Compass Bay

Initial Study/Addendum

Prepared for:
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EXHIBIT A

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INITIAL STUDY AND
ENVIRONMENTAL EVALUATION

Project Title:	Compass Bay Project
Entitlement Requested:	Rezone Planned Development Tract Map
Lead Agency Name and Address:	City of Newark Community Development Department 37101 Newark Boulevard, Newark, CA 94560
Contact Person and Phone Number:	Terrence Grindall (510) 578-4206
Project Sponsor's Name and Address:	**Trumark Homes, LLC** Attn: Robin Miller 3001 Bishop Drive San Ramon, CA 94583 (925) 999-3975
General Plan Designation (2013 Plan): Medium/High-Density Residential (MHDR)	**Existing Zoning:** Business and Technology Park (BTP)

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1.0 INTRODUCTION

This Initial Study addresses the project proposed by Trumark Homes, LLC for property within the Dumbarton Transit Oriented Development (TOD) Specific Plan currently owned by Ashland, LLC (project) and whether it may cause significant effects on the environment. These potential environmental effects are further evaluated to determine whether they were examined in the Dumbarton TOD Specific Plan Program Environmental Impact Report (PEIR; State Clearinghouse No. 2010042012). Consistent with Public Resources Code (PRC) §21083.3 and State California Environmental Quality Act (CEQA) Guidelines §§15162 and 15168(c)(2), this Initial Study focuses on any effects on the environment that are specific to the proposed project, or to the parcels on which the project would be located, which were not analyzed as potentially significant effects in the PEIR prepared for the Dumbarton TOD Specific Plan, or for which substantial new information shows that identified effects would be more significant than described in the PEIR.

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

2.0 PROJECT BACKGROUND

The approximately 9.97-acre Compass Bay project site lies within the Dumbarton TOD (Transit Oriented Development) Specific Plan Area which encompasses approximately 205 acres at the western edge of the City of Newark, CA. The TOD is generally bounded by a drainage ditch adjacent to San Mateo Transit Authority Railroad corridor (formerly Union Pacific and Southern Pacific Railroad tracks) to the north, on-going salt production and harvesting facilities to the west, a residential development under construction to the south, and a residential development under construction to the east. A Final PEIR (State Clearinghouse No. 2010042012) was prepared and certified, and the Dumbarton TOD Specific Plan was adopted by the City in 2011.

The Dumbarton TOD Specific Plan identifies the parcel that comprises the Compass Bay project site (Assessor's Parcel Number 092-0115-005-02) as suitable for medium/high-density residential development. The maximum number of residential units allowed on the parcel is 243.

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

- *Site Plan Ashland*, May 22, 2018, prepared by Carlson, Barbee & Gibson, Inc. (CBG).
- *Tract 8459 Ashland – Trip and Parking Generation Estimates*, May 23, 2018, prepared by W-Trans, Transportation Consultants.
- *Air Quality and Greenhouse Gas Emissions Analysis for the Compass Bay Project,* June 2018, prepared by HELIX Environmental Planning, Inc. (HELIX).
- *Salt Marsh Harvest Mouse Habitat Assessment for the Compass Bay Project*, June 2018, prepared by Californian Environmental Services, Inc.
- *Preliminary Geotechnical Investigation* for the *Ashland Property*, January 18, 2018, prepared by Cornerstone Earth Group.
- *Soil Quality Evaluation*, December 21, 2017, prepared by Cornerstone Earth Group.
- *Phase I Environmental Site Assessment*, May 12, 2017, prepared by Cornerstone Earth Group.

3.0 DESCRIPTION OF PROJECT

3.1 PROJECT LOCATION

The proposed project site is located within the City of Newark in southwestern Alameda County, southeast of the intersection of Hickory Street and Enterprise Drive. The proposed project site is located in Sections 2 and 11, of Township 5 South, and Range 2 West of the U.S. Geological Survey (USGS) 7.5-minute "Newark" quadrangle map (quad). Refer to **Figure 1** for the project's regional location and **Figure 2** for an aerial photograph of the project site.

3.2 PROJECT SETTING AND SURROUNDING LAND USES

The project site is vacant and consists of leveled industrial pads and road embankments, and the surrounding properties are actively being developed in accordance with the Dumbarton TOD Specific Plan. Residential units planned within the Specific Plan area east, south, and west of the project site have been constructed and/or are under construction.

Enterprise Drive borders the project site to the north, and Hickory Street borders the project site to the west. Vacant land and industrial uses occur north/northwest of the project site, across Enterprise Drive, although a combination of residential, commercial, park and transit uses are planned for this area. To the east, commercial and residential developments are under construction. To the south and west of the project site, residential developments are under construction. The surrounding land uses are characterized by existing and former industrial parcels and commercial and residential developments constructed and/or under construction as part of the Dumbarton TOD Specific Plan.

Terrain in the project site is relatively flat with a slight crowning of topography at the center of the site and slight sloping towards the southeast and southwest sides of the property. The site is planned to be raised approximately five (5) feet or more above the existing finished grade to lift the site out of the flood zone. All adjacent properties have or are planned to be elevated to lift the properties out of the flood zone as well. The project site consists of leveled industrial pads and road embankments. Elevations on the project site range from 6 to 11 feet (NGVD 29). Locally, a few natural hills remain along the historic bay margin north of Newark Slough and southwest of the project site, but terrain in the area surrounding the project site is relatively flat.

Precipitation and municipal water are the primary sources of water for the project site. No other waterbody (such as ponds, creeks, ditches, or canals) is located on the project site. Refer to **Figure 2** for an aerial photograph of the project site and vicinity and **Figure 3** for the site plan.

3.3 PROPOSED PROJECT

The project applicant is proposing to construct a medium density residential development on the 9.97-acre project site. The total number of housing units would be 139, consisting of 53 detached single-family residential units and 86 attached townhomes, to achieve an overall density of approximately 14 housing units per acre. Additional proposed site improvements would include: on- and off-street parking, parks and recreational areas, drive aisles, underground utilities, Low Impact Development (LID) drainage and water quality treatment structures, lighting, sidewalks, and landscaping. Refer to **Figure 3** for the site plan.

Single-Family Lots

The applicant proposes to construct 53 single-family residential units on 3.33 acres in the western half of the project site. Net density would be approximately 16 dwelling units per acre. Lots within this neighborhood would range between approximately 2,600 square-feet (sf) and 2,920 sf, and three floor plan options would be available for these units.

Multi-Family Lots

The applicant proposes to construct 86 multi-family attached townhomes on 2.84 acres in the eastern half of the project site and along the northern and southern property boundaries. Net density would be approximately 30 dwelling units per acre. Four floor plan options would be available for the units in this medium density neighborhood.

Circulation

The residential development would be accessible directly from Enterprise Drive and Seawind Way and would be oriented along a few internal roadways serving the neighborhood. The project includes two north/south oriented roadways, “A” Street, off Seawind Way, and “C” Street, off Enterprise Drive, that would function as the main arterials through the neighborhood. Both streets provide access to two east/west oriented roadways, “D” Way and “B” Avenue, and “C” Street provides access to an east/west oriented roadway, “E” Lane, embedded in the residential development. Fourteen courts are provided throughout the residential development and are accessible via “A” Street, “C” Street, “B” Avenue, and “E” Lane.

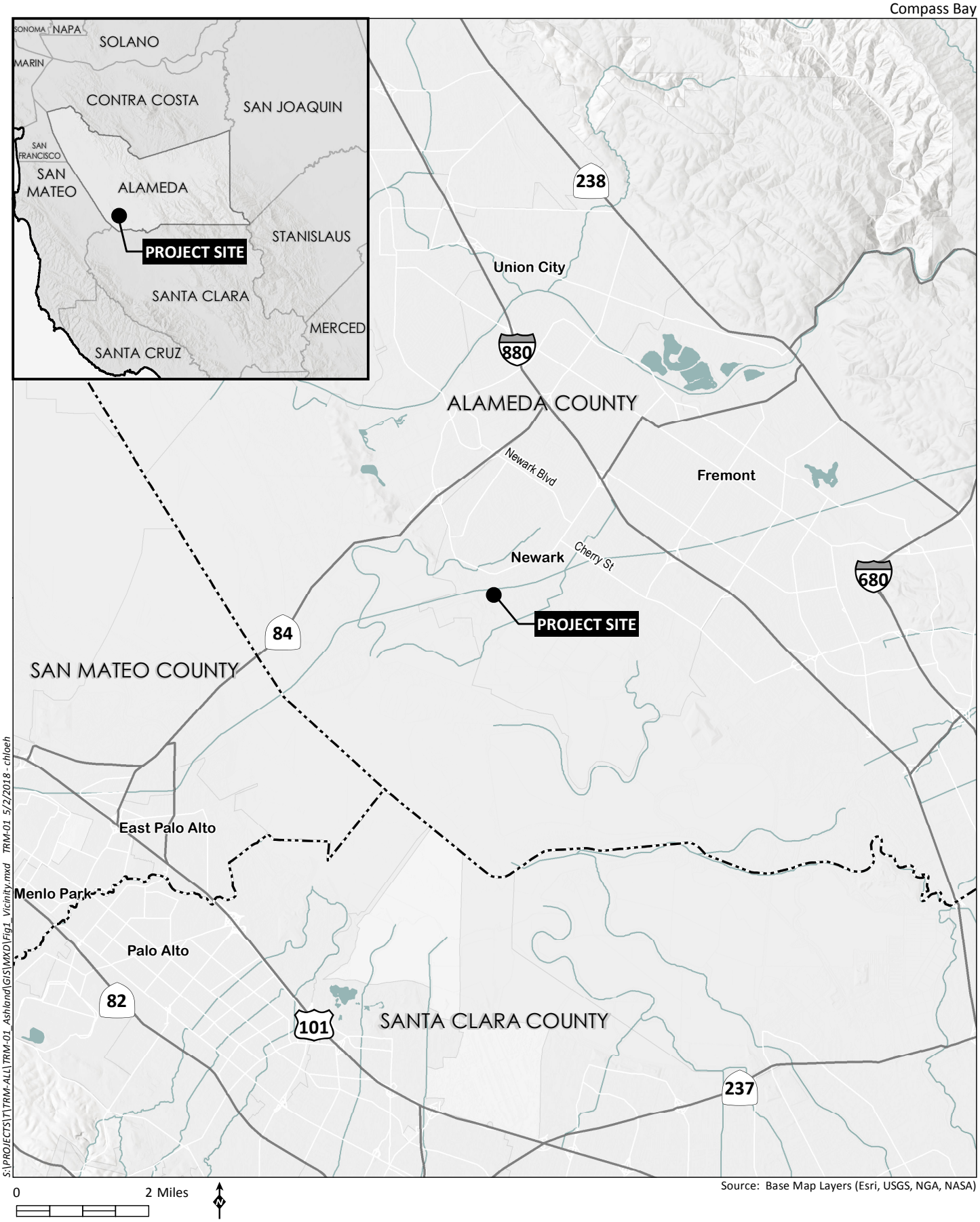
Parking

City parking supply requirements are based on the City of Newark’s Municipal Code, Chapter 17.23.040; Required Number of On-Site Parking Spaces. Based on the City’s requirements of two spaces per unit for single family homes (detached) and two spaces per unit and one space per four units for multi-unit buildings with two or more bedrooms the total number of required parking spaces would be 298 spaces. The number of required disabled parking spaces is not specified in the City of Newark municipal code. The project site would provide 316 parking spaces, including three for disabled persons, 276 spaces in off-street covered locations, and 37 on-street parking spaces. With a planned supply of 316 spaces, the proposed parking supply would exceed the City’s requirements with a surplus of 18 spaces.

Pedestrian Circulation

Sidewalks would be provided along at least one side of each neighborhood street and would connect to sidewalks along Enterprise Drive and Seawind Way. The residential development would include walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project, west of the project site.

The future sidewalk and roundabout at the Enterprise Drive and Hickory Street would be constructed by the project applicant and other Dumbarton TOD developers per the pending developer agreement. Additionally, the proposed project would include the construction of the sidewalk and landscaping strip along the Hickory Street project frontage from Seawind Way to Enterprise Drive and the Seawind Way project frontage.



Source: Base Map Layers (Esri, USGS, NGA, NASA)

HELIX Environmental Planning

Regional Location Map

Figure 1

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0 200 Feet

Source: Base Map Layers (Esri)

HELIX Environmental Planning

Aerial Map

Figure 2

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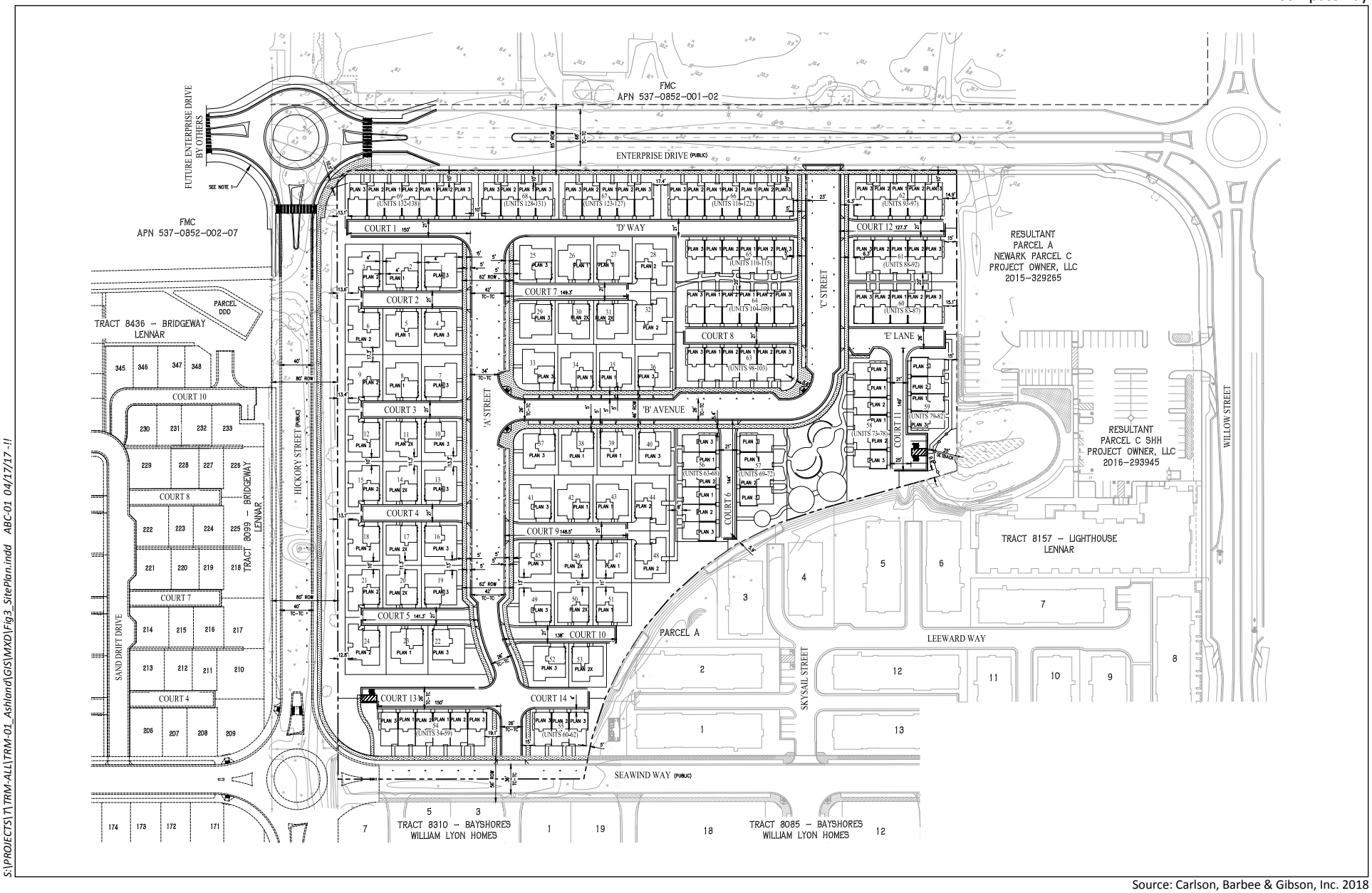

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Source: Carlson, Barbee & Gibson, Inc. 2018

HELIX Environmental Planning

Site Plan

Figure 3

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Fire Access

The minimum roadway width for driving or turning movements throughout the project site would be 21 feet. Courts 1 through 12 are all 21 feet wide, and courts 13 and 14 are 26 feet wide and the neighborhood streets would be at least 21 feet wide. The project roadway and neighborhood design would provide adequate turning radii and drive areas for fire trucks and other emergency vehicles.

Infrastructure

Grading and Drainage

The entire 9.97-acre project site would be disturbed during site preparation and grading that would require the removal of approximately 10,000 cubic yards of vegetation, demolition debris, and other cleared materials. In accordance with City of Newark standards, minimum elevations for lots are 11.25 feet (NGVD 29). Accordingly, approximately 65,000 cubic yards of clean soil would be imported to attain these required elevations.

Currently the site is approximately 76.5% pervious. As a result of of project implementation, 298,359 sf (68.7% of the site) of impervious surface area would be constructed, consisting of building foundations and paved areas. Approximately 31.3% of the site (135,934 sf) would remain pervious including the bioretention areas, community park, landscaping, and other green areas.

The southwest corner of the project site is within a mapped FEMA 100-year Special Flood Hazard Area, Zone AE with a base flood elevation of 8.24 feet (NGVD 29). The proposed project design conforms with associated applicable City requirements for construction in flood hazard areas, which require that: (1) residential structures should be elevated to or above the base flood elevation or to a minimum of six inches above the building pad which shall be at a minimum elevation of 11.25 feet (NGVD 29) and (2) the top of curb grades for new residential streets within the noted AE Zone exhibit a minimum elevation of 10 feet (NGVD 29). Based on the noted requirements and related project design conformance, the drainage/water quality analysis concludes that all developed portions of the project site would be elevated above the mapped 100-year floodplain.

A Low Impact Development (LID) storm drain system consisting of bioretention areas, curbs and gutters along the roadways, and underground storm drain pipes would be installed on the project site. Storm drain pipes ranging between 12 to 24 inches in size would be installed throughout the project site and would tie into a future 30-inch storm drain pipe near the intersection of Hickory Street and Seawind Way.

The grading described above would delineate the site into fourteen drainage management areas (DMAs) with approximately 8,303-sf of bioretention treatment areas proposed within the project site. With up to potentially 6-inches of ponding depth in each DMA, the project would provide a storage volume of approximately 4,152 cubic feet.

Water Supply

The Alameda County Water District (ACWD) would supply water to the proposed project, as described in the Dumbarton TOD Specific Plan PEIR and the associated Water Supply Assessment. Eight-inch diameter water mains would be installed throughout the project site with tie-ins to the 12-inch mains

within the Enterprise Drive and Seawind Way. The ACWD indicated in the adopted Water Supply Assessment for the Dumbarton TOD Specific Plan PEIR that demand associated with the Specific Plan would be consistent with its planning assumptions and is included in its forecast and water supply planning (ACWD 2010).

