
DRAFT

ENVIRONMENTAL IMPACT REPORT

SCH No. 94-063007

Projects:
**The Gateway
Area Improvement District No. 26**

Applicants:
**Cargill Inc.
City of Newark**

**Lead Agency:
City of Newark**

September 1994

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1.0 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATIONS

Table 1, below, summarizes the environmental impacts, mitigations and impacts remaining after mitigation which are discussed in detail in the remainder of this Environmental Impact Report.

Table 1 Summary of Environmental Impacts and Mitigations

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.1	Earth		
	4.1.1: The proposed project will increase the amount of storm water run-off and associated erosional material into on-site and off-site wetland areas.	4.1.1: Submittal of grading plan and submittal of proof that Consolidation Plan for wetlands and "other waters" has been approved by responsible agencies.	Not significant
	4.1.2: Construction of the proposed project will minimize existing amounts of wind-borne erosion	4.1.2: A Stormwater Pollution Prevention Plan for the practice, incorporating Best Management Practices to reduce or eliminate erosion off the project site	Not significant
	4.4.3: Existing site soils will be disturbed and overcovered and additional grading will be needed to construct the proposed project.	None required	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.1.4:	Widening and improvement of Jarvis and Thornton will cover existing, uncovered soils.	None required	Not significant
4.1.5:	Additional people (project site employees and visitors) and property will be exposed to seismic hazards, including soil liquefaction and ground shaking	4.1.3: A qualified geotechnical engineer shall identify appropriate methods for soil compaction and building foundations, ensuring compliance with the Uniform Building Code	Not significant
4.2	Air		
4.2.1:	Potentially significant quantities of fugitive dust will be generated by construction vehicles and related vehicles. This is considered a short term impact.	4.2.1: Adherence to construction measures to reduce construction-related dust 4.2.2: Incorporate features to promote non-auto transit to site.	Not significant
4.2.2:	Minor quantities of objectionable odors may be released from future project site users.	None required	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.3	<p>Water</p> <p>4.2.3. Construction of new buildings may alter existing patterns of air movements in the project vicinity.</p>	None required	Not significant
4.3	<p>4.3.1: The proposed project has the potential to degrade the water quality of existing on-site wetland areas.</p>	<p>4.3.1: A precise drainage plan shall be submitted based on the most current hydrologic criteria of the Alameda County Flood Control and Water Conservation District</p>	Not significant
	<p>4.3.2: Widening and improvements to Jarvis and Thornton Avenues will increase the quantity of storm water runoff into local drainage systems.</p>	Same as above	Not significant
	<p>4.3.3: Construction of the proposed Gateway project will expose people and property to flood hazards</p>	None required	Not significant
	<p>4.3.4: Construction of the Gateway project and adjacent roadway widenings could result in significant adverse impacts on on-site wetlands</p>	<p>4.3.2: Project applicant to receive approval of Consolidation Plan for Pooled Areas by all responsible agencies</p>	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.3.5:	Construction of the proposed project could result in significant adverse impacts on "other waters of the United States."	4.3.3: Project applicant to obtain 404 permit issued by U.S. Army Corps of Engineers for filling and disturbances to wetlands.	Not significant
4.3.6:	Construction of the project will disrupt approximately 0.98 acre of wetlands in The S.F. Bay National Wildlife Refuge for drainage improvements.	Same as above	Not significant
4.3.6:	Groundwater may be encountered during utility trenching operations.	4.3.4: Project applicant to adhere to trenching construction standards of appropriate utility districts.	Not significant
4.4	Biological Resources	None required	Not significant
4.4.1:	A number of pickleweed plants will be removed for the widening of Jarvis and Thornton Avenues		

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.4.2:	Habitat of the salt marsh harvest mouse and snowy plover will be eliminated should the Gateway project be built.	4.4.1: Avoid habitat of salt marsh harvest mouse during construction, alternatively, a resource management plan shall be prepared by a qualified biologist to protect mouse species and habitat.	Not significant
4.4.3:	Habitat of the Burrowing Owl could be disturbed as well as individual species of the Owl during nesting season.	4.4.2: Qualified biologist to confirm presence of Burrowing Owl and protect Owl nests, if any, during construction. Owls not to be disturbed during nesting season.	Not significant
4.5	Noise	4.5.1: Short-term construction noise related to the construction of on-site project improvements (Gateway project) and off-site improvements (widenings of Jarvis and Thornton Avenues).	Not significant
		4.5.1: Limitation on construction noise from 7 a.m. to 5 p.m. Monday through Friday.	

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.8	Natural Resources		
	No impacts are anticipated on natural resources, including minerals, timber resources and similar resources	None required	Not significant
4.9	Risk of Upset		
	No impacts are anticipated	4.9.1 None required	Not significant
4.10	Population, Socio-Economics and Fiscal		
	No impacts are anticipated with respect to population or housing impacts.	None required	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.11	Traffic and Circulation		
	4.11.1: Significant adverse impacts (LOS "F") will result at the following intersections: Newark Blvd./Jarvis Ave (pm peak hour); Thornton Ave. SR 84 eastbound off-ramp (am and pm peak hour); Ardenwood/SR 84 westbound off-ramp (am and pm peak hours); Newark Blvd./SR 84 westbound off-ramp (pm peak hour).	4.11.1: Construction of circulation improvements adjacent to the project site, including street widenings and traffic signals	Significant impacts to remain after mitigation.
	4.11.2: No impacts to parking facilities are anticipated.	None required	Not significant
	4.11.3: Pedestrian and bicycle safety will be improved adjacent to the project site.	None required	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.12	Public Services		
	4.12.1: Increased calls for fire and rescue services will be generated, but can be accommodated with existing resources.	None required	Not significant
	4.12.2: Increased calls for fire service will be generated, but can be accommodated with existing resources.	None required	Not significant
4.13	Energy		
	No significant impacts are anticipated with respect to energy resources, including electrical and natural gas service.	None required	Not significant
4.14	Utilities		
	4.14.4: Additional demand will be placed local communication systems (telephone)	None required	Not significant
	4.14.2: Additional amounts of water for domestic and firefighting purposes needed, but can be accommodated.	None required	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
	4.14.3: Additional sewage generation will result . but can be accommodated.	None required	Not significant
	4.14.4: Additional quantities of solid waste to be generated, but can be accommodated.	None required	Not significant
4.15	Human Health		
	Addressed in Earth (Sec. 4.1), Water (Sec. 4.3) and Risk of Upset (4.9)	None required	Not significant
4.16	Aesthetics		
	4.16.1: Significant changes would result to the visual character of the project site, changing the site from its existing vacant condition to an urbanized site	4.16.1: Completion of Architectural and Site Plan reviews by City of Newark; construction of landscaped buffers on north side of Jarvis; permanent maintenance of project perimeter landscaping	Not significant

EIR Section	Topic/Impact	Mitigation Measure	Net Impact After Mitigation
4.17	Recreation	None required	Not significant
4.18	Cultural Resources	4.18.1: Procedures established to require protection of significant resources should any be found during site grading	Not significant
	4.18.1: The possibility exists that significant archeological resources may exist underneath project site		

2.0 Project Description

2.1 Purpose and Overview of the EIR

This document is an environmental impact report (EIR), prepared pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended. This EIR describes existing environmental conditions on and adjacent to the Gateway project site in the City of Newark, Alameda County, California, as well as anticipated impacts to the environment should the project be built as requested by the proponent. The EIR also includes measures which can be incorporated into the project to mitigate or lessen anticipated environmental impacts to a level of insignificance. Finally, this EIR addresses feasible alternatives to the proposed project, cumulative impacts of this and other projects on the environment and other mandatory elements as required by CEQA.

As provided in CEQA and implementing guidelines, public agencies are charged with the responsibility to avoiding or minimizing environmental damage to the fullest extent feasible. In fulfilling this responsibility, public agencies must balance a variety of objectives, including economic, environmental and social factors. As an informational document to local officials, governmental agencies and members of the public, the purpose of the EIR is to serve as an disclosure document, identifying potential impacts, mitigation measures and alternatives.

Approval of this EIR by the lead agency does not constitute approval of the underlying project, in this instance, the proposed Gateway development project.

2.2 Lead Agency

The City of Newark is the lead agency for preparation of this EIR, as defined by Section 21067 of CEQA. This means that the City of Newark is designated as the public agency which has the principal responsibility for approving or carrying out the proposed project and for assessing likely environmental effects of the proposal.

Preparation of this EIR is in accord with CEQA, including all amendments thereto, and Guidelines for Implementation of the California Environmental Quality Act.

2.3 Mitigation Monitoring

CEQA requires preparation of a Mitigation Monitoring Program for any environmental document which contains mitigation measures. Mitigation monitoring requirements have been incorporated into this EIR. All proposed mitigation measures include a listing of the name of the City department or other public agency responsible for actually completing or fulfilling the mitigation measure, denoted by the term "responsible monitoring agency," followed by the approximate time frame for completing the mitigation measure. Although the Newark City Council is ultimately responsible for ensuring that all mitigation measures are fulfilled, the intent of the monitoring program is to identify the appropriate department or agency delegated to fulfilling that particular measure. In the event reorganizations occur within the City over the time frame of completing the mitigation measures, the task of monitoring and reporting on mitigation measures will be reassigned to the proper City agency or department responsible for that functional area.

2.4 Organization of the Document

Sections 15122 through 15132 of the CEQA Guidelines describe the content requirements of EIRs. EIRs must include:

- a description of the proposed project being evaluated, including objectives to be achieved by the project;
- a description of existing environmental conditions;
- an analysis of the anticipated impacts on the environment should the project be built or carried out as proposed;
- feasible measures which can be taken by the proponent or the City to lessen or mitigate identified environmental impacts;
- project alternatives, including the "no project" alternative;
- significant irreversible environmental changes;
- growth inducing impacts;
- cumulative impacts, including environmental impacts of the proposed project viewed over time in conjunction with related past, present and reasonably foreseeable probable future projects whose potential impacts may compound or interrelate with the proposed project.

2.5 Initial Study and Notice of Preparation

The City of Newark recently completed an Initial Study for this project and circulated a Draft Mitigated Negative Declaration in mid-March, 1994 for this project . Based upon comments received during the public review period, it was the decision of the Lead Agency not to approve the Negative Declaration, but to prepare a full environmental impact report. Therefore, a Notice of Preparation has been prepared and circulated to all Responsible Agencies, other public agencies and interested citizens as required by CEQA. Copies of the NOP and responses received by the Lead Agency during the NOP review period are included within the appendix of this document (Section 8).

3.0 Project Characteristics

3.1 Project Location

The proposed project is located in the northwest portion of Newark, California, within southern Alameda County. Exhibit 1 depicts the regional location of the project site.

Exhibit 2 shows the site in relation to the City of Newark and the City of Fremont and surrounding streets and highways. The site is located south of the Dumbarton Freeway (State Route 84), east of Thornton Avenue and north of Jarvis Avenue. The existing Bridgeway Center is immediately north of the project site.

Assessors Parcel Numbers assigned to the subject property by Alameda County include:

- 537-851-1-2
- 537-853-2
- 537-853-3
- 537-853-6
- 537-853-7

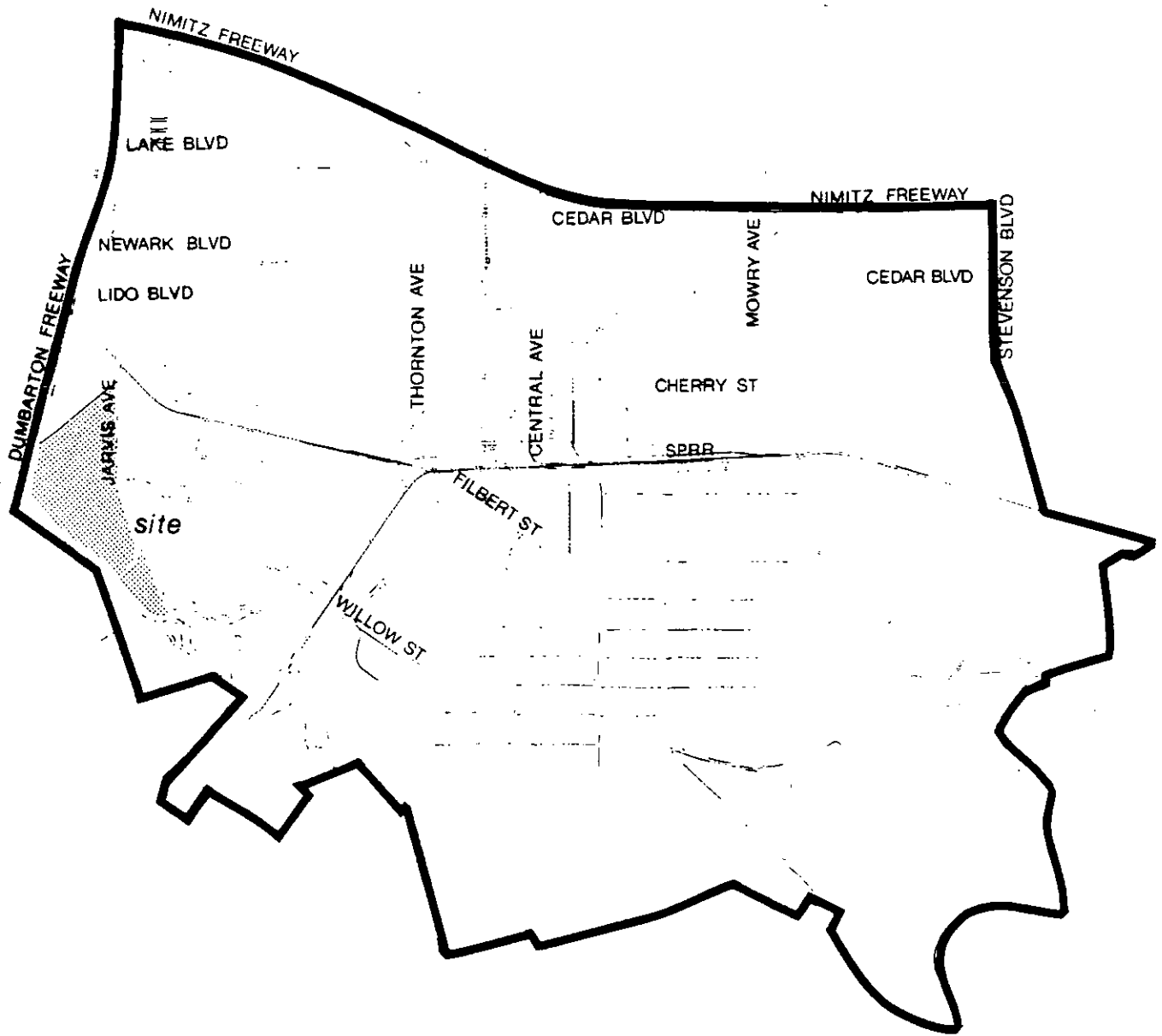
Section 4.7 of the EIR also describes the regional and local context of the proposed project.

3.2 Project Description

The project site consists of approximately 153 acres of land, all currently owned by Cargill Salt Company. On a portion of this site, 143 of the 153 acres, the applicant proposes to construct a mixed-use, high-tech industrial, office, warehouse and distribution complex to be known as the Gateway project.

The applicant proposes development of the site over a number of years. Neither precise development plans nor final lotting patterns have yet been formulated for the site by the applicant. It is the applicant's intent to request City approval for the maximum amount of development potential at this time and then either sell the land to a development company or submit individual development plans for specific buildings or groups of buildings in the future, based upon market demand. The exact location and design of individual buildings is therefore not known at the present. However, based on the Newark General Plan, the maximum amount of development on the site is limited to 2,180,000 square feet of gross floor area, which is the amount of development sought by the applicant.

Based upon preliminary marketing plans by the landowner, it is anticipated that of the 2,180,000 square feet of total development being requested, approximately 1,460,000 square feet will be devoted to office and research and development use, with the remainder, approximately 720,000 square feet used for warehousing and distribution type uses. The buildings will be a mixture of one and two story construction, limited by City regulation to a maximum height of 30 feet near existing residential areas and 65 feet elsewhere on the site.

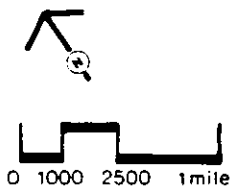


Site Context

**CITY OF NEWARK
GATEWAY PROJECT**

ENVIRONMENTAL IMPACT REPORT

Exhibit 2



On-site project improvements will include permanent research and industrial, office, light industrial, and warehouse structures as well as parking and landscaped areas. Off-site improvements are anticipated to consist of a new main collector road (Gateway Boulevard), varying in width from approximately 64 to approximately 84 feet in width, running through the project in a generally east-west direction from the existing terminus of Fircrest Street and tying into Thornton Avenue. Supporting utilities and services will also be constructed, including water, sewer, drainage, electrical, natural gas, telecommunication and related facilities, all of which will be undergrounded.

Portions of the site, including roads and individual building pads, will need to be re-graded in order to raise portions of the site outside of the 100 year flood plain as defined by the Federal Emergency Management Agency (FEMA), and to ensure proper drainage for the site. It is anticipated that portions of the site, not including identified jurisdictional wetlands, will need to be raised in height by approximately 1 to 3 feet in elevation, which will require the importation of fill dirt.

Another part of the proposed project includes construction of a multi-purpose consolidated and enhanced wetland area, consisting of approximately 14.8 acres of land on the west side of the project site. The pond area will be used as constructed (man-made) wetland areas, partially for consolidation of "other waters of the United States" on the site, and to serve detention purposes for storm water.

A separate but related part of the Gateway project includes the formation of an assessment district by the City of Newark for the purpose of improving arterial streets fronting the Cargill project site. The assessment district is essentially a mechanism for funding public improvements and facilities and will be composed of owners of undeveloped parcels in the vicinity, including Cargill. After formation of the district, long term bonds may be issued which will be paid off over a period of years by local property owners benefiting from the improvements. It is anticipated that the assessment district will fund widenings of both Thornton Avenue and Jarvis Street as described in this document.

The remaining 10 acres of the site, which lie south of Jarvis Avenue, substantially contain wetlands and will not be developed. It is anticipated that any mitigation for loss of wetland caused by the development of the Gateway project or widenings of adjacent streets will occur on this portion of the site.

3.3 Project Objectives

Objectives to be achieved through approval and construction of the project are as follows.

- To assist in implementing the Newark General Plan through construction of permanent improvements consistent with General Plan Land Use designations, goals, policies and objectives.
- To allow the project site to be improved to an economically viable use, consistent with the General Plan.

- To allow land use entitlements on the project site which will permit the land owner to sell or lease entitled land to developers and/or future users.
- To enhance the aesthetic character of the project site, which is a gateway entrance to the City from the west, by constructing high quality business park, light industrial and warehouse buildings along with new landscaping, City entry signs, public art and related features.
- To minimize potentially negative aspects of site development on adjacent residential neighborhoods.
- To expand employment opportunities within Newark, both short-term construction jobs and long-term permanent jobs.
- To contribute to the City's fiscal health through payment of additional taxes and fees.
- To construct local and a portion of regional circulation improvements consistent with the General Plan, including roadway widenings and traffic signals.
- To ensure that necessary roadway improvements are equitable funded by land owners benefiting from such improvements.
- To provide for and implement a program to consolidate existing separated wetland areas and "other waters of the United States" into a configuration with higher biological value and which is more aesthetic than existing conditions.

3.4 Actions Addressed in EIR

Specific actions addressed in this Environmental Impact Report include:

- Creation of a new zoning district by the City of Newark to establish land use and development regulations, including permitted land uses, building setbacks, heights, parking and landscaping requirements to guide development on this site and other sites in the City which may fall under the auspices of the new zoning district (City file No. Z-94-4, E-94-5). The new zoning district is known as the MT-1 District.
- Rezoning of the subject site to the MT-1 zoning district.
- Consideration of parcel maps submitted by the property owner to subdivide a portion of the site north of Jarvis Avenue into smaller lots for the purpose of constructing desired improvements. An initial tentative parcel map (File No. 6685) has been filed with the City to create two (2) separate parcels: Parcel 1 is proposed as a 79.23-acre parcel located immediately north of Jarvis Avenue and Parcel 2 is proposed as an 58.25-acre parcel north of the new collector road, Gateway Boulevard. Exhibit 3 delineates the boundaries and extent of these two parcels. It is anticipated that future parcel maps will be filed with the City of Newark to create smaller lots for building purposes, either by Cargill or other applicants.

- Consideration of architectural and site plan review applications to the City of Newark which will set forth the precise location, size and intensity of buildings and related improvements which will be built on each of the future parcels to be created. It is anticipated that a number of design review applications will be filed.
- Consideration of a Development Agreement between the land owner and the City of Newark. Development Agreements are legal mechanisms approved by a local public agency ensuring that entitlements granted by the City for a specific project will be "vested" as well as outlining procedures for obtaining the balance of required entitlements prior to project construction.
- Annexation of the site to the Union Sanitary District (USD) to receive sewer service.
- Construction of street widenings and improvements for portions of Thornton and Jarvis Avenues adjacent to the Gateway site. An assessment district, City of Newark Area Improvement District (AID) No. 26, may be formed for the purpose of funding these improvements in the vicinity shown on Exhibit 4. Roadway improvements are proposed to include two sections, or "reaches," as follows:

Reach 1 consists of approximately 2,400 linear feet of Thornton Avenue running from the Dumbarton Freeway (SR 84) to the intersection of Jarvis and Thornton Avenues to the south. Thornton Avenue in this location includes 40 feet of paving with two twelve foot wide travel lanes and eight foot shoulders. The Newark General Plan requires Thornton Avenue to ultimately be a six lane road with a total right-of-way of 128 feet. This right-of-way will encompass six travel lanes, bicycle lanes and disabled vehicle lanes, a 16-foot wide raised median and two 10-foot parkway areas. Exhibit 5 indicates the proposed design cross section of Thornton Avenue anticipated to be constructed under the auspices of the assessment district. Additional dedications, if required, will be taken from property owned by Cargill.

Reach 2 includes an approximate one mile long section from the current intersection of Jarvis and Thornton Avenues to a point approximately 700 feet northeast of Haley Street. The present Jarvis Avenue right-of-way is typically 82 feet, with a General Plan width of 104 feet which will include the same level of improvements as described for Thornton Avenue, except that Jarvis Avenue will be a four-lane divided arterial rather than six lane. Exhibit 6 depicts the typical design cross section for Jarvis Avenue. Widenings are planned to occur on both sides of Jarvis Avenue, although additional right-of-way which will be required to accomplish the project will be taken from property owned by Cargill.

3.5 Site History

The project site has been owned by Cargill or its predecessor company since 1919, and, until 1959, was used for salt production purposes. As part of salt operations, the land owner constructed a series of dikes, salt crystallizers and related improvements. Salt production ceased in 1959, and the site has since remained vacant.

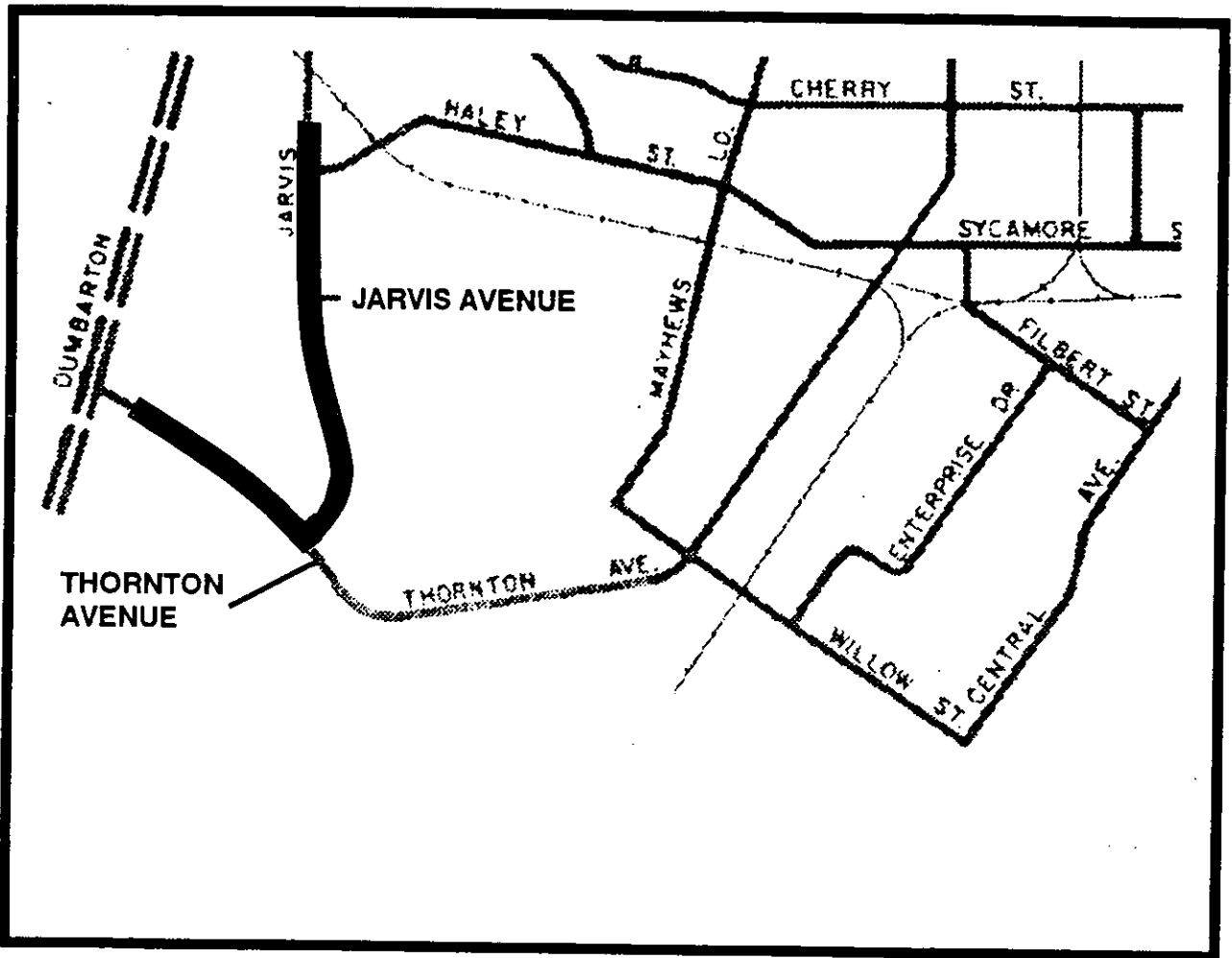


Exhibit 4
Proposed Extent of
Street Widenings

**City of Newark
Gateway Project
Environmental Impact Report**

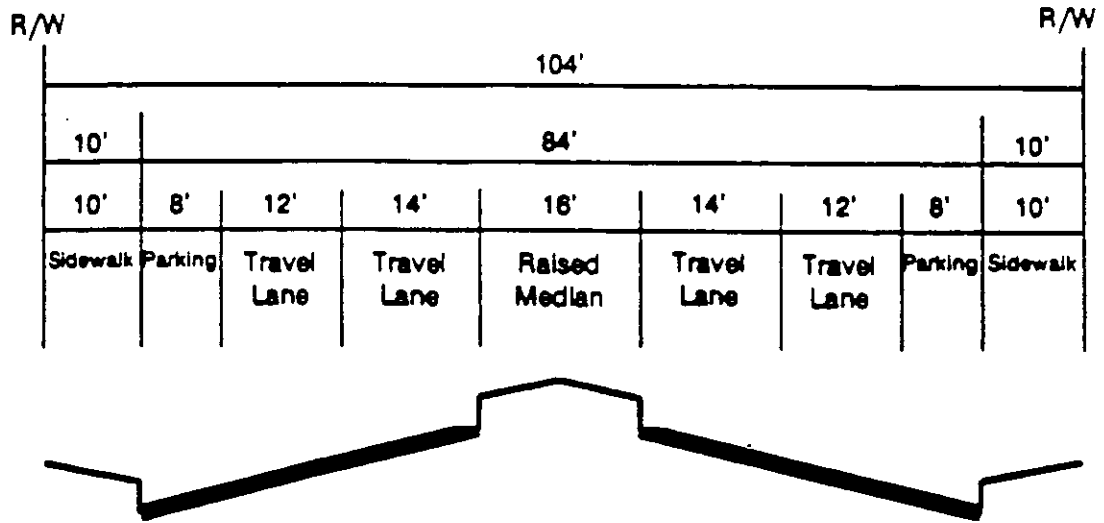
128'										
10'	108'									10'
10'	8'	12'	12'	14'	16'	14'	12'	12'	8'	10'
Sidewalk	Parking	Travel Lane	Travel Lane	Travel Lane	Raised Median	Travel Lane	Travel Lane	Travel Lane	Parking	Sidewalk



6 LANE DIVIDED ARTERIAL
Standard Cross Section - A1
THORNTON AVENUE
ROUTE 880 TO JARVIS AVENUE

Exhibit 5
 Thornton Avenue Street
 Cross Section

City of Newark
Gateway Project
 Environmental Impact Report



4 LANE DIVIDED ARTERIAL
Standard Cross Section - A2
JARVIS AVENUE

Prior to 1979, a portion of the subject property was within the incorporated boundary of the City of Fremont. With the planned construction of the Dumbarton Freeway, in 1982, the site was determined to be within the sphere of influence of Newark by action of the County Local Agency Formation Commission.

In 1985, the U.S. Army Corps of Engineers issued a cease-and-desist order to the landowner to stop construction of drainage ditches and minor grading on portions of the subject property, declaring that the site was a wetland and was under the jurisdiction of the Corps pursuant to Section 404 of the Federal Clean Water Act of 1972. Legal action was filed against the Corps by the landowner in federal court challenging the order. After hearings at the federal court level and an appeal to the District Court, in January, 1992, the U.S. District Court ruled that 2 acres of the site are to be classed as "wetlands" and 12.5 acres of the site were deemed to be "other waters of the United States."

In 1989, Cargill's predecessor company, Leslie Salt, filed an application with the City of Newark for development of eight separate sites within Newark which encompassed approximately 2,297 acres of land, and included the 153-acre Gateway site which is the subject of this EIR. Proposed land uses involved a combination of neighborhood commercial, industrial and agricultural. To allow the proposed development, a General Plan Amendment, multiple rezonings, and cancellation of a Williamson Act Land Conservation Agreement were necessary. The City required the preparation of an environmental impact report to assess the impacts of the proposed development. A Draft EIR was completed and circulated for public comments in early 1990. The Draft EIR effort was subsequently withdrawn by the applicant in light of the City-wide General Plan Update and EIR which was then in process.

The City of Newark subsequently completed the General Plan Update and certified an EIR assessing the potential environmental impacts of the General Plan Update in June 1992. The General Plan EIR addressed a full range of potential environmental impacts which could have resulted with implementation of the updated General Plan, including earth, air quality, biological resources, noise, light and glare, land use, natural resources, risk of upset, population and socioeconomics, housing, transportation and circulation, public services, energy, utilities, human health, aesthetics and cultural resources. The EIR presented a number of measures which would mitigate, or reduce, anticipated environmental impacts to acceptable levels. One impact which could not be successfully mitigated was traffic and circulation. In the instance of traffic, the City Council adopted a Statement of Overriding Considerations indicating that although a number of traffic impacts would exist with adoption of the updated General Plan, the benefits accruing to the community would outweigh the potential adverse impacts.

This application represents a scaled down project on a portion of the 2,297 acre original project site which was re-filed by Cargill in early 1994. This latest action has resulted in the preparation of this EIR. The intent of this particular EIR is to build upon the environmental analysis and conclusions reached in the General Plan EIR, which is encouraged by CEQA (CEQA Guidelines Sec. 15153). Similarly, this EIR is intended to ensure that any potential environmental impacts associated with the proposed Cargill project will be consistent with General Plan EIR, including mitigation measures included in that document.

4.0 Environmental Analysis

This section of the EIR identifies specific environmental areas which may be affected as a result of the implementation of the proposed project. The EIR examines all of the environmental topic areas identified in the CEQA checklist and the checklist used by the City of Newark. Each impact area is discussed individually in subsections 4.1 through 4.18, as follows:

- 4.1 Earth
- 4.2 Air Quality
- 4.3 Water
- 4.4 Biological Resources
- 4.5 Noise
- 4.6 Light and Glare
- 4.7 Land Use
- 4.8 Natural Resources
- 4.9 Risk of Upset
- 4.10 Population, Housing and Socioeconomics
- 4.11 Transportation and Circulation
- 4.12 Public Services
- 4.13 Energy
- 4.14 Utilities
- 4.15 Human Health
- 4.16 Aesthetics
- 4.17 Recreation
- 4.18 Cultural Resources

Each topic area is covered in the following manner.

Environmental Setting

A discussion of existing conditions, facilities, services and general environmental conditions on and around the project site.

Environmental Impacts

An identification and evaluation of potential impacts on the environment, should the project be constructed as proposed. Standards of environmental significance will also be listed which set forth the basis on which the identification of environmental impacts will be made. Standards of significance for this EIR are based on such standards listed in the California Environmental Quality Act.

Mitigation Measures

An identification of specific efforts and measures which can be incorporated into the project to reduce identified environmental impacts to a level of insignificance.

4.1 Earth

1. Environmental Issues

This section of the EIR addresses soil conditions, topographic and geologic features, potential impacts related to site grading and soil erosion and the potential for seismic-related hazards.

2. Environmental Setting

Existing Conditions

Soil and wind conditions

The site is located within the Coast Ranges Geomorphic Province of California, which includes the mountain ranges to the east and west of San Francisco Bay. The area is underlain at depth by the Franciscan formation, which is overlain sequentially by thick alluvial deposits containing a fresh-water bearing gravel deposit known as the Newark aquifer, sediments of the Alameda formation, and recent alluvial deposits consisting of sands, clays, silts and fine gravels.

Exhibit 7 shows general soil types in the vicinity of the project site, based on information contained in the General Plan.

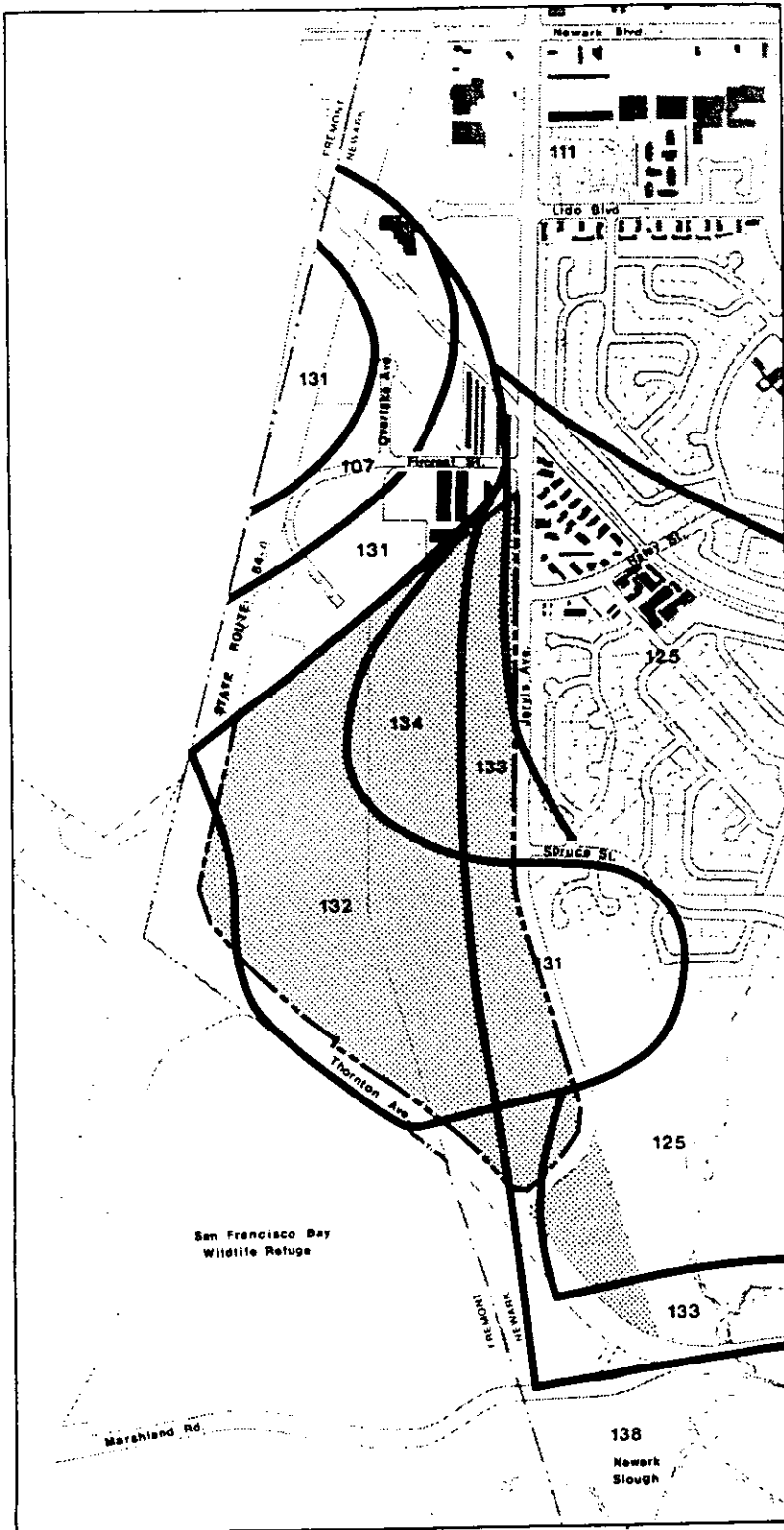
Site soils were mapped on a regional basis in 1981 by the U.S. Soil Conservation Service and were generally found to be Reyes ponded clay. This soil type has a moderately-high to high shrink-swell potential, low strength, slow drainage and variable erosion potential. High groundwater levels were also noted.

Site specific soils exploration have been conducted on the site (Kaldveer, 1978, and Berlogar, 1993). These analyses found stiff to hard silty clay extending below the surface for a depth of 7 to 12 feet. Surface clayey soils were described as being underlain by a heterogeneous layer of firm to stiff silty clays, clayey silts, and loose silty sands and sandy silts extending to depths of 19 to 25 feet.

The project area specifically and region as a whole is characterized by steady moderate to heavy winds from San Francisco Bay blowing in an easterly direction over the site. In its present undeveloped state, the site is subject to wind-borne erosion of soils and dust. This includes both the Cargill site and presently undeveloped right-of-way of Jarvis Avenue.

Topographic and geologic features

The project site is located near the east shore of San Francisco Bay, which is characterized as a broad alluvial slope between the bay and the hills approximately two miles east of the bay. Major topographic features characteristic of the area include the presence of Coyote Hills, a small range of hills lying northwest of the project site. The Coyote Hills extend in a general north-south direction with the highest elevation being 291 feet above sea level as recorded by the United States Geological Survey (USGS).



**Exhibit 7
Soil Types**

- 107 Clear Lake Dry
- 111 Darville Silty Clay Loam
- 131 Omni Silty Clay Loam, drained
- 132 Omni Silty Clay Loam, strongly saline
- 133 Pescadero Clay, drained
- 134 Pescadero Clay
- 138 Reyes Clay, VII

The proposed project appears as a flat surface, caused naturally by a combination of historic natural geologic action and man-made grading improvements to facilitate salt production. More recently, the site has been graded to assist in drainage. Prior to recent grading activities, the highest elevation point on the property is approximately 10 feet above mean sea level, occurring on the northerly and westerly portions of the property, with the lowest elevation being approximately 4 feet above sea level, which occurs on the southwesterly portion of the property within the jurisdictional wetland area. Generally, the property slopes in an east-west direction toward the Bay. Exhibit 3 shows existing site elevations.

Significant topographic features on the site include existing wetland areas on the southwest corner of the site and man-made basins adjacent to Jarvis Avenue. Basins were constructed by the property owner as part of the salt crystallization process, portions of which have been deemed to be "other waters of the United States." Both of these features are described more fully in Section 4.3, Water.

Seismic

In terms of seismicity, the San Francisco Bay area is one of the most seismically active regions in the United States. Major faults in the area include the Hayward and San Andreas, 2 miles east and 14 miles west of the project site, respectively. The Calaveras fault lies approximately 9 miles northeast. The San Andreas has a maximum credible earthquake magnitude of 8.5 (Richter scale) while the Hayward fault has a maximum credible magnitude of 7.5. The term "maximum credible earthquake" refers to the maximum seismic event reasonably anticipated to occur along a specific fault line. The site is not within an Alquist-Priolo Special Seismic Studies Zone for active earthquake faults (Berlogar, 1993). The Kaldveer geotechnic report (1978) notes that a California Division of Mines and Geology reported traces of the Silver Creek Fault on or near the property, however, the absence of surface or subsurface traces indicates that the fault is deeply buried beneath the alluvium and is likely inactive.

