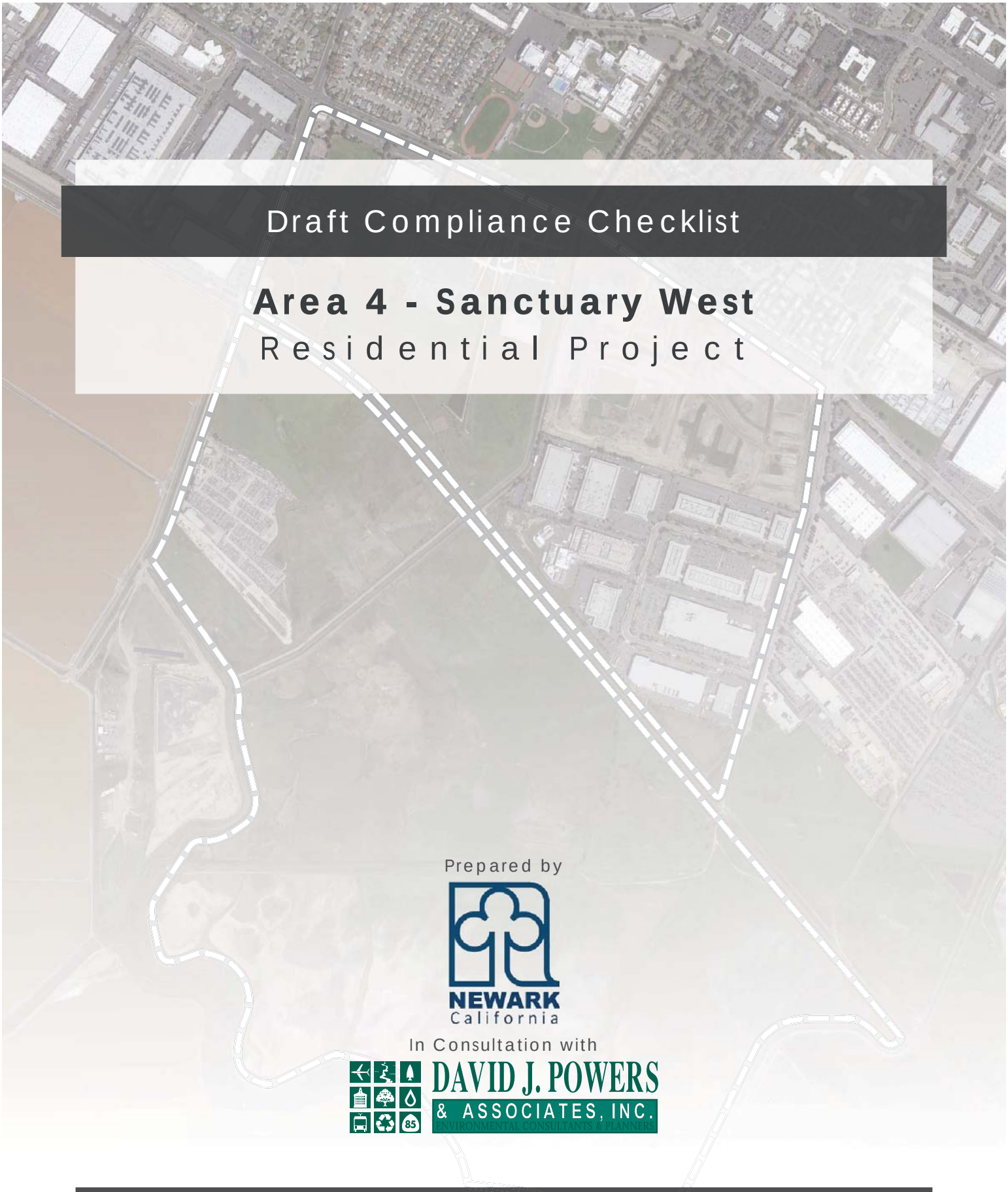

Draft Compliance Checklist

Area 4 - Sanctuary West
Residential Project

Prepared by

NEWARK
California

In Consultation with

DAVID J. POWERS
& ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2019

EXHIBIT B

NEWARK SPECIFIC PLAN AREA 4 – "SANCTUARY WEST RESIDENTIAL PROJECT"

ENVIRONMENTAL REVIEW
PROPOSED USE OF THE 2015 NEWARK AREAS 3 AND 4 SPECIFIC PLAN
RECIRCULATED ENVIRONMENTAL IMPACT REPORT
September 2019

1.1 BACKGROUND AND EXECUTIVE SUMMARY

The Newark City Council approved the Newark Area 3 and 4 Specific Plan in 2015, following the City's certification of a Recirculated Environmental Impact Report (REIR) under the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq. The City previously approved various land use entitlements for the development of Area 3 under the Specific Plan in 2016. The City is now considering further implementation of the Specific Plan including a proposed vesting tentative subdivision map and related development applications with regard to Area 4 of the Specific Plan – referred to as the Sanctuary West Residential Project (the Project). The 2015 REIR was certified as a program EIR for purposes of CEQA review of Area 4 of the Specific Plan.

The City of Newark is the Lead Agency for review of the proposed Project under CEQA, and responsible for determining whether any further environmental review of the Project is appropriate, necessary, or allowed under CEQA in connection with the current applications, and if so, for determining the scope of such review.

Once an EIR has been certified as to a project or program, such as the 2015 Specific Plan REIR, CEQA generally provides (Public Resources Code Section 21166, and CEQA Guidelines Section 15162) that the circumstances requiring or allowing further CEQA review, or calling for supplemental or subsequent environmental reviews, are limited to specific situations involving substantial changes in the proposed project; or the circumstances under which the project is being undertaken; or new, previously unknowable, information of substantial importance which shows a need for new detailed investigation or analysis. The California Supreme Court explained these limits on redundant subsequent CEQA review in *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist*. (2016) 1 Cal. 5th 937, 950:

> Once a project has been subject to environmental review and received approval, Section 21166 and CEQA Guidelines Section 15162 limit the circumstances under which a subsequent or supplemental EIR must be prepared. These limitations are designed to balance CEQA's central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency.

Separately but similarly, Section 65457 of the California Government Code provides that residential development projects, including a subdivision, that implement and are consistent with a specific plan for which a lead agency certified an EIR are exempt from further CEQA review, unless an event as specified in Public Resources Code Section 21166 has occurred after adoption of the specific plan.

The information and analysis presented in the accompanying checklist, prepared pursuant to CEQA Guidelines Section 15168(c)(4) and Government Code Section 65457, demonstrates that no further environmental review is called for as to the proposed Sanctuary West Residential Project, because the is within the scope of the program Specific Plan REIR certified in 2015, and because none of the events specified in Public Resources Code Section 21166, or CEQA Guidelines Section 15162 have occurred since the certification of the REIR.

1.2 PURPOSE

The accompanying analysis and checklist have been prepared by the City of Newark and its consultants, pursuant to the provisions of CEQA, the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.), Government Code Section 65457, and the regulations and policies of the City of Newark. The purpose of this checklist is to determine whether the proposed Project is consistent with the approved Specific Plan and to determine whether any of the events specified in Public Resources Code Section 21166, as further explained by CEQA Guidelines Section 15162, have occurred since the City's certification of the REIR. In this context, the checklist may be considered as an addendum to the 2015 REIR.

Specifically, this checklist is prepared in accord with the requirements of CEQA Guidelines Section 15168(c)(2), describing and limiting the review of a project which has already been reviewed under CEQA in a previous EIR, and with Government Code Section 65457, describing and limiting the review that may be applicable to a project that is consistent with a previously approved specific plan.

1.3 APPLICATION OF CEQA TO THE PROPOSED AREA 4 PROJECT

Since the proposed Project is part of the Area 3 and 4 Specific Plan, which was analyzed under CEQA in a program EIR (Specific Plan REIR) that was duly-certified by the City in 2015, the scope of any further CEQA review in connection with the current proposed Project is determined by consideration of both CEQA Guidelines Section 15168 (prior program EIR) and Government Code Section 65457 (specific plan).

A. CEQA Guidelines Section 15168 – Project Analyzed in 2015 Program REIR

CEQA Guidelines Section 15168 addresses the CEQA review of later projects anticipated by and analyzed in program EIRs, such as the portion of the 2015 REIR that analyzed Area 4 of the Specific Plan. A program EIR may serve as the CEQA review for a subsequently proposed project to the extent it contemplates and adequately analyzes the potential environmental impacts of the project (*Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal. App. 4th 598, 615).

Section 15168(c) of the CEQA Guidelines addresses how the City, as the Lead Agency, should determine whether additional CEQA review is required for a later activity such as the proposed Project that forms part the activities studied in a Program EIR:

> If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental

document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

The CEQA Guidelines Section 15162 states that when an EIR has been certified or Negative Declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete of the Negative Declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

    d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The 2015 Specific Plan REIR analyzed the anticipated development in Area 4 at a programmatic level. Accordingly, the attached checklist has been prepared to assist the City in determining: (a) whether the Project is within the scope of the analysis provided by the 2015 program REIR, and (b) whether any of the events or circumstances of CEQA Guidelines Section 15162 that might otherwise call for supplemental or subsequent CEQA review have occurred since 2015.

B. Government Code Section 65457 – Project Consistent with Approved Specific Plan:

Government Code Section 65457 provides a CEQA exemption for residential projects, including a subdivision or rezoning, that implements and is consistent with a specific plan for which a lead agency previously certified an EIR. If after adoption of the specific plan, an event as specified in Public Resources Code Section 21166 has occurred, the exemption provided by Government Code Section 65457 would not apply unless a supplemental EIR is prepared for the specific plan. (The events, changes, and 'new information' specified in Public Resources Code Section 21166 are the same as the events listed in CEQA Guidelines Section 15162, above.).

The proposed Project is a residential development project that implements the Newark Areas 3 and 4 Specific Plan. As noted above, the Newark City Council certified the REIR for the Newark Areas 3 and 4 Specific Plan in 2015, and that certification action is final and beyond any possible legal challenge. Accordingly, in addition to analyzing whether additional CEQA review is required pursuant to CEQA Guidelines Section 15168(c), the attached checklist has been prepared to assist in determining whether the Project is exempt from CEQA under Government Code Section 65457, which involves a similar evaluation as to whether any of the events or circumstances of CEQA Guidelines Section 15162 that might otherwise call for supplemental or subsequent CEQA review have occurred since 2015.

1.4 ENVIRONMENTAL CONCLUSION

The information and analysis set out in the attached checklist, prepared pursuant to CEQA Guidelines Section 15168(c)(4) and Government Code Section 65457, demonstrates: (a) that the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan; (b) that none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred; and (c) that the proposed Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The checklist also demonstrates that there is no new information of substantial importance that could not have been known at the time the REIR was prepared that shows the Project would have new or substantially more severe environmental impacts than analyzed in the REIR.

The accompanying checklist/addendum provides substantial evidence supporting the conclusions that: (a) the proposed Project is within the scope of the Newark Area 3 and 4 Specific Plan program REIR; (b) the proposed Project implements and is consistent with the Specific Plan; and (c) that none of the major changes, new information, or other environmentally-significant events specified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred since 2015.

Accordingly, a supplemental or subsequent EIR to the Newark Areas 3 and 4 Specific Plan REIR is not required or warranted, and the Project is exempt from further CEQA review under Government Code Section 65457. For these reasons, no further detailed CEQA review of the proposed Project is justified or necessary.

The attached checklist and all documents referenced in it are available for public review in the Department of Community Development at Newark City Hall, 37101 Newark Blvd, Newark, CA 94560, during normal business hours.

Arturo Interiano
Acting Community Development Director
City of Newark Department of Community Development

Signature

9/10/19
Date

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Appendix I: Noise and Vibration Assessment Update
Appendix J: Level of Service Update

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACDEH	Alameda County Department of Environmental Health
ACFC&WCD	Alameda County Flood Control & Water Conservation District
ACFD	Alameda County Fire Department
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
ASCE	American Society of Civil Engineers
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
BIA	California Building Industry Association
Btu	British thermal unit
CalEEMod	California Emissions Estimator Model
CalGreen	California Green Building Standards Code
CAP	Clean Air Plan
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CISS	Cast-in-steel-shell
CMA	Congestion Management Agency
CO_2e	Carbon dioxide equivalent
CT-EMFAC	Caltrans Emissions Factor
CUP	Conditional Use Permit
DA	Development Agreement
dBA	A-weighted sound level
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMF	Electromagnetic field
ESA	Environmental Site Assessment
EVA	Emergency Vehicle Access
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	Greenhouse gas
HERO	Human and Ecological Risk Office

HI	Hazard index
HVAC	Heating, ventilation, and air conditioning
in/sec	Inch per second
IWMP	Integrated Waste Management Plan
kBtu	Thousand British thermal units
kWh	Kilowatt hour
L_{dn}	Day-night average noise level
LED	Light-emitting diode
L_{eq}	Energy-equivalent sound/noise descriptor
LOS	Level of service
MEI	Maximally exposed individual
mpg	Mile per gallon
MT	Metric ton
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
Newark CAP	City of Newark Climate Action Plan
NGVD	National Geodetic Vertical Datum
NOI	Notice of Intent
NO_x	Nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NUSD	Newark Unified School District
OHMS	Office of Hazardous Materials Safety
OPC-SAT	California Ocean Protection Council Science Advisory Team
P	Park
PG&E	Pacific Gas & Electric Company
$PM_{2.5}$	Fine particulate matter
PM_{10}	Coarse particulate matter
PPV	Peak particle velocity
PUD	Planned Unit Development
Qhbm	Holocene San Francisco Bay Mud
REIR	Recirculated Environmental Impact Report
ROG	Reactive organic gases
RP	Resource Production
RPA	Register of Professional Archaeologists
RS	Residential Single Family

RSL	Regional Screening Level
SB	Senate Bill
SCS	Sustainable Communities Strategy
SL	Screening level
SLIC	Spills, Leaks, Investigations, and Clean-ups
Specific Plan	Newark Areas 3 and 4 Specific Plan
SVOC	Semi-volatile organic compound
SWPPP	Stormwater Pollution Prevention Plan
TAC	Toxic air contaminant
TCRDF	Tri-Cities Recycling and Disposal Facility
TOD	Transit Oriented Development
TPHd	Total petroleum hydrocarbons as diesel
TPHg	Total petroleum hydrocarbons as gasoline
TPHmo	Total petroleum hydrocarbons as motor oil
UPRR	Union Pacific Railroad
USACE	U.S. Army Corps of Engineers
USD	Union Sanitary District
USEPA	U.S. Environmental Protection Agency
UWMP	Urban Water Management Plan
v/c	Volume-to-capacity ratio
VdB	Vibration velocity level
VMT	Vehicle miles traveled
VOC	Volatile organic compound
WDR	Waste discharge requirement
WSA	Water Supply Assessment

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 BACKGROUND INFORMATION

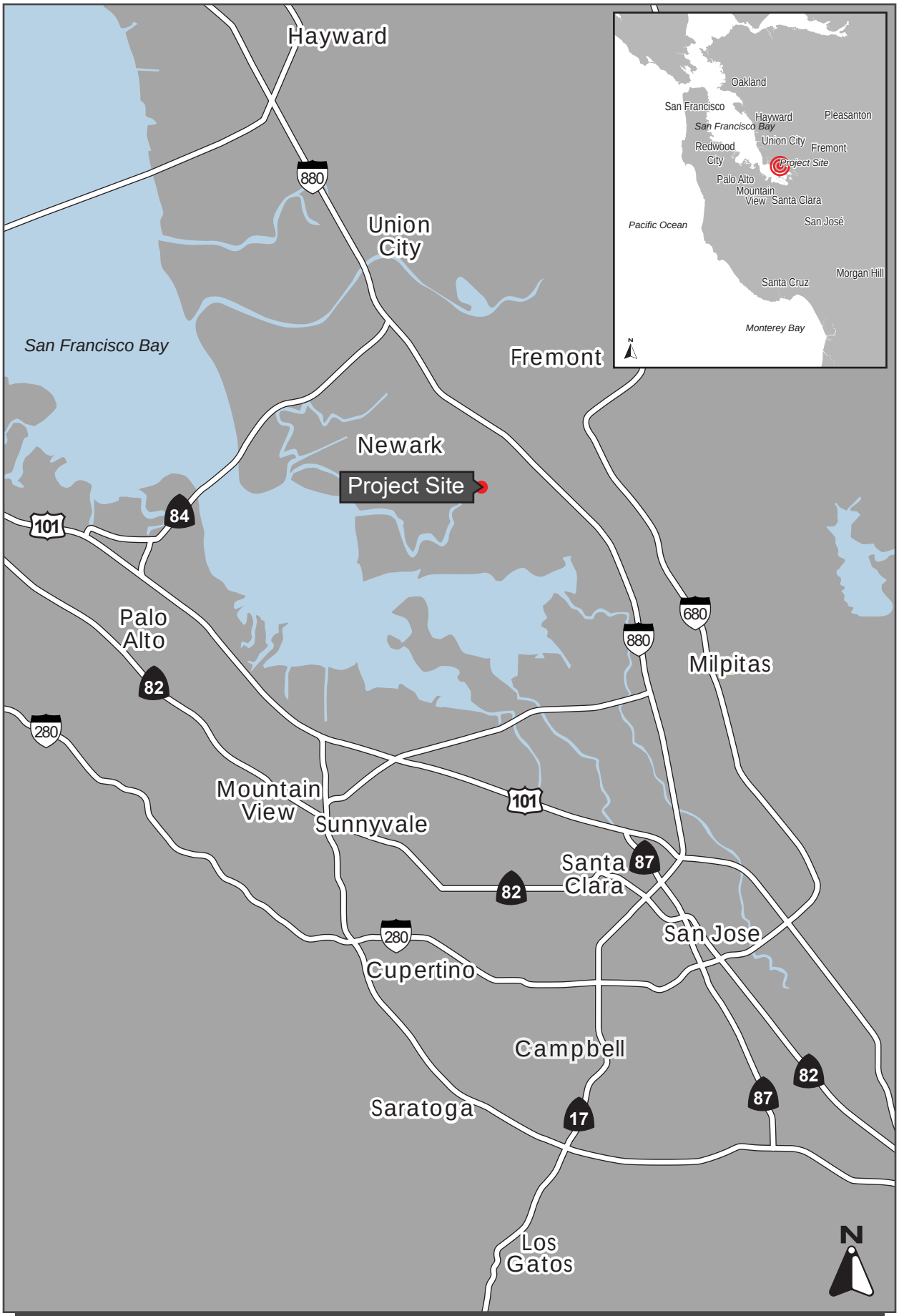
1.1.1 Areas 3 and 4 Specific Plan

The City of Newark has planned Area 4 for residential development, recreational space such as a golf course, and open space since the mid-1980s. The 1992 General Plan called for preparation of a Specific Plan for this Area. In 2010, the City approved a Specific Plan for Areas 3 and 4, which was subject to legal challenge. In January 2015, the City of Newark certified the Newark Areas 3 and 4 Specific Plan Recirculated Environmental Impact Report (REIR), State Clearinghouse No. 2007052065 and adopted the Newark Areas 3 and 4 Specific Plan (Specific Plan). The approved Specific Plan allows for development of up to 1,260 housing units of various densities, an up to 600-student elementary school, a golf course, and parks and open space areas, as well as retention of existing light industrial and institutional uses (Ohlone College, City fire station, park, and community activity center). See Figure 1.1-1, Figure 1.1-2, Figure 1.1-3, and Figure 1.1-4.

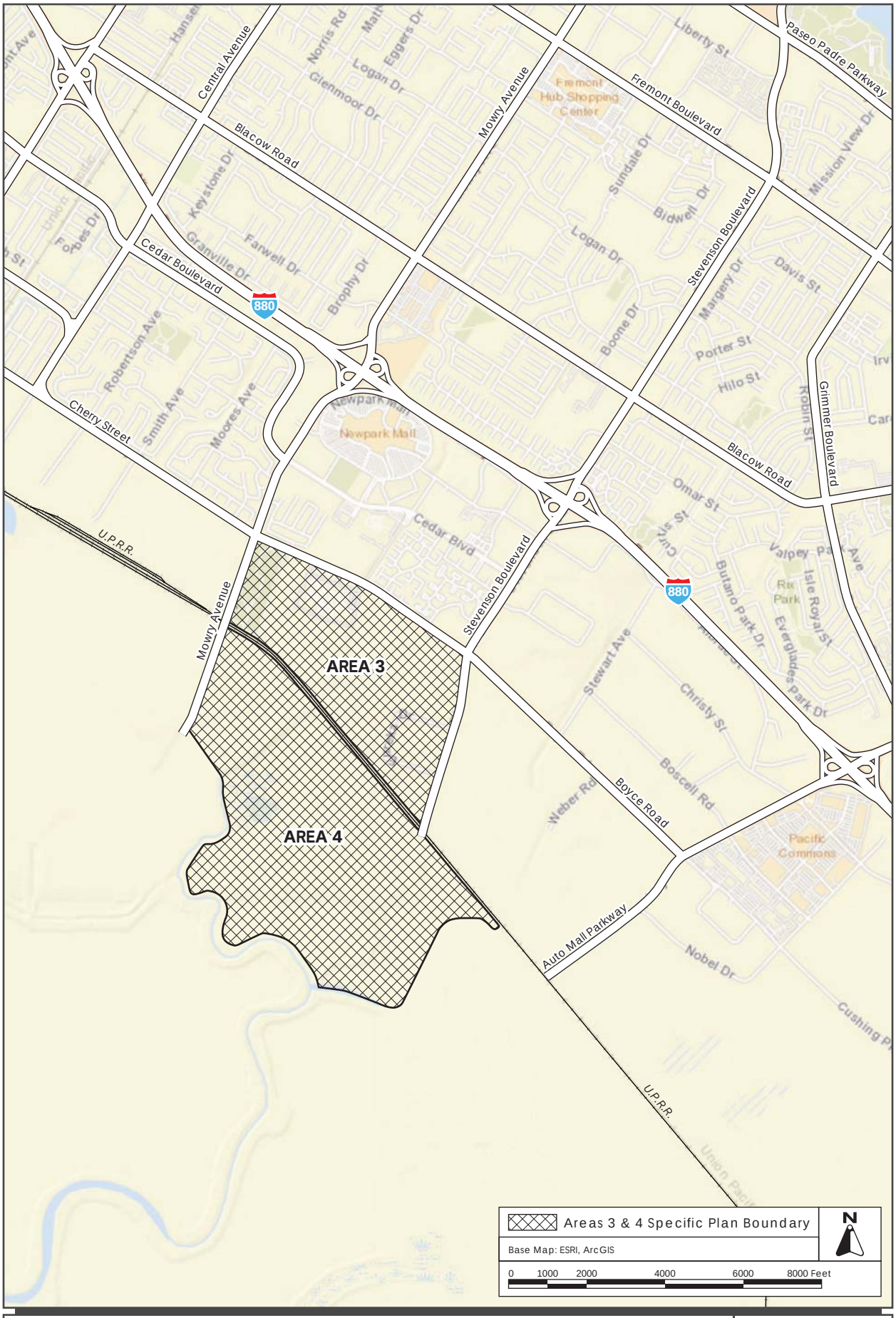
The City also entered into a Development Agreement (DA), in which the developer granted the City certain public benefits and the City agreed to "freeze in place" the City's land use rules, regulations, and policies in effect at the time of the DA.

In 2016, the City granted final land use entitlements for the development of 386 single-family homes in Area 3. Area 3 of the Specific Plan consists of 296 acres and is bounded by Mowry Avenue, Cherry Street, Stevenson Boulevard, and the Union Pacific Railroad (UPRR) tracks. Area 3 includes both developed properties (Sub-Area F) and undeveloped land (Sub-Area A). The existing developed land uses on Area 3 (Sub-Area F) include the City's George M. Silliman Recreation Complex, City of Newark Fire Station No. 3, Ohlone College Campus, and light industrial/commercial buildings. When the Specific Plan was approved, the existing General Plan designation in Sub-Area A was amended to *Medium Density Residential,* and Sub-Area A was rezoned to *Residential District R-6000* (single-family detached). Subsequently, in 2015, Area 3 was rezoned from *Residential District R-6000* to *LDR-FBC (Low-Density Residential – Form Based Codes)* and *POS-FBC (Parks and Open Space – Form Based Codes)*. A Final Tentative Map consisting of 388 lots including 386 residential lots, one lot for the school site, and one lot for the park site, consistent with the Specific Plan, was approved by the City in 2016. Residences are currently being constructed in Area 3.

The City is now considering further implementation of the Specific Plan. Area 4 of the Specific Plan consists of 560 acres and is surrounded by Mowry Avenue, the Union Pacific railroad tracks, the City of Newark/City of Fremont city limits (generally Stevenson Boulevard), and Mowry Slough. The Specific Plan land use plan for Area 4 included up to 316 acres of potential development that would allow a golf course/recreational areas, single-family detached houses, and neighborhood parks. The Specific Plan divides the Area 4 development envelope into three subareas. The southern area (Sub-Area B, approximately 125 acres) could be developed with residential uses, but no golf course. The central area (Sub-Area C, approximately 90 acres) could be developed with a golf course or other recreational uses, and/or residential uses. An 80-foot setback from the centerline of the railroad tracks is required for any residential development within Sub-Areas B and C. Sub-Area D (approximately 100 acres), located south of Mowry Avenue and north of the Alameda County Flood Control & Water Conservation District (ACFC&WCD) drainage canal, allows only a golf course, other recreational uses, or open space, but no residential development. Sub-Area E (approximately



REGIONAL MAP | FIGURE 1.1-1



VICINITY MAP

FIGURE 1.1-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 1.1-3

LEGEND

0' 400' 800'

- NC — NO CHANGE IN EXISTING GENERAL PLAN OR ZONING
- R — RESIDENTIAL
- R/G — RESIDENTIAL AND/OR GOLF COURSE
- G — GOLF COURSE OR RECREATIONAL
- TWO LANE ACCESS ROAD
- NEW TWO LANE BRIDGE
- NEW PED BRIDGE
- ACCESS POINT
- EVA/TRAIL
- ROTARY

LAND USE PLAN IN APPROVED SPECIFIC PLAN	FIGURE 1.1-4

244 acres) is outside the development envelope and could be utilized for wetland preservation or wetland creation/enhancement, or remain unchanged (continued agricultural operation). Portions of Sub-Areas B, C, and D could also have undeveloped areas not proposed for residential or golf course uses that could be utilized for wetland preservation or wetland creation/enhancement or remain unchanged (continued agricultural operation).

The Specific Plan identified the general location and configuration of Area 4 residential lots, golf course, and other recreational uses, with exact locations to be determined through subsequent entitlement processes. Consequently, the exact configuration of the remaining agricultural and wetland areas would be determined at the time of subdivision map approval of Area 4. The REIR evaluated the envelope of potentially significant environmental impacts, including the full range of potentially impacted/filled wetlands up to 86 acres. The REIR evaluated the potential impacts from the full development of single-family homes, a golf course, infrastructure, and landscaping in Area 4 at a programmatic level allowed under the Specific Plan.

1.2 PURPOSE

The accompanying analysis and checklist has been prepared by the City of Newark and its consultants, pursuant to the provisions of CEQA, the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.), Government Code Section 65457, and the regulations and policies of the City of Newark. The purpose of this checklist is to determine whether the proposed Project is consistent with the approved Specific Plan, whether the project is within the scope of the program EIR and to determine whether any of the events specified in Public Resources Code Section 21166, as further explained by CEQA Guidelines Section 15162, have occurred since the City's certification of the REIR. In this context, the checklist may be considered as an addendum to that 2015 REIR.

Specifically, this checklist is prepared in accord with the requirements of CEQA Guidelines Section 15168(c)(2), describing and limiting the review of a project which has already been reviewed under CEQA in a previous EIR, and with Government Code Section 65457, describing and limiting the review that may be applicable to a project that is consistent with a previously approved Specific Plan.

1.3 ENVIRONMENTAL CONCLUSION

The proposed project does not need additional environmental review because this checklist, prepared pursuant to CEQA Guidelines Section 15168(c)(4) and Government Code Section 65457, found that the project is within the scope of the REIR.

This checklist confirms the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan and none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred: the project would not result in any new or substantially more significant environmental impacts from changes to the project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The checklist also confirms that there is no new information that could not have been known at the time the REIR was prepared that indicates the project would have new or substantially more severe impacts than analyzed in the REIR. For these reasons, a supplemental or subsequent EIR is not required to the Newark Areas 3 and 4 Specific Plan REIR and the project is exempt from CEQA

under Government Code Section 65457 and within the scope of the Newark Area 3 and 4 Specific Plan REIR.

Appendices Following Checklist:

Appendix A: Air Quality Assessment Update
Appendix B: Biological Resources Technical Report
Appendix C: Cultural Resources Mitigation Update Report
Appendix D: Preliminary Earthwork and Import Fill Recommendations
Appendix E: Preliminary Geotechnical Exploration
Appendix F: Phase II Environmental Site Assessment
Appendix G: Water Quality and Hydrology Section Update
Appendix H: Post Construction Stormwater Control Plan
Appendix I: Noise and Vibration Assessment Update
Appendix J: Level of Service Update

The REIR is available on the City's website: http://www.newark.org/departments/community-development/specific-plans-master-plans/area-3-and-4-specific-plan-project

Other referenced documents and correspondence are available for review in the Department of Community Development at Newark City Hall, 37101 Newark Blvd, Newark, CA 94560, during normal business hours.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Area 4 - Sanctuary West Residential Project

2.2 LEAD AGENCY CONTACT

Sofia Mangalam, Senior Planner
Community Development Department
37101 Newark Blvd
Newark, CA 94560
(510) 578-4242

2.3 PROJECT APPLICANT

Tim Steele, Senior Vice President, Real Estate Development
The Sobrato Organization
599 Castro Street, Suite 400
Mountain View, CA 94041
(408) 446-0700

2.4 PROJECT LOCATION

The project site is located in southwestern Newark, within the boundaries of the Areas 3 and 4 Specific Plan, specifically within Area 4. Area 4 of the Specific Plan consists of approximately 560 acres, including 316 acres of potential development area. The applicant's development project that is the subject of this checklist includes approximately 181.4 acres of the developable area. For the purposes of this analysis, the UPRR tracks are assumed to be a generally north-south trending railway. The surrounding land uses include Mowry Avenue to the north, UPRR to the east, Stevenson Boulevard to the south, and salt flats and Mowry Slough to the west. The project site is predominantly undeveloped, with portions of the site used for dry-farmed agricultural uses.

2.5 ASSESSOR'S PARCEL NUMBERS

<u>Emergency Vehicle Access (EVA)/Trail along UPRR</u>
APN: 537-850-3
APN: 537-850-4
APN: 537-850-16-1 (Line D channel)

<u>Residential</u>
APN: 537-801-2-6
APN: 537-850-7-2
APN: 537-850-9
APN: 537-850-11-1
APN: 537-850-11-4

Stevenson Boulevard Extension though O'Connor Property
APN: 537-850-8
APN: 537-850-10
APN: 537-850-11-3

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The General Plan designation for Area 4 (Sub-Areas B, C, D, and E) is *Low Density Residential*. No changes to the General Plan designation are proposed as part of the project.

In January 2018, the City updated its Zoning Ordinance. As part of that update, Sub-Areas B and C were rezoned from *Residential District R-6000* to *Residential Single Family (RS)-6000*. Sub-Areas D and E were rezoned from *Agriculture* to *Park (P)*, with a small sliver rezoned to *Public Facilities (PF)*. The Development Agreement approved by the City in 2015 for Areas 3 and 4 allows development in Area 4 to be processed under the Zoning Ordinance in place in 2015.