Sanitary Sewer

The Union Sanitary District would provide sanitary sewer service to the project site. Eight-inch diameter sanitary sewer lines would be installed in the main and ancillary roadways throughout the project site, and wastewater would gravity-flow off-site to the south and connect to an existing 12-inch sanitary sewer line in Seawind Way. That existing sewer line continues east and connects to an existing 36-inch gravity sewer main in Willow Street, which ultimately connects to additional existing gravity mains and flows to the Newark Pump Station near the northwest corner of the Specific Plan area. Wastewater from the Newark Station is then pumped to the Alvarado Treatment Plant, approximately 5 miles to the north.

Construction and Phasing

Site remediation and foundation removal activities are anticipated to begin in Winter 2018/Spring 2019. Grading activities are expected to begin in Spring 2019 and last for approximately 3 months. Infrastructure construction activities including utilities and construction of the building pads are anticipated to begin in the Summer 2019 and are expected to last for four months. Site development activities would immediately follow, with all development construction activities anticipated to be completed by September 2021.

4.0 REQUIRED APPROVALS

A listing and brief description of the regulatory permits and approvals required to implement the Compass Bay project is provided below. This environmental document is intended to address the environmental impacts associated with several of the following discretionary actions and approvals:

City of Newark

- Rezone
- Planned Development
- Tract Map
- Consideration of the environmental document: The Newark City Council will act as the lead agency as defined by CEQA and will have authority to determine if the environmental document is adequate under CEQA and the State CEQA Guidelines.
- Approve Project: The Newark City Council will consider approval of the project and the entitlements described above.

Agencies

San Francisco Bay Regional Water Quality Control Board (RWQCB):

- Focused Feasibility Study and Remedial Action Plan.
- Closure and Relocation of Existing Monitoring Wells.
- Removal and Replacement of Existing Deed Restriction.

Alameda County Water District

- Closure and Relocation of Existing Monitoring Wells.

Army Corps of Engineers

- Confirmation of no jurisdictional wetlands or waters or the U.S. onsite due to construction-related depressions and ongoing site clean-up.

5.0 PREVIOUS RELEVANT ENVIRONMENTAL ANALYSIS

A PEIR was prepared for the Dumbarton TOD Specific Plan, pursuant to the 1992 City of Newark General Plan. The Specific Plan required that the General Plan be amended to incorporate the proposed Specific Plan and its allowable land uses, development regulations, design guidelines, and infrastructure improvements. The City adopted an updated General Plan in December 2013 and the Final PEIR (State Clearinghouse No. 2013012052) addressing the General Plan was published in October 2013. These documents have incorporated the Dumbarton TOD Specific Plan, of which the Compass Bay project is included. The Dumbarton TOD Specific Plan PEIR evaluated impacts as a result of the entire Dumbarton TOD, including the Compass Bay project.

Incorporation of the Previous Relevant Environmental Analysis

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

Incorporation of the Compass Bay Project

This IS evaluates whether the environmental effects of the currently proposed Compass Bay project were adequately addressed in the Dumbarton TOD Specific Plan PEIR. For impacts that were adequately addressed, this IS provides a cross-reference to the relevant discussion in the PEIR. Impacts specific to the Compass Bay project that were not fully addressed in the Dumbarton TOD Specific Plan PEIR are evaluated in detail in this document. This document also identifies whether changes have occurred to the project or circumstances since the PEIR was certified that require additional analysis in this document. Mitigation measures contained in the Dumbarton TOD Specific Plan Mitigation, Monitoring, and Reporting Program (MMRP) relevant to the project have been identified and summarized in this Initial Study and is included in **Appendix A**. Additional mitigation measures specific to the project that serve to implement the adopted TOD mitigation measures are also identified in this Initial Study.

6.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that may require mitigation to reduce the impact from “Potential Impact” to “Less than Significant” as indicated by the checklist on the following pages.

An Initial Study is conducted by a Lead Agency to determine if a project may have a potentially significant effect on the environment (CEQA Guidelines Section 15063). An Environmental Impact Report (EIR) must be prepared if an Initial Study indicates that further analysis is needed to determine whether a significant impact will occur or if there is substantial evidence in the record that a project may have a significant effect on the environment (CEQA Guidelines Section 15064(f)).

☐ Aesthetics	☐ Agriculture/Forestry Resources	■ Air Quality
■ Biological Resources	■ Cultural Resources	■ Geology/Soils
■ Greenhouse Gas Emissions	■ Hazards/Hazardous Materials	■ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	■ Noise
☐ Population/Housing	■ Public Services	☐ Recreation
■ Transportation/Traffic	☐ Tribal Cultural Resources	■ Utilities/Service Systems
☐ Mandatory Findings of Significance		

7.0 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

■	I find that the proposed project COULD NOT have a significant effect on the environment, and an ADDENDUM will be prepared.
☐	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an environmental impact report is required.
☐	I find that the proposed project MAY have a “potential impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect I) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date _____

Printed Name: _____ For: _____

8.0 ENVIRONMENTAL INITIAL STUDY CHECKLIST

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

A. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

B. "Less Than Significant With Mitigation" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

C. "Less Than Significant Impact" applies where the project creates no significant impacts, only less than significant impacts.

D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project specific screening analysis).

I. AESTHETICS

AESTHETICS: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	■	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

Environmental Setting

The project site is vacant and consists of leveled industrial pads and road embankments. Terrain on the project site and surrounding area has been altered for industrial development, and most existing topographic relief is the result of fill for industrial pads. Elevations on the project site range from 10 to 14 feet above mean sea level (amsl). Locally, a few natural hills remain along the historic bay margin north of Newark Slough and west of the project site, but terrain in the area surrounding the project site is primarily flat.

Vacant land and industrial uses occur north/northwest of the project site, across Enterprise Drive, although this area is planned for future residential, commercial, recreation, and transit uses. To the east, commercial and residential developments are under construction. To the south and west of the project site, residential developments are under construction. The surrounding land uses are characterized by existing and former industrial parcels and commercial and residential developments constructed and/or under construction as part of the Dumbarton TOD area.

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

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

Visual resources (i.e., aesthetics) are discussed in Chapter 4.1 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The PEIR concluded that construction of the project would alter the existing views by replacing primarily vacant, disturbed land with urban development, but the development would be consistent with the character of the surrounding development. Further, the Specific Plan contains Site and Architecture Design Guidelines intended to achieve a mixed-use community with a consistent quality and distinct sense of space. Development in the Specific Plan area would be required to comply with the development regulations and design guidelines contained in the Specific Plan to ensure that the development is of quality design and is consistent with the City of

Newark 2013 Draft Updated General Plan. No impacts relating to visual resources/ aesthetics were identified in the PEIR, and therefore no mitigation measures were required.

Evaluation of Aesthetics

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. Scenic vistas within the City range from short-range to long-range, depending upon topography and the presence of mature vegetation. Prior to buildout of vacant lots in the Specific Plan area surrounding the project site, views to or from the project site would be medium-range from the developed areas in the vicinity. Following buildout of the vacant lots surrounding the project site, the views would be short-range and limited to neighboring residents and travelers on adjacent streets. Neither the project site, nor views to or from the project site, have been designated as an important scenic resource by the City of Newark or any other public agency. Therefore, construction of the proposed development would not interfere with or degrade a scenic vista.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less Than Significant Impact. There are no state or locally designated scenic highways in the vicinity of the proposed project site (Caltrans 2018). Implementation of the proposed would not adversely affect scenic resources within a designated scenic highway.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The existing visual character of the area surrounding the project site is defined by the vacant lots of former industrial land uses and ongoing construction and development. The project site is vacant and largely barren. Implementation of the project would result in the construction of 139 residential units, on-street parking areas, neighborhood parks, and landscaping, altering the existing visual character to a more community-focused, urban development visual character than is currently experienced by viewers. While the proposed project would result in a change in visual character on site, the proposed project has been designed to be consistent with the Site and Architecture Design Guidelines contained in the Specific Plan and is expected to integrate with the planned area for the Dumbarton TOD Specific Plan area and surrounding land uses.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to the existing visual character or quality of the site, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

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

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

II. AGRICULTURE AND FORESTRY RESOURCES

AGRICULTURE AND FORESTRY RESOURCES: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section l 2220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non- forest use?	☐	☐	☐	■

Environmental Setting

No agricultural activities or timber management occur on the project site or in adjacent areas and the site is not designated for agricultural or timberland uses. The California Important Farmland Finder Interactive Map prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation classifies the project site as urban and built-up land, and immediately adjacent areas are urban and built up land and other land (CDC 2018). Urban and built-up land is defined by the California Department of Conservation as land occupied by structures or infrastructure with a building density of at least one unit to one and one-half acres, or approximately six structures to a 10-acre parcel. Other land is defined by land that is not included in any other category, which includes areas not suitable for agricultural uses (CDC 2018).

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

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

Evaluation of Agriculture and Forestry Services

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

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

No Impact. Because no important agricultural resources or activities exist on the project site, no impact would occur for items a) and b).

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

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

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

No Impact. Because no portions of the City or the project site are zoned for forest land, timberland, or zoned Timberland Production, no impact would occur for items c), d), and e).

III. AIR QUALITY

AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	■	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	■	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Environmental Setting

A project-specific air quality evaluation was conducted (**Appendix B**) and the methods and results are summarized in the following subsections.

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

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

Ambient Air Quality Standards

The United States Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. The City of Newark lies within the San Francisco Bay Area Air Basin (BAAB). The Bay Area Air Quality Management District (BAAQMD) is responsible for implementing emissions standards and other requirements of federal and state laws in

the project area. As required by the California Clean Air Act, BAAQMD has published Clean Air Plans and adopted rules and regulations to limit the emissions that can be generated by various uses and/or activities to bring the Bay Area into compliance with the federal and state ambient air quality standards.

Ambient air quality is described in terms of compliance with state and national standards, and the levels of air pollutant concentrations considered safe, to protect the public health and welfare. These standards are designed to protect people most sensitive to respiratory distress, such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. The EPA has established national ambient air quality standards (NAAQS) for several air pollution constituents (USEPA 2017a). As permitted by the Clean Air Act, California has adopted more stringent air emissions standards (CAAQS) and expanded the number of regulated air constituents.

The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for any state standard. An “attainment” designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A “nonattainment” designation indicates that a pollutant concentration violated the standard at least once. The area air quality attainment status of the BAAB, including the City of Newark, is shown in **Table 1**.

Table 1. San Francisco Bay Area Air Basin Attainment Status

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

Sources: BAAQMD 2017a; CARB 2017a.

The City of Newark is currently in nonattainment for federal and state ozone (O_3) and fine particulate matter ($PM_{2.5}$) standards. The City is in state nonattainment for suspended particulate matter (PM_{10}) standards. Concentrations of all other pollutants meet state and federal standards.

Air Quality Monitoring

The BAAQMD operates a network of ambient air monitoring stations throughout the Bay Area and the air quality monitoring station closest to the City of Newark is the Hayward Monitoring Station. However,

this station only monitors ozone, so data were obtained from the San Jose Monitoring Station for the other criteria air pollutants. The ambient pollutant concentrations collected at the stations during the last five available years (2012 through 2016) were reviewed for exceedances and violations of state and federal standards. The data show occasional violations of the state and federal ozone standards, state PM_{10} standards, and federal $PM_{2.5}$ standards. The state and federal sulfur dioxide (SO_2) and nitrogen dioxide (NO_2) standards have not been exceeded in the past five years.

As shown in **Table 2**, the 1-hour O_3 concentration exceeded the state standard once in 2014 and twice in 2015. The 8-hour O_3 concentration exceeded the state standard once in 2013, four times in 2014 and two times in 2015. The 8-hour O_3 concentration exceeded the federal standard twice in 2015. The state 24-hour PM_{10} standard was violated once in 2012, 2014 and 2015 and five times in 2013. The federal 24-hour $PM_{2.5}$ standard was violated twice in 2012, 2014, and 2016 and six times in 2013. State standards for NO_2 were not exceeded at any time during the years 2012 through 2016.

Table 2. Summary of Annual Air Quality Data for Hayward and San Jose Air Quality Monitoring Stations

Pollutant	2012	2013	2014	2015	2016
Ozone (O3) Hayward Monitoring Station					
Maximum 1-hour concentration (ppm)	0.094	0.085	0.096	0.103	0.083
Days above 1-hour state standard (>0.09 ppm)	0	0	1	2	0
Maximum 8-hour concentration (ppm)	0.065	0.075	0.075	0.084	0.064
Days above 8-hour state standard (>0.07 ppm)	0	1	4	2	0
Days above 8-hour federal standard (>0.075 ppm)	0	0	0	2	0
Respirable Particulate Matter (PM_{10}) San Jose Monitoring Station					
Maximum 24-hour concentration ($\mu g/m^3$)	59.6	58.1	54.7	58.0	41.0
Days above state standard (>50 $\mu g/m^3$)	1	5	1	1	0
Days above federal standard (>150 $\mu g/m^3$)	0	0	0	0	0
Fine Particulate Matter (PM2.5) San Jose Monitoring Station					
Maximum 24-hour concentration ($\mu g/m^3$)	38.4	57.7	60.4	49.4	22.7
Days above federal standard (>35 $\mu g/m^3$)	2	6	2	2	0
Nitrogen Dioxide (NO_2) San Jose Monitoring Station					
Maximum 1-hour concentration (ppm)	0.067	0.058	0.058	0.049	0.051
Days above state 1-hour standard (0.18 ppm)	0	0	0	0	0
Sulfur Dioxide (SO_2) San Jose Monitoring Station					
Maximum 24-hour concentration (ppm)	0.003	0.001	*	*	*
Days above 24-hour state standard (>0.04 ppm)	*	*	*	*	*

Source: CARB 2017b
Notes: Underlined values in excess of applicable standard; ppm = parts per million; µg/m3 = micrograms per cubic meter;
*Insufficient data to determine the value.

Methods

Remediation and Construction Emissions

Emissions from the remediation and construction phase of the project were assessed using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The CalEEMod utilizes emission factors from CARB's OFFROAD and EMFAC models for off-road equipment and on-road vehicles, respectively. The construction analysis included modeling of the projected construction equipment that would be used during each construction activity. The analysis assessed maximum daily emissions from individual construction activities, including site preparation, demolition of existing foundation, grading, installation of underground infrastructure and utilities, building construction, paving, and architectural coating. Approximately 4,021 cubic yards of vegetation and other cleared material and 7,200 cubic feet of demolition material would be exported 10 miles from the project site during site remediation, preparation, and demolition activities. During the grading phase, approximately 65,000 cubic yards of soil would be imported to raise the project site approximately five feet AMSL, which would generate a total of 9,286 haul truck trips (14 cubic yard haul truck capacity). For modeling purposes, it was assumed project development would commence September 2018 and end September 2021. A complete listing of the assumptions used in the analysis and model output is provided as Appendix B to this Initial Study.

Construction emission calculations assume the implementation of standard dust control measures, including: watering two times daily during grading; ensuring that all exposed surfaces maintain a minimum soil moisture of 12 percent; limiting vehicle speeds on unpaved roads to 15 mph; replacing ground cover of disturbed areas; and keeping paved roads clean.

Architectural coatings were assumed to be compliant with the Dumbarton TOD Specific Plan, which contains a design measure of using low VOC coatings beyond local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). The model assumed the VOC content of exterior and interior coatings would be no higher than 50 grams per liter.

Operation Emissions

Operational impacts were estimated using CalEEMod. Operational emissions typically include mobile sources (vehicle trips), energy sources (on-site energy use), and area sources. The emissions from mobile sources were calculated with the trip rates provided in the Trip and Parking Generation Estimates Memorandum (W-Trans 2018), CalEEMod default trip lengths, and emission factors from EMFAC. Mobile source emissions for the proposed 139 dwelling units were calculated using an average daily trip (ADT) estimate of 825 trips after internalization reductions (W-Trans 2018). Energy source emissions include natural gas combustion from water and space heating. Area sources include landscape equipment, consumer products, and architectural coatings (such as paint). Energy and area source emissions were calculated using CalEEMod defaults. All modeling output files are provided in Appendix B of this report.

Operational project design features incorporated into CalEEMod for the project include:

- **Area –** The project would use low VOC coatings and cleaning supplies during operation of the project and approximately 20 percent of landscaping equipment would be electrical. No hearths (including woodstoves and fireplaces) are included in the design of the proposed project.

- **Energy –** The project would be consistent with Cal Green, Title 24 and current California Buildings Code. Additionally, the project would install on-site rooftop solar and would provide at least one electric vehicle charging station. It is currently unknown how much electricity would be generated by rooftop solar and therefore, for a conservative analysis, installation of on-site solar was not included in the model.
- **Mobile –** The project would be built in such a way as to include features that work to minimize vehicle miles traveled (VMT). This includes the following measure as described in the California Air Pollution Control Officers Association (CAPCOA*) Quantifying Greenhouse Gas Mitigation Measures*:
    - *LUT-1 Increase Density* – Increased densities affect the distance people travel and provide greater options for the mode of travel they choose. The project would provide approximately 14 units per acre.
    - *LUT-5 Increased Transit Accessibility* – Locating a project near transit will facilitate the use of transit by people traveling to or from the project site. The use of transit results in a mode shift and therefore reduced VMT. The project site is located approximately 0.2-miles from the future Dumbarton Rail and/or bus service transit station.
    - *SDT-02 Provide Traffic Calming Measures* – Providing traffic calming measures encourages people to walk or bike instead of using a vehicle. This mode shift will result in a decrease in VMT. The project would contribute to the construction of a roundabout at Enterprise Drive and Hickory Street which would reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features.

Water and Waste – The project would provide 20% indoor and outdoor water reduction per California Green Building Standards Code and 75% waste reduction per Assembly Bill (AB) 341.

Levels of Significance

The BAAQMD has published thresholds of significance for new projects. In May 2017, the BAAQMD published new and more stringent draft CEQA guidelines to assist local agencies in evaluating air quality impacts of development proposals and other regulatory plans proposed in the BAAB. For this analysis, the BAAQMD's 2017 thresholds of significance (**Table 3**) were employed to determine the proposed project's contribution to air quality and greenhouse gas (GHG) emissions, and the local community risk and hazard impacts associated with toxic air contaminants (TACs) and $PM_{2.5}$. Refer to Section 8.VII, *Greenhouse Gas Emissions* for a discussion of impacts to GHG emissions.