Two potential types of seismic hazards are anticipated within the region: ground failure and ground shaking. Ground failure, in the form of liquefaction, which is the loss of soil strength during an earthquake, is perhaps the most likely hazard on the site due to its proximity to the Bay. Ground shaking is anticipated to occur in areas containing more solid ground, east of the project site.

Regulatory and Policy Framework

The City of Newark General Plan has established goals and policies intended to minimize danger to people and property from a variety of natural disasters, including flooding, liquefaction, earthquake, fire and other hazards. Specifically Goal 1 and Policy 1a of the General Plan speak to geotechnical safety issues.

The proposed project is subject to the requirements of the National Pollutant Discharge Elimination System (NPDES) established under Section 402 (P) of the 1987 amendment to the 1972 Clean Water Act. The NPDES program for Alameda County is administered by the San Francisco Bay Regional Water Quality Control Board and the City of Newark, as a co-permittee in the Alameda County Urban Runoff Clean Water Program. Pursuant to this program, the project applicant is obligated to obtain a General Construction Activity Stormwater Permit from the State Water Resources Control Board for the purpose of eliminating non-storm water discharges and significantly reducing storm water quality impacts, including erosion, from the project site into

adjacent bodies of water. Necessary permits shall be obtained prior to any construction activity on the site.

The City of Newark's Development Services Department regulates construction activities on all properties in Newark, including grading and seismic safety. The City enforces the most recent seismic safety standards for residential, commercial and industrial construction contained in the 1991 edition of the Uniform Building Code (UBC). A new edition of the UBC (1994) has been prepared and is scheduled to be adopted by the City in 1995. The newest UBC edition contains strengthened standards for seismic safety, including additional study and reporting requirements in areas with a potential for liquefaction, additional testing and special inspection requirements, further design and identification of structural steel, establishment of stricter design values for construction materials and additional design analysis criteria in the seismic zone in which the Bay Area is located. The City of Newark has also adopted a policy of "third party" reviews of geotechnical investigations, reports and design recommendations submitted by project applicants. This additional level of review by a registered engineer ensures that all concerns have been taken into consideration with respect to soil conditions, earthquake potential and wind loads.

Chapter 70 of the UBC regulates the design, construction and control of excavation, grading and earthwork.

3. Environmental Impacts

Standards of Significance

The following standards of significance are used to assess potential environmental impacts related to geological, landform and topographic issues of the proposed project:

- Exposure of people and property to the risk of harm from geological hazards and/or soil or seismic conditions;
- Presence of an Alquist-Priolo Special Studies Zone, an active fault or an area characterized by surface rupture that could be related to fault activity;
- Increases over present levels of wind or water soil erosion of soils.

Environmental Impacts

Soil and wind erosion

Should the project develop, the amount of urban run-off will increase due to an increase in the amount of impermeable surfaces on the project site, including new buildings, parking lots and roads. With increases in storm water run-off, the likelihood of waterborne erosion increases, typically causing uncompacted and/or unprotected earthen material being transported off-site. Secondary negative effects of erosion may also include transport of construction debris off of the site. Protection against erosion is of special concern since the project area contains on-site wetland areas and additional wetlands exist immediately to the west, within the San Francisco Bay National Wildlife Refuge. Continued erosion over time will have the effect of silting up, or filling, wetlands, decreasing the size, depth and biological values of wetlands. The natural direction of drainage is to the west.

The site is also subject to soil erosion caused by prevailing moderate to heavy winds from San Francisco Bay blowing to the east. The property owner has been periodically applying a soil palliative to minimize wind-borne erosion.

Environmental Impact 4.1.1 (water erosion): Construction of the proposed Gateway project could result in significant increases in the amount of storm water run-off flowing into existing on-site wetland areas on the westerly portion of the project site and also into wetland areas within the San Francisco Bay National Wildlife Refuge west of the project site. Since storm water run-off typically contains eroded earthen and other material, continued erosion over time will have the effect of silting up wetland areas, specifically on project wetland areas (significant and adverse impacts).

Environmental Impact 4.1.2 (wind erosion): Construction of the proposed project, which will include permanent buildings, paved parking lots and permanently landscaped planters, will significantly minimize wind-borne erosion since the amount of remaining post-construction uncovered soil will be minimal (significant and positive impacts).

Topographic and geological features

Construction of the proposed project will result in the disruption and displacement of soil, necessary for the construction of buildings, parking lots, roads, utility extensions and similar improvements. Soils would be disturbed in two phases of development. Initially, soils would be disturbed by the importation of earth fill and compaction during the construction of roads, installation of utilities and overall mass grading of the site. Secondly, soils would be disturbed, covered and compacted to allow for construction of buildings themselves and ancillary improvements, such as parking and landscaping areas, on an individual lot basis. Additional grading will be required in the future to raise individual building pads and roads out of the 100 year flood plain. A pad elevation of 8 feet is required to do this, which will require an additional amount of fill material over portions of the site. It is estimated that approximately 120,000 cubic yards of fill will be needed.

As noted elsewhere in this EIR, the applicant has proposed to construct an enhanced, consolidated wetland area as part of the Gateway project. One of the functions of the consolidated area is to serve as a detention area for pre-treated stormwater generated on the site. Siting of detention facilities on the project site will allow a lowered elevation over the site and will consequently require less grading than if no detention facilities were to be built. If the detention function does not occur as planned, significantly more fill material will be needed to properly drain the site.

Once over-all mass grading of the site is complete, minor amounts of final grading will take place on each individual parcel to accommodate the location of each building and to ensure proper site drainage.

Grading will not take place on existing jurisdictional wetland areas (shown on Exhibit 10). However, man-made basins, which have been deemed "other waters of the U.S." will be filled, graded and compacted as part of overall project construction. As compensation for development of the basins, the applicant has proposed a plan to relocate the "other waters of the U.S.", combine them with existing wetlands and create a larger wetland area in the westerly portion of the project. This aspect of the project is described more fully in Section 4.3, Water.

Small amounts of grading will be needed for the widening and improvement of Jarvis and Thornton Avenues. The Jarvis site is currently relatively flat and minimal grading is anticipated. Fill material will be needed along Thornton Avenue for roadway widening purposes, although the precise amount of fill is not known at this time.

All site grading will occur in accord with provisions of the Uniform Building Code and City of Newark standards for erosion and sedimentation control. These standards require adherence to the Association of Bay Area Government's (ABAG) Manual of Standards for Erosion and Sedimentation Control Measures. Prior to submittal of grading permit application to the City of Newark, the applicant shall furnish proof of approval the Consolidation Plan by all applicable agencies including the Regional Water Quality Control Board and Corps of Engineers.

Environmental Impact 4.1.3 (on-site grading): Construction of the project will result in soil disturbance and overcovering of soils on the site related to the grading and the placement of buildings, parking areas, driveways and related permanent improvements. Approximately 120,000 cubic yards of grading are anticipated in order to raise building pads out of the 100-year flood plain (insignificant impact).

Environmental Impact 4.1.4 (off-site grading): Construction of additional street travel lanes for Jarvis Street and Thornton Avenue, off the project site, will have the impact of overcovering existing soils which have been previously graded but not paved (insignificant impact).

Seismic

Given the geologic history of the Bay Area, it is reasonable to expect future earthquake activity on or near the site, some events which will be significant. The most recent significant seismic event being the Loma Prieta earthquake in October, 1989. Construction of the proposed project will add property improvements which would be exposed to geologic hazards such as ground failure and ground shaking. Employees and visitors would also be exposed to such risks. However, the absence of known active faults tend to reduce the risks of ground shaking to levels below significance. Continued enforcement of the existing UBC and the imposition of additional building standards, including additional structural engineering review of foundations and building plans, as mandated by the General Plan EIR, will reduce such risks to levels of insignificance.

In terms of the potential for liquefaction, Figure 4-2 contained in the General Plan Update EIR (1992), also shown as Figure 8 in this document, indicates that the subject site is generally composed of Interfluvial Basin Deposits and, as such, represents a relatively moderate potential for liquefaction related to seismic activities. The Kaldveer report (1978) concludes that some degree of liquefaction could occur on the site, based on the characteristic of on-site soils. Liquefaction could result in isolated sand boils and localized differential ground settlement on the order of 0.5 to 3.0 inches. However, differential settlements will be minimized by the presence of a historical 7 to 12 foot cap of relatively thick clay materials.

Environmental Impact 4.1.5 (seismic): Construction of the proposed Gateway project will expose additional people, both workers and visitors, and structures (buildings and other permanent improvements) to seismic hazards, including the potential for groundshaking and liquefaction (significant and adverse).

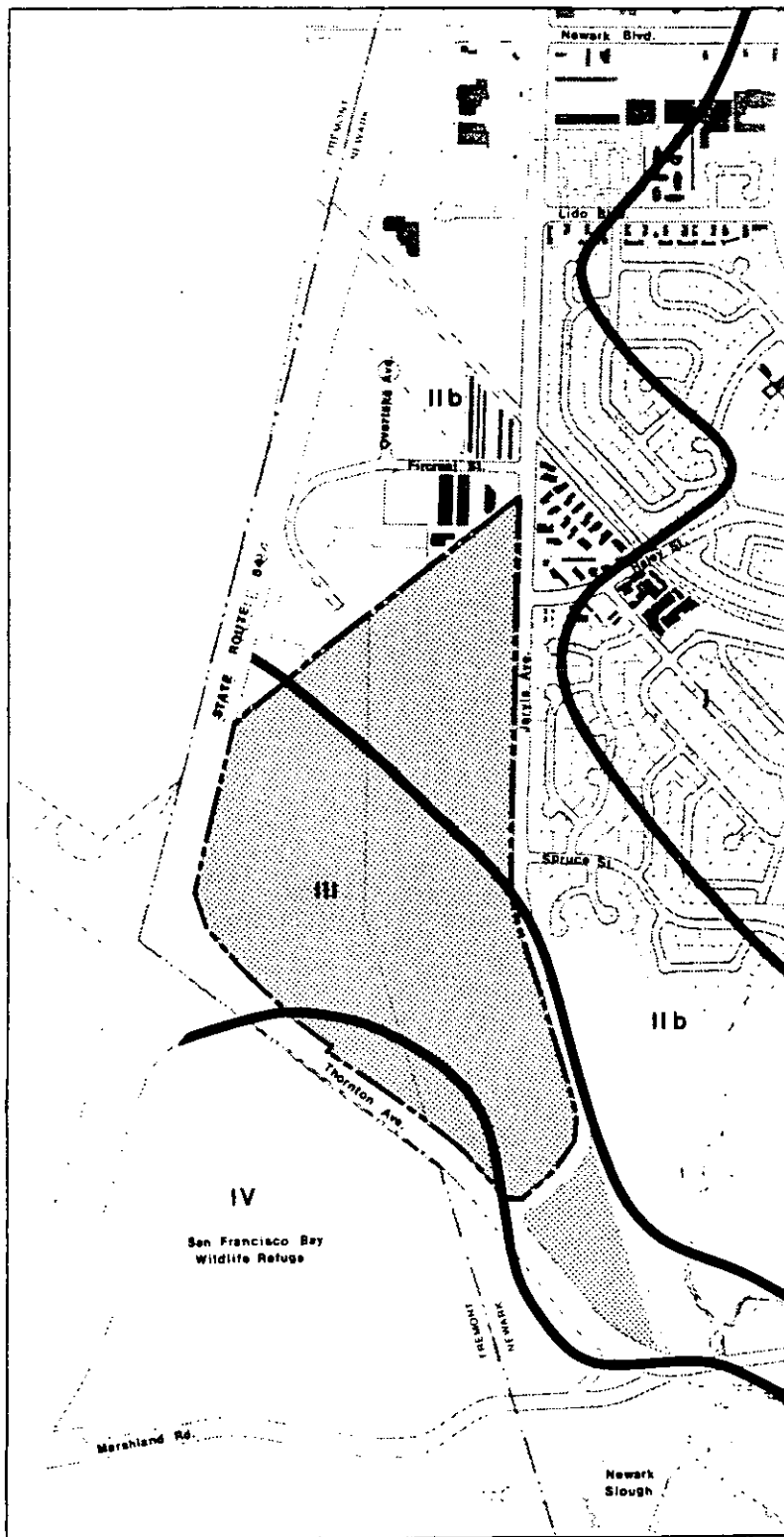


Exhibit 8

ESTIMATED RELATIVE DAMAGE POTENTIAL

Source: Newark General Plan

Geologic Units



- I Alluvial Deposits
- IIa Fluvial Deposits
- IIb Fluvial Deposits
- III Interfluvial Basin Deposits
- IV Marshland Deposits

— Geologic contact between soil types

4. Mitigation Measures

Mitigation Measure 4.1.1 (soil and topographic impacts): Prior to any grading on the project site, the applicant shall prepare a grading plan in accord with general civil engineering practices and submit the grading plan to the City of Newark for issuance of a grading permit. Concurrently with submittal of the grading plan to the City, the applicant shall furnish proof of approval of the Consolidation Plan for "Other Waters" by all applicable agencies, including the San Francisco Bay Regional Water Quality Control Board and Corps of Engineers. Grading permits shall not be issued by the City until appropriate clearances from these other agencies have been given. Regional agency clearance is not required for final grading activities on individual building sites within the project area.

Responsible Monitoring Agency: City of Newark Development Services Department.

Time Frame: Prior to issuance of grading permits.

Adherence to Mitigation Measure 4.1.1 will reduce potential soil and topographic impacts to a level of insignificance, since the City of Newark will ensure, through application of appropriate Uniform Building Code provisions, that public health and safety standards are maintained.

Mitigation Measure 4.1.2 (erosion): The applicant shall prepare a Storm Water Pollution Prevention Plan and satisfy other requirements of the General Construction Activity Stormwater Permit for the proposed project. The Plan shall include Best Management Practice (BMP) measures to protect water quality during the construction phase of the project. In addition, a plan for post-construction BMP's shall be prepared. At a minimum, the Plans shall contain the following:

- Construction measures, including temporary protection of wetland areas, limitations on site entry and exiting via public streets, periodic cleaning of adjacent streets, revegetation of graded areas, and prohibitions against storage or fueling of construction equipment near wetlands.
- Post construction measures, including installation and maintenance of a grass-lined swale as the primary drainage system for the project, as conceptually delineated on Exhibit 11, ensuring that on-site drainage is filtered through on-site landscaping, periodic cleaning of storm water inlets, periodic sweeping of public streets and parking lots for litter and trash control, ensuring that landscaped planters do not contain unstabilized open areas, connection of vehicle washing areas to the local sanitary sewer system, limitations and controls regarding vehicle fueling, trash dumpsters and outside storage of potentially hazardous materials in the project, and submittal of individual storm water quality control plans by individual site builders and tenants utilizing best management practices to limit storm water pollution.

Responsible Monitoring Agencies: State Water Resources Control Board and City of Newark, as a co-permittee in the Alameda County Urban Run-off Clean Water Program.

Time Frame: The General Construction Activity Stormwater Permit shall be obtained prior to issuance of a grading permit by the City of Newark for initial site grading. Prior to issuance of grading or building permits for individual site development, the developer shall prepare appropriate BMP's implementation measures for post-construction source control.

Potential impacts as related to water borne erosion will be reduced to a level of insignificance by employing Best Management Practices, as established by the San Francisco Bay Regional Water Quality Control Board, to minimize erosion into wetland areas, on and off the project site.

Mitigation Measure 4.1.3 (seismic): The applicant shall contract with a qualified, licensed geotechnical engineer firm to identify appropriate materials and methods for soil compaction and the construction of building foundations to ensure compliance with the Uniform Building Code. All recommendations contained in the geotechnical report shall be followed by the applicant and City of Newark during construction phases of the project.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: The geotechnical report shall be submitted to the City of Newark prior to or concurrently with permit applications for permanent construction.

Implementation of the above mitigation measure will ensure compliance with the most recent edition of the Uniform Building Code, which requires the most restrictive seismic construction standards.

4.2 Air

1. Environmental Issues

This section of the document addresses air quality impacts of the project, including emissions of air pollutants or objectionable odors or the alteration of air movements, either regionally or locally.

2. Environmental Setting

Existing Conditions

Air quality within the Bay Area, is predominantly affected by vehicular traffic emissions. Measurements of air quality have been taken at the Fremont monitoring station by the Bay Area Air Quality Management District (BAAQMD). Air quality monitoring data contained in the General Plan Update EIR (1992), indicate that, in 1990, the District found that there are three days in the year in which standards for ozone were exceeded. No exceedances were recorded for carbon monoxide, nitrogen dioxide or sulfur dioxide.

Recent air quality legislation, which includes the California Clean Air Act (1988) requires the preparation of regional attainment plans for ozone and carbon monoxide.

Since the project site is currently vacant, there are no sources of odorous compounds or toxic air contaminants. Adjacent potential sources of such include the business park immediately to the north (Bridgeway Center), which includes existing industrial buildings and vacant lots which are

planned to contain industrial and warehouse buildings. No existing sources of contaminants have been noted.

The General Plan EIR, certified in 1992, contains an analysis of existing and predicted 1- and 8-hour carbon monoxide concentrations at selected major street intersections throughout Newark using the CALINE-4 computer model. The closest intersection to the Gateway project, Jarvis Avenue and Newark Boulevard, reveals that existing carbon monoxide concentrations in 1992 were 13.9 part-per-million (ppm) (1 hour) and 8.6 part-per-million (8 hour). The applicable 1 hour standard is 20 parts-per-million and the 8 hour standard is 9 parts-per-million.

Regulatory and Policy Framework

Relevant policies and programs related to the control of air pollutants and noxious odors include:

- The Clean Air Act, adopted by the State of California in 1988, contains emission standards for automobiles and stationary sources of pollution.
- The Clean Air Plan, adopted by the Bay Area Air Quality Management District in 1991 for the purpose of reducing ozone and carbon monoxide air pollutants with the San Francisco Bay Area.
- The Newark General Plan contains a policy in the Environmental Safety Element, Goal 4.a, to encourage the emission of undesirable odors from manufacturing plants. Section 17.24.120 of the Newark Municipal Code implements the General Plan policy by restricting the emission of odorous gasses related to manufacturing uses to acceptable levels.

3. Environmental Impacts

Standards of Significance

A project will normally have significant adverse environmental impacts if ambient air quality standards are violated as a result of the project, if it will contribute substantially to an existing or projected air quality violation or regional air quality plan, or expose sensitive receptors to substantial pollutant concentrations.

Environmental Impacts

Substantial air emissions

The project will not produce stationary source impacts however, increases in air emissions are anticipated due to first, construction-related impacts of actually building new improvements on the site and secondly, increases in automobile traffic associated with the project.

Localized carbon monoxide impacts have been predicted for key locations in the community as part of the General Plan EIR. The predicted concentration of carbon monoxide at the Jarvis Avenue/Newark Boulevard intersection, the closest to the project site, is 11.4 ppm (1 hour) and 7.2 ppm (8 hour) for build out of all land uses in accord with the current General Plan. These predicted carbon monoxide emissions are consistent with state and federal air quality standards for carbon monoxide which are listed in the Environmental Setting section, above. Sensitive receptors

in Newark, such as schools, hospitals and other facilities are not located near the project site and consequently will not be significantly impacted.

The amount of development and the number of employees anticipated in the Gateway project have been anticipated in the Newark General Plan, which is consistent with population and employment projections prepared by ABAG (Projections '90). Both documents are in turn consistent with the Bay Area Air Quality management District's Clean Air Plan (CAP) which was adopted in 1991.

Air quality impacts can also be expected related to the creation of fugitive dust during construction phases of the project, including grading, earthmoving, compaction and related activities. Similar impacts can also be expected relative to construction for the widening of Jarvis and Thornton Avenues. Other potential air quality impacts related to construction are attributable to gasoline and diesel engine emissions from heavy construction equipment.

Environmental Impact 4.2.1 (air emissions): Potentially significant air quality impacts could result based on anticipated grading and construction activities, specifically the generation of fugitive dust caused by excavation, earthmoving, compaction of soils and the movement of heavy construction equipment on the site and for the widening of Jarvis and Thornton Avenues (significant and adverse).

Objectionable odors

Limited manufacturing may occur on the site should the project be approved and constructed. Although the creation of objectionable odors are not anticipated, they may occur. However, such odors and related industrial operations will be subject to Section 17.24.120 of the Newark Municipal Code which restricts the emissions of odorous gasses. Appropriate regulations adopted by the BAAQMD will also be enforced as necessary.

Environmental Impact 4.2.2 (objectionable odors): Minor quantities of objectionable odors could be released into the atmosphere from future manufacturing, research and development and similar uses located within the proposed Gateway project (insignificant impact).

Alteration of air movement

The height of buildings to be constructed on the site are anticipated to be limited to a maximum of 30 feet adjacent to residential areas. No alteration to existing air movements, or change in climatic conditions are therefore anticipated.

Environmental Impact 4.2.3 (alteration of air movement): No substantial impacts are foreseen regarding alteration of air movement since buildings constructed as part of the project will be limited to a maximum height of 30 feet adjacent to residential areas. This is an insufficient height to substantially restrict existing patterns of air flow (insignificant).

4. Mitigation Measures

Mitigation Measure 4.2.1 (air quality during construction): The following measures shall be adhered to during all construction phases of the project:

- As part of the grading plan and grading operations, the project contractor shall ensure that the site is watered prior to commencement of grading and that watering occur on a sufficiently frequent basis to control dust.
- After soil compaction, a dust palliative shall be applied.
- Paving should occur as soon as possible after grading of the site. As an interim measure, access roads shall be covered with rock or similar surfacing to minimize dust.
- Revegetation should occur as soon as possible after grading.
- A compliance officer, responsible for implementation and monitoring, shall be identified as part of the grading permit process.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: During all phases of grading operations.

The above mitigations represent Best Management Practices for control of dust and related air emissions during construction phases of the project and will reduce air quality impacts to levels of insignificance during grading and construction phases of the project.

Mitigation Measure 4.2.2 (substantial air emissions): The following features shall be incorporated into project design in order to ensure that local and regional air quality standards are met:

- Work with the AC Transit District to extend bus service to the site at the earliest possible opportunity.
- Provide linkages to existing City and regional pedestrian and bicycle routes where possible and to encourage alternative transit modes when practicable. This shall include sidewalks along at least one side of the new collector road.
- Compliance with all future automobile trip reduction programs required by the Bay Area Air Quality Management District.
- Provide landscape buffer zones adjacent to existing residential development and along Jarvis Avenue (minimum width: fifty feet) to reduce oxidant and particulate transport toward receptors.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: Architectural and Site Plan Review.

4.3 Water

1. Environmental Issues

Issues addressed in this portion of the EIR includes potential for changes in the direction of water courses, changes in drainage patterns or absorption rates, potential for flooding or the amount of surface water in bodies of water, including wetlands, affects on ground waters, and the potential for reduction of public water supplies.

2. Environmental Setting

Existing Conditions

Drainage, hydrology and water quality

The project site is characterized as former salt crystallizers that primarily drains to the west, towards San Francisco Bay. Based on existing site elevations, a majority of the site drains toward an existing drainage inlet located in the northwest portion of the property. This inlet allows storm water to run into an existing surface drainage channel along the northerly boundary of the property, under Thornton Avenue via existing concrete culverts, through the San Francisco Bay National Wildlife Refuge (within existing dedicated drainage easements) and towards the Bay. The existing surface drainage channel was constructed by Caltrans to accommodate water run-off from the Dumbarton Freeway and properties located between Jarvis Avenue and the freeway, and is currently maintained by Caltrans.

The southerly portion of the project site, which includes the 2.0 acre jurisdictional wetland area, is drained to the west, under Thornton Avenue, via several existing concrete culverts, the larger of which is equipped with a tide gate. Tide gates are a type of valve which permits stormwater to flow outward, toward the Bay, but which automatically closes to preclude tidewaters from entering the site, except for minor leakage.

Existing storm water runoff from the site is considered minimal, since no permanent structures or other impermeable surfaces are found on the site, and the majority of rain water is able to percolate into the ground.

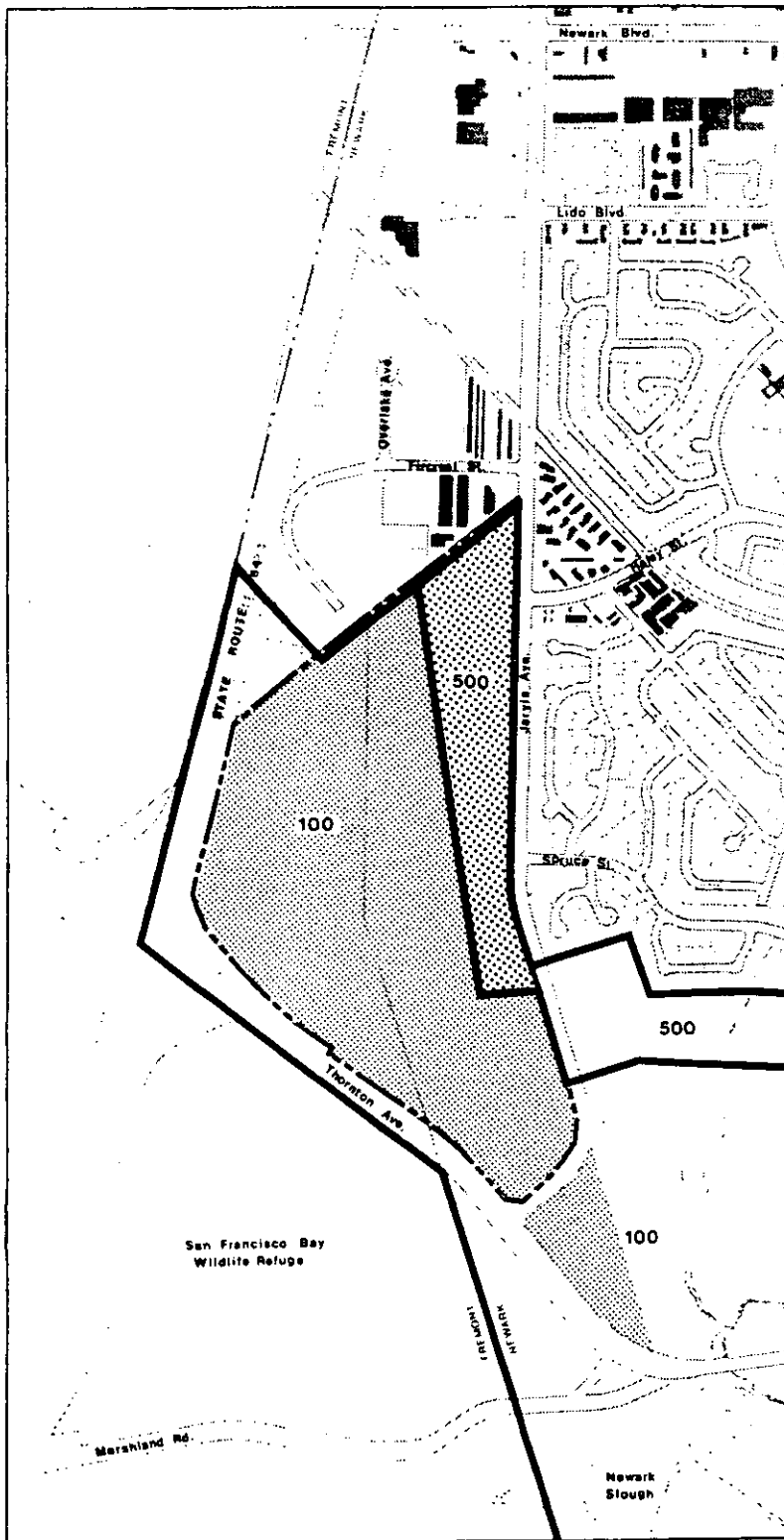
Flooding

Due to topographical elevation and proximity to the Bay, the project site has been mapped by the Federal Emergency Management Agency (FEMA) as an area being within the 100-year flood plain. This means that there is a one percent chance of flooding in any given year. Exhibit 9 shows the extent of existing flood potential based on FEMA information and evaluation.

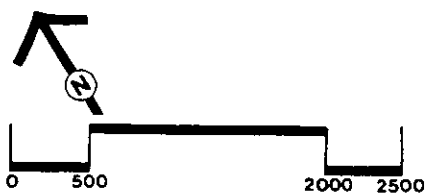
Wetlands and other waters of the United States

The project site in Newark contains both wetlands and "other waters of the U.S.", as shown on Exhibit 10. Definitions of both are set forth in the following section of this document. These areas have been defined by recent court action, Case Numbers C-85-8615-CAL and C-86-4187-CAL, summarized in the Project Description portion of the EIR, and include 2.0 acres of wetlands on the project site north of Jarvis Avenue and 7.5 acres of wetlands south of Jarvis.

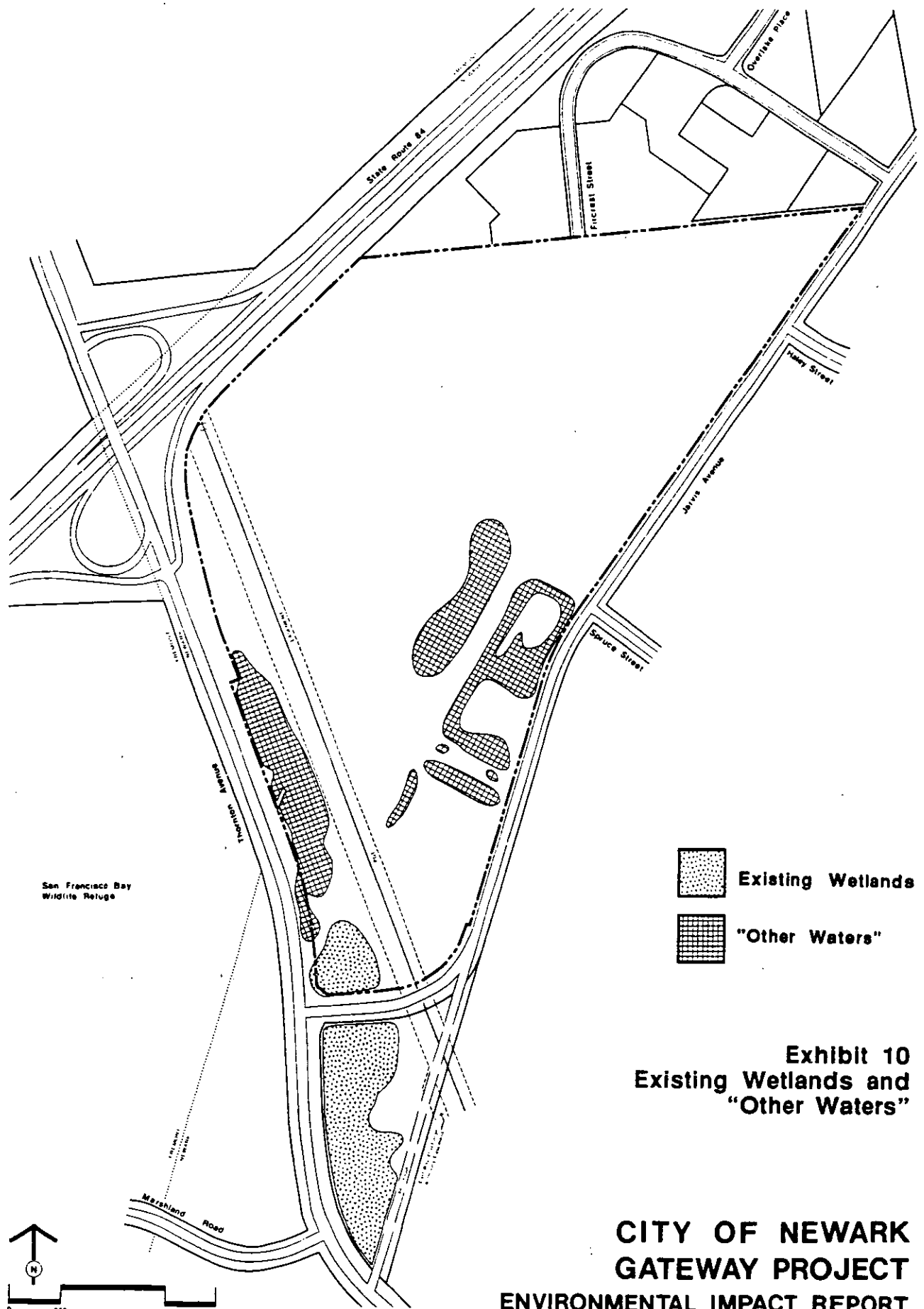
The source of the "other waters of the U.S." on the site is based on salt production activities. Crystallizers were made by salt companies for salt crystallization purposes in the early part of the century, which have since ceased, and water typically accumulates in portions of the ponds during



**Exhibit 9
Flooding Potential**



**CITY OF NEWARK
GATEWAY PROJECT
ENVIRONMENTAL IMPACT REPORT**



**Exhibit 10
Existing Wetlands and
"Other Waters"**

**CITY OF NEWARK
GATEWAY PROJECT
ENVIRONMENTAL IMPACT REPORT**

the rainy season. A total of 12.5 acres of "other waters" have been deemed to exist on the project site by action of the court (Wetlands Research Associates, 1994).

Ground waters

As proposed, the project will not involve construction of significant underground facilities or structures other than utilities, therefore no impacts to underground aquifers, either by direct extraction of water resources nor by deep excavations to disrupt the flow of ground waters, will occur.

Public water supply

The impacts of the proposed project on the local public water supply is discussed in Section 4.15, Public Services and Utilities.

Regulatory and Policy Framework

Statutory responsibility for maintaining, and enhancing water quality in the San Francisco Bay Area rests with the San Francisco Bay Regional Water Quality Control Board (RWQCB). The Board administers applicable provisions of the Clean Water Act of 1972, as amended, which regulates flows of storm water run-off into the Bay and all tributaries through the National Pollution Discharge Elimination System (NPDES) program. As noted in Section 4.1 (Earth) of this EIR, The City of Newark is a co-permittee in the Alameda County Urban Runoff Clean Water Program, which is a comprehensive effort to improve water quality in San Francisco Bay.

Wetlands and "other waters of the United States" ("other waters") are regulated by Section 404 of the Federal Clean Water Act (33 U.S.C. 1344), adopted by Congress in 1972 and since amended. Section 404 authorizes the U.S. Army Corps of Engineers (Corps) to regulate discharges of fill or dredged material into water of the United States, including all waters used in interstate commerce, interstate waters, territorial seas, coastal waters subject to tides, rivers, lakes, water impoundments, wetlands, sloughs and all tributaries of United States waters. The Clean Water Act also authorized the Environmental Protection Agency (EPA) to develop environmental criteria for the protection of wetlands and for evaluating permit applications allowed under Section 404 of the Clean Water Act.

The Corps and EPA have since defined wetlands to include: "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."

Under the provisions of Section 404 of the Clean Water Act, the Corps has been given the authority to allow diking, filling, dredging and other activities within wetlands subject to issuance of a permit by the Corps. These are commonly known as 404 permits and a variety of 404 permits can be issued based upon the extent of wetland area to be disturbed, including regional permits for large governmental projects, individual permits for projects involving 10 acres or more of wetlands and Nationwide permits for small-scale activities involving up to 10 acres of wetlands.

As distinguished from wetlands, "other waters" include waters subject to Corps jurisdiction, but which do not meet standards for special aquatic areas.

The project site does not currently fall within the jurisdiction of the Bay Conservation and Development Commission (BCDC). BCDC, which regulates certain activities within San Francisco Bay and within one hundred (100) feet of the shore, does not regulate land where no tidal flow exists, such as on the project site.

Protection of people and property within Newark falls within the jurisdiction of the City of Newark as part of the City's mandate to protect public safety. Provision of water to the site and protection of local groundwaters is the responsibility of the Alameda County Water District (ACWD). The City's Open Space and Conservation Element, part of the General Plan, establishes two goals promoting the protection of wetland and other unique resources (Goal 1) and acknowledging the presence of the Wildlife Refuge (Goal 2).

3. Environmental Impacts

Standards of Significance

An impact is considered significant if any of the following conditions will result from implementation of the proposed project:

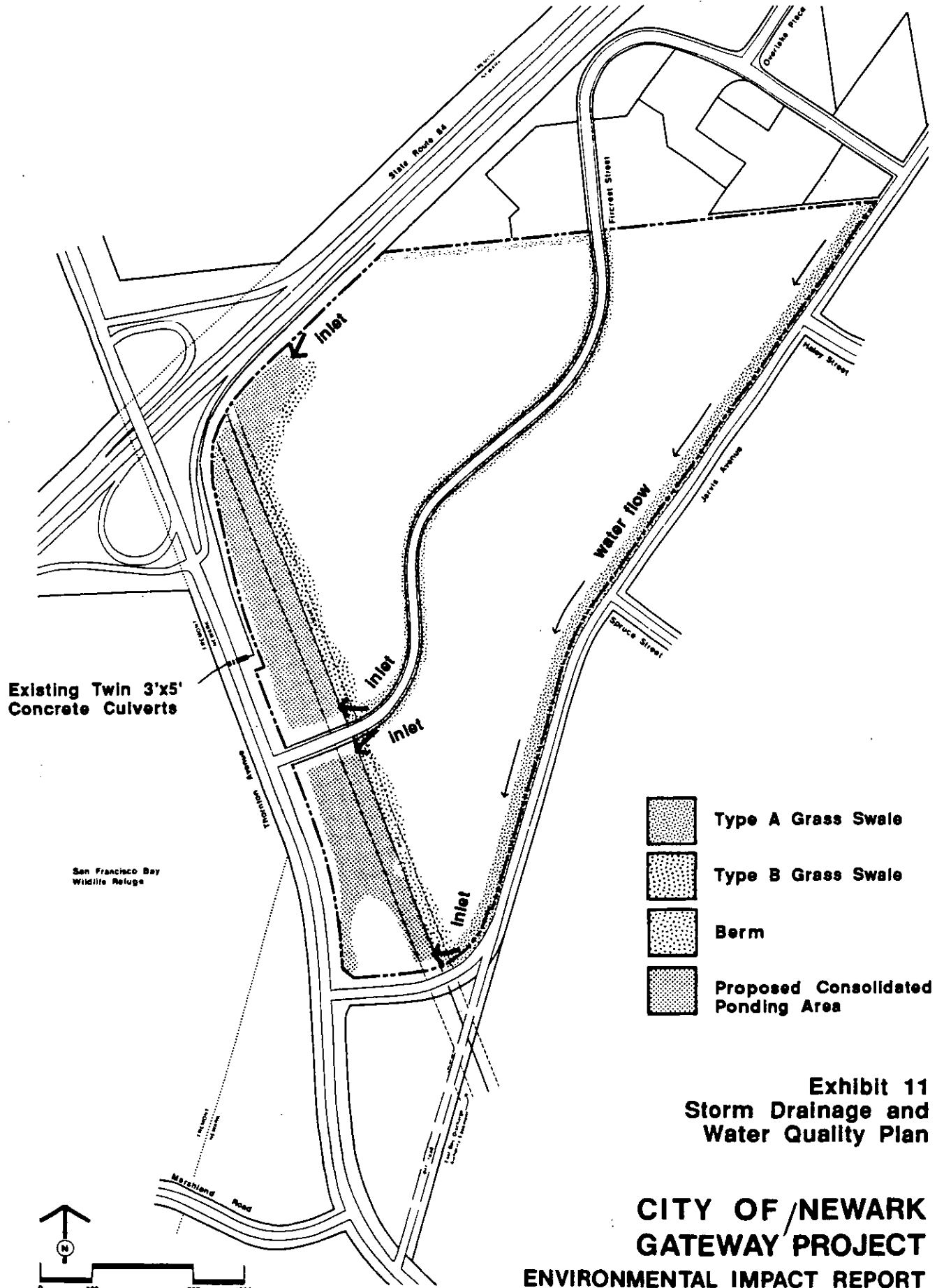
- an increase in the amount of storm water runoff.
- an increase in potential for substantial flooding to occur.
- substantial additional erosion or siltation.
- substantial degradation of water quality.
- contamination of a public water supply.
- substantial degradation or depletion of ground water resources or substantial interference with groundwater recharge.

Environmental Impacts

Drainage, hydrology and water quality

Construction of the proposed project will change existing site drainage patterns by increasing the rate of stormwater runoff caused by the construction of new, permanent improvements, including buildings, parking areas, roads and construction of other non-permeable surfaces such as Gateway Boulevard. The quantity of water runoff anticipated to be generated by the Gateway project at full development is approximately 120 acre feet of water per year, which has been calculated using Alameda County Flood Control and Water Conservation District hydrologic criteria.

