

**Prima Residential Project
Mitigation Monitoring and Reporting Program**

City of Newark

September 2014

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Mitigation Measure AIR-1 (Construction air quality). The developer shall be responsible for the following measures to control fugitive dust emissions. These measures shall be included on construction and demolition plans and specifications.</p> <ul style="list-style-type: none"> a) Using water as needed to control dust and eliminate visible dust plumes. b) Covering all trucks hauling building debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. c) Sweeping daily all paved access roads, parking areas and staging areas at construction sites. d) Sweeping streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. e) Watering or covering of stockpiles of construction debris, soil, sand or other materials that can be blown by the wind. <p>These measures shall be done to the satisfaction of the Newark City Engineer and / or the City Building Official.</p>	Project Developer	Newark Building Inspection Division	During grading operations	

EXHIBIT B(1)

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<p>Mitigation Measure AIR-2 (Toxic Air Contaminants). A The project applicant shall install air filtration systems in residential or other buildings that would include sensitive receptors that have predicted PM2.5 concentrations above [0.8] micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) or excess lifetime cancer risk of [100] per million or greater. Air filtration devices shall be rated MERV13 equivalent or higher. To ensure adequate health protection to sensitive receptors, a ventilation system shall meet the following minimal design standards:</p> <ul style="list-style-type: none"> • A MERV13 equivalent or higher rating; • At least one air exchange(s) per hour of fresh outside filtered air; • At least four air exchange(s) per hour recirculation; and • At least 0.25 air exchange(s) per hour in unfiltered infiltration. <p>As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be prepared and submitted to the City of Newark for review and approval. Recognizing that emissions from air pollution sources are decreasing, the maintenance period shall last as long as significant excess cancer risk or annual PM2.5 exposures are predicted. Subsequent studies could be conducted to identify the ongoing need for the ventilation systems as future information becomes</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>Prior to issuance of building permit</p>	
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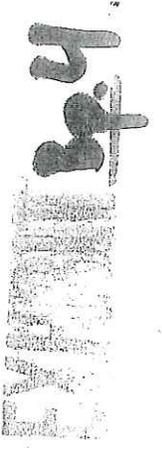
Verification

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available. Mitigation Measure HAZ-1 (Building Materials) Prior to issuance of a demolition permit for the site, a licensed contractor shall determine the presence or absence of lead based paints or asbestos material on the site. If found in quantities at or above actionable levels as determined by the Alameda County Fire Department and Newark Building Department, these materials shall be safely removed consistent with OSHA and other applicable standards and disposed of in an appropriate location. Necessary permits and approvals shall be secured from appropriate regulatory agencies.	Project Developer	Newark Planning Division	Prior to issuance of demolition plan for existing buildings	
Mitigation Measure HAZ-2 (Soil/Water Contamination) . Prior to issuance of a grading permit for the site, a qualified environmental assessment firm shall prepare a Phase I Environmental Site Assessment for the site to determine the likelihood of the presence of soil or groundwater contamination. Based on the results of the Phase I Environmental Site Assessment, and if indicated according to criteria, as determined by the Alameda County Fire Department, the RWQCB, or other appropriate environmental regulatory agencies in coordination with the City of Newark, further investigation or testing may be warranted. Necessary permits and approvals shall be secured from appropriate regulatory agencies. Prior	Project Developer	Newark Planning Division	Prior to issuance of grading permit	

EXHIBIT B3

Mitigation Measure **Implementing Responsibility** **Monitoring Responsibility** **Monitoring Schedule** **Verification**

<p>to commencement of remediation activities, if required, worker safety plans shall be prepared as well as plans to ensure that adjacent residential and commercial uses are protected from any impacts from possible contamination.</p>	<p>Project Developer</p>	<p>Newark Planning Division</p>	<p>Prior to issuance of building permit</p>	
<p>Mitigation Measure NOISE-1 (Noise Compatibility). The final height and location of the perimeter wall shall be reviewed by a qualified acoustical professional to ensure that the ultimate height, location and design of the perimeter wall will ensure that City of Newark standards for exterior noise exposure are met.</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>Prior to issuance of Certificate of Occupancy for buildings on the west side of the project</p>	
<p>Mitigation Measure NOISE-2 (Adjacent Land Use). Residents of dwellings on the west side of the project site within 200 feet of the western property line, including owners and renters, shall receive written notice of that outdoor music concerts, some with amplified sound, and other outdoor activities at will occur at Swiss Park, immediately west of the project site. Wording of the disclosure shall be approved by the Newark Community Development Director prior to the issuance of the first residential permit. The developer/builder shall ensure that this required notification be included in the standard notification and disclosure process of the California Department of Real Estate.</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>Prior to issuance of Certificate of Occupancy for buildings on the west side of the project</p>	