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT DECRIPTION OVERVIEW

The project involves the implementation of the Specific Plan in Area 4. Area 4 of the Specific Plan land use plan includes up to 316 acres of potential development and divides the development envelope into three subareas (Sub-Areas B, C and D). As approved in the Specific Plan, development within the land use plan may include a golf course or other recreational use, single-family detached houses, and neighborhood parks. The Specific Plan also approved the extension of Stevenson Boulevard into Area 4, with a bridge overcrossing of the UPRR tracks, modification to two Pacific Gas & Electric Company (PG&E) towers and electric transmission lines to provide sufficient clearance of the Stevenson Boulevard overcrossing, and a combined EVA and multi-use trail across Area 4 just west of the UPRR tracks. There are five bridges planned within the development area to avoid wetlands. The bridges would be prefabricated and would be installed as clear span structures.

The Specific Plan anticipates up to 1,260 new residences. There are 386 residences being constructed in Area 3, resulting in the potential for up to 874 residences in Area 4. The current proposal involves the development of 469 single-family residences in Sub-Areas B and C of the Area 4 planning area. Although anticipated by the Specific Plan, no golf course is proposed as part of the project.

3.2 PROPOSED PROJECT

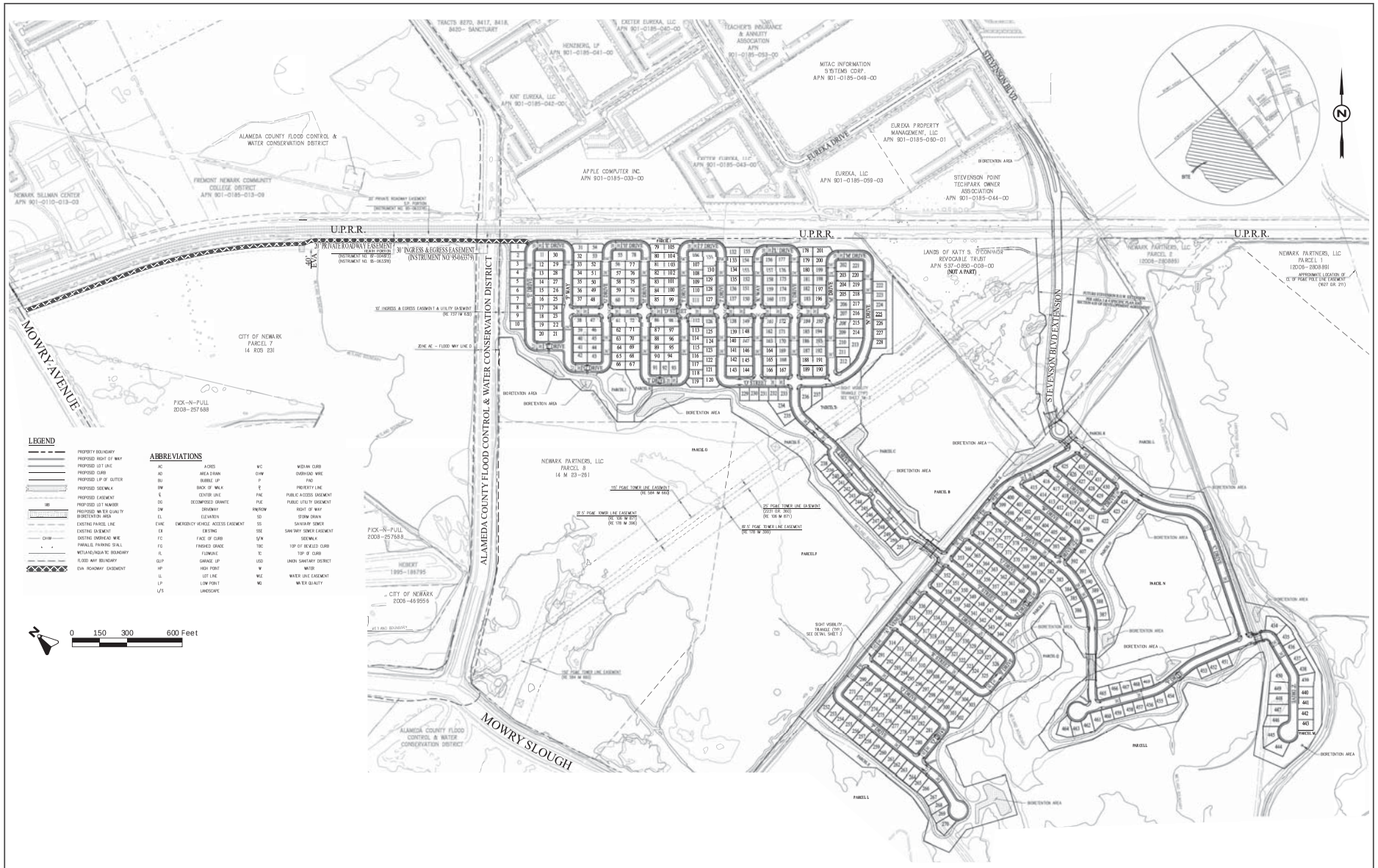
Implementation of the approved Specific Plan in Area 4 requires a Vesting Tentative Map, a Planned Unit Development (PUD) Permit, and a Conditional Use Permit (CUP) for development approximately 469 detached single-family residences, parks/trails, and associated infrastructure improvements, as described below. With the exception of the EVA/multi-use trail across Area 4 (Sub-Area D) to Mowry Avenue, no development is proposed outside of Sub-Areas B and C. The development plan for Area 4, Sub-Areas B and C is shown on Figure 3.2-1, with an enlargement of the development areas shown on Figure 3.2-2.

The Vesting Tentative Map for the Sub-Areas B and C would subdivide the property into 469 residential lots, three park parcels and four boardwalk overlooks. The residential lots would range from approximately 3,600 square feet to 5,000 square feet in size. Overall, the density of the development would be 2.6 dwelling units per acre.[1] The development plan also shows the proposed street layout and the location of sidewalks and parks. Within the residential development area, a 14-foot masonry wall for noise attenuation would extend along the UPRR right-of-way within the project site.

The homes are planned to be two stories in height, with traditional architecture. Illustrations of architecture design themes and building lot sizes are shown in Figure 3.2-3.

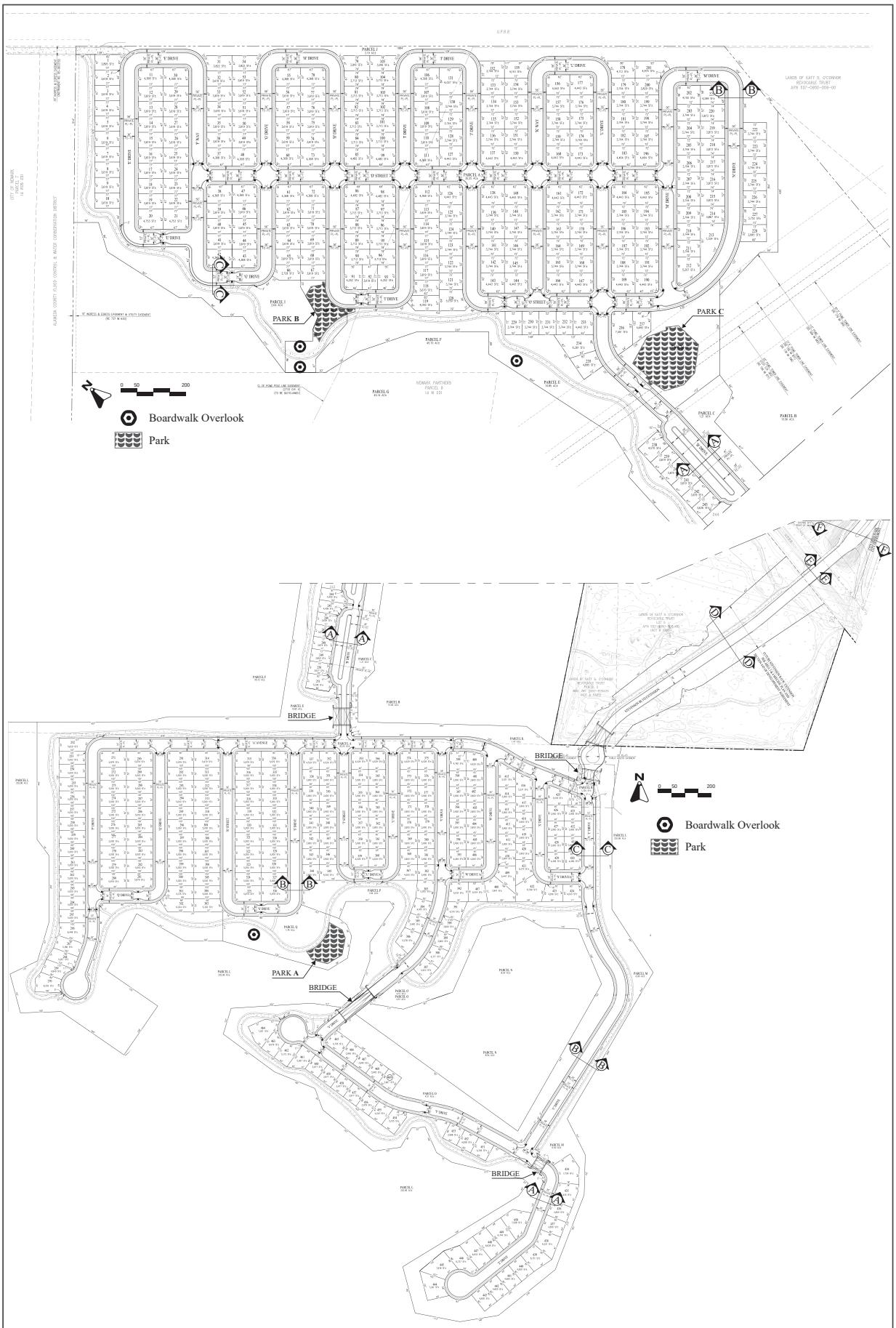
With a PUD and CUP, individual lots are deemed to meet the City's standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open spaces, off-street parking and off-street loading facilities and landscaped areas, as long as the area covered by the PUD meets these requirements in the aggregate. The project's proposed lot sizes, coverage, and setbacks would meet the City's requirements in the aggregate.

[1] This calculation assumed a developable area of 181.4 total acres.



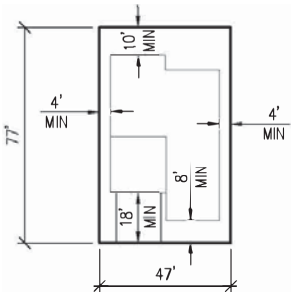
DEVELOPMENT PLAN - AREA 4 SUB-AREAS B + C

FIGURE 3.2-1

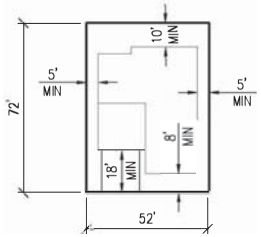


ENLARGED DEVELOPMENT PLAN | FIGURE 3.2-2

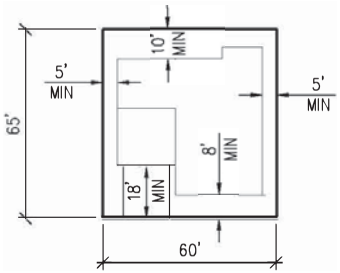
VILLAGE I - 47x77 LOTS



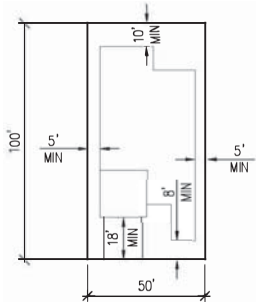
VILLAGE II - 52x72 LOTS



VILLAGE III - 60x65 LOTS



VILLAGE IV - 50x100 LOTS



AREA 4 ARCHITECTURAL DESIGN THEMES AND LOT SIZES

FIGURE 3.2-3

3.2.1 Vehicle and Pedestrian Access

Consistent with the Specific Plan, the project proposes a combination of public and private streets for vehicle and pedestrian access to the development. Stevenson Boulevard would be extended as a public street from its existing westerly terminus across the UPRR railroad tracks on a new overpass (described below). Where the Stevenson Boulevard overpass lands on the project site, a private street system would provide access to the individual residential lots. Street parking would be available for approximately 863 vehicles.

3.2.1.1 *Stevenson Boulevard Extension*

The Specific Plan contemplated the extension of Stevenson Boulevard with a structural crossing over the UPRR tracks. The project implements this Specific Plan component. The extension of Stevenson Boulevard would provide the primary vehicular and pedestrian access to the Area 4 residential development. The approaches to the overpass include some retaining walls but primarily would be earthen fill slopes rising to an elevation of 38.0 feet NGVD[2] (or 40.7 feet NAVD equivalent[3]), which would provide a minimum elevation of 32.1 feet NGVD (or 34.8 feet NAVD equivalent) at the bottom of the overpass and a 23.4-foot minimum vertical clearance from the top of the rail tracks to the bottom of the bridge girder per Union Pacific guidelines. The underside of the structure would have 2:1 paved slopes. The bridge's piles would be outside the railroad right-of-way and would not conflict with the Union Sanitary District force main. Installation of these piles would require coordination with Union Pacific Corporation, PG&E, and Union Sanitary District.

The cross sections of the Stevenson Boulevard overpass, the west and east approaches, and an overpass section view shown in Figure 3.2-4 are consistent with the Specific Plan. The overpass structure (cross-section E-E) would include two 12-foot wide travel lanes, a 2.5-foot buffer and 5.0-foot wide bike lanes on both sides, and a 10-foot wide sidewalk on the northbound side of the structure. The extension of Stevenson Boulevard into Area 4 to its westerly terminus at a traffic decorative bulb out (cross-section D-D) is proposed as a two-lane public arterial street with an approximately 60.5-foot-wide right-of-way including an approximately 3.0-foot buffer, approximately 12-foot sidewalk, and approximately 7.0-foot wide landscape strip on the northbound side, two approximately 10-foot-wide travel lanes, and an approximately 3.0-foot buffer and approximately 6.0-foot wide bike lanes on both sides.

3.2.1.2 *Private Street System*

From the westerly terminus of Stevenson Road, a private street network would provide access throughout the site to the individual home lots. Three different street cross-sections are proposed, as shown on Figure 3.2-5. The locations of each of the street sections within the site are identified on Figure 3.2-2. On-street parking for approximately 863 vehicles would be provided throughout the private street system. Off-street parking, including both covered and uncovered parking, would total approximately 1,876 parking spaces.

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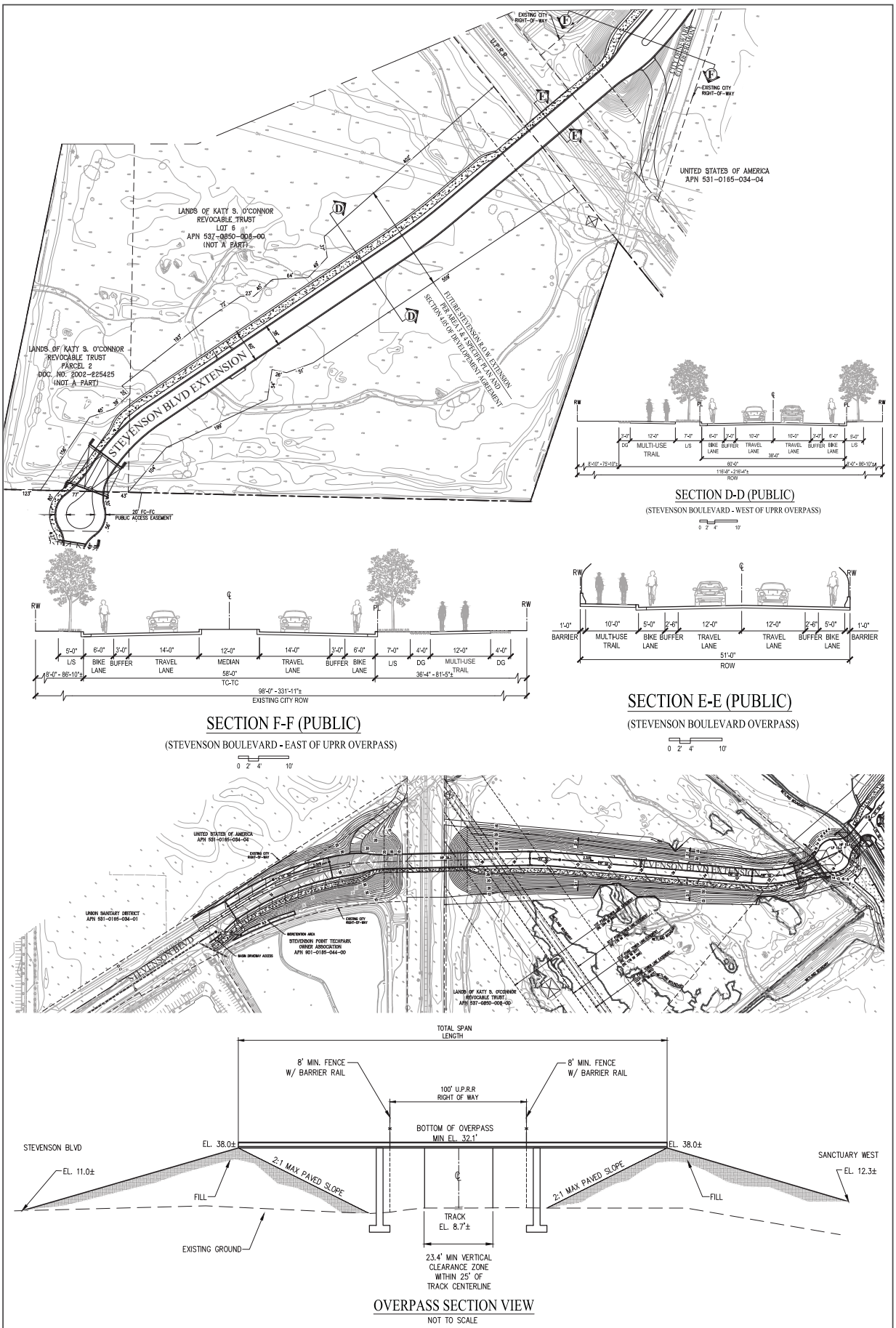
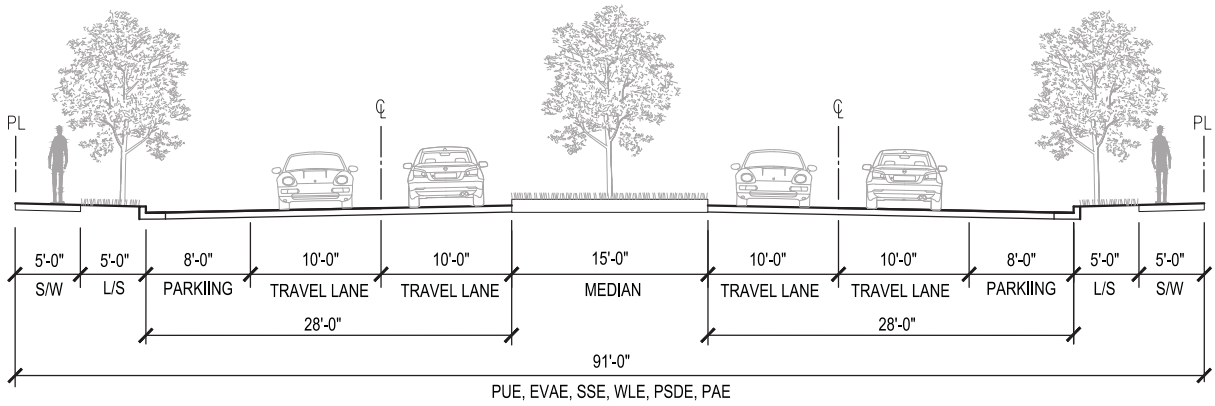
[2] NGVD 29 stands for National Geodetic Vertical Datum of 1929. It is a system that was used by surveyors and engineers for most of the 20th Century. NGVD 29 has been the basis for relating ground and flood elevations in the past, but it has been replaced by the more accurate NAVD 88.
[3] NAVD 88 stands for North American Vertical Datum of 1988.

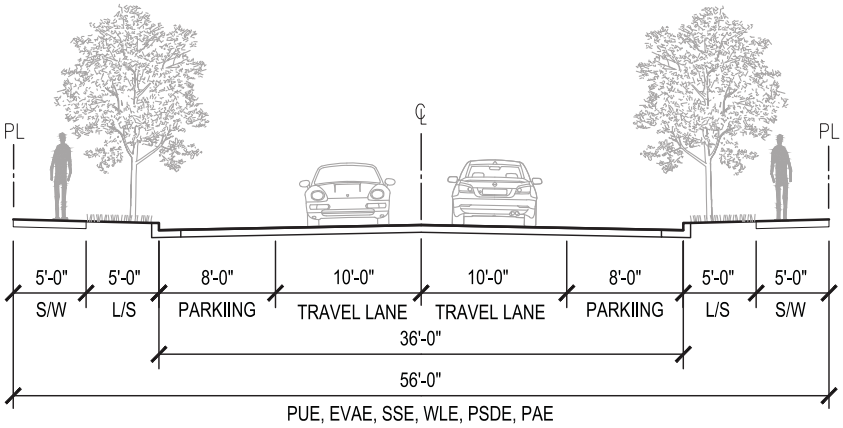


STEVENSON BOULEVARD EXTENSION | FIGURE 3.2-4



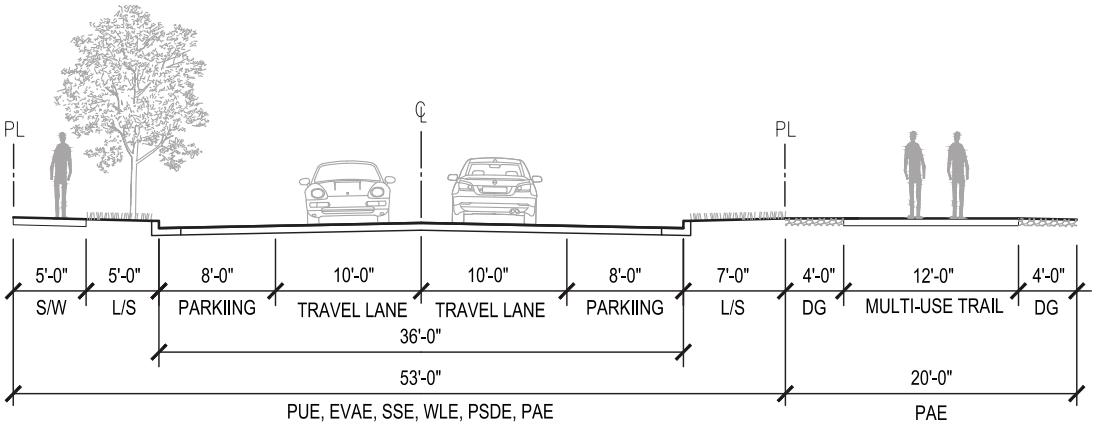
SECTION A-A (PRIVATE)

('B' DRIVE)



SECTION B-B (PRIVATE)

('A' AVENUE, 'P' DRIVE, 'Q' DRIVE, 'R' STREET, 'S' DRIVE,
'T' STREET, 'U' DRIVE, 'V' DRIVE, 'W' DRIVE, 'X' DRIVE)



SECTION C-C (PRIVATE)

('A' AVENUE, 'C' DRIVE, 'P' DRIVE)

PRIVATE STREET CROSS SECTIONS | FIGURE 3.2-5

Four pre-fabricated steel bridges are proposed as part of the street system to cross the wetland areas (identified on Figure 3.2-2). The abutments for the bridges would be located outside of the wetland areas, avoiding any need for wetland fill.

3.2.1.3 *Emergency Vehicle Access and Multi-Use Trail*

To the north of the Area 4 development area, an easement for emergency vehicle access and a multi-use trail is proposed immediately west of the UPRR alignment, across the City of Newark-owned Sub-Area D from the ACFC&WCD Line D to Mowry Avenue. The easement would serve as a combined EVA roadway and multi-use trail. The access roadway would be locked and gated at Mowry Avenue to allow only emergency vehicles; however, the gate would allow passage of pedestrians and bicycles. The EVA roadway/multi-use trail would be approximately 20 feet wide (within an approximately 40-foot wide EVA easement). Along the east side of the trail from Mowry Avenue to the flood control channel, a vandal-resistant fence would separate the trail from the railroad right-of-way.

A clear-span bridge would be constructed across ACFC&WCD Line D to provide emergency vehicle, pedestrian, and bicycle access to Area 4. The bridge abutments would be located outside of the wetland areas. A 190-foot section of the EVA roadway/trail, located approximately 1,000 feet northwest of the residential development, would be elevated to provide emergency vehicle access to the site and avoid the need for wetland fill. Footings for the elevated roadway/trail would be located outside of wetland areas. Exclusion fencing would be used during construction of the elevated roadway/trail to demarcate wetland areas.

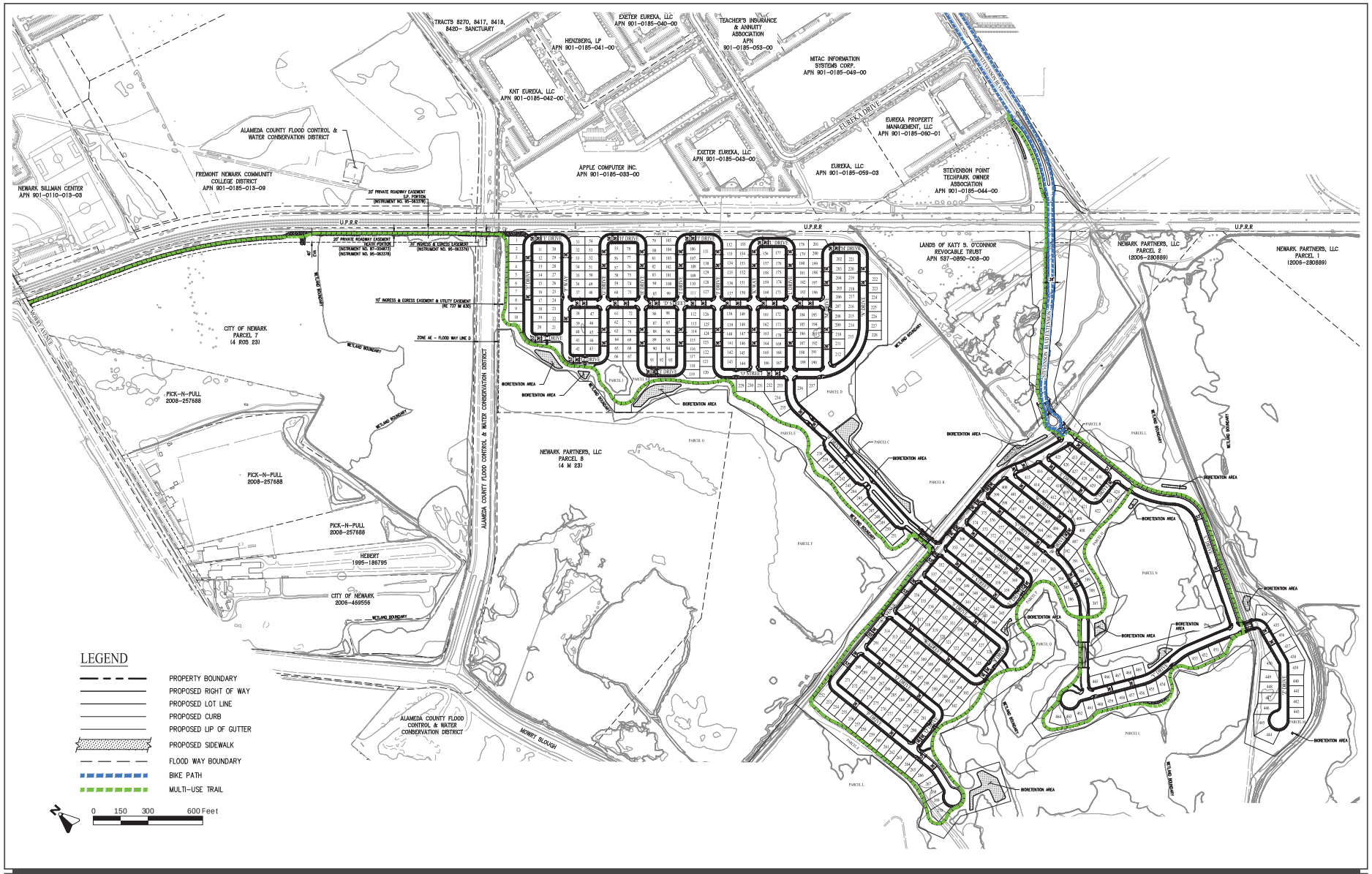
An approximately 12-foot-wide paved public multi-use trail is proposed to begin at the Stevenson Boulevard terminus and extend around most of the outer perimeter of the Area 4 residential development (the exception being the southwestern end of the residential development area), as shown on Figure 3.2-6. At the northeast corner of Area 4, the multi-use trail would connect to the combined trail and EVA.

3.2.2 <u>Parks and Overlooks</u>

Three parks and four boardwalk overlooks are planned throughout the site with a combined park area of approximately 4.70 acres. The parks would be under private ownership and maintained by the Home Owners Association (HOA), but will be for public use. Parks would include play areas, seating and lawn areas. The parks and overlooks are shown on Figure 3.2-7. The locations of each park and overlook within the site are shown on Figure 3.2-2.