Preliminary drainage plans formulated by the applicant and submitted to the City of Newark, shown on Exhibit 11, includes collection of water runoff from individual building sites via a series of grass-lined surface swales to be located adjacent to the main collector road through the site, Gateway Boulevard and along the project perimeter. Storm water will be transported and filtered via the grass swales and will be emptied into the consolidated enhanced wetland area adjacent to



Existing Twin 3'x5'
Concrete Culverts

San Francisco Bay
Wildlife Refuge





-  Type A Grass Swale
-  Type B Grass Swale
-  Berm
-  Proposed Consolidated Ponding Area

Exhibit 11
Storm Drainage and
Water Quality Plan

**CITY OF NEWARK
GATEWAY PROJECT
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and east of Thornton Avenue, which will be used for stormwater detention purposes. After entering this 14.8 acre area, stormwater then gradually flows westerly, underneath Thornton via four concrete culverts into an existing surface channel through the Wildlife Refuge, which is located with an existing drainage easement dedicated to Cargill. This channel will need to be enlarged to accommodate increased stormwater run-off. This is described more fully in the discussion of wetlands. Stormwater will continue in a westerly direction, passing underneath Marshlands Road via four new culverts, into another existing channel and will empty into a tributary of Newark Slough for eventual discharge into San Francisco Bay through Newark Slough.

Under the new drainage proposal, the consolidation area will be defined by the construction of berms along the eastern boundary of the area to limit inflow of storm water to three points: a northern ingress, an ingress adjacent to the planned alignment of Gateway Boulevard and a third ingress near the intersection of Jarvis and Thornton.

The proposed Consolidation Plan will allow for muted (limited) tidal action into the wetland area, to support revegetation of the area.

The above discussion is based on a conceptual drainage plan. Mitigation Measure 4.3.1, below, requires the applicant to submit a precise drainage plan to the City of Newark and Alameda County Flood Control and Water Conservation District, depicting precise engineering details as to the accommodation of water runoff.

Increases in the amount of storm water run-off can be expected from the larger amount of paved surfaces related to the widening of Jarvis and Thornton Avenues. Although the quantity of additional run-off has not been calculated, it is not considered to be significant and will be accommodated within the project-installed storm drainage system.

Environmental Impact 4.3.1 (water run-off and water quality): The proposed project represents a potentially significant adverse impact related to hydrology and water quality. Potential long term impacts include the introduction of grease, oils and similar petroleum-based chemical compounds migrating into wetland areas from project driveways and parking lots via the surface drainage system as well as other organic material from landscaped planters. Fertilizers, herbicides and pesticides could also be transported into the wetland area via storm water run-off. Short-term construction impacts to wetland areas may also result from erosion of soil, earthen material and construction debris (see Earth impacts, Section 4.1) (significant and adverse).

Environmental Impact 4.3.2 (off-site water run-off): Off-site impacts related to widening and improvement of both Jarvis and Thornton Avenues will include increasing the amount of impervious surface and thus will increase the quantity of storm water run-off into local drainage systems (insignificant).

Flooding

Construction of the proposed project could subject future buildings and other man-made improvements on the site to flood damage. However, the Newark General Plan and sections of the Newark Municipal Code require buildings to be constructed above flood elevations. Therefore, finished floor levels for individual buildings will be raised to at least elevation 8 above sea level

which will ensure that future buildings will be above the 100 year flood plain. This could require the importation of approximately 120,000 cubic yards of fill material.

Environmental Impact 4.3.3 (flooding): Construction of the proposed Gateway project would expose people and property to potential flood damage, however, the Newark Municipal Code requires that all new construction be elevated above flood hazard elevations (insignificant).

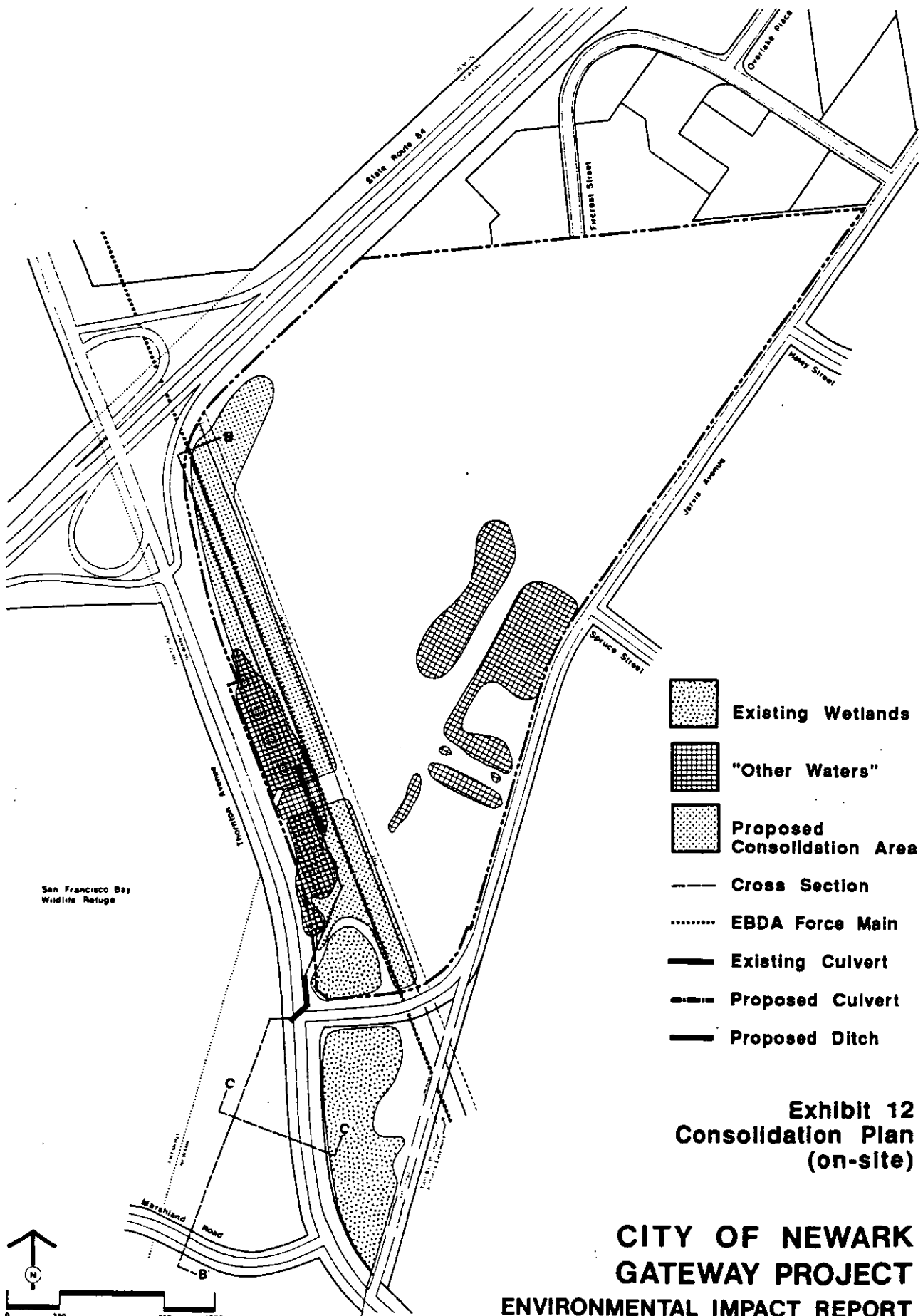
Wetlands and "other waters"

As a part of this project, the applicant has prepared a draft Newark-Coyote Tract Consolidation Plan for Poned Areas document (Wetland Research Associates, January, 1994) for the purpose of aggregating scattered "other waters" on the site with existing wetlands into a single multiple use area on the westerly boundary of the project site. According to the draft plan, objectives of this effort include:

- The creation of 12.8 acres of consolidated, enhanced wetland and ponded area, which will replace 12.5 acres of "other waters" ponds scattered throughout the site, and combine this with an additional 2.0 acres of ponds within the consolidation area for a total constructed wetland area of 14.8 acres;
- Allowance for an on-site pre-treated stormwater detention system;
- Protection of 2.0 acres of existing jurisdictional wetland area on the site;
- Creation of an additional 2.0 acres of shorebird habitat;
- Provision for improved long term management of the consolidated, enhanced wetland areas in terms of easier system modifications that may be needed in terms of changes in rainfall patterns, sea level rise and vector control.

Exhibit 12 conceptually shows the key elements of the consolidation plan on the project site after the plan is implemented. These elements include:

- Construction of a permanent berm along the easterly edge of the consolidated area for protection of wetlands against unfiltered stormwater;
- Excavation of 12.8 acres of the westerly portion of the project area to an elevation below 3.0 foot NGVD (National Geodetic Vertical Datum), including 3.5 acres of land below 1.0 foot NGVD. This action will disturb 0.26 acres of wetlands on the project site for the purpose of installing new drainage facilities and will require the removal of 115,000 cubic yards of material from the consolidated, enhanced wetland area.
- Installation of water control structures, including tide gates, at the Refuge entrance road to control water flows into the consolidated wetland area. Elevations between -1.0 NGVD and +1.0 NGVD will be subject to tidal flows.
- Excavation and deepening of the existing channel between Thornton Avenue to the Refuge



entrance road to provide sufficient hydrologic connection for a muted tidal flow into the new wetland system. Existing sloughs connecting the outer tide gate to Newark Slough will also need to be widened and deepened to accommodate water run-off from the detention pond. This will result in removal of approximately 8,400 cubic yards of material and will disturb 0.98 surface acres of identified wetlands in the Refuge. This work will occur within existing drainage easements dedicated to Cargill.

- Revegetation of the newly created wetland area with appropriate plant material typical of wetland habitats, including alkali heath (Frankenia schina), fat hen (Atriplex patula), gum plant (Grindelia humilis), salt grass (Distichlis spicata), saltbush (Atriplex lentiformis) and coyote bush (Baccharis pilularis).

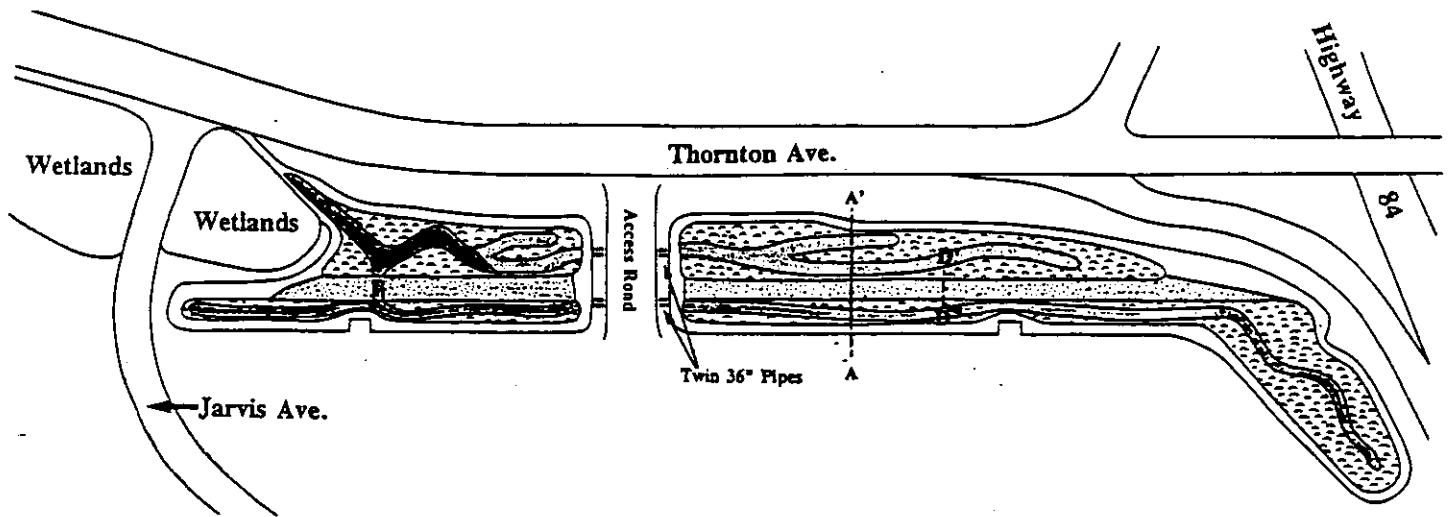
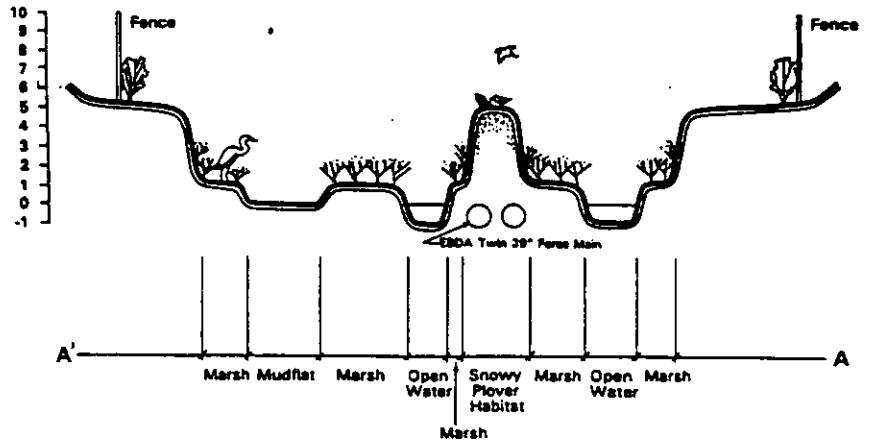
With implementation and completion of the Consolidation Plan, there will be no net loss of either wetlands or "other water" acreage on the project site. The site currently contains a total of 14.5 acres of jurisdictional wetlands and "other waters of the U.S." After completion of the proposed Consolidation Plan, a total of 14.8 acres of constructed wetlands will exist on site.





Exhibit 13 shows typical cross sections of the consolidated area within the project area, as contained in the draft consolidation plan. This exhibit shows a snowy plover roosting habitat area at an elevation of approximately +6.0 overlying an existing sewer force main facility. Low-lying open water channels will be interspersed with vegetated marsh areas and mudflats. Downslopes will be located on the outboard edge of the consolidated wetland area.

With regard to potential wetlands impacts within the Wildlife Refuge, and as noted above, the Consolidation Plan notes that widenings and deepening of existing channels within the Refuge will be required to accommodate water run-off from the project site. This will include excavation of approximately 8,400 cubic yards of material encompassing less than one surface acre (0.98). These wetland areas will be restored to pre-construction quality after completion of the drainage improvements. Exhibit 14 shows the extent of proposed construction through Refuge property west of the Gateway site and Exhibit 15 shows a cross section diagram of the same construction.

Information supplied by the applicant indicates that the Refuge was established in 1979, through condemnation action against Leslie Salt Co. and other property owners. Precise boundary lines were drawn in the immediate area by Caltrans as part of the planning for Route 84. The U.S. Fish and Wildlife Service elected to site the headquarters facility of the Refuge in its present location, due to proximity to the Dumbarton Bridge and planned freeway construction, and to serve as a buffer between the refuge to the west and urbanization that was occurring in Fremont and Newark. As part of the purchase agreement between the federal government and Leslie Salt, Leslie Salt retained drainage easements over Refuge property as well as the right to construct and maintain drainage fixtures, equipment and structures.

Another feature of the Consolidation Plan and the parcel map is the alignment of Gateway Boulevard, which is proposed to extend through the consolidated pond area to connect with Thornton Avenue. The planned road alignment is not located in a defined wetland area, although it is sited in an "other water" area. The Consolidation Plan proposes to construct culverts under the Gateway Boulevard roadbed to permit water to flow freely throughout the entire consolidated enhanced wetland area.

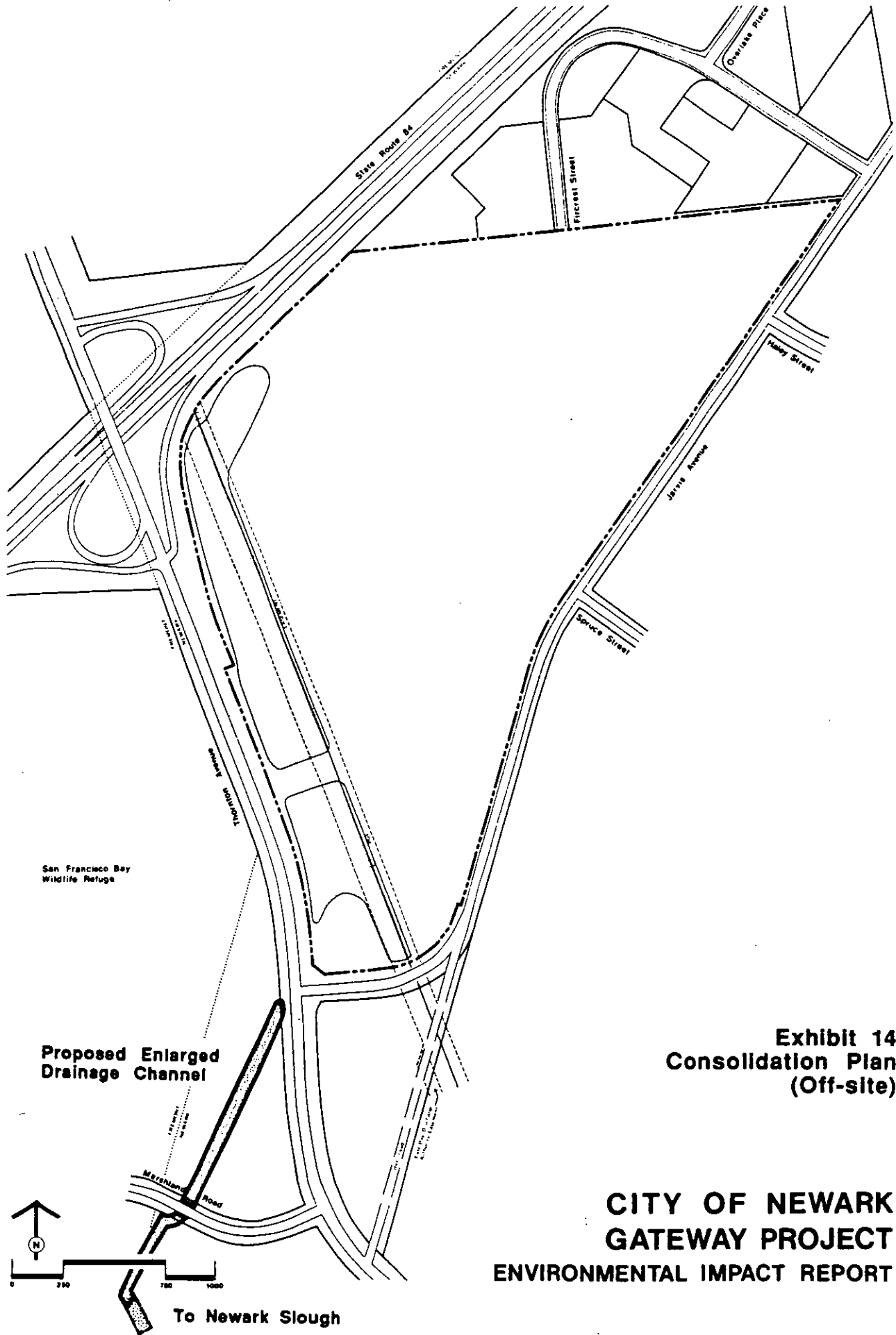


-  Proposed open water
-  Proposed mudflat
-  Proposed marsh
-  Proposed western snowy plover roosting habitat

**Exhibit 13
Consolidation Plan
(on-site cross-section)**

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**Exhibit 14
Consolidation Plan
(Off-site)**

**CITY OF NEWARK
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ENVIRONMENTAL IMPACT REPORT**

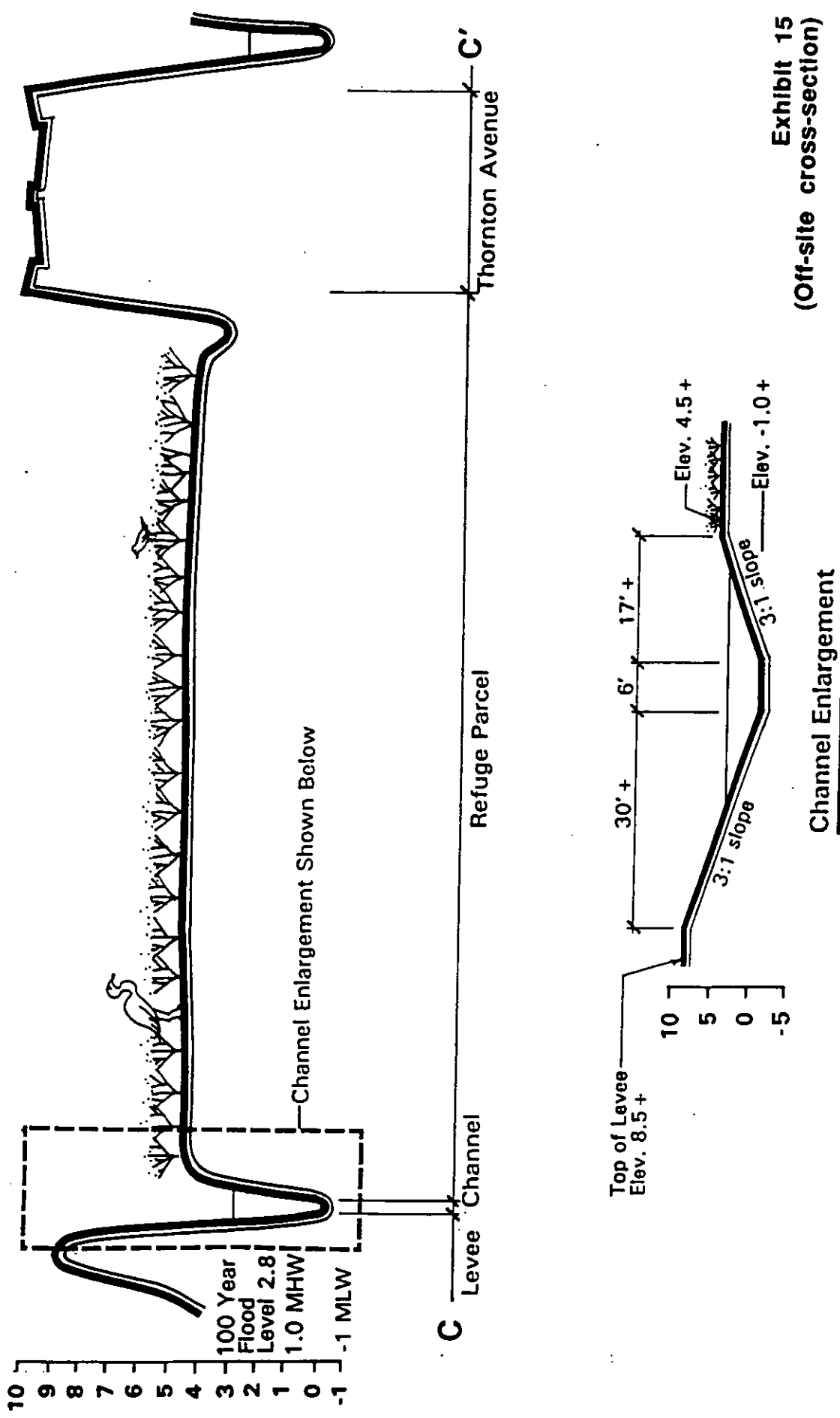


Exhibit 15
(Off-site cross-section)



Wetlands Research Associates, Inc.

Figure 8. Cross section C-C' through the San Francisco Bay National Wildlife Refuge parcel. Approximate horizontal scale 1" = 100' and approximate vertical scale 1" = 5'. Channel enlargement approximate scale is 1" = 20'.

Associated impacts to on-site wetlands are also anticipated for the proposed widening of Thornton and Jarvis Avenues adjacent to the site, which is required as transportation mitigation by the City of Newark. The total amount of wetland area to be lost as a result of roadway widening encompasses approximately 32,000 square feet, equivalent to 0.73 acre.

The draft Consolidation Plan includes provisions for a five year monitoring program of the area, with annual reports submitted to the Corps of Engineers, U.S. Fish and Wildlife Service, and California Department of Fish and Game. The monitoring plan is expected to address the health of vegetated wetlands, status of tidal flows and usage of the area by birds.

The Consolidation Plan for Poned areas is subject to approval by the Corps of Engineers under Section 404 which will also require the issuance of a certificate by the State Water Resources Control Board. Applications have or will be made in the near future for all necessary permits.

Environmental Impact 4.3.4 (wetlands): The amount of development proposed on the project site will result in a significant adverse impact on existing wetlands. Primary impacts include:

- increased rate of stormwater run-off into wetlands (on and off the project site) and related water quality degradation, although the storm water run-of will be treated prior to entry into wetlands.
- A maximum disturbance of 0.26 acre of wetlands is anticipated for construction of project-related drainage improvements. Widening of Thornton and Jarvis Avenues to improve site circulation and access will also cause the loss of an additional approximately 32,000 square feet (0.73 acre) of wetland area on the project site, located along project frontages adjacent to Jarvis and Thornton. The total disturbance to wetland areas, including on- and off-site construction is expected to be approximately one (1) acre (significant and adverse).

Environmental Impact 4.3.5 ("other waters"): Existing ponded "other waters of the United States" on the proposed Gateway site will be filled as part of project construction. This includes 12.5 acres of "other waters" which will be lost (significant and adverse).

Environmental Impact 4.3.6 (Refuge wetlands): Construction of the proposed Gateway project and the wetlands Consolidation Plan will require installation of drainage improvements within existing channels in the San Francisco Bay National Wildlife Refuge. An estimated 0.98 acre of wetlands would be disturbed to allow drainage channel widenings, within an existing drainage easement, consisting of approximately 8,400 cubic yards of material to be excavated (significant and adverse).

Ground waters

Construction of the project will require trenching for the placement of underground utilities. Depending on the depth of the trenches, groundwater may be encountered during construction.

Environmental Impact 4.3.7 (ground waters): Groundwater may be encountered when trenching for underground utilities (insignificant).

Public water supply

The land uses proposed within this project were anticipated in the most recent update of the General Plan (1992). Utilities and infrastructure have been sized based on assumptions contained in the General Plan. This topic is addressed in Section 4.14, Utilities.

4. **Mitigation Measures**

Implementation of the following mitigation measure will reduce potential impacts to ground water resources to a level of insignificance.

Mitigation Measure 4.3.1 (hydrology): The applicant and/or developers shall submit a precise drainage plan to the City of Newark and the Alameda County Flood Control and Water Conservation District prior to or concurrently with applications for grading permits for development of the site. The drainage plan shall be based on the most recent hydrologic criteria established by the Alameda County Flood Control and Water Conservation District and the City of Newark.

Responsible Monitoring Agency: Newark Development Services Department

Time Frame: Prior to any development and construction of public improvements on the project site.

Submittal and approval of a precise drainage plan by the applicant will ensure that all drainage improvements will be properly designed to permit proper site drainage with insignificant adverse impacts.

Mitigation Measure 4.3.2 (wetlands and "other waters"): The applicant shall receive approval of the Consolidation Plan for Poned Areas by the U.S. Army Corps of Engineers, State Water Resources Control Board, San Francisco Bay Regional Water Quality Control Board and any other state or federal agencies specified by the Corps or the RWQCB. The Plan shall include necessary hydrologic calculations, a pre-construction survey of plant and animal life by a qualified field biologist, a grading plan in accord with generally recognized wetland biological practices, a maintenance program, and an agreement with the City of Newark. A separate monitoring program will be required for detention pond maintenance to ensure the integrity of the project drainage system is protected.

Responsible Monitoring Agency: Newark Development Services Department

Time Frame: Prior to any development and construction of public improvements on the project site.

Implementation of Mitigation Measure 4.3.2 will, in conjunction with Mitigation Measure 4.3.3, assist in reducing potential wetland and "other water" impacts to a level of insignificance. The Consolidation Plan will ensure the long term preservation of existing wetlands and will increase the biological value of constructed wetland areas by introducing muted tidal influences into an area with minimal existing tidal influence.

Mitigation 4.3.3 (wetlands): A 404 permit will be required to be issued by the Corps of Engineers for the loss of wetlands due to on-site excavation and the widening of Thornton and Jarvis Avenues. On-site compensation for loss of wetland area, estimated to be a maximum of one acre, shall be made at a ratio not less than one acre, or fraction thereof, of new wetland created for each acre, or fraction thereof, of wetland eliminated for widening purposes. Application for the 404 permit may be made in conjunction with the application for the Consolidated Ponding 404 permit.

Responsible Monitoring Agency: City of Newark

Timing: Compensatory wetland shall be in place prior to issuance of a certificate of occupancy for the first permanent building on the project site by the City of Newark.

Impacts on wetland and "other water" areas, both on the project site and within the Refuge, after mitigation, will be insignificant since loss of wetland area will be compensated for on the project site and there will be no net loss of wetlands or "other waters of the United States." The biological value of the replaced wetlands will be of higher biological value than is lost due to project construction. This is based on the relatively low biological value and wildlife usage of existing "other waters" on the project and that replacement wetlands will be part of a significantly larger aggregation of wetlands.

Mitigation Measure 4.3.4 (ground water): The applicant, or applicant's contractor, shall adhere to all construction standards for trenching adopted by appropriate utility districts or other authorities.

Responsible Monitoring Agency: Newark Development Services Department

Time Frame: During construction phases of the project.

Adherence to this mitigation measure will ensure minimal disturbance of groundwater resources. Public agency trench standards represent Best Management Practices available to ensure minimal impact on subsurface waters.

4.4 Biological Resources

1. Environmental Issues

Issues addressed in this section include potential significant impacts to plant and animal life, including change in diversity of species, especially rare, threatened and endangered species; introduction of new plant or animal species into a given area; changes to animal migration patterns; deterioration of fish or wildlife habitat; and changes to agricultural crops.

2. Environmental Setting

Plant life

The eastern third of the site is pasture and grazing land, supporting primarily pasture grasses such as Italian rye grass and upland grasses such as storksbill, black mustard and burclover. Vegetation is limited by the existence of shallow pits once used by Leslie Salt Company for the deposit of calcium chloride (salt). The remainder of the site was used for salt crystallization. Salt operations

on this and adjoining sites ceased in 1959. Due to the previous salt operations and resulting saline soil condition, the diversity of vegetation is limited. Site vegetation has also been disturbed by recent site grading activities, although such grading did not occur within wetland or "other water" portions of the site.

The majority of plant species found on the property include eight upland species. Field investigations by Wetlands Research Associates in 1986 and again in January 1989, revealed that the southwestern corner of the site, approximately two acres, is supporting a dense patch of vegetation (up to 98 percent cover) with the dominant plant type being perennial pickleweed. Perennial pickleweed is considered to be an obligate wetland species. Pickleweed, however, is not listed as a rare, threatened or endangered species.

Animal life

San Francisco Bay is both a nesting area and a critical migration and stopover area for many water birds. Seasonal and permanent ponds are important feeding and roosting sites for shorebirds and ducks, particularly during high tides and storms. Other birds make use of the pasture land on the project site and surrounding properties throughout the year as well as during migration times.

Over the last few years, several bird surveys have been conducted on the project site by wildlife biologists. These included Cogswell (1983 and 1986) and by Rigney and Harvey (1987). Bird species identified by the wildlife biologists include: grebe, herons and egrets, ducks, vultures, hawks (including Golden Eagle and Northern Harrier), kestrels, pheasant, coot, various shorebirds, gulls and terns, doves, owl (including burrowing owl), hummingbird, western snowy plover, tri-colored blackbird, and perching birds. According to one recent biological summary of the site (WRA, 1994), the Cargill site received less overall use by all bird categories except water birds than sites containing vegetated wetlands. Site usage by water birds was typically highest within existing ponds after rainstorms. The same summary also compared total bird use on the Cargill site with a similar environment found in both the Coyote Hills Regional Park to the north and the San Francisco Bay National Wildlife Refuge. Scientific surveys indicated that the large expanses of consolidated, vegetated tidal action wetland characteristic of the Refuge and the regional park received significantly more bird use of all types than did the Cargill site.

In addition to domestic grazing animals (cows, horses and similar), two mammal species have been identified on the site, including the salt marsh harvest mouse and California Ground squirrel (Harvey, 1987 and Josselyn 1987). Although a thorough survey of mammal species has not been conducted on this particular site, typical mammals and reptiles which would be expected to be found include: Virginia opossum, Black-tailed Hare, California Vole, rats, Gray Fox, raccoon, weasel, striped skunk, western toad, tree frog, western fence lizard, gopher snake, common kingsnake and common garter snake.

Of the animal species identified or expected to be on the site, the following are considered to be rare, threatened or included on state or federal listings as species of special concern.

Salt Marsh Harvest Mouse

This species is listed by both State and Federal agencies as an endangered species. This species is found in the margins of San Francisco, San Pablo and Suisun Bays, within tidal and diked salt marshes and adjacent lands. The salt marsh harvest mouse prefers dense vegetation, especially pickleweed.

Burrowing Owl

Burrowing owl nests have been found throughout the year on the project site. Owls make their home in open fields and dirt banks and use burrows for shelter and nesting. Within the Bay Area, they are frequently associated with small burrowing animals, such as ground squirrels, whose burrows they modify for their own use. Their most important food source include insects and small mammals. The Burrowing owl is on the second-level priority list of California species of special concern, but is not legally protected by either State or Federal agencies except during the nesting season.

Golden Eagle

Golden Eagles have been sighted at least twice in the past few years foraging over the project site, although no nests have been identified. They feed primarily on small mammals, such as rabbits and ground squirrels and typically have a foraging area of 20 to 60 square miles. Golden Eagles are on California's third priority list of birds of special concern, which means they are not in present danger but on the decline.

Northern Harrier

Northern Harriers have been observed several times foraging over the pasture on the project site. This species forages over marshes and grasslands for mice, rats, frogs and small snakes. As with the Burrowing Owl, the Northern Harrier is on California's second priority list of special concern, but is not a legally protected species.

Western Snowy Plover

The western snowy plover is currently classified as federally and state threatened. Sitings of this species have been reported in 1985 and more recently in 1992. A protected nesting and roosting area will be provided under the consolidation plan.

Tri-colored Blackbird

This species is listed as a federal candidate, category 2, and by the state as a species of special concern. Sitings of the tri-colored blackbird have been reported within the wetland area of the site since 1984. The non-wetland portions of the project site do not offer the type and characteristic of habitat which support this species. The area where this bird has been observed will be preserved.

Regulatory and Policy Framework

Protection of biological resources within California is divided between the United States Fish and Wildlife Service, which enforces all federal laws pertaining to plant and animal life, including the Endangered Species Act, Migratory Bird Conservation Act, Migratory Bird Treaty, North American Wetlands Conservation Act and other. The California Department of Fish and Game enforces the California Endangered Species Act and other state laws relating to biological resources.

The Open Space and Conservation Element of the Newark General Plan contains goals and policies appropriate to the retention of biotic resources, including:

- Goal 1: Encourage the conservation and preservation of unique open space and conservation resources which help define the quality and character of the City.

- Goal 2: Acknowledge the San Francisco Bay National Wildlife Refuge acquisition and its value as a community resource.

3. Environmental Impacts

Standards of Significance

Significant environmental effects on biological resources result if one of the following were to be found:

- impacts on a population or critical habitat or rare, threatened or endangered species.
- substantial interference with the movement of any resident or migratory fish or wildlife species.
- a substantial reduction in habitat for fish, wildlife or plants.

Environmental Impacts

Plant life

The type, amount and distribution of plant species will change should the proposed project be built. Specifically, existing, native species located on the upland, non-wetland portion of the site will be removed to allow construction of buildings and other improvements. However, since no rare, threatened or endangered plant communities exist on this portion of the site, the impact on vegetation is not considered significant.

Changes will occur within the western portion of the site and within "other waters of the U.S." ponds sited adjacent to Jarvis Avenue. Specifically, many of the "other waters" ponds will be filled and the vegetation occurring in these areas destroyed as part of the grading process. As part of the Consolidation Plan prepared by the applicant (described in Section 4.3 of the EIR), compensatory wetlands will be created adjacent to Thornton Avenue. A small amount of pickleweed in the jurisdictional wetland portion of the site will also be disturbed to allow for construction of drainage culverts under Thornton Avenue as part of the Consolidation Plan. As part of the Consolidation Plan, approximately 12.8 acres of constructed (man-made) wetland area will be created for the purpose of attracting fish and bird life common to typical wetlands.

An additional amount of other wetlands associated plant life will be removed from small portions of the site adjacent to Thornton and Jarvis Avenues for the purpose of widening these thoroughfares. Up to 32,000 square feet (0.73 acre) of wetlands would be disturbed in order to accommodate road widenings. Disturbance of wetlands would occur on both sides of Jarvis Avenue near its intersection with Thornton and along portions of the northerly side of Thornton Avenue. Since precise road improvement and widening plans have not yet been prepared, the exact number and location of plants to be removed cannot be quantified. However, these impacts have been previously addressed in Section 4.3 of this EIR, Water. Appropriate mitigations have been proposed in Section 3, which will require the placement of compensatory wetlands on the south side of Jarvis Avenue within the project site, to reduce potential plant life impacts to insignificance.

New plant species will be introduced on the site in terms of landscaping within planter areas. These will be common ornamental landscaping material used throughout Newark and surrounding communities and will not pose a significant adverse impact.

No agricultural crops are currently grown on the site so that there will be no adverse impacts related to agricultural production

Environmental Impact 4.4.1 (plant life): Construction of the proposed Gateway project would have the effect of removing a number of perennial pickleweed (salicornia virginica) plants, which is an obligate species associated with wetlands, in conjunction with disturbances to wetland areas. Perennial pickleweed is not a rare, threatened or endangered species. Wetland disturbances are discussed in Section 4.3, Water. (insignificant)

Animal life

Construction of the project will reduce, but not totally eliminate, the area available for nesting and foraging for species of bird life. Although the majority of open pasture land will gradually be removed as the land converts to urban uses, a portion of the site will be permanently planted with trees and other landscaped areas to provide nesting and foraging areas. Also, the City has traditionally supported the development of the nearby San Francisco Bay National Wildlife Refuge which supplies a significant regional habitat resource for all of the bird species found on the project site.

Development of the project could impact the salt marsh harvest mouse habitat, which is listed as protected under the Endangered Species Act. Burrowing Owl habitat would also be impacted as would California Ground Squirrel populations and the habitats and foraging areas of the birds and mammals listed above. These are all considered to be potentially significant impacts. Mitigations are proposed for these potential impacts below.

The Northern Harrier and Golden Eagle are not known to nest or roost within the project site and development of the proposed project would remove only a small portion of their foraging areas. This will not be a significant impact.

No new animal species will be introduced into the general vicinity of the project, since the project will not involve the construction of new residences. Nor would any migratory corridors be affected, since the site has been fenced for a number of years and land uses southerly and easterly of the project site have already been developed for residential purposes. Existing domestic animals grazing on the site will be relocated to other sites.

With the implementation of the Consolidation Plan for the wetlands and "other waters of the U.S." as proposed by the project applicant, there will be no net loss of animal habitat on the site.

Environmental Impact 4.4.2 (animal life): Construction of the proposed project could reduce the habitat area of the salt marsh harvest marsh and western snowy plover (significant and adverse).

Environmental Impact 4.4.3 (animal life): A potential adverse impact could result to Burrowing Owl species and habitat areas, especially during the nesting season, caused by site grading and construction of permanent improvements. Burrowing owls are considered

a species of special concern by the California department of Fish and Game (significant and adverse).

4. Mitigation Measures

Mitigation Measure 4.4.1 (animal life): Habitat of the salt marsh harvest mouse shall be avoided in the construction of this project. If this cannot be accomplished, alternative habitat shall be replaced elsewhere on site. To ensure that this occurs, a resource management plan shall be prepared by a qualified biologist and approved by all appropriate state and federal agencies prior to approval of precise development plans on the site. Compliance with provisions with the Endangered Species Act shall be addressed in the Resource Management Plan.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: Prior to approval of precise development plans.

Adherence to the above mitigation measure will reduce potential impacts to the salt marsh harvest mouse to a level of insignificance by prohibiting urban development within such habitat areas, or, if this cannot be avoided, requiring replacement habitat off of the project site.

Mitigation Measure 4.4.2 (animal life): The applicant or project developer shall retain the services of a qualified biologist to: (1) determine if Burrowing Owl habitat exists on site, and (2) implement a precise plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event owl habitat is found on the project site. Burrowing Owl habitat, if found, shall not be disturbed during the nesting season.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: Prior to the issuance of grading or building permits.

Compliance with Mitigation Measure 4.4.2 will protect Burrowing Owl species during the critical nesting season by ensuring implementation of best available measures to protect individual owls.

