DUMBARTON TRANSIT ORIENTED DEVELOPMENT SPECIFIC PLAN

FINAL ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NO. 2010042012)

JULY 2011

PREPARED FOR:

CITY OF NEWARK
37101 NEWARK BOULEVARD
NEWARK, CA 94560

PREPARED BY:

RBF CONSULTING
500 YGNACIO VALLEY ROAD, SUITE 270
WALNUT CREEK, CA 94596

IN ASSOCIATION WITH:
MONK & ASSOCIATES
FEHR & PEERS

CONTENTS

9 RESPONSE TO COMMENTS

9.1 INTRODUCTION

The Dumbarton Transit Oriented Development (TOD) Draft Environmental Impact Report (Draft EIR) was circulated for a 45-day public review period beginning May 18, 2011, and ending July 1, 2011, as assigned by the State of California Governor's Office of Planning and Research State Clearinghouse and consistent with the California Environmental Quality Act Guidelines (CEQA Guidelines). Copies of the document were distributed to state, regional and local agencies, as well as organizations and individuals, for their review and comment.

Section 15088(a) of the CEQA Guidelines states that:

> "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments."

In accordance with Section 15088(a) of the CEQA Guidelines, the City, as the lead agency, has evaluated the comments received on the Draft EIR for the Dumbarton TOD Specific Plan and has prepared written responses to the comments received.

All comments on the Draft EIR, and the responses thereto, are presented in this document. Section 9.4 provides a list of all those who submitted comments on the Draft EIR during the public review period. Section 9.5 contains all of the comments received on the Draft EIR along with responses to each. These responses include identifying text revisions in the Draft EIR. Text revisions resulting from comments on the Draft EIR, as well as staff-initiated text revisions, are presented in Chapter 10 (Revisions to Draft EIR). Revisions to the Draft EIR text are indicated by underline text (underline) for text additions and strike out (~~strike out~~) for deleted text. Revised figures and tables are identified with the word "revised" in front of the figure or table number. It is important to note that none of the revisions are significant new information that would result in any new significant environmental impacts (including without limitation new environmental impacts from a new mitigation measure) or a substantial increase in the severity of any environmental impacts, nor do any of the revisions impose a new mitigation measure that the project applicants have declined to implement or adopt. Instead, they merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5 (b).

9.2 CONTENTS OF FINAL EIR

The Final EIR is composed of the following elements:

- Draft EIR and Appendices
- List of persons, organizations and public agencies that commented on the Draft EIR
- Copies of all comments received
- Written responses to those comments
- Revisions to the Draft EIR resulting from comments

9.3 CERTIFICATION OF FINAL EIR AND APPROVAL PROCESS

For a period of at least ten days prior to any public hearing during which a lead agency will take action to certify an EIR, the Final EIR must be made available to, at a minimum, trustee and responsible agencies that provided written comments on the Draft EIR. Pursuant to Section 15090(a) of the CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the project.

Following Final EIR certification, but prior to taking action on a project, the lead agency must prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the lead agency must also prepare written CEQA Findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the CEQA Guidelines. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the CEQA Guidelines. Four significant and unavoidable traffic impacts were identified for the Dumbarton TOD Specific Plan.

Certification of the Final EIR may occur at a public hearing independent of project approval or during the same hearing. Prior to approval of the project, the lead agency must adopt the CEQA Findings, Statement of Overriding Considerations, and MMRP. Certification of the Final EIR must be the first in this sequence of approvals.

9.4 LIST OF COMMENTORS

All commentors on the Draft EIR are listed below.

9.4.1 PUBLIC AGENCIES

Comment Letter #1 Gregor Blackburn, U.S. Department of Homeland Security, Federal Emergency Management Agency

Comment Letter #2 Eric Mruz, U.S. Department of the Interior, Fish and Wildlife Service

Comment Letter #3 Gary Arnold, California Department of Transportation

Comment Letter #4 Moses Stities, California Public Utilities Commission

Comment Letter #5 Mary Rose Cassa, San Francisco Bay Regional Water Quality Control Board

Comment Letter #6 Robert Shaver, Alameda County Water District

Comment Letter #7 Beth Walukas, Alameda County Transportation Commission

Comment Letter #8 Al D. Bunyi, Union Sanitary District

Comment Letter #9 Hilda Lafebre, San Mateo County Transit District

Comment Letter #10 Timothy Doherty, Bay Conservation and Development Commission

Comment Letter #11 Irina P. Torrey, San Francisco Public Utilities Commission

9.4.2 GENERAL PUBLIC

Comment Letter #12 Benny Dehghi, Honeywell International, Inc.

Comment Letter #13 Michael Patrick Durkee, Allen Matkins Leck Gamble Mallory & Natsis, LLP

Comment Letter #14 Margaret Lewis

Comment Letter #15 Dean Lewis

Comment Letter #16 Carin High, Citizens Committee to Complete the Refuge

9.5 RESPONSES TO INDIVIDUAL COMMENTS

Each of the comment letters submitted on the Draft EIR and responses to the comments in the letters are provided on the following pages. Each comment is identified with a two part numbering system. The first number corresponds to the number assigned to the comment letter. The second number corresponds to the order of the comment within the letter identified. For example, Comment 7-5 refers to the seventh comment letter received and the fifth comment identified in the letter.

Comment Letter #1

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

May 25, 2011

Terrance Grindall, Community Development Director
City of Newark
37101 Newark Boulevard
Newark, California 94560

Dear Mr. Grindall:

This is in response to your request for comments on the Notice of Completion and Availability of Draft Environmental Impact Report for the Dumbarton Transit Oriented Development (TOD) Specific Plan.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Alameda (Community Number 060001) and City of Newark (Community Number 060009), Maps revised August 3, 2009. Please note that the City of Newark, Alameda County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. 1-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map. 1-2

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. 1-3

www.fema.gov

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. 1-4

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm. 1-5

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Newark floodplain manager can be reached by calling Ray Collier, Chief Building Official, at (510) 578-4261. The Alameda County floodplain manager can be reached by calling Hank Ackerman, Department of Public Works/Engineering and Construction, at (510) 670-5553. 1-6

If you have any questions or concerns, please do not hesitate to call Sarah Owen of the Mitigation staff at (510) 627-7050.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Ray Collier, Chief Building Official, City of Newark
Hank Ackerman, Department of Public Works/Engineering and Construction, Alameda County
Ray Lee, State of California, Department of Water Resources, North Central Region Office
Sarah Owen, Floodplanner, CFM, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Response to Comment Letter #1, Gregor Blackburn, U.S. Department of Homeland Security, Federal Emergency Management Agency

1-1 This comment addresses the Flood Insurance Rate Map (FIRM) for the Specific Plan area. The commentor references FIRM map number 060001060009. However, the correct FIRM map number for the Specific Plan area is 06001C0443G as referenced on page 4.8-25 of the Draft EIR.

As noted on page 4.8-25, according to the FIRM map, the Specific Plan area is partially located within a 100-year tidal flood zone; portions of the Cargill property are classified as Zone AE, as is some of the western portion of FMC's property. The remaining properties are classified as Zone X, which indicates that the area has 0.2 percent annual chance of flooding or is in an area of one percent annual flood with average depths of less than one foot or within drainage areas less than one square mile.

1-2 This comment states that buildings constructed in a riverine floodplain must be elevated so that the lowest floor is at or above the Base Food Elevation level in accordance with the effective FIRM map. The proposed project would be required to comply with Section 15.40.51 of the City's Municipal Code, which has flood improvement standards for lands within special hazard flood areas as defined by the Federal Emergency Management Agency (FEMA). As noted on page 4.8-25, the proposed project includes the import of approximately 500,000 to 1,000,000 cubic yards of fill material to elevate future structures within a 100-year flood hazard area. Therefore, the proposed project would ensure that the lowest floor elevation of future structures within the Specific Plan area is at or above the Base Flood Elevation level in accordance with the effective FIRM map.

1-3 Comment noted. The Specific Plan area is not located within a Regulatory Floodway.

1-4 This comment addresses buildings constructed within a coastal high hazard area. As noted on page 4.8-25 of the Draft EIR, portions of the Specific Plan area are located within a 100-year tidal flood zone. However, the Specific Plan area is not located within a coastal high hazard area.

1-5 Comment noted. If future development within the Specific Plan area modifies existing special flood hazard areas, data will be submitted to FEMA for a FIRM revision.

1-6 This comment states that many communities have adopted floodplain management building requirements that are more restrictive that the minimum federal standards. The proposed project would be required to comply with Section 15.40.51 of the City's Municipal Code, which provides flood improvement standards for lands within special hazard flood areas as defined by FEMA.

Comment Letter #2

United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay National Wildlife Refuge Complex
9500 Thornton Avenue
Newark, California 94560

In Reply Refer To:

July 1, 2011

Terrence Grindall
Community Development Director
City of Newark
Newark, California 94560-3796

Subject: Comments on the Dumbarton Transit-Oriented Development Draft Environmental Impact Report (DEIR)

Dear Mr. Grindall:

The U.S. Fish and Wildlife Service (Service) would like to comment on the Dumbarton Transit-Oriented Development Draft Environmental Impact Report.

The Project site is located near the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). As a nearby landowner, we have concerns that the Project may affect listed species, migratory birds, and their habitats despite what is indicated in the environmental analysis in the DEIR. At issue are the potential effects of the Project on the endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus longirostris obsoletus*), and listed vernal pool species, as identified under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*). We are also very troubled about the fill of waters of the United States and loss of potential vernal pool habitat. Below are some specific areas of concern. 2-1

Effects to Migratory Birds.
The Project is located near salt ponds and the Mowry Ponds of the Refuge. These ponds provide habitat for waterfowl and shorebirds which are protected under the Migratory Bird Treaty Act. Constructing a trail, dense housing, and associated infrastructure (e.g., lighting, roads) adjacent to these ponds will result in significant disturbance to migratory birds. Nearby housing would likely increase disturbance and predation of migratory birds by nuisance species and house pets. 2-2

Effects to Listed Species.
Given the Project site's proximity to the San Francisco Bay, there may be high potential for this area to have wetland and vernal pool habitats. The DEIR notes that 2-3

7.2 acres of waters of the United States/State will be filled. The DEIR also reports that no formal wetland delineation has been conducted, nor have biological surveys for the salt marsh harvest mouse and California clapper rail. We are concerned that more wetlands will be lost than known. We recommend that you coordinate with the Service's Sacramento Fish and Wildlife Office during your formal review of the Project site. We also recommend that you conduct a formal assessment of potential vernal pool habitat in the area. Vernal pools around the southern San Francisco Bay are extremely rare, virtually destroyed by human development. The Baylands Ecosystem Habitat Goals Report (1999) indicates that this area has opportunities to restore historic tidal marsh/upland transitional habitat and associated vernal pool habitat. Due to the potential to impact to a variety of listed species, we suggest the analysis include all direct and indirect effects including, but not limited to, construction of the Proposed Project and increased presence of predators (e.g., Norway rats, California gulls, feral cats, red foxes, raccoons, skunks) that prey on California clapper rails and salt marsh harvest mice; and the construction of buildings, lighting, and roads adjacent to the salt marsh that may create artificial perches for raptors that prey on these species. Furthermore, the Project site essentially isolates the Plummer Creek restoration area between development and salt ponds, leaving little buffer for listed species and other wildlife in the restored area. We recommend that the trails and development be moved east of Hickory Street to provide buffer for the Plummer Creek property and the salt ponds.

2-3 Cont'd

Effects from Noise, Lighting and Vibration.

We recommend evaluating construction noise, lighting and vibration that may displace these species temporarily and/or permanently from the area. Construction activities should be timed not to occur during sensitive breeding and nesting periods for these species. In addition, lighting and noise impacts could also affect species after construction is complete. Construction within the project area could affect individuals through increased noise and vibrations from equipment and construction activities. Operation of construction equipment could result in displacement of species from protective cover and their territories. These disturbances likely would disrupt normal behavior patterns of breeding, foraging, sheltering, and dispersal, and likely result in the displacement of species from their territory in the areas where their habitat is disturbed. Displaced species may have to compete for resources in already occupied habitat, and may be more vulnerable to predators. Disturbance could cause short-term effects such as failure to breed, nest abandonment, lower numbers of eggs/young, juvenile abandonment, and overall lower juvenile survivorship. Buffers such as fencing, walls, and slopes should be placed between developed areas and wildlife habitat.

2-4

Effects Due to Sea Level Rise.

We recommend you evaluate the potential for the project to preclude the landward advance of the marsh in the face of sea level rise which may result in the eventual elimination of the existing salt marsh and the loss of an important buffer to coastal flooding. The San Francisco Bay Conservation and Development Commission has developed sea-level rise maps that indicate the Project site could be flooded or underwater based in a mid-century sea level rise of 16 inches scenario. The Project should consider building farther away from the baylands or analyze the potential need for additional flood protection due to sea level rise scenarios.

2-5

Effects Due to Transit System and Roads.
It is unclear how the area will be affected by the Dumbarton Rail Service, should rail service begin. The Project should look at the cumulative effects of the rail service project as well as its own. We remain concerned about the capacity of Thornton Avenue to handle the increased traffic volume along this thoroughfare resulting from this Project. 2-6

Thank you for considering our comments. Please keep us informed of the Project review process, especially any and all future opportunities to provide comments. If you have any questions, please contact me at 510 792-0222 x125.

Sincerely,

Eric C. Mruz

Digitally signed by Eric Mruz
DN: cn=Eric Mruz, o=U.S.Fish and Wildlife Service, ou=Don Edwards San Francisco Bay NWR, email=eric_mruz@fws.gov, c=US
Date: 2011.07.01 12:35:18 -07'00'

Eric Mruz
Manager, Don Edwards San Francisco Bay
National Wildlife Refuge

cc:
Cay C. Goude, U.S. Fish and Wildlife Service, Sacramento, CA

This page intentionally left blank.

Response to Comment Letter #2, Eric Mruz, U.S. Department of Interior, Fish and Wildlife Service

2-1 This comment summarizes the concerns of the U.S. Fish and Wildlife Service (USFWS) that follow in the letter and are responded to below.

2-2 This comment addresses the effects of the proposed project on migratory birds. Most birds, including waterfowl, shorebirds, passerine birds (e.g., warblers, flycatchers, swallows) and raptors are protected under the Federal Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989). The Migratory Bird Treaty Act makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs or young. Because birds are able to, in almost all cases, fly away or avoid being injured from construction-related activities, take is most unlikely to occur from construction-related activities. However, nesting birds including incubating birds, their eggs and young are susceptible to being injured from undue disturbance and those actions that could physically harm the nest and its occupants. Thus, from a practical standpoint with respect to construction-related impacts, take associated with nesting birds could occur in the absence of protective measures to ensure that nesting birds are not impacted. In California, all nesting birds are also protected under the California Fish and Game Code (Sections 3503, 3503.5, 3800 and 3513). In order to prevent take of migratory birds, and similarly to ensure that no impacts to nesting birds occur that would be violation of the California Fish and Game Code, preconstruction surveys would be conducted prior to any earth-moving, construction, or other project-related activities that occur during the nesting season (March 1 through September 1). If active nests are identified during these surveys, appropriate protective nesting buffers would be erected in accordance with Mitigation Measure 4.3-2 identified in the Draft EIR.

2-3 The commentor is concerned about the project's effect on waters of the U.S./State, including vernal pool habitats, and the federally listed salt marsh harvest mouse (*Reithrodontomys raviventris*) and California clapper rail (*Rallus longirostris obsoletus*). Below is a discussion of the mitigation measures that are included in the Draft EIR to ensure that impacts to sensitive resources are minimized and/or mitigated to less than significant levels.

Since the project area is composed of 19 parcels with many different land owners, many of whom may not have immediate development plans, the Draft EIR was prepared at a program-level and site-specific biological studies have not been conducted for this phase of the project (with the exception of the Torian properties). Therefore, regarding waters of the U.S./State, the Draft EIR specifies in Mitigation Measure 4.3-6 that prior to any development or parcel-specific site planning that a formal wetland delineation be conducted according to the 1987 U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual and the Regional Supplement to the USACE Wetland Delineation Manual: Coast Region (2008) prior to City approval of any specific development proposal. During the wetland delineation, if vernal pools are identified, they would be noted as areas requiring further study and/or consideration for protection from potential project impacts. This text has been added to Mitigation Measure 4.3-6. Refer to Chapter 10 (Revisions to Draft EIR) of this Final EIR. Similar to impacts to wetlands, mitigation for impacts to vernal pools may include the purchase of mitigation credits from an approved mitigation bank, onsite creation of vernal pool habitat, or offsite creation of habitat.

Similarly, surveys for special-status plants would be necessary in any vernal pool or wetland habitats prior to impacting such habitats. These surveys are included in Mitigation Measure 4.3-5 in the Draft EIR.

Based on July and October surveys of the project area, it is the biological consultants' opinion that with the exception of Parcel E, which may support a fresh water wetland, that other areas within the project site supporting wetland vegetation are too brackish or saline to support special-status vernal pool invertebrates or special-status vernal pool plants.

The Draft EIR includes mitigation requirements for impacts to waters of the U.S./State. Permits would be required from the USACE and the California Regional Water Quality Control Board (RWQCB) prior to filling or otherwise impacting waters of the U.S./State, respectively (waters include wetlands). These two agencies would also require mitigation for such impacts that would include replacement of any impacted feature such that there is no net loss of wetland functions and services. Typically, such mitigation includes replacing impacted wetlands at a minimum 1:1 (replacement to impacts) ratio. Refer to Mitigation Measure 4.3-6 in the Draft EIR for a full description of the mitigation requirements.

The Torian property has been studied by several salt marsh harvest mouse biologists over the years and a determination was made that it does not provide the habitat components suitable for the species because it is not a historic salt marsh and does not provide the contiguous salt marsh habitat necessary to support the species. However, in an abundance of caution and to meet the standards of care required by CEQA, the Torian property would be required to implement protective measures prior to development to ensure that impacts to the salt marsh harvest mouse would not occur should it enter the project site. These protective measures would include hand removal of pickleweed onsite under the supervision of a permitted salt marsh harvest mouse biologist and installation of mouse-proof fencing around any potentially suitable salt marsh harvest mouse habitat (refer to "Preconstruction Measures" specified in Mitigation Measure 4.3-1). Although it is unlikely that the remaining properties within the project area provide the necessary habitat components to support the salt marsh harvest mouse, the Draft EIR includes mitigation (Mitigation Measure 4.3-1) requiring that a "Habitat Assessment" for the salt marsh harvest mouse be conducted prior to any site-specific development (with the exception of the Torian property as referenced above). If during the Habitat Assessment it is determined that the salt marsh harvest mouse could reside on a site within the project area, a protective cat-proof fence would be established separating the developed project site from any suitable salt marsh harvest mouse habitat that would be preserved as part of the project.

The project site does not provide suitable habitat for the California clapper rail. Monk & Associates' biologists made this determination because there are no tidal channels within the project area for clapper rails to forage. Additionally, pickleweed (*Salicornia virginica*) and other marsh vegetation is very limited in distribution within the project area, is short statured, and does not provide the concealment that clapper rails need to move unobtrusively through the project area. Also, there is no cordgrass (*Spartina* spp.) within the project area which is another preferred clapper rail cover type. Accordingly, there is no "escape cover" provided by the project area. Therefore, clapper rails, which are secretive by nature and typically associated heavy cover (i.e., escape cover), are not expected to occur on or use the project area. While there is an offsite tidal channel northwest of/adjacent to the project area that may provide habitat for the clapper rail, it is Monk & Associates' experience and expectation that if clapper rails used this tidal channel they would not venture out of the safety of the tidal channel's dense vegetative cover. During periods of flooding and/or high

tide the clapper rail could be expected to use the top of the channel's bank but would not venture far from escape cover.

Monk & Associates' clapper rail studies (for example, Gallinas Creek in Marin County) have found that California clapper rail distribution is typically restricted to areas dominated by marsh vegetation. Other studies of other closely related rail species, while not completely germane, are nonetheless helpful in shedding light on where rails spend their time. A close niche equivalent to the California clapper rail that lives in southern California is the light-footed clapper rail (*Rallus longirostris levipes*). The light-footed clapper rail has been studied to an extent that its distribution within the marsh system is well understood. Telemetry data of light-footed clapper rail distribution found that they spend $\geq$90 percent of a day in cordgrass (*Spartina foliosa*), and used the upland fringe at the edge of the marsh for roosting during the highest tides (Zembal et. al. 1989).[1] Monk & Associates understands that this comparison may or may not be reflective of California clapper rail distribution, but believes it is likely that such distributional data are reflective of California clapper rail use of marshes. In conclusion, Monk & Associates believes that California clapper rails will seek refuge in uplands, but typically those uplands located immediately adjacent to their preferred marsh habitats.

The project area, which is a non-tidal site that provides low quality, short stature marsh vegetation, would not provide the escape cover (concealment) clapper rails need. Nor does the project area vegetation provide nesting opportunities. At most, the vegetation onsite provides only limited foraging habitat for the extremely rare occurrence that clapper rails would need to venture out of the adjacent tidal channel – should they be present in this channel to begin with. It is unknown whether or not clapper rails even reside in this offsite channel. Therefore, based on all of these factors it is unlikely that clapper rails are onsite and would be impacted by the project.

Finally, the commentator states that the proposed project "essentially isolates the Plummer Creek restoration area between development and salt ponds, leaving little buffer for listed species and other wildlife in the restored area." The commentator, therefore, recommends moving all

---

[1] Richard Zembal, Barbara W. Massey, and Jack M. Fancher 1989. The Journal of Wildlife Management, Vo. 53, no. 1 (Jan. 1989). pp. 39-42

proposed trails and development to east of Hickory Street. However, as noted above and below in Response 2-4, the Draft EIR includes mitigation measures to reduce the impacts of the project to listed species and other wildlife, including from construction noise and lighting from permanent structures, and the Specific Plan for the project includes standards to ensure that impacts to sensitive species would be minimized.

2-4 The commentor recommends evaluating construction noise, lighting and vibration that may displace sensitive species temporarily and/or permanently from the area.

It should be noted that the project area is not located in a remote, rural area removed from urban noise. The project area is located in an industrial area where some industrial operations currently take place and noise associated with these facilities occurs. A police shooting range also occurs within the boundaries of the project area. Thus, wildlife currently present within the project area is acclimated to high levels of existing ambient noise disturbances. It should also be noted that the discharge of firearms can be particularly disturbing to wildlife, particularly birds. Owing to existing ambient industrial and shooting range noise, wildlife now found in the area would be acclimated to this noise. As the project area builds out over an extended number of years, wildlife would continue to acclimate to this disturbance. Acclimation by wildlife to consistent ambient noise is a well-recognized behavioral response by wildlife to continual and consistent forms of disturbance. Species that would acclimate poorly to high levels of ambient noise would be unlikely to use the area now or in the future.

The additional ambient noise levels generated by a developed project area would be unlikely to result in disturbance that would discourage wildlife use of adjacent wildlife habitats any more than occurs today. In light of the amount, type and extent of existing disturbance, most birds and mammals that reside in the area today have a high tolerance for noise related disturbance. Regardless, mitigation measures have been included in the Draft EIR to protect nesting birds from the effects of noise and vibration. Preconstruction nesting bird surveys would be conducted prior to any earth-moving or construction activities associated with the project. The nesting period for birds (March 1 through September 1) also corresponds with the mating/breeding season for many mammal species; therefore, restrictions on construction times would benefit both nesting birds and some breeding mammal species. Refer also to Response 2-2.

With regard to lighting, the Specific Plan proposes lighting standards "to ensure that lighting . . . does not create excessive "spillover" light and glare into adjacent residential areas and habitat areas, including the adjacent Refuge." Thus, the Specific Plan includes standards to ensure that impacts to sensitive species are minimized. In addition, as noted above, the project area is not located in a remote, rural area removed from urban lighting. The project area is located in an industrial area where some industrial operations currently take place and lighting associated with these facilities occurs.

2-5 This comment suggests that the project consider building farther away from the baylands or analyze the potential need for additional flood protection due to sea level rise. Sea level rise is addressed on page 4.6-27 of the Draft EIR. Minor revisions have been made to the Draft EIR to acknowledge the sea level rise mapping that has been completed by the Bay Conservation and Development Commission (BCDC) (refer to Chapter 10 of this Final EIR).

Based on the mapping conducted by BCDC and acknowledged in the Draft EIR, a portion of the Specific Plan area could be affected by sea level rise. As addressed in the Draft EIR, the forecasted sea level rise could increase flood related impacts, especially from storm-surge induced flood events. Section 15.40.51 of the City's Municipal Code has flood elevation standards for lands within special flood hazard areas as defined by FEMA. If sea level rise was determined to be a significant threat, protective measures such as levees installed by regional and local governments would be available to protect urbanized areas.

The BCDC forecast expressly notes that it does not account for existing shoreline protection or wave activity and that, where necessary, future levees are an appropriate mechanism for protecting against flood damage from rises in sea levels. Ultimately, the National Oceanic and Atmospheric Agency, FEMA, the USACE, cities, counties and flood control districts are responsible for protecting the public and the San Francisco Bay ecosystem from flood hazards. The City's Municipal Code flood elevation standards would protect the Specific Plan area based upon flood risks as determined by FEMA, the City and these other regional and local agencies.

The Draft EIR provides a reasonable range of alternatives, and includes alternatives to the proposed project that would preserve open space adjacent to the baylands. Alternatives 2 and 3 would concentrate development

adjacent to the City, preserving the western portion of the Specific Plan area in open space. The project, as well as the alternatives, will be considered by the City Council prior to taking action on the Specific Plan.

2-6 This comment states that it is unclear how the area would be affected by the Dumbarton Rail Service and expresses concern regarding the capacity of Thornton Avenue to handle increased traffic volumes. Thornton Avenue is projected to carry increased levels of traffic with the project. The potential impact of additional traffic on Thornton Avenue was analyzed in the Draft EIR. Table 4.14-13 (Future Year 2035 Plus Project Conditions with Mitigation) of the Draft EIR indicates that three segments of Thornton Avenue would be impacted by project traffic. The Level of Service (LOS) at the intersections of Thornton Avenue with Cherry Street, Newark Boulevard and Cedar Boulevard would degrade to LOS D, E or F in the future regardless of the project, although the project would increase the delay at these intersections by approximately five to 15 seconds. The potential mitigation measures would include widening Thornton Avenue to accommodate the additional volumes. However, due to the built out nature of the City, limited right-of-way is available to widen Thornton Avenue. Widening this roadway to reduce levels of congestion would also have potential secondary impacts to bicycle and pedestrian travel by creating longer crossing distances and a less-comfortable environment for walking or bicycling. As a result, impacts to the three intersections are identified in the Draft EIR as significant and unavoidable. The project goals support managing congestion and reducing automobile trips by orienting uses around the future transit station.

It should also be noted that, as stated in the Draft EIR on pages 3-1 and 3-19, implementation of the proposed Specific Plan would not be dependent in any way upon the proposed Dumbarton Rail Corridor (DRC) transit service (or the transit station), which is a separate project undergoing separate environmental review by other public agencies. Moreover, due to the uncertain timeline and funding status of the DRC Project, it would be speculative to include the project in the cumulative context of this environmental analysis. The DRC and the transit station are not reasonably foreseeable future activities of the project that must be studied by this EIR at this time.

This page intentionally left blank.

Comment Letter #3

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 286 5560; Jun-30-11 3:45PM; Page 1/2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5541
FAX (510) 286-5559
TTY 711

Flex your power!
Be energy efficient!

July 1, 2011

ALAVAR008
SCH#2010042012

Mr. Terrence Grindall
City of Newark
37101 Newark Boulevard
Newark, CA 94569

Dear Mr. Grindall:

Dumbarton Transit-Oriented Development Specific Plan – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Dumbarton Transit-Oriented Development project. The following comments are based on the Draft Environmental Impact Report.

Forecasting

In Table 4.14-6 Dumbarton TOD Specific Plan Generation Estimates on page 4.14-37 uses AM and PM peak hour trip rates for Townhouse/Condo use of 0.29 and 0.35 respectively. However, based on the Institute of Transportation Engineer Trip Generation 8th edition, AM and PM peak hour trip rates for this use are 0.44 and 0.52 respectively. As a result, the peak hour traffic volumes have been underestimated. Please revise the analysis accordingly. 3-1

In Figure 4.14-6, Project Trip Distribution, please use distinctively different symbols to differentiate the Residential trip Distribution and Neighborhood Commercial Distribution. 3-2

Operations

Please show queue lengths for all study locations and scenarios. In particular, left and right turn storage lengths should be reviewed for any possible impacts onto mainline operations. 3-3

Under the Future Year 2035 Plus Project condition, there are significant impacts to the Interstate (I) 880 Northbound ramps/Mowry Avenue. Please provide mitigation measures to reduce these impacts. 3-4

Also, under the Future Year 2035 Plus Project condition, there is significant impact to Jarvis Avenue/Newark Boulevard intersection. The Department believes this impact may impact adjacent intersections. Therefore, please include State Route 84 Westbound and Eastbound ramps/Newark Boulevard in the analysis. 3-5

"Caltrans improves mobility across California"

Transportation Demand Management

In addition to the Transportation Demand Management (TDM) measures proposed, the Department recommends providing additional measures due the high availability of transit within the area of the proposed project. Some of these measures can include, lower parking ratios, unbundling parking spaces, car-sharing programs, transit subsidies, private shuttle services, etc. to reduce the number of vehicles miles traveling on local roadways and State facilities. To start, we also recommend that the City of Newark refer to, "Reforming Parking Policies to Support Smart Growth," a Metropolitan Transportation Commission study funded by the Department, for sample parking ratios and strategies that support compact growth and Transit Oriented Development. 3-6

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,

GARY ARNOLD
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

Response to Comment Letter #3, Gary Arnold, California Department of Transportation

3-1 This comment states that peak hour traffic volumes have been underestimated and peak hour trips for townhouse/condo use should be based on the Institute of Transportation Engineers (ITE) *Trip Generation* 8th Edition. The ITE *Trip Generation* 8th Edition was used to calculate trip generation estimates for the Specific Plan. Fitted curve equations were used for townhouse/condo uses rather than the average rate and are more appropriate according to the criteria provided in ITE's *Trip Generation Manual*.

3-2 The commentor requests that different symbols to differentiate the residential trip generation and neighborhood trip generation be used. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

3-3 The commentor requests that queue lengths be shown for all study intersections and scenarios. Traffic-related impacts are typically assessed in terms of qualitative measures that describe operational conditions within a traffic stream. The intersection analysis used in the Draft EIR is based on the operational analysis methodology outlined in the Highway Capacity Manual (HCM) 2000 Transportation Research Board Special Report 209, Chapter 16. The HCM methodology defines intersection Level of Service (LOS) as a function of delay in terms of seconds per vehicle (sec/veh). Although traffic-related impacts can also be assessed in terms of vehicle queue lengths, this level of detail extends beyond the requirements for a program-level EIR.

3-4 Mitigation language has been added to the Draft EIR explaining how impacts at the intersection of Interstate 880 (I-880) Northbound Ramps/Mowry Avenue would be reduced to less than significant levels as requested by the commentor. Refer to Chapter 10 (Revisions to Draft EIR) of this Final EIR.

3-5 The commentor requests that the Draft EIR analyze the intersections of State Route 84 (SR-84) Westbound and Eastbound Ramps/Newark Boulevard. The Draft EIR included an analysis of intersections determined the most likely to be impacted by additional traffic in the project area.

Based on the professional judgment applied by the City and EIR consultant team, the intersections of the SR-84 Westbound and Eastbound Ramps/Newark Boulevard were not determined to have a significant increase in traffic requiring their inclusion as study intersections in the Draft EIR. Based on Figure 4.14-6 (Project Trip Generation) in the Draft EIR, these intersections would only carry one percent of the total traffic generated by the project. As a result, they were not included in the analysis.

The future year conditions at the intersection of Jarvis Avenue/Newark Boulevard without the project would operate at LOS F in the AM and LOS E in the PM with moderate vehicle queues. Because the Jarvis Avenue/Newark Boulevard intersection is over 740 feet from the intersection with the SR-84 Eastbound Ramps, it is not anticipated that the queues would impact operations of the on and off-ramp intersections. Implementation of the proposed project would not degrade the LOS at the Jarvis Avenue/Newark Boulevard intersection and would increase the delay by a few seconds. Therefore, the project would not result in a significant impact compared to future no project conditions.

3-6 This comment recommends providing Transportation Demand Management (TDM) measures beyond those proposed in the Specific Plan. The comment is noted. The City will consider these additional measures, including lower parking ratios, unbundling parking spaces, car sharing programs, transit subsidies, private shuttle services, etc., in coordination with relevant agencies.

Comment Letter #4

STATE OF CALIFORNIA — Edmund G. Brown Jr., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

July 1, 2011

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

Re: Notice of Completion, Draft Environmental Impact Report (DEIR)
Dumbarton Transit Oriented Development (TOD) Specific Plan
SCH# 2010042012

Dear Mr. Grindall:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Transportation/Circulation section of the DEIR *failed* to evaluate traffic safety issues to numerous at-grade railroad crossings located within the proposed project boundaries. Any increase in traffic or pedestrians to the at-grade crossings by this project need to be evaluated for potential impacts to safety and hazards.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include: 4-1

- Installation of grade separations at crossings , i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning devices
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates

- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices, channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

4-1 Cont'd

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. 4-2

Please forward the *revised* Traffic Impact Study to ensure that the at-grade railroad crossings adjacent and in near proximity to the project site are included in the analysis. This will allow us to complete our review of the DEIR; otherwise the *level of significance* can not be determined without such an analysis specific to the at-grade railroad crossings. 4-3

Please add the CPUC as a Responsible Agency for this project to the noted list of agencies in the DEIR. 4-4

Thank you for your consideration of these comments. If you have any questions, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov.

Sincerely,

Moses Stites

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

Response to Comment Letter #4, Moses Stites, California Public Utilities Commission

4-1 This comment states that the Draft EIR fails to evaluate traffic safety issues associated with numerous at-grade railroad crossings located within the project area. At-grade railroad crossing safety is important to the City of Newark. As a program-level EIR, the Draft EIR for the proposed Dumbarton TOD Specific Plan has been prepared for project area land use changes and the planning document that would guide future development within the area. Site-specific plans to develop individual properties within the Specific Plan area and improvement plans to construct required infrastructure to support the development have not been prepared, but would be at a later time. Once sufficient detail is known about a project such as the land use type, amount, and site access locations, it would be possible to estimate the volume of traffic generated by the project, the effect of that traffic on nearby rail crossings, and the likely pattern of pedestrian and bicycle activity at nearby rail crossings. The City will consider the California Public Utilities Commission's (CPUC's) recommendations for rail crossings for project-level analyses and coordinate with the CPUC in regard to the specific types of data and analyses to be provided.

4-2 This comment states that CPUC approval is required to modify an existing highway-rail crossing or to construct a new crossing. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

4-3 The commentor requests a copy of the revised Traffic Impact Study to ensure that the at-grade railroad crossings adjacent and in near proximity to the project area are included in the analysis. Refer to Response 4-1.

4-4 The commentor requests that the CPUC be included on the list of responsible agencies included in the Draft EIR. Chapter 3 (Project Description) of the Draft EIR has been revised to include this request and is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

This page intentionally left blank.

Comment Letter #5

Kristie Wheeler - Fwd: Water Board comments on Draft EIR for Dumbarton Transit Oriented Development Specific Plan

From: "TERRENCE GRINDALL" <TERRENCE.GRINDALL@newark.org>
To: "Kristie Wheeler" <KWHEELER@rbf.com>
Date: 6/30/2011 6:56 PM
Subject: Fwd: Water Board comments on Draft EIR for Dumbarton Transit Oriented Development Specific Plan
Attachments: Dumbarton NOP comments 4-30-10.pdf; CH2MHill_Fig2-4.pdf; CH2MHill_Fig2-3.pdf

Terrence

Begin forwarded message:

From: "Mary Rose Cassa" <MCassa@waterboards.ca.gov>
To: "TERRENCE.GRINDALL@newark.org" <TERRENCE.GRINDALL@newark.org>
Cc: "rangarajan.sampath@acwd.com" <rangarajan.sampath@acwd.com>, "Steven Inn" <steven.inn@acwd.com>, "mmetcalf@ashland.com" <mmetcalf@ashland.com>, "penny_streff@cargill.com" <penny_streff@cargill.com>, "pete@discoversolutions.com" <pete@discoversolutions.com>, "Shawn.tollin@fmc.com" <Shawn.tollin@fmc.com>, "johno@gvakm.com" <johno@gvakm.com>, "benny.dehghi@honeywell.com" <benny.dehghi@honeywell.com>, "rhahn@jones-hamilton.com" <rhahn@jones-hamilton.com>, "jroseman@trumark-co.com" <jroseman@trumark-co.com>, "Cherie MCcaulou" <CMccaulou@waterboards.ca.gov>
Subject: Water Board comments on Draft EIR for Dumbarton Transit Oriented Development Specific Plan

Terrence,

Regional Water Board staff have reviewed primarily Sections 4.7 and 4.8 of the Draft EIR (May 2011). We find that it is lacking in addressing the issues we raised on the Notice of Preparation listed below (see our comments on the NOP attached).

- Potential threat to human health, water quality, and the environment from disturbance of soil and groundwater pollution during project construction

5-1

- Potential threat to human health, water quality, and the environment from residual soil and groundwater pollution during project operation (occupancy and use, based on a changed land use)

- Potential impact on deeper aquifers (Newark Aquifer and deeper) from soil and groundwater pollution as a result of construction and changed land use

The descriptions of the contaminated sites are inconsistent, lack necessary details, and do not provide an overview of contamination in the area. The potential human health risks, ecological risks and degradation of state waters are understated (see attached Figures 2-3 and 2-4 from a report by CH2M HILL). The EIR should include an assessment of the impacts attributed by volatile organic compounds

5-2

associated with excavation and construction. As an example, the San Francisco PUC's recent pipeline replacement project encountered volatile organic compounds, arsenic and other chemicals of concern during trench work and dewatering.

5-2 Cont'd

We recommend revising "Mitigation Measure 4.7-1a as follows:

From (existing):
"Prior to the issuance of a building permit for an individual property within the Specific Plan area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health,..."

To (revised):
"Prior to the issuance of grading or building permit for an individual property within the Specific Plan area with known, suspected, or potential residual environmental contamination, the property owner shall contract a qualified, environmental consultant to 1) summarize available information regarding the magnitude and extent of soil and groundwater contamination at the subject property; 2) summarize potential risks to human health and the environment posed by the contamination with respect to the proposed redevelopment; 3) propose additional investigation as needed to fill data gaps; 4) develop remedial options to address the identified risks and tentatively select the most appropriate option, as well as procedures for proper management (e.g., reuse and/or disposal) of contamination soil and groundwater that may be encountered during redevelopment; and 5) submit a report to the overseeing agency for review and regulatory approval."

5-3

We are available to meet with you and discuss our comments. If you have questions, please contact Cherie McCaulou at (510) 622-2342 (email address cmccaulou@waterboards.ca.gov.

Regards,

Mary Rose Cassa

Mary Rose Cassa, PG
Senior Engineering Geologist
Toxics Cleanup Division
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
510-622-2447

California Regional Water Quality Control Board
San Francisco Bay Region

Linda S. Adams
Secretary for
Environmental Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
http://www.waterboards.ca.gov/sanfranciscobay

Arnold Schwarzenegger
Governor

Date: April 30, 2010
File Nos. 01S0024, 01S00294,
01S0157, 1S0131, 01S010038 (ecm)

Terrence Grindall (terrence.grindall@newark.org)
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA, 94560

SUBJECT: Comments on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development (TOD) Specific Plan, Newark, Alameda County

Dear Mr. Grindall:

Thank you for the opportunity to comment on the Notice of Preparation that we received on April 1, 2010, for the proposed Dumbarton TOD Specific Plan. Regional Water Board staff oversee the investigation and cleanup of five sites (listed below) in the proposed project area, pursuant to California Water Code Section 13304, where hazardous substances have been discharged and deposited into waters of the State and have created a condition of pollution and nuisance. Additionally, the Alameda County Water District oversees numerous other cleanup sites in the TOD area (see the State's GeoTracker database https://geotracker.waterboards.ca.gov).

We are submitting comments to ensure that the environmental documentation under the California Environmental Quality Act (CEQA) adequately addresses the soil and groundwater pollution, and to ensure that appropriate mitigation measures pertaining to releases of hazardous substances at the Dumbarton TOD project are implemented.

Environmental Conditions and Regulatory Oversight of Cleanup Sites in Project Area
Contaminated soil and groundwater exist within the proposed TOD, and include high concentrations of chlorinated solvents, metals, flammable materials (i.e., elemental phosphorous), phenols (pentachlorophenol), dioxins/furans, poly aromatic hydrocarbons (PAHs) and petroleum hydrocarbons. Soil and groundwater remediation are required at the sites (listed below), pursuant to Site Cleanup Requirements (SCR) Orders issued by our agency.

- FMC Corporation, 8787 Enterprise Drive, SCR Order R2-2002-0060
- Ashland Inc., 8610 Enterprise Drive, SCR Order R2-2005-0038
- SHH, LLC, 37445 Willow Street, SCR Order R2-2008-0081
- Jones-Hamilton, 8400 Enterprise Drive, SCR Order R2-2001-0054,

- Former Baron-Blakeslee, 8333 Enterprise, SCR Order R2-2005-0004

Investigation and cleanup of the sites have been conducted independently by individual property owners rather than a collaborated joint effort. The cleanup standards approved for these sites were based on continued industrial/ commercial land and not residential use. If the land use changes, revised cleanup standards will have to be developed and amended SCR Orders will have to be adopted by the Water Board. The majority of the property proposed for the TOD is currently vacant.

Implications of Proposed Change in Land Use
While the Regional Water Board does not approve or disapprove specific development projects, we are often asked if a proposed future use is compatible with residual site contamination. Based upon the known residual concentrations remaining at these sites, we recommend the following:

1. Environmental risk assessment for the entire project area, conducted prior to development: Information on the preparation of environmental risk assessments can be found in several documents, including the Regional Water Board's interim final ESLs ("Application of Environmental Screening Levels and Decision Making at Sites With Impacted Soil and Groundwater" – May 2008 and updates). This document can be accessed from our website at www.waterboards.ca.gov/sanfranciscobay/esl.shtml.

2. Additional remediation for future sensitive land uses such as residential: To be suitable for future sensitive land use, the property needs (1) remediation to a level that allows unrestricted use or (2) risk management to assure that the future residents will not be exposed to unhealthy levels of contamination. Regarding the second option, we are generally reluctant to approve a risk management approach at residential sites, particularly single-family residential, and would only do so if the residual contamination was modest, the project design minimized potential exposure, and the local agency (City of Newark) played an active role in tracking and enforcing risk management measures. Special considerations may be needed for placement of underground structures and utility corridors in areas of soil and groundwater pollution exists, ability to incorporate groundwater remediation into new underground structures for enhancement of groundwater remediation, and location and design of above-ground treatment systems.

3. Capped areas: Currently, two capped areas exist at FMC's property: the elemental phosphorous pit area in Parcel A, and the ethylene dibromide and 1,2-dichloroethane (1,2-DCA) area in Parcels B and I. Neither area is suitable for development at this time. Active source removal should be seriously considered. Additionally, a capped area exists at the Jones-Hamilton site that contains elevated pentachlorophenol, 1,2-DCA, and dioxins. In a letter dated February 26, 2008, we approved a Feasibility Study/Corrective Action Plan dated November 12, 2007, for cap removal, soil excavation (10,500 yd^3) to a depth of ten feet

below grade, and groundwater pumping around well P-1 to remove a 1,2-DCA hot spot at the northwest corner of the former waste water impoundment. This work is currently on hold, pending the outcome of the City of Newark's Dumbarton TOD Specific Plan.

4. Protection of groundwater: Residual pollution left in place must be adequately managed to ensure that the impacted groundwater does not further deteriorate. The proposed project must incorporate mitigation measures to prevent further migration of pollutants from soil to groundwater and also prevent further migration to deeper aquifers in the project area, such as the Newark Aquifer. These deeper aquifers are actively managed by the Alameda County Water District as part of its water supply system.

5. Risk and construction management plans: To manage any significant residual pollution, a Risk Management Plan and a Construction Management Plan would be essential. Possible elements of a risk management plan include: a deed restriction prohibiting supply wells or sensitive site uses (e.g. residential use), requirement for vapor barriers and passive ventilation systems to mitigate possible vapor migration into new buildings (generally not allowed for residential use), special procedures and precautions for handling and transporting contaminated materials, a health and safety plan for construction workers who will be doing subsurface work at the site; notification and protection of existing residents in the area.

6. Mitigation measures: Pre- and post-development mitigation measures may be required to reduce exposure to pollutants in soil, vapors, dusts, groundwater during grading, construction, dewatering etc.; address potential vapor intrusion of pollutants to indoor air; and prevent further migration of pollutants.

