. The conceptual landscaping design concentrates plantings along perimeter of the project site, along proposed neighborhood roadways and around the parking areas, and in parks within the townhome condominium neighborhood. No landscaping is proposed for the site of the future affordable housing development or the 0.29 acre area designated for open space. Landscaping plans for this part of the project will be developed in conjunction with this future development. The area designated for open space will be left undisturbed, and will not be planted or otherwise altered.

Ten to 15-foot-wide landscape easements will be established along the project site perimeter at Enterprise Drive, Willow Street, and Avenue A, and will be planted with Chinese evergreen elm (*Ulmus parvifolia*), Brisbane box tree (*Tristania conferta*), London plane tree (*Platanus acerifolia*), crape myrtle (*Lagerstroemia indica*), and southern magnolia (*Magnolia gradiflora*). A landscape slope will be established along the western site boundary of the townhome condominium development, and around the eastern edge of the designated open space. Trees will be planted along the western boundary of the commercial development to provide screening for

residential development planned for the adjacent property. All landscaping will be appropriately irrigated and maintained. Refer to **Sheet L-01** of the Conceptual Landscape Design in Appendix A for the landscape design and plant palette.

Townhome Condominium Neighborhood

Ornamental pear (*Pyrus calleryana chanticleer*) will line the entrance to the neighborhood, and will line the perimeter of the park at the end of 'B' Street. Trees including African sumac (*Rhus lancea*), strawberry tree (*Arbutus unedo*), and Brisbane box tree will be planted throughout the neighborhood, along roadways, and between buildings. The park at Parcel A and another small park at the southwest corner of the site will be planted with strawberry tree, Brisbane box, and maidenhair tree (*Ginkgo biloba fairmont*). The landscape slope along the western boundary will be planted with Brisbane box tree and strawberry tree. Carolina cherry laurel (*Prunus caroliniana*) will line the boundary between the townhome condominium neighborhood and the planned future affordable housing development.

Commercial Development

Brisbane box tree will be planted along the western perimeter of the site planned for commercial development, to provide screening for residences planned for the adjacent property. The parking lot will be planted with honey locust (*Robinia ambigua*), Brisbane box tree, and water gum (*Tristanopsis laurina*). Southern magnolia will be planted in the northeast corner of the site.

GRADING AND IMPERVIOUS SURFACES

The stockpile materials, totaling approximately 14,000 cubic yards, will be removed from the project site. Approximately 34,000 cubic yards of fill will be imported to the site for grading and construction of the building pads. A total of 227,979 square feet of impervious area will be constructed, consisting of building foundations and paved areas.

CONSTRUCTION AND PHASING

Grading and site preparation (including installing infrastructure and construction pads) is anticipated to begin in the spring of 2015, with all development construction activities completed within two years. The three project components on the site will likely be constructed by individual developers. Construction of the townhome condominiums and affordable housing are anticipated to follow grading and site preparation, and construction of the retail market is anticipated to begin in January 2016.

ENVIRONMENTAL REMEDIATION AND MITIGATION

The project site has a history of hazardous materials contamination associated with previous land uses. Work plans developed in coordination with the San Francisco Regional Water Quality Control Board (RWQCB) will be implemented during the grading phase of construction to achieve current residential standards for hazardous materials levels. Soil remediation activities will include soil excavation of areas identified as exceeding acceptable standards. Due to the relatively low possibility of exposure to low-level volatile organic chemicals (VOC) remaining in groundwater, the buildings will be constructed with engineered vapor mitigation measures typical of sites with similar impacts that have been developed recently in the San Francisco Bay Area under RWQCB oversight.

4. REQUIRED APPROVALS

A listing and brief description of the regulatory permits and approvals required to implement the SHH/FMC Project is provided below. This environmental document is intended to address the environmental impacts associated with all of the following discretionary actions and approvals:

- Tentative Parcel Map
- Planned Development Permit
- Amendment to the City of Newark Zoning Ordinance
- Tree Removal Permit

City of Newark

The City has the following discretionary powers related to the proposed SHH/FMC Project:

- **Certification of the environmental document:** The Newark City Council will act as the lead agency as defined by CEQA, and will have authority to determine if the environmental document is adequate under CEQA and the State CEQA Guidelines.
- **Approve Project:** The Newark City Council will consider approval of the project and all entitlements as described above.

Agencies

Because the project will not impact wetlands or other waters of the U.S./state, the project will not need to obtain a Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement issued by the California Department of Fish and Wildlife, a Clean Water Act Section 404 Nationwide Permit issued by the U.S. Army Corps of Engineers for impacts to waters of the U.S., or a Clean Water Act Section 401 Water Quality Certification issued by the California Regional Water Quality Control Board for impacts to waters of the state. The following agencies will be coordinated with regarding potential environmental issues associated with the proposed project:

- U.S. Fish and Wildlife Service and California Department of Wildlife regarding special status species with the potential to occur
- San Francisco Regional Water Quality Control Board (RWQCB) regarding appropriate remediation measures and work plans for hazardous materials present in the site

5. PREVIOUS RELEVANT ENVIRONMENTAL ANALYSIS

A programmatic project-specific EIR was prepared for the Dumbarton TOD Specific Plan, pursuant to the 1992 City of Newark General Plan. The Specific Plan required that the General Plan be amended to incorporate the proposed Specific Plan and its allowable land uses, development regulations, design guidelines, and infrastructure improvements. As mentioned earlier, the draft version of the 2013 Updated General Plan has been prepared and the EIR (State Clearinghouse No. 2013012052) addressing the General Plan has recently been circulated for public review and comment. These documents have incorporated the Dumbarton TOD Specific Plan, of which the SHH/FMC Project is included. The Dumbarton TOD Specific Plan EIR evaluated impacts as a result of the entire Dumbarton TOD, including the SHH/FMC Project. As mentioned previously, the 2013 Draft Updated General Plan identifies commercial retail land uses on FMC Parcel E (Lot 16), and is consistent with the proposed project.

The City's 2013 Draft Updated General Plan and the Final EIR for the General Plan can be reviewed at <http://www.newark.org/departments/planning-and-economic-development/general-plan-update/>.

TIERING

“Tiering” refers to the relationship between a program-level EIR (where long-range programmatic cumulative impacts are the focus of the environmental analysis) and subsequent environmental analyses such as the subject document, which focus primarily on issues unique to a smaller project within the larger program or plan. Through tiering a subsequent environmental analysis can incorporate, by reference, discussion that summarizes general environmental data found in the program EIR that establishes cumulative impacts and mitigation measures, the planning context, and/or the regulatory background. These broad based issues need not be reevaluated subsequently, having been previously identified and evaluated at the program stage.

Tiering focuses the environmental review on the project-specific significant effects that were not examined in the prior environmental review, or that are susceptible to substantial reduction or avoidance by specific revisions in the project, by the imposition of conditions or by other means. Section 21093(b) of the Public Resources Code requires the tiering of environmental review whenever feasible, as determined by the Lead Agency.

This Initial Study is tiered from the Dumbarton TOD Specific Plan EIR which was prepared at the program-level under CEQA Guidelines Section 15168. As a program-level EIR, the Specific Plan EIR serves as the primary environmental document for the proposed land use designations, zoning district, and future development that would be undertaken in the Dumbarton TOD Specific Plan area.

The 2013 Draft Updated General Plan and the Dumbarton TOD are projects that are related to the proposed SHH/FMC Project and, pursuant to §15152(a) of the State CEQA Guidelines, tiering of environmental documents is appropriate. State CEQA Guidelines §15152(e) specifically provides that,

“[w]hen tiering is used, the later EIRs or Negative Declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later [environmental document] should state that the Lead Agency is using the tiering concept and that the [environmental document] is being tiered with the earlier EIR.”

INCORPORATION OF THE PREVIOUS RELEVANT ENVIRONMENTAL ANALYSIS

The EIRs for the City of Newark 2013 Draft Updated General Plan and the Dumbarton TOD Specific Plan are comprehensive documents. Due to various references to these documents in this proposed project, and to their importance relative to understanding the environmental analysis that has occurred to date with respect to development in the City of Newark area, both documents are hereby incorporated by reference pursuant to State CEQA Guidelines §15150.

INCORPORATION OF THE SHH/FMC PROJECT

This IS evaluates whether the environmental effects of the currently proposed SHH/FMC Project were adequately addressed in the Dumbarton TOD Specific Plan EIR. For impacts that were adequately addressed, this IS provides a cross-reference to the relevant discussion in the EIR. Impacts specific to the SHH/FMC Project that were not addressed in the Dumbarton TOD Specific Plan EIR are evaluated in detail in this document. This document also identifies changes to the project or circumstances since the EIR was certified that require additional analysis in this document. Mitigation measures contained in the Dumbarton TOD Specific Plan Mitigation, Monitoring, and Reporting Program (MMRP) relevant to the project have been identified and summarized in this Initial Study, and the full MMRP is included in Appendix B. New or additional measures specific to the project are also identified in this Initial Study, and included in the MMRP prepared for the SHH/FMC Project included in Appendix C.

8. EVALUATION OF ENVIRONMENTAL IMPACTS

Responses to the following questions and related discussion indicate if the proposed project will have, or will potentially have a significant adverse impact on the environment, either individually or cumulatively with other projects. All phases of project planning, implementation, and operation are considered. Mandatory Findings of Significance are located in Section XVIII below.

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is characterized by vacant lots and an active industrial operation that contains stockpiles of fill/construction materials and is used for vehicle and truck trail storage. The site is bisected by an abandoned railroad corridor. The area in active industrial operation is surrounded by a fence and lacks natural habitat or vegetation. Stockpiles on the site reach heights exceeding 50 feet amsl. Various species of mostly non-native trees are present along the perimeter and occasionally within the industrial area. The vacant lot and abandoned railroad corridor are primarily flat, and are sparsely to moderately vegetated with primarily ruderal species typical of disturbed habitats.

The site is primarily surrounded by vacant, former industrial lots, although one lot east of the project site is used for truck trailer storage. The surrounding lots are primarily flat, and may

contain remnant building foundations and fencing. The more expansive surrounding area contains residential development approximately 0.2 mile to the northeast, commercial/business development approximately 0.2 mile to the east and southeast, salt production basins approximately 0.4 mile to the south, Wildland's Plummer Creek Mitigation Bank approximately 0.4 mile to the southwest, vacant former industrial facilities and salt production basins approximately 0.3 mile to the west, and industrial facilities approximately 0.2 mile to the northwest.

Due to the relatively flat terrain and few trees, residents of the nearby residential areas and employees or patrons of the commercial/business development have a medium view range and would likely be able to see the project site. Currently vacant lots between the project site and existing residential and commercial/business development are within the Specific Plan area, and are planned for development. As the Specific Plan area is developed, the views will become shortened and development on the project site would likely be viewed from the more immediate surroundings.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Visual resources (i.e., aesthetics) are discussed in Chapter 4.1 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The EIR concluded that construction of the project would alter the existing views by replacing primarily vacant, disturbed land with urban development, but the development would be consistent with the character of the surrounding development. Further, the Specific Plan contains Site and Architecture Design Guidelines intended to achieve a mixed-use community with a consistent quality and distinct sense of space. Development in the Specific Plan area would be required to comply with the development regulations and design guidelines contained in the Specific Plan to ensure that the development is of quality design and is consistent with the City of Newark 2013 Draft Updated General Plan. No impacts relating to visual resources/ aesthetics were identified in the EIR, and therefore no mitigation measures were required.

Evaluation of Aesthetics

Question a: Less-than-significant impact

Scenic vistas within the City range from short-range to long-range, depending upon topography and the presence of mature vegetation. Prior to buildout of vacant lots in the Specific Plan area surrounding the project site, views to or from the project site would be medium range from the

developed areas in the vicinity. Following buildout of the vacant lots surrounding the project site, the views would be short range and limited to neighboring residents and travelers on adjacent streets. Neither the project site, nor views to or from the project site, have been designated an important scenic resource by the City of Newark or any other public agency. Therefore, construction of the proposed development would not interfere with or degrade a scenic vista. No impact would occur, and no mitigation would be necessary.

Question b: No impact

There are no state or locally designated scenic highways in the vicinity of the proposed project (Caltrans 2013). Implementation of the proposed would not adversely affect scenic resources within a designated scenic highway. No impact would occur, and no mitigation would be necessary.

Question c: Less-than-significant impact

The existing visual character of the area surrounding the project site is defined by the vacant lots of former industrial land uses. The project site contains an active industrial site that lacks any natural habitat or vegetation, and vacant lots vegetated with ruderal species typical of disturbed areas. Implementation of the project would result in removal of existing trees, the fence, and materials stored on the site, and construction of a community market, multistory residential buildings, parking areas and landscaping, altering the existing visual character to a more community focused urban development visual character than is currently experienced by viewers. While the proposed project would result in a change in visual character on site, the proposed project has been designed to be consistent with the Site and Architecture Design Guidelines contained in the Specific Plan, and is expected to integrate with the planned area for the Dumbarton TOD Specific Plan area, and the surrounding land uses. A less-than-significant impact to visual character would occur, and no mitigation would be necessary.

Question d: Less-than-significant impact

Any new lighting associated with development within the project area would be subject to the lighting standards in the Site and Architecture Design Guidelines contained in the Specific Plan. These guidelines contain lighting standards for 1) exterior illumination for streetlights and fixtures; 2) path and stair lighting; 3) building mounted lights; 4) accent lighting; and 5) special event lighting. These guidelines are developed to minimize light spillover and glare to adjacent areas. Compliance with those guidelines would ensure that the proposed project does not introduce substantial light and glare that may pose a hazard or nuisance or result in night sky

illumination. Because the project design would limit light spillover and intensity, this would be a less-than-significant impact, and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agriculture resources are significant environmental effects, lead agencies may refer to the California Agriculture Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

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

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

As discussed in Chapter 1.2 of the EIR prepared for the Dumbarton TOD Specific Plan, agriculture/forestry resources issues were not addressed in the EIR because it was determined based on substantial evidence that the project would have no impacts to agriculture/forestry resources (RBF 2011).

No agricultural activities or timber management occur on the project site or in adjacent areas, and the site is not designated for agricultural or timberland uses. The California Important Farmland Finder Interactive Map prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency classifies the project site as urban and built-up land, and immediately adjacent areas are urban and built up land and other land (CRA 2013). Urban and built up land is defined by the California Resources Agency as land occupied by structures or infrastructure with a building density of at least one unit to one and one-half acres, or approximately six structures to 10 acres. Other land is defined by land that is not included in any other category, which includes areas not suitable for agricultural uses (CRA 2013)

The Natural Resources Conservation Service soil survey report generated for the project site (NRCS 2013) indicates that no Prime or Unique Farmland or Farmland of Statewide Importance occurs on the project site.

Evaluation of Agriculture and Forestry Services

Questions a, b: No impact

Because no important agricultural resources or activities exist on the project site, no impact would occur, and no mitigation would be necessary.

Questions c, d, e: No impact

Because no portion of the City or the project site are zoned for forest land, timberland, or zoned Timberland Production, no impact would occur, and no mitigation would be necessary.

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY

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

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

A project specific air quality evaluation was conducted (Appendix D, HELIX 2013a) and the methods and results are summarized in the following sections.

The climate of the project site, and all of the San Francisco Bay Area, is dominated by a semi-permanent, subtropical high-pressure cell over the Pacific Ocean. This cell influences prevailing winds and results in condensation and the presence of fog and stratus clouds during the summer, and stormy conditions with moderate to strong winds, as well as periods of stagnation with very light winds during the winter. The high pressure cell also creates two types of temperature inversions that may act to degrade local air quality.

Elevation inversions occur during the warmer months as ascending air associated with the Pacific high pressure cell comes into contact with warmer air up the coastal hills. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions produce ozone, commonly known as smog.

Ambient Air Quality Standards

The Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. The City of Newark lies within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Quality Management District (BAAQMD) is responsible for implementing emissions standards and other requirements of federal and state laws in the project area. As required by the California Clean Air Act (CCAA), BAAQMD has published Clean Air Plans and adopted rules and regulations to limit the emissions that can be generated by various uses and/or activities to bring the Bay Area into compliance with the federal and state ambient air quality standards.

Ambient air quality is described in terms of compliance with state and national standards, and the levels of air pollutant concentrations considered safe, to protect the public health and welfare. These standards are designed to protect people most sensitive to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The EPA has established national ambient air quality standards (NAAQS) for seven air pollution constituents. As permitted by the Clean Air Act, California has adopted more stringent air emissions standards (SAAQS) and expanded the number of regulated air constituents.

The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for any state standard. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once.

The EPA designates areas for ozone (O₃), carbon monoxide (CO), and nitrogen dioxide (NO₂) as either “Does not meet the primary standards,” “Cannot be classified,” or “Better than national standards.” For sulfur dioxide (SO₂), areas are designated as “Does not meet the primary standards,” “Does not meet the secondary standards,” “Cannot be classified,” or “Better than

national standards.” The area air quality attainment status of the SFBAAB, including the City of Newark, is shown on **Table 2**.

Table 2. San Francisco Bay Area Air Basin Attainment Status

Pollutant	State of California Attainment Status	Federal Attainment Status
Ozone (1-hour)	Nonattainment	Nonattainment (marginal)
Ozone (8-hour)	Nonattainment (serious)	Classification revoked 2005
Suspended Particulate Matter (PM ₁₀)	Nonattainment	Attainment/Unclassified
Fine Particulate Matter (PM _{2.5})	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment/Unclassified
Nitrogen Dioxide	Attainment	Attainment/Unclassified
Lead	Attainment	Attainment/Unclassified
Sulfur Dioxide	Attainment	Attainment/Unclassified
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard
Visibility Reducing Particles	Unclassified	No Federal Standard

Sources: California Air Resources Board Area Designations. Proposed Amendments to State Area Designations and Maps. Released April 22, 2013. Accessed at <http://www.arb.ca.gov/desig/changes.htm#reports> on February 13, 2013.

U.S. Environmental Protection Agency Nonattainment Areas for Criteria Pollutants. Accessed at <http://www.epa.gov/air/oaqps/greenbk/anc12.html> on December 4, 2013

The City of Newark is currently in nonattainment for federal and state O₃ and PM_{2.5} standards. The City is in nonattainment for state PM₁₀ standards. Concentrations of all other pollutants meet state and federal standards.

Air Quality Monitoring

The BAAQMD operates a network of ambient air monitoring stations throughout the Bay Area. The air quality monitoring station closest to the City of Newark is the Hayward Monitoring Station. However, this station only monitors ozone, so data was obtained from the San Jose Monitoring Station for the other criteria air pollutants. The ambient pollutant concentrations collected at the stations during the last five available years (2008 through 2012) were reviewed for exceedences and violations of state and federal standards. The data show occasional violations of the state and federal ozone standards, state PM₁₀ standards, and federal PM_{2.5} standards. The state and federal CO, SO₂, and NO₂ standards have not been exceeded in the past five years.

As shown in Table 3, the 1-hour O₃ concentration exceeded the state standard once in 2008 and four times in 2009. The 8-hour O₃ concentration exceeded the state standard three times in 2008 and four times in 2009. The federal standard for 8-hour ozone was exceeded once in 2008 and three times in 2009. The state 24-hour PM₁₀ standard was violated once in 2008 and once in 2012. The federal standard for 8-hour ozone was not exceeded during this time. The federal 24-hour PM_{2.5} standard was violated 13 days between 2008 and 2012. Neither the state nor federal standards for CO or NO₂ were exceeded at any time during the years 2008 through 2012. State and federal standards for SO₂ were not exceeded during the years 2009. Insufficient data, however, was available to determine exceedances for SO₂ in 2008, and 2010 through 2012.