4.5. Noise

1. Environmental Issues

Potential noise issues include increasing noise levels in the vicinity of the project site and exposure of people to increased noise levels.

2. Environmental Setting

The City of Newark General Plan contains an exhibit entitled "Noise Contour Map-Existing Conditions," which maps the extent of existing significant noise levels. Neither the proposed Gateway site nor existing single family residences on the south side of Jarvis Avenue are classified as containing significant noise sources, as described in the Standards of Significance section, below.

The newly-proposed industrial zoning district which will be applied to the Gateway property includes a maximum noise emission of 55 dBA at the property line between 7 a.m. and 10 p.m. and 45 dBA between 10 p.m. and 7 a.m., which is quieter than the criteria contained in the City's Noise Element.

Regulatory and Policy Framework

The Newark General Plan contains a Noise Element which identifies major sources of noise within the community, establishes acceptable noise levels and also contain goals, policies and programs for the achievement of noise standards.

3 . Environmental Impacts

Standards of Significance

Figure 10-2 of the Newark Noise Element provides standards for maximum exterior noise exposure limits by land use types. In summary, normally acceptable exterior noise levels include 60 decibels (using the DNL methodology) for single family residences and 65 decibels for multi-family residences. Conditional noise levels are 70 dB for both land use types.

Environmental Impacts

Should the project be approved, increases in noise during periods of construction can be expected, although these will be of a short-term nature depending upon the phasing of on-and off-site construction. Typical noise generated by construction activities include earthmoving, truck traffic, back-up bells and other mechanical equipment normally used for construction. Noise related to construction will include both the proposed Gateway site and on portions of Jarvis and Thornton Avenue as part of roadway widening.

Environmental Impact 4.5.1 (short term construction noise): Increased noise levels can be expected due to construction activities related to on-site improvements (the Gateway project) and widenings of Jarvis and Thornton Avenues (adverse and short term).

Land uses envisioned to be constructed within the project will predominantly include offices, research and development facilities, and warehouse and distribution buildings, none of which are associated with significantly high noise levels and none of which are considered sensitive noise receptors. A limited amount of light industrial and assembly uses may locate on the site, although these also do not typically generate noise levels in excess of that specified in the General Plan, which is 55 dBA.

Additional levels of vehicular traffic will be generated as a result of this project. However, the project has been designed to minimize increased traffic levels on Jarvis Avenue, which are also adjacent to residential development. The majority of vehicles, including truck traffic, will enter and exit the site using the Gateway Avenue intersection with Thornton Avenue which is the closest to State Route 84.

Proposed widening of Jarvis Avenue as part of the AID will place traveling automobiles closer to existing single family residences on the south side of Jarvis, approximately twenty (20) to twenty-two (22) feet closer to existing residents than is presently the case. Single family dwellings are protected from noise intrusion by existing wooden fences and, in some instances, masonry block walls. Given that the predominance residential lots are deeper than normal (115 feet of lot depth,

versus 100 of typical lot depth throughout the community), significant noise impacts are not anticipated.

An exhibit entitled "Noise Contour Map-Future Conditions (2007)" has been prepared as part of the Noise Element of the General Plan and is intended to assess future significant noise areas within the community. Neither the project site nor the residential area on the south side of Jarvis Avenue are classified as being significantly impacted by with noise on the future contour map.

Significant noise impacts to residential areas on the south side of Jarvis are therefore not anticipated.

4. Mitigation Measures

Mitigation Measure 4.5.1 (construction noise): All construction within the project area shall be limited to 7 a.m. to 5 p.m., Monday through Friday. Construction equipment, including compressors, and generators, shall be fitted with heavy duty mufflers designed to reduce noise impacts.

Responsible Monitoring Agency: Newark Development Services Department

Time Frame: During construction phases of the project.

Impacts after implementation of Mitigation Measure 4.5.1 will be insignificant since the hours of noise exposure will be limited to normal daylight hours during weekdays and mechanical devices will be installed on construction equipment to muffle noise.

4.6 Light and Glare

1. Environmental Issues

This section of the EIR assesses the potential for the creation of new sources of light and glare.

2. Environmental Setting

The project site is now characterized by open spaces with no sources of light or glare emitted. Sensitive receptors to increased levels of light and glare exist to the south and east of the site, where single family homes exist and to the west, the San Francisco Bay National Wildlife Refuge.

3. Environmental Impacts

Standards of Significance

A significant adverse impact would result if implementation of the proposed project would result in substantial new light sources "spilling over" onto adjacent properties or onto adjacent public streets or freeways.

Environmental Impacts

Construction of the project will result in additional light and glare being created in an area which essentially has no existing sources of light. New light sources will consist of street lights along Gateway Boulevard, Jarvis Avenue (both sides of street) and Thornton Avenue (both sides of

street), parking lot lighting, and building lighting. According to the Newark Engineering Department, street lights will consist of sodium vapor fixtures at spacings of approximately 150 feet on center.

The Newark Public Safety Department, as part of the City's security ordinance, requires a minimum amount of on-site lighting for security purposes.

Environmental Impact 4.6.1 (light and glare): Increased levels of light and glare can be anticipated as a result of the proposed project, including installation of new street lights along Thornton and Jarvis Avenues and Gateway Boulevard, new parking lot lighting and building lighting (significant and adverse).

4. Mitigation Measure

Mitigation Measure 4.6.1 (light and glare): All site lighting, especially along the southerly and easterly project boundaries, shall be directed inward to the project and away from the perimeter of the site. In addition, all lights shall be equipped with cut-off lenses to limit the "spill over" of unwanted light and glare onto adjacent properties. A landscaped buffer shall also be provided along the north side of Jarvis Avenue to further limit light and glare impacts

Responsible Monitoring Agency: City of Newark Development Services Department.

Time Frame: Architectural and Site Plan Review.

Impacts remaining after adherence to the above mitigation measure will be insignificant, since all new lights will be directed away from nearby residential areas.

4.7. **Land Use**

1. Environmental Issues

Issues to be addressed in this section of the EIR include potential impacts or substantial changes to existing land uses, potential impacts to surrounding land uses and consistency with land use regulatory plans adopted by governmental agencies.

2. Environmental Setting

Existing setting

On-site uses

The existing use of the site is vacant with primary permanent structures being a number of high-voltage transmission line towers running in a north-south direction along the westerly portion of the site. The towers are owned and maintained by Pacific Gas and Electric Company. Other uses include a number of small structures used for storage of hay and animal feed as well as several fences used for animal control. A number of large animals, cows and horses, graze on the property. Exhibit 16 depicts existing land uses on the project site.

Surrounding uses

Surrounding land uses include industrial development to the northeast (Bridgeway Center), single family dwellings and vacant land to the south, and the San Francisco Bay National Wildlife Refuge to the west. The San Francisco Bay National Wildlife Refuge was formed in 1972 by passage of Public Law 92-330, which authorized the preservation and protection of critical habitat area and to provide opportunity for wildlife oriented recreation and nature study. The Refuge was originally authorized to encompass 23,000 acres with the authorization enlarged in 1988 to include 43,000 acres. The Refuge is managed by the U.S. Fish and Wildlife Service. Portions of the Refuge, including Refuge lands located in the City of Newark, were originally owned by Cargill or predecessor companies and sold to the Refuge over the past twenty years. Cargill has retained an easement over a portion of refuge lands for drainage purposes.

State Route 84, the Dumbarton Freeway, forms the northerly boundary of the project site.

Property proposed for widenings of Jarvis and Thornton Avenues as part of the AID are presently vacant.

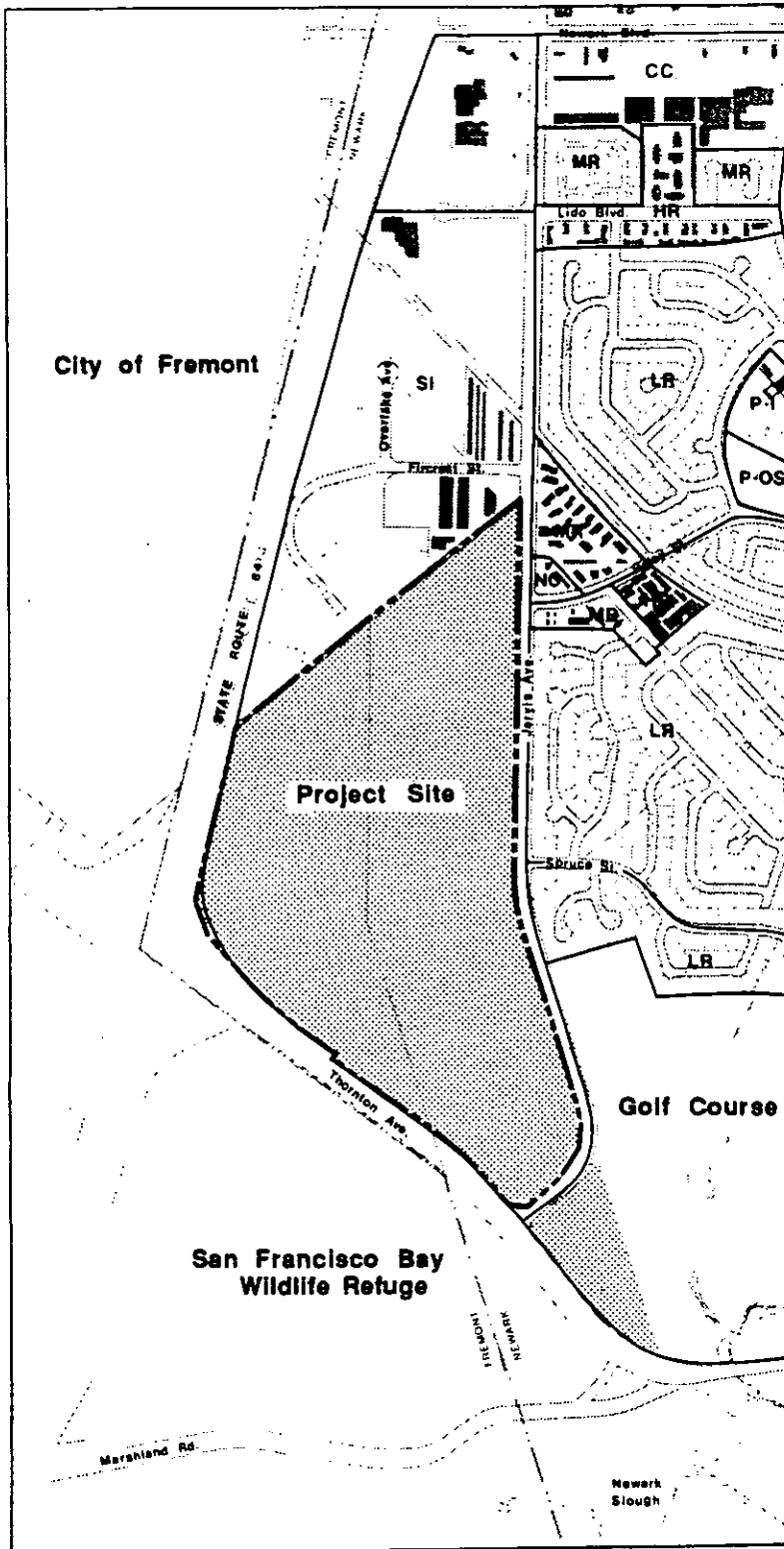
Exhibit 16 also shows surrounding land use patterns.

Regulatory and Policy Framework

The Newark General Plan, which is the official City document establishing future land uses in the community, designates the property as "SI," Special Industrial. This designation is intended to promote development of the highest standards of building design, landscaping and aesthetic amenities. Typical uses are to include those associated with advanced technology, electronics, aviation, biotechnology and medicine. Other uses may include offices, light assembly, warehouse and distribution. All uses to be constructed under the SI designation are to be fully compatible with residential development and similar potentially sensitive land uses.

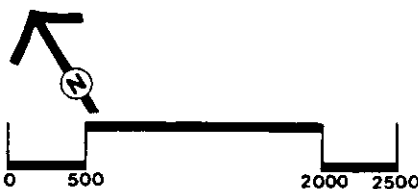
A new zoning district has been drafted to implement the SI General Plan designation. The new zoning district is entitled "MT-1." This District is very similar to the City's existing MT District and is intended to encourage quality industrial development to create a balanced community, to reserve appropriately located areas for administrative and research facilities and to provide opportunities for certain types of light industries to concentrate in a mutually beneficial relationship. Permitted land uses in the proposed MT-1 District include administrative and manufacturing functions, oriented toward high-technology enterprises, related businesses and limited freestanding warehousing and distribution uses. The proposed MT-1 District also includes standards and criteria to guide future development within the zoning district, including minimum site area, minimum site frontage, minimum yards and setbacks, minimum building heights, screening requirements from adjacent areas and special requirements limiting the amount of noise, noxious gases, vibration and related items. Site zoning is presently "A," Agriculture, which is proposed to be reclassified to the MT-1 District to allow land use types envisioned as part of the development project.

Surrounding General Plan designations include "LR," Low Density Residential and "NC," Neighborhood Commercial to the south, and "SI" to the east. Properties to the north and west are outside of Newark's jurisdiction and lie within the City of Fremont. They are designated for industrial uses. Cargill's development proposal would be consistent with existing industrial and high technology uses which have been constructed along the Highway 84 corridor in this general location. General Plan designations are depicted on Exhibit 17.

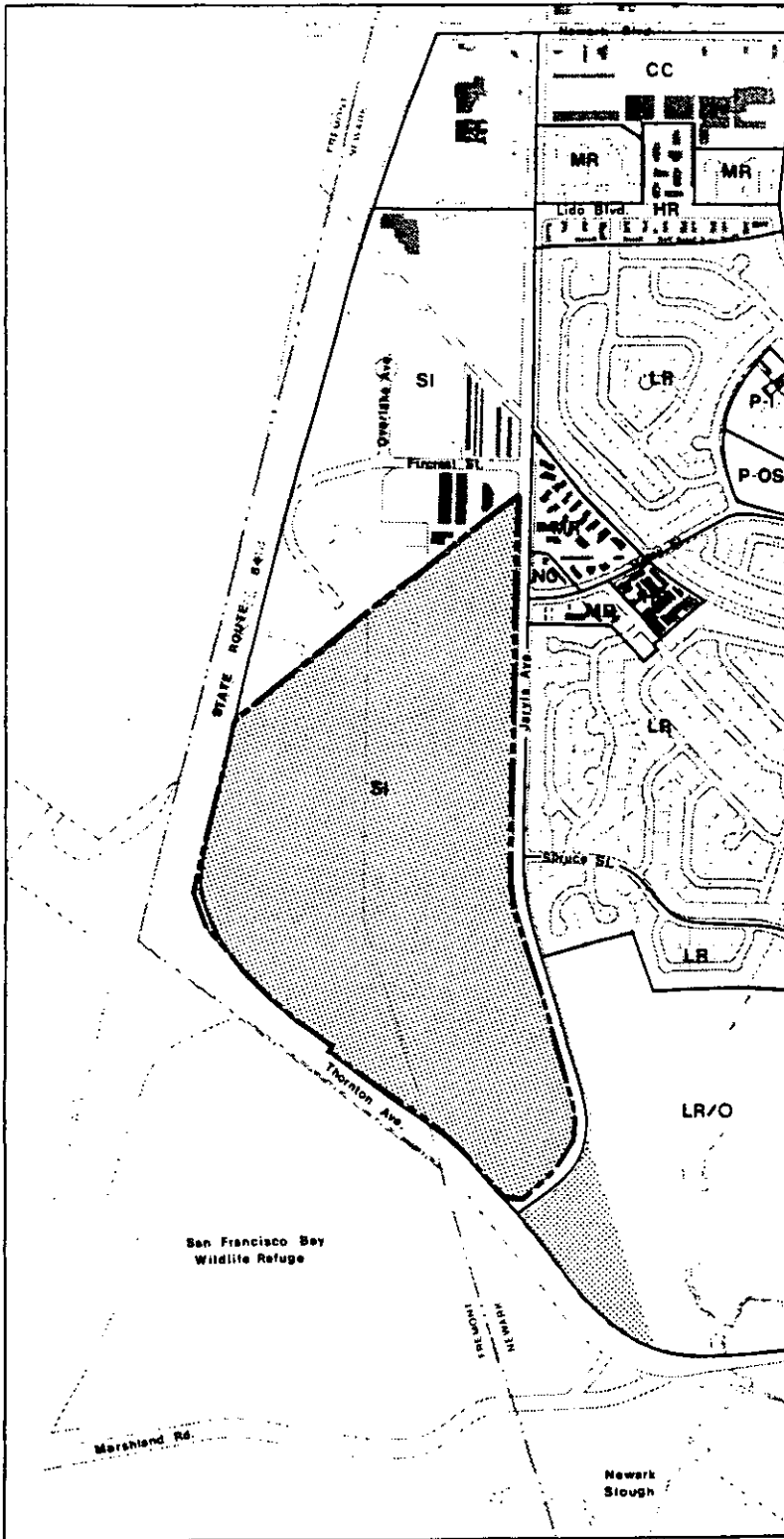


- LR Single Family Residential
- MR Multi-Family Residential
- HR High-Density Residential
- NC Neighborhood Commercial
- CC Community Commercial
- SI Industrial/Business
- P Public Lands

**Exhibit 16
Existing Land Uses**

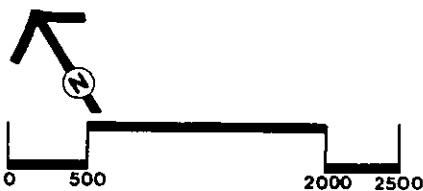


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- LR Low Density Residential
- LR/O Low Density Residential/Open Space
- MR Medium Density Residential
- HR High Density Residential
- SI Special Industrial
- NC Neighborhood Commercial
- CC Community Commercial
- P-I Public-Institutional
- P-OS Public Parks-Open Space

**Exhibit 17
General Plan Designations**



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Zoning on surrounding properties include O (Open Space) to the southwest; Agricultural (A) zoning to the south and northeast; Industrial Park (MP) to the northeast and a combination of Single Family Residential (RS-8000 and RS-6000), Multi-Family Residential (RM-1500) and Neighborhood Commercial (CN) to the south, across Jarvis Avenue. Properties to the north are outside the city's jurisdiction in Fremont. Properties to the west of the Gateway site lie within the San Francisco Bay National Wildlife Refuge. Exhibit 18 shows existing zoning on and around the project site.

3. Environmental Impacts

Standards of Significance

The following criteria have been used to define instances of a significant land use impact:

- if the proposed project is incompatible with adjacent land uses, causing the potential for a substantial adverse change in the types or intensity of existing land use patterns.
- if a proposed project is not consistent with adopted land use policies, or would require a change in such policies in order to achieve consistency.
- if a proposed project disrupts or divides the physical arrangement of an established community.

Environmental Impacts

On-site uses

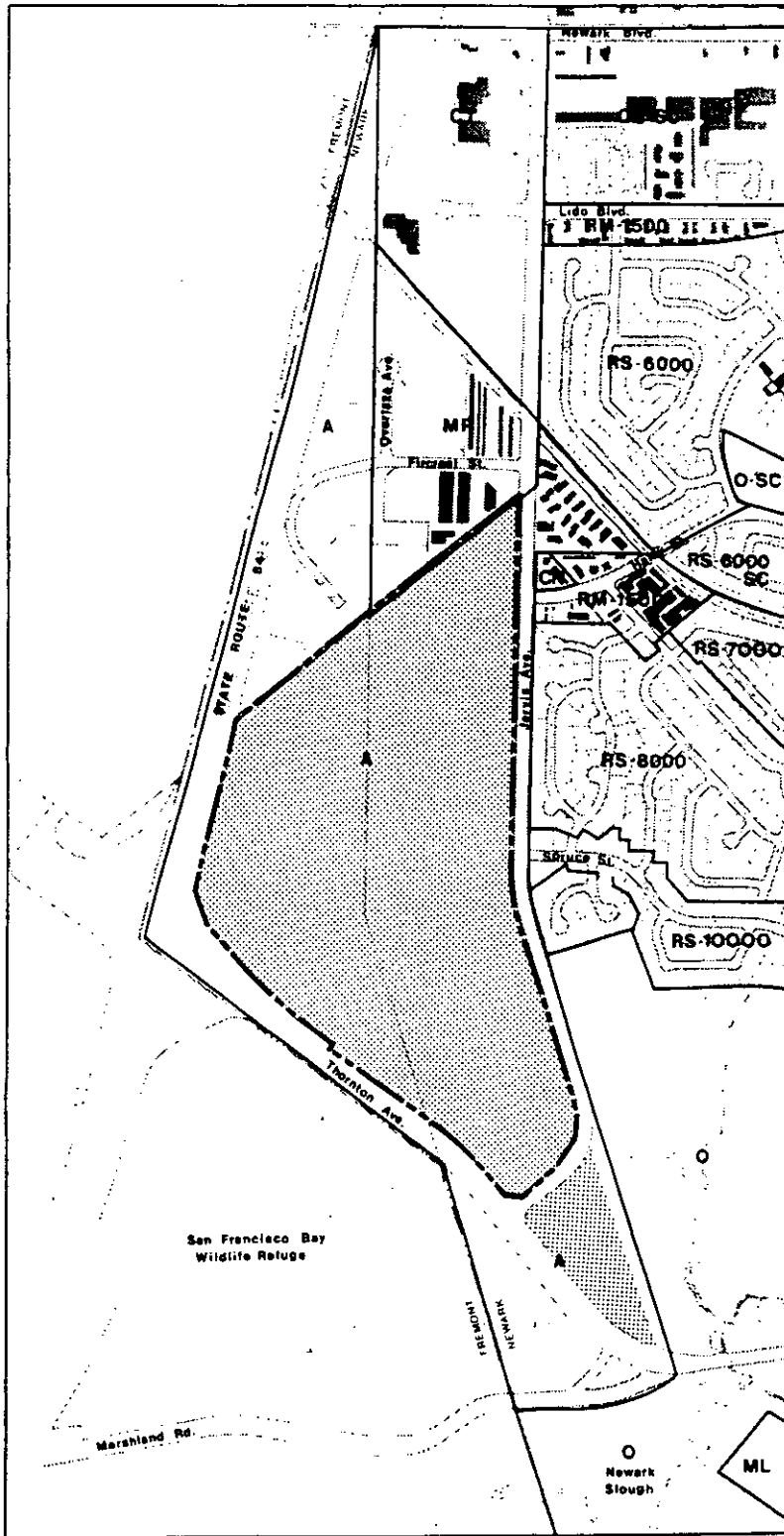
Implementation of the proposed project will gradually convert the use of the site from vacant to a mix of planned research and development, office, light industrial and warehouse and distribution uses. Existing fences and small structures will be removed, although PG & E's overhead transmission towers would remain. Existing wetland areas will not be graded or converted to urban uses. Since the type and amount of development is anticipated in the Newark General Plan, no significant adverse environmental impacts related to on-site land uses are anticipated to occur.

Environmental Impact 4.7.1 (land use): Construction of the Gateway project will result in significant adverse impacts to existing ponded "other waters of the U.S." and loss of minor secondary structures such as storage sheds and fencing. Impacts to "other waters" have been discussed in Section 4.3, Water (insignificant).

Surrounding uses

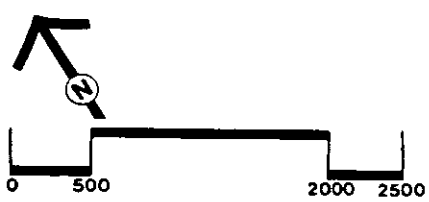
Implementation of the proposed project will not have significant impacts to uses north of the site, the Dumbarton Freeway. The Gateway project will be consistent with existing land uses to the northeast, the Bridgeway Center. It is apparent that the "stub" terminus of Fircrest Street at the northeastern property line of the Gateway site indicates that future commercial or industrial development was anticipated on the Gateway site at one time.

Potentially significant impacts may result to the existing single family dwellings south of the proposed Gateway project, including the potential for increased levels of traffic, spill-over of light and glare from adjacent parking lots, potentially negative aesthetic impacts related to new research



RS-10000	Single Family Residential
RS-8000	Single Family Residential
RS-7000	Single Family Residential
RS-6000	Single Family Residential
RM-1500	Multi-Family Residential
CN	Neighborhood Commercial
CC	Community Commercial
CT	Thoroughfare Commercial
MP	Industrial Park
ML	Limited Industrial
SC	Special Civic
O	Open Space District
A	Agricultural

**Exhibit 18
Zoning Designations**



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and development, office and warehouse uses, risk of hazard or industrial spill, and incompatible mix of land use types. Many of these impacts have been addressed in separate sections of this EIR: increased traffic (Section 4.11), light and glare (Section 4.6), aesthetics (Section 4.16), risk of upset (Section 4.9).

The potential for incompatibility of land use types, residential versus research and development, office, industrial and warehouse is somewhat softened by the fact that the two use types will be separated by the width of Jarvis Avenue, the fact that existing homes back onto Jarvis rather than having front yards on Jarvis and many of the existing homes have walls or fences along Jarvis. In addition, no vehicular or pedestrian entrances are proposed from the residential areas to the project site and that future development on the project site will include a 50 foot wide landscaped buffer on the north side of Jarvis Avenue. Remaining incompatibilities can be reduced to a level of insignificance by implementing Mitigation Measure 4.16.1, located within the Aesthetics section of this document (Section 4.16). This mitigation requires a 50 foot wide landscaped buffer to be constructed by future site developers adjacent to Jarvis Avenue and that mechanisms be established to ensure long-term maintenance of the buffer strip.

The potential for significant adverse impacts to the Wildlife Refuge west of the project site also exists. Such impacts could include:

- Increased quantities of storm water run-off and erosion with the associated potential degradation of wetland resources and water quality in the Refuge;
- Enlargement of existing drainage channels within the Refuge to dispose of storm water run-off generated on the project site;
- Increased human activity and visitation within the Refuge caused by a general increase of population in the vicinity of the Refuge;

The issue of potential wetland and water quality degradation caused by storm water run-off and erosion is addressed in Sections 4.1 and 4.3 of the EIR. Potential impacts of grading and channel enlargement of wetlands in the Refuge have been addressed in the Water section (Section 4.3). It should be noted that the land owner of the Gateway site, Cargill Salt Company, has retained the right, via conditions of sale to the Refuge, to drain the Gateway site through Refuge property. Increased visitation to the Refuge may occur as a function of additional employees and visitors to the Gateway site, however, the Refuge has been established as a visitor destination and visitor-serving facilities, including parking areas and observation decks have been constructed for this purpose. The possibility of wind blown trash and debris is minimized by the fact that prevailing winds are generally inland from the Bay. Fugitive trash will thus tend to be blown toward the Bridgeway Center, east of the Gateway site. Finally, implementation of the Consolidation Plan on the Gateway site will provide a continuous buffer strip of constructed wetlands on the east side of Thornton Avenue to provide some degree of visual consistency with the wetlands on the west side of Thornton Avenue.

No impacts are anticipated regarding the widening of Jarvis and Thornton Avenues, since right-of-way dedications have already been given to the City of Newark and no additional property or structures will need to be acquired to accomplish proposed widenings.

Environmental Impact 4.7.2 (impacts on Refuge): A number of potentially adverse impacts could result from construction of the Gateway project on the adjacent San Francisco Bay National Wildlife Refuge, including increased storm water run-off, enlargement of drainage channels within the Refuge, increased human activity within the Refuge and increases in trash and debris. Based on the preceding, none of these potential impacts are considered significant.

Land use regulations

The proposed project complies with the Newark General Plan designation of Special Industrial (SI). The amount of building square footage is consistent with the building intensity identified in the General Plan. As part of the project, the property owner will request a rezoning to the new zoning district presently being created by the City. This action is also consistent with and will serve to implement the Newark General Plan. Therefore, there will be no substantial adverse land use impacts.

Environmental Impacts: No impacts are anticipated with respect to the City of Newark General Plan and Municipal Code, since the proposed project is consistent with both regulatory documents (insignificant).

4. Mitigation Measures

None required.

4.8 Natural Resources

1. Environmental Issues

This section of the EIR includes a discussion of natural resources on the project site as well as an assessment of the need for increased use of resources should the project be built.

2. Environmental Setting

Existing Setting

There are no or minimal natural resources found on the project site, which typically include mineral resources, timber resources and similar elements. Trace amounts of crystallized salt remains on portions of the site, which was used for salt production until 1959. Salt is not a naturally occurring resource on the property, but has been introduced into the area via man-made water channels from San Francisco Bay for commercial purposes. According to the land owner, salt production is no longer economically feasible on the site.

Regulatory and Policy Framework

The Open Space and Conservation Element, adopted as a part of the Newark General Plan, provides goals and policies relating to natural resources, including agricultural lands and conservation of energy

3. Environmental Impacts

Standards of Significance

A project would be considered to have an adverse impact on natural resources or natural resource systems if:

- substantial quantities of natural resources would be required in order to construct or operate the proposed project.
- prime agricultural lands were converted to non-agricultural uses or the agricultural productivity of prime agricultural lands were impaired.

Environmental Impacts

The project is proposed to consist of a normal development project and will not consume abnormally high levels of natural resources, such as concrete, wood or similar building materials. No impacts to other resources, including salt, will occur.

No prime agricultural soils are located on the project site.

Environmental Impacts: No significant impacts are anticipated with respect to natural resources.

4. Mitigation Measures

None required.

4.9 Risk of Upset

1. Environmental Issues

Risk of upset involves the possibility of explosion, the release of potentially toxic or hazardous substances including oil, pesticides, chemicals or radiation, or any public health risk of similar magnitude. Potential interference with emergency response or evacuation plans are also addressed.

2. Environmental Setting

Existing Conditions

As noted in the Project Description, the proposed project involves the construction of research and development, light industrial, office, warehouse, and distribution uses. Specific uses within the site have not been identified by the project proponent. It is possible that some manufacturing operations may occur, although the majority of uses will be research and development, office and warehousing.

Regulatory and Policy Framework

Local regulations regarding the use and storage of hazardous materials have been adopted by the City of Newark. Existing zoning regulations require a minimum separation of three hundred feet between the location of hazardous materials and adjacent residential buildings. The Newark Public Safety Department has jurisdiction over the storage and use of hazardous materials through the Department's Hazardous Materials Bureau. All new industrial uses in the City are currently reviewed by the Bureau for hazardous materials and, if applicable, industrial operators are required to file a Hazardous Materials Management Plan to the satisfaction of the Bureau.

The transport, use and storage of hazardous materials are also regulated by the State and Federal Environmental Protection Agencies (EPA).

The City of Newark has recently prepared and is now reviewing an emergency evacuation plan for the community. The plan addresses emergency evacuation routes from the City, responses to other, more localized emergency incidents and designated roles for the Public Safety Department and other City personnel.

3. Environmental Impacts

Standards of Significance

A substantial environmental impact would result if the proposed were to:

- create a public health hazard or involve the use, production or disposal of materials which pose a hazard to people, animal or plant populations in the affected area.
- interfere with any emergency response plans or emergency evacuation plans.

Environmental Impacts

No record of dumping of any hazardous or toxic material on the project site has been identified or recorded by the Hazardous Material Bureau of the Newark Public Safety Department. This is corroborated by representatives of the current property owners.

As part of Architectural and Site Plan Review and building permit plan check for all new uses within the Gateway project, the Newark Public Safety Department will review future uses to ensure compliance with local requirements for hazardous materials and, where necessary, require the preparation of Hazardous Materials Plans. Once the project is built out, the Fire Department will continue to review applications for business licenses for the potential use of hazardous materials.

According to representatives of the Newark Public Safety Department, construction of the proposed Gateway project will not unreasonably affect emergency evacuation routes in the City. The Public Safety Department may require each future individual site user to submit an emergency plan for that particular use. This decision will be made during Architectural and Site Plan Review or building permit plan check as future uses and buildings are submitted for City approval.

4. Mitigation Measures

None required.

4.10 Population, Housing and Socioeconomics

1. Environmental Issues

This portion of the document deals with potential increases in population density and location, employment increases, as well as any potential impacts on the socioeconomic character of the City.

2. Environmental Setting

Population and employment

The City of Newark, which currently has a population of 39,503 as of January 1, 1994, according to the State Department of Finance experienced rapid population growth over the decade of the 1960's, as shown in the table below.

Table 1: Newark Population Summary, 1960-1990

Year	Population	% Increase
1960	9,911	--
1970	27,157	174.0
1980	32,126	18.3
1990	37,861	15.1

Source: City of Newark General Plan, 1992

Based on this latest population figure, the City is experiencing a rate of population growth of 1.38%, which is slightly less than the Alameda County wide population growth rate of 1.68% (Alameda County Data, Pub. No. 94-1, May, 1994).

Total jobs within Newark was estimated to be 15,090 in 1990, according to the Association of Bay Area Governments (ABAG).

Population and employment projections contained in the Newark General Plan, which are consistent with ABAG's Projections '90 (used as the basis of the General Plan) is as follows.

Table 2: Comparison of Newark General Plan and Projections '90

Document	Population Forecast			Employment Forecast		
	'90	'95	'00	'90	'95	'00
Newark General Plan (1992)	39,500	N.A.	43,600	17,140	20,420	N.A.
Projections '90 (used as basis of CAP)	40,700	43,400	43,600	17,140	20,420	23,570

Housing

The Housing Element of the Newark General Plan (1992) indicates that the local housing stock within the City is largely single family detached. Of the total 12,324 housing units identified in 1990, 10,525 were single family units, 1,800 were multi-family units and 17 were mobile homes. The predominant housing type near the Gateway project site is single family detached.

Jobs/housing balance

The Newark General Plan EIR notes that Newark was historically a railroad and manufacturing town. In the 1960's, the community experienced a rapid increase in residential construction and gained a reputation as a bedroom community, providing housing for people employed outside the City. Although housing construction continued in the 1970's and 1980's, a number of business parks and other industries began locating in Newark.

A jobs/housing balance is one indicator of a healthy community and, in instances where the number of households is approximately in balance with the number of employment opportunities in a given area, transportation impacts are typically lower since the need to commute long distances between home and job is lessened and fewer air quality impacts are recorded due to fewer commute miles driven.

3. Environmental Impacts

Standards of Significance

Population and socioeconomic impacts are considered significant if:

- the proposed project induces substantial new growth or concentration of population greater than anticipated in local agency population and growth projections.
- the proposed project displaces a large number of people.

Environmental Impacts

Population and Housing

Construction of the Gateway project will have no impact on either the permanent population of Newark nor the quantity or quality of housing in the community since no new residential dwellings are to be constructed as part of the planned project.

Environmental Impact: No impacts are anticipated with respect to population and housing since the proposed project does not include construction of new dwelling units..

Employment

Construction of the Gateway project will have an impact on the employment base of Newark. Based on the mix of uses proposed for the site, up to 3,135 new permanent jobs could be directly created at full project build-out. This is based on an approximate permanent employee yield shown on the following Table 3.

Table 3: Estimated Maximum Number of Employees at Full Buildout

Land Use Category	Employee/Sq. Ft. Factor (1)	Sq. Ft. within Gateway Project	Est. No. of Employees in Gateway project
Office and Research and Development	550	1,460,000	2,655
Warehouse	1,500	720,000	480
Total	----	2,180,000	3,145

Source: Employment Densities by Type of Workplace, Gruen+Gruen Associates, 1985.

Since full project buildout will likely occur over a large span of years, the number of additional jobs to be created within the Gateway project has been anticipated in and is consistent with the Newark General Plan (1992).

In addition to permanent jobs, short-term construction jobs and indirect job opportunities would be created as a result of new businesses on the site. Indirect jobs typically include supporting business enterprises which serve primary office and research and development businesses, including eating establishments, convenience retail, property maintenance businesses and related businesses and services.

Environmental Impact: No significant impacts will be associated with employment since the type of land use and the number of jobs associated with the project have been anticipated in the Newark General Plan.

Jobs/housing balance

Construction of the Gateway project will be consistent with the projections for jobs and employment contained in the Newark General Plan.

Environmental Impact: No impacts will result with regard to the jobs/housing balance.

4. Mitigation Measures

None required.

4.11 Transportation and Circulation

1. Environmental Issues

Traffic and circulation issues include an analysis of additional vehicular traffic associated with the proposed project, changes to existing transportation systems, potential effects on local parking demand and potential hazards to pedestrians and bicyclists.

2. Environmental Setting

Existing Conditions

There are two major freeways in the vicinity of the project site. The Nimitz Freeway (Interstate 880) is a six-lane freeway which runs north-south from Interstate 80 in Oakland to Interstate 280 in San Jose. This freeway is presently being widened through Newark. The Dumbarton Freeway is a four-lane freeway which is a part of State Route 84 and runs east-west from Interstate 580 in Livermore to State Highway 1 near San Gregorio.

There are three major arterial streets in the vicinity of the project site. Jarvis Avenue operates in the east-west direction while Newark Boulevard operates in the north-south direction. Thornton Avenue operates in the north-south direction north of Jarvis Avenue and east-west southerly thereof. Newark Boulevard has been constructed in a north-south direction east of the Cargill project site.

Jarvis Avenue currently stretches from Thornton Avenue to Lake Boulevard. From Thornton Avenue to Haley Street, Jarvis Avenue is a two-lane undivided roadway. Jarvis Avenue becomes a four-lane divided roadway from Haley Street to Lake Boulevard. The posted speed limit on Jarvis Avenue west of Lido Boulevard-Dumbarton Court is currently 45 miles per hour. The posted speed limit east of Lido Boulevard-Dumbarton Court is currently 35 miles per hour.

Newark Boulevard is a four-lane divided roadway south of Jarvis Avenue. North of Jarvis Avenue to the State Route 84 interchange, Newark Boulevard is a six-lane divided roadway. Newark Boulevard becomes Ardenwood Boulevard north of the State Route 84 interchange. Ardenwood Boulevard is a four lane divided roadway just north of the State Route 84 interchange. The posted speed limit on Newark Boulevard is currently 35 miles per hour.

Thornton Avenue is a four lane divided roadway from west of Willow Street to Hickory Street. Between Hickory Street and the on/off ramp to eastbound State Route 84, Thornton Avenue becomes a two-lane undivided roadway. The Thornton Avenue bridge which crosses over State Route 84 has four lanes. North of the on/off ramp to State Route 84, Thornton Avenue becomes Paseo Padre Parkway which is a four-lane divided roadway. The posted speed limit on Thornton Avenue between Willow Street and the State Route 84 interchange is currently 45 miles per hour.

Exhibit 19 depicts the existing circulation network

There are currently six signalized intersections within the vicinity of the project site. The six intersections include Newark Boulevard (Ardenwood Boulevard) at the State Route 84 westbound (WB) on/off ramp, Newark Boulevard at the State Route 84 eastbound (EB) on/off ramp, Newark Boulevard at Jarvis Avenue, Jarvis Avenue at Lido Boulevard-Dumbarton Court, State Route 84 at the Interstate 880 northbound off ramp, and State Route 84 at the Interstate 880 southbound off ramp.

There are four unsignalized intersections in the immediate vicinity of the project site which are currently controlled by a "stop" sign on the minor street. The four intersections include Thornton Avenue (Paseo Padre Parkway) at the State Route 84 westbound off ramp, Thornton Avenue at the State Route 84 eastbound on/off ramp, Thornton Avenue at Jarvis Avenue, and Fircrest Street at Jarvis Avenue. As part of the proposed project, Gateway Boulevard will connect Fircrest Street with Thornton Avenue.