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<p>Mitigation Measure AIR-3 (Interior Noise). Building facades for the proposed condominium dwellings near the I-880 freeway, shall achieve an outdoor to indoor composite noise reduction of 35 dBA to reduce traffic noise to below 45 dBA L_{dn} with an adequate margin of safety. Based on preliminary calculations, windows and doors of stucco sided building facades will need to range from 35 to 38 STC to adequately reduce noise levels indoors. Final building plans for affected dwellings shall be reviewed by a qualified acoustic professional to ensure the City interior noise standard is achieved.</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>Prior to issuance of building permit for dwellings adjacent to I-880 freeway</p>	
<p>Mitigation Measure NOISE-4 (Interior Noise). Building facades of condominium dwellings nearest to Mowry Avenue shall achieve an outdoor to indoor composite noise reduction of 30 dBA to reduce traffic noise to below 45 dBA L_{dn} with an adequate margin of safety. Windows and doors of stucco sided building facades would need to range from 30 to 33 STC to adequately reduce noise levels indoors. Final building plans for affected dwellings shall be reviewed by a qualified acoustic professional to ensure the City interior noise standard is achieved.</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>Prior to issuance of building permit for dwellings adjacent to Mowry Ave.</p>	
<p>Mitigation Measure NOISE-5 (Construction Noise). To reduce noise impacts due to demolition and construction, the project developer shall implement</p>	<p>Project Developer</p>	<p>Newark Building Division</p>	<p>During project construction</p>	



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<p>the following measures:</p> <p>a) Equipment and trucks used for project demolition and construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</p> <p>b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.</p> <p>c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation</p>				
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<p>barriers or other measures to the extent feasible.</p> <p>d) Monitor the effectiveness of noise attenuation measures by taking noise measurements to the extent there are persistent and on-going complaints.</p>	<p>Mitigation Measure TRA-1 (Design Features). The final site plan shall incorporate on-site pedestrian and bicycle facilities, including but not limited to pedestrian paths and / or sidewalks, bicycle lanes, bicycle racks and / or guarded bicycle parking and marked crosswalks to facilitate pedestrian and bicycle circulation. In addition, the on-site circulation system shall ensure that adequate travel lanes and turning radii will allow access by trucks, solid waste collection vehicles and fire equipment.</p>	<p>Project Developer</p>	<p>Newark Public Works Department</p>	<p>Prior to issuance of building permit</p>	
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Jerry Haag
Urban Planner

2029 University Ave.
Berkeley, CA 94704
(510) 644-2106

September 19, 2014

To: Terrence Grindall, AICP, Assistant City Manager, City of Newark
From: Jerry Haag, Environmental Consultant
Re: CEQA Comments Received on Newark Prima Project

Background. At the City's request, I prepared an Initial Study for the Newark Prima Project. Based on the results of the Initial Study, adoption of a Mitigated Negative Declaration by the City is recommended to meet CEQA requirements, since all potentially significant impacts can be mitigated to a less-than-significant level.

Public Comment Period. As required by CEQA, the City completed a 20-day public comment period on the CEQA document ending on September 18, 2014.

Comment Letters. The City received three letters during the public comment period, as follows:

- a) Bernard, Balgley & Bonaccorsi, representing Swiss Park, dated 7/7/14
- b) Alameda County Water District, dated 9/17/14
- c) Ronald & Gale Brown, dated 8/18/14

Summary & Response to Comment Letters.

- Letter a: Concerns were raised regarding increased traffic on Alpenrose Court as the main entrance to the proposed Prima project, maintenance of Alpenrose Court, noise incompatibility between Swiss Park and future residential uses on the adjacent site.

Response: Alpenrose Court is not a major entrance or exit to and from the proposed Prima site and a significant traffic increase is not anticipated on this roadway. Maintenance of the surface of Alpenrose Court is not a CEQA issue and no response is needed. In terms of noise impacts between the two uses,

the Initial Study contains Mitigation Measure Noise-2 to ensure that no significant noise impacts would result between the proposed use and Swiss Park.

- Letter b: ACWD staff notes that there is an existing water well on the site that must be destroyed and that drilling permits are needed for any new well drilling. The District notes the status of the existing drought which may result in water service cutbacks to the proposed project. Other infrastructure status conditions are noted in the letter.

Response: Comments from ACWD are noted but raise no new substantial environmental issues.