Table 3. Summary of Annual Air Quality Data for Hayward and San Jose Air Quality Monitoring Stations

Pollutant	2008	2009	2010	2011	2012
<i>Ozone (O₃) Hayward Monitoring Station</i>					
Maximum 1-hour concentration (ppm)	<u>0.114</u>	<u>0.107</u>	*	<u>0.088</u>	<u>0.094</u>
Days above 1-hour state standard (>0.09 ppm)	1	4	*	0	0
Maximum 8-hour concentration (ppm)	<u>0.087</u>	<u>0.081</u>	*	0.070	0.065
Days above 8-hour state standard (>0.07 ppm)	3	4	*	0	0
Days above 8-hour federal standard (>0.075 ppm)	1	3	*	0	0
Maximum 1-hour concentration (ppm)	0.114	0.107	*	0.088	0.094
<i>Carbon Monoxide (CO) San Jose Monitoring Station</i>					
Maximum 8-hour concentration (ppm)	2.48	2.50	2.19	2.18	1.86
Days above state or federal standard (>9.0 ppm)	0	0	0	0	0
<i>Respirable Particulate Matter (PM₁₀) San Jose Monitoring Station</i>					
Maximum 24-hour concentration (µg/m ³)	<u>57.3</u>	43.3	46.8	44.3	<u>59.6</u>
Days above state standard (>50 µg/m ³)	1	0	0	0	1
Days above federal standard (>150 µg/m ³)	0	0	0	0	0
<i>Fine Particulate Matter (PM_{2.5}) San Jose Monitoring Station</i>					
Maximum 24-hour concentration (µg/m ³)	<u>41.9</u>	35.0	<u>41.5</u>	<u>50.5</u>	<u>38.4</u>
Days above federal standard (>35 µg/m ³)	5	0	3	3	2
<i>Nitrogen Dioxide (NO₂) San Jose Monitoring Station</i>					
Maximum 1-hour concentration (ppm)	0.090	0.069	0.064	0.061	0.067
Days above state 1-hour standard (0.18 ppm)	0	0	0	0	0

Sulfur Dioxide (SO₂) - San Jose Monitoring Station

Maximum 24-hour concentration (ppm)	*	0.001	*	*	*
Days above 24-hour state standard (>0.04 ppm)	*	0	*	*	*

Notes: Underlined values in excess of applicable standard / ppm = parts per million / µg/m³ = micrograms per cubic meter

*Insufficient data to determine the value

Source: California Air Resources Board, Air Quality Trend Summaries for Sacramento County. Accessed at <http://www.arb.ca.gov/adam/select8/sc8display.php> on November 8, 2013.

Ozone data was obtained from the Hayward Monitoring Station.

CO, NO₂, SO₂, PM₁₀ and PM_{2.5} data was obtained from the San Jose Jackson Street Monitoring Station.

Methods

To determine whether construction or operation of the SHH/FMC Project would result in violations of emission standards, contribute to a cumulative impact on air quality, or expose receivers to pollutants, construction and operation emissions were estimated using the CalEEMod Version 2013.2.1. The construction analysis included modeling of the projected construction equipment that would be used during each construction activity. The analysis assessed maximum daily emissions from individual construction activities, including demolition, site preparation, grading, backbone infrastructure, building construction, paving, and architectural coating. The model estimates daily regional emissions from vehicle and stationary sources of pollutants during existing conditions. project impacts for operational emissions were assessed by calculating the net increase in emissions from the proposed project compared with emissions from the existing use on the site (the baseline emissions). The project was also evaluated for impacts on future residents and from potential sources of TACs or hazardous air pollutants and odors.

Levels of Significance

The BAAQMD has published thresholds of significance for new projects. In May 2010, the BAAQMD published new and more stringent draft CEQA guidelines to assist local agencies in evaluating air quality impacts of development proposals and other regulatory plans proposed in the SFBAAB. In early 2012, an Alameda County Superior Court ruled that the BAAQMD's updated guidelines be set aside on the ground that the District did not attempt to evaluate the potential environmental effects of the updated guidelines before their adoption. In *California Building Industry Association v. BAAQMD* (August 13, 2013, Case No. A136212) Cal. App. 4th, the First District Court of Appeal reversed a trial court's decision striking down BAAQMD's 2012 CEQA thresholds of significance for greenhouse gas (GHG) emissions. Although the Court of Appeal's decision does provide the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, any such action by the District is still

uncertain; BAAQMD will revisit the issue and reinstate the thresholds or adopt other standards altogether (Morrison & Foerster, LLP 2013). For this analysis, the BAAQMD's 2010 thresholds of significance were employed to determine the proposed project's contribution to air quality and GHG emissions, and the local community risk and hazard impacts associated with toxic air contaminants (TACs) and PM_{2.5}. Refer to Section 6.VII, *Greenhouse Gas Emissions* for a discussion of impacts to GHG emissions.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Air Quality is discussed in Chapter 4.2 of the EIR prepared for the Dumbarton TOD Specific Plan. The EIR concludes that construction of the project would result in fugitive dust emissions and includes measures to reduce impacts to less than significant. The overall Specific Plan is considered consistent with regional plans, and would not result in a significant cumulative impact to air quality impacts.

Evaluation of Air Quality

Question a: Less-than-significant impact with project level mitigation

BAAQMD has attainment plans in place that identify strategies to bring regional emissions into compliance with federal and state air quality standards. Although the proposed project would replace existing undeveloped areas with residential and commercial developments, the proposed project is part of a larger project included in the City of Newark 2013 Draft Updated General Plan, and the project is consistent with the net development envisioned in the Dumbarton TOD Specific Plan.

Buildout of the proposed project would be consistent with the 2010 Bay Area Clean Air Plan (BAAQMD 2010) because the projected average daily traffic (ADT) with the internal capture rate at 55 percent would be lower than what was predicted under the Dumbarton TOD Specific Plan.

Although land uses and densities of residential unit developments are not consistent with parcel-specific land uses identified in the Dumbarton TOD Specific Plan and the 2013 Updated General Plan (see Section 6.X, *Land Use and Planning*), the total acreage of commercial land use and residential units would be consistent with the allowed acreage of commercial development and number of dwelling units contemplated in the Dumbarton TOD Specific Plan and 2013 Updated General Plan. Further, the proposed project would not generate significant amounts of air pollutant emissions during construction or operation. The proposed project would not exceed

screening criteria thresholds set by BAAQMD, and no feature of the proposed project would conflict with or obstruct implementation of the 2010 Bay Area Clean Air Plan. Although impacts as a result of emission would be less than significant, fugitive dust generated by construction activities could result in a potentially significant impact. The following measures contained in the EIR prepared for the Dumbarton TOD Specific Plan will be implemented to reduce impacts from fugitive dust to less than significant.

Dumbarton Mitigation Monitoring and Reporting Program Measures 4.2-1a and 4.2-1b (Fugitive Dust)

The Specific Plan MMRP measures 4.2-1a and 4.2-1b require that dust control measures are implemented during construction activities prior to issuance of any grading permits.

These measures will be implemented and impacts as a result of fugitive dust will be less than significant.

Question b: Less-than-significant impact

Construction of the proposed project could impact air quality as a result of heavy equipment emissions and architectural coatings. The results of the CalEEMod analysis performed (Appendix D; HELIX 2013a) indicated that emissions of all criteria pollutants related to project construction activities would be below the BAAQMD's significance thresholds. Table <x> presents the modeled construction emissions for each calendar year of construction. During construction activities, the project proponent would implement applicable and feasible elements of the dust abatement program as identified in the EIR (MMRP measures 4.2-1a and 4.2-1b). Direct impacts from criteria pollutants generated during construction would not be significant and no mitigation would be required.

Table 4. Maximum Daily Construction Emissions

Year	Pollutant Emissions (pounds per day)					
	ROG	NO _x	CO	SO _x	Exhaust PM ₁₀	Exhaust PM _{2.5}
2015	31.36	40.32	42.11	0.06	0.60	0.59
2016	30.82	31.68	40.01	0.06	0.58	0.58
Significance Thresholds	54	54	-	-	82	54
<i>Significant Impact?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: *Air Quality and Greenhouse Gas Emissions Technical Report* prepared by HELIX Environmental Planning, Inc. dated November 2013

Notes: (1) Emissions were calculated for both summer and winter months. On average winter emissions were higher and therefore were used for this analysis. (2) USEPA Tier 2 off-road equipment and Level 2 diesel particulate filters were assumed to be utilized. (3) Low VOC coatings were used to reduce ROG emissions for architectural coatings.

The proposed project could result in minor emissions associated with electricity consumption, natural gas usage, and vehicle trips associated with project operations. Potential impacts as a result of operational emissions were evaluated based on the net increase of emissions from the proposed project (Appendix D, HELIX 2013a). As illustrated in Table 5, the net increase of daily maximum operational emissions as a result of project operations would be below the BAAQMD's significance criteria for all criteria pollutants, and would not result in a significant direct impact as a result of operational emissions. No mitigation would be required.

Table 5. Maximum Daily Operational Emissions

Emission Source	Pollutant Emissions (pounds/day)					
	VOC	NO _x	CO	SO _x	Exhaust PM ₁₀	Exhaust PM _{2.5}
Proposed Project						
Area	8.76	0.16	13.39	0.00	0.25	0.24
Energy	0.08	0.70	0.36	0.00	0.06	0.06
Mobile	16.74	17.64	82.40	0.11	0.21	0.19
Proposed Project Total	25.58	18.50	96.15	0.11	0.52	0.49
Existing Use	(0.42)	(0.30)	(1.07)	(0.00)	(0.00)	(0.00)
NET EMISSIONS	25.16	18.20	95.09	0.11	0.52	0.49
Significance Threshold	54	54	-	-	82	54
<i>Significant Impact?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Source: *Air Quality and Greenhouse Gas Emissions Technical Report* prepared by HELIX Environmental Planning, Inc. dated November 2013

Note: (1) Emissions were calculated for both summer and winter months. On average winter emissions were higher and therefore were used for this analysis. (2) Emissions from the proposed project include applicable design features.

Question c: Less than significant impact

The Sacramento region is in non-attainment for ozone (NO_x and ROG) and particulate matter (PM_{2.5, 10}). As discussed above, no exceedance of the District's emission thresholds for criteria pollutants would be expected for the proposed project. The project would not result in a cumulatively considerable net increase in any criteria pollutant. A less-than-significant impact would result, and no mitigation would be necessary.

Questions d and e: Less than significant impact

The CARB describes sensitive receptors as residences, schools, day-care centers, playgrounds, medical facilities, or other facilities that may house individuals with health conditions (medical patients or elderly persons/athletes/students/children) that may be adversely affected by changes in air quality. The two primary pollutants of concern regarding health effects for land development are CO and diesel particulate matter.

Construction Diesel Particulates

Construction activities are short-term and temporary, as are the resulting emissions. Diesel particulate matter is not included as a criteria pollutant; however, it is recognized by the State of California as containing carcinogenic compounds. Diesel particulate matter would be emitted from heavy equipment used for construction activities. It is estimated that construction activities for the project would occur over approximately 78 weeks which is substantially less than the 70-year/40-year period used for health risk determination. Further, as identified in Table 4, construction emissions would not exceed significant thresholds. Because construction activities would be short-term and temporary, impacts to sensitive receivers are considered less than significant and no mitigation is required.

Carbon Monoxide Hot Spots

The SFBAAB is designated as attainment for CO. BAAQMD's 2010 CEQA guidelines notes that CO impacts may be determined to be less than significant if a project is consistent with the applicable congestion management plan or would not increase traffic volumes at intersections to more than 44,000 vehicles per hour for regular intersections, or would not increase traffic volumes at intersections to more than 24,000 vehicles per hour for intersections with limited mixing zones (e.g., tunnels, garages, overpasses, etc.).

The EIR prepared for the Dumbarton TOD Specific Plan specifies that the projects included in the Specific Plan would not cause traffic volumes at local intersections to increase beyond 6,000 vehicles per hour. The proposed project is anticipated to account for only seven percent of the total generated trip identified in the Dumbarton TOD Specific Plan. As a result, the proposed project would not increase traffic volumes to an extent that would result in a significant impact. Impacts would be less than significant and no mitigation is required.

Operational Diesel Particulates

The proposed project is anticipated to generate minor emissions associated with delivery trucks for the retail store. Trucks entering and leaving the proposed project would include deliveries associated with the grocery store. Trucks would idle in the shipping and receiving delivery dock areas. Trucks would be limited to an idle time of five minutes for entering or exiting the truck delivery well, in accordance with California state law. The loading delivery docks are the only locations where routine truck idling associated with operation of the Project would be expected. It is possible that the operation of the grocery store would require use of trucks equipped with transportation refrigeration storage units (TRUs) to deliver cold-stored food items. Trucks equipped with TRUs typically result in higher TAC emissions, because they are equipped with diesel generator sets to keep perishable food cold, in addition to diesel engine exhaust from the truck. However, it is not anticipated that the proposed grocery store would experience high truck volumes (i.e., warehouses with distribution centers that have greater than 100 commercial trucks per day or 40 TRU-equipped trucks per day as defined by the CARB as the screening level) delivering materials on a frequent basis. Further, although the proposed grocery store use would result in minor amounts of DPM emissions, the amount would decrease substantially compared to the existing industrial use on the project site.

Grocery stores with on-site food services emit minor amounts of TACs from the cooking of animal fats and oils. TAC emissions would be controlled through an exhaust hood to a roof-top vent. Therefore, on-site or off-site sensitive receptors would not be exposed to substantial TAC concentrations from these sources.

Odors

The SHH/FMC Project involves construction of townhome condominiums, affordable housing, and a grocery store. These uses are not identified as major sources of odor emissions according to the CARB Air Quality and Land Use Handbook. The proposed project would not be a source of nuisance odors associated with operations.

Additionally, the residents of the proposed project would not be subjected to facilities associated with odor complaints. The proposed land uses in the Dumbarton TOD Specific Plan surrounding the project site are primarily residential. Union Sanitary District sewerage treatment plant is the closest potential source of odors, and this facility is located approximately 4,600 feet to the northwest of the project site. There are also reports of odors that occur due to algae in the salt ponds. However, these odors are regarded as an annoyance rather than a health hazard. Based on the nature of the odor source and the low frequency of odor events generated by the salt ponds,

impacts are not considered a significant odor source. Additionally, salt ponds are not identified by the BAAQMD as a significant odor source. Therefore, the proposed residential uses would not be exposed to significant sources of objectionable odors and no mitigation measures are required.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

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?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any applicable policies protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Biological Resources are discussed in Chapter 4.3 of the EIR prepared for the Dumbarton TOD Specific Plan. The SHH/FMC Project site was evaluated by professional biologists Stephen Stringer and Catherine Silvester, of HELIX Environmental Planning, Inc. (HELIX), on August 5, 2013 and September 19, 2013. The biological reconnaissance surveys were conducted to determine the existing conditions, identify biological habitats/vegetation communities on the project site, conduct botanical and wildlife inventories, conduct a tree inventory, and identify the habitats present on the project site that have the potential to support special-status species. HELIX also obtained the current listing status and range of special-status species known to occur in the project area. The methods and results of the evaluation are presented in a biological resources evaluation (BRE) prepared for the project (Appendix E, HELIX 2013b), and are summarized here.

The biological reconnaissance survey on September 19 included a certified arborist tree inventory. Two separate delineations of jurisdictional waters, including waters of the U.S. subject to USACE jurisdiction under Section 404 of the CWA and waters subject to San Francisco Bay Regional Water Quality Control Board (RWQCB) jurisdiction under Section 401 of the CWA and the Porter-Cologne Act were prepared for the site – a HELIX delineation of potential jurisdictional waters on the SHH/FMC Project (Appendix F; HELIX 2014) covers the portion of the study area south of the abandoned railroad referred to as the SHH Property (see the Jurisdictional Delineation Map for the SHH Property included in Appendix F) , while a delineation of potential jurisdictional waters on the FMC Parcel E, which includes the portion of the study area north of the abandoned railroad, prepared by WRA, Inc. is currently under USACE review (see Appendix G for the Jurisdictional Delineation Map for FMC Parcel E).

Regulatory Framework Related to Biological Resources

Endangered Species Act

Special status species are protected by state and federal laws. The California Endangered Species Act (CESA; California Fish and Game Code Sections 2050 to 2097) protects species listed as threatened and endangered under CESA from harm or harassment. This law is similar to the Federal Endangered Species Act of 1973 (FESA; 16 USC 1531 et seq.) which protects federally threatened or endangered species (50 CFR 17.11, and 17.12; listed species) from take. For both laws, take of the protected species may be allowed through consultation with and issuance of a permit by the agency with jurisdiction over the protected species.

Nesting and Migratory Birds

Nesting birds are protected by state and federal laws. California Fish and Game Code (§3503, 3503.5, and 3800) prohibits the possession, incidental take, or needless destruction of any bird nests or eggs; Fish and Game Code §3511 designates certain bird species “fully protected” (including all raptors), making it unlawful to take, possess, or destroy these species except under issuance of a specific permit. Under the Migratory Bird Treaty Act of 1918 (16 USF §703-711), migratory bird species and their nests and eggs that are on the federal list (50 CFR §10.13) are protected from injury or death, and project-related disturbance must be reduced or eliminated during the nesting cycle.

Jurisdictional Waters

Any person, firm, or agency planning to alter or work in “waters of the U.S.,” including the discharge of dredged or fill material, must first obtain authorization from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). Section 401 requires an applicant for a federal license or permit that allows activities resulting in a discharge to waters of the U.S. must obtain a state certification that the discharge complies with other provisions of the CWA. The RWQCB administers the certification program in California. The RWQCB also regulates discharges of pollutants or dredged or fill material to waters of the State which is a broader definition than waters of the U.S.

City of Newark Municipal Code - Trees

Chapter 8.16 of the City of Newark’s Municipal Code, entitled *Preservation of Trees on Private Property* states: No person shall cut down, destroy, remove or move any tree, which shall include any live woody plant having one or more well defined perennial stems with a trunk diameter of six inches or greater measured at four feet above ground level, growing within the city limits on any parcels of land except developed residential parcels of land ten thousand square feet or less in area, unless a permit to do so has been obtained from the public works director (Ordinance 63 §2 (part), 1979).

Methods

Special Status Species Evaluation

To determine the presence or potential for special-status species to occur in the project area, the most current lists of regionally-occurring special status species for the Newark, California U.S. Geological Survey 7.5-minute topographic quadrangle from the from the U.S. Fish and Wildlife

Service (USFWS; USFWS 2013), the California Native Plant Society (CNPS; CNPS 2013), and the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB; CDFW 2013) were reviewed. These lists are included as Appendix B of the BRE contained in Appendix E of this Initial Study. The potential for each regionally-occurring special status species to occur was determined based on the presence of suitable habitat on the project site based on the previously mentioned biological reconnaissance surveys.

The biological reconnaissance survey was accomplished through meandering pedestrian transects through the study area. Habitats present in the study area were delineated on an aerial map based on the dominant plant species present and identifiable at the time of the survey, and the composition of those species (see **Figure 4** for the habitats present).

Delineation of Jurisdictional Waters

A formal delineation of jurisdictional consistent with U.S. Army Corps of Engineers methods was conducted (Appendix F, HELIX 2014; and Appendix G, WRA 2013). The locations of potential waters of the U.S. were identified based on the presence of hydrophytic vegetation, and bed and bank or depressional topography.

Certified Arborist Tree Inventory

An inventory of trees occurring on the study area was conducted by HELIX biologist, International Society of Arboriculture Certified Arborist Stephen Stringer, M.S. (WE-7129A) and Catherine Silvester. All live woody plants on the study area were assessed for one or more trunks with a diameter of six inches or greater measured at four feet above ground level. The location of each tree meeting the City of Newark's definition of a protected tree was recorded, and each tree was evaluated for vigor, irregularities, scars or other growth characteristics.