Table 3. BAAQMD Air Pollutant Thresholds

Pollutant	Construction-Related	Operational-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
Carbon Monoxide (CO)	none	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Nitrogen Oxides (NO_X)	54	54	10
Particulate Matter Exhaust (PM_{10})	82	82	15
Fine Particulate Matter Exhaust ($PM_{2.5}$)	54	54	10

Pollutant	Construction-Related	Operational-Related	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (tons/year)
PM_{10} and $PM_{2.5}$ Fugitive Dust	BMPs	none	
Sulfur Oxides (SO_X)	-	-	-
Lead and Lead Compounds	-	-	-
Volatile Organic Compounds (VOC)	54	54	10

Source: BAAQMD CEQA Guidelines May 2017.

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

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

Evaluation of Air Quality

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant With Mitigation. BAAQMD has attainment plans in place that identify strategies to bring regional emissions into compliance with federal and state air quality standards. Although the proposed project would replace existing vacant areas with residential development, the proposed project is part of a larger project included in the City of Newark 2013 General Plan, and the project, a medium density residential development, is consistent with the net development envisioned in the Dumbarton TOD Specific Plan.

Buildout of the proposed project would be consistent with the 2017 Bay Area Clean Air Plan (BAAQMD 2017b) because the total external trips for approved and pending projects for Dumbarton TOD, including the Compass Bay project, would be lower than what was predicted under the Dumbarton TOD Specific Plan (W-Trans 2018). In addition, Land Use is discussed in Chapter 4.9 of the PEIR and states the Dumbarton TOD would not result in a conflict with the City's General Plan land use strategy, the Bay Area Regional Smart Growth Strategy/Regional Livability Footprint Project, the San Francisco Bay Trail Plan, or the San Francisco Bay Plan.

The project is proposed for medium-density residential. The project property is identified by the Dumbarton TOD Specific Plan as medium/high-density residential and as medium/high-density residential by the 2013 Updated General Plan.

As described in Section 8.X Land Use and Planning, the project would be inconsistent with the 2013 Updated General Plan but with City approval, would be resolved. The project would also be inconsistent with the Dumbarton TOD Specific Plan. However, because the proposed project is developing fewer

dwelling units than was identified in the Specific Plan, the project would not exceed the assumptions in the Dumbarton TOD Specific Plan or General Plan.

Therefore, the proposed land uses and densities of the residential developments are compatible with the land uses identified in the Dumbarton TOD Specific Plan (see Section 8.X, Land Use and Planning) and therefore the project is consistent with the vision and growth of the Specific Plan and General Plan. Further, as detailed in response III.b, the proposed project would not generate significant amounts of air pollutant emissions during construction or operation with implementation of the identified mitigation measures. The proposed project would not exceed screening criteria thresholds set by BAAQMD with mitigation, and no feature of the proposed project would conflict with or obstruct implementation of the 2017 Bay Area CAP. The following measures contained in the PEIR prepared for the Dumbarton TOD Specific Plan will be implemented to reduce impacts from fugitive dust to less than significant.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of mitigation measures 4.2-1a and 4.2-1b, impacts would be reduced to a less-than-significant level.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant With Mitigation.

Construction

Construction of the proposed project could impact air quality as a result of heavy equipment emissions used; haul trucks importing soil during grading and exporting cleared materials and demolition debris; employee vehicle emissions; and architectural coatings. The results of the CalEEMod analysis performed (Appendix B) indicated that emissions related to project construction activities would exceed the BAAQMD's significance threshold for nitrogen oxides (NO_X). **Table 4** presents the modeled construction emissions for each phase of construction. During construction activities, the project applicant would implement applicable and feasible elements of the dust abatement program as identified in the PEIR (MMRP measures 4.2-1a and 4.2-1b). Direct impacts from NO_X generated during construction would be potentially significant and additional mitigation would be required.

Table 4. Maximum Daily Construction Emissions

Phase	Pollutant Emissions (pounds per day)					
	ROG	NO_x	CO	SO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Site Preparation	6	84	29	<0.5	3	2
Demolition	4	39	23	<0.5	2	2
Grading	6	91	41	<0.5	3	2
Underground Infrastructure/Utilities	1	7	6	<0.5	<0.5	<0.5
Building Construction	3	28	24	<0.5	1	1
Paving	2	13	15	<0.5	1	1
Architectural Coatings	34	2	3	<0.5	<0.5	<0.5
MAX DAILY	**34**	**125**	**70**	**<0.5**	**5**	**4**
Significance Thresholds	54	54	-	-	82	54
Significant Impact?	***No***	***Yes***	***No***	***No***	***No***	***No***

Source: *Appendix B (CalEEMod Output)*
Notes: Maximum daily ROG emissions occur during the architectural coating phase, maximum daily NO_x, CO, and SO_x emissions occur when Grading, Underground Infrastructure, and Building Construction overlap; maximum daily exhaust particulate matter emissions occur when site preparation and demolition overlap; modeling assumes implementation of standard dust control measures, use of low VOC coatings, and implementation of MMRP measures 4.2-1a and 4.2-1b; totals represent the sum of unrounded values

Mitigation Measures

The following mitigation measure (MM) is prescribed to reduce construction related NO_X emissions.

Compass Bay Project Specific Mitigation Measure AQ-01 in accordance with Dumbarton TOD PEIR MMRP Measure 4.2-1b

AQ-01 Tier 4 Equipment. Prior to the 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 construction 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.

Significance After Mitigation

MM AQ-01 would reduce NO_X emissions from off-road equipment during construction. As presented in **Table 5**, *Maximum Daily Construction Emissions with Mitigation*, with inclusion of MM AQ-01, emissions of all criteria pollutants related to project construction would be below the BAAQMD's significance threshold. Thus, direct impacts from criteria pollutants generated during construction would be less than significant with mitigation.

Table 5. Maximum Daily Construction Emissions with Mitigation

Phase	Pollutant Emissions (pounds per day)					
	ROG	NO_x	CO	SO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Site Preparation	2	38	28	<0.5	<0.5	<0.5
Demolition	1	3	24	<0.5	<0.5	<0.5
Grading	2	40	40	<0.5	<0.5	<0.5
Underground Infrastructure/Utilities	<0.5	<0.5	7	<0.5	<0.5	<0.5
Building Construction	1	9	24	<0.5	<0.5	<0.5
Paving	1	1	18	<0.5	<0.5	<0.5
Architectural Coatings	1	1	18	<0.5	<0.5	<0.5
MAX DAILY	**33**	**49**	**71**	**<0.5**	**<0.5**	**<0.5**
Significance Thresholds	54	54	-	-	82	54
Significant Impact?	***No***	***No***	***No***	***No***	***No***	***No***

Source: *Appendix B (CalEEMod Output)*
Notes: Maximum daily ROG emissions occur during the architectural coating phase, all other maximum daily emissions occur when Grading, Underground Infrastructure, and Building Construction overlap; modeling assumes implementation of standard dust control measures, use of low VOC coatings, implementation of MMRP measures 4.2-1a and 4.2-1b, and implementation of MM AQ-01; totals represent the sum of unrounded values

Operation

The proposed project could result in minor emissions associated with area sources, natural gas usage, and vehicle trips associated with project operations. Potential impacts as a result of operational emissions were evaluated based on the net increase of emissions from the proposed project. As illustrated in **Table 6**, the net increase of daily maximum operational emissions as a result of project operations would be below the BAAQMD's significance criteria for all criteria pollutants and would not result in a significant direct impact as a result of operational emissions. No mitigation would be required.

Table 6. Maximum Daily Operational Emissions

Emission Source	Pollutant Emissions (pounds/day)					
	VOC	NO_x	CO	SO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Area	4	<0.5	11	<0.5	<0.5	<0.5
Energy	<0.5	1	<0.5	<0.5	<0.5	<0.5
Mobile	1	8	13	<0.5	<0.5	<0.5
Operation Total	**6**	**9**	**24**	**<0.5**	**<0.5**	**<0.5**
Significance Threshold	54	54	-	-	82	54
Significant Impact?	***No***	***No***	***No***	***No***	***No***	***No***

Source: *Appendix B (CalEEMod Output)*
Notes: Modeling assumes implementation of applicable project design features listed under Operation Emissions above

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

Less Than Significant With Mitigation. The San Francisco Bay Area region is in non-attainment for ozone (NOx and ROG) and particulate matter (PM2.5 and PM10). As discussed above, with implementation of MM AQ-01, no exceedance of the District's emission thresholds for criteria pollutants would be expected for the proposed project. The project would not result in a cumulatively considerable net increase in any criteria pollutant. A less-than-significant impact would result, and no additional mitigation would be necessary.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The CARB describes sensitive receptors as residences, schools, day-care centers, playgrounds, medical facilities, or other facilities that may house individuals with health conditions (medical patients or elderly persons/athletes/students/children) that may be adversely affected by changes in air quality. The two primary pollutants of concern regarding health effects for residential development are CO and diesel particulate matter (DPM). An analysis of the project's potential to expose sensitive receptors to these pollutants is described below.

Carbon Monoxide Hot Spots

The BAAB is designated as attainment for CO. As indicated in the BAAQMD CEQA Air Quality Guidelines, ambient concentrations of CO have decreased dramatically in the BAAB with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the screening criteria in the BAAQMD's CEQA Air Quality Guidelines notes that CO impacts may be determined to be less than significant if a project is consistent with the applicable congestion management plan or would not increase traffic volumes at intersections to more than 44,000 vehicles per hour for regular intersections, or would not increase traffic volumes at intersections to more than 24,000 vehicles per hour for intersections with limited mixing zones (e.g., tunnels, garages, overpasses, etc.).

Based on the traffic data presented in Section 4.14 (Traffic) of the Dumbarton TOD Specific Plan PEIR, the projects included in the Specific Plan would not cause traffic volumes at local intersections to increase beyond 6,000 vehicles per hour. The intersection of Newark Boulevard and Jarvis Avenue would have the greatest traffic volumes with 5,652 vehicles per hour during Cumulative Plus Specific Plan Projects conditions. According to the Trip and Parking Generation Estimates, the proposed project is anticipated to account for approximately 6 percent of the total generated trips included in the Specific

Plan (W-Trans 2018). Additionally, the proposed project, combined with all other projects currently approved or under review in the Specific Plan area is expected to generate 575 fewer trips than what was estimated in the PIER. Therefore, the proposed project would not increase traffic volumes to 44,000 vehicles per hour for regular intersections, nor would the project increase traffic volumes to more than 24,000 vehicles per hour for intersections with limited mixing zones. Therefore, effects related to proposed project CO concentrations would be less than significant.

Construction Diesel Particulates

Construction activities are sporadic, transitory, and short-term in nature, and once construction activities have ceased, so, too, have emissions from construction activities. The DPM is not included as a criteria pollutant; however, is recognized by the State of California as containing carcinogenic compounds. The risks associated with exposure to substances with carcinogenic effects are typically evaluated based on a lifetime of cancer exposure, which is defined in the CAPCOA Air Toxics “Hot Spots” Program Risk Assessment Guidelines (CAPCOA 1993) as 24 hours per day, 7 days per week, 365 days per year, for 70 years for residences and 40 years for school children. The DPM would be emitted from heavy equipment used in the construction process. The proposed construction period of approximately two years is much less than the 70-year/40-year period used for health risk determination. As shown in Table 5, with implementation of MMRP 4.2-1a and 4.2-1b and MM AQ-01, emissions of PM (which includes DPM from equipment emissions) during construction would be below significance thresholds. Further, because diesel particulates are considered to have long-term health effects and construction would be a short-term event, emissions would not result in a significant long-term health risk to surrounding receptors. Therefore, potential construction impacts from DPM are considered less than significant and no mitigation is required.

Operational Diesel Particulates

Exposure to DPM generated by traffic on roadways is a concern identified in the CARB Air Quality and Land Use Handbook (CARB 2005). The CARB guidelines indicate that siting new sensitive land uses (such as residential uses) within 500 feet of a freeway or an urban road with 100,000 vehicles per day should be avoided. State Route 84 and Interstate 880 are located north and east of the project site. Both roadways are located more than one mile from the project site, outside of the avoidance guidelines. The CARB also recommends siting sensitive land uses more than 1,000 feet from distribution centers. The nearest distribution center to the project site appears to be approximately 1,200 feet to the north. Interstate 880, State Route 84, and the nearest distribution center are outside the avoidance guidelines and downwind of the project site.

The Dumbarton TOD Specific Plan would provide space for a multimodal transit station that would include commuter train service. The Dumbarton Rail Transit Station would provide commuter rail service from the Union City Intermodal Transit Center across the Dumbarton Bridge to Menlo Park and finally connect to the Caltrain service that runs from San Francisco to San Jose. Although future rail uses would utilize cleaner diesel engines, a worst-case scenario would include the operation of six diesel trains per day with three to five minutes of locomotive idling during each stop at the station. Based on the land use plan for the proposed project, residential uses would be located approximately 800 feet from the proposed transit station. The BAAQMD identifies diesel trains as a common source of DPM emissions and recommends a buffer distance of at least 1,000 feet between the locomotives and residences. Because the project would cite new residences within the 1,000-foot buffer, a health risk analysis (HRA) is required.

The USEPA SCREEN3 model, the screening air dispersion modeling method approved by the CARB for such assessments, was used to estimate concentrations of DPM from the transit station to the project. The DPM emissions were estimated using emission factors provided in the USEPA's April 2009 *Technical Highlights – Emission Factors for Locomotives* (USEPA 2009). It was estimated that locomotives would result in 1.15 grams of DPM per day. Detailed modeling assumptions are included in Appendix B of this report.

Cancer Health Risk Assessment Methodology

Using the Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Risk Assessment Guidelines, cancer risk is calculated by multiplying the annual average concentrations calculated using the SCREEN3 model and an inhalation exposure factor as in Equation 1 below (OEHHA 2015).

Cancer Risk = Dose-inhalation x CPF x ASF x ED/AT x FAH

Where:

Cancer Risk = Total individual lifetime excess cancer risk defined as the cancer risk that a hypothetical individual would face if exposed to carcinogenic emissions from a particular facility; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population contributed by emission sources not related to the project; cancer risk is expressed in terms of risk per million exposed individuals.

Dose-inhalation = Cair x {BR/BW} x A x EF x 10-6

Where:

Cair = annual average concentration

{BR/BW} = daily breathing rate normalized to body weight

A = inhalation absorption factor

EF = exposure frequency

CPF = Cancer Potency Factor

ASF = Age Sensitivity Factor for a specified age group

ED = Exposure duration for a specified age group

AT = Averaging time for lifetime cancer risk

FAH = Fraction of time spent at home

Cair is the annual average concentration at the closest receptor calculated from SCREEN3 in $\mu g/m^3$. With the worst-case meteorological condition under SCREEN3, the highest 1-hour DPM concentration value at a residential receptor located 800 feet from the transit station was calculated to be 0.00652 $\mu g/m^3$. The SCREEN3 model outputs and screening health risk calculations are provided in Appendix B of this report.

Non-Cancer Health Risk Characterization

Exposures to TACs such as DPM can also cause chronic (long-term) and acute (short-term) related non-cancer illnesses such as reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects.

Risk characterization for non-cancer health risks is expressed as Hazard Index (HI). The HI is a ratio of the predicted concentration of a project's emissions to a concentration considered acceptable to public health professionals, termed the REL. When evaluating chronic non-cancer effects resulting from TAC exposures, a hazard quotient (HQ) is established for each individual TAC as follows and for each target organ affected by the individual TAC:

HI= Cair/RELi

Where:

HI = chronic hazard index

Cair = Annual average concentration

REL = Chronic Reference Exposure Level

To evaluate the potential for adverse non-cancer health effects from simultaneous exposure to multiple TACs, the HQs for all TACs that affect the same target organ are summed yielding a hazard index (HI) as follows:

HIto = Σιο HQtac

Where:

HIto = sum of the hazard quotients for all TACs affecting the same target organ

HQtac = hazard quotient for TAC and target organ.

The OEHHA has assigned a chronic non-cancer REL of 5 µg/m^3 for DPM (OEHHA 2015). DPM has effects on the respiratory system, which accounts for essentially all of the potential chronic non-cancer hazards from DPM. Therefore, the only HI calculated was for the respiratory system.

Table 7 provides the results of the HRA along with the BAAQMD's Significance health risk thresholds. As shown in the table below, the project would not exceed the significance thresholds for cancer risk and chronic non-cancer hazard.

Table 7. Health Risk Assessment Results

Metric	Dispersion Model Estimate[1]	Significance Threshold	Exceeds Threshold?
3rd Trimester Cancer Risk	0.02 in 1 million	10 in 1 million	No
0-2 Cancer Risk	0.43 in 1 million	10 in 1 million	No
2-16 Cancer Risk	0.52 in 1 million	10 in 1 million	No
16-30 Cancer Risk	0.08 in 1 million	10 in 1 million	No
Chronic Non-Cancer HI	0.0001	1.0	No

Source: *Appendix B (HRA Output)*

[1] Computed at the nearest sensitive receptor located approximately 800 feet southwest of the transit station

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. According to the BAAQMD'S CEQA Air Quality Guidelines, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. Odor impacts generally occur from either siting a new odor source (e.g., the project includes a proposed odor source near existing sensitive receptors), or siting a new receptor (e.g., the project includes proposed sensitive receptors near an existing odor source). The project is a residential development which is not identified as major sources of odor emissions according to the CARB Air Quality and Land Use Handbook (CARB 2005). The project would not be a source of nuisance odors associated with operations.

The project would not be located in close proximity to any facilities that are typically associated with odor complaints as identified by the BAAQMD. The project site is vacant and surrounding land uses are characterized by existing and former light industrial parcels, residential development, and open space. Currently, several residential developments within the Dumbarton TOD area are under construction in the surrounding area. WorldPac Inc. Auto Parts Market is located approximately 1,200 feet north of the project site. Salt evaporation ponds operated by Cargill, Inc. are located east of the project site, and the Coyote Hills Regional Park, part of the Don Edwards San Francisco Bay Wildlife Refuge, is approximately 2 miles northeast of the project site, on the opposite side of the existing railroad tracks. According to the PIER, there are reports of odors that are caused by algae in the salt basins. However, these odors are regarded as an annoyance rather than a health hazard. Based on the nature of the odor source and the low frequency of odor events generated by the salt basins, impacts are not considered a significant odor source. Additionally, salt basins are not identified by the BAAQMD as a significant odor source. Therefore, the proposed residential uses would not be exposed to significant sources of objectionable odors, and mitigation measures are not required.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

IV. BIOLOGICAL RESOURCES

BIOLOGICAL RESOURCES: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	■	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	■	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	■

Environmental Setting

Biological resources at the project site were evaluated by professional biologists Stephen Stringer, M.S. and George Aldridge, Ph.D., of HELIX Environmental Planning, Inc. (HELIX), using both review of existing documentation and a survey of the site. The project site was vacant at the time of the biological survey (May 1, 2018) but is currently subject to monitoring under the control of the RWQCB. The project site is bordered on all sides by other parcels within the Dumbarton TOD area that are either being developed or are proposed for development. The current condition of the site is disturbed and generally flat, with minor topographic variation consisting of remnants of the past industrial uses and remediation activities. Extensive concrete pads and foundations cover most of the center of the site, and weedy ruderal vegetation covers the remainder. There are scattered ornamental trees around the perimeter.