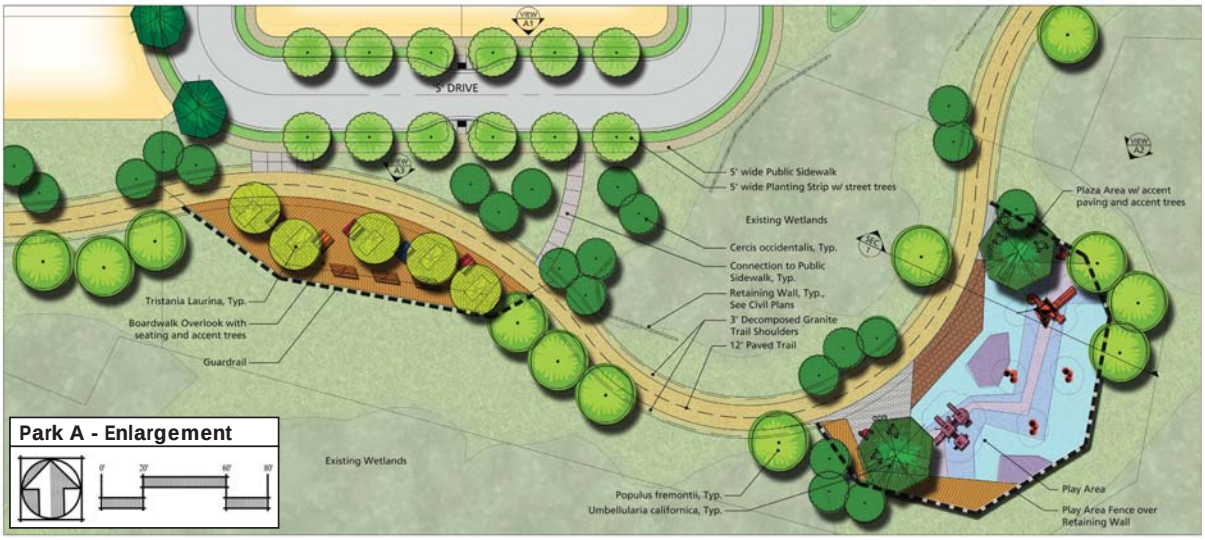
3.2.3 <u>Grading and Fill</u>

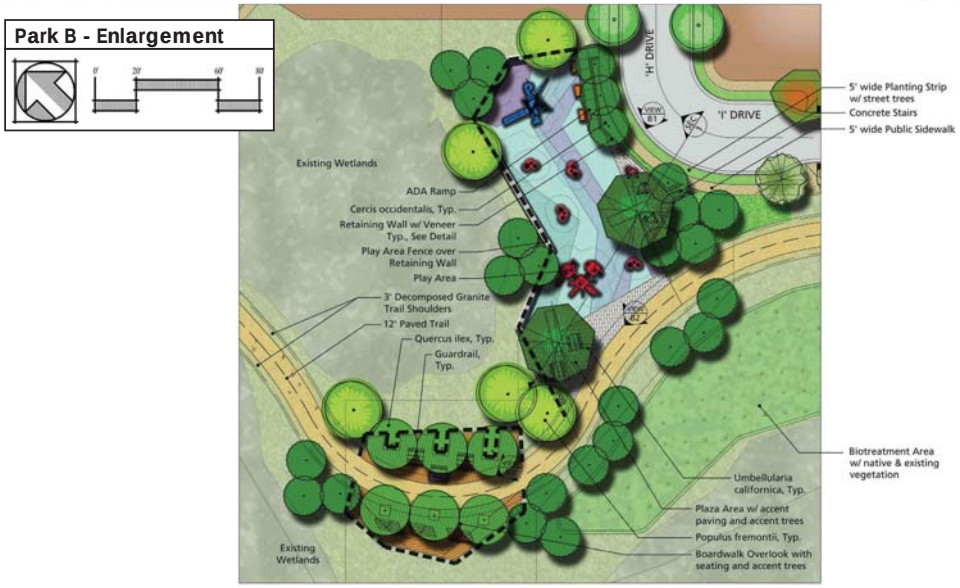
As contemplated in the Specific Plan, development of Area 4 would require fill to be imported onto the residential areas to raise them out of the designated 100-year floodplain. The City's Municipal Code requires a minimum building pad elevation of 11.25 feet (or 13.98 feet NAVD equivalent) and a minimum top of curb elevation of 10.0 feet NGVD 29 (or 12.73 feet NAVD equivalent). Much of the site consists of compressible Bay Mud. In order to reduce load-induced settlement after project construction, the project would implement a three-phase surcharge program. The surcharge program would be a rolling program, with surcharge dirt from the first phase of fill removed and placed in the second phase of fill, then removed and placed in the third phase. At the end of the third phase,

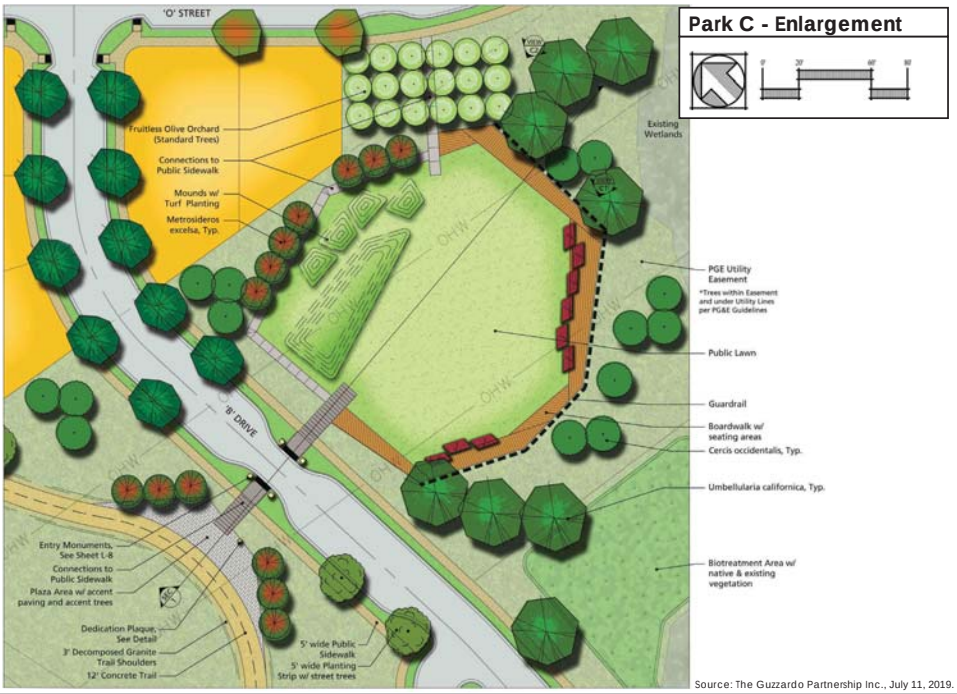


PEDESTRIAN AND BICYCLE CIRCULATION

FIGURE 3.2-6







Source: The Guzzardo Partnership Inc., July 11, 2019.

PARKS AND OVERLOOKS | FIGURE 3.2-7

approximately 48,500 cubic yards of fill would be removed from the surcharge area and placed on-site outside the delineated wetland areas. The fill for Area 4 is expected to come from soil excavated from local major construction projects, although some could be moved from higher elevation areas to lower elevation areas. The proposed residential lots, access roads, open space areas, and bridges have been designed to avoid the need to place fill in any wetland.

Minimum building pad elevations would be 15 feet NAVD. A net total of 1,674,650 cubic yards of fill are proposed to achieve the desired final development grades within Area 4, see Table 3.2-1.

Table 3.2-1: Cut and Fill Totals	
Cubic Yards (CY)	
Cut	(350)
Class 1 Material	5,000
Fill	1,662,350
Utility Spoils	(40,850)
Balance of Surcharge	48,500
Import Total	**1,674,650**

3.2.4 Drainage Plan

Consistent with the Specific Plan, residential development within Area 4 is designed to drain via new underground storm drain lines to various points along the perimeter of the development envelope, where outfalls into bioretention areas would be constructed for treatment. Bioretention areas and the associated outfalls into the open space areas would be spaced consistent with **MM BIO-2.1** from the REIR. The Area 4 storm drain system is designed to be compliant with local and state stormwater treatment guidelines prior to discharge to a public system or wetland. The proposed biorention areas are shown on Figure 3.2-8.

3.2.5 Infrastructure

3.2.5.1 *Water Service*

Water service in the City of Newark is provided by the Alameda County Water District (ACWD). The ACWD has jurisdiction of all water service laterals from their mains to the individual water meters. The City of Newark has jurisdiction over all water piping from the meter to all fixtures connected to water lines.

Area 4 residential potable water needs would be met via service from an existing 12-inch main in Alameda County Flood Control & Water Conservation District easement at the north end of the project site and a 12-inch main in Stevenson Boulevard. Both would serve as a connection point to a new public water distribution system within the residential streets proposed in Area 4. This proposed distribution system would consist of 8-inch and 12-inch diameter pipes, which would be sufficient to serve both residential and fire service needs.

Reclaimed water is not available at this time, but the proposed development includes provisions (installation of purple piping onsite) for use of reclaimed water when it becomes available. According to the Specific Plan, the recycled water system would be fed from domestic water connections until a future recycled water system is constructed within Cherry Street and/or is

BIORETENTION AREAS | FIGURE 3.2-8

available to serve the Specific Plan sub areas. This way the developments would be ready to switch over as recycled water as it becomes available. Only Sub-Area D would utilize an existing permitted well for irrigation needs until recycled water becomes available.

The ACWD prepared and its board approved a Water Supply Assessment (WSA) for the *Newark Areas 3 and 4 Specific Plan REIR* for 1,260 residences that indicated sufficient supplies exist to meet the District's projected demands, together with the Specific Plan's overall project demands, under normal year conditions.[4] During critically dry or multiple dry years, the ACWD service area may be facing water supply shortages. Because the Areas 3 and 4 Specific Plan's water demands are already factored into the ACWD 2015-2020 Urban Water Management Plan (UWMP), the proposed development in Areas 3 and 4, which would result in 405 fewer residences than anticipated by the Specific Plan, would not result in increased shortages beyond those which are already factored into ACWD's planning under current and foreseeable conditions.

Due to future uncertainties related to climate change and reliability of ACWD's State Water Project allocations, the ACWD is faced with the potential for long-term reduction in supply.[5] The current project's timeline has a buildout period of approximately five years, which could conceivably be extended. For the reasons described above, the ACWD's final determination of the water supply sufficiency is based on the inclusion of water efficiency measures in the Areas 3 and 4 Specific Plan. These measures are shown below, included in the proposed project, and will be included in the project's conditions of approval.

Water Conservation Standards

All residential and non-residential development in the Area 4 portion of the Specific Plan would be developed with water efficient plumbing fixtures and irrigation systems compliant with the current California Building Standards Code, including but not limited to the following:[6]

For Residential Development within Area 4:

- High efficiency (1.3 gallons per flush or less) and dual flush toilets,
- High efficiency clothes washers with a water factor of six or less,
- High efficiency dish washers,
- Water efficient bathroom and kitchen fixtures

For Landscape Development within Area 4:

- Water efficient irrigation systems include weather-based irrigation controllers, drip irrigation systems for non-turf areas and the installation of drought-tolerant landscaping in lieu of irrigated turf, wherever possible.
- All decorative fountains shall recycle water.
- Install a separate, non-potable distribution system (i.e. "purple pipe") for the non-residential landscape needs. The on-site system will also include non-potable distribution mains extending to areas where recycled water could be used.

[4] The WSA was confirmed as valid by the Alameda County Water District on July 31, 2019.
[5] Alameda County Water District. *Urban Water Management Plan 2015-2020*.
[6] Many of these technologies are legal requirements under the current California Plumbing Code, and have been requirements for fixtures installed after July 1, 2011. The proposed project would be required to meet the current codes at the time of development.

Water Efficient Landscape Ordinance:

- The State of California Department of Water Resources amended Chapter 2.7 Model Water Efficient Landscape Ordinance, Sections 490 through 495 in Division 2, Title 23 of the California Code of Regulations. All local agencies were required to adopt a similar ordinance by January 2010 to meet new water conservation standards related to landscape improvements. All landscape improvements in Area 4 are subject to these requirements.

3.2.5.2 *Sewer Service*

Wastewater service in the project area is provided by the Union Sanitary District (USD). Area 4 would need to be annexed into the USD's service area. Due to the project site's low elevation, wastewater service would require use of a pump station. The existing Cherry Street pump station was originally built as a temporary facility and lacks capacity to serve the proposed project.[7] The Cherry Street pump station is planned to be abandoned. As discussed in the REIR, a new pump station would be required to meet the project's wastewater needs. The project applicant is continuing to work with USD to design the new pump station, which would be located either on a USD-owned property east of the UPRR tracks or within Area 4. This new pump station would be owned and operated by the USD. Flows currently draining into the Cherry Street pump station would be diverted to the new station. The new pump station would be constructed outside of wetland areas.

As also discussed in the REIR a new sewer main would be constructed either beneath the Union Pacific Railroad right-of-way or within the new bridge approaches and structural span. The project proposes to construct the sewer main beneath the Union Pacific Railroad right-of-way. Specifically, a new 10-inch sewer main connection from the proposed development would be installed east of the railroad tracks and would be constructed beneath the Union Pacific Railroad right-of-way, north of Stevenson Boulevard. All construction beneath the railroad tracks would be installed under careful design and supervision to ensure no adverse impact on the existing twin 33-inch force mains adjacent to the railroad right-of-way. The developer would coordinate and monitor any construction around and over these mains. The existing flows draining into the Cherry Street pump station would be rerouted through Eureka Drive and toward the new pump station. The flows entering the new pump station would be pumped along Stevenson Boulevard toward Cherry Street and enter a gravity line in Stevenson Boulevard, consistent with the Specific Plan. The flows would then be routed toward the Boyce Road lift station and continue to the Irvington pump station, where the twin 33-inch force main pipes pump the flow to the Alvarado Treatment Plant.

3.2.6 <u>Green Building Features</u>

Based upon the timing of the development, the project would be designed to the 2019 California Residential Code, which includes new energy standards including, but not limited to, the following:

- Water efficiency and conservation per California Green Building Standards Code (CalGreen) Standards
- Indoor air quality – enhanced filters per CalGreen Standards
- Renewable energy – roof design to include photovoltaic panels on each home – size of system to be determined at the time of construction documents
- Electric vehicle charging – accommodations for future installation within each garage

[7] Schurman, Rod R., P.E., Union Sanitary District. "Response to Will Serve Request, Proposed Residential Development, Tract 8495, Sanctuary West, Stevenson Boulevard, Newark, CA." Letter. July 22, 2019.

- Lighting inside/outside homes – current plans include for light-emitting diode (LED)

3.3 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project proponent requests the following approvals/permits for the implementation of the Specific Plan with up to 469 detached single-family residential units within Sub-Areas B and C of the Specific Plan Area 4:

City of Newark
- Planned Unit Development Permit
- Conditional Use Permit
- Vesting Tentative Map

California Public Utilities Commission
- Approval of overcrossing at Stevenson Boulevard/UPRR
- Approval of height extension of PG&E overhead transmission poles

Union Sanitary District and Alameda Local Agency Formation Commission (LAFCO)
- Annexation of Area 4 Sub-Areas B and C to District service area

3.4 PROJECT CONSISTENCY WITH SPECIFIC PLAN AND REIR

Table 3.4-1, below, summarizes the development included in the approved Specific Plan and evaluated in the REIR, under construction or under consideration for Areas 3 and 4, and the proposed project's consistency with the Specific Plan and impact envelope of the REIR.

Table 3.4-1: Specific Plan & REIR Consistency Summary					
	Specific Plan[1]	**Recirculated EIR[2]**	**Area 3 (under construction)[3]**	**Area 4 (under consideration)[4, 5]**	**Consistent with Specific Plan and within environmental impact envelope of REIR?**
Number of single-family units	1,260	1,260	386	469	Yes
Cubic yards of fill (net)	2,156,000	2,156,000	13,370	1,674,650	Yes
Wetlands to be filled	Up to 86	Up to 86	0	0	Yes
Stevenson Extension Overpass	Yes	Yes	No	Yes	Yes
Golf course	Yes	Yes	No	No	Yes
Acres to be developed into public parks	5.5	5.5	3.0	4.7[6]	Yes

[1] City of Newark. *Newark Specific Plan: Areas 3 and 4 of the General Plan.* September 2009.
[2] City of Newark. *Newark Areas 3 and 4 Specific Plan Project – Recirculated Draft Environmental Impact Report*. August 2014.
[3] Carlson, Barbee & Gibson, Inc. *Vesting Tentative Map – Sanctuary Tract 8270*. Map. Approved December 10, 2015.
[4] Carlson, Barbee & Gibson, Inc. *Vesting Tentative Map – Sanctuary West Tract 8495*. Map. December 13, 2018.
[5] DeKnoblough, Justin, P.E., Carlson, Barbee & Gibson, Inc. "RE: Newark Area 4 construction equipment." Email. March 29, 2019.
[6] The parks would be under private ownership and maintained by the Home Owners Association (HOA), but will be for public use.

SECTION 4.0 ENVIRONMENTAL CHECKLIST: COMPARING CHANGES AND/OR NEW INFORMATION TO PREVIOUS ENVIRONMENTAL DOCUMENTS

Pursuant to CEQA Guidelines Section 15168 and Government Code Section 65457, the purpose of the checklist is to evaluate the categories in terms of any **"changes"** to the project or circumstances or **"new information"** that may result in a changed environmental impact evaluation compared to the evaluation in the REIR. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no relevant change in the condition or status of the impact compared to its treatment in the REIR.

Overriding considerations were adopted with the certification of the REIR that accepted the possibility of certain impacts regardless of whether mitigations could reduce them to a less than significant level. Thus, certain environmental categories might be answered with a "no" in the checklist because the proposed project does not introduce changes that would result in a modification to the conclusion of the REIR Findings Document.

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES:

A. Where an Impact Was Analyzed in Prior Environmental Documents
This column provides a reference to the pages of the other environmental documents where information and analysis may be found relative to the environmental issue listed under each topic.

B. Do Proposed Changes Involve New or More Severe Impacts?
Pursuant to Section 15162(a)(1) of the CEQA Guidelines, this column indicates whether the changes represented by the proposed project will result in new significant impacts not disclosed in the prior EIR or substantial increases in the severity of a previously identified significant impact. A yes answer is required if there are new or worsened significant impacts that require "major revisions of the previous EIR or negative declaration." If a "yes" answer is given, additional mitigation measures or alternatives may be needed.

C. Any New Circumstances Involving New or More Severe Impacts?
Pursuant to Section 15162(a)(2) of the CEQA Guidelines, this column indicates whether changed circumstances affecting the proposed project will result in new significant impacts not disclosed in the prior EIR or substantial increases of the severity of a previously identified significant impact. A yes answer is required if there are new or worsened significant impacts that require "major revisions of the previous EIR or negative declaration." If a "yes" answer is given, additional mitigation measures or alternatives may be needed.

D. Any New Information of Substantial Importance Requiring New Analysis or Verification?
Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether new information "of substantial importance" is available requiring an update to the analysis of a previous EIR to verify that the environmental conclusions and mitigations remain valid. Any such information is only relevant if it "was not known and could not have been known with reasonable diligence at the time of the previous EIR." To be relevant in this context, such new information must show one or more of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the new information shows the existence of new significant effects or significant effects that are substantially more severe than were previously disclosed, then new mitigation measures should be considered.

If the new information shows that previously rejected mitigation measures or alternatives are now feasible, such measures or alternatives should be considered again.

If the new information shows the existence of mitigation measures or alternatives that are (i) considerably different from those included in the prior EIR and (ii) able to substantially reduce one or more significant effects, then such mitigation measures or alternatives also should be considered.

E. Prior Environmental Document Mitigations Implemented or Mitigations Address Impacts. Pursuant to Section 15162(a)(3) of the CEQA Guidelines, this column indicates whether the REIR provides mitigations to address effects in the related impact category. If N/A is indicated, the REIR and this checklist conclude that the impact does not occur with this project and, therefore, no mitigation is needed.

DISCUSSION AND MITIGATION SECTIONS

Discussion

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

REIR Mitigation Measures

Applicable mitigation measures from the REIR that apply to the project are referenced under each environmental category.

New Mitigation Measures

If changes or new information involve new impacts, those new impacts would require additional environmental analysis and new mitigation measures.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(CBIA v. BAAQMD)* confirmed that CEQA, with a few specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of Newark has policies that address existing conditions affecting a proposed project, which are also discussed in this EIR. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA document can include information of interest even if such information is not to analyze an environmental impact as defined by CEQA.

Therefore, in addition to describing the impacts of the project on the environment, this checklist discusses applicable City policies.

4.1 AESTHETICS

4.1.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Have a substantial adverse effect on a scenic vista?	Areas 3 & 4 REIR (2014) pp. 292-293	No	No	No	N/A
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	Areas 3 & 4 REIR (2014) pp. 293-294	No	No	No	N/A
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	Areas 3 & 4 REIR (2014) pp. 293-294	No	No	No	Yes
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Areas 3 & 4 REIR (2014) p. 295	No	No	No	Yes

4.1.2 Project Description

The project proposes to construct up to 469 single-family residences and complete associated transportation and utility improvements. The project includes a public street extension of Stevenson Boulevard, with a 37.3-foot high overpass over the UPRR tracks, new local residential streets to serve the proposed residences, and a combined EVA and pedestrian/bicycle trail. Existing PG&E utility lines would be raised in the vicinity of the proposed overcrossing.

4.1.3 Impact Analysis

1a. Scenic vistas are public view corridors of scenic resources. In the project area, these resources are the Mowry Slough, Mission Peak, and the Diablo Mountain Range. Consistent with the *Newark Areas 3 and 4 Specific Plan Project REIR*, no physical modifications are proposed to Mowry Slough, which is considered a significant visual feature for the City of Newark. The proposed

pedestrian/bicycle trail would provide more people with viewing access to Mowry Slough, increasing the visibility of the slough. Existing public views toward the slough and greater San Francisco Bay, and beyond to the Santa Cruz Mountains, would not be affected by the project.

The project would not affect views of Mission Peak or the Diablo Mountain Range from existing public roads. Since the project site is privately owned land and there is no public access onto the Mowry Slough levees, there are currently no public views from the site. The proposed project would extend Stevenson Boulevard, a public road, onto the site to connect to the proposed private roads. Views of Mission Peak and the Diablo Mountain Range would remain from all public areas where such views now exist. For these reasons, the project would result in a less than significant impact on scenic vistas.

1b. There are no officially designated State Scenic Highways in the project vicinity, nor is the site visible from a designated State Scenic Highway. The proposed project would not, therefore, damage scenic resources within a State Scenic Highway. This conclusion is consistent with the conclusion in the REIR.

1c. The project site is currently undeveloped, with elevations ranging from zero to 16 feet NAVD above mean sea level. The project proposes to place fill throughout the site, raising the elevation by 14 to 15.5 feet. The project would construct 469 single-family residential units on the currently undeveloped site. The project also proposes associated infrastructure improvements, including construction of the Stevenson Boulevard overcrossing and raising the existing PG&E towers and transmission lines.

Although the project area is relatively isolated and not visible from many surrounding public vantage points, construction of the project would substantially alter its existing visual character. The approved *Newark Areas 3 and 4 Specific Plan REIR* identified a significant unavoidable impact, **Impact VIS-1**, related to changes in visual character associated with the residential development, Stevenson Boulevard overcrossing, and other project improvements. The proposed project's impacts to visual character are consistent with, but less extensive than, those identified in the REIR; therefore, the project would not result in a new or substantially more severe impact than disclosed in the REIR.

1d. The project would include outdoor security night lighting along walkways, in parking areas, and in entrance areas, and would also include standard pole lighting within the public street system. In accordance with City guidelines, lighting fixtures would be directed downward to avoid spillover onto adjacent areas. No night lighting would be directed towards the wetland areas. The project would install photovoltaic panels on each roof. Solar modules, which are designed to capture light, would be coated with anti-reflective materials to maximize light absorption. The proposed project would not create a new source of substantial light or glare. As noted in the *Newark Areas 3 and 4 Specific Plan REIR*, the project must comply with City of Newark design review procedures that reduce light and glare (Municipal Code §17.17.060). These measures are listed in REIR avoidance measure **AM VIS-1.1**, which would apply to the project. Consistent with the REIR's conclusion, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and thus would not have a new or substantially more significant impact than disclosed in the REIR.

4.1.4 Conclusion

Related to aesthetics, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's aesthetics analysis and consistent with the Specific Plan.

4.2 AGRICULTURAL AND FORESTRY RESOURCES

4.2.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Areas 3 & 4 REIR (2014) p. 72	No	No	No	N/A
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	Areas 3 & 4 REIR (2014) p. 72	No	No	No	N/A
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	Areas 3 & 4 REIR (2014) p. 72	No	No	No	N/A
d. Result in the loss of forest land or conversion of forest land to non-forest use?	Areas 3 & 4 REIR (2014) p. 72	No	No	No	N/A

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?	Areas 3 & 4 REIR (2014) p. 72	No	No	No	N/A

4.2.2 Impact Analysis

2a-e. The *Newark Areas 3 and 4 Specific Plan REIR* concluded that while portions of the site are currently used for agriculture, there are no areas designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, land under a Williamson Act contract, or timberland or forest land within the project area. These conclusions remain accurate today. The project site is not designated by the California Resources Agency as farmland of any type and is not subject to a Williamson Act contract. The project site also is not forest land.

The project site is not designated by the City General Plan for agricultural use, timberland, or forest land. No land adjacent to the project site is designated or used as farmland or timberland or forest land. The *Newark Areas 3 and 4 Specific Plan REIR* determined that no forestland or timberland would be converted to non-forestry uses under the Specific Plan, and this conclusion remains accurate for the project.

4.2.3 Conclusion

Related to agricultural and forestry resources, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's agricultural and forestry resources analysis and consistent with the Specific Plan.

4.3 AIR QUALITY

4.3.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	Areas 3 & 4 REIR (2014) pp. 117-120	No	No	No	Yes
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Areas 3 & 4 REIR (2014) pp. 120-132	No	No	No	Yes
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)?	Areas 3 & 4 REIR (2014) pp. 120-123	No	No	No	Yes
d. Expose sensitive receptors to substantial pollutant concentrations?	Areas 3 & 4 REIR (2014) pp. 123-125	No	No	No	Yes
e. Create objectionable odors affecting a substantial number of people?	Areas 3 & 4 REIR (2014) p. 133	No	No	No	N/A

The discussion in this section is based in part on the *Newark Area 4 Air Quality Assessment Update*, prepared by *Illingworth & Rodkin, Inc.* on July 16, 2019. This report is attached to this checklist as Appendix A.

4.3.2 Impact Analysis

3a. The REIR analyzed the Specific Plan's consistency with 2010 Clean Air Plan (CAP) control measures. The REIR determined that Specific Plan development, which included transportation and energy control measures, was consistent with the Clean Air Plan. The proposed project, which implements the Specific Plan, proposes pedestrian and bicycle improvements including an EVA and pedestrian/bicycle trail, pathways and sidewalks, and pedestrian- and bicycle-friendly streetscapes and roadways. The project would comply with the City of Newark Green Building and Construction and Demolition Recycling Ordinance, and would include landscape trees and plantings.

Since the circulation of the REIR, BAAQMD has adopted the 2017 CAP, which updates the 2010 CAP. As with the 2010 CAP, the 2017 CAP is designed to limit emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x) into the atmosphere. There are no new requirements in the 2017 CAP that would apply to the project or information in the 2017 CAP that would indicate that the project would have a new or substantially more significant impact related to impeding the implementation of the 2017 CAP. The project's residential units and associated population have been part of the City's planning documents, and therefore the Association of Bay Area Government (ABAG)'s, growth projections since adoption of the Specific Plan. Therefore, the project's impacts are within the scope of the impacts identified in the REIR.

Consistent with REIR **MM AIR-1.1**, the project would incorporate transportation control measures including bus pullouts and transit stops, bicycle amenities, pedestrian paths, and trees to shade buildings and walkways. As required by **MM AIR-1.1**, the City and project proponent would explore and implement feasible transit or shuttle services. The project would implement building practices based on energy efficient standards, and would only install natural gas fireplaces that meet U.S. Environmental Protection Agency (USEPA) standards. The project does not propose wood-burning fireplaces or stoves. With adherence to **MM AIR-1.1**, the project would not conflict with or obstruct the implementation of an applicable air quality plan, consistent with the REIR's conclusions regarding the Specific Plan.

3b, c. The Bay Area is considered a non-attainment area for ozone (under the federal Clean Air Act and the California Clean Air Act) and particulate matter (under the California Clean Air Act). The *Newark Areas 3 and 4 Specific Plan REIR* identified potentially significant air quality impacts related to the emission of these pollutants and their precursors during construction and operation of the development anticipated by the Specific Plan.

The *Newark Area 4 Air Quality Assessment Update* estimated short-term construction period emissions and long-term operational emissions using the California Emissions Estimator Model (CalEEMod) and Caltrans Emissions Factor (CT-EMFAC) model. Estimated daily emissions were modeled for ROG, NO_x, coarse particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$), assuming 260 workdays per year over the five-year construction period.

Table 4.3-1: Project Construction and Operation Emissions				
Scenario	**Modeled Emissions[1]**			
	ROG	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Construction (assuming 5-year buildout[2])				
Construction equipment	10.1 tons 16 lbs/day	8.9 tons 14 lbs/day	0.4 ton 1 lb/day	0.3 ton <1 lb/day
Construction haul trips	0.6 ton 1 lb/day	14.4 tons 23 lbs/day	0.5 ton 1 lb/day	0.3 ton <1 lb/day
Total construction	*10.7 tons* *17 lbs/day*	*24.3 tons* *37 lbs/day*	*0.9 ton* *2 lbs/day*	*0.6 ton* *1 lb/day*
BAAQMD Significance Thresholds	***54 lbs/ avg day***	***54 lbs/ avg day***	***82 lbs/ avg day***	***54 lbs/ avg day***
Operation				
Operation in 2025	*7.1 tons/yr* *39 lbs/day*	*6.5 tons/yr* *36 lbs/day*	*3.7 tons/yr* *20 lbs/day*	*1.1 tons/yr* *1.2 6 lbs/day*
BAAQMD Significance Thresholds	***10 tons/yr*** ***54 lbs/day***	***10 tons/yr*** ***54 lbs/day***	***15 tons/yr*** ***82 lbs/day***	***10 tons/yr*** ***54 lbs/day***

[1] Emissions are shown in both tons per year and pounds per day for reference to the REIR analysis and BAAQMD significance thresholds.
[2] Assuming 260 workdays per year or 1,280 workdays for construction and 365 days per year for operation.

Construction Emissions

The REIR analyzed impacts that would result from importing 2,100,000 cubic yards of soil to the site. Without mitigation, short-term construction emissions related to imported fill material were identified as significant in the REIR, because emissions of NO_x would exceed the significance thresholds contained in the 2011 Bay Area Air Quality Management District *CEQA Air Quality Guidelines*. The REIR identified mitigation measures, including BAAQMD-recommended construction measures and exhaust emissions reductions from off-road construction equipment, to reduce NO_x emissions to a less than significant level.

The proposed project would require approximately 1,674,650 cubic yards of fill to achieve the desired final development grades. Fill would be transported to the site by truck. As shown in Table 4.3-1 above, the project's construction emissions would not exceed BAAQMD significance thresholds. In addition, the project would comply with General Plan Action HW-1.G, which requires construction contractors to implement basic control measures consistent with BAAQMD recommendations to limit emissions of construction-related criteria pollutants. These include extensive dust control measures and controls that apply to construction equipment exhaust emissions. Primary dust control measures include extensive site watering, control of vehicle speeds, limits on idling time, and control of track-out dirt. The project would not result in a new impact or impact of greater severity than previously identified in the REIR.

Operational Emissions

Consistent with the *Newark Areas 3 and 4 Specific Plan REIR*, development of the project site would add new traffic trips, increasing emissions associated with vehicle trips. Other operational emissions would include natural gas consumption, use of landscape equipment, consumer products,

architectural coatings, and wood burning. The REIR determined that buildout of Area 4 could result in significant regional emissions of ROG and NO_x. As discussed above, the project would implement **MM AIR-1.1** to reduce operational emissions.

As described in the REIR, **MM AIR-1.1** would reduce Areas 3 and 4 Specific Plan operational emissions; however, ROG and NO_x would still exceed BAAQMD thresholds with **MM AIR-1.1**. Specifically, the REIR found that the ROG emissions, which are mostly produced by consumer products, would remain well above the significance threshold, and emissions of NO_x would also remain significant (**Impact AIR-2**).

The current project proposes fewer residential units than were approved under the Specific Plan, and the project would not result in operational emissions above the BAAQMD significance thresholds. In addition, the project would implement REIR **MM AIR-1.1** (see discussion above) and proposes to meet new 2019 Title 24 energy efficiency standards. Therefore, the project would not result in a new impact or impact of greater severity related to operational air pollutant emissions than previously identified in the REIR.

The REIR determined that local air quality impacts, including carbon monoxide emissions, would be less than significant. Carbon monoxide emissions generated by Specific Plan development would not exceed the California ambient air quality standard.

As discussed in *Section 4.17, Transportation/ Traffic* of this checklist, the proposed project would generate fewer vehicle trips than were analyzed under the REIR. Intersections affected by the project would have traffic volumes well below the BAAQMD screening criteria of 44,000 vehicles during the peak hour, and, therefore, the project would not cause a violation of an air quality standard or worsen an existing violation of an air quality standard. Consistent with the REIR, the project would not result in significant local air quality impacts.

3d. As discussed in the *Newark Areas 3 and 4 Specific Plan REIR*, construction activities under the Specific Plan would generate dust, including particulate matter, and emit diesel exhaust. The REIR determined that construction could temporarily expose sensitive receptors to substantial pollutant concentrations. The REIR identified mitigation measures consistent with General Plan Action HW-1.G to reduce air quality and health impacts associated with grading and new construction. The REIR concluded that, with mitigation, the Specific Plan project would not be a temporary or permanent source of air pollution that would expose the public to substantial pollutant concentrations.

Consistent with BAAQMD recommendations, the REIR evaluated construction toxic air contaminant (TAC) effects on sensitive receptors within 1,000 feet of the Specific Plan area. The closest sensitive receptors to the proposed project are located beyond 1,000 feet of the project boundaries. Therefore, given the large distance of receptors from the site and the temporary nature of construction, community risk caused by the project would not be significant. Consistent with General Plan Action HW-1.G, the project would implement BAAQMD-recommended dust control measures during construction and would not expose sensitive receptors to substantial pollutant concentrations during construction.