7. Long-term monitoring and ongoing cleanup: The residual pollution will require continued monitoring long after the project is built out. In addition, ongoing compliance with cleanup orders, existing land use covenants, etc. will be required.

Given this context, the EIR should address the following issues:

- Potential threat to human health, water quality, and the environment from disturbance of soil and groundwater pollution during project construction
- Potential threat to human health, water quality, and the environment from residual soil and groundwater pollution during project operation (occupancy and use, based on a changed land use)
- Potential impact on deeper aquifers (Newark Aquifer and deeper) from soil and groundwater pollution as a result of construction and changed land use

The Regional Water Board staff looks forward to working with the City of Newark and other stakeholders to address the existing soil and groundwater pollution and move the redevelopment project forward. We would very much appreciate being kept up to date on the progress of your project in order that we can budget adequate staff time for your project.

If you have questions, please contact Cherie McCaulou of my staff at (510) 622-2342 (email address cmccaulou@waterboards.ca.gov.

Sincerely,

Bruce H. Wolfe
Executive Officer

cc:
Ashland, Inc., Attn: Mark Metcalf (mmetcalf@ashland.com)
SHH LLC, Attn: Peter Schneider (pete@discoversolutions.com)
FMC Corporation, Attn: Shawn Tollin (shawn.tollin@fmc.com)
Henry Khatchaturian, c/o John Olenchalk (johno@gvakm.com)
Cargill, Inc., Attn: Penny Streff (penny_streff@cargill.com)
Jones-Hamilton Co., Attn: Ray Hahn (rhahn@jones-hamilton.com)
Trumark Commercial, Attn: Jessica Roseman (jroseman@trumark-co.com)
Honeywell International Inc., Attn: Benny DeHigh (benny.dehghi@honeywell.com)
Alameda County Water District, Attn: Steven Inn (steven.inn@acwd.com)

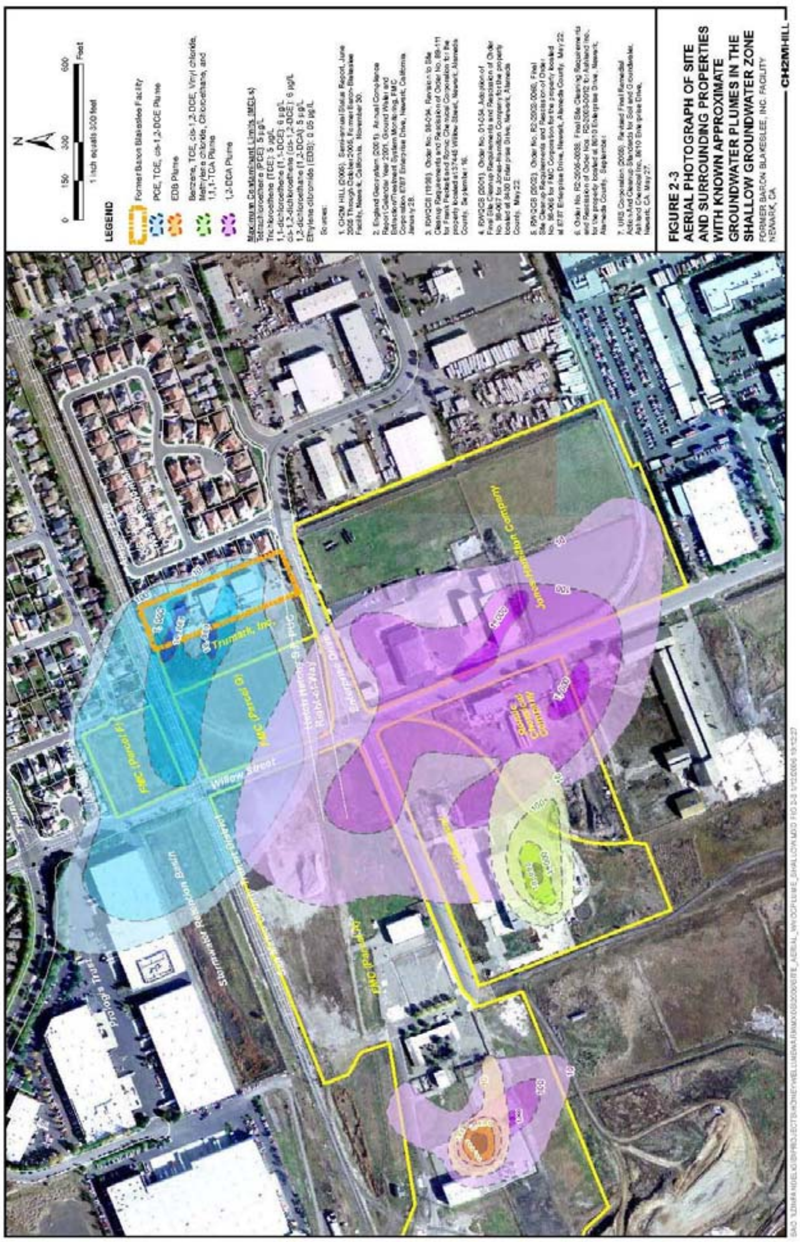
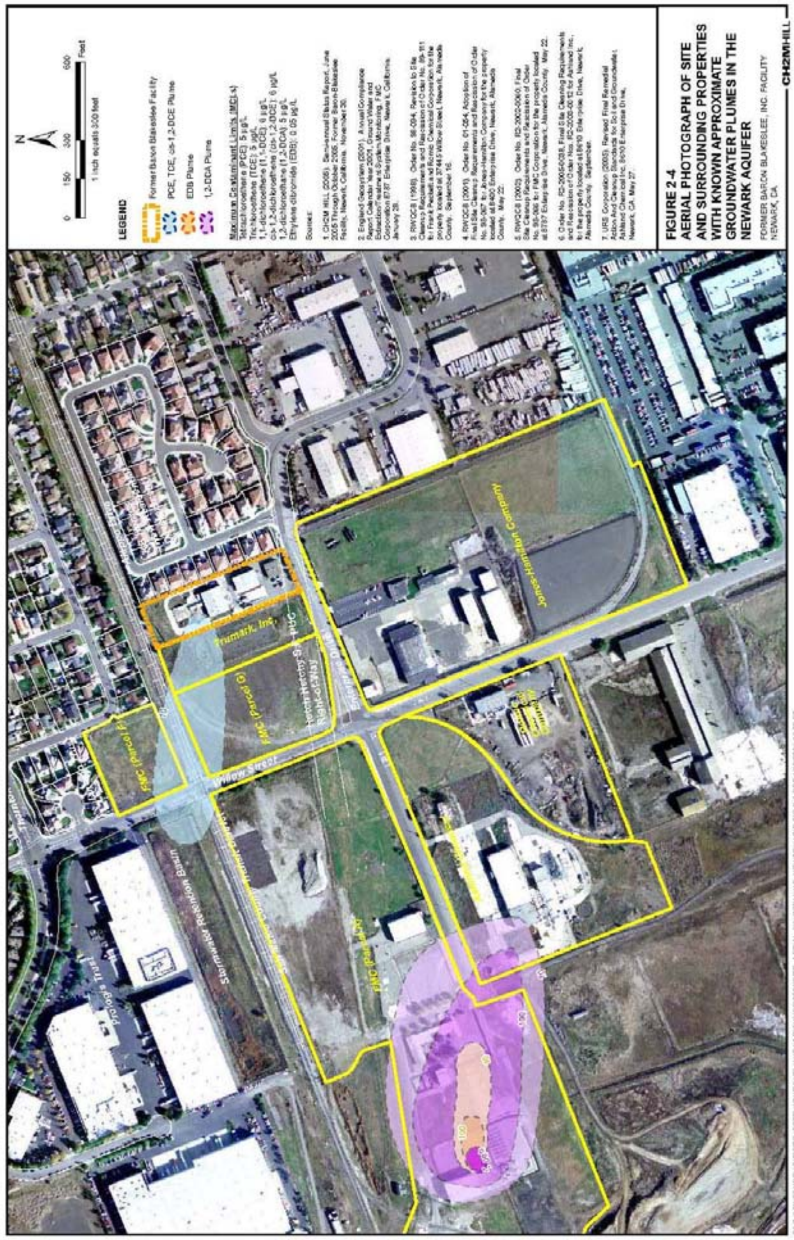


FIGURE 2-3
AERIAL PHOTOGRAPH OF SITE AND SURROUNDING PROPERTIES WITH KNOWN APPROXIMATE GROUNDWATER PLUMES IN THE SHALLOW GROUNDWATER ZONE
FORMER BARON BLAKESLEE, INC. FACILITY
NEWARK, CA
CH2MHILL


LEGEND
Former Baron Blakeslee Facility
PCE, TCE, cis-1,2-DCE Plume
EDB Plume
1,2-DCA Plume
1 inch equals 300 feet
Feet
Trumark, Inc.
FMC (Parcel 6)
FMC (Parcel F)
Hetch-Hetchy SF PUC Right-of-Way
Willow Street
Stormwater Retention Basin
Prologis Trust
Jones-Hamilton Company
FIGURE 2-4
AERIAL PHOTOGRAPH OF SITE AND SURROUNDING PROPERTIES WITH KNOWN APPROXIMATE GROUNDWATER PLUMES IN THE NEWARK AQUIFER
FORMER BARON BLAKESLEE, INC. FACILITY
NEWARK, CA
CH2MHILL

Response to Comment Letter #5, Mary Rose Cassa, San Francisco Bay Regional Water Quality Control Board

5-1 The commentor states that the Draft EIR is lacking in addressing potential threats to human health, water quality and the environment during project construction and operation, and potential impacts on deep aquifers from soil and groundwater pollution as a result of construction and changed land use. Section 4.7 (Hazards and Hazardous Materials) of the Draft EIR provides a discussion of the existing environmental conditions within the Specific Plan area and descriptions of the properties within the area that are subject to contamination at a level of detail necessary for the general public and decision makers to gain an understanding of the significant impacts of the proposed project. It acknowledges the extent of past contamination of properties within the Specific Plan area and remedial activities that have taken place or that are ongoing. It further identifies the potential impacts of the project consistent with the CEQA thresholds of significance, including hazards to the public and the environment, and recommends mitigation to reduce these impacts to a less than significant level.

5-2 The commentor states that the descriptions of the contaminated sites are inconsistent, lack necessary detail and do not provide an overview of contamination in the area, without presenting any evidence or other support for those assertions. This comment also states that the potential health risks, ecological risks and degradation of state waters are understated. Again, no substantiation of that assertion is provided. The commentor states that the Draft EIR should include an assessment of impacts attributed by volatile organic compounds (VOCs) associated with excavation and construction. In response, as noted above in Response 5-1, the Draft EIR provides an accurate discussion of existing conditions with the Specific Plan area and descriptions of the contaminated properties at a level of detail that informs the general public and decisions makers about the potential significant environmental effects of proposed activities consistent with the requirements of CEQA. With regard to VOCs, the Draft EIR properly identifies the presence of this substance in groundwater and soils within the Specific Plan area and concludes that it would create a significant hazard to the public or the environment. This impact would be potentially significant but mitigable with implementation of specific measures identified in the Draft EIR.

5-3 This comment recommends revising Mitigation Measure 4.7.1a to provide greater detail. Mitigation Measure 4.7-1 has been revised accordingly and is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

Comment Letter #6

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

DIRECTORS
JUDY C. HUANG
President
JOHN H. WEED
Vice President
JAMES G. GUNTHER
MARTIN L. KOLLER
PAUL SETHY

MANAGEMENT
WALTER L. WADLOW
General Manager
ROBERT SHAVER
Assistant General Manager-Engineering
SHELLEY BURGETT
Manager of Finance
STEVE PETERSON
Manager of Operations and Maintenance
ALTARINE C. VERNON
Manager of Administrative Services

June 29, 2011

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark CA 94560-3796

Dear Mr. Grindall:

Subject: Draft Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the "Draft Environmental Impact Report (DEIR) for the Dumbarton Transit-Oriented Development Specific Plan."

ACWD has reviewed the DEIR and would appreciate your consideration of the following comments:

1. Groundwater:

   a. Drilling Permit Requirement: As required by ACWD's Well Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org/engineering/drilling_permit.php5. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work. 6-1

   b. Geotechnical Investigation: Reference is made to Mitigation Measure 4.5-1 (page 4.5-11). The mitigation measure requires future developers to have a design-level geotechnical investigation performed. As previously mentioned, ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations located within the City of Newark under ACWD Ordinance No. 2010-01. 6-2

c. Soil Improvements: Reference is made to Mitigation Measure 4.5-1 (pages 4.5-11 to 4.5-12). The mitigation measure lists a number of possible soil improvement techniques that may be employed depending on recommendations of the design-level geotechnical engineering investigation. Some of the techniques include supporting structures on deep foundations, such as piles or piers, installing wick drains, and injecting grout.

Piers, piles, and grout are frequently installed similar to wells and exploratory holes. If the annular space between the excavation or borehole wall and the support pier or pile is not properly sealed, it can act as a vertical conduit and may create preferential pathways that allow pollutants to rapidly infiltrate the subsurface and impact groundwater. Wick drains can also create preferential pathways that can impact groundwater since they remain in place after the dewatering activities are completed. 6-3

Soil improvement techniques that intersect an aquifer or may impact the integrity of any aquitard located directly above an aquifer are regulated as other excavations under ACWD's Ordinance No. 2010-01. Therefore, ACWD requests that the project geotechnical engineer(s) coordinate with ACWD prior to beginning any soil improvement measures to ensure compliance with ACWD Ordinance No. 2010-01.

d. Cleanup Sites: Reference is made to section 4.7.12, Hazards and Hazardous Materials, Existing Conditions (pages 4.7-1 to 4.7-22). The project area includes properties where at least seven (7) known major Spills, Leaks, Investigation, and Cleanup sites exist. To date, the risk posed to human health and the environment from the contamination at these sites is not fully assessed and work is in progress. ACWD provides assistance and local oversight for the cleanup and restoration of these sites in coordination with the Regional Water Quality Control Board – San Francisco Bay Region under a Cooperative Agreement. Therefore, any proposed development in the vicinity of these sites should be coordinated with ACWD and the Regional Board. Accordingly, we request that Mitigation Measure 4.7-1a in the DEIR be modified to recognize ACWD's involvement in the investigation and cleanup of these sites. 6-4

e. Grading Permit: Reference is made to Mitigation Measure 4.7-1b (page 4.7-29). ACWD's records indicate the existence of over 150 wells located within the project area. Therefore, ACWD requests a mitigation measure that requires project proponents to develop a plan for the protection of wells that must be reviewed and approved by ACWD prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01. 6-5

f. Dewatering: Reference is made to Section 4.8, Hydrology, Drainage and Water Quality (pages 4.8-1 to 4.8-28). The DEIR acknowledges that groundwater is very shallow within the project area; however, the DEIR does not address any temporary or permanent dewatering activities that may be required. ACWD requests that the following potentially significant impacts related to dewatering activities be addressed by the EIR: 6-6

1) The project area includes areas where known Spills, Leaks, Investigation, and Cleanup sites exist. The EIR should address the potential impacts that dewatering activities and construction may have on the investigation and cleanup of those sites.

2) Since groundwater is an important component of ACWD's water resources, it is critical that the amount of water that may be extracted by dewatering be estimated and documented in the EIR. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Groundwater losses due to dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies. 6-6 Cont'd

3) ACWD regulates the installation and destruction of dewatering wells under ACWD's Ordinance No. 2010-01. ACWD permits are required for dewatering well installations and destructions.

g. Groundwater Quality: Reference is made to section 4.8.1.4, Water Quality, Groundwater Quality (pages 4.8-4 to 4.8-5). The DEIR should be updated to reflect that production from the Newark Desalination Facility has been increased to approximately 12.5 million gallons per day beginning on August 24, 2010. Also, review of water quality data by ACWD in this area indicates that groundwater in the proposed redevelopment area has a potential beneficial use, contrary to what is stated in the DEIR. The DEIR should recognize that protecting the shallow water bearing zone is also critical for protecting the Newark Aquifer, in which ACWD operates high capacity production wells for potable water supply and aquifer reclamation. This increased use of groundwater for a beneficial use further emphasizes the need to restore impacted groundwater at cleanup sites. 6-7

h. Well Protection/Destruction: Reference is made to section 4.8.1.4, Water Quality, Groundwater Quality (page 4.8-4). The DEIR states that groundwater is "currently monitored by 32 wells" in the specific plan area. ACWD records indicate there are over 150 wells in the project area. Therefore, ACWD requests a mitigation measure that requires project proponents to develop a plan for the protection of wells that must be reviewed and approved by ACWD prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01. 6-8

In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the well must be destroyed in compliance with ACWD Ordinance No. 2010-01. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities. 6-9

2. Recycled Water: Reference is made to the draft Dumbarton TOD Specific Plan, Recycled Water (pages 128 to 131). As the proposed project is within the area that could be served by a future recycled water project in accordance with a joint ACWD and Union Sanitary District Recycled Water Master Plan, the Specific Plan correctly includes provisions for use of recycled water for non-potable uses such as irrigation of large landscape areas. However, the Specific Plan should also state that the installation of recycled water distribution system ("purple pipe"), designed to accommodate a future recycled water supply, within existing and new streets within the project area may be a condition of water service to the project. Such recycled water infrastructure, if required, shall be installed at the time of the development of the project site, and in the interim period before recycled water supply becomes available, this separate recycled water distribution system may be supplied using potable water via connections to ACWD's distribution system. The EIR should also address any potential environmental impacts, if any, which may result from the installation of the recycled water infrastructure along with the project. 6-10

3. Potable Water:

   a. Water System Infrastructure: Reference is made to the draft Dumbarton TOD Specific Plan, Potable Water (pages 126 to 127). In order to extend the public water distribution system to meet project water service requirements and adequately integrate the project into ACWD's water system, significant offsite improvements will be required. While the draft Specific Plan indicates a water transmission main connection of the existing railroad right-of-way may be required, ACWD has stated that at least one additional water main connection between the North side of the existing railroad right-of-way and the project site at either Willow Street or Hickory Street will be required. Based on the information provided in the draft Specific Plan, it appears that a connection within Willow Street is most likely. In addition, one or more new water mains will need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. The construction of such railroad and SFPUC crossings may result in impacts to the environment. The EIR should include this required connection and address any associated environmental impacts that may arise from its construction. Other onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. The City and project proponents should coordinate closely with ACWD throughout the planning and development of the project. 6-11

   Also on page 127, the draft Specific Plan identifies specific diameter sizes for water mains to be installed within the project's "backbone streets" and local streets. However, ACWD shall determine the water main sizing at the time of improvement plan review. In general, well-grided "backbone streets" typically would be provided with 12-inch diameter distribution mains, while well-grided residential streets typically would be provided with 8-inch diameter distribution mains. 6-12

b. Hazards and Hazardous Materials: The DEIR identifies several hazards and hazardous materials sites within the project area. The ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to health and safety either during installation of the public water system or during long-term operation and maintenance of such a system. Any mitigations required to eliminate such hazards or potential hazards, such as clean fill corridors or other mitigations, need to be identified and described in the EIR. 6-13

4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

   - Eric Cartwright, Water Resources Planning, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.
   - Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
   - Rangarajan Sampath, Groundwater Resources Engineer at (510) 668-4411, or by e-mail at rangarajan.sampath@acwd.com for coordination regarding cleanup sites.
   - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com for coordination regarding groundwater wells and drilling permits.
   - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan at this time.

Sincerely,

Robert Shaver
Assistant General Manager - Engineering

rs/tf
By PDF
cc: Steven Inn, ACWD
Eric Cartwright, ACWD
Ed Stevenson, ACWD
Michelle Myers, ACWD
Rangarajan Sampath, ACWD

This page intentionally left blank.

Response to Comment Letter #6, Robert Shaver, Alameda County Water District

6-1 This comment states that a drilling permit is required in accordance with the Alameda County Water District's (ACWD's) Well Ordinance prior to any subsurface drilling activities for wells, exploratory holes and other excavations. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

6-2 This comment references Mitigation Measure 4.5-1, which requires design-level geotechnical investigations for individual properties when development is proposed, and states that ACWD regulates the construction, repair and destruction of wells, exploratory holes and other excavations. Mitigation Measure 4.5-1 has been amended to note this and is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

6-3 This comment identifies concerns with soil improvement techniques that might be required pursuant to Mitigation Measure 4.5-1 and the potential for such techniques to intersect an aquifer or impact the integrity of any aquitard located directly above an aquifer. Mitigation Measure 4.5-2 has been added to require the project geotechnical engineer(s) to coordinate with the ACWD to ensure compliance with ACWD Ordinance No. 2010-01." Refer to Chapter 10 of this Final EIR.

6-4 This comment references pages 4.7-1 through 4.7-22 of the Draft EIR regarding existing conditions relative to hazardous materials within the Specific Plan area. The comment states that ACWD provides assistance and local oversight for the cleanup and restoration of contaminated sites in coordination with the San Francisco Bay Regional Water Quality Control Board (SFRWQCB) and requests a revision to Mitigation Measure 4.7-1a to recognize ACWD's involvement in the investigation and cleanup of these sites. Mitigation Measure 4.7-1a has been revised accordingly and is provided in Chapter 10 of this Final EIR.

6-5 This comment references Mitigation Measure 4.7-1b and states that ACWD records indicate that there are over 150 existing wells within the Specific Plan area. While there is no evidence provided regarding the exact number of wells within the Specific Plan area, nevertheless, any existing wells, whatever the number, should be protected as required by law. The

comment requests a mitigation measure that requires project applicants to develop a plan for the protection of wells subject to the review and approval of the ACWD prior to issuance of demolition and/or grading permits. Mitigation Measure 4.5-3 has been added accordingly and is included in Chapter 10 of the Final EIR.

6-6 This comment requests that proposed dewatering activities be addressed in the Draft EIR. As a program-level EIR, the Draft EIR for the proposed Dumbarton TOD Specific Plan has been prepared for project area land use changes and the planning document that would guide future development within the area. Site-specific plans to develop individual properties within the Specific Plan area and improvement plans to construct required infrastructure to support the development have not been prepared. Thus, the extent of dewatering activities needed for the proposed project have not been determined. However, implementation of Mitigation Measure 4.3-2 would ensure compliance with ACWD Ordinance No. 2010-01, which includes regulations pertaining to the installation and destruction of dewatering wells.

6-7 This comment references pages 4.8-4 and 4.8-5 of the Draft EIR and suggests that information in the Draft EIR be updated to reflect that production from the Newark Desalination Facility has increased to approximately 12.5 million gallons per day beginning in August 2010. The comment also states that a review of water quality data by ACWD indicates that groundwater within the Specific Plan area has a potential beneficial use contrary to the Draft EIR. It also requests that the Draft EIR recognize that protecting the shallow water bearing zone is critical for protecting the Newark Aquifer. The Draft EIR notes, based upon substantial evidence, the increasing salinity of the Newark Aquifer within the Specific Plan area due to tidal intrusion and the brackish nature of the shallow water bearing zone that the shallow water zone is not itself usable as a potential drinking water source. With that said, revisions to information provided in Section 4.8 (Hydrology, Drainage, and Water Quality) of the Draft EIR regarding groundwater quality have been made and are provided in Chapter 10 of this Final EIR.

6-8 This comment states that there are over 150 wells within the Specific Plan area. Refer to Response 6-5, above.

6-9 This comment states that in order to protect the groundwater basin, each

well within the Specific Plan area must be in compliance with ACWD Ordinance 2010-01. If wells are to remain, a letter indicating this must be submitted to ACWD. A permit would be required for inactive classification if the wells would not be used for a period of 12 months. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

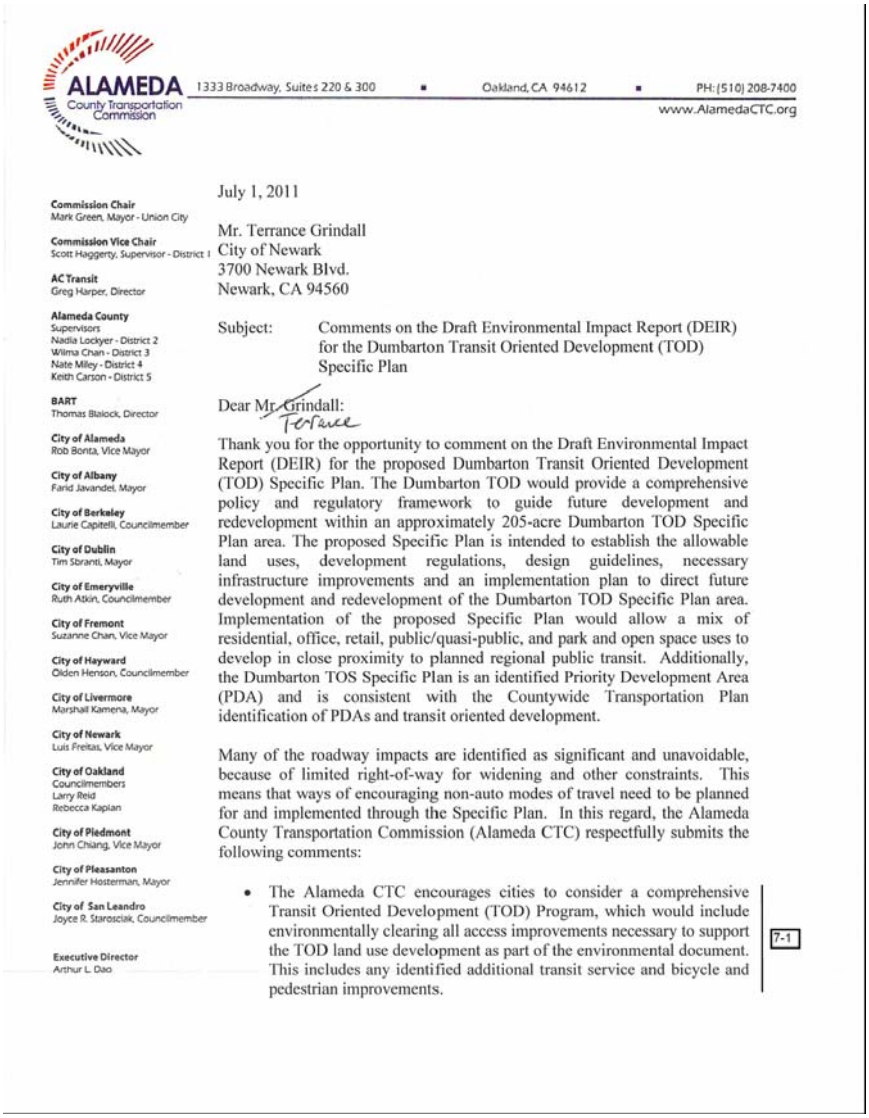
6-10 This comment references the Recycled Water section of the Dumbarton TOD Specific Plan and requests reference in the Specific Plan that the installation of a recycled water distribution system may be made a condition of providing water service to future, specific projects within the Specific Plan area. This reference will be added to the Specific Plan as requested. The comment also states that the Draft EIR should address any potential impacts that may result from installation of recycled water infrastructure. Unless and until such infrastructure is required, and the details known regarding its location and design, any such impacts would be too speculative and uncertain to be analyzed at this time. As a program-level EIR, the Draft EIR for the proposed Dumbarton TOD Specific Plan has been prepared for project area land use changes and the planning document that would guide future development within the area. Site-specific plans to develop individual properties within the Specific Plan area and improvement plans to construct required infrastructure to support the development have not been prepared. Thus, consistent with CEQA Guidelines Section 15168(c), the Draft EIR recognizes that subsequent activities undertaken pursuant to the Specific Plan would be examined in light of the program EIR to determine if additional environmental review would be required.

6-11 This comment states that at least one additional water main connection would be required for the project, most likely within Willow Street. The comment also states that one or more new water mains would need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. The commentor states that the Draft EIR should include the required connection and address any associated impacts that may arise from its connection. Potential impacts associated with crossing the SFPUC right-of-way for required storm drainage lines are identified in the Draft EIR. Mitigation Measure 4.8-4b would reduce this impact to less than significant and has been revised to include new water mains. Refer to Chapter 10 of this Final EIR.

6-12 This comment states that ACWD would determine water main sizing at the time of improvement plan review. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

6-13 This comment states that the ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to health or safety during installation of the system or during long-term operation and maintenance of such a system. It also states that any mitigation measures required to eliminate hazards need to be identified in the Draft EIR. Section 4.7 (Hazards and Hazardous Materials) addresses the project's potential impacts associated with existing contamination within the project area and identifies mitigation to reduce impacts to the public and environment to a less than significant level.

Comment Letter #7



ALAMEDA County Transportation Commission

1333 Broadway, Suite 220 & 300 ▪ Oakland, CA 94612 ▪ PH: (510) 208-7400
www.AlamedaCTC.org

July 1, 2011

Mr. Terrance Grindall
City of Newark
3700 Newark Blvd.
Newark, CA 94560

Subject: Comments on the Draft Environmental Impact Report (DEIR) for the Dumbarton Transit Oriented Development (TOD) Specific Plan

Dear Mr. Grindall: Terrance

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Dumbarton Transit Oriented Development (TOD) Specific Plan. The Dumbarton TOD would provide a comprehensive policy and regulatory framework to guide future development and redevelopment within an approximately 205-acre Dumbarton TOD Specific Plan area. The proposed Specific Plan is intended to establish the allowable land uses, development regulations, design guidelines, necessary infrastructure improvements and an implementation plan to direct future development and redevelopment of the Dumbarton TOD Specific Plan area. Implementation of the proposed Specific Plan would allow a mix of residential, office, retail, public/quasi-public, and park and open space uses to develop in close proximity to planned regional public transit. Additionally, the Dumbarton TOS Specific Plan is an identified Priority Development Area (PDA) and is consistent with the Countywide Transportation Plan identification of PDAs and transit oriented development.

Many of the roadway impacts are identified as significant and unavoidable, because of limited right-of-way for widening and other constraints. This means that ways of encouraging non-auto modes of travel need to be planned for and implemented through the Specific Plan. In this regard, the Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

- The Alameda CTC encourages cities to consider a comprehensive Transit Oriented Development (TOD) Program, which would include environmentally clearing all access improvements necessary to support the TOD land use development as part of the environmental document. This includes any identified additional transit service and bicycle and pedestrian improvements. 7-1

- Pages 4.14-51 through 4.14-53 state that there will be an increase in demand for public transit due to the Dumbarton TOD project. While the Alameda Countywide Transportation Plan and the DEIR both identify Dumbarton Rail service as a potential solution to accommodate transit in the study area, the timeframe for the actual implementation of the rail service is not known and is at best a long term solution. The DEIR also states that transit service through AC Transit is assumed as an alternative solution, but states that the suggested improvements would be outside the City of Newark's jurisdiction and would require AC Transit approvals, causing the improvements to not be feasible and therefore significant and unavoidable. Given the overall size and importance of this project to the region and its need for transportation options, it is requested that the City collaborate with AC Transit as early as possible in the development process to identify appropriate mitigation measures and a plan for providing transit to the project site. In today's current funding environment, it cannot be assumed that AC Transit will be able to assume the full burden of implementing additional service to the project site and that the project should be encouraged to contribute its fair share. Also, Alameda CTC is in the process of updating the Countywide Transportation Plan and developing a Transportation Expenditure Plan, which potentially could help fund transit service in the County. 7-2

- Pages 4.14-53 through 4.14-55, which address the Pedestrian and Bicycle aspects of the project, should also identify pedestrian and bicycle routes documented in the Alameda Countywide Bicycle and Pedestrian Plans. Both Plans are currently being updated and are defining bicycle and pedestrian access to Transit Priority Zones and PDAs. 7-3

- The DEIR should consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. 7-4

Once again, thank you for the opportunity to comment on the DEIR for the Dumbarton TOD Specific Plan. Should you have any questions or require any additional information, please do not hesitate to contact me at (510) 208-7405.

Sincerely,

BTR Walukas

Beth Walukas
Deputy Director of Planning

Cc: Laurel Poeton, Assistant Transportation Planner
File: CMP- Environmental Review Opinions – Responses - 2011

Response to Comment Letter #7, Beth Walukas, Alameda County Transportation Commission

7-1 This comment states that the Alameda County Transportation Commission (ACTC) encourages cities to consider a comprehensive Transit Oriented Development (TOD) Program, which would include environmentally clearing all access improvements necessary to support the TOD land use development as part of the environmental document. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers. It should also be noted that the proposed project location could take advantage of the proposed Dumbarton Rail Corridor (DRC) Project and encourage transit as an alternative to automobile use, and that the Specific Plan includes a number of elements designed to reduce depending upon automobiles, including trails, bicycle facilities and the placement of housing within walking distance of employment, transit and entertainment. However, it should also be noted, as stated in the Draft EIR on pages 3-1 and 3-19, the project is not dependent in any way upon proposed DRC transit service (or the transit station), which is a separate project undergoing separate environmental review by other public agencies. Moreover, due to the uncertain timeline and funding status of the DRC Project, it would be speculative to include the project in the cumulative context of this environmental analysis. The DRC and the transit station are not reasonably foreseeable future activities of the project that must be studied by this EIR at this time. As a result, at this time alternative transit service would need to be provided to accommodate the demand generated by the site.

7-2 The commentor requests that the City collaborate with Alameda County Transit (AC Transit) as early as possible in the development process to identify appropriate mitigation measures and a plan for providing transit to the project area. Mitigation Measure 4.14-2 requires the City to coordinate with AC Transit to improve bus service to the Specific Plan area, which would reduce impacts related to transit to less than significant. However, ultimate implementation would be under AC Transit's jurisdiction and cannot be guaranteed. As a result, the impact would remain significant and unavoidable.

Comments regarding the importance of the Dumbarton Rail Project and coordination among agencies are noted.

7-3 This comment requests that pedestrian and bicycle routes documented in the Alameda Countywide Bicycle and Pedestrian Plans be identified in the Draft EIR. The Countywide Bicycle and Pedestrian Plans were adopted in 2006 and are currently being updated. The 2006 Bicycle Plan contains a proposed Countywide Class III bicycle route that extends from Thornton Avenue southbound across SR-84 to the intersection with Willow Street. The route then travels on Willow Street south to Central Avenue and runs east until it intersects with the railroad tracks where a proposed section of the Bay Trail parallel to the tracks would continue the route. Other planned Countywide routes in the vicinity include a proposed Class III route that continues east on Central Avenue and a proposed north-south Class II route that runs along Newark Boulevard, Brittany Avenue and Cherry Street. Alameda County also adopted a Pedestrian Master Plan in 2006 that identifies areas of Countywide significance for capital pedestrian projects. Thornton Avenue, Cherry Avenue and Willow Street are all part of the proposed Bay Trail spine and, therefore, corridors of Countywide significance for pedestrian projects.

Chapter 4.14 (Traffic) of the Draft EIR has been revised to include additional language describing these plans. Refer to Chapter 10 (Revisions to Draft EIR) of this Final EIR.

7-4 This comment states that the Draft EIR should consider the use of Transportation Demand Management (TDM) measures. The City will consider additional measures beyond those proposed in the Specific Plan, including mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means to reduce peak hour traffic trips.

Comment Letter #8

July 1, 2011

City of Newark
Economic Development and Planning
37101 Newark Blvd.
Newark, CA 94560-3796

Attention: Mr. Terrence Grindall

RE: Draft Environmental Impact Report (DEIR)
Dumbarton Transit Oriented Development

Dear Mr. Grindall:

Thank you for notifying and giving Union Sanitary District (USD) the opportunity to review the Draft Environmental Impact Report for the Dumbarton Transit Oriented Development (TOD) Specific Plan. The proposed development of approximately 206.7-acre Dumbarton TOD Specific Plan Area includes a maximum of 2,500 residential units on 149 acres, 35,000 square feet of retail on 5 acres, 195,000 square feet of commercial on 7.2 acres, transit station on 6.1 acre, 16.3 acres of parks and open space and 23.1 acres of miscellaneous development. The development area is located in Union Sanitary District's Newark Basin.

Based on our review, it appears that our meetings and conversations with you and your consultant(s) before and during the preparation of the DEIR have been very productive. The issues and concerns that we anticipate together with the proposed mitigation measures were all included and discussed in the DEIR. While USD's Alvarado Treatment Plant in Union City has enough capacity to treat the wastewater discharge from the proposed project, a major concern was the anticipated capacity deficiency of the sanitary sewer lines adjacent to the project area including USD's twin 33-inch forcemains that transmit wastewater from the Newark and Irvington Basins to our treatment plant in Union City. We do have some minor comments and/or corrections on the DEIR pages 3-12, 3-38, 4.12-18 and 4.12-19. Please refer to the attached. 8-1

The Newark Basin Master Plan Update is currently in progress and will reflect the anticipated wastewater discharge from the proposed TOD development. The updated master plan will identify collection capacity deficiencies and will contain recommendation on what sanitary sewer system improvements will be necessary to accommodate the project. The work on the 8-2

5072 Benson Road, Union City, CA 94587-2508
P.O. Box 5050, Union City, CA 94587-8550
(510) 477-7500 FAX: (510) 477-7501
www.unionsanitary.com

updated master plan started last year as planned but completion and the release of the final report is now anticipated in summer of 2012 instead of June this year. 8-2 Cont'd

A review of our current boundaries and the TOD project area reveals that some portions of the Cargill and FMC properties located west of the development are outside USD boundary. These areas will need to be annexed to USD for us to be able to legally serve the future residential units on the properties. Annexation of these areas may be deferred until development plans are submitted to the City and USD. It should be noted that annexation process may take anywhere from six months to a year. 8-3

Again, we thank you for the opportunity to review and comment on the TOD DEIR. We look forward to working with the City on this project. If you have any questions or if I can be of further help, you may call me at (510) 477-7617.

Truly yours,

Al D. Bunyi, P.E.
Associate Engineer

Cc: Rollie Arbolante
Sami Ghossain
Jesse Gill
File

Attachment

ADB:adb

interspersed non-native trees consisting of ornamental fig (*Ficus* sp.), Mexican fan palm (*Washingtonia robusta*), London plane (*Platanus acerifolia*), eucalyptus (*Eucalyptus* sp.), Peruvian pepper (*Schinus molle*), and pine (*Pinus* sp.). Common animal species expected to inhabit the ruderal habitat within the Specific Plan area include western scrub jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), American robin (*Turdus migratorius*), European starling (*Sturnus vulgaris*) and Brewer's blackbird (*Euphagus cyanocephalus*). The biological resources of the Plan area are described in detail in Chapter 4.3.

Rights-of-Way and Utility Easements

The Specific Plan area contains several rights-of-way and transportation and utilities easements. The northern portion of the Specific Plan area is underlain by the Hetch Hetchy Pipeline, which travels from east to west. The City and County of San Francisco owns the Hetch Hetchy Pipeline, and the San Francisco Public Utilities Commission (SFPUC) maintains a 110-foot right-of-way and tight control over crossings and other uses within this right-of-way. The DRC runs in an east/west direction generally along the northern edge of the Specific Plan area, almost parallel to the Hetch Hetchy Pipeline. The DRC has a 100-foot wide right-of-way owned by the San Mateo County Transit District. The ~~East Bay Dischargers Authority (EBDA)~~ owns and operates two ~~36~~ 33-inch sanitary sewer force mains serving the City of Newark that run through the Specific Plan area within a 30-foot wide easement, partially within the Hickory Street right-of-way. The Alameda County Flood Control F-1 Canal flows from east to west along the Specific Plan area's southern boundary, providing the main drainage outlet to the San Francisco Bay for a large part of the City of Newark. A tributary to this canal, the F-6 ditch generally flows from north to south along the Specific Plan area's easterly boundary and runs north along the west side of Willow Street for a distance of about 1,300 feet. Pacific Gas and Electric (PG&E) transmission lines traverse the Specific Plan area from north to south and PG&E maintains a 25-foot wide easement underneath the lines and surrounding the towers that the support the high-voltage lines.

Union Sanitary District (USD)

ASHLAND INC. PROPERTY

The Ashland Inc. property occupies approximately 10.29 acres located southeast of the terminus of Enterprise Drive (8610 Enterprise Drive). The Ashland property is generally flat and has a gentle slope downward toward the southern rear portion of the property. The surface elevation ranges from approximately nine to 11 feet above MSL. Ashland operated a chemical packaging and distribution facilty on the property from 1973 until 2000. Currently, the property is vacant, enclosed by

portion of Newark, north through the Specific Plan area, across (beneath) the Hetch Hetchy Pipeline and Southern Pacific Railroad (SPRR) and into parallel 36-inch and 42-inch trunk gravity mains that flow to the west in the SPRR right-of-way (SPRR Mains). The SPRR Mains combine into a single 48-inch gravity sewer main that continues to the Newark Pump Station near the northwest corner of the Specific Plan area. Wastewater is pumped from the station through twin 33-inch force mains to the Alvarado Treatment Plant, approximately five miles to the north. In addition to the Willow Street 36-inch, there is a 14-inch gravity line in Enterprise Drive (Enterprise Drive 14-inch) that flows from east to west before turning to the northwest to run diagonally across the FMC property. This line is in disrepair, is shallow and only serves as a redundant line to the Willow Street 36-inch and the SPRR Mains, in the event of excessive surcharging in those lines.

Dual 33-inch force mains owned and operated by the ~~East Bay Dischargers Authority (EBDA)~~ U.S.D. traverse the Specific Plan area generally from south to north and at a depth of approximately five feet within the existing right-of-way for Hickory Street between the Torian and Ashland properties to the east and Cargill property to the west, then follow FMC's property southern boundary before heading northerly again (~~EBDA~~ Mains). The ~~EBDA~~ Mains do not serve the Specific Plan area but carry wastewater from the Irvington Pump Station near the Fremont Boulevard Interchange at Interstate 880 to the Newark Pump Station. These pipes may be sensitive to movement and subject to failure should heavy construction occur over or in the vicinity of the pipelines. Mitigation measures may therefore be necessary as part of the implementation of the Specific Plan to protect the ~~EBDA~~ Mains or project proponents may consider the option of replacing the ~~EBDA~~ Mains within the Hickory Street right-of-way working closely with the USD.

In general, most new connections to the existing wastewater collection system are anticipated to be made to the Willow Street 36-inch gravity main. A new 12-inch gravity sewer main may be required to the areas located west of the ~~EBDA~~ Mains to avoid potential conflicts with those pipelines. There is no particular limit to the number of connections that can be made. However, it is anticipated that improvements may be required to both the 36-inch gravity trunk sewer in Willow Street and possibly the 42-inch gravity trunk sewer in the SPRR due to future development associated with the Dumbarton TOD Specific Plan and deficiencies in these lines identified by the USD.

The Newark Pump Station recently underwent an 11 million dollar upgrade and it is anticipated that no further upgrades would be needed to serve the proposed Dumbarton TOD Specific Plan area. However, the force mains that convey flow

A 14-inch gravity line in Enterprise Drive ultimately flows to the Newark Pump Station after crossing the FMC property and the Hetch Hetchy Pipeline. This line is in disrepair, is shallow, and only serves as a redundant line to the mains in Willow Street and the SPRR in the event of excessive surcharging in those lines. The Enterprise Drive line and the Willow Street main are the only two sewer lines near the project area to cross the Hetch Hetchy Pipeline.

Dual 33-inch force mains, operated by ~~East Bay Dischargers Authority (EBDA)~~ USD, traverse the site generally from south to north. These mains carry wastewater from the Irvington Pump Station (near the Fremont Boulevard and Interstate 880 interchange) to the Newark Pump Station, but do not serve the project area. These pipes are sensitive to movement and their joints are subject to failure should heavy construction or intense uses occur over or in the vicinity of the pipeline. In general, additional structural mitigation measures may need to be installed at selected locations or, as an alternative, these lines could be replaced in a new alignment within Hickory Street. The nature of the structural mitigation measures or replacement mains would be determined in conjunction with USD.

No additional improvements to the Newark Pump Station are anticipated; however, force mains conveying flow from the station to the Alvarado Treatment Plant may be undersized for buildout of the Specific Plan. An additional line or an equalization basin near the station would be needed. Required improvements, ~~schedules for their implementation, and funding options~~ will be addressed in the USD Sewer Master Plan, which is scheduled for publication in ~~June, 2011~~ Summer 2012. In general, most new connections to the existing wastewater collection service would be provided along the 36-inch Willow Street gravity main. A new 12-inch gravity sewer main may be required to provide service to the areas located west of the EBDA mains to avoid a potential conflict with new mains crossing EBDA mains.

The following polices will be included as a part of the General Plan Amendment for the Dumbarton TOD Specific Plan project.

- Expand the wastewater collection system such that it is adequate to serve the new development in the project area.
- Amend sewer fees and/or other financing mechanisms if necessary such that project area project sponsors pay their fair share of the costs for sewer or forcemain improvements.
- The USD ~~was~~ is scheduled to begin updating their Sewer Master Plan in the fall of 2010, with a document available by ~~June of 2011~~ Summer of 2012. As part of the updating and anticipate completion

process, USD will gather information on planning activities at each city within its boundaries (Fremont, Newark and Union City) to help guide the Master Plan. It is important that the City of Newark continues to engage in this process and is forthright with respect to the Specific Plan, so that the Sewer Master Plan can provide concrete documentation of the upgrades required to implement the Specific Plan.