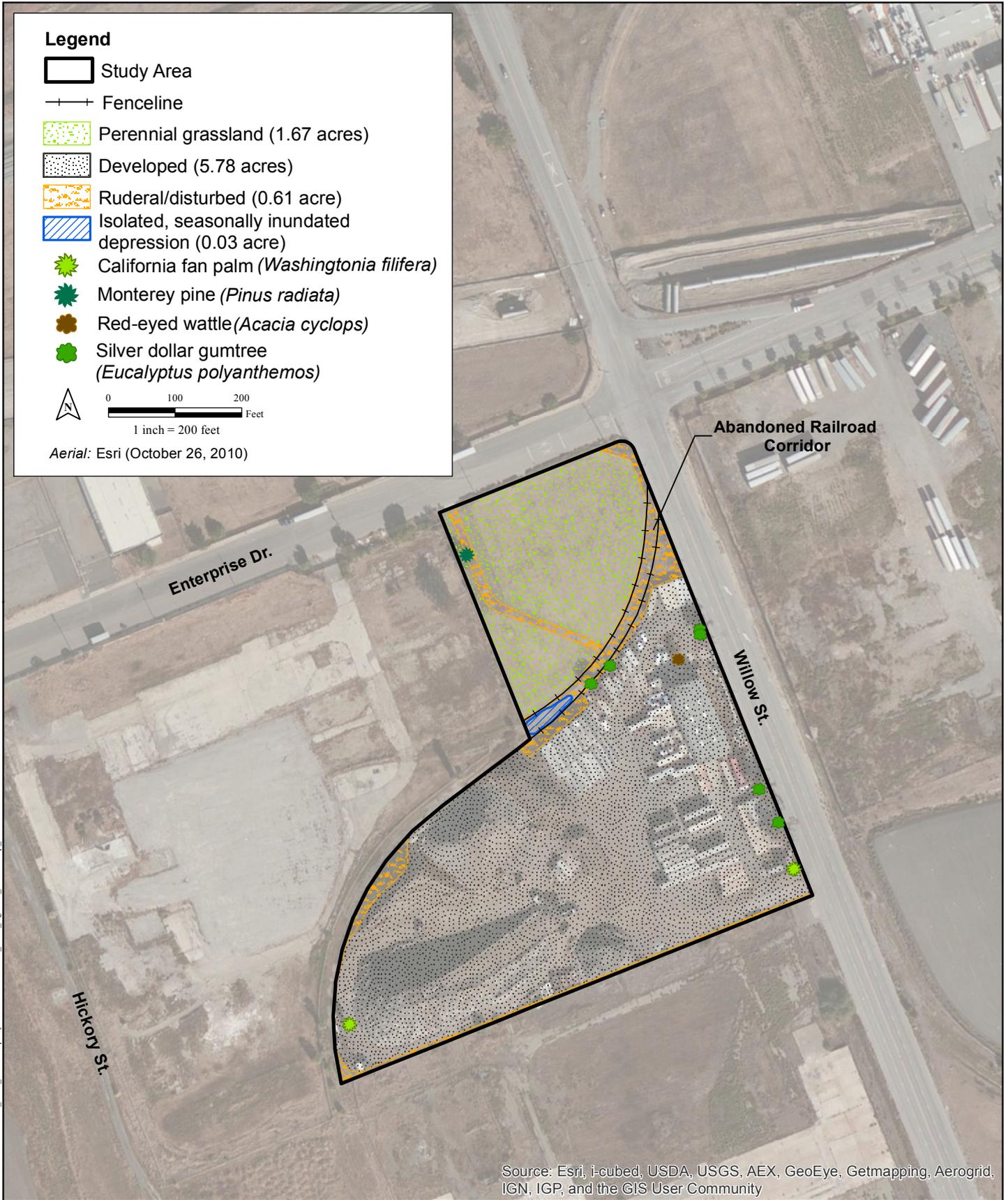
Habitat Types Present

Vegetation communities/habitat types in the study area include perennial grassland (1.67 acres), developed (5.78 acres), ruderal/disturbed (0.61 acre), and an isolated, seasonally inundated depression (0.03 acre).

Perennial Grassland

The northern portion of the study area is primarily perennial grassland predominated by non-native grasses such as wild oats (*Avena fatua*), Bermuda grass (*Cynodon dactylon*), and Italian rye grass (*Festuca perennis*). Forbs such as stinkwort (*Dittrichia graveolens*) and pussytoes

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Map date: December 2013

Habitat Map

SHH / FMC PROJECT
INITIAL STUDY

Figure 4

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(*Antennaria* sp.) occur intermittently throughout the site, and alkali heath (*Frankenia salina*) occurs sparsely.

Developed

The industrial portion of the site, that contains stockpiles of fill/construction materials and is used for vehicle and truck trailer storage, is characterized as developed habitat. This area has been cleared and graded, and is largely maintained free of vegetation. A warehouse located near the eastern edge of the study area is a permanent structure on site. Eucalyptus trees planted for landscaping are in the study area, along Willow Street.

Ruderal/Disturbed

The ruderal/disturbed habitat occurs along the remnant railroad corridor, and along a remnant paved drive through the northern portion of the study area. As described in **Section 4.2, Existing Conditions**, the soils in the remnant railroad corridor are modified by cobble, and few native soils remain near the ground surface. This area is characterized by primarily nonnative annuals that commonly occur in poor soils and disturbed habitats, including dominants such as wild oats, Bermuda grass, and bristly ox tongue (*Helminthotheca echioides*). Coastal salt grass (*Distichlis spicata*) and Italian rye grass are abundant. A few California fan palms (*Washingtonia filifera*) occur along the abandoned railroad corridor, and a lone manzanita (*Arctostaphylos* sp.) shrub is present. The soils in the ruderal/disturbed habitat along the remnant paved drive through the northern portion of the study area are modified by remnant areas of pavement. Primarily nonnative annuals such as wild oats and Bermuda grass have grown along cracks and openings in the pavement.

Isolated, Seasonally Inundated Depression

The isolated, seasonally inundated depression is a low point occurring along the abandoned railroad corridor. It is a man-made depression as a result of modifications to the local topography associated with previous construction or maintenance activities along the abandoned railroad corridor and immediately adjacent areas. Similar to elsewhere in the abandoned railroad corridor, the soils are modified by cobble, and only a small amount of native material remains in the upper soil layers. The depression exhibits wetland characteristics because it collects water from precipitation during the rainy season before slowly drying in the late spring. The predominant vegetation in the depression are nonnative species such as rabbit's foot grass (*Polypogon monspeliensis*), with Bermuda grass, African prickly grass (*Crypsis vaginiflora*), and curly dock

(*Rumex crispis*). Aquatic invertebrate (seed shrimp) carapaces were observed in the lowest point of the depression.

Special Status Species with the Potential to Occur

Special Status Wildlife

Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*)

Federal Status – Endangered

State Status – Endangered

Other – None

The salt marsh harvest mouse was federally listed as endangered in its entire range on October 13, 1970 (Federal Register 35: 16047). Critical habitat has not been designated for this species. This mouse is also state listed as endangered. A recovery plan for the salt marsh harvest mouse was prepared in 1984 and is currently under revision.

The federal and state listed salt marsh harvest mouse is endemic to tidal and brackish marsh habitats of the San Francisco Bay region. Salt marsh harvest mice are primarily found in the salt marshes along the northern San Pablo Bay, surrounding the Suisun Bay, and along the southern San Francisco Bay (USFWS 1984, Goals Project 2000). The acreage thought to be necessary to sustain a healthy salt marsh harvest mouse population is 150 acres or more (USFWS 2010). The salt marsh harvest mouse is critically dependent on dense cover and its preferred habitat is pickleweed. In marshes with an upper zone of halophytes, it uses this vegetation to escape high tides, and may also move into adjoining grasslands during the highest winter tides. The best type of pickleweed association for the species has: 100 percent vegetative cover with a cover depth of 30 to 50 centimeters at summer maximum, at least 60 percent cover of pickleweed, and additional halophytes such as fat hen (*Atriplex patula*) and alkali heath (*Frankenia salina*). The amount of salt grass, brass buttons (*Cotula coronopifolia*), alkali bulrush (*Bolboschoenus maritimus*), or other species (e.g., *Scirpus* sp. or *Typha* sp.) should be low (USFWS 1984).

The *Salt Marsh Harvest Mouse and California Clapper Rail Recovery Plan* (USFWS 1984) points out that small marshes, separated by open land or dikes, have very low immigration, and that very few areas are likely to be recolonized.

The study area does not contain pickleweed or additional halophytes or othersuitable habitat for the salt marsh harvest mouse. The abandoned railroad corridor is densely vegetated with salt grass, which is typically found in lower densities in suitable habitat for this species. The

perennial grassland, developed, and ruderal/disturbed do not contain vegetation associated with suitable habitat for the mouse. The nearest salt marsh vegetation to the study area is in the Plummer Creek Wetland Mitigation Bank, approximately 0.2 mile southwest of the study area (Figure 4.3-1, RBF 2011). The study area is separated from the salt marsh vegetation by physical barriers such as stockpiles and hills; therefore, the study area would not be expected to be colonized by individuals potentially using the nearby salt marsh vegetation. The Torian Property, a property within the Specific Plan area, that is located immediately adjacent to the southern study area boundary, was determined to not contain habitat suitable to support salt marsh harvest mouse (RBF 2011). Salt marsh harvest mouse is presumed absent from the SHH/FMC Project site as a result of the existing level of disturbance, industrial land uses, and lack of suitable natural habitat such as saline emergent wetlands and nearby uplands. Concurrence with these findings will be sought consistent with the requirements of the Specific Plan MMRP.

Burrowing Owl (*Athene cunicularia*)

Federal Status – None

State Status – SSC

Other – None

Burrowing owls are often found in open habitats characterized by low-growing vegetation including dry grasslands, agricultural and range lands, and desert habitats. This bird often uses rodent burrows for nesting and cover, but may dig burrows or use man-made objects such as concrete culvert or rip-rap. Occupancy of suitable burrowing owl habitat can be verified by observation during the spring and summer months, or sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow).

No suitable habitat for burrowing owl is present in the study area and no burrowing owl was observed in or adjacent to the study area during the biological reconnaissance survey. The study area is surrounded by vacant lots containing low growing vegetation, abandoned building pads, and construction materials such as pipe culverts that provide potential nesting habitat and cover. Although no suitable habitat for burrowing owl is present in the study area, habitat adjacent to the study area may be suitable for burrowing owls and could become occupied by burrowing owls prior to construction.

Nesting Birds

Migratory birds have the potential to use the trees in and adjacent to the study area, and the structures in the study area, for nesting and the adjacent area for foraging. No bird nest was

observed in the study area during the biological reconnaissance survey. However, red-tailed hawk, turkey vulture, and mourning dove were observed foraging or perching in the study area during the time of the biological reconnaissance survey, and could use the study area or adjacent properties for nesting.

Roosting Bats

Bats were observed roosting in a California fan palm tree on the site and may use other trees or structures on the site for roosting. At the time of the site visit on September 19, 2013, bat vocalizations were heard coming from beneath the foliage of the California fan palm tree near the southwest corner of the study area (Tree number 7 on the Tree Location Map in Appendix D of the BRE included in Appendix E of this Initial Study), but the bats were not visible and could not be identified. Big brown bats (*Eptesicus fuscus*) and Mexican free-tail bats (*Tadarida brasiliensis*) are common bat species that use palm trees for roosting. No special-status bat species in the region is known to use palm trees for roosting; therefore, the detected bats were likely not special-status bats.

Although regionally occurring special-status bats are not known to use palm trees for roosting, pallid bat (*Antrozous pallidus*) is a CDFW species of concern that has been documented in the vicinity of the study area that uses structures for roosting (CDFW 2013). The nearest recently documented occurrence of this species in the vicinity is from 2003 where seven pallid bats were observed exiting a bridge roost approximately 13.5 miles northeast of the study area (CDFW 2013). There is a low to moderate potential for pallid bat to use structures in the study area for roosting. Roosting bats may be affected if present during construction, and their roosting structures could potentially be removed by construction activities.

Special Status Plants

Alkali milk-vetch (*Astragalus tener* var. *tener*)

Federal Status – None

State Status – None

Other – CNPS List 1B.2

Alkali milk-vetch is an annual herb that occurs in alkaline habitats of playas, valley and foothill grasslands (adobe clay soils), and vernal pools at elevations that range from 3 to 197 feet amsl. The known range of this species includes Alameda, Contra Costa, Merced, Monterey, Napa, San

Benito, Santa Clara, San Francisco, San Joaquin, Solano, Sonoma, Stanislaus, and Yolo Counties. This species blooms from March through June (CNPS 2013).

The seasonally inundated depression in the study area potentially provides marginally suitable soil and hydrologic conditions for this species. This species is unlikely to occur on the site because of the existing level of disturbance and lack of suitable natural habitat such as playas, grasslands, and vernal pools. However, because the biological reconnaissance survey was conducted outside of the optimal period of identification of this species, bloom season botanical surveys for this species should be conducted consistent with the requirements of the MMRP.

San Joaquin Spearscale (*Atriplex joaquiniana*)

Federal Status – None

State Status – None

Other – CNPS List 1B.2

San Joaquin spearscale is an annual herb that occurs on alkaline soils within chenopod scrub, meadows and seeps, playas, and valley and foothill grassland at elevations from 3 to 2,740 feet amsl. The known range of this species includes Alameda, Contra Costa, Colusa, Fresno, Glenn, Merced, Monterey, Napa, San Benito, Santa Clara, and San Joaquin counties. This species blooms from April through October (CNPS 2013).

The perennial grassland and seasonally inundated depression in the study area potentially provide suitable soil and hydrologic conditions for this species. This species is considered unlikely to occur on the site as a result of the existing level of disturbance and lack of suitable natural habitat such as chenopod scrub, meadows and seeps, playas, and grasslands. In addition, this species was not observed in the study area during a survey conducted during its blooming period. San Joaquin spearscale is presumed absent from the site.

Congdon's Tarplant (*Centromadia parryi* spp. *congdonii*)

Federal Status – None

State Status – None

Other – CNPS List 1B.1

Congdon's tarplant is an annual herb that occurs in alkaline soils of valley and foothill grassland at elevations that range from 0 to 755 feet amsl. The known range of this species includes Alameda, Contra Costa, Monterey, Santa Clara, Santa Cruz, San Luis Obispo, San Mateo, and Solano Counties. This species blooms from May through November (CNPS 2013).

Some marginal habitat for this species occurs within the perennial grassland ruderal/disturbed habitat in the study area. A population of this species was documented in 2003 at a site located approximately 0.2 mile north of the study area. Approximately 100 plants were documented along the railroad tracks west of Willow Road between Thornton Avenue and Enterprise Drive. The associated habitat was ruderal/grassland featuring prickly ox tongue, wild oats, Italian rye grass, and Bermuda grass. Although the perennial grassland and ruderal/disturbed habitat in the study area is similar to the occupied habitat, the species was not observed in the study area during a survey conducted during its blooming period, and there is no known record of this species in the study area. This species is presumed absent from the site.

Contra Costa goldfields (*Lasthenia conjugens*)

Federal Status – None

State Status – None

Other – CNPS List 1B.1

Contra Costa goldfields is an annual herb that occurs in mesic habitats of cismontane woodland, alkaline playas, valley and foothill grassland, and vernal pools that range from 0 to 1,542 feet amsl. The known range of this species includes Alameda, Contra Costa, Mendocino, Monterey, Marin, Napa, Santa Barbara, Santa Clara, Solano, and Sonoma Counties. This species blooms from March through June (CNPS 2013).

The perennial grassland and seasonally inundated depression in the study area potentially provide marginally suitable soil and hydrologic conditions for this species. This species is unlikely to occur on the site because of its disturbed condition and absence of suitable natural habitat such as playas, native grasslands, and vernal pools. However, because the biological reconnaissance survey was conducted outside of the optimal period of identification of this species, bloom season botanical surveys for this species should be conducted consistent with the requirements of the MMRP.

Saline Clover (*Trifolium hydrophilum*)

Federal Status – None

State Status – None

Other – CNPS List 1B.2

Saline clover is an annual herb that occurs in marshes and swamps, mesic, alkaline sites within valley and foothill grassland, and vernal pools at an elevation of 0 to 985 feet amsl. The known

range of this species includes Alameda, Contra Costa, Mendocino, Monterey, Marin, Napa, Santa Barbara, Santa Clara, Solano, and Sonoma Counties. This species blooms from April through June (CNPS 2013).

The perennial grassland and seasonally inundated depression in the study area potentially provide marginally suitable soil and hydrologic conditions for this species. This species is unlikely to occur on the site because of the existing level of disturbance and lack of suitable natural habitat such as marshes and swamps, grasslands, and vernal pools. However, because the biological reconnaissance survey was conducted outside of the optimal period of identification of this species, bloom season botanical surveys for this species should be conducted consistent with the requirements of the MMRP.

Protected Trees

A total of ten trees meeting the criteria for protection under the City of Newark Municipal Code were identified on the project site – one Monterey pine (*Pinus radiata*, native), one red-eyed wattle (*Acacia cyclops*, not native), two California fan palms (*Washingtonia filifera*, native), and six silver dollar gum trees (*Eucalyptus polyanthemos*, not native). The trees were generally in fair or fair-to-poor condition. A total of four trees along Willow Street were determined to be dead and were not included in the inventory. Refer to Appendix D of the BRE contained in Appendix E of this Initial Study for the Certified Arborist Tree Inventory Technical Memorandum, including a Tree Location Map documenting the location of each tree in the study area, and the Arborist Survey Data Form containing the data associated with each tree inventoried.

If these trees protected under the code will be removed, the appropriate permit shall be obtained prior to removal.

Jurisdictional Waters

The seasonally inundated depression in the study area is on the SHH Property, and is included in the jurisdictional delineation prepared by HELIX (HELIX 2013; Appendix F). It meets the three wetland parameters included in the USACE Wetland Delineation Manual and Arid West Supplement; however, because no natural or manmade water conveyance features directing flows to or from the site were observed, and the compacted cobble ballast restricts percolation, precipitation in the depression would not be able to enter the local stormwater drainage system or other waterways. Therefore, the seasonally inundated depression in the study area is isolated and it is not considered to be a potential water of the U.S. However, it is considered to be a potential

water of the State (refer to the Jurisdictional Delineation Map in Appendix F). As proposed, the study area contains no potential waters of the U.S., and 0.03 acre of waters of the State.

Evaluation of Biological Resources

Question a: Less than significant with project-level mitigation incorporated

Potential Impacts to Salt Marsh Harvest Mouse

Based on the results of the habitat assessment for salt marsh harvest mouse conducted on the SHH/FMC Project site, salt marsh harvest mouse is presumed absent from the site as a result of the existing level of disturbance, industrial land uses, and lack of suitable natural habitat such as saline emergent wetlands and nearby uplands. The study area is separated from the salt marsh vegetation by physical barriers such as stockpiles and hills; therefore, the study area would not be expected to be colonized by individuals potentially using salt marsh vegetation in the area and does not provide potential habitat. As a result, no impacts to salt marsh harvest mouse are anticipated; however, measures contained in the Specific Plan MMRP measure 4.3-1 will be implemented to ensure concurrence by USFWS and CDFW and that no further action for this species is required.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-1 (Salt Marsh Harvest Mouse)

The Specific Plan MMRP measure 4.3-1 specifies that prior to any site grading or development of properties within the Specific Plan area (except the Torian Property located directly south of the study area), a habitat assessment must be conducted for salt marsh harvest mouse to determine if the parcel where work is proposed provides suitable habitat for the mouse. The habitat assessment should be submitted to USFWS and the CDFW for their review and comment. If the habitat assessment concludes that the site does not provide suitable habitat for salt marsh harvest mouse and USFWS and CDFW concur with this finding, then no further mitigation measure for the species is necessary. If the habitat assessment concludes that the site does provide suitable habitat for salt marsh harvest mouse and/or the agencies conclude that suitable habitat is present, measures to avoid, minimize, and mitigate impacts should be implemented consistent with the requirements of the Specific Plan MMRP and in coordination with the agencies.

The habitat assessment for salt marsh harvest mouse contained in the BRE prepared for the proposed project concludes that the study area does not provide habitat for salt marsh harvest

mouse. The BRE should be submitted to USFWS and CDFW for concurrence with these findings. If USFWS and CDFW concur with the findings of this BRE, then no further mitigation measure for salt marsh harvest mouse is necessary. If USFWS and/or CDFW disagree with the findings of this BRE and conclude that suitable habitat is present, measures to avoid, minimize, and mitigate impacts should be implemented consistent with the requirements of the Specific Plan MMRP and in coordination with USFWS and CDFW.

