

Gateway Station West Project

Final Supplemental Environmental Impact Report
Volume I

December 2015

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

GATEWAY STATION WEST PROJECT
NEWARK, CALIFORNIA
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

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Draft Supplemental Environmental Impact Report

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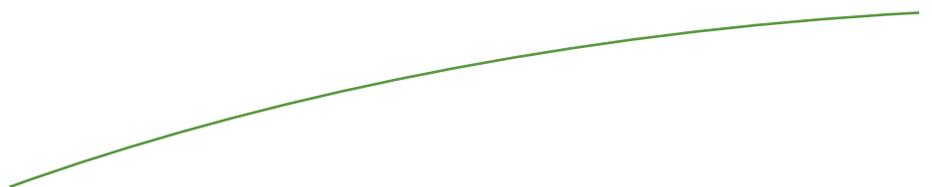
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Section A

INTRODUCTION



A. INTRODUCTION

Final Supplemental EIR Contents

This document, together with the Draft Supplemental Environmental Impact Report (Draft SEIR), constitutes the Final Supplemental Environmental Impact Report (Final SEIR) for the proposed Gateway Station West Project in the City of Newark (City), California. The Final SEIR has been compiled into two volumes as described below:

- **Volume I** consists of (A) this Introduction; (B) a list of commenters on the Draft EIR; (C) individual comment letters received during the public comment period and the City’s responses to comments; (D) a list of errata to the Draft SEIR that are hereby incorporated into this Final SEIR; and, (E) a Mitigation Monitoring and Reporting Program (MMRP).
- **Volume II** consists of the Draft SEIR, which is not attached to this document but is incorporated herein by reference. Specifically, no changes to the Draft SEIR have been implemented during the FEIR process, with the Draft SEIR already included in the public record and available for review at the following City website:

http://www.newark.org/images/uploads/comdev/pdfs/Projects/Gateway_SEIR_Aug2015.pdf.

In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Final SEIR will be made available to the public prior to consideration of certification of the SEIR. All documents referenced in this Final SEIR are available for public review online at the City of Newark’s website: <http://www.ci.newark.ca.us/> and at the following locations:

City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560

City of Newark Branch Library
6300 Civic Terrace Avenue
Newark, CA 94560
510-284-0675

Hours available:

Hours available:

Monday - Friday: 8 a.m. – 5 p.m.
Closed on alternating Fridays

Sunday: closed
Monday/Tuesday: 12 p.m. – 8 pm.
Wednesday/Thursday: 10 a.m. – 6 p.m.
Friday: closed
Saturday: 10 a.m. – 5 p.m.

SEIR Public Review and Certification Processes

The Draft SEIR was circulated to affected public agencies and interested parties. The public comment period for the Draft SEIR opened on August 3, 2015 and continued through September 16, 2015, meeting the mandated 45-day comment period per Section 15105 of the State CEQA Guidelines.

The Draft SEIR was circulated to responsible agencies and other public agencies having legal jurisdiction over the environment that could potentially be affected by the proposed project via the State Clearinghouse (SCH No. 2014082022), along with the required Notice of Completion (NOC) and Environmental Document Transmittal form. Simultaneously, notices of availability of the Draft SEIR were published in the local newspaper and on the City’s website.

According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - 1. Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.; and
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

These findings, prepared as part of the CEQA 15091 Findings and Statement of Overriding Considerations, have been prepared for this Project and are part of the Project package before the decision makers during Project consideration.

In conjunction with the Findings and Statement of Overriding Considerations, the City will consider whether to certify the Final SEIR as complete and in compliance with CEQA and State CEQA Guidelines; and must also consider the Final SEIR, including all comments received on the Draft SEIR and responses provided, in recommending approval or denial of the Proposed Project. Public input is allowed at the Planning Commission and City Council hearings held to consider this Final SEIR and the Project’s related discretionary actions. In the final review of the Proposed Project, environmental, economic and social factors will be considered to determine the most appropriate course of action.

The Final SEIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project.

ORGANIZATION OF THE FINAL SEIR

This document, which includes responses to comments and text revisions, has been prepared in accordance with Section 15088 of the State CEQA Guidelines. The remainder of this Final SEIR includes the following sections:

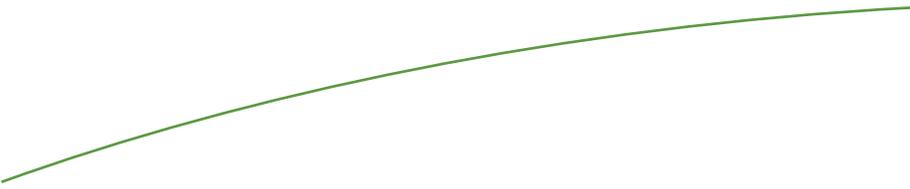
- *Section B – List of Comment Letters Received on the Draft SEIR.* This section contains a list of California state and local agencies, as well as private parties, who submitted written comments on the Draft SEIR.
- *Section C – Responses to Comments Received on the Draft SEIR.* This section contains copies of the written comments received on the Draft SEIR and the responses to those comments. The comments and responses are provided in side-by-side format for the ease of the reader.
- *Section D – Revisions to the Text of the Draft SEIR.* This section provides a brief list of clarifying errata describing substantive changes to textual passages in the Draft SEIR following public review. These changes are incorporated into the Final SEIR.
- *Section E – Mitigation, Monitoring and Reporting Program.* The MMRP incorporates all of the mitigation measures committed to in the Draft SEIR, and identifies: (1) timing of measure implementation; as well as (2) the City/Agency personnel responsible for monitoring. It also contains date and initial lines to verify the monitoring, as well as identification of whether there are additional issues or steps required prior to ultimate sign-off.

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Section B

LIST OF COMMENTERS



B. LIST OF COMMENTERS

During the public review period, verbal comments and comment letters were received on the Draft EIR from the following agencies, governments, organizations, and individuals listed below.

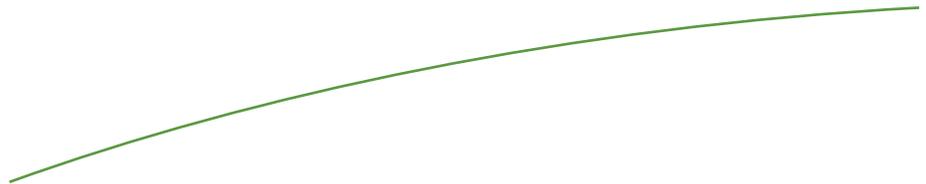
| LETTER | NAME | ADDRESS |
|-------------------------------|---|--|
| PUBLIC AGENCIES | | |
| A | Governor's Office of Planning and Research, State Clearinghouse and Planning Unit | 1400 10 th Street P.O. Box 3044 Sacramento, CA 95812-3044 |
| B | California Department of Transportation (Caltrans) | District 4 P.O. Box 23660 Oakland, CA 94623-0660 |
| C | Alameda County Water District | 43885 South Grimmer Blvd. Fremont, CA 94538 |
| PRIVATE FIRMS/CITIZENS | | |
| D | Cargill, Inc. | 7220 Central Avenue Newark, CA 94560 |
| E | Ashland, Inc. c/o Barry J. Shotts (attorney at Law) | 1224 Edwards Street Saint Helena, CA 94574 |

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Section C

COMMENT LETTERS AND RESPONSES



C. COMMENT LETTERS AND RESPONSES

This section contains copies of the written comments received on the Draft SEIR and the responses to those comments. The comments and responses are provided in a side-by-side format for the ease of the reader.

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EDMUND G. BROWN JR.
GOVERNOR

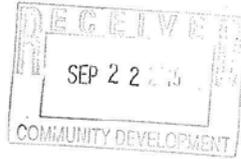
STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KIM ALEX
DIRECTOR

September 17, 2015

Terrence Grindall
City of Newark
37101 Newark Boulevard
Newark, CA 94560



Subject: Gateway Station West Residential
SCIH#: 2014082022

Dear Terrence Grindall:

The State Clearinghouse submitted the above named Supplemental EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 16, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

A1

A1 This communication documents the period of public review, confirms that the Project has "complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act" and transmits a comment letter (individually provided and responded to below from the California Department of Transportation, District 4). No response is necessary.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2014082022
Project Title Gateway Station West Residential
Lead Agency Newark, City of

Type SIR Supplemental EIR
Description Note: Reference SCH# 2010042012

The project site is within the Dumbarton Transit Oriented Development (TOD) Specific Plan area with a purpose of facilitating development of a new neighborhood in close proximity to a train station planned separately as part of the Dumbarton Rail Service (DRS) Project. The proposed project includes the development of ~589 single and multi-family residential units on ~41 acres, as well as approximately 13.5 acres of designated open space. The proposed residential development is consistent with the approved TOD Specific Plan area's Low-density Residential (LDR), Medium-density Residential (MDR), and Medium/High-Density Residential (MHDR) land use designation.

Lead Agency Contact

Name Terrence Grindall
Agency City of Newark
Phone (510) 578-4208 **Fax**
email
Address 37101 Newark Boulevard
City Newark **State** CA **Zip** 94580

Project Location

County Alameda
City Newark
Region
Lat / Long 37° 31' 09" N / 122° 03' 18" W
Cross Streets Hickory Street (east); Enterprise Drive (south)
Parcel No. Parcel 1 of Parcel Map 9837
Township 5S **Range** 2W **Section** 11 **Base** MDB&M

Proximity to:

Highways SR 84
Airports No
Railways Union Pacific
Waterways San Francisco Bay
Schools Newark Jr. High
Land Use Former industrial area/Low-density Residential, Medium-density Residential, and Medium/High Density Residential

Project Issues Air Quality; Biological Resources; Geologic/Seismic; Noise; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply, Wetland/Riparian; Growth Inducing; Cumulative Effects; Other Issues; Aesthetic/Visual; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Recreation/Parks; Population/Housing Balance; Soil Erosion/Compaction/Grading; Vegetation; Landuse

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

Date Received 08/03/2015 **Start of Review** 08/03/2015 **End of Review** 09/16/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



Serious Drought.
Help save water!

September 16, 2015

ALA084459
ALA-84-PM 3.5
SCH# 2014082022

Mr. Terrence Grindall
Planning Division
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Gateway Station West Project – Draft Supplemental Environmental Impact Report

Dear Mr. Grindall:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. Our comments seek to promote the State’s smart mobility goals that support a vibrant economy and build active communities rather than sprawl. We have reviewed the Draft Supplemental Environmental Impact Report (SEIR) and have the following comments to offer.

Project Understanding

The proposed project will consider development of 589 single- and multi-family residential units and associated infrastructure (parking areas, parks, trails, storm water facilities, and roadway and utility infrastructure) on approximately 41 acres of the site. The project site is planned within the Dumbarton Transit Oriented Development (TOD) Specific Plan Area, which was approved by the City in 2011. State Route (SR) 84 is approximately one mile north of the project area. There are two SR 84 interchanges at Thornton Avenue and Newark Boulevard that provide access to the project site. Interstate 880 (I-880) also provides regional access to the project area from interchanges at Mowry Avenue and Thornton Avenue.

Mitigation Responsibility

As the lead agency, the City of Newark (City) is responsible for all project mitigation, including any needed improvements to State highways. The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

B1

B2

B1 Your review of the Project is appreciated and acknowledged. The Project summary matches the Project description and is accurate regarding location of interstate and state route facilities in the general vicinity of the Project.

B2 The City agrees that traffic impacts associated with the Project require mitigation. Mitigation measures are specified in Section 4.10.5 of the Draft SEIR. As discussed in Section 4.10.5, no significant direct impacts were identified for State facilities. Significant cumulative impacts were identified at the SR 84 Eastbound ramps and Thornton Avenue, I-880 northbound ramps at Mowry Avenue; and on the segments of I-880 between SR 84 Eastbound and Thornton Avenue and Mowry Avenue to Stevenson Boulevard, respectively. Specific mitigation was identified for both

B2 ramps impacts within City jurisdiction. The comment requests “fair
cont. share contribution.” As stated in Section 4.10.6 of the Draft SEIR:

Mitigation in the form of the applicant paying all applicable transportation-related fees prior to issuance of building permits for a Specific Plan use would be required; however, payment of these fees would only partially mitigate the impacts of the Specific Plan. The [mitigation measures] proposed to reduce impacts to roadway segments would not be feasible (for example, as described in the Specific Plan EIR Section 4.14.4.8, because a roadway is outside of the City’s jurisdiction, or because limited ROW is available to allow for roadway improvements such as lane addition or widening); additionally, the fee programs would not fully fund all the mitigation necessary.

Although the payment of these fees would address Project impacts, as indicated by the “fair share” language, improvements might not occur until fair share payments are received by others as well. As a result, and in respect of the fact that only Caltrans has the power to modify State facilities and in accordance with CEQA Guidelines Section 15091, a conservative assessment of significant and unmitigated was made for the Project’s effects.

Mr. Terrence Grindall, City of Newark
 September 16, 2015
 Page 2

Transportation Analysis

B3

Given the project represents a sizeable portion of development within the Dumbarton TOD Specific Plan Area, our office believes the AM and PM generated traffic is likely to significantly impact State Facilities at SR 84 and I-880 and their associated on- and off-interchanges. Table 4.10-3 of the Project’s SEIR demonstrates the AM and PM generated net new trips as 343 and 443 vehicles per hour, respectively (pg. 4.10-16). Please clarify how the project’s trip generation is only slightly greater than the calculated trip generation for the approved land uses for the Dumbarton TOD Specific Plan EIR. If trip generation exceeds what was previously analyzed, then our office recommends the report include the associated turning movements per study intersection under these scenarios: Existing, Project Only, 2035 Cumulative, and 2035 Cumulative + Project Conditions.

B3

Changes in trip generation between the Cargill site in the Dumbarton TOD Specific Plan EIR and the Gateway Station West Project are due to changes in building typologies in the development. As stated in Appendix K, *Transportation Evaluation Memorandum-Gateway Station West Transportation Analysis Memorandum*, paragraph 3, page 2:

SR 84 Project Mitigation

B4

Mitigation Measure 4.14-6 states, “An additional eastbound right turn lane on the SR 84 eastbound off-ramp at the intersection of SR 84 eastbound ramps/Thornton Avenue shall be provided (SEIR, p.2-13).” The SEIR concludes that the proposed mitigation measure is not feasible because the intersection is outside of the City’s jurisdiction, or because limited right-of-way (ROW) is available to allow for roadway improvements.

The proposed Gateway Station West project would generate approximately 23 more daily trips, 3 more AM peak hour trips and 18 more PM peak hour trips than the Cargill project. However, previous entitlements granted or in review in the Dumbarton TOD Area have generated similar or fewer trips than analyzed in the SP EIR. Due to previous entitlements generating fewer trips than analyzed in the SP EIR, the total combined trip generation of approved and pending entitlements, including the Gateway Station West development, would not exceed the trips assumed in the SP EIR. Therefore, the proposed project would result in off-site transportation impacts consistent with the SP EIR.”

Caltrans does not agree with the assertion that completion of the mitigation measure identified cannot be assured because it they are located outside of the City’s jurisdiction. The City can negotiate a co-operative agreement with Caltrans or other agencies where the City agrees to make a fair-share payment towards improvements that the applicable agencies agree to implement in a timely manner. Given the project’s contribution to area traffic and its proximity to SR 84, we believe that the City and County should work with Caltrans to build an additional eastbound right turn lane on the SR 84 eastbound off-ramp to be funded by local traffic mitigations fees. The project may also contribute fair share transportation impact fees toward multi-modal improvements and regional transportation projects in order to better mitigate and plan for the impact of future cumulative growth on the regional transportation system. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

Paragraph 1 on Page 4 further clarifies the conclusions of the memorandum in the following statement:

Vehicle Trip Reduction

B5

Caltrans encourages the City to locate future housing, jobs and employee-related services near major mass transit centers with connecting streets configured to facilitate walking and biking. This would promote mass transit use thereby reducing regional VMT and traffic impacts. Suggested Travel Demand Management (TDM) strategies include lower parking ratios, dedicated carpool or car-sharing parking, additional bicycle parking, among others. Residents can also receive transit passes at a reduced rate in lieu of free parking. TDM programs should be monitored and documented with annual reports to demonstrate effectiveness. This smart growth approach is consistent with MTC’s Regional Transportation Plan/Sustainable Community

In conclusion, the trip generation estimate confirms that the Gateway Station West development generates similar trips to the land uses identified for the site within the SP EIR and that other entitled developments within the Dumbarton TOD would generate fewer trips than assumed in the SP EIR. Therefore, we do not anticipate that the development would cause off-site transportation impacts that were not already identified in the SP EIR (associated with development of the Gateway Station West site). The SP EIR identifies all transportation related impacts by the Gateway Station West project or combined with other entitled developments within the Dumbarton TOD.

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- B4 The assessment of significant and unmitigated does not mean that the City would not provide the cited mitigation. Consistent with CEQA Guidelines Section 15091(a)(2), although the City can provide fair share payments to help pay for improvements on the I-880, only Caltrans can implement the improvements—and if Caltrans should choose not to do so, the City would have no recourse. The City intends to coordinate with Caltrans regarding a cooperative agreement addressing the City’s fair share responsibility, and for use of those fair share funds in the most effective manner. Ultimately, however, only the Lead Agency for the improvements, i.e., Caltrans, can implement this mitigation. The disclosure in the SEIR is appropriate.
- B5 Consistent with this comment, the proposed project is designed to place future housing next to a major mass transit center, with easy access to jobs and employee-related services. As noted in the comment, this would reduce regional VMT and traffic impacts. The TDM and parking ratio information cited in the comment will be carefully reviewed by the City for implementation (and implemented as appropriate) if the project is approved.

Mr. Terrence Grindall, City of Newark
 September 16, 2015
 Page 3

B5 cont. Strategy goals of both increasing non-auto mode transportation, and reducing per capita VMT by 10 percent each. For information about parking ratios, see the Caltrans funded MTC report, *Reforming Parking Policies to Support Smart Growth*, or visit the MTC parking webpage at the following websites:
http://www.mtc.ca.gov/planning/smart_growth/parking/parking_seminar/Toolbox-Handbook.pdf
http://www.mtc.ca.gov/planning/smart_growth/parking

B6 **Habitat Restoration and Management**
 Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and with Caltrans where our programs share stewardship responsibilities for habitats, species and/or migration routes.

B7 Should you have any questions regarding this letter or seek additional information, please contact Sherie George at (510) 286-5535 or sherie.george@dot.ca.gov.

Sincerely,

PATRICIA MAURICE
 District Branch Chief
 Local Development - Intergovernmental Review

c: State Clearinghouse

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B6 The Draft SEIR's required Mitigation Monitoring and Reporting Program provides specific mitigation measures to compensate for all of the project's adverse effects on biological resources. As specified in Section 4.3.5 of the Draft and Final SEIR, the City would work closely with the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers, as appropriate, during any habitat disturbance and/or restoration. Also as appropriate, the City would coordinate with the adjacent Plummer Creek Wetland Mitigation Bank, located to the south of the Project. Coordination with (and, as required) permitting review by these agencies, and with Caltrans as appropriate, would ensure that the Project would not adversely affect any existing and applicable local or regional Habitat Conservation Plans.

B7 The contact information is appreciated. Thank you.

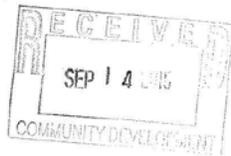


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 SHELLEY BURGETT
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 STEVEN D. INN
 Water Resources
 STEVE PETERSON
 Operations and Maintenance
 ED STEVENSON
 Engineering and Technology Services

September 10, 2015



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

Dear Mr. Grindall

Subject: Written Verification of Sufficient Water Supply for the Gateway Station West

C1

ACWD has received the City's request for a Water Supply Verification (WSV) for the 589-unit Gateway Station West project (Gateway) (see Attachment A). Gateway lies within the Dumbarton Transit Oriented Development (TOD) Specific Plan for which ACWD completed a Water Supply Assessment in October of 2010 (WSA) (see Attachment B). Gateway is the first of several developments within the TOD which will rely upon the WSA for completion of their respective Supplemental Environmental Impact Reports (EIR). The Gateway project is a combination of 321 single-family residential units, 268 multi-family units, local parks/recreation areas, and undeveloped land on a 54.5 acre area. Because Gateway exceeds 500 residential units, it requires an additional written verification of sufficient water supply (written verification, WVS) under California Water Code Section 66473.7.

C2

The 2010 WSA found that the TOD was consistent with ACWD planning assumptions and included in our forecast and water supply planning and our 2010-2015 Urban Water Management Plan (UWMP). The area within the TOD that Gateway will occupy was considered for 669 units in the Specific Plan, the 2010 WSA and the original EIR; therefore the 589 unit Gateway proposal represents a net decrease in size and water demand from what was considered and deemed to have sufficient water supply in 2010. Since completion of the 2010-2015 UWMP, there have been no substantive changes in ACWD's long-term water supply assumptions and therefore the analysis in both the UWMP and 2010 WSA remain the same. Based on the analysis and documentation within the 2010 WSA, as supplemented by the content of this letter, ACWD confirms that there are sufficient water supplies available for the Gateway

- C1 The City agrees with the ACWD's summary of the Gateway project and the reason that the City made a request for a Water Supply Verification (WSV).
- C2 The City agrees that the current project proposes fewer homes on the project parcels than were proposed under the Dumbarton TOD Specific Plan and appreciates the confirmation that water supplies were found to be adequate under ACWD's 2010-2015 UWMP and the 2010 WSA. This WSV provides useful clarification and updated information to the WSA, with no changes to significance findings. In addition to its incorporation into the Final SEIR through its complete inclusion in these comment letters, it has been included as an addendum to Appendix L of the EIR.



City of Newark
 Page 2
 September 10, 2015

C2 cont. Station West Project during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses. ACWD’s written verification is based on ACWD’s UWMP and the 2010 WSA.

C3 Since the 2010 WSA was completed, there have been four successive years of low rainfall and the State is currently experiencing a severe drought. Consequently, ACWD has declared a water shortage emergency and has adopted a Water Shortage Emergency Ordinance. Drought and water shortage contingency plans are fully consistent with ACWD’s long-term planning and are documented in the UWMP. To address the current conditions, the following updates supplement the 2010 WSA, by Section, which may also be helpful for the Project’s supplemental EIR.

SECTION 1 INTRODUCTION

BACKGROUND

C4 As a result of four successive years of low rainfall, the State is currently experiencing a severe drought. Due to the record-dry conditions, Governor Edmund G. Brown proclaimed a drought emergency on January 17, 2014 ordering, amongst other actions, State agencies to execute a statewide conservation campaign to reduce water usage by 20%. On March 13, 2014, ACWD Board of Directors adopted Ordinance No. 2014-01 declaring a water shortage emergency and adopting water use regulations, restrictions and guidelines for the water shortage emergency (see Attachment C), designed to achieve a 20% service area-wide reduction in water use by prohibiting wasteful uses of water and limiting landscape irrigation. On July 29, 2014 the State Water Resources Control Board (SWRCB) adopted statewide emergency conservation regulations that largely mirrored the District’s Ordinance prohibitions.

As the drought entered its fourth year, the State passed additional emergency conservation regulations on March 27, 2015 which extended and expanded the regulations adopted in 2014¹. These regulations were further expanded and adopted on May 5, 2015. During the intervening month, the Governor issued another Executive Order on April 1, 2015 which included, for the first time ever, a mandate to reduce statewide water use, specifically by 25% from 2013 levels. In response, the SWRCB replaced the statewide target established in July of 2014 with agency-specific goals based on each agency’s average residential gallons per capita per day (R-GPCD), as reported to the State, for July 2014 - September 2014; ACWD’s target reduction is 16% from its baseline use between July 2013–December 2013, and January/February 2013. The SWRCB also expanded water agency reporting requirements and added additional end-

¹March 27, 2015 Regulations included: prohibiting irrigation during and within 48 hours following measurable rainfall, prohibiting restaurants from serving water unless requested, requiring hotels/motels to offer guests the option to not have linens/towels laundered daily and required water agencies to notify customers about leaks within the customer’s control

C3 The City acknowledges ACWD’s finding that the drought and water shortage contingency plans are consistent with the ACWD’s long-term planning as documented in the UWMP. Responses to updates to the 2010 WSA are provided below.

C4 This information, updating State actions in 2014 and 2015 relative to drought provides useful clarification. Through inclusion of the WSV in these responses to comments, as well as an addendum to Appendix L, these clarifications have been incorporated into the Final SEIR.

City of Newark
Page 3
September 10, 2015

C4
cont.

user prohibitions including prohibiting irrigation with potable water of ornamental turf on public medians and called for new standards for irrigation of landscaping in new development. The new development standards are addressed under an emergency regulation adopted by the Building Standards Commission in June 2014 and through a revised Model Water Efficient Landscape Ordinance (MWELo) that all cities will be required to adopt. The revised MWELo includes much stricter efficiency standards for irrigation systems and greatly limits the installation of non-functional turf for new developments and for renovated landscapes at existing developments.

The District’s Ordinance is consistent with the revised State goal for ACWD and therefore has not been changed, even though the savings target was reduced from 20% to 16%. Water demand for FY 2014-2015 was 38,500 AF, or roughly 20% less than the pre-drought demand as well as the baseline demand reported in and contemplated by the WSA.

SECTION 2 WATER DEMAND

WATER DEMANDS – ACWD SERVICE AREA

It is anticipated that the current State and ACWD water conservation regulations will have a lasting, long-term effect of reduced demand for water and therefore it is anticipated that ACWD’s post-drought water demand forecast will be reduced from the previous forecast reported in the 2010-2015 UWMP and Table 2 of the Dumbarton TOD WSA. Post-drought demand reductions have been historically demonstrated and are a result of customers embracing and implementing conservation and water-use efficiency measures during a drought. Such actions include increased rate of replacement of old, high water-use plumbing fixtures with new, more efficient water-use plumbing fixtures as well as replacing high water-use landscaping, such as ornamental turf grass, with drought tolerant plants and hardscape. Also, the stricter MWELo and plumbing code efficiency standards included in the Governor’s April 2015 Executive Order will result in a reduction in forecast future demands.

Should the demand forecast be reduced as anticipated, there will be a corollary improvement in long-term water supply reliability. These updates will be further studied in the fall of 2015 and reflected in the 2015-2020 UWMP.

WATER DEMANDS – GATEWAY STATION WEST PROJECT

Estimation of Project Water Demands

The following estimated water demand for the Project updates the project information in Table 5 of the WSA, which considered the entire TOD Specific Plan development and resulting water demand.

C5

C5 These paragraphs clarify the historical effect of drought demand reductions on future post-drought demand levels, and the related potential for future increases in long-term water supply reliability, as well as updates to water demand anticipated for the proposed project based on the specific proposed unit count. Through inclusion of the WSV in these responses to comments, as well as an addendum to Appendix L, these clarifications have been incorporated into the Final SEIR.

City of Newark
Page 4
September 10, 2015

Table 5 Water Demands for the Gateway Station West Project

| Element | Planning units | | GPD/ Unit | Demand estimate (AF/yr.) |
|--|----------------|----------------|--------------|-----------------------------|
| Residential (2,000 ft ² lots) | 379 | Dwelling units | 179 | 76 |
| Residential (3,000 ft ² lots) | 210 | Dwelling units | 247 | 58 |
| Open space | 4.57 | Acres | 4,630 | 24 |
| Estimated Total Project Demand (rounded to nearest 100 AF) | | | | 158 |
| Water Supplies Required (8.4% Unaccounted for Water) | | | | 172 |
| Approximate peak day demand in mgd (1.6x peaking factor) | | | | 0.25 |

C5
cont.

IMPACTS OF DROUGHT ON DEMANDS

Current Drought Restrictions Apply

As discussed in Section 1, the State of California is imposing water use restrictions, regulations, and standards due to the severe drought and ACWD is operating under a water shortage emergency ordinance. These restrictions will remain in place through the end of the water shortage emergency. The Project is subject to all water use restrictions and limitations as described in Ordinance No. 2014-01 until it is rescinded by the Board. In addition, ACWD may adopt additional water use restrictions or implement other measures should they become necessary. Additional restrictions could potentially include limitations on new service, such as denying new or additional water service connections, and therefore impact new development in the service area, including the Project, while the drought persists. Chapter 10 of the 2010 UWMP, *Water Shortage Contingency Plan*, describes a non-exhaustive list of potential actions the District may take under various water shortage scenarios.

C6

SECTION 3 WATER SUPPLY

LOCAL SOURCES

Niles Cone Groundwater Basin

On September 16, 2014, the Governor signed the Sustainable Groundwater Management Act (Act) into law establishing a new structure for groundwater management, recognizing that groundwater management in California is best accomplished locally. Since the District was created by statute to manage groundwater resources, ACWD is identified in the Act, as a statutorily designated agency. As a result, ACWD can comply with the Act

C7

C6 Both the City and the applicant fully understand that the project would be subject to water use restrictions and limitations described in Ordinance No. 2014-01, and that additional measures or limitations may be required, up to and including denial of new or additional water service connections while the drought persists.

C7 This discussion addresses the ACWD’s responsibility to manage groundwater. As noted, although the framework for implementation of the mandate is still in development, it would not have a negative impact on the reliability of local groundwater supply. In addition, the discussion clarifies that the “critical dry year” assumptions for planning analysis remains 1977, consistent with the current UWMP.

City of Newark
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September 10, 2015

by either meeting specific requirements outlined in the Act for functionally equivalent plans or by becoming a groundwater sustainability agency. The framework for how the Act will be implemented is still in development. However, the implementation of the Act will not have a negative impact on the reliability of local groundwater supply.

WATER SUPPLY IN NORMAL AND DRY YEAR CONDITIONS

Water Supply under Critical Dry Year Conditions

ACWD's UWMP defines 1977 as the single critical dry year for planning analysis as required under the Urban Water Management Planning Act. While ACWD had to declare a Water Shortage Emergency in 2014, seeking a 20% reduction in demand, 1977 remains the single most critical water supply year for ACWD planning and therefore the analysis in the UWMP is unchanged.

ACWD planning criteria, as described in ACWD's UWMP for a single critical dry year, takes into account that State Water Project (SWP) deliveries would be reduced to approximately 10% of the maximum contractual amounts (referred to as the "Table A" amounts in the SWP contracts) during single critically dry years. On January 31, 2014, DWR announced a zero allocation of SWP entitlements for the first time in its 54-year history. Although the allocation was subsequently raised to 5%, this water was not available before September 1, 2014, after the typically high summer demand season. This disruption of the SWP supply source led to ACWD declaring a Water Shortage Emergency, following plans outlined in the Chapter 9 of the UWMP (*Water Shortage Contingency Plan*).

Despite the less than 5% allocation, total water supply available to ACWD in 2014 was greater than that which is projected to be available under hydrologic conditions of 1977. Local rainfall-runoff used to recharge the Niles Cone Groundwater basin was marginally higher in 2014 than in 1977. Similarly, SFPUC supply in 2014 was higher than that projected for 1977. Whereas the SFPUC only requested a voluntary 10% reduction in 2014, they estimate that they would require a mandatory 20% reduction under the hydrologic conditions of 1977 should they occur again with present day demands, facilities and operating requirements, as is documented in the UWMP.

SECTION 4 WATER SUPPLY AND DEMAND ANALYSIS

SINGLE DRY YEAR WATER SUPPLY

In 2014, ACWD experienced a water supply emergency due primarily to interrupted delivery of SWP as discussed in Section 3. In addition to challenges on the SWP, local supply rivaled all-time driest supply and the SFPUC called for a voluntary 10% reduction in water use from 2013 levels. Despite these challenges, the water supply conditions of 1977 remain the single driest conditions in ACWD's planning data and, therefore, the

C7
cont.

City of Newark
Page 6
September 10, 2015

C7
cont.

single dry year reliability data reflected in ACWD’s UWMP Table 8-3 and in Table 14 of the WSA remains unchanged.

SECTION 5 SUMMARY AND CONCLUSIONS

For purposes of this written verification, ACWD revisited the Summary and Conclusions section of the WSA factoring in all that is set forth in this letter. This conclusion remains unchanged – the Gateway project demand, which is lower than projected in the WSA, is consistent with the planning assumptions and is included in ACWD’s forecast and water supply planning. The existing and on-going water shortage emergency does not impact this conclusion because ACWD implemented, and will continue to implement, its water shortage contingency plan as contemplated by ACWD’s UWMP. However, given the passage of almost 5 years since the approval of the WSA, the following paragraphs in the Summary and Conclusions of the WSA, which apply to the entire TOD, are tailored for this WVS for the Gateway project.

- A. Paragraph 8 of WSA. ACWD is currently in a Water Shortage Emergency and has implemented the Water Shortage Emergency Plan as detailed in the UWMP. ACWD has secured additional supplies through the DWR drought water bank in 2014, as well as a transfer from Contra Costa Water District (CCWD) in 2013. ACWD has also implemented a drought contingency plan. Because the Project’s demands are consistent with the UWMP demand forecast, the development of the Project will not result in increased shortages from that which is already factored into ACWD’s planning. The project is subject to the water use restrictions set forth in Ordinance No 2014-01, the current SWRCB emergency regulations and other state restrictions, and all future regulations, restrictions and limitations that may be adopted by ACWD, the state, or other government agencies.
- B. Paragraph 9 of WSA. The Water Efficiency Measures for New Developments have been updated; please refer to Attachment D to this written verification.
- C. Paragraph 10. In 2010 ACWD was contemplating a recycled water project at the Dumbarton Storm Water Pumping Station, adjacent to the TOD, and required the Project to implement recycled water for non-potable uses when developed. This recycled water source was ultimately not included in ACWD’s Preferred Projects identified in the 2010 ACWD-USD Recycled Water Feasibility Study and is therefore not available for the Project.
- D. Paragraph 13. This written verification is based on the proposed land use of the Gateway Station West Project, as provided to ACWD by the City of Newark (documented in ATTACHMENT A). If, prior to Project approval, the proposed land use within the Project area changes from what is currently incorporated in this written verification, ACWD will evaluate the impacts that these changes may have on ACWD’s water supplies. In the event that the land use changes impact the

C8

C8 This section provides specific edits to the 2010 WSA Summary and Conclusions that are tailored to the proposed project as opposed to the entire Dumbarton TOD Specific Plan, and restates the findings that project demands are consistent with UWMP findings, as well as clarifying that Water Efficiency Measures for New Developments have been updated (found in Attachment D of this WSV) and that a previously considered recycled water project was not included in the 2010 ACWD-USD Water Feasibility Study. Through inclusion of the WSV in these responses to comments, as well as an addendum to Appendix L, these clarifications have been incorporated into the WSA and the Final SEIR.

The discussion also clarifies that future changes in the proposed project design could require additional review of effect on water supplies, with related additional mitigation identified during subsequent environmental review. Such changes are not a part of the currently proposed project, however, and the potential for subsequent review should the project be revised is understood. No additional action at this time is required at this time.