Implementation of Mitigation Measure 4.12-2 would reduce impacts to the wastewater system to less than significant.

Mitigation Measure

4.12-2 Prior to approval of any tentative map within the Dumbarton TOD Specific Plan area, additional necessary improvements, if any, beyond those already included in the USD Master Plan and updated fee program, shall be determined regarding proposed new connections (from such tentative map development) and then-existing or proposed wastewater facilities. Such improvements shall be installed prior to issuance of a building permit. Improvements shall be consistent with requirements in the Sewer Master Plan (anticipated to be available in ~~June 2011~~ January 2012). The City and USD shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which such improvements are necessary.

Level of Significance After Mitigation: Less Than Significant.

WATER SUPPLY

4.12-3 Sufficient water supplies are available to serve the proposed project from existing entitlements and resources. No new or expanded entitlements would be required.

Level of Significance Before Mitigation: Less Than Significant

Impact Analysis

The Dumbarton TOD Specific Plan area is located within the water service area of ACWC. Pursuant to SB 610, a WSA was prepared for the proposed project. The WSA relies on the 2010 Draft Urban Water Management Plan (UWMP) data to analyze and report water supply reliability and the 2005 UWMP to document

Response to Comment Letter #8, Al D. Bunyi, Union Sanitary District

8-1 This comment suggests revisions to Section 4.12 (Public Services and Utilities) of the Draft EIR to replace references to the East Bay Dischargers Authority with Union Sanitary District (USD), as well as modifications to the date of completion of the USD Sewer Master Plan. These revisions are included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

8-2 This comment addresses the Newark Basin Master Plan Update and corrects the anticipated completion date on pages 4.12-18 and 4.12-19 of the Draft EIR. Refer to Chapter 10 of this Final EIR.

8-3 Comment noted regarding the Cargill and FMC properties requiring annexation to USD prior to development. Clarification has been provided in Chapter 3 (Project Description) of the Draft EIR to describe the process. Refer to Chapter 10 of this Final EIR.

This page intentionally left blank.

Comment Letter #9

samTrans

July 1, 2011

Mr. Terrence Grindall
Community Development Director
City of Newark
37101 Newark Blvd
Newark, CA 94560

RE: Notice of Completion and Availability of Draft Environmental Impact Report for the Dumbarton Transit Oriented Development (TOD) Specific Plan

Dear Mr. Grindall:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Dumbarton TOD Specific Plan. SamTrans is the owner of the railroad right of way north of the project limits and is currently in the process of planning a commuter rail service on these rail road tracks, the Dumbarton Rail Corridor (DRC) Project.

SamTrans supports the Newark City TOD program and looks forward to working together with the City of Newark in the planning and implementation of our respective projects. As one of the proposed DRC station locations is in Newark City, we would like to offer the following comments:

1. The Dumbarton TOD Program DEIR indicates that "The DRC Project is not a part of the Dumbarton TOD Specific Plan and the Specific Plan is not dependent in any way upon implementation of the DRC Project." However, we recommend that traffic and transportation effects of the implementation of the DRC rail service as well as the indirect land use effect be discussed in the final EIR.

   Traffic impacts could be substantially different with and without the DRC project. It might be reasonable for the Final EIR to analyze the implications of this difference in terms of traffic impacts and projected transit mode share for the TOD area. Intuitively, the TOD area would be more attractive to residents and businesses with the DRC project completed. The Final EIR should address the relationship between the provision of transit service and land development and consider how the development of the TOD area could be different with and without the DRC project. 9-1

2. Since the Specific Plan and the DRC Project are interrelated, the inclusion of each project into the No-Build condition for the other should be considered. 9-2

SAN MATEO COUNTY TRANSIT DISTRICT
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 (650)508-6200

Many elements of the Specific Plan would affect ridership of the DRC and/or traffic conditions near the station. In addition, if they are deemed reasonable and foreseeable, they should be considered in the station area planning included in the DRC Project. These elements to be considered include:

- According to the Specific Plan, the Newark transit station is planned to have 500 parking spaces at full build (phased over time) and a shared parking agreement between the station and future adjacent uses is encouraged. How would this affect DRC ridership?
- The majority of new residential units within the Specific Plan are within ½ mile (ten minute) walking distance of proposed transit station platform location. The Plan also includes a bus station hub in overall planning of the Station. These elements should be considered in the DRC planning, design, and ridership analysis.
- The Specific Plan contains street improvements – Willow St, Hickory St, Central Ave, and Enterprise Dr. – which comprise the backbone circulation plan. The Specific Plan also contains street upgrades and intersection improvements per City of Newark's General Plan Circulation Element (1989, updated 2007). The inclusion of these improvements in the traffic model would affect the DRC traffic analysis.

9-2 Cont'd

Additionally, it may be warranted that the DRC Project be included in the evaluation of cumulative impacts. Specifically for noise, cumulative impacts scenario is based on roadway traffic noise only and uses FHWA's Traffic Noise Model (TNM). The cumulative scenario may need to be revised to include the combined effect of traffic noise and the DRC train noise. Freight and commuter rail operations at or near the Dumbarton Rail Transit Station may generate levels of ground vibration that would expose residential dwellings and other receptors on the Specific Plan site to levels that exceed applicable thresholds. This issue should be discussed even if brief.

9-3

We want to reiterate our support to the City of Newark on its TOD initiative and remain available for coordinating very closely our mutual planning efforts for the Dumbarton TOD and the Dumbarton Rail Corridor projects. Please feel free to contact me at 650-622-7842 if you have any questions.

Sincerely,

Hilda Lafebre, DBIA
Manager, Capital Project & Environmental Planning

Ec: Aidan Hughes, Interim Executive Officer- Planning & Development
William Hurrell, WSA
Cathy LaFata, LBG
Larry Pesesky, LBG

SAN MATEO COUNTY TRANSIT DISTRICT
1250 San Carlos Ave. – P.O. Box 3006
San Carlos, CA 94070-1306 (650)508-6200

Response to Comment Letter #9, Hilda Lafebre, San Mateo County Transit District

9-1 The comment requests discussion of the impacts of the Dumbarton Rail Corridor (DRC) Project in the Draft EIR for the Dumbarton TOD Specific Plan. As stated in the Draft EIR on pages 3-1 and 3-19, implementation of the proposed Specific Plan would allow a mix of residential, office, retail, park and recreational open space uses in close proximity to planned future transit service along the DRC. At the same time, the project is not dependent in any way upon proposed DRC transit service (or the transit station), which is a separate project undergoing separate environmental review by other public agencies. Moreover, due to the uncertain timeline and funding status of the DRC Project, it would be speculative to include the project in the cumulative context of this environmental analysis. The DRC and the transit station are not reasonably foreseeable future activities of the project that must be studied by this EIR at this time.

Comments regarding the attractiveness of development within the Specific Plan area to residents and businesses with the DRC project completed are noted.

9-2 This comment states that since the Dumbarton TOD Specific Plan and DRC Project are interrelated, the inclusion of each project in the no-build condition for the other should be considered. As described in Response 9-1, the DRC and the transit station are not reasonably foreseeable future activities of the project that must be studied by this EIR at this time.

9-3 This comment suggests that it may be warranted that the DRC Project be included in the evaluation of cumulative impacts, specifically for noise. Noise analysis associated with future rail use are included in Chapter 4.10 (Noise) of the Draft EIR and mitigation measures are included to address potential impacts.

This page intentionally left blank.

Comment Letter #10

Making San Francisco Bay Better

July 1, 2011

Terrence Grindall,
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, California, 94560

SUBJECT: Draft Environmental Impact Report on Dumbarton Transit Oriented Development Specific Plan, BCDC Inquiry File No.AL.FT.7025.1
SCH# 2010042012

Dear Mr. Grindall:

The San Francisco Bay Conservation and Development Commission (BCDC) appreciates the opportunity to review and comment on the *Draft Environmental Impact Report for the Dumbarton Transit Oriented Development Specific Plan* (DEIR), dated May 2011. Although our Commission has not had the opportunity to review the DEIR, these staff comments are based on BCDC's law, the McAteer-Petris Act and the provisions of its *San Francisco Bay Plan* (Bay Plan).

Jurisdiction and Authority. As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the Sacramento River and includes tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety or welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan. The McAteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline. 10-1

Since our initial letter, dated May 4, 2010, indicating that the project is outside of the Commission's jurisdiction staff has conducted a more detailed analysis of the extent of BCDC jurisdiction in the project vicinity. As stated in the McAteer-Petris Act, BCDC jurisdiction extends to certain waterways tributary to the Bay, "consisting of all areas that are subject to tidal action, including submerged lands, tidelands, and marshlands up to five feet above mean sea level, on, or tributary to, the listed portions of the following waterways: Plummer Creek in Alameda County, to the eastern limits of the saltponds...." In addition to the stretches of Plummer Creek located along the southern and southeastern portion of the project there are areas, located at the northwestern corner of the project site, that may be within BCDC's "bay jurisdiction. Staff recommends that the EIR clarify the extent of the project site, as depicted in Figure 3-2, that may be within BCDC's jurisdiction. 10-2

Public Access. Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access. 10-3

State of California • SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION • *Edmund G. Brown Jr., Governor*
50 California Street, Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • info@bcdc.ca.gov • www.bcdc.ca.gov

If any projects identified in the DEIR are within BCDC's jurisdiction, then the EIR should consider that BCDC's public access requirements include, "maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline."

Transportation and Land Use. The general goals described for the area defined in the DEIR are goals that, if met in a way that protects the ecological resources along the shoreline, BCDC supports. These goals include, the development of transit-oriented development that "allows for a mixed of residential, office, retail, public/quasi public, and park and open space uses to develop in close proximity to planned regional public transit." In pursuit of these goals, the City of Newark should continue coordinating with the Association of Bay Area Government's (ABAG) Focus program, a joint effort of ABAG, the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC) and BCDC. 10-4

Sea Level Rise and Safety of Fills. It appears that some areas within the plan area and along the adjacent shoreline may be vulnerable to projected sea level rise. BCDC has conducted an assessment of the region's exposure to sea level rise which is based on a projected 16-inch sea level rise at mid century (2050) and 55-inch sea level rise at the end of the century (2100). However, on page 4.6-27 the DEIR indicates that BCDC expects climate change to raise sea level between 12 and 36 inches by the year 2100. Therefore, the EIR should clarify the source of the 12 and 36 inch sea level rise projections. 10-5

Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. The safety of fills findings state, in part, "structures on fill or near the shoreline should be above the highest expected water level during the expected life of the project…Bay water levels are likely to increase in the future because of a relative rise in sea level… Relative rise in sea level is the sum of: (1) a rise in global sea level and (2) land elevation change (lifting and subsidence) around the Bay." Bay Plan policies on safety of fills state, in part, "local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards." Projects in BCDC jurisdiction that involve bay fill must be consistent with the Bay Plan policies on the safety of fill and sea level rise. 10-6

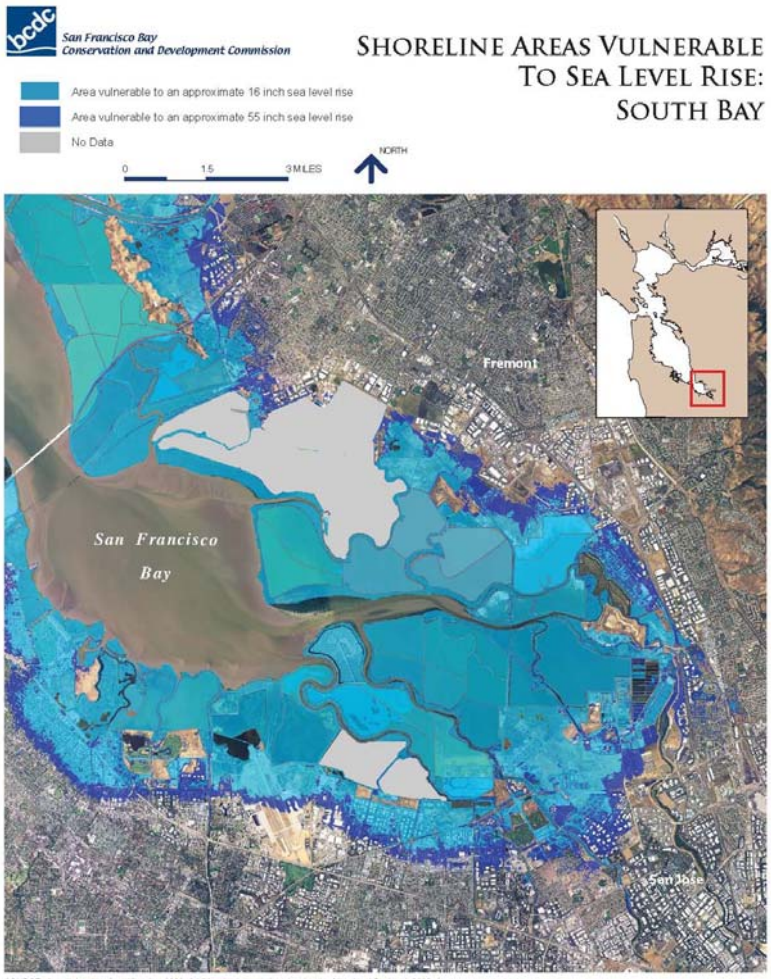
The DEIR process is an opportunity to design the future project so that it can be more resilient to sea level rise related impacts. Therefore, the EIR should discuss the potential for inundation and its impacts on land use, transportation, hydrology, water quality, hazards, infrastructure and utilities and public services. Please see the attached maps that identify areas that may be exposed to sea level rise in the vicinity of the plan area. These maps are part of a draft BCDC staff report that analyzes vulnerabilities to climate change in the Bay and along the shoreline. 10-7

Thank you again for the opportunity to review and comment on the *Draft Environmental Impact Report for the Dumbarton Transit Oriented Development Specific Plan*. If you have any questions please contact me directly at (415) 352-3667.

Sincerely,

TIMOTHY DOHERTY
Coastal Planner

TD/emc


San Francisco Bay
Conservation and Development Commission
SHORELINE AREAS VULNERABLE
TO SEA LEVEL RISE:
SOUTH BAY
Area vulnerable to an approximate 16 inch sea level rise
Area vulnerable to an approximate 55 inch sea level rise
No Data
0
1.5
3 MILES
NORTH
Fremont
San Francisco
Bay
San Jose
SOURCE: Inundation data from Knowles, 2008. Additional salt pond elevation data by Siegel and Bachand, 2002. Aerial imagery is NAIP 2005 data.
DISCLAIMER: Inundation data does not account for existing shoreline protection or wave activity. These maps are for informational purposes only. Users, by their use, agree to hold harmless and blameless the State of California and its representatives and its agents for any liability associated with its use in any form. The maps and data shall not be used to assess actual coastal hazards, insurance requirements, or property values or be used in lieu of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

This page intentionally left blank.

Response to Comment Letter #10, Timothy Doherty, Bay Conservation and Development District

10-1 This comment summarizes the Bay Conservation Development Commission's (BCDC's) jurisdiction and authority along the San Francisco shoreline. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

10-2 This comment states that since providing the City with an initial letter regarding BCDC's jurisdiction over the project area in May 2010, they have conducted further analysis of the extent of their jurisdiction over the area. Following receipt of Comment Letter #10, City staff requested additional clarification regarding BCDC jurisdiction. BCDC staff confirmed that the waterway in the northwest portion of the project area, referred to as the barge canal, is considered part of the Bay and BCDC has jurisdiction over a shoreline band located between the shoreline and 100 feet landward and parallel to the shoreline for public access purposes. Plummer Creek is not considered part of the Bay but is referred to as "Certain Waterways," which cannot be filled without a BCDC permit. The project does not propose any fill of these waters. Page 4.9-23 of the Draft EIR has been revised to clarify this and is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

10-3 Comment noted regarding the McAteer-Petris Act and placement of fill in the Bay. As noted on page 3-25 of the Draft EIR, the proposed project includes a perimeter trail surrounding the Specific Plan area, as well as the construction of a 6.5-acre park that would be located adjacent to this area, which would preserve public access and views of the shoreline. Furthermore, the project does not propose to place fill within the Bay.

10-4 Comment acknowledged regarding BCDC's support of transit-oriented development that "allows for a mix of residential, office, retail, public/quasi public, and park and open space uses in close proximity to planned regional public transit." The City will continue to coordinate with the Association of Bay Area Governments (ABAG) Focus program.

10-5 This comment asks for clarification regarding the source of sea level rise projections. The projections for sea level rise within the project area in the Draft EIR were derived from the San Francisco Bay Plan and the BCDC's

Shoreline Areas Vulnerable to Sea Level Rise Central Bay South Inundation Map and were included in Section 4.6 (Greenhouse Gas Emissions) of the Draft EIR. However, according to the BCDC staff report, *Living with a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline*, released in April 2009, climate projections for the Bay Area suggest that sea level may rise between 15 to 55 inches by the year 2100. Page 4.6-27 of the Draft EIR has been revised to correct the sea level rise projection and is included in Chapter 10 of this Final EIR.

10-6 This comment states that the Bay Plan findings and policies anticipate the need for planning associated with safety of fills and sea level rise. As noted in Response 2-5, sea level rise is addressed on page 4.6-27 of the Draft EIR. Minor revisions have been made to the Draft EIR to acknowledge the sea level rise mapping that has been completed by the BCDC (refer to Chapter 10 of this Final EIR). Based on the mapping conducted by BCDC and acknowledged in the Draft EIR, a portion of the western area of Specific Plan could be affected by sea level rise. As addressed in the Draft EIR, the forecasted sea level rise could increase flood related impacts, especially from storm-surge induced flood events. Section 15.40.51 of the City's Municipal Code has flood elevation standards for lands within special flood hazard areas as defined by FEMA. If sea level rise was determined to be a significant threat, protective measures such as levees installed by regional and local governments would be available to protect urbanized areas.

The BCDC forecast expressly notes that it does not account for existing shoreline protection or wave activity and that, where necessary, future levees are an appropriate mechanism for protecting against flood damage from rises in sea levels. Ultimately, the National Oceanic and Atmospheric Agency, FEMA, USACE, cities, counties and flood control districts are responsible for protecting the public and the San Francisco Bay ecosystem from flood hazards. The City's Municipal Code flood elevation standards would protect the Specific Plan area based upon flood risks as determined by FEMA, the City and these other regional and local agencies.

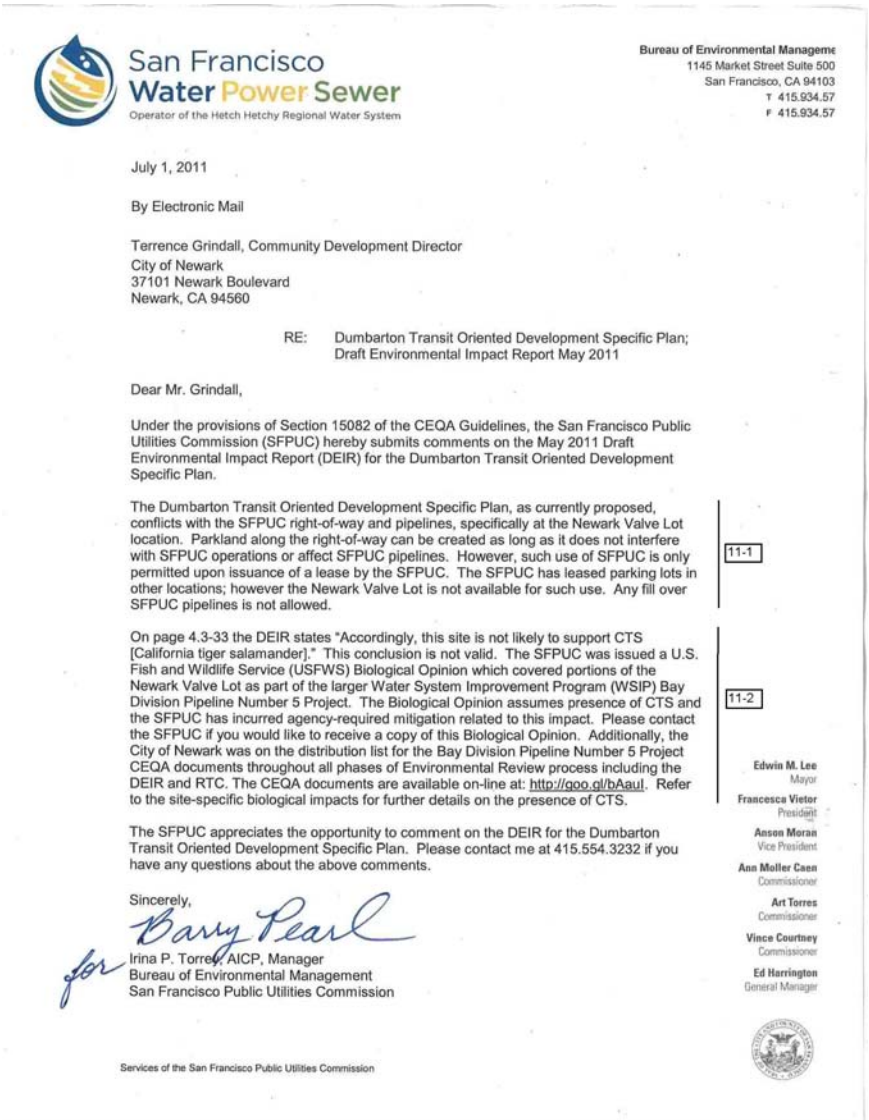
As addressed in Response to Comment 10-2, any future development within 100 feet of barge canal would be required to comply with the BCDC's San Francisco Bay Plan.

10-7 This comment suggests that the Draft EIR discuss the potential for inundation and its impacts on land use, transportation, hydrology, water

quality, hazards, infrastructure, and utilities and public services. As noted in Responses 2-5 and 10-6, sea level rise is addressed on page 4.6-27 of the Draft EIR and considers the potential for inundation within the Specific Plan area as a result of sea level rise. The Draft EIR provides a reasonable range of alternatives, and includes alternatives to the proposed project that would preserve open space adjacent to the baylands. Alternatives 2 and 3 would concentrate development adjacent to the City, preserving the western portion of the Specific Plan area in open space. The project, as well as the alternatives, will be considered by the City Council prior to taking action on the Specific Plan.

This page intentionally left blank.

Comment Letter #11



San Francisco
Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

Bureau of Environmental Manageme
1145 Market Street Suite 500
San Francisco, CA 94103
T 415.934.57
F 415.934.57

July 1, 2011

By Electronic Mail

Terrence Grindall, Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560

RE: Dumbarton Transit Oriented Development Specific Plan;
Draft Environmental Impact Report May 2011

Dear Mr. Grindall,

Under the provisions of Section 15082 of the CEQA Guidelines, the San Francisco Public Utilities Commission (SFPUC) hereby submits comments on the May 2011 Draft Environmental Impact Report (DEIR) for the Dumbarton Transit Oriented Development Specific Plan.

The Dumbarton Transit Oriented Development Specific Plan, as currently proposed, conflicts with the SFPUC right-of-way and pipelines, specifically at the Newark Valve Lot location. Parkland along the right-of-way can be created as long as it does not interfere with SFPUC operations or affect SFPUC pipelines. However, such use of SFPUC is only permitted upon issuance of a lease by the SFPUC. The SFPUC has leased parking lots in other locations; however the Newark Valve Lot is not available for such use. Any fill over SFPUC pipelines is not allowed. 11-1

On page 4.3-33 the DEIR states "Accordingly, this site is not likely to support CTS [California tiger salamander]." This conclusion is not valid. The SFPUC was issued a U.S. Fish and Wildlife Service (USFWS) Biological Opinion which covered portions of the Newark Valve Lot as part of the larger Water System Improvement Program (WSIP) Bay Division Pipeline Number 5 Project. The Biological Opinion assumes presence of CTS and the SFPUC has incurred agency-required mitigation related to this impact. Please contact the SFPUC if you would like to receive a copy of this Biological Opinion. Additionally, the City of Newark was on the distribution list for the Bay Division Pipeline Number 5 Project CEQA documents throughout all phases of Environmental Review process including the DEIR and RTC. The CEQA documents are available on-line at: http://goo.gl/bAaul. Refer to the site-specific biological impacts for further details on the presence of CTS. 11-2

The SFPUC appreciates the opportunity to comment on the DEIR for the Dumbarton Transit Oriented Development Specific Plan. Please contact me at 415.554.3232 if you have any questions about the above comments.

Sincerely,

for Barry Pearl

Irina P. Torrey, AICP, Manager
Bureau of Environmental Management
San Francisco Public Utilities Commission

Services of the San Francisco Public Utilities Commission

This page intentionally left blank.

Response to Comment Letter #11, Irina P. Torrey, San Francisco Public Utilities Commission

11-1 This comment states that the Dumbarton TOD Specific Plan currently conflicts with the San Francisco Public Utility Commission's (SFPUC's) right-of-way and pipelines, specifically the Newark Valve Lot location. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

11-2 The commentor states that the Draft EIR's conclusion that the project area is not likely to support California tiger salamander (CTS) is not valid. The commentor is basing this on a Biological Opinion the U.S. Fish and Wildlife Service (USFWS) issued the SFPUC for their Bay Division Pipeline Number 5 Project.

Monk & Associates has multiple staff members that are both USFWS and California Department of Fish and Game (CDFG) permitted CTS biologists. They routinely conduct surveys for all distinct populations of the CTS, have located many previously unidentified CTS breeding sites and have an extensive reporting history for CTS both with CDFG and USFWS. The closest known CTS population to the project area is in Fremont (i.e., the former the Pacific Commons project site) and was originally discovered and reported to CDFG and USFWS by Monk & Associates in March 1997. Two of Monk & Associates' permitted CTS biologists surveyed the project area for the Draft EIR and assessed the suitability of the project area for CTS. One of these biologists worked with the known CTS population in Fremont. It is Monk & Associates' professional opinion that the project area does not provide suitable aestivation (over-summering) or breeding habitat for the CTS.

For almost a century, the project area has been a site for industrial production. It is located in between residential and industrial lands on the eastern project boundary and Cargill bittern basins on the western project boundary. Wildlands, Inc. Plummer Creek Wetland Mitigation Project, a restored area of tidal wetlands and associated uplands, is located at the project site's southwestern corner. CTS are not known to occur at the Plummer Creek Wetland Mitigation Project Site (personal communication between S. Lynch, Monk & Associates, and C. Tambini, Wildlands, Inc., July 5, 2011). The extensive surrounding developments and the brackish to salt

water habitats provide an effective barrier to CTS immigration into the project area.

There are no fresh water habitats onsite that are of the size or depth to remain inundated long enough for CTS larvae to metamorphose. Pool value for reproduction is positively correlated with depth. Breeding is typically not observed in pools with a maximum depth of less than 22 centimeters (Trenham et. al 2008). Research has shown that CTS larvae need ponded water through the month of May (minimum) to allow larvae time to fully metamorphose.[2] CTS larvae first start to emerge from breeding pools as early as May, but if the water in the pool persists, CTS larvae will remain in the pools in their aquatic phase (with gills) through June or early July (Monk & Associates personal observations).

Due to the absence of suitable breeding habitat within the project area, the distance of the project area from known CTS populations (3.8 miles is the closest known recorded population), and all the barriers to migration in this industrialized area of Newark, there is no possibility that CTS occur within the project area. Therefore, development of the proposed project would not impact CTS.

---

[2] USFWS (U.S. Fish and Wildlife Service), 2005. Endangered and threatened wildlife and plants; designation of critical habitat for the California tiger salamander, central population; final rule (50 CFR Part 17, August 23, 2005).

Comment Letter #12

Honeywell

Honeywell
2525 West 190th Street
Torrance, CA 90505
310-512-2296

July 1, 2011

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

Subject: Comments on the Draft Environmental Impact Report (SCH#2010042012)
Dumbarton Transit-Oriented Development Specific Plan
Newark, California

Dear Mr. Grindall:

This letter is in response to the Draft Environmental Impact Report (EIR) for the Dumbarton Transit Oriented Development Specific Plan (SCH #2010042012). Honeywell International Inc. (Honeywell) has reviewed the document and provides the following comments as allowed under the provisions of the California Environmental Quality Act (CEQA) and accompanying Guidelines.

Project Understanding

The proposed Dumbarton Transit Oriented Development (TOD) Specific Plan (project) would provide a comprehensive policy and regulatory framework to guide future development and redevelopment within the approximately 205-acre Dumbarton TOD Specific Plan area. The proposed Specific Plan would establish the allowable land uses, development regulations, design guidelines, necessary infrastructure improvements, and an implementation plan to direct future development and redevelopment of the Dumbarton TOD Specific Plan area. Implementation of the proposed Specific Plan would allow a mix of residential, office, retail, public/quasi-public, and park and open space uses to be developed in close proximity to planned regional public transit.

The Draft EIR analyzes the potential effects that may occur on the environment as a result of the adoption and implementation of the proposed Dumbarton TOD Specific Plan. The information contained within this Draft EIR will be reviewed and considered by the City of Newark prior to its action to approve, disapprove, or modify the proposed project.

Comments

Comment No. 1: *General Comments on the Draft EIR.*

(a) The specific issues and recommendation outlined in the California Regional Water Quality Control Board, San Francisco Bay Region's *Comments on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development (TOD) Specific Plan, Newark, Alameda County* issued on April 30, 2010 should be 12-1

identified and addressed within the Draft EIR. This would include requiring the following items prior to development: an environmental risk assessment for the entire project area, evaluation of additional remediation for future sensitive land uses such as residential, protection of groundwater, risk and construction management plans, and mitigation measures as well as addressing long-term monitoring and ongoing cleanup requirements after development. 12-1 Cont'd

(b) Honeywell has ongoing groundwater and soil vapor monitoring and groundwater and soil cleanup efforts pursuant to Final Site Cleanup Requirements (SCR) Order R2-2007-0005 issued by the California Regional Water Quality Control Board (RWQCB) that affects portions of the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001). 12-2

(c) The *2008 Newark Area Two Concept Plan*, the *2010 Conceptual Land Use Plan*, and the *2011 Dumbarton TOD Specific Plan* identifies the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001) for medium or high density residential development or park space. Honeywell would like to confirm that, due to the presence of shallow impacted groundwater, buildings constructed on these properties will adhere to the *2008 Newark Area Two Concept Plan* description of medium density residential buildings within a half-mile of the station as townhomes that are attached at the sides with a separate garage for each unit tucked under the living spaces and higher-density residential buildings are described as having ground-floor retail development. 12-3

(d) The Draft EIR contains the traditionally separate discussion of hazardous materials and water quality. While these are generally addressed as separate resource areas, the area associated with the Dumbarton TOD Specific Plan is unique in its history of contamination and cleanup efforts. A literal reading of the setting sections appears to suggest that soil and groundwater remediation efforts are concluded or not necessary. We suggest a more detailed general discussion of the current ongoing cleanup efforts and cross-reference between Sections 4.7, Hazardous Materials, and 4.8, Hydrology, Drainage, and Water Quality, for continuity of information. 12-4

(e) The Draft EIR should fully disclose current and future conditions in the area to meet its obligations under CEQA for determining potential environmental impacts associated with the City of Newark's approval of the Dumbarton TOD Specific Plan Draft EIR. 12-5

Comment No. 2: *Page 2-5, Executive Summary. Section 2.4 Significant Impacts, 8th Bullet, states the following:*

- Hazards and Hazardous Materials – The public and/or environment could accidentally be exposed to hazardous materials during construction and operation of future development allowed by the Specific Plan.

Honeywell's Comment: Please add the following language to this bullet item:

> As outlined in the California Regional Water Quality Control Board, San Francisco Bay Region's *Comments on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development (TOD) Specific Plan, Newark, Alameda County* issued on April 30, 2010, "contaminated soil and groundwater exist within the proposed TOD, and include high concentrations of chlorinated solvents, metals, flammable materials (i.e., elemental phosphorous), phenols (pentachlorophenol), dioxins/furans, poly aromatic hydrocarbons (PAHs) and petroleum hydrocarbons. Soil and groundwater remediation are required at the sites (listed below), pursuant to Site Cleanup Requirements (SCR) Orders issued by the California Regional Water Quality Control Board, San Francisco Bay Region: 12-6
>
> - FMC Corporation, 8787 Enterprise Drive, SCR Order R2-2002-0060
> - Ashland Inc., 8610 Enterprise Drive, SCR Order R2-2005-0038
> - SHH, LLC, 37445 Willow Street, SCR Order R2-2008-0081
> - Jones-Hamilton, 8400 Enterprise Drive, SCR Order R2-2001-0054
> - Former Baron-Blakeslee, 8333 Enterprise, SCR Order R2-2005-0004"
>
> Ongoing groundwater and soil vapor monitoring and groundwater and soil cleanup efforts are occurring pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB that affects portions of the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001).

Comment No. 3: *Page 3-11, Section 3.3.3. Site Characteristics, Overview, Paragraph 1, states the following:*

> The approximately 205-acre Dumbarton TOD Specific Plan area is currently primarily vacant and unused with the exception of a chemical blending and distribution facility located in the northeastern corner, a storage area for base-rock and tractor trailers used in construction projects located in the northeastern portion, and a dog training facility and a police firing range located in the south central portion.

Honeywell's Comment: Please replace this paragraph with the following revised paragraph and additional verbiage:

> The approximately 205-acre Dumbarton TOD Specific Plan area is currently primarily vacant and unused with the exception of a virgin chemical storing, repackaging, and distribution facility located in the northeastern corner, a storage area for base-rock and tractor trailers used in construction projects located in the northeastern portion, and a dog training facility and a police firing range located in the south central portion. 12-7

As outlined in the California Regional Water Quality Control Board, San Francisco Bay Region's *Comments on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development (TOD) Specific Plan, Newark, Alameda County* issued on April 30, 2010, "contaminated soil and groundwater exist within the proposed TOD, and include high concentrations of chlorinated solvents, metals, flammable materials (i.e., elemental phosphorous), phenols (pentachlorophenol), dioxins/furans, poly aromatic hydrocarbons (PAHs) and petroleum hydrocarbons. Soil and groundwater remediation are required at the sites (listed below), pursuant to Site Cleanup Requirements (SCR) Orders issued by the California Regional Water Quality Control Board, San Francisco Bay Region:

12-7 Cont'd

- FMC Corporation, 8787 Enterprise Drive, SCR Order R2-2002-0060
- Ashland Inc., 8610 Enterprise Drive, SCR Order R2-2005-0038
- SHH, LLC, 37445 Willow Street, SCR Order R2-2008-0081
- Jones-Hamilton, 8400 Enterprise Drive, SCR Order R2-2001-0054
- Former Baron-Blakeslee, 8333 Enterprise, SCR Order R2-2005-0004"

Ongoing groundwater and soil vapor monitoring and cleanup efforts are occurring pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB that affects portions of the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001).

Comment No. 4: *Page 3-14, Section 3.3.3, Enterprise Drive LLC (Trumark Commercial) Property states the following:*

The approximately 2.14-acre Enterprise Drive LLC (Trumark Commercial) property is located at 8375 Enterprise Drive in the northeastern portion of the Specific Plan area. The Enterprise Drive LLC property is a level, vacant lot with ruderal vegetation that is enclosed by fencing. It is approximately ten to 15 feet above MSL with a gentle slope to the southwest towards San Francisco Bay. There is a Hetch Hetchy Pipeline with a 110-foot right-of-way owned by the SFPUC in southern portion of property. The chemical blending and distribution facility located on the adjacent Gallade property uses a portion of the Enterprise Drive LLC property for parking and storage. Groundwater underneath the property and site soils have been impacted with COCs from past uses associated with the adjacent Gallade property. There is a groundwater monitoring well on the property and current activities consist of groundwater monitoring.

Honeywell's Comment: Please replace the following three sentences:

The chemical blending and distribution facility located on the adjacent Gallade property uses a portion of the Enterprise Drive LLC property for parking and storage. Groundwater underneath the property and site soils have been impacted with COCs from past uses associated with the adjacent Gallade property. There is a

12-8

groundwater monitoring well on the property and current activities consist of groundwater monitoring.

With the following:

Past uses associated with the adjacent Gallade property have impacted groundwater underneath the central and northern portions of the property and site soils in the northeast portion of the property with COCs. There are several groundwater monitoring wells on the property and soil and groundwater monitoring and remediation activities are ongoing pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB.

12-8 Cont'd

Comment No. 5: *Page 3-15, Section 3.3.3, Gallade Enterprises LLC Property states the following:*

The approximately 2.3-acre Gallade property is located at 8333 Enterprise Drive in the northeast corner of the Specific Plan area. The level Gallade property has an elevation of approximately 11 feet above MSL. The property is currently developed with three structures (an office and two warehouses) and a parking area. The majority of the site is either covered by buildings or paving, although a small portion contains ruderal habitat. A portion of the Hetch Hetchy Pipeline located underneath the property adjacent to the southern boundary. Gallade Chemical, Inc. currently uses the site for the storage, blending, packaging, and distribution of virgin chemical products. Past uses contaminated onsite soils and groundwater, as well as groundwater downgradient (westward) of the property with COCs. Groundwater, soil-vapor, and ambient air monitoring is conducted semiannually onsite and at nearby properties.

Honeywell's Comment: Please replace the following three sentences:

Gallade Chemical, Inc. currently uses the site for the storage, blending, packaging, and distribution of virgin chemical products. Past uses caused contamination of onsite soils and groundwater, as well as groundwater downgradient (westward) of the property with COCs. Groundwater, soil-vapor, and ambient air monitoring is conducted semiannually onsite and at nearby properties.

With the following:

Gallade Chemical, Inc. currently uses the site for the storage, repackaging, and distribution of virgin chemical products. Historical operations at the site caused contamination of onsite soils and groundwater, as well as groundwater downgradient (westward) of the property, with COCs. These contamination affects portions of the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001). This property is currently undergoing groundwater and soil vapor monitoring and cleanup activities pursuant to the Final SCR Order R2-2007-0005 issued by the RWQCB and monitoring and reporting pursuant to the

12-9

Department of Toxic Substances Control (DTSC) Hazardous Waste Post Closure Facility Permit, Facility EPA ID Number CAD07464459. 12-9 Cont'd

Comment No. 6: *Page 3-30, Section 3.6.1, Permitted Land Uses states the following:*

Land uses within the Dumbarton TOD Specific Plan would be regulated by the application of permitted, conditionally permitted, and/or administratively permitted uses designated by the zoning district applied to each parcel (i.e., LDR, POS and C). Except as otherwise provided in the Dumbarton TOD Specific Plan, permitted uses, development standards, processing requirements, and other regulations are as specified by the City of Newark Zoning Ordinance.

Honeywell's Comment: As required by the DTSC Hazardous Waste Post Closure Facility Permit, Facility EPA ID Number CAD07464459, a Covenant to Restrict Use of Property, Environmental Restriction was issued for the Former Baron-Blakeslee Facility located at 8333 Enterprise Drive in Newark, California. The covenant prohibits the following uses of the property: residence, including any mobile home or factory-built housing, constructed or installed for use as residential human habitation; a hospital for humans; a public or private school for persons under 21 years of age; and a day care center for children. These provisions, and any other restrictions identified in the Covenant to Restrict Use of Property, should be included in the discussion of land use regulation as well as the requirements for the termination or partial termination of the covenant. 12-10

Comment No. 7: *Page 3-40, Section 3.7, Intended Uses of the EIR, Second Paragraph states the following:*

Other agencies with jurisdiction over approvals necessary or desirous to the project include, without limitation, the following:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- California Department of Fish and Game
- California Department of Toxic Substances Control
- California Regional Water Quality Control Board
- Bay Area Air Quality Management District
- Alameda County Water District
- Alameda County Flood Control and Water Conservation District
- East Bay Dischargers Authority
- Union Sanitary District
- San Francisco Public Utilities Commission
- San Francisco Water Department
- San Mateo County Transit District
- San Mateo County Transportation Authority

Honeywell's Comment: Please add Alameda County Department of Environmental Health and the U.S. Environmental Protection Agency (EPA) to the list of agencies that may provide approval for the project. 12-11

Comment No. 8: *Pages 4.7-11 through -14, Section 4.7.1.2, Existing Conditions, Hazardous Materials Sites, FMC Corporation (8787 Enterprise Drive).*

Honeywell's Comment: Portions of the FMC property, APNs 092-0100-004-02 and 092-0101-001, have been contaminated from historical operations that occurred at the former Baron Blakeslee, Inc. facility, located at 8333 Enterprise Drive (now owned by Gallade Chemical). These properties, APNs 092-0100-004-02 and 092-0101-001, are undergoing groundwater and soil vapor monitoring and cleanup efforts pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB. The Final SCR Order R2-2007-0005 requires semiannual groundwater and soil vapor monitoring for a network of wells located on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), and FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001) and railroad properties, as well as north, west and east of the Gallade property in residential and public properties. Remediation consists of the following three tasks: in situ thermal remediation for the former tank farm area located on the northern portion of the Gallade and Trumark properties; in situ treatment for the shallow groundwater on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001) a, and railroad properties; and soil excavation in the former process building area of the Gallade property. The in situ thermal remediation activities were completed from March 2010 to January 2011 and the final remediation completion report will be submitted in August 2011. The in situ chemical oxidation remediation activities began in the fall of 2010 and are ongoing. Soil excavation in the former process building area of the Gallade property will begin upon completion of building demolition and slab removal. 12-12

Comment No. 9: *Pages 4.7-14 through -16, Section 4.7.1.2, Existing Conditions, Hazardous Materials Sites, Gallade Property (Barron-Blakeslee; 8333 Enterprise Drive), paragraphs three, four, five and six, state the following:*

> Due to known soil and groundwater contamination and the risks associated with potential exposure to contaminants onsite, remedial action for soils, soil vapor, and groundwater was warranted. Order No. R2-2007-0005 specified that the Gallade property would have to be remediated in accordance with the cleanup plan discussed in finding 11 of the Order. Like the FMC Corporation property, the Gallade property water areas also consist of the shallow groundwater zone and the Newark Aquifer. The Revised Feasibility Study and Remedial Action Plan (RAP) were submitted to RWQCB on January 31, 2006, and has been implemented consistent with the Order described above. Soil excavation and in situ thermal treatment of shallow soil and groundwater were proposed as the preferred remediation technologies for the site. The RAP also contained a risk management plan.

A semi-annual status report was submitted in December 2006, and again in August 2007. In the July 2008-December 2008 semi-annual status report, it was concluded that the VOC plume in the shallow zone groundwater appeared to be stable. VOC concentrations at the monitoring wells onsite remained consistent with previously observed concentrations, which were still above standards set forth in finding 11 of the RWQCB Order.

Soil-vapor monitoring revealed that industrial and/or residential environmental screening level criteria were exceeded for vinyl chloride at non-residential soil vapor wells onsite.

The report recommended continuation of the semiannual groundwater monitoring per the site cleanup requirements detailed in the Order, and to continue semiannual soil-vapor monitoring at all residential and non-residential soil-vapor wells to define long-term trends and evaluate potential concerns of vapor intrusion in adjacent residential properties.

Honeywell's Comment: Please replace the abovementioned four paragraphs with the following:

This property is currently undergoing groundwater and soil vapor monitoring and groundwater and soil cleanup activities pursuant to the Final SCR Order R2-2007-0005 issued by the RWQCB and monitoring and reporting pursuant to the DTSC Waste Post Closure Facility Permit, Facility EPA ID Number CAD07464459. The Final SCR Order R2-2007-0005 was based on a Revised Feasibility Study and Remedial Action Plan that was submitted to RWQCB on January 31, 2006, which also included a risk management plan.

The Final SCR Order R2-2007-0005 requires semiannual groundwater and soil vapor monitoring for a network of groundwater and soil vapor monitoring wells located on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001) and railroad properties, as well as north, west and east of the Gallade property in residential and public properties. Groundwater and/or soil vapor plumes have been detected on or about these properties. Remediation consists of the following three tasks: in situ thermal remediation for the former tank farm area located on the northern portion of the Gallade and Trumark properties; in situ treatment for the shallow groundwater on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001), and railroad properties; and soil excavation in the former process building area of the Gallade property upon completion of building demolition and slab removal. 12-13

The current semiannual status report, the 2010 Second Semiannual Status Report, was submitted in January 2011 and concluded that the VOC plume in the shallow zone groundwater appeared to be stable and soil-vapor monitoring revealed that industrial and/or residential environmental screening level criteria were exceeded for TCE, PCE, vinyl chloride, and cis-1,2-DCE at soil vapor wells located outside residential areas. The report recommended continuation of the semiannual

groundwater monitoring per the site cleanup requirements detailed in the Order, and to continue semiannual soil-vapor monitoring at all residential and non-residential soil-vapor wells to define long-term trends and evaluate potential concerns of vapor intrusion in adjacent residential properties.