With implementation of the above measure, impacts to salt marsh harvest mouse would be less-than-significant.

Potential Impacts to Nesting Raptors

Migratory birds (including raptors) have the potential to use the trees in and adjacent to the study area for nesting and the adjacent area for foraging. If nesting raptors are present during construction activities, they may be directly impacted through destruction of nests during tree removal, or through harassment as a result of noise and activities associated with construction that may result in nest abandonment. This would be considered a significant impact. The Specific Plan MMRP measure 4.3-2 will be implemented to avoid, minimize, and mitigate impacts to nesting raptors.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-2 (Nesting Raptors)

The Specific Plan MMRP measure 4.3-2 specifies that prior to any earthmoving or construction work on individual parcels within the raptor nesting season (February 1 to August 31), preconstruction surveys will be conducted to include the project site and a 300-foot buffer from the project site. If nesting raptors are present, a non-disturbance/avoidance buffer will be established based on specifications in the Specific Plan MMRP. A qualified raptor biologist would determine when the buffer can be removed, or the buffer may stay in place until August 31, and work may commence on September 1.

Mitigation measures for nesting raptors shall be implemented in accordance with the Specific Plan MMRP. With the above measure, impacts to nesting raptors would be less-than-significant.

Potential Impacts to Western Burrowing Owls

No suitable habitat for burrowing owl is present in the study area and no burrowing owl was observed in or adjacent to the study area during the biological reconnaissance survey. Vacant lots adjacent to the study area provide potential nesting habitat and cover. If nesting burrowing owls

are present during construction activities, they may be impacted. This would be considered a significant impact. The Specific Plan MMRP measure 4.3-3 will be implemented to avoid, minimize, and mitigate impacts to nesting burrowing owls.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-3 (Western Burrowing Owls)

The Specific Plan MMRP measure 4.3-3 specifies that prior to construction of any project within the project site, protocol burrowing owl surveys will be conducted by a qualified western burrowing owl biologist to ensure there is no impact to burrowing owls. Burrowing owl surveys will be conducted in accordance with CDFW's *Burrowing Owl Staff Report* (CDFG 2012). If potential burrows or birds are present, the appropriate measures in accordance with the MMRP and CDFW's *Burrowing Owl Staff Report* (CDFG 2012) will be implemented, and the appropriate measures to mitigate for impacts to the owls applied.

With implementation of the above measure, impacts to burrowing owls would be less-than-significant.

Potential Impacts to Nesting Passerines

Migratory birds (including passerines) have the potential to use the trees in and adjacent to the study area, and the structures in the study area, for nesting and the adjacent area for foraging. If nesting passerines are present during construction activities, they may be directly impacted through destruction of nests during tree and structure removal, or through harassment as a result of noise and activities associated with construction that may result in nest abandonment. This would be considered a significant impact. The Specific Plan MMRP measure 4.3-4 will be implemented to avoid, minimize, and mitigate impacts to nesting passerines

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-4 (Nesting Passerines)

The Specific Plan MMRP measure 4.3-4 specifies that 15 days prior to any earthmoving or construction work on individual parcels within the passerine nesting season (March 1 to September 1), preconstruction surveys will be conducted to include the project site and a 100-foot buffer from the project site. If nesting passerines are present, a 100-foot-wide buffer will be established around nests of special status birds, and a 75-foot-wide buffer will be established around nests of non-special status birds. The buffers will be maintained until August 1 unless determined by a qualified wildlife biologist that the nests may be removed.

With implementation of the above measure, impacts to nesting passerines would be less-than-significant.

Potential Impacts to Special Status Plants

The project site provides low quality habitat for five special-status plant species in the seasonally inundated depression and/or ruderal/disturbed habitat. Two species with the potential to occur (San Joaquin spearscale and Congdon's tarplant), are presumed absent from the site as a result of appropriately timed surveys. Preconstruction surveys shall be conducted during the blooming periods for alkali milk-vetch, Contra Costa goldfields, and saline clover to determine the presence of those species. If present on the site, potential impacts to special-status plant species include destruction of individual plants if they occur within the construction limits and/or cannot be avoided during construction activities and indirect affects as a result of increased levels of fugitive dust, sedimentation, harmful substances, or waterborne contaminants if they occur in the vicinity of construction activities. Mitigation measures for special status plants shall be implemented in accordance with the Specific Plan MMRP. If present on the site, with implementation of the recommended avoidance and minimization measure, the project would result in less than significant impacts to special-status plant species.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-5 (Special Status Plants)

The Specific Plan MMRP measure 4.3-5 specifies that prior to construction initiation, and City approval of site development, special-status plant surveys shall be conducted in appropriate habitats during the appropriate period during which the species are most identifiable in accordance with CDFW, USFWS, and CNPS published survey guidelines. If special-status plants are identified on the site, avoidance, minimization, and mitigation measures will be implemented consistent with the requirements included in the Specific Plan MMRP.

With implementation of the above measure, impacts to special status plants would be less-than-significant.

Question b, c: No impact

No riparian habitat or other sensitive community, or waters of the U.S. will be impacted by the project; therefore, no mitigation is necessary.

One 0.03-acre seasonally inundated depression in the study area is on the SHH Property. It meets the three wetland parameters included in the USACE Wetland Delineation Manual and Arid

West Supplement; however, because no natural or manmade water conveyance features directing flows to or from the site were observed, and the compacted cobble ballast restricts percolation, precipitation in the depression would not be able to enter the local stormwater drainage system or other waterways. Therefore, the seasonally inundated depression in the study area is isolated and it is not considered to be a potential water of the U.S. However, it is considered to be a potential water of the State (refer to the Jurisdictional Delineation Map in Appendix F). As proposed, the study area contains no potential waters of the U.S., and 0.03 acre of waters of the State. The isolated, seasonally inundated depression in the study area will be completely avoided by the proposed project; therefore, no permits or mitigation measures are required.

A total of 0.29 acre is designated for open space that will encompass the isolated, seasonally inundated depression and provide an approximately 40-foot-wide buffer between the depression and the development. A post and cable fence will be constructed to separate the open space from the development and two signs will be posted identifying the area as Biological Open Space. No grading or other construction activities will be conducted within the open space.

The Specific Plan MMRP contains measures for impacts to wetlands (Specific Plan MMRP measure 4.3-6); however, because the depression exhibiting limited wetland characteristics will not be impacted, the measure is not required.

Question d: No impact

The project area and vicinity feature previous industrial land uses, and development with residential and commercial uses. The project site does not provide a migratory wildlife corridor nor would development of the project impede the use of native wildlife nursery sites.

Question e: Less-than-significant with project level mitigation incorporated

Impacts to Trees

A total of ten trees meeting the criteria for protection under the City of Newark Municipal Code were identified on the project site – one Monterey pine (native), one red-eyed wattle (not native), two California fan palms (native), and six silver dollar gum trees (not native). The trees were generally in fair or fair-to-poor condition. If the trees protected under the code will be removed, the appropriate permit shall be obtained prior to removal. Refer to the Certified Arborist Report in Appendix D of the BRE included in Appendix E of this Initial Study for the results of the arborist survey. The Specific Plan MMRP measure 4.3-8 will be implemented to avoid, minimize, and mitigate impacts to protected trees.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-8 (Trees)

The Specific Plan MMRP measure 4.3-8 specifies that a tree permit shall be obtained from the City prior to the removal of any tree protected by City Ordinance on project sites. Replacement trees shall be planted at a 1:1 ratio (replacement tree per tree removed) in designated open space areas on the subject parcel. The measure contains specific requirements pertaining to monitoring, irrigation, and plan preparation for the replacement plantings.

If the trees in the study area will be removed for project development, mitigation measures shall be implemented in accordance with the Specific Plan MMRP, and impacts to trees will be less-than-significant.

Question f: No impact

No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been approved for the City of Newark. Therefore, no impacts to an existing adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan would occur, and no mitigation is necessary.

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

State and federal legislation requires the protection of historical and cultural resources. In 1971, President’s Executive Order No. 11593 required that all federal agencies initiate procedures to preserve and maintain cultural resources by their nomination and inclusion on the National Register of Historic Places (NRHP). In 1980, the Governor’s Executive Order No B-64-80 required that state agencies inventory all “significant historic and cultural sites, structures, and objects under their jurisdiction which are over 50 years of age and which may qualify for listing on the (NRHP).” Section 15064.5(b)(1) of the State CEQA Guidelines specifies that projects that cause “...physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired” shall be found to have a significant impact on the environment.

Cultural resources are discussed in Chapter 4.4 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). Cultural resource issues relevant to the proposed project are summarized here.

The Specific Plan area lies within the ethnographic territory of the Ohlone. Coastal Native American habitation sites in Alameda County, such as the Ohlone, are often marked by the presence of midden soil deposits, which are a buildup of organic debris and contain marine shells and animal bones. Other types of features that identify Native American activity areas are scatters of “flakes” or chipped material that resulted from the manufacturing of chipped stone tools and bedrock milling features (mortar depressions). Native American cultural resources in

western Alameda County are typically found near the bayshore and adjacent to other seasonal and perennial watercourses. No recorded, reported, or known Native American sites, villages, trails, traditional use areas, or contemporary use areas have been identified in, adjacent to, or near the Specific Plan area.

The South Pacific Coast Railroad opened for service in March 1878 and is the present day location of Union Pacific Railroad corridor (formerly Southern Pacific Railroad) and the future Dumbarton Rail Corridor project, approximately 710 feet north of the project site. A portion of the railroad corridor between Wells and Thornton Avenues has been evaluated as eligible for inclusion on the National Register of Historic Places under criteria A, B, and C.

The Specific Plan area remained primarily undeveloped until industrial uses moved in during the 1920s. Several parcels, including FMC Parcel E (APN 92-0115-011) were never developed or actively used. Foster Chemical Company began operating at the SHH Property (APNs 92-0115-012 and 92-0115-013) in 1975 and ceased operations in 1987. Prior to that time, the land was undeveloped and had been used for agriculture and leased for a period of time by the E.J. Lavino Brick Company for the storage of bricks. Currently, the SHH Property is used as a storage area for base-rock and tractor trailers used in construction projects. An existing warehouse is present on the SHH Property.

The entire Specific Plan area is underlain by Holocene floodbasin deposits (Qhb) and Holocene estuary deposits (bay mud). Many peoleontologists consider Holocene biologic remains too young to qualify as fossils. Although the soils may contain Holocene aged mulluscan fossils, such fossils are not considered significant. Consequently, the paleontological sensitivity of these units is considered low.

No NRHP or California Register of Historical Resources (CRHR) listed, determined, or potential archaeological sites, significant local, State, or Federal historic properties, landmarks, etc. have been identified in or adjacent to the Specific Plan area. The Specific Plan area contains no recorded archaeological resources, including prehistoric sites.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

The EIR concludes there are no NRHP or CRHR listed, determined, or potential archaeological sites, significant local, State or Federal historic properties, landmarks, etc., in or adjacent to the Specific Plan area. Additionally, there are no recorded archaeological resources, including prehistoric sites and no recorded, reported, or known Native American sites, villages, trails,

traditional use areas, or contemporary use areas in, adjacent, or near the Specific Plan area. No historic resources have been formally recorded or reported in or near the Specific Plan area. The Specific Plan area has a low sensitivity for paleontological resources.

There is a possibility that potentially significant unrecorded archaeological resources, including prehistoric resources and human remains, as well as historic resources, and are present beneath the ground surface and could be exposed during construction activities. Unknown paleontological resources may be damaged or destroyed during ground disturbing activities. The Union Pacific Railroad corridor adjacent to the Specific Plan area could be eligible for inclusion on the NRHP. Mitigation measures are recommended to reduce impacts to cultural resources to less than significant.

Evaluation of Cultural Resources

Questions a - d: Less than significant with project level mitigation incorporated

Previous record searches have resulted in negative findings for historic or archaeological resources. However, the site contains an existing warehouse and an abandoned railroad corridor. Because the project site would involve ground disturbance, construction activities could reveal unknown paleontological and cultural resources, including human remains. Measures contained in the Specific Plan MMRP (measures 4.4-1a and 4.4-1b) will be implemented to minimize impacts to cultural resources to less than significant.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.4-1a (Subsurface Resources)

The Specific Plan MMRP measure 4.4-1a specifies that prior to issuance of grading permits for each development, qualified archaeologists shall train the construction crew on identifying cultural resources and the legal and/or regulatory implications of destroying or removing cultural resources or artifacts. If subsurface or previously unknown cultural resources or human remains are discovered during construction, avoidance and mitigation measures involving the qualified archaeologist, lead agency, and project sponsor will be implemented. The measure contains specific processes depending on the resource encountered.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.4-1b (Historic Buildings and Structures)

The Specific Plan MMRP measure 4.4-1b specifies that prior to approval of Tentative Subdivision Maps for any development in the Specific Plan area, any buildings, structures, or the railroad directly affected by or within 100 meters (328 feet) of development shall be evaluated for inclusion in the NRHP by a qualified professional archaeologist. If the building or structure is considered eligible, then the resource will be evaluated for impacts. If not eligible, no mitigation measures would be required. The project site is not within 328 feet of the Union Pacific Railroad (formerly Southern Pacific Railroad), but it contains an existing warehouse that will be impacted by the project and will need to be evaluated prior to approval of the Tentative Subdivision Map.

With implementation of the above measures, impacts to cultural resources would be less than significant.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Geology and soils are discussed in Chapter 4.5 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). Information pertinent to the SHH/FMC Project is summarized below.

Geology

The SHH/FMC Project is located in the San Francisco Bay Area. This region is known to be one of the most seismically active places in the United States. There are three major active faults located in the San Francisco Bay Area: the Hayward Fault, which is located approximately six miles east of the project site, the San Andreas Fault, which is located approximately 13 miles west of the project site, and the Calaveras Fault, which is located approximately 11 miles east of the project site.

The project site is not located within an Alquist-Priolo Study Zone (i.e., active faults). Because there are no identified active earthquake faults on the project site, there is no risk of ground rupture on the project site from known earthquake faults; however, there is a potential for moderate earthquake-induced ground shaking due to other identified earthquake off-site faults in the San Francisco Bay Area. The project site may be underlain by potentially liquefiable soils, and contains backfill that could result in seismically-induced ground failure from an adequately substantial earthquake from off-site faults. A significant seismic event that could damage and destroy buildings and other structures could occur on the project site.

Soils

The majority of the project site is underlain by Pescadero clay while a small portion of the project site is underlain by Marvin silt loam. These soils eroded from hills located east of the project site, and were deposited by streams. Imported fill material is also present on the project site. The SHH Property has undergone remediation activities to mitigate for contaminated soils due to past industrial uses, including soil excavation and treatment. Areas on the project site that were excavated were filled with general fill material (imported), treated soil from the property, aggregate base materials, or recycled concrete. Following backfilling activities, soils underwent pre-compaction and compaction to meet required standards. It is unknown whether the project site contains liquefiable soils; however, geotechnical investigations conducted on other properties in preparation of the EIR (RBF 2011) identified liquefiable soils in other areas of the Specific Plan. Therefore, the project site has a potential to contain liquefiable soils. Backfilled areas or areas with liquefiable soils could experience differential ground settlement, which could result in structural damage to buildings, pipelines, and other structures.

Because of the nearly level topography on the project site the potential for landslides is low. Similarly, due to the relatively flat topography, runoff rates are low, and therefore, the erosion hazard is low. However, erosion can be accelerated by the removal of vegetation, excavation, and grading, which could increase the chances of erosion from wind or stormwater runoff on the project site.

The high clay content soils that underlay the project site are considered expansive soils and have high shrink-swell potential. Expansion and contraction of soils could cause damage to structures, which, in turn, could result in damage to life and property.

City Regulation of Geology and Soils

The City of Newark's 2013 Updated General Plan contains conditions, actions, and programs that help minimize the effects of seismic and geologic hazards, primarily through enforcement of the California Building Code, which requires the implementation of engineering solutions for constraints to urban development posed by slopes, soils, and geology.

Evaluation of Geology and Soils

Question a: Less than significant with project level mitigation incorporated

Because there are no identified active earthquake faults on the project site, there is no risk of ground rupture on the project site from known earthquake faults; however, there is a potential for moderate earthquake-induced ground shaking due to other identified earthquake off-site faults in the San Francisco Bay Area. This could threaten the integrity of the structures on the project site and the people occupying those structures. The project site may be underlain by potentially liquefiable soils, and contains backfill that could result in seismically-induced ground failure from an adequately substantial earthquake from off-site faults. Due to the relatively flat topography of the project site, it is not susceptible to landslides as a result of seismic activity.

Impacts to people or structures as a result of seismic-related activity could be potentially significant. The impact of seismic-related ground shaking on the project site can be reduced if the project is constructed in compliance with the geotechnical engineering investigations and the California Building Code requirements. Measures contained in the Specific Plan MMRP measure 4.5-1 will be implemented to reduce impacts to a less-than-significant level.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.5-1

Prior to site development, future developers are required to have design-level geotechnical engineering investigations performed on their individual property. Grading permits for the property shall be issued under the mitigation measures identified in the geotechnical investigation. These investigations shall consider the locations of the future developments and the types of developments as well as the soil and rock conditions as indentified by underground investigation and laboratory testing.

Implementation of this mitigation measure would reduce impacts as a result of seismic-related ground shaking, liquefaction, or landslide to a less-than-significant level.

Question b: Less than significant with project level mitigation

Construction activities on the project site, such as removal of vegetation, grading, and excavation could potentially result in increased erosion or loss of topsoil from wind or stormwater. While the project could be exposed to erosion hazards or loss of topsoil, as noted in the EIR, erosion can be controlled through mitigation measures developed by specific geotechnical investigations that are required by Specific Plan MMRP measure 4.5-1. Additionally, the project is required to adhere to local and statewide regulations, codes, and requirements, as described in mitigation measure 4.8-3 (Hydrology, Drainage, and Water Quality).

Implementation of these mitigation measures would reduce impacts to soil erosion to a less-than-significant level.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.5-2 (Soil Erosion)

Erosion can be controlled through mitigation measures developed by specific geotechnical investigations that are required by mitigation measure 4.5-1. Additionally, the project is required to adhere to local and statewide regulations, codes, and requirements, as described in mitigation measure 4.8-3 (Hydrology, Drainage, and Water Quality).

Implementation of this mitigation measure would reduce impacts to soil erosion to a less-than-significant level.

Question c: Less than significant with project level mitigation

The specific soil conditions on the project site are not known; however, the project site likely has a low potential for subsidence. The site may contain soils that are subject to liquefaction, which

could lead to differential settlement. Because the project site was previously remediated, it could experience differential ground settlement from areas that were backfilled. While the project could be exposed to impacts caused by unstable soils, implementation of Specific Plan MMRP measure 4.5-1 which requires that developers have design-level geotechnical engineering investigations prepared will be implemented to reduce these impacts to a less-than-significant level.

Question d: Less than significant with project level mitigation

The soils that underlay the project site are clayey, expansive soils. These soils have high shrink - swell potential, which could result in structural damage. Implementation of Specific Plan MMRP measure 4.5-1, which will enforce implementation of the mitigation measure recommendations from the design-level geotechnical engineering investigations, will result in a less than significant impact to expansive soils.

Question e: No impact

The proposed project will be connected to a municipal wastewater treatment system provided by the City of Newark, and would not require septic systems or an alternative waste disposal system. No impact would occur and no mitigation would be required.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A project specific GHG emission’s evaluation was conducted (Appendix D, HELIX 2013a) and the methods and results are summarized in the following subsections.

Climate change has been observed to contribute to poor air quality, rising sea levels, melting glaciers, stronger storms, more intense and longer droughts, more frequent heat waves, wildfires, and other threats to human health (ALA California 2011; IPCC 2007). From 1994 through 2006, eleven of those twelve years rank among the 12 warmest years on record (since 1850), with the warmest two years being 1998 and 2005 (IPCC 2007). Hotter days facilitate the formation of ozone, increases in smog emissions, and increases in public health impacts (e.g., premature deaths, hospital admissions, asthma attacks, respiratory conditions, and acute bronchitis) (ALA California 2011). Global temperatures have risen by 1.3°F over the past century, and if greenhouse gas emissions continue to increase, climate models predict that the average temperature at the Earth’s surface could increase by 2 to 11.5°F by the year 2100 (IPCC 2007).