The site was in active industrial use from 1972 until 2000, and the entire property has been the subject of ongoing remediation of soil and groundwater contamination since 1982. Between 2003 and 2006 approximately 22,700 cubic yards of soil were excavated from the southern half of the site, of which

10,600 cubic yards were exported and the remainder treated on site and reused as backfill to provide temporary cover. In addition, since 1988 and under the request of the RWQCB, earthen berms installed along the western and southwestern edges of the site to control movement of contaminated storm water have prevented storm water runoff from leaving the site and resulted in seasonal ponding in the southwestern corner. The history of land use and remediation activities on the site are described in detail in a technical report prepared by WRA Environmental Consultants (**Appendix C**).

Regulatory Framework Related to Biological Resources

Endangered Species Act

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

Nesting and Migratory Birds

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

Jurisdictional Waters

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

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code Sections 1900 to 1913) requires all state agencies to use their authority to implement programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require notification of CDFW at least 10 days in advance of any change in land use other

than changing from one agricultural use to another, which allows CDFW to salvage listed plants that would otherwise be destroyed.

City of Newark Municipal Code - Trees

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

Methods

Biological studies conducted included a desktop evaluation and background research to identify special-status species and other biological resources (e.g., wetlands) with the potential to occur on the project site or be affected by the proposed project, and biological field surveys to document baseline conditions and special-status species and/or their habitats present on the site. These methods are presented in the following sections.

Special-Status Species Evaluation

HELIX biologists conducted a review of existing documentation including queries of public databases for records of special-status species known to occur in the region. The Sacramento Fish and Wildlife Office (USFWS) was consulted for a list of threatened and endangered species that may occur in the project site and/or be affected by the project; the California Native Plant Society (CNPS) database and the California Natural Diversity Database (CNDDB) maintained by the California Department of Fish and Wildlife (CDFW), were queried for special-status species documented in the "Newark, CA" quad. Species returned in these database queries were analyzed for potential to occur in the project site based on habitat requirements and geographic range (**Appendix D**).

Previous Studies

HELIX biologists have conducted numerous biological studies on surrounding parcels in the Dumbarton TOD area, including the immediately adjacent properties to the east, south, and west, as well as for the proposed Dumbarton Rail Corridor Project to the north over the last approximately 8 years. Studies conducted at the site by other parties and reviewed as part of this evaluation include a technical memorandum prepared by WRA Environmental Consultants in March 2018, documenting the history of land use and remediation activities in the site pursuant to a request for a "No Permit Required" determination by the USACE regarding its jurisdiction under Section 404 of the CWA. The memorandum is included as Appendix C. The Dumbarton TOD PEIR, including the MMRP, was also reviewed for special-status species considered to have the potential to occur in the vicinity.

Biological Surveys

Biological surveys conducted at the project site include a biological reconnaissance survey, arborist survey, a bloom season botanical survey, and habitat assessments for burrowing owl (*Athene*

cunicularia), and salt marsh harvest mouse (*Reithrodontomys raviventris*). The biological reconnaissance, arborist survey, botanical survey, and burrowing owl assessment were conducted by HELIX Senior Biologists and International Society of Arboriculture (ISA) Certified Arborists Stephen Stringer, M.S. (ISA #WE-7129A) and George Aldridge, Ph.D. (ISA #WE-11778A) on May 1, 2018. The salt marsh harvest mouse assessment was performed by USFWS Section 10(a)(1)(A) permitted mammalogist Gretchen Padgett-Flohr, Ph.D. (TE-006112-6), also on May 1, 2018, and is included as **Appendix E**.

Habitat Types Present

The entire 9.97-acre project site is in a ruderal/disturbed condition, with no identifiable native or naturalized plant communities present. Portions of the site are covered by remnant pavement and the remainder has been subject to grading and excavation for several decades. Stormwater is retained on site as part of the ongoing remediation program until a final closure plan is approved based on approved land use designation. Vegetated areas of the site are dominated by ruderal grasses and forbs associated with disturbed places. A total of nine trees occur on or immediately adjacent to the site including fan palm (*Washingtonia robusta*), Eucalyptus (*Eucalyptus leucoxylon*), and ash (*Fraxinus* sp.). All of the trees are non-native horticultural species. Figure 4 is a habitat map which also depicts the locations of trees on the project site. A list of species observed in the site during biological surveys is included in Appendix D.

Ruderal/Disturbed

Ruderal/disturbed habitat occurs in areas that are heavily disturbed by past or ongoing human activities but retain a soil substrate. Ruderal/disturbed areas may be sparsely to densely vegetated, but do not support a recognizable community or species assemblage. Vegetative cover is usually herbaceous and dominated by a wide variety of weedy non-native species or a few ruderal native species. This habitat in the project site is either unvegetated pavement or heavily dominated by a dense cover of non-native annual grasses, with patches of non-native forbs.

Ruderal/disturbed habitat provides low-quality habitat for wildlife, typically supporting only transient individuals using the area for dispersal. Ruderal/disturbed habitat has little to no potential to support special-status species. However, common bird species could use the ruderal/disturbed habitat for nesting, including ground nesting birds or birds nesting in shrubs or small trees.

Special-Status Species and Protected Habitats or Other Resources with Potential to Occur in the Project Site

Based on the evaluation of regionally-occurring special-status species (Appendix D) and the Dumbarton TOD PEIR, the only special-status plant or animal species having the potential to occur in the project site or otherwise be affected by development of the proposed project is burrowing owl; this species has a low potential to occur. The lack of native/naturalized habitats combined with the heavily disturbed condition of the site makes it unsuitable for the remaining regionally-occurring special-status species. The project site also provides habitat for common nesting birds protected by state and federal regulations and trees protected by City of Newark Municipal Code.

Date	Tag #	Species	DSH	Height	Dripline	Vigor	Comments
5/1/2018	27	*Washingtonia robusta*	16	35	10	G	
5/1/2018	28	*Washingtonia robusta*	14	30	8	G	
5/1/2018	29	*Washingtonia robusta*	23	20	8	F-G	*some decline, browning of fronds*
5/1/2018	30	*Washingtonia robusta*	25	50	10	F-G	*some decline, browning of fronds*
5/1/2018	31	*Washingtonia robusta*	16.3	20	7	F-G	*some decline, browning of fronds*
5/1/2018	32	*Eucalyptus leucoxylon*	12.8, 15.2, 14.2, 14.2	50	25	F	*weak stem attachments, included bark, dieback*
5/1/2018	33	*Washingtonia robusta*	18.5	30	7	F	*some dieback*
5/1/2018	34	*Fraxinus sp.*	11	25	15	F	*dieback*
5/1/2018	35	*Washingtonia robusta*	18	25	5	F	*dieback*

Vigor categories: Excellent; Good; Fair-Good; Fair (dead branches, burns, rot, insects, etc.; but will survive more than 5 years); Fair-Poor; Poor (likely to die within 5 years)

0 150 Feet

Source: Base Map Layers (Esri)

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HELIX Environmental Planning

Habitat Map

Figure 4

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

Biological Resources are discussed in Chapter 4.3 of the PEIR prepared for the Dumbarton TOD Specific Plan. The PEIR concludes that implementation of the Specific Plan could have potentially significant adverse impacts on biological resources and includes measures to reduce impacts to less than significant. The PEIR concluded that the Dumbarton TOD Specific Plan area is not located within a Habitat Conservation Plan or Natural Community Conservation Plan and would not conflict with the provisions of any such plan. Potential impacts to biological resources identified in the Specific Plan EIR include potential impacts to salt marsh harvest mouse (Measure 4.3-1), nesting raptors (4.3-2), burrowing owl (4.3-3), nesting passerines (4.3-4), special-status plants (4.3-5), wetlands and waters of the U.S./State (4.3-6), wildlife corridors (4.3-7), and protected trees (4.3-8). The subject project was evaluated for its potential to result in impacts identified in the PEIR, as well as any potential impacts not identified in the PEIR. Each potentially significant impact in the Specific Plan PEIR is discussed below. No other potential impacts were identified that were not evaluated in the Specific Plan PEIR.

Evaluation of Biological Resources

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

Less Than Significant with Mitigation.

<u>Potential Impacts to Salt Marsh Harvest Mouse</u>

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

Mitigation Measure 4.3-1 of the Dumbarton TOD Specific Plan EIR requires that a CDFW and USFWS permitted federal and state permitted salt marsh harvest mouse biologist conduct a habitat assessment to determine whether suitable habitat is present for salt marsh harvest mouse. If the conclusion is rendered by the CDFW and USFWS-qualified biologist that no impacts to the salt marsh harvest mouse would occur, the standards of care dictated by CEQA will be met and no further action shall be warranted. Dr. Padgett-Flohr determined that salt marsh harvest mouse is absent from the site and that none would be affected by its development (Appendix E). Based on this finding by a qualified, CDFW and USFWS permitted salt marsh harvest biologist, the standards of care dictated by CEQA have been met and no further action is warranted, and no compensatory mitigation is required.

The proposed project would not result in impacts to salt marsh harvest mouse.

<u>Potential Impacts to Nesting Raptors</u>

There are trees on and adjacent to the site that are potentially suitable for raptor nesting, although no raptor nests were observed during biological surveys. Potential impacts to nesting raptors could occur if nesting began on the site prior to construction including destruction of nests, forced fledging of young, or nest abandonment by the adults. Mitigation measure 4.3-2 shall be implemented in accordance with the Specific Plan MMRP.

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

- In order to avoid impacts to nesting raptors, a nesting survey shall be conducted within the project site prior to commencing with earthmoving or construction work if this work would occur during the raptor nesting season (between February 1 and August 31).

- The raptor nesting survey shall include examination of all trees on or within 300 feet of the entire project site, not just trees slated for removal, since ground vibrations and noise from earth-moving equipment can disturb nesting birds and potentially result in nest abandonment. Areas within 300 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.

- 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.

- 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.

- 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 through the month of August. The buffer may be removed and work may proceed as otherwise planned within the buffer on September 1.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measure, impacts to nesting raptors would be less-than-significant.

<u>Potential Impacts to Burrowing Owl</u>

No burrowing owl has been observed on the project site; however, additional pre-construction surveys are warranted as the site provides marginal habitat for burrowing owl. This species could potentially be impacted by construction if it were to occupy the site. Mitigation measure 4.3-2 shall be implemented in accordance with the Specific Plan MMRP. If burrowing owl pair(s) or resident burrowing owl is observed during any of the pre-construction surveys, avoidance and compensatory mitigation would be required,

as described below. The project specific mitigation presented below reflects revisions to MM 4.3-3 for consistency with the 2012 CDFW guidelines for preconstruction surveys and to address potential impacts to burrowing owls in the project site.

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

- 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.

- 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 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.

- 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.

- 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 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 six and a half 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).

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measure, impacts to burrowing owl would be less-than-significant.

Potential Impacts to Nesting Passerines and Other Birds

The project site provides suitable habitat for common nesting passerines and other birds. Potential impacts to nesting birds could occur if nesting began on the site prior to construction including destruction of nests, forced fledging of young, or nest abandonment by the adults. Mitigation measure 4.3-4 shall be implemented in accordance with the Specific Plan MMRP. Pre-construction surveys will be conducted and appropriate nest-avoidance measures shall be implemented if these species are present adjacent to the construction area. No surveys will be required if construction is initiated outside of the nesting season.

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

- 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 (including site remediation activities) 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.

- 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.

- 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.

- 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 prior to the time that buffers are removed if the date is before August 1.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measure, impacts to nesting passerines and other birds would be less-than-significant.

Potential Impacts to Special Status Plants

HELIX Senior Biologists and International Society of Arboriculture (ISA) Certified Arborists Stephen Stringer, M.S. (ISA #WE-7129A) and George Aldridge, Ph.D. (ISA #WE-11778A) conducted a bloom season botanical survey of the project site on May 1, 2018. No special status plant species were observed on the project site, and habitat in the project site is either unvegetated pavement or heavily dominated by a dense cover of non-native annual grasses, with patches of non-native forbs. Therefore, the proposed project would have no impact to special-status plants, and no mitigation is necessary.

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

No Impact. No riparian habitat or other sensitive community will be impacted by the project; therefore, no mitigation is necessary. Neither non-jurisdictional seasonal wetlands nor ruderal/disturbed habitat are considered riparian habitat or a sensitive community.

c) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant with Mitigation. The analysis by WRA Environmental Consultants in March 2018 (Appendix C) concluded that there are no wetlands or other waters on the site subject to jurisdiction under Section 404 of the Clean Water Act. Some areas of ponding occur on the site within the ruderal/disturbed habitat; however, WRA (2018) concludes that areas of ponding are the result of

longstanding and ongoing construction related activities and the need to retain stormwater on site and are exempt from jurisdiction under Section 404 of the Clean Water Act.

The proponent has requested a “no permit required” determination from the USACE for the constructed related depressions and areas where stormwater is retained. If the USACE issues the “no permit required” determination or otherwise indicates that it does not have jurisdiction under the Clean Water Act on any portion of the property, no permit would be necessary under Section 404, and no certification would be required under Section 401, of the CWA. If the USACE determines that a permit is required for portions of the property it determined to fall under the CWA, the project proponent would comply only with applicable requirements of Mitigation Measure 4.3-6 of the Specific Plan MMRP.

Section 4.3 of the Dumbarton TOD Specific Plan EIR identified Mitigation Measure 4.3-6 to address potentially significant impacts to waters of the U.S./State within the Specific Plan area in the form of conducting a project-specific wetland delineation, obtaining the appropriate permits, and providing appropriate compensatory mitigation (as appropriate).

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-6 (Wetlands)

- Wetland mitigation shall, to the extent not already completed, require a wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Coast Region (Corps 2008) prior to City approval of any specific development proposal. During the wetland delineation, if vernal pools are identified, they shall be noted as areas requiring further study and/or consideration for protection from potential project impacts. This delineation shall be submitted to the USACE for verification. Once that map is “verified,” the full extent of waters of the U.S./State would be known and the extent of impacts on regulated areas ascertained.Appropriate authorization from the Corps and the RWQCB shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project.

- Impacts shall also be minimized by the use of Best Management Practices (BMPs) to protect preserved waters of the U.S./State and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed. These practices can include installing orange construction fencing buffers, straw waddles to keep fill from entering preserved/avoided wetlands and other waters, and other protective measures. During project construction, a biological monitor shall be on site to monitor the integrity of any preserved wetlands and other waters during mass grading or filling of the project site.

- For those wetland areas that are not avoided by project construction, compensatory mitigation shall be provided. As approved by the USACE and/or the RWQCB, the project applicant may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a minimum 1:1 ratio.

- As an alternative to the purchase of credits in a mitigation bank, wetlands may be created 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 and/or the RWQCB 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.

- If wetlands are restored/created, adequate compensation shall include creating wetlands at a suitable location that meet the following performance standards:
    - 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.

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. In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measure, impacts to wetlands would be less-than-significant.

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

No Impact. The project area and vicinity feature previous industrial land uses, and development with residential and commercial uses. The project site does not provide important habitat for movement of any native species or a migratory wildlife corridor, nor would development of the project impede the use of native wildlife nursery sites; therefore, no mitigation is necessary.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.3-7 (Wildlife Corridors)

The Specific Plan EIR states that the project site does not constitute a wildlife movement corridor per se and that the project would result in a less than significant impact to wildlife corridors. No mitigation was required.

The proposed project would not result in impacts to wildlife corridors.

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

Less Than Significant with Mitigation. There are nine trees in or adjacent to the project site that meet the criteria for protection under the City of Newark Municipal Code (Figure 4). The project could result in removal of protected trees.

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

The Specific Plan MMRP measure 4.3-8 requires obtaining a permit from the public works director, replacement of removed trees at a 1:1 ratio, preparation of a Tree Management Plan, and monitoring and maintenance of the replacement plantings. Mitigation measure 4.3-4 shall be implemented in accordance with the Specific Plan MMRP prior to site disturbance for removal of any trees in the project site that are protected by City Ordinance.

- A tree permit shall be obtained from the City prior to the removal of any tree protected by City ordinance. To offset impacts resulting from the removal of protected trees, replacement trees shall be planted in designated open space areas or elsewhere 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.

- 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.

- All planted trees shall be provided with a buried irrigation system that shall be maintained over a minimum three-year establishment period. The irrigation system shall be placed on automatic electric or battery-operated timers so that trees are automatically watered during the dry months of the establishment period. At the end of the 3-year establishment period, the irrigation system could be removed, if necessary. The planted trees' health shall be monitored annually for 5 years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City.

- 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.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measure, impacts to protected trees would be less-than-significant.

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

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

V. CULTURAL RESOURCES

CULTURAL RESOURCES: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	■	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐

Regulatory Setting

State and federal legislation requires the protection of historical and cultural resources. In 1971, President's Executive Order No. 11593 required that all federal agencies initiate procedures to preserve and maintain cultural resources by nomination and inclusion on the National Register of Historic Places. In 1980, the Governor's Executive Order No. B-64-80 required that state agencies inventory all "significant historic and cultural sites, structures, and objects under their jurisdiction which are over 50 years of age and which may qualify for listing on the National Register of Historic Places." Section 15064.5(b)(1) of the CEQA Guidelines specifies that projects that cause "…physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired" shall be found to have a significant impact on the environment. For the purposes of CEQA, an historical resource is a resource listed in, or determined eligible for listing in the California Register of Historical Resources. When a project could impact a resource, it must be determined whether the resource is an historical resource, which is defined as a resource that:

(A) is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and,

(B) Meets any of the following criteria: 1) is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; 2) is associated with the lives of persons important in our past; 3) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or 4) has yielded, or may be likely to yield, information important in prehistory or history.

Cultural Background

Following is a brief summary providing a context in which to understand the background and relevance of resources that may occur in the general project area. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview. Further details can be found in ethnographic studies, mission records, and major published sources.

Native American Background

At the time of European contact, the general Newark area was occupied by various tribelets that were part of the Ohlone (previously Costanoan) tribe of California Native Americans (Levy 1978). The Ohlone group designates a language family consisting of eight branches of the Ohlone language that are considered too distinct to be dialects, with each being related to its geographically adjacent neighbors (Levy 1978).

The various Ohlone tribes subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence (Levy 1978). The predominant plant food source was the acorn, but they also exploited a wide range of other plants and the protein sources included grizzly bear, elk, and black-tailed deer as well as smaller mammals. Waterfowl, including Canada geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Ohlone diet and included steelhead, salmon, and sturgeon (Jones 2007).

The Ohlone constructed watercraft from tule reeds and possessed bow and arrow technology. They fashioned blankets from sea otter pelts, fabricated basketry from twined reeds of various types, and assembled a variety of stone and bone tools in their assemblages. Ohlone villages typically consisted of domed dwelling structures, communal sweathouses, dance enclosures, and assembly houses constructed from thatched tule reeds and a combination of wild grasses, wild alfalfa, and ferns.