12-13 Cont'd

The in situ thermal remediation activities were completed from March 2010 to January 2011 and the final remediation completion report will be submitted in August 2011. The in situ chemical oxidation remediation activities began in the fall of 2010 and are ongoing. The soil excavation beneath the former process building will occur upon completion of building demolition and slab removal.

Comment No. 10: *Pages 4.7-22 and -23, Section 4.7.1.2 Existing Conditions, Hazardous Materials Sites, Trumark (8375 Enterprise Drive) states the following:*

A Phase I was prepared for the Trumark site on July 20, 1998, by Lowney Associates. According to the Phase I, the Trumark site was owned between 1961 and 1971 by the Barr Manufacturing Corporation. The type of manufacturing performed by the corporation is not clear.

The Phase I Report identified onsite soil and groundwater concerns. It should be noted that the Phase I states that the Gallade facility (discussed above) is located adjacent to the Trumark site, and that groundwater beneath the Trumark site has been significantly impacted from VOCs generated by from the Gallade facility. The VOC concentrations are consistent with the offsite source at the Gallade facility. The Phase I indicates that VOCs are also present in on-site soils. No organochlorine pesticides, PCBs or petroleum fuels were detected in soil samples collected from the site. Concentrations of arsenic, chromium and lead appeared to be consistent with background levels found in Bay Area soils. Two VOCs, TCE and PCE, were detected in the soil samples. Contaminants such as TPH, MTBE, arsenic, chromium and lead were also detected in soil samples discussed in the Phase I report.

The Phase I indicates that the Health Risk Assessment (HRA) performed for the Gallade facility indicated that there is no significant risk to human health at the Trumark site to future workers who may be exposed through VOCs that volatize from ground water, migrate through the soil, and accumulate in future buildings that might be constructed onsite. The HRA concluded that there is no significant risk to human health at the site as a result of the releases at the adjacent Gallade facility. In addition, the RWQCB and the Newark Fire Department indicated that there would not be any development restrictions at the site as a result of the impacted ground water.

However, it should be noted that the general conclusions drawn in the Phase I indicate that the site might only be developed with industrial or commercial use.

The Phase I indicates that more remediation would be necessary if significant soil contamination is detected during construction; all contamination materials would need to be handled appropriately. The Phase I also suggested that an onsite monitoring well may need to be relocated to accommodate future development. It would be the responsibility of the property owner to destroy and replace the well.

Honeywell's Comment:

The central and northern portion of the Trumark property are currently undergoing groundwater and soil vapor monitoring and groundwater and soil cleanup efforts pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB. The monitoring and cleanup efforts are addressing soil and groundwater contamination from the former Baron Blakeslee Facility operation. An additional site investigation should be conducted to determine if any sources are contributing to soil and/or groundwater from the historical land uses and ownership.

To address the soil and groundwater contamination from the former Baron Blakeslee, Inc. facility operations, an in situ thermal remediation was conducted from March 2010 through January 2011 for the former tank farm area located on the northern portion of the Gallade and Trumark properties and an in situ chemical remediation began in the fall of 2010 for the shallow groundwater on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001), and railroad properties and treatment is ongoing. These activities are conducted under the oversight of the RWQCB.

Please provide the reference for the HRA identified in the Phase I, as well as the approval from the RWQCB. Based on the information presented, it appears that the conclusions of the HRA were for development with industrial or commercial use and the conclusions may not be reliable for residential development. A Human Health Risk Assessment was conducted for the former Baron Blakeslee, Inc. facility as part of the revised Feasibility Study and Remedial Action Plan under SCR Order No R2-2005-0004, dated March 16, 2005, issued by the RWQCB. In summary, soil, soil vapor and groundwater at some locations in the onsite area are recommended for remediation and/or risk management prior to redevelopment of the Site for commercial or residential uses. Concentrations of VOCs in soil and soil vapor in offsite areas do not appear to exceed acceptable risk and hazard levels for human health for future residential or commercial uses, under existing soil and site conditions. Since groundwater was evaluated only at a screening level for the vapor intrusion pathway, the vapor intrusion environmental screening levels (ESLs) are proposed as cleanup goals for this pathway. If construction and excavation workers are exposed to study area soils, soil vapor, or groundwater (both onsite and offsite) under current or future conditions, they should be adequately protected under an appropriate site-specific Health and Safety Plan. 12-14

We request that a copy of the preliminary final EIR to be sent to our office for review and comment to ensure that no confusion exists over the intent and purpose of these comments. Additionally, we look forward to receiving your response to our comments at least ten days prior to your certification of the EIR.

Thank you for the opportunity to review and comment. Please feel free to call the undersigned at (310) 512-2296, should you have any questions about this submittal.

Sincerely,

Benny Dehghi
Honeywell Remediation Manager
Honeywell International Inc.

This page intentionally left blank.

Response to Comment Letter #12, Benny Dehghi, Honeywell International, Inc.

12-1 This comment suggests additional mitigation to address specific issues and recommendation outlined in comments provided to the City in response to the Notice of Preparation from the San Francisco Bay Regional Water Quality Control Board (SFRWQCB). Refer to Mitigation Measure 4.7-1a, which is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR.

12-2 Comment noted regarding Honeywell's ongoing groundwater and soil vapor monitoring and groundwater and soil cleanup efforts pursuant to Final Site Cleanup Requirements that affects portions of the Gallade property, the Trumark property and several of FMC's parcels.

12-3 Comment noted regarding previous planning for the project site and the limitations associated with residential development on the Gallade, Trumark and FMC properties. The Specific Plan's development standards for Medium Density Residential, Park and Recreational Open Space and Restricted Use would govern these properties and supercede previous planning efforts.

12-4 This comment suggests that more detailed general discussion of current ongoing cleanup efforts and cross reference Section 4.7 (Hazards and Hazardous Materials) and Section 4.8 (Hydrology, Drainage, and Water Quality). The comment is noted and additional detail is provided regarding cleanup efforts in response to specific comments in the letter. Refer to Responses 12-7 through 12-14.

12-5 This comment states that the Draft EIR should fully disclose current and future conditions in the area to meet the requirements of CEQA. The City has provided full disclosure, to the best of its knowledge, of existing conditions within the Specific Plan area, identified potential environmental impacts that might result from development within the area, and identified measures that would mitigate any potential environmental impacts to a less than significant level.

12-6 This comment suggests a more detailed description of hazards and hazardous materials impacts associated with the proposed project provided in the Executive Summary on page 2-5. As the list provided on this page is a summary of impacts in a variety of environmental topics, it would not be

appropriate to add the detail suggested. Furthermore, the language suggested summarizes current cleanup efforts within the Specific Plan area not project impacts.

12-7 This comment requests the replacement of a paragraph in Chapter 3 (Project Description) of the Draft EIR on page 3-11 with a revised paragraph and additional language regarding current cleanup efforts within the Specific Plan area. Chapter 10 of this Final EIR includes the suggested revision.

12-8 This comment requests the replacement of language in Chapter 3 on page 3-14 describing the Trumark property. Chapter 10 of this Final EIR includes the suggested revision.

12-9 This comment requests the replacement of language in Chapter 3 on page 3-15 describing the Gallade property. Chapter 10 of this Final EIR includes the suggested revision.

12-10 This comment addresses the summary of permitted land uses within the Specific Plan area in Chapter 3 on page 3-30. The comment states that, as required by the Department of Toxic Substance Control Hazardous Waste Post Closure Facility Permit, a Covenant to Restrict Use of Property was issued for the former Baron-Blakeslee Facility. The covenant prohibits residential uses, hospital for humans, public or private schools for persons under 21, and day care facilities for children. This covenant would take precedence over land uses included in the City's Zoning Ordinance and the proposed Specific Plan. However, the covenant includes a provision that would allow it to be modified should it be demonstrated that other uses would be safe.

12-11 This comment requests that the Alameda County Department of Environmental Health and the U.S. Environmental Protection Agency be added to the list of responsible agencies in Chapter 3 on page 3-40. Chapter 10 of this Final EIR includes the requested revision.

12-12 This comment provides an update on the status of current cleanup efforts on the Gallade property that have affected the FMC property at 8787 Enterprise Drive. The update is further addressed in Response 12-13.

12-13 This comment requests replacement of four paragraphs beginning on page 4.7-15 with four new paragraphs addressing existing conditions on the Gallade property and updating the status of current cleanup efforts. Chapter 10 of this Final EIR includes the requested revision.

12-14 This comment provides information regarding the Trumark property. The comment requests that a reference be provided for the Health Risk Assessment discussed in the Phase I ESA. The Phase I ESA was prepared prior to the Final SCR Order R2-2007-0005 and prior to residential uses being contemplated on the site. Therefore, the Health Risk Assessment is not relevant to the proposed project. Contamination on the Trumark property is currently undergoing cleanup efforts in accordance with Final SCR Order R2-2007-0005.

This page intentionally left blank.

Comment Letter #13

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
200 Pringle Avenue, Suite 300 | Walnut Creek, CA 94596-7367
Telephone: 925.943.5551 | Facsimile: 925.943.5553
www.allenmatkins.com

Michael Patrick Durkee
E-mail: mdurkee@allenmatkins.com
Direct Dial: 415.273.7455 File Number: 370338-00002/SF815432.03

VIA ELECTRONIC MAIL
AND FAX (510.578.4265)

July 1, 2011

Mr. Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Re: Comments on the Dumbarton TOD Draft Environmental Impact Report

Dear Mr. Grindall:

On behalf of Integral Communities, thank you for this opportunity to comment on the Dumbarton Transit Oriented Development (TOD) Specific Plan ("Project") Draft Environmental Impact Report ("DEIR"). We commend the City, City Staff and its consultants on a well-prepared and legally compliant document. We appreciate Staff's professionalism in working with the many different property owners involved with the Project and its planning, and recognize that Staff's methodical approach has produced a balanced and thorough analysis of the Project's environmental impacts that meets the requirements of the California Environmental Quality Act ("CEQA").

Our limited comments are set forth below.

1. The Project's Benefits

As described in the DEIR, the Project is the culmination of a long and careful planning process. In 1999, the City adopted the Newark Area Two Specific Plan (1999 Specific Plan), which included all of the land comprising the project site west of Willow Street, as well as land that is not part of the project site to the north, south and east. The 1999 Specific Plan envisioned a campus of the Ohlone Community College surrounded by multi-level office and R&D buildings on the current Project site. To that end, the 1999 Specific Plan changed the land use designation under the General Plan for all land within its planning area to a combination of Special Industries and Limited Industrial (the zoning designations for the 1999 Specific Plan area were in turn changed to High Technology Park and Limited Industrial). However, after adoption of the 1999 Specific Plan, the Community College located elsewhere, and no office or R&D buildings were built.

13-1

This Project presents an opportunity to re-purpose that land in a manner that benefits the City in many ways, including without limitation each of the following:

a. This Project provides unique "smart growth" planning opportunities. It creates diverse, connected, safe, and walkable neighborhoods with convenient access to public transportation (in particular the planned Dumbarton Rail Corridor and transit center), to existing employment centers, to parks and open space, and to commercial services. This Project will create a new community with a distinct identity, architectural style and sense of place, while preserving a connection to and compatibility with existing neighborhoods. These Project characteristics implement the General Plan's goals of "maintaining a desirable quality of life in the community through preservation of the small town neighborhood atmosphere," and "high quality development that establishes the City's character as distinctive from that of other cities in the Bay area." (General Plan Goals 1 and 2, p. 2-3.)

b. This Project provides for a rich and vibrant mix of housing types and densities, ranging from single-family detached to multi-family housing (in numbers (quantities) that help the City meet its state-mandated housing needs), and in doing so effectuates key General Plan goals and policies. For example, Housing Element Goal 2 provides as follows: "Provide housing opportunities for households with a wide range of incomes." (General Plan Housing Element, p. 62.) Land Use Element Goal 3, Program 9 provides: "Provide zoning districts that provide standards for multi-use development as well as for unique combinations of similar uses, such as single- with multi-family uses." (General Plan Land Use Element, p. 3-8.) This Project's mix of housing types and densities is key not only to meeting the varied housing needs of the community, but also to creating a vibrant and sustainable community in which a wider range of income levels have similar access to the community's unique character and significant amenities.

13-1 Cont'd

c. This Project provides the planning foresight and preparation to effectuate a transit-oriented community. The trend towards transit-oriented development throughout the Bay Area, and the State, is inevitable and laudable. Recent legislation from Sacramento, such as AB 32 and SB 375, strongly encourages transit-oriented development in order to create more sustainable and environmentally-friendly communities. The market is responding. More and more people are choosing to live in new developments that move away from the automobile and toward public transit. (*See*, "Transit-Oriented Development – New Places, New Choices in the San Francisco Bay Area," A Study by the Metropolitan Transportation Commission (attached).) Well-planned communities – like this Project – can provide greater convenience and affordability, while reducing dependence on the automobile for routine travel needs. Developers, transit agencies, community organizations, cities and counties are collaborating on scores of transit-oriented development projects throughout California in recognition of this market demand, including the Contra Costa Centre Transit Village in Pleasant Hill, the transit village in Richmond, and the downtowns in Hayward, Santa Rosa, and Redwood City.

For all of these reasons, we respectfully submit that the Project has outstanding benefits and will be a source of pride for the entire community.

2. The Project's Alternatives

Appropriate to the environmental analysis that must take place in the DEIR, the City has provided a reasonable range of alternatives that allow for a comparative review of the Project with other development scenarios in an effort to reduce environmental impacts while still effectuating the goals of the Project. The DEIR's alternatives provide a useful comparison to the Project and help to bring into focus the comparative value of the Project with other potential development options. Ultimately, this discipline leads to a decision of the City in which it must use all of this information and choose that one development that the City determines best meets the demands of CEQA, while attaining the goals of the Project.

As set forth above, this Project provides a unique combination of a mix of housing types and densities essential to a balanced and vibrant community, while also providing the sheer numbers of potential transit riders essential to a successful public transit system. The Project's goals and objectives relative to the desired mix of housing types and densities reflects and effectuates key General Plan goals and policies. Housing Element Goal 2 provides as follows: "Provide housing opportunities for households with a wide range of incomes." (General Plan Housing Element, p. 62.) Land Use Element Goal 3, Program 9 provides: "Provide zoning districts that provide standards for multi-use development as well as for unique combinations of similar uses, such as single- with multi-family uses." (General Plan Land Use Element, p. 3-8.) Upon final inspection, the DEIR's alternatives fall short in meeting these key Project and General Plan goals. 13-2

Alternative 1, the "no project/no build" alternative, fails all of the Project's goals because there would be no Project. Alternative 2, the "high density" alternative, allows for the same overall number of residential units as the Project (2,500), but all of the units would be high density in nature, thereby failing to provide the mix of housing types and densities sought by the General Plan and needed to make the development successful and sustainable. Alternative 3, the "medium density" alternative, also allows for the same overall number of residential units as the Project, but limits all of the units to medium density. Again, this Alternative does not provide for the needed mix of residential types and densities.

For these reasons, we respectfully submit that only the Project best meets the demands of CEQA while attaining the goals of the Project.

Again, we commend the City and City Staff for a very well-prepared document. Thank you for this opportunity to comment on the DEIR.

Respectfully submitted,

Michael Patrick Durkee

MPD:kem
Attachment

cc: Integral Communities
Property Owners

Response to Comment Letter #13, Michal Patrick Durkee, Allen Matkins Leck Gamble Mallory & Natis, LLP

13-1 This comment summarizes the benefits of the proposed project. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

Included as an attachment to the comment letter and referenced in this comment was "Transit-Oriented Development – New Places, New Choices in the San Francisco bay Area, A Study by the Metropolitan Transportation Commission." This document is included in the Appendices of this Final EIR.

13-2 This comment states that the Draft EIR provided analysis of a reasonable range of alternatives and only the proposed project would meet the demands of CEQA while attaining the goals of the project. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

This page intentionally left blank.

Comment Letter #14

30 June 2011

RECEIVED
JUN 30 2011
CITY CLERK

RECEIVED
JUL - 1 2011
COMMUNITY DEVELOPMENT

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Blvd.
Newark CA 94560

Re: Comments to the DEIR Newark TOD Area 2

Dear Mr. Grindall:

A number of items in this DEIR were missing, misleading, confusing and downright headache-inducing to the point of causing nightmares and searching for monsters under the bed. 14-1

Is the Area 2 TOD a joint project with all landowners in accordance? Do they all agree to have their private property rezoned/planned for residential? Will each property owner be required to cleanup their property to meet residential standards? Is there a city regulation that requires this? Will Area 2 be developed as one project? What is the timeline? Who is paying the upfront costs for the DEIR and other studies? 14-2

The DEIR states that between 500,000 and a million cubic yards of fill will be needed to raise the site above the 100 year flood hazard done. Will this be done by individual landowners? Will the project be funded using redevelopment? Part of Area 2 is under the 2001 redevelopment plan area. What does the city envision for redevelopment on Area 2 in light of state government crackdown on redevelopment? 14-3

What form of transit does the city envision for Area 2 TOD? Area 2 is isolated from services no matter what the city promises will come to their little development. Will Newark force grocery stores or other services to locate in Area 2? The DEIR states that development may take years or even decades. Commercial development will not come until there is enough population to support it. Does this mean it may be decades before businesses and services come to Area 2? 14-4

Who owns the rail line to the Union City intermodel station? Does SamTrans have rights over this segment or only as far as the Newark wye? How would riders from a proposed Area 2 train station connect with Amtrak or the Capitol Corridor or other passenger trains? Are they expected to bicycle to Fremont or Union City to catch a train? Would Amtrak, the Capitol Corridor or the ACE train go out of their way to run to the proposed Area 2 station? 14-5

The DEIR consultants neglected to mention the vernal pool habitat on Willow near Thornton. I believe this is an historic vernal pool complex. It contains a beautiful field of Downingia that last time I checked a few weeks ago was very lush. If the consultants only visited the site in the summer months they missed the flowers. I have photos in case you need them. 14-6

The DEIR consultants did not discuss impacts to the Plummer Creek mitigation site which is part of Area 2. What will be the impacts to this important mitigation site from construction activities on Area 2? What are future plans for the Plummer Creek mitigation site as far as ownership/management? Is the current owner, Wildlands aware of the Area 2 TOD proposal? If so, what was their response? 14-7

By what criteria is the barge canal an area of visual significance as the DEIR claims? What is the plant and wildlife community? Does the City envision the barge canal as a tourist attraction or a photographic destination? 14-8

When will a wetland delineation map be prepared for Area 2 TOD? Who will pay for it? The DEIR states that wetland credits could be obtained from an approved mitigation bank. Where is an approved mitigation bank near Area 2? Explain what is meant by "an approved in-lieu mitigation entity". What kind of wetlands would be considered out-of-kind? Where could wetlands be created on site and where off site? All these different combinations are mentioned in the DEIR but there is no explanation as to what they mean or how they would be applied. 14-9

What studies were used to determine the distance construction equipment needed to avoid nesting birds? Did the consultants consider birds and other wildlife and plant communities on the Wildlands site? Did the consultants consider or advocate a development buffer on the north and eastern sides of the Plummer Creek mitigation site where housing is planned? Is a trail planned to include the Plummer Creek levees or any part of the mitigation site? 14-10

What criteria were used to determine sea level rise is speculation as stated in the DEIR? What proof can the city provide that regional and local governments would be available to protect urbanized areas? How would Newark protect its own residents and property? Who would bear the cost? 14-11

Alternate sites exist in the city where housing can be built. There is no need to select a contaminated site within the 100 year flood hazard zone which will need hundreds of thousands of cubic yards of fill on unstable soils. A site where residents will be warned against digging too deep in their yards due to contaminated soils or groundwater. 14-12

Area 2 should remain zoned as general industrial. It is surrounded by industrial uses. It is far from shopping and other services residents need. There is no public transportation available save the occasional bus. Area 2 is not suitable for housing or public parks. The city would be ill-served by continued push for residential in this location. 14-13

Sincerely,

Margaret Lewis

Margaret Lewis
36102 Spruce St.
Newark, CA 94560

Response to Comment Letter #14, Margaret Lewis

14-1 This comment states the opinion that the Draft EIR is missing information and misleading but does not raise specific issues. Therefore, it is noted and included in the record for review by the public and decision makers.

14-2 This comment asks questions regarding the project's property owners, timing for development and the payment of costs associated with the Draft EIR. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

14-3 This comment asks about the fill needed to raise the project area above the 100-year flood hazard elevation and whether the project would be funded by redevelopment money. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

14-4 This comment asks what type of transit the City envisions for the project area and states that it is isolated from services. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

14-5 This comment asks who owns the rail right-of-way to the Union City intermodal station and questions other aspects of future rail service. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

14-6 The commentor states that the Draft EIR neglected to mention the vernal pool habitat on Willow Street near Thornton Avenue. Refer to Responses 2-3 and 16-3, which address vernal pool habitat.

14-7 The commentor asks what would be the project impacts to the Plummer Creek Mitigation Site, which is part of Area 2. The Plummer Creek Mitigation Site is located outside of the Specific Plan area. The commentor may be confusing the City's General Plan Area 2 with the Specific Plan area, which are different.

The owner of the Plummer Creek Mitigation Site, Wildlands, Inc., is aware of the project since they are an adjacent landowner and have been notified of the proposed Specific Plan.

14-8 This comment asks about the barge canal. The Newark General Plan refers to the barge canal – a man-made canal – as an area of visual significance. The Draft EIR simply references this designation of the General Plan. The barge canal is not within the Specific Plan and there is no proposal for its use or development as part of the project.

14-9 The commentor asks "when will a wetland delineation map be prepared for Area 2 TOD? Who will pay for it?" A wetland delineation has been prepared for the Torian property. Wetland delineations for the remaining properties within the Specific Plan area will be prepared on a parcel by parcel basis as development plans are prepared.. The individual landowners would be responsible for paying for the wetland delineation on his/her property. Refer also to Response 16-10.

The commentor also asks: "where is an approved mitigation bank?" It is premature to identify a mitigation bank as credits in a particular bank could be sold out at the time it is necessary for a project applicant (landowner) to purchase credits. A mitigation bank would be found when it is necessary to mitigate for future impacts to waters of the U.S./State. An approved "in-lieu mitigation entity" is a mitigation bank or an approved mitigation site with a designated conservator that will manage the site in perpetuity.

Out-of-kind wetlands are mitigation wetlands (that are created or preserved) that are of a different type than the wetland impacted. For example, if a seasonal freshwater wetland would be impacted by a project and it was mitigated for by preserving tidal wetland habitat that would be "out-of-kind" mitigation.

It is premature to determine where wetlands would be created at this time. It would be determined at the time a landowner applies for permits to fill wetlands on his/her property.

14-10 Refer to Responses 2-2, 16-7 and 16-8, regarding the commentor's question, "What studies were used to determine the distance construction equipment needed to avoid nesting birds?"

The commentor asks "Did the consultants consider birds and other wildlife and plant communities on the Wildlands' site?" Yes, they were considered and the proposed Specific Plan would not impact sensitive communities, special-status species, or nesting birds on the Wildlands' site. Refer to Response 2-4.

The commentor also asks "Did the consultants consider or advocate a development buffer on the north and eastern sides of the Plummer Creek mitigation site where housing is planned?" There are no specific site development plans at this time so it is not known whether there will be a buffer or not. Furthermore, no buffer would be necessary to mitigated impacts.

Regarding the question whether a trail is planned that would include the Plummer Creek levees or any part of the mitigation site, there is not a trail planned as part of the proposed Specific Plan. There may be trail developed as required public access on the perimeter of Plummer Creek mitigation site, but it is not a part of the proposed project. The project does propose a perimeter trail around the Specific Plan area, but not adjacent to the Plummer Creek mitigation site.

14-11 This comment asks what criteria were used to determine that sea level rise is speculation as stated in the Draft EIR. Sea level rise is addressed on page 4.6-27 of the Draft EIR, and it is acknowledged that a portion of the western Specific Plan area may be affected by sea level rise. Refer to Response 10-5 and 10-6.

14-12 This comment states that sites exist in the City where housing can be built. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

14-13 This comment states the opinion that the project area should remain zoned for industrial use. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

This page intentionally left blank.

Comment Letter #15

30 June 2011

RECEIVED
JUN 30 2011
CITY CLERK

RECEIVED
JUL - 1 2011
COMMUNITY DEVELOPMENT

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Blvd.
Newark CA 94560

Re: Comments to the DEIR Newark TOD Area 2

Dear Mr. Grindall,

My comments will be short. Area 2 is highly polluted with chemical residues from the chemical plants that existed in that area. Some of the parcels, you show as housing, have deed restrictions that would prevent their use for housing. Clean-up of these restricted sites would be prohibitive and perhaps impossible to meet requirements for housing use. Even to clean most of the area in Area 2 to commercial or industrial standards would be very costly. This is the wrong place for housing, with the parks, train station, etc., that are proposed in the DEIR. 15-1

As regards the "train station": I will quote from the Federal Register, November 1, 2006, Volume 71, Number 211, pages 64332-643334.

"Service will consist of six daily trains originating from Union City in the morning peak period and traveling westward across the Dumbarton Rail Corridor. The trains converge with the existing Caltrain line in the West Bay. From the Caltrain line, three of the trains will travel north to San Francisco while the other three trains will travel south to San Jose. During the afternoon peak period, all trails will travel eastbound back to Union City. The three new stations plus the Centerville Station in Fremont would be directly served by DRC trains; ***the Capitol Corridor trains would also be served by the Union City Intermodal, Newark and Centerville stations.***" 15-2

I added the italics to the last sentence. Federal Funding has already said that the station be multi-use. Placing the station in Area 2 does not meet the criteria of serving the Capitol Corridor trains. Placing the station on a site such as the pallet company grounds on Central Avenue, or other close site, would be an ideal spot for a station that could serve not only the DRC trains, but the Capitol Corridor trains, the ACE trains and even the Amtrak trains.

It is a waste of money and resources to build the station in Area 2. It is doubtful that it would ever generate enough income to even come close to covering expenses. This area should be used for industrial purposes. Move some of the businesses from the Central Avenue sites to Area 2 and put housing around a station in the Central Avenue area. 15-3

Sincerely yours,

Dean Lewis

Dean Lewis
36102 Spruce St.
Newark, CA 94560

This page intentionally left blank.

Response to Comment Letter #15, Dean Lewis

15-1 This comment states that Area 2 is polluted with chemical residue, some properties have deed restriction preventing residential uses, clean up of the restricted sites would be prohibitive, and this is the wrong place for housing, parks and a train station. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

15-2 This comment addresses the proposed transit station and states that locating the station within Area 2 does not meet the criteria of serving Capitol Corridor trains. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

15-3 This comment states that it would be a waste of money to building the transit station in Area 2. The comment does not address the adequacy of the Draft EIR or otherwise raise an environmental concern. However, it is noted and included in the record for review by the public and decision makers.

This page intentionally left blank.

Comment Letter #16

CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto CA 94306 Tel 650 493-5540 Fax 650 494-7640 Florence@refuge.org

Terrence Grindall, Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560

July 1, 2011

Re: Dumbarton Transit Oriented Development Specific Plan (TOD) Draft Environmental Impact Report (DEIR)

Dear Mr. Grindall,

This responds to the Dumbarton TOD DEIR dated May 2011. The Citizens Committee to Complete the Refuge (CCCR) thanks you for the opportunity to provide comments. Based just upon our review of the DEIR it is evident the DEIR does not adequately describe the baseline biological conditions or fully disclose potential significant impacts to biological resources and does not provide adequate mitigation measures. We urge the City of Newark to correct the flaws of this DEIR and re-circulate a more thorough document. Our comments are as follows:

The DEIR states that the "intention of this Draft EIR is to inform decision makers, public agencies, and the general public about the proposed Dumbarton TOD Specific Plan and its potential effects on the environment" and that the DEIR identifies possible measures to mitigate or avoid potentially significant environmental effects associated with the project." CCCR is concerned that the DEIR is so general in its description of the biological resources that exist within the project boundaries that it is impossible for decision makers, public agencies or the public to fully understand the impacts that may occur to biological resources or whether the mitigation measures proposed are adequate. 16-1

The consultant for the biological resources section of the DEIR was on site only in the months of July and October 2009. These are inappropriate times to assess the flora of seasonal wetland habitats or to determine the areal extent of wetlands. Why weren't the biological consultants on site in the winter and spring months? 16-2

The DEIR p.4.3-4 states "At this cursory level of site examination it was not possible to conclusively determine whether or not federally or state listed plant or animal species or "waters of the U.S.," which includes wetlands, are present on the project site parcels. Hence, further site specific biological studies would be necessary prior to any future development proposal."

This is exemplified by at least one error in, Figure 4.3-1 "Vegetation Communities" that depicts parcel E as "Anthropogenic ruderal" when in fact a portion this site supports *Downingia pulchella* and is ponded for more than two weeks in normal rainfall years. There have been documented accounts of the occurrence of *Downingia* as well as that of *Myosurus minimus*. Both species are California natives and both are often associated with vernal pool habitats. [Please see attached photos and Calflora records.] Clearly a portion of parcel E may potentially be jurisidictional wetlands under Section 404 of the Clean 16-3

Water Act and is definitely a water of the state. Had the consultant been to the project site during the appropriate time of year this would have been obvious. 16-3 Cont'd

This is further confirmed by the consultant's statement on page 4.3-15 "In order to substantiate this premise [special status plants species are unlikely to occur], special-status plant surveys would need to be conducted at the appropriate time of year (when target species are flowering) in order to determine if these species are present or absent. It is recommended that such surveys be conducted well before any development is planned on a specific parcel so that the results of the surveys can be incorporated into the project plan." If the purpose of the specific plan DEIR is to disclose to decision makers, public agencies, and the public potential impacts of the specific plan, and to propose measures that would avoid or mitigate those impacts, why wasn't baseline information provided in this DEIR? The proposal to assess each parcel as projects come forward is a very piece-mealed approach to planning and defeats the purpose of a specific area plan. A more responsible and appropriate approach would be to identify and avoid areas of significant biological resources early in the process while flexibility still exists rather than attempting to do it later when other surrounding parcels have already been developed. 16-4

Page 4.3-20 – Point Reyes Bird's Beak has been identified in the vicinity of the project in the LaRiviere Marsh of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). 16-5

Page 4.3-21 – Contra Costa Goldfields – there has been a 2004 documented report of *Lasthenia* near the project location – please see attached Calflora report. 16-6

Page 4.326 – Northern Harrier – The DEIR should establish a default buffer for nesting birds. The U.S. Fish and Wildlife USFWS recommended a buffer distance of 600' in their comment letter to the SFPUC DEIR for the Hetch Hetchy pipeline replacement project. Any buffer distance should be approved by the California Department of Fish and Game (CDFG) as well as the U.S. Fish and Wildlife USFWS (USFWS). 16-7

Page 4.3-26 – Red-tailed Hawk – Rather than focusing on the "minimal area necessary to protect the nest site" and "minimal avoidance requirements" the DEIR should be focused on implementing measures that will avoid "take" i.e. abandonment of active nests.

Page 4.3-33 – Wildlife Movement Corridors – The DEIR accurately states the "project site functions as a local wildlife corridor," but fails to consider that vacant lands adjacent to the Refuge or tidal sloughs may provide important escape habitat for tidal marsh species as sea level rises. 16-8

Page 4.3-36 – "The exception would be the Torian property since it has been studied by several salt marsh harvest mouse biologists over the years and a determination has been made that this property does not provide the habitat components suitable for the salt marsh harvest mouse. " We question this assumption in light of the fact that the Plummer Creek Mitigation Bank has successfully established tidal marsh habitat nearby. 16-9

Page 4.3-37 – Clean Water Act – The DEIR will piece-meal impacts to waters of the U.S. Rather than identifying and disclosing the extent of waters of the U.S. and State and providing a over-arching program of avoidance and minimization, the City proposes to review each site individually and require each applicant to avoid (or not) or mitigate for impacts to wetlands and waters. At best this could result in a patch-work of preserved and fragmented habitats, at worst none of the wetlands or waters will be preserved on-site. Exhibit 2.1 of the Specific Plan depicts the latter situation. Figure 4.3-1 of the DEIR identifies areas of wetlands that could be enhanced or restored that would have connectivity with 16-10

off-site wetlands. Why wasn't an alternative conceptual specific plan developed that could incorporate habitat preservation into the Specific Area provided in the DEIR? 16-10 Cont'd

Mitigation Measure 4.3-1 – Is it not possible that the salt marsh harvest mouse (SMHM) could migrate onto the Torian property? What would prohibit their movement onto the site?

It must be required that CDFG and the USFWS confirm no impacts to the salt marsh harvest mouse would occur from development of any given project site.

16-11

We fully concur that mitigation for impacts to SMHM should occur at a ratio required by CDFG and USFWS.

A *permitted CDFG/USFWS SMHM* biologist should be onsite to perform vegetation clearing to ensure no mice are harmed.

The integrity of any SMHM fencing should be inspected on a weekly basis by a qualified biologist.

Mitigation Measure – 4.3-2 – Nesting raptors – In their 2009 comments regarding the Bay Division Pipeline Reliability Upgrade Project DEIR, the USFWS recommended that a buffer of 600' be provided to avoid wildlife disturbance - that is the distance we propose for the Dumbarton TOD. 16-12

The DEIR is flawed in its disclosure of potential adverse impacts of short-term and long-term impacts on wildlife within the project area. The DEIR fails to adequately discuss the impacts of glare, noise, vibration, and human disturbance on wildlife species or how those impacts might disrupt nesting, roosting, and foraging activities.

Light pollution is documented to have serious adverse impacts for a wide range of wildlife ranging from invertebrates to mammals. It disrupts migratory patterns, foraging capabilities, predation, nesting, breeding, etc. (Longcore and Rich, "Ecological Light Pollution" Front Ecol Environ 2004, 2(4): 191-198). Longcore and Rich report the findings of Buchanan (1998 "Low-illumination prey detection by squirrel treefrogs," J Herpetology 32: 270-74) in which three different species of amphibians forage at different illumination intensities. As an example the squirrel treefrog (*Hyla* squirrela) forages only between 10^{-5} lux and 10^{-3} lux under natural conditions, while the western toad (*Bufo boreas*) only forages at illuminations between 10^{-1} and 10^{-5} lux. 16-13

Evidence suggests light pollution affects the choice of nesting sites in the black-tailed godwit, with choice locations being the farther away from roadway lighting (De Molenaar et al 2000, in Longcore and Rich). Buchanan found frogs he was studying stopped their mating calls when the lights of a nearby stadium were turned on.

Sufficient evidence exists that demonstrates artificial lights have adverse impacts on wildlife. The project as proposed may locate night lighting right next to the Plummer Creek Mitigation Bank that may be turned over to the Refuge and other areas currently within the Refuge boundaries. How will be adverse impacts of street and residential lighting and window glare be mitigated?

Noise impacts to wintering, migratory, and breeding birds are not adequately mitigated. The focus of the noise impact analysis is the noise generated by construction related activities and not on the on-going, daily increases in noise levels that will result once the project has been constructed. This is a significant flaw in the EIR and must be rectified and fully mitigated.

Studies of the impacts of the effects of anthropogenic noise suggest the noise interferes with territorial vocalization (i.e. impacts to birds in breeding season) and the density of passerines occupying suitable habitat. These studies provide evidence that anthropogenic impacts on wildlife are not speculative, can be significant, and should be analyzed and avoided or fully mitigated. (Fuller, Warren, and Gaston. 2007. "Daytime noise predicts nocturnal singing in urban robins." Biol Lett 2007 August 22: 368-370 and Bayne, Habib, and Boutin, October 2008. "Impacts of Chronic Anthropogenic Noise from Energy-Sector Activity on Abundance of Songbirds in the Boreal Forest." Conservation Biology 22 (5): 1186-1193) 16-14

The DEIR proposes as a possible mitigation for seismic hazards dynamic deep compaction and deep foundations such as piles. The DEIR does not discuss the adverse impacts of vibration on wildlife species. 16-15

Page 4.3-58 – Mitigation sites should be managed in perpetuity and a funding mechanism should be provided to ensure long-term management of mitigation sites. 16-16

Mitigation Measure 4.3-4 – See mitigation measure 4.3-3 above. 16-17

Mitigation Measure 4.3-5 – Mitigation measures for special status species must be developed before any ground altering activities and special-status plant reports should be reviewed and approved by CDFG. 16-18

Mitigation Measure 4.3-6 – The individual project proponent must first demonstrate that the non-water dependent activity has avoided, then minimized impacts to waters of the U.S. The final acreage of any mitigation required will be determined by CDFG, the Corps of Engineers and the Regional Water Quality Control Board. 16-19

Page 4.3-69 – Proposals to plant trees adjacent to the Refuge should first be coordinated with the Refuge to avoid the introduction of perching sites for predatory species. 16-20

The DEIR does not consider the adverse impacts of the specific area plan on plant and wildlife habitat immediately adjacent to the Specific Area. Impacts must be identified and mitigated. 16-21

Other comments:

Sea Level Rise: We are extremely disappointed with the City's treatment of the issue of sea level rise: 16-22

According to the San Francisco Bay Conservation and Development Commission (BCDC) climate change is expected to raise sea levels between 12 and 36 inches by the year 2100. The Specific Plan area is approximately two miles east of the San Francisco Bay and a portion of the site is within a Federal Emergency Management Agency (FEMA) 100-year flood zone. The BCDC forecasted rise in sea level could increase flood related impacts, especially from storm surge-induced flood events. Section 15.40.51 of the City's Municipal Code has flood elevation standards for lands within special flood hazard areas as defined by FEMA. Among other things, these standards require building pads of all occupied structures to be a minimum of 11.25-feet above sea level with the finished floor being a minimum of six inches above the building pad. In addition, the City requires that the top of curb grades for residential streets must be no less than ten-feet above sea level throughout the City (Section 16.08.06 Newark Municipal Code). Additionally, the effects related to sea level rise are speculative at this time, the Specific Plan does not lie within BCDC's jurisdiction, and the BCDC forecast and any related policies are intended as guidance regarding potential, future flood risks and are not directly applicable to the Specific Plan area. If sea level rise was determined to be a significant threat, protective measures such as levees installed by regional and local governments would be available to protect urbanized areas.

16-22 Cont'd

The BCDC forecast expressly notes that it does not account for existing shoreline protection or wave activity and that, where necessary, future levees are an appropriate mechanism for protecting against flood damage from rises in sea levels. Ultimately, the National Oceanic and Atmospheric Agency,FEMA, the United States Corps of Engineers, cities, counties and flood control districts are responsible for protecting the public and the Bay ecosystem from flood hazards. The City's Municipal Code flood elevation standards would protect against flood risks to the Specific Plan area based upon flood risks as determined by FEMA, the City and these other regional and local agencies.

The threat of sea level rise is not speculative. Areas of the Dumbarton TOD would be inundated should the levees of the salt ponds fail. Those levees are not built to flood control standards and could fail in a seismic event as indicated in the geotechnical section of the DEIR. It would be in the public interest for the City to plan for sea level rise at a local level. The Shoreline Study in the south bay has taken much longer than originally anticipated, funding for flood protection is currently hard to come by, and it isn't clear how soon the planning process for shoreline protection in southern Alameda County will take place. The City of Newark should not place additional residents in harms' way on the hope that regional shoreline protection will occur.

Stockpiling of fill – The DEIR states some 500,000 cubic yards of fill will be necessary to implement the Specific Area Plan. Where will this material be stockpiled? How long will the material be stockpiled? Will this be done at the individual project level? What impacts will occur to City streets and who will bear the responsibility of repair to City streets should that become necessary?

16-23

Wind turbines – We support renewable energy in concept, but the siting of any proposed wind turbine should be coordinated with the Refuge to avoid adverse impacts to avian species and bats. 16-24

Who bears the responsibility of monitoring and enforcing air quality mitigation measures? If the City, is there staff and funding available to ensure mitigation measures are implemented and complied with? 16-25

The DEIR does not adequately disclose baseline conditions, potential significant impacts, or mitigation measure. The inadequacies of this DEIR must be corrected and re-circulated. 16-26

Thank you for the opportunity to provide comment. We wish to receive copies of comment letters to this DEIR, a copy of the corrected DEIR, and final EIR.

Sincerely,

Carin High

Carin High
Vice Chairperson

Photos taken Spring 2010 by Jana Sokale

Calflora

OBSERVATION DETAIL

About Calflor

ABOUT THIS RECORD	
Calflora ID	eb15440
Dataset	ebrupd
Added to Calflora	2019-07-20
Source	East Bay CNPS Rare and Unusual Plants Database
Source's Unique ID	49725
OBSERVATION DATA	View this record on the Observation Entry page, with map
Taxon Name	Downingia pulchella flatface downingia
Observer	Dianne Lake, Barbara Ertter, Lee Ellis et al (profile) — All records from this observer
Contributor's Collection	Newark — All records in this Collection
Date	2004-04-10
County	Alameda
Point Location	37.51393, -122.02333 NAD83 Datum — *What Grows Here?* (see what else grows in this area on a map)
Natural Status	wild
LOCATION INFORMATION	
Location Name	Nwk
Location Description	Newark: Vacant lot on Willow near Thornton, N of RR tracks
Notes	Local Rarity: B
Photos	No photos available.
INTERPRETATION PARAMETERS	
How and Why this Observation was Made	secondary source of compiled records
Documentation	Documented. There is a voucher for this observation or evidence of an expert confirmation.

Please address questions about this record to the source. East Bay CNPS Rare and Unusual Plants Database.

Note that Calflora presents observation data from diverse sources. Some records may be multiple observations of the same plant populations or duplicate reports from different sources. Please carefully and critically review data for your particular application.

Citation

Calflora: Information on California plants for education, research and conservation. [web application]. 2011. Berkeley, California: The Calflora Database [a non-profit organization]. Available: http://www.calflora.org/. (Accessed: Jun 30, 2011).

Please acknowledge Sources (institutions and individual observers) mentioned in the table above.

Calflora

OBSERVATION DETAIL

About Calflora

ABOUT THIS RECORD	
Calflora ID	eb15444
Dataset	ebrupd
Added to Calflora	2010-07-20
Source	East Bay CNPS Rare and Unusual Plants Database
Source's Unique ID	49729
OBSERVATION DATA	View this record on the Observation Entry page, with map
Taxon Name	Myosurus minimus ssp. minimus little mouse tail
Observer	Dianne Lake, Barbara Ertter, Lee Ellis et al (profile) — All records from this observer
Contributor's Collection	Newark — All records in this Collection
Date	2004-04-10
County	Alameda
Point Location	37.51303, -122.02333 NAD83 Datum — *What Grows Here?* (see what else grows in this area on a map)
Natural Status	wild
LOCATION INFORMATION	
Location Name	Nwk
Location Description	Newark: Vacant lot on *Willow* near Thornton, N of RR tracks
Notes	Local Rarity: B.
Photos	No photos available.
INTERPRETATION PARAMETERS	
How and Why this Observation was Made	secondary source of compiled records
Documentation	Documented. There is a voucher for this observation or evidence of an expert confirmation.

Please address questions about this record to the source, East Bay CNPS Rare and Unusual Plants Database.

Note that Calflora presents observation data from diverse sources. Some records may be multiple observations of the same plant populations or duplicate reports from different sources. Please carefully and critically review data for your particular application.

Citation

Calflora: Information on California plants for education, research and conservation. [web application]. 2011. Berkeley, California: The Calflora Database [a non-profit organization]. Available: http://www.calflora.org/. (Accessed: Jun 30, 2011).

Calflora

OBSERVATION DETAIL

About Calflora

ABOUT THIS RECORD

Calflora ID	eb15445
Dataset	ebrupd
Added to Calflora	2010-07-20
Source	East Bay CNPS Rare and Unusual Plants Database
Source's Unique ID	49730

OBSERVATION DATA

View this record on the Observation Entry page, with map

Taxon Name	Lasthenia conjugens Contra Costa goldfields
Observer	Dianne Lake, Barbara Ertter, Lee Ellis et al (profile)
Contributor's Collection	Newark
Date	2004-04-10
County	Alameda
Point Location	37.51393, -122.02333 (NAD83 Datum)
Natural Status	wild

All records from this observer

All records in this Collection

What Grows Here? (see what else grows in this area on a map)

LOCATION INFORMATION

Location Name	Nwk
Location Description	Newark
Notes	Local Rarity: *A1.
Photos	No photos available

INTERPRETATION PARAMETERS

How and Why this Observation was Made	secondary source of compiled records
Documentation	Documented. There is a voucher for this observation or evidence of an expert confirmation.

Please address questions about this record to the source. East Bay CNPS Rare and Unusual Plants Database.

Note that Calflora presents observation data from diverse sources. Some records may be multiple observations of the same plant populations or duplicate reports from different sources. Please carefully and critically review data for your particular application.

Citation

Calflora: Information on California plants for education, research and conservation. [web application]. 2011. Berkeley, California: The Calflora Database [a non-profit organization].

Available: http://www.calflora.org/ (Accessed: Jun 30, 2011).

Please acknowledge Sources (institutions and individual observers) mentioned in the table above.

100%

This page intentionally left blank.