City of Newark
Page 7
September 10, 2015

C8
cont.

conclusions of this written verification, ACWD may require additional mitigation measures as a condition of providing water service to the Project. If the proposed land use changes occur after Project approval and approval of the final subdivision maps, ACWD will evaluate the potential water supply impacts of these changes, and may require additional mitigation as a condition of providing water service to those areas with the changed land use condition.

Sincerely,



Robert Shaver
General Manager

TN:bbm
Enclosures

- Attachment A** - Letter of Request for Water Supply Verification; email communication and development details for all of Dumbarton TOD parcels
- Attachment B** - 2010 Dumbarton TOD Water Supply Assessment, report only
- Attachment C** - Water Shortage Emergency Ordinance (ACWD Ordinance No. 2014-01)
- Attachment D** - Updated Water Efficiency Measures for New Developments

COPY

RESOLUTION NO. 15-055

OF BOARD OF DIRECTORS OF ALAMEDA COUNTY WATER DISTRICT
APPROVING THE WRITTEN VERIFICATION OF SUFFICIENT WATER
SUPPLY FOR THE GATEWAY STATION WEST PROJECT

WHEREAS, California Government Code Section 65867.5 requires that a development that includes a subdivision with 500 or more housing units shall not be approved unless a written verification of sufficient water supply is provided pursuant to California Government Code Section 66473.7;

WHEREAS, on May 29, 2015, the District received the City of Newark's (City) request for a written verification of sufficient water supply for the 589 housing unit Gateway Station West Project (Project);

WHEREAS, the Project is a subset of the Dumbarton Transit Oriented Development Specific Plan for which the District completed a Water Supply Assessment (WSA) in October 2010;

WHEREAS, since the WSA was completed, there has been four successive years of low rainfall, the State of California is experiencing a severe drought, and the District has adopted an Ordinance declaring a water shortage emergency;

WHEREAS, droughts and water shortage emergencies are consistent with the District's long-term planning and are contemplated in the District's 2010-2015 Urban Water Management Plan (UWMP);

WHEREAS, staff has reviewed the Project details and concluded that they are consistent with the District's planning assumptions and water supply analysis in the UWMP and WSA, which documents the sufficiency of water supply; and

C9 This resolution is an action by the ACWD Board of Directors documenting: the need for an WSV, and the request from the City for such a WSV; acknowledgement of four years of drought conditions; consistency of those conditions with planning documented in the District's UWMP; consistency of the project with the UWMP and WSA (documenting sufficiency of water supply); approval of the ACWD WSV; and authorization to send such verification to the City. This is provided for documentation of background/information provided in the ACWD letter of September 10, 2015, and no response is required.

C9

C9
cont.

WHEREAS, staff has prepared a written verification of sufficient water supply for the Project that is based on the analysis in the WSA as supplemented to address the current water shortage emergency conditions.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Alameda County Water District that the written verification of sufficient water supply for the Gateway Station West Project is hereby approved and the General Manager is authorized to send the written verification of sufficient water supply to the City of Newark.

PASSED AND ADOPTED this 10th day of September, 2015, by the following vote:

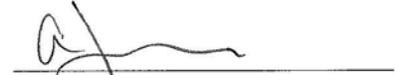
AYES: Directors Huang, Gunther, Sethy, and Koller

NOES: None

ABSENT: Director Weed


Martin L. Koller, President
Board of Directors
Alameda County Water District

ATTEST:


Andrew Warren, Assistant District Secretary
Alameda County Water District
(Seal)

APPROVED AS TO FORM:


Patrick T. Miyaki, Attorney
Alameda County Water District

Attachment A



CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

May 28, 2015

Robert Shaver, General Manager
Alameda County Water District
43885 S. Grimmer Blvd.
Fremont, CA 94538

RECEIVED
MAY 29 2015
A.C.W.D.

Regarding: Gateway Station West Water Supply Assessment Verification

Dear Mr. Shaver:

The City of Newark is implementing the approved Dumbarton Transit Oriented Development Specific Plan. The Specific Plan was approved in 2011, and a Water Supply assessment was done at that time. A 589-unit phase of the Specific Plan project is now under consideration.

As the California Environmental Quality Act (CEQA) Lead Agency, the City of Newark is preparing a Supplemental Draft Environmental Impact Report tiered from the Dumbarton Transit Oriented Development (TOD) Specific Plan EIR for a project within the Specific Plan area.

The 589-unit Gateway Station West residential development consists of a combination of 321 single-family residential (SFR) units, 268 multi-family residential (MFR) units, local parks/recreation areas, and undeveloped land. In general, the 54.5-acre Gateway Station West project was approved for 669 SFR and MFR dwelling units within the 2,500 residential dwelling unit Specific Plan; the project is a 12 percent reduction in residential development intensity from levels in the approved Specific Plan.

In October 2010, the Water Supply Assessment (WSA) for the Dumbarton TOD Specific Plan was prepared by the Alameda County Water District (ACWD) in accordance with California Water Code Section 10610(d)(1). The WSA addresses the water supply needs associated with implementation of the Specific Plan as a whole. The Gateway Station West project is on property within the Specific Plan area. There are two provisions in the WSA that address subsequent projects within the Specific Plan area (i.e., Items 12 and 13 in the Summary and Conclusions of the WSA, respectively).

Item 12 notes that "...ACWD will be required to issue a written verification ensuring sufficient water supply if a residential subdivision is part of the Project..." and requires a re-evaluation of the WSA assumptions and conclusions, as well as implementation of additional mitigation measures as a condition of providing water service if applicable.

Item 13 notes that if proposed land uses assumed in the WSA are changed, ACWD is required to evaluate the effect of such changes on water supply/demand conclusions and implement additional mitigation, if applicable.



web site: www.newark.org

email: webmaster@newark.org

C10

C10 Attachment A provides documentation of the City's request to the ACWD for a WSV for Gateway Station West. This is provided for documentation of background provided in the ACWD letter of September 10, 2015, and no response is required.

C10
cont.

The City of Newark is requesting a water supply verification, in accordance with Government Code Section 66473.7, to ensure that the water supply demand for the Gateway Station West project is taken into account in the WSA for the Dumbarton TOD Specific Plan. As the Supplemental EIR is already in process, we would respectfully request a timely response to this letter. Please identify a contact person in your agency, and send your response to:

Terrence Grindall
Assistant City Manger
City of Newark
37101 Newark Boulevard
Newark, California 95560

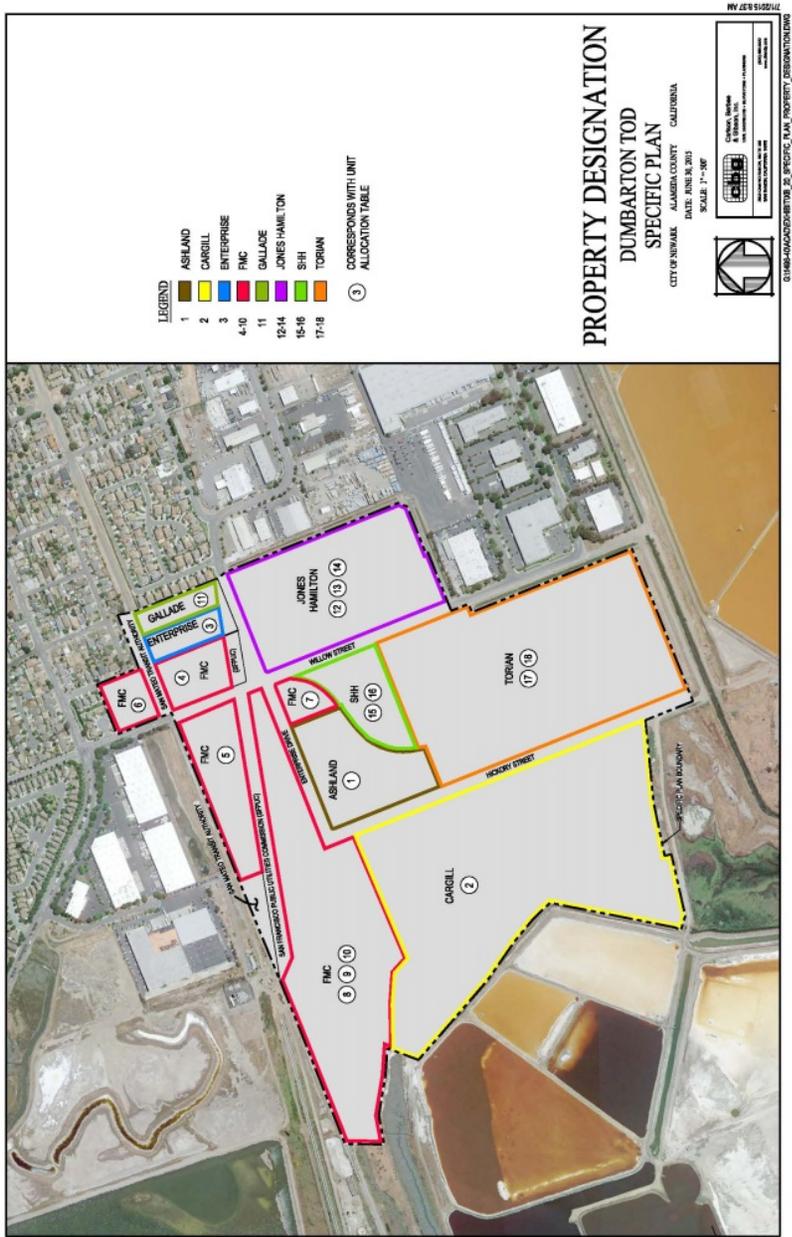
Thank you for your attention to this matter. If you have questions or concerns please contact me at 510-578-4208 or Terrence.grindall@newark.org

Sincerely,



Terrence Grindall
Assistant City Manager

C10
cont.



C10
cont.



Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

COMPARISON TABLE
MAXIMUM UNITS vs. PROPOSED AND APPROVED UNITS
UNIT ALLOCATION TABLE (TAKEN FROM DUMBARTON TOD FORM BASED CODE)

| No. | PROPERTY OWNER | ASSESSOR'S PARCEL NUMBER | PARCEL AREA ZONED FOR RESIDENTIAL USE | LAND USE DESIGNATION / ZONING | MAXIMUM NUMBER OF UNITS | PERCENTAGE OF TOTAL | MAXIMUM NUMBER OF UNITS FOR PROPOSED AND APPROVED PROJECTS | ACTUAL NUMBER OF UNITS FOR PROPOSED AND APPROVED TENTATIVE MAPS | PERCENTAGE REDUCTION IN UNITS FOR PROPOSED AND APPROVED TENTATIVE MAP |
|--------------|--------------------------|--------------------------|---------------------------------------|-------------------------------|-------------------------|---------------------|--|---|---|
| 1 | Ashland Inc. | 092-0115-005 | 10.29 ACRES | MHDR | 243 | 9.72% | | | |
| 2 | Capitol | PARCEL 1 OF PARCEL 9837 | 54.53 ACRES | LDH/MDR/MHDR | 652 | 26.08% | 652 | 588 | 9.7% |
| 3 | Enterprise Drive, LLC | 092-0140-008 | 2.14 ACRES | MDR | 35 | 1.40% | 35 | 27 | 22.9% |
| 4 | FMIC Corporation | 092-0100-004-02 | 3.59 ACRES | MHDR | 50 | 1.98% | | | |
| 5 | FMIC Corporation | 092-0100-005 | 0 ACRES | N/A | 0 | 0% | | | |
| 6 | FMIC Corporation | 092-0101-001 | 2.27 ACRES | MDR | 31 | 1.23% | | | |
| 7 | FMIC Corporation | 092-0115-011 | 1.98 ACRES | MHDR | 47 | 1.89% | | | |
| 8 | FMIC Corporation | 537-0852-001-02 | 5.8 ACRES | PARK/COMMERCIAL | 246 | 9.85% | | | |
| 9 | FMIC Corporation | 537-0852-002-07 | 0 ACRES | MHDR/PARK | 0 | 0% | | | |
| 10 | FMIC Corporation | 537-0852-002-008 | 9.6 ACRES | PARK/COMMERCIAL | 173 | 6.93% | 193 | 163 | 15.5% |
| 11 | Galilee Enterprises, LLC | 092-0140-005 | 0 ACRES | MDR | 0 | 0% | | | |
| 12 | Jones Hamilton Company | 092-0116-058 | 6.23 ACRES | MDR | 86 | 3.44% | | | |
| 13 | Jones Hamilton Company | 092-0116-059 | 5.92 ACRES | MDR | 82 | 3.27% | | | |
| 14 | Jones Hamilton Company | 092-0116-060 | 9.12 ACRES | MDR | 126 | 5.04% | 234 | 217 | 26.2% |
| 15 | SHH, LLC | 092-0115-012 | 2.0 ACRES | MHDR | 48 | 1.91% | | | |
| 16 | SHH, LLC | 092-0115-013 | 4.11 ACRES | MHDR | 98 | 3.92% | | | |
| 17 | Torain | 092-0115-008 | 10.0 ACRES | MDR/MHDR | 138 | 5.53% | | | |
| 18 | Torain | 092-0115-010 | 22.22 ACRES | LDH/MDR/MHDR | 445 | 17.81% | 583 | 542 | 7.0% |
| Total | | | 159.76 ACRES | | 2,500 | 100.00% | 1,757 | 1,538 | 12.5% |

F:\1000 - 14163-04-02\14163-04-02\14163-04-02.dwg

2633 CAMINO RAMON, SUITE 300 - SAN RAMON, CALIFORNIA 94583 - (925) 866-0322 - www.cbsai.com

Attachment B

**WATER SUPPLY ASSESSMENT
FOR THE
DUMBARTON TRANSIT ORIENTED
DEVELOPMENT PROJECT**

OCTOBER 2010

**PREPARED FOR
CITY OF NEWARK,
CALIFORNIA**

Prepared by:

**ALAMEDA COUNTY WATER DISTRICT
43885 S. Grimmer Blvd.
Fremont, CA 94538**

C11 Attachment B, which includes Pages C-23 through C-68 below, is the 2010 WSA, as current during Dumbarton TOD Specific Plan review. This is provided for documentation of background provided in the ACWD letter of September 10, 2015, and no response is required.

C11

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SECTION 1 INTRODUCTION

BACKGROUND

The City of Newark (City) has requested a Water Supply Assessment (WSA) for the Dumbarton Transit Oriented Development Project (Project). The project is a mixed use proposal of high, medium and low density residential housing, commercial retail / office building area, and open space. The Project site covers approximately 207 acres and is located adjacent to the proposed Dumbarton Commuter Rail Line in Newark (Figure 1). The Project site is located in the middle of the Newark Dumbarton Transit Area Priority Development Area (PDA) as outlined by the Association of Bay Area Governments (ABAG) in Projections and Priorities 2009. ACWD's 2009 Water Demand Forecast (Forecast) included all ABAG projections. Prior to the 2009 Forecast, this area was included in ACWD planning under the previous Specific Plan Area 2, which contemplated primarily a commercial and industrial project. As the Project relies on individual and independent developers, there is no specific timeline or phasing for completion of the Project.

The Project will require water supplies for the new homes, businesses and institutional uses. The existing water provider in the area is the Alameda County Water District (ACWD). ACWD is a retail water purveyor with a service area that includes the cities of Fremont, Newark and Union City. ACWD provides water primarily to urban customers: approximately 70% of supplies are used by residential customers, with the balance (approximately 30%) utilized by commercial, industrial, and institutional customers. Net distribution system water use was approximately 47,600 acre-feet (AF), or an average of 42.5 million gallons per day (mgd) in fiscal year 2009-10. The District's primary sources of supply come from the California State Water Project (SWP), the San Francisco Regional Water System, and local supplies from the Alameda Creek Watershed and Niles Cone Groundwater Basin (underlying the ACWD service area).

California Water Code (Water Code) Section §10910 requires that a water supply assessment be provided to cities and counties for a project that is subject to the California Environmental Quality Act (CEQA), and which surpasses a threshold for the number of housing units and/or square feet of commercial/industrial buildings. The cities and counties are mandated to identify the public water system that might provide water supply to the project and then to request a water supply assessment. The water supply assessment documents sources of water supply, quantifies water demands, evaluates drought impacts, and provides a comparison of water supply and demand that is the basis for an assessment of water supply sufficiency.

PURPOSE

The purpose of this Water Supply Assessment is to document ACWD’s existing and future water supplies for its service area and compare them to the area’s future water demands, including the future water demands of the Project. This comparison, conducted for both normal hydrologic conditions and drought conditions, is the basis for an assessment of water supply sufficiency in accordance with the requirements of California Water Code Section §10910.

METHODOLOGY

ACWD’s long-term water supply strategy was developed as part of the District’s Integrated Resources Planning Study (IRP), and adopted by the ACWD Board in 1995. ACWD’s 2006-2010 Urban Water Management Plan (UWMP, or 2005 UWMP) incorporates this water supply strategy. The UWMP documented ACWD’s existing water supplies as well as the projected future demand for water and changing availability of our supplies. The projections were made the year prior to completion of the UWMP, or 2004, and relied on the most current published supply reliability and land use planning data at that time.

ACWD is currently in the process of compiling data and information needed to prepare the 2011-2015 UWMP (2010 Draft UWMP Data). The 2010 Draft UWMP Data reflects substantial changes in both supply and demand from that which was reported in the 2005 UWMP. This WSA will rely on the 2010 Draft UWMP Data for purposes of analyzing and reporting water supply reliability and the 2005 UWMP (attached) for purposes of documenting ACWD’s sources of supply as required under the Water Code.

SECTION 2 WATER DEMAND

This section provides an overview of historical and current water use in the District, and a summary of future projected water demands for the Project and ACWD's service area.

WATER USE CATEGORIES

Water use in the ACWD service area is divided into two categories: 1) distribution system use, and 2) groundwater system use. The distribution system use includes all water uses supplied by ACWD's treatment and production facilities, and conveyed to ACWD customers via the District's distribution system. This use is further subdivided into the categories of single family residential (SFR), multi-family residential (MFR), commercial, industrial, institutional, landscape and other use.

Groundwater system use includes private (non-ACWD) groundwater pumping (primarily for industrial and municipal landscape irrigation uses), ACWD's Aquifer Reclamation Program pumping, and saline groundwater outflow to San Francisco Bay. The Aquifer Reclamation Program (ARP) pumping is an ongoing ACWD program to pump saline groundwater out of the aquifer system and replace it with fresh water recharged at the District's groundwater recharge facilities. Saline groundwater outflow to San Francisco Bay represents the groundwater outflow required to maintain groundwater flow in a bayward direction necessary to prevent seawater intrusion into the local aquifer system and to flush saline groundwater back to San Francisco Bay.

The District's groundwater system use is not anticipated to change significantly in the future. Therefore, the following discussions of water use are focused on the District's distribution system water use.

HISTORICAL AND CURRENT WATER USE

Table 1 provides a summary of the last ten years of water use within the District. As shown in the table, residential water use comprises approximately 70% of District water use, with the remaining 30% used by commercial, industrial and institutional customers.

Water consumption patterns in the ACWD service area are a function of many independent factors including growth, weather conditions, economic conditions and water conservation behaviors. The District saw dramatic declines in consumption during the 1987-1992 drought due to voluntary conservation and District-sponsored demand management efforts. However, during the drought recovery period since 1992, several significant factors have influenced consumption. From 1993-2001 accelerated growth of both residential and business customers (including the high technology industry) occurred due to a strong economy. During this period, vacancy rates decreased and water consumption rose. From 2001 to 2007 the overall consumption in the District was relatively flat, attributed primarily to less robust local economic conditions, mild weather and on-going water conservation programs. In 2008, 2009 and continuing in 2010, ACWD has seen declines in overall water consumption, which ACWD

attributes to a combination of successive dry year conditions, Statewide conservation campaigns and a continued economic downturn. The resulting substantive reduction in demand for water has changed ACWD's near and mid-term anticipated level of new demands.

WATER DEMANDS - ACWD SERVICE AREA

ACWD's approach to water demand forecasting for the UWMP is to: 1) evaluate existing demands of lands already developed in the service area; 2) estimate future demands of currently undeveloped lands that are designated for development; and 3) combine the existing and future demands to estimate the overall District-wide future demands. This demand forecasting is done for six primary land use categories: single family residential, multi-family residential, commercial, industrial, institutional, and "other". In order to estimate future demands of currently undeveloped lands in each of these categories, ACWD obtains the most recent zoning information for these lands. The land use information is provided by the cities' planning staff, and includes general plan land use designations and, when available, more detailed information from specific plans or other planning documents. A District-wide water demand forecast for each land use category is then developed by multiplying the planned land use under each land use category by a District-wide average unit water use specific to that land use category. Additional potential future land use is also accounted for in the demand projections, and is based on city-approved plans for redevelopment and/or intensification of specific areas. The demand forecast also considers future demands associated with Association of Bay Area Governments (ABAG) Smart Growth projections.

Actual unit water use for any specific land use project may vary significantly from the District-wide average. However, determining the actual unit water use for each specific development project in the service area is beyond the scope of ACWD's UWMP demand forecast. Rather than providing demand forecasts for specific land use projects, the UWMP provides an aggregated, District-wide demand forecast for each land use category, as well as the total District-wide demand. This approach is proven sufficiently accurate for long-term, District-wide demand forecasting and is consistent with the California Water Code requirements for urban water management planning. However, if the District has detailed information about the water demands of a specific project during the time it is preparing the UWMP, the District will account for the specific project's water demands in the UWMP in lieu of the District-wide average.

ACWD's 2009 Forecast is substantially revised from the 2004 Forecast in several key areas with a combined effect of reduced long-term demand. Key changes since 2004 are a slower rate of growth in the service area, continued restructuring of the local economy with a net loss of high water use industry (manufacturing), prolonged economic recovery from the recession, increased natural conservation with plumbing code updates, and accelerated conservation effect resulting from recent drought message and public awareness.

The projected future demands in the ACWD service area are summarized in Table 2 (for the years 2010, 2015, 2020, 2025 and 2030). The water demand forecast also includes projected savings from water conservation, both District-sponsored water conservation and "natural conservation" resulting from new plumbing code standards. Also called "code-based savings"

or “passive conservation”, these demand reductions come about due to the replacement of old inefficient plumbing fixtures with low flow fixtures. ACWD is a signatory to the California Urban Water Conservation Council’s (CUWCC) MOU on Urban Water Conservation and is committed to the implementation of all locally cost-effective water conservation best management practices. A complete description of ACWD’s water conservation program, as well as water saving assumptions, is provided in Chapter 7 of the attached UWMP.

As described in the following section, the Project’s demands are considered to be consistent with the District’s demand forecast, and therefore, are not listed separately in Table 2. Demands listed in this table include the demands from all WSAs completed to date except for the Ballpark Village Specific Plan and Masonic Homes Flatlands Projects which have both been rescinded.

WATER DEMANDS – DUMBARTON TRANSIT ORIENTED DEVELOPMENT PROJECT

Estimation of Project Water Demands

The Dumbarton Transit Oriented Development Project is a mixed use proposal of high, medium and low density residential housing, commercial retail / office building area, and open space. The Project site covers approximately 207 acres and is located adjacent to the proposed Dumbarton Commuter Rail Line in Newark (Figure 1). The Project site is located in the middle of the Newark Dumbarton Transit Area Priority Development Area (PDA) as outlined by the Association of Bay Area Governments (ABAG) in *Projections and Priorities 2009*. ACWD’s 2009 Water Demand Forecast (Forecast) included all ABAG projections. Prior to the 2009 Forecast, this area was included in ACWD planning under the previous Specific Plan Area 2, which contemplated primarily commercial and industrial development. As the Project relies on individual and independent developers, there is no specific timeline or phasing for completion of the Project.

Information on the Project’s proposed land use was provided by the City of Newark and is listed in Table 5 and represents the upper end of development potential. Roughly one third of the Project site is currently developed with low intensity industrial activity, with less than two AF/yr of water demand. ACWD estimates the Project will result in 780 AF/yr of new demand.

Water Efficiency Measures to be Incorporated in the Project

In order to ensure that the Project incorporates the most up to date water efficiency measures, the Project should be developed with the latest technology in water efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in ATTACHMENT D: Water Efficiency Measures for New Developments.

IMPACTS OF DROUGHT ON DEMANDS

Dry periods may impact water demands in the ACWD service area in several ways. Because approximately 40% of the District’s residential demand is for landscape irrigation, dry periods may result in an increase in demands due to less local rainfall available to meet the evapotranspiration requirements of lawns and other landscaping. However, demands may also be reduced due to customer efforts to be more water efficient during dry periods. As an example, during the 1987-1992 drought, ACWD customers reduced overall water use by approximately 20%. This response to the drought was due both to voluntary efforts and mandatory restrictions imposed by ACWD. However, because many customers have retained a “water conservation ethic” since the 1987-92 drought, and because of increased efficiencies of plumbing fixtures and the implementation of on-going District-sponsored water conservation programs, the ability to reduce overall water use during future droughts by similar levels may be lessened. For example, during the current drought period between FY 03/04 and FY 09/10, ACWD customers reduced water consumption by 15%, however a portion of this reduction may also be attributed to the recent economic downturn.

For planning purposes, it is assumed that during drought periods water demands for ACWD’s distribution system customers (including those of the Project) do not change from those during normal years. However, the groundwater system demands are typically lower in dry years as lower groundwater levels, caused by reduced local recharge and increased reliance on groundwater storage, result in reduced saline groundwater outflows. ACWD will often minimize ARP pumping as well during dry periods. Summaries of projected demands under single dry year and multiple dry year conditions (based on a five year drought under 2026-2030 demand conditions) are provided in Table 3 and Table 4 respectively.

SECTION 3 WATER SUPPLY

ACWD's three primary sources of water supply are: 1) the State Water Project (SWP); 2) San Francisco's Regional Water System; and 3) local supplies. The SWP and San Francisco Regional Water Supplies are imported into the District service area through the South Bay Aqueduct and Hetch-Hetchy Aqueduct, respectively. Local supplies include fresh groundwater from the Niles Cone Groundwater Basin (underlying the District service area), desalinated brackish groundwater from portions of the groundwater basin previously impacted by seawater intrusion, and surface water from the Del Valle Reservoir. The primary source of recharge for the Niles Cone Groundwater Basin is percolation of runoff from the Alameda Creek watershed. To a lesser degree, a portion of ACWD's SWP supplies are also used for local groundwater percolation. Infiltration of rainfall and applied water within the ACWD service area also contribute to local groundwater recharge.

ACWD's planned future water supplies also include recycled water. As described below, ACWD anticipates implementing a recycled water program to provide up to 1,600 AF/Yr for non-potable uses (i.e. irrigation and industrial uses) by the year 2020.

Due to the configuration of ACWD's water production facilities and the interconnection with the District's distribution system, the proposed Project may receive water supplies from all three primary sources of supplies, and would not be dependent on any single source of supply. Therefore, a description of all of ACWD's water supplies is provided below. Table 6 provides a summary description of the contracts and permits for these supplies and Table 7 provides a summary of the historical use of these supplies by ACWD.

WHOLESALE WATER SUPPLIES

As described above, ACWD's wholesale water supplies are: 1) State Water Project supplies purchased from the California Department of Water Resources; and 2) San Francisco Regional Water System supplies purchased from San Francisco. ACWD's contracts for these wholesale supplies are provided in Attachment C and each supply is described in greater detail below.

State Water Project

In 1961, the District signed a contract with the State Department of Water Resources (DWR) for a maximum annual amount of 42,000 acre-feet from the SWP, referred to as ACWD's "maximum Table A allocation". The SWP, managed by the DWR, is the largest state-built, multi-purpose water project in the country. The SWP facilities include 28 dams and reservoirs, 26 pumping and generating plants, and approximately 660 miles of aqueducts. The water stored in the SWP storage facilities originates from rainfall and snowmelt runoff in Northern and Central California watersheds. The SWP's primary storage facility is Lake Oroville in the Feather River Watershed. Releases from Lake Oroville flow down the Feather River to the Sacramento River, which subsequently flows to the Sacramento-San Joaquin Delta. The SWP diverts water from the Delta through the Banks Pumping Plant which lifts water from the Clifton Court Forebay (in the Delta) to the California Aqueduct and Bethany Reservoir. From Bethany Reservoir, the South Bay Pumping Plant lifts water into the South Bay Aqueduct,

which delivers State Water Project supplies to ACWD and other Bay Area water agencies in Alameda and Santa Clara Counties.

Semitropic Banking of ACWD’s SWP Supplies: Because of the variability in the SWP supply availability, ACWD’s 1995 IRP identified the need to secure 140,000 AF of off-site storage capacity to improve the dry year reliability of this supply source. Based on this IRP recommendation, ACWD has contracted with Semitropic Water Storage District for participation in the Semitropic Groundwater Banking Program in Kern County. In wet years, ACWD delivers its unused (excess) SWP supplies to Semitropic for storage in their groundwater basin. In dry years, ACWD can recover these supplies through: (1) an “in-lieu” exchange whereby ACWD will receive a portion of Semitropic’s SWP supplies (and Semitropic will utilize groundwater previously stored by ACWD in its basin); and (2) a “pumpback” program where Semitropic directly pumps stored groundwater into the California Aqueduct and ACWD recovers this supply through SWP exchanges.

The rate at which ACWD can recover stored water in dry years is constrained by contractual limitations and limitations on the capacity of the Semitropic pumpback facilities. Based on the terms of the agreements with Semitropic, the amount of return capacity is based on the amount of storage capacity purchased. Because of these limitations, ACWD secured a total of 150,000 AF of storage capacity at Semitropic (in excess of the IRP’s recommendation of 140,000 AF), in order to provide sufficient dry year return capacity to meet ACWD’s projected needs in all but the most severe drought conditions.

As with local groundwater storage in the Niles Cone Groundwater Basin, the Semitropic Groundwater Banking Program does not provide a new source of supply for the District. Rather, it provides a means to store the District’s unused SWP supplies in wet years for use during dry years when the delivery of SWP supplies may be significantly curtailed.

San Francisco’s Regional Water System

ACWD also receives water from the San Francisco Regional Water System, operated by the San Francisco Public Utilities Commission (SFPUC). This supply is predominantly from the Sierra Nevada, delivered through the Hetch-Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watersheds and facilities in Alameda and San Mateo Counties. The amount of imported water available to the SFPUC’s retail and wholesale customers is constrained by hydrology, physical facilities, and the institutional parameters that allocate the water supply of the Tuolumne River.

In 2009, ACWD, along with the other wholesale customers, signed a new Master Sales Agreement with San Francisco, supplemented by an individual Water Sales Contract. The new agreements have a term of 25 years and provide a commitment from San Francisco to provide, collectively, up to 184 mgd to its wholesale customers. ACWD’s individual supply assurance is 13.76 mgd.

LOCAL SOURCES

As described above, ACWD's local sources include fresh groundwater from the Niles Cone Groundwater Basin, brackish groundwater desalination, and surface water supplies from the Del Valle Reservoir. Each of these supplies is described in greater detail below.

Niles Cone Groundwater Basin

The principal source of local supply for the District is the local aquifer system known as the Niles Cone Groundwater Basin. The primary source of recharge for the Niles Cone Groundwater Basin is local runoff from the Alameda Creek Watershed, which is captured, diverted and recharged at the District's groundwater recharge facilities. To a lesser extent, infiltration of rainfall and applied water within the ACWD service area also provide a local source of recharge for the groundwater basin. ACWD also uses a portion of its imported State Water Project supplies for groundwater recharge.

The water quality in the groundwater system is characterized by fresh groundwater in the eastern portion of the groundwater basin transitioning into brackish groundwater in the western portion of the basin. The brackish groundwater is a result of historical seawater intrusion from the adjacent San Francisco Bay. Since the 1960's ACWD has managed the groundwater basin to prevent any additional seawater intrusion and has an on-going program to pump trapped brackish groundwater back to San Francisco Bay through the District's Aquifer Reclamation Program wells.

The Niles Cone Groundwater Basin has capacity to store water from year to year ("local groundwater storage"). However, the usable storage capacity of the groundwater basin is significantly limited by the potential for seawater intrusion if groundwater levels are maintained too low. Although local groundwater storage (i.e. groundwater supplies in excess of recharge) provides a short term source of supply during dry years, it is not a supply that is available every year because the groundwater system will require replenishment from freshwater sources, without which seawater intrusion would occur.

Chapter 4 of the UWMP (attached) provides a comprehensive description of the Niles Cone Groundwater Basin, including groundwater quality, groundwater levels, historical and projected groundwater pumping, and ACWD's groundwater management activities. A copy of ACWD's groundwater management policy is also provided in the UWMP. The Niles Cone Groundwater Basin is also described in DWR Bulletin 118 – Update 2003: *California's Groundwater*, and is not listed as in "overdraft" or "potentially overdraft condition" by the DWR.

Brackish Groundwater Desalination

In 2003 ACWD commissioned the Newark Desalination Facility. This 5-mgd facility utilizes the reverse osmosis process to remove salts and other impurities from the brackish groundwater pumped at ACWD's Aquifer Reclamation Program wells. Treated water from the Newark Desalination Facility is blended with untreated local groundwater and provided as a

supply for the distribution system demands. ACWD is currently expanding this facility to 10-mgd.

Del Valle Reservoir

The District and Zone 7 Water Agency of the Alameda County Flood Control and Water Conservation District (hereafter referred to as “Zone 7”), have equal rights on Arroyo Del Valle to divert water to storage. When the California Department of Water Resources (DWR) constructed Del Valle Dam in the upper Alameda Creek Watershed, those rights were recognized in an agreement among DWR, the District, and Zone 7. Consequently, DWR typically makes a total of 15,000 AF of storage available annually in Del Valle Reservoir for use by ACWD and Zone 7. ACWD and Zone 7 equally share this storage capacity, thereby providing up to 7,500 AF of storage capacity annually to ACWD.

Recycled Water

Although ACWD does not currently have a recycled water supply, the District’s long-term supply strategy includes a recycled water program to be implemented by 2020, which will provide up to 1,600 AF/yr of non-potable supply (e.g. landscape irrigation and industrial process water). A potential source of recycled water is from a joint project with Union Sanitary District (USD). Similar to ACWD, USD’s service area includes the cities of Fremont, Union City and Newark. USD currently treats approximately 28 mgd (approximately 31,000 AF/Yr) of wastewater, the majority of which is discharged to San Francisco Bay via the East Bay Dischargers Authority pipeline facilities. Because ACWD’s planning is based on providing 1,600 AF/Yr of recycled water, it is anticipated that there will be a sufficient source of wastewater supply available for a future recycled water project in the ACWD service area.

Recycled water distribution pipelines will be separate from the District’s existing potable distribution system and, therefore, would not adversely affect existing potable supply operations. The volume of recycled water produced would be the same in drought years as in normal years, thus providing a firm source of supply. Demand for recycled water for irrigation purposes is highest in the summer months. Therefore, in addition to increasing water supply, use of recycled water would help meet peak monthly and daily production capacity needs.