The Ohlone were politically organized into autonomous tribelets that had distinct cultural territories. Individual tribelets contained one or more villages with several seasonal camps for resource procurement within the tribelet territory. The tribelet chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The tribelet chief and council were essentially advisors to the community and were responsible for feeding visitors, directing hunting and fishing expeditions, ceremonial activities, and warfare on neighboring tribelets.

The Gold Rush brought disease to the native inhabitants, and by the 1850s, nearly all the Ohlone had adapted in some way or another to economies based on cash income. Hunting and gathering activities continued to decline and were rapidly replaced with economies based on ranching and farming.

Historic Background – City of Newark

The City of Newark is located within Alameda County, California and is comprised of approximately 14 square miles of land. Newark was incorporated on September 22, 1955 and is part of what is referred to as the “Tri-City” area which includes Newark, Fremont and Union City. In 2015, the city’s population was approximately 44,000 people. The development of Newark followed the same patterns of change and growth as did most of California during the Mexican and American periods. After California statehood, the American presence in the San Francisco Bay region increased steadily. The following is excerpted from www.newark.org/vistors/history.

By the early 1850s, small landings were under construction along the San Francisco Bay area near Newark. In 1853, Mayhew's Landing included warehouses for wheat, hay, and coal and by 1856 the Mayhew Ranch included 1,500 acres of farmland extending inland to present- day I-880. Less than 20 years later, the Perrin brothers acquired the old Mayhew’s Ranch and extended their holdings to include property stretching from today's Jarvis Avenue on the north to south of Thornton Avenue. The Perrin brothers' "development project," the Green Point Dairy and Transportation Company, set the tone for

future development. It was the Perrin brothers who first drew up plans to subdivide the Green Point Dairy into a townsite (located in the general vicinity of Thornton and Jarvis Avenues).

Work started on a railroad through the townsite from Dumbarton Point in 1875. In 1876, the railroad, together with the Green Point Dairy, were purchased and completed the South Pacific Coast Railroad, from Dumbarton Point south to Santa Cruz. Soon, a railroad station, roundhouse, and railroad shop buildings were being erected in the center of Newark in the area between Thornton Avenue, Sycamore Street, and Carter Avenue. Eventually, the railroad was extended north from Newark to Alameda, providing direct ferry service to San Francisco.

The completion of the railroad precipitated additional development in Newark. Hotels and stores were soon constructed, along with some of the first manufacturing industries, including a railroad car building firm and a foundry which later manufactured Wedgewood stoves. These enterprises joined the production of salt, which had been underway in the Newark area since the 1850s. Acquisitions and mergers of salt production companies throughout the Bay area ultimately resulted in formation of the Arden Salt Company, predecessor to Leslie Salt Company and today's Cargill Salt.

The City of Newark lies close to Silicon Valley with its high-tech companies and digital technology. Over the twentieth century, industrial growth within and surrounding Newark, added to the economic base. In September 1955, Newark was incorporated as the first new city in Alameda County in 47 years. Because of these efforts, Newark has built the Newark Mall, with its jobs and tax revenues, completed the Dumbarton Bridge and maintained and improved much of the Nimitz Freeway.

Records Searches

Northwest Information Center Record Search

On April 17, 2018, a record search including the project area and a 0.50-mile radius beyond the project boundary was conducted by HELIX at the Northwest Information Center in Rohnert Park. Results from the search indicate that no precontact or historical resources have been previously recorded within the project area. One historic age resource, The Southern Pacific Railroad (P-01-001783), was recorded within a 0.50-mile radius. A portion of the railroad is located approximately 790 feet north of the project area boundary. In addition, 14 studies have been conducted within the 0.50-mile search radius; two of the studies included the project area. A search of the Historic Properties Database File for Alameda County was negative for historic properties within the project boundaries or a 0.50-mile radius.

Native American Heritage Commission (NAHC) Sacred Lands File Search

On June 6, 2018, HELIX sent a letter to the NAHC to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the project area. On June 26, 2018, a response was received indicating negative results. However, the response noted that the absence of specific site information in the SLF does not preclude the presence of cultural resources in any project area. The letter instructed HELIX to contact six Native American tribal representatives included with the response. On June 26, 2018, HELIX sent letters to the six tribal members; as of this date, no responses have been received.

Pedestrian Survey

HELIX Archaeologist, Katherine D. Thomas, M.A., RPA, surveyed the project area on April 30, 2018. The project area was previously used for the storage, blending, packaging, and distribution of certain solvents, bases, acids, and specialty chemicals, and the foundations of the former facility improvements are still evident within the project area. The remainder of the project area is covered with weedy vegetation, resulting in very little native ground surface visibility. The project area was surveyed utilizing 5-10 meter transects and trowel scrapes were used occasionally to ensure full coverage during the survey. Although it seemed possible that historic age resources might be found within the project area boundaries, no historic age resources were identified. In addition, no pre-contact resources were observed during the survey.

Findings

No pre-contact resources have been previously recorded within the project area boundaries or a 0.50-mile radius and none were identified during the field survey. Therefore, the project site is considered to have a low sensitivity for pre-contact resources.

One historic resource, a portion of the Southern Pacific Railroad, has been previously recorded approximately 800 feet north of the project area. No historic age resources were identified within the project area during the field survey. Therefore, the project site is considered to have a low sensitivity for historic age resources.

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

The PEIR concludes there are no NRHP or CRHR listed, determined, or potential archaeological sites, significant local, State or Federal historic properties, landmarks, etc., in or adjacent to the Specific Plan area. Additionally, there are no recorded archaeological resources, including prehistoric sites and no recorded, reported, or known Native American sites, villages, trails, traditional use areas, or contemporary use areas in, adjacent, or near the Specific Plan area. No historic resources have been formally recorded or reported in or near the Specific Plan area. The Specific Plan area has a low sensitivity for paleontological resources.

There is a possibility that potentially significant unrecorded archaeological resources, including prehistoric resources and human remains, as well as historic resources, and are present beneath the ground surface and could be exposed during construction activities. Unknown paleontological resources may be damaged or destroyed during ground disturbing activities.

Evaluation of Cultural Resources

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant With Mitigation. Previous record searches have resulted in negative findings for historic age and pre-contact resources within the project area, however, there is one resource, a portion of the Southern Pacific Railroad, that is located within approximately 800 feet of the northern project boundary. Although no paleontological, cultural, or historic age resources were identified during the field survey, ground disturbance during project construction could reveal unknown paleontological, cultural, or historic age resources below the ground surface. Measures contained in the Specific Plan MMRP (measures 4.4-1a) would be implemented to minimize impacts to cultural resources to a less-than-significant level.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to cultural resources, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary. With implementation of the above measures, impacts to cultural resources would be less than significant.

VI. GEOLOGY AND SOILS

GEOLOGY AND SOILS: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	■	☐	☐
ii. Strong seismic ground shaking?	☐	■	☐	☐
iii. Seismic-related ground failure, including liquefaction?	☐	■	☐	☐
iv. Landslides?	☐	■	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	■	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	■	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	■	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

Environmental Setting

A project-specific preliminary geotechnical investigation was prepared by Cornerstone Earth Group and is included as **Appendix F**. Information pertinent to the project is summarized below.

Geology

The project site is located in the San Francisco Bay Area, approximately 1.8 miles northeast of the San Francisco Bay. This region is known to be one of the most seismically active places in the United States. There are three major active faults located in the San Francisco Bay Area: the Hayward Fault, which is located approximately 5 miles east of the project site, the San Andreas Fault, which is located approximately 13 miles west of the project site, and the Calaveras Fault, which is located approximately 11 miles east of the project site.

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

Soils

Following discovery of soil contamination on the site in the 1980s, remediation at the center of the site included excavation of approximately 25,000 cubic yards of contaminated soil that was either treated and/or removed from the site. The excavation was reportedly backfilled with geotextile fabric, crushed concrete, imported granular fill and other on-site soils (Cornerstone 2018).

The site is underlain by Holocene age basin deposits. The deposits are generally described as saturated, generally fine clay and silty clay deposits deposited near the distal edge of alluvial fans and adjacent to Bay Mud and are known to be underlain by variable older alluvial sediments. These older alluvial soils generally consist of clays, sand, silts and localized gravel layers (Helley & Graymer 1997; CGS 2003). Bay Mud is saturated estuarine mud predominantly consisting of clay and silty clay that underlies marshlands and tidal mud flats of San Francisco Bay. The Bay Mud contains a few lenses of fine sand and silt, as well as a few shelly layers (oysters), and peat. The mud interfingers with and grades into fine-grained deposits at the distal edge of Holocene fans.

The site is within a State-designated Liquefaction Hazard Zone (CGS, Newark Quadrangle, 2003). Cornerstone preformed tests to determine the liquefication potential. The conclusion of the analysis indicates possible liquefaction that could result in soil softening and post-liquefication within several of the soil layers. Site grading plans should sufficiently cap the site and reduce the potential for ground rupture.

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

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

City Regulation of Geology and Soils

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

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

Geology and soils are discussed in Chapter 4.5 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The PEIR concludes that project construction could expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death as a result of seismic-related ground shaking, liquefaction, or landslides and includes measures to reduce impacts to less than significant. The project could also result in substantial soil erosion, the loss of topsoil, or be located on a geologic formation or soil that is unstable and includes measures to reduced impacts to less than significant.

The PEIR concluded that there are no identified faults running through the Dumbarton TOD Specific plan area and the risk of ground rupture is non-existent. Additionally, future development allowed by the Dumbarton TOD Specific Plan would connect to the municipal sewer system and would not require the construction of septic tanks or an alternative wastewater disposal system.

Evaluation of Geology and Soils

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

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

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

   iii. Seismic-related ground failure, including liquefaction?

   iv. Landslides?

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

Impacts to people or structures as a result of seismic-related activity could be potentially significant. The impact of seismic-related ground shaking on the project site can be reduced if the project is constructed in compliance with the geotechnical engineering investigations and the California Building Code requirements.

The project-specific preliminary geotechnical investigation identified potentially liquefiable soils to a depth of 50 feet or more and recommended additional subsurface investigations and liquefaction analyses be performed.

The preliminary conclusions and recommendations contained in this report are subject to modification, depending on the findings from the subsurface investigation and liquefication analyses (Cornerstone 2018). Therefore, the Specific Plan MMRP measure 4.5-1 will be implemented to further reduce impacts to a less-than-significant level.

Dumbarton Mitigation Monitoring and Reporting Program Measure 4.5-1

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

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.5-1 would reduce seismic-related ground shaking, liquefaction, or landslide impacts to a less-than-significant level.

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

Less Than Significant With Mitigation. Construction activities on the project site, such as grading and excavation, could potentially result in increased erosion or loss of topsoil from wind or stormwater. While the project could be exposed to erosion hazards or loss of topsoil, as noted in the PEIR, erosion can be controlled through mitigation measures developed by specific geotechnical investigations that are required by Specific Plan MMRP measure 4.5-2. Additionally, the project is required to adhere to local and statewide regulations, codes, and requirements, as described in mitigation measure 4.9-3 (Hydrology and Water Quality).

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

Erosion can be controlled through mitigation measures developed by specific geotechnical investigations that are required by mitigation measure 4.5-1. Additionally, the project is required to adhere to local and statewide regulations, codes, and requirements, as described in mitigation measure 4.9-3 (Hydrology and Water Quality).

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.5-2 would reduce impacts to soil erosion to a less-than-significant level.

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

Less Than Significant With Mitigation. Previous environmental excavation and backfill ranging from approximately 5 to 15 feet below the existing surface was performed on the project site. The excavations were predominantly backfilled with imported granular fill and crushed concrete with a layer of geotextile fabric up to the top of the ground water level. The upper approximately 4 to 6 feet of the excavations were reportedly backfilled with layers of imported granular soil or native clay soil treated with lime. Compaction of the gravel layer below the ground water level was reportedly not performed. Limited compaction records from 2005 and 2006 for the fill soil above the gravel layers indicated 90 percent compaction was achieved (URS 2006 in Cornerstone 2018). Due to the loose consistency and relatively low percentage of silt and clay fines within the gravel, several layers could potentially experience liquefaction that could result in soil softening and post-liquefaction total settlement ranging from approximately 1 to 3 inches (Cornerstone 2018).

While the project could experience differential ground settlement from backfilled areas, implementation of Specific Plan MMRP measure 4.5-1 and adherence to the mitigation measures prescribed in the design-level geotechnical engineering investigation would reduce these impacts to a less-than-significant level.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

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

Less Than Significant With Mitigation Expansive soils were encountered in the surficial soils that blanket the site, which could result in structural damage. While the project could be exposed to impacts caused by unstable soils, implementation of Specific Plan MMRP measure 4.5-1 and adherence to the mitigation measures prescribed in the design-level geotechnical engineering investigation would reduce these impacts to a less-than-significant level.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary.

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

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

VII. GREENHOUSE GAS EMISSIONS

GREENHOUSE GAS EMISSIONS: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	■	☐	☐

Environmental Setting

A project specific GHG emission's evaluation was conducted (Appendix B) and the methods and results are summarized in the following subsections.

Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have recently been associated with global warming, which is an average increase in the temperature of the atmosphere near the Earth's surface; this is attributed to an accumulation of GHG emissions in the atmosphere. GHGs trap heat in the atmosphere which, in turn, increases the Earth's surface temperature. Some GHGs occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. The emission of GHGs through fossil fuel combustion in conjunction with other human activities appears to be closely associated with global warming.

GHGs, as defined under California's AB 32, include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6) (USEPA 2017b). General discussions on climate change often include water vapor, ozone, and aerosols in the GHG category. Water vapor and atmospheric ozone are not gases that are formed directly in the construction or operation of development projects, nor can they be controlled in these projects. Aerosols are not gases. While these elements have a role in climate change, they are not considered by either regulatory bodies, such as CARB, or climate change groups, such as the Climate Registry, as gases to be reported or analyzed for control. Therefore, no further discussion of water vapor, ozone, or aerosols is provided.

GHGs vary widely in the power of their climatic effects; therefore, climate scientists have established a unit called global warming potential (GWP). The GWP of a gas is a measure of both potency and lifespan in the atmosphere as compared to CO_2. For example, since CH_4 and N_2O are approximately 25 and 298 times more powerful than CO_2, respectively, in their ability to trap heat in the atmosphere, they have GWPs of 25 and 298, respectively (CO_2 has a GWP of 1). Carbon dioxide equivalent (CO_2e) is a quantity that enables all GHG emissions to be considered as a group despite their varying GWP. The GWP of each GHG is multiplied by the prevalence of that gas to produce CO_2e. The atmospheric lifetime and GWP of selected GHGs are summarized in **Table 8**.

Table 8. Global Warming Potentials and Atmospheric Lifetimes

GREENHOUSE GAS	ATMOSPHERIC LIFETIME (years)	GLOBAL WARMING POTENTIAL (100-year time horizon)
Carbon Dioxide (CO_2)	50.0–200.0	1
Methane (CH_4)	12.0	25
Nitrous Oxide (N_2O)	114.0	298
HFC-134a	14	1,430
PFC: Tetrafluoromethane (CF_4)	50,000.0	7,390
PFC: Hexafluoroethane (C_2F_6)	10,000.0	12,200
Sulfur Hexafluoride (SF_6)	3,200.0	22,800
Carbon Dioxide (CO_2)	50.0–200.0	1
Methane (CH_4)	12.0	25
Nitrous Oxide (N_2O)	114.0	298
HFC-134a	14	1,430

HFC: hydrofluorocarbons; PFC: perfluorocarbons
Source: IPCC 2007.

Regulatory Framework Relating to Greenhouse Gas Emissions

State Regulations

AB 32, the California Global Warming Solutions Act of 2006, recognizes that California is a source of substantial amounts of GHG emissions. The statute states that:

> *Global warming poses a serious threat to the economic wellbeing, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.*

In order to help avert these potential consequences, AB 32 established a State goal of reducing GHG emissions to 1990 levels by the year 2020, which is a reduction of approximately 16 percent from forecasted emission levels, with further reductions to follow. In addition, AB 32 required CARB develop a Scoping Plan to help the state achieve the targeted GHG reductions. In 2015, Executive Order (EO) B-30-15 established a California GHG emission reduction target of 40 percent below 1990 levels by 2030. The EO aligns California's GHG emission reduction targets with those of leading international governments, including the 28 nation European Union. California is on track to meet or exceed the target of reducing GHG emissions to 1990 levels by 2020, as established in AB 32. As a follow-up to AB 32 and in response to EO-B-30-15, Senate Bill (SB) 32 was passed by the California legislature in 2016 to codify the EO's California GHG emission reduction target of 40 percent below 1990 levels by 2030. The most recent update to the Scoping Plan was adopted in December 2017 and establishes a proposed framework for California to meet the EO-B-30-15 reduction target (CARB 2017c).

City of Newark Climate Action Plan

The City of Newark has adopted a Climate Action Plan to identify and evaluate feasible and effective policies to reduce GHG emissions in order to reduce energy costs, protect air quality, and improve the

economy and the environment (City 2010). The plan identifies a 5 percent GHG reduction target from 2005 municipal emissions by July 2012, a 5 percent reduction in city and community emissions by July 2015, and a 15 percent decrease in communitywide emissions levels by 2020. Data collected by the City through the GHG monitoring process shows that the City has already achieved the first two of these goals.

Methods

Construction GHG emissions are generated by vehicle engine exhaust from construction equipment, on-road hauling trucks, vendor trips, and worker commuting trips. Operational GHG emissions for the proposed project are estimated by including purchased electricity; natural gas use for space and water heating; the electricity embodied in water consumption; the energy associated with solid waste disposal; and mobile source emissions. As described under methods in Section 8.III, *Air Quality*, construction and operation emissions were estimated using the CalEEMod Version 2016.3.2. All modeling output files are provided in Appendix B.

Levels of Significance

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

As discussed in Section 15064.4 of the State CEQA Guidelines, the determination of the significance of GHG emissions calls for a careful judgment by the lead agency, consistent with the provisions in Section 15064. Section 15064.4 further provides that a lead agency should make a good faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project.

As shown in **Table 9**, the BAAQMD 2017 CEQA Guidelines do not have thresholds for construction GHG emissions but do include operational related thresholds. For land use development projects[1] to meet the operational thresholds, it must show compliance with a qualified GHG reduction strategy; or annual emissions less than 1,100 MT CO_2e; or be below a screening-level emission rate of 4.6 MT CO_2e per service population (residents plus employees) per year. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects. The proposed project, a medium density residential development, was assessed for compliance with the screening-level emission rate of 4.6 MT CO_2e per service population.