Response to Comment Letter #16, Carin High, Citizens Committee to Complete the Refuge

16-1 This comment expresses concern that the Draft EIR is so general in its description of existing biological resources within the Specific Plan area that it is impossible for decision makers, public agencies or the public to fully understand the impacts that may occur or whether mitigation measures identified would be adequate. While the Draft EIR has a broad brush approach to describing the plant communities and wildlife habitats within the Specific Plan area, the background research completed for the Draft EIR provided a thorough understanding of the special-status species (i.e., threatened, endangered, rare) issues in the Newark area and what special-status species and sensitive resources (e.g., wetlands) would need to be addressed for any future development proposal. It is standard practice for program-level EIRs to provide general baseline biological conditions and require site-specific surveys for individual parcels (project sites) as development proposals arise. Since it may be many years before the project site is at complete build-out, it is logical to wait to conduct site-specific focused surveys until the time development is proposed so that the biological studies are not outdated and need to be repeated.

16-2 This comment addresses the time of year the biological consultants surveyed the project area. The biological consultants conducted surveys to record baseline biological conditions as required by the CEQA Guidelines. Since the biological surveys were general in nature and were not to focus on blooming periods or to conduct a wetland delineation it was not necessary to be on the project site during the winter or spring months. Since the Draft EIR was prepared at a program-level with many different parcels that would be developed at different time over many years, site-specific and species-specific focused surveys were not conducted and are not necessary at this stage in the project. Rather such surveys would be conducted in the future prior to the development of the individual parcels as detailed in mitigation measures identified in the Draft EIR.

16-3 The commentor mentions that Figure 4.3-1 (Vegetation Communities) in the Draft EIR does not show an area of wetland vegetation on Parcel E. This is a mapping error. The biological consultants did identify this area of wetland vegetation during their October 2009 field studies and located it on the field maps; however, this information did not get transferred onto the final graphic prepared for the Draft EIR. Figure 4.3-1 has been updated and

is included in Chapter 10 (Revisions to Draft EIR) of this Final EIR. At the time Monk & Associates' biologists were on the project site, Parcel E supported an area of cracked soils that was partially vegetated with Bermuda grass (*Cynodon dactylon*), pigweed (*Chenopodium* sp.), and English plantain (*Plantago lanceolata*). This most likely is the area the commentor is referring to.

16-4 The commentor asks why baseline information was not provided in the Draft EIR and states that more detailed analysis is required. However, the analysis in a program-level EIR should be tailored to the first tier of the planning process, with the understanding that additional detail may be needed and if so would be provided when specific second-tier development proposals are under consideration. The detailed evaluation of environmental impacts and mitigation measures may be properly deferred until later in time when environmental review is conducted for such specific second-tier development proposals that would implement the program. Also refer to Response 16-1.

16-5 This comment states that the Point Reyes Bird's Beak (*Cordylanthus maritimus palustris*) has been identified in the vicinity of the site. Table 4.3-1 (Special-Status Species Known to Occur Near Dumbarton TOD Specific Plan Area) contained in the Draft EIR confirms this statement. Furthermore, on page 4.3-18, the Draft EIR concludes that there is marginally suitable habitat for the species within the project area.

16-6 This comment states that there is a 2004 documented report of Contra Costa goldfields (*Lasthenia conjugens*) near the project area. This sighting has not been reported to California Department of Fish and Game's Natural Diversity Database (CNDDB); thus, the EIR's biological consultants, Monk & Associates, were not aware of this sighting. After the commentor brought this sighting to Monk & Associates attention, the reported observer, a botanist known to them and someone that they frequently work with, was contacted and confirmed the 2004 sighting on a vacant lot north of the railroad tracks near Willow Street (personal communication between S. Lynch of Monk & Associates and D. Lake, July 5, 2011). Since the portion of Parcel E that Monk & Associates identified as supporting wetland vegetation is also known to support *Downingia pulchella*, a seasonal wetland plant, this habitat may also provide suitable habitat for Contra Costa goldfields. Therefore, the Draft EIR description of Contra Costa goldfields has been modified as has Table 3 contained in Appendix B of the Draft EIR to show that potential habitat is present within the project site boundaries.

The impacts and mitigation measures presented in the Draft EIR for special-status plants already address impacts to state and federally listed threatened and endangered plant species should they be found on the project site. Thus, if Contra Costa goldfields were found on the project site, avoidance and mitigation measures as presented in the Draft EIR would be implemented. Refer to Chapter 10 of this Final EIR for revisions noted above.

16-7 The commentor states that the Draft EIR should establish a default buffer for nesting birds. The commentor also states that rather than focusing on the minimal area necessary to protect the nest site and minimal avoidance requirements, the Draft EIR should focus on implementing measures that would avoid "take." It is the biological consultant's experience that certain birds become adapted to noise and adapt better to disturbance than others. Therefore, in urbanized areas such as the project site, a 300-foot non-disturbance buffer would be all that is warranted for non-listed, nesting raptors. Even then, if monitoring during construction indicates that nesting raptors appear well acclimated to disturbance (for example, red-tailed hawks that routinely nest near freeways, factories, or in the case of the project site, gun ranges) and can tolerate a smaller nesting buffer, a qualified raptor biologist may make a recommendation to reduce the buffer size and through continued monitoring of adult raptor nesting behavior would be able to ensure that disturbance does not result in nest site inattentiveness, or in the extreme, nest abandonment. In this fashion, site-specific nesting buffers can be established that ensure that construction related activities do not result in take of the nesting birds, their eggs or young. As the commentor notes, the U.S. Fish and Wildlife Service (USFWS) recommended a buffer distance of 600 feet for the Hetch Hetchy pipeline replacement project, however, it should be noted that the area of concern at Hetch Hetchy was far less disturbed than the project site and does not have the same urbanized setting. Regardless, buffers must be established that would protect the nest site and nesting attempt such that there is no take of the nesting birds. Such buffers are routinely established by qualified raptor biologists with demonstrated experience working with nesting raptors. It is Monk & Associates' experience that USFWS and CDFG typically allow qualified raptor biologists to set site-specific nest site buffers that are tailored to site conditions for non-listed raptor species provided that ongoing monitoring continues to demonstrate that the nesting raptors are not being unduly disturbed by a proposed project.

16-8 The commentor states that the Draft EIR fails to consider that vacant lands adjacent to the Refuge or tidal sloughs may provide important escape habitat for tidal marsh species as sea level rises. What the commentor does not consider; however, is that if the sea level rises and floods the project site it would also flood these adjacent habitats.

16-9 The commentor questions the Draft EIR's conclusion that the Torian property does not provide habitat for the salt marsh harvest mouse "in light of the fact that the Plummer Creek Mitigation Bank [sic] has successfully established tidal marsh habitat nearby." To confirm that tidal marsh habitat has been successfully constructed on the nearby Plummer Creek Wetland Mitigation Project (it is not a "mitigation bank" but rather a mitigation "project" that was built in 2000-2001 as mitigation for several Alameda County projects), Monk & Associates contacted Wildlands, Inc. and received confirmation that 8.85 acres of tidal wetlands has been constructed on the Plummer Creek Wetland Mitigation property (personal communication between S. Lynch of Monk & Associates, Inc. and C. Tambini, July 5, 2011). However, there is no evidence that these wetlands provide salt marsh harvest mouse habitat. Notwithstanding, if salt marsh harvest mice are present on the Plummer Creek Wetland Mitigation Project property, they could move to the Cargill and/or Torian properties, although they likely would not survive there. Accordingly, mitigation identified in the Draft EIR for the salt marsh harvest mouse has been revised to reflect this and is included in Chapter 10 of this Final EIR.

16-10 The commentor states that the Draft EIR would piece-meal impacts to waters of the U.S./State. The Draft EIR does not piece-meal impacts but rather looks at the project at a program-level since complete site buildout would not occur for many years and not all the parcels would be developed at the same time. It would not be practical to require a wetland delineation at this stage of the development review process because the U.S. Army Corps of Engineers' (USACE) jurisdictional map has a validity period of only five years and after the five year period a new wetland delineation would be required. By requiring individual land owners to complete a wetland delineation of their property prior to site development ensures that this step in the environmental review process is completed.

The commenter asks, "why wasn't an alternative conceptual specific plan developed that could incorporate habitat preservation into the Specific Area provided in the Draft EIR?" The Draft EIR provides a reasonable range of

alternative, and includes alternatives to the proposed project that would preserve open space adjacent to the baylands. Alternatives 2 and 3 would concentrate development adjacent to the City, preserving the western portion of the Specific Plan area in open space. The project, as well as the alternatives, will be considered by the City Council prior to taking action on the Specific Plan.

16-11 The commenter asks, "is it not possible that the salt marsh harvest mouse could migrate onto the Torian property? What would prohibit their movement onto the site?" It is possible for the salt marsh harvest mouse to migrate onto the Torian property, if it is present in the area. However, the habitat on the Torian property in its existing condition is not suitable for the salt marsh harvest mouse and it would likely not survive there. There is not enough cover to protect this mouse from aerial predators such as the red-tailed hawk (which is known from the area) and there is not enough pickleweed for food and cover. However, in an abundance of caution and to meet the standards of care required by CEQA, the Torian property would be required to implement protective measures prior to development to ensure that impacts to the salt marsh harvest mouse would not occur should it enter the project site (refer "Preconstruction Measures" specified in Mitigation Measure 4.3-1).

The commentor states: "it must be required that CDFG and the USFWS confirm no impacts to the salt marsh harvest mouse would occur from development of any given project site." Mitigation Measure 4.3-1 in the Draft EIR does not require confirmation from CDFG and USFWS for the "Habitat Assessment" results if the study is completed by a permitted salt marsh harvest mouse biologist. The biologist conducting the Habitat Assessment is required by Mitigation Measure 4.3-1 to hold both a federal Recovery Permit and a State MOU authorizing work with the salt marsh harvest mouse because these are the biologists authorized by CDFG and USFWS that have direct experience evaluating the species' habitats and would be able to use their best judgment in determining what site conditions constitute suitable salt marsh harvest mouse habitat.

The commentor states that the following language should be added to the EIR: "A *permitted CDFG/USFWS SMHM* biologist should be onsite to perform vegetation clearing to ensure no mice are harmed." Also, "The integrity of any SMHM fencing should be inspected on a weekly basis by a

qualified biologist." Both of these items have been added to Mitigation Measure 4.3-1. Refer to Chapter 10 of this Final EIR.

16-12 Refer to Response 16-7, which discusses buffers for nesting raptors.

16-13 This comment states that the Draft EIR is flawed in its disclosure of impacts on wildlife in the project area. No impacts are expected to occur to specially protected wildlife species; however, measures are required to protect nesting birds. Refer to Responses 2-2 and 2-4 that address nesting birds, construction, noise and vibrations.

To minimize potential impacts to wildlife from increased artificial lighting, all street and building lights adjacent to the Plummer Creek Mitigation Project would meet the "full-cutoff" classification defined by the Illuminating Engineering Society of North America (IESNA). A full-cutoff lighting fixture is one in which "the luminous intensity (measured in candelas) at or above an angle of 90° above nadir (i.e., the angle that points directly downward, or 0°, from the lamp) is zero, and the luminous intensity (measured in lumens) at or above a vertical angle of 80° above nadir does not exceed 10 percent of the luminous flux (measured in lumens) of the lamp or lamps in the lighting fixture."[3] Such fixtures minimize "light trespass" onto adjacent areas, ensuring that light is focused onto the area requiring illumination (i.e., ground) and not into adjacent natural areas. This would ensure that there are minimal if any lighting impacts to adjacent areas.

The project does propose lighting along the trail near the Plummer Creek Mitigation site, however, the Specific Plan proposes lighting standards "to ensure that lighting . . . does not create excessive 'spillover' light and glare into adjacent residential areas and habitat areas, including the adjacent Refuge." Thus, the Specific Plan includes standards to ensure that impacts to sensitive species are minimized. Finally, the Draft EIR has been prepared at a program-level and the future development of a trail may be subject to further environmental review and future studies.

16-14 This comment addresses noise impacts to birds. Refer to Response 2-4.

---

[3] NLPIP (National Lighting Product Information Program). 2003 (revised February 2007). NLPIP Lighting Answers. Volume 7, Issue 2.

16-15 The commentor states that the Draft EIR does not discuss the adverse impacts of vibration on wildlife species. The commenter references the possibility of dynamic deep compaction as a possible mitigation for seismic hazards. While common species could be disturbed by dynamic deep compaction, the project site does not provide habitat for special-status wildlife species and nesting birds would not be impacted because compaction and pile driving would not be conducted during the nesting season.

16-16 This comment states that mitigation sites should be managed in perpetuity and funding mechanisms should be provided to ensure long-term management. Mitigation Measure 4.3-6 has been revised accordingly and is included in Chapter 10 of this Final EIR.

16-17 The commentor references Mitigation Measure 4.3-4 and states see Mitigation Measure 4.3-3, above. It is unclear what is meant by this comment and, therefore, it is noted.

16-18 This comment references Mitigation Measure 4.3-5. This measure provides detailed mitigation for special-status plant species recommendations for submitting survey reports to CDFG (and/or USFWS).

16-19 This comment references Mitigation Measure 4.3-6. Project applicants would be required to avoid jurisdictional areas to the extent practicable while otherwise meeting the project objectives. The Draft EIR states that impacts to waters of the U.S./State would be mitigated at a minimum 1:1 ratio (impacts:replacement), but the final acreage of any mitigation required for impacts to waters of the U.S./State would be determined by USACE and the Regional Water Quality Control Board at the time permits are issued for the project. Impacts to drainages/tributaries regulated pursuant to Section 1602 of California Fish and Game Code would be subject to regulation by CDFG. If there would be impacts to CDFG regulated areas, mitigation would be prescribed as approved by CDFG at the time a 1602 Agreement is issued.

16-20 The commentor requests that proposals to plant trees adjacent to the Refuge should first be coordinated with the Refuge to avoid the introduction of perching sites for predatory species. This requirement has been added to Mitigation Measure 4.3-8 in the Draft EIR and is included in Chapter 10 of this Final EIR.

16-21 The commentor states that the Draft EIR does not consider the adverse impacts of the Specific Plan on plant and wildlife habitat immediately adjacent to the Specific [Plan] area. Impacts on adjacent properties were considered and are not anticipated. Refer also to Response 2-3 regarding fencing of sensitive habitats.

16-22 This comment expresses disappointment regarding the City's treatment of the issue of sea level rise. Refer to Responses 2-5, 10-5 and 10-6.

16-23 This comment asks about stockpiling fill material necessary to implement the proposed project, how long the material would be stockpiles and would fill be done at the individual project-level. The comment also asks what impacts would occur to City streets and who will bear the responsibility to repair streets if necessary. Given that City streets are designed to carry legal loads, no damage or impact is expected. If damage were to occur as a result of overloads, the transporter would be responsible for the damage.

16-24 The commentor states that renewable energy is supported in concept but the siting of any proposed wind turbine should be coordinated with the Refuge to avoid adverse impacts to avian species and bats. This comment is noted.

16-25 This comment asks who is responsible for monitoring and enforcing air quality mitigation. If the City, is there staff and funding available to ensure mitigation measures are implemented? The City would be responsible to ensure mitigation measures identified in the Draft EIR are implemented. If staffing is unavailable, the project applicant would be responsible to pay the cost of contract staff to perform mitigation monitoring.

16-26 This comment summarizes that the Draft EIR does not adequately disclose baseline conditions, potentially significant impacts, or mitigation measures. Responses 16-1 through 16-25 respond to the comments regarding the inadequacy of the Draft EIR.

10 REVISIONS TO DRAFT EIR

Subsequent to the public release of the Draft EIR, revisions have been made to the EIR as a result of staff initiated changes and comments received. Those pages with revisions are identified below and follow this list of errata pages. It is important to note that none of the revisions are significant new information that would result in any new significant environmental impacts (including without limitation new environmental impacts from a new mitigation measure) or a substantial increase in the severity of any environmental impacts, nor do any of the revisions propose a new mitigation that the project applicants have declined to implement or adopt. Instead, they merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation of the Draft EIR is not required pursuant to CEQA Guidelines Section 15088.5 (b).

Page 3-11	Text amended to update current cleanup efforts within the Specific Plan area.
Page 3-13	Text amended to replace references to East Bay Dischargers Authority with the Union Sanitary District (USD) and change the reference to a 36-inch sanitary sewer main to a 38-inch sanitary sewer main.
Pages 3-14 – 3-16	Text amended to update descriptions of Trumark and Gallade properties.
Pages 3-38 & 3-39	Text amended to replace references to the East Bay Dischargers Authority with the USD.
Page 3-40	Text amended to reference that portions of the Cargill and FMC properties within the Specific Plan area are outside of the USD boundaries and would have to be annexed prior to development.
Pages 3-41 & 3-42	Text amended to strikeout the East Bay Dischargers Authority as an agency with jurisdiction over the proposed project and add U.S. Environmental Protection Agency, California Public Utilities Commission (CPUC), Alameda County Department of Environmental Health and Bay Conservation and Development Commission (BCDC).
Page 4.3-5	Figure 4.3-1 revised to show location of an area of wetland vegetation on Parcel E.
Page 4.3-22	Text amended to update information about the Contra Costa goldfields.

Pages 4.3-50 – 4.3-53	Mitigation Measure 4.3-1 amended to clarify requirements to mitigated potential impact to the salt marsh harvest mouse.
Page 4.3-60	Text amended to reference Contra Costa goldfields as one of several special-status plant species for which the project site may have suitable habitat.
Pages 4.3-65 – 4.3-67	Mitigation Measure 4.3-6 amended to reference protection of vernal pools and add language regarding long-term protection of wetlands not impacted by the project and/or new wetlands created.
Page 4.3-69	Mitigation Measure 4.3-8 amended to require coordination of tree replacement with the Don Edwards San Francisco Bay National Wildlife Refuge.
Pages 4.5-11 & 12	Mitigation Measure 4.5-1 amended to note that the Alameda County Water District (ACWD) regulates the construction, repair and destruction of wells, exploratory holes and other excavations and add Mitigation Measures 4.5-2 and 4.5-3 to address coordination with ACWD and require well protection plan.
Page 4.6-27	Text amended to address a revision to the estimate of sea level rise by climate change.
Pages 4.7-15 – 4.7-17	Text amended to update current cleanup efforts associated with the Gallade property.
Pages 4.7-30 & 4.7-31	Mitigation Measure 4.7-1a amended to include additional mitigation language.
Page 4.8-4	Text amended to update the amount of water treated at the Newark Desalination Facility and note beneficial use of groundwater.
Page 4.8-23	Mitigation Measure 4.8-4b amended to add reference to new water mains that may cross over the Hetch Hetchy Pipeline.

Page 4.8-25	Text was amended to reference Section 15.40.51 of the City's Municipal Code, which includes the City's flood improvement standards.
Page 4.9-23	Text amended to clarify BCDC jurisdiction over development on within the project area.
Pages 4.12-18 & 19	Text amended to replace references to the East Bay Dischargers Authority with the Union Sanitary District (USD) and update the anticipated completion date of the Sewer Master Plan by USD. Mitigation Measure 4.12-2 amended to update the anticipated completion date of the Sewer Master Plan by USD.
Pages 4.14-19 & 20	Text amended to reference the Alameda County Bicycle and Pedestrian Plans.
Page 4.14-71	Mitigation Measure 4.14-1b amended to add mitigation for the intersection of I-880 NB Ramps/Mowry Avenue.
Appendices	Page 2 of Table 3 contained in Appendix B updated to show potential habitat present for Contra Costa goldfields.

This page intentionally left blank.

3.3.3 SITE CHARACTERISTICS

OVERVIEW

The approximately 205-acre Dumbarton TOD Specific Plan area is currently primarily vacant and unused with the exception of a virgin chemical ~~blending~~ storing, repackaging and distribution facility located in the northeastern corner, a storage area for base-rock and tractor trailers used in construction projects located in the northeastern portion, and a dog training facility and a police firing range located in the south central portion.

As outlined in the California Regional Water Quality Control Board, San Francisco Bay Region's (RWQCB's) *Comments on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit Oriented Development (TOD) Specific Plan, Newark, Alameda County* issued on April 30, 2010, "contaminated soil and groundwater exist within the proposed TOD, and include high concentrations of chlorinated solvents, metals, flammable materials (i.e., elemental phosphorous), phenols (pentachlorophenol) doxins/furans, poly aromatic hydrocarbons (PAHs) and petroleum hydrocarbons. Soil and groundwater remediation are required at the sites (listed below), pursuant to Site Cleanup Requirements (SCR) Orders issued by the California Regional Water Quality Control Board, San Francisco Bay Region:

- FMC Corporation, 8787 Enterprise Drive, SCR Order R2-2002-0060
- Ashland Inc., 8610 Enterprise Drive, SCR Order R2-2005-0038
- SHH, LLC, 37445 Willow Street, SCR Order R2-2008-0081
- Jones-Hamilton, 8400 Enterprise Drive, SCR Order R2-2001-0054
- Former Baron-Blakeslee, 8333 Enterprise Drive, SCR Order R2-2005-0004"

Ongoing groundwater and soil vapor monitoring and cleanup efforts are occurring pursuant to Final SCR Order R2-2007-0005 issued by RWQCB that affects portions of the Gallade property, Trumark property and FMC's properties.

In general, the Specific Plan area is characterized by large, open, expansive, weedy fields that contain remnants of the former industrial development that previously existed in the area. Most of the Specific Plan area is enclosed by fencing and access is restricted. Within the Specific Plan area, Hickory Street, which runs north to south, is currently an unpaved, unimproved public right-of-way. Central Avenue currently terminates at Willow Street from the east and does not yet further extend into the Specific Plan Area. Enterprise Drive, which runs east to west between

of-way owned by the San Mateo County Transit District. The ~~East Bay Dischargers Authority (EBDA)~~ Union Sanitary District (USD) owns and operates two 3~~6~~8-inch sanitary sewer force mains serving the City of Newark that run through the Specific Plan area within a 30-foot wide easement, partially within the Hickory Street right-of-way. The Alameda County Flood Control F-1 Canal flows from east to west along the Specific Plan area's southern boundary, providing the main drainage outlet to the San Francisco Bay for a large part of the City of Newark. A tributary to this canal, the F-6 ditch generally flows from north to south along the Specific Plan area's easterly boundary and runs north along the west side of Willow Street for a distance of about 1,300 feet. Pacific Gas and Electric (PG&E) transmission lines traverse the Specific Plan area from north to south and PG&E maintains a 25-foot wide easement underneath the lines and surrounding the towers that the support the high-voltage lines.

ASHLAND INC. PROPERTY

The Ashland Inc. property occupies approximately 10.29 acres located southeast of the terminus of Enterprise Drive (8610 Enterprise Drive). The Ashland property is generally flat and has a gentle slope downward toward the southern rear portion of the property. The surface elevation ranges from approximately nine to 11 feet above MSL. Ashland operated a chemical packaging and distribution facility on the property from 1973 until 2000. Currently, the property is vacant, enclosed by fencing and predominantly covered with concrete and asphalt paving. Soil and shallow groundwater under the property have been impacted with chemicals of concern (COCs) and groundwater monitoring wells are located on the property. Current activities consist of site risk assessments, quarterly groundwater level measuring, and semi-annual groundwater sampling.

CARGILL PROPERTY

Cargill's approximately 54.5-acre property is located on the western portion of the Specific Plan area. Although the property is predominantly flat with surface elevations ranging from about eight to ten feet above MSL, it has two relatively small bedrock outcroppings approximately 30 to 35 feet above MSL. Historically, the property has mostly been undeveloped, however, some portions of the property have been in use for years.

From 1929 to approximately 1969, FMC and its predecessor Westvaco, leased a portion of the property from Leslie Salt (Cargill purchased Leslie Salt in 1979). This portion, formerly known as the Leslie Salt/FMC Magnesia Waste Pile site, was remediated pursuant to a Department of Toxic Substance Control (DTSC)

Remedial Action Order. In 1991, the Department of Health Services (DHS), the predecessor of DTSC, issued a Certification of Completion of remediation. The City issued case closure for the site in 2002.

Between 1969 and 1995, the Newark Sportsman's Club leased approximately 18 acres of land to operate a recreational outdoor shooting range. That use, which left surficial and shallow deposits of lead shot and clay pigeon debris, was voluntarily cleaned up beginning in 1994, under Regional Water Quality Control Board (RWQCB) Order #94-096. The RWQCB certified case closure in 2004.

In addition, from 1975 to the present, the City Police Department has leased a portion of property to operate a pistol range. A Phase II Soil and Groundwater investigation performed for the City indicated lead concentrations in shallow soils in the berm area. Given the shallow nature of the materials, excavation and removal of the upper three feet of soil (approximately 405 tons) was identified as the most effective and economical remedial method. Upon cessation of use as a pistol range, the City will be responsible for remedial actions at this site.

One of two hills on the western side of the property is an outcropping of serpentine bedrock that contains naturally occurring asbestos (NOA). These naturally occurring materials are not regulated as a hazard if left in place. However, at such time as the site is to be modified or developed, all earthmoving and trenching in the area of the rock outcrop should be performed in compliance with regulatory requirements then in effect.

ENTERPRISE DRIVE LLC (TRUMARK COMMERCIAL) PROPERTY

The approximately 2.14-acre Enterprise Drive LLC (Trumark Commercial) property is located at 8375 Enterprise Drive in the northeastern portion of the Specific Plan area. The Enterprise Drive LLC property is a level, vacant lot with ruderal vegetation that is enclosed by fencing. It is approximately ten to 15 feet above MSL with a gentle slope to the southwest towards San Francisco Bay. There is a Hetch Hetchy Pipeline with a 110-foot right-of-way owned by the SFPUC in southern portion of property. ~~The chemical blending and distribution facility located on the adjacent Gallade property uses a portion of the Enterprise Drive LLC property for parking and storage. Groundwater underneath the property and site soils have been impacted with COCs from past uses associated with the adjacent Gallade property. There is a groundwater monitoring well on the property and current activities consist of groundwater monitoring.~~Past use associated with the adjacent Gallade property have impacted groundwater underneath the central and northern portions of the property and site soils in the north northeastern

portion of the property with COCs. There are several groundwater monitoring wells on the property and soil and groundwater monitoring and remediation activities are ongoing pursuant to Final SCR Order R2-2007-0005 issued by the RWQCB.

FMC CORPORATION PROPERTY

FMC's property consists of approximately 47.3 acres of land generally located south of the railroad tracks bordering the northern portion of the Specific Plan area at 8787 Enterprise Drive. The relatively flat FMC property is approximately 11 feet above MSL. The majority of site is enclosed by fencing.

Chemical manufacturing related industrial uses occurred at the FMC property from 1929 through 2002. However, approximately eight acres of the property located near the intersection of Willow Street and Enterprise Drive have never been developed or actively used. This land consists of APNs 092-0100-004-02, 092-0101-001, and 92-0115-011 (refer to Figure 3-3). Features left-over from past industrial uses on the site consist of storage, office, and warehouse buildings, fencing, and paved parking areas. Other site features consist of asphalt caps over impacted soil and a groundwater extraction and treatment system. PG&E towers and high voltage power lines and an associated 25-foot wide easement traverse the western portion of the property from north to south. A portion of the Hetch Hetchy Pipeline is underneath the northeastern portion of the property and has a 110-foot right-of-way owned by the SFPUC. Currently, there are limited personnel stationed onsite in the office building to provide security. Other current onsite activities consist of semi-annual groundwater monitoring and operation and maintenance of the groundwater extraction and treatment system

GALLADE ENTERPRISES LLC PROPERTY

The approximately 2.3-acre Gallade property is located at 8333 Enterprise Drive in the northeast corner of the Specific Plan area. The level Gallade property has an elevation of approximately 11 feet above MSL. The property is currently developed with three structures (an office and two warehouses) and a parking area. The majority of the site is either covered by buildings or paving, although a small portion contains ruderal habitat. A portion of the Hetch Hetchy Pipeline located underneath the property adjacent to the southern boundary. ~~Gallade Chemical, Inc. currently uses the site for the storage, blending, packaging, and distribution of virgin chemical products. Past uses contaminated onsite soils and groundwater, as well as groundwater downgradient (westward) of the property with COCs. Groundwater, soil-vapor, and ambient air monitoring is conducted semiannually~~

~~onsite and at nearby properties.~~ Gallade Chemical, Inc. currently uses the site for the storage, repackaging and distribution of virgin chemical products. Historical operations at the site caused contamination of onsite soils and groundwater, as well as groundwater downgradient (westward) of the property, with COCs. This contamination affects portions of the Gallade property, the Trumark property and the FMC Corporation's properties. This property is currently undergoing groundwater and soil vapor monitoring and cleanup activities pursuant to Final SCR Order R2-2007-0005 issued by RWQCB and monitoring and reporting pursuant to the Department of Toxic Substance Control (DTSC) Hazardous Waste Post Closure Facility Permit, Facility EPA ID Number CAD07464459.

JONES-HAMILTON COMPANY PROPERTY

The approximately 21.27-acre Jones-Hamilton property is located at 8400 Enterprise Drive in the northeastern portion of the Specific Plan area, southeast of the intersection of Enterprise Drive and Willow Street. From 1956 to 2001, Jones-Hamilton operated a chemical manufacturing, blending and packaging facility at the property. Currently, the eastern half of the property is undeveloped and the western half is paved with either asphalt or concrete. Onsite soils and groundwater beneath the property have been impacted with COCs. A slurry wall and an asphalt cap encapsulate onsite impacted soils located on the southwestern portion of the site. In addition, extraction wells are present to create an inward gradient. Current onsite activities consist of groundwater monitoring.

SHH LLC PROPERTY

The SHH LLC property covers approximately 6.11 acres in the northeastern portion of the Specific Plan area at 37445 Willow Street. The SHH LLC property is level with a surface elevation of approximately nine to 11 feet above MSL. Foster Chemical Company manufactured, packaged and distributed chemicals at the site from 1975 to 1987. Prior to that time, the land had been leased for a period of time by the E.J. Lavino Brick Company for the storage of bricks. Currently, the site consists of predominantly vacant unpaved land although a 6,000-square-foot warehouse is onsite. Current activities consist of the storage of reclaimed asphalt, concrete debris, and gravel used to manufacture base-rock for construction projects and empty tractor trailers. In addition, groundwater monitoring is currently conducted on a semi-annual basis. Onsite soils and shallow zone groundwater have been impacted with COCs.

Water

The Alameda County Water District (ACWD) supplies water to the Specific Plan area. Due to the amount of development proposed by Dumbarton TOD Specific Plan, it is subject to the requirements of Senate Bills 610 (SB 610) and 221 (SB 221), which require the preparation of a Water Supply Assessment (WSA). The ACWD prepared a WSA for the proposed Dumbarton TOD Specific Plan and determined that demand associated with development proposed by the Dumbarton TOD Specific Plan would be consistent with planning assumptions and is included in ACWD's forecast and water supply planning.

Water is delivered to the Specific Plan area through a 16-inch transmission main in Central Avenue at the south end of the site that creates a loop by extending up Willow Street and connecting to an existing 12-inch main in Enterprise Drive. There are also 16-inch transmission mains stubbed at the south end of Hickory Street and at Willow Street, just north of the DRC tracks. The existing looped system in Central Avenue and Enterprise Drive would be extended westerly to include Hickory Street. In order to serve the Specific Plan area, a 16-inch connection between the transmission mains south and north of the tracks may be required to maintain adequate pressure and redundancy in the system.

Within the Specific Plan area, future development would be required to install distribution mains within the street network to serve fire and domestic water needs. It is anticipated that new distribution mains in "backbone" streets would be ten inch or 12-inch in diameter and distribution mains in local streets would be eight inch or ten inch in diameter. A water model would need to be performed based on final land plans, building types, water demands, fire flow requirement, and phasing, to establish final, actual line sizes in each street, and to determine whether the 16-inch connection between mains south and north of the railroad tracks described above would be required.

Sanitary Sewer

The City, ~~including~~ and the majority of the Specific Plan area, is within the service boundaries of the Union Sanitary District (USD), which also serves the cities of Fremont and Union City. The District owns and maintains a system that consists of gravity and pressure pipes, pumping facilities, detention facilities and the Alvarado Treatment Plant, which is located in Union City, north of the Specific Plan area.

The Specific Plan area is primarily served by a 36-inch trunk gravity main in Willow Street (Willow Street 36-inch), which carries wastewater flows from the southwest

portion of Newark, north through the Specific Plan area, across (beneath) the Hetch Hetchy Pipeline and Southern Pacific Railroad (SPRR) and into parallel 36-inch and 42-inch trunk gravity mains that flow to the west in the SPRR right-of-way (SPRR Mains). The SPRR Mains combine into a single 48-inch gravity sewer main that continues to the Newark Pump Station near the northwest corner of the Specific Plan area. Wastewater is pumped from the station through twin 33-inch force mains to the Alvarado Treatment Plant, approximately five miles to the north. In addition to the Willow Street 36-inch, there is a 14-inch gravity line in Enterprise Drive (Enterprise Drive 14-inch) that flows from east to west before turning to the northwest to run diagonally across the FMC property. This line is in disrepair, is shallow and only serves as a redundant line to the Willow Street 36-inch and the SPRR Mains, in the event of excessive surcharging in those lines.

Dual 33-inch force mains owned and operated by the USD ~~East Bay Dischargers Authority (EBDA)~~ traverse the Specific Plan area generally from south to north and at a depth of approximately five feet within the existing right-of-way for Hickory Street between the Torian and Ashland properties to the east and Cargill property to the west, then follow FMC's property southern boundary before heading northerly again (~~EBDA~~ USD Force Mains). The ~~EBDA~~ USD Force Mains do not serve the Specific Plan area but carry wastewater from the Irvington Pump Station near the Fremont Boulevard Interchange at Interstate 880 to the Newark Pump Station. These pipes may be sensitive to movement and subject to failure should heavy construction occur over or in the vicinity of the pipelines. Mitigation measures may therefore be necessary as part of the implementation of the Specific Plan to protect the EBDA Mains or project proponents may consider the option of replacing the EBDA Mains within the Hickory Street right-of-way working closely with the USD.

In general, most new connections to the existing wastewater collection system are anticipated to be made to the Willow Street 36-inch gravity main. A new 12-inch gravity sewer main may be required to the areas located west of the EBDA Mains to avoid potential conflicts with those pipelines. There is no particular limit to the number of connections that can be made. However, it is anticipated that improvements may be required to both the 36-inch gravity trunk sewer in Willow Street and possibly the 42-inch gravity trunk sewer in the SPRR due to future development associated with the Dumbarton TOD Specific Plan and deficiencies in these lines identified by the USD.

The Newark Pump Station recently underwent an 11 million dollar upgrade and it is anticipated that no further upgrades would be needed to serve the proposed

Dumbarton TOD Specific Plan area. However, the force mains that convey flow from the station to the Alvarado Treatment Plant may be undersized for the buildout conditions associated with the Union Sanitary District Master Plan. An additional line may be needed or, alternatively, an equalization basin near the pump station may be constructed and utilized to detain wastewater during peak times. The District has land near the Newark Pump Station for this purpose, but has not constructed a basin.

Portions of the Cargill and FMC properties within the Specific Plan area are not currently located within the boundaries of the USD and, therefore, they would need to be annexed to the USD when development proceeds within these properties. The annexation process could take between six months and a year.

IMPLEMENTATION

The Dumbarton TOD Specific Plan identifies the necessary infrastructure improvements to support the proposed land uses, as well as the funding options for the improvements and the phasing of the improvements. Necessary infrastructure improvements include, but are not limited to: roadways/sidewalks and utility systems (i.e., water supply/distribution, sewer, storm drainage). Funding options include, but are not limited to: special districts and fees, community facilities districts (CFDs), redevelopment funds, special assessment districts, area of benefit fees, infrastructure financing districts, and landscaping and lighting districts.

PHASING

The Specific Plan is intended to be built over time and in various phases. At the same time, there are no requirements within the Specific Plan for parcels to be developed in any particular order so long as supporting infrastructure is available or made available to accommodate new development. The ultimate phasing of the Specific Plan buildout would be highly dependent upon the timing of available land, the market demand for various product types and the availability of financing and funds for the installation of infrastructure.

3.7 INTENDED USES OF THE EIR

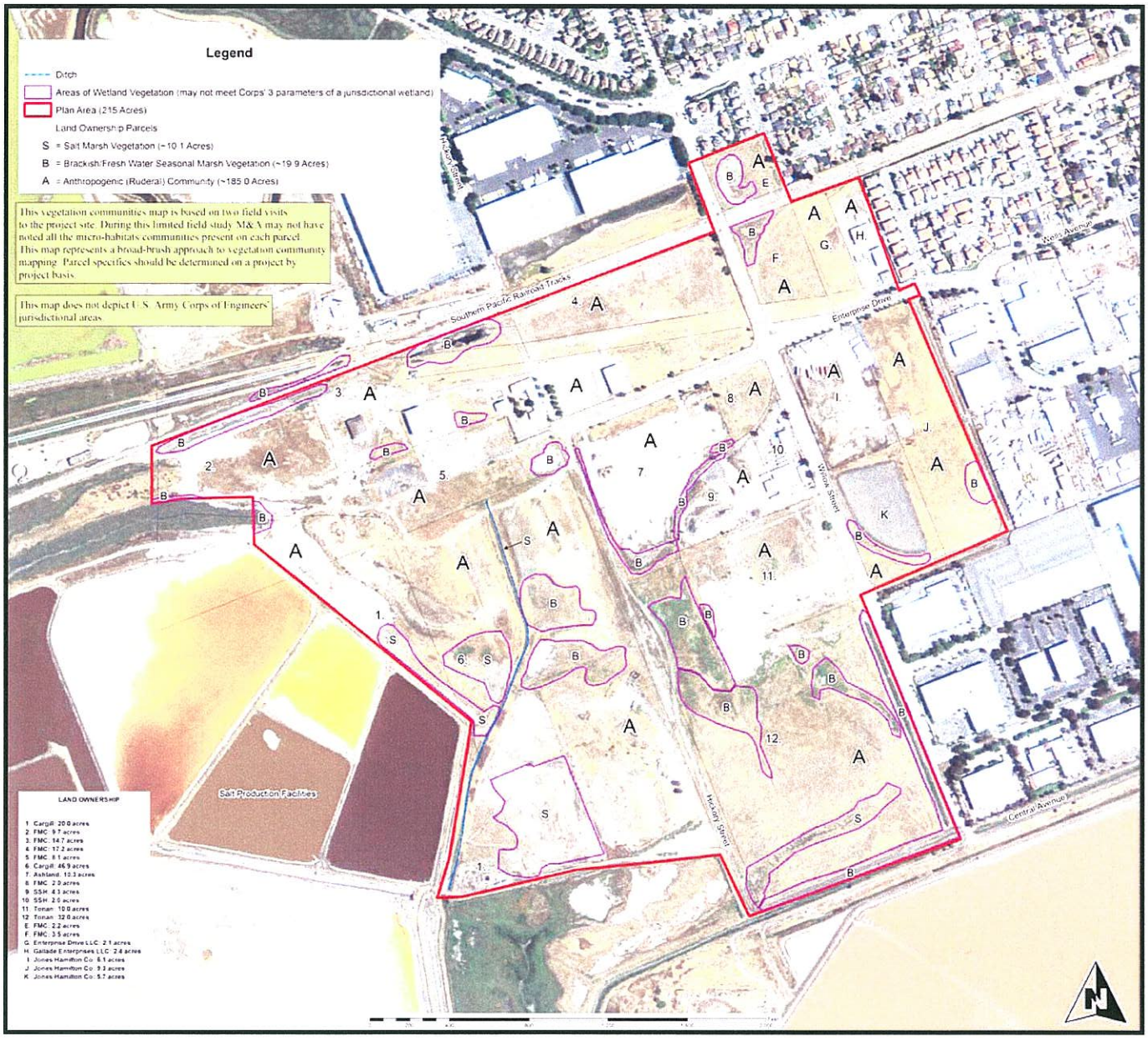
This EIR has been prepared at the program-level under CEQA Guidelines Section 15168 to assess and document the environmental impacts of the Dumbarton TOD Specific Plan. Wherever possible, however, additional development-level information has been produced so that this EIR can be used on specific development proposals. Therefore, subsequent activities undertaken pursuant to

the Specific Plan would be examined in the light of this EIR to determine whether any additional environmental document must be prepared. (14 CCR § 15168(c).) Under Government Code Section 65457, any residential development project, including any subdivision or zoning change, that is undertaken to implement and is consistent with the Dumbarton TOD Specific Plan is exempt from further CEQA analysis, unless an event specified in Public Resources Code Section 21166 occurs, in which case a Supplemental EIR or other CEQA document may be required. As a program-level EIR, the EIR serves as the primary environmental document for the proposed land use designations, zoning districts, and future development that would be undertaken in the Dumbarton TOD Specific Plan area. Development that does not require discretionary review would not be subject to further environmental documentation.

This EIR provides the environmental information and evaluation necessary for the range of development evaluated in this EIR. This EIR provides the foundational CEQA compliance documentation upon which the City's, responsible agencies', and all other applicable agencies' consideration of and action on all necessary and/or desirous permits, approvals and other grants of authority (collectively, "approvals") shall be based. This includes without limitation all those approvals set forth in this EIR, as well as any additional approvals necessary and/or desirous to such project planning, development, construction, operation and maintenance (e.g., any development plans, construction approvals, grading permits, building permits, architectural review, certificates of occupancy and any other development related approvals). Other agencies with jurisdiction over approvals necessary or desirous to the project include, without limitation, the following:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- California Department of Fish and Game
- California Department of Toxic Substances Control
- California Regional Water Quality Control Board
- California Public Utilities Commission
- Bay Conservation and Development Commission
- Bay Area Air Quality Management District
- Alameda County Water District
- Alameda County Flood Control and Water Conservation District
- Alameda County Department of Environmental Health

- ~~East Bay Dischargers Authority~~
- Union Sanitary District
- San Francisco Public Utilities Commission
- San Francisco Water Department
- San Mateo County Transit District
- San Mateo County Transportation Authority



Source: Monk & Associates, 2011

RBF CONSULTING

Not to scale

JN 40-100390

Dumbarton TOD Specific Plan EIR

Vegetation Communities

Revised Figure 4.3-1

Contra Costa goldfields is known from only 20 extant occurrences. Eleven of these occurrences are from areas east and south of the City of Fairfield in Contra Costa County. The species has also been recorded in Alameda, Napa, and Solano Counties and has been extirpated from Santa Barbara, Santa Clara, and Mendocino Counties (CDFG 2007). Monk & Associates biologists have also found it on a property in Sonoma County. The species is found in vernal pools (Northern Basalt Flow, Northern Claypan, and Northern Volcanic Ashflow), swales, and moist depressions and flats in cismontane woodland and valley and foothill grassland between 0 and 470 meters elevation in clay or loam soils. Historical observations included many occurrences in the transition zone between vernal pools and tidal marshes on the eastern side of the San Francisco Bay. Development, agriculture land conversion, overgrazing, non-native invasive plants, and creek channelizing threaten nearly all remaining populations of this species (CNPS 2007). Critical habitat for this species was declared in August 2003.

A total of three occurrences within five miles of the project site are noted on the CNDDB. Two of these are located in vernal pool complexes approximately five miles to the southeast and one is located within one-mile north of the project. However, the nearer occurrence is historic (1895) and is presumed extirpated as that area is now near the center of the City. Another known occurrence of this plant in Alameda County (not reported to the CNDDB as of this writing) is a 2004 reported occurrence within 0.5-mile of the project site on a vacant lot north of the railroad tracks near Willow Street (personal communication between S. Lynch of Monk & Associates and D. Lake, July 5, 2011). ~~Because~~ This species requires vernal pool habitat. While most of the project site does not provide suitable habitat conditions for this special-status plant species, one small area of wetland vegetation in the northern portion of the project site (Parcel E; refer to Figure 4.3-1) may provide suitable habitat for this species. Prior to impacting the wetland vegetation areas on Parcel E, surveys would be necessary to determine the presence or absence of this plant species. Surveys would need to be conducted during this plant's flowering period in order for the surveys to follow CDFG and CNPS specified survey guidelines.

~~that is not found on the project site, this species is not likely to occur within the confines of the project boundaries.~~

Prostrate (Vernal Pool) Navarretia

Vernal pool navarretia (*Navarretia prostrata*) is a CNPS List 1B.1 species. It has no state or federal status. Like all navarretia species, the prostrate navarretia is a

biologists hold permits/authorizations from the USFWS and CDFG allowing them to work with the salt marsh harvest mouse; Monk & Associates biologists have over 15 years of experience working with this endangered mammal.