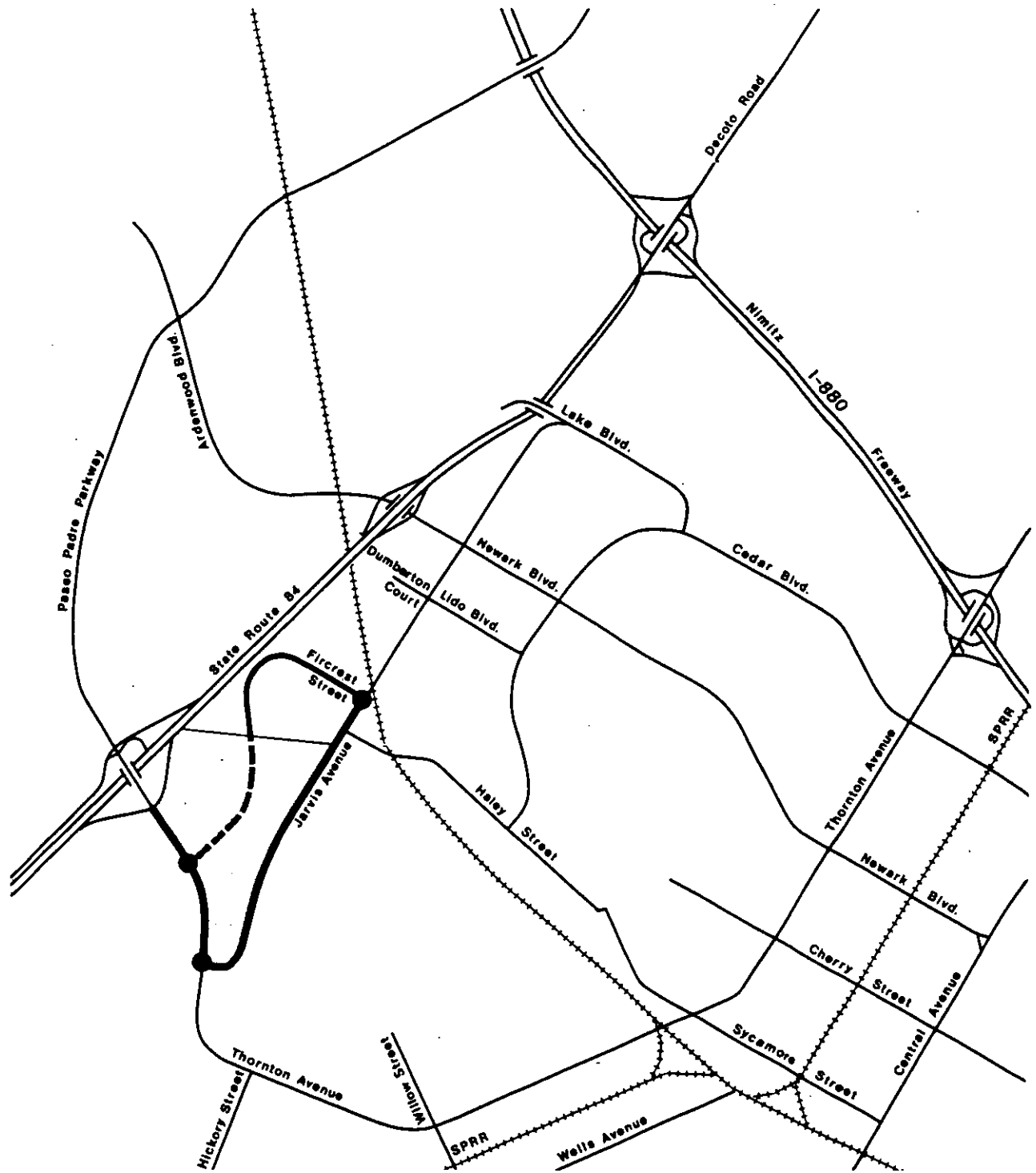
There is presently no parking available on the site since there are no permanent buildings, hence, no need for parking facilities.

Pedestrians have been observed walking adjacent to the site, both along Jarvis and Thornton Avenues. With the site being in an unimproved state, no sidewalk facilities exist on either the north side of Thornton or the west side of Jarvis.

Both Thornton and Jarvis Avenues are designated by the City for bikeways.

Regulatory and Policy Framework

Planning, construction, funding and maintenance of freeways, including the Dumbarton Freeway, is the responsibility of the State Department of Transportation (Caltrans). Provision of local



**Exhibit 19
Circulation System**

- Planned Roadway Improvements
- - -** Proposed Gateway Avenue
- Planned Traffic Signals
- Proposed Site



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roadways is the responsibility of the City of Newark. The Transportation Element of the Newark General Plan provides goals and policies for such roadways, including:

- Goal 1: Provide for a quality environment with smooth, convenient and safe vehicular travel throughout Newark.
 - Policy 1a: Complete the City's arterial street system.
 - Policy 1b: Maintain and where necessary enhance the system of collector streets to ensure complete linking of arterials with the local street system.
 - Policy 1c: Strive for LOS "C" or better at all intersections in Newark, recognizing that in some instances LOS "D" may be acceptable with appropriate mitigation measures.

3. Environmental Impacts

Standard of Significance

A substantial adverse environmental impact would result if the proposed project results in an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. This is equivalent to a Level of Service "D" at any intersection.

Environmental Impacts

Vehicular traffic

Trip Generation

The General Plan Traffic Model for Year 2007 lists this property within the Traffic Analysis Zone (TAZ) 122, which consists of 207 gross acres of land bounded by State Route 84 on the north, Thornton Avenue on the west, Jarvis Avenue on the south and the Southern Pacific Railroad lines on the east near Fircrest Street. All 153 gross acres of land for this project lies within this TAZ.

Table 4 contains the trip generation estimate that was extracted from the General Plan Year 2007 Traffic Report. Since the subject property falls within the General Plan TAZ, the traffic generation estimates should remain identical to the General Plan estimates. Thus, at a trip rate of 82.01 per acre, approximately 12,548 daily trips are expected with 1360 trips occurring during the AM and 1409 trips during the PM peak hour.

There is the potential to analyze a scenario with a more specific land use within the high tech industrial category. The applicant has indicated that approximately 67% of the land would be developed as office, research and development and light industrial with the remaining 33% developed as a warehouse and distribution uses. Utilizing Institute of Transportation Engineers (ITE) trip generation rates of 62.90 trips per acre for industrial and 56.08 trips per acre for warehouses together with the AM and PM peak hour rates, a comparison of the General Plan and proposed project trip generation was performed. The comparison is shown on Table 5. There is approximately a 34 % decrease in total daily trips compared with the ITE rates. There will be less

Table 4: General Plan Trip Generation *

Land Use	Unit	Trip Rate	Daily Trips	AM Peak Hour	PM Peak Hour
High Tech Industrial/Office (153 Gross Acres)	153 A±	82.010 ^(a)	12,548		
	AM	8.891 ^(b)	.....	1360	
	PM	9.211 ^(c)	.....	.....	1409

* Trip generation for the General Plan Year 2007 and the proposed Gateway project are identical

AM = Morning peak hour
 PM = Evening peak hour

Source: 2007 General Plan Traffic Study Technical Appendix, TJKM, August 1991

than a 1% increase in AM peak hour trips due primarily to a higher ITE trip rate when compared with the City's traffic model. There will also be an approximate 4% decrease in the PM peak hour trips, with the ITE rate higher for industrial land uses and lower for warehouse and distribution uses when compared with the City's traffic model.

Thus, the trip generation as it affects the level of service calculations shows a major decrease in daily trips, a neutrality for the AM peak hour and a slight improvement in the PM peak hour.

Trip Distribution

The trip distribution is based on the General Plan Year 2007 Traffic Report. The assumptions within that model are considered appropriate for this project.

Level of Service

The level of service at critical intersections are contained in the General Plan Year 2007 Traffic Report. Five intersections in the vicinity of the project site are addressed.

- Newark Boulevard/Jarvis Avenue
- Thornton Avenue/SR 84 - EB off ramp
- Paseo Padre Parkway/SR 84 - WB off ramp
- Ardenwood Boulevard/SR 84 - WB off ramp
- Newark Boulevard/SR 84 - EB off ramp

A summary of the level of service is contained on Table 6.

(a) Per gross acre per day.
 (b) Per gross acre per AM peak hour.
 (c) Per gross acre per PM peak hour.

Table 5: Trip Generation Comparison

Land Use	Unit	Trip Rate	Daily Trips	AM Peak Hour	PM Peak Hour
A. General Plan ⁽¹⁾ High Tech Industrial (153 Gross Acres)	153 ac.	82.010 ^(a)	12,548		
AM	.....	8.891 ^(b)	.....	1360	
PM	.....	9.211 ^(c)	.....	.....	1409
B. Gateway Project High Tech Industrial (137 Gross Acres) ⁽³⁾ Industrial ⁽²⁾ (67%)	91.79 ac.	62.90 (a)	5,774		
AM	.....	10.09 (b)	.....	926	
PM	.....	10.48 (c)	.....	.....	962
Warehouse ⁽²⁾ (33%)	45.21 ac.	56.08 (a)	2,535		
AM	.....	9.88 (b)	.....	447	
PM	.....	8.75 (c)	.....	.....	396
Total			8,309	1,373	1,358
Differences ⁽⁴⁾	(16 ac.)		(4239)	13	(51)
% Change			(33.78)	0.96	(3.62)

AM = Morning peak hour PM = Evening peak hour

- (a) Per gross acre per day
- (b) Per gross acre per PM peak hour
- (c) Per gross acre per PM peak hour

- (1) Source: Newark 2007 General Plan Traffic Study Technical Appendix, TJKM Assoc. , August, 1991.
- (2) Source: Trip Generation, Institute of Transportation Engineers, Fifth Edition, 1991.
- (3) Gross acreage excludes 16 acres for consolidated ponded area.
- (4) Proposed project minus General Plan.

The Newark Boulevard/Jarvis Avenue intersection will operate with a "F" - LOS in the PM peak hour, with the AM at a "D" - LOS. The Thornton Avenue/SR 84 - EB off ramp intersection will operate with a "F" - LOS for both the AM and PM peak hours.

The Paseo Padre Parkway/SR 84 - westbound off ramp intersection will operate with a "D" and "C" - LOS for the AM and PM peak hours respectively. The Ardenwood Boulevard/SR 84 - WB off ramp intersection will operate with a "F" - LOS for the AM and PM peak hours. The Newark Boulevard/SR 84 - eastbound off ramp is expected to operate with a "D" - LOS in the AM and a "F" - LOS in the PM peak hours.

Table 6: Summary Level of Service

Intersection	General Plan Year 2007		Proposed Project ⁽¹⁾	
	V/C	LOS	V/C	LOS
1. Newark Boulevard/Jarvis Avenue AM PM	0.82 1.48	D F	0.82 <1.48	D F or better
2. Thornton / SR 84 - EB Off ramp AM PM	1.04 1.12	F F	1.04 <1.12	F F or better
3. Paseo Padre / SR 84 - WB Off ramp AM PM	0.83 0.71	D C	0.83 <0.71	D C or better
4. Ardenwood / SR 84 - WB Off ramp AM PM	1.16 1.15	F F	1.16 <1.15	F F or better
5. Newark / SR 84 - EB Off ramp AM PM	0.81 1.26	D F	0.81 <1.26	D F or better
6 Jarvis/Fircrest AM PM		A C		A C or better
7. Jarvis/Thornton AM PM		A A		A A
8. Thornton/Gateway AM PM		C A		C A

AM = Morning peak hour
 PM = Evening peak hour
 V/C = Volume-to-capacity ratio
 LOS = Level of Service

EB = Eastbound
 WB = Westbound
 SR = State Route

Source: 2007 General Plan Traffic Study Technical Appendix, TJKM, August 1991

(1) V/C ratios and LOS will remain about the same in the AM peak hour but will be improved in the PM peak hour since the project will generate less trips due to the revised mix of land uses within the high tech industrial category.

Traffic impacts will likely be reduced from the above estimates based on implementation of a Trip Reduction Ordinance by the BAAQMD, although the exact number of trips to be reduced is not known at this time.

Environmental Impact 4.11.1 (vehicular circulation): Implementation of the proposed Gateway project will result in significant traffic congestion, defined as Level of Service "F," at key roadway intersections near the project site during morning and/or evening park hours, including:

- Newark Boulevard/Jarvis Avenue (pm peak);
- Thornton Avenue/State Route 84 EB off-ramp (am and pm peaks);
- Ardenwood/State Route 84 WB off-ramp (am and pm peaks);
- Newark Boulevard/State Route 84 EB off-ramp (pm peak)

(These impacts are considered significant and adverse.)

These traffic and circulation impacts were previously identified and addressed in the Newark General Plan and associated General Plan EIR. A Statement of Overriding Considerations for the above-named intersections was approved by the City Council in June, 1992 (Resolution No. 6511), indicating that the City Council acknowledged the existence and significance of the impacts, but that the benefits of planning for the proposed mix of land uses, including land uses contained within the Gateway project, outweighs negative adverse environmental impacts.

Parking

Construction of the proposed project will increase the number of employees on the site, estimated to be 3,135. Parking lots will be provided in conjunction with the construction of new research and development, office, light industrial and warehouse uses in accord with the Newark Municipal Code so that site employees will not be required to park in nearby residential neighborhoods.

Environmental Impact 4.11.2 (parking): No impacts to parking facilities are anticipated, since all new demand for parking will be accommodated on the project site (insignificant).

Pedestrian and bicycle safety

Construction of the Gateway project will include the widening and improvement of Jarvis and Thornton Avenues on both sides of the street. Improvements will consist of installation of sidewalks adjacent to both thoroughfares, which will allow the safe circulation of pedestrians adjacent to the site. Street widenings will also allow more pavement area for bicyclists adjacent to the site, consistent with the City's bikeway plan.

Environmental Impact 4.11.3 (pedestrian and bicycle safety): Construction of the project will serve to improve pedestrian and bicycle safety in the immediate vicinity of the proposed project, since new sidewalks and bicycle lanes will be installed (positive).

4. Mitigation Measures

Implementation of the following mitigations will assist in reducing potential vehicular traffic impacts associated with the proposed project. However, even with inclusion of the measures outlined below, traffic impacts at the intersections named above cannot be mitigated to a standard of insignificance as required by the Newark General Plan.

Mitigation Measure 4.11.1 (vehicular traffic): The following traffic improvements shall be constructed as part of the proposed project:

- One-half of a six-lane street along Thornton, including a median. The precise design of the street will be supplied by the Newark Development Services Department. Any impacts to wetlands as part of street widenings shall be mitigated on the project site.
- Curb and gutter, sidewalk, and twenty-two (22) feet of paving along Jarvis Avenue, given that there will be no access from the site to Jarvis.
- The applicant shall construct a new traffic signal at the intersection of Thornton Avenue and the new collector road, and shall pay their fair share of installing traffic signals at Thornton/Jarvis and Jarvis/Fircrest when warrants are met.

Responsible Monitoring Agency: Assessment District and City of Newark Development Services Department.

Time Frame: Prior to commencement of site construction.

4.12 Public Services

1 Environmental Issues

This section analyzes impacts on the providers of public services and facilities, including fire, schools, parks, and other governmental services.

2. Environmental Setting

Fire protection

Fire protection and emergency services is provided by the Newark Public Safety Department, which is also responsible for regulation of hazardous materials, compliance with provisions of the Uniform Fire Code for all new or renovated buildings, first aid and other special services. Three stations are continuously manned by the Newark Safety Department throughout the community at the following locations:

Station No. 1: 7700 Thornton Avenue
Station No. 2: 35735 Ruschin Drive
Station No. 3: 39039 Cherry Street

The City has adopted a requirement to have all new permanent structures over 500 square feet in size to be installed with fire sprinklers to minimize fire damage.

Police

Police protection is provided by the Newark Public Safety Department, headquartered at the Newark Civic Center. The Department, which provides crime prevention, community patrol and crime suppression and traffic safety, currently has a staff of 52 sworn officers and 24 non-sworn support personnel.

Schools

Educational facilities are provided by the Newark Unified School District.

Parks

Potential impacts to regional and local parks and recreational facilities are addressed in Section 4.17 of this document.

3. Environmental Impacts

Standards of Significance

The proposed project would be considered to result in a significant impact if:

- it would result in the need for additional fire, police or emergency service personnel to serve the project or if new or enlarged facilities would be required in order to maintain established response times.
- it would require additional parks and recreation personnel or new or enlarged park or open spaces to accommodate future project populations.

Environmental Impacts

Fire protection

The nearest fire station to the project site is Station No. 1, located at 7700 Thornton Avenue, with back-up provided by Station No. 2. The Gateway project, if constructed as planned, will result in additional calls for fire and rescue service. However, the eventual development of the site has been accounted for in long term Public Safety Department master planning and additional calls for service can be adequately handled with existing personnel and vehicles. To help minimize fire danger, the City has adopted an ordinance requiring all new major structures (over 500 square feet) install fire sprinklers. Sprinklers are intended to provide an immediate response to a fire prior to arrival of Public Safety Department personnel. As part of project review, the Newark Public Safety Department will ensure that other measures are incorporated into the future project to assist in minimizing fire danger and maximizing on-site fire suppression resources, including ensuring that sufficient water pressure is maintained, provision of fire hydrants along proposed Gateway Boulevard, installation of hand-portable fire extinguishers within buildings and ensuring that adequate fire equipment access to all buildings is provided and maintained. Since anticipated

building intensities are within that envisioned in the General Plan, which also contain fire-related mitigations, no adverse fire service impacts are anticipated.

Environmental Impact 4.12.1 (fire protection): Although the numbers of calls for fire and rescue service will increase, based on new construction, no significant impacts will result to fire protection services since the Newark Public Safety Department has indicated an ability to serve the proposed project with existing resources (insignificant).

Police service

Construction of the proposed Gateway project will increase calls for police service. According to representatives of the Newark Public Safety Department, primary impacts of the project will include increased opportunities for burglary and theft, traffic control impacts and the potential for crowd control in the event of a hazardous material incident. Existing personnel and equipment resources have been deemed adequate by Department representatives to accommodate the maximum amount of development on the site. Potential impacts relating to traffic are addressed in the Traffic and Circulation section (Section 4.11) and the potential of hazardous material incidents are addressed in Sec. 4.9.

To assist the Public Safety Department in providing security to future site occupants, the City has adopted a Security Ordinance which is applied to all new residential, commercial and industrial construction in the community. The ordinance establishes minimum standards for installation of doors, windows and locking devices, requires the placement of street addresses and lighting of parking areas and walkways among other security measures.

Environmental Impact 4.12.2 (police protection): Although the number of calls for police service will increase, based on construction of the proposed Gateway project, no significant impacts will result to police service, since the Newark Public Safety Department has indicated that the proposed project can be served with existing resources (insignificant).

Schools

Since no new residential construction is proposed as part of this project, no direct impacts to the local school system will occur.

4. Mitigation Measures

None are proposed.

4.13 Energy

1. Environmental Issues

This section of the EIR deals with energy resources, including use of substantial quantities of energy or the requirement to develop new sources of energy.

2. Environmental Setting

Energy is supplied to the City by Pacific Gas and Electric in the form of natural gas and electric energy. Existing electrical facilities near and within the project site include regional overhead transmission lines and towers. Existing natural gas facilities include underground mains within Jarvis Avenue and Fircrest Street.

3. Environmental Impacts

Standards of Significance

Significant impacts would result if substantial new quantities of energy are anticipated to be needed to serve the project, or if new energy sources are required to be brought on line to serve anticipated land uses within the project.

Environmental Impacts

The proposed project will consist of a standard industrial and business park development program and will not consume or require an unusually large quantity of fuel or energy. A representative of Pacific Gas and Electric (PG&E) indicates that existing underground electrical conduits can be extended down the future alignment of Gateway Boulevard for service to future individual buildings. Natural gas service can be extended in the same fashion. The amount of energy needed to serve this project has been addressed in the approved General Plan EIR.

Environmental Impacts: No significant impacts are expected.

4. Mitigation Measures

None are required.

4.14 Utilities

1. Environmental Issues

Utility services include potential impacts to power, communications, water, sewer, storm drainage systems and solid waste disposal.

2 Environmental Setting

Power

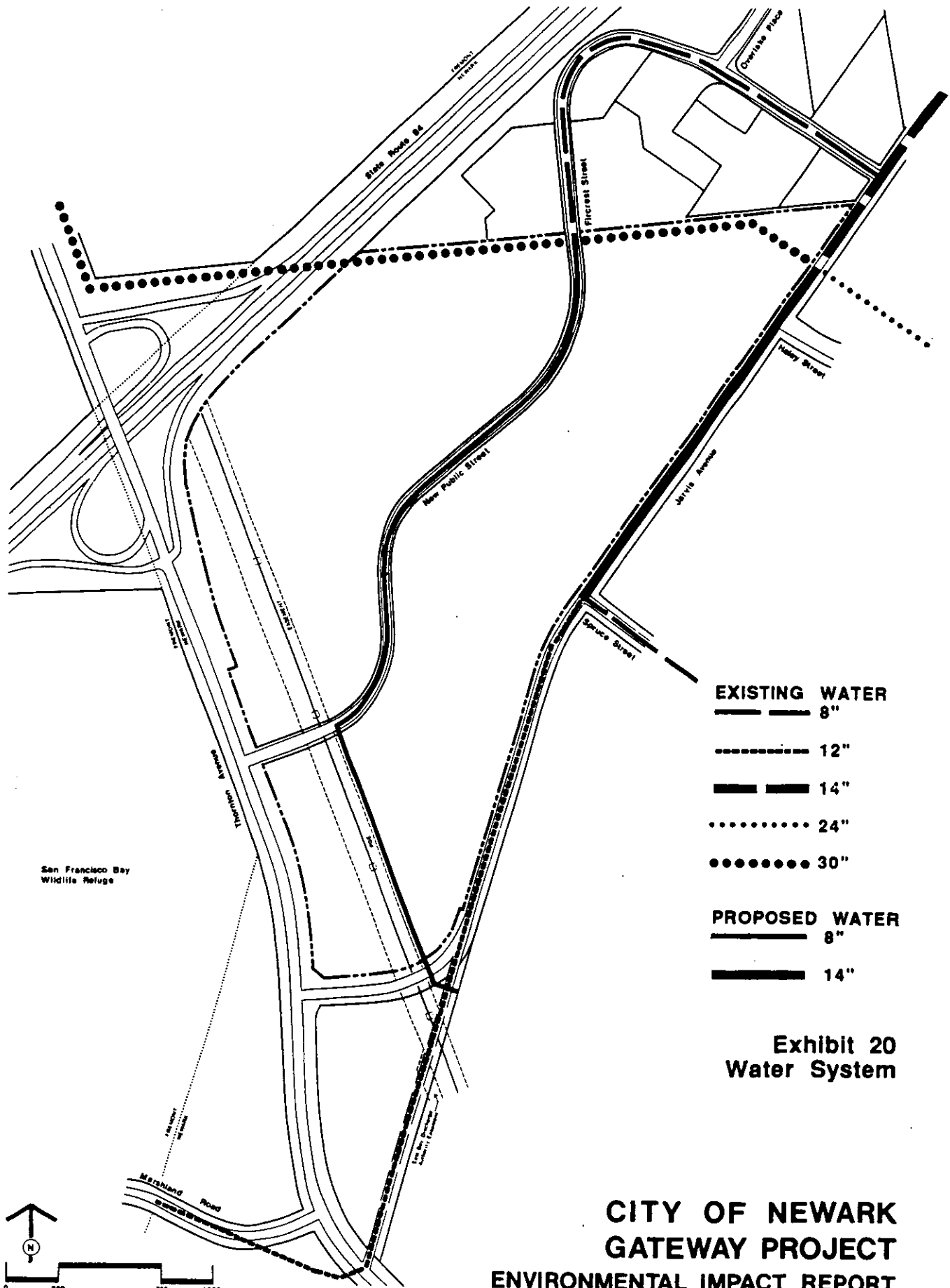
Power and natural gas service to the site and the City of Newark in general has been discussed in Section 4.15 of this EIR, Energy. No significant environmental impacts are associated with the extension of electrical or natural gas distribution facilities to the site.








Communications

Communication systems, which includes telephone and related services, are provided by Pacific Bell. Nearby telephone facilities include main transmission lines within the Jarvis Avenue right-of-way.

Water service

Provision of water service to the City and the project site is the responsibility of the Alameda County Water District, which provides water for domestic and firefighting purposes. On a City-wide basis, water supply typically exceeds demand by a factor of 8 percent. Existing water supply facilities nearest the site include a 30-inch line along the northeasterly property line, a 12-inch line connected to the 30-inch line terminating in Fircrest Street immediately north of the site, and discontinuous 12-inch and 14-inch lines within portions of Jarvis Avenue. Exhibit 20 shows existing and proposed water lines near the Gateway site.



- EXISTING WATER**
-  8"
 -  12"
 -  14"
 -  24"
 -  30"
- PROPOSED WATER**
-  8"
 -  14"

**Exhibit 20
Water System**

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Sewer service

The Union Sanitary District (USD) provides sewer lines, pump facilities and treatment facilities for the City of Newark as well as Union City and Fremont. The project site is presently outside the of District boundaries and will be annexed prior to receiving sewer service. Existing sewer facilities nearest the site include a 21-inch line within the Jarvis Avenue right-of-way. Sewage collected from sites in Newark flows into the Newark Pump Station, located near Hickory Street and Thornton Avenue and then into the regional treatment plant in Union City. The USD treatment plant currently treats approximately 25 million gallons of sewage per day (mgd) and has a maximum treatment capacity of 26 mgd. The District is presently increasing the capacity of the regional treatment plant to 30 mgd.

Exhibit 21 shows existing and proposed sewer facilities in the vicinity of the proposed project.

Running through the site in a north-south direction are two parallel 33-inch sewer force mains, owned and operated by the East Bay Discharge Authority. The mains, located in a dedicated easement, are part of a regional system for collecting and transporting untreated effluent from Fremont and Newark to the USD Alvarado plant in Union City for treatment. Treated effluent is then transported to a sewage outfall within San Francisco Bay near San Leandro. No connections exist between this sewer facility and the proposed project.

Storm drainage

The quantity of storm water run-off will increase on the site if the proposed project is approved, since more impervious surfaces will be created. Based upon preliminary hydrologic calculations prepared by the applicant's engineer, it is estimated that up to 42 acre feet of on-site detention capacity will be needed, based on normal run-off and precipitation factors.

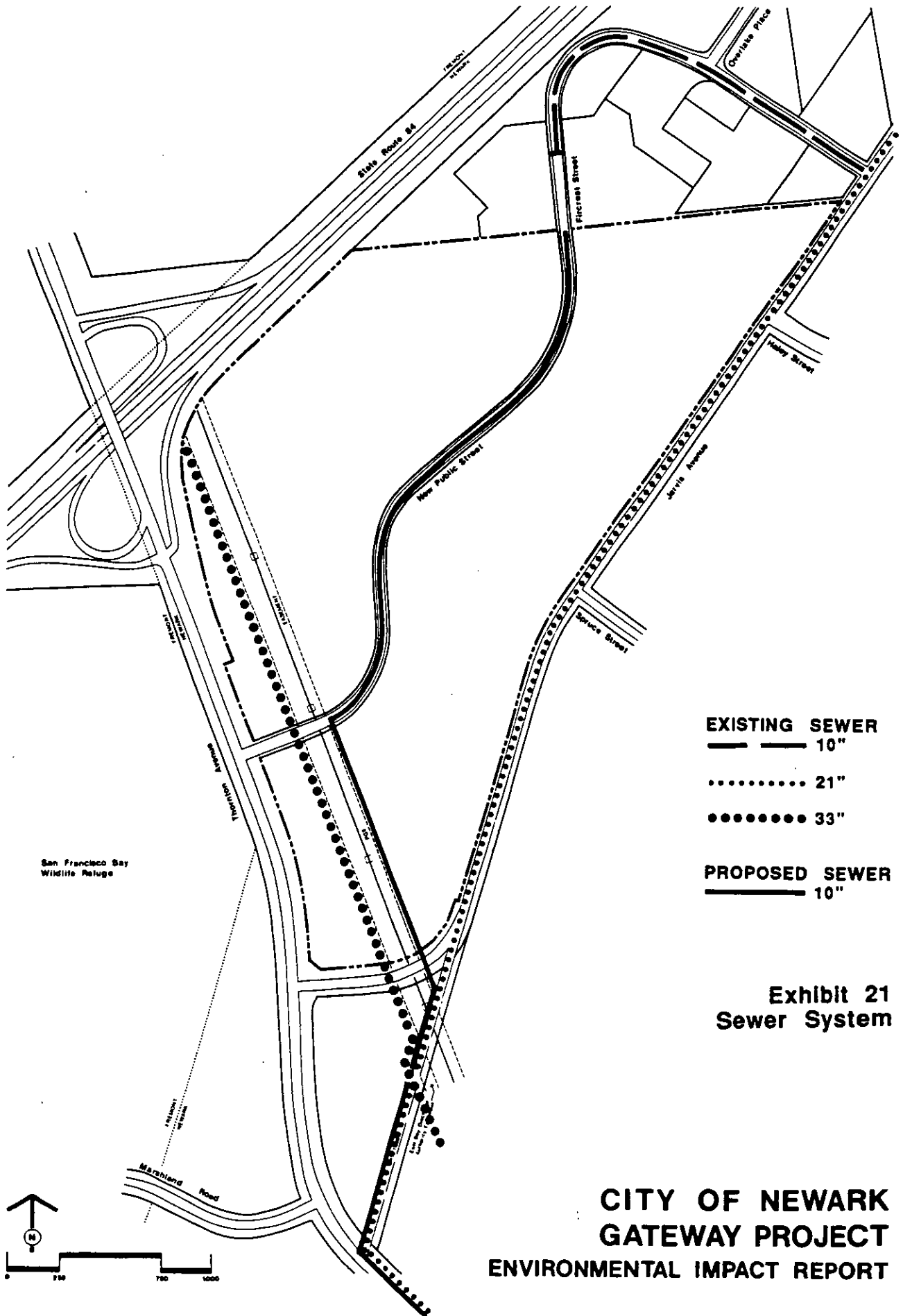
Storm drainage facilities within Newark is the responsibility of the Alameda County Flood Control and Water Conservation District and the City of Newark. Drainage is anticipated to be handled via on-site detention ponds, which will collect storm water run-off, hold the water for a period of up to 24 hours and eventually allow the ponded to water run-off via concrete culverts. Refer to Section 3, Water, for a more complete description of existing and proposed drainage facilities.

Solid waste

Solid waste disposal in Newark is handled by Oakland Scavenger, which provides residential, commercial and industrial pick-up for ultimate disposal at the Durham Road Landfill. Through a subsidiary company, Recycle America, Oakland Scavenger also provides collection of recyclable material, including glass, paper and similar material.

In August, 1992, Newark adopted a Source Reduction and Recycling Element (SRRE) in response to AB 939, which requires reductions in the quantity of solid waste being delivered to landfills. All new construction in Newark is required to comply with the provisions of the SRRE.

The SRRE includes an analysis of the quantity of solid waste being generated in the Newark by type of land use, such as residential, commercial, industrial and others. The total quantity of



EXISTING SEWER
 ——— 10"
 21"
 ●●●●● 33"

PROPOSED SEWER
 ——— 10"

Exhibit 21
Sewer System

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industrial solid waste being currently produced is 17,359 tons per year, based on an estimated number of 9,700 industrial jobs. This translates to approximately 68 pounds of solid waste per employee per week.

3. Environmental Impacts

Standards of Significance

Significant adverse impacts would result if:

- the proposed project were to require the consumption of extraordinarily large quantities of water, greater than planned for by local agencies.
- the anticipated need for wastewater treatment is greater than the capacity of existing wastewater treatment capacities.
- existing or planned storm drainage facilities were not sufficiently sized to accommodate the amount of storm water generation caused by new development on the project site.
- the proposed project did not comply with national, state or local standards relating to the generation of solid waste.

Environmental Impacts

Communications

According to local representatives of Pacific Bell, telephone and communication service will be extended to the project area from existing facilities when requested by the property owner or developer.

Existing overhead telephone lines on the south side of Jarvis will remain.

Environmental Impact 4.14.1 (communication): No significant impacts will result to communication facilities since the local service provider has indicated an ability to serve the proposed project.

Water

Based on average water use factors for light industrial, office, warehouse and distribution uses, the proposed project is expected to require approximately 310,000 gallons of water per day at full buildout. According to representatives from the Water District, the quantity of development proposed for the site is consistent with the District's Water Master Plan. Proposed water facilities anticipated to be constructed as part of this project include continuation of the 12-inch water line from Fircrest Street along Gateway Boulevard tying into the existing 12-inch line on Thornton. Water line improvements will also be required within Jarvis Avenue to complete the main.

Water conservation features to be incorporated into the project, and which are required by State of California Health and Safety Code include installation of low-flow water closets (1.6 gallon per flush v. 3.5 gallons for standard units), installation of low-flow urinals (1.0 gallons per flush v. 2.0 gallons for standard units), and installation of low-flow sink faucets and shower heads. Water conservation techniques will also be employed as part of on-site landscaping and irrigation

practices due to the implementation of AB 325, which requires limited "water budgets" for all new landscape plantings within California for the purpose of water conservation.

Environmental Impact 4.14.2 (water): No significant impacts will result to water facilities since the local water supplier has indicated that the proposed project can be accommodated by existing or proposed district facilities (insignificant).

Sewer

Based upon average generation factors of 1,000 gallons per acre per day for warehouse and office land uses, the proposed project would generate up to 130,000 gallons per day at full project build out. According to representatives of the Union Sanitation District, the amount of proposed development is consistent with District Master Plans and adequate sewage treatment capacity exists now and will be available to serve the Gateway project. Proposed sewage-related facilities include connecting to the existing facility within Jarvis Avenue, which will run along Thornton Avenue to the Newark Pump Station for eventual treatment at USD facilities in Union City.

The project will not impact the 33-inch force mains, which are located in the area planned for the consolidated enhanced ponds.

Environmental Impact 4.14.3 (sewer): No significant impacts will result to sewer facilities since the local sewer provider has indicated an ability to serve the proposed project (insignificant).

Storm water drainage

Potential impacts related to storm drainage have already been identified in Section 4.3, Water, including proposed mitigations. With implementation of the mitigations, no significant impacts will remain with respect to storm water drainage.

Solid waste disposal

According to the City's adopted Source Reduction and Recycling Element, the project could be expected to generate a maximum of 297,160 cubic yards of solid waste on a weekly basis, at full project build out. This factor is based on an analysis of all industrial and office waste material generated in the community as reported in the SRRE. According to representatives of Oakland Scavenger, the company is capable of collecting this amount of solid waste and hauling it to the nearest solid waste landfill site, which is located off of Durham Road in Fremont. This facility has an estimated life expectancy of 5 to 7 years, after which time, solid waste will be deposited in the Altamont Landfill, which has more than adequate capacity into the next century (Colombier, 1994)

Pursuant to the requirements of AB 939, the stream of solid waste must be reduced by increasing the amount of recycling and reuse for all businesses and households. The SRRE projects a total waste stream reduction of 25% by 1995 and 50% by the year 2000. Thus, future solid waste generated by the Gateway project will be less than anticipated for the short term.

Environmental Impact 4.14.4 (solid waste): No significant will result as related to solid waste since the local solid waste collector has indicated an ability to provide service to the proposed project (insignificant).

4. Mitigation Measures

None proposed.

4.15 Human Health

1. Environmental Issues

Human health issues include potential natural and man-made hazards within the community, including, fire, flooding and hazardous materials.

2 and 3. Environmental Setting and Impacts

The topics outlined above have been assessed elsewhere in the EIR, such as Earth (seismicity), Water (flooding potential) and Risk of Upset (hazardous material).

4. Mitigation Measures

None required.

4.16 Aesthetics

1 Environmental Issues

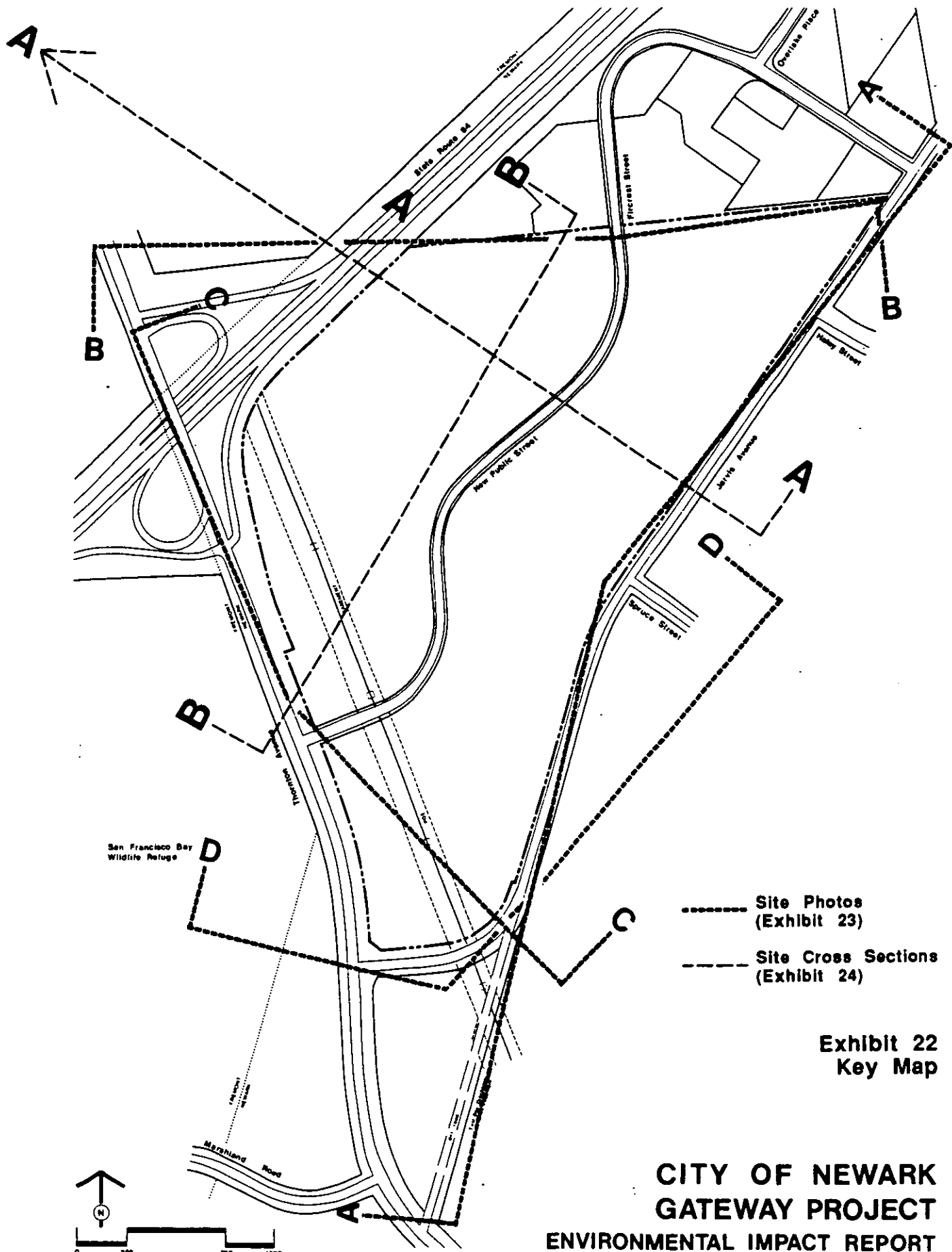
Aesthetic impacts would include obstruction of views and vistas or the creation of an aesthetically offensive view to the public.

2 Environmental Setting

The project site is essentially flat, unimproved and contains a variety of low, grassy vegetation. Dominant features are existing Pacific Gas and Electric towers and overhead power transmission lines, which have an approximate height of seventy to eighty feet. Other features include a number of small structures apparently used for hay storage, fencing, wetland areas concentrated on the southwest corner of the site (previously described and mapped in Section 4.3), former salt crystallization ponds located adjacent to Jarvis Avenue, a drainage channel running along the north side of the site and miscellaneous fencing. The property owner allows grazing on the site for cows, horses and other large animals.

Exhibit 22 is a key map, indicating the perspective from which site photographs (Exhibit 23) were taken.

The project site is visually prominent within Newark since it lies on the western entry into the community along the south side of the Dumbarton Freeway. The City's General Plan calls for a major community entry on the site. The site also provides a sense of open space and visual relief for current residents within this portion of Newark. The site allows for unobstructed views westerly for residents on the south side of Jarvis Avenue. Medium and long distance vistas include views of the Coyote Hills to the northwest and unobstructed views of open spaces within the Wildlife Refuge.