[1] Land use development projects include residential, commercial, industrial and public land uses and facilities

Table 9. BAAQMD Greenhouse Gas Emissions Thresholds

Pollutant	Construction-Related	Operational-Related
	Average Daily Emissions (pounds/day)	Maximum Annual Emissions (metric tons/year)
GHGs – Projects other than Stationary Sources	No threshold	Compliance with Qualified GHG Reduction Strategy OR 1,100 MT of CO_2e/yr OR 4.6 MT CO_2e/SP/yr (residents + employees)

Source: BAAQMD 2017c.

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

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

Evaluation of Greenhouse Gas Emissions

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact.

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

<u>Construction Emissions</u>

GHG emissions during construction would be associated with the use of heavy equipment, haul trucks importing and exporting debris and soil, and by construction worker commute trips. GHG emissions as a result of construction activities would be temporary. As shown in **Table 10**, total GHG emissions associated with construction are estimated at 1,909 MT of CO_2e.

Table 10. Estimated Construction Related GHG Emissions for the Proposed Project

Phase	Annual Emissions (metric tons/year)			
	CO_2	CH_4	N_2O	CO_2e
2018	43	<0.5	<0.5	43
2019	935	<0.5	<0.5	938
2020	620	<0.5	<0.5	623
2021	304	<0.5	<0.5	305
CONSTRUCTION TOTAL	**1,902**	**<0.5**	**<0.5**	**1,909**

Source: *Appendix B (CalEEMod Output)*

As stated, the BAAQMD 2017 CEQA Guidelines do not have significance thresholds for construction GHG emissions; however, the project-related emissions are included here for informational purposes. Impacts would be less than significant and no mitigation measures would be required.

Operational Emissions

Operational emissions would result from transportation sources (primarily automobile trips) and from area sources such as electricity generation, water treatment and transmission, solid waste collection, and space heating. Project design features incorporated into the proposed project are listed in Section 8.I *Air Quality*.

The net increase in GHG emissions from the project would be 1,245 MT of CO_2e per year. The BAAQMD's 2017 CEQA Air Quality Guidelines establishes a threshold of 4.6 MT CO_2e per service population (residents plus employees) per year. The service population for the proposed project is estimated to be approximately 398 residents. The estimated annual operational GHG emissions are presented in **Table 11**. By factoring in the service population, the project emissions equal 3.1 MT CO_2e per service population per year, which is lower than the threshold. Therefore, the project would not result in a significant impact associated with GHG emissions.

Table 11. Estimated Annual Operation Greenhouse Gas Emissions for the Proposed Project

Emission Source	Annual Emissions (metric tons/year)
	CO_2e
Area Source	2
Energy Use	489
Mobile	694
Solid Waste Management	39
Water Consumption	26
Tree Planting	-4
OPERATIONAL TOTAL	**1,245**
Projected Service Population[1]	398
NET INCREASE PER SERVICE POPULATION	**3.1 MT CO_2e/SP/yr**
Significance Threshold	4.6 MT CO_2e/SP/yr
Significant Impact?	***No***

Source: *Appendix B (CalEEMod Output)*

[1] Service population = residents + employees

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of

substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant With Mitigation. The PEIR prepared for the Dumbarton TOD Specific Plan concludes that the entire Dumbarton TOD project (which includes the proposed project) is consistent with all applicable GHG plans and policies. The proposed project design features were compared against the policies included in the 2013 Updated General Plan that's incorporated the City of Newark's Climate Action Plan. The project's design features, detailed in Section 8.II *Air Quality*, would support several General Plan policies, including but not limited to:

Policy LU-1.17. Sustainable Development Emphasis. Ensure that new development incorporates green building and sustainable design principles and encourage renovation of existing development to use water and energy more efficiently. Newark will reduce dependence on fossil fuels by citing homes, jobs, shopping, and services within walking distance of each other, and developing a circulation network that encourages walking, bicycling, and transit use.

Policy T-1.6. Traffic Calming. Use traffic design features and traffic calming techniques to improve safety and maintain the quality of life in Newark neighborhoods. Traffic calming should be incorporated into urban design and streetscape plans so that a safer environment is provided for all users.

Policy T-4.2. Transit-Oriented Development (TOD). Require that the densities and intensities of development in the vicinity of major transit hubs are high enough to capitalize on the investment that has been made in transit and to encourage and support transit use.

Policy CS-3.2. Water Conservation Standards. Promote conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs.

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

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

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

Policy CS-5.3. Alternative Fuel Vehicles. Encourage the use of alternative fuel and electric vehicles and development of the necessary infrastructure for such vehicles to be viable in Newark.

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

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

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

The project would also be consistent with several Action Items listed in the City's Climate Action Plan, namely the project's green principles and regional smart growth planning efforts it will achieve (medium density residential units nearby the transit station). The project would include the installation of energy- and water-efficient systems. The project is consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development.

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

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

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

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.6-1 would reduce potential impacts to a less-than-significant level.

VIII. HAZARDS AND HAZARDOUS MATERIALS

HAZARDS AND HAZARDOUS MATERIALS: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	■	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	■	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	■	☐

Environmental Setting

Hazards and hazardous materials are discussed in Chapter 4.7 of the PEIR (RBF 2011) prepared for the Dumbarton TOD Specific Plan. Additionally, a site-specific Phase I Environmental Site Assessment (see **Appendix G**) and Focused Feasibility Study/Removal Action Plan and Response Plan have been prepared for the project.

The project site has a history of soil and groundwater hazardous materials contamination associated with previous land uses. The site was formerly used for the storage, blending, packaging and distribution of certain solvents, bases, acids and specialty chemicals. Prior to facility closure, the Site had approximately 50 above ground storage tanks (ASTs) with storage capacities of 5,000 to 20,000 gallons, a warehouse for chemical product mixing and storage, a truck rack for the loading and unloading of

solvents, a second truck rack for the loading and unloading of acid and base compounds, railcar unloading areas, and several on-Site drum storage areas for finished products.

The soil and ground water at the project site have been impacted by a wide variety of chemicals arising from the former facility operations. Since the early 1980s, several remedial measures have been implemented at the Site. The first remedial activity consisted of the extraction of contaminated ground water, which occurred between August 1982 and May 1986. In 1988, following a release of solvents from an act of vandalism in 1987, approximately 600 cubic yards of impacted soil reportedly was removed. The average depth of removal was reportedly approximately 1-foot. The soil was removed from the eastern, northern, and western edges of the tank farm and from the truck rack area. The excavated areas were backfilled with clean fill; the majority of the affected areas were covered by asphalt and concrete by 1990. Ground water extraction resumed in 1990 and continued until 2005.

During facility decommissioning in 2000, Ashland removed the ASTs and associated underground pipelines. In 2003, approximately 700 cubic yards of soil from the AST farm area were excavated, treated on-Site via vapor extraction and then used to backfill a second phase of excavation that occurred in 2004 and included the removal and off-Site disposal of 900 cubic yards of soil. Two additional phases of soil excavation were conducted in 2005 and 2006 with removal of 22,400 cubic yards of soil from the AST farm per the Water Board's Final Site Cleanup Requirements Order R-2-2005-0038.

Pursuant to Order R2-2005-0038, the groundwater monitoring program beginning in 2006 was changed to document the cleanup progress of post remedial soil excavation and natural attenuation processes. A total of 22 wells at the site are sampled semiannually, with the results reported to the San Francisco RWQCB.

On December 16, 2015, Ashland submitted a Human Health Risk Assessment (HHRA) report (EHS 2015) to the RWQCB, summarizing results from an evaluation of potential human health risks associated with future exposures to constituents of potential concern (COPCs) at the Property under potential future land uses. Cornerstone Earth Group prepared a Focused Feasibility Study/Removal Action Plan and Response plan proposing appropriate mitigation and remedial corrective actions to meet eventual closure criteria for groundwater.

Properties surrounding the project site are undergoing active construction and site remediation. The 16-acre FMC property located on the northwest corner of the intersection of Enterprise Drive and Willow Street, across from the Compass Bay project site, will be undergoing soil remediation in Fall 2018. The soil remediation work at the nearby FMC property will begin in August 2018 and is expected to continue through October 2018 (RWQCB 2018).

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

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

Evaluation of Hazardous Materials

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant With Mitigation. The project site has a history of hazardous materials contamination associated with previous land uses that may create a significant hazard to the public or the environment if not appropriately remediated. The San Francisco Bay RWQCB provides regulatory oversight of the properties within the Dumbarton TOD Specific Plan area, including the project site, and has participated in ongoing coordination to remediate the project site.

Once environmental remediation of the project site is complete, the project applicant will request that the RWQCB determine that residential use of the site will not present an unacceptable risk to human health and the environment with the implementation of appropriate mitigation measures. The Specific Plan MMRP measures 4.7-1a-c would therefore be implemented to avoid, minimize, and mitigate impacts to the public and the environment as a result of hazardous materials.

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

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

1c requires that soils imported into the Specific Plan area from off-site shall be tested for toxic or hazardous materials.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measures 4.7-1a-c would reduce potential impacts to a less-than-significant level.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The City has adopted two emergency response plans. The “Emergency Operations Plan” provides operational procedures for responding to a variety of emergency conditions, including natural, hazardous materials, and civil defense conditions. The “Chemical Emergency Preparedness Supporting Plan” establishes operating procedures for responding to a chemical spill or other hazardous materials incident within the City. These plans are considered adequate and would not be affected by the project.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less Than Significant Impact. The project site is provided urban levels of fire protection by the City and would not increase the risk of wildland fires. In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

IX. HYDROLOGY AND WATER QUALITY

HYDROLOGY AND WATER QUALITY: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	■	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	■	☐	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
f) Otherwise substantially degrade water quality?	☐	☐	■	☐
g) Place housing within a l 00-year flood hazard area as mapped on a federal flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	■	☐
h) Place within a l 00-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	■	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	■	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	■	☐

Environmental Setting

Hydrology and water quality are discussed in Chapter 4.8 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The project site has undergone soil remediation and reflects the history of past hydrologic manipulation. Precipitation and municipal water is the only source of water for the study area. Precipitation collected on the site may pond in low areas or flow off site to adjacent parcels where it may percolate into the ground or evaporate.

City-owned storm drains are located on the northern portion of the property along Enterprise Drive and the southern portion of the property along Seawind Way. This storm drain system is designed to convey surface runoff to an outfall located within the southwestern corner of the Dumbarton TOD Specific Plan area and, ultimately, to the San Francisco Bay. Stormwater runoff from the project site is currently retained onsite due to berms created along the southwestern corner of the property pursuant to orders of the RWQCB. Implementation of the proposed project would increase impervious areas, subsequently reducing absorption rates in some areas, and would alter the site's existing drainage pattern. By increasing the impervious area and channelizing the stormwater runoff, the rates and volumes of runoff will increase.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The project site is within FEMA panel 06001C0443G effective 8/3/2009. The majority of the project site is located within an area classified as Zone X which indicates this area has a 0.2 percent annual chance of flooding. A small portion of the site in the southwest corner of the property is within an area classified as Zone AE which indicates this area has a 1 percent annual chance of flooding and is within a 100-year floodplain (FEMA 2018).

The project site is located in the inundation areas for three dams: Del Valle, James H. Turner, and Calaveras, all of which are classified as high hazard dams because their failure could result in a significant loss of life and property damage. The California Division of Safety of Dams inspects each dam on an annual basis to ensure the dam is safe, performing as intended, and is not developing problems.

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

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

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

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

Hydrology, Drainage, and Water Quality are discussed in Section 4.8 of the PEIR prepared for the Dumbarton TOD Specific Plan. The PEIR concluded that the Dumbarton TOD would not violate water quality standards or waste discharge requirements, as all elements of the project would be required to comply with the requirements of the NPDES General Permit which includes implementation of best management practices to prevent or minimize environmental impacts and ensure that discharges during the construction phase of the project would not cause or contribute to the degradation of water quality

in receiving waters, reducing construction-related water quality impacts to less than significant. The PEIR contains measures to minimize impacts to water quality as a result of altered drainage patterns that may cause flooding and may also result in cumulatively considerable hydrology and water quality impacts. Future storm drainage lines for the project would be designed to carry flow to a new outfall being created by others within the southwestern corner of the Dumbarton TOD Specific Plan area. This new drainage outfall has been designed to accommodate the capacity of drainage from the proposed project and adjacent projects within the Specific Plan area.

Evaluation of Hydrology and Water Quality

a) Violate any water quality standards or waste discharge requirements?

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

Less Than Significant Impact. Implementation of the proposed project would have the potential to generate stormwater and contaminated runoff from the project site. Pollution and sediments may be washed into receiving waters from the project site; however, following construction and during the life of the project, areas would be paved or landscaped which would stabilize soils. The project may result in an increase of pollutants associated with the development; however, the project would be required to comply with applicable policies and regulations. The site is within the existing urban area of the City served by urban stormwater facilities, and construction on the site would be subject to NPDES General Permit conditions (including the implementation of BMPs) and all of the conditions of the City's Municipal Code, and the ACFC's requirements for new development and modifications of existing flood control systems. In addition, as noted above, stormwater from the proposed project would be designed to flow to a new drainage outfall within the southwestern portion of the Dumbarton TOD Specific Plan area created by others that has been sized to accommodate the proposed project and adjacent development. Operation of these requirements, which would be unchanged with approval of the project, would ensure that no adverse effects due to stormwater generation or contamination would take place.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts related to water quality and stormwater management, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table

level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less Than Significant Impact. Water use for the proposed project would be obtained from the ACWD, which utilizes treated groundwater as a source of its local supply along with other sources. The Dumbarton TOD Specific Plan is included in ACWD's forecast and water supply planning, and it would not increase water shortages from what has already been factored into ACWD's planning. While the project would result in additional impervious surfaces on the site that can interfere with the natural groundwater recharge process, the Alameda Creek Watershed is the primary source of recharge for the San Francisco Bay Area Basin and rainfall and applied water provide a local recharge to a lesser extent.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts related to groundwater supply, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available, therefore the preparation of a subsequent EIR or Negative Declaration is not necessary. The proposed development would not substantially reduce groundwater recharge, and impacts would be less than significant.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Less Than Significant With Mitigation. Implementation of the project would increase impervious areas, subsequently reducing absorption rates in some areas, and would alter the site's existing drainage pattern and percolation rates. By increasing the impervious area and channelizing stormwater runoff, the rates and volumes of runoff would increase. However, as noted above, storm drain systems within the Dumbarton TOD Specific Plan area have been designed to provide flood control and to ensure the storm water system can adequately accommodate the proposed project, and the following mitigation measure from the Dumbarton TOD Specific Plan PEIR would be implemented.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to the existing drainage system, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.8-4a would reduce potential impacts to a less-than-significant level.

g) Place housing within a 100-year flood hazard area as mapped on a federal flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Less Than Significant Impact. A small portion of the project site is within a mapped FEMA 100-year Flood Hazard AE Zone with a base flood elevation of 11 feet (FEMA 2018). The proposed project design conforms with associated applicable City requirements for development in flood hazard areas, which require that: (1) building pads for all occupied structures within the noted AE Zone have a minimum elevation of 11.25 feet (NGVD 29); (2) finished floor elevations for occupied structures within the noted AE Zone are a minimum of six inches above the building pad elevation; and (3) the top of curb grades for new residential streets within the noted AE Zone exhibit a minimum elevation of 10 feet. Based on the noted requirements and related project design conformance, the project site would be elevated approximately 5 feet above existing finished grade to lift the site out of the mapped 100-year floodplain.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. The project would expose new development to inundation in the event of the failure of Del Valle, James H. Turner, and Calaveras Dams. Dam failure would most likely occur with adequate warning to evacuate residents. A failure would be preceded by increased seepage to the drain, initiation of seepages on the side slopes, and very high lake levels, however, permanent structures would likely be extensively damaged or destroyed. Calaveras Dam is the only dam of the three that has documented a higher than normal risk of failure. The San Francisco Public Utilities Commission has taken steps to mitigate the risk including reducing the capacity and rebuilding the dam. Construction that would allow the dam to be filled to capacity started in August 2011 and as of March 2018, the project was 90 percent complete (SFPUC 2018). With these measures, the risk of failure is low. With the annual inspections of the other dams, and the construction efforts to improve Calaveras Dam, the risk of dam failure is low and is not considered a significant hazard to the project.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. Risks of inundation by tsunami, seiche, and mudflow were evaluated in the Dumbarton TOD Specific Plan PEIR. The PEIR concluded that the risk of flooding due to a tsunami event is considered low due to the location of the Specific Plan area in the San Francisco Bay Area. Further, the portion of the Bay area near the Specific Plan area is not subject to potential flooding by seiches, since the several levees and stretches of shallow water would minimize waves generated by a

seiche. No areas of potential mud flow hazard, such as a volcano or hillside are located near the Specific Plan area. In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

X. LAND USE AND PLANNING

LAND USE AND PLANNING: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

Environmental Setting

Land use in the project area is regulated by the City of Newark through various plans and ordinances adopted by the City, including the City of Newark 2013 General Plan and the City of Newark Zoning Ordinance. Further, the Compass Bay project is included in the Dumbarton TOD Specific Plan.

The Dumbarton TOD Specific Plan identifies the project property as medium/high-density residential, and the project is proposed for medium-density residential. The Specific Plan identifies an allowable density range of 14-25 dwelling units per gross developable acre for medium-density residential and 16-60 dwelling units per gross developable acre for medium/high-density residential. The total number of units planned for the Compass Bay project is 139 dwelling units on approximately 9.97 acres, which is approximately 14 dwellings units per gross developable acre. Additionally, the Specific Plan identifies a maximum number of units that may be developed on each APN within the Dumbarton TOD area, and the maximum number of units allowed on APN 092-0115-005-02 is 243, which is 104 units less than the maximum number of units allowed.

The land use designation for the project site in the 2013 Updated General Plan is medium/high-density residential (MHDR). The City of Newark zoning designation is Business and Technology Park (BTP), which is inconsistent with the proposed land uses for the Compass Bay project. Implementation of the project would require a rezone of the project site from BTP to medium-density residential-form base code (MDR-FBC) for the development of single-family residential units.

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

Land Use is discussed in Chapter 4.9 of the PEIR certified for the Dumbarton TOD Specific Plan (RBF 2011). The PEIR concluded that although the project would result in a change in the project area, the development would be required to comply with the Design Guidelines in the Specific Plan that would complement the surrounding land uses and would be an extension of existing residential and commercial development in the vicinity. Therefore, the project would not disrupt or divide an established community. Further, the Dumbarton TOD would not result in a conflict with the City's General Plan land use strategy, the Bay Area Regional Smart Growth Strategy/Regional Livability

Footprint Project, the San Francisco Bay Trail Plan, or the San Francisco Bay Plan. All lands use impacts were anticipated to be less-than-significant, and therefore no mitigation measures were required.

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

The Transfer of Dwelling Units Policy allows for the transfer of dwelling units between APNs as long as the net increase does not exceed the total dwelling units permitted by the Specific Plan (2,500 units).

Evaluation of Land Use and Planning

a) Physically divide an established community?