Based on Monk & Associates' field survey, it is unlikely that the project site parcels provide the necessary habitat components to support a salt marsh harvest mouse population (that is, one hundred percent cover or, at a minimum, 60 percent pickleweed cover; a cover depth of 30 to 50 centimeters at summer maximum; complexity in the form of fat hen and alkali heath or other halophytes [salt-tolerant plants]). However, since the field survey was general, at the time specific development proposals are developed for parcels within the project site that support salt marsh vegetation, specifically, pickleweed, these parcels shall be evaluated further as to their suitability for the salt marsh harvest mouse. It may be possible that some of the pickleweed dominated areas could support the salt marsh harvest mouse. Hence, development of such parcels could constitute a potentially significant adverse impact on the salt marsh harvest mouse. ~~The Torian property is an exception to this impact. The Torian property has been studied by several salt marsh harvest mouse biologists over the years (Live Oak Associates biologists, Zentner and Zentner biologists and Monk & Associates) and a determination has been made that this property does not provide the habitat components suitable for the salt marsh harvest mouse (that is, the Torian property is not a historic salt marsh, and does not to provide the contiguous salt marsh habitat necessary to support this species).~~ This impact could be mitigated to a less than significant level with Mitigation Measure 4.3-1.

Mitigation Measure

4.3-1 In order to avoid potentially impacting the salt marsh harvest mouse, prior to any site grading or development of properties within the Specific Plan area, a federal and state permitted salt marsh harvest mouse biologist shall conduct a "Habitat Assessment" to determine if the parcel where work is proposed provides suitable habitat for the salt marsh harvest mouse. The exception to this requirement would be the Torian property since two Habitat Assessments have been prepared for the property (by Live Oak Associates and Zentner and Zentner), which concluded that the property does not provide suitable habitat for the salt marsh harvest mouse. However, the Torian property shall implement protective measures, such as hand removal of pickleweed onsite and installation of mouse-proof exclusion fencing, prior to site development as further described below under "preconstruction measures." ~~where this would be~~

~~unnecessary because it has already been studied.~~ If a qualified, CDFG and USFWS permitted salt marsh harvest mouse biologist renders a conclusion that no impacts to the salt marsh harvest mouse would occur from development of the project site, the standards of care dictated by CEQA will be met and no further action shall be warranted.

However, if the permitted biologist believes the project could impact the salt marsh harvest mouse or if the biologist that prepares the assessment does not hold current permits from CDFG and USFWS that allow work with the salt marsh harvest mouse, then the Habitat Assessment prepared for the project site parcels would need to be submitted to USFWS and CDFG for their review and comment. These two agencies administer the FESA and CESA (respectively) and oversee the protection of this species. If the non-permitted biologist determines that habitat conditions are not suitable for the salt marsh harvest mouse, and the USFWS and CDFG (the regulatory agencies with jurisdictional authority over this listed species) concur with these findings in writing via a letter or email, then no further regard for the salt marsh harvest mouse would be necessary.

However, if a permitted biologist determines that the project site's habitat conditions are suitable for the salt marsh harvest mouse, and the project applicant wishes to pursue development of the parcel, the Habitat Assessment shall be submitted to the USFWS and CDFG and these agencies will be contacted to determine if they will allow a live-trapping study on the parcel to determine this mouse's presence or absence.

Since the salt marsh harvest mouse is a "fully protected" mammal species pursuant to CDFG Code §4700, CDFG typically does not allow live-trapping for this species (unless it is a research proposal) since live-trapping/handling the animals constitutes "harassment" (a form of "take" under the Endangered Species Acts). If CDFG and/or USFWS do not allow a trapping study to determine the salt marsh harvest mouse's presence/absence, yet they believe that habitat conditions on a project site are suitable to support this mouse, they typically assume this mouse's presence on the site and require the project applicant to enlist in precautionary preconstruction methods to avoid take of this state and federal listed mouse. Since "take" of fully protected mammals is not allowed under California Fish and Game Code, an "incidental take" permit cannot be issued authorizing take of this species; hence, the need for precautionary preconstruction measures as described below. In

addition to the measures detailed below, it shall be necessary to preserve/acquire suitable habitat for the salt marsh harvest mouse at a minimum 1:1 mitigation ratio (that is, for each acre of habitat impacted, one acre of suitable habitat onsite or offsite shall be preserved) or at a ratio as required by CDFG and USFWS. Any salt marsh harvest mouse habitat preserved onsite shall be separated from development by installing a cat-proof fence to protect the salt marsh harvest mouse from cats and other mammalian predators.

Preconstruction measures would include hand removal of all suitable salt marsh vegetation from the project area and excluding the suitable habitat area from the remainder of the project area by installing "mouse-proof" fencing. These methods are described in detail below and would only be necessary and/or allowed if:

- A permitted biologist determines that suitable habitat is present on the project site and,
- USFWS and CDFG concur with this determination and do not allow live-trapping to determine the mouse's presence/absence, but require vegetation stripping to remove suitable habitat conditions.

As approved by the CDFG and USFWS, all suitable vegetation that could support the salt marsh harvest mouse within the proposed development footprint shall be removed by hand prior to the initiation of grading or other construction activities. This will remove the attraction of the development site to salt marsh harvest mouse. A ~~qualified~~ permitted CDFG/USFWS salt marsh harvest mouse biologist shall be onsite to monitor vegetation clearing to ensure no mice are harmed. The area that is cleared for the development would be minimized to the extent possible. The vegetation would be stockpiled in an area away from the work activities. In addition, a mouse-proof fence shall be installed and maintained around the cleared area to prevent mice from entering the work area. Fencing has to be climb-proof (for example, smooth plastic, not silt fencing) and installed in such a manner so that the salt marsh harvest mouse cannot dig under the fence. The salt marsh harvest mouse is known to be an agile climber, often climbing vegetation to escape rising tidal waters, but rarely digs extensively. Regardless, fencing material must account for both behaviors.

The optimal salt marsh harvest mouse fence shall be constructed using eight-millimeter plastic sheeting that is sandwiched between wooden stakes and buried in a minimum six-inch deep trench. The stakes shall screw together firmly sandwiching the plastic in place. It is mandatory to sandwich the plastic between stakes if the fence is to last through even moderate winds. The finished installed fence shall be three feet above the ground. Plastic sheeting is smooth and non-climbable, and by burying the sheeting and stapling it to the ground at three inch intervals, it prevents rodents from going underneath the fence. However, the integrity of plastic fencing only lasts for a couple of months, or perhaps three months at the longest. Accordingly, the timeframe for completing the project must be within a three-month window or the fencing shall be replaced. The integrity of the salt marsh harvest mouse fencing shall be inspected on a weekly basis by a qualified biologist.

Prior to installing the salt marsh harvest mouse fence, all vegetation must be cleared from alongside the fence line route. Vegetation removal shall be pre-approved by CDFG and USFWS. Once the vegetation has been removed and the exclusion fencing installed, an "as-built" report, complete with photographs, shall be prepared by a qualified biologist and submitted to the City Community Development Department.

Level of Significance After Mitigation: Less Than Significant

4.3-2 Future development of the project site allowed by the Dumbarton TOD Specific Plan could have a potentially significant adverse impact on nesting raptors.

Level of Significance Before Mitigation: Potentially Significant

Impact Analysis

Suitable nesting habitat for white-tailed kite, red-tailed hawk, northern harrier, and burrowing owl occurs on the project site. Since the burrowing owl is a California species of special concern that has formal CDFG mitigation requirements, impacts and mitigation for the burrowing owl are discussed under Impact 4.3-3 below.

The white-tailed kite is fully protected under CDFG Code (§3511). The northern harrier is a state species of special concern. The white-tailed kite, the red-tailed hawk, and the northern harrier are also protected under the Migratory Bird Treaty

Impact Analysis

The project site provides suitable habitat for special-status plant species. Suitability does not infer presence only that conditions are present which could support these species. To prove absence of these species formal surveys must be conducted at appropriate times of the year. Some of tThe parcels within the project site boundaries provide suitable habitat for: brittlescale, San Joaquin saltbush, Congdon's tarplant, Hoover's button-celery, caper-fruited tropidocarpum, saline clover, Contra Costa goldfields, and Point Reyes bird's beak. Future development activities within the project site could result in the loss of these species. Until such time that formal surveys are conducted that prove absence of these species, impacts on these species are regarded as potentially significant pursuant to CEQA. These impacts could be mitigated to levels considered less than significant by Mitigation Measure 4.3-5.

Mitigation Measure

4.3-5 Prior to City approval of any specific development, special-status plant surveys shall be conducted in appropriate habitats during the appropriate period in which the species are most identifiable. These surveys shall be in compliance with all CDFG (2000), USFWS (1996), and CNPS (2001) published survey guidelines. Project construction shall not be initiated until all special-status plant surveys are completed and subsequent mitigation, if necessary, is implemented.

If special-status plant species are found during surveys, those individuals or populations shall be avoided to the maximum degree possible. If avoidance is not possible while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be developed in consultation with the agencies that are responsible for protection of that plant species based on its protection status [i.e., City (protected by CEQA), CDFG (protected by California law/regulation), or USFWS (protected by federal law/regulation)]. Appropriate mitigation prescriptions for impacts on special-status plants shall be included as conditions of project approval as detailed below.

Special-status plant surveys shall be completed as described above prior to breaking ground on any parcel within the project site. A special-status plant survey report that includes the methods used, survey participants, and findings shall then be prepared and submitted to the City demonstrating absence of special-status plants at least 30 days prior to

Mitigation Measure

4.3-6 Wetland mitigation shall, to the extent not already completed, require a wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Coast Region (Corps 2008) prior to City approval of any specific development proposal. During the wetland delineation if vernal pools are identified they shall be noted as areas requiring further study and/or consideration for protection from potential project impacts. This delineation shall be submitted to the USACE for verification. Once that map is "verified," the full extent of waters of the U.S./State would be known and the extent of impacts on regulated areas ascertained.

Authorization from the Corps and the RWQCB (for example, a Nationwide Permit and a Certification of Water Quality) shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project site.

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

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

As an alternative to the purchase of credits in a mitigation bank, wetlands may be created onsite and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement). If wetlands cannot be created in-kind and onsite, other alternatives shall include off-site and/or out-of-kind. In any case, mitigation requirements for wetland areas that are not avoided shall be

that all impacted wetlands are replaced at a minimum 1:1 ratio (for each square foot of impact, one square foot of wetland would be restored/created) or at a ratio determined by the RWQCB and USACE at the time permits are issued. Mitigation requirements would be based upon the existing conditions of the wetlands impacted. Where practicable, wetland plant/animal populations shall be relocated from the wetlands that would be impacted to any re-created wetlands. Topsoils shall also be removed from wetlands that would be impacted if practicable, and placed into the re-created wetlands. These topsoils would contain a seed bank of the impacted plant species which would germinate with fall/winter hydration of the re-created wetlands.

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

- The wetlands shall remain inundated or saturated for sufficient duration to support a predominance of hydrophytic vegetation.
- The wetlands shall exhibit plant species richness comparable to existing wetlands.
- The wetlands shall replace the lost wetlands at a minimum ratio of one acre created for each acre, or fraction thereof, permanently impacted.
- The developer shall provide for the protection of the mitigation areas in perpetuity. either through deed restrictions or conservation easements.
- The developer shall establish a five-year program to monitor the progress of the wetland mitigation toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, and the USACE. This report shall document the hydrological and vegetative condition of the mitigation wetlands, and shall recommend remedial measures as necessary to correct deficiencies.
- The USACE and other regulatory agencies generally require that wetlands not impacted by the proposed project and any new wetlands created to mitigate project impacts be set aside in perpetuity, either through deed restrictions or conservation easements. If a perpetual deed restriction is used to preserve the wetland preserve site the land owner and any assignees/transferees of the title of the property shall

assume liability for the perpetual management of the preserved lands. The deed restriction shall provide the allowed and prohibited uses of the preserved site and these uses shall be approved by the RWQCB and the Corps. If a conservation easement is established, a non-wasting management endowment (non-wasting infers that principal may not be used to pay for management actions, only interest on the principal sum may be used) shall be established in concert with the grantee of the conservation easement and shall be large enough to pay for necessary management actions. In lieu of a management endowment, other financial assurances may be provided that otherwise are found acceptable to the grantee of the conservation easement. An example of an alternative funding source would be via a Geologic Hazards Assessment District (GHAD). Home Owners' Associations and Landscape Lighting Districts are not suitable funding entities as funds collected via these entities can be distributed City wide at the discretion of the City. In contrast, GHADs must be used within the taxing district where the funds are acquired.

Level of Significance After Mitigation: Less Than Significant

WILDLIFE CORRIDORS

4.3-7 Future development of the project site allowed by the Dumbarton TOD Specific Plan would have a less than significant impact on wildlife corridors.

Level of Significance Before Mitigation: Less Than Significant

Impact Analysis

As noted in the setting section, the project site open space does not constitute a wildlife movement corridor per se, although local wildlife likely use the area to move to and from the project site's ruderal habitat to local subdivisions. The loss of this area for movement is not a significant adverse impact as these species, raccoons, rats, skunk, ~~opposums~~opossums, are capable of moving through developed areas.

Mitigation Measure

4.3-7 No mitigation required.

California species that are native to the Newark area (for example, redwood trees are native to California but not to Newark).

Replacement trees planted adjacent to the Don Edwards San Francisco Bay National Wildlife Refuge should first be coordinated with the Refuge to avoid the introduction of perching sites for predatory species.

A Tree Management Plan shall be prepared for any project on any project site parcel where tree removal occurs. Preparation of this plan and subsequent planting and monitoring shall be a condition of project approval and shall be tied to a security bond or cash deposit posted by the developer with the City. This plan shall include a planting detail that specifies where all trees would be planted on the subject parcel. The methods used to plant trees shall also be specified. Adequate measures shall be established to minimize predation of planted trees by rodents including, but not limited to, pocket gophers (*Thomomys bottae*) and/or California ground squirrels (*Spermophilus beecheyi*).

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

At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the numbers of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three year period after any replanting occurs. Any replanting and follow-up monitoring shall be reported in annual reports prepared for the City, Community Development Department. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails.

structures and safety of people present at the time of the earthquakes. Moreover, ground motion has the potential to initiate secondary events such as liquefaction or landslides, which could also threaten the integrity of structures placed on the site and the safety of people present at the time of the earthquakes. There is a low potential for liquefaction at the Enterprise Drive LLC (Trumark Properties) property. However, Torian, Cargill, and possibly other properties within the Specific Plan area are underlain by potentially liquefiable soils. Landslides are a possibility at the northern rock outcrop on Cargill's property and also along levees.

The likelihood of ground shaking and seismic-related liquefaction and landslide impacts can be reduced if future development is constructed in accordance with the recommendations of a geotechnical engineering report and the CBC. Using standard construction techniques and following the recommendations of a site-specific geotechnical investigation and applicable codes and requirements, structures can be designed and built to withstand the geologic hazards listed above. Although some structural damage is not typically avoidable, building codes and local construction requirements help to protect against building collapse and personal injury during seismic events. Future development would be required to comply with applicable regulations, such as the CBC, and the requirements of the Newark General Plan Environmental Safety Element. The following mitigation measure requires a design-level geotechnical investigation for all future development in the Dumbarton TOD Specific Plan area to further reduce potential ground shaking and seismic-related liquefaction and landslide hazards to less than significant.

Mitigation Measure

4.5-1 The ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations located within the City of Newark under ACWD Ordinance No. 2010.01. Future developers within the Specific Plan area shall have a design-level geotechnical engineering investigation performed for their individual property or properties prior to its (their) development. The mitigation measures specified by the design-level geotechnical engineering investigations shall become conditions to the issuance of grading permits for such individual property. The design-level geotechnical engineering investigations shall only address each specific individual property proposing construction, unless future developers mutually agree to include more than one property in a single investigation.

The design-level geotechnical engineering investigations shall take into consideration the specific locations and types of development, as well as specific soil and rock conditions identified by subsurface investigation and laboratory testing. The likely mitigation measure recommendations of the design-level geotechnical engineering investigations regarding the design and construction of project-related development are regularly employed, have known and proven efficacy, and could include without limitation, one or more of the following:

- Removing the soft/loose soil by excavating the soil and backfilling the excavation with compacted soil, thus densifying the soft/loose soil;
- Supporting structures on deep foundations, such as piles or piers;
- Improving the soft/loose soils by various methods, such as dynamic deep compaction, constructing surcharge fills, installing wick drains, grouting, and other methods;
- Strengthening structures to withstand seismic shaking and differential ground settlement; and/or,
- Other methods as determined by the geotechnical engineer in the geotechnical report to be prepared for the sites.

4.5-2 Prior to any soil improvement measures and/or dewatering activities, the project geotechnical engineer(s) shall coordinate with the ACWD to ensure compliance with ACWD Ordinance No. 2010-01.

4.5-3 Prior to construction, the project applicant shall develop a plan, reviewed and approved by ACWD, for the protection of wells prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01.

Level of Significance After Mitigation: Less Than Significant.

SOIL EROSION

4.5-2 Future development of the project site allowed by the Dumbarton TOD Specific Plan could result in substantial soil erosion or the loss of topsoil.

While there is broad agreement on the causative role of GHGs to climate change, there is considerably less information or consensus on how climate change would affect any particular location, operation, or activity. The IPCC has published numerous reports on potential impacts of climate change on the human environment. These reports provide a comprehensive and up-to-date assessment of the current state of knowledge on climate change. Despite the extensive peer review of reports and literature on the impacts of global climate change, the IPCC notes the fact that there is little consensus as to the ultimate impact of human interference with the climate system and its causal connection to global warming trends.

The following climate change effects could affect the proposed project. However, the type and degree of the impacts that climate change would have on humans and the environment is difficult to predict at the local scale.

- Sea Level Rise. According to the San Francisco Bay Conservation and Development Commission (BCDC) climate change is expected to raise sea levels between 15 to 55 inches ~~12 and 36 inches~~ by the year 2100. The Specific Plan area is approximately two miles east of the San Francisco Bay and a portion of the site is within a Federal Emergency Management Agency (FEMA) 100-year flood zone. According to the Shoreline Areas Vulnerable to Sea Level Rise Central Bay South Inundation Map (BCDC 2008), t~~T~~he BCDC forecasted rise in sea level in the western portion of the Specific Plan area and could increase flood related impacts, especially from storm surge-induced flood events. Section 15.40.51 of the City's Municipal Code has flood elevation standards for lands within special flood hazard areas as defined by FEMA. Among other things, these standards require building pads of all occupied structures to be a minimum of 11.25-feet above sea level with the finished floor being a minimum of six-inches above the building pad. In addition, the City requires that the top of curb grades for residential streets must be no less than ten-feet above sea level throughout the City (Section 16.08.06 Newark Municipal Code). Additionally, the effects related to sea level rise are speculative at this time, the majority of the Specific Plan area does not lie within BCDC's jurisdiction, and the BCDC forecast and any related policies are intended as guidance regarding potential, future flood risks ~~and are not directly applicable to the Specific Plan area~~. If sea level rise was determined to be a significant threat, protective measures such as levees installed by regional and local governments would be available to protect urbanized areas.

closed according to DTSC requirements.[6] As of 2007, Gallade Enterprises LLC owned and operated a virgin-chemical-product storage and distribution facility at the site.

Since 1993, several phases of environmental characterization have been conducted at the site. Previous investigations have indicated that soil and groundwater at the site and groundwater downgradient (westward) from the site have been impacted by VOCs. Chemicals of potential concern (COPCs) include trichloroethene (TCE), tetrachloroethene (PCE), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1,1-trichloroethane, (1,1,1-TCA), 1,1-dichloroethene (1,1-DCE), methylene chloride, and Freon-113. Based on the frequency of detection, the concentrations detected, and the toxicity, PCE and TCE are considered the primary COPCs in soil, and TCE is considered the primary COPC in groundwater.[7]

This property is currently undergoing groundwater and soil vapor monitoring and groundwater and soil cleanup activities pursuant to the Final SCR Order R2-2007-0005 issued by the RWQCB and monitoring and reporting pursuant to the DTSC Waste Post Closure Facility Permit, Facility EPA ID Number CAD07464459. The Final SCR Order R2-2007-0005 was based on a Revised Feasibility Study and Remedial Action Plan that was submitted to RWQCB on January 31, 2006, which also included a risk management plan.

The Final SCR Order R2-2007-0005 requires semiannual groundwater and soil vapor monitoring for a network of groundwater and soil vapor monitoring wells located on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140-006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001) and railroad properties, as well as north, west and east of the Gallade property in residential and public properties. Groundwater and/or soil vapor plumes have been detected on or about these properties. Remediation consists of the following three tasks: in situ thermal remediation for the former tank farm area located on the northern portion of the Gallade and on a portion of the Trumark properties; in situ treatment for the shallow groundwater on the Gallade property (APN 092-0140-005), the Trumark Property (APN 092-0140006), FMC Corporation's properties (APNs 092-0100-004-02 and 092-0101-001), and railroad properties; and soil excavation in the former process building area of the Gallade property upon completion of building demolition and slab removal.

---

[6] Final Site Cleanup Requirements Order No. R2-2007-0005, January 29, 2007
[7] Ibid

The current semiannual status report, the 2010 Second Semiannual Status Report, was submitted in January 2011 and concluded that the VOC plume in the shallow zone groundwater appeared to be stable and soil-vapor monitoring revealed that industrial and/or residential environmental screening level criteria were exceeded for TCE, PCE, vinyl chloride, and cis-I,2-DCE at soil vapor wells located outside residential areas. The report recommended continuation of the semiannual groundwater monitoring per the site cleanup requirements detailed in the Order, and to continue semiannual soil-vapor monitoring at all residential and non-residential soil-vapor wells to define long-term trends and evaluate potential concerns of vapor intrusion in adjacent residential properties.

The in situ thermal remediation activities were completed from March 2010 to January 2011 and the final remediation completion report will be submitted in August 2011. The in situ chemical oxidation remediation activities began in the fall of 2010 and are ongoing. The soil excavation beneath the former process building will occur upon completion of building demolition and slab removal.

~~Due to known soil and groundwater contamination and the risks associated with potential exposure to contaminants onsite, remedial action for soils, soil vapor, and groundwater was warranted. Order No. R2-2007-0005 specified that the Gallade property would have to be remediated in accordance with the cleanup plan discussed in finding 11 of the Order. Like the FMC Corporation property, the Gallade property water areas also consist of the shallow groundwater zone and the Newark Aquifer. The Revised Feasibility Study and Remedial Action Plan (RAP) were submitted to RWQCB on January 31, 2006, and has been implemented consistent with the Order described above. Soil excavation and In situ thermal treatment of shallow soil and groundwater were proposed as the preferred remediation technologies for the site. The RAP also contained a risk management plan.~~

~~A semi-annual status report was submitted in December 2006, and again in August 2007. In the July 2008 December 2008 semi-annual status report, it was concluded that the VOC plume in the shallow zone groundwater appeared to be stable. VOC concentrations at the monitoring wells onsite remained consistent with previously-observed concentrations, which were still above standards set fourth in finding 11 of the RWQCB order.~~

~~Soil-vapor monitoring revealed that industrial and/or residential environmental screening level criteria were exceeded for vinyl chloride at non-residential soil-vapor wells onsite.~~

~~The report recommended continuation of the semiannual groundwater monitoring per the site cleanup requirements detailed in the Order, and to continue semiannual soil-vapor monitoring at all residential and non-residential soil-vapor wells to define long-term trends and evaluate potential concerns of vapor intrusion in adjacent residential properties.~~

Jones-Hamilton (8400 Enterprise Drive)[8]

Based on RWQCB Order No. 98-067, the Jones-Hamilton Company operated a chemical blending and packaging facility that handled and stored various chemical compounds at the site since 1956. These chemical compounds included gasoline, sodium bisulfate, hydrochloric acid, arsenic acid, chromic acid, cupric acid, formaldehyde, triethanolamine, pentachlorophenol, a variety of surfactants, and a variety of hydrocarbon-based solvents. Previous activities include the operation of two hazardous waste management units (surface impoundments), the loading and unloading of a variety of raw waste liquids and recovered chlorinated chemical products, and the storage and distribution of these chemicals onsite. Unauthorized releases of some of these chemicals reportedly occurred during the past years of operation.

The site is located within the Niles Cone groundwater basin and the Shallow Zone. Onsite and offsite investigations of the site confirmed that significant shallow groundwater pollution has occurred below the site. Pentachlorophenol (PCP) and 1,2- DCA were found in the shallow groundwater zone (0-20 feet) beneath the site at concentrations of up to 1,000 ppb and 2,000 ppb, respectively. The main source of the PCP was the impoundment areas onsite. Additional chemical compounds, such as 1,1,1-trichloroethane, 1,1-dichloroethane, benzene, chloroform, ethylbenzene, methylene chloride, 1,2 dichlorobenzene, aphthalene, toluene, 2-butanone, truchlorotrifluoroethane, xylene, 4-methylphenol, and benzic acid were found at low concentrations.

The RWQCB order states that polluted soil has been excavated in the vicinity of the two surface impoundments. The two surface impoundments were closed October 1, 1988. Closure involved encapsulation by a slurry wall followed by a synthetic liner, clay, and an asphalt cover, with groundwater extraction wells to create an inward gradient. However, VOCs are still present in soils onsite.

---

[8] RWQCB Order No. 98-067, July 1998

multiple property owners, and as such, properties within the Specific Plan area with any residual contamination would be remediated and developed on a case-by-case basis with regulatory oversight.

In addition to meeting applicable Federal, State, and local standards, the following mitigation measures, would reduce impacts to a less than significant level.

Mitigation Measures

4.7-1a Prior to the issuance of grading or building permit for an individual property within the Specific Plan area with known, suspected, or potential residual environmental contamination, the property owner shall, to the extent such activities have not previously been performed by the property owner pursuant to the requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) or other overseeing agency under applicable environmental laws (Oversight Agency), do all of the following: 1) summarize available information regarding the magnitude and extent of soil and groundwater contamination at the subject property; 2) perform a data gap analysis; 3) based on the results of the data gap analysis, determine whether any additional investigation is needed to fill data gaps and, if so, propose and perform such investigation with the approval of the Oversight Agency; 4) provide either a Health Risk Assessment (HRA) or Feasibility Study (FS) containing an HRA to summarize potential risks to human health and the environmental posed by the contamination with respect to the proposed development; 5) based on the HRA or as set forth in the FS, develop remedial options to address the identified risks based upon the proposed development, which remedial option may include engineering or institutional controls, and tentatively select the most appropriate remedial option to ensure that the proposed development will not present an unacceptable risk to human health or the environment as required by applicable environmental laws, as well as procedures for proper management of contaminated soil and groundwater that may be encountered during development; and 6) submit a report to the Oversight Agency for review and regulatory approval of the proposed remedial plan, including engineering and/or institutional controls, under applicable environmental laws.

~~Prior to the issuance of a building permit for an individual property within the Specific Plan area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property~~

~~("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, including, if applicable, through the use of institutional controls, site-specific mitigation measures, a risk management plan and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and groundwater in connection with remediation and site development activities and the proposed land use.~~

4.7-1b Prior to grading permit issuance, areas to be graded shall be cleared of debris, significant vegetation, pre-existing abandoned utilities, buried structures, and asphalt concrete.

4.7-1c Prior to the import of a soil to a particular property within the Specific Plan area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials exceeding applicable Environmental Screening Levels for the proposed land use at such a property as required by the Oversight Agency prior to importing to such a property.

4.7-1d Areas containing Naturally Occurring Asbestos (NOA) within the Dumbarton TOD Specific Plan area shall be confirmed prior to grading permit issuance. Prior to grading or construction of a particular property containing NOA, an application from the Bay Area Air Quality Management District shall be required for projects over one-acre in size. Dust control and an NOA air monitoring program shall be required. Additionally, the following general construction practices shall be adhered to for those properties containing NOA:

- The site shall be maintained in a wet condition to prevent airborne dust. Onsite soil shall be wetted during grading and trenching operations.
- Over excavation and removal of NOA material to one foot below utility is recommended for utility corridors.

Materials) for a description of the various COCs associated with past onsite uses within the Specific Plan area.

GROUNDWATER QUALITY

The Basin is characterized by fresh groundwater in eastern portion that transitions into brackish groundwater in the western portion, including the Specific Plan area. This is the result of past over drafting of the Newark Aquifer and other deeper aquifers, which caused an easterly flow and seawater intrusion from the San Francisco Bay toward inland areas.

Both the shallow zone and the Newark Aquifer groundwater are brackish to saline due to saltwater intrusion from the San Francisco Bay. Since the 1960s, ACWD has managed the Basin to prevent any additional seawater intrusion and has an on-going program to pump trapped brackish groundwater back to San Francisco Bay through the District's Aquifer Reclamation Program (ARP) wells. Since September 2003, much of the water pumped from the ARP wells is treated at the Newark Desalination Facility. This facility treats up to ~~five~~ 12.5 million gallons per day utilizing reverse osmosis to remove salts and other impurities from the brackish groundwater. Treated water is blended with untreated local water and provided as a supply for the water distribution system.

As described in Section 4.7, groundwater in the shallow zone and to a much more limited extent the Newark Aquifer under a portion of the Specific Plan area has been impacted with chemicals of concern (COCs) ~~as discussed further in Section 4.7. However, as noted previously, both the shallow zone and Newark Aquifer within the immediate vicinity of the Specific Plan area do not have a current beneficial use due to high salinity from saltwater intrusion from the Bay and in the shallow zone, low yields.~~ However, water quality data from ACWD in this area indicates that groundwater has a potential beneficial use. The shallow water bearing zone is critical for protecting the Newark Aquifer, in which ACWD operates high capacity wells for potable water supply and aquifer reclamation. Extensive soil and groundwater remediation has taken place at various properties within the Specific Plan area and groundwater is currently monitored by ~~32~~ approximately 150 wells. Pump and treat groundwater activities have also been terminated as certain properties, in lieu of in-situ and natural attenuation remedies, as the pumping activity could potentially create a downward gradient from the Shallow Zone to the underlying Newark Aquifer and result in downward migration of COCs within the Newark Aquitard.

outfall into the Line F-1 channel, the existing human-created tidal channel that is tributary to Newark Slough, and existing City facilities in Willow Street). The hydrology reports shall be subject to review and approval by the City Engineer.

If the hydrology reports determine that the existing facilities do not have adequate stormwater conveyance and capacity to serve the proposed development, then the project applicant shall develop a detailed stormwater detention plan for the retention/detention of stormwater runoff on the project site. The stormwater detention facilities shall be designed with adequate capacity to ensure that that stormwater generated on the project site during a peak storm event is retained at a rate that would ensure that discharges from the site do not exceed pre-construction levels. All detention facilities shall be developed in conformance with the City's standards and the standards of the Alameda County Flood Control and Water Conservation District. The plans and specifications of the proposed detention facilities shall meet the standards of the City Engineering Department as an adequate engineering product. The construction of stormwater detention facilities may be phased to correspond with development of the project site over time, provided that adequate detention is provided at all times to ensure that runoff from the site does not exceed pre-construction levels.

4.8-4b Plans submitted for grading permits for future projects requiring storm drainage lines and water mains that cross the Hetch Hetchy Pipeline shall include measures to ensure that there is sufficient room for ~~future storm drainage lines~~these infrastructure improvements to pass over Hetch Hetchy Pipeline (i.e., placement of additional fill).

Level of Significance After Mitigation: Less Than Significant

FLOOD HAZARD

4.8-6 The proposed project could place housing within a 100-year flood hazard area, or place within a 100-year flood hazard area structures which could impede or redirect flood flows.

Level of Significance Before Mitigation: Less Than Significant

Impact Analysis

The FIRM map panel that covers the project area (06001C0443G) shows that a portion of the Specific Plan area is located within a 100-year tidal flood zone. A portion of the Cargill property is classified as Zone AE, as are some of the western portions of FMC's property. In the event of 100-year flooding conditions, water up to an elevation of 8.24 (29 NGVD) feet above sea level would flood the area. The remaining properties are classified as Zone X, indicating that this area has 0.2 percent annual chance of flooding, or is an area of one percent annual chance flood with average depths of less than one foot or with drainage areas less than one square mile. It also indicates areas protected by levees from one percent annual chance flood.

Flooding could damage property and structures within the Specific Plan area, and pose a severe hazard to public safety. According to the Specific Plan, approximately 500,000 to one million cubic yards of fill material would be imported to the site to elevate future structures above the 100-year flood hazard area in compliance with FEMA, ACFC, and City requirements. The proposed project would be required to to comply with Section 15.40.51 of the City's Municipal Code, which has flood improvement standards for lands within special hazard flood areas as defined by FEMA. Therefore, while the proposed Specific Plan would place housing and other structures within a 100-year flood hazard area, the proposed placement of fill to raise the site elevation would reduce the impact to a less than significant level.

Due to the significant quantity of fill material required to raise elevations across the site, a long-term staged import fill operation may be needed which may include the need for interim rough grading and stockpiling plans. Additionally, because portions of the Specific Plan area are underlain with Bay Mud, surcharging may be required to create viable sites. Nonetheless, impacts would remain less than significant.

the Bay." In the immediate vicinity, the existing Bay Trail Plan calls for it to be extended along Thornton Avenue, down Willow Street, and continue along Central Avenue to the east.

SAN FRANCISCO BAY PLAN

The San Francisco Bay Plan was completed and adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in 1968 and was transmitted to the California Legislature and Governor in 1969. In those actions the Commission completed the original charge given to it in the provisions of the McAteer-Petris Act of 1965. The Act created the Commission and mandated its study of the Bay and the preparation and submittal of a final report to the California Legislature in 1969.

The San Francisco Bay Plan includes policies to guide future uses of the Bay and shoreline and maps that apply these policies to the present Bay and shoreline. Portions of the City are located ~~under within~~the jurisdiction of BCDC and are within the San Francisco Bay Plan, including areas north, west and south of the project area. ~~The Specific Plan area is not located within the San Francisco Bay Plan jurisdiction.~~ A waterway in the northwestern portion of the Specific Plan area, referred to as the barge canal, is considered part of the Bay and BCDC has jurisdiction over a shoreline band located between the shoreline and 100 feet landward and parallel to the shoreline for public access purposes. Plummer Creek is not considered part of the Bay but is referred to as "other waters," which cannot be filled without a BCDC permit.

4.9.3 ENVIRONMENTAL ANALYSIS

4.9.3.1 THRESHOLDS OF SIGNIFICANCE

According to the Appendix G of the CEQA Guidelines, the Dumbarton TOD Specific Plan would have a significant impact on land use if it would:

- Physically divide an established community;
- Conflict with any applicable plan, policy, or regulation of a government agency with jurisdiction over land within the City of Newark that has been adopted for the purpose of avoiding or mitigating an environmental effect; and/or
- Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan.

A 14-inch gravity line in Enterprise Drive ultimately flows to the Newark Pump Station after crossing the FMC property and the Hetch Hetchy Pipeline. This line is in disrepair, is shallow, and only serves as a redundant line to the mains in Willow Street and the SPRR in the event of excessive surcharging in those lines. The Enterprise Drive line and the Willow Street main are the only two sewer lines near the project area to cross the Hetch Hetchy Pipeline.

Dual 33-inch force mains, operated by ~~East Bay Dischargers Authority (EBDA),~~ USD traverse the site generally from south to north. These mains carry wastewater from the Irvington Pump Station (near the Fremont Boulevard and Interstate 880 interchange) to the Newark Pump Station, but do not serve the project area. These pipes are sensitive to movement and their joints are subject to failure should heavy construction or intense uses occur over or in the vicinity of the pipeline. In general, additional structural mitigation measures may need to be installed at selected locations or, as an alternative, these lines could be replaced in a new alignment within Hickory Street. The nature of the structural mitigation measures or replacement mains would be determined in conjunction with USD.

No additional improvements to the Newark Pump Station are anticipated; however, force mains conveying flow from the station to the Alvarado Treatment Plant may be undersized for buildout of the Specific Plan. An additional line or an equalization basin near the station would be needed. Required sanitary sewer improvements, ~~schedules for their implementation, and funding options~~ will be addressed in the USD Sewer Master Plan, which is scheduled for publication in ~~June, 2011~~ the summer of ~~20112~~012. In general, most new connections to the existing wastewater collection service would be provided along the 36-inch Willow Street gravity main. A new 12-inch gravity sewer main may be required to provide service to the areas located west of the EBDA mains to avoid a potential conflict with new mains crossing EBDA mains.

The following polices will be included as a part of the General Plan Amendment for the Dumbarton TOD Specific Plan project.

- Expand the wastewater collection system such that it is adequate to serve the new development in the project area.
- Amend sewer fees and/or other financing mechanisms if necessary such that project area project sponsors pay their fair share of the costs for sewer on force main improvements.

- The USD ~~was~~ is scheduled to begin updating their Sewer Master Plan in the fall of 2010 and anticipate completion, with a document available by ~~June of~~ the summer of ~~2011~~2012. As part of the updating process, USD will gather information on planning activities at each city within its boundaries (Fremont, Newark and Union City) to help guide the Master Plan. It is important that the City of Newark continues to engage in this process and is forthright with respect to the Specific Plan, so that the Sewer Master Plan can provide concrete documentation of the upgrades required to implement the Specific Plan.

Implementation of Mitigation Measure 4.12-2 would reduce impacts to the wastewater system to less than significant.

Mitigation Measure

4.12-2 Prior to approval of any tentative map within the Dumbarton TOD Specific Plan area, additional necessary improvements, if any, beyond those already included in the USD Master Plan and updated fee program, shall be determined regarding proposed new connections (from such tentative map development) and then-existing or proposed wastewater facilities. Such improvements shall be installed prior to issuance of a building permit. Improvements shall be consistent with requirements in the Sewer Master Plan (anticipated to be available in ~~June~~ the ~~S~~summer of 2012). The City and USD shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which such improvements are necessary.

Level of Significance After Mitigation: Less Than Significant.

WATER SUPPLY

4.12-3 Sufficient water supplies are available to serve the proposed project from existing entitlements and resources. No new or expanded entitlements would be required.

Level of Significance Before Mitigation: Less Than Significant

Impact Analysis

The Dumbarton TOD Specific Plan area is located within the water service area of ACWC. Pursuant to SB 610, a WSA was prepared for the proposed project. The

4.14.2.3 EXISTING BICYCLE AND PEDESTRIAN FACILITIES

PEDESTRIAN FACILITIES

The Specific Plan Area currently has minimal pedestrian connections and amenities. Sidewalks currently exist along Willow Street south of the Willow Street/Thornton Avenue intersection, along Enterprise Drive approximately 280 feet west of the Allepo Drive/Enterprise Drive intersection to the eastern City limit, and along Central Avenue east of Willow Street. Sidewalks do not exist along Willow Street on either side of the project frontage. The Specific Plan includes pedestrian improvements that are further discussed ~~in Section 4.14.5.3~~under Impact 4.14-3, below.

The County of Alameda has developed Countywide Bicycle and Pedestrian plans that were adopted in 2006 and are currently being updated. The Countywide Pedestrian Plan identifies areas of Countywide significance for capital pedestrian projects. Thornton Avenue, Cherry Avenue and Willow Street are all part of the proposed Bay Trail spine and, therefore, areas of Countywide significance for pedestrian projects.

BICYCLE FACILITIES

Bicycle facilities include bike paths (Class I), bike lanes (Class II) and bike routes (Class III) (*Highway Design Manual*, Caltrans). Bike paths are paved trails that are separated from roadways. Bike lanes are lanes on roadways designated for use by bicycles. These lanes are designated by pavement striping, pavement legends and signage. Bike routes are roadways that are designated for bicycle use by signs only and may or may not include additional pavement width for cyclists. Class II bike lanes currently exist along Thornton Avenue between the northern City limit and Hickory Street and a Class III bike route between Hickory Street and Willow Street. Class III bike routes currently exist along Willow Street from Cedar Boulevard to Hickory Street and along Enterprise Drive between Willow Street and Filbert Street. Figure 4.14-4 (Existing Bicycle Facilities) displays the existing bicycle facilities. The Specific Plan includes bicycle improvements that are further discussed ~~in Section 4.14.5.4~~under Impact 4.3-4, below.

The 2006 Countywide Bicycle Plan contains a proposed Countywide Class III bicycle route that extends from Thornton Avenue southbound across SR-84 to the intersection with Willow Street. The route then travels on Willow Street south to Central Avenue and runs east until it intersects with the railroad tracks where a

proposed section of the Bay Trail parallel to the tracks would continue the route. Other planned Countywide routes in the vicinity include a proposed Class III route that continues east on Central Avenue and a proposed north-south Class II route that runs along Newark Boulevard, Brittany Avenue and Cherry Street.

4.14.2.4 EXISTING ROADWAY VOLUMES

Figure 4.14-5 (Existing Peak-Hour Intersection Volumes) illustrates the existing AM/PM peak-hour traffic volumes for the study area intersections. Where available, intersection counts were obtained from the City. These counts were conducted in 2006 and 2007. New traffic data at selected intersections was obtained in May 2010, where prior information was not available. The intersection of Cedar Boulevard/Newark Boulevard was counted in both data sets as a control location, which showed minimal change in peak-hour volumes between 2006 and 2010. New traffic counts are provided in Appendix G (Traffic Data).

Avenue. However, due to the built out nature of the City, limited right-of-way is available at the intersection. The City would need to exercise eminent domain to obtain the right-of-way, resulting in impacts to the land owner on the southwest corner of the intersection. Additionally, potential secondary impacts (such as increased pedestrian crossing distances and impacts to bicyclists in the corridor) would occur with the improvement. Therefore, this improvement is not feasible and the impact is considered significant and unavoidable.

Cherry Street/Mowry Avenue: Mitigation measures were identified at this intersection as part of the Area 3 and 4 Environmental Impact Report. The measures proposed included the addition of a second left-turn lane on the westbound approach, and resulting in realignment of the east and westbound approaches and modification to the traffic signal. The operations of the intersection were tested with these mitigation measures; these improvements are not sufficient to mitigate the project's impact; additionally, right-of-way to widen this approach may be needed. Therefore, other mitigation measures were identified, as described below.

The westbound approach at the intersection of Cherry Street/Mowry Avenue shall be restriped to include a right turn and a through-right turn lane. The proposed mitigation measures would allow the intersection to operate at LOS E during the AM peak-hour and LOS F with improved delay during the PM peak-hour.

I-880 NB Ramps/Mowry Avenue: The intersection of I-880 NB Rmaps/Mowry Avenue shall be restripe to include a left/right share lane resulting the northbound approach having a final lane configuration of a left-turn lane, a left and right shared lane, and dual right-turn lanes. The proposed mitigation measures would allow the intersection to operate at an acceptable LOS B during the AM peak-hour and LOS C during the PM peak-hour.

Table 4.14-13 illustrates intersection LOS and average vehicle delay results under Future Year 2035 Plus Project (Buildout) conditions. LOS calculation worksheets are provided in Appendix G.

Table 3

Special-Status Plants with Potential to Occur in the City of Newark Concept Plan Area Two

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Cirsium fontinale fontinale Fountain thistle	Fed: FE State: CE CNPS: List 1B.1	May-October	Serpentine seeps and streams in chaparral openings, cismontane woodland or valley and foothill grassland. Elevation 46-175 meters.	On CNPS 9-quad search.	None. No suitable habitat on properties in project area. No impacts expected.
Helianthella castanea Diablo helianthella	Fed: - State: - CNPS: List 1B.2	March-June	Broadleafed upland forest; chaparral; cismontane woodland; coastal scrub; riparian woodland; valley and foothill grassland. Elevation 60-1300 meters.	On CNPS 9-quad search.	None. No suitable habitat on properties in project area. No impacts expected.
Holocarpha macradenia Santa Cruz tarplant	Fed: FT State: CE CNPS: List 1B.1	June-October	Coastal prairie; coastal scrub; valley and foothill grassland; [often clay, sandy]. Elevation 10-220 meters.	On CNPS 9-quad search.	None. No suitable habitat on properties in project area. No impacts expected.
Lasthenia conjugens Contra Costa goldfields	Fed: FE State: - CNPS: List 1B.1	March-June	Valley and foothill grassland (mesic); vernal pools; cismontane woodlands; playas. Elevation 0-470 meters.	Only source of information for this site is from a collection made in 1895 (Occurrence No. 13) in "Newark."	Low. Very little seasonal wetland habitat onsite. Surveys would be necessary to determine plant's presence/absence. See text.
Lessingia hololeuca Woolly-headed lessingia	Fed: - State: - CNPS: List 3	June-October	Broad-leaved upland forest; coastal scrub; lower montane coniferous forest; valley and foothill grassland; [clay, serpentinite]. Elevation 15-305 meters.	On CNPS 9-quad search.	None. No suitable habitat on properties in project area. No impacts expected.
Micropus amphibolus Mount Diablo cottonweed	Fed: - State: - CNPS: List 3.2	March-May	Broad-leaf upland forest; chaparral; cismontane woodland; valley and foothill grassland. Elevation 45-825 meters.	On CNPS 9-quad search.	None. No suitable habitat on properties in project area. No impacts expected.