Because reducing GHG emissions would help to reduce the potential impacts of climate change, California has adopted AB 32, the Global Warming Solutions Act of 2006. The California Air Resources Board (CARB) is in the process of implementing a comprehensive, multi-year strategy to reduce GHG emissions. The state Attorney General’s Office has identified various measures for all development types that may reduce the global warming impacts at the individual project level. The various measures include the following list categories:

- Energy Efficiency
- Renewable Energy and Energy Storage
- Water Conservation and Efficiency
- Solid Waste Measures
- Land Use Measures
- Transportation and Motor Vehicles
- Agriculture and Forestry

The Attorney General’s Office also suggests that if, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation (California AGO 2010).

Table 6 lists 2009 California GHG emissions estimated by CARB based on carbon dioxide equivalent emission rates.

Table 6. California Greenhouse Gas Emissions based on Carbon Dioxide Equivalent Emission Rates

Category	CO ₂ Equivalent (million tonnes)	Percent Total (of gross)
Transportation	172.92	38.2
Electric Power	103.58	22.9
Agriculture	32.13	7.1
Commercial and Residential	42.95	9.5
Industrial	81.36	17.1
Recycling and Waste	7.32	1.6
High GWP ¹	16.32	3.6
Forestry	0.19	0.0
<i>Total (gross)</i>	<i>456.77</i>	<i>100</i>
Sinks and Sequestrations	-3.80	
Total (net)	452.97	

¹ Includes Ozone Depleting Substance (ODS) Substitutes, Electricity Grid SF6 Losses, and Semiconductor Manufacturing. Source: California Air Resources Board, 2011. Greenhouse Gas Inventory for 2000-2009 – by Category as Defined in the Scoping Plan. Retrieved March 14, 2013, from California Air Resources Board: <http://www.arb.ca.gov/cc/inventory/data/data.htm>.

California carbon dioxide equivalent emissions were approximately 452.97million tonnes in 2009. As shown in the table, over 38 percent of GHG emissions from within California occur from transportation, and 23 percent occur from electric power.

Naturally occurring greenhouse gases include water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and ozone (O₃). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, emitted solely by human activities. There are also several gases that, although they do not have a direct radiative forcing effect, do influence the formation and destruction of ozone, which does have such a terrestrial radiation absorbing effect. These gases, referred to here as ozone precursors, include carbon monoxide (CO), oxides of nitrogen (NO_x), and non-methane volatile organic compounds (NMVOC). Aerosols (extremely small particles or liquid droplets emitted directly or produced as a result of atmospheric reactions) can also affect the absorptive characteristics of the atmosphere (EPA 2010).

Regulatory Framework Relating to Greenhouse Gas Emissions

Refer to the *Air Quality and Greenhouse Gas Emissions Technical Report* in Appendix D (HELIX 2013a) for detailed descriptions of regulations related to GHGs.

Federal and State Regulations

The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The U.S. Supreme Court ruled on April 2, 2007 that CO₂ is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs.

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California, and for implementing the California Clean Air Act (CCAA). Various statewide and local initiatives to reduce the state's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long-term. Because every nation emits GHGs, and therefore makes an incremental cumulative contribution to global climate change, cooperation on a global scale will be required to reduce the rate of GHG emissions to a level that can help to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

There are numerous laws that have been signed in California to reduce greenhouse gas emissions. Assembly Bill (AB) 1493 (signed in 2002) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the state.” To meet the requirements of AB 1493, in 2004 CARB approved amendments to the California Code of Regulations (CCR) adding GHG emissions standards to California’s existing standards for motor vehicle emissions.

Executive Order S-3-05, which was signed by Governor Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra’s snowpack, further exacerbate California’s air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the Executive Order established total greenhouse gas emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

In September 2006, Governor Schwarzenegger signed AB 32, the California Climate Solutions Act of 2006. AB 32 established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. California needs to reduce GHG emissions by approximately 28.3 percent below the “business as usual” predictions to achieve this goal. The bill requires the CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions. On January 1, 2011, specific GHG emission limits and reduction measures in line with AB 32 were adopted; these became enforceable on January 1, 2012.

As of October 31, 2011, 18 of 30 CARB regulations had been approved, including nine discrete early actions, as required by AB 32. The current estimate for the necessary GHG emissions reductions to attain the goals of AB 32 (i.e., 1990 levels by 2020) is 174 million metric tons of CO₂ equivalent (MMTCO₂e). It is estimated that nine proposed discrete early actions identified by CARB will provide approximately 16 MMTCO₂e of GHG reductions while the other early actions will provide approximately 26 MMTCO₂e of GHG reductions. It also is anticipated that an additional 30 MMTCO₂e in reductions will be achieved from the passage of anti-idling measures and AB 1493 (described below). The remaining 102 MMTCO₂e are expected to be achieved through CARB’s Scoping Plan and other emission reduction efforts by members of the CCAT. By January 1, 2014, and every five years thereafter, the CARB will update its Scoping Plan.

Senate Bill (SB) 375 was signed and passed into law on September 30, 2008. SB 375 enhances the CARB's ability to reach AB 32 goals. Specifically, SB 375 requires CARB to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for the years 2020 and 2035. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain review requirements of CEQA. The targets apply to the 17 regions in the state managed by metropolitan planning organizations (MPO). CARB adopted its final targets on September 23, 2010.

The metropolitan transportation commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. MTC's targets are a 7 percent per capita reduction from 2005 by 2020, and 15 percent per capita reduction from 2005 by 2035. MTC's *Plan Bay Area* is the San Francisco Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). The *Plan Bay Area* was released on March 21, 2013 and was adopted in July 2013. The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. According to *Plan Bay Area*, the Plan meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

On December 11, 2008, the CARB adopted the Scoping Plan (CARB 2008) as directed by AB 32. The Scoping Plan proposes a set of actions designed to reduce overall GHG emissions in California to the levels required by AB 32. The measures in the Scoping Plan approved by the CARB will be in place by the year 2012, with further implementation details and regulations to be developed, followed by the rulemaking process to meet the year 2012 deadline. Measures applicable to development projects include those related to the following: energy-efficiency building and appliance standards; the use of renewable sources for electricity generation; regional transportation targets; and green building strategy.

Relative to transportation, the Scoping Plan includes nine measures or recommended actions. One of these is measure T-3, Regional Transportation-related Greenhouse Gas Targets, which relies on SB 375 implementation to reduce GHG emissions from passenger vehicles through reducing vehicle miles traveled. The other measures are related to vehicle GHGs, fuel, and efficiency measures, and those measures would be implemented statewide rather than on a project-by-project basis.

City of Newark Climate Action Plan

The City of Newark has adopted a Climate Action Plan to identify and evaluate feasible and effective policies to reduce GHG emissions in order to reduce energy costs, protect air quality, and improve the economy and the environment. The plan identifies a 5 percent GHG reduction target from 2005 municipal emissions by July 2012, a 5 percent reduction in city and community emissions by July 2015, and a 15 percent decrease in communitywide emissions levels by 2020. Data collected by the City through the GHG monitoring process shows that the City has already achieved the first two of these goals.

Methods

As described under methods in Section 6.III, *Air Quality*, construction and operation emissions were estimated using the CalEEMod Version 2013.2.1. The construction analysis included modeling of the projected construction equipment that would be used during each construction activity. The analysis assessed maximum daily emissions from individual construction activities, including demolition, site preparation, grading, backbone infrastructure, building construction, paving, and architectural coating. The model estimates daily regional emissions from vehicle and stationary sources of pollutants during existing conditions. Project impacts for operational emissions were assessed by calculating the net increase in emissions from the proposed project compared with emissions from the existing use on the site (the baseline emissions). Reductions from Low Carbon Fuel Standards and Pavley I standard are reflected in GHG emissions for scenario years 2011 and after. Area sources of air pollutant and GHG emissions include natural gas combustion from water and space heating, landscape equipment, consumer products, and architectural coatings (such as paint).

Levels of Significance

Given the relatively small levels of emissions generated by a typical development in relationship to the total amount of GHG emissions generated on a national or global basis, individual development projects are not expected to result in significant, direct impacts with respect to climate change. However, given the magnitude of the impact of GHG emissions on the global climate, GHG emissions from new development could result in significant, cumulative impacts with respect to climate change. Thus, the potential for a significant GHG impact is limited to cumulative impacts.

As discussed in Section 15064.4 of the State CEQA Guidelines, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency, consistent with

the provisions in Section 15064. Section 15064.4 further provides that a lead agency should make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project.

As shown in Table 7, the BAAQMD 2010 CEQA Guidelines do not have thresholds for construction GHG emissions, but do include operational related thresholds. For a project with a high-density housing option in a focused transit-oriented development area to meet the operational thresholds, it must show compliance with a qualified GHG reduction strategy, or be below a screening-level emission rate of 4.6 MT CO₂e per service population (residents plus employees) per year. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects.

Table 7. BAAQMD Greenhouse Gas Emissions Thresholds

Pollutant	Construction-Related	Operational-Related
	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
GHGs – Projects other than Stationary Sources	No threshold	Compliance with Qualified GHG Reduction Strategy OR 4.6 MT CO ₂ e/SP/yr (residents + employees)

Source: BAAQMD CEQA Guidelines Updated May 2010.

If a project generates more than 4.6 MT CO₂e/SP/yr, the significance of the GHG emissions are evaluated against the reductions from the business as usual condition. The business as usual scenario represents the emissions that would be expected to occur in the absence of any project or government-mandated GHG reduction measures.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Greenhouse Gas Emissions is discussed in Chapter 4.6 of the EIR prepared for the Dumbarton TOD Specific Plan. The EIR concludes that the project would not conflict with an applicable GHG reduction plan, policy or regulation, and includes measures (MMRP measure 4.6-1) describing potential design features to be incorporated into the project design to ensure that GHG emission associated with project operation would be below the business as usual scenario. With implementation of the proposed design features, GHG emissions would be less than significant. The Dumbarton TOD could result in potentially significant cumulative impacts resulting from GHG emissions, but these would be reduced to less than significant with implementation of MMRP 4.6-1.

Evaluation of Greenhouse Gas Emissions

Question a: Less than significant

Greenhouse gas emissions would be generated from the proposed residential development during construction and operation.

Construction Emissions

GHG emissions during construction would be associated with the use of heavy equipment and by construction worker commute trips. GHG emissions as a result of construction activities would be temporary. As shown in Table 8, total GHG emissions associated with construction are estimated at 760 MT of CO₂e.

Table 8. Estimated Construction Related GHG Emissions (metric tons/year) for the Proposed Project

Calendar Year	CO ₂	CH ₄	N ₂ O	CO ₂ e
2015	530.59	0.09	0.00	532.53
2016	227.02	0.03	0.00	227.73
TOTAL (metric tons)	757.61	0.12	0.00	760.26

Source: *Air Quality and Greenhouse Gas Emissions Technical Report* prepared by HELIX Environmental Planning, Inc. dated November 2013

Notes: (1) Emissions from demolition were included in total construction emissions.

The BAAQMD 2010 CEQA Guidelines do not have significance thresholds for construction GHG emissions; however, the project-related emissions are included here for informational purposes. Impacts would be less than significant and no mitigation measures are required.

Operational Emissions

Operational emissions would result from transportation sources (primarily automobile trips) and from area sources such as electricity generation, water treatment and transmission, solid waste collection, and space heating.

The net increase in GHG emissions from the project would be 2,217.37 MT of CO₂e per year. The BAAQMD's 2010 CEQA Air Quality Guidelines establishes a threshold of 4.6 MT CO₂e per service population (residents plus employees) per year. The service population for the proposed project is estimated to be approximately 499 (458 residents, estimated by CalEEMod, and 41 retail employees, estimated by multiplying the retail square footage [15,000 sf] with the

average number of small supermarket employees [0.92 employees/1,000 sf/shift; EnergyStar] by average number of supermarket shifts [3]). By factoring in the service population, the project emissions equal 4.4 MT CO₂e per service population per year, which is lower than the threshold. Therefore, the project would not result in a significant impact associated with the emissions of GHG.

The estimated annual operational GHG emissions are presented in Table 9.

Table 9. Estimated Annual Operation Greenhouse Gas Emissions for the Proposed Project

Emission Source	Annual Emissions (metric tons/year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ Equivalents
Area Source	7.25	0.00	0.00	7.33
Energy Use	625.77	0.02	0.00	628.51
Mobile	1,566.46	0.06	0.00	1,567.81
Solid Waste Management	8.03	0.47	0.00	17.99
Water Consumption	22.85	0.32	0.00	31.98
Operational Total (metric tons)	2,230.36	0.89	0.02	2,253.62
Existing Use	(33.49)	(0.11)	(0.00)	(36.25)
Net Increase	2,196.87	0.78	0.02	2,217.37
Projected Service Population	499			
NET INCREASE PER Service Population	4.4 MT CO₂e/SP/yr			
Significance Threshold	4.6 MT CO ₂ e/SP/yr			
Significant Impact?	No			

Source: *Air Quality and Greenhouse Gas Emissions Technical Report* prepared by HELIX Environmental Planning, Inc. dated November 2013

Notes: Service population = residents + employees

Question b: Less than significant impact with project level mitigation incorporated

The EIR prepared for the Dumbarton TOD Specific Plan concludes that the entire Dumbarton TOD project (which includes the SHH/FMC Project) is consistent with all applicable GHS plans and policies. The SHH/FMC Project design features were compared against the policies included in the 2013 Updated General Plan that's incorporated the City of Newark's Clean Air Plan. The project's design features would support these policies. They include:

Action CS-3.E Water Efficient Landscaping. Continue to implement the City’s Bay Friendly Landscaping Guidelines for water-efficient landscaping, including low water use plants and more efficient irrigation systems. Adopt more stringent outdoor water use policies for individual development proposals where feasible.

Policy CS-5.1 Linking Land Use and Transportation. Encourage land use and transportation patterns that reduce dependence on automobiles. This includes siting well-designed higher-density, mixed-use development near the proposed Dumbarton Rail station and in other areas with frequent transit service.

Policy CS-5.2 Pedestrian and Bicycle Friendly Design. Ensure that new development is planned and designed to facilitate walking and bicycling as well as driving. This can potentially reduce the number of vehicle trips and related GHG emissions.

Policy CS-6.2 Encouraging Greener Construction. Encourage greener construction methods and greater use of recycled-content materials in new residential, commercial, and industrial construction projects in accordance to the latest CalGreen building standards.

Policy CS-7.1 Reducing Energy Use. Support measures to reduce energy consumption and increase energy efficiency in residential, commercial, industrial, and public buildings.

Policy CS-7.2 Renewable Energy Sources. Support the expanded use of renewable energy sources such as wind and solar by Newark residents and businesses, the City of Newark, and other government agencies.

Policy CS-7.3 Designing for Energy Efficiency. Support building design, site planning, and subdivision design methods that reduce heating and cooling costs and achieve greater energy efficiency.

Policy CS-7.5 Solar Access. Preserve solar access rights in a way that is consistent with state law, encourages the use of photovoltaic energy systems in new construction and rehabilitation projects, and balances parallel objectives to expand the urban forest and protect local trees.

The proposed Project would also be consistent with several Action Items listed in the Clean Air Plan. The City of Newark has an inclusionary housing ordinance that requires at least 15 percent of the units in all new residential projects to be made available as below-market-rate housing. This type of housing is statistically associated with a higher probability that a commuter will take transit or walk to work. The inclusion of 75 affordable housing units within the proposed Project is also consistent with CAP Planning and Zoning Action Item 6.4. Further, the CAP includes

references that the proposed project would also be consistent with several Action Items within the City's CAP, namely the proposed Project's green principles and regional smart growth planning efforts it will achieve (i.e., residential units nearby the transit station, higher density, and mix of uses). The Project would include the installation of energy- and water-efficient systems. Furthermore, the Project would be consistent with the Action Items within the CAP and would also reduce its GHG emissions in the region. The Project is consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development.

Consistent with the requirements of the EIR prepared for the Dumbarton TOD Specific Plan, the following measure will be incorporated to ensure consistency with adopted statewide plans and programs.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.6-1 (GHG Emissions)

The Specific Plan MMRP measure 4.6-1 contains specific project design features that the project applicant shall incorporate into the project design and demonstrate their inclusion prior to the issuance of building permits.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Hazards and hazardous materials are discussed in Chapter 4.7 of the EIR (RBF 2011) prepared for the Dumbarton TOD Specific Plan. The project site has a history of soil and groundwater hazardous materials contamination associated with previous land uses. No naturally occurring asbestos is present on the site (RBF 2011). The land uses causing the contamination have since ceased, and ongoing remediation and groundwater monitoring have been conducted pursuant to administrative orders adopted by the San Francisco RWQCB (RBF 2011). Subsequent investigations on the site are summarized below.

FMC Parcel E

A Phase I Environmental Site Assessment was conducted on FMC Parcel E (Haley & Aldrich 2013). The parcel is historically and currently undeveloped with an unimproved access road crossing through the southwestern corner of the site. The results of the Phase I ESA identified recognized environmental conditions (RECs) associated with semi-volatile organic compounds (SVOC) detected in a shallow soil sample (0.5 foot below ground surface), and VOCs impacting groundwater from off-site sources.

SHH Property

A Phase I Environmental Site Assessment was conducted on the SHH Property (Haley & Aldrich 2012). The SHH Property was owned and operated by Mr. Frank Peckett under the name of Foster Chemical Company from 1975 to 1987, during which VOCs were used on the project site. Investigations of potential impacts from VOC usage on the site began in 1989 and resulted in both excavation of impacted soil and extraction of impacted groundwater pursuant to the above mentioned administrative orders. As a result, the site has been largely remediated to meet commercial/industrial standards, although minor impacts to soil, soil vapor and groundwater remain at the project site.

Discussion

Additional investigation of the project site has been proposed to the RWQCB to update information on the distribution of VOC impacts at the site given that much of the existing data are now over 15 years old and was collected using techniques that have since been superseded. It is expected that the investigation will define areas of the project site that require soil excavation to meet current residential standards, and that excavation activities will follow under RWQCB oversight. Since groundwater on the site is not considered a potential drinking water source, exposure to the remaining low-level VOC impacts in groundwater is limited to potential vapor intrusion. To address this issue, proposed buildings will be constructed with engineered vapor

mitigation measures typical of sites with similar impacts that have been developed recently in the San Francisco Bay Area under RWQCB oversight.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Impacts associated with hazardous materials identified in the certified EIR include risks to the public or the environment as a result of developing the sites included on lists of hazardous materials sites, routine transport, use, or disposal of hazardous materials, or foreseeable or accidental conditions involving the release of hazardous materials into the environment. Measures include requiring regulatory oversight of the contaminated property to determine that the remediation and mitigation measures, and the proposed land uses are sufficient to ensure the property, proposed development and design do not pose an unacceptable risk to human health.

Evaluation of Hazardous Materials

Questions a, b, c: Less-than-significant impact

During construction, oil gasoline, diesel fuel, paints, solvents, and other hazardous materials would be used. If spilled, these substances could pose a risk to the environment and to human health. Both federal and state laws include provisions for the safe handling of hazardous substances. Following construction, no hazardous materials use or storage would be expected other than minor amounts of cleaning and landscaping chemicals. No existing or proposed schools are within 0.25 acre of the project site; however, the routine transport, use, and disposal of hazardous materials are subject to local, state, and federal regulations to minimize risk and exposure. Therefore, this impact is considered less than significant, and no mitigation is necessary.

Question d: Less-than-significant with project level mitigation incorporated

The project site has a history of hazardous materials contamination associated with previous land uses that may create a significant hazard to the public or the environment if not appropriately remediated. The San Francisco RWQCB provides regulatory oversight of the properties, and has participated in ongoing coordination to remediate the project site. Concurrent with the processing of the tentative map, the project applicant will continue to coordinate with the San Francisco RWQCB to develop work plans for site remediation. These work plans will be implemented during the grading phase of construction to achieve current residential standards.