- Letter c: Local property owners note concern with additional traffic on local streets associated with the proposed project as well as the potential for increased enrollment at Bunker School. Apartments or condominium dwellings are not preferred on the site.

Response: The Initial Study analyzed short-term and cumulative traffic impacts of project build-out and found no significant traffic impacts would result. In terms of the potential for increased student enrollment in local schools, the Initial Study notes that payment of mandated school impact fees will offset any school impacts.

Conclusion. The three comment letters raise no new or more significant impacts that have been included in the Initial Study document.

LAW OFFICES

BERNARD, BALGLEY & BONACCORSI, LLP

3900 NEWPARK MALL ROAD, THIRD FLOOR
NEWARK, CALIFORNIA 94560-5242
TELEPHONE (510) 791-1888
FACSIMILE (510) 791-8008

ELISE M. BALGLEY

July 7, 2014

Mr. John Becker, City Manager
Mr. Terrance Grindall, Assistant City Manager
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Re: Aelpler Gruppe Swiss Club, Inc./Swiss Park-5911 Mowry Avenue; Newark

Dear Mr. Becker and Mr. Grindall:

I have been retained by Aelpler Gruppe Swiss Club, Inc. ("Aelpler Gruppe") and its tenant Newark Swiss Park, Inc. to communicate with the City of Newark regarding the proposed rezoning and residential development adjacent to Aelpler Gruppe's property at 5911 Mowry Avenue, Newark ("Swiss Park"). While I understand no formal application has yet been made to the City, Aelpler Gruppe has been contacted by DR Horton through Vince Fletcher, its Director, Land Acquisition with respect to the proposed development. There are various concerns which need to be taken into consideration at this early stage as the development process is considered.

I first want to share some background which may be useful in understanding those concerns. Aelpler Gruppe is a fraternal organization formed by Swiss immigrants to purchase land and build a community center for their own pleasure and preserve Swiss culture and traditions for future generations. It has occupied the Swiss Park property since early 1935. At this point, Aelpler Gruppe leases that property to Newark Swiss Park, Inc. Swiss Park remains a thriving hub for Swiss on the west coast who gather many times each year to celebrate and reaffirm their heritage.

Over the years, Aelpler Gruppe has been extremely cooperative with any request from the City of Newark. Two examples of this cooperation are particularly noteworthy. Aelpler Gruppe deeded portions of its property to the City of Newark without compensation from the City of Newark. (Conveyance No. 69-15, dated February 11, 1969). When the existing outdoor amphitheater was constructed, the City requested that it be built facing toward the freeway to avoid noise in nearby

John Becker
July 7, 2014

residential areas. Aelpler Gruppe complied with that request. This means, of course, that the amphitheater faces the proposed residential development and sound will flow in the direction of the development.

Now the issue has arisen of the proposed rezoning and a 280 unit residential development. I will discuss each of Aelpler Gruppe's primary concerns in turn.

Clearly the proposed development will cause a significant increase in the volume of traffic in the area. That circumstance alone may cause a significant decrease in business at Swiss Park with a resulting loss of revenue. Similarly, there is a risk that the activities currently permitted at Swiss Park will not be allowed given the new zoning and presence of the residential development. Again, Swiss Park's revenue would be decreased. The contemplated decreases in revenue may well create a situation in which the fraternal organization itself is no longer sustainable at all.

The increase in traffic volume will also make the safe flow of traffic for all property owners sharing Alpenrose Court uncertain. Alpenrose Court is simply not large enough to handle traffic from the proposed development and Swiss Park traffic. This impact will be particularly great when large outdoor events are held at Swiss Park; traffic might be anticipated to back up to the freeway exit on Mowry Avenue. Even construction traffic on Alpenrose Court while the development is being built will have a problematic impact on Swiss Park and traffic in the area in general.

The maintenance of Alpenrose Court is also a concern. It has been proposed that a homeowners' association from the new development would maintain Alpenrose Court. It is anticipated that the initial responsibility would actually fall upon the developer and ultimately be transferred to the members of the homeowners' association. Once that responsibility is transferred, Aelpler Gruppe will have no assurance that Alpenrose Court will be properly maintained as required by the already existing Reciprocal Access Agreement.

Swiss Park's use, in compliance with its current CVR zoning, is not compatible with residential uses. Swiss Park is used for outdoor picnics, festivals, concerts and indoor hall events. All of those generate noise which would presumably not be appreciated by residents of the proposed development. This situation is likely, at best, to generate tension between Swiss Park and its new neighbors and, at worst, create new legal liabilities for Swiss Park and, through it, Aelpler Gruppe.