Appendix H

Transit-Oriented Development – New Places, New Choices in the San Francisco Bay Area, A Study by the Metropolitan Transportation Commission

TRANSIT-ORIENTED DEVELOPMENT

New Places, New Choices

IN THE SAN FRANCISCO BAY AREA

New Places, New Choices: Transit-Oriented Development in the San Francisco Bay Area
November 2006

Association of Bay Area Governments

P.O. Box 2050
Oakland, CA 94604-2050

510.464.7900 PHONE
info@abag.ca.gov E-MAIL
www.abag.ca.gov WEB

Bay Area Air Quality Management District

939 Ellis Street
San Francisco, CA 94109-7714

415.771.6000 PHONE
sparetheair@baaqmd.gov E-MAIL
www.baaqmd.gov WEB
www.sparetheair.org WEB

bcdc Bay Conservation and Development Commission

50 California Street, Suite 2600
San Francisco, CA 94111-4704

415.352.3600 PHONE
info@bcdc.ca.gov E-MAIL
www.bcdc.ca.gov WEB

MTC Metropolitan Transportation Commission

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

510.817.5700 PHONE
510.817.5769 TDD/TTY
info@mtc.ca.gov E-MAIL
www.mtc.ca.gov WEB

To order additional copies of this publication, contact the MTC-ABAG Library:

510.817.5836 PHONE
library@mtc.ca.gov E-MAIL

Printed on recycled paper

TRANSIT-ORIENTED DEVELOPMENT

New Places, New Choices

IN THE SAN FRANCISCO BAY AREA

Table of Contents

New Places, New Choices

"Now available for sale or rent in the San Francisco Bay Area: Attractive, affordable homes with modern amenities in vibrant neighborhoods. All units offer excellent public transit access for gridlock-free commutes to employment centers. Convenience is key, with shops, restaurants and retail services just steps away, and walking and biking opportunities galore. Autos are optional, and any savings in gasoline, parking, maintenance and insurance costs are yours to keep. Experience the benefits of a transit-oriented lifestyle at one of the exciting new developments taking shape in Redwood City, San Jose, Pleasant Hill, Jack London Square in Oakland, Richmond, San Francisco, Santa Rosa, Vallejo, Hayward, the San Pablo Avenue Corridor in the East Bay... and in many other locations throughout the region. Come see if this new style of living is the right choice for you."

Introduction

If broad housing and lifestyle trends could be advertised in the way that individual real estate developments often are, the blurb on the preceding page is how the concept of "transit-oriented development" (TOD) might be pitched to a Bay Area audience. Not that this very real trend requires a hard sell to enlist recruits. Indeed, one of the main points of this publication is to show that more and more people throughout the region are choosing to live in compact communities near public transit. They are making this choice for convenience and affordability, and out of a desire to reduce dependence on the automobile for their routine travel needs. Developers, transit agencies, community organizations, and cities and counties are collaborating on scores of projects throughout the region in recognition of this market demand. At the same time, regional agencies are taking concrete steps to support this move toward more efficient use of the Bay Area's land and public-transit infrastructure – both for housing and commercial purposes. It is a movement both well-established and growing, and is poised to pick up even more momentum as our population expands.

Of course, this preference for transit-centered settlement patterns is not yet the dominant trend in the region – freeway-oriented, suburban-style development is still a very strong force. But if transit-oriented development is not yet a mass phenomenon, it is certainly a distinct and rapidly growing market, and one that offers enticing new choices to a growing number of Bay Area residents.

In this publication, we feature 10 representative transit-oriented developments that were recently built or are in the process of taking shape. We selected these to convey a sense of the diversity and appeal of this style of community-building enterprise, and to give an idea of why someone might choose to live or work in one of these locations. And, make no mistake, it's the choosing that is most important. Notwithstanding all the substantial merits from a public policy point of view – transit- and land-use efficiency, air quality benefits, health advantages, energy savings and the like – TODs will succeed only when people freely choose to live in them. The urban and suburban dwellers who opt for TODs do so because the developments offer a practical, preferable, more environmentally friendly – and often more affordable – way to live and travel in our increasingly complex Bay Area.

TOD: One Strategy, Many Benefits

What Is Transit-Oriented Development?

Transit-oriented development refers to the clustering of homes, jobs, shops and services in close proximity to rail stations, ferry terminals or bus stops offering access to frequent, high-quality transit services. This pattern typically involves compact development and a mixing of different land uses, along with amenities like pedestrian-friendly streets and parks – much like the many neighborhoods of central cities such as Oakland and San Francisco that developed as street-car suburbs and walking communities before the automobile.

To be successful, TODs must serve a significant portion of trips by public transit, walking and biking, rather than by private automobile. This does not mean that everyone living in a TOD will necessarily give up owning a car. However, residents are very likely to own fewer cars and to drive less than residents living farther from transit. So, while TOD residents may not lead car-free lives, they are often freed of their dependence upon cars for everyday mobility needs. For this reason, transit-oriented developments might also be thought of as "driving-optional" developments.

TOD is not a one-size-fits-all phenomenon; it is a flexible form of development adapted to local circumstances. As the examples featured in this publication show, TOD can be focused around specific rail stations or ferry terminals, or spread along a rapid-bus corridor. TOD can be old or new, high-rise or medium-rise. Transit-oriented developments can help transform old parking lots into new and vibrant mixed-use communities, and convert failing shopping centers – or even abandoned "brownfield" sites – into neighborhoods poised to thrive near current or future transit stations. TOD architectural styles and densities can and do vary by location, and the type of transit that serves the area. TOD can take different forms in each small town, suburban area or big city, but can play a key role in all.

What Does TOD Offer the Bay Area?

The planning principles behind TOD are not new – indeed they represent a return to the development patterns common to older cities throughout the world. Siting homes, jobs, shops and services within walking distance of mass transit hubs was the typical pattern of development as American cities expanded along railroad corridors and streetcar lines in the 19th and early-20th centuries. However, with the rise of the automobile and the construction of the Interstate Highway System came a more suburban style of development, with land uses increasingly segregated over great distances according to their function (industrial, commercial or residential). This more dispersed development pattern remains predominant today.

But as has been clear for some time, this post-World War II pattern of more spread-out, land-intensive and car-focused growth does not meet the needs of all Bay Area residents. Further, the more our road system expands to serve far-flung suburbs, the more difficult and costly it is to maintain. TOD-style development offers many people an appealing lifestyle alternative while also addressing important regional concerns such as housing availability and affordability, mobility, and protection of the environment and public health. Taken together, these factors have helped to fuel the upsurge in interest in TODs.

TOD Benefits: Housing

For Many, TOD Is Right Size, Right Place, Right Price

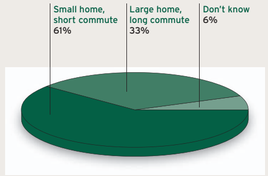
There is a critical shortage of attractive, affordable places to live in the Bay Area. The shortage of housing threatens the regional economy and exacerbates our transportation problems. Building more townhomes, apartments and condominiums as infill housing in downtowns and around transit hubs can help to increase the supply of affordable housing throughout the region and lessen the pressure to keep expanding ever outward, away from the region's core with its established infrastructure.

Changes in the mix of households in the Bay Area – growing numbers of older "empty nesters" and younger dual-income, childless households, for example – favor more compact housing styles. More people want to live in walkable neighborhoods and vibrant downtowns, close to public transit, in settings with more urban amenities. Some want more transportation choices, including better access to public transit; others want to be closer to local restaurants, cafes, and a wide variety of shops and services. Transit-oriented development is well-suited to the needs – and the pocketbooks – of both youthful and aging households, which are expected to increase significantly over the next several decades.

Demand for the TOD Lifestyle

Several surveys suggest that demand for smaller homes close to jobs, shops and services is already strong within the region. A poll conducted by the Public Policy Institute of California in 2004 found that a majority of Bay Area residents would rather live in a small home with a short commute than in a large home with a long commute.

- **Would you choose to live in a small home with a small backyard, if it means you have a short commute to work, or**
- **Would you choose to live in a large home with a large backyard, even if it means you would have a long commute to work?**



In a recent Metropolitan Transportation Commission (MTC) poll, a majority (55 percent) of Bay Area residents also expressed a preference for living in a mixed-use neighborhood where they can walk to stores, schools and services.

TOD Benefits: Mobility

Enhancing Transit Access, Maximizing Transit Assets

Studies have shown that people living or working close to high-quality transit use it with much greater frequency than people farther from transit. According to a recent analysis of the 2000 Bay Area Travel Survey (see page 8), Bay Area residents both living and working within a half-mile of rail and ferry stops use transit for 42 percent of their work trips, while those who both live and work outside of this half-mile range use transit for just 4 percent of their commute trips. Transit use also was found to be higher for non-work trips as well – such as shopping, recreation and medical appointments.

Higher levels of transit use can improve the cost-effectiveness of transit investments, bolster the financial stability of our transit systems and support higher-quality transit – such as more frequent trains and buses. The use of transit for commute trips brings revenues to the transit system and reduces highway congestion during the peak period, when our highways are at or beyond capacity. Transit use during off-peak periods brings additional revenues to transit agencies at a time when there is often excess passenger capacity available.

These facts are important, because the Bay Area's long-range transportation plans call for public transit to play an increasingly important role in the decades ahead – indeed, 19 new transit expansion projects are being planned across the region at a cost of more than $11 billion. Since people are far more likely to use these transit systems if they offer convenient access to the places they need to go, it only makes sense to strive to locate more housing, jobs and services within walking distance of transit stations. In short, TOD is one of the most important determinants of whether our Bay Area transit expansions will be cost-effective and financially sustainable over time.

Demand for Housing and Jobs Near Transit

A recent MTC-commissioned study* found that all nine Bay Area counties will experience a significant increase in the demand for housing and jobs near public transit hubs and corridors over the next 25 years. Currently, about 600,000 households in the Bay Area are located within a half-mile of an existing rail transit or bus station. Over the next 25 years, an estimated additional 250,000 households will be seeking transit-oriented homes, an increase of 40 percent. (People living alone and couples without children will generate nearly two-thirds of the demand for housing near transit.) This estimate of potential demand for TOD living is deliberately conservative, including only a very modest increase in consumer preference for this kind of housing; the future demand could be significantly higher – particularly if there is a long-term increase in the price of gasoline.

The same study found that the demand for jobs near transit stations in the Bay Area is also expected to increase significantly. Based on the types of jobs that tend to locate close to transit and the growth in these employment sectors in the Bay Area, demand for employment near transit is expected to increase by 800,000 new jobs, constituting more than 40 percent of all new jobs expected to be created in the region over the next 25 years.

*The study was conducted by the Center for Transit-Oriented Development and Strategic Economics in 2005.

TOD Benefits: Environment

Living and Traveling Lighter on the Land

Improved transit and walking/biking opportunities available through TOD provide individuals with an opportunity to cut back on driving – the largest source of air pollution in the Bay Area – and act on their concerns for air and water quality, climate protection, use of fossil fuels, and the preservation of open space and agricultural land.

In 2002, the Bay Area's "Smart Growth Strategy" – a landmark, long-range regional visioning effort – found that promoting transit-oriented development and focusing housing, jobs and retail along transit corridors would preserve as much as 66,000 acres of open space by 2020, compared with current development trends. Such a strategy also would reduce average weekday driving by as much as 3.6 million vehicle miles in 2020, conserving 150,000 gallons of gasoline a day and reducing daily carbon dioxide emissions (the principal greenhouse gas) by 2.9 million pounds per day.

Already, Bay Area households located close to transit stations make fewer driving trips than do others in the region. Households within a half-mile of train stations and ferry stops log only 20 vehicle miles of travel per day, just 56 percent of the regional average. The fewer trips people make, the fewer the pollution-producing "cold starts" of their cars. These factors combine to result in lower fuel use and lower tailpipe emissions by those households living close to transit – and they also add up to powerfully persuasive evidence of the environmental benefits of TOD in the Bay Area.

Keys to Success for TODs

While successful TODs come in a variety of shapes and sizes, and attention to local conditions and communities is vital, certain factors are generally recognized as important for success. Based on studies to date, the benefits of TOD arise from what are sometimes called the "4 Ds."

- **Distance** – Proximity to transit is crucial; the closer housing and jobs are to transit, the more often transit is used.
- **Density** – More residents per acre in living areas and greater concentration of jobs in urban centers lead to more walking and transit use.
- **Diversity** – A mix of land uses provides more walkable destinations.
- **Design** – Ideally, TOD connects transit, housing and retail centers with good walking and biking routes in a safe and pleasing environment.

TOD Benefits: Healthier Living

Walking and Cycling Your Way to Better Health

Recent research suggests a link between physical activity and the built environment. In reviewing 50 studies on the subject, the Transportation Research Board concluded in 2005 that land-use patterns, transportation systems and design features are important contributors to levels of physical activity, especially walking and biking. Factors that influence more walking and biking are:

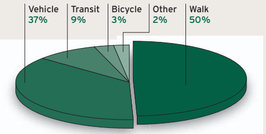
- population, employment and retail density
- diversity and mix of land uses
- close destinations
- grid street networks and sidewalks
- neighborhoods that are well served by transit and walkable

While personal characteristics and preferences play a strong role in how we get around, an appealing built environment can encourage walking and biking. Even people without a predisposition for walking will walk to more destinations in urban areas than will similarly minded people in more suburban areas. And people will walk more if there are useful destinations nearby. MTC analyses show that people who live close to transit walk for far more of their trips – especially short trips – than do people who live farther from transit. (See pie charts this page.)

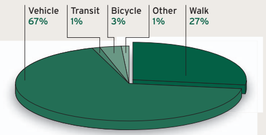
For walking to catch on, planners and developers need to pay attention to the safety of the environment – through safe sidewalks, crosswalks and streets. And extra consideration needs to be given to older people and younger people, who make up a significant proportion of the walkers in most neighborhoods. The appeal of bicycling also hinges on safety in the form of on-street bike routes, off-street bike paths and secure bicycle parking.

People who live close to transit walk for more of their short trips.*

Within 1/2 Mile of Rail or Ferry Stop



More Than 1/2 Mile from Rail or Ferry Stop



*A "short trip" is a trip of 1 mile or less.
Note: Figures do not add up to 100% due to rounding.
Source: MTC

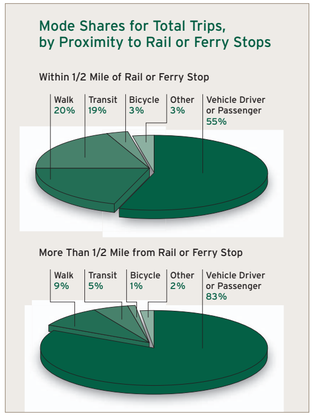
Measuring the Benefits of TOD

Using data gathered from over 15,000 households, the Metropolitan Transportation Commission conducted an in-depth analysis of the travel behaviors of Bay Area residents who live in close proximity to rail and ferry stops in the region. The results, contained in *Characteristics of Rail and Ferry Station Area Residents in the San Francisco Bay Area: Evidence from the 2000 Bay Area Travel Survey*, published in September 2006, clearly indicate that those living (and working) close to rail and ferry transit stops use transit, walk and bike much more than people living farther from these facilities.

The study does recognize that "self-selection," or the tendency for individuals with a high propensity for using transit to live in TODs, may also be a factor in these travel behaviors. Still, the study concludes that: "Whether being near rail/ferry transit simply allows people who prefer to drive less that personal choice, or whether it creates a greater interest in such travel options, this research demonstrates that policies to support transit-oriented development hold promise as one important tool, among others, in addressing congestion, transit usage, non-motorized travel, and air pollution in the Bay Area."

Here we spotlight some of the study's key findings, which provide a kind of rough gauge to measure the potential benefits of individual TOD projects.

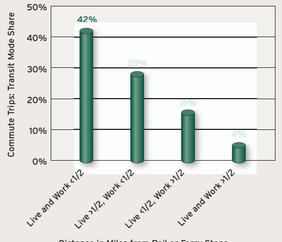
Mode Shares for Total Trips, by Proximity to Rail or Ferry Stops



Proximity Matters

Bay Area residents who live within a half-mile of rail or ferry stops are four times as likely to use transit, three times as likely to bike, and twice as likely to walk as are those who live at greater distances.

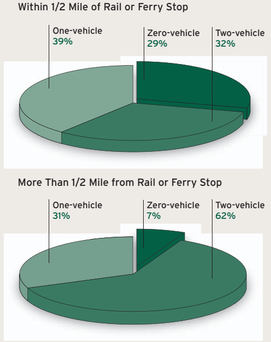
Use of Transit for Commute Trips, by Proximity to Rail or Ferry Stops



Transit Favored for Commute

People who both live ***and*** work close to transit use it extensively to travel to their jobs. Individuals living and working within a half-mile of rail stations and ferry terminals use transit for 42 percent of their work commute trips, while people who neither live nor work within a half-mile of such facilities use transit for only 4 percent of their work commute trips.

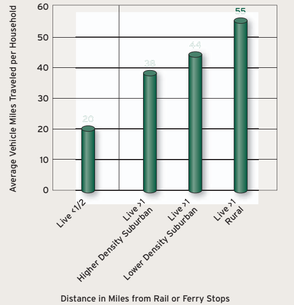
Vehicle Ownership by Household Location



Fewer Cars Owned

Almost 30 percent of households within a half-mile of rail or ferry stations do not have a car – they are "zero-vehicle households." This means that fewer parking spaces are needed in these areas, allowing more land to be used for housing, parks, amenities and local-serving retail.

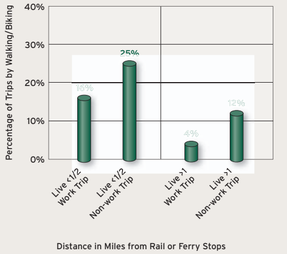
Average Daily Vehicle Miles Traveled, by Proximity to Rail or Ferry Stops



Less Driving

People living close to transit log fewer miles in the cars they do own – these households produce about half of the vehicle miles of travel of their suburban and rural counterparts. This dramatically reduces the level of air pollutants and congestion per household.

Percentage of Trips Made by Walking and Biking, by Proximity to Rail or Ferry Stops



More Walking and Biking

People living close to transit also walk and bike for far more of their trips. Those who live within a half-mile of rail and ferry stops walk or bike for 16 percent of their work trips and 25 percent of their non-work trips, adding a vibrant presence on local streets and supporting a healthy lifestyle. This compares with 4 percent and 12 percent walk/bike rates for people farther from transit for work and non-work trips, respectively.

The Challenges for TOD

Fulfilling TOD's Promise Will Take Careful Planning

While TOD offers housing, travel and living options and opportunities, it also presents its own set of challenges. Mitigating or eliminating these stumbling blocks will require thoughtful and coordinated planning and implementation. Issues include the following:

- Higher-density developments may cause local traffic congestion, if not properly planned. To minimize traffic impacts, the travel alternatives must be safe, convenient and affordable, and amenities such as grocery stores and restaurants must be developed in concert with new housing and offices.
- TODs are more complicated for developers to achieve in terms of financing and marketing, since they do not fit the real estate model that has been most commonly used in the last few decades. They also require more complex and integrated planning, and early and frequent participation by the public, community groups and transit agencies.
- TOD can accelerate gentrification. High demand for TOD living tends to drive up prices for market-rate units, sometimes resulting in prices significantly higher than the surrounding area. While the inclusion of some below-market rate housing can help mitigate this effect, additional efforts to minimize displacement of existing residents and businesses may also be needed.
- Existing urban areas may not have sufficient infrastructure – including water, electricity, sewers, schools and parks – to serve a larger population, and may need to invest in additional facilities. (With respect to schools, of course, it is not just the physical adequacy but the quality of the schools that matter. Urban areas with perceived deficiencies in local school quality can find it difficult to attract families with school-age children, for whom school quality is often a decisive factor in choosing where to live.) As to physical infrastructure, it is usually less expensive to upgrade public facilities and utilities in existing urbanized areas than to invest in new infrastructure to support sprawl-type development at the urban fringe.
- Some possible TOD sites in the Bay Area may be located near abandoned industrial sites, freeways or busy arterials, and other sources of pollution. All potential hazards must be adequately addressed before development can occur at these sites.

Moving Forward

Supporting TOD at the Regional Level

While the lead role in planning and building TOD belongs to cities, developers and transit agencies, regional agencies also have a crucial role to play. The Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC) and the Metropolitan Transportation Commission (MTC) have joined together to advance the concept of transit-oriented development. All of these agencies agree that TOD is a vital piece of our future as a livable region.

TOD is at the heart of a regional growth strategy unveiled in 2002 emphasizing compact development patterns that focus growth in downtowns, town centers and along the region's transit corridors. This "Smart Growth Strategy" was developed by the regional agencies mentioned above with the input of more than 2,000 Bay Area residents who participated in a series of workshops held throughout the region. (See Appendix A, page 36.)

In keeping with the Strategy, ABAG has developed a program to promote transit-oriented development along multimodal corridors, and particularly heavily used bus corridors. Targeted corridors in the East Bay include San Pablo Avenue and International Boulevard/East 14th Street through Oakland and San Leandro. On the Peninsula, ABAG is focusing on El Camino Real through San Mateo and Santa Clara counties. The goal is to revitalize the corridors and transform them into "grand boulevards" with new housing, shops, eateries and jobs all served by state-of-the-art rapid bus lines and other transit.

Also in support of the Strategy, MTC in 2005 adopted a ground-breaking policy requiring TOD as part of the planning requirements for new Bay Area transit extensions receiving regional discretionary funds. (See Appendix B, page 38.) The policy affects some $11 billion in transit investments over the next 25 years. Concurrently, MTC has initiated a grant program to help local governments map out plans for housing, shops and offices in the vicinity of stations along future transit routes. MTC's longstanding Transportation for Livable Communities Program and Housing Incentive Program grants likewise have been important catalysts in revitalizing communities and fostering TOD-style projects.

Acting together as the Joint Policy Committee, the regional agencies also have launched a major initiative to refine and update the 2002 Smart Growth Strategy. Known as "Focusing Our Vision," the effort is engaging local governments and other stakeholders in building consensus around the creation of regional priority areas for housing and other infill development. Another goal is to identify open space and other priority conservation areas deserving of protection from future development.

Taking TOD to the Next Level: How You Fit In

Whether you are a resident looking for your next home, a developer wanting to tap into the demand for homes and offices next to transit, or a local official or community advocate working to revitalize your city, there is a role for you to play in making TOD the lifestyle of choice in the Bay Area. For details on how you can get involved, consult the agency Web sites listed at the back of this report.

Profiles of 10 Bay Area TOD Projects

The Appeal and Diversity of Bay Area TOD

In pockets around the region, TOD is leaping off the pages of planning textbooks and manifesting in the real world. From Vallejo and Santa Rosa in the North Bay to San Jose in the South Bay, and San Francisco in the West Bay to Oakland and Pleasant Hill in the East Bay, TOD is combating long commutes and traffic, revitalizing neighborhoods, and fostering a more convenient lifestyle while also addressing the region's chronic housing shortage, particularly in the realm of affordable housing. In this section we profile 10 Bay Area projects that illustrate the variety – and the appeal – of the TOD development pattern. Using words, maps and photos, we spotlight a few of the many new places offering new choices to the region's residents.

DOWNTOWN

Hayward

Residents of new housing units in downtown Hayward are six times more likely to commute regularly by transit (38 percent) than residents citywide (6 percent).

Downtown Hayward has achieved a good balance of commercial, residential and civic development – all transit-oriented

In the early 1990s, downtown Hayward was home to many struggling businesses and empty parking lots. After a decade of steady commercial and residential development, including over 700 new housing units, the streets and sidewalks of the area around Hayward BART have come back to life.

The transit-oriented development of downtown Hayward has been a collaborative effort. The city of Hayward's *Core Area Plan* (1992) set the stage for growth, while BART and the Hayward Redevelopment Authority exchanged land to facilitate projects adjacent to the station.

All parties recognized the need to balance development of commercial, residential and civic land uses in the downtown core area. Today, a new city hall and public plaza (1998), streetscape improvements, and retail and residential development show that this objective has largely been achieved.

Residents of Hayward's new transit-oriented housing are now just a short walk away from a full-service supermarket, drugstore and a variety of new shops, in addition to local retail institutions such as Hayward Ace Hardware. Nighttime dining and entertainment options also will soon be within reach of BART riders and downtown residents when Cinema Place opens in 2007.

In addition to reviving downtown, the new development near Hayward BART has boosted transit ridership. Residents of these transit-oriented housing units commute by bus and rail at a rate nearly six times higher than the citywide average.

The next generation of transit-oriented development is planned for the industrial lands of the Cannery Area, west of downtown. Development there is expected to bring 850 additional housing units, including 127 affordable units within walking distance of both the Hayward Amtrak and BART stations. Residents will be well served with a new elementary school and an expanded Cannery Park. The combination of schools, civic facilities, parks and family entertainment venues demonstrates that transit-oriented developments are not just for young professionals and "empty nesters," but can become complete, family-friendly communities.

Hayward – Downtown

Transit:

- **Hayward BART Station:** BART; AC Transit
- **Hayward Amtrak Station:** Capitol Corridor rail service; AC Transit

Development highlights:

- **Atherton Place:** 83 units (Sares-Regis Homes, 1995)
- **Pinnacle City Centre Apartments:** 192 units (Legacy Partners, 2000)
- **City Walk:** 77 townhomes (The Olson Company, 2003)
- **Renaissance Walk:** 46 condos (22 affordable) (The Olson Company, 2004)
- **Studio Walk:** 70 lofts (Ryland Homes)
- **Grand Terrace Apartments:** 235 townhouses (Pulte Homes)

Amenities:

- **New streetlights, signalized crosswalks, sidewalk landscaping and street furniture** on B Street retail corridor linking BART to the downtown core
- **New city hall and public plaza** (1998)
- **New Albertson's supermarket/Sav-On drugstore** (2002)
- **Hayward Ace Hardware store**
- **Newman Park and Giuliani Plaza**
- **Saturday Farmers' Market** at B Street and Main

Planning:

- *Hayward Core Area Plan* (1992)
- *The Cannery Area Design Plan* (2001)
- *Hayward General Plan* (2002)

Innovations:

- City provides **rebates for façade improvements** on B Street and other pedestrian corridors
- **Shared parking structure** for city hall and downtown retail, lined with ground-floor retail on B Street

Future development:

- **Cinema Place:** Entertainment complex (2007)
- **Cannery Area:** Mixed-use development with 850 residential units (127 affordable); planning entitlements have been approved for 735 of these units
- **New Burbank Elementary School** (2008)
- **Expanded Cannery Park** (2008)
- **Offices** planned for 0.75 acre parcel west of city hall
- **Senior housing complex** with 60 units combined with new offices for nonprofit developer Eden Housing

DOWNTOWN

Hayward

Legend

- BART Line and Station
- Amtrak/Capitols Line and Station
- Bus Line
- Project/Amenity

JACK LONDON SQUARE

Oakland

Good transit access is a major selling point for the new housing sprouting up around Jack London Square.

Jack London Square is evolving into a transit-accessible, 24-hour, urban residential neighborhood

Situated on the Oakland waterfront between Oak and Clay streets, Jack London Square was the original home of the Port of Oakland. In the 1960s, the Port moved its main functions to container terminals in the outer harbor, and in the 1970s, a major redevelopment project brought offices, hotels, shops and restaurants to Jack London Square. The area's central location draws customers from throughout the Bay Area to dining and entertainment venues such as Yoshi's jazz club and the Jack London Cinema.

During the dot-com boom of the 1990s, residents began to settle in larger numbers near Jack London Square, drawn by the area's proximity to downtown Oakland offices and excellent regional transit connections. This pattern continues today. Much of the area is within walking distance of both the Lake Merritt BART Station and the C.L. Dellums Amtrak Station, which provides Capitol Corridor commuter train service to San Jose and Sacramento, as well as Amtrak intercity rail, and local AC Transit bus connections. Nearby, at the foot of Clay Street, Alameda/Oakland ferries depart for 13 daily roundtrips to the Ferry Building in San Francisco.

Prior to 2000, most residential development in the area involved the renovation and conversion of old warehouse buildings into condominiums and flexible live/work spaces designed to accommodate an influx of professionals and home-based Internet entrepreneurs. Since that year, 1,000 additional residential units have been built, mostly loft-style apartments and condominiums in newly constructed, mixed-use buildings clustered tightly around the C.L. Dellums Amtrak Station.

More condos and loft apartments are planned for Jack London Square, along with regional attractions such as the California Harvest Hall, a public market and culinary exhibition center to be located near the train station. All of this development, including new retail stores, offices, condos and entertainment venues, will benefit from good regional transit connections, as well as plans to enhance public access to the waterfront via the San Francisco Bay Trail.

Oakland – Jack London Square

Transit:

- **C.L. Dellums Amtrak Station:** Capitol Corridor rail service; Amtrak Coast Starlight & San Joaquins; AC Transit
- **Oakland Ferry Terminal:** Alameda/Oakland Ferry; AC Transit
- **Lake Merritt BART Station:** BART; AC Transit

Development highlights:

- **Fourth Street Lofts:** 37-unit warehouse conversion (1992)
- **Brick House Lofts:** Warehouse converted to 13 for-sale live/work units and ground-floor retail/office (Horizon Pacific, 1999).
- **New Market Lofts:** Former Safeway headquarters and warehouse building converted to 46 live/work units and four office condos (Urban Bay Properties, 2001)
- **Aqua Via:** 100 apartments in nine-story Art Deco building (Embarcadero Pacific and Urban Development, 2006)
- **The Sierra:** 229 residential units and two levels of retail and live/work space in a 12-story building (Crescent Heights, 2003)
- **The Landing:** 282 apartments in a multiple-building site at Alice Street and Embarcadero (Legacy Partners, 2001)
- **The Allegro:** Five-story, 312-unit rental project at 240 Third Street (SNK Development, 2001)

Amenities:

- Sunday Jack London Square **Farmers' Market**
- **Jack London Cinema**
- **Waterfront restaurants** and cafes
- **Nightclubs** including Yoshi's at Jack London Square
- **Proximity to downtown** Oakland offices and retail

Planning:

- *Land Use and Transportation Element, Oakland General Plan* (adopted 1998)
- *Oakland Estuary Policy Plan* (adopted 1999)

Innovations:

- **Adaptive reuse** of light industrial and warehouse buildings for residential and live/work purposes

Future development:

- **200 Second Street:** 74 condos and live/work units, retail space in six-story structure (Metrovation, 2006)
- **288 Third Street:** 91 for-sale units in new six-story warehouse-type building under construction (Signature Properties, 2007)
- **Jack London Square Phase II:** New office building, multi-theater cinema, hotel/conference center and California Harvest Hall – a new public market, culinary school and chefs' hall of fame (Jack London Square Partners, LLC)

JACK LONDON SQUARE

Oakland

Legend

- BART Line and Station
- Amtrak/Capitols Line and Station
- Ferry Terminal and Route
- Bus Line
- Trail
- Project/Amenity

CONTRA COSTA CENTRE

Pleasant Hill

TRANSIT VILLAGE

A survey of residents from several developments close to Pleasant Hill BART found that 45 percent commuted by transit.

In the heart of suburban Contra Costa County lies one of the Bay Area's most successful TOD projects

Pleasant Hill was the first suburban BART station to see significant development activity in the 1970s and 1980s. The Contra Costa County Redevelopment Agency (CCCRA) acquired and assembled parcels of land for large-scale redevelopment around the perimeter of the BART parking lots. By the mid-1990s, the Pleasant Hill Station area had emerged as a major employment center and activity node, with 1.5 million square feet of office space rented by companies such as Vodafone, Nextel Communications and Bank of the West, while some 1,200 housing units established a strong residential presence.

The second generation of transit-oriented development in the late 1990s brought new amenities to Pleasant Hill, along with additional office and residential development, including the Coggins Square affordable housing project. New streetlights, landscaping and public art enlivened pedestrian corridors leading to the BART station, including the improved Iron Horse Trail, which links cyclists and pedestrians to cities north and south.

While development proceeded around the station site, controversy stalled the original plan to construct a mixed-use town center on the BART parking lots. To develop a consensus plan for this highly accessible site, CCCRA, BART and the developers involved stakeholders in a six-day charrette planning process in 2001. The resulting design guidelines and *Final Development Plan* (2005) are guiding current development activities at what is now called Contra Costa Centre Transit Village. Construction is under way, and when it is complete in 2010, the transit village will include several mixed-use buildings up to 12 stories in height clustered around a new pedestrian plaza located just outside the BART fare-gates.

A survey of residents from several developments close to Pleasant Hill BART found that 45 percent commuted by transit. Planners are hopeful that the transit usage of new employees and residents of the transit village will match this rate, providing further evidence that transit-oriented development can help improve access while reducing traffic congestion and pollution.

Pleasant Hill – Contra Costa Centre Transit Village

Transit:

- **Pleasant Hill BART Station:** BART; Benicia Breeze; County Connection; Fairfield-Suisun Transit; Livermore Amador Valley Transit (Wheels)

Development highlights:

- **Vodafone Plaza:** 200,000-square foot office building with ground-floor restaurant (Taylor Widrow, 1991)
- **Iron Horse Lofts:** 54 market-rate townhouses (Holliday Development, 2001)
- **Coggins Square:** 87 units of affordable housing adjacent to Iron Horse Lofts (Bridge Housing, 2001)

Amenities:

- **The Iron Horse Trail:** Bicycle/pedestrian path connects to Martinez, Concord, Walnut Creek and San Ramon
- **Major employers:** Bank of the West, John Muir/Mt. Diablo Health, Nextel Communications, Vodafone
- **Embassy Suites Hotel**

Planning:

- *Pleasant Hill BART Station Area Specific Plan* (1983)
- *Pleasant Hill BART Redevelopment Plan* (1984)
- *Pleasant Hill BART Specific Plan* (as amended in 1998)
- *Pleasant Hill BART Station Property Regulating Plan* (2002)
- *Pleasant Hill BART Final Development Plan* (2005)

Innovations:

- **Formation of a Joint Powers Authority** (Pleasant Hill Leasing Authority) by BART, the Contra Costa County Redevelopment Agency and Contra Costa County to manage negotiations with private developers
- **Innovative land lease:** BART property leased to developers for 100-year term
- **Collaborative charrette planning process** used to involve stakeholders and develop consensus plan

Future development:

- **Contra Costa Centre Transit Village** will include 209,000 square feet of offices, a 20,000-square foot convention center, over 35,000 square feet of retail space and over 550 housing units (20 percent affordable). (Pleasant Hill Transit Village, LLC, a consortium of Millennium Partners and Avalon Bay Communities)
- **Affordable housing** on Las Juntas Swim Club parking lot, east of BART station (Contra Costa Co. Redevelopment Agency)

CONTRA COSTA CENTRE

Pleasant Hill

TRANSIT VILLAGE

Legend

- BART Line and Station
- Bus Line
- Trail
- Project/Amenity

DOWNTOWN

Redwood City

"Much of the work we've done is [public] education... emphasizing that it's really all about design, not density." – Susan Moeller, Redwood City Redevelopment Manager

Planners in Redwood City are hoping to attract movie patrons and concert-goers from all over the Bay Area

"We have the potential to be the nighttime entertainment capital of the Peninsula," says Redwood City Redevelopment Manager Susan Moeller. While other cities plan office and residential development near transit, Redwood City is building a transit-oriented destination by leveraging the assets of its lively and historic downtown.

The city is well on its way to fulfilling this ambitious vision, as downtown residents and merchants eagerly await the fall 2006 opening of a 20-screen cinema complex near the popular Fox and Little Fox Theaters. With these marquee entertainment venues, bars, restaurants and cafes all located within walking distance of the Caltrain station, city leaders hope to entice people from throughout the Bay Area to leave their cars at home and take the train to celebrate a "night on the town" in Redwood City.

Regardless of how they get downtown, people are encouraged to walk from place to place once they arrive. Broad tree-lined sidewalks, with ample room for window shoppers and outdoor diners, line major retail streets like Broadway and Middlefield Road. Two new pedestrian plazas and the existing City Center Plaza – which officials tout as the city's "outdoor living rooms" – provide yet more space for public gathering, outdoor entertainment and civic functions.

The strong employment base and growing nightlife have increased the attractiveness of Redwood City for residential development. Over 350 new housing units have been built near the Caltrain station in recent years. However, with the rising premium on land, developers can no longer afford to build new housing, unless they are able to build at least eight stories high.

Recognizing that the prospect of residential towers might alarm neighbors, the city embarked on a proactive campaign to educate and involve residents early in the development planning process. Planners hosted a series of neighborhood workshops, employing visual aids to demonstrate that, with good design, higher-density development can have a place in downtown Redwood City.

Caltrain

samTrans

Redwood City – Downtown

Transit:

- **Redwood City Caltrain Station:** Caltrain; SamTrans
- **El Camino Real:** SamTrans

Development highlights:

- **City Center Plaza Apartments:** 139 affordable units with ground-floor restaurants (Mid-Peninsula Housing Coalition)
- **Franklin Street Apartments:** 206 units (30 affordable) above retail space (Irvine Apartment Communities, 2002)
- **Montgomery Village:** Apartments under construction (First Community Housing)
- **On Broadway:** 20-screen movie theater with 85,000 square feet of ground-floor restaurant and retail space (John Anagnostou/Broadway Entertainment, LLC, 2006)
- **Le Coeur de la Ville** (formerly Tuscan Towers)**:** 21 affordable townhomes; another 88 units proposed (Habitat for Humanity)

Amenities:

- **City Center Plaza** just east of city hall
- **Theatre Way:** new pedestrian-priority promenade
- **Courthouse Square**
- **Post Office Paseo** linking surface public parking with the new cinema block, and expanding outdoor dining venue
- **Fox and Little Fox Theaters** on Broadway
- **Whole Foods Market**
- **Sequoia Station** retail center includes supermarket, café, drugstore and other conveniences

Planning:

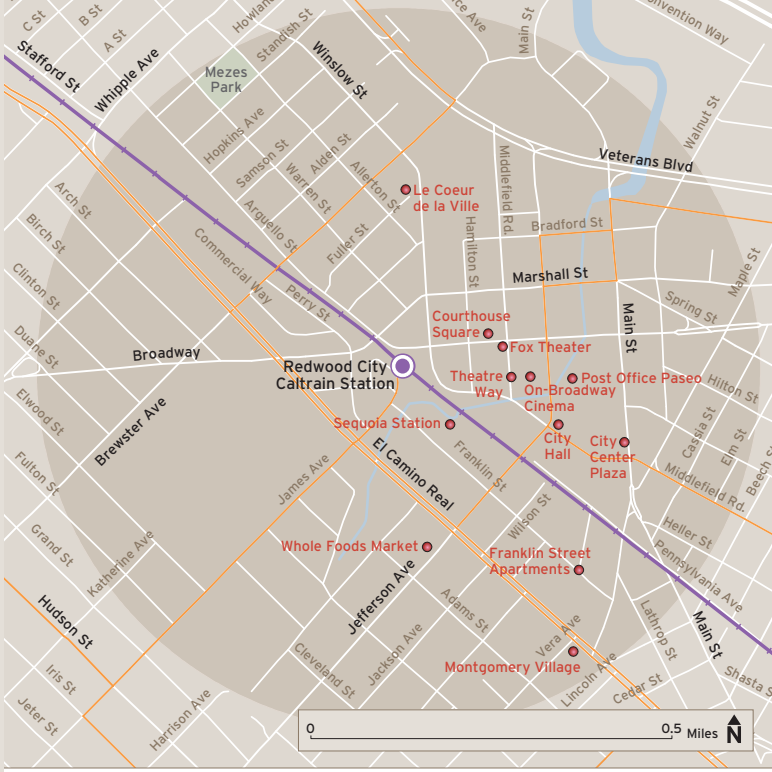
- *Redwood City General Plan* (2001, update in progress)
- *Downtown Area Plan* (introduced 2001)
- *Redwood City Downtown Precise Plan and Program EIR* (due for adoption in early 2007)

Innovations:

- **Parking management strategy** with on-street and off-street parking rates that vary by location and time of day
- **Tax credits for rehabilitation of landmarks** in Main Street Historic District
- **Sidewalk Café Design Guidelines** encourage outdoor dining, adding vitality to downtown streets.

Future development:

- **Downtown Precise Plan** proposes higher density with 8- to 12-story residential and mixed-use development considered in downtown core and east side of El Camino Real between Brewster and Maple.



DOWNTOWN

Redwood City

Legend

- Caltrain Line and Station
- Bus Line
- Project/Amenity

TRANSIT VILLAGE

Richmond

"Our household has cut down car use by half since we moved here."

– Resident of Richmond's Metro Walk development

Transit accessibility is a strategic asset in this economically disadvantaged East Bay location

Richmond Transit Village, the new community under construction adjacent to the Richmond BART/Amtrak Station, is a quintessential "new urbanist" development. From its location to its layout, design and impact, everything about the Village reflects its transit and pedestrian orientation.

Residents of Metro Walk, the completed first phase of the transit village, can walk across Nevin Plaza to Richmond Station in just two minutes to catch trains or buses to destinations throughout the Bay Area and Northern California. Currently being renovated, the station is also a bus hub for AC Transit and Golden Gate Transit.

Future phases of the transit village will add more townhouses, bungalows and live/work lofts, while retail stores will be located in the southwest quadrant of the site in order to revitalize Macdonald Avenue and the city's historic commercial core.

There were many challenges to development in this location, including neighbors' skepticism of urban renewal, as well as the area's economic difficulties and reputation for crime. To overcome these challenges, the city's redevelopment agency hired consultants to lead public involvement, analyze development feasibility at the site and aggressively market their request for developer proposals.

Although it is still under construction, the Richmond Transit Village is already having an impact. One block west of the Village, a mixed-use project is under development. Most importantly, the transit orientation of the Richmond Transit Village is achieving results. Over 90 percent of residents surveyed report that proximity to transit was an important part of their decision to move to the area. These residents are modifying their travel behavior in turn. "Our household has cut car use by half since we moved here," stated one resident who appreciates the convenience of living near quality transit service.

BART

AC Transit

AMTRAK

Capitol Corridor

Golden Gate Bridge

Richmond – Transit Village

Transit:

- **Richmond Station:** BART; Amtrak/Capitol Corridor; AC Transit; Golden Gate Transit

Development highlights:

- **Metro Walk:** Phase I of the Richmond Transit Village; includes 132 owner-occupied townhouses (The Olson Company, 2004)

Amenities:

- **Station upgrades:** New elevators, platforms, canopies and bus transfer center (under construction)
- **Neighborhood park** at center of Metro Walk complex
- **Nevin Plaza** and walkway links station to Metro Walk and the rest of downtown Richmond
- **Nearby offices** of Kaiser Permanente

Planning:

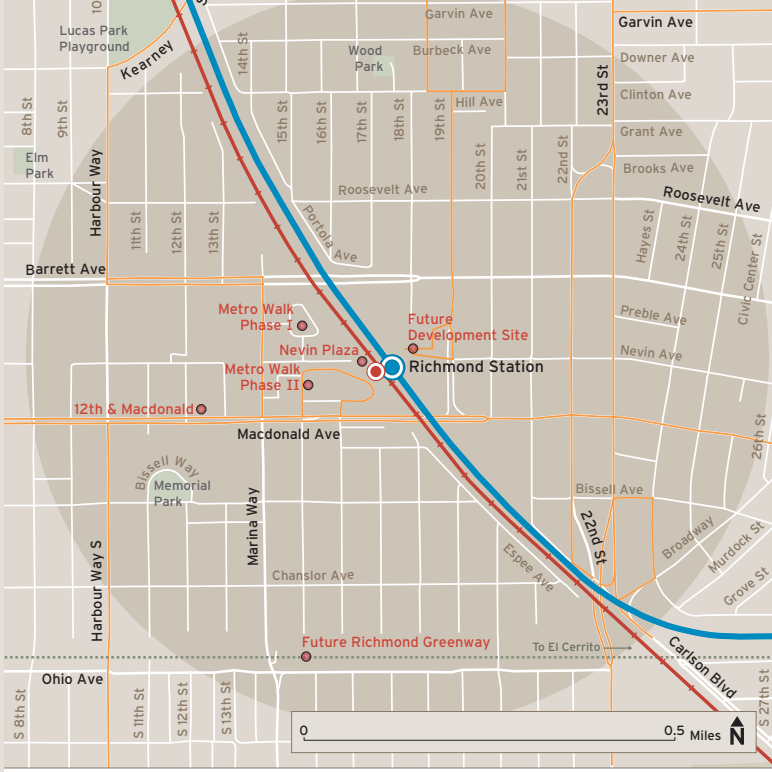
- **Calthorpe Associates' plan** for the Richmond Transit Village won a design competition sponsored by BART and the Richmond Redevelopment Agency.

Innovations:

- **Development on transit agency property** (BART parking lots)
- **Use of design competition** to develop site plan

Future development:

- **Phase II of Metro Walk at the Richmond Transit Village** will include an additional 100 units and will bring 27,000 square feet of commercial retail space to the site, with 6,000 square feet fronting on the historic Macdonald Avenue commercial corridor.
- **12th and Macdonald:** A new mixed-use project (under development by AF Evans) one block west of the transit village will have 238 condominiums and 20,000 square feet of ground-floor retail space.
- **Richmond Greenway** bike path (under development) will link downtown Richmond with the Ohlone and Bay Trails.