ACWD and USD have evaluated two potential sources of recycled water: In 1993 and in 1999 ACWD and USD evaluated a potential program whereby the recycled water would originate at USD’s Alvarado Wastewater Treatment Plant (Alvarado WWTP), located at the north end of the service area in Union City. As an alternative to constructing a recycled water treatment facility at the Alvarado WWTP, in 2003 ACWD and USD completed an evaluation of the feasibility of constructing a satellite recycled water treatment facility in southern Fremont at USD’s Irvington Pump Station. These options are currently being reevaluated as well as the potential for other feasible options in an update to the Recycled Water Feasibility study. In addition, ACWD will continue to consider the potential use of other regional recycled water supplies, should such supplies become available. The ultimate decision on the source of a recycled water supply will likely be based on a variety of factors including costs, permitting issues, environmental constraints and location of recycled water customers.

WATER SUPPLY UNCERTAINTIES

The purpose of this section is to identify factors which may impact current planning assumptions, the significance and magnitude of which are currently unknown. As described below, the potential impacts of global warming are a key uncertainty which may impact all of ACWD supplies. In addition, each of ACWD's supplies face uncertainties which may be unique to the source of supply. A summary of water supply uncertainties facing ACWD's supplies is provided in Table 8 and discussed in greater detail below.

Climate Change

Climate change may result in less snowfall, more local rainfall and rising sea-levels. Under current conditions, much of ACWD's imported water supplies are held in "storage" in winter and spring snowpack in the Sierra Nevada Mountains. With a diminished snowpack, the yield of the State Water Project and San Francisco Regional System may be significantly impacted. The magnitude of the impact of climate change on water supplies is not known. However, the following provides an overview of recent studies that have evaluated potential impacts on surface water and groundwater supplies in California.

Surface Water: In 2006 DWR's Climate Action Team (CAT) released a report on climate change and its potential impact on California's water resources. Entitled *Progress on Incorporating Climate Change into Management of California's Water Resources (2006 Climate Change Report)*, the report summarizes recent research into change in precipitation, air temperatures, snow levels, and snowmelt runoff. The report also evaluates possible future impact on California water supply through model simulations reflecting multiple climate change scenarios, weather conditions and geopolitical conditions.

The main results of the *2006 Climate Change Report* related to climate change's estimated impacts on the State Water Project around the year 2050:

- Estimated changes in annual average SWP south-of-Delta Table A deliveries range from a slight increase of about 1 percent for a wetter scenario to about a 10 percent reduction for one of the drier climate change scenarios.
- Estimated increased winter runoff and lower Table A allocations resulting in slightly higher average annual Article 21 deliveries in the three drier climate change scenarios¹. However, the increases in Article 21 deliveries do not offset the losses to Table A. The wetter scenario with higher Table A allocations results in fewer Article 21 delivery opportunities and slightly lower annual Article 21 deliveries.

¹ Article 21 deliveries refer to Article 21 of the SWP contracts which allows for contractors to receive additional water deliveries only under specific conditions. These conditions include: 1) Article 21 water is available only when excess water is available in the Delta, and 2) Article 21 water is available only when conveyance capacity through the SWP facilities is available. Due to the uncertainties regarding the availability of Article 21 water, ACWD does not include this supply in its water supply planning and Urban Water Management Plan.

- Estimated SWP carryover storage is reduced in the drier climate change scenario and is somewhat increased in the wetter climate change scenario.

The 2009 Biennial Report of the CAT includes updates to the findings of the 2006 study. The update expands the number of future climate scenarios, methods for estimating sea-level rise, estimates for irrigation demands, reservoir inflows, and restrictions in Delta operations anticipated with sea-level rise and resultant salt-intrusion. The updated study qualitatively reports that SWP reliability will be further diminished from previous findings, however, as determined in 2006, those impacts do not become significant until the latter half of the 21st century. Therefore, while included in this analysis, the water supply impacts anticipated from climate change are minimal during the 20-year purview of the UWMP and WSA. The *State Water Project Delivery Reliability Report, 2009* (2009 SWP Reliability Report, 2009 SWP) includes these revised climate change assumptions, the impacts of which are reflected in the reliability data used in this WSA.

Groundwater: In 2003, and then again in an update prepared in August of 2005, the Pacific Institute for Studies in Development, Environment and Security prepared a literature search report for DWR, which summarized recommendations for coping with and adapting to climate change from key peer-reviewed publications and specifically considered the potential impacts of climate change on groundwater. The Pacific Institute's report is entitled, *Climate Change and California Water Resources: A Survey and Summary of the Literature*, by Michael Diparsky and Peter H. Gleick, Pacific Institute (*Climate Change and Water Resources*).

Climate Change and Water Resources found that little work has been done on the impacts of climate change for specific groundwater basins, or for general groundwater recharge characteristics or water quality. As the following conclusions from the report illustrate, the potential impacts of climate change on groundwater resources are divided, with some potentially resulting in increased availability of groundwater and others potentially resulting in less.

- Changes in recharge will result from change in effective rainfall as well as a change in the timing of the recharge season. Increased winter rainfall could lead to increased groundwater recharge.
- Higher evaporation or shorter rainfall seasons could mean that soil deficits persist for longer periods of time, shortening recharge seasons.
- Because a significant portion of winter recharge comes from deep percolation of precipitation below the rooting zone, warmer winter temperatures between storms would be expected to increase and dry out the soil between storms. A greater amount of rain in subsequent storms would then be required to wet the root zone and provide water for deep percolation.
- Sea-level rise could affect coastal aquifers through saltwater intrusion.

- Warmer, wetter winters would increase the amount of runoff available for groundwater recharge. However this additional runoff would be occurring at a time when some basins are either being recharged at their maximum capacity or are already full.
- Reductions in spring runoff and higher evapotranspiration because of higher temperatures could reduce the amount of water available for recharge.

Local Supplies

In addition to potential climate change impacts, the availability of ACWD's local supplies may be influenced by a variety of other factors including operational and facility modifications to accommodate on-going Alameda Creek fishery restoration efforts. Upstream land use, flood control and water supply projects in the Alameda Creek Watershed may also impact the supply and quality of water available at ACWD's groundwater recharge facilities. Similarly, efforts to develop groundwater supplies by agencies in the South East Bay Plain (north of ACWD) may also impact ACWD's groundwater supply availability. However, the extent of these impacts on ACWD's local supplies, if any, is not currently known.

San Francisco Regional Supplies

In order to enhance the ability of the SFPUC water supply system to meet identified service goals for water quality, seismic reliability, delivery reliability, and water supply, the SFPUC is undertaking a Water System Improvement Program (WSIP). Completion of the projects in the WSIP is critical to ensuring the reliability of the San Francisco Regional supplies. However, it is currently uncertain if the SFPUC will be successful in fully implementing this program, and if it will be accomplished in a timely manner.

State Water Project Supplies

The reliability of ACWD's State Water Project supplies will continue to remain uncertain due to the on-going concerns regarding the sustainability of the Delta. These concerns include the Delta ecosystem and potential future environmental regulations, levee stability and the potential for catastrophic failure of these levees, urban encroachment within the Delta, and water quality within the Delta due to urban and agricultural discharges.

Most notably, successive actions to protect endangered species within the Delta have resulted in reductions in long term reliability from 69% to 60% of Maximum Table A allocation over the past four years. Beginning in December of 2007, Federal District Court Judge Oliver Wanger issued a final court order ("Wanger Decision") which put into place an operational plan requiring the State Water Project and Central Valley Project (CVP) to reduce Delta export pumping operations in order to protect the Delta smelt. This court action was replaced by a biological opinion in December of 2008, which largely upheld the operating restrictions imposed by the Wanger Decision. Most recently, in June of 2009 a revised biological opinion for salmonids was published which further restricted the State's ability to deliver supplies presently and for the foreseeable future.

Most recently, on July 20, 2010, the State Water Resources Control Board (State Water Board) released a report titled “Draft Report on the Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem”. Development of these criteria was required under SBX7 1, passed in November of 2009, which sought to protect the public trust resources of the Delta ecosystem. The purpose for developing the criteria is to inform planning decisions for the Delta Plan and the Bay Delta Conservation Plan (BDCP), a multiagency effort with the goal of providing long-term Federal and State Endangered Species Act compliance for Delta export operations. At this point, the extent to which these criteria will be implemented and what effect they may have on the State’s ability to deliver water supplies is as of yet unknown.

The net effect of existing uncertainties is that projected reliability of the SWP has been reduced from 72% to 60% of Maximum Table A since 2002 (Table 9).

Semitropic Banking Program

Over the past several years ACWD faced uncertainties with regard to recovery of water from the Semitropic Banking Program. These uncertainties include: 1) water quality concerns with regard to groundwater from Semitropic that is pumped back into the California Aqueduct; and 2) the ability to make the upstream exchanges needed to deliver the recovered water to the ACWD service area. With regards to the water quality issues, Semitropic has initiated a pilot water treatment plant which has treated the groundwater to meet the required criteria for pumping this water into the California Aqueduct. Semitropic has indicated that this pilot treatment plant will form the basis for a future permanent treatment facility. With regards to the exchange capacity needed to recover dry year supplies from Semitropic, over the past year, ACWD has coordinated with Semitropic, DWR, and other Semitropic Banking partners to ensure coordination of the planned use of the Semitropic recovery capacity and the needed exchanges. However, the risk remains that under certain critical dry year conditions ACWD may not be able to recover 100% of the District’s contractual recovery capacity from Semitropic.

As part of the update to the ACWD IRP and UWMP, ACWD is evaluating the potential constraints with the Semitropic recovery capacity and how these constraints may affect ACWD’s dry year supply reliability. ACWD will also be evaluating potential mitigation measures to minimize the risk associated with the constraints in Semitropic dry year recovery. These measures may include: 1) re-operation of local and other storage available to ACWD (i.e. Niles Cone Groundwater Basin, Del Valle Reservoir, San Luis Reservoir) in coordination with recovery from Semitropic and/or: 2) alternative dry year supply programs.

SB 7 – Water Conservation Requirements under the 2009 Comprehensive Water Package

In November of 2009, the California State Assembly passed a suite of water bills designed, among other things, to address long range water supply reliability. One of these bills, SB 7, also known as 20x2020, requires the state to achieve a 20% reduction in urban per capita water use by December 31, 2020.

SB 7 acknowledges that not all water agencies should be held to one fixed target as many have been actively implementing conservation for some time. To address this, SB 7 provides agencies with a choice of four different methodologies to set and achieve their water use target. The bill requires ACWD to hold a public meeting to present the method and to publish it in the 2010 UWMP. Given that one of the four methodologies to choose from has yet to be published by DWR, the State has extended the UWMP deadline to July 1, 2011.

ACWD has begun to analyze several of the choices, but will have to complete further studies over the coming year to determine which target and implementation strategies are in the District's best interest. Having identified programmatic conservation as a critical component in meeting long-term water supply reliability in the 1995 IRP, and as a signatory to the CUWCC MOU, ACWD and its customers have already achieved significant levels of conservation. As a result of these efforts, ACWD estimates that the actual required reductions in per-capita use between the present and 2020 will be something less than a true 20%. Implementation of the efficiency standards expected of this development will help achieve these new goals (ATTACHMENT D : WATER EFFICIENCY MEASURES FOR NEW DEVELOPMENTS)

WATER SUPPLY IN NORMAL AND DRY YEAR CONDITIONS

The projected availability for each of ACWD's water supplies under normal, critical dry year and multiple dry year conditions are provided in Table 10 through Table 12. As documented in the District's 2005 UWMP, information on the projected availability of ACWD's local supplies is based on the long-term historical hydrologic conditions in the Alameda Creek Watershed. Information on the projected reliability of ACWD's wholesale supplies from the State Water Project and San Francisco Regional Water System supplies were provided by the DWR and San Francisco Public Utilities Commission, respectively. As discussed, the WSA differs from the last published UWMP, but reflects the 2010 Draft UWMP Data.

Water Supply under Normal Year Conditions

In order to be consistent with the recommendations by the DWR in the use of SWP reliability information, this water supply assessment characterizes long-term average conditions as normal year conditions. As shown in Table 10, under normal year conditions supplies from the SWP and San Francisco Regional Water System comprise approximately 55% of the water available to ACWD, with the balance coming from local supplies. All of the supplies listed in Table 10, with the exception of recycled water, are existing supplies available to ACWD, and have been historically utilized by the District. Recycled water, not currently available to ACWD, is anticipated to add approximately 1,600 AF/Yr to the District's normal year water supplies by the year 2020. Supplies from local groundwater storage and the Semitropic Groundwater Banking Program are not included as normal year supplies because these supplies are intended for dry year conditions (or other water shortages) and are not intended to meet normal year demands.

Water Supply under Critical Dry Year Conditions

As shown in Table 11, the availability of ACWD’s overall water supplies under a critically dry year may be significantly reduced. Under critically dry conditions, the SWP deliveries would be reduced to approximately 10% of the maximum contractual amounts (referred to as the “Table A” amounts in the SWP contracts). In addition, ACWD’s other supplies from the San Francisco Regional Water System and local supplies from the Alameda Creek Watershed may also be substantially reduced during a critically dry year.

In order to mitigate these potentially severe water supply cut-backs, ACWD would rely on groundwater reserves stored in the local Niles Cone Groundwater Basin, and reserves stored at the Semitropic Groundwater Banking Program. As described above, the amount of storage in the local Niles Cone Groundwater Basin is limited due to threats of seawater intrusion when groundwater elevations fall below sea-level. ACWD has therefore invested in additional off-site storage at the Semitropic Groundwater Banking Program. Under two separate agreements with Semitropic, ACWD has contracted for a combined total of 150,000 AF of storage capacity. The District currently has approximately 110,000 AF of water in storage at the Semitropic banking program. However, the maximum rate at which stored water can be returned to ACWD from Semitropic is constrained by ACWD-Semitropic contractual limitations. As shown in Table 11, under the most severe drought conditions, the maximum rate at which water can be returned to ACWD is 13,800 AF/Yr².

Water Supply under Multiple Dry Year Conditions

Table 12 provides summaries of the projected supply availabilities under a long-term (five-year) drought for 2026-2030 demand conditions. This multiple year drought sequence is based on the 1929-1933 historical hydrologic conditions, which represents the most severe five-year drought on record (based on projected availability of ACWD’s supplies over the 1922-94 hydrologic period). The results from this analysis indicate that ACWD’s water supplies may be significantly reduced during a multiple year drought. However, the supply reduction would not be as severe as during a single, critically dry year condition. As with the single dry year condition, both local groundwater storage and off-site groundwater storage in Semitropic will play key roles in offsetting shortfalls in the District’s other local and imported supplies.

² ACWD’s maximum rate of recovery from the Semitropic Groundwater Banking Program during critically dry years will increase by 300 AF/Yr (from 13,500 AF/Yr to 13,800 AF/Yr) as a condition of ACWD providing water service to the Patterson Ranch Development Project in Fremont, per the 2010 Patterson Ranch Recirculated Draft EIR.

SECTION 4 WATER SUPPLY AND DEMAND ANALYSES

The following provides a comparison of ACWD water supplies and projected future demands, including the demands associated with the proposed Project. The supply/demand comparisons are provided for normal, single year dry, and multiple dry year conditions.

NORMAL YEAR WATER SUPPLY

Table 13 provides a comparison of normal year water supply and demands under future levels of development in five-year increments from 2010 through 2030. As shown in the tables, ACWD's projected supply under normal year conditions is sufficient to meet current and projected future demands, which include demands for this Project.

SINGLE DRY YEAR WATER SUPPLY

Table 14 documents the comparison of water supply and demand under a single critical dry year condition based on 1977 hydrologic conditions. As with the normal year conditions, the single dry year supply/demand comparison is provided in the same five-year increments between 2010 and 2030.

As shown in the table, ACWD anticipates facing a water supply shortage during single critical dry year supply conditions. This shortage is less than previously anticipated in the 2005 UWMP due primarily to the reduction in forecast demands, discussed under WATER DEMANDS - ACWD SERVICE AREA. District planning has held since the 1995 IRP that shortages anticipated during critical droughts of this magnitude and frequency (1 in 35 years) will be mitigated through a combination of demand management measures (including rationing) and purchases of dry year water through programs such as the Drought Water Bank (initiated during the 1987-92 drought by the DWR).

MULTIPLE DRY YEAR WATER SUPPLY

Table 15 documents projected water supply and demand under an extended dry period (multiple year drought). As documented in the UWMP, ACWD recognizes the hydrology of 1929 to 1933 to be most severe five-year period for the District's imported and local supplies. The multiple year dry period was reviewed for the level of demand anticipated between the years of 2026 and 2030 as that is the highest level of demands anticipated during the next 20 years.

Unlike the single dry year analysis, shortages are not anticipated during a multiple year drought (similar to the 1929-33 conditions) experienced during the next 20 years.

**SECTION 5
SUMMARY AND CONCLUSIONS**

1. The City of Newark has proposed the Dumbarton Transit Oriented Development Project which includes 2,500 high density residential housing, 230,000 sq. ft of commercial retail building area, and 17 acres of open space.
2. The total projected demand for the Project is 780 AF/yr.
3. The Project demand is consistent with planning assumptions and is included in ACWD's forecast and water supply planning.
4. ACWD has diverse sources of supply that include imported water from the State Water Project and San Francisco Regional Water System, as well as local supplies from the Alameda Creek Watershed and underlying Niles Cone Groundwater Basin. Due to the configuration of ACWD's water production facilities, the proposed Project would not be dependent on any single source of supply.
5. ACWD's imported and local water supplies may be significantly cut back during droughts. In order to improve ACWD's dry year reliability, ACWD has secured 150,000 AF of off-site storage capacity at the Semitropic Groundwater Banking Program in Kern County. ACWD currently has approximately 110,000 AF in storage at the Semitropic Program.
6. Key uncertainties facing ACWD's supplies include the effects of climate change as well as supply restrictions due to endangered species and environmental protection. ACWD's projected long-term average supply reliability from the State has been reduced from 72% to 60% of Maximum Table A Allocation, primarily as a result of Delta export pumping restrictions to protect endangered species.
7. Under normal year conditions, ACWD's water supplies are projected to be sufficient to meet the future demands in the service area, including the Project's demands.
8. ACWD's UWMP identifies that ACWD may face water supply shortages during critically dry years. As described in the UWMP, ACWD would look to secure additional supplies through a DWR drought water bank or similar water purchase/transfer program under these severe drought conditions. ACWD may also implement a drought contingency plan, which would include provisions for ACWD customers to cut back on water use, the magnitude of which would depend on the severity of the shortage. Because the Project's demands are consistent with the UWMP demand forecast, the development of the Project will not result in increased shortages from that which is already factored into ACWD's planning. However, because ACWD anticipates potential future shortages under severe drought conditions, water supplies to the Project may be cut back during these severe dry year conditions. The level of cut back to the Project would be consistent with the rest of ACWD's customers, and would depend on the magnitude of the dry-year shortage facing the entire District.

9. As part of the Project description, the Project shall be developed with the latest technology in water efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in ATTACHMENT D: Water Efficiency Measures for New Developments.
10. The Project is required to use recycled water for non-potable uses (such as irrigation and industrial process water) as the supply becomes available. Specific requirements related to the extent of the installation of recycled water infrastructure will be determined by ACWD at the time water service is requested.
11. The determination of water supply sufficiency is based on the implementation of the water efficiency measures set forth in paragraph 9-10 above and these water efficiency measures must be included in the environmental analysis for this Project and in the City's conditions of Project approval.
12. Under Government Code §66473.7 ACWD will be required to issue a written verification ensuring sufficient water supply if a residential subdivision is part of the Project. ACWD will re-evaluate the assumptions and conclusions of this water supply assessment at that time. If these assumptions have changed significantly ACWD may require additional mitigation measures as a condition of providing a water supply verification and/or as a condition of providing water service.
13. This water supply assessment is based on the proposed land use of the Dumbarton Transit Oriented Development Project, as provided to ACWD by the City of Newark (documented in ATTACHMENT A). If, prior to Project approval, the proposed land use within the Project area changes from what is currently incorporated in this water supply assessment, ACWD will evaluate the impacts that these changes may have on ACWD's water supplies. In the event that the land use changes impact the conclusions of this water supply assessment, ACWD may require additional mitigation measures as a condition of providing water service to the Project. If the proposed land use changes occur after Project approval and approval of the final subdivision maps, ACWD will evaluate the potential water supply impacts of these changes, and may require additional mitigation as a condition of providing water service to those areas with the changed land use condition.
14. The determination made in this water supply and demand analysis is based on the circumstances as of the date this water supply assessment was approved. In the event that subsequent evaluation of District-wide demands and supplies in-light of the water supply uncertainties set forth in this water supply assessment indicates that there will be an imbalance between demands and supplies, ACWD may require additional mitigation for the Project. For example, if District supplies are not sufficient to meet the demands, as a condition of water service, ACWD may require the Project proponent to: 1) acquire a new water supply to offset the water supply impacts of the Project, and/or 2) invest in District-wide conservation programming (above and beyond that which is planned by the District) to offset the increase in District-wide demands that are a result of the Project; and/or 3) provide other mitigations deemed necessary to offset specific impacts identified (such as purchasing storage and recovery capacity in Semitropic Groundwater Banking Program).

ACWD reserves the right to impose conditions that go beyond the conditions that the City of Newark may impose as part of the environmental analysis at the time ACWD provides a verification of sufficient supply for the Project and/or enters into a water service agreement with the developer to provide water service to the Project.

Table 1 ACWD Past and Current Water Use (Acre-Feet)

| Water Use Category | Fiscal Year | | | | | | | | | | |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------------|
| | 99-00 | 00-01 | 01-02 | 02-03 | 03-04 | 04-05 | 05-06 | 06-07 | 07-08 | 08-09 | 09-10 |
| Distribution System | | | | | | | | | | | |
| Single Family Residential | 25,000 | 25,700 | 25,200 | 25,300 | 26,000 | 23,700 | 24,900 | 25,200 | 24,600 | 24,100 | 21,500 |
| Multi-Family Residential | 8,600 | 8,900 | 8,200 | 8,500 | 8,100 | 8,200 | 8,000 | 8,100 | 8,100 | 8,100 | 7,600 |
| Commercial | 5,800 | 5,600 | 5,200 | 5,000 | 5,200 | 5,300 | 5,500 | 5,300 | 5,200 | 5,100 | 4,700 |
| Industrial | 4,700 | 4,600 | 4,300 | 4,100 | 4,100 | 3,400 | 3,500 | 3,400 | 3,100 | 2,800 | 2,500 |
| Institutional | 2,100 | 2,300 | 2,200 | 2,200 | 2,300 | 2,000 | 2,100 | 2,100 | 2,100 | 2,100 | 1,800 |
| Landscape | 5,200 | 5,300 | 5,600 | 5,600 | 6,300 | 5,700 | 5,200 | 5,700 | 5,900 | 5,600 | 4,800 |
| Other | 200 | 200 | 200 | 200 | 200 | 100 | 100 | 100 | 100 | 200 | 100 |
| Total Consumption | 51,700 | 52,600 | 50,800 | 50,700 | 52,300 | 48,400 | 49,300 | 49,900 | 49,100 | 48,000 | 43,000 |
| Unaccounted for Water | 4,200 | 3,600 | 4,300 | 3,700 | 4,100 | 3,200 | 3,800 | 5,000 | 5,700 | 3,000 | 4,600 |
| Distribution System Total | 55,900 | 56,200 | 55,100 | 54,400 | 56,400 | 51,600 | 53,100 | 54,900 | 54,800 | 51,000 | 47,600 |
| Groundwater System | | | | | | | | | | | |
| Private Groundwater | 3,100 | 3,800 | 3,100 | 3,400 | 3,600 | 3,800 | 3,000 | 3,000 | 2,100 | 2,100 | 2,000 |
| Groundwater Reclamation | | | | | | | | | | | |
| -ARP Pumping | 6,300 | 4,300 | 7,400 | 7,700 | 11,100 | 9,400 | 11,600 | 9,900 | 6,600 | 4,900 | 6,800 |
| -Saline Outflow | 7,400 | 6,600 | 6,300 | 5,800 | 7,200 | 6,600 | 7,500 | 6,800 | 7,400 | 7,400 | 7,400 (est) |
| Groundwater System Total | 16,800 | 14,700 | 16,800 | 16,900 | 21,900 | 19,800 | 22,100 | 19,700 | 16,100 | 11,300 | 14,200 |
| Grand Total | 72,700 | 70,900 | 71,900 | 71,300 | 78,300 | 71,400 | 75,200 | 74,600 | 70,900 | 64,400 | 63,800 (est) |

Notes:

- Annual consumption is based on units billed during the Fiscal Year (July 1 to June 30). ACWD uses bi-monthly billing cycle.
- All values rounded to the nearest 100.
- Total Consumption values may not equal sum of individual components due to rounding.
- Multi-Family Residential, Commercial, Industrial, and Institutional categories do not include dedicated landscape irrigation water use within these categories.
- Landscape water use includes all dedicated landscape accounts for Multi-Family Residential, Commercial, Industrial and Institutional customers.
- Distribution System Total represents total water production, as reported in ACWD's Annual Groundwater Survey Reports.
- System Losses are calculated as the difference between Distribution System Total (total production) and Total Measured Consumption and include water for fire suppression, distribution system flushing, distribution system and service line leaks, etc.
- Groundwater System demands are based on annual reported values in ACWD's Annual Survey Report on groundwater conditions. FY 09/10 Figures are currently an estimate
- Groundwater Reclamation demands represents groundwater system demands to protect and reclaim the groundwater system from seawater intrusion.
- Groundwater System demands do not include "Other Outflows" as reported in ACWD's Annual Survey Report on Groundwater Conditions.

Table 2 Estimated Future Water Demands in the ACWD Service Area – Normal Year (AF/yr)

| Water Use Category | Year | | | | |
|---|---------------|---------------|---------------|---------------|---------------|
| | 2010 | 2015 | 2020 | 2025 | 2030 |
| Distribution System | | | | | |
| Single Family Residential | 23,800 | 26,500 | 26,900 | 27,200 | 27,500 |
| Multi-Family Residential | 9,700 | 10,100 | 10,400 | 10,800 | 11,100 |
| Commercial | 6,200 | 6,600 | 7,000 | 7,200 | 7,500 |
| Industrial | 3,700 | 4,300 | 4,800 | 5,100 | 5,400 |
| Institutional | 3,100 | 3,800 | 4,200 | 4,500 | 5,100 |
| Other | 100 | 100 | 100 | 100 | 100 |
| Sub-Total | 46,600 | 51,400 | 53,400 | 54,900 | 56,700 |
| Adjustment for plumbing code savings | (100) | (800) | (1,500) | (2,000) | (2,400) |
| Sub-Total Demand | 46,500 | 50,600 | 51,900 | 52,900 | 54,300 |
| <i>Total Distribution System Demand with unaccounted for waters</i> | <i>50,500</i> | <i>55,000</i> | <i>56,400</i> | <i>57,500</i> | <i>59,000</i> |
| Adjustments for water conservation savings | (100) | (800) | (1,400) | (1,400) | (1,400) |
| Groundwater System Demand | 14,800 | 14,800 | 14,800 | 14,800 | 14,800 |
| Total ACWD Forecast Demands | 65,200 | 69,000 | 69,800 | 70,900 | 72,400 |

Notes:

1. All numbers are from ACWD's 2009 water demand forecast, developed in preparation for the 2010 UWMP. Forecast includes demand assumptions for the Project.
2. All values rounded to the nearest 100. Total values may not equal sum of individual components due to rounding errors.
3. Numbers do not reflect demand reductions resulting from SB-7.
4. Landscape Irrigation included within Multi-Family Residential, Commercial, Industrial, and Institutional categories.
5. Adjustment for conservation includes savings due to District-sponsored water conservation programs.
6. Total Distribution System Demand includes 8% unaccounted for water or UAW. UAW is calculated as the difference between total production and total measured consumption and is mostly comprised of meter inaccuracy but also includes physical water such as water used for fire suppression, distribution system flushing, distribution system and service line leaks.
7. Groundwater System demands include: (1) private pumping, (2) ARP pumping and (3) saline groundwater outflows.

Table 3 Estimated Future Water Demands in the ACWD Service Area – Critical Dry Year (AF/yr)

| Water Use Category | Year | | | | |
|--|---------------|---------------|---------------|---------------|---------------|
| | 2010 | 2015 | 2020 | 2025 | 2030 |
| Distribution System | | | | | |
| Single Family Residential | 23,800 | 26,500 | 26,900 | 27,200 | 27,500 |
| Multi-Family Residential | 9,700 | 10,100 | 10,400 | 10,800 | 11,100 |
| Commercial | 6,200 | 6,600 | 7,000 | 7,200 | 7,500 |
| Industrial | 3,700 | 4,300 | 4,800 | 5,100 | 5,400 |
| Institutional | 3,100 | 3,800 | 4,200 | 4,500 | 5,100 |
| Other | 100 | 100 | 100 | 100 | 100 |
| Sub-Total | 46,600 | 51,400 | 53,400 | 54,900 | 56,700 |
| Adjustment for plumbing code savings | (100) | (800) | (1,500) | (2,000) | (2,400) |
| Sub-Total Distribution System Demand (without losses) | 46,500 | 50,600 | 51,900 | 52,900 | 54,300 |
| Sub-Total Distribution System Demand (with losses) | 50,500 | 55,000 | 56,400 | 57,500 | 59,000 |
| Adjustments for water conservation savings | (100) | (800) | (1,400) | (1,400) | (1,400) |
| Groundwater System Demand | 10,500 | 10,500 | 10,500 | 10,500 | 10,500 |
| Total ACWD Forecast Demands | 60,900 | 64,700 | 65,500 | 66,600 | 68,100 |

Notes:

- All numbers are from ACWD's 2009 water demand forecast, developed in preparation for the 2010 UWMP. Forecast includes demand assumptions for the Project.
- All values rounded to the nearest 100. Total values may not equal sum of individual components due to rounding errors.
- Numbers do not reflect demand reductions resulting from SB-7.
- Landscape Irrigation included within Multi-Family Residential, Commercial, Industrial, and Institutional categories.
- Adjustment for conservation includes savings due to District-sponsored water conservation programs.
- Total Distribution System Demand (with losses) includes estimated system losses of 8.4%. Distribution system losses are calculated as the difference between total production and total measured consumption and include water for fire suppression, distribution system flushing, distribution system and service line leaks, etc.
- Groundwater System demands include: (1) private pumping, (2) ARP pumping and (3) saline groundwater outflows.

Table 4 Estimated Future Water Demands in the ACWD Service Area – Multiple Dry Years (AF/Yr)

| Water Use Category | Year | | | | |
|--|---------------|---------------|---------------|---------------|---------------|
| | 2026 | 2027 | 2028 | 2029 | 2030 |
| Distribution System | | | | | |
| Single Family Residential | 27,300 | 27,300 | 27,400 | 27,400 | 27,500 |
| Multi-Family Residential | 10,800 | 10,900 | 10,900 | 11,000 | 11,100 |
| Commercial | 7,300 | 7,300 | 7,400 | 7,400 | 7,500 |
| Industrial | 5,200 | 5,200 | 5,300 | 5,400 | 5,400 |
| Institutional | 4,500 | 4,600 | 4,600 | 4,900 | 5,100 |
| Other | 100 | 100 | 100 | 100 | 100 |
| Sub-Total | 55,200 | 55,400 | 55,700 | 56,200 | 56,700 |
| Adjustment for plumbing code savings | (2,100) | (2,200) | (2,200) | (2,300) | (2,400) |
| Sub-Total Distribution System Demand (without losses) | 53,100 | 53,200 | 53,400 | 53,900 | 54,300 |
| Sub-Total Distribution System Demand (with losses) | 57,700 | 57,800 | 58,000 | 58,600 | 59,000 |
| Adjustments for water conservation savings | (1,400) | (1,400) | (1,400) | (1,400) | (1,400) |
| Groundwater System Demand | 10,800 | 9,900 | 5,600 | 5,500 | 6,400 |
| Total ACWD Forecast Demands | 67,100 | 66,300 | 62,200 | 62,700 | 64,000 |

Notes:

1. All numbers are from ACWD's 2009 water demand forecast, developed in preparation for the 2010 UWMP. Forecast includes demand assumptions for the Project.
2. All values rounded to the nearest 100. Total values may not equal sum of individual components due to rounding errors.
3. Numbers do not reflect demand reductions resulting from SB-7.
4. Landscape Irrigation included within Multi-Family Residential, Commercial, Industrial, and Institutional categories.
5. Adjustment for conservation includes savings due to District-sponsored water conservation programs.
6. Total Distribution System Demand (with losses) includes estimated system losses of 8.4%. Distribution system losses are calculated as the difference between total production and total measured consumption and include water for fire suppression, distribution system flushing, distribution system and service line leaks, etc.
7. Groundwater System demands include: (1) private pumping, (2) ARP pumping and (3) saline groundwater outflows.

Table 5 Water Demands for Dumbarton Transit Oriented
Development Project

| Element | Planning units | | GPD/ Unit ⁽¹⁾ | Demand estimate (AF/yr) |
|--|----------------|----------------|-----------------------------|----------------------------|
| Retail / Commercial | 230,000 | Building Area | 0.282 | 73 |
| Residential (high density MFR) | 430 | Dwelling units | 150 | 72 |
| Residential (2,000 ft ² lots) | 1,176 | Dwelling units | 179 | 236 |
| Residential (3,000 ft ² lots) | 726 | Dwelling units | 247 | 201 |
| Residential (4,000 ft ² lots) | 168 | Dwelling units | 247 | 46 |
| Open space | 17 | Acres | 4,630 | 88 |
| Estimated Total Project Demand (rounded) | | | | 720 |
| Water Supplies Required (8.4% Unaccounted for Water) | | | | 780 |
| Approximate peak day demand in mgd (1.6x peaking factor) | | | | 1.11 |

⁽¹⁾ Demand units from the 2009 Water Demand Forecast.

⁽²⁾ Figures provided by City of Newark.