3e. During construction, vehicles and equipment would create localized, temporary odors; however, these odors would not be noticeable for extended periods of time or beyond the project site

boundaries. The proposed residential uses would not produce any offensive odors that would result in frequent odor complaints. Consistent with the REIR, the project would not result in a significant odor impact.

4.3.3 Conclusion

Related to air quality, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's air quality analysis and consistent with the Specific Plan.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Areas 3 & 4 REIR (2014) pp. 179-199	No	No	No	Yes
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 Game or US Fish and Wildlife Service?	Areas 3 & 4 REIR (2014) pp. 172-173, 200-203	No	No	No	Yes

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?	Areas 3 & 4 REIR (2014) pp. 173-180	No	No	No	Yes
d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Areas 3 & 4 REIR (2014) pp. 199-200	No	No	No	N/A
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Areas 3 & 4 REIR (2014) pp. 203-207	No	No	No	Yes
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?	Areas 3 & 4 REIR (2014) p. 49	No	No	No	N/A

The discussion in this section is based in part on the *Newark Area 4 2019 Biological Resources Technical Report*, prepared by *H.T. Harvey & Associates* on July 25, 2019. This report is attached to this checklist as Appendix B.

4.4.2 <u>Impact Analysis</u>

4a. The Specific Plan and the REIR described biological resources including special-status plant and animal species with potential to occur in the study area, identified potential impacts to such resources

from development of the land use plan approved by the Specific Plan, and prescribed mitigation measures to reduce impacts to a less than significant level. *H.T. Harvey & Associates* completed additional analyses and site visits in mid- and late 2018 (see Appendix B) to identify any changes to site conditions or occurrences of special-status species and to evaluate the potential impacts of the project design, which is substantially smaller than what the Specific Plan approved and the REIR analyzed. *H.T. Harvey & Associates* concluded that the project would not result in any new or substantially more severe significant impacts on biological resources.

Special-Status Plants

The REIR identified the following eight sensitive plant species as having the potential to occur in the project area: Contra Costa goldfields, alkali milk-vetch, brittlescale, Condon's tarplant, Hoover's button-celery, prostrate vernal pool navarretia, Delta-wooly-marbles, and San Joaquin spearscale. *H.T. Harvey & Associates* completed site visits to search for these potentially occurring species during flowering periods of below-average and above-average rainfall years. As detailed in the REIR, no special-status plant species were observed.

Based upon the additional 2018 *H.T. Harvey & Associates* analyses and site visits, there has been no change to the potential for occurrence of special-status plant species in the project area since the analysis completed for the REIR. The footprint of the proposed project consists of upland agricultural land which is actively disked and managed for upland hay. The eight special-status plant species which have the potential to occur in the vicinity are unlikely to occur within the project footprint. No special-status plants were observed during the 2018 site visits. The project would avoid seasonal wetlands, marsh and aquatic habitats, where special-status plants could occur.

Although no special-status plant species were observed during site visits, there is a potential for these species to be present in some of the wettest, inaccessible parts of the marshes and wetlands outside the project footprint in Area 4. Areas where special-status plant species could occur would not be directly impacted by the project, but could potentially be impacted indirectly as a result of hydrologic alterations, including the addition of impervious surfaces and changes in stormwater discharges from the proposed development. These indirect impacts were identified previously in the REIR.

The REIR identified mitigation measures **MM BIO-2.1** through **MM BIO-2.5** and **MM BIO-11.1**, which would reduce potential adverse effects related to hydrologic alterations. **MM BIO-2.1**, **MM BIO-2.2**, and **MM BIO-2.5** include design requirements for the project's stormwater discharge system. **MM BIO-2.3** and **MM BIO-2.4** require planting of drought-tolerant landscape species and reduction of irrigation flow. **MM BIO-11.1** consists of an Invasive Species Management Plan to reduce the presence and spread of nonnative, invasive plant species. With implementation of **MM BIO-2.1** through **MM BIO-2.5** and **MM BIO-11.1**, the project would not result in a new significant impact or a substantially more severe significant impact to special-status plants compared to the *Newark Areas 3 and 4 Specific Plan REIR*.

Special-Status Animals

The REIR identified the following special-status animal species that were considered for potential occurrence in the project area: the vernal pool tadpole shrimp, California tiger salamander, northern harrier, white-tailed kite, peregrine falcon, burrowing owl, loggerhead shrike, Alameda song

sparrow, Bryant's savanna sparrow, San Francisco common yellowthroat, tricolored blackbird, pallid bat, salt marsh wandering shrew, and salt marsh harvest mouse. Additional special-status species that were identified as potentially occurring downstream of Area 4 within Mowry Slough include: the green sturgeon, Central Valley fall-run Chinook salmon, Central California Coast steelhead, longfin smelt, California Ridgway's rail, California black rail, and Pacific harbor seal. Special-status species that could occur as occasional foragers within the project area, but are not expected to use the site regularly, occur in large number, or breed there include: the American white pelican, golden eagle, black tern, California least tern, Vaux's swift, bank swallow, yellow warbler, grasshopper sparrow, and Townsend's big-eared bat.

The *Newark Area 4 2019 Biological Resources Technical Report* determined that there has been no change to the potential for occurrence of the majority of special-status species that occur in the project vicinity since the REIR was certified. Exceptions include the vernal pool tadpole shrimp, California black rail, burrowing owl, salt marsh harvest mouse, and salt marsh wandering shrew, which are discussed below.

- As stated in the REIR, vernal pool tadpole shrimp are not known to occur in Area 4, but are known to occur in the Stevenson Boulevard unit of the Warm Springs Seasonal Wetland Unit of the Don Edwards San Francisco Bay National Wildlife Refuge. Previous wet and dry season surveys did not detect any evidence of the species in Area 4, likely because wetlands on the site are too saline for the species. Based on these survey results, the REIR determined that vernal pool tadpole shrimp are absent from Area 4 due to a lack of suitable habitat.

  In 2016, the species was detected in a seasonal pool on PG&E property located approximately 0.4 mile northeast of Area 4. However, despite the extent of seasonal wetland within Area 4, the project site remains unsuitable for vernal pool tadpole shrimp because the seasonal wetlands do not pond water (i.e., they are saturated but not inundated), are too saline for the species, and/or are perennial. As a result, vernal pool tadpole shrimp are still considered absent from Area 4.

- At the time the REIR was prepared, the California black rail was known in the South Bay primarily as a nonbreeding winter resident. The REIR stated that small numbers of black rails could forage in the diked salt marsh in Area 4 (see Figure 4.4-2 below), or in the marshes along Mowry Slough downstream from the project area, in winter.

  Since approval of the REIR, small numbers of black rails have been observed oversummering and breeding in the South Bay, with their numbers gradually increasing each year. A single California black rail was observed calling from the diked salt marsh habitat within Area 4 in 2013. Although the California black rail is not known to breed in the study area, there is some potential that it could breed there now or in the future. As a result, the diked salt marsh habitat within Area 4 is now considered to provide potential nesting habitat for up to one or two pairs of California black rails, and individual black rails could forage within this diked salt marsh habitat year-round. As required by Specific Plan Policy 6-8 (see Section 4.11-2 and Table 4.11-1 of this checklist), construction activities would implement specific measures to avoid impacts to any nesting black rails should they occur (as described in Appendix B); thus potential impacts to nesting black rails are less than significant, and there are no new or substantially more severe impacts to this species. Indirect impacts to nesting

and foraging are also less than significant, and there are no new or substantially more severe significant indirect impacts to nesting and foraging.

- Burrowing owls were previously known to occur in the project area, typically occupying burrows on levee banks. Habitat conditions for the species within the study area are relatively unchanged since the REIR was certified. However, no owls have been observed within the project study area or immediate vicinity since 2008, and none have been detected on adjacent lands since 2012. Based on the lack of recent records within and adjacent to the project study area, the local population of burrowing owls appears to have declined since the REIR was certified. As a result, the number of burrowing owls that currently nest on the project site is likely much lower than estimated in the REIR (and may be zero). The project would not result in new or substantially more severe significant impacts on the burrowing owl.

- The salt marsh harvest mouse is known to occur in the diked salt marsh habitat in the former Pintail Duck Club in Area 4. Tidal salt marsh habitat along Mowry Slough adjacent to the study area also provides suitable habitat for this species, and salt marsh harvest mice can also potentially occur in the agricultural field/seasonal brackish marsh habitat adjacent to the diked salt marsh habitat, especially where regular disking does not occur and pickleweed is present.

  Appendix B updated the extent of potential salt marsh harvest mouse habitat within the agricultural field/saline-to-brackish seasonal wetland habitat adjacent to the former Pintail Duck Club, based on the current extent of disking in the area and the presence of pickleweed. The diked salt marsh in the west-central portion of Area 4 offers high-quality habitat for the salt marsh harvest mouse, and it is assumed that this habitat is occupied by the species. Additional, low-quality habitats where the species could occur in Area 4 include: a ditch along the north side of the agricultural road; along the ditch that follows the southeastern border of Area 4; along a remnant slough leading northeastward from the pump in the southern part of Area 4; and in isolated, limited areas of seasonal wetlands in the east-central part of Area 4. Salt marsh harvest mice are also presumed to be present throughout the marshes along Mowry Slough adjacent to and downstream from Area 4.

  The updated habitat map, based on the 2018 site visits, is shown in Figure 4.4-1. There is no new evidence suggesting that salt marsh harvest mice occur more or less extensively than described in the REIR. As described in the REIR, there is also some potential for this species to occur in narrow strips of well-vegetated agricultural habitats and ruderal areas adjacent to pickleweed-dominated habitats, although such areas do not provide high-quality habitat.

  The REIR concluded that implementation of the land use plan approved by the Specific Plan would result in the loss of up to 7.65 acres of salt marsh harvest mouse habitat due to fill, grading, vegetation removal, and/or shading. The REIR prescribed mitigation measures to reduce such impacts to a less than significant level. In contrast, due to its much smaller size and its location within Area 4, the project would have far less potential impact on the species as compared to the impact analyzed in the REIR. The project would not result in any new or substantially more severe significant impacts.

- The salt marsh wandering shrew is not known to occur within the project area; however, because the shrew's typical habitat is similar to that of the salt marsh harvest mouse, the shrew may occur in the same areas as the salt marsh harvest mouse, shown in Figure 4.4-1 and described above. As with the salt marsh harvest mouse, the project would have substantially less impact on the salt marsh wandering shrew as compared to the impact analyzed in the REIR, and the project would not result in any new or substantially more severe significant impacts on this species.

Impacts of Alteration of Site Hydrology on Avoided Wetlands and Associated Species

As analyzed in the REIR, implementation of the land use plan approved in the Specific Plan would result in hydrologic alterations within Area 4 that could affect wetland and marsh habitat. The addition of impervious surfaces through the construction of buildings and roadways and the compaction of soil would result in significant changes in the amount, location, quality, and velocity of stormwater runoff flowing into existing wetland habitats. Stormwater discharged into natural habitats at concentrated levels would increase the likelihood of soil erosion and channelization. If stormwater runoff is diverted to storm drains, the water level of seasonal wetlands would be reduced.

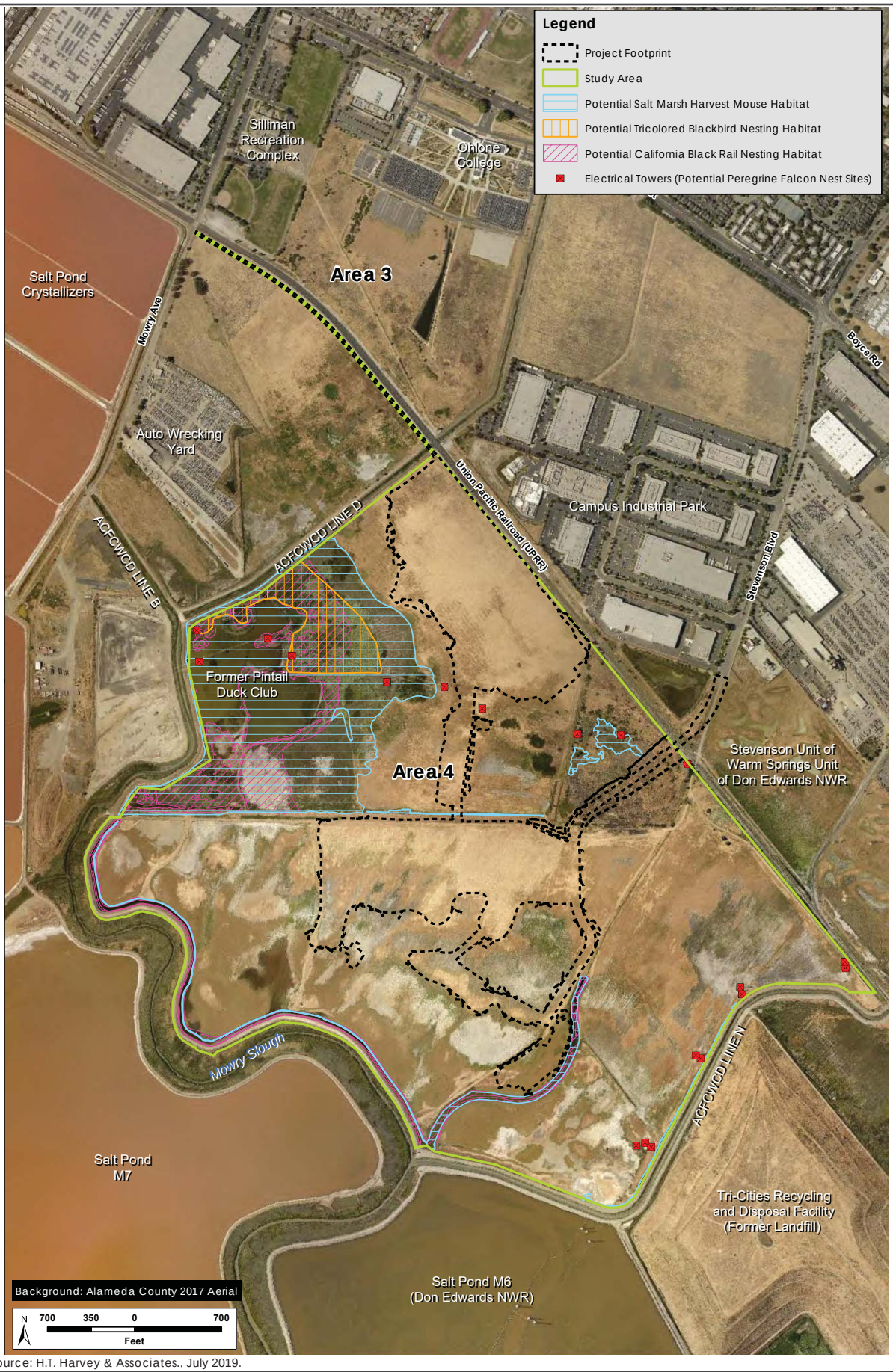
These site hydrology effects could impact special-status species such as the salt marsh harvest mouse, salt marsh wandering shrew, Alameda song sparrow, Bryant's savannah sparrow, and San Francisco common yellowthroat. Changes in hydrology that result in a degradation of habitat for these special-status species would be considered a significant impact. The REIR prescribed mitigation measures **MM BIO-2.1** through **MM BIO-2.5**, described above, to reduce these impacts to a less than significant level.

Impacts of the proposed project on avoided wetlands and associated species from alteration of site hydrology are expected to be similar to, albeit less extensive than, those of the Specific Plan due to the 43 percent reduction in the area proposed for development. Consistent with the REIR, the project would implement **MM BIO-2.1** through **MM BIO-2.5** and would not result in any new or substantially more severe significant impacts.

Impacts of Freshwater Inputs on Salt Marsh Habitat and Associated Species

As analyzed in the REIR, implementation of the land use plan approved in the Specific Plan would result in increased inputs of freshwater from development areas to the surrounding, existing salt marsh habitats within Area 4. Salt marsh habitats provide habitat for special-status species, including the California Ridgway's rail, California black rail, salt marsh harvest mouse, harbor seal, several special-status fish, and others. The REIR prescribed mitigation measure **MM BIO-3.1** to reduce such impacts to a less than significant level.

Impacts of the proposed project on salt marsh habitat from freshwater inputs, particularly to the diked salt marsh habitat in the former Pintail Duck Club area, are expected to be similar to, albeit less extensive than, those of the Specific Plan due to the significantly smaller area proposed for development. The project would implement **MM BIO-3.1**, consistent with the REIR, and would not result in any new or substantially more severe significant impacts.



Source: H.T. Harvey & Associates., July 2019.

HABITAT FOR SELECTED SPECIAL-STATUS SPECIES | FIGURE 4.4-1

Impacts to Certain Potentially Breeding Special-Status Wildlife Species and Their Habitats

Impacts of development of the land use plan approved by the Specific Plan on the northern harrier, white-tailed kite, loggerhead shrike, Alameda song sparrow, Bryant's savannah sparrow, and San Francisco common yellowthroat were considered less than significant in the REIR. As discussed in the REIR, such development would result in the loss of nesting and foraging habitat for these species; construction activities could potentially disturb one to several nests of each; these species may be affected by domestic animals such as cats that increase following development; trees planted in residential areas could provide additional perches and nest sites for raptors that may prey on special-status species; and recreational activities by residents and guests may disturb these species and their habitats. However, the numbers of these species that would be disturbed or displaced due to such Specific Plan development and associated effects represent a small fraction of their regional populations, and impacts would not meet the CEQA standard of having a substantial adverse effect on these species' populations.

The proposed project would similarly impact nesting and foraging habitat for these species within Area 4 due to the development of natural areas and disturbance from construction. Due to the 43 percent smaller project footprint and avoidance of direct impacts on wetlands, these impacts would be significantly less extensive compared to the impacts described in the REIR, and there are no new or substantially more severe significant impacts.

As discussed above, although the California black rail is not known to breed in the study area, it could potentially breed in the diked salt marsh habitat in the future, and could forage there year-round. As detailed in Appendix B (pp. 30-31), the project would comply with Specific Plan Policy 6-8, discussed in Section 4.11.2 and Table 4.11-1, which requires minimization of construction-related impacts to rare, threatened, endangered, or other special-status species. For those small portions of the project site located within 500 feet of the diked salt marsh habitat, this would be achieved by either commencing construction between September 1 and January 31 (which is outside the nesting season for this species) and having construction remain continuous thereafter, or commencing construction between February 1 and August 31 if pre-construction surveys do not find evidence of active nesting of such species within 500 feet.

The proposed project would not result in a new or substantially more severe significant impact to potentially breeding special-status wildlife species and their habitats as compared to the *Newark Areas 3 and 4 Specific Plan REIR*.

Impacts to Certain Nonbreeding Special-Status Wildlife Species and Their Habitats

Impacts of development of the land use plan approved by the Specific Plan on the American white pelican, golden eagle, black tern, California least tern, Vaux's swift, bank swallow, yellow warbler, grasshopper sparrow, and Townsend's big-eared bat were considered less than significant in the REIR. Project construction under the Specific Plan would not result in the injury or mortality of individuals of these species, which are mobile enough to avoid construction activities. The loss of foraging habitat occasionally used by small numbers of these species would not have any effect on their breeding success.

Similarly, the proposed project could result in the loss of foraging habitat, but would not result in injury or mortality. Due to the 43 percent smaller project footprint and avoidance of direct impacts on

wetlands, these impacts under the proposed project would be less extensive compared to the impacts described in the REIR and thus would remain less than significant. The project would not result in any new or substantially more severe significant impacts on these species.

Impacts to Burrowing Owls

As discussed in the REIR, burrowing owls were previously known to occur in the study area, and four pairs of owls were detected within the study area during protocol-level surveys conducted in 2006. The Specific Plan study area provides suitable foraging habitat for burrowing owls within upland agricultural, agricultural field/seasonal wetland, and ruderal herbaceous field habitats. The majority of these areas are regularly disturbed by farming activities, however, and do not support any vegetation or associated invertebrate/small mammal prey for burrowing owls. Due to the low quality of the foraging resources within the project area, project impacts on foraging habitat for burrowing owls were considered less than significant.

However, if burrowing owls use burrows on or immediately adjacent to the project site, project construction could result in the mortality or injury of individual owls in burrows or cause the abandonment of active nests. Owls that continue to nest within Area 4 following development could also be subject to disturbance by domestic animals and people. The REIR prescribed mitigation measures **MM BIO-4.1** through **MM BIO-4.7**, which would reduce impacts to burrowing owls to a less than significant level. **MM BIO-4.1** through **MM BIO-4.3** require pre-construction surveys of construction areas, establishment of buffer zones around occupied burrows, and eviction of individual owls from any burrows that would be directly impacted by construction. **MM BIO-4.4**, **MM BIO-4.5A**, and **MM BIO-4.5B** include requirements for on- and off-site habitat preservation. **MM BIO-4.6** and **MM BIO-4.7** require a predator management program, including restrictions related to pet food, free ranging pets, and food waste.

As reported in Appendix B, habitat conditions for burrowing owls within the project study area are relatively unchanged since the REIR. However, no owls have been observed within the study area or immediate vicinity since 2008, and owls have not been detected on adjacent lands since 2012. Thus the local population of burrowing owls appears to have declined since the REIR. Project impacts on burrowing owls are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR due to the significantly smaller project size and the lower number of owls in the region. The project would implement REIR mitigation measures **MM BIO-4.1** through **MM BIO-4.7**, and would not result in any new or substantially more severe significant impacts to burrowing owls.

Impacts to the California Tiger Salamander

Impacts of development under the land use plan approved by the Specific Plan on the California tiger salamander were considered less than significant in the REIR. There is no new indication that California tiger salamanders occur within or immediately adjacent to the project area. Although there continues to be a possibility that small numbers of California tiger salamanders could potentially disperse to the project area from nearby populations, as discussed in the REIR, this possibility is very low. Because there is no expectation that California tiger salamanders would occur within the project area, impacts of the proposed project on the California tiger salamander continue to be less than significant, consistent with the REIR, and there are no new or substantially more severe significant impacts to this species.

Impacts to Nesting Peregrine Falcons

Impacts of development of the land use plan approved by the Specific Plan on foraging habitat for peregrine falcons were considered less than significant in the REIR, due to the abundance of suitable foraging habitat for this species in the surrounding region.

Peregrine falcons are not known to nest within the project area. Peregrine falcons could potentially nest on electrical towers, however, and the project includes improvements to two PG&E towers. The tower improvements could potentially result in direct impacts to nesting peregrine falcons if an active nest is present at the time of construction. In addition, construction activities in close proximity to an active nest could potentially disturb the nesting birds, causing them to abandon an active nest with eggs or young.

The REIR prescribed mitigation measures **MM BIO-5.1** through **MM BIO-5.3**, which would reduce impacts to peregrine falcons to a less than significant level. The mitigation measures include avoidance of project construction during the breeding season (**MM BIO-5.1**), pre-activity surveys for nesting peregrine falcons (**MM BIO-5.2**), and nest buffers around any active nests (**MM BIO-5.3**).

The proposed project would impact a 43 percent smaller area of peregrine falcon foraging habitat compared to the area analyzed under the Specific Plan; therefore the project impacts to foraging habitat would be substantially less than those analyzed in the REIR. Implementation of the REIR mitigation measures **MM BIO-5.1** through **MM BIO-5.3** would also ensure that any impacts to nesting peregrine falcons would be less than significant, consistent with the analysis in the REIR. The project would not result in any new or substantially more severe significant impacts to this species.

Impacts to Tricolored Blackbird Colonies

The REIR analyzed potential impacts to tricolored blackbirds from development of the land use plan approved by the Specific Plan. Suitable habitat for nesting tricolored blackbirds is present within the dense cattails and tules along the eastern edge of the diked salt marsh habitat in Area 4. Although there was no evidence that tricolored blackbirds had ever nested on or close to the Specific Plan development area, a nesting colony of tricolored blackbirds could be present when project construction occurs. Construction activities located near a nesting colony of tricolored blackbirds could result in the abandonment of the colony.

The REIR prescribed mitigation measures **MM BIO-6.1** through **MM BIO-6.3**, which would reduce impacts to tricolored blackbirds to a less than significant level. The mitigation measures include avoidance of project construction during the breeding season (**MM BIO-6.1**), pre-activity surveys for nesting tricolored blackbirds (**MM BIO-6.2**), and nest buffers around any occupied nests (**MM BIO-6.3**).

Impacts of the project on tricolored blackbirds would be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the significantly smaller size of the project. The project would implement **MM BIO-6.1** through **MM BIO-6.3**, identified in the REIR, and would not result in any new or substantially more severe significant impacts to this species.

Impacts to Roosting Bats

No suitable roosting sites for pallid bats or Yuma myotis are present within the portion of Area 4 that is proposed for development, consistent with the analysis in the REIR. The project would not impact potential roosting habitat for these species. The project would not result in any new or substantially more severe significant impacts to this species.

Impacts to Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew

Impacts to salt marsh harvest mouse and salt marsh wandering shrew are discussed under checklist question 4a, above. The project would implement **MM BIO-4.7**, described above, which requires a predator management program. The project would also implement **MM BIO-8.1**, **MM BIO-8.2**, and **MM BIO-8.4**. **MM BIO-8.1** requires staging areas and construction access roads to be located away from suitable habitat. **MM BIO-8.2** requires construction of a barrier to keep salt marsh harvest mice and wandering shrews out of project impact areas. **MM BIO-8.4** includes on-site habitat restoration for indirectly impacted or isolated salt marsh harvest mouse and wandering shrew habitat, following an approved habitat mitigation and monitoring plan. With implementation of **MM BIO-8.1**, **MM BIO-8.2**, and **MM BIO-8.4**, identified in the REIR, the project's impacts to salt marsh harvest mice and salt marsh wandering shrews would be less than significant, as identified in the REIR. The project would not result in any new or substantially more severe significant impacts to these species.

4b. The *Newark Areas 3 and 4 Specific Plan REIR* identified sensitive natural communities existing in Area 4, including upland agricultural, ruderal herbaceous field, and coastal scrub habitats, and potential impacts to such resources from development of the land use plan approved by the Specific Plan. The REIR found that, in addition to direct impacts caused by development of the site, development of the Specific Plan land use plan could result in indirect impacts to these natural communities, including increased recreational disturbance, the spread of invasive plant species, and water quality impacts.

Impacts on Upland Agriculture, Ruderal Herbaceous Field, Developed, and Coastal Scrub Habitat

The REIR concluded that development of the land use plan approved by the Specific Plan of upland agricultural areas (156.6 acres), ruderal herbaceous field (43 acres), developed habitat (23.7 acres), and coastal scrub habitat (2.2 acres) would not result in a significant impact under CEQA. As discussed in the REIR, these habitats are regionally abundant, and the associated plant and wildlife species that occur in these areas represent a very small portion of the regional populations.

The proposed project would develop up to 90.3 acres of upland agricultural areas, 3.6 acres of ruderal herbaceous field, 0.9 acre of developed habitat, and 0.6 acre of coastal scrub habitat, resulting in a smaller development footprint than was analyzed in the REIR. Impacts of the project on these habitats would be substantially less than the impacts analyzed in the REIR, and the project would not result in any new or substantially more severe significant impacts to these habitats.

Impacts to Sensitive Habitats and Species from Recreational Disturbance

Development in Area 4 would result in an increase in recreational use of levees along the Alameda County Flood Control & Water Conservation District channels and Mowry Slough. The REIR

analyzed the impacts to these resources from development of the land use plan approved by the Specific Plan, and prescribed mitigation measure **MM BIO-9.2** (which requires installation of instructive signs along ACFC&WCD levees and Mowry Slough) to reduce such impacts to a less than significant level.

Impacts of the proposed project on these resources are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially smaller project size. The project would implement **MM BIO-9.2** and would not result in any new or substantially more severe significant impacts to these resources than identified in the REIR.

Indirect Impacts from the Spread of Nonnative, Invasive Plant Species

As discussed in the REIR, there are small populations of nonnative invasive plant species throughout the Specific Plan area. Ground disturbance associated with development of the land use plan approved by the Specific Plan would create new areas suitable for these nonnative species. Expansion of these invasive plant populations would also allow them to spread to unimpacted natural habitats in the area. The REIR prescribed mitigation measure **MM BIO-11.1** to reduce impacts on sensitive habitats and special-status species due to the potential spread of nonnative, invasive plant species to a less than significant level.

Impacts of the proposed project are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially smaller project size. The project would implement **MM BIO-11.1** and would not result in any new or substantially more severe significant impacts.

Short-Term Impacts to Water Quality during Construction

As discussed in the REIR, short-term impacts to water quality from development of the land use plan approved by the Specific Plan could occur due to soil disturbance and erosion, stockpiling of materials, generation of construction byproducts, and contamination as a result of construction equipment fuel leaks. Degradation of water quality on and downstream of the Specific Plan site would adversely affect foraging conditions and health of a variety of wildlife species, including harbor seals and fish within Mowry Slough; aquatic invertebrates that support foraging and breeding waterbirds in the sloughs, channels, or wetland habitats; and terrestrial wildlife species, including rare salt marsh associated species as well as common species that use the wetland habitat for drinking water, foraging, and refuge.

The *Newark Areas 3 and 4 Specific Plan REIR* identified mitigation measures **MM BIO-12.1** through **MM BIO-12.3** to reduce short-term impacts to water quality to a less than significant level. **MM BIO-12.1** requires incorporation of water quality best management practices (BMPs) to be outlined in the project's Stormwater Pollution Prevention Plan. **MM BIO-12.2** prohibits construction activities from being completed adjacent to wetlands. **MM BIO-12.3** requires dust suppression during grading, construction, and soil stockpiling.

The proposed project would develop a 43 percent smaller area than analyzed under the REIR. Impacts of the proposed project are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially smaller project size. The project would implement

MM BIO-12.1 through **MM BIO-12.3** and would not result in any new or substantially more severe significant impacts to these resources.

Long-Term Water Quality Impacts

As discussed in the REIR, development of the land use plan approved by the Specific Plan may result in the degradation of water quality due to stormwater runoff from the development into existing protected wetlands and the San Francisco Bay. Water quality could be affected by an increase in the volume of stormwater runoff, the use of fertilizers and pesticides, and vehicular traffic debris and chemicals.