No Impact. The surrounding lots are actively being developed in accordance with the Dumbarton TOD Specific Plan, of which the Compass Bay project is a part. Residential units planned within the Specific Plan area east, south, and west of the project site have been constructed and/or are under construction, and residential and complementary commercial and park uses are planned to the north of the project site. The project would not physically divide an established community. Therefore, there would be no impact.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The City of Newark zoning designation is Business and Technology Park (BTP), which is inconsistent with the proposed land uses for the proposed project. Therefore, an amendment to the Zoning Ordinance to reflect the proposed land use designation is required.

The medium-density residential land use for the project site would be inconsistent with the land use proposed in the 2013 Updated General Plan. However, City approval of the project would resolve the designation inconsistency. The medium-density residential land use proposed differs from the land use proposed in the Dumbarton TOD Specific Plan. However, the Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment. A revised Land Use Plan and revised Proposed Land Use Table would be submitted to the City for approval.

The number of dwelling units proposed for construction on APN 092-0115-005-02 is 104 units less than the maximum number of units allowed for that APN in the Specific Plan. Because the project is proposing to construct 104 fewer dwelling units than is identified in the Specific Plan, an amendment to the Specific Plan is not required. Therefore, project land use impacts would be less than significant, and no mitigation is necessary.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. No Habitat Conservation Plan or Natural Community Conservation Plan has been approved for the project area. Therefore, implementation of the proposed project would not conflict with any conservation plans. No impact would result.

XI. MINERAL RESOURCES

MINERAL RESOURCES: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

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

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

Evaluation of Mineral Resources

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

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

No Impact. The project is not located in a zone of known mineral or aggregate resources. No active mining operations are present on or near the site. Implementation of the project would not interfere with the extraction of any known mineral resources. Thus, no impact would occur for questions a) and b).

XII. NOISE

NOISE: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	■	☐	☐
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Environmental Setting

The predominant existing noise sources in the vicinity of the Compass Bay project is vehicular traffic on Willow Street, although, due to the distance from the street, the existing noise levels are minor. The future Dumbarton Rail Corridor, located approximately 730 feet north of the project's northern property line, would be the predominant noise source when it is operational. No commercial airports are located within two miles of the project site, though occasional overflights occur from aircrafts travelling to and from nearby airports. The nearest airports to the proposed project site are the Palo Alto general aviation airport located 6 miles southwest of the site and the Hayward Executive Airport located 10 miles to the north. The San Jose International Airport is 13 miles southeast of the project site. Potential noise impacts as a result of the proposed project are those resulting from project construction and those from operational activities. Construction noise would have a short-term effect; operational noise would continue throughout the lifetime of the project. Development of the project would increase noise levels temporarily during construction and intermittently during operations of the residential uses.

City Regulation of the Noise Environment

The City of Newark General Plan Noise Element identifies noise and land use compatibility standards for various land uses. These standards are intended to provide compatible land uses throughout the community as related to environmental noise. Single-family residential land uses are considered "normally acceptable" in exterior noise environments of 60 dBA L_{DN} or less.

The City of Newark General Plan Noise Element identifies interior noise standards of 45 dBA L_{DN} or less for single-family residential land uses.

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

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

Noise Sensitive Land Uses

New single-family residential developments are under construction adjacent to the south, across Seawind Way, and west, across Hickory Street, of the project site. Attached townhouses and a senior living development is under construction immediately adjacent southeast of the project site. The planned on-site residences (including outdoor use areas) are also considered noise-sensitive receptors. This analysis includes an assessment of potential noise impacts to the future residential uses nearby.

Methods

Modeling of the outdoor noise environment for transportation noise was accomplished using the Traffic Noise Model version 2.5 (TNM 2.5). TNM 2.5 was released in February 2004 by the U.S. Department of Transportation. TNM 2.5 calculates the average hourly noise level from model inputs and traffic data. Input variables included projected traffic volumes, estimated truck composition percentages, and vehicle speeds. The model-calculated one-hour equivalent noise level (L_{EQ}) noise output, which uses the peak hour traffic volumes, is the equivalent of the dBA L_{DN}.

Project construction noise was analyzed using the Roadway Construction Noise Model (RCNM; U.S. Department of Transportation [USDOT] 2008), which utilizes estimates of sound levels from standard construction equipment.

Levels of Significance

Construction Noise

The City of Newark Municipal Code does not specify construction noise standards or limitations. Therefore, consistent with the Dumbarton TOD Specific Plan PEIR, the Alameda County Code (Chapter 6.60, Noise) was utilized in this analysis. Section 6.60.070 (Special Provisions) and Section 6.60.120 (Construction) would apply to the project. Section 6.60.070(E) of the Alameda County Code prohibits construction activity between 7:00 p.m. and 7:00 a.m. Monday through Friday, and between 5:00 p.m. and 8:00 a.m. on Saturday or Sunday.

Regarding construction noise limits, in the absence of other standards, it is assumed that a significant construction noise impact would occur if the use of any tools, power machinery, or equipment causes noise in excess of 75 dBA (8-hour average) between the hours of 7:00 a.m. and 7:00 p.m. and that disturbs the comfort and repose of any person residing or working in the vicinity.

Construction Vibration

With respect to ground-borne vibration from construction activities, the Federal Transit Administration (FTA) has adopted guidelines/recommendations to limit ground-borne vibration based on the age and/or condition of the structures that are located in close proximity to construction activity. According to the FTA, a ground-borne vibration level of 0.2 inch-per-second peak particle velocity (PPV) should be considered as the damage threshold criterion for structures deemed "fragile" (FTA 2006). Consistent with the Dumbarton TOD Specific Plan PEIR, this analysis has assumed a conservative threshold of 0.2-inch-per-second PPV (RBF 2011). For vibration to project residences from rail noise, based on FTA vibration impact criteria, 80 vibration velocity decibels (VdB) is the applicable maximum acceptable vibration level for residential uses adjacent to a rail corridor with less than 30 vibration events per day (i.e., infrequent events) passing by the site.

Operational Noise

Stationary Source Noise

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

Transportation Noise

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

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

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

The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Year 2035 with Project" condition to the "Existing" condition. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

The following criteria have been utilized to evaluate the combined effect of the cumulative noise increase.

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

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

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

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

Evaluation of Noise

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

c) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less Than Significant With Mitigation.

Construction Noise

Construction equipment would not all operate at the same time or location. The loudest piece of construction equipment anticipated for the project would be an excavator working during the demolition and utilities construction phase. Furthermore, construction equipment would not be in constant use during the eight-hour operating day. The analysis assumes that the excavator would be in operation for 40 percent of a given hour during a typical construction day.

The nearest potential noise-sensitive land uses to the proposed demolition and utilities construction areas would be adjacent to the project site to the southeast at the Lighthouse Lennar Project and senior living development, both currently under construction. Although these residences are not fully constructed yet, there is the potential for them to be constructed and occupied before proposed project construction. Construction equipment would be mobile, and over the course of a typical construction day, equipment would be used at an average distance of 150 feet from the southeastern property line.

Based on these assumptions, an excavator would generate noise levels at the nearest noise-sensitive land use of 67.2 dBA L_{EQ}. In addition, construction activity would occur within the allowable construction hours. Therefore, construction noise would not exceed the construction noise planning limits (75 dBA for an eight-hour average time period), and no new impacts would occur.

Although noise impacts resulting from construction of the proposed project are anticipated to be less than significant, the following measures contained in the PEIR prepared for the Dumbarton TOD Specific Plan will be implemented:

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

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

Operational Noise

Impacts to on-site residents from transportation noise

The project site is bounded by Enterprise Drive to the north, Hickory Street to the west, and Seawind Way to the south. The speed of the vehicles traveling on these adjacent streets is anticipated to be 25 mph. The vehicle breakdown on these streets was assumed to be 97 percent automobiles, 2 percent medium trucks, and 1 percent heavy trucks, which is a typical breakdown in residential areas. Existing and future traffic volumes on roadways in the project vicinity are based on traffic volumes presented in the FMC Parcel C Project Acoustical Technical Report (HELIX 2017). Project-added traffic volumes are based on project trip generation estimates (W-Trans 2018).

At peak hour, Enterprise Drive adjacent to the northern boundary of the project site would generate a noise level of 53.7 dBA L_{DN} at a distance of 60 feet from the roadway centerline to the nearest project residence property lines, which would be below the 60 dBA L_{DN} exterior use noise level allowed under the 2013 Updated General Plan Noise Element compatibility standard for single-family residential developments.

The westernmost project residences would be adjacent to Hickory Street, set back approximately 60 feet from the roadway centerline. Traffic from Hickory Street would generate a noise level of 58.1 dBA L_{DN} at this distance, which would be below the 60 dBA L_{DN} exterior use noise level compatibility standard.

The southernmost project residences would be adjacent to Seawind Way, set back approximately 60 feet from the roadway centerline. Project traffic from Seawind Way would generate a noise level of 50.3 dBA L_{DN} at this distance, which would be below the 60 dBA L_{DN} exterior use noise level compatibility standard. Willow Street is located approximately 330 feet from the easternmost project residences. At this distance, traffic noise levels from Willow Street would be well below the 60 dBA L_{DN} exterior use noise level compatibility standard and would therefore be less than significant.

Exterior–to-interior analysis assumes a minimum 15 L_{DN} reduction from the outside to the inside of a structure, assuming standard building construction methods. Therefore, given that the project residences would not be exposed to exterior noise levels above 60 dBA L_{DN} from vehicle traffic noise, interior noise impacts from traffic noise would be less than significant.

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

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

The main source of operational noise from the Compass Bay project would be from the heating, ventilation, and air conditioning (HVAC) units associated with each residence. Modeling assumed that the air conditioning condenser would be a Carrier 38HDR060 split system. This unit typically generates a noise level of 56 dBA at a distance of 7 feet. The closest HVAC units to off-site residences would occur on the southeastern portion of the site, adjacent to the future Lighthouse Lennar Project residences, although the exact location of the HVAC units is unknown at the time of preparation of this document. For this analysis, it is conservatively assumed that the HVAC units would be located on the ground close to the property line with the adjacent residences. Project residences may have HVAC units as close as 20 feet to the adjacent residences. At this distance, HVAC noise levels would be as high as 46.9 dBA L_{EQ}, which would exceed the most restrictive nighttime noise limit of 45 dBA L_{EQ}. HVAC noise levels would not exceed 45 dBA L_{EQ} at a distance of 25 feet or greater. Therefore, HVAC units located within 25 feet of the nearest off-site residence would generate potentially significant noise.

The following mitigation will be implemented under the Compass Bay project to bring HVAC noise levels to less than significant:

Compass Bay Project Specific Mitigation Measure NOI-01 in accordance with Dumbarton TOD PEIR Mitigation Monitoring and Reporting Program Measure 4.10-3:

For off-site residences located within 25 feet of HVAC equipment, attenuation of HVAC noise levels to 45 dBA L_{EQ} (for usable outdoor space) to adjacent off-site residences shall be ensured by a qualified acoustician prior to issuance of certificates of occupancy. Potential noise control measures to achieve the performance standard for outdoor usable space include, but are not limited to, proper setbacks or noise control barriers, including a 6-foot redwood fence, around the HVAC units and/or the outdoor usable space.

Impacts to off-site receptors from noise generated by project traffic

The change in noise levels at off-site receivers from the Existing to Existing plus Project traffic conditions from segments with existing noise levels between 60 dBA L_{DN} and 65 dBA L_{DN} was modeled on Willow Street at approximately 0.5 dB (from 60.5 to 61.0 dBA L_{DN}). The change in noise levels between the Year

2035 and Year 2035 plus Project along the same segment was modeled at 0.3 dB (from 63.1 to 63.4 dBA L_{DN}). Because the existing noise levels are between 60 dBA L_{DN} and 65 dBA L_{DN}, project-added traffic noise levels would need to increase existing noise by 3 dBA L_{DN} for impacts to be considered significant. The project's contribution to an increase in noise levels would be below this threshold.

For the roadway segments with existing noise levels below 60 dBA L_{DN}, which include Hickory Street and Enterprise Drive, the change in noise levels at off-site receivers from the Existing and Existing plus Project traffic conditions was modeled at approximately 1.0 dB (from 57.8 to 58.8 dBA L_{DN}) along Hickory Street and approximately 2.8 dB (from 51.7 to 54.5 dBA L_{DN}) along Enterprise Drive. The change in noise levels between the Year 2035 to Year 2035 plus Project traffic conditions would be 0.7 dB (from 58.4 to 59.1 dBA L_{DN}) along Hickory Street and 2.7 dB (from 51.9 to 54.6 dBA L_{DN}) along Enterprise Drive. Because the existing noise levels are below 60 dBA L_{DN}, project-added traffic noise levels would need to increase existing noise by 5 dBA L_{DN} for impacts to be considered significant. The project's increase in noise levels would be below this threshold. Existing traffic data was not available for Seawind Way, and existing noise levels were therefore unable to be calculated. As such, the Project traffic noise level, calculated to be 51.2 dBA L_{DN}, was compared against the City's residential standard of 60 dBA L_{DN}, with which it complies.

For the cumulative traffic impacts, none of the analyzed roadway segments would experience in an increase of 3 dBA or more from the Existing to Year 2035 plus Project conditions, and a cumulative noise impact would not occur.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to noise, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of the above mitigation measures would reduce potential impacts to a less-than-significant level.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. Construction activities known to generate excessive ground-borne vibration, such as pile driving, would not be conducted by the project. A possible source of vibration during general project construction activities would be a vibratory roller, which may be used within 75 feet of the nearest off-site residences to the southeast. A vibratory roller would create approximately 0.210 inch per second PPV at a distance of 25 feet (Caltrans 2013). A 0.210 inch per second PPV vibration level would equal 0.063 inch per second PPV at a distance of 75 feet. This would be lower than the 0.2-inch-per-second PPV FTA threshold for "fragile" structures. Therefore, although a vibratory roller may be perceptible to nearby human receptors, temporary impacts associated with the roller (and other potential equipment) would be less than significant.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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

XIII. POPULATION AND HOUSING

POPULATION AND HOUSING: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Environmental Setting

The project proposes to construct a medium-density residential development in an area planned for medium/high-density residential in the City of Newark 2013 Updated General Plan. The maximum number of residential units allowed for APN 092-0115-005-02 in the Specific Plan is 243 units. The total number of residential units planned for the proposed project is 139 units, which is 104 units less than the maximum number of units allocated.

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

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

Evaluation of Population and Housing

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. Implementation of the project would result in the construction of 139 medium-density residential units. The project would increase the available housing, which would be expected to increase population in the area; however, the increase in housing is consistent with the General and Specific Plans. In accordance with Section 15162 of the State CEQA Guidelines, for project impacts inducing substantial population growth, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available, and the preparation of a subsequent EIR or Negative Declaration is not necessary. Therefore,

the project would not induce unplanned substantial growth in the City of Newark, and impacts would be less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. There are no existing residences on the project site or the immediate vicinity; therefore, neither housing units nor people would be displaced, and no replacement housing would be required. There would be no impact.

XIV. PUBLIC SERVICES

PUBLIC SERVICES: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	■	☐
b) Police protection?	☐	☐	■	☐
c) Schools?	☐	☐	■	☐
d) Parks?	☐	☐	■	☐
e) Other public facilities?	☐	■	☐	☐

Environmental Setting

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

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

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

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

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

Public Services is discussed in Chapter 4.12 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The PEIR concluded that the project would result in a population increase that would affect public services and identified several required actions to ensure individual projects within the Dumbarton TOD would comply with development standards of public services and address additional

costs. With implementation of the following actions, no mitigation measures would be required. Prior to issuance of building permits, the Alameda County Fire Department would be involved in the review of project plans and the project sponsor would be required to incorporate the department's requirements into the final project design as conditions of approval. The project applicant would be required to pay development impact fees for fire protection, police protection, and schools. The fee set by NUSD is $2.97 per square foot for residential uses.

Evaluation of Public Services

a) Fire protection?
b) Police protection?
c) Schools?
d) Parks?

Less Than Significant Impact. The project site is within the City of Newark and is part of a larger planned development for which public services have been evaluated for service adequacy. However, the PEIR prepared for the Dumbarton TOD Specific Plan assumed the project site would be developed with medium/high-density residential land use. Under the proposed project, the parcel would be developed with medium-density residential land use. The project proposes to construct 104 fewer units than allocated to the parcel in the Specific Plan and would not result in a significant increase in service demands or render the current service levels to be inadequate, as service demands for the medium-density residential land use would be similar to or less than those envisioned under the medium/high-density residential land use. The project sponsor is required to involve the Alameda County Fire Department in reviewing the project plans and incorporate the department's requirements into the final project design. Further, the project applicant is required to pay development impact fees for fire protection, police protection, and schools.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to public services, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

e) Other public facilities?

Less Than Significant with Mitigation. To ensure that the wastewater services to the project site are adequate, the Specific Plan MMRP measure 4.12-2 will be implemented.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to other public facilities, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.12-2 would reduce potential impacts to a less-than-significant level.

XV. RECREATION

RECREATION: Would the project:	Potential Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	■	☐

Environmental Setting

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

The City of Newark Parks and Recreation Division provides and maintains 15 recreational facilities located within the city, which includes parks, sports play facilities, and an aquatic and activity center. Several parks are located within the vicinity of the project site. The closest park is Jerry Raber Ash Street Park, which is located approximately 0.9 mile east of the project site. Other parks include Bridgepointe Park, which is approximately 1.1 miles north of the project site and Civic Center Park, which is located approximately 1.9 miles northeast of the project site.

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

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

As outlined in the Dumbarton TOD Specific Plan PEIR, the Specific Plan area, which includes the Compass Bay project, designates approximately 16.3 acres of parkland for 2,500 residential units. This equates to a ratio of two acres of parkland per 1,000 residents, which falls short of the General Plan goal of 3.5 acres. The Dumbarton TOD Specific Plan proposes a reduced parkland ratio because of the extensive amount of regional open space within the vicinity of the project area that will be available to future

Specific Plan residents (Don Edwards National Wildlife Refuge, Coyote Hills Regional Park, and Ardenwood Regional Preserve), as well as the open space and recreational facilities available adjacent to schools, within private development, and facilities not maintained by the City of Newark. In addition, the Specific plan proposes a wide variety parkland and recreational open space for future residents, including a 6.5-acre community park near the center of the neighborhood, a 2.3-acre park on the Gallade property adjacent to the existing residential homes northeast of the intersection of Willow Street and Enterprise Drive, and a 3.92-acre connection to the Bay Trail at its currently "unimproved connection" on Willow Street.

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

Evaluation of Recreation

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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

The project proposes to provide 0.3 acre of usable parkland (tot lot) within the medium-density residential neighborhood. In addition, the project applicant would contribute approximately $2.95 million to meet the City-required park fee payments.