The proposed land uses and work plan will be approved by the San Francisco RWQCB prior to project approval. The Specific Plan MMRP measures 4.7-1a-c will be implemented to avoid, minimize, and mitigate impacts to the public and the environment as a result of hazardous materials.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.7-1a-c (Hazardous Materials)

The Specific Plan MMRP measure 4.7-1a specifies that prior to issuance of a building permit for any property within the Specific Plan area with residual environmental contamination, the agency with primary oversight shall have determined that the proposed land use and development for that property does not present an unacceptable risk to human health. This may be implemented through institutional controls, site specific measures, a risk management plan, and deed restrictions based on applicable cleanup standards.

Measure 4.7-1b requires that all areas be cleared prior to grading, and Measure 4.7-1c requires that soils imported into the Specific Plan area from off-site shall be tested for toxic or hazardous materials.

With implementation of the above measures, impacts to the public and the environment as a result of hazardous material contamination will be less than significant.

Questions e, f: No impact

The project site is not located in an Airport Land Use Plan area, and no public or private airfields are within two miles of the project site; therefore, the project would not result in a safety hazard for people residing or working in the project area. No impact will occur, and no mitigation is necessary.

Question g: Less-than-significant impact

The City has adopted two emergency response plans. The “Emergency Operations Plan” provides operational procedures for responding to a variety of emergency conditions, including natural, hazardous materials, and civil defense conditions. The “Chemical Emergency Preparedness Supporting Plan” establishes operating procedures for responding to a chemical spill or other hazardous materials incident within the City. These plans are considered adequate and would not be affected by the proposed project. No significant impact would occur, and no mitigation would be necessary.

Question h: Less-than-significant impact

The project site is provided urban levels of fire protection by the City. Therefore, the proposed project would not increase the risk of wildland fires. No significant impact will occur, and no mitigation is necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Hydrology and water quality are discussed in Chapter 4.8 of the EIR prepared for the Dumbarton TOD Specific Plan (RBD 2011). Information pertinent to the SHH/FMC Project is summarized below.

The project site is graded and altered, and reflects the history of past hydrologic manipulation. Precipitation is the only source of water for the study area. A depression along the abandoned railroad corridor collects precipitation during the rainy season before slowly drying in the late spring. Precipitation collected on the site may pond in low areas or flow off site to adjacent parcels where it may percolate into the ground or evaporate.

City-owned storm drains located within Willow Street and Enterprise Drive convey surface runoff from parcels fronting these streets to the Alameda County Flood Control and Water Conservation District Line south of the Specific Plan area. The County storm drain flows into the San Francisco Bay. Implementation of the proposed project will increase impervious areas, subsequently reducing absorption rates in some areas, and would alter the site's existing drainage pattern. By increasing the impervious area and channelizing the stormwater runoff, the rates and volumes of runoff will increase.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel 06001C0443G effective 8/3/2009. The SHH/FMC Project site is located within an area classified as Zone X which indicates this area has 0.2 percent annual chance of flooding, or is an area of one percent annual change of flood with average depths of less than one foot or with drainage areas less than one square mile.

The project site is not located in the 100-year tidal flood zone of other floodplain, but it is located in the inundation areas for three dams: Del Valle, James H. Turner, and Calaveras, all of which are classified as high hazard dams because their failure could result in a significant loss of life and property damage. 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.

The Dumbarton TOD is within the coverage area for the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) General Permit administered by the San Francisco Bay RWQCB. The permit applies to projects disturbing one acre or more of land. The terms of the permit usually provides requirements and standards for categories such as municipal maintenance, public outreach, illicit discharge controls, industrial and commercial discharge controls, and new development discharge controls.

The Alameda County Flood Control and Water Conservation District (ACFC) works specifically to protect County citizens from flooding and enforces pollution control regulations governing County waterways. The ACFC has a Hydrology and Hydraulics Manual that outlines the District's requirements for new development and modifications of existing flood control systems.

The City of Newark Municipal Code (Section 15.40.51 Newark Municipal Code) has flood elevation standards for lands within special flood hazard areas as defined by FEMA. These standards include requirements such as minimum elevations for finished floors above building pads and top of curb grades above sea level.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Hydrology, Drainage, and Water Quality are discussed in Section 4.8 of the EIR prepared for the Dumbarton TOD Specific Plan. The EIR concluded that the Dumbarton TOD would not violate water quality standards or waste discharge requirements, as all elements of the project would be required to comply with the requirements of the NPDES General Permit which includes implementation of best management practices to prevent or minimize environmental impacts and ensure that discharges during the construction phase of the project would not cause or contribute to the degradation of water quality in receiving waters, reducing construction-related water quality impacts to less than significant. The EIR contains measures to minimize impacts to water quality as a result of altered drainage patterns that may cause flooding and may also result in cumulatively considerable hydrology and water quality impacts.

Future storm drainage lines may not have sufficient room to cross over the Hetch Hetchy Aqueduct; however, the proposed project would tie into existing storm drain lines in Willow Street and would not require that new storm drain lines be constructed.

Evaluation of Hydrology and Water Quality

Questions a, c, e, f: Less than significant

Implementation of the proposed project would have the potential to generate stormwater and contaminated runoff from the project site. Pollution and sediments may be washed into receiving waters from the project site; however, following construction and during the life of the project, areas would be paved or landscaped which would stabilize soils. The project may result in an increase of pollutants associated with the development; however, the project would be required to comply with applicable policies and regulations. The site is within the existing urban area of the City served by urban stormwater facilities, and construction on the site would be subject to NPDES General Permit conditions (including the implementation of BMPs) and all of the conditions of the City's Municipal Code, and the AFAC's requirements for new development and modifications of existing flood control systems. Operation of these requirements, which would be unchanged with approval of the project, would ensure that no adverse effects due to stormwater generation or contamination would take place. No significant impact would result, and no mitigation would be necessary.

Question b: Less than significant

Implementation of the proposed project would obtain water from the ACWD which utilizes treated groundwater as a source of its local supply along with other sources. The Dumbarton TOD Specific Plan is included in ACWD's forecast and water supply planning and it would not increase water shortages from what was already factored into ACWD's planning. While the proposed project would result in additional impervious surfaces on the site that can interfere with the natural groundwater recharge process, the Alameda Creek Watershed is the primary source of recharge for the San Francisco Bay Area Basin and rainfall and applied water provide a local recharge to a lesser extent. Therefore, the proposed development would not substantially with groundwater recharge. No significant impacts would occur, and no mitigation would be necessary.

Question d: Less than significant with project level mitigation

Implementation of the proposed project would increase impervious areas, subsequently reducing absorption rates in some areas, and would alter the site's existing drainage pattern and percolation rates. By increasing the impervious area and channelizing stormwater runoff, the rates and volumes of runoff would increase. The project site has been previously graded and otherwise altered. Existing storm drains in the area provide flood control. To ensure the storm water system can adequately accommodate the proposed project, the following mitigation measure from the Dumbarton TOD Specific Plan EIR will be implemented.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.8-4a (Hydrology)

The Specific Plan EIR's MMRP measure 4.8-4a specifies that plans submitted for grading permits shall include detailed hydrology reports. These reports shall demonstrate adequate stormwater conveyance and capacity is available in the existing facilities. If the reports find inadequate facilities, then the project applicant shall develop a detailed stormwater detention plan for the project site in accordance with the City standards and the ACFC.

With implementation of the above measure, potential flooding on or off-site will be minimized to less than significant.

Questions g, h: No impact

Because the project site is located outside of the 100-year tidal flood zone and other floodplains development of the proposed project would not place persons or structures at risk from flood hazards, nor would it interfere with existing floodway capacity. Thus, no impacts would occur, and no mitigation would be necessary.

Question i: Less than significant

The proposed project would expose new development to inundation in the event of the failure of Del Valle, James H. Turner, and Calaveras Dams. Dam failure would most likely occur with adequate warning to evacuate residents. A failure would be preceded by increased seepage to the drain, initiation of seepages on the side slopes, and very high lake levels, however, permanent structures would likely be extensively damaged or destroyed. Calaveras Dam is the only dam of the three that has documented a higher than normal risk of failure. The San Francisco Public Utilities Commission has taken steps to mitigate the risk including reducing the capacity and rebuilding the dam. Construction that would allow the dam to be filled to capacity started in August 2011 and is scheduled to be completed November 2017. With these measures, the risk of

failure is low. With the annual inspections of the other dams, and the construction efforts to improve Calaveras Dam, the risk of dam failure is low and is not considered a significant hazard to the SHH/FMC Project. Impacts are less than significant and no mitigation is necessary.

Question j: Less than significant

Risks of inundation by tsunami, seiche, and mudflow were evaluated in the Dumbarton TOD Specific Plan EIR. The EIR concluded that the risk of flooding due to a tsunami event is considered low due to the location of the Specific Plan area in the San Francisco Bay Area. Further, the portion of the Bay area near the Specific Plan area is not subject to potential flooding by seiches, since the several levees and stretches of shallow water would minimize waves generated by a seiche. No areas of potential mud flow hazard, such as a volcano or hillside are located near the Specific Plan area. In summary, there would be no potentially significant effect from inundation by seiche, tsunami, or mudflow, and no mitigation would be necessary.

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Land use in the project area is regulated by the City of Newark through various plans and ordinances adopted by the City, including the City of Newark 2013 Draft Updated General Plan and the City of Newark Zoning Ordinance. Further, the SHH/FMC Project is included in the Dumbarton TOD Specific Plan.

The Dumbarton TOD Specific Plan identifies the site as medium/high density residential. The Specific Plan identifies an allowable density range of 14-25 dwelling units per gross developable acre for medium density residential, and 25-60 dwelling units per gross developable acre for high density residential. The commercial retail designation allows uses including grocery (as proposed on the project site at the retail market). The allowable square footage is 35,000 square feet. Additionally, the Specific Plan identifies a maximum number of units that may be developed on each APN: the maximum number of units on FMC Parcel E (APN 092-0115-011) is 47, and the maximum number of units on the SHH Property is 146 (48 units allowed on APN 092-0115-012, and 98 units allowed on APN 092-0115-013).

Since adoption of the Specific Plan, the proposed land uses for the SHH Property and FMC Parcel E have changed and are partially reflected in the City of Newark 2013 Draft Updated General Plan. The land use designation for the project site in the 2013 Updated General Plan is community commercial and high density residential (HDR). The City of Newark zoning designation is high technology park district (MT-1), which is inconsistent with the proposed land uses for the SHH/FMC Project.

The SHH/FMC Project is proposing the following zoning designation for the APNs: APN 092-0115-011 would be commercial retail (R-FBC) with a 15,000 square foot retail building, APN 092-0115-012 would be high density residential (HDR-FBC) with 74 residential units on 1.72 acres to achieve a density of 43 dwelling units per acre, and APN 092-0115-013 would be medium-density residential (MDR-FBC) with 85 residential units on 4.08 acres to achieve a density of 21 dwelling units per acre. The total number of units planned for the SHH Property is 159 (APNs 092-0115-012 and 092-0115-013).

The land use proposed by the project for APN 092-0115-011 is not consistent with the Specific Plan, but is consistent with the proposed land uses in the 2013 Updated General Plan. The land use proposed by the project for APN 092-0115-013 is consistent with the Specific Plan (which designates the land use as medium-high density residential), but is not consistent with the 2013 Updated General Plan. The proposed dwelling unit density on the parcel (21 units per acre) is consistent with the dwelling unit density for medium density residential identified in the Specific Plan (14-25 units per acre). The number of units proposed for construction on APN 092-0115-012 (74 units) exceeds the maximum number of units proposed for the parcel in the Specific Plan (48 units). The following table compares the 2013 Draft Updated General Plan, City of Newark Zoning designation, the Dumbarton TOD Specific Plan land use designation and the proposed project.

Table 10. Land Use and Number of Units/Square Feet of Development from 2013 Updated General Plan, City of Newark Zoning Ordinance, Dumbarton TOD Specific Plan, and Proposed Project

Accessor's Parcel Number (acres)	2013 Updated General Plan		City of Newark Zoning	Dumbarton TOD Specific Plan		Proposed Project	
	Land Use	No. of units/square feet		Land Use	No. of units	Land Use	No. of units/square feet
092-0115-011	Community commercial	--	MT-1	M/HDR	47 units, 14 to 25 units per acre	R-FBC	15,000 sf
092-0115-012	HDR	30 to 60 units per acre	MT-1	M/HDR	48 units, 14 to 25 units per acre	HDR-FBC	74 units, 45 units per acre
092-0115-013	HDR	30 to 60 units per acre	MT-1	M/HDR	98 units, 14 to 25 units per acre	MDR-FBC	85 units, 21 units per acre

Sources: 2013 Draft Updated General Plan (City of Newark 2013); City of Newark Zoning Ordinance; Dumbarton Transit Oriented Development Specific Plan (RBF 2011); SHH/FMC Project Design Plans by Carlson, Barbee & Gibson dated 10/28/2013. *Notes:* HDR – high density residential; MT-1 – high technology park district; M/HDR – medium/high density residential; R-FBC – retail

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Land Use is discussed in Chapter 4.9 of the EIR certified for the Dumbarton TOD Specific Plan (RBF 2011). The EIR concluded that although the project would result in a change in the project area, the development would be required to comply with the Design Guidelines in the Specific Plan that would complement the surrounding land uses and would be an extension of existing residential and commercial development in the vicinity. Therefore, the project would not disrupt or divide an established community. Further, the Dumbarton TOD would not result in a conflict with the City's General Plan land use strategy, the Bay Area Regional Smart Growth Strategy/Regional Livability Footprint Project, the San Francisco Bay Trail Plan, or the San Francisco Bay Plan. All impacts as a result of land use were anticipated to be less-than-significant, and therefore no mitigation measures were required.

The Dumbarton TOD Specific Plan includes adjustment and transfer policies that allow adjustments to the boundaries and acreages of the land uses and zoning designations identified in the plan (RBF 2011). The Adjustment Policy specifies that project applications may incorporate adjustments to the boundaries and acreages on file with the City of Newark for land use/zoning designations without necessitating a Specific Plan Amendment provided the total gross acreage of area land use/zoning does not change by more than 20 percent from the original gross acreage approved under the Specific Plan. A revised Land Use Plan and revised Proposed Land Use Table must be submitted to the City for each proposed revision or set of revisions to the land use/zoning boundaries.

The Transfer of Dwelling Units Policy allows for the transfer of dwelling units between APNs as long as the net increase does not exceed the total dwelling units permitted by the Specific Plan (2,5000 units).

Evaluation of Land Use and Planning

Question a: No impact

The surrounding lots are currently vacant former industrial lands that are planned for development through the Dumbarton TOD, of which the SHH/FMC Project is a part. The proposed project would not physically divide an established community. Therefore, there would be no impact and no mitigation would be required.

Question b: Less than significant impact with project level mitigation

The City of Newark zoning designation is high technology park district (MT-1), which is inconsistent with the proposed land uses for the SHH/FMC Project. Therefore an amendment to the Zoning Ordinance to reflect the proposed land use designations for all APNs is required.

The commercial retail land use proposed for FMC Parcel E (APN 092-0115-011) differs from the land use proposed in the Dumbarton TOD Specific Plan, but the land use is consistent with the 2013 Updated General Plan land use designation. The Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment. A revised Land Use Plan and revised Proposed Land Use Table will be submitted to the City for approval.

The medium density residential land use on APN 092-0115-013 would be inconsistent with the high density residential land use designation in the 2013 Updated General Plan, and the proposed number of units would achieve a density of 19 units per acre, rather than the minimum density standard of 30 units per acre identified in the General Plan. Because the Dumbarton TOD Specific Plan designates the parcel as medium/high density residential, the proposed land use is consistent with the Specific Plan. The 2013 Updated General Plan is not approved; therefore, the General Plan may be revised prior to approval to reflect the proposed residential land use density.

The number of dwelling units proposed for construction on APN 092-0115-012 (74 units) exceeds the maximum number of units allowed for that APN in the Specific Plan (48 units) by 26 units. The Specific Plan allows for a transfer of dwelling units between APNs, in the event there would not be a net increase in the total number of dwelling units permitted by the Specific Plan (2,500 units). Because the project is proposing to construct 13 fewer dwelling units on APN 092-0115-013 than is identified in the Specific Plan, those dwelling units could be transferred to APN-092-0115-012. Thirteen additional dwelling units would need to be transferred to APN 092-0115-012 to meet the proposed number of units on the parcel. A revised Unit Allocation Table would have to be filed with the City for each proposed transfer of dwelling units. A City of Newark approval of the density transfer is anticipated.

The following project-specific measures will be implemented to reduce impacts to less than significant:

SHH/FMC Project Specific Mitigation Measure LUP-01

- The project applicant shall submit to the City of Newark for approval a revised Land Use Plan and revised Proposed Land Use Table supporting the adjustment to land uses on APN 092-0115-011.

SHH/FMC Project Specific Mitigation Measure LUP-02

- The project applicant shall submit to the City of Newark for approval a revised Unit Allocation Table for the transfer of dwelling units to APN 092-0115-012 to meet the proposed number of units for the parcel in exceedance of the Specific Plan.

Question c: No impact

No Habitat Conservation Plan or Natural Community Conservation Plan has been approved for the project area. Therefore, implementation of the SHH/FMC Project would not conflict with any conservation plans. No impact would result, and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

As discussed in Chapter 1.2 of the EIR prepared for the Dumbarton TOD Specific Plan, mineral resources issues were not addressed in the EIR because it was determined based on substantial evidence that the project would have no impacts to mineral resources (RBF 2011).

Evaluation of Mineral Resources

Questions a, b: No impact

The proposed project is not located in a zone of known mineral or aggregate resources. No active mining operations are present on or near the site. Implementation of the project would not interfere with the extraction of any known mineral resources. Thus, no impacts would result, and no mitigation would be necessary.

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. NOISE

Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

A project specific acoustical study was conducted (Appendix H, HELIX 2013c) and the methods and results are summarized in the following sections.

The predominant existing noise sources in the vicinity of the SHH/FMC Project is the vehicular traffic on Willow Street. No commercial airports are located within two miles of the project site, though occasional overflights from aircrafts travelling to and from nearby airports. The nearest public airfields are San Carlos Airport located approximately 15 miles west of the project site and Oakland International Airport located approximately 21 miles northwest of the project site.

Potential noise impacts as a result of the proposed project are those resulting from project construction and those from operational activities. Construction noise would have a short-term effect; operational noise would continue throughout the lifetime of the project. Development of the project would increase noise levels temporarily during construction and intermittently during operations of the residential uses.

City Regulation of the Noise Environment

The City of Newark General Plan Noise Element identifies noise and land use compatibility standards for various land uses. These standards are intended to provide compatible land uses throughout the community as related to environmental noise. Single-family residential land uses residential land uses are considered “normally acceptable” in exterior noise environment of 60 dBA L_{DN} or less. Multi-family residential land uses are considered “normally acceptable” in exterior noise environment of 65 dBA L_{DN} or less. The analysis conducted for this project evaluated the condominium townhomes as single-family residences.

The City of Newark General Plan Noise Element identifies interior noise standards of 45 dBA L_{DN} for single family residential land uses and 50 dBA L_{DN} for multi-family land uses Further, the noise criteria for multi-family housing should comply with the Noise Insulation Standards of the California Code of Regulations, Part 2, Title 24, which require a noise analysis for multi-family housing whenever exterior noise sources exceed 60 dBA (L_{DN}) or greater, to demonstrate that the interior noise level has been designed to limit interior noise to 45 dB (L_{DN}).

The City of Newark Municipal Code prohibits noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation, that no radio or television interference is created, and that the conduct of the home occupation shall not create any noise audible beyond the boundaries of the site (excluding parcels with MP, ML and MG [industrial] zoning).

There are no construction-specific restrictions within the Municipal Code.