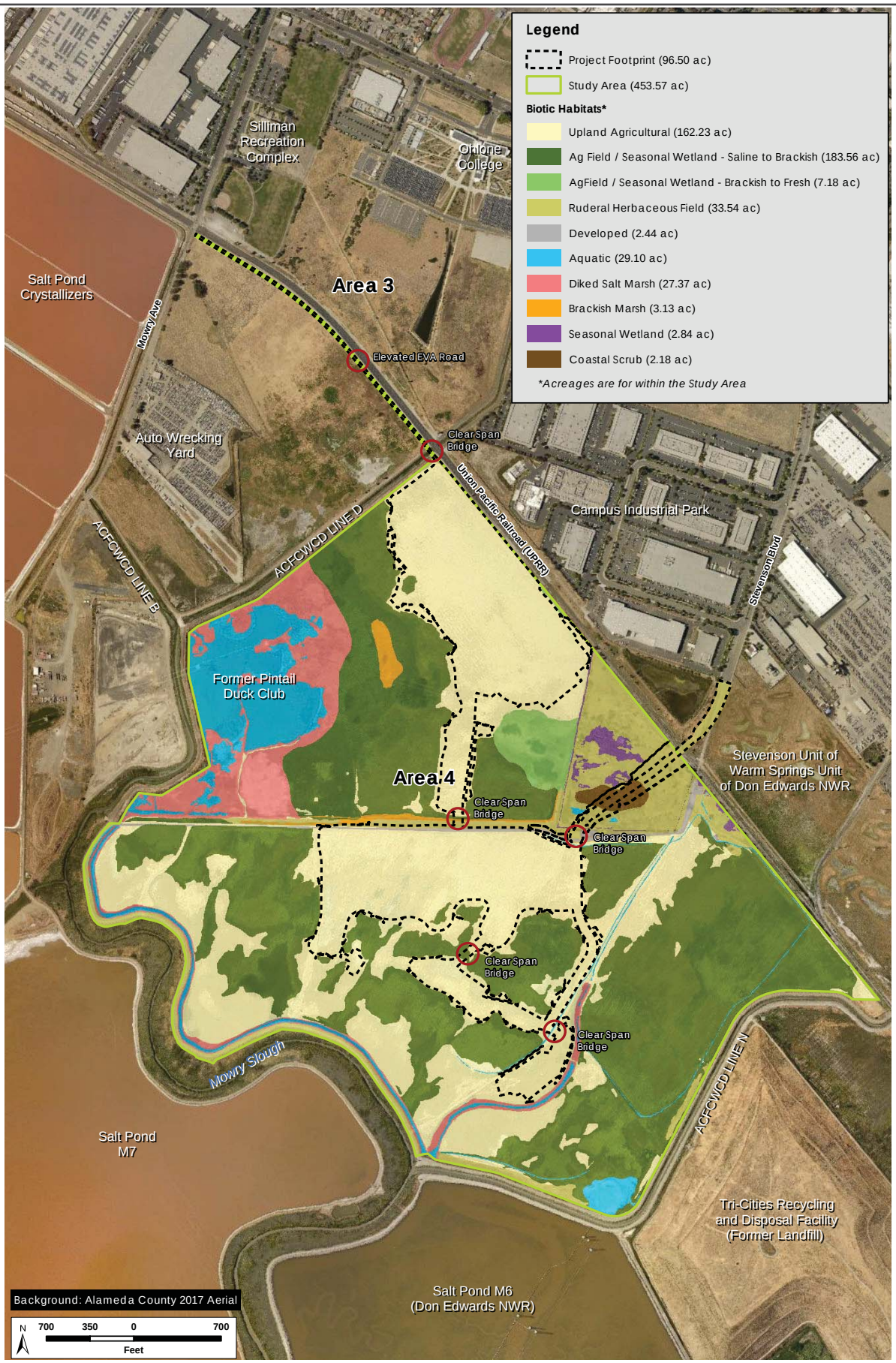
The degradation of water quality could adversely affect the quality of habitat for both common and special-status species that will continue to use natural areas on and adjacent to the proposed development. In addition, siltation within these habitats may change the existing vegetation community present and eliminate previously undisturbed habitat. The REIR prescribed mitigation measure **MM BIO-13.1**, which requires compliance with National Pollutant Discharge Elimination System permit requirements, to reduce such impacts to a less than significant level.

Impacts of the proposed project on long-term water quality are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially smaller project development area. The project would implement **MM BIO-13.1** to reduce long-term impacts to water quality to a less than significant level, consistent with the REIR, and would not result in any new or substantially more severe significant impacts than identified in the REIR.

4c. Wetland habitat within Area 4 includes seasonal wetlands, aquatic habitat, diked salt marshes, and brackish marshes. Biotic habitats, based upon a formal wetland delineation completed by *H.T. Harvey & Associates* and verified by the U.S. Army Corps of Engineers (USACE), are shown on Figure 4.4-2. The REIR identified and analyzed up to 86 acres of direct impacts to wetlands.

The proposed project was designed to avoid directly impacting any wetland, marsh, or aquatic habitat. The proposed project does not propose grading, fill, or development in wetland areas; therefore, the project would result in substantially fewer impacts to wetlands than disclosed in the REIR.

As also discussed in the REIR, development in Area 4 may have indirect impacts to wetlands, marshes, and aquatic habitats immediately adjacent to the development area. The REIR concluded that the loss of seasonal wetlands in the Specific Plan land use plan area is not considered a significant impact to water birds because large numbers of water birds have not been observed using these wetlands. However, the perennial wetlands within the former Pintail Duck Club area (see Figure 4.4-2) consistently support high numbers of water birds. As set forth in the REIR, development of the Specific Plan land use plan was not expected to result in the abandonment of the former Pintail Duck Club wetlands by water birds; however, noise and movement of people, domestic animals, and vehicles within the developed area as well as encroachment of people and domestic animals into the natural areas was expected to reduce the habitat value. The REIR prescribed mitigation measure **MM BIO-10.1** to reduce impacts to water bird use of wetlands to a less than significant level. **MM BIO-10.1** requires creation or enhancement of water bird habitat on- or off-site, in accordance with an approved mitigation plan.



Source: H.T. Harvey & Associates., July 2019.

BIOTIC HABITATS | FIGURE 4.4-2

Impacts of the proposed project on these resources are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially smaller project development area. The project would implement **MM BIO-10.1** to reduce the project's indirect impacts to wetlands to a less than significant level, consistent with the REIR; the project would not result in any new or substantially more severe significant impacts to these resources.

4d. As discussed in the REIR, impacts of the land use plan approved by the Specific Plan to wildlife movement were considered less than significant under CEQA. The proposed project would develop a 43 percent smaller area than was analyzed in the REIR and would not result in any new or substantially more severe significant impacts.

4e. Implementation of the proposed project could result in the loss of ordinance-sized trees. As analyzed in the REIR, development of the land use plan approved by the Specific Plan would require tree preservation, transplanting, or replanting based upon tree size, health, structure, location, and species. The REIR prescribed mitigation measures **MM BIO-14.1** though **MM BIO-14.4** to reduce impacts to ordinance-sized trees to a less than significant level. These mitigation measures include Community Development Director review of tree preservation and planting plans (**MM BIO-14.1** and **MM BIO-14.3**), tree replacement ratios and requirement of a Tree Removal Permit (**MM BIO-14.2**), and measures for on- or off-site tree replacement (**MM BIO-14.4**).

The REIR also found that development of the land use plan approved by the Specific Plan could result in construction in the vicinity of existing trees to be preserved, and that construction activities could damage the trees, and the more intense development could inhibit their growth and long-term survival by restricting sunlight and root growth, and/or altering groundwater conditions. The REIR prescribed mitigation measures **MM BIO-15.1** though **MM BIO-15.3** to reduce impacts to trees to be preserved to a less than significant level. **MM BIO-15.1** requires preparation of a tree preservation plan, including: establishment of tree protection zones, protection of tree root systems, installation of wood bark mulch and protection zone fencing, pruning of tree roots and crowns only as necessary, and tree irrigation. **MM BIO-15.2** establishes tree replacement ratios, and **MM BIO-15.3** requires arborist review of the site after construction.

Impacts of the proposed project on these tree resources are expected to be similar in kind, albeit far less extensive than those analyzed in the REIR, due to the substantially (43 percent) smaller project development area. The project would implement **MM BIO-14.1** through **MM BIO-14.4** and **MM BIO-15.1** through **MM BIO-15.3** to reduce impacts to a less than significant level, consistent with the REIR, and would not result in any new or substantially more severe significant impacts to these tree resources than disclosed in the REIR.

4f. The project site is not located within the boundaries of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; therefore, the project would not result in impacts related to any habitat conservation plan.

4.4.3 Conclusion

Related to biological resources, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's biological resources analysis and consistent with the Specific Plan.

4.5 CULTURAL RESOURCES

4.5.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	Areas 3 & 4 REIR (2014) p. 222	No	No	No	N/A
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Areas 3 & 4 REIR (2014) pp. 216-221	No	No	No	Yes
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Areas 3 & 4 REIR (2014) pp. 215-216	No	No	No	Yes
d. Disturb any human remains, including those interred outside the formal cemeteries?	Areas 3 & 4 REIR (2014) pp. 216-221	No	No	No	Yes

e. 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, or 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: 1. 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 2. 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 this criteria, the significance of the resource to a California Native American tribe shall be considered.	Areas 3 & 4 REIR (2014) pp. 216-221	No	No	No	Yes

The discussion is based in part on the *Cultural Resources Mitigation Update Report* prepared by *Holman & Associates* on March 14, 2019. This report is attached to this checklist as Appendix C.

4.5.2 Existing Setting

4.5.2.1 *Paleontological Resources*

The project site is located within a gentle southwest-sloping alluvial plain underlain by Holocene deposits. The deposits are likely to contain biologic remains; however, many paleontologists consider Holocene remains as too young to qualify as fossils. The site is mapped as primarily Holocene San Francisco Bay Mud (Qhbm), which has been known to contain Holocene-aged molluscan remains. Such biologic remains are not considered significant. Consequently, the paleontological sensitivity of the project site is considered low.

4.5.2.2 *Archaeological and Tribal Resources*

As described in the REIR, the project site is located in an area of high archaeological sensitivity. The project vicinity would have provided a favorable environment during the prehistoric period with riparian, bay, and inland resources available to the Native American population. Numerous small and large sites, including major villages occupied during the past 5,000 years, are within several miles of the project site. There are also prehistoric sites recorded on and adjacent to the site.

In September and October of 2008, mechanical subsurface presence/absence testing, in the presence of a Native American monitor, found unique archaeological resources, including Native American human burials and cultural features. All remains were covered and left in place as recommended by the Native American monitor. The project site did not contain significant tribal resources.

4.5.2.3 *Historic Resources*

There are no existing buildings or structures on the site. No designated historic resources eligible for either the California Register of Historical Resources or National Register of Historic Places are located on or adjacent to the project site.

4.5.3 Impact Analysis

5a. There are no designated historic resources or structures eligible for either the California Register of Historical Resources or National Register of Historic Places on or adjacent to the project site. Therefore, consistent with the conclusions in the REIR, the project would not result in a significant impact on historic resources.

5b, d, e. Mechanical subsurface presence/absence testing completed on the project site in 2008 for the *Newark Areas 3 and 4 Specific Plan REIR* yielded abundant evidence of Native American use of the area, including cultural resource deposits and Native American human remains.

The current project's area of potential disturbance is 43 percent smaller than, and within, the area evaluated in the *Newark Areas 3 and 4 Specific Plan REIR*. For this reason, the proposed project would not result in a new or more significant impact to archaeological or tribal resources than identified in the REIR. The REIR included mitigation measures **MM CUL-2.1** through **MM CUL-**

2.4 to reduce and/or avoid archaeological resource impacts in Area 4, and these measures would be required for the project.

Incorporation of **MM CUL-2.1** through **MM CUL-2.4** as identified in the REIR would partially reduce the project's impacts to archaeological and tribal resources. Based upon the known extent of unique cultural materials on the site, however, it is unlikely that total avoidance of impacts is possible.

The certified *Newark Areas 3 and 4 Specific Plan REIR* concluded that, even with mitigation, the Specific Plan would result in a significant unavoidable impact to archaeological resources. Although the current project would have a significantly reduced (43 percent smaller) development footprint, the proposed fill placement and resulting soil compression would result in the same significant unavoidable impact to archaeological resources.

5c. The proposed project would result in excavation of previously undisturbed alluvial sediments. Although it is unlikely that buried paleontological resources are present on the site, these resources could be encountered during excavation, construction, or infrastructure improvements for the project, resulting in a significant impact. *Newark Areas 3 and 4 Specific Plan REIR* **MM CUL-1.1** identifies measures to reduce impacts to paleontological resources if they are discovered on the site. Measures include assessment, treatment, and reporting of any paleontological findings by a qualified paleontologist. The REIR concluded that with the implementation of **MM CUL-1.1**, the Specific Plan would have less than significant impacts on paleontological resources.

With incorporation of **MM CUL-1.1**, the proposed project's impacts to paleontological resources also would be less than significant and within the scope of the impacts identified in the REIR.

4.5.4 Conclusion

Related to cultural resources, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's cultural resources analysis and consistent with the Specific Plan.

4.6 ENERGY

4.6.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Address Impacts.
Would the project:					
a. Result in a wasteful, inefficient, and unnecessary consumption of energy?	Draft Area 3 & 4 REIR (2014) p. 322-327	No	No	No	Yes
b. Result in a substantial increase in demand upon energy resources in relation to projected supplies?	Draft Area 3 & 4 REIR (2014) pp. 322-327	No	No	No	Yes
c. Result in longer overall distances between jobs and housing?	Draft Area 3 & 4 REIR (2014) pp. 322-327	No	No	No	Yes

4.6.2 Impact Analysis

6a-c. As described in the REIR, development of project site with the proposed 469 single-family residential units and associated parks and infrastructure would consume energy during both the construction and operational phases of the project. The construction phase would require energy for the actual manufacture and transportation of building materials, preparation of the site (e.g., importing fill and grading), and the actual construction of the buildings. The operational phase would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip associated with the proposed residences. The estimated energy demand of the proposed project is summarized in Table 4.6-1, below.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development			
Development	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**	**Gasoline (gal/mi)**
Single-family houses	3,743,790	1,9849,800	446,998
Source: Illingworth & Rodkin, Inc. *Newark Area 4 Air Quality Assessment Update*. July 16, 2019. kWh = kilowatt hours kBtu = thousand British thermal units 9,833,961 vehicle miles traveled (VMT) / 22.0 miles per gallon (mpg) = 446,998 gallons of gasoline			

Implementation of the project would increase electricity use by approximately 3,743,790 kWh and natural gas use by approximately 19,849,800 kBtu. The project would meet 2019 Title 24 energy efficiency standards, including installation of photovoltaic panels for each residence, which would reduce the project's energy-related demand from utilities by 53 percent. Annual gasoline consumption as a result of the project would increase by approximately 446,998 gallons. Energy consumption associated with the construction and operation of single-family detached residences on Area 4 was evaluated in the REIR.

The project would be built to the CALGreen and Title 24, part 6, requirements in effect at the time of construction, which would improve the efficiency of the overall project. In compliance with the California Building Standards Code, the project would install photovoltaic panels on each roof and electric vehicle charging stations in each garage. As stated in the REIR, the project is required to comply with the City of Newark Green Building and Construction and Demolition Recycling Ordinance. The Specific Plan has incorporated Water Conservation Standards into future project design. All development within the Specific Plan would be developed with water efficient plumbing fixtures and irrigation systems compliant with the current California Building Standards Code. Consistent with the REIR, the project would incorporate green building practices (**AM ENR-1.1**) and comply with the City's Bay Friendly Landscape Guide (**AM ENR-2.2**).

As discussed in *Section 4.3, Air Quality*, the project would implement REIR mitigation measure **MM AIR-1.1**, which would encourage transit, bicycle, and pedestrian trips. The REIR concluded that with **MM AIR-1.1**, Specific Plan development would not result in significant operational energy usage impacts. Through compliance with **MM AIR-1.1**, the project would not result in new or substantially more significant operational energy impacts than those identified in the REIR.

Consistent with the REIR, construction energy would be consumed through vehicle trips associated with the transportation of building materials, preparation of the site (including importing 1,674,650 cubic yards of fill), and construction of the buildings and roadways. The REIR identified a significant impact, **Impact ENR-1**, resulting from the potential wasteful and inefficient consumption of energy associated with fuel usage during construction.

The project would implement REIR mitigation measures **MM ENR-1.1** through **MM ENR-1.4**. **MM ENR-1.1** requires that 20 to 50 percent of building materials be manufactured within 500 miles of the project site. **MM ENR-1.2** requires that fill material be sourced from local construction sites. **MM ENR-1.3** and **MM ENR-1.4** require reductions in equipment and vehicle idle times and vehicle

emissions. The project would implement **MM ENR-1.1** through **MM ENR-1.4**, consistent with the REIR, and would not result in new or substantially more significant construction energy impacts than those identified in the REIR.

4.6.3 Conclusion

Related to energy, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's energy analysis and consistent with the Specific Plan.

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides?	Areas 3 & 4 REIR (2014) pp. 229-231	No	No	No	Yes
b. Result in substantial soil erosion or the loss of topsoil?	Areas 3 & 4 REIR (2014) pp. 254-255	No	No	No	N/A

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?	Areas 3 & 4 REIR (2014) pp. 231-233	No	No	No	Yes
d. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	Areas 3 & 4 REIR (2014) p. 234	No	No	No	Yes
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?	Areas 3 & 4 REIR (2014) pp. 234-235	No	No	No	Yes

The discussion in this section is based in part on the *Preliminary Earthwork and Import Fill Recommendations* and *Preliminary Geotechnical Exploration*, and attached summary memoranda. These reports, prepared by *ENGEO Incorporated* on April 5, 2019 and July 29, 2019, are attached as Appendix D and Appendix E, respectively.

4.7.2 Existing Setting

The project site elevations range from approximately zero to 16 feet NAVD. Historic high groundwater is anticipated to be less than five feet below existing site grades. The project proposes to import fill to the residential areas to raise them out of the designated 100-year floodplains. Maximum fill depth would range from 14 to 15.5 feet, and fill would be sourced from local major construction projects.

The site is generally underlain by approximately 10 feet of medium stiff to hard clay over Young Bay Mud. Bay Mud soils are moderately compressible. Based upon a *Geotechnical Feasibility Evaluation* prepared for the *Newark Areas 3 and 4 Specific Plan REIR*, soils on the site exhibit moderate to high plasticity and shrink/swell potential and poor drainage.

The project site is within a seismically active region, and major active faults in the area include the San Andreas to the west and the Hayward and Calaveras to the east. The site is within a liquefaction hazard zone. Because of the site's proximity to flood control channels and the Mowry Slough, there is also potential for localized lateral spreading.

ENGEO Incorporated completed a field exploration on the project site, including four soil borings and laboratory sample testing.

4.7.3 Impact Analysis

7a. As disclosed in the *Newark Areas 3 and 4 Specific Plan REIR*, the project site is located in a seismically active region and, as such, strong to very strong ground shaking would be expected during the lifetime of the proposed project. The project site is not located within the Alquist-Priolo special study zone on the California Geological Survey fault zone map. While no active faults are known to cross the project site and fault rupture is not anticipated to occur, ground shaking on the site could damage structures and threaten future occupants of the proposed development. In addition, the project site is located in a liquefaction hazard area, which is consistent with the conclusions in the *Newark Areas 3 and 4 Specific Plan REIR*.

Based on the results of the *Preliminary Geotechnical Exploration*, potentially liquefiable soil layers were documented below 17 feet below grade throughout the area proposed for development. Potential liquefaction-induced settlement is estimated at up to 5.2 inches. Soil conditions also indicate a potential risk for liquefaction-induced surface rupture or sand boils during a strong seismic event.

Because potentially liquefiable deposits are present at a depth of 17 feet below grade, and the Mowry Slough and flood control channels range from five to 10 feet deep, lateral spreading of potentially liquefiable layers into free faces along channels is unlikely.

To avoid or minimize potential damage from seismic shaking and liquefaction, consistent with the certified *Newark Areas 3 and 4 Specific Plan REIR* **MM GEO-1.1** and **MM GEO-2.1**, a design-level geotechnical study would be prepared to characterize and mitigate potential liquefaction-induced settlement and lateral deformation. Additional subsurface exploration and collection of soil samples during the design-level study would better delineate the areas with a potential for liquefaction and estimate the magnitude of liquefaction-induced settlement. The design-level study would meet current California Building Standards Code and American Society of Civil Engineers (ASCE) guidelines.

Based on ASCE requirements, the maximum allowable differential settlement for liquefaction should not exceed 5.5 inches. The *Preliminary Geotechnical Exploration* estimated project differential settlement to be below the ASCE threshold. If the design-level geotechnical study concludes liquefaction-induced settlement would exceed 5.5 inches, the project would construct deep foundations or ground improvement methods consistent with REIR **MM GEO-1.1** and **MM GEO-2.1**. **MM GEO-1.1** and **MM GEO-2.1** would reduce ground shaking, liquefaction, and seismically-induced lateral spreading risks to a less than significant level, consistent with the conclusions in the REIR.

7b. The project site elevations range from approximately zero to 16 feet NAVD above mean sea level. Given the site and site area's flat topography, the proposed project would not be subject to substantial erosion; therefore, the project would not expose people or structures to significant erosion-related hazards.

7c.

Compressible Soil

The project site overlays highly compressible Young Bay Mud ranging from six to nine feet thick. Imported soil placed to raise site grades would cause the ground surface to settle significantly. Preliminary settlement estimates indicate long-term consolidation of up to 5.5 inches for 12 feet of fill.

Consistent with the *Newark Areas 3 and 4 Specific Plan REIR* **MM GEO-3.1**, the project would implement a surcharge program to reduce load-induced settlement by placement of fill and building loads over compressible Young Bay Mud. The surcharge program would be designed to achieve 0.5 inch or less of post-construction consolidation settlement. Post-tensioned foundation mats would be designed to resist residual differential settlement. If the design-level geotechnical study concludes larger amounts of consolidation-induced settlement, additional measures such as deep foundations or ground improvement methods, consistent with **MM GEO-3.1**, would be implemented. REIR **MM GEO-3.1** would reduce impacts from load-induced consolidation settlement risks to a less than significant level, consistent with the conclusions in the REIR.

Slope Stability

The design-level geotechnical study completed pursuant to REIR **MM GEO-3.1** would evaluate the risk of slope deformation and instability along the perimeter slopes of the project during grading, surcharge program, and post-construction static and seismic conditions. The *Preliminary Geotechnical Exploration* stated that graded slopes up to six feet may be constructed at an inclination of 2:1 (horizontal:vertical), and recommended reinforcement measures, including a geogrid, as anticipated by the REIR. If slope instability conditions, such as a "mud wave," are identified in the design-level geotechnical study, the study would ensure that appropriate design details, such as properly placed retaining walls or staging of fill placement would be included to prevent a potential "mud wave" from forming at the toe of the fill slope.

Stevenson Boulevard Overcrossing

Consistent with **MM GEO-4.1**, the design-level geotechnical study would characterize and recommend measures to mitigate potential load-induced settlement and liquefaction-induced settlement within the abutments of the Stevenson Boulevard Overcrossing. Additional subsurface exploration and collection of soil samples during the design-level study would better delineate the areas with liquefiable and compressible soils. The design-level study would analyze the lateral extent, thickness, compressibility, and volumetric strain of compressible and potentially liquefiable soils.

Pursuant to REIR **MM GEO-4.1**, a site-specific investigation for the proposed Stevenson Boulevard Overcrossing was completed, resulting in the *Preliminary Geotechnical Report, Stevenson Boulevard*

Bridge – East Abutment. The report recommended 66-inch diameter cast-in-steel-shell (CISS) piles for supporting the bridge. As anticipated by the REIR, the report recommended 1) ground improvements such as deep soil mixing or drilled displacement columns; 2) placement of lightweight fill; 3) a surcharge program along with wick drains; and 4) a long-term maintenance program to raise the settled embankment.

Additional site-specific geotechnical investigations for the Stevenson Boulevard Overcrossing, including supplemental explorations within the east and west abutments, would be prepared consistent with REIR **MM GEO-4.1**. **MM GEO-4.1** would reduce impacts from load-induced consolidation settlement risks to a less than significant level, consistent with the conclusions in the REIR.

Undocumented Fill

The auto dismantler site evaluated in the REIR is not proposed for development. Significant amounts of non-engineered fill were not encountered in Area 4 during the preliminary geotechnical exploration study. Undocumented fill, which may be poorly compacted, would be over-excavated and recompacted or removed and replaced, consistent with **MM GEO-5.1**.

Implementation of **MM GEO-3.1** through **MM GEO-5.1** would reduce the impacts of unstable soils and geologic units on the project to a less than significant level, consistent with the impacts identified in the REIR.

7d. Low to moderately expansive near-surface soils are located throughout the project site. Expansive soils can undergo significant volume changes with changes in moisture content, potentially damaging structures, foundations, and infrastructure.

The project would implement *Newark Areas 3 and 4 Specific Plan REIR* **MM GEO-6.1**, which requires reinforcement of building foundations and use of positive drainage away from structural foundations. Imported fill would consist of low to moderately expansive clay. With adherence to **MM GEO-6.1**, the impacts of expansive soils would be reduced to a less than significant level, consistent with the impacts identified in the REIR.

7e. Historic high groundwater at the site is anticipated to be less than five feet below existing site grades. Shallow groundwater would not support septic tanks or alternative wastewater disposal systems; however, sanitary sewer service would be extended to serve the site, and alternative wastewater disposal is not proposed. The project would not be exposed to adverse effects related to having soils incapable of adequately supporting the use of septic tanks.

Shallow groundwater could impact grading and underground improvements due to hydrostatic uplift. Consistent with **MM GEO-7.1**, the project would evaluate hydrostatic uplift pressures on proposed underground improvements and implement supplemental recommendations, if needed, to anchor pipelines subject to hydrostatic uplift. The City of Newark Public Works Director would review and approve all underground improvements.

Near-surface clayey soils and shallow groundwater conditions could cause corrosion of buried concrete and metallic pipes. The project ground surface would be raised by engineered fill, and only

soil that is not considered corrosive to structural elements would be accepted as engineered fill for the site. The project would implement **MM GEO-8.1**, which requires soil corrosion testing during soil import and grading activities to determine corrosion levels for concrete and steel protection.

With implementation of **MM GEO-7.1** and **MM GEO-8.1**, the project would not result in impacts related to shallow groundwater or corrosive soils, consistent with the conclusions in the REIR.

4.7.4 Conclusion

Related to geology and soils, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

4) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
5) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
6) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's geology and soils analysis and consistent with the Specific Plan.

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Areas 3 & 4 REIR (2014) pp. 127, 352-363	No	No	No	Yes
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	Areas 3 & 4 REIR (2014) pp. 127, 352-363	No	No	No	Yes

The discussion in this section is based in part on the *Newark Area 4 Air Quality Assessment Update*, prepared by *Illingworth & Rodkin, Inc.* on July 16, 2019. This report is attached to this checklist as Appendix A.

4.8.2 Existing Setting

The California Global Warming Solutions Act, known as Assembly Bill (AB) 32, was passed in 2006 and set a greenhouse gas (GHG) emissions cap for the year 2020 and identified a comprehensive plan to achieve GHG emissions reductions. In 2016, after approval of the Newark Areas 3 and 4 Specific Plan, Senate Bill (SB) 32 was signed into law, requiring GHG emissions to be reduced to 40 percent below 1990 levels by 2030. The California Air Resources Board (CARB) updated its Climate Change Scoping Plan to set an annual 2030 statewide target emissions level for California of 260 million metric tons of carbon dioxide equivalent (CO_2e).

BAAQMD's most recently adopted air quality plan, the Bay Area 2017 Clean Air Plan (2017 CAP), includes control measures to 1) reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and 2) decrease emissions of carbon dioxide by reducing fossil fuel combustion.

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, requires CARB to develop regional GHG reduction targets for automobiles and light trucks for 2020 and 2035. Consistent with the requirements of SB 375, Metropolitan Transportation Commission (MTC) and ABAG prepared and adopted the region's Sustainable Communities Strategy (SCS) in 2013. The

SCS is referred to as Plan Bay Area, and establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit. MTC and ABAG updated the SCS in 2017 and renamed it Plan Bay Area 2040.

The City of Newark adopted the Climate Action Plan (Newark CAP) Initial Framework in January 2010. As described in the *Newark Areas 3 and 4 Specific Plan REIR*, the CAP identifies and evaluates policies to reduce greenhouse gas emissions and sets short, medium, and long term emissions reduction goals to reduce vehicle trips, a major source of GHG emissions. The Newark CAP has not been updated since certification of the REIR.

Completed construction documents for the proposed project would be submitted to the City no earlier than January 1, 2020; therefore, the project would be subject to the Title 24 regulations that go into effect on January 1, 2020.

The GHG emissions thresholds identified by BAAQMD are 1,100 metric tons (MT) of CO_2e per year or 4.6 MT CO_2e per service population per year for projects to be completed by 2020. These thresholds were used to evaluate the project's contribution to climate change in the REIR. BAAQMD has not published updated GHG threshold for 2030. To be able to compare the project's impacts on climate change to the impacts disclosed in the REIR, a Substantial Progress efficiency metric of 3.7 MT CO_2e/year/service population has been calculated for 2025 based on the GHG reduction goals of SB 32, taking into account the 1990 inventory and projected 2025 statewide population and employment levels.[8]

4.8.3 Impact Analysis

8a, b. As discussed in *Section 4.14, Population and Housing*, the proposed project is expected to increase population by an estimated 1,543 new residents, less than half of the 3,427 residents estimated for buildout of the Specific Plan.[9] The REIR calculated that the overall Specific Plan development would generate 3.9 MT CO_2e/year/service population.

The REIR concluded that Specific Plan development would not exceed the 2020 BAAQMD GHG emissions threshold of 4.6 MT CO_2e/year/service population for projects completed prior to 2020, resulting in a less than significant impact. In addition, the REIR identified avoidance measures to further reduce greenhouse gas emissions. **AM C-GCC-4.1** requires green building practices including, but not limited to, pre-wiring for solar power and plug-ins to facilitate use of electric vehicles. **AM C-GCC-4.2** requires public landscaping areas to follow the City of Newark's Bay Friendly Landscape Guide and establishes additional landscaping requirements for the Specific Plan area.

As stated in the REIR, neither BAAQMD nor the City of Newark has adopted a threshold of significance for GHG emissions during construction. The REIR concluded that annual GHG emissions during construction of the Specific Plan project would range from 1,721 to 6,677 MT CO_2/year over the eight-year construction period.

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[8] A service population methodology was used to provide a way to compare the project's emissions with the emissions disclosed in the REIR.
[9] Although the *Newark Areas 3 and 4 Specific Plan REIR* analyzed GHG impacts resulting from jobs associated with the golf course, no golf course is proposed under the current project.

The *Newark Area 4 Air Quality Assessment Update* used CalEEMod and CT-EMFAC to predict GHG emissions resulting from the proposed project. The project would have temporary GHG emissions during the five years of construction and then operational emissions after the project is constructed and occupied. Project GHG emissions, calculated as carbon dioxide equivalent (CO_2e), are shown in Table 4.8-1 below.

Table 4.8-1: GHG Emissions (CO_2e) in Metric Tons

Source Category	Proposed Project, 2025
Construction (total – 2019 through 2024)	*Construction 1,519* *Truck hauling 5,274*
Area (annual)	46
Energy consumption (annual)	962
Mobile (annual)	3,955
Solid waste generation (annual)	283
Water usage (annual)	41
Total operation	*5,287*
Service population emissions	**3.3**
Significance Threshold (2025)	**3.7**

Based upon CalEEMod calculations, the proposed project would be expected to generate a total (including truck hauling) of 6,793 MT CO_2e over the five-year construction period. The project operation would be expected to generate 3.3 MT CO_2e/year/service population. The project would not exceed the 2025 GHG reduction threshold of 3.7 MT CO_2e/year/service population. Consistent with the conclusions in the REIR, the project would result in a less than significant GHG emissions impact.

The proposed project would be designed to 2019 California Residential Code standards, and would include enhanced filters and water efficiency and conservation practices per CalGreen standards. The project would support Plan Bay Area's transportation and housing goals by constructing residential uses near a large industrial area. The project would also increase pedestrian access to local schools, parks, transit stops, and retail centers. As stated in the REIR, development under the Specific Plan would be consistent with the City of Newark Climate Action Plan. The project would install photovoltaic panels on each roof and electric vehicle charging stations in each garage. Development would be designed and constructed pursuant to the City of Newark Green Building and Construction and Demolition Recycling Ordinance.

The project would implement **AM C-GCC-4.1** and **AM C-GCC-4.2**, consistent with the REIR, and would not result in new or substantially more significant GHG impacts.

4.8.4 Conclusion

Related to greenhouse gas emissions, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's greenhouse gas emissions analysis and consistent with the Specific Plan.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Areas 3 & 4 REIR (2014) p. 275	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) pp. 270-280	No	No	No	N/A
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Areas 3 & 4 REIR (2014) pp. 275	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) pp. 273-275	No	No	No	Yes

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?	Areas 3 & 4 REIR (2014) p. 145	No	No	No	N/A
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working on the project area?	Areas 3 & 4 REIR (2014) p. 145	No	No	No	N/A
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Areas 3 & 4 REIR (2014) p. 299	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) p. 363	No	No	No	N/A

The discussion in this section is based in part on the *Phase II Environmental Site Assessment* and summary memorandum prepared by *ENGEO Incorporated* on April 5, 2019. This report is attached as Appendix F.