Table 6 Overview of Contracts and Permits for ACWD's Existing Water Supplies

| SUPPLY COMPONENT | Category | Description | Maximum Quantity (AF/Yr) | Ever Used |
|---|---------------------|---|---|-----------|
| Imported Supplies | | | | |
| - State Water Project | Contract | In 1961, ACWD signed an agreement with the California State Department of Water Resources for a maximum annual amount of 42,000 AF/Yr from the State Water Project (SWP). SWP water is delivered to ACWD via the South Bay Aqueduct. This contract expires in the year 2035. | 42,000 | Yes |
| - San Francisco Regional Water System | Contract | In 2009, ACWD along with the other wholesale customers signed a new Master Sales Agreement with San Francisco. The new agreement has a term of 25 years and provides a commitment from San Francisco to provide, collectively, up to 184 mgd to its wholesale customers. ACWD's contractual purchase amount is 13.76 mgd. | 15,344 | Yes |
| Local Supplies | | | | |
| - Alameda Creek Diversions for Groundwater Recharge | Water-rights permit | ACWD applied for a water rights permit from the SWRCB in 1949, granted in 1951 (permit no. 8428) to appropriate up to 40,000 AF/Yr of unappropriated water from the Alameda Creek for groundwater storage and replenishment. | 40,000 | Yes |
| - Del Valle Reservoir | Water-rights permit | ACWD received a water rights permit in from the SWRCB in 1958 (permit no. 11320) to appropriate up to 60,000 AF/Yr of unappropriated water from Arroyo Del Valle in the Alameda Creek Watershed for storage and later beneficial use. | 60,000 | Yes |
| - Groundwater Storage in Niles Cone Groundwater Basin - Desalination of Brackish Groundwater | Other | ACWD manages and protects the Niles Cone Groundwater Basin for water supply under its Groundwater Management Policy (adopted 1989, amended 2001). This Policy is based on the statutory authority granted to ACWD under the County Water District Law, the Replenishment Assessment Act of ACWD; and local well ordinances. | N/A | Yes |
| Banking / Transfers | | | | |
| - Semitropic Groundwater Banking Program | Contract | In 1996 and in 2001 entered into agreements with Semitropic Water Storage District for 150,000 AF of combined groundwater storage capacity for banking of ACWD's excess SWP supplies in wet years. The banked water is to be returned to ACWD in dry years via a series of exchanges. These banking agreements expire in the year 2035. | 13,500 (maximum return quantity during critically dry years) | Yes |

Table 7 Historical Water Supply Utilization by ACWD (AF/Yr)

| Fiscal Year | SWP supplies used at ACWD facilities | Del Valle | San Francisco Regional Water | Newark Desal Facility | Net Local Groundwater Recharge ⁽²⁾ | Recovered from Semitropic GW bank | Total In-District Water Supply | SWP Supply delivered to Semitropic GW bank |
|-------------|--------------------------------------|-----------|------------------------------|-----------------------|---|-----------------------------------|--------------------------------|--|
| 93-94 | 21,600 | 5,000 | 12,200 | - | 28,500 | - | 67,300 | - |
| 94-95 | 16,100 | 4,200 | 13,000 | - | 35,900 | - | 69,200 | - |
| 95-96 | 18,600 | 5,300 | 12,200 | - | 27,600 | - | 63,700 | - |
| 96-97 | 7,700 | 15,900 | 14,700 | - | 25,300 | - | 63,600 | 6,200 |
| 97-98 | 12,900 | 10,600 | 13,700 | - | 58,000 | - | 95,200 | 10,000 |
| 98-99 | 20,800 | 5,300 | 13,600 | - | 33,200 | - | 72,900 | 18,780 |
| 99-00 | 25,200 | 3,800 | 13,800 | - | 26,900 | - | 69,700 | 7,230 |
| 00-01 | 26,400 | 200 | 13,000 | - | 31,000 | - | 70,600 | 7,250 |
| 01-02 | 21,900 | 4,600 | 13,500 | - | 32,100 | - | 72,100 | 90 |
| 02-03 | 17,600 | 7,400 | 14,000 | - | 31,400 | - | 70,400 | 20,800 |
| 03-04 | 18,500 | 6,700 | 13,700 | 2,600 | 30,700 | - | 72,200 | 4,000 |
| 04-05 | 18,800 | 6,000 | 11,800 | 3,900 | 38,700 | - | 79,200 | 9,300 |
| 05-06 | 15,600 | 7,700 | 11,700 | 2,100 | 31,100 | - | 68,200 | 41,540 |
| 06-07 | 13,800 | 11,000 | 15,300 | 2,800 | 26,000 | - | 68,900 | 11,940 |
| 07-08 | 22,600 | 500 | 15,000 | 3,600 | 24,900 | 5,500 | 72,100 | - |
| 08-09 | 16,600 | 4,200 | 12,600 | 3,200 | 23,700 | 10,600 | 58,313 | - |

1. All values rounded to the nearest 100. Total values may not equal sum of individual components due to rounding errors.
2. Recharge figures less evaporation and other losses.

Table 8 Summary of Potential Future Factors that may Influence ACWD Water Supply Reliability

| SUPPLY | Factor | | |
|---------------------------------|---|--|--|
| | Legal/Environmental | Water Quality | Climatic |
| Imported Supplies | | | |
| - State Water Project | ESA* requirements may constrain Delta pumping | Potential seawater intrusion impacts if Delta Levees fail. | Supply is dependent on hydrologic conditions |
| - San Francisco Regional Supply | ESA requirements may require additional reservoir releases | None anticipated | Supply is dependent on hydrologic conditions |
| Local Supplies | | | |
| - Groundwater Recharge | ESA requirements may impact groundwater recharge operations | None anticipated | Supply is dependent on hydrologic conditions |
| - Groundwater Storage | None anticipated | None anticipated | Supply is dependent on availability of water to store in wet years |
| - Del Valle | ESA requirements may require downstream flow releases | None anticipated | Supply is dependent on hydrologic conditions |
| - Desalination | None anticipated | None anticipated | Supply is dependent on local groundwater conditions |
| - Recycled Water | None anticipated | None anticipated | None anticipated |
| Banking/Transfers | | | |
| - Semitropic Banking | Delta pumping constraints may impact ability to recover water through SWP exchanges | Banked groundwater may require treatment | Supply is dependent on availability of water to store in wet years |

* Endangered Species Act

Table 9 Recent DWR publications and stated reliability of Deliveries from the State Water Project

| | 2002 Report | 2005 Report | 2007 Report | 2009 Report |
|--|-------------|---|----------------------------------|--|
| Average % of Full Allocation in year of report | 72% | 69% | 63% | 60% |
| Primary cause for reduction | N/A | Changes in modeling assumptions and demands | Wanger Decision + Climate Change | Biological Opinions on Salmonids & Smelt + expanded climate change |

Table 10 Projected Normal Year Supply

| SUPPLY | 2010 | 2015 | 2020 | 2025 | 2030 |
|--------------------------------|---|---------------|---------------|---------------|---------------|
| Imported Supplies | | | | | |
| - State Water Project | 25,500 | 25,500 | 25,500 | 25,500 | 25,500 |
| - San Francisco Regional | 15,400 | 15,400 | 15,400 | 15,400 | 15,400 |
| Total Imported Supplies | 40,900 | 40,900 | 40,900 | 40,900 | 40,900 |
| Local Supplies | | | | | |
| - Groundwater Recharge | 21,400 | 21,400 | 21,400 | 21,400 | 21,400 |
| - Groundwater Storage | 0 | 0 | 0 | 0 | 0 |
| - Del Valle | 7,100 | 7,100 | 7,100 | 7,100 | 7,100 |
| - Desalination | 5,100 | 5,100 | 5,100 | 5,100 | 5,100 |
| - Recycled Water | 0 | 0 | 1,600 | 1,600 | 1,600 |
| Total Local Supplies | 33,600 | 33,600 | 35,200 | 35,200 | 35,200 |
| Banking/Transfers | | | | | |
| - Semitropic Banking | <i>N/A – Not intended or needed to meet normal year demands</i> | | | | |
| TOTAL SUPPLY | 74,500 | 74,500 | 76,100 | 76,100 | 76,100 |

Table 11 Projected Critical Year Supply

| SUPPLY | 2010 | 2015 | 2020 | 2025 | 2030 |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|
| Imported Supplies | | | | | |
| - State Water Project | 4,000 | 4,000 | 4,000 | 4,000 | 4,000 |
| - San Francisco Regional | 11,700 | 13,700 | 14,100 | 12,700 | 13,100 |
| Total Imported Supplies | 15,700 | 17,700 | 18,100 | 16,700 | 17,100 |
| Local Supplies | | | | | |
| - Groundwater Recharge | 15,600 | 15,600 | 15,600 | 15,600 | 15,600 |
| - Groundwater Storage | 10,000 | 10,000 | 10,000 | 10,000 | 10,000 |
| - Del Valle | 100 | 100 | 100 | 100 | 100 |
| - Desalination | 5,600 | 5,600 | 5,600 | 5,600 | 5,600 |
| - Recycled Water | 0 | 0 | 1,600 | 1,600 | 1,600 |
| Total Local Supplies | 31,300 | 31,300 | 32,900 | 32,900 | 32,900 |
| Banking/Transfers | | | | | |
| - Semitropic Banking | 13,800 | 13,800 | 13,800 | 13,800 | 13,800 |
| TOTAL SUPPLY | 60,800 | 62,800 | 64,800 | 63,400 | 63,800 |

Notes:

1. Critical Dry Year conditions are based on projected water supply availability under 1977 drought conditions.
2. Semitropic Banking assumes ACWD's existing recovery capacity increased by 300 AF/Yr (from 13,500 AF/Yr to 13,800 AF/Yr), per 2010 Re-circulated Draft EIR for the Patterson Ranch Planned District.

Table 12 Projected Multiple Dry Year Supply

| SUPPLY | 2026 | 2027 | 2028 | 2029 | 2030 |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|
| Imported Supplies | | | | | |
| -State Water Project | 13,900 | 17,400 | 12,400 | 16,200 | 16,300 |
| - San Francisco Regional | 15,300 | 15,300 | 13,100 | 15,300 | 15,300 |
| Total Imported Supplies | 29,200 | 32,700 | 25,500 | 31,500 | 31,600 |
| Local Supplies | | | | | |
| - Groundwater Recharge | 12,700 | 12,100 | 9,900 | 19,800 | 14,000 |
| - Groundwater Storage | 9,100 | 0 | 10,000 | 0 | 3,300 |
| - Del Valle | 900 | 5,200 | 1,000 | 3,400 | 1,000 |
| - Desalination | 5,000 | 5,000 | 2,000 | 1,900 | 2,600 |
| - Recycled Water | 1,600 | 1,600 | 1,600 | 1,600 | 1,600 |
| Total Local Supplies | 29,300 | 23,900 | 24,500 | 26,700 | 22,500 |
| Banking/Transfers | | | | | |
| - Available Semitropic Banking | 17,900 | 19,900 | 17,100 | 19,200 | 19,200 |
| TOTAL SUPPLY | 76,400 | 76,500 | 67,100 | 77,400 | 73,300 |

Notes:

- Multiple Dry Year conditions based on projected water supply availability under 1929-33 drought conditions.
- Semitropic Banking assumes ACWD's existing pump back recovery capacity increased by 300 AF/Yr (from 13,500 AF/Yr to 13,800 AF/Yr), per 2010 Re-circulated Draft EIR for the Patterson Ranch Planned District.

Table 13 Water Supply and Demand Comparison: Normal Year

| SUPPLY/DEMAND | Year | | | | |
|----------------------|-------------|-------------|-------------|-------------|-------------|
| | 2010 | 2015 | 2020 | 2025 | 2030 |
| Total Supply | 74,500 | 74,500 | 76,100 | 76,100 | 76,100 |
| Forecast Demands | 65,200 | 69,000 | 69,800 | 70,900 | 72,400 |
| Anticipated Shortage | <i>none</i> | <i>none</i> | <i>none</i> | <i>none</i> | <i>none</i> |

Notes:

1. All values rounded to the nearest 100 AF.
2. Forecast Demands include Project demands.

Table 14 Water Supply and Demand Comparison: Critical Dry Year

| SUPPLY/DEMAND | Year | | | | |
|----------------------|--------|--------|--------|--------|--------|
| | 2010 | 2015 | 2020 | 2025 | 2030 |
| Total Supply | 60,800 | 62,800 | 64,800 | 63,400 | 63,800 |
| Forecast Demands | 60,900 | 64,700 | 65,500 | 66,600 | 68,100 |
| Anticipated Shortage | -100 | -1,900 | -700 | -3,200 | -4,300 |

Notes:

1. All values rounded to the nearest 100 AF.
2. Forecast Demands include Project demands.
3. Critical Dry Year conditions are based on projected water supply availability under 1977 drought conditions.

Table 15 Water Supply and Demand Comparison: Multiple Dry Year

| SUPPLY/DEMAND | Year | | | | |
|----------------------|-------------|-------------|-------------|-------------|-------------|
| | 2026 | 2027 | 2028 | 2029 | 2030 |
| Total Supply | 76,400 | 76,500 | 67,100 | 77,400 | 73,300 |
| Forecast Demands | 67,100 | 66,300 | 62,200 | 62,700 | 64,000 |
| Anticipated Shortage | <i>none</i> | <i>none</i> | <i>none</i> | <i>none</i> | <i>none</i> |

Notes:

1. All values rounded to the nearest 100 AF.
2. Forecast Demands include Project demands.
3. Multiple Dry Year conditions are based on projected water supply availability under 1929-1933 drought conditions; supply includes access to stored water in Semitropic

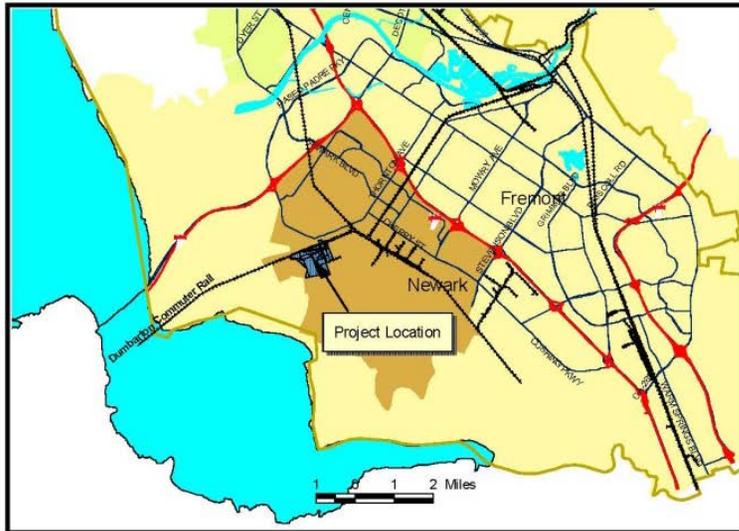
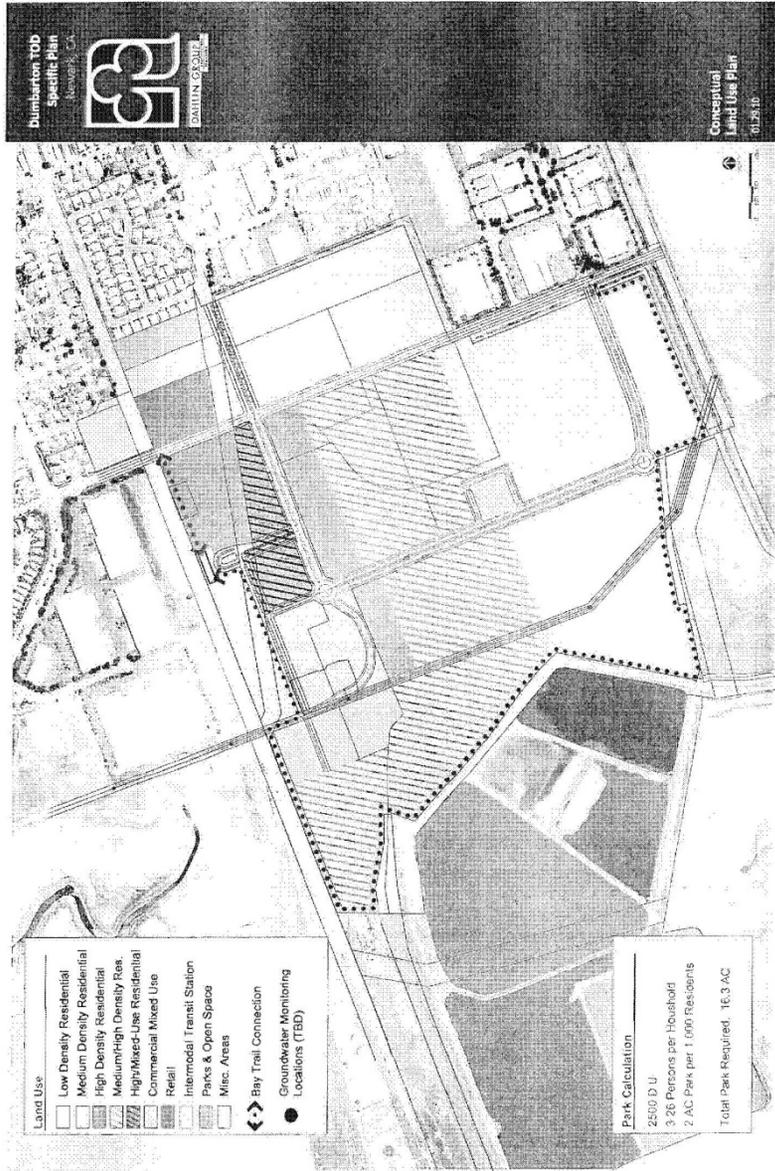


Figure 1 ACWD Service Area and Dumbarton Transit Oriented Development Project Location Map

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ATTACHMENT A
Letter of Request from City of Newark for Water Supply Assessment



ATTACHMENT B – ACWD URBAN WATER MANAGEMENT PLAN 2006-2010

**ATTACHMENT C
ACWD WATER SUPPLY CONTRACTS**

- State Water Project Water Supply Contract (partial)
 - San Francisco Water Supply Contract

**(note: Complete State Water Project Supply Contract is available on DWR website:
<http://www.swpao.water.ca.gov/wsc/index.cfm>)**

ATTACHMENT D – WATER EFFICIENCY MEASURES FOR NEW DEVELOPMENTS

| WATER EFFICIENCY MEASURES FOR NEW RESIDENTIAL DEVELOPMENT - V.060810 | | | |
|---|-----------|--|---|
| GPF = gallons per flush, GPM = gallons per minute, WF = water factor | | | |
| Indoors | Flow Rate | Recommendation Details | Future Federal or State Requirements |
| Toilets | 1.28 GPF | High efficiency toilets (HET) have a flush volume of 1.28 GPF, dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements. | Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 Required for all after 2013 |
| Showerheads | 2.0 GPM | EPA's Water Sense Program recommends showerheads with a flow rate of 2.0 GPM or less. | Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 |
| Lavatory Faucets | 1.5 GPM | Lavatory faucets with aerators that restrict flow to 1.5 GPM or less. | |
| Kitchen Faucets | 1.5 GPM | Kitchen faucets with aerators that restrict flow to 1.5 GPM or less. | |
| Clothes Washers | 6 WF | High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers. | Potential requirement in 3-5 years |
| Outdoors | | Recommendation Details | Future Federal or State Requirements |
| Turf Landscaping | | Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently. | Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance effective 1/1/2010 |
| Non-turf Landscaping | | Select native or low water using plant species. High water using plants should be grouped together and irrigated separately. | |
| Irrigation System | | Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas. | |
| Irrigation Controller | | An automatic, self-adjusting irrigation controller is recommended. Automatic, self-adjusting controllers utilize prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the needs of plants. | |
| Overhead Sprinklers and Spray Heads | | Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur. | |
| Valves and Circuits | | Should be separated into hydrozones based on plant type and plant water needs. | |
| Decorative | | All decorative fountains should recycle water. | |
| Swimming Pools and Spas | | Covers should be used on all pools or spas. | |
| Bay-Friendly Landscaping Best Practices | | Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat | |

| WATER EFFICIENCY MEASURES FOR NEW COMMERCIAL DEVELOPMENT - V.060810 | | | |
|--|-----------|--|---|
| GPF = gallons per flush, GPM = gallons per minute, WF = water factor | | | |
| Indoors | Flow Rate | Recommendation Details | Future Federal or State Requirements |
| Toilets | 1.28 GPF | High efficiency toilets (HET) have a flush volume of 1.28 GPF, dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements. | Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 Required for all after 2013 |
| Urinals | 0.5 GPF | High efficiency urinals (HEU) have a flush volume of 0.5 GPF or less. | |
| Showerheads | 2.0 GPM | EPA's Water Sense Program recommends showerheads with a flow rate of 2.0 GPM or less. | Will be mandatory to comply with CALGreen under the prescriptive method - effective 1/1/2011 |
| Lavatory Faucets | .5 GPM | Lavatory faucets with aerators that restrict flow to .5 GPM or less. | |
| Kitchen Faucets | 1.5 GPM | Kitchen faucets with aerators that restrict flow to 1.5 GPM or less. | |
| Clothes Washers | 6 WF | High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers. | Potential requirement in 3-5 years |
| Cooling Towers | | Should be equipped with a recirculating system with a minimum of five (5) cycles of concentration. Newly constructed cooling towers should be operated with conductivity controllers, as well as make up and blowdown meters | |
| Food Steamers | | Should be boiler less or self-contained where applicable. | |
| Ice Machine | | Should be air-cooled, or use no more than 25 gallons of water per 100 pounds of ice and should be equipped with a recirculating cooling unit. | |
| Commercial Refrigeration | | Should be air-cooled or if it is water cooled it should have a closed loop system. | |
| Dishwashing Spray Valve | 1.2 GPM | Should have a maximum flow rate of 1.2 or less GPM. | |
| Vehicle Wash | | Shall reuse a minimum of 50% of the water. | |
| Outdoors | | Recommendation Details | Future Federal or State Requirements |
| Turf Landscaping | | Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently. | Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance effective 1/1/2010 |
| Non-turf Landscaping | | Select native or low water using plant species. High water using plants should be grouped together and irrigated separately. | |
| Irrigation System | | Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas. | |
| Irrigation Controller | | An automatic, self-adjusting irrigation controller is recommended. Automatic, self-adjusting controllers utilize prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the needs of plants. | |
| Overhead Sprinklers and Spray Heads | | Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur. | |
| Valves and Circuits | | Should be separated into hydrozones based on plant type and plant water needs. | |
| Decorative fountains | | All decorative fountains should recycle water. | |
| Swimming Pools and Spas | | Covers should be used on all pools or spas. | |
| Bay-Friendly Landscaping Best Practices | | Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat | |

Attachment C

ORDINANCE NO. 2014-01

AN ORDINANCE OF ALAMEDA COUNTY WATER DISTRICT DECLARING A WATER SHORTAGE EMERGENCY AND ADOPTING WATER USE REGULATIONS, RESTRICTIONS AND GUIDELINES FOR THE WATER SHORTAGE EMERGENCY.

BE IT ORDAINED by the Board of Directors of ALAMEDA COUNTY WATER DISTRICT as follows:

SECTION 1. DECLARATION OF A WATER SHORTAGE EMERGENCY.

The Board of Directors finds and declares as follows:

- (a) The District's primary sources of supplies include: imported water from the State Water Project (40%); imported water from the San Francisco Public Utilities Commission (SFPUC) Regional Water System (20%); and local supplies originating from rainfall and runoff from the Alameda Creek Watershed (40%).
- (b) On January 17, 2014, Edmund G. Brown, Governor of California, proclaimed a State of Emergency to exist in the State of California due to severe drought conditions.
- (c) On January 31, 2014, the California Department of Water Resources (DWR) announced that the 2014 State Water Project (SWP) allocation for all SWP Contractors is zero percent (0%) of the Contractors' contractual maximum SWP allocations due to the exceptionally dry conditions.
- (d) Locally, Calendar Year 2013 was the driest year on record with only 23% of the long-term average precipitation, impacting local surface water and groundwater supplies.
- (e) Additional findings supporting the actions in this Ordinance are set forth in the staff report for this Ordinance and the March 13, 2014 staff presentation to the Alameda County Water District Board of Directors which are incorporated into this Ordinance by this reference.
- (f) On February 13, 2014, at a properly noticed regular Board meeting, the Board considered whether to declare that a water shortage emergency condition exists within the water service area of the District, and decided to hold a public hearing in March 2014 on this issue and to provide District customers an opportunity to be heard to protest against the declaration and to present their needs to the Board of Directors.
- (g) Notice of the public hearing was published pursuant to law one time at least seven days prior to the date of the public hearing in The Argus, a newspaper of general circulation, printed and published within the water service area of the District.
- (h) The full text of this Ordinance was published in The Argus at least five days prior to the date of the public hearing.

- 1 -

- C12 Attachment C, which includes Pages C-69 through C-75 below, details the 2014 ACWD ordinance No. 2014-01 declaring a water shortage emergency and adopting water use regulations, and restrictions and guidelines of the water shortage emergency, as summarized in the ACWD WSV of September 10, 2015. It includes the process for circulation and approval of the ordinance, the purpose and effect of the ordinance, and mandatory water restrictions and their enforcement, as well as penalties in case of violation. As noted in Response C6 to these comments, both the City and the applicant fully understand that the project would be subject to water use restrictions and limitations described in Ordinance No. 2014-01. No additional response is required.

C12

- (i) The full text of this Ordinance was posted in the office of the District and posted on the District’s website at least five days prior to the public hearing.
- (j) At the public hearing all persons present were given an opportunity to be heard and all persons desiring to be heard were heard.
- (k) The public hearing was called, noticed and held in all respects as required by law.
- (l) This Board heard and has considered each protest against the water shortage emergency declaration and all comments presented at the public hearing.
- (m) The Board of Directors declares that a water shortage emergency condition exists and prevails within the water service area of this District. The water shortage exists by reason of the fact that the ordinary demands and requirements of the water consumers in the Alameda County Water District service area cannot be met and satisfied by the water supplies now available to the District without depleting the water supply or diminishing its quality to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

SECTION 2. PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to conserve the water supply of the District for the greatest public benefit with particular regard to public health, fire protection and domestic use; to conserve water by reducing and restricting nonessential water use that if continued would constitute waste; and to the extent necessary by reason of drought and the existing water shortage emergency condition, to reduce water use fairly and equitably. This Ordinance is adopted pursuant to the District’s authority under Sections 350 et seq. and 31026 et seq. of the California Water Code.

The water supply of the District includes water from the District’s distribution system, as well as groundwater from the Niles Cone Groundwater Basin, which the District manages and regulates pursuant to its authority under the Replenishment Assessment Act of the Alameda County Water District, Chapter 1942 of the Statutes of 1961. The Niles Cone Groundwater Basin is an essential component of the District’s water supply and must be conserved during this water shortage emergency. This Ordinance applies to all water from the District’s water distribution system and to all wells, public and private, within the District’s service boundary that produce water from the Niles Cone Groundwater Basin.

SECTION 3. EFFECT OF ORDINANCE.

This Ordinance shall take effect immediately, shall supersede and control over any other ordinance or regulation of the District in conflict herewith, and shall remain in effect until the Board of Directors declares that the water shortage emergency has ended.

SECTION 4. WATER USE LIMITATIONS.(a) Mandatory Restrictions on Water Use.

During the water shortage emergency condition, and to preserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection, the following uses of water are prohibited:

- (1) Use of water in violation of ACWD Ordinance No. 2008-01 Prohibiting Wasteful Use of Water;
- (2) Use of water for the irrigation of lawns or other landscaped areas on consecutive days. With the exception of Item (3) below, landscape irrigation cannot be more frequent than:
 - One day per week for the period of April 1 through May 31;
 - Two days per week for the period of June 1 through September 30;
 - One day per week for the period of October 1 through November 30.
 - One day per week for the period of December 1 through March 31. Landscape irrigation during this period should be avoided except during an extended dry period. During this period landscape irrigation while it is raining is prohibited.

This section does not apply to the following categories of use:

- Watering or irrigating by use of a hand-held bucket or similar container.
- Watering for very short periods of time for the express purpose of adjusting or repairing an irrigation system.
- Maintenance of existing landscape necessary for fire protection.
- Maintenance of existing landscape for soil erosion control.
- Maintenance of plant materials identified to be rare or essential to the well-being of protected species.
- Maintenance of turf at sports fields, playing fields, and other active recreation use areas within public parks, school grounds, golf course greens, and day care centers, provided that such irrigation does not exceed 3 days per week for the period of June 1 through September 30 and 2 days per week for the period of October 1 through May 31. Landscape irrigation during the period of December 1 through March 31 should be avoided except during an extended dry period.
- Actively irrigated environmental mitigation projects.
- Maintenance of vegetation, including fruit trees and shrubs, intended for consumption.

Increasing the frequency and/or duration of irrigation run times to offset the above restrictions on days of allowable irrigation is contrary to the purpose of this Ordinance, and is therefore prohibited.

- (3) Use of water for the irrigation of new landscape installed after January 1, 2014 cannot be more frequent than three times per week throughout the year, provided that all of the following conditions are met:

- a. The newly installed landscape replaces turf grass that was regularly maintained and irrigated.
 - b. The new landscape consists solely of drought tolerant plants and is consistent with the requirements for drought tolerant landscaping established in the District's Turf Replacement Program.
 - c. The new landscape is irrigated solely by drip irrigation, or another low-volume irrigation type such as micro-spray, micro-jet or micro-bubbler where no emitter produces more than 2 gallons of water per hour, or by hose equipped with a quick-acting positive shutoff nozzle.
 - d. Mulch is used around the new landscaping to minimize evaporative losses.
- (4) Use of water for lawn or garden watering, or any other landscape irrigation, in a manner which results in excessive ponding, flooding and/or excessive runoff in gutters or other waterways, patios, driveways, walks or streets;
 - (5) Use of water for washing sidewalks, walkways, driveways, patios, parking lots, tennis courts or other hard-surfaced areas;
 - (6) Use of hoses for any purpose, including washing cars, boats, trailers or other vehicles and machinery, without a quick-acting positive shutoff nozzle;
 - (7) The use of water for cleaning building or mobile home exteriors, including windows, except for the preparation of such exterior surfaces for the purpose of repair or repainting (only allowed with the use of a pressurized washing device equipped with a quick-acting positive shutoff nozzle);
 - (8) The draining and refilling of all existing swimming pools, except for protection of public health and safety;
 - (9) Use of single pass cooling systems in new (non-residential) connections ;
 - (10) Use of non-recirculating systems in new conveyer car wash and commercial laundry systems;
 - (11) Use of non-recycling decorative water fountains.

Depending on the continued severity of the drought and water shortage emergency, the District may update this Ordinance to impose additional water use restrictions as conditions warrant. Any updates to this Ordinance will be adopted pursuant to the District's authority under Sections 350 et seq. and 31026 et seq. of the California Water Code.

(b) Enforcement of Restrictions.

- (1) Written Warning: If the District determines that a customer is using water in violation of this Ordinance, the District will send a written warning to the customer that lists the name and address of the person on the account, identifies the wasteful use of water that violates the mandatory restrictions on water use, requests that the customer

stop such wasteful use, informs the customer about the process for applying for an exception from the requirements of this Ordinance, and informs the customer that failure to comply with this Ordinance may result in the termination of service.

- (2) On-site Notification: The District may, after issuing a written warning, and if the customer does not request an exception, conduct a follow-up visit in order to ascertain whether wasteful use of water is still occurring. In the event that continued waste of water that violates the mandatory restrictions on water use is observed, and no exception has been granted, the District will make reasonable efforts to notify an adult residing at the property if a residential account or an adult working on the property if a non-residential account, and will issue a second written warning by on-site notification of wasteful water use and the customer will be charged the field service visit charge established in the District's Rate and Fee Schedule, Section 3A. This second written warning will include all the information included in the first written warning and will be hand delivered to the adult on the premises or posted on the premises.
- (3) Termination of Water Service: In the event that District personnel observe continued waste of water that violates the mandatory restrictions on water use occurring at a customer's premises more than 48 hours after the on-site notification, it shall be deemed to be a willful violation of the mandatory restrictions on water use, and the General Manager may authorize termination of water service.
- (4) Restoring Water Service: The reconnection charge established in the District's Rate and Fee Schedule, Section 3E must be paid before the District will restore service. In addition, the customer must have stopped the wasteful use of water and have paid all charges owed to the District under this Ordinance, and all other rates and fees owed, before the District will restore water service.

(c) Violation is a Misdemeanor.

Pursuant to California Water Code Section 31029, use of water in violation of the restrictions on water use set forth in Section 4 of this Ordinance is a misdemeanor.

SECTION 5. WATER USE GUIDELINES.

During the water shortage emergency condition, customers are urged to adhere to the following guidelines to conserve the limited water supply available:

- (1) Use water for beneficial purposes in a manner which minimizes the use of water, and repair leaks as soon as possible.
- (2) Replace non-conserving plumbing fixtures (e.g. toilets, showerheads, faucets, clothes washers) with newer, water efficient models.

- (3) Reduce indoor water use by taking the following actions:
- a. Turn off the tap while brushing teeth, shaving, and washing hands
 - b. Run dishwashers and washing machines with full loads only
 - c. Take shorter showers

(4) Landscape Guidelines:

Irrigate early in the morning (before 10:00 a.m.), to minimize evaporation.

Installation of new landscaping should utilize best known irrigation and horticultural practices for efficient water use.

Existing systems should be evaluated and repaired to minimize evaporation.

Use drought tolerant plant species wherever possible for replacement and at all new landscape installations. Installation of non-drought tolerant landscaping, including turf, should be avoided.

Use non-potable water from rain water capture and/or graywater for landscape irrigation. Graywater should not be used in vegetable gardens where food is a root crop or touches the ground surface. Regulations for the design and construction of graywater systems can be found in Chapter 16A of the California Plumbing Code. Most graywater systems also require permits from the local cities.

- (5) Use non-potable water for construction purposes unless it is not appropriate and/or not available. If reclaimed water is used, the proposed conditions of use must meet the requirements of the San Francisco Bay Regional Water Quality Control Board.
- (6) Non-residential customers should utilize systems which recycle water when possible.
- (7) Restaurants should serve water to customers only when requested.

SECTION 6. APPLICATION PROCEDURE FOR EXCEPTIONS.

Consideration of written applications for exceptions regarding the mandatory restrictions on water use set forth in Section 4 shall be as follows:

- (a) A customer may submit a written application for an exception to the mandatory restrictions on water use to the District's Drought Management Coordinator or designee. The application must be on the District's form and must include the customer name, account number(s), a description of the proposed water use and estimated duration and quantity of water use (e.g., gallons per day), and a description of the reason an exception is requested.
- (b) The Drought Management Coordinator or designee will consider each application for an exception to the mandatory restrictions on water use based on the criteria established for residential and non-residential customers. If the criteria is satisfied, the Drought Management Coordinator or designee may grant exceptions for reasons that include

benefits and/or needs of water to be used, potential adverse economic impacts, implementation complexities/issues, and mitigation measures/offsets.

- (c) A customer may appeal a denial of an application by submitting a written appeal to the General Manager on the District’s form and include the reasons why the customer disagrees with the denial.

SECTION 7. EXEMPTION FROM CEQA.

The District Board of Directors finds that the actions taken in this Ordinance are exempt from provisions of the California Environmental Quality Act of 1970 because they are immediate actions necessary to prevent or mitigate an emergency, as described in section 15269(c), and to assume the maintenance, restoration, or enhancement of a natural resource, as described in section 15307, of the Guidelines promulgated under said Act.