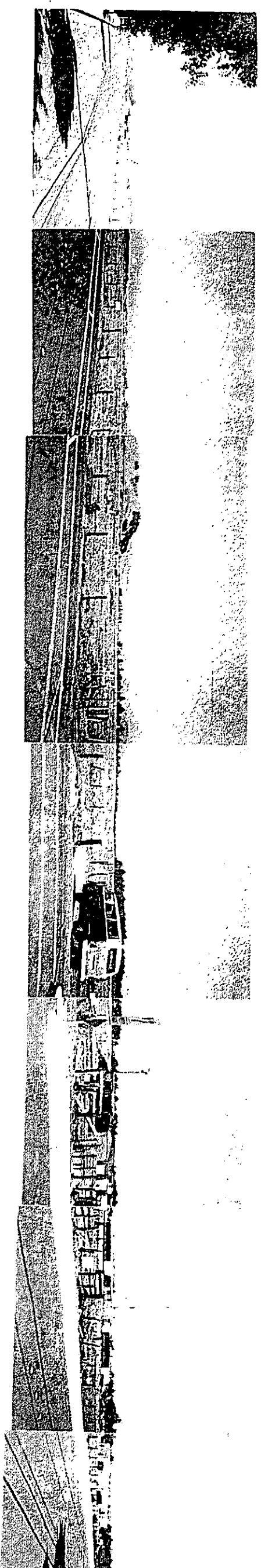


----- Site Photos
(Exhibit 23)

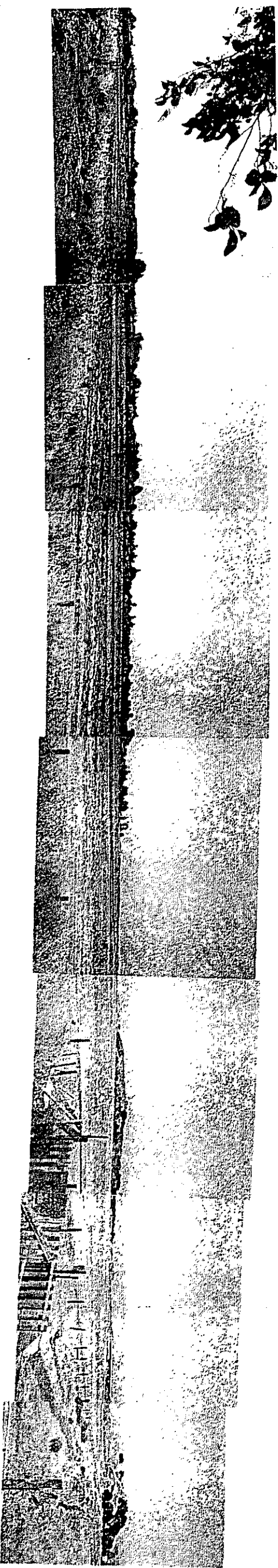
----- Site Cross Sections
(Exhibit 24)

**Exhibit 22
Key Map**

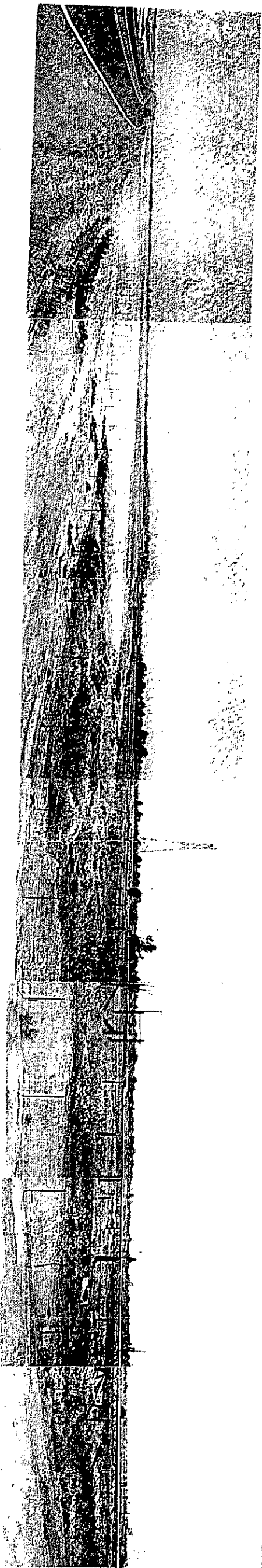
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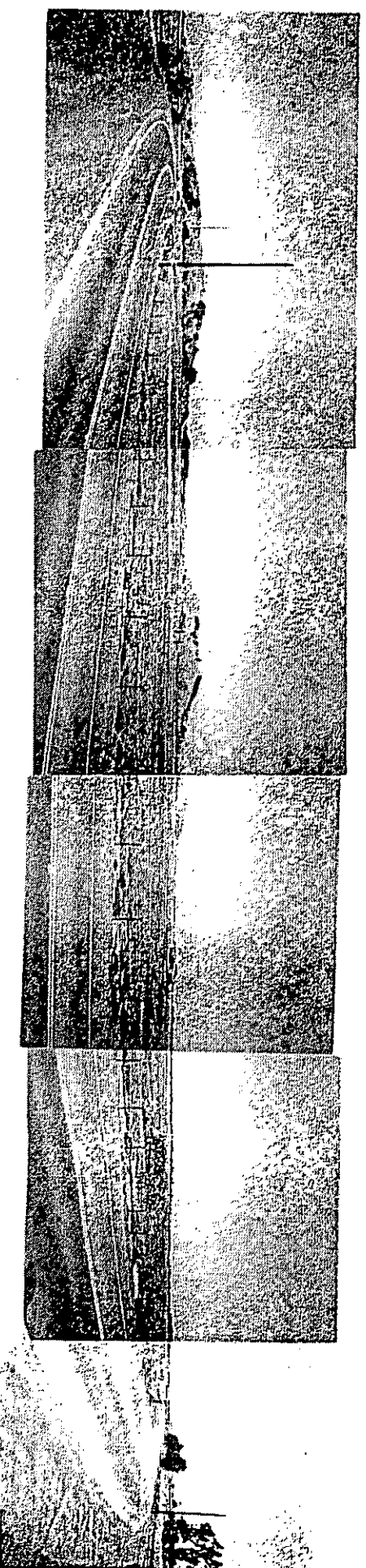
A



B



C



D

3. Environmental Impacts

Standards of Significance

A significant adverse impact would result if there is a substantial, demonstrable negative aesthetic affect on either the project site or on surrounding properties.

Environmental Impacts

Construction of the proposed project has the potential to significantly affect the visual environment on the subject property and the surrounding area.

On-site Aesthetics

If the project is approved, existing open spaces will gradually be converted to urban uses such including industrial, office and warehouse buildings, man-made landscaping and other improvements. Although precise development plans have not been submitted to the City, Newark Municipal Code requirements will mandate planting of a fifty foot wide buffer adjacent to Jarvis Avenue as well as landscaping adjacent to the Dumbarton Freeway. The Thornton Avenue frontage will be buffered by constructed wetlands, which will appear as a continuation of wetlands located within the Wildlife Refuge immediately to the west.

The site, and associated development project, offers the City an opportunity for a well designed and maintained entry statement into the community from the Dumbarton Bridge. This will result in a positive image for Newark, as called for in the Newark General Plan.

The mitigation outlined below will require the applicant to have all development plans to be approved by the City of Newark as part of the Architectural and Site Plan Review process. This process will include review of site plans, building elevations, landscaping and signs to ensure that future site construction will result in a positive aesthetic condition and will ensure that this construction will be compatible with existing residential patterns and the city as a whole. In addition, future site developers within the Gateway project will be required to participate in the City's Art in Public Places program, which provides for the placement of public artworks throughout the city for community beautification purposes.

Environmental Impact 4.16.1 (on-site aesthetics): Construction of the proposed project, including proposed widenings of Jarvis and Thornton Avenues, will result in a significant change to the visual character of the site. With the exception of the consolidated wetland area adjacent to Thornton Avenue, existing undeveloped areas will be converted to urban type uses (significant although not adverse)

Views and Vistas

Another potential significant impact related to construction of the project could be the obstruction of vistas and views from existing neighborhoods caused by construction of the proposed project.

Exhibit 24 indicates an approximate cross sectional view of the project area, delineating the proposed grade relationships between existing homes on the south side of Jarvis Street, the proposed project site itself and the Dumbarton Freeway north of the project site. Exhibit 22 depicts the perspective from which the cross-sections were taken. The exhibit indicates that proposed construction on the Gateway site will not block distant views of the freeway or beyond.

Widenings of Jarvis and Thornton Avenues, as proposed, will serve to improve the aesthetic character of the project vicinity, since existing unpaved areas will be paved and a landscaped median will be located in the center of Jarvis.

4. Mitigation Measures

Mitigation Measure 4.16.1 (visual): The following shall be incorporated into project review and project construction.

- The City of Newark shall complete full Architectural and Site Plan Review of all proposed future buildings on the project site prior to project approval. Architectural review shall include overall project design, use of building material, colors, landscaping, signs, lighting, fences and walls. Special attention will be paid to the design of future buildings backing onto Jarvis Avenue.
- A landscaped buffer of at least of at least 50 feet shall be established and maintained along the north side of Jarvis Avenue. Landscaping shall be installed to ensure that an attractive image is presented to residents and travelers on the south side of Jarvis.
- A permanent maintenance agreement shall be finalized between the proposed project developer and the City to ensure that all perimeter landscaping be maintained in an appropriate manner. This could take the form of a Landscaping and Lighting District.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: Prior to project approval by the City of Newark.

Environmental impacts remaining after mitigation will be insignificant since the City of Newark will conduct a complete review of project aesthetics and will ensure that the exterior appearance of the Gateway project exemplifies the highest design quality feasible.

4.17 Recreation

1. Environmental Issues

Environmental issues related to recreation include potential impacts upon the quality and quantity of recreation opportunities in the community.

2. Environmental Setting

The City of Newark maintains a number of neighborhood and community parks throughout the City for use by residents. There are also regional recreational resources nearby the project site.

The closest City park facilities includes Bridgepointe Park, consisting of 3.6 acres and including picnic facilities, play apparatus and play fields, and Mirabeau Park, which contains 5.8 acres with the same type of improvements as Bridgepointe Park. The San Francisco Bay National Wildlife Refuge exists immediately west if the proposed Gateway site. The Refuge, a regional open space and recreational facility, is owned and managed by The U.S. Fish and Wildlife Service. Major

features of the Refuge include hiking trails and wetland observation opportunities. No recreational facilities will be constructed as part of the proposed Gateway project.

Other nearby recreational facilities include Coyote Hills Regional Park and Ardenwood Historic Park.

3. Environmental Impacts

No impacts are expected to recreational resources in Newark. The site does not presently provide for recreational opportunities since it is currently fenced to prevent public access. No new housing will be built on the site to impact the existing park system.

4. Mitigation Measures

None required.

4.18 Cultural Resources

1. Environmental Issues

Cultural resources includes an analysis of potential impacts to historic or prehistoric artifacts, such as evidence of early settlers, potential impacts to historic buildings or structures, or potential impacts to unique ethnic values or religious uses on the site.

2. Environmental Setting

Native American archeology sites in this portion of Alameda County tend to be located along historic marsh margins and within broad alluvial fans near fresh water. The proximity of the site to San Francisco Bay indicates the possibility of prehistoric cultural resources on or near the project site.

During the historic period, the project site was encompassed by the Rancho Portrero de Los Cerritos land grant of 1844. Lands within the project area were used for dairying and cattle grazing until 1916, when the southern portion of the site was converted to salt production by the Leslie and Arden Salt Companies. Salt production was continued by Leslie Salt until the late 1950's when it no longer became economic to harvest salt on the site.

3. Environmental Impacts

Standards of Significance

A significant environmental impact would result to cultural resources if the proposed project were to disrupt or adversely affect a prehistoric or historic archeological site or a property of historic or cultural significance to a community or ethnic or social group or a paleontological site except as part of a scientific study.

Environmental Impacts

Prehistoric Resources

Potential impacts of the proposed project were analyzed using two methods. First, the California Archeological Inventory was contacted. A part of Sonoma State University, the Inventory serves as a clearinghouse for prehistoric, historic and cultural resources for all Northern California coastal

counties, including Alameda. The response from the Inventory, included in the Appendix, indicates one recorded archeological site on the property (CA-ALA-503H) and two prehistoric shell mounds located approximately one-quarter mile from the site.

Secondly, a previous archeological survey of the site has been referenced conducted by Holman and Associates in July, 1982. This previous site review by a qualified archeologist identified no cultural or prehistoric sites on the property, although artifacts were uncovered on adjacent properties.

Environmental Impact 4.18.1 (cultural resources): The possibility does exist, based on information supplied by the California Archeological Inventory, that significant archeological resources may be present on the site (significant and adverse).

Historic Resources

State and Federal inventories of historic impacts indicate the presence of no such resources on the site. No significant impacts are therefore anticipated with respect to constructing the proposed project.

Religious/Ethnic Resources

No artifacts of religious or ethnic significance have been identified or referenced on the site. Therefore, no significant adverse impacts are expected should the project be implemented.

4. Mitigation Measures

Mitigation Measure 4.18.1 (cultural resources): Should archeological artifacts or remains be discovered during construction of the project, work in the vicinity of the find shall stop immediately until a qualified archeologist can evaluate the site and determine the significance of the find. Project personnel shall not collect cultural resources. Identified cultural resources shall be recorded on forms DPR 422 (archeological sites) and/or DPR 523 (historic resources) If human remains are found, the County Coroner shall be contacted immediately.

Responsible Monitoring Agency: Newark Development Services Department.

Time Frame: During all phases of construction.

Impacts after mitigation will be reduced to a level of insignificance since any significant artifacts will be safely removed from the site.

5.0 Alternatives to the Proposed Project

The California Environmental Quality Act requires an identification and comparative analysis of feasible alternatives to the proposed project and which have the potential of achieving project objectives.

The following discussion considers alternative development scenarios for the 153-acre site. The EIR also addresses alternative design configurations for the widening of Thornton and Jarvis Avenues. Through comparison of these alternatives to the proposed project, the advantages of each can be weighed and considered by the public and decision makers. CEQA Guidelines require a range of alternatives "governed by the rule of reason" and requires the EIR to set forth a range of alternatives necessary to permit a reasoned choice (Sec. 15126.d).

Alternatives selected for analysis in this instance include:

- Alternative 1: "No Project" (Required by CEQA to be considered).
- Alternative 2: Low density housing.
- Alternative 3: Reconfigured building areas and road pattern, equivalent amount of development.

Alternatives are described and evaluated below.

5.1 No Project Alternative

CEQA requires an analysis of "no project" alternative. Under this alternative, it is assumed that the Gateway project would not be built as proposed and the 153 acre site would remain vacant, as it currently exists.

This alternative would avoid the range of environmental impacts as described in this document, including:

- *Earth*: No site grading or related impacts to the former crystallize beds would occur, nor would there be anticipated impacts related with exposing building improvements, employees and visitors to the potential of seismic hazards.
- *Air*: No impacts to regional air quality would occur, although the area immediately adjacent to and east of the site would be subject to wind blown dust.
- *Water*: Existing site drainage patterns would remain and there would continue to be no tidal influences on jurisdictional wetlands or "other waters of the U.S." This site would be subject to flooding in the event of a 100 year storm.
- *Biological resources*: Existing habitat for plants and animal life would not be disturbed.

- *Noise*: no new noise sources would exist on the site, either related to short term noise generation or long term operational noise.
- *Light and Glare*: With the site remaining vacant, no sources of light or glare would be found on the property.
- *Land Use*: The site would remain largely vacant as it currently appears.
- *Natural Resources*: Existing natural resources would be unaffected.
- *Risk of Upset*: No risk of upset, including the potential for fire, explosion or other hazard would exist since no permanent improvements would be present on the site.
- *Population, Housing and Socioeconomics*: Additions to the City's job and employment base would not occur.
- *Transportation and Circulation*: Existing traffic patterns would continue as currently found.
- *Public Services*: Limited demand would be created for police, fire or emergency services since there would be no employees or visitors on the site. Solid waste would also not be generated on the site.
- *Energy*: No demand would exist for use of energy resources.
- *Utilities*: No demand would exist for sewer, water or other utilities.
- *Aesthetics*: No changes would occur to existing site aesthetics.
- *Recreation*: There would be no demand for recreational resources, including parks or open spaces, based on the site being vacant.
- *Cultural Resources*: Existing historic or prehistoric resources, should they be found on the site, would remain.

In addition to the potential loss of up to 3,135 jobs and tax revenues, implementation of the no project alternative would also mean that the City of Newark will not have an opportunity to create a "gateway" entry statement into the community as discussed in the General Plan and local circulation improvements would not be funded by this landowner and/or future developers of the site.

5.2 Housing Alternative

This alternative would include the construction of single family detached homes on the project in lieu of research and development, office, light industrial, warehouse and similar uses envisioned by the preferred project. Assuming an average density of 8.5 dwellings per acre, typical of single family residential development in Newark, up to 1,020 new single family houses could be accommodated on the site. This excludes acreage devoted to jurisdictional wetlands and "other waters of the U.S."

Alternative 2 is based on the "Housing" alternative considered as part of the General Plan Update.

An analysis of anticipated impacts of this alternative is as follows:

- *Earth:* The same amount, if not more, of site grading as required for the preferred project will be needed to ensure proper drainage and to raise the site out of the 100-year flood plain. Residents and homes would be subject to seismic risk.
- *Air:* Approximately the same air quality impacts would result as for the proposed project.
- *Water:* Existing site drainage patterns would need to be changed to accommodate development, which may affect wetlands and "other waters of the U.S." Potential impacts to wetlands under this alternative is unknown.
- *Biological resources:* Existing habitat for plants and animal life could be disturbed, with the addition of increased human habitation.
- *Noise:* New noise sources would exist on the site, including both short term construction noise and long term noise associated with typical housing neighborhoods. The close proximity of the Dumbarton Freeway, which is elevated adjacent to the site, could result in significant noise impacts to residents on the site.
- *Light and Glare:* New sources of light or glare would be created on the property, including street lighting, yard and security lighting.
- *Land Use:* The site would be developed with housing, which would be consistent with existing uses to the south, but incompatible with the industrial park immediately north of the project site. Housing could have the potential to be detrimental to the San Francisco Bay National Wildlife Refuge, since additional residents would live nearby with a possibility of increases in unauthorized human activity in the Refuge. This alternative is not consistent with the Newark General Plan and a General Plan Amendment would be required in order to implement this alternative.
- *Natural Resources:* Existing natural resources, should they exist, would be lost.
- *Risk of Upset:* No significant risk of upset, including the potential for fire, explosion or other hazard would exist associated with residential development.
- *Population, Housing and Socioeconomic:* Additions to the City's population and housing stock would occur, perhaps increasing the population above that projected by ABAG.
- *Transportation and Circulation:* Existing traffic patterns would be changed, especially during morning and afternoon peak hours. According to the traffic analysis prepared for the Housing Alternative as part of the General Plan Update, significant traffic impacts, Level of Service "F," would occur at Newark Boulevard and Jarvis Avenue and perhaps other nearby intersections as well.

- *Public Services:* Increased demand would be created for police, fire and emergency services with the presence of additional housing. Typically, housing results in a higher rate of calls for service than research and development or office uses. Solid waste would be generated on the site. Impacts on school facilities could also be expected.
- *Energy:* Increased demand for energy resources would result, although typically not to the degree found with research and development, offices and light industrial land uses.
- *Utilities:* Demand would be created for sewer, water or other utilities.
- *Aesthetics:* The existing open field would be occupied by housing. It is likely that the Jarvis Avenue and Dumbarton Freeway frontage would be treated with a noise barrier wall and landscaping. Existing views to the Refuge and to open spaces near the Bay would be blocked, although not to the degree anticipated by research and development, office and similar uses, since houses would not be as tall as industrial buildings.
- *Recreation:* There would be an increased demand for recreational resources, including parks and open spaces, although some recreational facilities could be constructed as part of on-site development.
- *Cultural Resources:* Existing historic or prehistoric resources could be disturbed due to grading and construction activities.

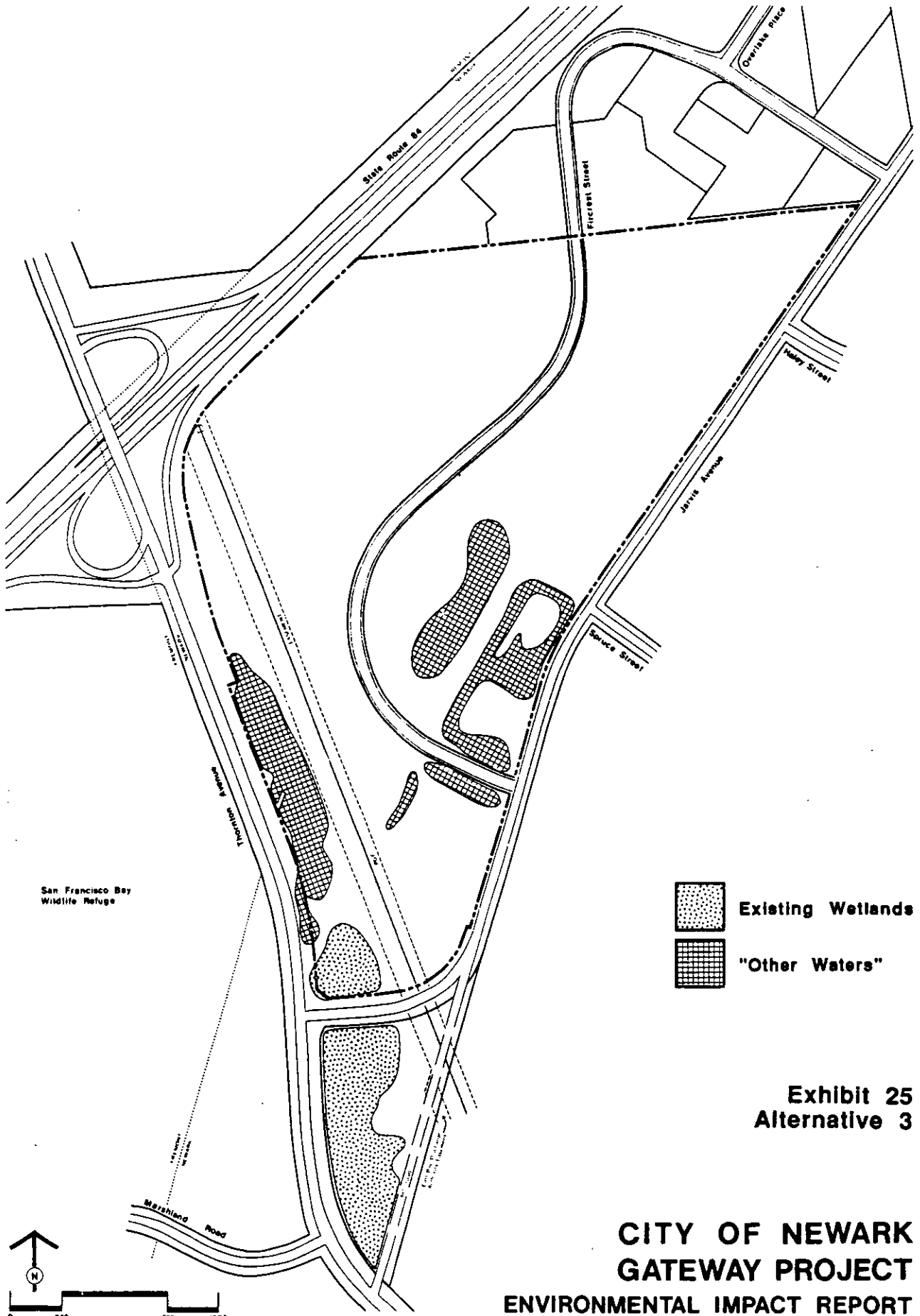
5.3 Alternative Site Arrangement



The final alternative assumes that the same or approximately the same amount of research and development, office, light industrial and warehousing uses would occur on the site (2,180,000 square feet of gross floor area), but such uses would be rearranged to leave existing wetlands and "other waters of the U.S." in their current locations, which would require that Gateway Boulevard, the primary site roadway, be relocated to curve in a southerly direction, intersecting with Jarvis Avenue rather than Thornton Avenue as shown in the proposed project.

Exhibit 25 depicts the Alternative 3.

The following discussion analyzes the expected impacts of Alternative 3.

- *Earth:* Approximately the same amount of site grading as required for the proposed project will be needed to ensure proper drainage and to raise building pads on the site out of the 100-year flood plain. Non-residential structures and employees would be exposed to seismic risk.
- *Air:* Approximately the same air quality impacts would result as for the proposed project.
- *Water:* Existing site drainage patterns would need to be changed from existing to accommodate development. No impacts would result to wetlands and "other waters of the U.S." since these sites would not be affected by future development, assuming that sufficient controls could be developed to direct storm water run-off away from the site.



-  Existing Wetlands
-  "Other Waters"

**Exhibit 25
Alternative 3**

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Wetlands would not be subject to tidal influences which could limit the number and diversity of special aquatic species within wetland areas.

- *Biological resources:* Existing habitat for plants and animal life would not be disturbed.
- *Noise:* New noise sources would exist on the site, including both short term construction noise and long term noise associated with the operations of research and development business parks.
- *Light and Glare:* New sources of light or glare would be created on the property, including street lighting, parking lot and security lighting.
- *Land Use:* The site would be developed with research and development, office and light industrial uses, which would be consistent with the industrial park immediately north of the project site. With appropriate controls, few if any impacts would result to adjacent residential neighborhoods or the Refuge. This alternative is consistent with the Newark General Plan.
- *Natural Resources:* Existing natural resources, should they exist, would be lost.
- *Risk of Upset:* Potential would exist for risk of upset, including the potential for fire, explosion or other hazards associated with this type of development. This would be the same as the proposed project.
- *Population, Housing and Socioeconomic:* Impacts in this category would be the same as the proposed project.
- *Transportation and Circulation:* Traffic patterns would be generally the same as the preferred project, except that traffic volumes would be higher on Jarvis Avenue since there the main project entrance would be on Jarvis. Increased traffic could also be expected at the Thornton Avenue/Jarvis intersection, since many vehicles would be required to use this intersection to access the Dumbarton Freeway. Additional truck traffic could also be expected on Jarvis, since trucks will also access the freeway using Jarvis.
- *Public Services:* Increased demand would be created for police, fire and emergency services with the presence of additional development. Solid waste would be generated on the site in the same volumes as the proposed project.
- *Energy:* Increased demand for energy resources would result, consistent with that anticipated as part of the proposed project.
- *Utilities:* Demand would be created for sewer, water or other utilities.
- *Aesthetics:* Aesthetic impacts would be the same as under the preferred project, except that the Gateway/Jarvis intersection would allow views into the project site and additional truck traffic could be expected along Jarvis.

- *Recreation*: Same as proposed project.
- *Cultural Resources*: Same as proposed project.

5.4 Alternatives to Jarvis/Thornton Widenings

As part of the project background, several alternatives were explored by the Newark Development Services Department regarding alternative configurations of the widenings for both Jarvis and Thornton Avenues. These alternatives have been identified for the purpose of minimizing potential impacts to wetland areas while ensuring that a safe and efficient local circulation network is completed pursuant to the Transportation Element of the General Plan.

5.4.1. Alternatives for Existing Alignments

Description of Alternatives

Alternative 1 included widenings of both thoroughfares as described in this EIR.

Alternative 2 studies the feasibility of an ultimate street width reduced from the standard City street width of 104 feet for Jarvis Avenue and 128 feet for Thornton Avenue. Specifically, a smaller center median of 10 (as opposed to 16 feet) was reviewed as well as a reduction of 5 feet from face of curb to top of slope.

Alternative 3 proposed construction of a retaining wall along portions of Jarvis and Thornton adjacent to existing wetlands. Placement of retaining walls would reduce or eliminate the need to encroach into wetlands by eliminating slope banks.

Alternative 4 combined reduced street sections with construction of retaining walls.

Alternative 5 proposed new one way "couplets" at the Thornton Avenue/Jarvis Avenue intersection.

Analysis of Alternatives

Alternative 1 includes the City standard street design for Jarvis and Thornton which have been developed over a number of years and which also have a history of safely conveying optimum amounts of traffic in the community. The 12-foot travel lane with a 14-foot wide lane adjacent to the median are the minimum permitted by the City for traffic safety purposes.

Alternative 2 proposes a reduced street section for Jarvis and Thornton, with the reduction achieved by reducing the center median width from 10 feet to 5 feet. Disadvantages identified in the proposed reduction include a reduction of landscaping area within medians, creation of curvature in an otherwise straight section and a reduction in the space allocated for street lights, signs and other public features. The proposed reduction of face of curb to top of slope distance from 10 to 5 feet can decrease encroachment into wetland areas by a total of 10 feet. Disadvantages associated with such a design modification include a reduction of level area for placement of utilities, loss of a level area to which a disabled vehicle can be removed from the roadway, reduction in pedestrian areas,

and an increase in the probability that a vehicle may jump the curb and travel down an adjacent side slope.

Alternative 3 would reduce encroachment into wetland areas by constructing retaining walls along portions of Jarvis and Thornton Avenues. Identified disadvantages include the creation of an unsafe 6-foot vertical drop-off immediately adjacent to the roadways, the negative adverse impact of constructing a metal guardrail and chain link fence for safety purposes, the loss of the slope bank buffer between the roadway and the wetland area and the relatively high cost of constructing the retaining wall.

Alternative 4 represents the features of Alternatives 2 and 3 with the associated advantages and disadvantages of both.

Alternative 5, the proposed construction of a one-way traffic couplet at the intersection of Jarvis and Thornton Avenues, increases the number of intersection points from one intersection to three intersections and would therefore increase the probability of accident potential and would also represent a higher construction cost.

Appendix 8.6 includes a complete description and analysis of roadway alternatives.

5.4.2. New Roadway Alignment

Exhibit 26 depicts a new roadway alignment for Jarvis Avenue and proposed Gateway Boulevard. The new alignment would have Jarvis swing north west of Spruce Street to intersect with the newly constructed Gateway Boulevard. The existing intersection of Jarvis Avenue and Thornton Avenue could then be abandoned. This roadway alternative will have the benefit of not impacting existing wetlands.

6.0 Analysis of Long-Term Effects

This section of the EIR addresses the potential long-term effects of implementing the proposed project, including the Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity, Significant Irreversible Impacts, Growth Inducing Impacts and Cumulative Impacts.

6.1 Short-Term Uses v. Long Term Productivity

Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity

CEQA mandates that all EIRs consider the relationship between short term use of resources, such as land for development purposes, versus the long term benefits of allowing the subject property to remain as undeveloped open space. The relationship between short-term use of environmental resources and the maintenance of long term productivity is often one of trade-off, or of balancing social, economic, environmental and similar concerns over time. In some instances, a relatively short term benefit may have adverse effects, with the possibility that future generations may be burdened with unwarranted social or economic costs. The opposite situation, in which long-term benefits occur at the expense of short term impacts may also occur. The ultimate decision as to the unique balance of factors lie with the Newark City Council.

The project under consideration is to allow the ultimate development of up to 2,180,000 square feet of research and development, office, light industrial and warehouse and distribution uses. Off-site improvements needed to construct the project include extensions of utility lines (water, sewer, electrical, natural gas, and telephone), widenings of local streets and installation of traffic signals, provisions of constructed (man-made) wetland areas for both wetland and other water mitigation and for storm water drainage purposes.

Potential environmental impacts identified in this document relating to short term impacts include increases in fugitive dust, increased truck traffic, consumption of energy resources and noise during construction of the proposed project. None of these are considered significant impacts. Potentially significant long-term impacts include grading and land form modification, water-borne soil erosion, increase in storm water run-off, water quality impacts, impacts to wetland and "other waters of the U.S." areas, both on and off the project site, additional public service requirements. Traffic in and around the project site would be increased, both autos and trucks. Air quality would be slightly degraded. Light and glare generated on the project site by new development would be increased and views to the Refuge by existing residents would, in some instances be disrupted. Employment would be increased and the City would gain an opportunity to develop a permanent entry monument into the community.

As demonstrated in Section 4.0 of the EIR, each of the above impacts can be adequately mitigated, except for traffic and circulation impacts, so that long-term impacts are not considered significant.

6.2 Irretrievable Commitment of Resources

Significant Irreversible Environmental Changes and Irretrievable Commitment of Resources

Construction of the proposed project will require irretrievable commitment and use of energy and non-renewable resources for construction and operation of the project, including such resources as sand and gravel, lumber and other forest products, asphalt, petrochemicals and metals. The level and amount of commitment of such resources is commensurate with similar development projects undertaken in the Bay Area and throughout California and the nation.

6.3 Significant Irreversible Impacts

Significant Irreversible Impacts That Cannot Be Avoided if the Proposal Is Implemented

This section of the EIR identifies significant environmental effects of the proposed project which cannot be mitigated using all feasible mitigation measures. The sole impact which cannot be successfully mitigated is the impact of traffic. Specifically, the following intersections will operate at Level of Service "F," which is considered a significant impact, at either morning (am) and/or evening (pm) peak hours:

- Newark Boulevard/Jarvis Avenue, pm peak
- Thornton Avenue/State Route 84, westbound off-ramp, am and pm peak
- Ardenwood/State Route 84, westbound off-ramp, am and pm peak
- Newark Boulevard/State Route 84, eastbound off-ramp, pm peak

However, anticipated traffic impacts at the above intersections have been foreseen by the City of Newark in the General Plan and the associated General Plan EIR. A Statement of Overriding Considerations was adopted by the Newark City Council for traffic impacts specifically for the identical intersections when adopting the General Plan EIR in mid-1992 (City Council Resolution No. 6511, adopted June 11, 1992).

6.4 Growth Inducing Impacts of the Proposed Project

All Environmental Impact Reports must consider the potential growth inducement of projects. A project is generally considered to be growth inducing if it will foster economic or population growth or will cause the construction of new housing, either directly or indirectly, within a given geographic area. Projects which remove obstacles to population growth are also deemed to be growth inducing. Increases in population may strain existing community services or utility systems, so consideration must be given to this impact. The characteristics of a project that may encourage or facilitate other growth activities which could significantly affect the environment, either individually or cumulatively, must also be discussed.

The proposed Gateway project is located in a geographic area of Newark intended and planned for future high-quality employment type uses, as indicated in the Newark General Plan. It should therefore be viewed as anticipated, planned growth, rather than an inducement to promoting unplanned and unanticipated growth.

Other factors contributing to the non-growth inducing assessment conclusion of this EIR is that future growth to the north and east is precluded by the presence of the Dumbarton Freeway and the Bridgeway Center. Existing residential development precludes development in a southerly direction and the presence of the San Francisco Bay National Wildlife Refuge prevents westerly growth of new development.

In addition, no new substantial construction of main utility lines will be required, only extensions from main lines. Finally, the existing "stub" terminus of Fircrest Street on the north side of the property indicates that some type of permanent development has been anticipated on the site and provisions were made at the time Fircrest Street was built to serve the project site.

6.5 Cumulative Impacts

Cumulative impacts are those which, taken individually, may be minor but, when combined with similar impacts associated with existing development, proposed development projects and planned but not built projects, have the potential to generate more substantial impacts. CEQA requires that cumulative impacts be evaluated when they are significant and that the discussions describe the severity of the impacts and the estimated likelihood of their occurrence. CEQA also states that the discussion of cumulative impacts contained in an EIR need not be as detailed as that provided for the project alone. Cumulative impacts may be addressed using one of two methods:

- A listing of past, present and reasonable anticipated future projects, within or adjacent to the community containing the project site, which could produce related or cumulative impacts;
- A summary of projections contained in the adopted General Plan or related planning document which evaluated regional environmental impacts of a number of projects within a given geographic area.

For purposes of the Gateway EIR, the second, latter approach has been chosen to address cumulative impacts. Copies of the City of Newark General Plan are available at both the Newark Development Services Department, 37101 Newark Boulevard, Newark and at the Newark City Library, 6300 Civic Terrace Avenue. The General Plan describes policies which will guide future development in the City as well as containing a map and written description of proposed land uses.

A summary of expected cumulative impacts follow.

Earth

Potential cumulative impacts, should the project be approved, will include the exposure of up to 2,180,000 square feet of new research and development, office, light industrial, warehousing and distribution uses containing 3,135 employees to the hazards of seismic action, including ground

shaking and liquefaction. All new buildings proposed will be constructed to the most recent and restrictive provisions of the Uniform Building Code governing seismic safety and will also have the benefit of a "third party" review of geotechnical data and recommendations. No substantial short or long term cumulative impacts are anticipated.

Air

Construction of the proposed Gateway project is consistent with the population and employment projections contained in the Newark General Plan. According to representatives of the Bay Area Air Quality Management District (BAAQMD), consistency of these projections with population and employment projections published by ABAG in Projections '90 constitutes consistency with the regional Clean Air Plan adopted by the BAAQMD in 1991.

Water

The Gateway project, if approved, will consume greater amounts of water than is currently needed to serve the undeveloped site and will contribute to increased demand for water from the Newark community as a whole. The Alameda County Water District has indicated that the District's Master Plan has accounted for ultimate development of the Gateway project as part of the Newark General Plan and no substantial adverse cumulative impacts will result.

Since the project site contains both wetlands and "other waters of the U.S.", the potential exists for cumulative loss of wetlands and other water resources, should the site develop as proposed. However, the applicant proposes to maintain and preserve a portion of the site as wetlands and is pursuing the necessary permits to accomplish this, therefore there will be no cumulative net loss of wetland resources.

Increases will be recorded in the amount of storm water run-off generated from the project site. However, the applicant has formulated long term drainage plans to accommodate the increased amount of run-off. Impacts of constructing the drainage plan has been addressed in the EIR.

Biological Resources

Cumulative loss of biological resources will be avoided by creation of constructed (man-made) wetlands, which will ensure that there is no net loss of biological habitat area.

Noise

Noise levels throughout the community will be slightly increased should the project be built as proposed, both in the short term, during construction, and in the long term, during the operation of new research and development, office, light industrial and warehousing land uses. Cumulative noise impacts have been analyzed in the Noise Element of the General Plan and were found to be consistent with the noise standards published by the State of California Office of Noise Control.

Light and Glare

Should the project be built, the amount of light and glare will increase in the immediate vicinity caused by the addition of street lighting, parking lot lighting, building security lighting and similar lights, leading to a gradual increase in the amount of light and glare in this portion of Newark. Mitigations are included in the EIR to minimize the effects of light and glare increases adjacent to the Gateway site. Thus, although ambient light and glare will increase in the project vicinity, due to the imposition of mitigation measures, it is not be considered significant.

Land Use

Cumulative land use impacts, should the project be constructed, will include conversion of existing open, vacant lands to urban uses over the next few years. The rate of conversion will be dependent on market forces and the ability of the local and regional real estate market to absorb additional research and development and similar land use types. The ultimate conversion of the property to urban uses has been considered as part of the General Plan process and no significant long term impacts are anticipated.

No cumulative impacts are anticipated on the San Francisco Bay National Wildlife Refuge.

Natural Resources

No cumulative impacts to the city's natural resource base is anticipated since no such resources have been identified on the project site.

Risk of Upset

Construction of new research and development and light industrial uses on the site, as proposed, will increase the cumulative risk of fire, explosion or other incident related to industrial processing. Representatives of the Newark Fire Department have indicated that existing ordinances and procedures are in place to ensure that any such cumulative impacts can be mitigated with existing City resources so that no significant cumulative impacts would result if the project is constructed.

Population, Housing and Socioeconomic

No significant impacts are anticipated to the City's housing stock or permanent (non-employment) population is anticipated, since no new housing units are to be constructed as part of the project. However, the project will result in the creation of 3,135 new jobs in Newark, which will contribute to a cumulative increase in the City's employment base. This amount of new employment in the community is anticipated in the General Plan and is therefore not considered significant.

Transportation and Circulation

Approval of the project will increase the number of total vehicular trips, for cars and trucks, both on a daily basis and during morning and evening peak hours. Significant adverse impacts, defined as Level of Service "F," are anticipated at the following intersections during peak hour conditions at full project build out of this project and all other projects envisioned as part of the General Plan, after completion of traffic mitigation measures:

- Newark Boulevard/Jarvis Avenue (pm)
- Thornton Avenue/ SR 84 Eastbound off-ramp (am and pm)
- Ardenwood/ SR 84 Westbound off-ramp (am and pm)
- Newark Boulevard/ SR 84 Eastbound off-ramp (pm)

These cumulative traffic and circulation impacts have been addressed in the General Plan Environmental Impact Report and a Statement of Overriding Concerns adopted by the Newark City Council (Resolution No. 6511), indicating that the benefits of allowing research and development, office, light industrial and similar uses on the site outweigh the benefits of allowing the site to

remain as permanent open space or permitting low density housing units to be constructed on the site. A Statement of Overriding Considerations will be required for this EIR as well,

Public Services

Cumulative increases in calls for service for fire, police and services as well as solid waste generation can be expected should the project be constructed. According to representatives of the local service providers, existing resources are available to serve the proposed project and other anticipated in the Newark General Plan.

Energy

Incremental increases in the demand for electrical and natural gas resources can be expected should this and other projects develop in the Newark community. According to representatives of Pacific Gas and Electric Company, adequate resources and facilities exist to serve this project and anticipated projects contained in the Newark General Plan.

Utilities

Representatives of local utility companies, including the Alameda County Water District and Union Sanitary District have indicated an ability to serve the proposed Gateway project and other projects anticipated in the General Plan. No substantial cumulative impacts are therefore anticipated.

Aesthetics

The aesthetic environment in the immediate vicinity of the project will be affected by the construction of urban uses on property which is currently in an undeveloped condition. No long term cumulative impacts are anticipated though, since no significant changes are anticipated to other properties in the immediate vicinity of the project site.

Recreation

No cumulative impacts to recreational resources are anticipated since limited permanent new residents to Newark are anticipated. Therefore, few new visitors to the local park and recreation system are anticipated to occur.

Cultural Resources

No cumulative impacts to cultural resources are anticipated, since each new development project will be required to complete an archeological and cultural resources survey on that particular site prior to development.