4.9.2 Existing Setting and Project Description

4.9.2.1 *280-Acre Peery/Arrillaga Property*

As shown on Figure 4.4-1, the Peery/Arrillaga property is bounded to the north by a drainage channel and to the east, south, and west by Mowry Slough and associated drainage channels. The property is

currently vacant and was historically used for agricultural purposes and as a duck hunting club. Previous development on the site included barns, residences, a club house, storage buildings, and water supply wells. Tri-Cities Recycling and Disposal Facility (TCRDF) is located southeast of the property.

Soil samples collected on the Peery/Arrillaga property in 2006 did not exceed current screening levels for pesticides, and metals were generally within background concentrations. Under the proposed project, residential development would be constructed throughout the northern and central portions of the property.

4.9.2.2 *22-Acre Unnamed Parcel*

The unnamed parcel, located west of the southern terminus of Stevenson Boulevard, was inaccessible during recent and previous environmental analysis. The property was historically used for agricultural purposes. The project proposes to construct the Stevenson Boulevard overpass of the UPRR tracks and raise PG&E towers and lines over the unnamed parcel.

4.9.2.3 *115-Acre Rogers Property*

The Rogers property is currently undeveloped and bounded by drainage channels, UPRR tracks, the Mowry Slough, and undeveloped land. It was historically used for agricultural purposes, except for the southwest portion of the property that consists primarily of wetlands. The project proposes to construct residential uses on the property, and would avoid construction in the existing wetlands.

Illegal Fill

In 2014, without the City's or project applicant's consent or knowledge, a third party (dumper) spread approximately 2,000 dump truck loads of imported fill of an unknown origin (illegal fill) were spread over an approximately 20-acre footprint, including one acre of the Rogers property that is within the proposed development area. It appeared that the illegal fill was spread with a bulldozer blade and possibly blended with the underlying native soils using the bulldozer's ripper. The illegal fill was primarily clay with very little moisture content. The resulting federal prosecution of the dumper included allegations that the material was contaminated with construction debris, as evidenced by brick, piping segments, caution tape, electrical wiring, concrete, and rebar.

The illegal fill previously spread across the southeastern area of the Rogers property was investigated in 2018 by *ENGEO Incorporated*. The illegal fill included dark brown clay and construction debris. Fill samples were collected at six locations and analyzed for a range of common environmental contaminants including metals, asbestos, chlorinated herbicides, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and total petroleum hydrocarbons reported as gasoline, diesel, and motor oil (TPHg, TPHd, and TPHmo, respectively).

Laboratory samples were compared against 2018 USEPA Regional Screening Levels (RSLs) and 2018 Department of Toxic Substances Control (DTSC) Human and Ecological Risk Office (HERO) modified screening levels (SLs) for residential soil. All six samples were reported as non-detect for TPHg, VOCs, SVOCs, chlorinated herbicides, and PCBs. Detections of all other compounds were reported below both USEPA RSLs and DTSC SLs.

Organochloride Pesticides

The area within the Rogers property that is proposed for development was sampled in 2018 by *ENGEO Incorporated*. Samples were collected at 48 locations and analyzed for organochloride pesticides. Soil analytical results were compared to USEPA RSLs for residential soil. Toxaphene exceeded the RSLs in shallow soils; however, toxaphene concentrations had decreased since a previous sampling event in 2006. Detections of all other organochloride pesticides were reported below USEPA RSLs. Cumulative concentrations of 4,4-DDD, 4,4-DDE, and 4,4-DDT exceeded 1 mg/kg for Class 1 hazardous material in a small area in the northernmost portion of the Rogers property.

4.9.2.4 *101-Acre Heath Property*

The Heath property is a vacant lot bounded to the northwest by Mowry Avenue, undeveloped property, and auto dismantler yards, to the northeast by UPRR tracks and undeveloped land, to the southeast by undeveloped land, and to the southwest by Mowry Slough. The property was historically used for agricultural uses, except for the southern area that consists of wetlands. A drainage channel bisects the central portion of the site. Under the proposed project, PG&E towers and lines over the Heath property would be raised. No construction is proposed north of the Alameda County Flood Control drainage channel. A 2006 investigation at the Heath property reported pesticide and metals concentrations below screening levels and within the range of background conditions, respectively.

4.9.2.5 *Off-Site Impacts*

Properties northwest of the project site include the 10-acre Mowry Avenue parcel, Pick 'N' Pull Auto Dismantlers, and the five-acre Ace Auto Wrecking property. The Mowry Avenue parcel was historically used for vehicle dismantling and storage, and the property is listed on the Spills, Leaks, Investigations, and Clean-ups (SLIC) database. The Pick 'N' Pull property was historically used for agricultural purposes and auto dismantler operations. The Ace Auto Wrecking property contains petroleum hydrocarbon impacted soil.

The former Mowry Avenue Landfill is located southwest of the site, across a slough. Low concentrations of TPHg, VOCs, SVOCs, and pesticides are in soil and groundwater at the former landfill site. The landfill is located down-gradient from the project site.

4.9.2.6 *Electromagnetic Fields*

No health-based standards for long-term human exposure to electromagnetic fields (EMFs) currently exist. There are no federal, state, or local regulations addressing residential exposure to EMFs. The City of Newark has no required setbacks from sources of EMFs.

4.9.3 <u>Impact Analysis</u>

9a. The proposed residential uses would not store, use, or transport hazardous or acutely hazardous materials. Individual homeowners may store and use small quantities of cleaning products, pesticides, and herbicides, but they would not result in significant hazards to the public or the environment. Hazardous materials transported and used during construction, which could include fuels, solvents, and paints, would be in compliance with City, DTSC, and ACWD standards.

Consistent with the REIR conclusion, the proposed project would not create or exacerbate a significant hazard to the public or the environment as the result of the routine transport, use, or disposal of hazardous materials.

9b. The project proposes residential uses that would store and use minimal quantities of hazardous materials, primarily in the form of landscaping and cleaning supplies. Such use as part of the project operation would not cause a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Project construction would use hazardous materials, including fuels, oils, solvents, paints, and other building materials. These materials would be stored and used in relatively small quantities, in compliance with local and state safety requirements. As described in the REIR, any hazardous material clean up and remediation of the project site prior to construction would be under oversight by the City and appropriate regulatory agency, DTSC and/or ACWD. Through these measures, project construction would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This conclusion is consistent with the conclusion in the REIR.

9c. The project site is located approximately 3,200 feet (0.6 mile) from the proposed elementary school site in Area 3. The current project proposes to construct residential units and associated infrastructure improvements, and would not result in substantial emissions of hazardous materials or hazardous waste or bring acutely hazardous materials within one quarter mile of the school.

9d. The proposed project is not located on a site that is included on a list of hazardous materials sites with open cleanup cases compiled pursuant to Government Code Section 65962.5. The nearest hazardous materials cleanup site is the Mowry Avenue parcel, located 120 feet north of the project site. The Mowry Avenue parcel was historically used for vehicle dismantling and storage, and the property is listed on the SLIC database.

The project proposes to construct single-family residential uses on portions of the 115-acre Rogers parcel and the 280-acre Peery/Arrillaga parcel. Improvements to the PG&E towers on the Heath, Rogers, and unnamed parcels would not require below-grade work. The proposed residences would be accessed via an extension of Stevenson Boulevard, including an overpass of the UPRR tracks and the unnamed parcel.

The certified *Newark Areas 3 and 4 Specific Plan REIR* included **MM HAZ-3.1** to reduce hazards to the public and environment related to the former duck club, agricultural activities, and undocumented fill on the site and the adjacent landfill.

Soil samples collected on the Rogers properties as part of their respective Phase II Environmental Site Assessments (ESAs) were analyzed for compounds related to undocumented fill and organochloride pesticides. On the Rogers property, toxaphene was detected exceeding USEPA RSLs for residential soil, and all other compounds were reported below USEPA RSLs. On the Peery/Arrillaga property, pesticide concentrations did not exceed screening levels, and metals were generally within background concentrations. The Phase II ESAs recommended no further action. In addition, review of the TCRDF annual monitoring data indicates that no volatile organic compounds were detected in samples collected from the TCRDF groundwater monitoring wells during the

September 2018 groundwater monitoring event. Based on this data, the risk of contaminant migration from the TCRDF is low and does not warrant further monitoring.

Based upon the sampling and analysis completed after the REIR and the reduced project development footprint, the proposed project would implement the following modified **MM HAZ-3.1** (shown below with deleted text in ~~strikethrough~~). The modified **MM HAZ-3.1** does not include measures from the REIR that 1) have been completed since the Specific Plan's approval, as described above, or 2) are outside the smaller footprint of the proposed project, including the former duck club and farm structures.

MM HAZ-3.1: Implementation of the following measures will reduce Area 4 project site hazardous material contamination impacts to residential uses to a less than significant level:

- All additional testing and remediation described below shall be completed under oversight by the City and an appropriate regulatory agency, DTSC and/or ACWD, prior to issuance of grading permits for the residential development. The oversight agency shall be responsible for overseeing and directing all site investigation and cleanup activities in a manner that ensures that the standards and requirements of the State of California are fully addressed.
- Prior to the start of any subsurface drilling activities, the project proponent(s) shall obtain a drilling permit from ACWD. Application for a permit may be obtained from ACWD's Engineering Department. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.
- ~~The area of the former duck club and associated ponds shall be evaluated for lead from lead shot. The results shall be provided to the City of Newark and the regulatory oversight to determine the appropriate remediation, if necessary. This investigation is only necessary in the event on-site mitigation (such as habitat restoration) will occur in this Sub-Area E.~~
- ~~Former fill soil quality of the duck club ponds shall be evaluated prior to issuance of grading permits for the residential development in Area 4. The results shall be provided to the City of Newark and the appropriate regulatory oversight to determine the appropriate remediation, if necessary. This investigation is only necessary in the event on-site mitigation (such as habitat restoration) will occur in this Sub-Area E.~~
- All pesticide impacted soil shall be remediated to ensure all levels are below residential screening levels.
- ~~Additional soil samples shall be collected near existing and known former farm structures to test for residual levels of pesticides. The results shall be provided to the City of Newark and the regulatory oversight to determine the appropriate remediation, if necessary.~~

- ~~Soil quality adjacent to on-site wells shall also be analyzed for spilled chemicals including pesticides. The results shall be provided to the City and appropriate regulatory oversight to determine the appropriate remediation, if necessary. Prior to issuance of a grading permit, the project proponent(s) and ACWD shall identify all abandoned wells within the project boundary. Any wells identified or discovered during construction shall be appropriately destroyed in accordance with ACWD specifications and local standards prior to issuance of a grading permit.~~
- Prior to any ground disturbance and issuance of grading permits at the unnamed parcel located to the west of the southern terminus of Stevenson Boulevard, shall be further evaluated to assess the current environmental conditions of this area. This evaluation shall be provided to the City and ACWD for review and to determine the appropriate remediation, if warranted.
- All imported soil to raise the elevation on the site shall document the source and quality of the soil. This documentation shall be provided and approved by the City of Newark, prior to issuance of a grading permit. The DTSC's October 2001 Clean Fill Advisory provides guidance on evaluating imported fill.
- ~~The property owner shall periodically review the monitoring data from the TCRDF shall be to assess whether there are any significant changes to the Area 4 conditions. The monitoring results shall be annually provided to the City of Newark. The Peery/Arrillaga property shall be evaluated for soil vapor for contaminants that may have migrated from TCRDF unless monitoring data from the landfill shows that further evaluation is unnecessary.~~ [As noted above, the Peery/Arrillaga property was evaluated for soil vapor and other contaminants and the evaluation showed no threats. The monitoring data from TCRDF indicates further evaluation is unnecessary.]

Incorporation of the revised **MM HAZ-3.1** above reduce the project's hazardous material contamination impacts to a less than significant level.

9e., f. The project site is not located within two miles of a public airport or in the vicinity of a private airstrip.

9g. The proposed project would not interfere with an adopted City of Newark emergency response or evacuation plan, because of the site location at the western edge of the City. The City of Newark has adopted the Alameda County Emergency Operations Plan, which established emergency organization, assigned tasks, specified policies and procedures, and provided coordination of planning efforts of emergency staff and service elements.

9h. The project site is not located within or adjacent to areas subject to wildland fires.

4.9.4 Conclusion

Related to hazards and hazardous materials, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's hazards and hazardous materials analysis and consistent with the Specific Plan.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Violate any water quality standards or waste discharge requirements?	Areas 3 & 4 REIR (2014) p. 251-256	No	No	No	Yes
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)?	Areas 3 & 4 REIR (2014) p. 250	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) p. 250	No	No	No	N/A

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?	Areas 3 & 4 REIR (2014) p. 248	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) p. 250, 251-254	No	No	No	Yes
f. Otherwise substantially degrade water quality?	Areas 3 & 4 REIR (2014) p. 251, 254-256	No	No	No	Yes
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?	Areas 3 & 4 REIR (2014) pp. 244-246	No	No	No	N/A
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	Areas 3 & 4 REIR (2014) pp. 244-246	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) pp. 244-246	No	No	No	N/A

j. Inundation by seiche, tsunami, or mudflow?	Areas 3 & 4 REIR (2014) p. 246	No	No	No	N/A

The discussion in this section is based in part on the *Water Quality and Hydrology Section Update* prepared by *Schaaf & Wheeler Consulting Civil Engineers* on March 15, 2019, and the *Post Construction Stormwater Control Plan* prepared by *Carlson, Barbee & Gibson, Inc.* on July 11, 2019. These reports are attached as Appendix G and Appendix H, respectively.

4.10.2 Existing Setting and Project Description

The site hydrology and drainage conditions of the project site have not changed since the certification of the REIR. The project proposes to import fill to the development residential areas to raise them out of the designated 100-year floodplains. Maximum fill depth would range from 14 to 15.5 feet.

4.10.3 Impact Analysis

10a. The project would be required to comply with water quality standards as administered through the National Pollutant Discharge Elimination System (NPDES) permit. The REIR identified mitigation measures **MM HYD-2.1** through **MM HYD-2.5**, based on Regional Water Quality Control Board (RWQCB) requirements that would reduce water quality impacts during construction.

MM HYD-2.1 and **MM HYD-2.2** require filing of a Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP), including an erosion control plan. **MM HYD-2.3** through **MM HYD-2.5** establish best management practices to reduce the runoff volume and pollution from the project development. Through compliance with **MM HYD-2.1** through **MM HYD-2.5**, the project would not result in new or substantially more significant impacts to water quality standards or waste discharge requirements than those identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

10b. As disclosed in the REIR, the project site covers the most downstream portion of the aquifer, where recharge does not take place. The addition of impervious surfaces on the project site would not adversely affect groundwater recharge, because recharge does not occur in the area. Furthermore, the project development area is 43 percent smaller than the area evaluated in the REIR; therefore, there would be proportionally less impervious surface area. The REIR concluded that development of the Specific Plan would have little to no effect on the balance of the groundwater basin. The proposed project is within the development envelope analyzed by the REIR, and the project would develop a 43 percent smaller area; therefore, the project would have little to no effect on the balance of the groundwater basin from adding impervious surface to the project area.

Development projects can impact groundwater supplies if an increase in water demand would increase local groundwater pumping or place a significant burden on regional water suppliers. The project would not rely on site well water; therefore, the project would not deplete groundwater supplies through use of wells. The project would increase water demand in the area by developing residential uses on undeveloped land. The Alameda County Water District completed a Water Supply Assessment for the larger Specific Plan project, which included 1,260 residential units. The WSA concluded that water supplies for the project area are adequate to support development under the

Specific Plan in both normal hydrologic and drought conditions. The WSA was confirmed as valid by the Alameda County Water District on January 29, 2019. Consistent with the conclusions in the *Newark Areas 3 and 4 Specific Plan REIR*, the project would not result in a significant impact on groundwater supplies.

10c. As described in the *Newark Areas 3 and 4 Specific Plan REIR*, all runoff from Area 4 would be contained on the inboard side of the levees until reaching the pump and being discharged into Mowry Slough. Mowry Slough is tidally influenced and exempt from hydromodification requirements.[10] The project's drainage impacts are less than significant and within the scope of those described in the REIR.

10d. The project proposes to elevate residential pads above the base flood elevation in accordance with FEMA and City of Newark requirements. All residential pads would be above a minimum of 15 feet NAVD and all finish floor elevations would be a minimum of six inches above the pads. The lowest top of curb elevation would be above the minimum elevation of 11.25 feet NGVD (or 13.98 feet NAVD equivalent). The residential development would require up to 1,674,650 cubic yards of fill to meet the flood elevation requirements.

Drainage from the residential development would be directed to several proposed outfalls, which would discharge stormwater to the surrounding wetlands and open space. Consistent with the analysis and conclusion in the REIR, the development would not substantially alter the existing drainage pattern of the site in a manner that would result in flooding in the area or downstream of the area. The project's drainage impacts are less than significant and within the scope of those described in the REIR.

10e, f. Long-term impacts to water quality could occur due to an increase in the volume of stormwater runoff, the use of fertilizers and pesticides, and vehicular traffic debris and chemicals. The project would be required to comply with water quality standards as administered through the NPDES permit, including enforceable measures to reduce potential impacts from pollutants and sedimentation in stormwater runoff.

The project would implement **MM HYD-1.1** through **MM HYD-1.4**, identified in the REIR. **MM HYD-1.1** requires compliance with NPDES permit and City standards. **MM HYD-1.2** and **MM HYD-1.3** include requirements for post-construction water quality BMPs to reduce pollutant levels. **MM HYD-1.4** includes stormwater management program measures. With implementation of **MM HYD-1.1** through **MM HYD-1.4**, the project would reduce long-term impacts to water quality to a less than significant level. The project's water quality impacts are less than significant and within the scope of those described in the REIR.

10g-i. The project site ranges in elevation from approximately zero to 16 feet NAVD, and is prone to both riverine- and tidally-induced flooding during extreme stormwater runoff events. In addition, global climate and sea level changes could increase the potential for flooding at the site.

[10] Alameda Countywide Clean Water Program. "Hydromodification Management Susceptibility Map." January 26, 2007.

Riverine and Tidal Flooding

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) for the project site, the site is located within a 100-year tidal flood zone. With the existing topography and grading, the site is subject to inundation in the case of levee failure.

As discussed in the *Newark Areas 3 and 4 Specific Plan REIR*, tidal flooding from the San Francisco Bay could inundate Area 4 up to an elevation of eight feet. The levees surrounding Area 4 could fail in a large storm or high tide event. Flooding could damage property and structures within the site and pose a hazard to public safety. While this is no longer considered a CEQA impact, and the project would not exacerbate the potential for flooding, the City of Newark General Plan includes Goals and Policies to reduce risk to life and property associated with flooding. Policy EH-3.3: Residential Development in the Flood Plan requires new residential development, including streets and other surface improvements, to be constructed above the 100-year base flood elevation.

Consistent with the information in the REIR on fill, the proposed project includes placement of fill to elevate all residential units above the 100-year base flood elevation, which takes into account the potential for levee failure. The development area would be graded so that all building pads would be above an elevation of 15 feet NAVD. The project's compliance with City and FEMA requirements would ensure that the project's flooding impacts are within the scope of those described in the REIR. Fill placed within the project site in Area 4 would not impact off-site flooding in the area or downstream, because the impedance of tidal conveyance through the area would not influence the water surface in the San Francisco Bay.

Sea Level Rise

Within the project area, residential structures could be impacted by global climate and sea level changes. At the time the REIR was prepared, the best scientific data available suggested a mid-century sea level rise of 1.3 feet, with 4.6 feet of sea level rise by the year 2100. Sea level rise projections have since been updated by the California Ocean Protection Council Science Advisory Team (OPC-SAT), as discussed in Appendix G. The likely range (66 percent probability) of sea level rise in the San Francisco Bay is 1.1 feet in 2050, 2.4 to 3.4 feet in 2100, and 3.8 to 5.8 feet in 2150.[11] The OPC-SAT concluded that there is a 0.5 percent probability sea level rise will exceed 1.9 feet in 2050, 5.7 to 6.9 feet in 2100, and 11.0 to 13.0 feet in 2150.

The City of Newark Municipal Code calls for residential structures to 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 on the National Geodetic Vertical Datum, whichever affords the greater degree of flood damage protection."[12]

The project proposes a minimum building pad elevation of 15 feet NAVD, which would provide resilience against the likely future sea level rise throughout a an estimated 50-year project life, as calculated by OPC-SAT. The proposed building pad elevation also exceeds the minimum elevation established in the Municipal Code. The effect of sea level rise on the project is within the scope of the effects described in the REIR.

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[11] Sea level rise projections include scenarios for low emissions and high emissions.
[12] 11.25 feet NGVD is equivalent to 13.98 feet NAVD.

10j. The project site, along with most of Fremont and Newark, would be inundated if any of the upstream reservoirs (Calaveras, Del Valle, or Turner) fail. As discussed in the REIR, inundation resulting from catastrophic dam failure could damage property and structures and pose a severe hazard to public safety. The three upstream dams fall under the jurisdiction of the California Division of Safety of Dams, which inspects each dam on an annual basis to ensure the dams are safe and not developing problems. The risk of dam failure is extremely low and, therefore, is not considered a significant hazard to future residents. The proposed project would not result in new or substantially more severe impacts from a catastrophic dam failure than previously identified in the REIR.

The levees and salt ponds between the Bay and the project site would minimize waves generated by a seiche. The project site is not located within an ABAG Resilience Program tsunami evacuation area. The project site is not considered to subject to significant risk from seiche or tsunami.

The project site is flat and not located below any steeply sloped area or within an identified landslide hazard area. Therefore, the project site is not subject to inundation by mudslides.

4.10.4 Conclusion

Related to hydrology and water quality, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's hydrology and water quality analysis and consistent with the Specific Plan.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Physically divide an established community?	Areas 3 & 4 REIR (2014) p. 49	No	No	No	N/A
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 General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Areas 3 & 4 REIR (2014) pp. 49-72	No	No	No	N/A
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	Areas 3 & 4 REIR (2014) p. 49	No	No	No	N/A

4.11.2 Impact Analysis

11a. The project site is at the western edge of the developable area within the City of Newark, and is bounded by sloughs connecting to the San Francisco Bay. The project site is currently undeveloped, and there are no established communities that would be divided by development of the proposed project. The project would be consistent with the land use patterns and intensity permitted by the Specific Plan and analyzed in the REIR, and would not physically divide an established community.

11b. The proposed residential project is consistent with the site's *Low Density Residential* General Plan land use designation. The *Low Density Residential* designation is intended for single-family residential development on lots larger than 5,000 square feet, as well as compatible uses including schools, childcare centers, parks, and religious facilities. The project's Vesting Tentative Map

includes 469 residential lots ranging from 3,600 square feet to 5,000 square feet in size. The development density of the project would be 2.6 dwelling units per acre.

In January 2018, the City updated its Zoning Ordinance. As part of that update, the proposed project development Area, Sub-Areas B and C, were rezoned from *Residential District R-6000* to *Residential Single Family (RS)-6000*. Sub-Area D, across which a multi-use trail/EVA is proposed, and Sub-Area E were rezoned from *Agriculture* to *Resource Production (RP)*, with a small sliver rezoned to *Park (P)*. The Development Agreement approved by the City in 2015 for Areas 3 and 4 allows development in Area 4, such as the proposed project, to be processed under the Zoning Ordinance in place in 2016.

The proposed project would include a PUD and CUP, allowing the aggregate of the lots proposed by the project to meet the City's standards of site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open spaces, off-street parking and off-street loading facilities, and landscaped areas. In the aggregate, the project would be consistent with the existing *RS-6000* zoning.

Consistency with the City's General Plan, MTC and ABAG Plan Bay Area, the San Francisco Bay Trail, and Bay Conservation and Development Commission (BCDC) San Francisco Bay Plan were evaluated in the *Newark Areas 3 and 4 Specific Plan REIR*. The REIR did not identify any significant impacts from a conflict with applicable land use plans, policies, or regulations. The current project proposes to construct 469 of the 1,260 residential units included in the Specific Plan and approved under the 2015 Development Agreement, and is consistent with the existing General Plan land use designation; therefore, the project would not result in significant impacts from conflicts with applicable land use plans, policies, or regulations.

Table 4.11-1, below, analyzes the consistency of the proposed project with the policies of the approved Specific Plan.

Table 4.11-1: Consistency of Development in Area 4 with Specific Plan Policies

Specific Plan Policy	Consistency of Development in Area 4 with Specific Plan Policy
Policy 6-1: Disturbance to and loss of all wetland and aquatic habitats should be avoided to the maximum extent feasible.	The proposed residential lots, access roads, open space areas, and bridges have been designed to avoid the need to place fill in any wetland. In addition, the project would be sited to avoid seasonal wetlands, marsh, and aquatic habitats where special-status species could occur. The five bridges planned within the project site would avoid wetlands. The abutments for the bridges would be located outside of the wetland areas, avoiding any need for wetland fill. Further, no night lighting associated with the project would be directed toward wetland areas.

	The project would not directly impact wetlands; nonetheless, to mitigate any potential indirect impacts to wetlands and associated species, the project would implement mitigation measures **MM BIO-2.1** through **MM BIO-2.5**, discussed above in *Section 4.4, Biological Resources*. **MM BIO-2.1** through **MM BIO-2.5** require implementation of specific design requirements for the project's stormwater discharge system, planting drought-tolerant landscape species, reducing irrigation flow, and implementing an Invasive Species Management Plan. The proposed project's design and implementation of required mitigation measures would avoid disturbance to and loss of wetlands and aquatic habitat to the maximum extent feasible.
Policy 6-2: Wetland habitat should be created or enhanced within non-development areas of Specific Plan Area 4 to offset functional or actual loss of existing sensitive wetland and aquatic habitat to the maximum extent feasible. These created and enhanced habitat areas should be large, contiguous matrices of wetland and upland that maintain or increase habitat value and provide habitat opportunities for rare plant and wildlife species and that, by adjoining existing or preserved habitats adjacent to area 4, may be functionally larger.	Wetland habitat within Area 4 includes seasonal wetlands, aquatic habitat, diked salt marshes, and brackish marshes. The proposed project has been designed to avoid directly impacting any wetland, marsh, or aquatic habitat. The project does not propose grading, fill, or development in wetland areas. Moreover, the project would incorporate **MM BIO-2.1** through **MM BIO-2.5** to avoid any indirect impacts to wetland habitat. Therefore, with mitigation, there would be no functional or actual loss of existing wetland or aquatic habitat from the project. Nevertheless, the project is designed to preserve as open space over 300 acres closest to the sensitive wetlands outside Area 4. The preservation of this land from development would maintain and may increase its habitat value and would provide habitat opportunities for rare plants and wildlife species because it adjoins preserved habitats adjacent to Area 4.
Policy 6-3: Development of the golf course should contain as much natural habitat as is feasible, such as unmaintained native grassland areas rather than turf and native trees and other vegetation where appropriate.	The proposed project does not include development of a golf course. Therefore, the project complies with Policy 6-3.
Policy 6-4: Maintain site hydrology and water quality in remaining or preserved natural habitats through incorporation of design features to duplicate existing hydrologic conditions and maintain or improve the current quality of water leaving the site. Such features may include the use of grassy swales to treat runoff, capture contaminants, and	Consistent with the Specific Plan and **MM BIO-2.1** through **MM BIO-2.5**, residential development within Area 4 would be designed to drain via new underground storm drain lines to approximately 21 outfall locations at various points along the perimeter of the development envelope, where outfalls into bioretention areas would be constructed for treatment and allow

allow water to infiltrate into the soil; surface materials to allow for infiltration on individual residential (private) properties (including permeable driveway material and individual detention features); water conservation; xeric (preferably native) landscaping; properly sized conveyance structures; distribution of runoff (not narrowly focused); and the retention of water (particularly off-season nuisance flows) within the development footprint.	infiltration. Bioretention areas and the associated outfalls into the open space areas would be spaced to reduce potential adverse effects related to hydrologic alterations. The Area 4 storm drain system is designed to be compliant with local and state stormwater treatment guidelines prior to discharge to a public system or wetland. With incorporation of the above design features, site hydrology and water quality in remaining or preserved natural habitats would be maintained, as would the quality of water leaving the site, consistent with Policy 6-4.
Policy 6-5: To maintain hydrology and water quality as currently exists in natural habitat areas, development of the golf course should use state of the art management methods such as a computerized irrigation system connected to an on-site weather station to limit watering to the exact needs of the course, sprinkler head designs to ensure a very even distribution of water to reduce water use and runoff, unmaintained native grasses in the outer roughs, designated irrigated and non-irrigated areas, retention of runoff (particularly off-season) within the golf course, accurate application of fertilizer to that required to eliminate contaminated runoff and retention of nuisance or off-season flows within the development area.	The proposed project does not include development of a golf course. Therefore, the project complies with Policy 6-5.
Policy 6-6: Development of residential and golf course areas should be configured to optimize habitat areas (e.g., contiguous and large) for wildlife in remaining or preserved wetlands to provide needed habitat elements; limit disturbance from residences, the golf course, and recreational activities (e.g., hiking or dog walking along levees); avoid, to the extent feasible, or replace and enhance habitat for endangered species habitat lost; and allow for adequate movement for wildlife species within Area 4 with particular attention paid to waterbirds and special-status species found in the area: burrowing owls, peregrine falcons, tricolored blackbirds (colonies), salt marsh harvest mice, salt marsh wandering shrew, pallid bats, and Yuma bats and breeding northern harriers, Alameda song sparrows, Bryant's savannah sparrows, and San Francisco common yellowthroats.	Compared to the land use plan approved by the Specific Plan, the proposed project is substantially smaller (both in terms of acreage, and number of new residences), and has been designed to avoid all direct fill and impacts to wetlands, marsh, or aquatic habitats. This, combined with implementation of the REIR biological resource mitigation measures (e.g., **MM BIO-2.1** through **MM BIO-2.5**, **MM BIO-9.2**, **MM BIO-10.1**, etc.), optimizes wildlife habitat areas, limits disturbance from new residences and occupant recreational activities, avoids loss of endangered species habitat, and allows for adequate movement of wildlife species including waterbirds and special-status species. Mitigation measure **MM BIO-10.1**, which requires creation or enhancement of waterbird habitat on- or off-site, in accordance with an approved mitigation plan, would reduce impacts to waterbird use of wetlands. Any potential disturbance to wetland, marsh, or aquatic habitat or loss or disturbance of special-status species

	due to recreational activities on-site would be mitigated through **MM BIO-9.2**, which requires installation of instructive signs along levees and Mowry Slough. In addition, the proposed project does not include development of a golf course. Therefore, the proposed project is consistent with Policy 6-6.
Policy 6-7: Temporary disturbance to all wetland and aquatic habitat should be avoided to the maximum extent feasible during construction activities using measures such as demarcation of construction areas with Environmentally Sensitive Area fencing.	The project has been designed to avoid the fill of any wetlands or aquatic habitat, and therefore the project would have no direct impacts on, and would result in no disturbance (either temporary or permanent) of, wetlands or aquatic habitat. Indirect, temporary disturbance of wetlands and aquatic habitat would be avoided through the implementation of mitigation measures. **MM BIO-12.1** through **MM BIO-12.3** would reduce short-term impacts to water quality. **MM IBO-12.1** requires incorporation of water quality BMPs to be outlined in the project's Stormwater Pollution Prevention Plan. **MM BIO-12.2** prohibits construction activities from being completed adjacent to wetlands. **MM BIO-12.3** requires dust suppression during grading, construction, and soil stockpiling. Short-term, construction-related activities would result in noise, ground vibrations, and movement of heavy equipment in the vicinity of some undisturbed wetlands and aquatic habitat which could affect wildlife in those habitats. Mobilization of dust could also affect wildlife habitats, and night-lighting associated with nighttime construction could deter wildlife use of certain areas or subject some wildlife to greater predation risk. However, wildlife species that use the project area are already exposed to intermittent loud noises from trains, farming equipment, and other sources, and they have habituated to these disturbances. Implementation of the REIR biological resource mitigation measures (e.g., **MM BIO-4.1** through **MM BIO-4.7**, **MM BIO-6.1** through **MM BIO-6.3**, etc.) would ensure that temporary, indirect disturbance would be avoided to the maximum extent feasible. **MM BIO-4.1** through **MM BIO-4.3** require pre-construction surveys of construction areas, establishment of buffer zones around occupied burrows, and eviction of individual owls from any

	burrows that would be directly impacted by construction. **MM BIO-4.4** through **MM BIO-4.7** include requirements for on- and off-site habitat preservation and a predator management program. **MM BIO-5.1** through **MM BIO-6.3** require avoidance of project construction during the peregrine falcon and tricolored blackbird breeding seasons, pre-activity surveys, and nest buffers. **MM BIO-8.1** and **MM BIO-8.2** require staging areas and construction access roads to be located away from suitable habitat and erection of a construction barrier to prevent impacts to the salt marsh harvest mouse and salt marsh wandering shrew. The project design, combined with implementation of the REIR biological resource mitigation measures, results in the project being consistent with Policy 6-7.
Policy 6-8: Minimize construction-related impact on rare, threatened, endangered, or other special-status species particularly in natural, created, or enhanced habitat areas remaining or preserved on-site such as burrowing owls, salt marsh harvest mice, salt marsh wandering shrews, pallid and Yuma bats, nesting northern harriers, peregrine falcons, Alameda song sparrows, Bryant's savannah sparrows, San Francisco common yellowthroats, and tricolored blackbird colonies. Measures may include conducting pre-construction/pre-disturbance surveys, establishing buffer zones, avoiding habitat, salvaging individuals, and during the breeding season: avoiding construction activities, excluding individuals from construction areas, and removal of vegetation.	The proposed project is substantially smaller than the land use plan approved by the Specific Plan, and therefore has less potential construction-related impacts on such species. The project would also implement the REIR biological resource mitigation measures to minimize such impacts, including **MM BIO-4.1** through **MM BIO-4.6**, **MM BIO-5.1** through **MM BIO-5.3**, **MM BIO-6.1** through **MM BIO-6.3**, etc. Construction activities for portions of the project located within 500 feet of the diked salt marsh habitat would either (a) commence between September 1 and January 31, which is outside the nesting season for special-status birds having the potential to nest within such habitat, and then remain continuous thereafter; or (b) commence between February 1 and August 31 if pre-construction surveys do not find evidence of active nesting of such species within 500 feet. As a result, the proposed project would be consistent with Policy 6-8.
Policy 6-9: Minimize construction-related impacts to water quality degradation in natural, created, or enhanced habitat areas remaining or preserved on-site using measures such as incorporating best management practices, minimizing soil disturbance adjacent to wetland and marsh habitat, suppressing dust during construction, and avoiding contamination of adjacent natural habitats during environmental cleanup of the auto wrecking yards.	The project would implement REIR mitigation measures **MM BIO-12.1** through **MM BIO-12.3** (described above), which would reduce potential construction-related impacts to water quality in natural, created, or enhanced habitat areas. With implementation of **MM BIO-12.1** through **MM BIO-12.3**, construction-related impacts to water quality would be minimized and the project would be consistent with Policy 6-9.