Noise Sensitive Receptors

There are no existing residential or other noise-sensitive receptor locations adjacent to the project site. There are residential developments located approximately 800 feet north and northeast of the project site that could be potentially impacted by the Project The planned on-site residences (including outdoor use areas) are also considered noise-sensitive receptors. This analysis also includes an assessment of potential noise impacts to planned future residential uses included as part of the Dumbarton TOD Specific Plan. The nearest future residences to the project site would

be located approximately 10 feet from the westernmost proposed residences in Lots 2 and 3 in the Site Plan.

Construction Noise and Vibration

Construction activity would occur within the specified hours and would be below the construction noise planning limits for residentially zoned property (75 dBA for an eight-hour average time period), and thus, no significant impacts would occur. Vibration impacts from construction would be less than significant.

Operational Noise and Vibration

Residential

The only noteworthy stationary noise and vibration source associated from the proposed residences with the potential for noise impacts would be the heating, ventilation, and air conditioning (HVAC) equipment, which may create noise in excess of allowable standards and, therefore, is potentially significant.

Given the small size and low horsepower associated with the proposed residential HVAC systems, the ability of the equipment to introduce vibration energy into the ground would be limited; subsequently, none of these sources have the potential to create human-perceptible vibration beyond their immediate footprint (or the site boundary). Therefore, vibration impacts to off-site receptors would be less than significant.

Commercial

The noise generated by the assumed rooftop refrigeration unit fans in continuous simultaneous operation would be approximately 50.2 dBA L_{EQ} at the property line of the closest future off-site residence to the west and 39.0 dBA L_{EQ} in the backyard of the residence adjacent to the eastern fence, which is potentially significant.

The grocery store has a driveway and parking area separating it from the closest residential property line; it is not possible for rooftop and interior mounted equipment to create excess vibration at this distance.

The noise from all of the sources of two trucks per hour arriving at, backing into, and then leaving the loading docks is approximately 42.0 dBA L_{EQ} at the western property line.

Therefore, the delivery truck noise impacts from on-site commercial to off-site residence receptors would be less than significant.

Transportation Noise

Transportation noise generated in the Project vicinity is primarily from vehicular traffic noise; other off-site noise sources have a negligible contribution to noise levels at nearby off-site or on-site residential uses. The maximum change in noise levels at off-site receivers between the Existing and Existing plus Project traffic conditions were modeled to be less than 0.6 L_{DN} . Because the existing noise levels are less than 60 L_{DN} , Project-added traffic noise levels would need to increase existing noise by 5 L_{DN} for impacts to be considered significant. Therefore, Project traffic noise impacts would be less than significant. Cumulative noise increases associated with cumulative growth including the Project would also be less than significant.

The dominant noise source at the Project site is the vehicular traffic on Willow Street. Because the Project is including townhomes, this analysis is using the more conservative single-family exterior noise limit of 60 L_{DN} . All exterior uses locations for the residences located adjacent to Willow Street would experience noise levels in excess of 60 L_{DN} . If any space for these residences is included as part of the required exterior use space for the Proposed Project, and traffic speeds along Willow Street are not reduced to 25 miles per hour, then noise impacts at these locations will need to be mitigated to the 60 L_{DN} . With the implementation of noise barriers, transportation noise levels on balconies would be reduced to less than the 60 L_{DN} threshold.

Residential receivers that are adjacent to Willow Street would be exposed to an exterior noise level greater than 60 L_{DN} ; because exterior to interior planning generally assumes a minimum 15 L_{DN} reduction from the outside to the inside a structure, interior noise levels may exceed the 45 L_{DN} threshold for interior use areas. Thus, residences along the perimeter of the site may not be compatible with the future traffic noise levels without the implementation of noise reduction measures. Project implementation would result in a potentially significant traffic noise-related land use-noise compatibility impact.

To mitigate this significant land use-noise compatibility impact, an interior noise analysis of proposed residences (specifically those fronting Willow Street) shall be completed prior to building permit issuance to determine the appropriate measures to be incorporated into the building design to ensure residential interior noise levels would be below 45 L_{DN} .

Methods

Modeling of the outdoor noise environment for this report was accomplished using two computer noise models: Computer Aided Noise Abatement version 3.6 (CADNA) and Traffic Noise Model version 2.5 (TNM 2.5). CADNA is a model-based computer program developed by *DataKustik* for predicting noise impacts in a wide variety of conditions. CADNA assists in the calculation, presentation, assessment, and mitigation of noise exposure. It allows for the input of project information, such as noise source data, barriers, structures, and topography to create a detailed CADNA model and uses the most up-to-date calculation standards to predict outdoor noise impacts. CADNA traffic noise prediction is based on the data and methodology used in the TNM 2.5.

The TNM 2.5 was released in February 2004 by the U.S. Department of Transportation. The TNM 2.5 calculates the daytime average hourly noise level (HNL) from 3-dimensional model inputs and traffic data. The TNM 2.5 model used in this analysis was developed from Computer Aided Design (CAD) plans provided by the Project applicant. Input variables included road alignment, elevation, lane configuration, area topography, existing and planned noise control features, projected traffic volumes, estimated truck composition percentages, and vehicle speeds.

The model-calculated one-hour L_{EQ} noise output, which uses 8 to 10 percent of the average daily traffic (ADT) occurring during a peak hour, is the equivalent of the L_{DN} (Caltrans Technical Noise Supplement November 2009). If the peak-hour traffic is lower than 6 to 8 percent of the ADT, the 1-hour L_{EQ} may be converted to L_{DN} by adding 2 for the equivalent L_{DN} .

Levels of Significance

Construction Noise

The City of Newark Municipal Code is silent regarding construction noise standards or limitations. Therefore, consistent with the Dumbarton TOD Specific Plan EIR, the Alameda County Code (Chapter 6.60, Noise) was utilized in this analysis. Section 6.60.070 (Special Provisions) and Section 6.60.120 (Construction) would apply to the proposed Project. Section 6.60.070(E) of the Alameda County Code prohibits construction activity between 7:00 p.m. and 7:00 a.m. Monday through Friday, and between 5:00 p.m. and 8:00 a.m. on Saturday or Sunday.

Regarding construction noise limits, in the absence of other standards it is assumed that a significant construction noise impact would occur if the use of any tools, power machinery or equipment causes noise in excess of 75 dBA (8-hour average) between the hours of 7 a.m. and

7:00 p.m. and that disturbs the comfort and repose of any person residing or working in the vicinity.

Construction Vibration

With respect to ground-borne vibration from construction activities, the Federal Transit Administration (FTA) has adopted guidelines/recommendations to limit ground-borne vibration based on the age and/or condition of the structures that are located in close proximity to construction activity. A technical discussion of vibration related to construction activity is provided in the FTA publication titled Transit Noise and Vibration Impacts Assessment (May 2006). As described therein, a ground-borne vibration level of 0.2-inch-per-second PPV should be considered as damage threshold criterion for structures deemed “fragile,” and a ground-borne vibration level of 0.12-inch-per-second PPV should be considered as damage criterion for structures deemed “extremely fragile,” such as historic buildings. With respect to structures that are considered “well engineered,” a ground-borne vibration damage threshold criterion of 2.0-inch-per-second PPV is used. Therefore, consistent with the Dumbarton TOD Specific Plan EIR, this analysis has assumed a conservative threshold of 0.2-inch-per-second PPV.

Operational Noise

Stationary Source Noise

A significant operational noise impact would occur if the maximum operational exterior noise limit for residential uses exceeds 50 dBA L_{EQ} during the daytime hours of 7:00 a.m. to 10:00 p.m., and 45 dBA L_{EQ} during the nighttime hours of 10:00 p.m. to 7:00 a.m.

Transportation Noise

If the ambient noise environment is quiet and the new noise source greatly increases the noise exposure, an impact may occur even though a criterion level might not be exceeded. The Project would create a potentially significant impact for traffic noise levels when the following occurs:

- An increase of the existing ambient noise levels by 5 dB or more, where the ambient level is less than 60 dB L_{DN} ;
- An increase of the existing ambient noise level by 3 dB or more, where the ambient level is 60 to 65 dB L_{DN} ; or

- An increase of the existing ambient noise level by 1.5 dB or more, where the ambient level is greater than 65 dB L_{DN} .

The Project would result in a significant noise impact when a permanent increase in ambient noise levels exceeds the criteria above and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

The Project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Cumulative With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the Project generated in combination with traffic generated by Projects in the cumulative projects list.

The following criterion has been utilized to evaluate the combined effect of the cumulative noise increase.

Combined Effects: The cumulative with project noise level ("Cumulative plus Project") causes the following:

- An increase of the existing noise level by 5 dB or more, where the existing level is less than 60 dB L_{DN} ;
- An increase of the existing noise level by 3 dB or more, where the existing level is 60 to 65 L_{DN} ; or
- An increase of the existing noise level by 1.5 dB or more, where the existing level is greater than 65 dB L_{DN} .

Although there may be a significant noise increase due to the proposed Project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed Project. The following criterion has been utilized to evaluate the incremental effect of the cumulative noise increase.

Incremental Effects: The "Cumulative plus Project" causes a 1 dBA increase in noise over the "Cumulative No Project" noise level. A significant impact would result only if both the combined and incremental effects criteria have been exceeded and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

Evaluation of Noise

Questions a, c, d: Less than significant with project level mitigation

Refer to the *Acoustical Report for the SHH/FMC Project* (HELIX 2013c) in Appendix H for a detailed discussion of the results of the noise study.

Construction Noise

As a result of the acoustical study, construction noise impacts are anticipated to be in compliance with the County of Alameda Noise Ordinance (construction) requirements governing construction noise, and impacts would be less than significant. Although noise impacts resulting from construction of the proposed project are anticipated to be less than significant, the following measures contained in the EIR prepared for the Dumbarton TOD Specific Plan will be implemented:

Dumbarton Mitigation Monitoring and Reporting Program Measures 4.10-1a and 4.10-1b (Construction Noise)

The Specific Plan MMRP measures 4.10-1a and 4.10-1b require that the project applicant require construction contractors to implement a site specific noise reduction program subject to City review and approval. Additionally, prior to issuance of grading permits, the project applicant shall submit to the City Building Inspection Division a list of measures to respond to and track complaints pertaining to construction noise.

Operational Noise

The acoustical study identified several potentially significant noise impacts:

Impacts to off-site receptors from noise generated on-site

Acceptable exterior noise levels at residential properties resulting from stationary noise sources are 50 dBA L_{EQ} during the daytime hours of 7:00 a.m. to 10:00 p.m., and 45 dBA L_{EQ} during the nighttime hours of 10:00 p.m. to 7:00 a.m.

Noise generated by continuous, simultaneous operation of the heating, ventilation, and air conditioning (HVAC) equipment planned for the residential properties on the project site may result in noise levels of 46.5 dBA L_{EQ} at adjacent off-site noise sensitive receptor locations. This excess of allowable noise levels is a potentially significant impact.

Noise generated by continuous, simultaneous operation of the assumed rooftop refrigeration unit fans would be approximately 50.2 dBA L_{EQ} at the property line of the closest future off-site residence to the west and 39.0 dBA L_{EQ} in the backyard of the residence adjacent to the eastern fence. The excess of allowable noise levels is a potentially significant impact.

The following design elements will be implemented to bring the noise levels to less than significant:

SHH/FMC Project Specific Mitigation Measure NOISE-01

- A 5-foot-high (or higher) property line fence or fence surrounding the HVAC equipment would reduce, the noise impacts to approximately 41.5 dBA L_{EQ} , which is less than the nighttime significance threshold of 45 dBA L_{EQ} for residential uses. The fence must meet or exceed the standards for a noise control fence described below.
- All exterior mounted HVACR equipment will have cooling fans that have Variable Speed Drives (VSD). The use of VSD fans will normally reduce nighttime fan noise levels from 5 to as much as 10 dBA by reducing the fan speeds when temperatures are cooler and the cooling and refrigeration loads are lower.

By incorporating the above elements into the project design, potentially significant noise impacts would be reduced to less than significant, and no mitigation measures would be required.

Impacts to on-site residents from Willow Street traffic

Noise from traffic along Willow Street would exceed the 60 L_{DN} exterior use noise levels allowed under the 2013 Updated General Plan Noise Element compatibility standards for single-family residential developments. As a result, the traffic noise could cause interior noise levels at the residential properties to exceed the 45 L_{DN} interior use noise levels allowed under the Noise Element compatibility standards for single-family residential developments. These excesses in allowable noise levels are potentially significant impacts.

The Dumbarton TOD Specific Plan EIR contains a measure (MMRP measure 4.10-4) requiring that the project applicant coordinate with the City's Public Works Director to change the posted speed limit along Willow Street between Thornton Avenue and Central Avenue to 25 miles per hour. This would contribute to a reduction in the traffic noise levels generated by the overall Dumbarton TOD. Willow Street improvements are being implemented under a separate project; therefore, the mitigation measure is not the responsibility of the SHH/FMC Project.

The following design elements will be implemented under the SHH/FMC Project to bring the noise levels to less than significant:

SHH/FMC Project Specific Mitigation Measure NOISE-02

- If exterior use areas or balconies for the first row of residences with a full or partial view of Willow Street—which are to be counted as required exterior use area—and traffic speeds along Willow Street are not reduced to 25 miles per hour a 5.5-foot-tall or taller noise barrier to attenuate exterior noise levels to below 60 L_{DN} shall be constructed. A 5.5-foot-tall barrier would attenuate noise at all ground level residential exterior use areas to less than 60 L_{DN}.
- The following specifications shall be included on the building plans for the residences and incorporated into the building design prior to issuance of the building permit:
 - *Sound attenuation barriers should be a single, solid sound wall and should have a height based on the finished grade of the noise source. The sound attenuation barrier should be solid and constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, with no cracks or gaps through or below the wall. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch thick or have a surface density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used, if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any doors or gates must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. Any gate(s) must be of ¾-inch or thicker wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated door jambs.*
- An interior noise analysis of proposed residences immediately adjacent to Willow Street shall be completed prior to building permit issuance to determine appropriate measures to be incorporated into the building design to ensure residential interior noise levels would be below 45 L_{DN}. These land use-noise compatibility measures shall include:
 - *Where exterior residential noise levels are expected to exceed 60 L_{DN}, additional noise analysis per the City standards should be conducted. The information in the*

noise analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 L_{DN} for residential buildings, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 L_{DN}. Glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60 should be considered. In addition, walls with appropriate STC ratings (34 to 60) should be considered.

- Appropriate means of air circulation and provision of fresh air must be present to allow windows to remain closed for extended intervals of time so that acceptable levels of noise can be maintained on the interior. The mechanical ventilation system shall meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

With implementation of the above design elements and avoidance measures, potentially significant impacts would be reduced to less than significant, and no mitigation measures would be necessary.

Question b: Less than significant

Refer to the *Acoustical Report for the SHH/FMC Project* (HELIX 2013c) in Appendix H for a detailed discussion of the results of the noise study. As a result of the acoustical study, the construction and operational vibration would be less than significant and no mitigation measures are necessary.

Question e, f: Since the project site is not located in an area for which an Airport Land Use Plan has been prepared, and no public or private airfields are within two miles of the project area, the residents of the SHH/FMC Project would not be exposed to adverse levels of noise due to aircraft overflight. Thus, no impact would occur, and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project would construct medium and high density residential development, and a commercial retail development in an area planned for residential and commercial development in the City of Newark 2013 Draft Updated General Plan. The number of residential units constructed would exceed the total number of residential units planned for the APNs (Lots 1 – 14, and 15), but the Transfer of Dwelling Units Policy in the Specific Plan allows density transfer between APNs in the Specific Plan area without exceeding the total number of dwelling units allowed under the Specific Plan.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Population and Housing is discussed in Chapter 4.11 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The EIR concluded that although the project would directly induce population growth in the City through new housing and businesses, the Specific Plan area is already planned for urban-level development and services, and would be phased so that buildout is achieved gradually over time. Impacts to population and housing were anticipated to be less-than-significant, and therefore no mitigation measures were required.

Evaluation of Population and Housing

Question a: Less-than-significant impact

Implementation of the project would result in the construction of 56 individual residential units; existing infrastructure and roads in the area would not be extended or otherwise affected. The proposed project would increase the available housing, which would be expected to increase population in the area; however, the increase in housing is consistent with the General and Specific Plans. The proposed project; therefore, would not induce substantial growth in the City of Newark. The impact would not be significant and no mitigation would be required.

Questions b, c: No impact

The proposed project would affect a currently undeveloped site that has been designated for commercial retail and residential land uses. There are no existing residences on the project site or the immediate vicinity; therefore, neither housing units nor people would be displaced, and no replacement housing would be required. There would be no impact, and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The proposed project is in an area currently served by urban levels of all utilities and services. The following public services are provided to the site:

- Fire protection is provided by the Alameda County Fire Department.
- Police protection is provided by the City of Newark Police Department.
- Public education services for residents of the project site are provided by the Newark Unified School District (NUSD).

Additional services in the project area include domestic water, wastewater treatment, storm water drainage, solid waste disposal, library, and park services. Private utilities include electric, gas, telephone, and cable television/Internet/phone/data services.

The City of Newark has a program of maintaining and upgrading existing utility and public services within the City. Similarly, all private utilities maintain and upgrade their systems as necessary for public convenience and necessity, and as technology changes.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Population and Housing is discussed in Chapter 4.12 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The EIR concluded that the project would result in a population increase that would affect public services, and identified several required actions to ensure individual projects within the Dumbarton TOD would comply with development standards of public services and address additional costs. With implementation of the following actions, no mitigation measures would be required. Prior to issuance of building permits, the Alameda County Fire Department would be involved in the review of project plans and the project sponsor would be required to incorporate the department's requirements into the final project design as conditions of approval. The project applicant would be required to pay development impact fees for fire protection, police protection, and schools. The fee set by NUSD is \$2.97 per square foot for residential uses and \$0.47 per square foot for retail, office, and commercial uses.

Evaluation of Public Services

Questions a, b, c, d: Less than significant

The project site is within the urban area of Folsom, and is part of a larger planned development for which public services have been evaluated for service adequacy. However, the EIR prepared for the Dumbarton TOD Specific Plan assumed FMC Parcel E would be developed with medium/high residential land uses. Under the proposed project, the parcel would be developed with commercial retail land uses. Even with the change in land use, the proposed project would not result in a significant increase in service demands or render the current service levels to be inadequate, as (a) service demands for the commercial retail land use would be similar or less than those envisioned under the medium/high residential land use, and (b) implementation of the commercial retail land use would be off-set by not developing the medium/high residential land use. The project sponsor is required to involve the Alameda County Fire Department in reviewing the project plans and incorporate the department's requirements into the final project design. Further, the project applicant is required to pay development impact fees for fire protection, police protection, and schools. By coordinating with the Alameda County Fire Department, and paying the appropriate developer fees, impacts to public services would be less than significant and no mitigation is necessary.

Question e: Less than significant with project level mitigation incorporated

To ensure that the wastewater services to the project site are adequate, the Specific Plan MMRP measure 4.12-2 will be implemented. With implementation of the following measure, the impact of the project on wastewater services would be less-than-significant.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.12-2 (Wastewater)

The Specific Plan MMRP measure 4.12-2 specifies that prior to approval of a tentative map within the Dumbarton TOD, any proposed new connections outside of those included in the Union Sanitary District Master Plan shall be identified, and those improvements will be installed prior to issuance of a building permit. The City and Union Sanitary District shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which the improvements are needed.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. RECREATION

Would the project:

a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

As described in Section 3, *Description of Project*, of this Initial Study, the SHH/FMC Project proposes to construct a 0.17 acre park (Parcel A Park) within the townhome condominium neighborhood along the southern portion of the project site. Additional residential community outdoor areas will be provided in the townhome condominium neighborhood, including a community park north of the entry feature focal point for the neighborhood, and a small grass area in the southwest corner of the site will be provided as a toddler interactive play area. In addition, the project will designate 0.29 acre as Biological Open Space.