7.0 Organizations and Persons Consulted

7.1 Persons and Organizations

EIR Preparers

The following individuals participated in the preparation of this document.

Jerry Haag, Urban Planner (project manager and principal author)
Gay Pang, P.E. (traffic and circulation)
Stephen O'Connell (graphics)

City of Newark staff

Jim Reese, Community Development Director
Willem Wolbertus, P.E., Associate Civil Engineer
Jack Burgess, P.E., Associate Civil Engineer
Charles Dodge, Building Official
Gene Ramsell, Assistant Fire Chief
Clifford Nannini, Captain, Police Department
Deborah Cabness, Crime Prevention Specialist

Alameda County Water District

Ted Lynch, Development Engineer
Lisa Cleland, Planner

Union Sanitary District

Kent Steffens, Engineer

Pacific Gas and Electric

Chris Taylor, Industrial Power Engineer

Pacific Bell

Cindy Slothower, Service Planner

Oakland Scavenger Company

Pierre Colombier, Division General Manager

Bay Conservation and Development Commission (BCDC)

Rick Cooper, Permit Manager

California Archeological Inventory

Lisa Compas, Researcher

7.2 References

The following documents were used in the preparation of this EIR.

Association of Bay Area Governments (ABAG), Projections '90, 1990.

Association of Bay Area Governments, Projections '94, 1993.

LSA Associates, Inc. Leslie Newark Coyote Tract and Related Parcels, Draft EIR, 1990
(uncertified)

City of Newark, Source Reduction and Recycling Element, 1992

City of Newark, General Plan Update, 1992

City of Newark, General Plan Update EIR, 1992

Wetlands Research Associates, Newark-Coyote Tract Consolidated Plan for Poned Areas,
January, 1994

8.0 Appendices

The Appendix includes the following documents and information:

- 8.1 Notice of Preparation
- 8.2 Responses to NOP
- 8.3 Comments received from proposed Mitigated Negative Declaration
- 8.4 Traffic Analysis (Pang Engineers)
- 8.5 Proposed Consolidation Plan for Poned Areas (WRA)
- 8.6 AID No. 26 Alternatives Analysis
- 8.7 Proposed MT-1 zoning district

Appendix 8.1 Notice of Preparation



To: Reviewing Agencies
(Agency)

(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:		Consulting Firm (If applicable):	
Agency Name	<u>City of Newark</u>	Firm Name	<u>Jerry Haag</u>
Street Address	<u>37101 Newark Blvd.</u>	Street Address	<u>3254 Adeline</u>
City/State/Zip	<u>Newark, CA 94560</u>	City/State/Zip	<u>Berkeley, CA 94703</u>
Contact	<u>Jim Reese</u>	Contact	<u>Jerry Haag</u>

The City of Newark will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (is is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but *not later than 30 days* after receipt of this notice.

Please send your response to Mr. Jim Reese at the address shown above. We will need the name for a contact person in your agency.

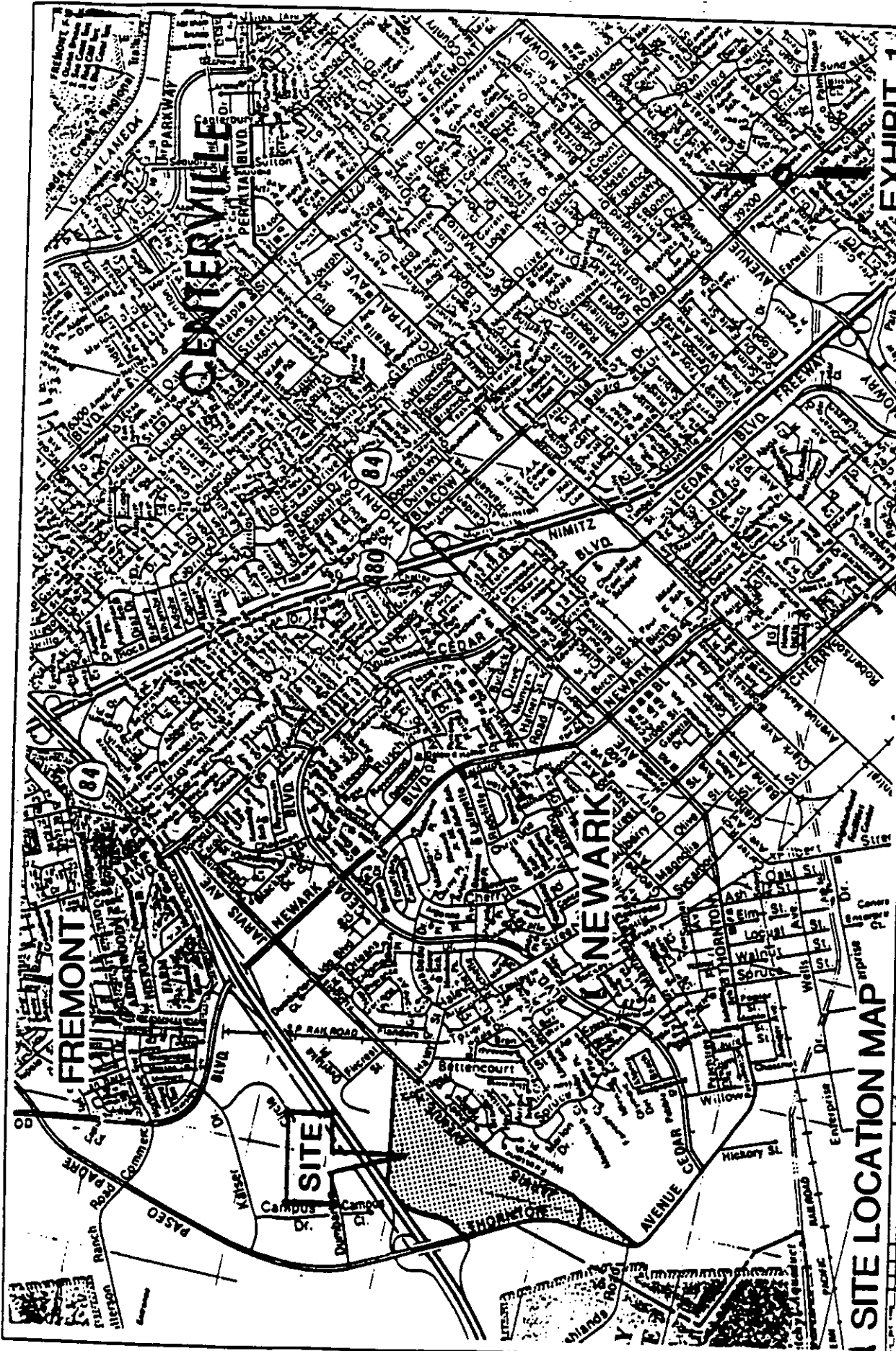
Project Title: Cargill Rezoning, creation of new zoning district and a tentative parcel map.

Project Location: Newark Alameda
City (nearest) Country

Project Description: (brief)

Environmental review of a proposed rezoning, creation of a new zoning district and Tentative Parcel Map for 153 acres located at the intersection of Thornton Avenue and Jarvis Avenue in Newark, CA. This project is intended to implement the City General Plan adopted in June of 1992. The City of Newark anticipates that construction of the proposed project may result in the following environmental impacts: earth (soils and geology), water and hydrology, plant and animal life, traffic and circulation, and aesthetics.

Date 5/24/94 Signature [Signature]
Title Community Development Director
Telephone (510) 793-1400, Ext. 214



I SITE LOCATION MAP



CR Enterprises
 10000 Enterprise Dr.
 Newark, California 94595-0000
 (415) 780-1820

CARGILL BALT
 PO Box 260
 Newark, California 94595-0260
 (415) 780-1820

THE GATEWAY
 NEWARK CALIFORNIA

EXHIBIT 1

1
 R-147B

Appendix 8.2 Responses to NOP

COMMENTS RECEIVED ON CARGILL EIR NOP

- (1) Emily Renzel, citizen, June 1, 1994
- (2) Margaret Lewis, citizen, June 6, 1994
- (3) Donna Olsen, Tri-City Ecology Center, June 8, 1994
- (4) Lisa Gasta, citizen, June 8, 1994
- (5) Tina Konvalinka, AC Transit, June 8, 1994
- (6) Ted Lynch, Alameda County Water District, June 13, 1994
- (7) Dan Kelley, citizen, June 22, 1994
- (8) Millicent Malliett, citizen, June 22, 1994
- (9) Arthur Feinstein, Golden Gate Audubon Society, June 23, 1994
- (10) Ralph Nobles, Friends of Redwood City, June 23, 1994
- (11) Y. Hernandez, citizen, June 24, 1994
- (12) Eric Hentschke, citizen, June 24, 1994
- (13) Florence LaRiviere, Citizens Committee to Complete the Refuge, June 27, 1994
- (14) Milton Feldstein, Bay Area Air Quality Management District, June 28, 1994
- (15) Kit Curtiss, Caltrans, June 30, 1994
- (16) Melody Kercheval, PG&E, July 1, 1994
- (17) Brian Hunter, U.S. Department of Fish and Game, July 5, 1994

May 28, 1994

JUN 1 1994

Mr. Jim Reese
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Reese:

Thank you for your notification regarding the EIR for the Newark/Coyote Tract. I'm pleased that Newark has realized the importance of doing an EIR on this massive project.


I believe the concerns raised in my letter of April 24, 1994 (copy attached) are valid ones to address in the EIR. They include: 1) Traffic & circulation for 50 acres of buildings; 2) wetlands impacts; 3) impacts on wildlife; 4) stormwater runoff and drainage plans; 5) construction impacts - grading, erosion, truck traffic, noise, etc. 6) the city's plan for garbage and waste disposal; 7) Interaction with the nearby National Wildlife Refuge; and 8) water quality issues.

Additional issues are Sewage Treatment capacity, visual impacts, traffic, employment and housing impacts of perhaps 8000 new employees; and demand for city services.

It is obvious that a project of this magnitude will result in major changes for the city of Newark, and as a matter of public policy it makes sense to anticipate as many impacts as you can.

Thank you for the opportunity to participate in the scoping of the EIR, and I would appreciate being kept apprised of your review process.

Sincerely,



Emily M. Renzel
1056 Forest Avenue
Palo Alto, CA 94301

P.S. I realize that you chose to spend \$2.29 to send your notification by Certified Mail, perhaps to avoid any challenges, but frankly it was quite an annoyance to have to drive 3 miles to the Post Office and to receive the notice a day later than I would have if you had sent it First Class for 29 cents.

April 24, 1994

Re: Negative Declaration/Initial Study
Newark/Coyote Tract

Mr. Jim Reese, Planning Director and Members of the Planning Commission:
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Reese & Members of the Commission:

As a former City Councilmember (12 years) and Planning Commissioner (6 years) in the City of Palo Alto, I am incredulous that the City of Newark is considering a Negative Declaration for a project of 2,180,000 square feet (50+ acres) of office and industrial buildings. It taxes the imagination to think that there are no significant impacts from such a large project. On the contrary, the impacts of traffic, runoff, air quality, etc. are apt to be significant and have little potential for mitigation.

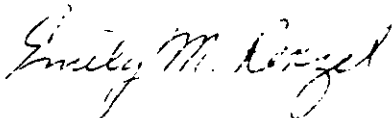
Even if general impacts for the zoning had been considered during your General Plan update, the specific impacts of the specific traffic and circulation plan, as well as the construction itself, for a project of 50 acres of buildings would still need to be addressed and a Negative Declaration is inappropriate.

You have not addressed how runoff from this gigantic project will be handled to avoid polluting adjacent waters including San Francisco Bay. What is the plan for runoff cleanup and/or detention? Likewise, your work to date does not address impacts on wetlands or migratory waterfowl. This is significant and makes a Negative Declaration completely inappropriate. In accordance with the legislative intent of the Environmental Quality Act of 1970, effects on natural, aesthetic, scenic, and historic environmental qualities are deemed to be more significant than other environmental effects. The maintenance and perpetuation of fish and wildlife species, freedom from excessive noise, and waste disposal & environmental pollution are also considered more significant than other environmental effects. You have not addressed these factors with respect to the proposed 2,180,000 square foot project.

Finally, it is improper to issue a Negative Declaration on this project by deferring problems and impacts for future study. This is somehow presuming that the studies will show that there is no impact and therefore a Negative Declaration is appropriate. You cannot make that finding until the studies are done.

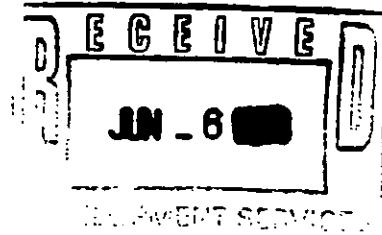
A Negative Declaration in this instance is in gross violation of the CEQA guidelines. I trust that Planning Commissioners will recognize this and insist on a proper environmental study for this major project.

Sincerely,



Ms. Emily M. Renzel
1056 Forest Ave.
Palo Alto, CA 94301-3030

5 June, 1994



Jim Reese
Community Development Director
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Re: Notice of Preparation Cargill Newark Coyote Tract

Dear Mr. Reese:

The environmental impacts that the City of Newark anticipates studying in the Draft EIR for Cargill's site known as the Newark Coyote Tract are inadequate. The potential impacts mentioned in the NOP are too limited and must be expanded.

In 1990 a Draft EIR was published for Cargill lands including the Coyote Tract. Potential impacts in this document included Land Use; Geology, Soils and Seismicity; Hydrology and Drainage; Vegetation and Wildlife; Archeology; Visual Quality; Traffic and Circulation; Noise; Air Quality; Public Service and Utilities; Economics. Many of these impacts were omitted from the NOP.

Additionally impacts that must be added include Endangered Species; Impacts to the adjacent San Francisco Bay National Wildlife Refuge; and Wetlands. Wetlands exist on the Coyote Tract and bordering Thornton Avenue along the Tract. Prior to any widening of Thornton and parts of Jarvis Avenue near the site, permits must be obtained from the U.S. Army Corps of Engineers. Permits must also be obtained prior to fill in wetlands on the Tract.

The Draft EIR must also reveal the status and impacts of the unsettled lawsuit Cargill brought against the Corps of Engineers. Cargill has not paid the fine and restored wetlands as required in the settlement. These issues are under appeal (again) and must be settled before any development can take place. Under the category of drainage must be a complete plan for storm water run-off both pre and post construction and impacts to water quality on the Refuge and San Francisco Bay. The amount of fill needed to bring the site to FEMA standards must also be disclosed.

I want the record to show Cargill has sprayed an unknown liquid on wetland vegetation adjacent to Thornton Avenue. This occurred in the area Cargill originally proposed as a wetland mitigation site. The spraying occurred the

morning of June 4, 1994. It appears the spraying was done to kill vegetation. Let the record also show that for the past two years Cargill has filled and graded the Newark Coyote Tract changing the hydrology and drainage pattern. Cargill has worked diligently to destroy all vegetation and harass wildlife, giving the Coyote Tract the appearance of a sterile environment.

The Notice of Preparation must disclose the status of Cargill's wetland consolidated plan which has been submitted to the Corps of Engineers. The NOP must discuss the steps needed to obtain permits from state and federal wildlife agencies and any other agencies involved with development on the Tract.

Please clarify a point regarding the site location map accompanying the NOP. It shows a shaded area to the south side of Jarvis Avenue. Is this to be included as part of the industrial park rezoning? If so has it been studied for endangered species, for wetlands or wildlife use? If this area is part of the tentative tract map, what is the future plan for Jarvis Avenue? Has there been a Corps of Engineers jurisdictional analysis?

Sincerely,



Margaret Lewis
36102 Spruce St.
Newark, CA 94560-1556

Tri-City Ecology Center

P.O. Box 674, Fremont, CA 94537

510-783-8222

Mr. Jim Reese
City of Newark
37101 Newark Blvd.
Newark, CA 94560

JUN - 8 1994

June 7, 1994

DEVELOPMENT SERVICES

Re: Cargill Rezoning

Dear Mr. Reese,

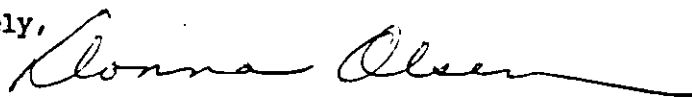
Thank you for the opportunity to comment on the scope and content of the Environmental Impact Report for the proposed rezoning of the Coyote Tract.

The ecology center recommends a full EIR with the following elements:

1. Planning Policy, Community Development and Land Use Context
2. Traffic, Circulation and Access
3. Wetlands, Endangered Species and Habitats, including specific Wetlands Mitigation Plan
4. Soils, Geology and Risk Factors
5. Public Facilities, Services and Utilities
6. Noise
7. Air Quality, during project and after
8. Archaeology
9. Visual Impacts; Light and Glare
10. Alternatives Sites Analysis
11. Overview of Evaluation ie growth impacts, unavoidable/irreversible impacts, etc.

If you have any questions about our recommendations, please call us at any time. We look forward to commenting on the Cargill/Coyote Tract EIR.

Sincerely,



Donna Olsen, on behalf of the Board of Directors

May 24, 1994

City of Newark
Planning Division
37101 Newark Blvd.
Newark, CA 94560

JUN - 8 1994

Members of the Newark Planning Commission,

My name is Lisa Gasta and I attend Moreau Catholic High School in Hayward. I feel that as a resident of Newark for almost seventeen years and as a future voter, voicing my opinion regarding a local issue is necessary. I am writing concerning the land surrounded by Jarvis Avenue, Thornton Avenue, and Decoto Road (Highway 84). This land is owned by Cargill Salt Company and they have expressed their wishes to develop it.

I have spoken to both Margaret Lewis, a Newark resident concerned with the effects that this development would have on the environment, and to Jim Reese, Community Development Director. Both parties have stated their feelings to me as to how they see both positive and negative effects of this project.

When speaking to Ms. Lewis on the phone on Saturday, May 14, she stated various matters. Ms. Lewis was concerned about the amount of traffic the development would bring, the height of the buildings to be constructed, and the possible effects that this formation would have on local wildlife, especially those animals residing at the San Francisco Bay Wildlife Refuge. She commented that not only the traffic from the corporations themselves, but also from the construction of the buildings would disrupt the presently quiet atmosphere of surrounding neighborhoods. In the Initial Study and Negative Declaration, section three states that "the buildings will be of multi-story construction, but will be limited to a maximum height of 45 feet near existing residential areas." Ms. Lewis expressed that this height will not only drastically change the landscape of this area but block the present viewing of other formations, including Coyote Hills. She also defended her argument by using a scenario of a natural disaster. Ms. Lewis remarked that if there were to be an earthquake, fire, or even a chemical spill, this would cause major destruction to the Wildlife Refuge, due to the normal direction of the wind. She had also commented that there were various points that were not discussed in the Initial Study and Negative Declaration such as wildlife and wetland issues and the issue of water quality. I spoke to Ms. Lewis a second time on May 19. In this conversation, she commented that the Negative Declaration also disregarded that FEMA- the Federal Emergency Management Agency claimed that the area in question has been considered part of the 100 year flood zone. Due to this claim, in order to build on this property, eight to ten feet of landfill will have to be placed. Ms. Lewis said that Cargill had issued an Environmental Impact Report in 1992 which she was told was only a draft document and eventually dropped. She is hoping that a new EIR will be drafted and put into effect, including the issues in which she felt were ignored.


On Monday, May 16, I visited and spoke to Jim Reese. Mr. Reese gave me a copy of the Initial Study and Negative Declaration and also a draft of the proposed revisions to Section 17.24 of the Newark Municipal Code. I informed Mr. Reese of my conversation with Ms. Lewis. Mr. Reese assured me of the positive aspects to the construction of the industrial site. Not only would these buildings create jobs for those who will be employed by Cargill but also to the construction workers hired to create the buildings. Mr. Reese also stated that the site would include a safe environment for warehouse/distribution operations. Mr. Reese informed me that these corporations would distribute objects such as computer chips and components.

There have been many changes in my opinion in the past few days. When I first spoke with Ms. Lewis, I found that her argument was quite valid and that the preservation of one of Newark's last natural areas was important. However, Jim Reese's ideas on the development of this area. On my way to school one morning, I took a look at the area in question. To my personal taste, I found this area to be very gloomy and almost ugly. The property looks run down and unkept. The very same day at school, I discussed this matter with peers who either live in Newark or have seen this area. They were shocked at my opinion. On the way home from school, I was driving along Jarvis Avenue and looked beyond the dead grass and rotten fences. I saw a beautiful site of the San Francisco Bay, the Wildlife Refuge, and Coyote Hills. This sight put my prior feelings in question.

Somehow, I think there is a way that both sides can come to a decision that will benefit everyone. Creation of more jobs is a necessity to today's society due to the uprise in population. At the same time, preserving what is left of that natural environment is very important also. Many residents would like to see this area developed and many would like to see it preserved. In my opinion, the area needs beautification - green grass, stable fences, etc. If it is necessary for Cargill Salt Company to use this land for building, there must be a way that the land can be constructed and developed and still obtain a natural look. My idea is this - the 153 acres should be divided in such a way that part of it is still kept natural but fixed up. The remaining parcel of land could be developed with mixed-use high-tech industrial, warehouse and distribution complexes and still maintain the view of Coyote Hills and other land formations.

I realize that the opinion of a sixteen year-old may not seem valid and important, but society must understand that the teenagers of today are the future of tomorrow. I appreciate your time and patience and hope you will take my advice into consideration.

Sincerely,



Lisa M. Gasta

35157 Blackburn Drive
NEWARK, CA 94560

City of Newark
37101 Newark Boulevard
NEWARK, CA 94560

ATTN: Planning Commission



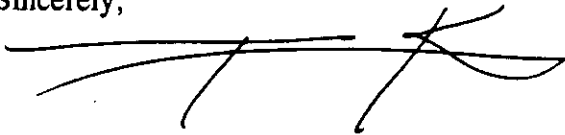
NOP: Cargill Rezoning Page 2

Increase in vehicular traffic and its impact on transit service provision:

AC Transit operates routes 27 and 29 in the general area of the project. Increased vehicular traffic along Jarvis and Newark Blvd, particularly at their intersection, may adversely affect operation of these routes.

Once again, thank you for the opportunity to comment on this proposal. If you have any questions you can call Darton Ito, Transit Planning Intern, at 891-4846.

Sincerely,

A handwritten signature in black ink, consisting of a horizontal line with several loops and a long tail extending to the right.

Tina Konvalinka
Senior Transportation Planner

cc: Lars Sandstrom
Darton Ito

ref:carglnop



JUN 13 1994

DIRECTORS
CARL H. STRANDBERG
President
JOSEPH G. DAMAS, JR.
CLARK W. REDEKER
TIM RÖLLISSON
PHILLIP I. UTIC

P.O. BOX 5110 • 43885 SOUTH GRIMMER BOULEVARD, FREMONT, CALIFORNIA 94537
PHONE (510) 659-1970 FAX (510) 770-1793

OFFICERS
JAMES D. BEARD
General Manager
RONALD PINO
Treasurer
MARVELL L. HERREN
District Secretary

June 10, 1994

Jim Reese
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560

CARGILL REZONING EIR SCOPE AND CONTENT

Dear Mr. Reese:

The Alameda County Water District offers the following comments in response to your May 24, 1994 Notice of Preparation of a Draft EIR for the 153 acre Cargill project located at the intersection of Thornton Avenue and Jarvis Avenue.

1. We request that the EIR indicate a range of probable daily water use during normal work hours for full development conditions. Based on your comments about Cargill's planned use, the water use information should be based on a review of historical water use data for "high tech" areas in the San Francisco Bay Area from 1980 to the present.
2. The EIR should address methods to reduce net water use in the project area, including industrial processes, landscaping, and environmental systems.
3. The EIR should address methods to avoid degrading or contaminating the underlying groundwater basin.

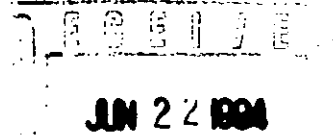
We appreciate having this opportunity for defining part of the scope and content of the draft EIR, and we may have more specific comments later on the draft document.

Very truly yours,

TED LYNCH
Development Engineer

TL:bb

June 20, 1994



Jim Reese
Planning Department
City of Newark
37101 Newark Blvd.
Newark Calif. 94560

Dear Mr. Reese:

I am writing regarding the Notice of Preparation for the Cargill site in northwestern Newark. The Notice does not include all topics that must be covered for an environmental impact report.

A complete EIR must include Earth and Seismicity, Land Use, Hydrology and Drainage (disclose Cargill's plan to use the San Francisco Bay National Wildlife Refuge as a site for industrial storm water runoff; and the regulations covering the County of Alameda's storm water runoff plan), Wildlife and Vegetation, Endangered Species, Wetlands, Traffic and Circulation (to include any plans to widen Thornton and Jarvis Avenues and regulations governing wetland fill for road expansion), Air Quality, Noise (including current noise levels to residents along Jarvis and potential noise level from development), Public Service and Utilities, Alternative Sites, Impacts to the San Francisco Bay National Wildlife Refuge, and the status of Cargill's appeal on a lawsuit against the Corps of Engineers (Cargill has not restored wetlands it damaged).

To call Cargill's application just a rezoning and tentative tract map is misleading. A 2 million square foot industrial park is a substantial development and all impacts must be disclosed including all cumulative impacts. The environmental impact report must reflect the size and scope of the proposed project and impacts to residents, commuters, and wildlife in Newark and Fremont.

Sincerely,

Dan Kelley
36738 Mulberry St.
Newark, Calif. 94560

17 June, 1994

RECEIVED

JUN 22 1994

Jim Reese
Planning Division
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Re: Notice of Preparation Cargill's Newark Coyote Tract

Dear Mr. Reese:

The Notice of Preparation does not cover all elements needed in the Draft EIR. The site Cargill is proposing for rezoning and construction on a 2 million square foot industrial park is adjacent to the headquarters of the San Francisco Bay National Wildlife Refuge and nearby residences.

The Draft EIR must include Land Use, Earth (including seismicity), Drainage and Hydrology (including the fact that for the past two years Cargill has changed both on the site), Vegetation and Wildlife, Endangered Species, Wetlands, Archeology, Visual Quality, Traffic and Circulation (including possible widening of Thornton and Jarvis Ave.), Noise, Air Quality (including current regulations), Public Service and Utilities, Economics, Impacts to the National Wildlife Refuge (must include any plans present or future to use easement across Refuge for drainage), Alternative Sites, Mitigation for wetland filling, and Cargill's status regarding the Corps of Engineers lawsuit (including when the final judgement will be settled and when wetland restoration will take place and the effect on the proposed project).

There must be a thorough disclosure of cumulative impacts of a project this size. These cumulative impacts would be on wildlife and habitat and on humans. What will be the impacts to the freeway (Highway 84)? What will be the impact on quality of life for residents living nearby? This EIR is not for a rezoning solely nor what the city calls a "tentative tract map". This for an industrial park of massive size that will change the face of northwestern Newark. The EIR must reflect that fact.

Yours truly,

Millicent Malliett

Millicent Malliett
P.O. Box 451
Newark, CA 94560



Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, CA 94702 • Phone: (510) 843-2222 • Fax: (510) 843-5351

Americans Committed to Conservation • A Chapter of the National Audubon Society

June 21, 1994

JUN 23 1994

Jim Reese
Community Development Director
City of Newark
37101 Newark Blvd.
Newark, CA 94560

RE: Notice of Preparation for Cargill Newark Coyote Tract

Dear Mr. Reese:

The Golden Gate Audubon Society is pleased that the City has recognized the necessity for an Environmental Impact Report (EIR) for the proposed development of the Newark Coyote Tract.

Unfortunately we believe the Notice of Preparation's list of impacts to be discussed is deficient. We request that the following issues receive full analysis in the EIR.

- 1) Impacts of the proposed project to wetlands on the site.
- 2) Impacts of the proposed project on adjacent wetlands located in the San Francisco Bay National Wildlife Refuge. Such an analysis must include the impacts of stormwater runoff on water quality in the Refuge including possible introduction of toxics associated with that runoff.
- 3) Whether an Endangered Species Act Section 7 consultation is necessary due to the presence of salt marsh harvest mice on the site and on wetlands contiguous to the project site. We believe such a consultation is appropriate for this project.
- 4) An analysis of the Cargill consolidation plan developed for the wetlands located on the site. Such an analysis must include a discussion of the status of the, as yet unsettled, lawsuit between Cargill and the U.S. Army Corps of Engineers.
- 5) An analysis of the consolidation plan must include a discussion of whether a flood water retention pond can also fulfill wetland mitigation purposes. We believe there is a basic incompatibility between the two goals.
- 6) Also to be discussed is the impact of having a road bisect the proposed consolidated wetlands.
- 7) The impact of stormwater runoff on wetlands located on the project site must be discussed.

8) Impacts to wildlife species both on the site and on adjacent Refuge wetlands must be discussed, including endangered species such as the salt marsh harvest mouse and the California clapper rail.

We believe that an analysis of these issues will allow the City to make an informed decision on the appropriateness of the proposed project.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Arthur Feinstein", with a long horizontal flourish extending to the right.

Arthur Feinstein
Program Coordinator



FRIENDS OF REDWOOD CITY

3720 Country Club Drive

Redwood City, California 94061

(415) 363-0675

RECEIVED

JUN 23 1994

Jim Reese
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Subj: Notice of Preparation (NOP) Newark Coyote Tract Project

Dear Mr. Reese:

The topics announced for inclusion in the City of Newark NOP for the Coyote Tract Project EIR are not sufficient to satisfy the requirements of the California Environmental Quality Act. As a public information document an EIR must disclose all relevant information and identifiable project impacts.

The following topics should be addressed in the EIR in addition to those announced in the NOP:

- o Endangered Species
- o Wetlands impacts
- o Impacts on the San Francisco Bay National Wildlife Refuge (SFBNWR)
- o Storm water runoff retention and discharge through the SFBNWR and into San Francisco Bay
- o Noise
- o Light/glare
- o Air quality impacts
- o Cumulative impacts of the project together with other possible logically derivative projects
- o Project's relationship to Cargill's wetland consolidation plan submitted to the US Army Corps in January 1994

We request that we be placed on the mailing list for the Coyote Tract Project Draft EIR.

Sincerely yours,

Ralph Nobles

President, Friends of Redwood City
Member, San Mateo County Planning Commission
June 22, 1994

JUNE 23, 1994

DEAR SIRS,

JUN 24 1994

WHY IS THE CITY OF NEWARK ISSUING A NOTICE OF PREPARATION TO THE CARBELL LAND DEVELOPERS WITHOUT FIRST COMPLETING A FULL ENVIRONMENTAL IMPACT REPORT? THIS REPORT MUST INCLUDE THE FOLLOWING CONSIDERATIONS:

ENDANGERED SPECIES

WETLANDS

NOISE AND LIGHT GLARE

LAND USE

AIR QUALITY

IMPACTS TO THE SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

STORM WATER MANAGEMENT

THE REPORT MUST ALSO DISCLOSE CARBELL'S OUTSTANDING \$50,000 DOLLAR FINE AND WETLANDS RESTORATION ORDER, CARBELL'S PLAN TO ACTUALLY WIDEN AND DEEPEN EXISTING CHANNEL EASEMENTS THROUGH THE REFUGE, AND CARBELL'S WETLAND CONSOLIDATION PLAN THAT WAS SUBMITTED TO THE CORPS OF ENGINEERS IN JANUARY, 1994.

IN LIGHT OF WHAT HAS HAPPENED AS A RESULT OF ISSUING A PERMIT TO BUILD A GOLF DRIVING RANGE TOO NEAR A RESIDENTIAL AREA (HOW

THOROUGH WAS THAT EIR?), STRICT ADHERENCE
TO A COMPLETE AND THOROUGH EIR WILL BEHOOF
OUR CITY AS WELL AS YOUR DEPARTMENT.

AS A TAXPAYING CITIZEN OF NEWARK, I
DEMAND NO LESS.

GENTLEMEN, I EAGERLY AWAIT YOUR REPLY.

SINCERELY,

A handwritten signature in cursive script, appearing to read "Joseph P. ...". The signature is fluid and somewhat stylized, with a large loop at the end.

June 22, 1994

JUN 24 1994

Dear Jim,

You already know much of how I feel regarding development of the Coyote Tract, but I want to go on record with some requests regarding the Notice of Preparation and Environmental Impact Report to be generated on the project.


At the outset, I believe development of this parcel as indicated by Cargill is neither necessary nor appropriate at this time in Newark's history. I think you are aware there is a large contingency of Newarkians who agree. Bob Douglas of Cargill indicated that his company wants to return this land to its previous "industrial" use. If the company were to proceed along those lines and return to salt farming (or other agricultural use), I doubt there would be this outcry of public complaints. However, a warehouse/distribution complex of the projected size, like the "Emporer's clothing", cannot be made into something it is not...a beautiful gateway to the City of Newark or a good neighbor to the northwest side of town. Considering this, I hope we examine this proposed development with the finest magnifying glass available. Mistakes made now will be with us long into the future.

Please be certain the topics highlighted in the Negative Declaration are included and expanded to include:

- * Earth: in addition to the seismic problems, I know there has been a lot of "stuff" dumped into the area over the years (some dating back to the early part of this century) and could lead to underground poisoning of the water table. This should be studied before being buried deeper.
- * Air: beyond the diminished air quality during construction, the potential impacts of thousands of vehicles (many idling diesels any hour of any day), hazardous fumes, toxic fumes, or gasses released by accident on site and catching our famous Newark westerlies needs much more scrutiny.
- * Water: sitting as close to the bay as this site does, and considering the intense concerns so many agencies have regarding wetlands and runoff, this aspect needs much more than a Best Management Practice measure. As mentioned above, materials dumped in the past (with fewer restrictions) may be driven (by landscaping water) deeper into the water table. Also, how will the loss of this basin affect flooding?
- * Plant life: Cargill has poisoned and bulldozed much of the vegetation on the site. Included in this poisoning were pickleweed and many other pioneer species indicating nature's comeback was going well. Perhaps the EIR should examine the impact landscaping types of plantlife so close to the wildlife refuge and wetlands. For example, is there potential competition and possible contamination of habitats brining the two so close together?
- * Animal life: a history of animal life on this parcel should be included because Cargill has poisoned many of the species residing there and destroyed the burrows and homes of many others. This habitat provides a unique opportunity for residents of our city to view some animals in a somewhat natural setting. In addition, if warehousing goes in, there will be an unstoppable influx of species from all around the United States and the world. The spread of vermin into the neighboring residential areas could be disastrous. Avenues for such a spread include wind, water, over ground and on the backs of rats (rats love warehouses). Any competent environmental document should look at the introduction of non-native species to virgin territory. Tremendous habitat loss (the primary cause of extinctions) needs much more careful consideration on a Bay Area-wide scale.
- * Noise: this needs to be addressed not only during the construction phase, but long into the future. Residents along this corridor enjoy relative quiet except for the drone of the freeway. Cumulative noise and twenty-four hour noise need to be measured and projected.

- * Light and Glare: this is probably unmitigatable, but the light issue needs to be addressed. Areas of concern include twenty-four hour light, loss of privacy, loss of ambiance, and increased stress on the taxpayers paying for the streetlights, etc. Let us learn a lesson from International House of Pancakes and the golf driving range along Jarvis Avenue.
- * Land Use: despite the wishes of the majority of citizens addressing Land Use during Project 2007 and council meetings prior and subsequent to the adoption of the current General Plan, this area was somehow slated for a change in zoning. While Council may want this area developed, an EIR should voice the desires of the neighbors and the region. The EIR should determine and address the issue of need. It should also address whether there are alternative sites for such a use that more closely align themselves with quality development city-wide and region-wide.
- * Natural Resources: despite the lack of marketable resources on this site, the EIR should examine the resource of open areas as they relate to quality of life in Newark. A project this size certainly depletes this non-renewable resource.
- * Risk of Upset: since the Negative Declaration determined that a potential explosion or release of hazardous substances might occur, an EIR should address how these problems might affect neighbors, wetlands, wildlife, and emergency services in Newark. It should also address how the limited proposed access could slow containment of such a disaster.
- * Population: although few of the projected 6000 jobs would go to Newarkians, an EIR should address how increasing the population by as much as fifteen percent might add stresses to support and emergency services.
- * Transportation and Circulation: to insure that 6000+ vehicles a day won't worsen already overloaded streets, the EIR should contain detailed studies of current traffic patterns (including truck routes, 24 hour use along residential strips, and freeway entrances and exits) and seek input from residents who use these routes daily. Additional investigations should examine the effect of increased traffic on weekends to the hundreds of pedestrians and bicyclists who use this area recreationally. As stated before, the EIR should also look into the problems of evacuation during peak traffic hours.
- * Public Services: while not public property, established use over the past years has been one of open space enjoyment including such activities as birdwatching, sunset observing, visual decompression, etc. The loss of this will add stresses to the park system. The EIR should also investigate other warehouse centers to determine how these facilities influence crime rate in the adjacent areas.
- * Human Health: please include a study of allergens released by these types of projects. Our winds could potentially kick up some significant and possibly lethal airborne allergens or toxins. Note: this was affirmed under Risk of Upset but ignored here. This seems inconsistent.
- * Aesthetics: restored to a natural condition, this area could offer Newark a unique, unparalleled gateway. The EIR should include two approaches to studying aesthetics: one area should include whether development would improve the aesthetics and the other should look at how the loss of spectacular aesthetics will affect Newark. Surveys should be sent to neighbors within several hundred yards of Jarvis and a sampling of the remaining residents should be included.
- * Recreation: see Public Services. A survey of Newark residents should be included to determine their perception of this parcel as a recreational one or even a potential recreational one.
- * Cultural Resources: since I have found archeological artifacts on the site, an investigation into potential remains should be considered.

Jim, I don't know how to address this, but I believe the citizens of Newark do not want nor need this project. I believe there should be a more complete attempt to determine the sentiment of the citizenry before progressing with this project. If you can think of ways to get this into the EIR, I would appreciate it. I hope to see the above issues addressed in the upcoming EIR.

Regards,

 Eric Hentschke
 35951 Firestone CT.
 Newark, CA 94560



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto, CA 94306

Tel 415-493-5540

Fax 415-494-7640

June 24, 1994

ENDORSERS

By Fax and U.S. Mail

- Bay Area Action
- Baylands Conservation Committee
- California Hawking Club, Inc.
- California Waterfowl Association
- California Wildlife Federation
- Citizens for a Better Environment
- Committee for Green Foothills
- Defenders of Wildlife
- East Bay Green Alliance
- Federation of Fly Fishers
- Friends of Charleston Slough
- Friends of Redwood City
- Golden Gate Audubon Society
- Green Belt Alliance
- League of Women Voters of the Eden Area
- League of Women Voters of the Fremont Area
- League of Women Voters of Palo Alto
- League of Women Voters of South San Mateo County
- Loma Prieta Chapter, Sierra Club
- Madrone Audubon Society
- Marin Audubon Society
- Mission Creek Conservancy
- Mono Lake Committee
- Mount Diablo Audubon Society
- Napa-Solano Audubon Society
- Native Plant Society, Santa Clara Valley Chapter
- North Bay Wetlands Coalition
- Ohlone Audubon Society
- Peninsula Conservation Center Foundation
- Planning and Conservation League
- San Francisco Bay Chapter, Sierra Club
- San Jose Audubon Society
- Save San Francisco Bay Association
- Sequoia Audubon Society
- South Bay Wetlands Coalition
- Sportsmen for Equal Access
- Tri-City Ecology Center
- Trout Unlimited
- United Anglers of California
- Urban Creeks Council

Jim Reese
 Community Development Director
 City of Newark
 37101 Newark Blvd.
 Newark CA 94560

JUN 21 1994

Subj: Coyote Tract EIR

Dear Mr. Reese,

We would like to add some considerations to those identified in the Notice of Preparation the city has released for the EIR on the Newark Coyote Tract.

1. A few years ago this site was the subject of a lawsuit filed by Leslie/Cargill against the Corps of Engineers over wetlands jurisdiction. The settlement of that action resulted in certain requirements for Cargill that have not been fulfilled--the restoration of wetlands and the payment of \$50,000. Those obligations should be addressed in the EIR since they will influence what use can be made of the land.
2. Please include in the EIR all considerations in relation to the widening of Thornton Avenue, including what requirements will be necessary, since wetlands adjoin the road on both sides.
3. Include a discussion of all cumulative impacts associated with the project.
4. Describe all impacts on the adjoining San Francisco Bay National Wildlife Refuge: runoff, capacity of the drainage channel, and effects on migratory waterfowl.
5. Please list what wildlife has been identified on the site, including endangered species and migrants.
6. Include an assessment of the consolidation plan that Cargill has recently submitted, including how the value of the wetlands will be affected by the fact that they are to be divided by a road.
7. Please describe water quality issues, since runoff and retention facilities are especially important because of the sensitivity of adjoining land and wildlife and because the discharges eventually enter San Francisco Bay.