Policy 6-10: The City of Newark shall require design and implementation of and must review and approve an Invasive Plan Species Management Plan prior to grading or importation of fill material as part of any proposed development in Specific Plan Areas 3 and 4 to reduce the potential establishment or spread of non-native, invasive, and weed populations as a result of development activities. This management plan will outline methods to control the existing populations of non-native, invasive weed species that are not a severe ecological threat and to remove those weed species present that pose a severe ecological threat from the accessible portion of the site to prevent the spread of their seed during and after construction and to prevent the invasion of graded area by invasive species.	The project would implement REIR mitigation measure **MM BIO-11.1**, which would require preparation of an Invasive Species Management Plan, to reduce the presence and spread of non-native, invasive plant species on-site. With implementation of **MM BIO-11.1**, the project would be consistent with Policy 6-10.
Policy 6-11: The design of the golf course should minimize, to the extent practicable, disturbance by golfers of adjacent sensitive natural resources such as sensitive habitats, vegetation wildlife, and rare plants or animals with such measures as having high-use areas such as tees and greens set back from the edge of the golf course, broad rough/out-of-bounds areas along the interface between the golf course and sensitive habitats, "out-of-bounds" areas clearly marked, and focused lighting that does not extend into natural or habitat areas.	The proposed project does not include a golf course. Therefore, the project is consistent with Policy 6-11.
Policy 6-12: Minimize disturbance from residential and recreational uses including refraining from developing recreational use areas near sensitive natural resources, educating the public about the importance of preserving the ecological integrity of the adjacent natural areas, instructing recreational users to stay on the levee tops out of sensitive habitats and keep dogs on leashes, developing signage along ACFC&WCD levees and along Mowry Slough to educate users on the ecological value of adjacent wetland areas and protection measures, avoiding artificial light pollution of habitat areas, and setting aside habitat areas sufficiently large that undisturbed areas are available to wildlife.	Wetland habitat within Area 4 includes seasonal wetlands, aquatic habitat, diked salt marshes, and brackish marshes. The proposed project has been designed to reduce potential disturbance to sensitive natural resources through avoiding direct impacts to any wetland, marsh, or aquatic habitat. The project would implement REIR mitigation measure **MM BIO-9.2**, which requires installation of instructive signs along levees and Mowry Slough to educate the public about the importance of preserving the ecological integrity of natural and wetland areas and instruct recreational users to stay out of sensitive habitats. As part of the project design, no night lighting associated with the project would be directed toward wetland areas.

	With the project's design features and mitigation measures, the project would be consistent with Policy 6-12.

As shown in Table 4.11-1, the project is consistent with the land use plan approved by the Specific Plan; therefore, the proposed residential development project would not conflict with land use plans, policies, or regulations.

11c. The project site is not located within any approved local, regional, or state conservation plan. Therefore, the proposed residential development project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

4.11.3 Conclusion

Related to land use and planning, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's land use and planning analysis and consistent with the Specific Plan.

4.12 MINERAL RESOURCES

4.12.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	This checklist question did not exist at the time the REIR was certified (2014)	No	No	No	N/A
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?	This checklist question did not exist at the time the REIR was certified (2014)	No	No	No	N/A

4.12.2 Impact Analysis

12a-b. No mineral resources exist in the Specific Plan area and therefore the REIR scoped out the analysis of mineral resources. According to the City of Newark *General Plan Tune Up Draft Program EIR*, there remain no mineral recovery sites in Newark. Therefore, the project would not result in the loss of availability of a mineral resource or mineral resource recovery site.

4.12.3 Conclusion

Related to mineral resources, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible

would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's analysis and consistent with the Specific Plan.

4.13 NOISE AND VIBRATION

4.13.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project result in:					
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?	Areas 3 & 4 REIR (2014) p. 143-149	No	No	No	Yes
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Areas 3 & 4 REIR (2014) p. 147-149	No	No	No	N/A
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Areas 3 & 4 REIR (2014) p. 147-149	No	No	No	N/A
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Areas 3 & 4 REIR (2014) p. 147-149	No	No	No	Yes
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	Areas 3 & 4 REIR (2014) p. 145	No	No	No	N/A

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?	Areas 3 & 4 REIR (2014) p. 145	No	No	No	N/A

The discussion in this setting is based in part on the *Newark Area 4 Noise and Vibration Assessment Update* prepared by *Illingworth & Rodkin, Inc.* on March 15, 2019. This report is attached to this checklist as Appendix I.

4.13.2 Existing Setting and Background

Consistent with the description in the REIR, the existing noise environment at the project site remains primarily from train activity on the UPRR tracks as well as operational noise from businesses located at the Stevenson Point Tech Park. Occasional aircraft flyovers associated with Norman Y. Mineta San José International Airport and Hayward Executive Airport also contribute to the ambient noise environment.

Noise Measurements

The REIR analyzed noise levels at proposed residential uses as a result of railroad noise along the UPRR. The REIR concluded that the day-night average noise level at a distance of 100 feet from the center of the UPRR was approximately 70 dBA (A-weighted sound level) L_{dn}. The noise environment at portions of Area 4 was found to exceed the City's normally acceptable noise standard for exterior noise levels at residential uses (60 dBA L_{dn}) as a result of railroad noise along the UPRR.

To confirm no significant changes in circumstances have occurred in the noise environment since certification of the REIR, a noise monitoring survey was completed at the site by *Illingworth & Rodkin* from July 19 to July 25, 2018. The survey included two long-term noise measurements and two short-term measurements. Long-term noise measurement LT-1 was recorded near the boundary of the project site adjacent to the UPRR tracks (refer to Figure 4.13-1). Hourly average noise levels at this location typically ranged from 58 to 77 dBA L_{eq} (energy-equivalent sound/noise descriptor) during the day, and from 48 to 66 dBA L_{eq} at night. The daily trend in noise levels at LT-1 is shown in Appendix I.

Long-term noise measurement LT-2 was recorded approximately 80 feet from the UPRR tracks (refer to Figure 4.13-1). Hourly average noise levels at this location typically ranged from 48 to 59 dBA L_{eq} during the day, and from 42 to 58 dBA L_{eq} at night. The day-night average noise level from July 19 through July 25, 2018 was 58 dBA L_{dn}. The daily trend in noise levels at LT-2 is shown in Appendix I.

Short-term noise measurement ST-1 was recorded near the southern section of the proposed housing development. This location was selected to quantify noise levels due to distant traffic and operational noise related to the industrial land uses in the vicinity. The 10-minute average noise level measured at this location between 12:40 and 12:50 PM on July 19, 2018 was 45 dBA L_{eq}.

Short-term noise measurement ST-2 was recorded in the parking lot of a nearby industrial land use. This location was selected to quantify noise levels due to truck traffic within the parking lot and aircraft noise. The 10-minute average noise level measured at this location between 3:10 and 3:20 PM on July 25, 2018 was 48 dBA L_{eq}. Table 4.13-1 below summarizes the results of the short-term noise measurements.

Table 4.13-1: Noise Measurements

Noise Measurement Location (Date, Time)	Measured Noise Level, dBA					
	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	$L_{eq(10)}$
ST-1: 1,200 feet southwest of railroad (no trains). (7/19/2018, 12:40 PM – 12:50 PM)	57	54	48	42	40	45
ST-2: Eureka Drive Business parking lot, 90 feet from railroad (no trains). (7/25/2018, 3:10 PM – 3:20 PM)	58	57	51	45	43	48

Future Noise and Vibration Exposure

The Noise Element of the City of Newark General Plan Update identifies noise and land use compatibility standards for various land uses. Consistent with the regulations discussed in the REIR, the City still considers residential land uses "normally acceptable" in an exterior noise environment of 60 dBA L_{dn} or less and requires interior noise levels in residences attributable to exterior noise sources to be no higher than 45 dBA L_{dn}.

Exterior Noise Environment

Preliminary project plans show that the property line of lots along the UPRR corridor would be located within approximately 60 feet of the nearest railroad track. The *Newark Area 4 Noise and Vibration Assessment Update* calculated the current noise level at residential property lines to be 69 dBA L_{dn}. The project proposes to construct a bridge over the UPRR tracks at Stevenson Boulevard, eliminating the existing road crossing and allowing trains to pass noise-sensitive receptors in Area 4 without sounding warning whistles, thereby removing a substantial noise source. Under this assumption, the future noise levels at the nearest possible residential units would be approximately 65 dBA L_{dn}. Consistent with the information provided in the REIR, the ambient exterior noise level at the project would exceed the City's 60 dBA L_{dn} acceptability criteria for residential outdoor activity areas.

Figure 4.13-1: Noise Measurement Locations

The REIR analysis concluded that projected noise levels would exceed the City's acceptability criteria of 60 dBA L_{dn} at the project's nearest residential uses to the UPRR, and concluded that noise barriers eight feet in height along the residential property lines of homes adjacent to the UPRR would ensure compatibility with the City's General Plan noise compatibility guidelines. Consistent with the REIR, the proposed project would construct noise barriers either at the UPRR right of way or at the residential property lines. An updated analysis of the effectiveness of the REIR noise barriers was conducted for the proposed project. The analysis concluded that if the sound barriers are constructed at the UPRR right of way, the barriers would need to be approximately 14 feet high. If the barriers are constructed at the residential property lines and connecting streets, the barriers would need to be eight feet in height as measured above the residential pad elevation.[13] With the proposed sound barriers, the exterior noise environment at proposed residential uses would not exceed the City's acceptability criteria of 60 dBA L_{dn} consistent with General Plan Policy EH-6.7.

[13] The elevation of the UPRR right of way is approximately 5.5 feet below the proposed residential building pad elevation.

Interior Noise Environment

The City of Newark General Plan Policy EH-7.5: Residential Noise Standard – Interior requires site planning and architectural design to protect occupants of new buildings from excessive noise. To meet the City's acceptability criteria of 45 dBA L_{dn} for interior noise levels, the project would install forced air mechanical ventilation at units directly adjacent to the railroad, consistent with the REIR. Sound rated windows and doors may also be installed to ensure interior noise levels are maintained at or below 45 dBA L_{dn}.

Vibration Sources

Vibration measurements were made on December 6, 2018 at two positions along Stevenson Boulevard northeast of the UPRR tracks. Position V-1 was approximately 60 feet from the center of the nearest railroad track, and Position V-2 was an additional 60 feet northeast of Position V-1, 120 feet from the center of the track. Positions V-1 and V-2 were approximately 90 feet from the property line of the nearest proposed sensitive receptor. The two setbacks were used to evaluate the attenuation in ground vibration levels with distance from the tracks.

Vibration measurements were made during the passage of nine trains traveling at speeds of approximately 40 to 70 miles per hour. At 60 feet, maximum overall vibration levels for a single event ranged from 68 to 81 VdB (vibration velocity level), with the average train producing a maximum overall level of 74 VdB. At 120 feet, maximum overall levels for a single event ranged from 50 to 68 VdB.

The City of Newark General Plan Action EH-7.E utilizes Federal Transit Administration (FTA) vibration acceptability criteria as the guideline of acceptability for exposure to groundborne vibration due to passage of passenger and freight trains. As noted in the REIR, the acceptability criterion for groundborne vibration resulting from occasional events (30 to 70 vibration events of the same source per day) is 75 VdB at residential uses. The REIR concluded that the nearest residential units would not be exposed to vibration levels greater than 75 VdB. Consistent with the Specific Plan, the nearest residence to the track would be 80 feet away, and at that distance the groundborne vibration would not exceed 75 VdB. The proposed project would conform to applicable General Plan policies related to noise and vibration exposure of new residential development.

4.13.3 Impact Analysis

13a. The nearest existing residential receptors are located along Cherry Street, approximately 2,800 feet from the project site and separated by several rows of industrial buildings. The project site is located at least 1,000 feet from residences that are currently under construction within Area 3. Consistent with the conclusion in the REIR, the project does not propose mechanical equipment or other stationary noise sources that could impact these sensitive receptors. The project would not result in a new or substantially more significant noise impact compared to what was identified in the REIR.

13b. The California Department of Transportation recommends a vibration limit of 0.5 inch per second (in/sec) peak particle velocity (PPV) for buildings that are structurally sound and designed to modern engineering standards, which typically consist of buildings constructed since the 1990s. A conservative vibration limit of 0.3 in/sec PPV has been used for buildings that are found to be

structurally sound but where structural damage is a major concern. For historical buildings or buildings that are documented to be structurally weakened, a conservative limit of 0.08 in/sec PPV is used to provide the highest level of protection. No historical buildings or buildings that are documented to be structurally weakened adjoin the project site, and there are no buildings in the immediate vicinity that contain land uses particularly susceptible to vibration impacts; therefore, the *Newark Area 4 Noise and Vibration Assessment Update* used a vibration limit of 0.3 in/sec PPV at the nearest buildings.

The nearest buildings, which are industrial buildings, are located approximately 125 feet from the portion of Area 4 where construction is proposed. At this distance, vibration levels produced by construction equipment would range from 0.001 to 0.036 in/sec PPV. Stevenson Boulevard overpass piles would be located approximately 650 feet from the nearest building. If pile driving is used during construction of the overpass, vibration levels of up to 0.03 in/sec PPV would result.[14] Construction-generated vibration levels for the proposed project would be well below the thresholds used to evaluate the potential for cosmetic damage at any existing structure in the site vicinity. The proposed project would have no new or substantially increased vibration impact compared to what was identified in the REIR.

13c. The REIR found that the implementation of the Newark Areas 3 and 4 Specific Plan would generate a slight increase in vehicular traffic on the local roadway network that would increase noise levels by two dBA L_{dn} or less. A traffic noise increase of less than three dBA L_{dn} is not typically perceptible and, therefore, the REIR found that traffic noise would not result in a significant noise impact.

The *Newark Area 4 Noise and Vibration Assessment Update* also concluded that the addition of project traffic would increase noise levels at noise-sensitive receptors by two dBA L_{dn} or less and, therefore, the proposed project would not cause a new or substantially more significant increase in noise levels, and its impacts are within the scope of the traffic noise impacts disclosed in the REIR.

13d. The REIR disclosed that the nearest existing residential noise receivers were about 190 feet from Area 3, on the opposite side of Cherry Street, and that hourly average construction noise levels would range from 69 to 75 dBA L_{eq} during the busiest construction periods along the perimeter of the site. The REIR also noted that shielding by barriers or buildings would provide an additional five to 10 dBA of attenuation at distant receptors. The REIR concluded that noise generated by grading, infrastructure improvements, and the construction of units nearest to existing sensitive receptors would not be expected to exceed ambient noise levels at those receivers by more than five dBA L_{eq} for a period greater than one year. However, because the exact construction schedule and phasing was unknown, the REIR concluded that construction noise could constitute a significant noise impact, but that incorporation of **MM NOI-2.1** would reduce the impact to a less than significant level.

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise-sensitive receptors. Construction noise impacts primarily occur when construction activities occur during noise-sensitive times of the day (early

[14] Thill, Michael, Principal, Illingworth & Rodkin, Inc. "RE: Newark Area 4 – Vibration." Email. July 18. 2019.

morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction durations last over extended periods of time. Where noise from construction activities exceeds 60 dBA L_{eq} (equivalent continuous sound level) and exceeds the ambient noise environment by at least five dBA L_{eq} at noise-sensitive uses in the project vicinity for a period greater than one year, the impact would be considered significant.

Typical hourly construction-generated noise levels are approximately 81 dBA L_{eq} to 88 dBA L_{eq} measured at 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). The project site is located over 2,800 feet from the nearest existing residential receptors along Cherry Street and is separated from these receptors by several rows of industrial buildings. Construction noise levels at the nearest Cherry Street residences would be 48 dBA L_{eq} or less, and generally inaudible above existing Cherry Street traffic.

The project site is located at least 1,000 feet from residences that are currently under construction within Area 3. Construction noise levels at the nearest Area 3 residences would be 57 dBA L_{eq} or less.

Pile driving may be used during construction of the Stevenson Boulevard overcrossing, approximately 2,400 feet from the Area 3 residences under construction. The peak noise levels during the sound impulses from pile drivers fall into the range of 95 to 105 dBA at a distance of 50 feet. Like other construction noise, there is a reduction in noise of approximately six dBA for every doubling of the separation distance between the source and the receptor. Therefore, at 2,400 feet, the range of noise from pile driving would be 62 to 72 dBA.

The project would incorporate the noise management practices identified in **MM NOI-2.1** of the *Newark Areas 3 and 4 Specific Plan REIR*. **MM NOI-2.1** requires restricted construction hours, measures to reduce noise from engines and other noise sources, preparation of a construction noise plan, and designation of a disturbance coordinator.

With incorporation of **MM NOI-2.1**, the project would not result in a new or substantially increased significant construction noise impact compared to what was previously identified in the REIR. Impacts remain less than significant with mitigation and within the scope of the impacts disclosed in the REIR.

13e., f. The project site is not located within two miles of an airport or within an airport land use plan area and would not be exposed to excessive noise from aircraft. Intermittent noise from aircraft would not substantially increase ambient noise levels at the project site. The REIR disclosed the same information and reached the same conclusion.

4.13.4 Conclusion

Related to noise and vibration, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.

2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's noise and vibration analysis and consistent with the Specific Plan.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	This checklist question did not exist at the time the REIR was certified (2014)	No	No	No	N/A
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	This checklist question did not exist at the time the REIR was certified (2014)	No	No	No	N/A
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	This checklist question did not exist at the time the REIR was certified (2014)	No	No	No	N/A

4.14.2 Proposed Project

The project proposes to construct up to 469 detached single-family residential units on a 180-acre undeveloped site in southwestern Newark. Based upon the U.S. Census Bureau estimate of 3.29 persons per household in Newark, the project would generate an estimated 1,543 new residents.[15] The *Newark Areas 3 and 4 Specific Plan REIR* allows development of up to 1,260 new units, with an estimated population of 3,427 residents.[16] Of the 1,260 units that the Specific Plan authorized for Areas 3 and 4, 386 have been approved for development in Area 3.

[15] U. S. Census Bureau. *Newark, California: Families & Living Arrangements, Persons Per Household (2012-2016)*. Available at: https://www.census.gov/quickfacts/fact/table/newarkcitycalifornia,US/PST045217.
[16] The *Newark Areas 3 and 4 Specific Plan REIR* utilized the 2006 ABAG ratio of 2.27 persons per household.

4.14.3 Impact Analysis

14a. The project site is within Newark Area 4 and is consistent with the *Newark Areas 3 and 4 Specific Plan REIR*'s development assumptions; the project would not cause the number of residents to exceed projections in the REIR or induce substantial population growth beyond the growth analyzed in the REIR. The project would provide housing for 1,543 new residents. Infrastructure improvements would be limited to the project site, which is located at the western edge of the developable area within the City of Newark and consistent with the infrastructure improvements analyzed in the REIR; therefore, the project would not result in substantial infrastructure improvements that would indirectly result in population growth. The project would not result in substantial population growth not already identified and analyzed in the *Newark Areas 3 and 4 Specific Plan REIR*.

14b-c. The project site is currently undeveloped; therefore, the project would not displace existing housing or residents.

4.14.4 Conclusion

Related to population and housing, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's analysis and consistent with the Specific Plan.

4.15 PUBLIC SERVICES

4.15.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Fire protection?	Areas 3 & 4 REIR (2014) p. 299	No	No	No	N/A
b. Police protection?	Areas 3 & 4 REIR (2014) p. 299	No	No	No	N/A
c. Schools?	Areas 3 & 4 REIR (2014) p. 300	No	No	No	N/A
d. Parks?	Areas 3 & 4 REIR (2014) p. 301	No	No	No	N/A
e. Other public facilities?	Areas 3 & 4 REIR (2014) p. 301	No	No	No	N/A

4.15.2 Impact Analysis

Consistent with the REIR, development of the proposed project would incrementally increase the use of public facilities.

15a. The project site is located 0.8 to 1.5 miles from the closest fire station. The project proposes to construct a combined emergency vehicle access and pedestrian/bicycle trail, with northerly EVA access to the site at Mowry Avenue.

Based upon the short distance and the proposed emergency vehicle access, it is expected that Alameda County Fire Department (ACFD) emergency response would be able to meet the response time goal of five minutes. As disclosed in the REIR, buildout of the Specific Plan would increase the

ACFD's service population, requiring additional staffing and equipment; however, it would not require construction or expansion of facilities.

The project, together with the homes approved for Area 3, would result in approximately 32 percent fewer homes than anticipated for buildout of the Specific Plan.[17] ACFD has confirmed that it has capacity to serve the proposed project.[18] Therefore, the project would not increase ACFD's service population as much as anticipated and fewer additional staff members and equipment would be needed to serve Areas 3 and 4. Accordingly, the impacts of the project are less than and within the scope of the impacts disclosed in the REIR.

15b. Police protection services are provided to the project site by the Newark Police Department. As disclosed in the REIR, buildout of the Specific Plan would increase the Newark Police Department's service population, requiring additional staffing and equipment; however, it would not require construction or expansion of facilities. Police officers patrolling the project area would continue to be dispatched from police headquarters, located at 37101 Newark Boulevard.

The project, together with the homes approved for Area 3, would result in approximately 32 percent fewer homes than anticipated for buildout of the Specific Plan. Therefore, the project would not increase the Newark Police Department's service population as much as anticipated and fewer additional staff members and equipment would be needed to serve Areas 3 and 4. The Newark Police Department has confirmed that it has capacity to serve the proposed project.[19] Accordingly, the impacts of the project are less than and within the scope of the impacts disclosed in the REIR.

15c. The project site is located within the Newark Unified School District (NUSD), which consists of seven elementary schools, one junior high school, and two high schools. Students residing within the project area would likely attend Birch Grove Primary School (grades K-2, located at 6071 Smith Avenue), Birch Grove Intermediate School (grades 3-6, located at 37490 Birch Street, Newark Junior High (grades 7-8, located at 6201 Lafayette Avenue), and Newark Memorial High (grades 9-12, located at 39375 Cedar Boulevard).

The proposed project would construct up to 469 residential units. Based on the NUSD's generation rate of 0.439 student per residential unit (0.175 grades K-6, 0.056 grades 7-8, and 0.207 grades 9-12), the project would generate 205 new students: 82 in grades K-6, 26 in grades 7-8, and 97 in grades 9-12. In the fall of 2016, NUSD elementary schools had an enrollment of 2,890 and capacity for 4,525 students; Newark Junior High had an enrollment of 839 and capacity for 1,431 students; and Newark Memorial High had an enrollment of 1,721 and capacity for 2,970 students.[20]

According to NUSD's *Student Population Projections by Residence*, the district is expected to have capacity for its school population through 2023. These projections include students from the 1,260

[17] The project proposes 469 homes in Area 4 and 386 homes were approved for Area 3, for a total of 855 homes – approximately 68 percent of the 1,260 homes approved by the Areas 3 and 4 Specific Plan and evaluated in the certified REIR.
[18] Lee, Andrew H., Deputy Fire Marshal, Alameda County Fire Department. "Re: Will Serve Location: Sanctuary West – Area 4." Letter. August 16, 2019.
[19] Carroll, Mike, Chief of Police, Newark Police Department. "Re: Police Department Assessment – Area 4 – Sanctuary West Residential Project, Newark." Letter. July 11, 2019.
[20] Newark Unified School District. *Student Population Projections by Residence, School Years 2016-2023*. August 7, 2017.

residences permitted by the Specific Plan. In addition, development of a new NUSD elementary school in Area 3 was included in the *Newark Areas 3 and 4 Specific Plan* and the impacts of school construction were analyzed in the REIR at a program level. Once in operation, the school will result in increased capacity for K-6 NUSD students. The project, in addition to the homes approved for Area 3, would result in approximately 32 percent fewer residences than permitted by the Specific Plan, and therefore would generate fewer students than anticipated by the Specific Plan and the REIR.

In adherence to California Government Code Section 65996, the project applicant would pay school impact fees to the Newark Unified School District to offset the increased demands on school facilities caused by the project. With adherence to California Government Code Section 65996, the project would have a less than significant impact on school facilities.

15d-e. The City of Newark has adopted a standard for planning purposes of three acres of parks per 1,000 residents. The City operates and maintains 131 acres of parks and recreational facilities, including eight neighborhood parks, three community parks, and two special use parks. The City also operates the Silliman Activity and Family Aquatic Center, Newark Community Park community center, and Newark Senior Center.

According to the General Plan, there were 3.11 acres of parkland per 1,000 residents in 2010, meeting the City's standard. In addition, development of a neighborhood park, to be co-located with the Area 3 elementary school, was included in the *Newark Areas 3 and 4 Specific Plan*. The park, once completed, will serve new residents and remedy a park access deficiency for existing residents north of Cherry Street.

The City of Newark has an adopted Parkland Dedication Ordinance, in accordance with the Quimby act and AB 1600, which requires that new residential development either dedicate sufficient space to serve new residents, or pay fees calculated to offset the increased costs of providing new park facilities for new development.

Consistent with the *Newark Areas 3 and 4 Specific Plan*, the proposed development would increase the use of and demand for park facilities in the Specific Plan area, but by less than studied in the REIR. The project would include public and private open space and park areas, including play areas and paved trails, which would reduce the resident use of existing parks in the area. The project proposes three park areas and four boardwalk overlooks throughout the site, with a combined park area of 4.70 acres, resulting in 3.05 park acres per 1,000 residents.[21] Therefore, the project would meet the City's Parkland Dedication Ordinance requirements. New trees and landscaping would be installed in public spaces and along the proposed streets. Consistent with the information in the REIR, the project's impacts would be less than significant and within the scope of the impacts disclosed in the REIR.

4.15.3 Conclusion

Related to public services, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

[21] Based upon an estimated population of 1,543 people.

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's public services analysis and consistent with the Specific Plan.

4.16 RECREATION

4.16.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Areas 3 & 4 REIR (2014) p. 301	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) p. 301	No	No	No	N/A

4.16.2 Impact Analysis

16a. The proposed residential development would include open space areas which would reduce the residents' use of existing parks in the area. The project proposes three park areas and four boardwalk overlooks throughout the site, with a combined park area of 4.70 acres. New trees and landscaping would be installed on the park sites and on the street frontages.

The project would comply with the City of Newark's Parkland Dedication Ordinance, which requires that new residential development either dedicate sufficient space to serve new residents, or pay fees calculated to offset the increased costs of providing new park facilities for new development.

The proposed development of up to 469 residential units would generate an estimated 1,543 new residents. The project's residents would increase the use of and demand for park facilities in the area. With the proposed 4.70 acres of park area, however, the project would provide 3.05 acres of park per 1,000 residents, which exceeds the City's requirements. The provision of ample park area on the project site is anticipated to prevent substantial deterioration of existing City parks through overuse by project residents. Consistent with the conclusions of the REIR, the project would not increase the

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

16b. As discussed in the REIR, the project includes recreational facilities. The REIR included analysis of the impacts of the construction of those facilities. The project proposes more open space and fewer recreational facilities than studied in the REIR. The impacts from construction of the project's recreational facilities are within the scope of the impacts disclosed in the REIR.

Given that the proposed project is consistent is consistent with the Specific Plan and with the conclusions of the REIR, and the project would meet the City's Parkland Dedication Ordinance standards, implementation of the project would not require expansion of existing recreational facilities nor would the project require the construction of new facilities beyond what is planned in the General Plan and Specific Plan. The project would, therefore, not result in any new or more substantial environmental impacts from the construction or expansion of recreational facilities than disclosed in the REIR, and impacts would be within the scope of those studies in the REIR.

4.16.3 Conclusion

Related to recreation, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's recreation analysis and consistent with the Specific Plan.

4.17 TRANSPORTATION/TRAFFIC

4.17.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Areas 3 & 4 REIR (2014) pp. 87-93	No	No	No	Yes
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?	Areas 3 & 4 REIR (2014) pp. 93-98	No	No	No	N/A

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?	Areas 3 & 4 REIR (2014) p. 102	No	No	No	N/A
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Areas 3 & 4 REIR (2014) p. 100-101	No	No	No	N/A
e. Result in inadequate emergency access?	Areas 3 & 4 REIR (2014) p. 299	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) p. 98-99	No	No	No	N/A

The discussion in this section is based on the *Newark Area 4 Level of Service Update* prepared by *Hexagon Transportation Consultants* on June 14, 2019. This report is attached to this checklist as Appendix J.

The *Newark Area 4 Level of Service Update* was prepared to provide current intersection level of service (LOS) results, based upon updated traffic counts, and determine if the project would result in new or substantially more severe traffic impacts, if the project would require new mitigation, or if there are new circumstances not previously disclosed in the *Newark Areas 3 and 4 Specific Plan REIR*.

4.17.2 Impact Analysis

17a. The REIR considered the impacts of constructing 1,260 single-family residences, parks, a school, and a golf course across Areas 3 and 4. Even though the Specific Plan permits single-family and multi-family residences and allows a residential capacity of 1,260 units to be constructed anywhere within Areas 3 and 4, to be conservative, the traffic analysis for the REIR assumed that all of the residential construction would be single-family homes. The REIR traffic analysis also assumed that there would be 760 residences in Area 3 and 500 residences in Area 4. Since completion of the

REIR, Area 3 received approvals for and is under development with 386 residences, approximately three acres of parks, and a school. Also since completion of the REIR, the proposed Area 4 development has changed from buildout of the Specific Plan residential capacity (874 units) and a 140-acre golf course to 469 single-family residences and no golf course.