SECTION 8. SEVERABILITY.

If any provision of this Ordinance is held to be invalid or unenforceable, that holding will not affect the remainder of the Ordinance, which shall remain in full force and effect.

SECTION 9. PUBLICATION AND POSTING OF ORDINANCE.

The Board of Directors direct that the full text of this Ordinance be published in The Argus and that a certified copy of the full text of this Ordinance be posted in the Office of the District and on the District’s website within ten days from the date this Ordinance is adopted and identifying how each Director voted on this Ordinance.

PASSED AND ADOPTED this 13th day of March, 2014, by the following vote:

AYES: Directors Koller, Gunther, Huang, and Sethy

NOES: Director Weed

ABSENT: None

/s/ PAUL S. SETHY
 Paul S. Sethy, President
 Board of Directors
 Alameda County Water District

ATTEST: APPROVED AS TO FORM:

/s/ ANDREW WARREN
 Andrew Warren, Assistant District Secretary
 Alameda County Water District

/s/ PATRICK T. MIYAKI
 Patrick T. Miyaki, Attorney
 Alameda County Water District

Attachment D

| WATER EFFICIENCY MEASURES FOR NEW RESIDENTIAL DEVELOPMENT - V.090315 | | | |
|---|--|--|--|
| GPF = gallons per flush, GPM = gallons per minute, WF = water factor | | | |
| Indoors | Water Usage Rates | Recommendation Details | Federal or State Requirements |
| Toilets | 1.28 GPF | High efficiency toilets (HET) have a flush volume of 1.28 GPF. dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements. | Required January 1, 2014 |
| Showerheads | 1.8 GPM | Showerheads with a flow rate of 1.8 GPM or less. | New California Energy Commission Emergency Standards Showerheads - 2.0 GPM, eff. 7/1/2016, 1.8 GPM, eff. 7/1/2018 |
| Lavatory Faucets | 1.2 GPM | Lavatory faucets with aerators that restrict flow to 1.2 GPM or less. | Lavatory Faucets - 1.5 GPM, eff. 9/1/2015, 1.2 GPM, eff. 7/1/2016 |
| Kitchen Faucets | 1.7 GPM | Kitchen faucets with aerators that restrict flow to 1.7 GPM or less; with temporary flow increase to 2.2 GPM for filling pots and pans. | Kitchen Faucets - 1.7 GPM, eff. 1/1/2016 |
| Clothes Washers | 6 WF (Top loading) 4 WF (Front loading) | High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers. | National Standard effective January 2016, 6 WF for Top loading, effective March 2015, 4.5 WF for Front loading |
| Dishwashers | 3.5 - 5.0 gallons per cycle | Efficient dishwashers that use 5.0 gallons/cycle or less (standard-sized - 8 or more place settings), 3.5 gallons/cycle or less (compact size - less than 8 place settings) | National Standard effective May 30, 2013 |
| Outdoors | | Recommendation Details | Federal or State Requirements |
| Turf Landscaping | | Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently. | Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance (MWEL) effective January 1, 2010. Note: An updated MWEL with stricter standards will be in effect before the end of 2015 |
| Non-turf Landscaping | | Select native or low water using plant species. High water using plants should be grouped together and irrigated separately. | |
| Irrigation System | | Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas. | |
| Irrigation Controller | | An automatic, self-adjusting irrigation controller is recommended. Automatic, self-adjusting controllers utilize prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the needs of plants. | |
| Overhead Sprinklers and Spray Heads | | Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur. | |
| Valves and Circuits | | Should be separated into hydrozones based on plant type and plant water needs. | |
| Decorative fountains | | All decorative fountains should recycle water. | |
| Swimming Pools and Spas | | Covers should be used on all pools or spas. | |
| Bay-Friendly Landscaping Best Practices | | Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat | |

C13

C13 Attachment D provides updated water efficiency measures for new residential or commercial development. The project applicant has reviewed the restrictions and will comply with them during project implementation.

C13
cont.

| WATER EFFICIENCY MEASURES FOR NEW COMMERCIAL DEVELOPMENT- V.090315 | | | |
|---|--|--|---|
| GPF = gallons per flush, GPM = gallons per minute, WF = water factor | | | |
| Indoors | Water Usage Rates | Recommendation Details | Federal or State Requirements |
| Toilets | 1.28 GPF | High efficiency toilets (HET) have a flush volume of 1.28 GPF, dual flush models are also considered HETs, with an average flush less than 1.28 GPF. Choose HETs that are third party tested and certified as passing a 350 g or higher flush volume test as established by the Uniform North American Requirements. | Required January 1, 2014 |
| Urinals | 0.125 GPF | High efficiency urinals (HEU) with a flush volume of 0.125 GPF or less. | California Energy Commission Emergency Standard effective January 1, 2016 |
| Showerheads | 1.8 GPM | Showerheads with a flow rate of 1.8 GPM or less. | New California Energy Commission Emergency Standards: Showerheads - 2.0 GPM, eff. 7/1/2016; 1.8 GPM, eff. 7/1/2018 Lavatory Faucets - 0.5 GPM, eff. 1/1/2016 Kitchen Faucets - 1.7 GPM, eff. 1/1/2016 |
| Lavatory Faucets | 0.5 GPM | Lavatory faucets with aerators that restrict flow to 0.5 GPM or less. | |
| Kitchen Faucets | 1.7 GPM | Kitchen faucets with aerators that restrict flow to 1.7 GPM or less; with temporary flow increase to 2.2 GPM for filling pots and pans. | |
| Clothes Washers | 6 WF (Top loading) 4 WF (Front loading) | High efficiency clothes washers (HEW) with a water factor of 6 have a maximum average water use of 6 gallons per cubic foot of laundry. HEWs are typically front loading horizontal axis washers. This applies to family-sized washers commonly used in multi-family settings and laundromats. | National Standard effective January 8, 2013 to January 1, 2018, 8.5 WF (Top loading) and 5.5 WF (Front loading) |
| Cooling Towers | | Should be equipped with a recirculating system with a minimum of five (5) cycles of concentration. Newly constructed cooling towers should be operated with conductivity controllers, as well as make up and blowdown meters. | |
| Food Steamers | | Should be boiler less or self-contained where applicable. | |
| Ice Machine | | Should be air-cooled, or use no more than 25 gallons of water per 100 pounds of ice and should be equipped with a recirculating cooling unit. | |
| Commercial Refrigeration | | Should be air-cooled or if it is water cooled it should have a closed loop system. | |
| Pre-rinse Dishwashing Spray Valve | 1.2 GPM | Should have a maximum flow rate of 1.2 or less GPM. | |
| Vehicle Wash Facility | | Shall reuse a minimum of 50% of the water. | |
| Outdoors | | Recommendation Details | Federal or State Requirements |
| Turf Landscaping | | Limit turf to areas where it is functional. Avoid planting turf in narrow, odd-shaped areas which are hard to irrigate efficiently. | Many of these measures are now required as part of the CA Model Water Efficient Landscape Ordinance (MWLEO) effective January 1, 2010. Note: An updated MWLEO with stricter standards will be in effect before the end of 2015 |
| Non-turf Landscaping | | Select native or low water using plant species. High water using plants should be grouped together and irrigated separately. | |
| Irrigation System | | Irrigation systems should be designed to maximize efficiency and reduce water waste by minimizing overspray and runoff. Use low volume (e.g., drip) irrigation in non-turf areas. | |
| Irrigation Controller | | An automatic, self-adjusting irrigation controller is recommended. Automatic, self-adjusting controllers utilize prevailing weather conditions, current and historic evapotranspiration, soil moisture levels, and other relevant factors to adapt water applications to meet the needs of plants. | |
| Overhead Sprinklers and Spray Heads | | Should not be used in narrow areas, eight (8) feet wide or less, or where adjacent to impervious surfaces where overspray and excess run-off can occur. | |
| Valves and Circuits | | Should be separated into hydrozones based on plant type and plant water needs. | |
| Decorative fountains | | All decorative fountains should recycle water. | |
| Swimming Pools and Spas | | Covers should be used on all pools or spas. | |
| Bay-Friendly Landscaping Best Practices | | Adopt the Bay-Friendly Program's (Stopwaste.org) 7 best practices for landscaping and gardening. 1. Landscape Locally; 2. Landscape for Less to the Landfill; 3. Nurture the Soil; 4. Conserve Water; 5. Conserve Energy; 6. Protect Water & Air Quality; 7. Create Wildlife Habitat | |



September 16, 2015

SENT VIA EMAIL

Terrence Grindall (terrence.grindall@newark.org)
 Assistant City Manager
 City of Newark
 37101 Newark Boulevard
 Newark, CA 94560

Re: Gateway Station West Project - Draft Supplemental Environmental Impact Report

Dear Mr. Grindall:

D1 Cargill, Incorporated (“Cargill”) would like to thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report for the Gateway Station West Project, dated August, 2015 (the “SEIR”).

D2 The SEIR analyzes the proposed subdivision and development of 54.5 acres of property (the “Property”) owned by Dumbarton Area 2, LLC (“DA2”) and located within the Dumbarton TOD Specific Plan (“Specific Plan”). Cargill is the former owner of the Property and was one of the property owners that helped to create the Specific Plan in 2011. Cargill supports the proposed Gateway Station West Project (the “Project”), which would implement the planning and vision of the Specific Plan as a walkable, transit-oriented community. Cargill wishes to provide the following comments on the SEIR to clarify certain matters pertaining to Cargill’s ongoing industrial salt operations adjacent to the Project.

Background

D3 By way of background, Cargill conveyed the Property to DA2 in 2014 pursuant to a recorded Grant Deed (Document No. 2014-022061, Official Records of Alameda County) (the “Grant Deed”) and subject to a Declaration of Covenants, Conditions and Restrictions, Reservation of Easements and Maintenance Agreement (Document No. 2014-022060, Official Records of Alameda County) (the “CCRs”). The Grant Deed and CCRs are included as Exhibit A and Exhibit B, respectively.

D4 In the sale of the Property to DA2, Cargill retained certain private utility and access easements over portions of the Property and over property owned by Wildlands, Inc. (Parcel 1 – 252 PM 81) (the “Wildlands Parcel”) to the south of the Property. These private easements include a 40 foot access and utility easement over the Wildlands Parcel, depicted on Parcel Map No. 7505 and immediately south of the Property (included as Exhibit C) (the “Wildlands Easement”) and an exclusive 65 foot

D1 Comment noted.

D2 The City agrees with the characterization of the project and statement of former ownership. Responses to individual comments provided in this letter are provided below.

D3 Consistent with this comment, the City and applicant agree that the project parcels were conveyed subject to existing utility and access easements, as documented in Exhibits A - D to the letter. The grant deeds, which are matters of public record and are not points of contention (the City stipulates to them), are provided in digital files for this project (CDs released for the Final SEIR, as well as on the City website). Both the City and applicant agree with their accuracy.

D4 The easement held on property to the south does not affect this project. The City and applicant agree that there is a 65-foot wide access and utility easement along the southwestern property boundary, as depicted on Figure 3-5 of the SEIR. Responses to Cargill’s clarification are provided below.

Mr. Terrence Grindall
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access and utility easement over the southwestern portion of the Property depicted at Figure 3-5 of the SEIR (the “Reserved Easement Area”).

D4
cont.

The Wildlands Easement and Reserved Access Easement were reserved for the benefit of land retained by Cargill in connection with its salt production operations, including Parcel 2 and Parcel 3 of Parcel Map 9837 (315 PM 84), and provide for a critical access road for these operations (the “Cargill Access Road”). Trucks and other heavy equipment, not suitable for public roads, utilize the Cargill Access Road throughout the year to transport material between Cargill’s crystallizer complex and Cargill’s bittern complex. There is no other means of ingress or egress to and from these two critical parts of Cargill’s operations.

Against this background, Cargill wishes to clarify certain matters discussed in the SEIR.

Cargill Access Road/Proposed Barrier Fencing

D5

As noted above, due to the heavy industrial traffic over the Cargill Access Road, this road is not suited to public access for safety and security reasons. Cargill is therefore supportive of the proposed fencing/barriers which would separate housing and the proposed candidate trail (Parcel ‘E’) from the Cargill Access Road as depicted in Figure 3-5 and as described at pages 3-9 through 3-10 of the SEIR.

D5 Comment noted.

D6

Cargill notes, however, that DA2, or any future owner of the Property, is obligated under Section 6.1 of the CCRs to also construct a barrier fence to separate the Cargill Access Road from the Property along the entire length of the Cargill Access Road, and not simply along the proposed candidate trail. That is, what is shown on Figure 3-5 of the SEIR (Site Plan) as Barrier Segment A must be extended to the north between Barrier Segment E and Barrier Segment B. This is required not only by the terms of the CCRs, but also for safety and security considerations as noted above.

Cargill also notes that the Project does not propose any uses which would intersect with or impede Cargill’s use of the Cargill Access Road. Specifically, the candidate trail would run along the southern and western border of the Property, separated from the Cargill Access Road by fencing/barriers, and would connect to the Bayshores project to the east (the Torian site project proposed by William Lyon Homes) and to future Specific Plan uses to the north, without intersecting with or crossing the Cargill Access Road. See SEIR at page 3-8 and Figure 3-5. These restrictions and precautions are warranted by public safety considerations and should be maintained.¹

D6 The City disagrees that the barrier fence must be extended all along the southern boundary of the parcel. The CCRs provide Cargill with the right to comment on a barrier fence between the project and the remaining Cargill properties. As stated by Cargill, “the Project does not propose any uses which would intersect with or impede Cargill’s use of the Cargill Access Road.” No active use is proposed for the open space on the southwest side of the project adjacent to the 65-foot-wide easement noted above. Given the lack of planned uses in this area, combined with the barriers along Segments A, D, E and F as shown on current Figure 3-5, which would block trail users from access to Cargill property as well as the open space set-aside, no additional barrier is required. The intent of the open space is to provide wildlife habitat and allow some connectivity to the Plummer Creek Wetland Mitigation Bank to the south of the project site. Installation of an additional barrier fence between Barrier Segments F and C on the current Figure 3-5, as suggested by Cargill, would diminish the ecological value of the conserved habitats. The City notes that the Cargill comment letter includes Exhibit B - Declaration of Covenants, Conditions and Restrictions, Reservation of Easements and Maintenance.

¹ At page 4.1-5 of the SEIR, in the Aesthetics section, it is stated that the candidate trail “would eventually connect to...the Plummer Creek Mitigation Bank,” which is located to the south of the Property. A similar statement is made in a letter from Helix Environmental Planning, Inc. to the City of Newark contained in Appendix C of the SEIR in connection with the aesthetics and visual impacts analysis of the EIR. Since no such connection to the Plummer Creek Mitigation Bank is depicted or described anywhere in the Project description, including at Figure 3-5 or in

D6 cont. Article VI - Construction of Barrier; Reservation Of Easements and Rights, Paragraph 6.1 - Construction of Barrier Fence, states that: In the event any governmental conditions imposed on subdivision of the Property with respect to the Barrier Fence are different, . . . than those in this Paragraph 6.1, Owner agrees to comply with such government conditions with respect to construction of the Barrier Fence. The City has identified a preference for barriers adjacent to the trail. Resource agencies will make their preferences known through the ongoing permit process.

Regarding Footnote 1, the City agrees that the SEIR discloses the anticipated future connection of the candidate trail to the Plummer Creek Mitigation Bank. No revisions are required to the SEIR, however, as that connection is not proposed as part of the project, and would not be implemented by this applicant. It is simply a disclosure of an anticipated future action. As a result, no revisions to the SEIR are required in this Final SEIR on this point.

Mr. Terrence Grindall
September 16, 2015

Use of Cargill Access Road

D7

Section 3.2.1 of the SEIR summarizes existing land uses surrounding the Property and the Project area. The SEIR describes Cargill’s ongoing industrial salt operations, including solar salt concentrators and crystallizers to the south and west of the Property, and Cargill’s existing access roads, including the Cargill Access Road over the Wildlands Easement and Reserved Easement Area. At page 3-2, the SEIR incorrectly states that “[s]alt is harvested from the crystallizer ponds approximately 7 to 14 days per year using heavy trucks.”

In fact, heavy trucks and other equipment utilize these access roads on daily basis, year round. Section 3.2.1 should be revised to accurately reflect this fact.

Reserved Easement Area Restrictions

D8

At page 3-10, the SEIR states that “[a] total of 7.55 acres within the 13.55-acre Parcel ‘GGG’, located in the southwest corner of the project site, is proposed as open space (see Figure 3-5) and would be preserved and maintained as native habitat as part of the proposed project.” It is unclear from this statement or the Project description whether any portion of the 7.55 acres proposed as open space habitat would include the Reserved Easement Area.

Cargill wishes to note that, as depicted in Figure 4.3-1 of the SEIR, the Reserved Easement Area is disturbed and does not contain aquatic or other sensitive habitat suitable for open space dedication. Further, under the CCRs and Grant Deed, no owner of the Property may utilize the Reserved Easement Area as part of a residential, commercial, or mixed-use development of the Property, no portion of the Reserved Easement Area may be dedicated for public access, public space or public use, and Cargill’s use of the Reserved Easement Area is exclusive, superior and may not be obstructed in any way at any time. (See Grant Deed at Exhibit 1, pages 3-6 and CCRs at Section 6.3.) To the extent the SEIR includes any portion of the Reserved Easement Area as open space habitat, such as at Table 3-2, the SEIR should be revised to exclude the Reserved Easement area from any such dedication given the obligations and restrictions set forth in the Grant Deed and CCRs.

Noise Analysis

D9

Section 4.9 of the SEIR discusses and analyzes potential noise and vibration impacts as a result of the Project. At page 4.9-13, the SEIR discusses potential noise impacts to future residents of the Project from Cargill’s use of its access roads for salt production operations, concluding that any such impacts would be less than significant.

Cargill also wishes to point out that it and its predecessor-in-interest, Leslie Salt Co., have been operating within the City of Newark for over 60 years, and long before any residential development

the Project Vesting Tentative Map at Appendix B of the SEIR, this statement appears to be in error and should be corrected to be consistent with the Project description.

D7 It is noted that Cargill uses the access road as frequently as daily. The cited reference is to the heaviest use period by extremely large or off-road trucks and harvesters, that is used in the project noise technical study to provide a worst-case analysis of up to 200 trucks per day, or 400 trips in and out over a 24-hour period (see the project noise technical report, page 15). Any use level less than this conservatively modeled assumption falls within the worst-case modeled noise impact, and does not need to be additionally discussed. The statement on page 3-2 of the Draft SEIR has been clarified to reflect this in addenda to the Final SEIR, at the beginning to the Final SEIR document.

D8 Comment noted. The proposed 7.55 acres of open space in the southwestern portion of the property includes all or portions of three of the Reserved Easement Areas, Exhibit C, Detail B – 65’ Access & Utility Easement; Exhibit C, Detail C - 65’ Access & Utility Easement, and Exhibit 4 – Culvert Easement Area. The open space would also include an existing PG&E power line easement. The potential for a future conservation easement in this area would neither allow any public access or use, nor burden the use of any pre-existing and ongoing easements held by Cargill and PG&E.

D9 The City acknowledges the long-standing nature of Cargill’s use of this access route. Please also refer to the responses to Comments D6 and D7 above.

Mr. Terrence Grindall
September 16, 2015

D9
cont.

was proposed for this portion of the City. Reflective of this fact, the CCRs, which are binding upon any existing or future owner of all or any portion of the Property, releases Cargill from any claims arising from Cargill's salt production operations, including noise, dust, odors and traffic from large or off-road trucks or heavy operational equipment. (See CCRs at Section 8.1.)

D10

Off-Site Drainage Improvements

Finally, the Project proposes to replace an existing drainage culvert adjacent to the southwestern portion of the Property to accommodate drainage from the Project. (See SEIR at Figure 3-3 and page 3.11). This culvert would be replaced off-site of the Property and on an adjacent parcel owned by Cargill (Parcel 3 - 315 PM 84).

While Cargill supports the replacement of this existing culvert to facilitate the proposed Project, Cargill wishes to point out that this work is subject to a number of obligations and restrictions contained in both the Grant Deed (see Exhibit 1) and in the CCRs (see Section 6.3).

D11

Conclusion

Once again, Cargill appreciates the opportunity to comment on the SEIR. These issues are of tremendous import and impact to Cargill, and we hope our comments clarify the draft SEIR and Cargill's recorded legal rights

If you have any questions regarding Cargill's comments, please feel free to contact me. We look forward to seeing these comments and corrections reflected in the final SEIR.

Sincerely,

Pat Mapelli
Manager, Real Property
Cargill, Incorporated
Newark, California Facility

Attachments

- D10 The proposed culvert replacement would occur within the property boundary with only temporary construction impacts extending into the off-site portion of the Culvert Easement Area. The City and applicant agree that the cited proposed drainage/culvert improvements would be subject to obligations and restrictions specified in the grant deed and CCRs.
- D11 Thank you for your comments and the opportunity to contact you should any questions arise.

BARRY J. SHOTTS
 ATTORNEY AT LAW
 1224 EDWARDS STREET
 SAINT HELENA, CALIFORNIA 94574
 TEL: 415-595-2821

September 16, 2015

VIA EMAIL

Mr. Terrance Grindall (terrence.grindall@newark.org)
 Assistant City Manager
 City of Newark
 37101 Newark Blvd.
 Newark, California 94560

Re: Ashland Inc. Comments on Gateway Station West Draft SEIR

Dear Mr. Grindall:

On behalf of Ashland Inc. (“Ashland”), thank you for the opportunity to comment on the Gateway Station West Project - Draft Supplemental Environmental Impact Report (“SEIR”).

The SEIR analyzes the proposed subdivision and development of 54.5 acres of property (the “Project Property”) owned by Dumbarton Area 2, LLC (“DA2”) and located within the Dumbarton TOD Specific Plan (“Specific Plan”). As you know, Ashland owns approximately 9.98 acres of property within the Specific Plan located at 8610 Enterprise Drive, Newark, California (the “Ashland Property”) and immediately to the east of the Project Property. Ashland was one of the property owners which helped create the Specific Plan in 2011 and generally supports the proposed Gateway Station West Project (the “Project”) to implement the vision of the Specific Plan.

Ashland wishes only to provide the following comments to clarify certain matters.

“A” Avenue/Hickory Street

In addition to the proposed development of the Project Property, the SEIR analyzes the impacts of constructing/improving certain off-site roadways to provide access to the Project Property, including Enterprise Drive, Hickory Street and “A” Avenue. All of these proposed roadways front the Ashland Property in certain locations.

In 2013, Ashland granted a public roadway easement to the City of Newark (the “City”) over the Ashland Property for the northern one-half of “A” Avenue adjacent to the Ashland Property to provide necessary circulation for traffic within the Specific Plan (the “Ashland Roadway Easement”). Ashland also entered into a Reciprocal Street Easement Agreement (“REA”) with William Lyon Homes, Inc. (“Lyon”), authorizing Lyon to construct “A” Avenue over the Ashland Roadway Easement, and to place public utilities within “A” Avenue at Lyons’ sole

Land Use | Real Estate | Environmental
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E1

E1 This letter was submitted on behalf of Ashland, Inc. (Ashland). The City agrees that Ashland’s property is located directly to the east of the Gateway Station West property and that Ashland played a role in creation of the Specific Plan in 2010. Specific points raised in this letter are addressed below.

E2

E2 Comment noted.

E3

E3 The City agrees that Ashland granted a public roadway easement to the City for the northern one-half of “A” Avenue adjacent to the Ashland property and continues to hold fee title to this area. The City also accepts Ashland’s statement that Ashland entered into an REA with William Lyon Homes, Inc. (Lyon), that authorized Lyon to construct “A” Avenue over the Ashland-granted easement and to place public utilities within the easement area. As noted by

Terrence Grindall
September 16, 2015
Page 2

E3 cont. expense. Ashland continues to own fee title to the northern one-half of the planned “A” Avenue fronting the Ashland Property, subject to the Ashland Roadway Easement.

E4 Ashland wishes to note that it has the contractual right to approve all utilities placed within “A” Avenue fronting the Ashland Property and that the roadway must be constructed pursuant to certain terms contained in the REA. The proposed Gateway Station West Vesting Tentative Map includes a Preliminary Utility Plan (Appendix B of the SEIR, Sheet 4 of the Vesting Tentative Map) which depicts certain storm drain, water and sanitary sewer lines within “A” Avenue. All utilities placed within “A” Avenue should be designed and sized to provide sufficient capacity to serve all properties adjacent to these facilities, including the Ashland Property. There is no indication in the SEIR regarding whether the City has confirmed that these utilities would be appropriately sized.

E5 Ashland also notes that DA2, as the developer of the Project Property, is not a party to the REA and does not currently have the right to construct “A” Avenue on the Ashland Property, including over the Ashland Roadway Easement. However, Ashland would be willing to discuss entering into an easement agreement with DA2 similar to the REA to facilitate construction of the roadway and to ensure that all utilities are appropriately sized.

E6 Similarly, the Site Plan for the proposed Project (Figure 3-5 of the SEIR) depicts a roundabout at the intersection of “A” Avenue and Hickory Street. This roundabout would extend beyond the existing Hickory Street public right of way and beyond the Ashland Roadway Easement granted by Ashland in 2013. The intersection would therefore include a portion of the Ashland Property that is not owned or controlled by either the City or DA2. For this roundabout to be constructed as part of the Project, this additional land would have to be acquired from Ashland on mutually acceptable terms, and the Project applicant would be responsible for satisfying any permit requirements and mitigating any impacts to the Ashland Property.

Enterprise Drive

E7 According to the SEIR, Enterprise Drive, immediately adjacent to the north of the Ashland Property, would be improved as part of the Project to provide access to the Project Property. The current roadway would be expanded beyond the existing 80-foot public right of way to accommodate a median curb, sidewalks and landscaping (SEIR at page 3-12). The design for this segment of Enterprise Drive is consistent with the Specific Plan. Ashland wishes to note that, for Enterprise Drive to be constructed as proposed by the Project, an additional 5 feet of property would have to be acquired from Ashland on mutually acceptable terms, and the Project applicant would be responsible for satisfying any permit requirements and mitigating any impacts to the Ashland Property.

Groundwater Contamination

E8 At page 4.7-5, the SEIR states that “investigations of groundwater beneath the project site indicate that the regional plume of volatile organic compounds (VOCs), predominantly 1,2-dichloroethane (1,2-DCA), has encroached onto the northern portion of the property from the Ashland Chemical Company property (as noted above).” Ashland wishes to note that

E3 cont. Ashland below in this letter, the project applicant (DA2) is not a party to this agreement and Ashland is willing to enter into an easement agreement with DA2, similar to the REA, to facilitate construction of the roadway and ensure that all utilities are adequately sized.

E4 Pursuant to the Dumbarton TOD Specific Plan Draft EIR, which the current EIR is tiered from, the appropriate mitigation for the Specific Plan overall relative to water lines is “new distribution mains in backbone streets of 1- to 12-inches in diameter and distribution mains in local streets of 8- to 10-inches in diameter. Consistent with this, the project proposes eight-inch diameter lines within the project, tying into 10-inch off-site lines; including the 10-inch line within “A” Avenue. The project is consistent with Ashland’s request to size project improvements to accommodate Ashland flows as well.

Relative to sewer, the Dumbarton TOD Specific Plan General Plan Amendment modified the Specific Plan to require that the wastewater collection system would be adequate to serve new development in the project area, and to amend sewer fees and other financing mechanisms as appropriate to ensure that project sponsors would pay their fair share of sewer main improvements. The project would be consistent with the USD Sewer Master Plan; and, consistent with the mitigation measure required in the 2011 Specific Plan Mitigation Monitoring and Reporting Program. Project Civil Engineers are in contact with Ashland and awaiting confirmation of their recommended utility sizing requirements. Piping size appropriate to the project and area would be installed prior to issuance of a building permit. The project is consistent with Ashland’s request to size project improvements to accommodate Ashland flows as well.

- E5 Comment noted. The Gateway Station West applicant is coordinating with Ashland regarding placement of utilities into the Ashland easement.
- E6 Discussions on the potential roundabout area are ongoing and will be concluded as more detail is known. This will occur following project approval and final design and will be concluded on mutually agreeable terms.
- E7 Discussions on the Enterprise Drive expansion area are ongoing and will be concluded as more detail is known. This will occur following project approval and final design and will be concluded on mutually agreeable terms.
- E8 City agrees that there are multiple contributing parties to groundwater contamination in areas within the Specific Plan area and that Ashland is not the sole source. In addition, consistent with the comment, the Draft SEIR stated on page 4.7-7 that:
- Total petroleum hydrocarbon (TPH) compounds occurring as gasoline, diesel and motor oil (TPHg, TPHd, TPHmo), as well as benzene, were also detected in groundwater near the former magnesia waste pile (or North Hill) location, *although the specific source of these compounds is not known*. That is, based on the review of the EDR database report, *there are multiple facilities located adjacent to (and hydrologically up-gradient of) the project site that are listed in environmental databases as having known releases that have impacted groundwater.* (emphasis added)
- No change is required to text addressing this specific property; comments and responses, however, are fully incorporated into the Final SEIR.

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E8 cont. groundwater has been impacted in areas within the Specific Plan, including below the Project Property and the Ashland Property, from a number of sources, including the FMC property to the north, the Jones Hamilton property to the east, and the SHH property to the east. See Appendix H, ASTM Phase I and Phase II Environmental Site Assessments, at page 14 (the “ESA”). The SEIR should be corrected to state that there are multiple sources of groundwater contamination within this area, as the ESA for the SEIR has concluded.

E9 In any event, the SEIR notes that groundwater samples were taken at the Project Property as part of the Phase II ESA to assess potential risks to future residents, “and while several VOCs were detected in multiple samples, none of the observed concentrations exceeded associated RWQCB [Regional Water Quality Control Board] residential screening levels.” (SEIR at page 4.7-9). The SEIR also concludes that “off-site groundwater contamination ‘...does not pose a vapor intrusion threat’ on the project site....” (quoting the results of the ESA set forth in Appendix H of the SEIR).

E10 As a precaution, the SEIR includes Mitigation Measure MM HZ-2 which requires that vapor intrusion engineering controls be implemented in specific locations if deemed necessary by the RWQCB. The SEIR therefore concludes that any potential impacts from groundwater would be avoided or reduced below a level of significance (SEIR at page 4.7-24).

Groundwater Monitoring Wells

E11 The SEIR notes that there are four groundwater monitoring wells (W-25 and B-26 through B-28) in the northeastern portion of the Project Property. As the SEIR also notes, Ashland is required by the RWQCB to periodically sample groundwater from wells B-26 through B-28 pursuant to an existing access agreement although, as noted above, VOC levels from these wells are below residential screening levels (SEIR at pages 4.7-5 and 4.7-9).

E12 To ensure that these wells are adequately protected as the Project Property is developed, the SEIR includes Mitigation Measure MM HZ-3, which requires that the Project applicant satisfy all applicable requirements under the Alameda County Water District (“ACWD”) Groundwater Protection Act (Ordinance No. 2010-01). However, because the RWQCB currently requires that these wells be sampled in connection with ongoing groundwater remediation efforts in the area, the RWQCB’s review and approval should also be required before any of these wells are impacted or abandoned. The RWQCB’s review and approval should be required in a revision to MM HZ-3 or in a separate mitigation measure.

E9 The comment is correct that a number of samples were taken from the site to assess potential risks to future residents. One clarification is necessary: the samples were all soil, or soil gas (vapor) samples. No groundwater samples were taken. The commenter’s quotation of the EIR is correct in characterization of the findings for Recognized Environmental Condition No. 2 related to impacted groundwater: none of the samples exceeded residential screening levels.

E10 The City agrees that (among other measures) vapor intrusion engineering controls required as part of MM HZ-2 would lower potentially significant impacts for this issue to less than significant levels and that the SEIR makes such a finding.

E11 The City agrees with the statements in this paragraph.

E12 MM HZ-3 specifies that project grading, excavation and development activities in the vicinity of each of these wells would conform to ACWD Groundwater Protection Act. They would thus be protected. The wells are not planned to be impacted or abandoned as part of the proposed project. Each of the noted four wells would remain on site unless the RWQCB gives permission/direction to remove them. There is no need to revise the mitigation measure or provide a new one.

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E13

Thank you again for the opportunity to comment on the SEIR. Should you have any questions regarding any of the comments contained in this letter, please do not hesitate to contact me.

Very truly yours,



Barry J. Shotts

cc: Michael Dever
Kraig Kunkemoeller
Kristina Woods

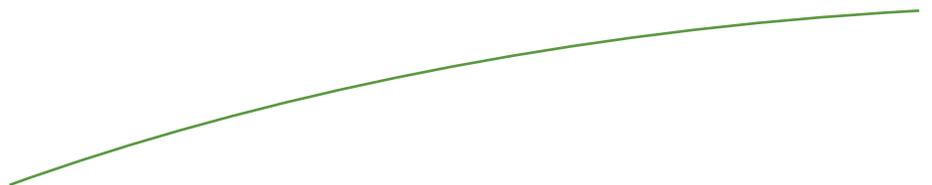
E13 Thank you for your comments.

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Section D

REVISIONS TO THE TEXT OF THE
DRAFT SEIR (PROJECT ERRATA)



D. REVISIONS TO THE TEXT OF THE DRAFT SEIR (PROJECT ERRATA)

The following substantive textual clarifications have been made in this Final SEIR. Changes to original Draft SEIR text are shown in strike-out/underline. Where wording from the Draft SEIR is repeated in this final document (as, for instance, in the MMRP), the Final SEIR wording is consistent with that shown in these errata. Four Draft SEIR revised graphics follow the textual changes, and are described at the end of this section.

Draft SEIR Page 2-14, Table Header:

“SIGNIFICANT AND UNAVOIDABLE IMPACTS (cont.)”

This correction was made because although the text under the heading “Conclusion and Mitigation Effectiveness” clearly states that the impact would remain significant after mitigation, the header was incorrect in the Draft SEIR. As noted, the table content is correct, which also matches with the significance conclusions in Chapter 4, Environmental Analysis. The addition of this clarification does not affect the project technical analyses.

Draft SEIR Pages 2-15 through 2-44, Table Headers:

“SIGNIFICANT AND ~~UNAVOIDABLE~~ IMPACTS (cont.)”

This correction was made because although the text under the heading “Conclusion and Mitigation Effectiveness” clearly states that the impact would be less than significant after mitigation, the header was incorrect in the Draft SEIR. As noted, the table content is correct, which also matches with the significance conclusions in Chapter 4, Environmental Analysis. The addition of this clarification does not affect the project technical analyses.