The quality and variety of the parkland and open space that could be provided by the Dumbarton TOD Specific Plan, which includes the Compass Bay project, would encourage future residents to use recreational facilities within the Specific Plan area. Additionally, the regional open space located near the project site, along with a connection to the San Francisco Bay Trail, would provide future residents with many opportunities to enjoy recreational resources and open space.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts on existing neighborhood and regionals parks or other recreational facilities, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not

available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. The Compass Bay project proposes to construct an approximately 0.3-acre tot lot. Construction of the tot lot could result in temporary increases in air emissions, dust, noise, and erosion from construction activities. However, construction of the proposed project would require the implementation of Specific Plan MMRP measures 4.2-1a and 4.2-1b (Air Quality) and 4.10-1a and 4.10-1b (Construction Noise), which would further reduce the environmental impact associated with the construction of the proposed tot lot. In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to recreational facilities, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

XVI. TRANSPORTATION AND TRAFFIC

TRANSPORTATION AND TRAFFIC: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	■	☐	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	■	☐	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e) Result in inadequate emergency access?	☐	☐	■	☐
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	■	☐

Environmental Setting

Transportation and Circulation were evaluated in Chapter 4.14 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). Additionally, a project-specific trip generation evaluation and parking analysis was conducted (**Appendix H**, W-Trans 2018) to determine the proposed project's contribution to the traffic evaluated in the Specific Plan and to evaluate the project site circulation and access.

Access and Parking

The proposed vehicular access and street design are described in detail in Section 3, *Description of Project*. The residential development would be accessible directly from Enterprise Drive and Seawind Way.

The proposed project would provide 316 parking spaces, including three for disabled persons, 276 spaces in off-street covered locations, and 37 on-street parking spaces. City parking supply requirements are based on the City of Newark's Municipal Code, Chapter 17.23.040; Required Number of On-Site Parking Spaces. Based on the City's requirements of two spaces per unit for single family homes (detached) and two spaces per unit and one space per four units for multi-unit buildings with two or

more bedrooms the total number of required parking spaces would be 298 spaces. The number of required disabled parking spaces is not specified in the City of Newark municipal code.

With a planned supply of 316 spaces, the proposed parking supply would exceed the City's requirements with a surplus of 18 spaces (W-Trans 2018).

Fire Access

The minimum width available for driving or turning movements through the project site is 21 feet. Courts 1 through 12 are 21 feet wide, and Courts 13 and 14 are 26 feet wide. The neighborhood streets are at least 21 feet wide. The project roadway and neighborhood design would provide adequate turning radii and drive areas for fire trucks and other emergency vehicles.

Trip Generation

The proposed project is estimated to generate 825 daily external vehicle trips, including 59 external trips during the a.m. peak hour and 76 external trips during the p.m. peak hour (W-Trans 2018). The proposed project, combined with all other projects currently approved or under review in the Dumbarton TOD Specific Plan area, is expected to generate an 13,556 net-new trips per day, including 981 trips during the a.m. peak hour and 1,253 during the p.m. peak hour. In comparison, the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) estimates that all land uses within the Specific Plan area will generate a total of 14,131 daily external vehicle trips, 1,165 a.m. peak hour external vehicle trips, and 1,320 p.m. peak hour external vehicle trips. This corresponds to approximately 96 percent of daily, 84 percent of the a.m. peak hour, and 95 percent of p.m. peak hour trips assumed in the SP PEIR. Refer to the memorandum containing the results of the trip generation evaluation in Appendix H.

Transportation Services

The City maintains a network of pedestrian and bike trails throughout the city, in addition to a network of on-street bike lanes. Sidewalks would be provided along each neighborhood street and would connect to sidewalks along Enterprise Drive and Seawind Way. The residential development would include walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive.

No private or public airports are located within the City of Newark. The nearest airports to the proposed project site are the Palo Alto general aviation airport located 6 miles southwest of the site and the Hayward Executive Airport located 10 miles to the north. The San Jose International Airport is 13 miles southeast of the project site. No private airports are located within 10 miles of the city.

Emergency Access

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

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

Transportation and Circulation were evaluated in Chapter 4.14 of the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011). The PEIR contains a measure for the City to coordinate with AC Transit to improve bus service to the Specific Plan area. The PEIR identifies impacts to traffic on regional roadways in the project vicinity and includes a measure for project applicants to pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time the permits are sought (MMRP measure 4.14-8).

Evaluation of Transportation/Traffic

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Less Than Significant With Mitigation. The proposed parking was evaluated consistent with City requirements and the Dumbarton TOD Specific Plan. The proposed parking exceeds that required by the City (Appendix H, W-Trans 2018). Further, the Dumbarton TOD Specific Plan contains parking policies that are recommended to be incorporated into the design:

Policy C-18 encourages the adoption of parking standards that prevent oversupply through shared parking and reduced minimum off-street requirements. The Compass Bay project has incorporated shared parking (on-street parking) that is consistent with this policy and provided 9 parking spaces in exceedance of the parking required.

Although the project would result in a relatively small increase in trips generated in the area in relation to the capacity of nearby streets, the proposed project is consistent with the Specific Plan and the General Plan and would not conflict with the City's operational standards as projected under those plans. The PEIR prepared for the Dumbarton TOD Specific Plan identifies impacts to regional traffic significant and unavoidable. The proposed project's contribution to traffic impacts would be less than significant and would not exceed the impacts already identified in the PEIR. The following measure contained in the PEIR prepared for the Dumbarton TOD Specific Plan would be implemented to mitigate impacts on regional traffic.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to traffic, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.14-8 would reduce potential impacts to a less-than-significant level.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. No private or public airports are located within the City of Newark. The nearest public airfields are 6, 10, and 13 miles from the project site. No private airports are located within 10 miles of the project site. The project would not result in modification to any air travel route. There would be no impact, and no mitigation would be required.

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

Less Than Significant Impact. The proposed project would be accessible via Enterprise Drive and Seawind Way. Although the project would modify Enterprise Drive and Seawind Way by introducing additional access points, the project is consistent with the existing access of developed areas in the vicinity and the proposed access of the Specific Plan area. The project would not require additional modification to the roadways (e.g. re-alignment) other than already identified in the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) that will be conducted by others through the Specific Plan buildout.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

e) Result in inadequate emergency access?

Less Than Significant Impact. No aspect of the project would modify streets currently used for emergency access or preclude their continued use as an emergency evacuation route. The project design has incorporated fire access elements to ensure adequate emergency access to the site, and the plans would be approved by the City of Newark Fire Department prior to project implementation. In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to emergency access routes, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available, therefore the preparation of a subsequent EIR or Negative Declaration is not necessary. The project would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. The project also would not result in the decreased performance or safety of such facilities. Additionally, the project includes the construction of pedestrian facilities throughout the residential development. This would result in a less-than-significant impact, and no mitigation would be necessary.

XVII. TRIBAL CULTURAL RESOURCES

TRIBAL CULTURAL RESOURCES: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	■	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	■	☐

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

Less Than Significant Impact. No Tribal Cultural Resources (TRC) have been identified within the project area.

ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less Than Significant Impact. Although no Tribal Cultural Resources (TRC) have been identified within the project boundaries, if a TRC is identified within the APE that would sustain a significant impact, the consultation efforts between the City and the appointed Native American representative would provide reasonable mitigation measure(s) that may result in a less than significant impact. Examples of mitigation measures that may be considered, when feasible, to mitigate impacts on tribal cultural resources: (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context; or

planning greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria. (2) Treating the resource with culturally appropriate dignity and taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following: (A) Protecting the cultural character and integrity of the resource. (B) Protecting the traditional use of the resource. (C) Protecting the confidentiality of the resource. (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places. (4) Protecting the resource.

XVIII. UTILITIES AND SERVICE SYSTEMS

UTILITIES AND SERVICE SYSTEMS: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	■	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	■	☐	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	■	☐	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	■	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	■	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐

Environmental Setting

The project area is served by the following service providers:

- Water supply – Alameda County Water District (ACWD) provides water to the cities of Fremont, Newark, and Union City, and would service the project site.

- Wastewater treatment and disposal – Union Sanitary District serves the cities of Fremont, Newark, and Union City, and would service the project site. Build out of the specific plan area could increase wastewater flows rates by 50 percent.

- Storm water drainage facilities – storm drains within the public streets are maintained by the City of Newark, while storm drains within private yards, lanes and passes would be privately maintained by the homeowners.

- Solid waste service –Republic Services, Inc. provides solid waste collection. The landfill servicing the site is the privately-owned Altamont Landfill, with a 30-year capacity.

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

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

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

Evaluation of Utilities and Service Systems

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

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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

Less Than Significant With Mitigation. The Union Sanitary District provides wastewater treatment for the City of Newark and will service the Dumbarton TOD Specific Plan area, which includes the project site. Wastewater lines exist within the Specific Plan area and eventually connect to the Alvarado Treatment Plant in Union City.

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

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

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to wastewater infrastructure, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.12-2 would reduce potential impacts to a less-than-significant level.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant With Mitigation. As described in Section 8.IX, *Hydrology and Water Quality* of this IS, to ensure the storm water system can adequately accommodate the proposed project, the following mitigation measure from the Dumbarton TOD Specific Plan PEIR will be implemented.

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

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to storm water infrastructure, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and implementation of mitigation measure 4.8-4a would reduce potential impacts to a less-than-significant level.

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

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

Under normal precipitation conditions, the water supply is projected to meet the Specific Plan area's demand. However, in the future, water supply to the Specific Plan area, including the project may be cut

back because of shortages during dry years. These cut backs would depend on the severity of the dry-year shortage and would be consistent with the rest of the ACWD's service areas. According to the WSA, during critically dry years the ACWD would secure additional water supply through the Department of Water Resources, and, if necessary, would implement a drought contingency plan to cut back on water use. This would ensure the project would have sufficient water supply during drought years.

Compliance with the requirements provided in the WSA will ensure that there will be sufficient water supply to serve the Specific Plan area. In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to water supply, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

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

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

Less Than Significant Impact. Republic Services, Inc. currently provides the City of Newark with solid waste refuse, recycling, and hazardous materials collection services. After being processed at a facility in San Leandro, waste from the city is hauled to the privately-owned Altamont Landfill located in Livermore. The Altamont Landfill will serve the Dumbarton TOD Specific Plan area, which includes the Compass Bay project. The Altamont Landfill has a permitted capacity of approximately 125 million cubic yards. Approximately 48.4 percent of this capacity has been used and approximately 52.6 percent remains. The landfill is estimated to cease operation in 2025 (CalRecycle 2018).

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

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to solid waste services, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

MANDATORY FINDINGS OF SIGNIFICANCE: Would the project:	**Potential Impact**	**Less Than Significant with Mitigation**	**Less Than Significant Impact**	**No Impact**
The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to MMs or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the State CEQA Guidelines):				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	☐	☐	■	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. The preceding analysis indicates that the proposed Compass Bay project would not have a significant adverse impact on overall environmental quality, including the potential to reduce the habitat of fish and wildlife species, or contribute to lowering populations to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

In accordance with Section 15162 of the State CEQA Guidelines, for project impacts to the overall quality of the environment, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

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

Less Than Significant Impact. While the project would indirectly contribute to cumulative impacts associated with increased urban development in the city and region, these impacts have previously been evaluated in the PEIR prepared for the Dumbarton TOD Specific Plan and are incorporated into the City of Newark's 2013 Updated General Plan. The PEIR concluded that development of the project site as allowed under the Dumbarton TOD Specific Plan may contribute to significant cumulative impacts as a result of contribution to the loss of vegetation and wildlife resources, impacts to cultural resources, seismic or soils hazards, greenhouse gas emissions, hazardous materials, hydrology and water quality, and noise levels. With implementation of the measures set forth in this Initial Study (and as previously analyzed in the PEIR), cumulative impacts as a result of the Dumbarton TOD would be less than significant.

In accordance with Section 15162 of the State CEQA Guidelines, for potential cumulative project impacts, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

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

Less Than Significant Impact. As outlined in other sections of this Initial Study, the project will adhere to mitigation measures previously prescribed in the Dumbarton TOD Specific Plan PEIR for potentially significant impacts to air quality, biological resources, cultural resources, seismic or soils hazards, greenhouse gases, hazardous materials, hydrology, drainage and water quality, noise, wastewater treatment, the environment from constructing the neighborhood tot lot, regional traffic congestion and the stormwater system. These impacts have been reduced to a less-than-significant level at both the project and cumulative level through project design and mitigation measures.

In accordance with Section 15162 of the State CEQA Guidelines, the proposed project would not result in new significant environmental effects, substantial changes are not required, and new information of substantial importance that was not previously analyzed in the Dumbarton TOD Specific Plan EIR is not available. Therefore, the preparation of a subsequent EIR or Negative Declaration is not necessary, and impacts would be less than significant.

9.0 REFERENCES

Alameda County Water District (ACWD). 2010. Water Supply Assessment for the Dumbarton Transit Oriented Development Project. Prepared for City of Newark. October 2010.

Association of Environmental Professionals (AEP). 2018. 2018 California Environmental Quality Act Statute and Guidelines. January 2018.

Bay Area Air Quality Management District (BAAQMD). 2017a. Air Quality Standards and Attainment Status. Last updated January 2017. http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status#eleven. Accessed May 2018.

2017b. 2017 Clean Air Plan: Spare the Air, Cool the Climate. Available at: http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx. Accessed May 2018.

2017c. California Environmental Quality Act Air Quality Guidelines. Available at: http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa. Accessed May 2018.

California Air Pollution Control Officers Association (CAPCOA). 2010. Quantifying Greenhouse Gas Mitigation Measures. August.

1993. Air Toxics “Hot Spots” Program Risk Assessment Guidelines.

California Air Resources Board (CARB). 2017a. Area Designations: Activities and Maps. Available at: http://www.arb.ca.gov/desig/adm/adm.htm. Accessed May 2018.

2017b. Air Quality Data Statistics. Available at: https://arb.ca.gov/adam. Accessed May 2018.

2017c. California’s 2017 Climate Change Scoping Plan. November 2017. https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed May 2018.

2005. Air Quality and Land Use Handbook: A Community Health Perspective. April. Available at: https://www.arb.ca.gov/ch/handbook.pdf. Accessed May 2018.

California Geological Survey. 2003. Seismic Hazard Zone Report for the Newark 7.5-Minure Quadrangle: Seismic Hazard Zone Report 048. Santa Clara County, California.

California Department of Conservation (CDC). 2018. California Important Farmland Finder Interactive Map. Accessed online on May 23, 2018 at https://maps.conservation.ca.gov/dlrp/ciff/.

California Department of Fish and Wildlife (CDFW). 2018. Natural Diversity Database, Available at: https://map.dfg.ca.gov/rarefind/view/RareFind.aspx#. June.

California Department of Transportation (Caltrans). 2018. Map of Officially Designated Scenic Highways in Alameda County. Accessed on May 23, 2018 at http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

2013. Transportation and Construction Vibration Guidance Manual, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office. September.

California Native Plant Society (CNPS). 2018. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website http://www.rareplants.cnps.org. Queried for the Newark USGS 7.5- minute quads. June 2018.

Californian Environmental Services (CES). 2018. Salt Marsh Harvest Mouse Habitat Assessment for the Compass Bay Project. June 2018.

CalRecycle. 2018. Solid Waste Information System: Altamont Landfill & Resource Recovery. SWIS Number: 01-AA-0009. Accessed June 8, 2018. Available at: http://www.calrecycle.ca.gov/SWFacilities/Directory/01-AA-0009/Detail/.

City of Newark (City). 2013. Newark California General Plan. Available at: http://www.newark.org/images/uploads/comdev/pdfs/GeneralPlan/Newark_GeneralPlan122013.pdf. Accessed May 2018.

2010. Climate Action Plan. January. Available at: http://www.ci.newark.ca.us/images/uploads/pubwks/pdfs/greenhouse/Climate%20Action%20Plan.pdf. Accessed May 2018.

Cornerstone Earth Group (Cornerstone). 2018. Preliminary Geotechnical Investigation. January 18.

EHS Support (EHS). 2015. Human Health Risk Assessment Report, Former Ashland Chemical Company, 8610 Enterprise Drive, Newark, California. December 16.

Federal Emergency Management Agency (FEMA). 2018. FEMA Flood Map Service Center. Accessed on June 8, 2018 at https://msc.fema.gov/portal.

Federal Transit Administration (FTA). 2006. Transit Noise and Vibration Impact Assessment. Report No. FTA-VA-90-1003-06. Washington, DC: U.S. Department of Transportation, FTA, Office of Planning and Environment. May. Available at: http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf.

HELIX Environmental Planning, Inc. (HELIX). 2018. CalEEMod Emissions Analysis Output for the Compass Bay Project. June 2018.

2017. Acoustical Technical Report for the FMC Parcel C Project. December 2017.

Helley, E.J., and Graymer, R.W. 1997. Quaternary Geology of Alameda County, And Parts of Contra Costa, Santa Clara, San Mateo, San Francisco, Stanislaus, And San Joaquin Counties, California: A Digital Database, USGS Map Open-File 97-97.

Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Summary for Policymakers. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. February.

Jones, Terry L. and Katheryn A. Klar. 2007. California Prehistory: Colonization, Culture and Complexity. Altamira Press, a division of Rowman and Littlefield Publishers.

Levy, 1978. Handbook of North American Indians, Vol. 8: California. Washington, DC. Smithsonian Institution.

Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Risk Assessment Guidelines. February.

RBF Consulting (RBF). 2011. Dumbarton Transit Oriented Development Specific Plan Draft Environmental Impact Report (State Clearinghouse No. 2010042012). Prepared for the City of Newark. May 2011.

San Francisco Bay Regional Water Quality Control Board (RWQCB). 2018. Notice of Intent to Approve Soil Cleanup for FMC Site at 8787 Enterprise Drive, Newark for Willow Redevelopment Area. July.

San Francisco Public Utilities Commission (SFPUC). 2018. Calaveras Dam Replacement Project. Accessed June 13, 2018 and available at: https://sfwater.org/index.aspx?page=979.

United States Environmental Protection Agency (USEPA). 2017a. Criteria Air Pollutants. Available at: https://www.epa.gov/criteria-air-pollutants. Accessed May 2018.

2017b. Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act. Last updated July 7. Available at: https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean. Accessed May 2018.

2009. Technical Highlights - Emission Factors for Locomotives. April.

U.S. Department of Transportation (USDOT). 2008. Roadway Construction Noise Model.

U.S. Fish and Wildlife Service (USFWS). 2018. List of threatened and endangered species that may occur in and/or may be affected by [the] proposed project. U.S. Fish and Wildlife Service, San Francisco Bay – Delta Fish and Wildlife Office, Sacramento, California. Consultation Code 08ESMF00-2016-SLI-0894. June.

W-Trans. 2018. Tract 8459 Ashland – Trip and Parking Generation Estimates. May 23.

WRA Environmental Consultants (WRA). 2018. Technical Report – Section 404 Jurisdiction – Request for No Permit Required for Final Closure Plan. March 13.

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