Proposed Project Trip Generation

The *Newark Areas 3 and 4 Specific Plan REIR* determined that Area 4 development with 500 residences and a golf course would generate an estimated 5,491 trips per day, with 405 trips occurring during the AM peak hour and 547 trips occurring during the PM peak hour. The proposed, updated project would generate an estimated 4,487 trips per day, with 348 trips occurring during the AM peak hour and 467 trips occurring during the PM peak hour.[22] As shown in Table 4.17-1, the proposed project would result in fewer vehicle trips than estimated under the REIR.

Table 4.17-1: Trip Generation

	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
REIR Area 4 Development	116	289	405	332	215	547
Proposed Area 4 Project	87	261	348	294	173	467
Difference	*-29*	*-28*	*-57*	*-38*	*-42*	*-80*

Project Traffic Impacts

The effects of the proposed project traffic were analyzed at 21 study intersections in the project area, using updated traffic intersection counts to accurately represent existing conditions. Project traffic was distributed to the street system and added to the existing volumes to evaluate existing plus project conditions. Intersection LOS was also evaluated for background plus project conditions, with background conditions reflecting an updated list of approved, but not occupied, projects in Fremont and Newark, including the Area 3 residential development under construction. Lastly, cumulative plus project conditions were evaluated with cumulative (no project) traffic volumes from the Newark General Plan EIR Year 2035 traffic forecasts.

In both the City of Newark and the City of Fremont, the level of service standard for signalized intersections is LOS D. For some intersections in the City of Fremont, there is an exception to this standard; however, these intersections would not be significantly impacted by the project. The intersections of Interstate 880 northbound off-ramp/Stevenson Boulevard and Grimmer Boulevard/Auto Mall Parkway have a level of service standard of LOS E.

Traffic impacts were analyzed for the AM and PM peak hours of commute traffic. The results of the updated traffic analysis show that one signalized intersection would operate below the City's LOS D standard with the addition of project traffic under cumulative conditions:

- Cherry Street-Boyce Road/Stevenson Boulevard: Under cumulative no project conditions, the intersection would operate at LOS E during the PM peak hour. The addition of project traffic would cause the average control delay for the intersection to increase by more than 4 seconds

[22] The *Newark Area 4 Level of Service Update* analyzed the traffic impacts of 490 single-family residences, a more conservative estimate than the proposed 469 residences.

in the PM peak hour. This would result in a significant adverse impact according to the City of Newark level of service standards.

The same cumulative impact was discussed in the *Newark Areas 3 and 4 Specific Plan REIR* as **Impact C-TRAN-2**. The REIR identified mitigation measure **MM C-TRAN-2**, which required the project to pay a fair share monetary contribution toward intersection realignment, including the addition of a through lane on the northbound approach of Cherry Street. This improvement has been identified in the City's General Plan as a Transportation Impact Fee improvement. There is sufficient roadway right-of-way on Cherry Street-Boyce Road for this improvement. The northbound approach (e.g., south leg) of the intersection is located in Fremont. North of Stevenson Boulevard, Cherry Street would need to be re-striped for approximately 800 feet. These mitigation measures would return the intersection to LOS D (its LOS standard) with a delay of 49.8 seconds during the PM peak hour. Because this impact would occur under year 2035 cumulative conditions, but not under background plus project conditions, the project would be responsible for a "fair share" monetary contribution toward the improvement, which could be accomplished by participation in the City's transportation impact fee program.

As described above, the proposed Area 4 project would contribute to significant cumulative impact **C-TRAN-2**. In compliance with **MM C-TRAN-2**, the project would pay a fair share monetary contribution toward the improvement of the Cherry Street-Boyce Road/Stevenson Boulevard intersection. With implementation of **MM C-TRAN-2**, the intersection improvements would return the intersection to LOS D, meeting the City's standard. The project would not result in new or substantially more significant transportation impacts than were previously identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

17b. The *Newark Area 4 Level of Service Update* evaluated project impacts to freeway and Metropolitan Transportation System (MTS) roadway segments using the methods prescribed by the Alameda County Congestion Management Agency (CMA). Consistent with prior traffic impact analyses in the City of Newark, a project would cause a significant impact to roadway operations if the addition of project traffic: 1) causes a roadway segment to degrade to LOS F, or 2) increases the volume-to-capacity ratio (v/c) by 0.030 or more for a roadway segment that is operating at LOS F without the project.

Based on the City's impact criteria, the proposed project would not create any significant impacts on freeway or MTS roadway segments (see Appendix J). Although some freeway segments would operate at LOS F, the project would not increase any v/c ratio by 0.030 or more. The addition of the proposed project would result in lower traffic volumes on some roadway segments, because the project would add residential uses near a large industrial area. The project would not result in new or significantly more severe impacts to freeways or MTS roadway segments than were identified in the REIR. The project's consistency with applicable congestion management plans is within the scope of the REIR's analysis and conclusions of this issue.

17c. The project site is not located adjacent to or in the vicinity of any airports, where aircraft would be operating at low altitudes. The closest airports to the site are the Palo Alto Airport and Moffett Field, both of which are over seven miles from the site. Consistent with the *Newark Areas 3 and 4 Specific Plan REIR*, the proposed project would not result in a change in air traffic patterns.

17d. The REIR noted that the Specific Plan requires the following measures applicable to Area 4 to ensure there are not design hazards:

- The public street system shall meet all City of Newark standards for rights-of-way and roadway widths. If bulb-outs are considered at intersections, a detailed analysis using truck turning templates shall be completed.

- Street intersections shall be free and clear of any obstructions to optimize sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on Cherry Street and Stevenson Boulevard. Landscaping and parking shall not conflict with a driver's ability to locate a gap in traffic. Adequate corner sight distance (sight distance triangles) shall be provided at all intersections and site driveways in accordance with City of Newark standards.

- Based on the traffic volumes entering and exiting Area 4, a left turn pocket, that would accommodate U-turns, will be provided as a part of the Specific Plan, where the new main roadway intersects with the first east/west residential roadway. This is due to the fact that a number of vehicles may attempt this movement to access the southern portion of the project site because it is quicker than circulating through the various neighborhood streets.

The project would comply with the above-listed Specific Plan requirements. Consistent with the Specific Plan and REIR, vehicular access to the project site would be provided via an extension of Stevenson Boulevard into the project site. The Stevenson Boulevard extension would also require the modification of two PG&E towers and electric transmission lines to provide sufficient clearance. The tower modifications would be sized to provide adequate clearance for all vehicles traveling over the new bridge.

Final site circulation plans will be reviewed by the City traffic engineer to ensure that there are no hazardous design features. In addition, the project does not propose uses incompatible with existing conditions, such as a use that requires slow-moving vehicles (farm equipment) to use roads also used by regular vehicles and trucks that can travel at speed. The proposed project would not result in a new or substantially more significant impact related to vehicular design hazards than identified in the *Newark Areas 3 and 4 Specific Plan REIR* and is within the scope of the REIR analysis.

17e. As stated in the REIR, vehicular access to the site would be provided via the proposed Stevenson Boulevard extension and overcrossing of the UPRR tracks into the site. In addition, emergency vehicle access for police and fire service would be provided via a combined EVA/multi-use trail across Area 4 Sub-Area D just west of the UPRR tracks. Consistent with the depiction in Figure 2.4-3 of the REIR, the access roadway would be 20 feet wide, and would be locked and gated at Mowry Avenue to allow only emergency vehicles. The project is consistent with the Specific Plan, and impacts related to emergency access would be within the scope of those analyzed in the REIR. The project also would not interfere with emergency vehicle access to other existing development due to its location at the western edge of developable area in Newark.

The project would not result in new or substantially more severe impacts to emergency vehicle access than were identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

17f. The City's General Plan policies regarding bicycles and pedestrians that are applicable to the project include:

Policy T-2.1: Promoting Bicycling and Walking. Promote bicycling and walking as viable modes of transportation for everyday trips as well as for recreation.

Policy T-2.2: Pedestrian Facilities. Develop curbs, gutters, and sidewalks on all Newark streets to encourage safe, convenient pedestrian travel. Where appropriate, include marked crosswalks at intersections to facilitate safe pedestrian movement across City streets.

Policy T-2.3: Bicycle Network. Maintain and expand an interconnected network of bicycle routes, paths, and trails, serving the City's neighborhoods, shopping districts, workplaces, and park and open space areas. The existing bicycle network should be expanded to provide connections to developing areas, including the Dumbarton Transit Oriented Development (TOD), the Southwest Residential and Recreational Project, Old Town Newark, and the New Park Mall vicinity.

Policy T-2.6: Pedestrian and Bicycle Provisions within New Development. Ensure safe and convenient pedestrian and bicycle access to and through new public and private developments. The City will use the development review process to ensure – and where appropriate require – provisions for pedestrians and bicycles in new development areas.

Policy T-2.9: Recreational Trails. Develop and maintain trails in parks and open space areas, and between Newark neighborhoods and the City's open spaces.

Policy T-2.10: Railroad Crossings. Ensure that any future grade separated railroad crossings include sidewalks and designated lanes for bicycles.

Policy T-2.12: Trails Along Railroads and Utilities. Consider the use of railroad, flood control, and utility rights of way for jogging, biking, and walking trails, provided that safety and operational issues can be fully addressed. Such trails may be considered where the right-of-way is sufficiently wide to address safety considerations, and where a trail project would not interfere with railroad, flood control, or utility operations.

The proposed project includes construction of sidewalks along public and private streets, and construction of a combined EVA roadway and multi-use trail along the UPRR tracks. In addition, bicycle and pedestrian trails would be constructed in the 4.70 acres of parks proposed by the project. The project would be consistent with the above General Plan policies.

The project is expected to generate new bicycling and walking trips throughout the day. Consistent with City standards, the proposed project would include Americans with Disabilities Act (ADA)-compliant sidewalks, wheelchair ramps, and street lighting along the project streets. Pedestrian traffic would be primarily generated by project residents walking to and from local schools, parks, transit stops, and retail centers, and the proposed pedestrian facilities would be adequate to meet project demand and provide safe passage for pedestrians through the project site and into other areas.

The project area is served by existing bike lanes provided on Cherry Street-Boyce Road and Stevenson Boulevard. In addition, the proposed Stevenson Boulevard extension and overcrossing would include bike lanes. Although the streets within the project site would not contain bike lanes, the traffic volumes and vehicle speeds would be sufficiently low to allow shared use of the roadway between bicycles and motor vehicles.

Implementation of the proposed project would increase the number of potential transit users on existing Alameda County Transit bus routes. As discussed in the *Newark Areas 3 and 4 Specific Plan REIR*, the new riders generated by the project would be accommodated by existing transit facilities. The project would not disrupt existing transit services or require improvements to existing facilities. The project's impacts are thus within the scope of the impacts disclosed in the REIR.

4.17.3 Conclusion

Related to transportation and traffic, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's transportation and traffic analysis and consistent with the Specific Plan.

4.18 UTILITIES AND SERVICE SYSTEMS

4.18.1 Environmental Checklist

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Areas 3 & 4 REIR (2014) p. 314	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) pp. 315-316	No	No	No	N/A
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?	Areas 3 & 4 REIR (2014) pp. 316-317	No	No	No	N/A
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Areas 3 & 4 REIR (2014) p. 305-314	No	No	No	NA

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?	Areas 3 & 4 REIR (2014) pp. 315-316	No	No	No	N/A
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Areas 3 & 4 REIR (2014) p. 317	No	No	No	N/A
g. Comply with federal, state, and local statutes and regulations related to solid waste?	Areas 3 & 4 REIR (2014) p. 317	No	No	No	N/A

4.18.2 Impact Analysis

18a. Wastewater from the project site would be treated at the Union Sanitary District in accordance with their existing NPDES permit and waste discharge requirements (WDRs). The proposed project implements the previously approved Newark Areas 3 and 4 Specific Plan. The wastewater generated by construction of the Specific Plan was included in the USD's wastewater projections and, consistent with the *Newark Areas 3 and 4 Specific Plan REIR*, wastewater generated by the project would not exceed wastewater treatment requirements of the RWQCB. The USD has confirmed that it has capacity to treat wastewater from the project site.[23] Project wastewater would comply with the USD's existing NPDES permit and WDRs; therefore, the proposed project would not violate any RWQCB waste discharge or treatment requirements.

18b, e. As discussed in the REIR, the USD Alvarado Treatment Plant has sufficient capacity to serve the development permitted by the Specific Plan. The REIR concluded that because the Alvarado Treatment Plant had sufficient capacity to serve the development permitted under the Specific Plan, the Specific Plan would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, and impacts would be less than significant. However, the EIR found that the existing Cherry Street pump station, which was built as a temporary facility, was determined in the REIR to not have capacity for the increased discharge resulting from Specific Plan development. The REIR analyzed the impacts of construction of a new pump station within Area 4.

[23] Schurman, Rod R., P.E., Union Sanitary District. "Response to Will Serve Request, Proposed Residential Development, Tract 8495, Sanctuary West, Stevenson Boulevard, Newark, CA." Letter. July 22, 2019.

The project applicant is continuing to work with the USD to design a new pump station to replace the existing Cherry Street pump station, as discussed in the REIR. Flows currently draining into the Cherry Street pump station would be diverted to the new pump station, located either on a USD-owned property east of the UPRR tracks or within Area 4. This new pump station would be owned and operated by the USD. The project includes a new 10-inch sewer main connection that would be installed east of the railroad tracks and would be constructed beneath the UPRR right-of-way, north of Stevenson Boulevard. With these improvements, the project site would be adequately served by wastewater facilities. The project would not result in any new impact or substantially more significant impact than previously identified in the *Newark Areas 3 and 4 Specific Plan REIR* regarding wastewater facilities. The USD Alvarado Treatment Plant still has sufficient capacity to serve the project and no new wastewater treatment facilities are required to serve the project, consistent with the REIR.

18c. The REIR found that Area 3 and Area 4 storm drain systems would be designed to be compliant with local and state stormwater treatment guidelines prior to discharge to a public system or wetland and, therefore, no adverse impact would be created by polluted runoff into a public stormwater system or surrounding natural habitat. According to the REIR, any impacts associated with the construction of the new underground storm drain lines to outfalls within Areas 3 and 4 were analyzed and mitigated by **MM BIO-2.1**. Therefore, the Specific Plan project would not require or result in the expansion of existing facilities that could cause significant environmental effects that could not be mitigated to a less than significant level.

Consistent with the Specific Plan and **MM BIO-2.1**, residential development within Area 4 is designed to drain via new underground storm drain lines to approximately 21 outfall locations along the perimeter of the development envelope, where the 21 outfalls would discharge into bioretention areas that would be constructed for treatment. Runoff would then discharge via natural drainage courses to the existing drainage pump and Mowry Slough. Residential development would be elevated to 15 feet, creating a significant grade differential for gravity systems.

The storm drain system would be designed to be compliant with local and state stormwater treatment guidelines prior to discharge to a public system or wetland, and would not result in a new or substantially more significant impact related to stormwater than identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

18d. The Alameda County Water district prepared and the Board approved a WSA for the *Newark Areas 3 and 4 Specific Plan REIR* that indicated sufficient supplies exist to meet the District's projected demands, together with the Specific Plan's overall demands, under normal year conditions. During critically dry or multiple dry years, the ACWD service may be facing water supply shortages. Because the Areas 3 and 4 Specific Plan's water demands are already factored into the ACWD 2015-2020 UWMP, the proposed project would not result in increased shortages beyond those which are already factored into ACWD's planning under current and foreseeable conditions.

Due to the uncertainties related to climate change and reliability of ACWD's State Water Project allocations, the ACWD is faced with the potential for long-term reduction in supply. The current project's timeline has a buildout period of approximately five years, which could conceivably be extended. This only increases the exposure to uncertainties in water supply. For these reasons, the ACWD's final determination of the water supply sufficiency is based on the inclusion of water

efficiency measures as conditions of approval in the Areas 3 and 4 Specific Plan. These measures are described in the project description of this checklist (Section 3.2.5.1).

The WSA, including its conclusions regarding available water supply, was determined to be valid for the proposed project, which proposes approximately 32 percent fewer homes than permitted by the Specific Plan.[24] Consistent with the Specific Plan and the REIR, the project includes water efficiency measures recommended by the ACWD, such as high efficiency appliances and fixtures. The project would not result in a new or substantially more severe impact to water supplies than identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

18f, g. The REIR found that the Specific Plan would result in approximately 596 tons of solid waste per year, with approximately 32 tons per year attributable to the golf course. The project would result in less waste than discussed in the REIR because it contains 32 percent fewer residences than allowed by the Specific Plan and no longer includes the golf course.

As noted in the REIR, the project would comply with all federal, state, and local statutes and regulations related to solid waste. The proposed project would be required to comply with the state-mandated 50 percent waste diversion, California Green Building Standards Code, Alameda County Integrated Waste Management Plan (IWMP), and City of Newark Climate Action Plan.

Republic Services (operating as Allied Waste of Alameda County) has an agreement with the City of Newark to provide collection and processing of recyclable materials, organics, construction and demolition debris, and garbage collection from all residential and commercial generators in the City. Solid waste collected by Republic Services is taken to the Altamont Landfill in Livermore. Altamont Landfill opened in 1980 and has approximately 50 years of remaining capacity.[25]

The proposed project is consistent with the Specific Plan and would not result in a new or substantially more significant solid waste impact compared to what was identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

4.18.3 Conclusion

Related to utilities and service systems, none of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible

[24] Shaver, Robert, General Manager, Alameda County Water District. "Review and Confirmation of Water Supply Assessment for Newark Area 4, Sanctuary West Residential Project." Letter. July 31, 2019.
[25] City of Newark. *Long-Range Recycling Plan*. March 2018.

would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's utilities and service systems analysis and consistent with the Specific Plan.

4.19 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issue Area	A. Where Impact Was Analyzed in Prior Environmental Documents.	B. Do Proposed Changes Involve New Significant Impacts or Substantially More Severe Impacts?	C. Any New Circumstances Involving New Significant Impacts or Substantially More Severe Impacts?	D. Any New Information of Substantial Importance Requiring New Analysis or Verification?	E. Prior Environmental Documents Mitigations Implemented or Mitigations Address Impacts.
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 an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory?	Areas 3 & 4 REIR (2014) pp. 1-388	No	No	No	Yes
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	Areas 3 & 4 REIR (2014) pp. 1-388	No	No	No	Yes

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	Areas 3 & 4 REIR (2014) pp. 1-388	No	No	No	Yes

4.19.1 Project Impacts

Biological resources and cultural resources are discussed in *Section 4.4, Biological Resources* and *Section 4.5, Cultural Resources* of this checklist. With implementation of mitigation measures (**MM BIO-2.1** through **MM BIO-15.3**), the project would result in a less than significant impact to sensitive habitats or species. With implementation of mitigation measures (**MM CUL-1.1** through **MM CUL-2.4**), the project would result in a less than significant impact on historic and paleontological resources, and the same significant unavoidable impact to archaeological resources through the placement of fill and soil compression as identified in the REIR. The project would not result in a new or substantially more significant impact than identified in the *Newark Areas 3 and 4 Specific Plan REIR*.

4.19.2 Cumulative Impacts

The potentially cumulatively considerable impacts are discussed below. Refer also to the individual sections of this checklist, above.

Cumulative Aesthetics Impacts: As stated in the REIR, the Specific Plan included introduction of single-family detached buildings, an elementary school, golf course, roadway network, railroad overcrossing bridge, parks, and landscaping onto a site that currently consists of undeveloped open space. The REIR concluded that the new buildings would create a substantial change in the visual character of the site. The REIR also listed other projects, such as the Dumbarton TOD Specific Plan, that would do the same, and thus concluded that the Specific Plan would result in a cumulatively considerable contribution to significant cumulative aesthetic impacts and that the impacts were significant and unavoidable.

Consistent with the approved Specific Plan and information in the REIR, the project would convert open space to a developed environment. Adverse aesthetic effects would be lessened by the incorporation of parks and open space, use of aesthetically-pleasing architectural features, and installation of landscaping. However, combined visual impacts from cumulative development projects cannot be reduced to a less than cumulatively considerable level by these measures. Although the project proposes fewer new residences than permitted by the Specific Plan and does not include a golf course, the new buildings would create a substantial change in the visual character of the site and make a cumulatively considerable contribution to significant cumulative impacts to visual resources, resulting in the significant and unavoidable cumulative impact, **Impact C-VIS-6**, identified in the REIR. The project would not result in new or substantially more significant cumulative aesthetic impacts than disclosed in the REIR.

Cumulative Agricultural and Forestry Resources Impacts: Consistent with the information in the REIR, the project site is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide

Importance, and is not under Williamson Act contract. The REIR concluded that the Specific Plan would not result in project level or cumulatively significant agricultural and forestry resources impact. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project, like the REIR, would not result in a cumulatively considerable contribution to significant cumulative agricultural and forestry resources impacts.

Cumulative Air Quality Impacts: The REIR concluded that implementation of the Specific Plan would result in a significant and unavoidable cumulative impact on air quality, **Impact C-AIR-3**. As discussed in *Section 4.3, Air Quality*, the project is smaller than permitted by the Specific Plan, and the project's operational emissions would not exceed BAAQMD's significance thresholds. Therefore, the project would not make a cumulatively considerable contribution to **Impact C-AIR-3**. The project would not result in new or substantially more significant cumulative air quality impacts than disclosed in the REIR.

Cumulative Biological Resources Impacts: Consistent with the REIR, mitigated biological impacts would contribute to cumulatively significant impacts in the region. In particular, the cumulative losses of seasonal wetland habitat around the South Bay are significant. The mitigation measures prescribed for these impacts, however, would adequately mitigate the project's contribution to be less than cumulatively considerable.

Project impacts to wildlife movement; ruderal, developed, and coastal scrub habitats and associated species; and habitat for certain breeding and non-breeding species would be minimal and would not contribute to regional, cumulative impacts. As stated in the REIR, the Specific Plan would not make a cumulatively considerable contribution to significant cumulative impacts. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. The project would have a 43 percent smaller development area than evaluated in the REIR and would not directly impact wetlands. Therefore, the project would not make a new or substantially more significant contribution to significant cumulative biological impacts than disclosed in the REIR.

Cumulative Cultural Resources Impacts: The REIR concluded that there are prehistoric sites recorded on and adjacent to the Specific Plan area. Area 4 is considered to have a high potential for buried archaeological resources, which would be impacted through the placement of fill and soil compression.

The entire Bay land area has a potential for containing subsurface prehistoric and historic archaeological resources, particularly near former and existing waterways. Cumulative projects would be required to include the City's standard mitigation measures for reporting and evaluating cultural resources, and reporting and evaluation requirements would be in accordance with current archaeological standards. As stated in the REIR, the Specific Plan would not result in a cumulatively significant impact to archaeological resources. There have been no changes to the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. The project would have a 43 percent smaller development area and a potentially similar reduction in impact from placement of fill. Therefore, the project would not make a new or substantially more significant contribution to significant cumulative cultural impacts than disclosed in the REIR.

Cumulative Energy Impacts: As stated in the REIR, Specific Plan development would be designed in accordance with Title 24 California's Energy Efficiency Standards for Residential and Non-Residential Buildings, and therefore would not result in the inefficient unnecessary or wasteful consumption of energy. Other planned and approved projects would also be required to comply with Title 24. The proposed project, consistent with the REIR, would not result in a new or substantially more significant cumulative energy impact.

Cumulative Geology and Soils Impacts: The REIR did not identify any significant cumulative impacts related to geology and soils. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant geology and soils impacts than disclosed in the REIR.

Cumulative Greenhouse Gas Emissions Impacts: The analysis of greenhouse gas emissions and global climate change is cumulative by nature. The REIR did not identify any significant cumulative impacts related to greenhouse gas emissions. The *Newark Areas 3 and 4 Specific Plan REIR* concluded that Specific Plan development would result in GHG emissions of 3.9 MT CO_2e/year/service population, below the mid-term 2020 target under SB 32. The REIR also identified avoidance measures **AM-C-GCC-4.1** and **AM-C-GCC-4.2** to further reduce GHG emissions. The project is estimated to generate 3.3 MT CO_2e/year/service population during operation, below the 2025 target. The project would result in less GHG emissions per service population than described in the REIR and, therefore, would not result in a new or substantially more significant contribution to climate change impacts than disclosed in the REIR.

Cumulative Hazards and Hazardous Materials Impacts: The REIR did not identify any significant cumulative impacts related to hazards and hazardous materials. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant hazards and hazardous materials impacts than disclosed in the REIR.

Cumulative Hydrology and Water Quality Impacts: The REIR found that Area 4 is a closed hydrologic system and outfalls directly to the San Francisco Bay, and that future projects would not create a cumulative flooding impact since tidal influences rule. The REIR concluded that as long as any project complies with City, state, and federal regulations regarding water quality within existing land use designations, there would be no cumulative water quality impact on Mowry Slough or the San Francisco Bay. The REIR also assumed that other development projects in the area would implement similar stormwater quality and drainage mitigation that would reduce potential impacts to downstream waterways to a less than significant level, and thus concluded that the Specific Plan project, in conjunction with other planned and approved projects, would not have a cumulatively considerable impact on hydrology and water quality.

Due to tidal influences, the project would not contribute to a cumulative flooding impact. The project would comply with City, state, and federal regulations regarding water quality within existing land use designations and would not make a cumulatively considerable contribution to significant cumulative water quality impacts on Mowry Slough or the San Francisco Bay. Thus, the project

would not make a new or substantially more significant contribution to significant cumulative impacts than disclosed in the REIR.

Cumulative Land Use and Planning Impacts: Area 4 is designated by the City of Newark General Plan as *Low Density Residential*. The 1992 General Plan assumed 2,700 residential units for Area 4, which is well above the project's proposed 469 residential units. As discussed in *Section 4.11, Land Use*, the project would be consistent with the development assumptions and policies of the Specific Plan.

The REIR did not identify any significant cumulative impacts related to land use and planning. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant land use and planning impacts than disclosed in the REIR.

Cumulative Mineral Resources Impacts: The REIR did not identify any significant cumulative impacts related to mineral resources. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant mineral resources impacts than disclosed in the REIR.

Cumulative Noise Impacts: The REIR found that the Specific Plan project would make a cumulatively considerable contribution to significant cumulative traffic noise along Stevenson Boulevard between Cherry Street and Cedar Boulevard. To reduce this impact, the REIR required **MM C-NOI-5**, but concluded that even with this mitigation measure, impacts would remain cumulatively considerable.

Implementation of the project would result in a significant cumulative traffic noise impact if existing sensitive receptors would be exposed to cumulative traffic noise level increases greater than three dBA L_{dn} above existing traffic noise levels and if the project would make a cumulatively considerable contribution to the overall traffic noise level increase. A cumulatively considerable contribution would be defined as an increase of one dBA L_{dn} or more attributable solely to the proposed project.

Traffic noise levels are anticipated to increase by three dBA L_{dn} under cumulative plus project conditions along Cherry Street between Stevenson Boulevard and Mowry Avenue and by up to four dBA L_{dn} along Stevenson Boulevard, west and east of Cherry Street. Less than one dBA (0.1 to 0.3 dBA) of the traffic noise increase can be attributed to the project along Cherry Street between Stevenson Boulevard and Mowry Avenue and along Stevenson Boulevard between Cherry Street and Cedar Boulevard. Therefore, the project would make a less than cumulatively considerable contribution to cumulative traffic noise impacts at existing receivers along Cherry Street and Stevenson Boulevard, and **MM C-NOI-5** is not required for the project. The project would not result in a new or substantially more significant cumulative noise impact than identified in the REIR.

Cumulative Population and Housing Impacts: The REIR did not identify any significant cumulative impacts related to population and housing. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that

would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant population and housing impacts than disclosed in the REIR.

Cumulative Public Services Impacts: The REIR did not identify any significant cumulative impacts related to public services. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant public services impacts than disclosed in the REIR.

Cumulative Recreation Impacts: The REIR did not identify any significant cumulative impacts related to recreation. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant recreation impacts than disclosed in the REIR.

Cumulative Transportation/Traffic Impacts: As described in *Section 4.17, Transportation/Traffic* of this checklist, the proposed project would contribute to significant impact **C-TRAN-2**. In compliance with **MM C-TRAN-2**, the project would pay a fair share monetary contribution toward the improvement of the Cherry Street-Boyce Road/Stevenson Boulevard intersection. With implementation of **MM C-TRAN-2**, the intersection would meet the City's standard, and the project would not result in new or substantially more significant cumulative transportation impacts than were identified in the *Newark Areas 3 and 4 Specific Plan REIR.*

Cumulative Tribal Cultural Resources Impacts: The REIR did not identify any significant project or cumulative impacts related to tribal cultural resources. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant tribal cultural resources impacts than disclosed in the REIR.

Cumulative Utilities and Service Systems Impacts: The REIR did not identify any significant cumulative impacts related to utilities and service systems. There have been no changes in the project or the circumstances under which the project would be undertaken, and there is no new information that would lead to a different conclusion. Therefore, the project would not make a new or substantially more significant contribution to significant utilities and service systems impacts than disclosed in the REIR.

4.19.3 Direct or Indirect Adverse Effects on Human Beings

The *Newark Areas 3 and 4 Specific Plan REIR* evaluated impacts to humans, including aesthetic and visual resources, air quality, geology and soils, hazardous materials, hydrology and water quality, mineral resources, noise, population and housing, public services and recreation, and utility and service system impacts. The proposed project is consistent with the Specific Plan development assumptions and, while resulting in an approximately 43 percent smaller development area, would contribute to the impacts identified in the REIR; the proposed development would not result in any new or substantially more significant direct or indirect adverse effects on human beings.

4.19.4 Conclusion

None of the actions listed in CEQA Guidelines Section 15162 have occurred:

1) There are no new significant environmental effects or a substantial increase in the severity of previously identified effects due to project changes.
2) There are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects due to a change in circumstances.
3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the REIR was certified as complete, shows: the project would have one or more significant effects not discussed in the REIR; significant effects previously examined would be substantially more severe than shown in the REIR; mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the REIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The proposed project is within the scope of the REIR's analysis and consistent with the Specific Plan.

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of Newark
Community Development Department
Sofia Mangalam, Senior Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Judy Shanley, President
Julie Wright, Senior Project Manager
Hannah Darst, Associate Project Manager
Zach Dill, Creative Director

Carlson, Barbee & Gibson, Inc.
Civil Engineers, Surveyors, and Planners
Justin DeKnoblough, PE

Cotton, Shires and Associates, Inc.
Consulting Engineers and Geologists
Ted Sayre, Principal Engineering Geologist
David T. Schrier, Principal Geotechnical Engineer

ENGEO Incorporated
Hazards/Geotechnical Engineers
Janet Kan, GE, CEG

GHD
Transportation
Peter Galloway, Senior Transportation Planner

Hexagon Transportation Consultants, Inc.
Transportation
Brett Walinski, Vice President

Holman & Associates
Archaeological Consultants
Miley Holman, President

H.T. Harvey & Associates
Ecological Consultants
Steve Rottenborn, Vice President
Kelly Hardwicke, Principal, Plant Ecology
Mark Bibbo, Senior Plant Ecologist

Huffman-Broadway Group, Inc.
Environmental Regulatory Consultants
Terry Huffman, PhD, Wetlands Regulatory Scientist
Tunstall Lang, JD, Senior Environmental Regulatory Specialist

Illingworth & Rodkin, Inc.
Air Quality and Greenhouse Gas Emissions
James A. Reyff, Principal Consultant
Acoustics
Michael Thill, Principal Consultant

Jerry Haag
Urban Planner

Schaaf & Wheeler
Consulting Civil Engineers
Chuck Anderson, President