Draft SEIR Page 2-11, Second Paragraph:

This conclusion is based on the fact that this alternative would substantially reduce identified significant impacts to biological resources compared to the proposed project and Reduced Development Alternative, by avoiding all impacts to wetlands/jurisdictional areas ~~and significant native upland habitat.~~

This clarification was made because the word “significant” was inadvertently used in this sentence in the Draft SEIR. There would not be significant upland impacts associated with the Project, regardless of alternative. The remainder of the sentence, indicating that the Wetland Avoidance Alternative (the Environmentally Preferred Alternative) would avoid all impacts to wetlands/jurisdictional areas, is correct.

Draft SEIR Page 3-2, Second Paragraph:

Although Cargill trucks may access the salt ponds on a daily basis, the heaviest period of use would be during concentrated salt harvesting activities. Salt is harvested from the crystallizer ponds approximately 7 to 14 days per year using heavy trucks. This period of intense use was used in the Project noise technical analysis to identify the worst-case daily noise emissions.

This clarification was made in response to a comment on the Draft SEIR – the commenter felt that the statement of the worst-case truck activity did not fully reflect the potential for more frequent use. The addition of this clarification does not affect the project technical analyses.

Draft SEIR Page 3-5, Table 3-2:

| Project Feature | Number Units/Spaces | Acres |
|---|--|---------------------|
| Residential Development/Parking | | |
| Single-family residential units | 321 units | 15.29 |
| Multi-family residential units | 268 units | 8.31 |
| Off-street covered parking spaces | 1,178 spaces | --- |
| Parallel and 90-degree street parking spaces | 259 <u>283</u> spaces | --- |
| Handicap accessible spaces | 12 spaces | --- |
| <i>Subtotal for Residential/Parking</i> | <i>589 Units/1,47349 Spaces</i> | <i>23.60</i> |
| Parks/Roadways/Trails/Water Quality Features | | |
| Neighborhood parks | --- | 2.24 |
| Public streets | --- | 4.47 |
| Private streets and alleys | --- | 5.78 |
| Paseos (walkways)/green areas | --- | 1.64 |
| Candidate San Francisco Bay Trail | --- | 1.58 |
| Water quality treatment basins (bioretention, etc.) | --- | 1.67 |
| <i>Subtotal for Parks/Roadways/Trails/Water Quality</i> | --- | <i>17.38</i> |
| <i>Development Totals</i> | <i>589 Units/1,405 Spaces</i> | <i>40.98</i> |
| Open Space/Donation | | |
| Open space | --- | 7.55 |
| Future land donation (Not a part) | --- | 6.00 |
| <i>Open Space/Donation Totals</i> | --- | <i>13.55</i> |
| PROJECT SITE TOTALS | 589 Units/1,405 Spaces | 54.53 |

Source: Gateway Station Vesting Tentative Map and Site Plans Tract 8099 dated June 3, 2015, prepared by Carlson, Barbee & Gibson, Inc.

Draft SEIR Page 3-8, Third Paragraph:

A total of ~~1,449~~1,473 parking spaces would be provided for the proposed project, including 1,178 off-street covered spots, including two per unit for single- and multi-family residential (refer to Table 3-2). An additional ~~274~~295 total on-site street spots would also be provided, including 12 handicap accessible spaces.

The above tabular and textual clarifications regarding parking were made to provide the latest project description information for the reader's use, and do not affect the project technical analyses.

Draft SEIR Page 3-9, Third Paragraph and First Bullet:

The section of the candidate trail (Parcel ‘E’) along portions of the southern and western edges of the project site would include parallel but separate bicycle and pedestrian trails with benches and landscaping. The 20-foot wide, multi-purpose trail would be situated between the edge of development and the salt ponds and Plummer Creek Wetland Mitigation Area to the south and west of the project site. In addition, the project design includes three types of fencing/barriers along the noted trail, with these proposed barriers outlined below and the locations of the associated trail/barrier segments shown on Figure 3-5 (and the proposed barrier/fence locations/designs subject to review and approval by applicable governmental agencies):

- Segment A – The section of barrier along the southeastern project boundary (Segment A) would consist of a 46-foot high masonry wall, with pier footings approximately 18 inches in diameter spaced 12 to 16 feet on center. Because the topography slopes down along the southern side of Segment A, a 1- to 3-foot high retaining wall would also be required on the southern side, with a total south-facing wall height of 7 to 9 feet (although the wall on the north-facing side of Segment A, adjacent to proposed residential lots 167 through 177 in Village 10, would be a maximum of 6 feet as described). ~~topped with a 4 foot high (8-foot total height) black colored woven wire mesh (not chain link) in a square or rectangular pattern. The woven wire spacing would be no tighter than 3 inches. The 2-inch square metal tubing posts would be spaced 8 to 10 feet on center, and topped with a continuous 2-inch square metal tubing rail. Fence posts and rails would also be black colored.~~

This modification was made in response to continued coordination between the City and Cargill. This refinement is related only to specific design of Project fencing and does not affect any significance finding in the EIR.

Draft SEIR Page 3-10, First and Second Bullets:

- Segments D and E – ~~The entire portion of the project boundary adjacent to the solar salt ponds (Segments B through D)~~ Segments D and E along the west-central and northwestern project boundaries would be bordered by ~~consist of~~ 6-foot high woven wire mesh panels with metal posts and a top frame. The wire spacing would be no tighter than ~~in a square or rectangular pattern, with 3 inches unless required by environmental mitigation measures for habitat/feral animal containment, in which case the lower 3 feet of the fencing could have minimum spacing of 1 inch and may extend underground if required. Woven wire fence shall be galvanized with square or rectangular grid. minimum spacing for the top 3 feet and 0.5-inch mesh spacing on the lower 3 feet. Two inch diameter posts would be spaced approximated 8 to 10 feet on center, with the top rail and mid rail also to be 2-inch diameter.~~ All woven wire mesh panels, posts and railings will be black colored.
- Segment E-F - The portion of the proposed trail/barrier inside the project boundary (Segment ~~E~~F) would have a 3-foot- high masonry wall topped with a 3-foot high (6-foot total height) black colored woven wire mesh (not chain link) in a square or rectangular pattern. The woven wire spacing would be no tighter than 3 inches. The 2-inch square

~~metal tubing posts would be spaced 8 to 10 feet on center, and topped with a continuous 2-inch square metal tubing rail. Fence posts and rails would also be black colored. 4-foot high precast concrete “split rail” fence along the eastern and southern sides. The split rail fencing would have three rails and posts spaced 8 feet on center, with all posts and rail components to be textured to simulate wood grain and sand integral color.~~

This modification was made in response to continued coordination between the City and Cargill. This refinement is related only to specific design of Project fencing and does not affect any significance finding in the EIR.

Draft SEIR Page 4.1-5, Paragraph 4:

~~In addition, the project includes three types of fencing/barriers along the noted trail, as follows. The section of barrier along the southeastern project boundary (Segment A) would consist of a 6-foot high masonry wall, with pier footings approximately 18 inches in diameter spaced 12 to 16 feet on center. Because the topography slopes down along the southern side of Segment A, a 1- to 3-foot high retaining wall would also be required on the southern side, with a total south-facing wall height of 7 to 9 feet (although the wall on the north-facing side of Segment A, adjacent to proposed residential lots 167 -177 in Village 10, would be a maximum of 6 feet as described). three types of fencing/barriers, with the proposed locations shown on Figure 3-5, Site Plan, and descriptions as follow. The approximately 500-foot long easternmost section along the southern project boundary~~ The proposed barriers along the west-central and northwestern project boundaries (Segments AD and E) would be bordered by 6-foot high woven wire mesh panels with metal posts and a top frame. The wire spacing would be no tighter than 3 inches unless required by environmental mitigation measures for habitat/feral animal containment, in which case the lower 3 feet of the fencing could have minimum spacing of 1 inch and may extend underground if required. Woven wire fence would be galvanized with square or rectangular grid. All woven wire mesh panels, posts and railings would be black colored. The section of barrier inside the project boundary (Segment F) would be a 43-foot- high masonry wall topped with a 43-foot high (86-foot total height) black colored woven wire mesh (not chain link) in a square or rectangular pattern. The woven wire spacing would be no tighter than 3 inches. The 2-inch square metal tubing posts would be spaced 8 to 10 feet on center, and topped with a continuous 2-inch square metal tubing rail. Fence posts and rails would also be black colored. The entire western section of the Project boundary adjacent to the solar salt ponds (Segments B through D) would consist of 6-foot high woven wire mesh panels in a square or rectangular pattern, with 3-inch minimum spacing for the top 3 feet and 0.5-inch mesh spacing on the lower 3 feet. Two inch diameter posts would be spaced approximated 8 to 10 feet on center. The top rail and mid rail would also be 2-inch diameter. All woven wire mesh panels, posts and railings would be black colored. The approximately 1,500-foot long section of the proposed Bay Trail inside the Project boundary (Segment E) would have a 4-foot high precast concrete “split rail” fence along the eastern and southern sides. The split rail fencing would have three rails and posts spaced 8 feet on center. All posts and rail components would be textured to simulate wood grain and sand integral color. All three The two types of described fencing/barriers along open space within the Project site and to the west (i.e., Segments C, D and E) would allow visual access above a minimum 43-foot viewer height.

This modification was made in response to continued coordination between the City and Cargill and to be consistent with analogous clarification in Chapter 3, Project Description. This refinement is related only to specific design of Project fencing and does not affect any significance finding in the EIR.

Draft SEIR Page 4.3-3, Table 4.3-1

| Habitat Type | Gateway Station Project Site (acres) | Off-site Improvement Areas | | | | Total Habitat Type (acres) |
|-------------------------------------|--------------------------------------|----------------------------|-----------------------|------------------------------|----------------------------------|----------------------------|
| | | Hickory Street ROW (acres) | Avenue 'A' (acres) | Enterprise Drive ROW (acres) | Culvert Replacement Site (acres) | |
| Terrestrial | | | | | | |
| Coyote Brush Scrub | 1.08 | -- | -- | -- | -- | 1.08 |
| Non-Native Grassland | 26.93 | 0.85 1 | 0.53 6 | 0.07 | 0.02 | 28.4319 |
| Serpentinite Rock Outcrop | 0.26 | -- | -- | -- | -- | 0.26 |
| Ruderal/Disturbed | 6.33 | 0.38 7 | -- | 0.10 | -- | 6.810 |
| Developed | 4.69 | -- | -- | --1.79 | -- | 6.48 |
| Aquatic | | | | | | |
| Seasonal Wetland | 14.23 | 0.40 39 ** | 0.02 7 *** | -- | <0.01 | 14.7089 |
| Drainage Ditch | 0.45 | <0.01 | -- | -- | 0.03 | 0.48 |
| Unvegetated Poned Depression | 0.39 | -- | -- | -- | -- | 0.39 |
| Industrial Settling Basin (aquatic) | 0.17 | -- | -- | -- | -- | 0.17 |
| TOTAL* | 54.53 | 1.6357 | 0.63 | 1.96 | 0.05 | 58.8074 |

* Totals may not add as the result of rounding

** This area includes 0.24~~03~~ acre adjacent to the Torian Project that is included in that project's aquatic resource permits.

***The 0.27 acre is adjacent to the Torian Project and is included in that project's aquatic resource permits.

The revision to the wetland delineation was made based on subsequent coordination with the USACE, in which the USACE provided direction to rely on existing mapping of waters of the U.S. in Avenue 'A,' from a wetland delineation prepared for the Torian property (File No. SPN-2010-00230S) in January 2013 and that contains a previously verified wetland that overlaps Avenue 'A' and the Hickory Street ROW. This wetland replaces the following seasonal wetlands depicted in the Draft SEIR: Seasonal Wetland C in the Hickory Street ROW and Avenue 'A', and Seasonal Wetland D in Avenue 'A'. Further, Seasonal Wetland B as presented in the Draft SEIR was not included in the 2013 verified wetland delineation for the Torian property, so the USACE provided direction to base the limits of the delineation on site visits and mapping conducted by HELIX, rather than referring to the 2010 wetland delineation. Based on this direction, the total acreage of waters of the U.S. occurring in the Hickory Street ROW is reduced by 0.01 acre, and the total acreage of waters of the U.S. occurring in Avenue 'A' is

increased by 0.2 acre. The acreages of non-native grassland were revised to accommodate the changes in acreages of aquatic habitat. These revisions do not affect significance findings in the EIR.

Draft SEIR Page 4.3-3, Non-native Grassland

A total of 26.93 acres of non-native grassland occurs throughout the project site, and an additional 1.526 acres occurs in the off-site improvement areas.

The acreage of non-native grassland was modified based on a revision to the wetland delineation prepared for the proposed project. Refer to the discussion of modifications to Table 4.3-1, above.

Draft SEIR Page 4.3-4, Ruderal/Disturbed

A total of 6.33 acres of ruderal/disturbed habitat occurs in the project site, 0.387 acre occurs within the Hickory Street ROW, and 0.10 acre occurs within the Enterprise Drive ROW.

The acreage of non-native grassland was modified based on a revision to the wetland delineation prepared for the proposed project. Refer to the discussion of modifications to Table 4.3-1, above.

Draft SEIR Page 4.3-5, Seasonal Wetlands

Seasonal wetlands on the project site and off-site improvement lands are located either in topographical depressions or at the margins of water sources, with a hydrologic regime characterized by temporary saturation or inundation capable of supporting hydrophytic plant species and hydric soils. A total of 14.23 acres of seasonal wetland occur in the project site and are adjacent to drainage ditches or ponded features on or off site. An additional 0.4866 acre of seasonal wetland occurs on the off-site improvement lands. The seasonal wetlands in on the project areas have been disturbed, and several of the wetlands are the result of ground disturbance associated with previous land uses.

The acreage of non-native grassland was modified based on a revision to the wetland delineation prepared for the proposed project. Refer to the discussion of modifications to Table 4.3-1, above.

Draft SEIR Page 4.3-15, Potential Waters of the U.S./State

An estimated 0.4039 acre of wetlands and other waters ~~was mapped~~ is present in the Hickory Street ROW comprised of two seasonal wetlands (referred to as Seasonal Wetlands A and B) and one constructed drainage ditch (referred to as Drainage Ditch A) located entirely within the Hickory Street ROW and a small portion of a seasonal wetland that is primarily located within 'A' Avenue (described below). Seasonal Wetlands A and B, and Drainage Ditch A were delineated by HELIX in October 2014 (HELIX 2015e), which is included in Appendix H of the

Biological Resources Evaluation (HELIX 2015c; Appendix E), and has been submitted to the USACE for approval.

~~A 0.3-acre seasonal wetland is located within both ‘A’ Avenue and the Hickory Street ROW. This wetland Seasonal Wetland B falls within the off-site improvement area for the Torian property and the was wetland was –verified by the USACE (File No. SPN-2010-00230S) dated January 25, 2013. Permits for the wetland have been issued to the Torian project. The acreages of the portions of the seasonal wetland occurring Seasonal Wetland B within the Hickory Street ROW and Avenue ‘A’ were estimated for the purposes of this report based on aerial photography and the delineation for the Torian property prepared by Zentner and Zentner (20103). An estimated 0.27–acre portion of the seasonal wetland falls within ‘A’ Avenue and an estimated 0.03–acre portion of the seasonal wetland falls within the Hickory Street ROW. A total of 0.07 acre of wetlands (referred to as Seasonal Wetlands C and D) were mapped in ‘A’ Avenue. A portion of Seasonal Wetland C extends into the Hickory Street ROW; however, the majority of the feature is within ‘A’ Avenue, so the total acreages of that feature are presented under ‘A’ Avenue.–~~

A total of 0.03 acre of wetlands and other waters was mapped in the culvert replacement site, comprised of one seasonal wetland (referred to as Seasonal Wetland ~~E~~C), and one constructed drainage ditch (referred to as Drainage Ditch B).

No potential waters of the U.S. occur in the Enterprise Drive ROW.

~~The 0.3-acre seasonal wetland falling within Avenue ‘A’ and the Hickory Street ROW portion (0.3 acre) of the off-site improvement areas has been verified by the USACE (File No. SPN-2010-00230S) and authorized for fill under the Torian Project’s permits. The remaining 0.39 acre of wetlands and other waters in the Gateway Station West Project’s off-site improvement areas have been field verified by the USACE (November 16, 2015) and a preliminary jurisdictional determination is pending are potential waters of the U.S., pending verification by the USACE. All potential waters of the U.S. in the off-site improvement areas are also considered to be waters of the State.~~

The textual revisions above summarize the revised acreages of wetlands and other waters of the U.S. in the Gateway Station West off-site improvement areas based on the results of a field verification site visit by the USACE on November 16, 2015. Based on these changes, the total acreage of waters of the U.S. occurring in the Hickory Street ROW was reduced by 0.01 acre, and the total acreage of waters of the U.S. occurring in Avenue ‘A’ was increased by 0.2 acre. These revisions do not affect any significance finding in the EIR.

Draft SEIR Page 4.3-27, Impacts to Waters of the U.S.:

~~Impacts to waters of the U.S./State would result from the placement of fill into the seasonal wetlands, drainages, and the un-vegetated ponded depression to facilitate construction of the proposed project, as a result of the alteration of project site’s drainage patterns, and the potential for input of pollutants into wetlands and other waters not directly impacted by project construction. Impacts to aquatic resources on the project site would result from the placement of~~

fill into the seasonal wetlands and other waters of the U.S./State within the project footprint to allow construction of the proposed development. A total of 0.20 acre of the north/south drainage (Drainage Ditch 1) and 0.18 acre of the adjacent seasonal wetland (Seasonal Wetland 1) would be temporarily impacted by soil remediation within the drainage ditch. The southernmost portion of Drainage Ditch 1 and Seasonal Wetland 1 would be permanently impacted by installation of the new box culvert to replace the existing culvert. The replacement box culvert would not extend further than the existing pipe culvert; however, new riprap bank protection would be placed at the culvert inlet which would result in permanent impacts. Less than 0.01 acre of Seasonal Wetland E and 0.03 acre of Drainage Ditch B would be temporarily impacted by replacement of the existing culvert. These waters would be disturbed during culvert replacement but would return to the previous habitat following construction. Permanent impacts to aquatic habitat in the culvert replacement site would be avoided because the replacement culvert would not extend any further than the existing culvert, and the riprap protection would be placed on the bank where there is no wetland.

The remaining seasonal wetlands within the project open space would be avoided during construction activities. As part of the proposed project, these seasonal wetlands would be preserved in perpetuity in the open space preserve. As a result of their proximity to proposed development, there is the potential for indirect impacts to these wetlands as a result of adjacent land uses. The open space area would be set aside in perpetuity and managed under a management plan that would include measures to manage litter accumulation, limit access and land uses, and monitor habitat quality. This would reduce the potential for degradation of the wetlands and drainage ditches from planned adjacent land uses. The project design includes directing treated stormwater runoff from the project site to the preserved wetlands and Drainage Ditch 1 via bioretention basins on the project site. Following project construction, the existing sheet pile barrier at the southern boundary of Drainage Ditch 1 would be removed, allowing connectivity with the tidally-influenced downstream portion of the channel. Natural habitat along the drainage ditch would be expected to improve as a result of the post-project connectivity. Refer to Figure 4.3-3 for impacts to waters of the U.S./State.

Table 4.3-4, *Summary of Impacts to Waters of the U.S. (in the Project Site)*, is a summary of estimated impacts to waters of the U.S. that would occur on the project site as a result of the proposed project. Table 4.3-5, *Summary of Impacts to Waters of the U.S. (in the Off-site Improvement Areas)* is a summary of the estimated impacts to waters of the U.S. that would occur in the off-site improvement areas as a result of the proposed project. ~~All waters of the U.S. in the off-site improvement areas will be permanently impacted as a result of the proposed project.~~

This revision was made because the original text incorrectly stated that all waters of the U.S. in the off-site improvement areas would be permanently impacted as a result of the proposed project. As described in the revised text, waters of the U.S. in the Culvert Replacement Area would be temporarily impacted. This is consistent with the temporary impacts identified in the Draft SEIR in Table 4.3-5, on Figure 4.3-3, *Impacts to Habitats and Jurisdictional Areas*, and as described in the Biological Resources Evaluation included as Appendix E of the Draft SEIR. The change does not result in any actions requiring additional analysis, nor does it result in impacts not previously disclosed in the Draft SEIR and supporting documents.

Draft SEIR Page 4.3-28, Table 4.3-5:

| Table 4.3-5 SUMMARY OF IMPACTS TO WATERS OF THE U.S. (IN THE OFF-SITE IMPROVEMENT AREAS) | | | |
|---|----------------------------------|------------------------------|------------------|
| Jurisdictional Areas | Existing Area (acres) | Impacted Area (acres) | |
| | | Permanently | Temporary |
| Hickory Street ROW | | | |
| Wetlands | | | |
| Seasonal Wetland A | 0.15 | 0.15 | -- |
| Seasonal Wetland B | 0.21 ¹ | 0.21 | -- |
| <u>Seasonal Wetland C¹ previously verified seasonal wetland</u> | <u>0.043</u> | <u>0.043</u> | -- |
| <i>Subtotal</i> | <i><u>0.4039</u></i> | <i><u>0.4039</u></i> | -- |
| Other Waters of the U.S. | | | |
| Drainage Ditch | <0.01 | <0.01 | -- |
| Total Hickory Street ROW | <u>0.4039</u> | <u>0.4039</u> | -- |
| 'A' Avenue | | | |
| Wetlands | | | |
| <u>Seasonal Wetland C¹ previously verified seasonal wetland</u> | <u>0.0427</u> | <u>0.0427</u> | -- |
| Seasonal Wetland D | 0.03 | 0.03 | -- |
| Total 'A' Avenue | <u>0.0727</u> | <u>0.0727</u> | -- |
| Culvert Replacement Site | | | |
| Wetlands | | | |
| Seasonal Wetland E | <0.01 | -- | <0.01 |
| Other Waters of the U.S. | | | |
| Drainage Ditch B | 0.03 | -- | 0.03 |
| Total Culvert Replacement Site | 0.03 | -- | 0.03 |
| TOTAL | <u>0.5069</u> | <u>0.4769</u> | 0.03 |

¹ Represents the estimated acreage of the portions of the seasonal wetland within the Hickory Street ROW and within Avenue A' based on aerial photography and mapping contained in the jurisdictional delineation of the Torian Property prepared by Zentner and Zentner (Zentner and Zentner 2010³), which was verified by the USACE in 2010 and revised in 2013 (File No. 2010-00230S).

The section was revised to accurately reflect the revised wetland delineation, as previously described, and the associated changes to acres of impacts. Because impacts to waters of the U.S. were discussed in the Draft SEIR, the change does not result in any actions requiring additional analysis, nor does it result in impacts not previously disclosed in the Draft SEIR and supporting documents.

Draft SEIR page 4.3-30, Third Bullet and Pages 2-16/17:

If the plant is federally listed (i.e., protected pursuant to FESA), the project sponsor shall formally notify the USFWS within five days of the finding, and this agency's permitting instructions shall be incorporated into the project conditions of approval.

This clarification was made because the original text stated that the potential finding of a special status plant would be included in the Project Conditions identified at the time of Project consideration for approval. This is not possible since the surveys – if required – would not occur until 2017, well after Project approval or denial. The change does not result in modifications to any actions requiring implementation of surveys, or protection of sensitive resources if required as disclosed in the Draft SEIR.

Draft SEIR page 4.3-36, Second Paragraph and Page 2-22:

A verification of concurrence with the 2015 wetland delineation must be obtained from the USACE ~~prior to approval of the proposed project by the City.~~

This clarification was made because the timing originally specified is considered potentially onerous for USACE staff compliance. The change does not result in modifications to any actions requiring need for an individual Clean Water Act Section 404 permit, or required mitigation/preservation of these resources as disclosed in the Draft SEIR.

Draft SEIR page 4.3-38, Second Paragraph and Page 2-27:

To offset impacts resulting from the removal of protected trees, replacement trees shall be planted in designated open space areas such as multi-family landscaped areas or streetscape on the project site.

This text was included to clarify that the trees removed (Eucalyptus, fan palms, etc.) would be replaced by species put into areas otherwise landscaped by the Project. This clarification makes it clear that non-native species would not be inappropriately incorporated into biological open space set-aside areas.

Draft SEIR page 9-4:

Zentner and Zentner

2013. Torian Property Section 404 Jurisdictional Delineation. Prepared for Integral Communities. Verified on 5/17/2010, and revised on 1/25/2013. U.S. Army Corps of Engineers File No. 2010-00230S.

This revision was made to cite the verified wetland delineation used to revise the wetland delineation as reflected in this Final EIR. The wetland delineation presented in the Draft SEIR was based on the wetland delineation prepared for the Torian property that was verified in 2010. Through subsequent direction from the USACE, a revised delineation for the Torian property was provided (dated January 25, 2013) that was used to update the wetland delineation for the proposed project, and the analysis contained in the EIR, as reflected in this errata. The change does not affect any significance finding in the EIR.

Draft SEIR Figure 3-5

This figure was modified to clarify perimeter fencing locations and types in accordance with changes to text identified on pages D-3 and D-4 of this Final SEIR. The revised figure follows Page D-12.

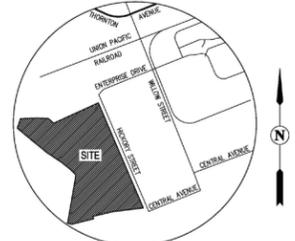
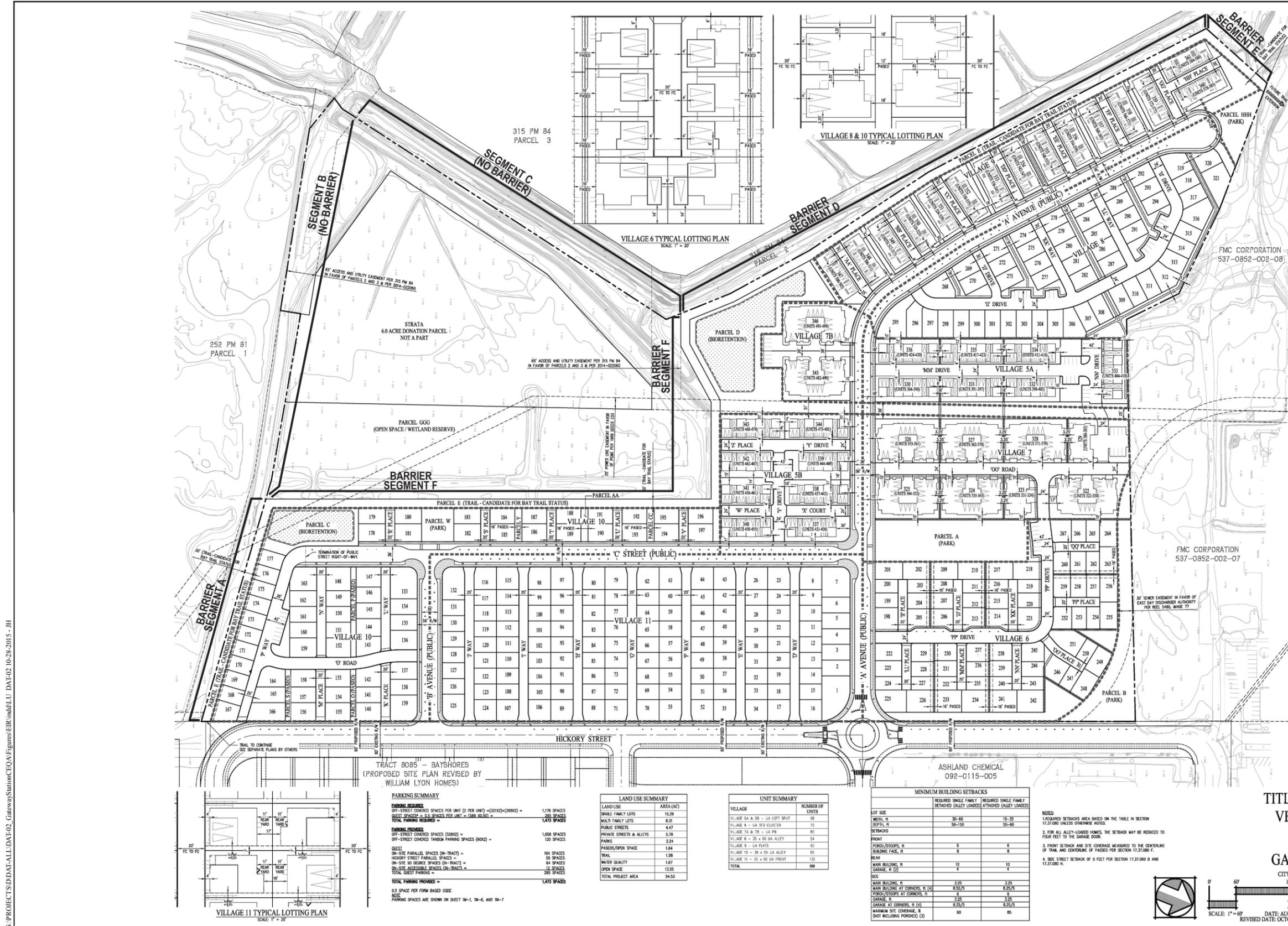
The revisions were made in order to reflect Final SEIR text as noted above. The refinement is related only to specific design of Project fencing. The description changes do not result in any changes to significance findings in the EIR.

Draft SEIR Figures 4.3-1, 4.3-2 and 4.3-3

These figures have been revised to reflect the USACE-verified jurisdictional delineation for the Torian project where it affects Avenue “A” per USACE File # SPN-2010-00230S, as additionally shown in Table 4.3-5 on page D-9 of this Final SEIR. These figures are located immediately following revised Figure 3-5, after Page D-12.

These graphic refinements reflect minor changes to acreages as noted above and do not affect any significance findings in the EIR.