There is another source of conflict between Swiss Park and its proposed neighbors. Assuming the entrance to the proposed development is from Alpenrose Court, it is likely that there will be unauthorized residential overflow parking on Swiss Park's grounds.

Aelpler Gruppe does not have definitive proposals as to how these issues might be addressed

John Becker
July 7, 2014

assuming the new development is allowed to proceed, but I can provide certain general ideas. First, the proposed development should be required to have at least two entrances/exits with at least one being other than from Alpenrose Court. It should be noted that the impact on Swiss Park will not be significantly altered whether the entrance to the new development is from Alpenrose Court or Cedar Boulevard. Second, the development should have binding CC&Rs running with the land which will insulate Aelpler Gruppe from liabilities due to the traffic and noise from Swiss Park.

The City's attention to these points is greatly appreciated. I would be happy to discuss the matter with you or any other appropriate representative of the City if clarification is needed.

Sincerely,

BERNARD, BALGLEY & BONACCORSI



ELISE M. BALGLEY

EMB/be

cc: Vince Fletcher; Director Land Acquisition, DR Horton
Client



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Manager of Operations and Maintenance

September 17, 2014

Terrence Grindall, Assistant City Manager
City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Grindall:

Subject: Draft Initial Study and Mitigated Negative Declaration for the Prima Residential Project

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration for the Prima Residential Project (Project).

ACWD staff has reviewed the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and offers the following comments for your consideration:

1. **Groundwater Well Protection/Destruction:** ACWD has identified a water well located within the project area. In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well is to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the well will not be used for a period of twelve (12) months. Any abandoned wells located within the project area must be properly destroyed prior to construction activities.
2. **Drilling Permit Requirement:** As required by ACWD Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at <http://www.acwd.org>. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

3. Utilities and Service Systems – Water Supply: The ACWD service area and the State of California are currently experiencing a water supply shortage emergency. ACWD has taken steps to encourage water use reductions throughout the service area. On March 13, 2014, ACWD declared a water shortage emergency and adopted ACWD Ordinance No. 2014-01, imposing broad water use restrictions, water use prohibitions, and other measures, including restrictions on water use for purposes other than domestic use, public health, and fire protection. These restrictions will remain in place through the end of the water shortage emergency. In addition, ACWD may adopt additional water use restrictions or implement other measures should they become necessary.
4. Utilities and Service Systems – Water System Improvements: The Draft IS/MND cites “minor upgrades and improvements” to the locate water distribution system. ACWD has identified that the likely water system configuration serving the Project would include an offsite water main connection to the existing water distribution system in Mowry Avenue. This may require portions of the water main to be installed on property not under control of the Project and/or the State right-of-way adjacent to the project site.
5. Utilities and Service Systems – Existing Water System Facilities: ACWD currently owns and maintains water system facilities within the project area which must be protected in place. Any proposed improvements must maintain adequate clearances from these existing public water system facilities. ACWD will not approve plans showing improvements in conflict with existing or proposed public water system facilities. For example, ACWD maintains a pipeline within the eastern side of the project site generally along the project frontage with Interstate 880 and Mowry Avenue. Any proposed trees in the vicinity of this pipeline must maintain a minimum horizontal clearance of five feet from the edge of this pipeline. The plans associated with the Project and the IS/MND should be updated to reflect these clearances.
6. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:
 - Eric Cartwright, Special Assistant to the General Manager, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.
 - Steven Inn, Groundwater Resources Manager, at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD’s groundwater resources.
 - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com for coordination regarding groundwater wells and drilling permits.

- Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Again, thank you for the opportunity to comment on the Draft Initial Study and Mitigated Negative Declaration for the Prima Residential Project.

Sincerely,



Robert Shaver
Assistant General Manager - Engineering

la/mh

By E-mail

cc: Eric Cartwright, ACWD
Ed Stevenson, ACWD
Steven Inn, ACWD
Michelle Myers, ACWD

9-15-2014

Terrence Arundall
Community Development Department

Dear Sir -

Regarding the development of the 19.43
acre site on Mowry Ave, we feel 282 units is
too many in that area. At a minimum of 2 cars per
unit, that puts 564 more vehicles on Cedar and/
or Mowry. It also puts more children in Bunker
School. We think residential development of the
area is a good idea, but prefer single family
homes, no apartments or condos.



Sincerely,
Ronald & Dale Brown
Owners of 5798 Wintergreen
since 1968.

Current address:
14205 Deerwood Dr
Red Bluff CA 96080
530-528-9210