TRANSIT VILLAGE

Richmond

Legend

- BART Line and Station
- Amtrak/Capitols Line and Station
- Bus Line
- Trail
- Project/Amenity

THIRD STREET CORRIDOR

San Francisco

"The Third Street corridor clearly demonstrates that there is no one-size-fits-all approach to transit-oriented development."

Jose Luis Moscovich, Executive Director, San Francisco County Transportation Authority

Muni's new 5.4-mile-long light-rail line reconnects and revitalizes a key city corridor

"I can't wait for the trains to roll," says John Colon, a resident of Visitacion Valley, near the southern terminus of San Francisco Muni's Third Street Light Rail Project, which is due to begin service in 2007. While the new rail line will speed Colon to his job in the Bayview and reconnect the eastern neighborhoods to the rest of San Francisco, it represents more than just a transportation improvement. The Third Street project has magnified development concerns and opportunities, which vary significantly up and down the corridor, along with community priorities. "The Third Street corridor clearly demonstrates that there is no one-size-fits-all approach to transit-oriented development," says San Francisco County Transportation Authority Executive Director Jose Luis Moscovich.

In Mission Bay, at the northern end of the rail line, a new urban neighborhood is emerging alongside the tracks. The undeveloped 303-acre site presented planners with a unique opportunity to develop a high-density, transit-oriented urban neighborhood from scratch. Today, a new research campus of the University of California/San Francisco is up and running, and over 1,000 housing units have been built. At full build-out, more than 10,000 residents and 31,000 employees will live and work in Mission Bay, all within walking distance of Muni's Third Street light-rail line.

A different approach is required in the southern end of the corridor. The challenge in these neighborhoods is to provide new, affordable housing choices through renovation of existing buildings and targeted development of vacant lots, without displacing long-time residents and businesses. The city is supporting this effort by providing low-interest building renovation loans to businesses and homeowners.

For these under-served neighborhoods along Third Street, the transportation investment and transit-oriented economic development associated with the new Muni rail line are long overdue. In the words of Moscovich, "This project is about repaying a debt. We are helping a neighborhood catch up with the rest of San Francisco."

THIRD STREET CORRIDOR

San Francisco

San Francisco – Third Street Corridor

Transit:

San Francisco Muni Third Street Light Rail:

- Phase I adds 5.7 miles to the Muni Metro System, with 18 new stations between 4th and King streets and Visitacion Valley.
- Connects to Caltrain at its depot in San Francisco, and to BART, Muni buses and other Muni trains at Market Street.
- Phase II will extend the Third Street line north to Union Square and Chinatown, via a new Central Subway.

Development highlights:

- **Mission Bay:** 1,224 new housing units and portions of the University of California/San Francisco (UCSF) campus completed to date (Catellus Development Corporation)
- **Bayview Commons:** 29 apartments for very-low-income families (San Francisco Housing Development Corporation, 2002)

Amenities:

- **New Oakdale-Palou Triangle public plaza** and enhanced pedestrian connections to the Oakdale Station
- **Bayview Opera House** & Ruth Williams Memorial Theater
- **UCSF** biomedical research campus in Mission Bay
- **San Francisco Giants Ballpark** in China Basin
- **New Mission Bay Branch Library**

Planning:

- *Mission Bay Redevelopment Plan* (1998)
- *Bayview/Hunters Point Community Revitalization Concept Plan* (2000)
- *Better Neighborhoods Plan for the Central Waterfront* (2002)

Innovations:

- **Light rail is part of the economic development strategy** for San Francisco's eastern neighborhoods, along with streetscape and façade improvements, and business retention programs.

Future development:

- **Mission Bay** will include 6 million square feet of office space, 800,000 square feet of retail, 6,000 housing units (1,700 affordable), and 51 acres of parks and open space.
- **Bayview/Hunters Point:** 3,700 new housing units (925 below-market-rate) proposed in redevelopment area.
- ***Better Neighborhoods Plan for the Central Waterfront*** allows between 1,100 and 1,400 new housing units near Third Street.
- **Schlage Lock Redevelopment:** 800 housing units (15 percent affordable) and 100,000 square feet of retail, including a grocery store proposed for site near the Third Street Light Rail terminus in Visitacion Valley

DOWNTOWN

San Jose

Residents of downtown San Jose can walk to transit, parks, jobs, classes at the downtown campus of San Jose State University, and a growing array of entertainment options.

Long known as a sprawling, car-dependent city, San Jose is remaking its downtown into the urban heart of Silicon Valley

When the Valley Transportation Authority (VTA) began laying light-rail tracks through San Jose's struggling central business district in the 1980s, planners and civic leaders saw an opportunity to simultaneously rein in suburban sprawl and revive downtown by encouraging transit-oriented development. Their vision and efforts are now paying off.

Over 12,000 housing units have been constructed in transit corridors since the city began implementing recommendations from a 1991 housing study that called for increases in allowable building heights and densities near rail stations. Much of this growth has occurred along the VTA's light-rail lines in the downtown area. Improved commuter rail service on Caltrain, the Amtrak Capitols and the Altamont Commuter Express – all of which serve the recently renovated Diridon Station on the west edge of downtown – also have added to the area's allure. Meanwhile, the city's Redevelopment Agency has invested more than $1 billion to improve the infrastructure and services in downtown San Jose.

Transit-oriented redevelopment projects in downtown San Jose include the Paseo Plaza Apartments near Paseo de San Antonio Station, the 101 San Fernando Apartments near Santa Clara Street Station and the Villa Torino complex near the St. James Station. These mid-rise projects are located within a block or two of the parallel transit malls on First and Second streets and include a significant share of below-market-rate units.

With a critical mass of new downtown residents and amenities, and plans for yet more transit services – including a long-awaited BART connection to the East Bay – San Jose is now attracting investment in higher-profile, transit-oriented development projects. Recent zoning changes have spurred proposals for at least 10 high-rise residential projects, which, if realized, would surely transform the skyline of San Jose, provide new urban housing choices, and fill seats on the growing network of buses and trains serving the Silicon Valley.

San Jose – Downtown

Transit:
- **VTA Light Rail**
- **San Jose Diridon Station:** Caltrain; Altamont Commuter Express; Amtrak/Capitol Corridor

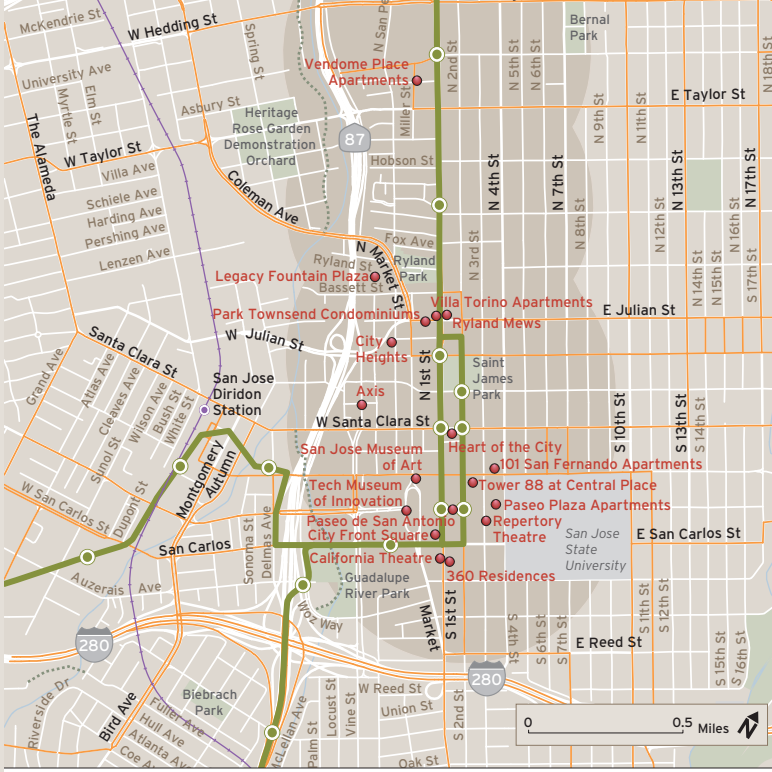
Development highlights:
- **Legacy Fountain Plaza:** 433 apartments (2003)
- **Paseo Plaza Apartments:** 210 apartments with ground-floor retail, near Paseo de San Antonio Station (Goldrich & Kest)
- **101 San Fernando Apartments:** 323 apartments and 10,000 square feet of retail located one block from Santa Clara Station
- **Villa Torino Apartments:** 198 apartments (40 percent affordable) one block north of St. James Park and light rail station
- **Ryland Mews:** 171 for-sale townhouses (25 percent affordable) near Japantown/Ayer Station (Barry Swenson Builder)
- **Park Townsend:** Condominiums at Julian and Market streets, near the St. James Station (Goldrich & Kest)
- **Vendome Place:** Recently completed high-rise development with 106 rental units (Barry Swenson Builder)

Amenities:
- **Paseo de San Antonio** pedestrian walkway
- **San Jose Museum of Art; Tech Museum of Innovation**
- **Parks:** St. James Park, Guadalupe River Park, Plaza Chavez
- **Theaters:** California Theatre; San Jose Repertory Theatre

Planning:
- *San Jose 2020 General Plan* (as amended in 2006)
- *Redevelopment Agency 5-Year Implementation Plan* (2005-09)

Innovations:
- **1989 Housing Initiative Program** encouraged TOD
- **Zoning amended** to allow 55 units per acre near transit

Future development:
- **Tower 88 at Central Place:** 197 condos, gym and 32,000 square feet of retail space (WMS/CIM Group; opening 2009)
- **City Front Square:** Three 25-story condo towers with 659 units (Urban West/Preservation Partners)
- **360 Residences:** High-rise tower with 203 condominiums and 11,000 square feet of retail (Mesa)
- **Axis:** High-rise project with 329 condominiums (Spring Capital Group; opening in 2008)
- **City Heights:** High-rise apartment complex under construction near St. James Station (Barry Swenson Builder)
- **Heart of the City:** 76 units in mixed-use buildings under construction at 2nd and Santa Clara streets



DOWNTOWN

San Jose

Legend

- VTA Light-Rail Line and Station
- Caltrain Line and Station
- Bus Line
- Trail
- Project/Amenity

RAPID BUS CORRIDOR

San Pablo Avenue

Since the 1990s, a new pattern of transit-oriented development has emerged along this very busy East Bay thoroughfare.

New "Rapid Bus" service is helping to reinvigorate neighborhoods along the San Pablo Avenue corridor

Stretching 20 miles from downtown Oakland in the south to Hercules in the north, San Pablo Avenue was once an important link in the Key Route network of East Bay streetcar lines. Neighborhoods adjacent to the transit line in Oakland, Emeryville, Berkeley and Albany evolved as streetcar suburbs, with apartment homes and neighborhood-serving retail establishments flanking the corridor.

With the demise of the streetcars after World War II, San Pablo Avenue became a more car-oriented corridor, crowded with gas stations, fast-food restaurants and auto repair shops.

Since the 1990s, however, a new pattern of transit-oriented urban infill development has emerged along this busy thoroughfare. Today, visionary developers and civic leaders are sounding hopeful notes about the future of the corridor, with state Assemblymember and former Berkeley Mayor Loni Hancock citing the potential of transit-oriented development to remake San Pablo Avenue as a "world class boulevard."

The return of fast, reliable and frequent transit service to the corridor is a major catalyst. In 2004, AC Transit instituted the new 72-R San Pablo Rapid Bus service, with express service every 12 minutes to stations every half-mile along the corridor. By mimicking the frequency, speed, convenience and reliability of light rail, the new express bus service has boosted ridership by 66 percent. Increased ridership has, in turn, spurred greater interest in transit-oriented development along the corridor – each supporting the other in a virtuous cycle of neighborhood revitalization. Along the Oakland/Emeryville border, for example, mid-rise, mixed-use buildings such as the Andante Condominiums and Key Route Lofts are helping to reframe San Pablo Avenue and reconnect residents and businesses with transit.

Cities are also pitching in. El Cerrito and Richmond are entering into a joint effort to plan their shared section of San Pablo Avenue. Albany, Berkeley, Emeryville and Oakland already have dedicated plans or programs that focus on the avenue and attempt to bring more transit-supportive development to the corridor.

RAPID BUS CORRIDOR

San Pablo Avenue

San Pablo Avenue – Rapid Bus Corridor

Transit

- **San Pablo Avenue Rapid Bus Corridor:** AC Transit; BART
- **Uptown Transit Center:** New transit hub under development near 19th St. BART will provide increased passenger amenities.

Development highlights:

- **Sylvester Rutledge Manor:** 65 affordable apartments for seniors (Oakland Community Housing, Inc., 2003)
- **Andante Condominiums:** 125 condos (25 affordable) in mixed-use building in Emeryville (SNK Development, 2006)
- **Key Route Lofts:** 22 live/work lofts and three commercial units at 40th Street and Adeline in Emeryville (Urban Bay)
- **Artisan Walk Condominiums:** 72 condos (six below market rate) in Oakland (The Olson Company, 2006)
- **Margaret Breland Homes:** 28 senior housing units in Berkeley (Resources for Community Development, 2006)
- **Creekside Apartments:** 16 affordable rental units in converted motel in Albany (Resources for Community Development, 2001)
- **Albany Commons:** 22 condos in mixed-use project at Solano Avenue (Alexander Development Co., 2005)
- **The Village at Town Center:** 158 units in mixed-use development on former lumberyard in El Cerrito (Legacy Homes, 2005)
- **Del Norte Place:** 135 apartments (21 percent for seniors) and retail near BART station (John Stewart Co., 1993)
- **Monte Vista Senior Apartments:** 82 rental units in San Pablo (Simpson Housing Solutions, 2003)

Amenities:

- **Ohlone Greenway** (Berkeley, Albany, El Cerrito)
- **International Marketplace** retail district (Berkeley)
- **Richmond Greenway** (under development)

Planning:

- San Pablo Avenue SMART Corridor Project (multi-agency)

Innovations:

- **First rapid bus corridor** and first bus-transit-oriented development site in the Bay Area

Future development:

- **Uptown Oakland:** 1,300-unit mixed-use development in downtown Oakland (Forest City, 2006)
- **Creekside at El Cerrito Plaza:** 128 condos (Forest Plaza Partners/Bill Garlock & Assoc.)
- **Vitale Mixed-Use Project:** 31 condos in El Cerrito
- **Mayfair site:** 58 condos near El Cerrito del Norte BART (The Olson Company)

DOWNTOWN

Santa Rosa

Santa Rosa's Railroad Square is set to become one of the busiest stations on the proposed Sonoma Marin Area Rail Transit (SMART) line.

New development and expanded downtown offerings are enhancing Santa Rosa's urban allure

Santa Rosa, the North Bay's largest city (pop. 157,145), is fast becoming a true urban center, with expanded transportation choices, pedestrian-friendly streetscapes and taller buildings to match. Most of the new urban development planned or built to date is near the city's existing and planned transit hubs.

The Transit Mall on 2nd Street brings local and regional accessibility to the heart of downtown Santa Rosa. This prime location has provided an incentive for urban-scale development throughout downtown, with new housing projects such as the Burbank Apartments bringing affordable housing to the city. Other major downtown developments include the Comstock Mall Project, currently under review, at the east end of the Transit Mall and a mixed-use development project on the former White House department store site adjacent to the post office. At 14 and 12 stories respectively, these are the types of projects needed to bring a sufficient number of new residents and workers downtown to support additional transit service and local businesses, including restaurants and other retail services.

New residents will find an inviting scene downtown, where evening and weekend events are adding vitality to the streets. The Santa Rosa Downtown Market offers fresh local produce one night a week, and a monthly Art Walk showcases local artists. Nighttime entertainment venues like the Roxy Stadium-14 movie theater and the 6th Street Playhouse are within walking distance of new condos and apartments and the Transit Mall.

Across U.S. 101, Santa Rosa's dormant rail yard is set to become one of the busiest stations on the proposed Sonoma Marin Area Rail Transit (SMART) line, which awaits voter-approved funding. The winning proposal for the vacant site west of the city's historic rail station includes plans for a Sonoma County Food & Wine Center, which city leaders hope will attract commuters and visitors alike.

Whether or not commuter trains return to Santa Rosa, the market for urban-scale development in the transit-accessible downtown is likely to remain strong.

Santa Rosa – Downtown

Transit:

- **Santa Rosa Transit Mall:** Sonoma County Transit; Golden Gate Transit; Santa Rosa CityBus; Mendocino Transit
- **Railroad Square SMART Station:** Proposed commuter train service from Cloverdale to Larkspur via Santa Rosa

Development highlights:

- **Railroad Square Terrace:** 29 condos in mixed-use building near Railroad Square Station (Hugh Futrell)
- **The Burbank Apartments:** 26 affordable housing units on 7th Street (Hugh Futrell)

Amenities:

- **New 4th Street pedestrian corridor**
- **Historic Railroad Square commercial district**
- **6th Street Playhouse**
- **Roxy Stadium-14 movie theater**
- **Prince Memorial Greenway along Santa Rosa Creek**
- **Santa Rosa Downtown Market**

Planning:

- *Santa Rosa General Plan* (as amended 2002)
- *Downtown Mid-Rise Policy* (2005)
- *Downtown Santa Rosa Market Study* (2005)

Innovations:

- **Adaptive re-use of historic structures**
- **Green building features** in the New Railroad Square project
- **Public/private development partnership**

Future development:

- **New Railroad Square project** includes a public plaza, 250 condos (15 percent affordable), 51,750-square foot food and wine center, 8,000 square feet of retail space and 29,400 square feet of community uses (Creative Housing Associates).
- **'White House' Mixed-Use Project:** 183 condos, 16,000 square feet of ground floor commercial space in 12-story building (Monahan Pacific Associates)
- **Traverso Site:** 10-story mixed-use project with 54 condos
- **The Moore Center Apartments:** 80 residential units above 9,000 square feet of ground-floor retail space (James Hornmer and Assoc.)
- **Comstock Mall Project:** 14-story building with 115 condos and 8,400 square feet of ground-floor retail (West Bay Developers)
- **Canners Project:** Adaptive re-use of cannery building with 65 condos and 15 live/work units (John Stewart Co.)

DOWNTOWN

Santa Rosa

Legend

- Future SMART Line and Station
- Bus Line
- Trail
- Project/Amenity

DOWNTOWN/WATERFRONT

Vallejo

A strong incentive for development in downtown Vallejo is the regional accessibility provided by the Vallejo Ferry Terminal.

Waterfront location and historic downtown spur Vallejo's development

While other Bay Area cities prospered during the 1990s, Vallejo's fortunes waned with the closure of the nearby Mare Island Naval Shipyard in 1996. As the city began a long redevelopment process in 1997, planners took stock of Vallejo's remaining assets, including its location by the Bay and its historic and pedestrian-oriented street grid. With small blocks, ample sidewalks, and mid-block alleys and paseos, downtown Vallejo is easy to traverse on foot or by bike.

Perhaps the strongest incentive for development in downtown Vallejo is the regional accessibility provided by the Vallejo Ferry Terminal and a future bus transfer center that is being built nearby. Baylink ferries provide direct service to San Francisco, while express buses will link downtown Vallejo with other destinations in the North Bay and East Bay.

Vallejo was able to take advantage of these assets and harness its full development potential by making underutilized, city-owned parking lots available for development. Vallejo Station, developed by Callahan/DeSilva Vallejo LLC, is one of two major transit-oriented developments now in the works. Plans call for building 265 live/work units and 75,000 square feet of office space on parking lots located between the Ferry Terminal and the future bus transfer center. As excess parking spaces are converted to higher uses, the city of Vallejo is also pursuing innovative new parking policies to help support TOD-style development.

More transit-oriented development is planned for sites scattered throughout downtown Vallejo. The city will sell several of its parking lots to Triad Communities, LLC, which intends to construct seven mixed-use buildings with retail and office space at street level, and up to 1,000 residential units on upper floors. The first project slated for construction will be a five- to seven-story mixed-use building on a lot across from the Empress Theatre – one of the key "catalyst projects" that planners hope will bring enough new residents and activity downtown to spark a wider revitalization.

Vallejo Transit

Baylink

VINE

Benicia Breeze

Vallejo – Downtown/Waterfront

Transit:

- **Vallejo Ferry Terminal:** Baylink ferries and buses to San Francisco; Benicia Breeze
- **Future Bus Transfer Center:** Vallejo Transit; Benicia Breeze; Napa Valley VINE; Baylink buses

Future Development:

- **Vallejo Station:** 265 live/work units, a 200-room hotel and conference center and 75,000 square feet of office space proposed for site across Mare Island Way from the Vallejo Ferry Terminal (Callahan/DeSilva Vallejo LLC)
- **Triad "catalyst" development sites:** Seven mixed-use buildings are planned for construction on city-owned parking lots throughout downtown, providing 1,000 residential units, and 100,000 square feet of ground-floor retail space (Triad Communities, LLC.)

Amenities:

- **Georgia Street Extension** reconnects downtown Vallejo with the waterfront and Ferry Terminal
- **Unity Plaza,** situated at the west end of downtown, is a venue for civic functions such as the **weekly farmers' market** and **Vallejo Wednesday Night** celebrations.
- The historic **Empress Theatre** is currently being renovated and will reopen in 2007 as a live performing arts theater.
- **Vallejo Waterfront Promenade**
- **Walkable street grid,** with wide alleys (16 feet wide)

Planning:

- *Vallejo Downtown/Waterfront Master Plan* (2000)
- *Downtown Vallejo Specific Plan* (2005)

Innovations:

- **Density bonus:** Vallejo allows developers to construct at least one additional floor if they use sustainable building practices.
- **Parking management:** Vallejo is developing new parking management strategies for downtown, including shared parking and coordinated pricing of on-street and off-street parking.

DOWNTOWN/WATERFRONT

Vallejo

Legend

- Ferry Terminal and Route
- Bus Line
- Trail
- Project/Amenity

Bay Area TOD Sites

- On the Ground
- Under Way
- Coming Soon

Mapping the Landscape of Bay Area TOD

On the Ground

- **Berkeley – Downtown**
  BART, Bus, Future Rapid Bus
- **Emeryville Amtrak Station**
  Amtrak, Bus, Emery Go Round
- **Hayward – Downtown**
  BART, Bus, Amtrak
- **Mountain View – Downtown**
  Caltrain, Bus, Light Rail
- **Mountain View – The Crossings**
  Caltrain, Bus
- **Mountain View – Whisman Station**
  Light Rail
- **Oakland – Fruitvale Transit Village**
  BART, Bus
- **Oakland – Rockridge BART**
  BART, Bus
- **San Jose – Ohlone/Chynoweth**
  Light Rail
- **San Mateo – Downtown**
  Caltrain, Bus

Under Way

- **Campbell – Downtown**
  Light Rail, Bus
- **Colma BART**
  BART, Bus
- **Concord BART**
  BART, Bus
- **El Cerrito del Norte BART**
  BART, Bus
- **Hercules**
  Bus, Future Ferry, Future Amtrak
- **Morgan Hill – Downtown (not mapped)**
  Caltrain, Bus
- **Oakland – 19th Street BART**
  BART, Bus
- **Oakland – Coliseum BART**
  BART, Bus, Future Oakland Airport Connector
- **Oakland – Jack London Square**
  Amtrak, BART, Bus, Ferry
- **Oakland – West Oakland BART**
  BART, Bus
- **Palo Alto – Downtown**
  Caltrain, Bus
- **Petaluma – Downtown**
  Bus, Future Commuter Rail
- **Pittsburg/Bay Point BART**
  BART, Bus
- **Redwood City – Downtown**
  Caltrain, Bus
- **Richmond Transit Village**
  BART, Bus, Amtrak
- **San Francisco – Third Street Corridor**
  Light Rail, Bus, Caltrain
- **San Pablo Avenue – Rapid Bus Corridor**
  Bus, BART, Amtrak
- **San Rafael – Downtown**
  Bus Transfer Center, Future Commuter Rail
- **Suisun City**
  Amtrak, Bus
- **Walnut Creek BART**
  BART, Bus
- **Windsor – Downtown**
  Bus, Future Commuter Rail

Coming Soon

- **Alameda Point**
  Future Bus, Ferry
- **Antioch – Downtown**
  Bus, Amtrak, Future Ferry, Future Commuter Rail
- **Dublin/Pleasanton BART**
  BART, Bus
- **Fairfield/Vacaville**
  Future Amtrak
- **Livermore – Downtown**
  ACE Commuter Rail, Bus, Future BART Connection
- **Milpitas – Midtown**
  Bus, Future BART
- **Oakland – MacArthur BART**
  BART, Bus, Future Rapid Bus
- **Pleasant Hill – Contra Costa Centre Transit Village**
  BART, Bus
- **San Francisco – Balboa Park BART**
  BART, Bus
- **San Francisco – Transbay Terminal**
  Bus, Future Caltrain, Future High Speed Rail
- **San Francisco – Treasure Island**
  Bus, Future Ferry
- **San Jose – Downtown**
  Caltrain, ACE, Bus, Future BART
- **San Leandro – Downtown**
  BART, Bus, Future Rapid Bus
- **Santa Clara**
  Caltrain, ACE, Future BART
- **Santa Rosa – Downtown**
  Bus, Future Commuter Rail
- **South Hayward BART**
  BART, Bus
- **South San Francisco BART**
  BART, Bus
- **Union City BART**
  BART, Bus, Future Commuter Rail
- **Vallejo – Downtown**
  Ferry, Bus

Note: Though broad, this list cannot claim to be comprehensive. The authors also recognize that some existing neighborhoods – in San Francisco, especially – provide excellent examples of transit-oriented development.

Appendix A

Smart Growth Preamble and Policies

Adopted 2002

Association of Bay Area Governments

Bay Area Air Quality Management District

Bay Conservation and Development Commission

Metropolitan Transportation Commission

Preamble

Current land-use patterns in the San Francisco Bay Area are putting intense pressure on the economic, environmental and social well-being of the Bay Area and of surrounding regions. The projected addition of over one million new residents and one million new jobs in the coming decades will further challenge our ability to sustain the high quality of life we enjoy today.

To help meet this challenge, the five regional agencies of the Bay Region – the Association of Bay Area Governments, Bay Area Air Quality Management District, Bay Conservation and Development Commission, Metropolitan Transportation Commission and the Regional Water Quality Control Board – along with the economy, environment and social equity caucuses of the Bay Area Alliance for Sustainable Communities, developed a set of smart growth policies.

The policies reflect the values articulated by workshop participants of the Smart Growth Strategy/Regional Livability Footprint Project and address Bay Area conditions. The policies are consistent with widely accepted notions of smart growth. They are meant to encourage meaningful participation from local governments, stakeholders and residents.

The policies provide a framework for decision-making on development patterns, housing, transportation, environment, infrastructure, governmental fiscal health and social equity that can lead us toward development of vibrant neighborhoods, preservation of open space, clean air and water, and enhanced mobility choices, while enhancing the Bay Area's relationship with surrounding regions.

Policies

Jobs/Housing Balance and Match

Improve the jobs/housing linkages through the development of housing in proximity to jobs, and both in proximity to public transportation. Increase the supply of affordable housing and support efforts to match job income and housing affordability levels.

Housing and Displacement

Improve existing housing and develop sufficient new housing to provide for the housing needs of the Bay Area community. Support efforts to improve housing affordability and limit the displacement of existing residents and businesses.

Social Justice and Equity

Improve conditions in disadvantaged neighborhoods, ensure environmental justice, and increase access to jobs, housing, and public services for all residents in the region.

Environmental, Natural Resource, Open Space and Agricultural Preservation

Protect and enhance open space, agricultural lands, other valued lands, watersheds and ecosystems throughout the region. Promote development patterns that protect and improve air quality. Protect and enhance the San Francisco Bay and Estuary.

Mobility, Livability and Transit Support

Enhance community livability by promoting infill, transit-oriented and walkable communities, and compact development as appropriate. Develop multi-family housing, mixed-use development, and alternative transportation to improve opportunities for all members of the community.

Local and Regional Transportation Efficiencies

Promote opportunities for transit use and alternative modes of transportation including improved rail, bus, high occupancy (HOV) systems and ferry services, as well as enhanced walking and biking. Increase connectivity between and strengthen alternative modes of transportation, including improved rail, bus, ride-share and ferry services, as well as walking and biking. Promote investments that adequately maintain the existing transportation system and improve the efficiency of transportation infrastructure.

Infrastructure Investments

Improve and maintain existing infrastructure and support future investments that promote smart growth, including water and land recycling, brownfield clean-up and re-use, multi-use and school facilities, smart building codes, retention of historic character and resources, and educational improvements.

Local Government Fiscal Health

Improve the fiscal health of local government by promoting stable and secure revenue sources, and by reducing service provision costs through smart growth, targeted infrastructure improvement, and state and regional sponsored fiscal incentives. Support cooperative efforts among local jurisdictions to address housing and commercial development, infrastructure costs and provision of services.

Cooperation on Smart Growth Policies

Encourage local governments, stakeholders and other constituents in the Bay Area to cooperate in supporting actions consistent with the adopted Smart Growth Policies. Forge cooperative relationships with governments and stakeholders in surrounding regions to support actions that will lead to inter-regional smart growth benefits.

Appendix B

MTC Resolution 3434: Transit-Oriented Development (TOD) Policy for Regional Transit Expansion Projects

Adopted 2005

1. Purpose

The San Francisco Bay Area – widely recognized for its beauty and innovation – is projected to grow by almost two million people and one and a half million jobs by 2030. This presents a daunting challenge to the sustainability and the quality of life in the region. Where and how we accommodate this future growth, in particular where people live and work, will help determine how effectively the transportation system can handle this growth.

The more people who live, work and study in close proximity to public transit stations and corridors, the more likely they are to use the transit systems, and more transit riders means fewer vehicles competing for valuable road space. The policy also provides support for a growing market demand for more vibrant, walkable and transit-convenient lifestyles by stimulating the construction of at least 42,000 new housing units along the region's major new transit corridors and will help to contribute to a forecasted 59 percent increase in transit ridership by the year 2030.

This TOD policy addresses multiple goals: improving the cost-effectiveness of regional investments in new transit expansions, easing the Bay Area's chronic housing shortage, creating vibrant new communities, and helping preserve regional open space. The policy ensures that transportation agencies, local jurisdictions, members of the public and the private sector work together to create development patterns that are more supportive of transit.

Table 1: Resolution 3434 Transit Extension Projects Subject to Corridor Thresholds

Project	Sponsor	Type	Threshold is met with current development?
BART East Contra Costa Rail Extension	BART/CCTA	Commuter Rail	No
BART – Downtown Fremont to San Jose/Santa Clara (a) Fremont to Warm Springs (b) Warm Springs to San Jose/Santa Clara	(a) BART (b) VTA	BART extension	No
AC Transit Berkeley/Oakland/ San Leandro Bus Rapid Transit: Phase 1	AC Transit	Bus Rapid Transit	Yes
Caltrain Downtown Extension/ Rebuilt Transbay Terminal	TJPA	Commuter Rail	Yes
MUNI Third Street Light Rail Transit Project Phase 2 – New Central Subway	MUNI	Light Rail	Yes
Sonoma-Marin Rail	SMART	Commuter Rail	No
Dumbarton Rail	ACCMA, ACTIA, SMTA, VTA, Capitol Corridor	Commuter Rail	No
Expanded Ferry Service Phase 1: Alameda/Oakland/Harbor Bay, Berkeley, and South San Francisco to San Francisco*	WTA	Ferry	No
Expanded Ferry Service Phase 2: Alameda to South San Francisco, and Antioch, Hercules, Redwood City, Richmond and Treasure Island to San Francisco*	WTA	Ferry	No

* The WTA Ferry Expansion "Corridor" for the purposes of the TOD policy consists of all new terminals planned in Phase 1 and Phase 2.

There are three key elements of the regional TOD policy:

(1) Corridor-level thresholds to quantify appropriate minimum levels of development around transit stations along new corridors;

(2) Local station area plans that address future land-use changes, station access needs, circulation improvements, pedestrian-friendly design, and other key features in a transit-oriented development; and

(3) Corridor working groups that bring together congestion management agencies (CMAs), city and county planning staff, transit agencies, and other key stakeholders to define expectations, timelines, roles and responsibilities for key stages of the transit project development process.

2. TOD Policy Application

The TOD policy only applies to physical transit extensions funded in Resolution 3434 (see Table 1). The policy applies to any physical transit extension project with regional discretionary funds, regardless of level of funding. Resolution 3434 investments that only entail level of service improvements or other enhancements without physically extending the system are not subject to the TOD policy requirements. Single station extensions to international airports are not subject to the TOD policy due to the infeasibility of housing development.

3. Definitions and Conditions of Funding

For purposes of this policy "regional discretionary funding" consists of the following sources identified in the Resolution 3434 funding plan:

- FTA Section 5309 – New Starts
- FTA Section 5309 – Bus and Bus Facilities Discretionary
- FTA Section 5309 – Rail Modernization
- Regional Measure 1 – Rail (bridge tolls)
- Regional Measure 2 (bridge tolls)
- Interregional Transportation Improvement Program
- Interregional Transportation Improvement Program-Intercity rail
- Federal Ferryboat Discretionary
- AB 1171 (bridge tolls)
- CARB-Carl Moyer/AB 434 (Bay Area Air Quality Management District)*

* The Carl Moyer funds and AB 434 funds are controlled directly by the California Air Resources Board and Bay Area Air Quality Management District. Resolution 3434 identifies these funds for the Caltrain electrification project, which is not subject to the TOD policy.

Table 2: Regional TOD Policy Implementation Process for Transit Extension Projects

Transit Agency Action	City Action	MTC/CMA/ABAG Action
All parties in corridors that do not currently meet thresholds (see Table 1) establish Corridor Working Group to address corridor threshold. Conduct initial corridor performance evaluation, initiate station area planning.		
Environmental Review Preliminary Engineering/ Right-of-Way	Conduct Station Area Plans	Coordination of corridor working group, funding of station area plans
Step 1 – Threshold Check: the combination of new Station Area Plans and existing development patterns exceeds corridor housing thresholds.		
Final Design	Adopt Station Area Plans. Revise general plan policies and zoning, environmental reviews	Regional and county agencies assist local jurisdictions in implementing station area plans
Step 2 – Threshold Check the (a) local policies adopted for station areas; (b) implementation mechanisms in place per adopted Station Area Plan by the time Final Design is completed.		
Construction	Implementation (financing, MOUs) Solicit development	TLC planning and capital funding, HIP funding

These regional funds may be programmed and allocated for environmental and design related work, in preparation for addressing the requirements of the TOD policy. Regional funds may be programmed and allocated for right-of-way acquisition in advance of meeting all requirements in the policy, if land preservation for TOD or project delivery purposes is essential. No regional funds will be programmed and allocated for construction until the requirements of this policy have been satisfied. See Table 2 for a more detailed overview of the planning process.

4. Corridor-Level Thresholds

Each transit extension project funded in Resolution 3434 must plan for a minimum number of housing units along the corridor. These corridor-level thresholds vary by mode of transit, with more capital-intensive modes requiring higher numbers of housing units (see Table 3). The corridor thresholds have been developed based on potential for increased transit ridership, exemplary existing station sites in the Bay Area, local general plan data, predicted market demand for TOD-oriented housing in each

Table 3: Corridor Thresholds Housing Units – Average per Station Area

Project Type	BART	Light Rail	Bus Rapid Transit	Commuter Rail	Ferry
Housing Threshold	3,850	3,300	2,750	2,200	750

Each corridor is evaluated for the Housing Threshold. For example, a four station commuter rail extension (including the existing end-of-the-line station) would be required to meet a corridor-level threshold of 8,800 housing units.

Threshold figures above are an average per station area based on both existing land uses and planned development within a half-mile of all stations. New below market rate housing is provided a 50% bonus towards meeting housing unit threshold.

county, and an independent analysis of feasible development potential in each transit corridor.

- Meeting the corridor-level thresholds requires that within a half-mile of all stations, a combination of existing land uses and planned land uses meets or exceeds the overall corridor threshold for housing (see Table 3).
- Physical transit extension projects that do not currently meet the corridor thresholds with development that is already built will receive the highest priority for the award of MTC's Station Area Planning Grants.
- To be counted toward the threshold, planned land uses must be adopted through general plans, and the appropriate implementation processes must be put in place, such as zoning codes. General plan language alone without supportive implementation policies, such as zoning, is not sufficient for the purposes of this policy. Ideally, planned land uses will be formally adopted through a specific plan (or equivalent), zoning codes and general plan amendments along with an accompanying programmatic Environmental Impact Report (EIR) as part of the overall station area planning process. Minimum densities will be used in the calculations to assess achievement of the thresholds.
- An existing end station is included as part of the transit corridor for the purposes of calculating the corridor thresholds; optional stations will not be included in calculating the corridor thresholds.
- New below-market housing units will receive a 50 percent bonus toward meeting the corridor threshold (i.e., one planned below-market housing unit counts for 1.5 housing units for the purposes of meeting the corridor threshold). Below market for the purposes of the Resolution 3434 TOD policy is affordable to 60 percent of area median income for rental units and 100 percent of area median income for owner-occupied units.
- The local jurisdictions in each corridor will determine job and housing placement, type, density and design.
- The Corridor Working Groups are encouraged to plan for a level of housing that will significantly exceed the housing unit thresholds stated here during the planning process. This will ensure that the Housing Unit Threshold is exceeded corridor-wide and that the ridership potential from TOD is maximized.

5. Station Area Plans

Each proposed physical transit extension project seeking funding through Resolution 3434 must demonstrate that the thresholds for the corridor are met through existing development and adopted station area plans that commit local jurisdictions to a level of housing that meets the threshold. This requirement may be met by existing station area plans accompanied by appropriate zoning and implementation mechanisms. If new station area plans are needed to meet the corridor threshold, MTC will assist in funding the plans. The Station Area Plans shall be conducted by local governments in coordination with transit agencies, Association of Bay Area Governments (ABAG), MTC and the congestion management agencies.

Station Area Plans are opportunities to define vibrant mixed-use, accessible transit villages and quality transit-oriented development – places where people will want to live, work, shop and spend time. These plans should incorporate mixed-use developments, including new housing, neighborhood-serving retail, employment, schools, day care centers, parks and other amenities to serve the local community.

At a minimum, Station Area Plans will define both the land-use plan for the area as well as the policies – zoning, design standards, parking policies, etc. – for implementation. The plans shall at a minimum include the following elements:

- Current and proposed land use by type of use and density within the half-mile radius, with a clear identification of the number of existing and planned housing units and jobs;
- Station access and circulation plans for motorized, non-motorized and transit access. The station area plan should clearly identify any barriers for pedestrian, bicycle and wheelchair access to the station from surrounding neighborhoods (e.g., freeways, railroad tracks, arterials with inadequate pedestrian crossings), and should propose strategies that will remove these barriers and maximize the number of residents and employees that can access the station by these means. The station area and transit village public spaces shall be made accessible to persons with disabilities.
- Estimates of transit riders walking from the half-mile station area to the transit station to use transit;
- Transit village design policies and standards, including mixed-use developments and pedestrian-scaled block size, to promote the livability and walkability of the station area;
- TOD-oriented parking demand and parking requirements for station area land uses, including consideration of pricing and provisions for shared parking;
- Implementation plan for the station area plan, including local policies required for development per the plan, market demand for the proposed development, potential phasing of development and demand analysis for proposed development.

The Station Area Plans shall be conducted using existing TOD design guidelines that have already been developed by ABAG, local jurisdictions, transit agencies, the CMAs and others. MTC will work with ABAG to provide more specific guidance on the issues listed above that must be addressed in the station area plans and references and information to support this effort. MTC is conducting an analysis of parking policies that will be made available when complete, and shall be considered in developing local parking policies for TODs.

6. Corridor Working Groups

The goal of the Corridor Working Groups is to create a more coordinated approach to planning for transit-oriented development along Resolution 3434 transit corridors. Each of the transit extensions subject to the corridor threshold process, as identified in Table 1, will need a Corridor Working Group, unless the current level of development already meets the corridor threshold. Many of the corridors already have a transit project working group that may be adjusted to take on this role. The Corridor Working Group shall be coordinated by the relevant CMAs, and will include the sponsoring transit agency, the local jurisdictions in the corridor, and representatives from ABAG, MTC and other parties as appropriate.

The Corridor Working Group will assess whether the planned level of development satisfies the corridor threshold as defined for the mode, and assist in addressing any deficit in meeting the threshold by working to identify opportunities and strategies at the local level. This will include the key task of distributing the required housing units to each of the affected station sites within the defined corridor. The Corridor Working Group will continue with corridor evaluation, station area planning, and any necessary refinements to station locations until the corridor threshold is met and supporting Station Area Plans are adopted by the local jurisdictions.

MTC will confirm that each corridor meets the housing threshold prior to the release of regional discretionary funds for construction of the transit project.

7. Review of the TOD Policy

MTC staff will conduct a review of the TOD policy and its application to each of the affected Resolution 3434 corridors, and present findings to the Commission, within 12 months of the adoption of the TOD policy.

For More Information

James Corless
jcorless@mtc.ca.gov
510.817.5709

Valerie Knepper
vknepper@mtc.ca.gov
510.817.5824

Credits

Project Staff (MTC, unless noted)

Doug Kimsey
Director, Planning

James Corless, Valerie Knepper
Project Managers

David Burch (BAAQMD)
Ted Droettboom (Joint Policy Committee)
Rachel Gossen
Lindy Lowe (BCDC)
Janet McBride (ABAG)
Kevin Shively (MTC intern)
Project Staff

Joe Curley
Editor

Karin Betts, Brenda Kahn, Valerie Knepper, Kevin Shively (MTC intern)
Editorial Staff

Peter Beeler, Garlynn Woodsong
Maps

Photography/Art

Cover: Noah Berger

Pages 2-11: Steve Price/Urban Advantage (with special thanks for permission to use the computer-generated images on these pages)

Hayward – Downtown

Page 14: Noah Berger

Page 15: *(Top row, left to right)* Peter Beeler; Arlene Finger; Arlene Finger; Peter Beeler *(Bottom row, left to right)* Noah Berger; Arlene Finger; Noah Berger; Noah Berger

Oakland – Jack London Square

Page 16: Noah Berger

Page 17: *(Top row, left to right)* Arlene Finger; MTC archives; Arlene Finger; Noah Berger *(Bottom row)* Arlene Finger (all)

Pleasant Hill – Contra Costa Centre Transit Village

Page 18: Arlene Finger

Page 19: *(Top row)* Arlene Finger (all) *(Bottom row, left to right)* Arlene Finger; Arlene Finger; California PATH; Arlene Finger

Redwood City – Downtown

Page 20: Peter Beeler

Page 21: *(Top row)* Peter Beeler (all) *(Bottom row)* Peter Beeler (all)

Richmond Transit Village

Page 22: Peter Beeler

Page 23: *(Top row, left to right)* MTC archives; Arlene Finger; Arlene Finger *(Bottom row)* Arlene Finger (all)

San Francisco – Third Street Corridor

Page 24: David Morris

Page 25: *(Top row)* Peter Beeler (all) *(Bottom row)* Peter Beeler (all)

San Jose – Downtown

Page 26: Noah Berger

Page 27: *(Top row)* Noah Berger (all) *(Bottom row)* Noah Berger (all)

San Pablo Avenue – Rapid Bus Corridor

Page 28: Peter Beeler

Page 29: *(Top row)* Peter Beeler (all) *(Bottom row)* Peter Beeler (all)

Santa Rosa – Downtown

Page 30: Noah Berger

Page 31: *(Top row)* Peter Beeler (all) *(Bottom row, left to right)* Peter Beeler; Peter Beeler; Noah Berger; Peter Beeler; Peter Beeler

Vallejo – Downtown/Waterfront

Page 32: Peter Beeler

Page 33: *(Top row)* Peter Beeler (all) *(Bottom row)* Peter Beeler (all)

Resources

More information on transit-oriented development, smart growth, and related topics and policies is available on our agency Web sites.

Association of Bay Area Governments (ABAG)
For more on the "Focusing Our Vision" regional smart-growth initiative and other ABAG efforts, see: www.bayareavision.org and www.abag.ca.gov.

Bay Area Air Quality Management District (BAAQMD)
To learn about the air-quality programs of the BAAQMD, see: www.baaqmd.gov.

Bay Conservation and Development Commission (BCDC)
To learn more about BCDC's work on development affecting the Bay, see: www.bcdc.ca.gov.

Metropolitan Transportation Commission (MTC)
For additional information on MTC's Transit-Oriented Development Policy and other smart-growth programs and smart-growth issues generally see: www.mtc.ca.gov/planning/smart_growth.

To order additional copies of this publication, contact the MTC-ABAG Library:

510.817.5836 PHONE
library@mtc.ca.gov E-MAIL

The preparation of this report has been financed in part by a grant from the Federal Transit Administration (FTA), administered by the California Department of Transportation (Caltrans). The contents of this report do not necessarily reflect the official views or policies of either FTA or Caltrans.

Graphic Design: Finger Design Associates, Oakland **Printing:** ColorGraphics, San Francisco