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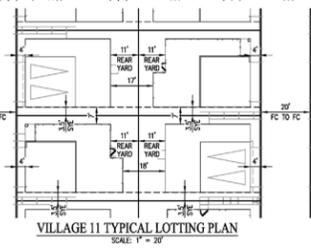
VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

- OWNER/DEVELOPER: DUMBARTON AREA 2, LLC
500 LA CONDA WAY, SUITE 102
DANVILLE, CA 94526
CONTACT: GLENN BROWN
(925) 362-3749
- ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
CONTACT: GREG MILLER
(925) 866-0322
- SOILS ENGINEER: BERLOGAR, STEVENS & ASSOCIATES
5587 SUNOL BOULEVARD
PLEASANTON, CA 94568
CONTACT: FRANK BERLOGAR
(925) 484-0220
(925) 846-8645 (FAX)
- EXISTING USE: LIGHT INDUSTRIAL
- SUBDIVISION AREA: 54.53±
DEVELOPABLE AREA: 41.0±
- NUMBER OF UNITS: 589 UNITS
- THIS PROPERTY LIES IN THE JURISDICTION OF:
 - FIRE PROTECTION: ALAMEDA COUNTY FIRE DEPARTMENT
 - DOMESTIC WATER: ALAMEDA COUNTY WATER DISTRICT
 - SANITARY SEWER: UNION SANITARY DISTRICT
 - STORM DRAIN WITHIN STREETS, LANES & PASEOS: CITY OF NEWARK (SDE)
 - STORM DRAIN WITHIN PRIVATE YARDS: PRIVATELY MAINTAINED BY HOMEOWNERS (PSDE)
 - GAS & ELECTRIC SERVICE: PACIFIC GAS & ELECTRIC
 - TELEPHONE SERVICE: AT&T
- ROADWAYS AND PARCELS: UNLESS OTHERWISE NOTED (I.E. PUBLIC) ALL ROADWAYS AND PARCELS ARE TO BE MAINTAINED BY THE HOA ESTABLISHED WITH THE PROJECT. PUBLIC ACCESS EASEMENTS WILL BE DEDICATED OVER PARCEL E FOR PUBLIC USE.
- PROPOSED LAND USE SUMMARY: SEE TABLE (THIS SHEET)
- ASSESSORS PARCEL NUMBERS: 537-0852-009
537-0852-010
537-0852-011
- PROPERTY DESCRIPTION: PARCELS 1-4 OF PARCEL MAP 10391
- BENCHMARK: CITY OF NEWARK OFFICIAL BENCHMARK NO. 62, ALSO BEING AN ALAMEDA COUNTY BENCHMARK, THE TOP OF CURB AT STORM WATER INLET AT THE NORTH-EAST CORNER OF THORNTON AVENUE AT WILLOW STREET, ELEVATION TAKEN AS 11.39 (NAVD 88) (8,661 NGVD 29 PER CITY OF NEWARK RECORDS).
- TOPOGRAPHY: PREPARED BY HJM GEOSPATIAL, INC. DATED MAY 2005
- FLOOD ZONE: ZONED X AND AE
FLOOD INSURANCE RATE MAP (FIRM)
COMMUNITY PANEL NUMBER: 060009 0443 G
- THIS PROJECT MAY BE BUILT IN PHASES AND MULTIPLE FINAL MAPS MAY BE FILED. A PHASING PLAN WILL BE PROVIDED TO THE CITY OF NEWARK PRIOR TO FINAL MAP APPROVAL.
- LOTS 1 - 321 WILL BE RESIDENTIAL LOTS
LOTS 322 - 361 (UNITS 322-589) WILL BE CONDOMINIUM UNITS.
- LOT DIMENSIONS AND AREAS ARE APPROXIMATE AND ARE ROUNDED TO THE NEAREST WHOLE NUMBER. EXACT DIMENSIONS AND AREAS WILL BE PROVIDED ON THE FINAL MAP
- ALL BUILDINGS SHALL BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM AS REQUIRED BY CHAPTER 15.09.020.G OF THE NEWARK MUNICIPAL CODE.
- GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
- ALL UTILITIES SHOWN ARE TO BE USED AS A GUIDE AND MAY CHANGE DURING FINAL DESIGN.
- GENERAL PLAN DESIGNATION: CONSERVATION/OPEN SPACE (PORTION), LOW-MEDIUM DENSITY RESIDENTIAL (PORTION), MEDIUM DENSITY RESIDENTIAL (PORTION), HIGH DENSITY RESIDENTIAL (PORTION), SALT HARVESTING, REFINING & PRODUCTION (PORTION).
- ZONING: EXISTING: MT-1 HIGH TECHNOLOGY PARK DISTRICT
PROPOSED: MEDIUM DENSITY RESIDENTIAL - FORM BASED CODE (MDR-FBC)
MEDIUM HIGH DENSITY RESIDENTIAL - FORM BASED CODE (MHR-FBC)

TITLE SHEET AND SITE PLAN
VESTING TENTATIVE MAP
TRACT 8099
GATEWAY STATION WEST

CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA



PARKING SUMMARY

PARKING REQUIRED:
OFF-STREET COVERED SPACES PER UNIT (2 PER UNIT) = (521X) (889X) = 1,178 SPACES
GUEST SPACES = 0.5 SPACES PER UNIT = 295 SPACES
TOTAL PARKING REQUIRED = 1,473 SPACES

PARKING PROVIDED:
OFF-STREET COVERED SPACES (200X) = 1,058 SPACES
OFF-STREET COVERED TANDUM PARKING SPACES (80X2) = 120 SPACES
GUEST: ON-SITE PARALLEL SPACES (ON-TRACT) = 164 SPACES
HICKORY STREET PARALLEL SPACES = 55 SPACES
ON-SITE 90 DEGREE SPACES (ON-TRACT) = 84 SPACES
ON-SITE ACCESSIBLE SPACES (ON-TRACT) = 15 SPACES
TOTAL GUEST PARKING = 255 SPACES
TOTAL PARKING PROVIDED = 1,473 SPACES

0.5 SPACE PER FORM BASED CODE
NOTE: PARKING SPACES ARE SHOWN ON SHEET TM-1, TM-6 AND TM-7

LAND USE SUMMARY

| LAND USE | AREA (AC) |
|--------------------------|-----------|
| SINGLE FAMILY LOTS | 15.29 |
| MULTI FAMILY LOTS | 8.31 |
| PUBLIC STREETS | 4.47 |
| PRIVATE STREETS & ALLEYS | 3.28 |
| PARKS | 2.24 |
| PASEOS/OPEN SPACE | 1.64 |
| TRAIL | 1.58 |
| WATER QUALITY | 1.87 |
| OPEN SPACE | 13.55 |
| TOTAL PROJECT AREA | 54.53 |

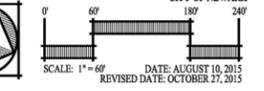
UNIT SUMMARY

| VILLAGE | NUMBER OF UNITS |
|---------------------------------|-----------------|
| VILLAGE 5A & 5B - UA LOFT SPLOT | 98 |
| VILLAGE 6 - UA 303 CLUSTER | 72 |
| VILLAGE 7A & 7B - UA PS | 80 |
| VILLAGE 8 - 25 x 55 UA ALLEY | 54 |
| VILLAGE 9 - UA PLATS | 90 |
| VILLAGE 10 - 30 x 55 UA ALLEY | 60 |
| VILLAGE 11 - 35 x 50 UA FRONT | 132 |
| TOTAL | 686 |

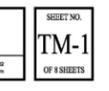
MINIMUM BUILDING SETBACKS

| LOT SIZE | REQUIRED SINGLE FAMILY DETACHED (ALLEY LOADED) | REQUIRED SINGLE FAMILY ATTACHED (ALLEY LOADED) |
|--|--|--|
| LOT AREA, FT ² | 30-60 | 15-30 |
| DEPTH, FT | 20-100 | 30-60 |
| FRONT | | |
| REAR | | |
| MAIN BUILDING, FT | 10 | 10 |
| GARAGE, FT (G) | 4 | 4 |
| SIDE | | |
| MAIN BUILDING, FT | 3.25 | 3.25 |
| MAIN BUILDING AT CORNERS, FT (G) | 8.25/5 | 8.25/5 |
| PORCH/STOOPS AT CORNERS, FT | 6 | 6 |
| GARAGE, FT | 3.25 | 3.25 |
| GARAGE AT CORNERS, FT (G) | 8.25/5 | 8.25/5 |
| MAXIMUM SITE COVERAGE, % (NOT INCLUDING PORCHES) (S) | 60 | 85 |

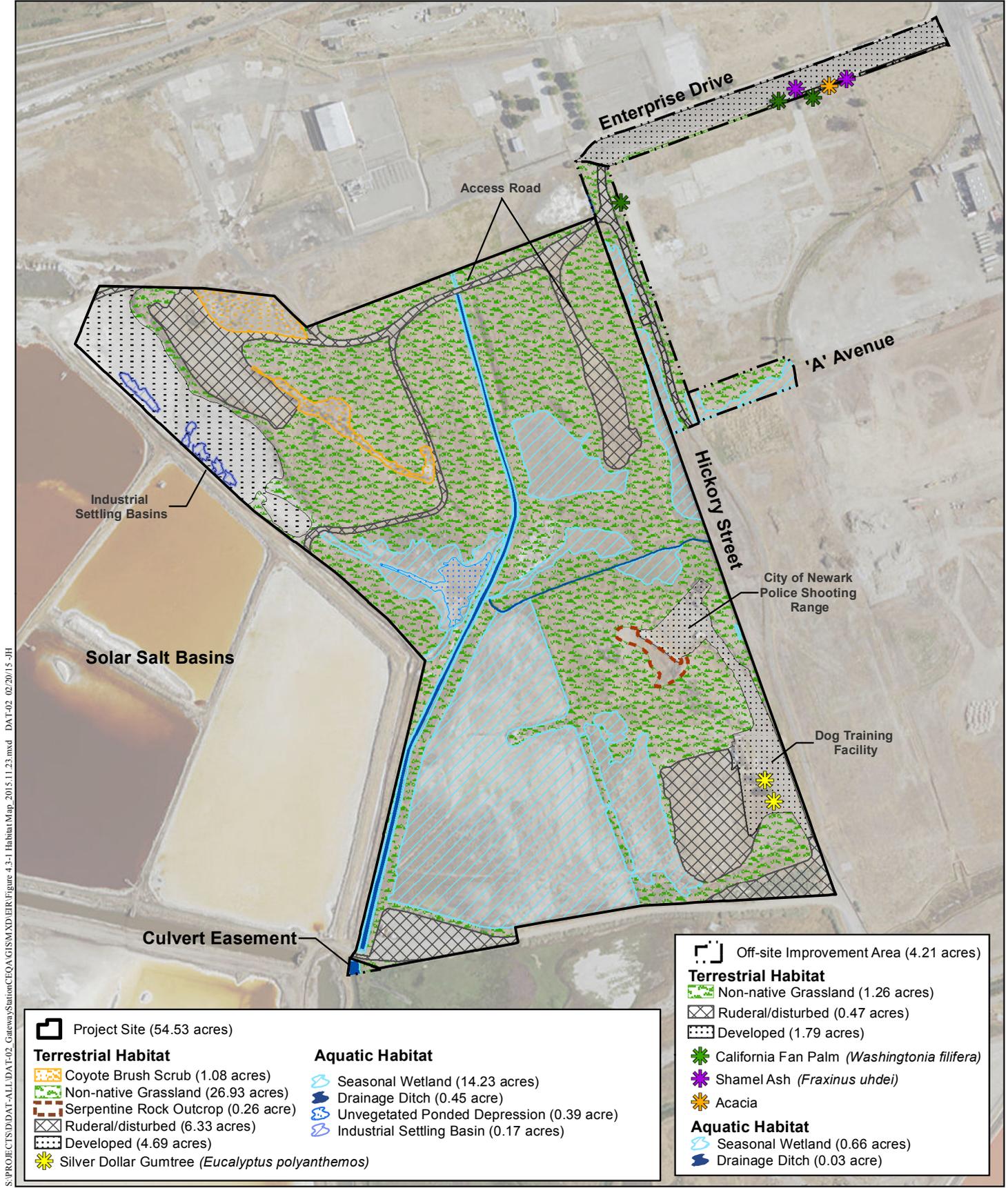
- NOTES:
1. REQUIRED SETBACK AREA BASED ON THE TABLE IN SECTION 17.37.060 UNLESS OTHERWISE NOTED.
 2. FOR ALL ALLEY-LOADED HOMES, THE SETBACK MAY BE REDUCED TO FOUR FEET TO THE GARAGE DOOR.
 3. FRONT SETBACK AND SITE COVERAGE MEASURED TO THE CENTERLINE OF TRAIL AND CENTERLINE OF PASEOS PER SECTION 17.37.060 F.
 4. SIDE STREET SETBACK OF 5 FEET PER SECTION 17.37.060 D AND 17.37.060 F.



DATE: AUGUST 10, 2015
REVISED DATE: OCTOBER 27, 2015



Source: Carlson, Barbee & Gibson, Inc. 2015



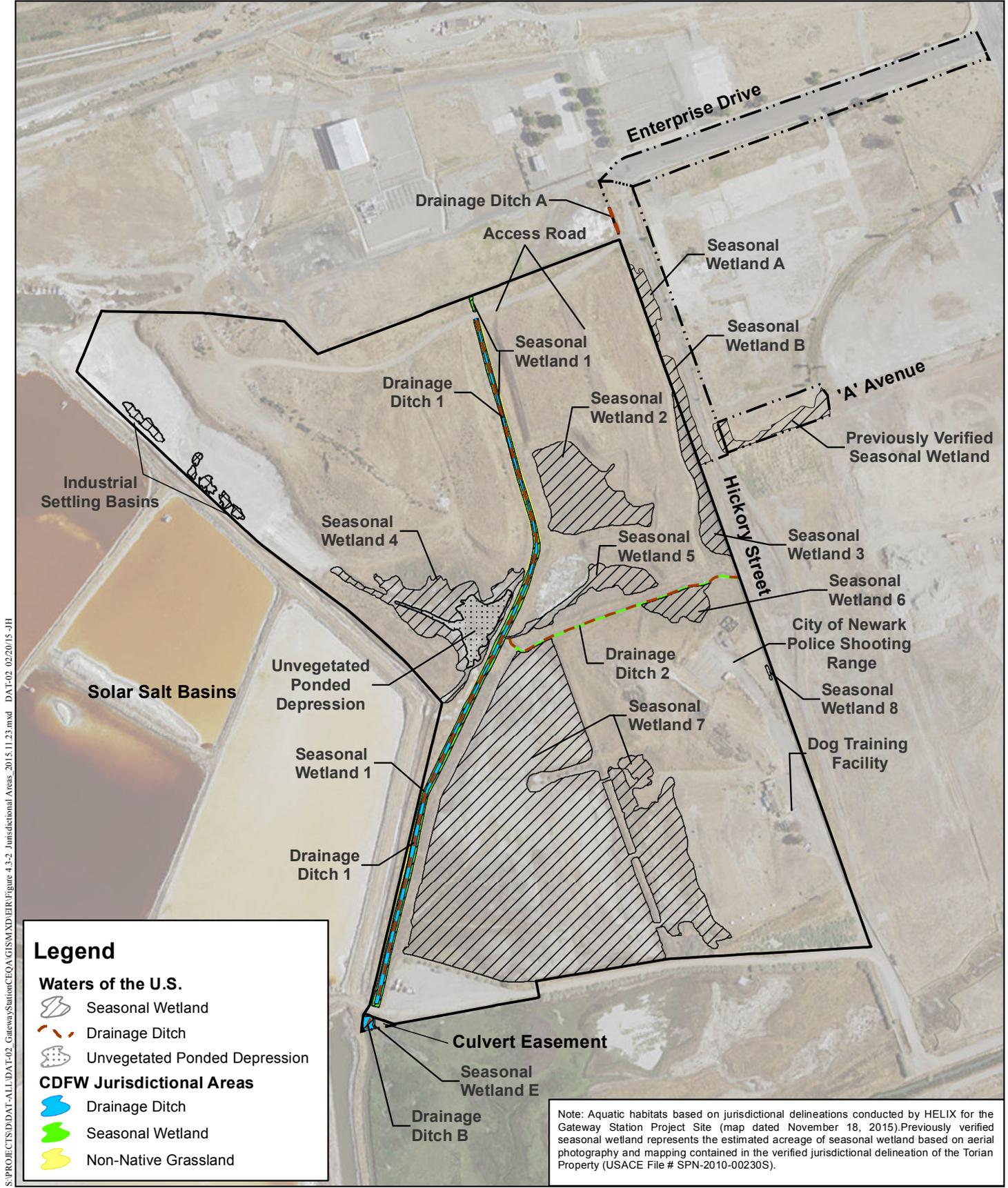
S:\PROJECTS\DAT-ALL\DAT-02_GatewayStation\CEQA GIS\MXD\Habitat\Figure 4.3-1 Habitat Map_2015.11.23.mxd DAT-02_02/20/15-JH

Base Map: Esri, USGS Map Date:11-23-2015

Habitat Map

GATEWAY STATION WEST

Figure 4.3-1



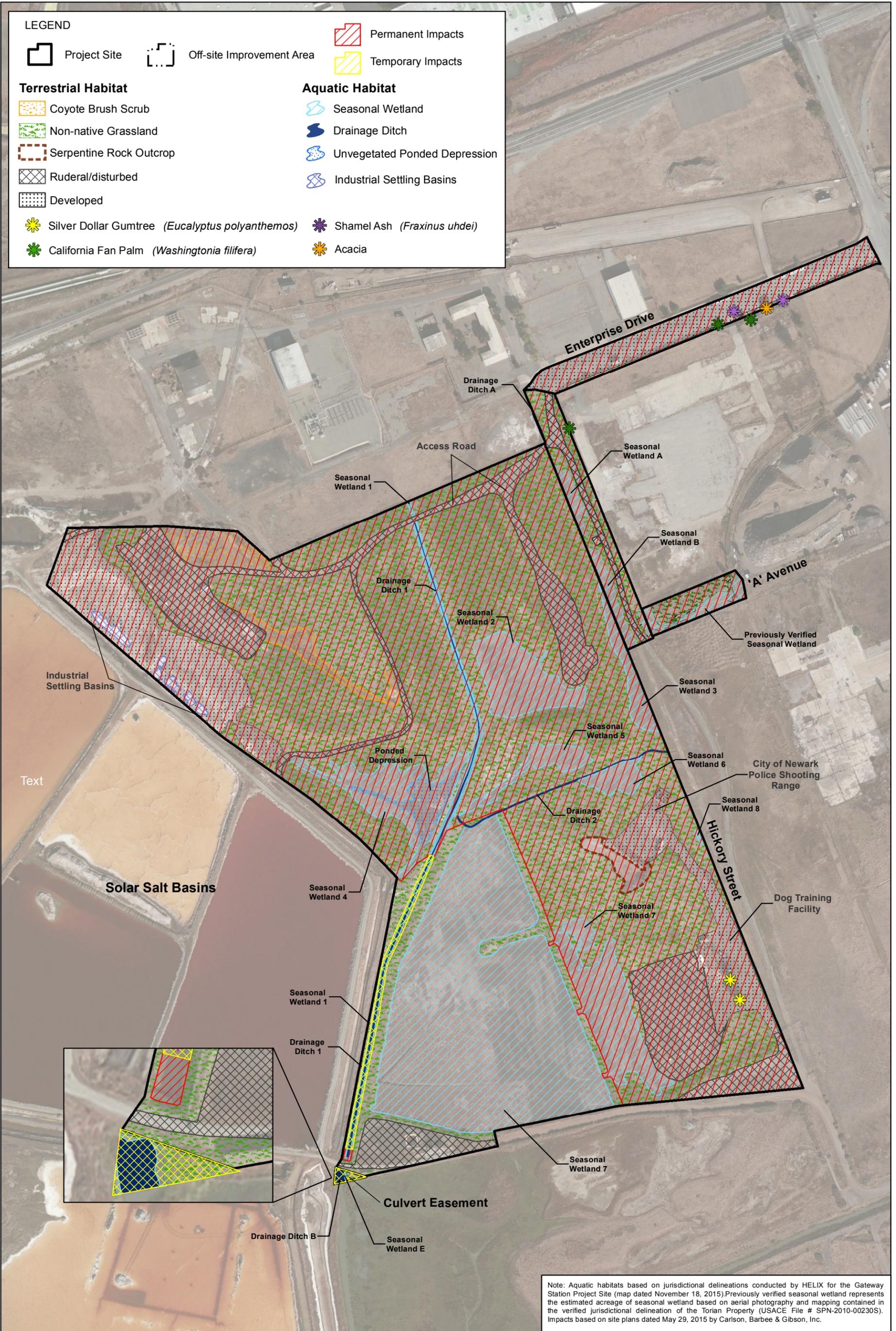
S:\PROJECTS\DAT-ALL\DAT-02_GatewayStation\CEQA GIS\MXD\DIR\Figure 4-3.2_Jurisdictional Areas_2015.11.23.mxd DAT-02_02/20/15_JH

Base Map: Esri (2014) Map Date: 11-23-2015

Jurisdictional Areas

GATEWAY STATION WEST

Figure 4-3.2



Aerial Source: ESRI Map Date: 11/23/2015

Impacts to Habitats and Jurisdictional Areas

GATEWAY STATION WEST

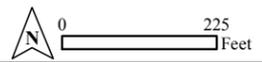


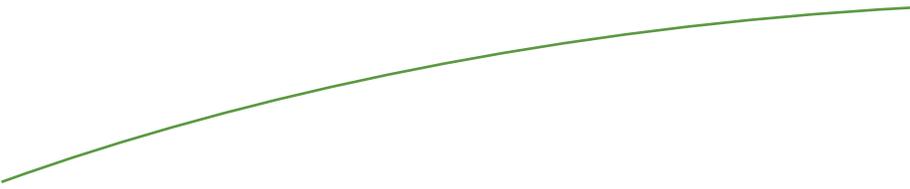
Figure 4.3-3

S:\PROJECTS\DATA-ALL\DATA-05_GatewayStation\CEQA\GIS\XD\DIR\Figure 4.3-3 Impacts to Wetlands 2015\011.23.mxd -ABC-01 04/17/13-AB



Section E

MITIGATION, MONITORING AND
REPORTING PROGRAM



**GATEWAY STATION WEST
MITIGATION MONITORING AND REPORTING PROGRAM
SCH#: 2014082022**

1.0 INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRPs) are required by the California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 to be incorporated into the final Environmental Impact Reports (EIRs) for projects having the potential to cause significant environmental impacts. MMRPs must be adopted upon certification of an environmental document to ensure that the mitigation measures identified within it are implemented.

The City of Newark (City) has prepared this MMRP for the proposed project. The City will use this MMRP, which incorporates all mitigation measures identified in the Gateway Station West Project Final Supplemental Environmental Impact Report (Final SEIR), to track mitigation compliance.

The MMRP identifies: the entity responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, and the monitoring and reporting schedule. A record of the MMRP will be maintained at the City Community Development Department, 37101 Newark Boulevard, Newark, CA, 94560

MMRP FORMAT AND IMPLEMENTATION

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project were identified in the EIR and associated Findings will become conditions of project approval if the proposed project is approved. City staff are required to verify that all adopted mitigation measures are implemented properly. To ensure compliance, this MMRP (including checklists) has been formulated. Upon project approval, it shall be adopted by the City as CEQA Lead Agency (as will CEQA Findings), and will be administered by City personnel from the City Community Development Department and Public Works Department. Specific responsibilities are delineated in the attached checklist tables. These responsibilities may be delegated to qualified City staff or consultants. No authorization to commence any activity on site shall be granted except with the concurrence of the respective City departments.

This MMRP includes mitigation measures that will minimize or avoid impacts to:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation/Traffic

The City will monitor and report on the implementation of these mitigation measures as specified in the following pages. The checklist which follows is intended to be used by the applicants, grading/construction contractors, and personnel from the above-listed City departments, or City appointed consultants, as appropriate, as the mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance and delineates the monitoring schedule. Following is an explanation of the six columns that constitute the MMRP checklist.

Column 1 Task to Be Completed/Mitigation Measures: States each task or mitigation measure to be completed.

Column 2 Responsible Department/Staff for Monitoring: Identifies the department/staff as responsible party. The City may assign specific monitoring tasks to City staff or consulting specialists, as appropriate, who will then be responsible for determining compliance with each mitigation measure and informing the Community Development Department regarding compliance.

Column 3 Timing/Phase: Identifies the timing of each mitigation monitoring (e.g., prior to grading).

Column 4 Completion/Compliance Initials/Date: Initials of person verifying completion or compliance of task or mitigation measure and notation regarding the date of verification.

Column 5 Comments: Space provided for brief additional comment, or reference to an attached comments page (see Column 6), as appropriate.

Column 6 Additional Comment Sheet Provided: To be checked if additional comments are provided on the attached Additional Comments sheet.

Two additional sheets are attached to the MMRP checklist, Additional Comments and Responsible Parties:

Additional Comments: Provides additional space for lengthier comments.

Responsible Parties: Identifies the name, initials, department/division and title of persons verifying completion or compliance of tasks and mitigation measures.

During the implementation of the proposed project, minor changes may be made to the MMRP as appropriate based on field conditions, environmental permit requirements and/or construction requirements. It is not anticipated that these changes would require the preparation of a subsequent or supplemental EIR pursuant to State CEQA Guidelines Sections 15162 and 15163. If such should occur, additional CEQA review would be completed by the City.

In addition to the mitigation measures listed below, five sections within the environmental analysis of the EIR (Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Hydrology/Water Quality) address project design features and/or regulatory conformance that will help the City avoid or minimize potential environmental

effects. These include design measures to mitigation erosion/sedimentation incorporated into permits from the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and the California Department of Fish and Wildlife (CDFW), as well as implementation of a Storm Water Pollution Prevention Plan (SWPPP). These project elements are also itemized in the attached MMRP as project design measures/permits that minimize impacts.

The City of Newark adopted this MMRP on **xx, 2016. (Date to be confirmed)**

MITIGATION, MONITORING AND REPORTING PROGRAM/

PROJECT NAME: Gateway Station West Project **SCH#: 2014082022**

PROJECT LOCATION: Dumbarton TOD Specific Plan area at the western edge of the City **APPROVAL BODY/DATE:** City of Newark/ xx, 2016

PROJECT MANAGER: Terrence Grindall, Assistant City Manager/Community Development Director **PHONE NUMBER:** 510-578-4208

APPLICANT CONTACT: Glenn Brown, Vice President Dumbarton Area 2, LLC **Email:** Terrence.grindall@newark.org **PHONE NUMBER:** 925-984-7137

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|--|---|---|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Compliance Activities | | | | | | |
| Pre-Construction Meeting with Contractor/Team | City Community Development Department/ Contractor | Contract Award | | | | |
| Environmental Compliance Review | City Public Works Department, Contractor | Safety Review | | | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts | | | | | | |
| Water Quality Permits | | | | | | |
| P-1. Existing regulatory permit requirements and standard industry design/construction guidelines, erosion control plans (NPDES BMPs) shall be implemented to avoid or reduce all identified hydrology and water quality effects to below a level of significance. Appropriate language shall be noted on the plans. | City Planning and City Community Development Department | Implementation prior to and during construction | | | | |
| P-2. USACE Section 404 Individual Permit shall be obtained | City Planning and City Community Development Department | Design/Prior to grading | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|--|--|---|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts (cont.) | | | | | | |
| Water Quality Permits (cont.) | | | | | | |
| P-3. RWQCB Section 401 Water Quality Certification shall be obtained | City Planning and City Community Development Department | Design/Prior to grading | | | | |
| P-4. CDFW Section 1602 Streambed Alteration Agreement shall be obtained | City Planning and Community Development Department | Design/Prior to grading | | | | |
| Aesthetics Design Considerations | | | | | | |
| Compliance with the Site and Architectural Design Guidelines, policies of the General Plan and regulations in the Municipal Code are required | City Community Development Department | Design/Confir mation during construction | | | | |
| Air Quality and Greenhouse Gas Considerations | | | | | | |
| Air quality design features include several requirements of the California Green Building Code (CALGreen) and Green Point Rated Program to increase energy efficiency and reduce area source pollutants. These features include, but are not limited to, the following: <ul style="list-style-type: none"> • Energy efficiency of at least 20 percent beyond Title 24 • Sustainably designed plumbing systems and low-flow water fixtures • Efficient mechanical and electrical equipment, appliances, and lighting fixtures. • Low-water landscape irrigation system • Low-water landscape practices such as use of soil amendments and top dressing for moisture retention, and placing trees to reduce heat gain on hard surfaces • Weather- or soil-moisture-based irrigation controllers • Drought-tolerant landscaping • Low-VOC flooring, paint, and construction adhesives • Low-VOC insulation | City Planning, Building Inspection and Public Works | During final design and project construction | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|---|---------------------------------|---------------------|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts (cont.) | | | | | | |
| Water Quality Permits (cont.) | | | | | | |
| <ul style="list-style-type: none"> • Natural gas fireplaces • Shade trees in parking areas and throughout project site • Cool roof materials (albedo/reflectivity greater than or equal to 30) • Smart meters and programmable thermostats • Roof anchors and wiring for solar panel installations • Residences would be within walking distance (0.25-mile) from a proposed transit station • Maximum interior daylight • Secure bike parking (at least 1 bicycle space per 20 vehicle spaces) • Information on transportation alternatives would be provided to the public (i.e., bike maps and transit schedules) | | | | | | |
| <p>Control measures during project construction that would be implemented to be consistent with the Dumbarton TOD Specific Plan EIR would include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day in order to maintain a minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. • All haul trucks transporting soil, sand, or other loose material off site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). | City Planning and Public Works | During construction | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|--|---------------------------------|--------------|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts (cont.) | | | | | | |
| Water Quality Permits (cont.) | | | | | | |
| <ul style="list-style-type: none"> • Roadways, driveways, and sidewalks will be paved early in construction phasing to minimize fugitive dust. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time of diesel powered construction equipment to two minutes. Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas and watered appropriately until vegetation is established. • Wind breaks should have at maximum 50 percent air porosity. • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas and watered appropriately until vegetation is established. • The simultaneous occurrence of excavation, grading and ground disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. | | | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|---|---|------------------------|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts (cont.) | | | | | | |
| Water Quality Permits (cont.) | | | | | | |
| <ul style="list-style-type: none"> • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. • Sandbags or other erosion-control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. • The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) will achieve an USEPA Tier 2 or better engine standards for off-road engines. • Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). • Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology (such as Tier 2 or better engine standards and diesel particulate filters) for emission reductions of NO_x and PM. | | | | | | |
| The project proposes to recycle, and/or salvage for reuse, a minimum of 75 percent of the non-hazardous construction debris. | City Planning, Building Inspection and Public Works | During construction | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
|---|--|--|---------------------------|------|----------|---------------------------------------|
| | | | Initial | Date | | |
| Project Design Measures/Permits that Avoid/Minimize Impacts (cont.) | | | | | | |
| Hazards and Hazardous Materials | | | | | | |
| Transport and disposal of hazardous materials would be carried out consistent with applicable regulatory requirements, including the federal Hazardous Materials Transport Act and pertinent requirements of the SWRCB/RWQCB, DEH, California DTSC, Caltrans, California Highway Patrol, and BAAQMD. | City Planning | During construction and implementation, as appropriate | | | | |
| Mitigation Measures | | | | | | |
| General Requirement for all Mitigation Measures - Conditions of Approval | | | | | | |
| All mitigation measures identified within this MMRP shall be made Conditions of Approval during consideration of the Project by the City Council. | City Council to approve, Planning Division to check plan conditions | During Project approval and prior to approval of final plans. | | | | |
| Air Quality | | | | | | |
| MM 4.2-1a: Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with the BAAQMD CEQA Air Quality Guidelines, the following basic construction mitigation measure shall be implemented for the Gateway Station West Project. A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. | City Public Works Director and Building Inspection Division, Project Construction Contractor | Prior to issuance of any grading permit. Site visits to ensure sign presence during demolition, grading and construction. | | | | |
| MM Air-1: <u>Tier 4 Off-road Construction Equipment.</u> Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that all diesel-powered off-road equipment used during the grading phase shall meet Tier 4 final off-road emissions standards. A copy of each unit's certified Tier specification shall be provided to the City Building Department at the time of mobilization of each applicable unit of equipment. | City Public Works Director and City Building Inspection Division | Prior to mobilization of each piece of equipment. Monitoring to occur during construction. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Biology | | | | | | |
| <p>MM BIO-1: The results of rare plant surveys are typically considered valid for two blooming seasons after the surveys are conducted. If development of the site commences prior to the end of summer of 2017, no further mitigation measure is required for special-status plant species. If development of the site does not commence prior to the end of summer of 2017, rare plant surveys should be re-conducted to verify presence/absence of special-status plant species.</p> <p>If special-status plants are found in the project site and/or off-site improvement areas, project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be implemented as detailed below. A mitigation compliance report shall be submitted to the City planning staff or staff biologist at least 30 days prior to ground disturbance. The compliance report shall detail the avoidance and other mitigation measures that have been implemented by the project. The City may approve grading/site disturbance in a quicker timeframe than 30 days if compliance with the mitigation measures can be verified by the City sooner than 30 days.</p> <p>The following measures shall be implemented if special-status plants are found in the project area during subsequent survey(s) prior to site disturbance:</p> <ul style="list-style-type: none"> Initially the feasibility of avoidance shall be evaluated as noted above. If avoidance is not feasible, a mitigation plan shall be developed in consultation with CDFW personnel if it is a state listed (i.e., protected pursuant to the CESA) or a CNPS List 1B or List 2 plant. If the plant is state | Project applicant (to hire qualified biologist/botanist), qualified biologist/botanist, and City Planning. | <p>Only if site development commences after summer 2017, and then to occur prior to site grading/ground disturbance.; including hiring, survey, report preparation and submittal and mitigation implementation.</p> <p>If federally listed plants are located, notification to USFWS must occur within 5 days.</p> <p>Annual monitoring to be completed of re-seeded/transplanted area for five years, with reports submitted to CDFW and/or</p> | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Biology | | | | | | |
| <p>listed, an incidental take permit (i.e., a 2081 Agreement) shall be acquired for the project from CDFW prior to any grading within the project area. A copy of the permit shall be provided to the appropriate department within the City prior to any grading within the project area. Any conditions for the project established by CDFW in the 2081 Agreement shall become conditions of the project also enforceable by the City.</p> <ul style="list-style-type: none"> • If the plant is federally listed (i.e., protected pursuant to FESA), the project sponsor shall formally notify the USFWS within five days of the finding. As required in practice by the USFWS, an “incidental take” permit may be necessary from the USFWS for any proposed impacts on any federally listed plants found within the project site. A copy of this permit or a letter from the USFWS that otherwise states this agency is satisfied with the avoidance and/or mitigation measures shall also be provided to the appropriate department at the City prior to the time the project site can be graded. • If a plant is found on the project site that is a CNPS List 1B or 2 species, and the species is not otherwise protected pursuant to state or federal regulations, prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year. Half of the seeds and top soils collected shall be appropriately stored in long-term storage at a botanic garden or museum (for example, Rancho Santa Ana Botanic Garden). The other half of the seeds, propagules, or other plantable portion of all plants shall be planted at the appropriate time of year | | <p>USFWS as appropriate prior to December 1 of each year. If this effort fails, further re-seeding, monitoring and reporting would occur for an additional three years.</p> | | | | |

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| Biology (cont.) | | | | | | |
| <p>(late-fall months) in an area of the subject property or off-site, protected property that will not be impacted by the project (if the project has a designated off-site mitigation site for impacts on other special-status species, the plants can be seeded on the mitigation site). This area shall be fenced with permanent fencing (for example, chain link fencing) to ensure protection of the species. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting effort. These reports shall be submitted to the City and appropriate resource agency (CDFW and/or USFWS) no later than December 1st of each monitoring year.</p> <ul style="list-style-type: none"> • If the seeding/transplanting effort fails, the stored seeds and top soils can be taken out of long-term storage and sown in another location (either on site or off site) deemed suitable by CDFW. This seeding effort shall then be monitored for an additional three-year period to ensure survivorship of the new population. Annual monitoring reports shall be submitted to the City for the three-year period. • A CNDDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the project site. Any mitigation plan developed in consultation with CDFW shall be implemented prior to the initiation of grading or issuance of a development permit. • In lieu of the above-prescribed mitigation, as allowed in writing by the City (for CEQA protected species only) and/or CDFW (for CEQA and/or state listed species), mitigation requirements may be satisfied via the purchase of qualified mitigation credits or the | | | | | | |

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| preservation of off-site habitat. If the species in question is federally listed, then USFWS would also have to agree in writing, typically through issuance of a Biological Opinion, that the purchase of qualified mitigation credits or the preservation of off-site habitat would constitute satisfactory mitigation. | | | | | | |
| <p>MM BIO-2: Pre-construction surveys for western burrowing owl shall be conducted in accordance with the CDFW 2012 protocol by a qualified biologist prior to ground disturbance (including grading, clearing and grubbing, brush removal, or any other ground disturbance) as described below to ensure there are no impacts on burrowing owls as a result of the proposed project.</p> <p>The initial survey shall be conducted in the 30-day period prior to ground disturbance associated with the project, but no less than 14 days prior to the initiation of ground disturbance. Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) shall be counted and mapped. Surveys shall be conducted by walking all suitable habitat on the entire project area and (where possible) in areas within 150 meters (approximately 500 feet) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be systematically spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be no more than 20 meters (approximately 100 feet) and shall be reduced to account for differences in terrain, vegetation density, and</p> | Project applicant (to hire qualified biologist), qualified biologist, and City Planning | <p>Survey(s) to occur prior to ground disturbance.</p> <p>If burrowing owls are found on site, mitigation must be implemented prior to ground disturbance. Monitoring required during construction.</p> <p>Annual monitoring reports for five years to be submitted to CDFW prior to December 31 of each year.</p> | | | | |

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| Biology (cont.) | | | | | | |
| <p>ground surface visibility. If no suitable burrowing owl habitat is present, no additional surveys will be required. If suitable burrows are determined to be present on the site, a qualified biologist will visit the site an additional three times to investigate whether owls are present where they could be affected by the proposed activities. The final survey shall be conducted within the 24-hour period prior to the initiation of construction.</p> <p>If burrowing owl is present during the non-breeding season (generally September 1 through January 31), a buffer of 50 meters (approximately 160 feet) shall be maintained around the occupied burrow(s), if practicable. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or the owls shall be passively relocated in coordination with CDFW. If burrowing owl is detected on the site during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 250-foot buffer shall be required between the nest site(s) (i.e., the active burrow[s]) and any earth-moving activity or other disturbance in the project area. This 250-foot buffer could be decreased to 160 feet once it is determined by a qualified burrowing owl biologist that the young have fledged (that is, left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified burrowing owl biologist.</p> <p>If burrowing owl is found on the project site, a qualified biologist shall delineate the extent of burrowing owl habitat on the site and a Mitigation Plan shall be prepared in consultation with CDFW for review and approval by the City. The Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of</p> | | | | | | |

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| <p>California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes shall be the responsibility of the applicant for at least five years. An annual report shall be prepared for submittal to CDFW and the City by December 31 of each monitoring year. Contingency measures for any anticipated problems shall be identified in the plan. Compensatory mitigation shall consist of providing 6.5 acres of replacement habitat which shall be protected in perpetuity per pair of burrowing owls, or unpaired resident bird. Such a set-aside would offset permanent impacts on burrowing owl habitat. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFW. Land identified to offset impacts on burrowing owls shall be protected in perpetuity by a suitable property instrument (e.g., a conservation easement or fee title acquisition).</p> | | | | | | |
| <p>MM BIO-3: In order to avoid impacts to northern harrier or other nesting raptors, a nesting survey shall be conducted within the project site prior to commencing with earth-moving or construction work if this work would occur during the raptor nesting season (between February 1 and August 31).</p> <p>The raptor nesting survey shall include examination of all trees on or within 300 feet of the entire project site, not just trees slated for removal, since ground vibrations and noise from earth-moving equipment can disturb nesting birds and potentially result in nest abandonment. Areas within 300 feet of the project site shall be surveyed on foot if</p> | Project applicant (to hire qualified raptor biologist), qualified raptor biologist and Planning Division | <p>If work would occur between February 1 and August 31, survey to occur prior to grading/ construction.</p> <p>Biological monitoring of buffers to occur during grading</p> | | | | |