Recreation is discussed in Chapter 4.13 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The SHH/FMC Project site is surrounded by several regional recreational resources located both within and outside of the City of Newark. The Don Edwards San Francisco Bay National Wildlife Refuge is a span of 30,000 acres that is located to the south and west of the project site. Coyote Hills Regional Park, which is managed by East Bay Regional Park District, is a 978 acre park located north of the project site. Ardenwood Historic Farm is located about 3.7 miles north of the project site. Several trails that connect to the San Francisco Bay Trail can be accessed near the project site, including the Newark Slough Trail, which is located approximately 2 miles northwest of the project site. Additionally, Willow Street and Central Avenue are unimproved connections to the San Francisco Bay Trail.

The City of Newark Parks and Recreation Division provides and maintains 15 recreational facilities located within the city, which includes parks, sports play facilities, and an aquatic and activity center. Several parks are located within the vicinity of the project site. The closest park is

Jerry Raber Ash Street Park, which is located approximately 0.9 mile east of the project site. Other parks include Bridgepointe Park, which is approximately 1.1 miles north of the project site and Civic Center Park, which is located approximately 1.9 miles northeast of the project site.

The City of Newark General Plan Recreation Element identifies policies, programs, and goals for recreational resources. In compliance with the Quinby Act (Section 66477 of State Government Code) the City of Newark General Plan goal for park and recreation dedications is 3.5 acres of parkland per 1,000 residents. The City currently maintains a ratio of 3.47 acres of public parkland per 1,000 residents, which meets the General Plan goal.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

As outlined in the Dumbarton TOD Specific Plan EIR, the Specific Plan area, which includes SHH/FMC Project, designates approximately 16.3 acres of parkland for 2,500 residential units. This equates to a ratio of two acres of parkland per 1,000 residents, which falls short of the General Plan goal of 3.5 acres. The Dumbarton TOD Specific Plan proposes a reduced parkland ratio because of the extensive amount of regional open space within the vicinity of the project area that will be available to future Specific Plan residents (Don Edwards National Wildlife Refuge, Coyote Hills Regional Park, and Ardenwood Regional Preserve), as well as the open space and recreational facilities available adjacent to schools, within private development, and facilities not maintained by the City of Newark. In addition, the Specific plan proposes a wide variety parkland and recreational open space for future residents, including a 6.5 acre community park near the center of the neighborhood, a 2.3 acre park on the Gallade property, and a 3.92 acre connection to the Bay Trail at its currently “unimproved connection” on Willow Street.

The Dumbarton TOD Specific Plan EIR (RBF 2011) concluded that the 16.3 acres of parkland and San Francisco Bay Trail connection that is proposed by the Specific Plan, as well as the regional open space available within the project vicinity, would provide future Specific Plan residents with ample opportunities to enjoy recreational facilities and open space, which would not increase the use or result in the deterioration of existing recreational resources. The EIR also concluded that construction of parkland could potentially have adverse effects on the environment; however, implementation of construction-related mitigation measures would reduce those impacts to a less than significant level.

Question a: Less than significant

The Dumbarton TOD Specific Plan includes 16.3 acres of park facilities to offset impacts as a result of the overall project, in which the SHH/FMC Project is included. This is a reduced parkland ratio from goal of the City of Newark General Plan because of the extensive amount of regional open space within the vicinity of the project area that will be available to future Specific Plan residents (Don Edwards National Wildlife Refuge, Coyote Hills Regional Park, and Ardenwood Regional Preserve), as well as the open space and recreational facilities available adjacent to schools, within private development, and facilities not maintained by the City of Newark. In addition, the Specific Plan proposes a wide variety of parkland and recreational open space for future residents, including a 6.5 acre community park near the center of the neighborhood, a 2.3 acre park on the Gallade Property, and a 3.92 acre connection to the San Francisco Bay Trail at its currently unimproved connection on Willow Street.

The SHH/FMC Project proposes to provide 0.17 acre of usable parkland as well as additional residential community areas in the townhome condominium neighborhood. An additional 0.29 acre of Biological Open Space will be protected from use by the public.

The quality and variety of the parkland and open space that could be provided by the Dumbarton TOD Specific Plan, which includes the SHH/FMC Project, will encourage future residents to use recreational facilities within the Specific Plan area. Additionally, the regional open space located near the project site, along with a connection to the San Francisco Bay Trail on Willow Street will provide future residents with many opportunities to enjoy recreational resources and open space. The SHH/FMC Project would result in a less than significant impact on existing neighborhood and regional parks or other recreational facilities and no mitigation would be necessary.

Question b: Less-than-significant with project-level mitigation

The SHH/FMC Project proposes to construct the 0.17-acre Parcel A Park in the townhome condominium neighborhood. Additional recreational/community facilities will be constructed. Construction of the park and other recreational/community facilities could result in temporary increases in air emissions, dust, noise, and erosion from construction activities. However, the environmental impacts that could result from the construction of the park can be reduced to a less-than-significant level if construction-related mitigation measures are enforced.

The Specific Plan MMRP measures 4.2-1a and 4.2-1b (Air Quality), and 4.10-1a, 4.10-1b (Construction Noise) will reduce the environmental impact associated with the construction of additional recreational facilities to a less than significant level.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC

Would the project:

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?

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 designated roads or highways?

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?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

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?

Transportation and Circulation were evaluated in Chapter 4.14 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). Additionally, a project-specific trip transportation evaluation was conducted (Appendix I, Fehr and Peers 2013) to determine the proposed project's

contribution to the traffic evaluated in the Specific Plan, and to evaluate the project site circulation and access.

Access and Parking

The proposed vehicular access and street design are described in detail in Section 3, *Description of Project*. The commercial development will be accessible directly from Enterprise Drive and Willow Street, and the townhome condominiums will be accessed from 'A' Avenue. A direct access point for the future affordable housing units has not been identified at this time.

The proposed parking is also described in Section 3 and summarized here. A total of 49 parking stalls will be provided for the commercial development. A total of 94 parking units are planned for the future affordable housing development – 56 parking units will be provided for residents, and 37 parking units will be provided for guests. A total of 213 parking units will be provided for the townhome condominiums, consisting of 170 off-street garage parking (each of the 85 units will feature a two car garage), and 43 will be provided for guests. The guest parking will be on-street parking, and will consist of 13 parking stalls on the project site, and 30 on-street parallel parking units along 'A' Avenue and Willow Street. Ten (10) parking stalls will be provided along the west side of 'E' Court 3 stalls along the west side of 'K' Court, 19 parallel parking stalls along the north side of 'A' Avenue and 11 parallel parking stalls along both sides of Willow Street will provide additional guest parking for the townhome condominiums.

Fire Access

The minimum width available for driving or turning movements through the project site is 20 feet. 'D,' 'G,' 'H,' and 'I' Courts are 20 feet wide, and the turning radius at the intersections of 'C' Street with 'B' Street, and 'E,' 'F,' 'J,' and 'K' Courts will allow a 20-foot-wide drive area for fire trucks.

Trip Generation

The proposed project is estimated to generate 1,037 daily external generate 1,037 daily external vehicle trips, 87 a.m. peak hour external vehicle trips, and 106 p.m. peak hour external vehicle trips (Fehr and Peers 2013). In comparison, the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) estimates that all land uses within the Specific Plan area will generate 14,131 daily external vehicle trips, 1,165 a.m. peak hour external vehicle trips, and 1,320 p.m. peak hour external vehicle trips. Therefore, the project's estimated contribution to the trips generated by the Specific Plan area is seven percent for a typical weekday, seven percent for the a.m. peak hour,

and eight percent for the p.m. peak hour. Refer to the memorandum containing the results of the traffic evaluation in Appendix I.

Transportation Services

The City maintains a network of pedestrian and bike trails throughout the city, in addition to a network of on-street bike lanes. Willow Street and Central Avenue are “unimproved connections” to the San Francisco Bay Trail through the City of Newark. Additionally the Newark Slough Trail is located approximately 2 miles northwest of the project site.

No private or public airports are located within the City of Newark. The nearest public airfields are San Carlos Airport located approximately 15 miles west of the project site and Oakland International Airport located approximately 21 miles northwest of the project site. No private airports are located within 10 miles of the city.

Emergency Access

The City of Newark identifies most major streets in the city as emergency evacuation routes. No aspect of the proposed project would modify these streets or preclude their continued use as an emergency evacuation route. The proposed project has incorporated turning radius sufficient for fire truck access in the project’s roadway design.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Transportation and Circulation were evaluated in Chapter 4.14 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The EIR identified intersections in the Specific Plan area that would be impacted by buildout of the Dumbarton TOD. One of the intersections is the Willow Street/Enterprise Drive intersection which is adjacent to the northeast corner of the SHH/FMC Project. The intersection is being designed to accommodate the Dumbarton TOD under a separate project in the Specific Plan area. Therefore, the mitigation measures that describe design options that address circulation abatement included in the EIR does not apply to the SHH/FMC Project. The EIR also contains a measure for the City to coordinate with AC Transit to improve bus service to the Specific Plan area. The EIR identifies impacts to traffic on regional roadways in the project vicinity and includes a measure for project applicants to pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time the permits are sought (MMRP measure 4.14-8).

Questions a, b: Less than significant with project level mitigation

The proposed parking was evaluated consistent with City requirements and the Dumbarton TOD Specific Plan. The proposed parking exceeds that required by the City (Appendix I, Fehr and Peers 2013). Further, the Dumbarton TOD Specific Plan contains parking policies that are recommended to be incorporated into the proposed project design:

Policy C-18 encourages the adoption of parking standards that prevent oversupply through shared parking and reduced minimum off-street requirements. The SHH/FMC Project has incorporated shared parking (on-street parking) that is consistent with this policy. Policy C-13 recommends bicycle parking as part of a transportation demand management program. Policy C-28 encourages the adoption of minimum bicycle parking requirements for both residential and commercial projects. As well, the EIR prepared for the Dumbarton TOD Specific Plan lists secure bicycle parking of at least one space per 20 vehicle spaces within retail and office portions of the SP area as a greenhouse gas emissions mitigation measure. Due to the proposed commercial retail development, the applicant should consider provision of bicycle parking in cooperation with the City, potentially as a means of reducing vehicle parking supply below the City code requirement.

Implementation of the proposed project would result in an increase in traffic on Willow Street and Enterprise Drive, and buildout of the overall Specific Plan will result in significant and unavoidable impacts to the intersection at Willow Street and Enterprise Drive. However, the intersection is being evaluated and designed to accommodate the traffic generated by the Specific Plan buildout under a separate project in the Specific Plan area and is not the responsibility of the project applicant for the SHH/FMC Project. Although the proposed project will result in a relatively small increase in trips generated in the area in relation to the capacity of nearby streets, the SHH/FMC Project is consistent with the Specific Plan and the General Plan, and would not conflict with the City's operational standards as projected under those plans. The EIR prepared for the Dumbarton TOD Specific Plan identifies impacts to regional traffic significant and unavoidable. The SHH/FMC Project's contribution to traffic impacts would be less than significant, and would not exceed the impacts already identified in the EIR. The following measure contained in the EIR prepared for the Dumbarton TOD Specific Plan will be implemented to minimize impacts on regional traffic.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.14-8 (Regional Traffic)

The Specific Plan MMRP measure 4.14-8 requires that prior to issuance of building permits, the applicant shall pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time permits are sought. Payment of these fees would partially mitigate the impacts of the Specific Plan developments.

Question c: No impact

No private or public airports are located within the City of Newark. The nearest public airfields are 13 and 21 miles from the proposed project. No private airports are located within 10 miles of the project site. The proposed project would not result in modification to any air travel route. There would be no impact, and no mitigation would be required.

Question d: Less than significant

The proposed project would construct one new driveway accessing Enterprise Drive and one new driveway accessing Willow Street for the proposed commercial development. Access to the townhome condominium neighborhood would be through a planned roadway ('A' Avenue) that has yet to be constructed and will be constructed by a separate project within the Specific Plan area. Although the project would modify Enterprise Drive and Willow Street by introducing additional access points, the proposed project is consistent with the existing access of developed areas in the vicinity and the proposed access of the Specific Plan area. The project would not require additional modification to the roadways (e.g. re-alignment) other than already identified in the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) that will be conducted by others through the Specific Plan buildout. Because the modifications to the roadways would be minor and compatible with the access in the vicinity, and the overall Specific Plan area, the project would result in a less-than-significant impact, and no mitigation would be necessary.

Question e: Less than significant

No aspect of the proposed project would modify streets currently used for emergency access or preclude their continued use as an emergency evacuation route. The project design has incorporated fire access elements to ensure adequate emergency access to the site. The plans will be approved by the City of Newark Fire Department prior to project implementation; therefore, no significant impact to fire protection would occur, and no mitigation would be necessary.

Question f: The project would not result in any modification of, or interference with, any pedestrian, bicycle, or transit facility. Because the project would not result in the modification of any existing facility, and would not result in any interference with such facilities, this would be a less-than-significant impact, and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

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?

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?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

The project area is served by the following service providers:

- Water supply – Alameda County Water District (ACWD) provides water to the cities of Fremont, Newark, and Union City, and will service the project site.
- Wastewater treatment and disposal – Union Sanitary District serves the cities of Fremont, Newark, and Union City, and will service the project site. Build out of the specific plan area could increase wastewater flows rates by 50 percent
- Storm water drainage facilities – storm drains within the public streets are maintained by the City of Newark, while storm drains within private yards, lanes and passes will be privately maintained by the homeowners.
- Solid waste service – Waste Management of Alameda County provides solid waste collection. The landfill servicing the site is the privately-owned Altamont Landfill, with a 30-year capacity.

Impacts and Mitigation Measures from the Dumbarton Transit Oriented Development Specific Plan Certified EIR

Utilities are discussed in Chapter 4.12 of the EIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The EIR concludes that the project would result in a population increase that would affect utilities. The EIR states that policies would be included in the General Plan to address wastewater services for the Dumbarton TOD, and implementation of Mitigation Measure 4.12-2 would reduce impacts to the wastewater system to less than significant. The measure requires that individual projects within the Dumbarton TOD shall determine proposed new connections outside of those included in the Union Sanitary District Master Plan, and those improvements will be installed prior to issuance of a building permit. The City and Union Sanitary District shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which the improvements are needed.

The EIR concludes that the landfill that would serve the proposed project has sufficient permitted capacity to accommodate the project's solid waste disposal needs.

Questions a, b, e: Less than significant with project level mitigation

The Union Sanitary District provides wastewater treatment for the City of Newark and will service the Dumbarton TOD Specific Plan area, which includes the SHH/FMC Project site. Wastewater lines exist within the Specific Plan area and eventually connect to the Alvarado Treatment Plant in Livermore.

The water treatment plant is currently rated to treat and discharge 30 million gallons per day (mgd). The Union Sanitary District has a NPDES General Permit with the California State Water Board that allows treatment and discharge of 33 mgd. Build out of the Specific Plan area could increase wastewater flow rates by 50 percent, which would put the treatment plant at 86.6 percent of capacity. Although the Alvarado Treatment Plant has the capacity to support development within the project area, it may not be able to support full build out of the Specific Plan area. Additional improvements such as a new sewer main or equalization basin may be required, which could potentially have effects on the environment.

The 2013 Draft Updated City of Newark General Plan policies address wastewater services for the Dumbarton TOD Specific Plan. These policies, in addition to the implementation of Mitigation Measure 4.12-2 would reduce the impacts of the wastewater system to a less than significant level.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.12-2 (Wastewater)

Mitigation Measure 4.12-2 requires that additional improvements and connections beyond those included in the Union Sanitary District Master Sewer Plan shall be determined by individual projects within the Specific Plan area. Those improvements shall be installed prior to the issuance of a building permit. The City and the Union Sanitary District shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which the improvements are needed. Implementation of this mitigation measure will reduce impacts to wastewater to less than significant.

Question c: Less than significant with project level mitigation

As described in Section 6.IX, *Hydrology* of this IS, to ensure the storm water system can adequately accommodate the proposed project, the following mitigation measure from the Dumbarton TOD Specific Plan EIR will be implemented.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.8-4a (Hydrology)

The Specific Plan MMRP measure 4.8-4a specifies that plans submitted for grading permits shall include detailed hydrology reports. These reports shall demonstrate adequate stormwater conveyance and capacity is available in the existing facilities. If the reports find inadequate facilities, then the project applicant shall develop a detailed stormwater detention plan for the project site in accordance with the City standards and the ACFC.

With implementation of this measure in the event that the stormwater facilities would need to be expanded, environmental impacts from expanding the stormwater facilities would be less than significant and no mitigation would be necessary.

Question d: Less than significant

The Dumbarton TOD Specific Plan area, which includes the SHH/FMC Project, is serviced by the ACWD. In compliance with SB 610, a Water Supply Assessment (WSA) was prepared for the Dumbarton TOD Specific Plan, which relies heavily on the Urban Water Management Plan (UWMP). According to the WSA, the Dumbarton TOD Specific Plan is included in the ACWD's water demand forecast and is consistent with planning assumptions.

Under normal precipitation conditions, the water supply is projected to meet the Specific Plan area's demand. However, in the future, water supply to the Specific Plan area, including the SHH/FMC Project may be cut back because of shortages during dry years. These cut backs would depend on the severity of the dry-year shortage and would be consistent with the rest of the ACWD's service areas. According to the WSA, during critically dry years the ACWD would secure additional water supply through the Department of Water Resources, and, if necessary, would implement a drought contingency plan to cut back on water use. This would ensure the project would have sufficient water supply during drought years.

Compliance with the requirements provided in the WSA will ensure that there will be sufficient water supply to serve the Specific Plan area. Therefore, there would be a less than significant impact and no mitigation would be necessary.

Questions f and g: Less than significant

Alameda County Waste Management currently provides the City of Newark with solid waste refuse, recycling, and hazardous materials collection services. After being processed at a facility in San Leandro, waste from the city is hauled to the privately-owned Altamont Landfill located in Livermore. The Altamont Landfill will serve the Dumbarton TOD Specific Plan area, which

includes the SHH/FMC Project. The Altamont Landfill has a permitted capacity of 62 million cubic yards. Approximately 26.3 percent of this capacity has been used and approximately 73.7 percent remains. The landfill is expected to continue accepting solid waste for 32 years.

In compliance with requirements stipulated under the Integrated Waste Management Act (AB 939), the City of Newark, Waste Management, and the Alameda County Source Reduction and Recycling Board have implemented measures to reduce the amount of waste hauled to the Altamont Landfill. These agencies are promoting the recycling of many different materials, which will help reduce the amount of solid waste entering the Altamont Landfill and would extend the lifetime of the landfill.

Because the landfill serving the project area is of sufficient capacity to accommodate solid waste needs, the impact would be less than significant and no mitigation would be necessary.

Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the State CEQA Guidelines):

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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?

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

Question a: Less than significant

The preceding analysis indicates that the proposed SHH/FMC Project would not have a significant adverse impact on overall environmental quality, including the potential to reduce the habitat of fish and wildlife species, or contribute to lowering populations 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.

Question b: Less than significant

While the project would indirectly contribute to cumulative impacts associated with increased urban development in the city and region, these impacts have previously been evaluated in the EIR prepared for the Dumbarton TOD Specific Plan, and are incorporated into the City of Newark's 2013 Draft Updated General Plan. The EIR concluded that development of the project site as allowed under the Dumbarton TOD Specific Plan may contribute to significant cumulative impacts as a result of contribution to the loss of vegetation and wildlife resources, impacts to cultural resources, seismic or soils hazards, greenhouse gas emissions, hazardous materials, hydrology and water quality, and noise levels. With implementation of the measures set forth in this Initial Study (and as previously analyzed in the EIR), cumulative impacts as a result of the Dumbarton TOD would be less than significant. No additional cumulative impacts as a result of the SHH.FMC Project are identified.

Question c: Less than significant

As outlined in other sections of this Initial Study, the project will adhere to mitigation measures previously prescribed in the Dumbarton TOD Specific Plan EIR for potentially significant impacts to air quality, biological resources, cultural resources, seismic or soils hazards, greenhouse gases, hazardous materials, hydrology drainage and water quality, noise, wastewater treatment, the environment from constructing Parcel A Park, regional traffic congestion and the stormwater system. These impacts have been reduced to a level of significance at both the project and cumulative level through project design and mitigation measures. Implementation of the proposed project will not result in substantial adverse effects to human beings either directly or indirectly.

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