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| <p>accessible or from within the project site or publicly accessible areas by scanning the surrounding land with the aid of binoculars. Since northern harriers are ground nesting raptors, the nesting surveys will include systematic walking transects of accessible, suitable nesting habitat within 300 feet of the project site.</p> <p>If nesting raptors are identified during the surveys, orange construction fence shall be installed to establish a 300-foot radius around the nest unless a qualified biologist determines that a lesser distance will adequately protect the nest (refer to discussion below for more detail). If the tree or nest is located off the project site, then the buffer shall be demarcated per the above where the buffer intersects the project site.</p> <p>The size of the non-disturbance buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to nesting raptors. If the buffer is reduced, the qualified raptor biologist shall remain on site to monitor the raptors' behavior during heavy construction in order to ensure that the reduced buffer does not result in take of eggs or nestlings.</p> <p>No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 31. This date may be earlier or later, and shall be determined by a qualified raptor biologist. If a qualified biologist is not hired to monitor the nesting raptors then the full 300 foot buffer(s) shall be maintained in place from February 1</p> | | and construction, as appropriate. | | | | |

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| Biology (cont.) | | | | | | |
| through the month of August. The buffer may be removed and work may proceed as otherwise planned within the buffer on September 1. | | | | | | |
| <p>MM BIO-4: To avoid impacts on nesting passerines and other migratory birds, a nesting survey shall be conducted in the project site and areas within 100 feet of the site prior to commencing initial earth-moving or construction work if this work would occur during the passerine nesting season (between March 1 and September 1). Areas within 100 feet of the project site shall be surveyed on foot if accessible or from within the project site or publicly accessible areas by scanning the surrounding land with the aid of binoculars.</p> <p>The nesting surveys shall be completed approximately 15 days prior to commencing work. If special-status birds are identified nesting on or near the project site, a 100-foot radius around all identified active nests shall be demarcated with orange construction fencing to establish a non-disturbance buffer. If an active nest is found off site, the intersecting portion of the buffer that is on site shall be fenced. No construction or earth-moving activity shall occur within this 100 foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones.</p> <p>If common (that is, not special-status) birds, for example, red-winged blackbird, are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified biologist. The buffer shall be demarcated with orange construction fencing. Disturbance around an active nest shall be postponed until it is determined by the qualified biologist that the young have fledged and have attained sufficient flight skills to leave the area.</p> | Project applicant (to hire qualified biologist), qualified biologist and Planning Division. | <p>If work would occur between March 1 and September 1, nesting surveys to be completed 15 plus days prior to grading/ construction.</p> <p>Biological monitoring of buffers to occur during grading and construction, as appropriate.</p> <p>Buffers to remain in place until August 1 unless earlier removal is approved by the qualified biologist, City project planner and CDFW staff.</p> | | | | |

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| <p>Typically, most birds in the region of the project site are expected to complete nesting by August 1. However, in the region many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until August 1 unless a qualified biologist determines that the young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1, the biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the City project planner and CDFW prior to the time that buffers are removed if the date is before August 1.</p> <p>Existing vegetation along the tops of the banks of the north/south drainage ditch through the open space area that provides potential nesting habitat for saltmarsh common yellowthroat and other nesting passerines, as determined by a qualified biologist, shall be protected from removal during site remediation activities.</p> | | | | | | |
| <p>MM BIO-5: A verification of/concurrence with the 2015 wetland delineation must be obtained from the USACE.</p> <p>Authorization from the USACE and the RWQCB (for example, an Individual Permit and a 401 Water Quality Certification) shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project site off-site improvement areas.</p> <p>Impacts shall also be minimized by the use of BMPs to protect preserved waters of the U.S./State and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed. These practices can include installing orange construction fencing buffers, straw waddles to keep fill from entering</p> | City Planning to track/confirm permit. | <p>Submittal of 2015 wetland delineation to occur prior to project approval at the second City Council hearing on the project.</p> <p>Permits to be obtained prior to project disturbance of on- or off-site wetlands.</p> | | | | |

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| <p>preserved/avoided wetlands and other waters, and other protective measures. During project construction, a biological monitor shall be on site to monitor the integrity of any preserved wetlands and other waters during mass grading or filling of the project site or off-site improvement areas.</p> <p>For those wetland areas that are not avoided by project construction, compensatory mitigation shall be provided. As approved by the USACE, the project applicant may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a 1:1 ratio.</p> <p>As an alternative to the purchase of credits in a mitigation bank, wetlands may be created on site and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement). If wetlands cannot be created in kind and on site, other alternatives shall include off-site and/or out-of-kind mitigation. In any case, mitigation requirements for wetland areas that are not avoided shall be that all impacted wetlands are replaced at a minimum 1:1 ratio (for each square foot of impact, one square foot of wetland would be restored/created) or at a ratio determined by the USACE at the time permits are issued. Mitigation requirements will be based upon the existing conditions of the wetlands impacted. Where practicable, wetland plant/animal populations shall be relocated prior to disturbance from the impacted wetlands to any re-created wetlands. Topsoils shall also be removed from impacted wetlands if practicable, and placed into any re-created wetlands. These topsoils would contain a seed bank of the impacted plant species which would germinate with fall/winter hydration of the re-created wetlands.</p> | | <p>If required, wetland plant/animal re-location to occur prior to site disturbance.</p> <p>Annual monitoring reports for five years to be submitted to the City, RQQCB and USACE at the end of each monitoring year.</p> | | | | |

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| <p>If wetlands are restored/created, adequate compensation shall include creating wetlands at a suitable location that meet the following performance standards:</p> <ul style="list-style-type: none"> • The wetlands shall remain inundated or saturated for sufficient duration to support a predominance of hydrophytic vegetation. • The wetlands shall exhibit plant species richness comparable to affected wetlands. • The wetlands shall replace the lost wetlands at a minimum ratio of one acre created for each acre, or fraction thereof, permanently impacted. • The developer shall provide for the protection of the mitigation areas in perpetuity either through a permanent protection device such as a restrictive covenant or conservation easement. • The developer shall establish a five-year program to monitor the progress of any restored or created wetland mitigation, other than Mitigation Bank Credits, toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, and the USACE. This report shall document the hydrological and vegetative condition of the mitigation wetlands, and shall recommend remedial measures as necessary to correct deficiencies. <p>The USACE and other regulatory agencies generally require that wetlands not impacted by the proposed project and any new wetlands created to mitigate project impacts be set aside in perpetuity, either through deed restrictions or conservation easements. See the avoidance and minimization measure regarding the open space area (MM BIO-9).</p> | | | | | | |

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| Biology (cont.) | | | | | | |
| <p>MM BIO-6: A Streambed Alteration Agreement shall be obtained for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the Streambed Alteration Agreement shall be implemented as a condition of project approval and prior to ground disturbance affecting the drainage ditches and associated vegetation regulated by CDFW. A “no net loss” of bed, banks, and channels of the regulated waterways permanently lost as a result of the project shall be achieved with this mitigation measure.</p> | City Planning | Prior to ground disturbance. | | | | |
| <p>MM BIO-7: A tree permit shall be obtained from the City prior to the removal of any tree protected by City ordinance on the project site or off-site improvement areas. To offset impacts resulting from the removal of protected trees, replacement trees shall be planted in designated open space areas such as multi-family landscaped areas or streetscape on the project site. Tree replacement shall be at a 1:1 ratio (that is, for each tree removed, one tree shall be planted as a replacement). Replacement trees shall be native California species that are native to the Newark area.</p> <p>A Tree Management Plan shall be prepared for the proposed project if tree removal occurs. Preparation of this plan and subsequent planting and monitoring shall be a condition of project approval and shall be tied to a security bond or cash deposit posted by the developer with the City to pay for any remedial work that might need to occur, if the prior effort fails.</p> <p>All planted trees shall be provided with a buried irrigation system that shall be maintained over a minimum three-year establishment period. The irrigation system shall be placed on automatic electric or battery operated timers so that trees are automatically watered during the dry months of the</p> | Project applicant (to prepare/obtain permit, hire qualified arborist and/or biologist), City Planning to track/confirm, City Community Development Department, qualified arborist and/or biologist | <p>Plan preparation prior to removal of any on- or off-site protected tree. Installation of replacement trees to occur during Project landscaping.</p> <p>Minimum three-year establishment period, included within five-year monitoring period. Potential additional three-year</p> | | | | |

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| <p>establishment period. At the end of the three-year establishment period, the irrigation system could be removed, if necessary. The planted trees' health shall be monitored annually for five years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City.</p> <p>At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the number of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period after any replanting occurs. Any replanting and follow-up monitoring shall be reported in annual reports prepared for the City, Community Development Department. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails.</p> | | <p>follow-up period.</p> <p>Annual reports submitted to City for five to eight years.</p> | | | | |
| <p>MM BIO-8: A qualified biologist (biological monitor) shall be on site in the culvert replacement site during pre-construction and culvert replacement activities.</p> <p>Vegetation required to be removed in the culvert replacement site shall be removed by hand, and the area to be cleared would be minimized to the extent possible. Removed vegetation shall be stockpiled in areas away from the work activities.</p> <p>Mouse-proof fencing shall be installed prior to culvert replacing activities, and maintained for the duration of construction. Prior to installing the salt marsh harvest mouse fence, all vegetation must be cleared from alongside the</p> | Project applicant (to hire qualified biologist), qualified biologist, City Planning | <p>Pre-construction installation of fencing, and during culvert replacement.</p> <p>Weekly checks by biological monitor during culvert replacement.</p> | | | | |

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| <p>fence line route. The fencing shall be installed around the work area to prevent mice from entering the work area. The fencing shall be climb-proof (for example, smooth plastic, not silt fencing), and installed in such a manner that the salt marsh harvest mouse cannot dig under the fence. The salt marsh harvest mouse is known to be an agile climber, but rarely digs extensively; regardless, fencing materials must account for both behaviors.</p> <p>The salt marsh harvest mouse fence shall be constructed using eight-millimeter plastic sheeting that is sandwiched between wooden stakes and buried in a minimum six-inch deep trench. The stakes shall screw together, firmly sandwiching the plastic in place. It is mandatory to sandwich the plastic between stakes if the fence is to last through even moderate winds. The finished installed fence shall be three feet above the ground. The plastic sheeting shall be smooth and non-climbable, and shall be buried and stapled to the ground at three-inch intervals to prevent rodents from digging under the fence. If construction activities occur for longer than three months from when the fence was installed, the fencing shall be replaced after three months. The integrity of the salt marsh harvest mouse fencing shall be inspected on a weekly basis by the biological monitor.</p> | | | | | | |
| <p>MM BIO-9: The open space area shall be set aside in perpetuity, either through deed restrictions or conservation easements. Because the open space area contains waters under jurisdiction of the USACE and RWQCB, and potentially suitable habitat for species regulated by CDFW, the plan shall be developed in coordination with these agencies. If a perpetual deed restriction is used to preserve the open space, the land owner and any assignees/transferees of the title of the property shall assume liability for the perpetual</p> | Project applicant (to provide Management Plan), City Planning, | <p>Management Plan to be provided minimum 60 days prior to ground disturbance.</p> <p>Routine monitoring as</p> | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Biology (cont.) | | | | | | |
| <p>management of the preserved lands. The deed restriction shall provide the allowed and prohibited uses of the preserved site, and these uses shall be approved by the agencies. If a conservation easement is established, a non-wasting management endowment (non-wasting infers that principal may not be used to pay for management actions, only interest on the principal sum may be used) shall be established in concert with the grantee of the conservation easement and shall be large enough to pay for necessary management actions. In lieu of a management endowment, other financial assurances may be provided that otherwise are found acceptable by the USACE. An example of an alternative funding source would be via a Geologic Hazards Assessment District (GHAD). Home Owners' Associations and Landscape Lighting Districts are not suitable funding entities as funds collected via these entities can be distributed City-wide at the discretion of the City. In contrast, GHADs must be used within the taxing district where the funds are acquired.</p> <p>At least 60 days prior to commencement of ground disturbing activities (including site remediation activities), the applicant shall submit to CDFW, RWQCB, USACE for review and approval a management plan for the open space preserve area. The management plan will address the following issues:</p> <ul style="list-style-type: none"> • Funding: The applicant shall provide to the agencies documentation that funds for monitoring and perpetual maintenance of the open space area is available through one of the previously described mechanisms. • Maintenance and Repair: The applicant shall provide for routine maintenance such as debris removal and inspection and repair of fences and access entries. The frequency of the maintenance activities shall be developed in coordination with the agencies. | | <p>required in the Management Plan. Five-year monitoring program with annual report submittal at end of each monitoring year to USACE, RWQCB, CDFW as appropriate, and City.</p> <p>Incorporation of set-aside restrictions into property CC&Rs prior to leasing/sale to occupants.</p> | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Biology (cont.) | | | | | | |
| <ul style="list-style-type: none"> No Vehicles: Except as needed for maintenance and repair, and access of existing easements on the property, or as necessary in emergency situations, non-motorized and motorized vehicles shall be prohibited from the open space area Inspection and Monitoring: The applicant shall establish a five-year program to monitor the progress of any wetland mitigation toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, USACE, and CDFW. This report shall document the hydrological and vegetative condition of the wetlands, and shall recommend remedial measures as necessary to correct deficiencies. Restricted Activities: The applicant shall identify activities prohibited from taking place in the open space area. These include, but are not limited to: (1) alteration of existing topography or other alteration or uses for any purpose; (2) placement of any new structures in the open space area; (3) dumping and/or burning of rubbish, garbage, or other waste or fill materials; (4) construction and/or placement of new infrastructure, other than those already identified in the project design, including new roads or trails, and storm water systems or utilities (outside of the existing easements); and (5) use of pesticides or herbicides unless otherwise approved by the agencies. <p>To minimize the potential for predation and harassment of wildlife using the open space area, solar salt ponds, and Plummer Creek Wetland Mitigation Bank from cats associated with the Gateway Station West development, the keeping of outside feline pets or feral cat stations shall be prohibited. Enforcement of the restriction shall be reflected in the Covenants, Conditions & Restrictions of the neighborhood. All occupants of the project site and potential occupants shall be notified of this restriction.</p> | | | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Cultural | | | | | | |
| <p>MM 4.4-1a: Prior to the issuance of grading permits for future development allowed within the Dumbarton TOD Specific Plan area, project sponsors shall retain qualified archaeologists meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist. The qualified archaeologists shall train the construction crew on the mechanisms used to identify cultural resources and to caution them on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts or human remains from the project sites.</p> <p>In accordance with State CEQA Guidelines Section 15064.5, should subsurface deposits believed to be cultural in origin be discovered during the construction of future development projects within the project site, then all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained at the project sponsor’s expense to evaluate the significance of the find. Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: (1) not cultural in origin; or (2) not potentially significant or eligible for listing on the NRHP or the CRHP.</p> <p>If a potentially eligible resource is encountered, then the archaeologist, lead agency, and project sponsor shall arrange for either: (1) total avoidance of the resource, if possible; or (2) test excavations to evaluate eligibility and, if eligible, data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency and filed with the Northwest Information Center as verification that the provisions in this mitigation measure have been met.</p> | Project applicant (to hire qualified archaeologist), qualified archaeologist, City Planning. | Construction crew training prior to ground disturbance, periodic monitoring during grading and construction. | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Cultural (cont.) | | | | | | |
| If human remains of any kind are found during construction activities, all activities shall cease immediately and the Alameda County Coroner shall be notified as required by State law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the NAHC. The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the PRC). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the City shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code). | | | | | | |
| Geology and Soils | | | | | | |
| MM GEO-1: A site-specific geotechnical investigation shall be conducted by a qualified engineer or engineering geologist to verify that final project plans and/or construction operations incorporate applicable regulatory/industry requirements (e.g., IBC/CBC and City standards), recommendations contained within the project geotechnical investigations (BSA 2013, 2014), related plan review, and field observations/testing. Specifically, such verification shall encompass requirements and recommendations related to potentially significant impacts from seismic ground shaking, liquefaction and related effects, manufactured slope instability, geologic/soil instability (including corrosive soils, trench instability, and shallow bedrock/groundwater), and expansive soils. The results of the noted investigation shall be documented by the project engineer or engineering geologist and submitted to the City for review. | Project applicant (to hire qualified engineer/engineering geologist, qualified engineer/engineering geologist | Prior to sign-off on final plans and initiation of construction. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Hazards and Hazardous Materials | | | | | | |
| MM 4.7-1b: Prior to grading permit issuance, areas to be graded shall be cleared of debris, significant vegetation, pre-existing abandoned utilities, buried structures, and asphalt concrete. | City Planning, Construction Contractor | Prior to grading permit issuance and grading. | | | | |
| MM 4.7-1c: Prior to the import of a soil to a particular property within the Specific Plan area as part of that property’s site development, such soils shall be sampled for toxic or hazardous materials exceeding applicable Environmental Screening Levels for the proposed land use at such a property as required by the Oversight Agency prior to importing to such a property | City Planning, City Building and Engineering Divisions | Prior to import and placement of fill soils to the site. | | | | |
| MM 4.7-1d: Areas containing Naturally Occurring Asbestos (NOA) within the Dumbarton TOD Specific Plan area shall be confirmed prior to grading permit issuance. Prior to grading or construction of a particular property containing NOA, an application from the Bay Area Air Quality Management District (BAAQMD) shall be required for projects over one-acre in size. Dust control and an NOA air monitoring program shall be required. Additionally, the following general construction practices shall be adhered to for those properties containing NOA: <ul style="list-style-type: none"> The site shall be maintained in a wet condition to prevent airborne dust. On site soil shall be wetted during grading and trenching operations. Over excavation and removal of NOA material to one foot below utility is recommended for utility corridors. | Project applicant to confirm NOA and obtain permit from BAAQMS, if necessary), City Planning, | Confirmation of NOA prior to issuance of a grading permit. BAAQMD permits, as necessary, prior to grading and construction. Monitoring during grading and construction. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Hazards and Hazardous Materials | | | | | | |
| <p>MM 4.7-1e: On those properties where NOA is known to occur, the following measures shall be used for guidance only. The specific requirements for each property shall be determined by the risks involved and appropriate mitigation measures required to protect human health.</p> <ul style="list-style-type: none"> • <u>Detached Single Family Residences</u>: A minimum 3-foot soil cover in building pad areas, extending at least 5 feet beyond the building perimeter is recommended. Deed restrictions should be considered (such as not allowing swimming pools) if there is less than 10-feet of soil cover over the serpentinite with NOA. • <u>Podium Type Multi-Unit Residential Structures</u>: A minimum 2-foot thick soil cover is recommended. • <u>Pavement and Concrete Hardscape</u>: If NOA material is covered to prevent airborne dust after construction, soil cover is not required. • <u>Landscaped Areas</u>: A minimum 2-foot thick soil cover in landscaped areas is recommended. • | City Planning, City Building and Engineering Divisions | <p>Requirements to be identified during preparation of Project Conditions.</p> <p>Implementation during construction.</p> | | | | |
| <p>MM HZ-1: A qualified hazardous materials specialist shall review final project grading and development plans prior to approval to verify related conditions and assumptions in the project Phase I and Phase II ESAs, or to identify modified and/or additional requirements.</p> | Project applicant(to hire qualified hazardous materials specialist), City Planning, qualified hazardous materials specialist | Prior to approval of final grading and development plans. | | | | |
| <p>MM HZ-2: After completion of final project grading and development plans, but prior to the issuance of grading or building permits for the proposed Gateway Station West project, a Hazardous Materials Remediation Plan (HMRP) shall be prepared by a qualified hazardous materials specialist and submitted to the City and applicable Oversight Agencies (e.g., the RWQCB, DTSC and County DEH) for review and approval. The</p> | Project applicant(to hire qualified hazardous materials specialist), City Planning, qualified hazardous materials specialist | HMRP to be prepared prior to issuance of grading or building permits. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Hazards and Hazardous Materials (cont.) | | | | | | |
| <p>HMRP shall address remediation requirements (as applicable) for all potential hazardous material impacts identified in the project Phase I and Phase II ESAs, as well as other pertinent sources, based on review of final project grading and development plans. Specifically, remediation requirements in the HMRP shall include the following:</p> <ul style="list-style-type: none"> • <u>REC No. 1 – Former Magnesia Site.</u> If the project grading plans identify deeper excavations (e.g., underground utilities) in applicable portions of the REC No. 1 area, associated soils exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) cobalt concentrations above the identified screening level (23 mg/kg); and (3) pH levels above 8.5. • <u>REC No. 2 – Impacted Groundwater.</u> Pursuant to coordination with and direction by the RWQCB, vapor intrusion engineering controls (e.g., seals or barriers) shall be implemented in applicable locations to address potential VOC vapor intrusion impacts from shallow groundwater. • <u>REC No. 4 – Former NSC Area.</u> Soils within the proposed development area exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) lead concentrations above the identified screening level (80 mg/kg); and (3) PAH compounds with concentrations above the identified screening levels (as identified for individual compounds in the Phase II ESA, H&A 2014b). • <u>REC No. 5 – Pistol Range.</u> Soils exhibiting cobalt concentrations above the identified screening level | | <p>Remediation to be implemented during grading and construction as appropriate.</p> <p>Monitoring of all activities as specified in the HMRP.</p> | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Hazards and Hazardous Materials (cont.) | | | | | | |
| <p>(23 mg/kg) shall be removed and properly disposed of at an approved off-site location.</p> <ul style="list-style-type: none"> • <u>REC No. 6 – Naturally Occurring Asbestos.</u> The HMRP analysis of REC No. 6 shall include requirements to: (1) implement Specific Plan EIR MM 4.7-1d, including dust control, air quality monitoring, and over-excavation for applicable utilities, as well as other pertinent measures identified in the HMRP (if applicable); and (2) review the NOA requirements identified in Specific Plan EIR MM 4.7-1e to determine if the associated requirements are applicable to the proposed project, or to identify other applicable measures to provide appropriate remediation of NOA in conformance with associated regulatory standards. • <u>REC No. 7 – E-1 Drainage Ditch.</u> Soils along the entire length of the E-1 Drainage Ditch that exhibit the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) lead concentrations above the identified screening level (80 mg/kg); (3) PAH compounds with concentrations above the identified screening levels (as identified for individual compounds in the Phase II ESA, H&A 2014b); (4) TPHd and TPHmo with concentrations above the identified screening levels (110 mg/kg for TPHd, and 2,500 mg/kg for TPHmo); and (5) pH levels above 8.5. • <u>REC No. 8 – E-1 Settling Ponds and Detention Basin.</u> Soils exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) cobalt concentrations at the detention basin above the identified screening level (23 mg/kg); (2) TPHd at the detention basin with concentrations above the identified screening level (110 mg/kg); and | | | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Hazards and Hazardous Materials (cont.) | | | | | | |
| <p>(3) pH levels above 8.5 at the settling ponds and detention basin.</p> <ul style="list-style-type: none"> REC No. 9 – Historical Industrial Use. Based on the extensive history of industrial activities within and adjacent to the project site, all applicable project-related grading and excavation activities (as identified in the HMRP) shall be monitored by a qualified hazardous materials specialist for the potential occurrence of currently unknown hazardous materials or other hazards. If such conditions are encountered, activities shall cease in the subject area until appropriate remediation efforts are identified by a qualified hazardous materials specialist, reviewed and approved by the appropriate regulatory agencies, and properly implemented. | | | | | | |
| <p>MM HZ-3: All project grading, excavation and development activities in the vicinity of the four on-site groundwater monitoring wells (W-25 and B-26 through B-28, refer to SEIR Figure 4.7-1) shall conform with applicable related requirements in the ACWD Groundwater Protection Act (Ordinance No, 2010-01). Specifically, the project applicant (or a designated representative of the applicant) shall provide written verification to the City that all applicable requirements related to well protection, destruction and/or abandonment have been implemented to the satisfaction of the ACWD.</p> | Project applicant or designated representative (to provide verification), City Planning and City Engineering and Building Divisions | During grading and construction | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Hydrology and Water Quality | | | | | | |
| <p>MM HYD-1: All project dewatering operations, subsurface activities related to on-site remediation of liquefaction hazards (e.g., the installation of subdrains or piles, and implementation of efforts such as soil vibrocompaction, grouting and deep mixing), and other pertinent activities, shall conform with applicable related requirements in the ACWD Groundwater Protection Act (Ordinance No. 2010 01). Specifically, the project applicant (or a designated representative of the applicant) shall provide written verification to the City that all applicable requirements related to dewatering operations and subsurface activities (as described) have been implemented to the satisfaction of the ACWD.</p> | Project applicant, ACWD staff, City Planning | Prior to and during construction | | | | |
| <p>MM HYD-2: All project-related groundwater extraction disposal operations shall conform with applicable waste discharge requirements issued by the RWQCB for disposal of extracted groundwater (if such waste discharge requirements are issued by the RWQCB). Specifically, the project applicant (or a designated representative of the applicant) shall consult with the RWQCB prior to implementing on-site dewatering activities to determine if such waste discharge requirements are required, and shall provide written verification to the City that either: (1) no waste discharge requirements related to project dewatering are required by the RWQCB; or (2) all applicable requirements related to dewatering operations have been implemented to the satisfaction of the RWQCB.</p> | Project applicant, City Planning | Prior to implementation and during dewatering activities as part of construction. | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Noise | | | | | | |
| MM 4.10-1b: <ul style="list-style-type: none"> • Identify a procedure and phone numbers for notifying the City Building Inspection Division staff and Newark Police Department (during regular construction hours and off hours); • Post a sign on site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours and off-hours); • Designate an on-site construction complaint and enforcement manager for the project. The manager shall act as a liaison between the project and its neighbors (including on-site residents). The manager’s responsibilities and authority shall include the following: <ul style="list-style-type: none"> ○ An active role in monitoring project compliance with respect to noise; ○ Ability to reschedule noisy construction activities to reduce effects on surrounding noise sensitive receivers; ○ Site supervision of all potential sources of noise (e.g., material delivery, shouting, debris box pick-up and delivery) for all trades; and, ○ Intervening or discussing mitigation options with contractors. • Notify neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of construction activities regarding the details and estimated duration of the activity; and, • Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. | City Planning | Prior to grading permit. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Noise (cont.) | | | | | | |
| MM NOI-1: <u>HVAC Condenser Noise Attenuation.</u> For residences located within 25 feet of ground-mounted HVAC equipment, attenuation of exterior HVAC noise to levels to 45 dBA L _{EQ} (for usable outdoor space) shall be ensured prior to issuance of certificates of occupancy. For single-family attached or multi-family development, potential noise control measures to achieve the performance standard for outdoor usable space include, but are not limited to: noise control barriers around the HVAC units and/or the outdoor usable space, and/or installing roof-mounted units with a standard parapet wall. | Project applicant (to hire qualified noise technical specialist), Qualified noise technical specialist, City Planning | Prior to issuance of certificates of occupancy | | | | |
| MM NOI-2: <u>Reduce Posted Speed Levels Along Enterprise Drive.</u> Prior to the issuance of building permits, the project applicant shall coordinate with the City's Public Works Director to change the posted speed limit along Enterprise Drive (between Hickory Street and Willow Street) to 25 mph. Implementation of this measure shall be indicated on all project plans and specifications. | Project applicant, City Planning, City Public Works Director | Measure to be on final plans and specifications. Implementation prior to issuance of building permits. | | | | |
| MM NOI-3: <u>Site-Specific Noise Analysis for Proposed Uses along Enterprise Drive.</u> Prior to the approval of building permits for residences located along Enterprise Drive between Hickory Street and Willow Street, a site-specific acoustic analysis shall be conducted to ensure exterior and interior sound levels are equal to or less than the applicable allowable limits (60 CNEL for single-family exterior, 65 CNEL for multi-family exterior, 45 CNEL for residential interior). | Project applicant (to hire qualified noise technical specialist), qualified noise technical specialist, City Planning | Prior to issuance of building permits. | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Transportation | | | | | | |
| MM 4.14-1: <ul style="list-style-type: none"> • <u>Willow Street/Thornton Avenue</u>: A right turn overlap phase to the northbound approach on Willow Street shall be provided. Additionally, a U-turn restriction for the westbound left turn movement on Thornton Avenue shall be posted. • <u>Cedar Boulevard/Thornton Avenue</u>: An additional westbound left turn lane from Thornton Avenue to Cedar Boulevard shall be provided. • <u>Willow Street/Enterprise Drive</u>: Two options for mitigation at this intersection are proposed by the Specific Plan, including a roundabout or signalization of the intersection. One of the two options shall be implemented. • <u>Cherry Street/Mowry Avenue</u>: Mitigation measures were identified at this intersection as part of the Area 3 and 4 EIR. The measures proposed included the addition of a second left-turn lane on the westbound approach, and resulting in realignment of the east and westbound approaches and modification to the traffic signal. These improvements are not sufficient to mitigate the project's impact; additional ROW to widen this approach may be needed. Therefore, additional mitigation measures were identified: <ul style="list-style-type: none"> ○ The westbound approach of the intersection of Cherry Street/Mowry Avenue shall be modified to include a right turn and a through-right turn lane. This improvement would require modification of the traffic signal and removal of the existing pork chop island. | City Public Works Department | Improvements to be included on Tentative Map(s). Improvements to be constructed prior to occupancy. | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Transportation (cont.) | | | | | | |
| <p>MM 4.14-2: The City shall coordinate with AC Transit to improve bus service to the Specific Plan area to lessen the impact of vehicular traffic on the local and regional roadways. Potential transit accommodations may include:</p> <ul style="list-style-type: none"> • Implementation of shuttle service to the Ardenwood Park and Ride lot to provide a connection to the Dumbarton Express bus line and the Fremont and/or Union City BART stations • Rerouting bus lines 251 and/or 275 through the Specific Plan area to provide convenient stop(s) with bus shelters and benches • Addition of a new bus line to serve the Specific Plan area | City Planning, Alameda County Transit | Prior to occupancy, or based on input from AC Transit if that agency prefers to address at a later date. | | | | |
| <p>MM 4.14-6:</p> <ul style="list-style-type: none"> • <u>SR 84 Eastbound Ramps/Thornton Avenue:</u> An additional eastbound right turn lane on the SR 84 Eastbound Off-Ramp at the intersection of SR 84 Eastbound Ramps/Thornton Avenue shall be provided • <u>Gateway Boulevard/Thornton Avenue:</u> The northbound right turn lane on Thornton Avenue at the intersection of Gateway Boulevard/Thornton Avenue shall be restriped to provide a shared through-right turn lane. The existing north leg has three receiving lanes to make this improvement feasible. • <u>Willow Street/Thornton Avenue:</u> Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.14-1. • <u>Cherry Street/Thornton Avenue:</u> The intersection of Cherry Street/Thornton Avenue shall have an additional eastbound right turn lane on Thornton Avenue. | Public Works Department (all), and Caltrans staff for State elements, City Planning for revision to General Plan policy (associated only with SR 84 EB and I-880 NB Ramps/Mowry) | | | | | |

| Task to Be Completed/ Mitigation Measures | Responsible Department/Staff | Timing/Phase | Completion/ Compliance | | Comments | Add'l Comment Sheet Provided |
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| Mitigation Measures (cont.) | | | | | | |
| Transportation (cont.) | | | | | | |
| <ul style="list-style-type: none"> • <u>Newark Boulevard/Thornton Avenue</u>: The intersection of Newark Boulevard/Thornton Avenue shall have an additional northbound left turn lane on Newark Boulevard to accommodate the heavy left turn movement. • <u>Cedar Boulevard/Thornton Avenue</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.14-1. • <u>Willow Street/Enterprise Drive</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.14-1. While a single-lane roundabout would operate acceptably with the proposed traffic volumes, right-turn bypass lanes may be provided to/from the west leg to connect to the four-lane section of Enterprise Drive west of the intersection. • <u>Cherry Street/Central Avenue</u>: The intersection of Cherry Street/Central Avenue shall have an additional eastbound right turn lane on Central Avenue. • <u>Cherry Street/Mowry Avenue</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.14-1. • <u>I-880 NB Ramps/Mowry Avenue</u>: The intersection of I-880 NB Ramps/Mowry Avenue shall be restriped to include a left/right share lane, resulting in the northbound approach having a final lane configuration of a left-turn lane, a left and right shared lane, and dual right-turn lanes. | | | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Transportation (cont.) | | | | | | |
| <p>If restriping of the intersection is not achievable, an alternate mitigation shall be to revise the City’s General Plan policy to permit LOS D operations at freeway ramp intersections with existing or proposed bicycle facilities. Currently, City General Plan Policy 3d states that the City should “Work with the State and City of Fremont to maintain LOS “C” at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections.”</p> <p>Additionally, General Plan Policy 2e supports completion of the Citywide Bicycle Master Plan, which may include new bicycle lanes on Mowry Avenue through the I-880 interchange. In order to recognize that automobile traffic operations should be balanced with bicycle access and pedestrian access across the interchange, General Plan Policy 3d may be amended in the following way to promote access for all travel modes: “Work with the State and City of Fremont to maintain LOS “C” at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections, except at intersections that are along the City’s proposed Bikeway Network where automobile LOS D is permitted.” Revision of the City’s General Plan to permit LOS D at freeway interchange intersections along the proposed bicycle network would reduce this impact to less than significant.</p> | | | | | | |

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| Mitigation Measures (cont.) | | | | | | |
| Transportation (cont.) | | | | | | |
| MM 4.14-8: Prior to issuance of building permits for a Specific Plan use, the applicant shall pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time permits are sought. Such fees shall include, but not be limited to, the City of Newark Capital Facilities Fee for Transportation, and the ACTC Regional Transportation Impact Fee. Payment of these fees would partially mitigate the impacts of the Specific Plan. | Project applicant (to pay fees), City Planning and City Building Division | Prior to issuance of building permits. | | | | |

RESPONSIBLE PARTIES

| NAME | INITIALS | DEPARTMENT/DIVISION | TITLE |
|-------------------|----------|--|--|
| Terrence Grindall | TG | City of Newark, Community Development Department | Assistant City Manager |
| Clay Colvin | CC | Community Development Department | Planning Manager |
| Peggy A. Claassen | PAC | Public Works Department | Public Works Director |
| Ray Collier | RC | Building Inspection Division | Chief Building Official, City Architect |
| | | | Qualified biologist |
| | | | Qualified botanist |
| | | | Qualified archaeologist |
| | | | Qualified hazardous materials specialist |
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