AFFILIATES

- Citizens for Alameda's Last Marshlands
- Citizens for Open Space in Alvarado
- Friends of Foster City
- Save Our South Bay Wetlands
- Save Wetlands in Mayhews
- Whistling Wings/Pintail Duck Clubs

PRINTED ON RECYCLED PAPER



Thank you for inviting us to comment on matters to be included in the EIR. Please place us on your mailing list to receive a copy of the document as soon as it is available.

Yours sincerely,

Florence M. LaRiviere

Florence M. LaRiviere
Chair



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY

Edward Campbell
Greg Harper
Don Perata
Ben C. Tarver

June 24, 1994

JUN 25 1994

CONTRA COSTA COUNTY

Paul L. Cooper
Gayle Bishop
Tom Powers

Mr. Jim Reese, Community Development Director
City of Newark
37101 Newark Blvd.
Newark, CA 94560

MARIN COUNTY

Harold C. Brown, Jr.

Subject: City of Newark Cargill Rezoning Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

NAPA COUNTY

Paul Battisti
(Vice-Chairperson)

SAN FRANCISCO COUNTY

Susan Leal

Dear Mr. Reese:

SAN MATEO COUNTY

Janet Fogarty
Michael D. Nevin

Bay Area Air Quality Management District (District) staff have reviewed the Cargill Rezoning NOP that proposes the rezoning and creation of a new zoning district and Tentative Parcel Map for 153 acres located at the intersection of Thornton Avenue and Jarvis Avenue in the City of Newark. The *City of Newark General Plan Update 1992*, indicates that this parcel is zoned for special industrial business park use. The District's GUIDELINES, cited at the end of this letter, recommend that projects of the proposed scale and land use include an air quality impact analysis and commitment to appropriate mitigation measures if air quality problems are indicated. Analysis should take into account impacts of the project itself and, where relevant, cumulative impacts of all predictable development in the vicinity of the proposed project.

SANTA CLARA COUNTY

Marge Bruno
(Secretary)
Rod Diridon
Joe Head
Barbara Koppel

Recommended methods for conducting the air quality analysis, and for choosing among potential mitigation measures, are contained in the District's GUIDELINES. At a minimum, the air quality analysis should:

SOLANO COUNTY

Sam Caddle

SONOMA COUNTY

Jim Harberson
Patricia Hilligoss
(Chairperson)

1. Evaluate whether existing sources of criteria air pollutants, odorous compounds, or toxic air contaminants, if any, located in the planning area and its vicinity could cause health or nuisance problems for future residents and employees.
2. Discuss project consistency with City and regional air quality planning. The District's review of the City's General Plan indicates that population and employment projections of the General Plan exceed the projections used by the District in preparing the Clean Air Plan (CAP). The District identifies general plan population and employment projections in excess of those used in the CAP as an adverse significant air quality impact. Because the City's general plan is inconsistent with regional air quality planning, the land uses designated within the general plan (e.g., the proposed project) are also inconsistent with regional air quality planning goals.
3. Estimate emissions of criteria air pollutants and toxic air contaminants from the proposed project. If specific uses are not yet known, initial estimates of emissions should be made based on the most probable uses.

4. Estimate emissions of ozone precursors (nitrogen oxides and volatile organic compounds) and fine particulate matter (PM₁₀) from project-generated traffic.
5. Calculate worst-case carbon monoxide (CO) concentrations at the most congested and/or heavily traveled intersections affected by project-generated traffic.
6. Assess the significance of the impacts identified in Items 1 through 5. "Significance" is defined in the GUIDELINES and includes, among other indices, predictions of concentrations of CO - or any other air contaminant - greater than State or federal standards.
7. Identify appropriate mitigation measures and alternatives, evaluate their effectiveness in reducing impacts, and indicate who is responsible for implementing each mitigation measure. For impacts due to project-generated traffic, trip reduction measures, such as programs to encourage ridesharing, transit use, and bicycling, should be considered.

Copies of the BAAQMD publication *Air Quality and Urban Development Guidelines for Assessing Impacts of Projects and Plans* have been sent to all Bay Area Planning Directors. Additional copies are available from the BAAQMD Public Information Office (415/749-4900).

If there are any questions regarding our comments, please contact Joseph Steinberger, Planner, at (415) 749-5018.

Sincerely,



Milton Feldstein
Air Pollution Control Officer

MF:jes

cc: BAAQMD Director Edward Campbell
BAAQMD Director Greg Harper
BAAQMD Director Don Perata
BAAQMD Director Ben C. Tarver
Margaret Lewis

DEPARTMENT OF TRANSPORTATION

BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
TDD (510) 286-4454



June 24, 1994

ALA-84-3.78
SCH#94063007
ALA084229

RECEIVED

JUN 30 1994

Mr. Jerry Haag
City of Newark
37101 Newark Blvd.
Newark, CA. 94560

Subject: Notice of Preparation of an Environmental Impact Report for Cargill Rezoning

Dear Mr. Haag:

We have reviewed the above referenced Notice of Preparation and have the following comments:

This development is likely to create serious congestion on the State Highway System. The Environmental Impact Report for this project must include a traffic impact analysis which evaluates this project's traffic impact on State transportation facilities and identifies measures to mitigate impacts.

The traffic impact analysis should include, but not be limited to, an assessment of the impacts on the 84/Thornton Avenue/Paseo Padre Interchange, mainline State Route 84, The State Route 84/Interstate 880 Interchange, and mainline Interstate 880. Evaluation of Interchanges should include ramps and controlling intersections.

Traffic information should be presented in terms of average daily traffic volumes, AM and PM peak hour volumes, and level of service. Traffic data should be calculated for each of the following conditions:

- Existing traffic
- Existing plus project traffic
- Existing plus project plus cumulative traffic

The traffic study should include trip generation, distribution and assignment. The methodologies used in compiling the information should be explained.

Calculation of cumulative traffic volumes should consider all traffic generating development that would affect the facilities evaluated, and should not be limited to projects under the jurisdiction of the lead agency. Diagrams illustrating traffic distribution and assignment, and a map showing the locations of approved projects in the vicinity should be included.

The traffic study must include adequate mitigation for impacts to State highway facilities. Mitigation measures considered should include highway and non-highway improvements. Special attention should be given to the development of alternative solutions to circulation problems which do not rely on increased highway construction. The following mitigation measures should be given consideration:

- The provision of a park and ride facility for the use of residents of the project area.
- A rideshare matching program.
- Measures to facilitate pedestrian and bicycle usage.
- Extension of transit service into the project area and bus pullouts where warranted.
- The designation of a site or sites in the project vicinity for the development of retail establishments to serve the needs of project residents.

All mitigation proposed should be fully discussed. This discussion should include but not be limited to the following areas: cost, financing, scheduling, monitoring, and implementation responsibilities.

Thank you for the opportunity to review this document. We look forward to reviewing the Draft Environmental Impact Report for this project when it becomes available. If we may be of further assistance please contact Terry Grindall of my staff at (510) 286-5557.

Sincerely,

JOE BROWNE
District Director

By



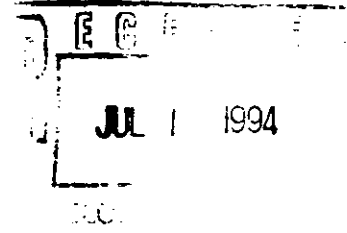
KIT CURTISS
Senior Transportation Planner

cc: Mike Chiriatti, State Clearinghouse
Craig Goldblatt, MTC
Patrica Perry, ABAG

Pacific Gas and Electric Company

123 Mission Street
P.O. Box 770000
San Francisco CA 94177
415:973-7000

June 25, 1994



Mr. Jim Reese
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Reese:

NOTICE OF PREPARATION: CARGILL REZONING, CREATION OF NEW ZONING DISTRICT AND A TENTATIVE PARCEL MAP

PG&E appreciates this opportunity to comment on the Notice of Preparation for the above project. PG&E provides electric and natural gas service in the City of Newark subject to the rules and tariffs of the California Public Utilities Commission (CPUC). We are concerned about the proposed project's potential impacts on continued safe, reliable maintenance and operation of existing utility facilities as well as potential cumulative impacts on existing gas and electric system capacity.

PG&E owns and operates an existing electric transmission line which proceeds northerly through the westerly portion of the proposed project area. The approximate location of this line is shown in red on the attached Site Location Map. To promote safe and reliable maintenance and operation of utility facilities, CPUC regulations specify clearances that must be maintained between utility facilities and surrounding objects. As a result, restrictions must be placed on certain types of land use, improvements, landscaping and construction practices adjoining utility facilities. PG&E considers all requests for use of its easements and fee lands on a case-by-case basis and consents to proposed uses which are compatible with its facility operational requirements. Any proposed development plans should ensure unrestricted utility access and prevent easement encroachments that might impair safe and reliable maintenance and operation of our facilities. Residential subdivision designs which place existing utility facilities in new residential back yards are not acceptable to PG&E. Such land use planning practices impede safe, cost-effective access to the utility facilities for maintenance and make it more difficult to control unauthorized and potentially unsafe encroachments in the utility easement. In addition, utility facilities located in back lots present more inconvenience to property owners because of necessary restrictions on improvements within the utility easements, including landscaping and fencing, as well as the utility's need to enter areas that property owners generally prefer to keep private and secured.

June 25, 1994
Mr. Jim Reese
Page 2

The proposed development will have cumulative impacts on PG&E's gas and electric systems. The size and type of development will determine the extent of new load growth in the proposed project area and any consequent need for on-site and off-site additions and improvements to utility facilities. Ability to serve the projected energy needs of a given project area depends on PG&E's ability to secure adequate land rights and any applicable state or federal permits needed to construct utility facilities. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads. As development occurs, cumulative impacts of new energy load growth use up previously available capacity in the utility system. Local growth, along with the requirements to improve service to existing loads, could create the need for upgrading and extending existing gas and electric distribution and transmission facilities anywhere in the City.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system would include facilities such as regulator stations, odorizer stations, valve lots, distribution lines, and transmission lines. These energy facilities have substantially fewer environmental impacts than the development they serve.

Environmental documents for proposed development projects should include adequate coverage of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed projects. To assist in the coordination and planning effort, PG&E should be placed on the distribution list for all projects requiring environmental documents. Project sponsors should be required to identify existing utility facilities and easements located within or adjacent to their proposed project boundaries, to show these utility easements or facilities on all project maps and improvement plans, and to coordinate with PG&E throughout their project planning process. In response to project proponents' requests, PG&E will determine anticipated customer loads for the proposed project, which facilities would have capacity to serve these loads, what routes new facilities would follow from the existing facilities to the proposed

June 25, 1994
Mr. Jim Reese
Page 3

project, and what system reinforcements outside the project area would be required to extend service to the proposed project. The above measures are needed to ensure the availability of adequate electric and gas distribution and transmission facilities to accommodate each project, to ensure appropriate development practices in the vicinity of any existing utility facilities, and to assist in the incorporation of energy conservation measures into project designs.

Thank you for your consideration of our concerns. For additional information, you may contact Rich Gigliotti, North Coast Land Supervisor, at 1030 Detroit Avenue, Concord, CA 94518-9985 or at 510/674-6321.

Sincerely,



Melody Kercheval
Land Project Analyst

cc: Jerry Haag
3254 Adeline
Berkeley, CA 94703

NEWARK.DOC

DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



June 30, 1994

Mr. Jerry Haag
City of Newark
37101 Newark Boulevard
Newark, California 94560

JUL 5 1994

Dear Mr. Reese:

Notice of Preparation (NOP) Cargill Rezoning,
Creation of New Zoning District and Tentative Parcel Map

Department of Fish and Game personnel have reviewed the NOP for the proposed project. The 153-acre project site supports some wetlands and an area which provides suitable habitat for the endangered salt marsh harvest mouse.

The Draft Environmental Impact Report (DEIR) should identify all potential impacts to wildlife and their habitat. Specific attention should be given to sensitive species and habitats occurring on the site. The document should identify specific mitigation measures to offset unavoidable impacts to wildlife resources. If wetland consolidation is proposed as mitigation for the loss of dispersed wetlands on the site, an evaluation of the most effective configuration for optimization of wildlife value should be included. The Department believes that consolidations which result in the least amount of edge provide the greatest wildlife values.

The need for buffers between development and retained habitat areas both on and off site should be evaluated. The Department normally recommends that development be set back 100 feet from habitat areas to protect habitat values and minimize development.

The effects of storm water runoff on mitigation and natural wetlands should be assessed. Measures must be identified to assure that degradation of water quality and habitat values does not occur.

The document should also evaluate direct and indirect effects of the proposed project on adjacent properties which provide habitat for fish and wildlife.

The Department recommends the following overall measures to lessen or minimize impacts:

1. Avoidance or minimization of impacts to important wildlife habitats; i. e., wetlands, burrowing owl habitat, and habitat for other sensitive plant and animal species.

Mr. Jerry Haag
June 30, 1994
Page Two

2. Revegetation using native species.
3. Conformance with the Department's Wetland Policy of no net loss of either wetland acreage or habitat value for unavoidable impacts.

If you have any questions concerning our comments, please contact Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,



Brian Hunter
Regional Manager
Region 3

cc: U. S. Fish and Wildlife Service
Sacramento

Mr. Mike Monroe
Environmental Protection Agency

Mr. Calvin Fong
U. S. Army Corps of Engineers
San Francisco District

Mr. Dale Bowyer
Regional Water Quality Control Board
San Francisco

Mr. Bob Douglas
Cargill Salt

Save the Bay

Committee to Complete the Refuge



COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
399 Elmhurst Street • Hayward, CA 94544-1395
(510) 670-5480

1994

April 1, 1994

Jim Reese
Community Development Director
37101 Newark Boulevard
Newark, CA 94560-3796

Dear Mr. Reese:

Subject: Negative Declaration - The Gateway

We reviewed the Negative Declaration prepared for the Gateway project located on the northeast corner of Thornton Boulevard and Jarvis Boulevard in Newark, California, dated March, 1994. The Alameda County Flood Control District will review the storm water runoff; however, a permit from the County will not be necessary since the channel that the property is draining to is not maintained by the County. This channel is maintained by Caltrans; however, the County has been providing reviews for projects draining into it.

If you have any questions, please feel free to contact me at 670-5789.

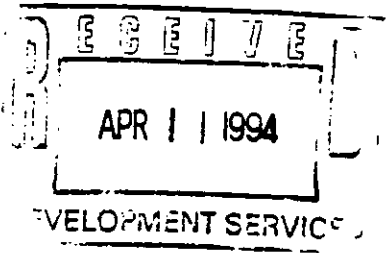
Very truly yours,

William Lepere
Development Services

WL:rbr

B01765

X



3 April, 1994

Jim Reese
City of Newark
Planning Division
37101 Newark Blvd.
Newark, CA 94560

RE: Negative Declaration/Initial Study for Newark Coyote Tract.

Dear Mr. Reese:

A Negative Declaration is not an appropriate tool to address the impacts of development on this site. An Environmental Impact Report must be written to fully disclose all aspects of this proposed project and specific criteria for mitigation.

Earth: This site is subject to severe ground shaking and liquefaction in the event of a major earthquake. Potential impacts to nearby residents from broken pipes, tanks or other industrial facilities have not been identified. The General Plan EIR is extremely vague in stating that it will "Establish and enforce development regulations and building code requirements..." There is no mandate in the General Plan EIR for standards nor community protection.

Animal Life: The Negative Declaration does not clearly identify impacts to wetlands nor endangered species. It states that habitat and criteria will be reviewed by someone else with no identification of specific criteria nor standards by which such review will take place. There is a failure to identify any specific mitigation or impacts to animals, wetlands and habitat. Until filling began on the site last year, the area was heavily utilized by shore birds and other waterfowl. Burrowing owls were seen at nests on the Coyote Tract near Jarvis Avenue. They disappeared shortly after poison traps were placed in their habitat. Subsequently nesting areas were destroyed by Cargill's earthmoving equipment.

Wetlands: There is no delineation of wetlands on the site. In the final judgement of the Leslie Salt vs USA lawsuit, Cargill was ordered to restore wetlands it had destroyed on the Newark Coyote Tract. This project fails to show the wetlands to be restored and it does not consider the fact that restoration must take place. Furthermore analysis of impacts to wetlands are improperly defined nor are any identified. Cargill recently submitted a wetlands consolidation plan to the Corps of Engineers. The plan involves the Newark Coyote Tract. This fact is not disclosed in the Negative Declaration.

To state that the project will be reviewed by other agencies without any comment to further CEQA review proves to me the city is unable or unwilling to conform to its own General Plan EIR. That document specifically promises that when there is a project which would have specific impacts to wetlands, wildlife or the bay, a new CEQA process would be initiated.

Transportation and Circulation: Traffic impacts will be substantial. It is ludicrous to state there will be a reduction in traffic congestion because the jobs/housing balance will reduce vehicular peak hour trips across the Dumbarton Bridge into San Mateo County. This makes absolutely no sense whatsoever.

There are no studies about the impacts of increased freeway traffic east and west along Highway 84 and possible impacts to bridge traffic. Mitigation measures are inadequate for Thornton Avenue, Jarvis and Newark Blvd. If we are to expect gridlock traffic businesses will not want to locate on the Cargill site. Workers will be delayed arriving at work and leaving at night. Neighborhood traffic will suffer severe impacts.

The proposed project includes construction of a new road through the Cargill site and extending to Thornton Avenue. Such a road will pass through wetlands. This will impact wetlands and wildlife habitat and must be specifically delineated and an analysis given of impacts and mitigation.

Cargill's plan to construct nearly 2.2 million square feet of industrial park/warehouses on the site constitutes a major project. With the anticipation of buildings reaching a minimum of 45 feet (not counting up to 11 feet of fill), a full environmental report must be required before any further work is done on the project. In your efforts to speed along this project, the city is making a serious error in its responsibility to properly review all impacts.

Sincerely,



Margaret Lewis
36102 Spruce St.
Newark, CA 94560

Appendix 8.3 Comments from Mitigated Negative Declaration

COMMENTS RECEIVED ON THE CARGILL MITIGATED NEGATIVE DECLARATION

<u>Agency/Individual</u>	<u>Date Received</u>
(1) Alameda County	April 4, 1994
(2) Margaret Lewis	April 11, 1994
(3) Tri-City Ecology Center	April 15, 1994
(4) Alameda County Congestion Management Agency	April 18, 1994
(5) Citizens Committee to Complete the Refuge	April 18, 1994
(6) Eric Hentschke (two letters)	April 19, 1994
(7) U.S. Fish and Wildlife Service	April 20, 1994
(8) Tadd Ottman (Fremont resident)	April 20, 1994
(9) Dean Lewis	April 20, 1994
(10) City of Fremont	April 22, 1994
(11) State Clearinghouse	April 22, 1994
(12) AC Transit	April 22, 1994
(13) Emily Renzel (Palo Alto resident)	April 25, 1994
(14) Ohlone Audubon Society, Inc.	April 25, 1994
(15) Golden Gate Audubon Society	April 25, 1994
(16) Restoring the Bay Campaign	April 26, 1994
(17) Caltrans	April 27, 1994
(18) Harry Lewis	May 2, 1994

(19) California Regional Water
Quality Control Board

May 4, 1994



TRI-CITY ECOLOGY CENTER

P. O. BOX 674 • FREMONT, CA 94537 • (415) 793-6222

April 14, 1994

Mr. Jim Reese
City of Newark Planning Division
37101 Newark Blvd.
Newark, CA 94560

Dear Mr. Rees,

The Tri-City Ecology Center is concerned about the City of Newark's intent to declare a Negative Declaration for development of the Newark Coyote Tract. To adequately address the impacts of this development on the site and surrounding area, we are requesting that a full Environmental Impact Report (EIR) be written. To rely on the Newark General Plan EIR for the impact this project will have on the environment is insufficient and an irresponsible interpretation of Congressional and public intent in creating the Environmental Impact Report process.

We have several areas of concern, specifically:

Soil Composition: The Coyote site consists of bay silt and is subject to severe ground shaking and liquefaction in the event of an earthquake. Impacts to nearby residents from broken pipes, storage tanks and other industrial facilities are vague and not adequately addressed in the Newark General Plan EIR.

Animal Life: A Negative Declaration does not clearly identify impacts to endangered species or wetland habitat. Prior to filling operations within the past year, this site was heavily utilized by shore birds and other waterfowl. Burrowing owls had been observed on nests prior to poison traps (presumably for squirrels) being placed in their habitat. Subsequently, their nesting areas have been destroyed by earth moving operations.

Wetlands: There is no delineation of wetlands on this site. In the final judgment of a lawsuit between Leslie Salt and the United States Government, Cargill was ordered to restore the wetlands. This project fails to show the wetlands as restored and does not consider that the restoration must still take place. As proposed, the project will include a new road through existing wetlands. This must be adequately delineated and an analysis provided of impacts and mitigation for the loss of wetlands and wildlife habitat. Cargill recently submitted a wetlands consolidation plan involving the Coyote Tract to the United States Army Corps of Engineers. This is not disclosed in the Negative Declaration.

Transportation: Traffic impact from this development will be substantial. It is irresponsible to state that there will be a reduction in traffic congestion due to a jobs/housing balance resulting in fewer trips across the Dumbarton Bridge. There are no studies on the impacts of increased traffic on Highway 84 or the Dumbarton Bridge. Neighborhood traffic will be negatively impacted along Thornton, Jarvis and Newark Avenues.

The Tri-City Ecology Center urges the City of Newark to require an Environmental Impact Report adequately addressing the sensitive ecology of this area. To do anything less would be abdicating your public responsibility to properly review all impacts generated from such a major project.

Sincerely,

Don Guidoux
Chairman

CC: Newark City Council
Congressman Pete Stark
US Army Corps of Engineers
Fish and Wildlife Service

Committee to Complete the Refuge
Save San Francisco Bay Association
San Jose Mercury News
Argus



Printed on Recycled Paper

ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY



County of Alameda
Supervisor
Edward R. Campbell

April 15, 1994

City of Alameda
Chairperson
Mayor
William Withrow

Mr. Jim Reese

Community Development Director

City of Albany
Councilmember
Bill Cain

City of Newark

37101 Newark Boulevard

City of Berkeley
Councilmember
Fred Collignon

Newark, CA 94560

City of Dublin
Mayor
Peter W. Snyder

Re: Cargill/Newark Coyote Tract Proposed Rezoning and Tentative Tract Map

City of Emeryville
Vice Mayor
Nora Davis

Dear Jim:

City of Fremont
Councilmember
Gus H. Morrison

The Alameda County Congestion Management Agency wishes to thank you for the opportunity to comment on a negative declaration for the referenced project. As the project is consistent with the current Newark General Plan, the CMA has no comment on the proposed action.

City of Hayward
Councilmember
Roberta Cooper

Once again, thank you for the opportunity to comment.

City of Livermore
Vice Chairperson
Councilmember
Ayn Wiessamp

Once again, thank you for the opportunity to comment.

City of Newark
Councilmember
Susan Johnson

Sincerely,

City of Oakland
Councilmember
Natalie Bayton

A handwritten signature in cursive script that reads "Jean G. Hart".

Jean G. Hart

Deputy Director

City of Pleasanton
Mayor
Ben Tarver

City of Piedmont
Mayor
Milt Kegley

City of San Leandro
Councilmember
Howard Kerr

file\cmp\environmental opinion\newark.494

City of Union City
Mayor
Mark Green

BART
Director
Margaret K. Pryor

AC Transit
Director
Alice Creason

Executive Director
Dennis R. Fay



CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto, CA 94306

Tel 415-493-5540

Fax 415-494-7640

ENDORSERS

Bay Area Action
 Baylands Conservation Committee
 California Hiking Club, Inc.
 California Waterfowl Association
 California Wildlife Federation
 Citizens for a Better Environment
 Committee for Green Foothills
 Defenders of Wildlife
 East Bay Green Alliance
 Federation of Fly Fishers
 Friends of Charleston Slough
 Friends of Redwood City
 Golden Gate Audubon Society
 Green Bell Alliance
 League of Women Voters of
 the Eden Area
 League of Women Voters of
 the Fremont Area
 League of Women Voters of
 Palo Alto
 League of Women Voters of
 South San Mateo County
 Loma Prieta Chapter, Sierra Club
 Madras Audubon Society
 Marin Audubon Society
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 Mount Diablo Audubon Society
 Napa-Solano Audubon Society
 Native Plant Society, Santa
 Clara Valley Chapter
 North Bay Wetlands Coalition
 Ohlone Audubon Society
 Peninsula Conservation Center
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 Planning and Conservation League
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 Sierra Club
 Santa Clara Valley Audubon Society
 Save San Francisco Bay Association
 Sequoia Audubon Society
 South Bay Wetlands Coalition
 Sportsmen for Equal Access
 Tri-City Ecology Center
 Trout Unlimited
 United Anglers of California
 Urban Creeks Council

AFFILIATES

Citizens for Alameda's Last
 Marshlands
 Citizens for Open Space in Alameda
 Friends of Foster City
 Save Our South Bay Wetlands
 Save Wetlands in Mayhew
 Whistling Wings/Pintail Duck Clubs

PRINTED ON RECYCLED PAPER



April 18 1994

Transmitted by FAX

Jim Reese
 Planning Director
 City of Newark
 37101 Newark Blvd
 Newark CA 94580

Re: Negative Declaration/Initial Study, Newark
 Coyote Tract

Dear Mr. Reese,

Last year it was necessary for us to retain counsel to bring about a reversal of the Regional Water Quality Control Board's erroneous conclusion that Newark's EIR on its General Plan Update could serve as a CEQA document.

It is dumfounding that the reasoning of the Newark/Coyote Tract is being pushed forward using the same technique.

This tract was the subject of a lawsuit filed by Leslie/Cargill against the United States that lasted for several years and resulted in a settlement signed on April 28, 1993. It is on file in the U. S. District Court, Northern California District. Although parts of the settlement are under appeal, the terms of the settlement, according to the Justice Department, are to be adhered to in a timely manner. The conditions include wetlands restoration within 90 days of the settlement, and the payment of a fine of \$150,000. One year later, there is no indication on file at Justice that those requirements have been met.

Recently, Cargill approached the Army Corps of Engineers with a permit request that would, if granted, result in a configuration of the wetlands on site different than was agreed upon by Judge Charles Legge after the lawsuit.

The important issues of wetlands, migratory bird habitat and endangered species considerations must be part of any document addressing the environmental facts surrounding any zoning change/development possibility on this tract. As an example, one potential wetlands impact involves traffic projections, since any widening of Thornton Avenue will destroy wetlands on one or both sides of this road.

A Negative Declaration under these conditions is inconceivable. The public has the right of a thorough airing of all the consequences of development of this tract before any zoning changes are allowed.

Please acknowledge awareness of the legal facts surrounding this land, and be so kind as to let us know of what action the City plans to take on this matter.

Yours sincerely,

Florence M. LaRiviere

Florence M. LaRiviere
Chair

cc: Alan Ramo

April 12, 1994

APR 19 1994

Dear Jim,

I've written the City Council members asking them to direct staff to order a full EIR on the Gateway Project rather than issue a Negative Declaration. I'd like to share with you my reasons in the hope that you, too, will recognize the importance of a more fully informed decision for the citizens of Newark.

In no rank order, first consider that the City's General Plan EIR directs a full EIR for each project.

Next, consider the size of this project. It's enormous. To believe that there is minimal environmental disturbance (little enough to merely require a negative declaration) is irresponsible to the citizens of Newark who must live with the foibles and benefits of the project long into the future.

Many of the mitigations mentioned in the negative declaration are pie-in-the-sky dreams. Some are beyond fantasy. One ignores the impact after construction of the distribution center (as if there will only be air degradation during construction). Jim, how can anyone who knows the famous Newark winds believe that a warehouse/distribution center, with all the hundreds (thousands) of daily trips from diesel engines, idling for long periods, will have no adverse effects to air quality along Newark's west side. You cite as an impact on the air "objectionable odors." You also cite "emissions" (toxic?) but only address mitigation during construction. The fact that there is a fifty foot buffer is a joke (remember our winds). Doesn't this send off warning signals in your mind? It does in mine.

Another mitigation that is impossible is the light and glare problem. One cannot expect a warehouse/distribution center (or any industrial area) to turn off all its lights at night. Currently we enjoy the absence of bright lights in the evening. All the western citizens enjoy undiluted sunsets. We enjoy darkness out there...it's part of the ambiance of our home. Recall the problems with the International House of Pancakes and the Driving Range on Jarvis Avenue? Both created complaints about light.

Regarding the harm to some animals, the major harm has been done. Cargill poisoned off most animal life already. This, Jim, should also warn you that Cargill has been planning this slaughter for a long time; long enough to destroy Federally protected organisms long prior to getting permission to develop (far enough ahead of time to obliterate the evidence). If they are willing to violate Federal law once, you know they will stop at nothing to get what they want.

Also, consider how you plan to mitigate noise. Again you only address the construction phase. How will Newark mitigate the noise of a 24 hour operation? Will you direct truckers to only do business Monday through Friday between 8:00 and 5:00? You can't, and once it's built, the City won't.

Last on the list (for now), consider how you will mitigate aesthetics. Jim, you simply can't. Even a 45 foot height blocks the view of Coyote Hills from our ~~view~~. It obliterates the sunset. It dominates the horizon. We, and dozens of our neighbors, bought because of the openness. I was assured by the City prior to buying, that the area would remain open. To take from so many (including hundreds of walkers, bicyclists, dog walkers, sunset watchers, etc.) so that Cargill can add a few million more dollars to their billions is unacceptable. Please come visit some day so I may show you what I mean. Imagine, if you will, that the Lake became a potential mall

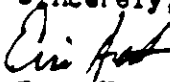
location or low income housing area. What types of reactions would you get from Mayor Dave and the other Lake residents? Would their voices be ~~heard~~ heard any more loudly than those along the western gateway of Newark?

Jim, please reconsider your recommendation to allow the project to go through with merely a Negative Declaration. As you know, this area is volatile. To go at it half informed is irresponsible to the citizens, unconscionable by a city, and potentially grave for future generations who, like the people living in the Los Angeles area, will wish the earlier planners had more vision.

Thanks, Jim. I know you know how dear this area is to my heart. I believe I am following in my grandfather's footsteps. He always said to leave a place better than when you found it. I believe Newark would be better served if the area was left as is and enjoyed by our descendants.

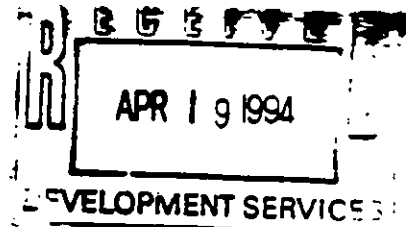
Thanks for taking the time to read this, as filled as it is with typos and errors that an old fashioned manual typewriter (and typist) are unable to correct.

Sincerely,



Eric Hentschke
35951 Firestone Ct.
Newark, CA 94560
797-7886

April 18, 1994




Dear Planning Commission,

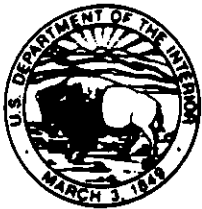
During your next meeting you will be listening to public input on a Negative Declaration for the Newark Coyote Tract. I ask that you deny the Negative Declaration and order a full Environmental Impact Report for this project. Following are some of my reasons:

1. The City's General Plan EIR directs that all projects have an EIR done.
2. This project is enormous (2,000,000 square feet!) and needs to be thoroughly examined as only an EIR can. The Negative Declaration is only one person's opinion about whether the impacts will be harmful or not.
3. The mitigations in the Negative Declaration often fall short of protecting the citizens from potential hazards and property devaluing events.
4. Reflecting back to the Project 2007 years, I recall no one asking for this area to be developed. The citizens who spoke were unanimous against this area and Mayhew's Landing being developed. Therefore, it seems appropriate that even the minutest detail be examined prior to creating a permanent scar on our western skyline. Remember, many people enjoy living here because of the quality of life that open areas provide. A 2,000,000 square foot warehouse brings us one step closer to being like Los Angeles... unplanned and overbuilt.

Again, please order a full EIR on the tract of land and deny the Negative Declaration. Thank you.

Sincerely,


Eric Hentschke
35951 Firestone Ct.
Newark, CA 94560
797-7886



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To:
PPN 1495

April 18, 1994

City of Newark
Planning Division
Attn: Jim Reese
37101 Newark Boulevard
Newark, California 94560-3796

APR 20 1994

DEVELOPMENT SERVICE

Subject: Review of Proposed Negative Declaration For The Newark-Coyote Tract, Cargill Salt Division, Newark, Alameda County, California

Dear Mr. Reese:

The Service has reviewed the City of Newark's proposed Negative Declaration for the property generally located on the northeast corner of Thornton Boulevard and Jarvis Boulevard in Newark, California.

Based on the Service's assessment of the biological resources, project description, and proposed mitigation measures, it is our determination that a Negative Declaration is not appropriate for this project. The Service recommends that a complete assessment of the project be completed through an Environmental Impact Report. We have enclosed a copy of a letter from this office to Cargill Salt Division which states many of our concerns with Cargill's proposed wetland consolidation/mitigation plan.

If you have any questions concerning these comments and recommendations, please contact Mark Littlefield at (916) 978-5408 or (916) 978-4613.

Sincerely,

Dale A. Pierce
Acting Field Supervisor
Sacramento Field Office

Enclosure

cc: Reg. Dir., (ARD-ES), Portland, OR
Refuge Manager, San Francisco Bay Refuge, CA
Corps of Engineers, San Francisco, CA
EPA, San Francisco, CA
Cargill Salt Division, San Francisco, CA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To:
PPN 1495

April 14, 1994

Cargill Salt Division
ATTN: Robert Douglass
7220 Central Avenue
Newark, California 94560-4206

Subject: Review of Proposed Wetland Consolidation Plan, Newark-Coyote Tract, Cargill Salt Division, Newark, Alameda County, California

Dear Mr. Douglass:

I would like to thank you and your staff for the opportunity to meet and discuss Cargill's proposed development plans for the Newark-Coyote Tract. It was especially helpful to see first hand the proposed project site. These comments have been prepared to assist you in the development of a wetland mitigation plan which will benefit the long term habitat requirements of wildlife resources on the Newark-Coyote Tract. These comments will not take the place of any formal comments that may be required under the provisions of the Fish and Wildlife Coordination Act or the Endangered Species Act.

It is the policy of the U.S. Fish and Wildlife Service (Service) in Region 1 that there will be no net loss of wetland acreage or values whichever is greater. Projects impacting waterways or wetlands are deemed acceptable to the Service, only when full mitigation for impacts to fish and wildlife are included. The Council on Environmental Quality regulations for implementing the National Environmental Policy Act define mitigation to include: 1) avoiding the impact; 2) minimizing the impact; 3) rectifying the impact; 4) reducing or eliminating the impact over time; and 5) compensating for impacts. The Service supports and adopts this definition of mitigation and considers the specific elements to be listed in the desirable sequence of steps in the mitigation planning process. Accordingly, we maintain that the best way to mitigate for adverse biological impacts is to avoid them altogether. This recommendation is particularly relevant for commercial developments, such as this one, which are not water dependent.

As currently proposed the wetland mitigation site would be used as a storm water retention facility for the proposed commercial development. The use of the site for storm water retention increases the risk of contaminants which have the potential to degrade wetland functions and values. It is the policy of the Sacramento Field Office not to accept storm water retention facilities as mitigation or compensation for wetland losses. We strongly recommend that Cargill explore the development of an additional, separate facility for storm

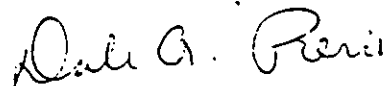
water retention. There is a possibility that Cargill's storm water retention needs could be consolidated with facilities that Caltrans may need should their current discharge of storm water into tract 102 be determined by the Service to be a non-conforming use of the Refuge. Adoption of this recommendation would also reduce or eliminate the need for periodic maintenance of "wetland" areas as currently proposed.

The proposed wetland mitigation plan would develop a narrow (300 feet wide) strip of wetland habitat between Thornton Avenue and the PG&E power line and Right-of-Way. As proposed, little or no buffer from adjacent land uses would exist on site. The site would be bisected by a proposed access road, further reducing the potential habitat values. Should the U.S. Army Corps of Engineers ultimately authorize the fill and subsequent mitigation of wetland losses on the site, we would recommend that the wetlands be created in a large contiguous block, located in the southern portion of the parcel between Thornton and Jarvis Avenues. The Service would recommend that the proposed access road be relocated as needed so as not to bisect or impact created wetlands, and a minimum 200 feet wide upland buffer be provided around the mitigation site.

Based on the Service's experience with other wetland mitigation projects within the San Francisco Bay area, the proposed wetland mitigation ratios of approximately 1:1 are low. A full assessment of both upland and wetland habitat mitigation ratios will need to be completed by the Service. The Service will recommend wetland replacement ratios based on the wildlife and habitat functions and values of the site prior to current grading activities. A closer examination of project impacts will need to be completed on the Refuge parcel. A determination of parcel elevations should be completed to determine if the site can be restored to tidal action, with the possibility of relocating the current access road to the levee top. In addition, an evaluation will need to be completed of potential impacts associated with channel excavation and discharge of storm waters into the marshes and mudflats west of Marshlands Road.

If you have any questions concerning these comments and recommendations, please contact Mark Littlefield at (916) 978-5408 or (916) 978-4613.

Sincerely,



Dale A. Pierce
Acting Field Supervisor
Sacramento Field Office

cc: Reg. Dir., (ARD-ES), Portland, OR
Refuge Manager, San Francisco Bay Refuge, CA
Corps of Engineers, San Francisco, CA
EPA, San Francisco, CA
Dir. CDFG, Sacramento, CA
Reg. Mgr. CDFG, Region IV, Fresno, CA

To: Jim Reese
City of Newark
Planning Division
37101 Newark Blvd.
Newark, CA 94560

April 18, 1994

From: Tadd Ottman
34011 Webfoot Loop
Fremont, CA 94555-2975

APR 20 1994

Subject: Coyote Tract, EIS and Negative Declaration

DEVELOPMENT SERVICES

I am writing because I am a nearby resident who knows and loves the San Francisco Bay National Wildlife Refuge. I care a great deal about the health of the wetlands and their adjacent environs. Proposals and actions to encroach upon the area with further development concern me.

I believe local governments in our representative democracy should carry the responsibility for making local land-use decisions. The best decisions and most lawful procedures are open to public scrutiny, with honest, thoroughgoing, fair assessments of arguments and information from all interested parties and a full range of perspectives. Full notification should be made to citizens with sufficient time for them to make judgments and to communicate them to representatives.

Beyond the local perspective, CEQA and NEPA establish formal guidelines for a process that is intended to protect the long-term, and hard-to-measure interests of environmental health, of value to citizens across the state and nation. Such guidelines and the measures you take to comply with them are expected specifically in this case to protect the Refuge (SFBNWR), among other things.

If your measures are shallow, your assessments unfair, and your arguments dishonest, then time will reveal the true damages and inadequate mitigations. Eventually the long-run interests of local, state, and federal citizens will find a voice.

Only greater openness and more thorough measures can make the converse evident: that your assessments are fair and your arguments honest.

You would serve your community best by keeping the true purpose of CEQA in mind, informing your citizens with a full and honest EIR, encouraging an open public discussion, and standing in the face of the simple power of Cargill's narrow, short-term economic interests.

Doing otherwise will only fuel rumors and tempt environmental lawyers.

So far, the rumors are of overstretching the applicability of the General Plan EIR, destroying evidence of burrowing owl nests, misrepresenting the historical patterns of seasonal wetlands, underrepresenting the impact of runoff into the Refuge, avoiding clear notifications of development plans to neighbors and newspaper readers, and underestimating traffic impacts.

I do not want to believe these rumors but have scant evidence to the contrary. Think on Earth Day, now soon approaching, drop appearances of evasion, drop the negative declaration, and resolve to do a full and fair EIR for Newark and all who care about the future of the region.

Tadd Ottman

April 19, 1994

Jim Reese
Planning Director
City of Newark
37101 Newark Blvd.
Newark, CA 94560

Re: Negative Declaration/Initial Study, Newark Coyote Tract.

Dear Mr. Reese,

The City of Newark has an ethical and moral obligation to require a full environmental impact report on the above mentioned negative declaration.

The Newark Coyote Tract has been in the process of development for at least two years. Cargill first was given a "grading permit" that conveniently did not even require the City to inquire as to why it was needed and only collect minimal fees. Recently Cargill was given permission to fill (supposed to be no more than one foot of fill) the site. After adding several feet of fill (the City indicating that no project was planned that they knew of), Cargill has now come to the City with a project for which they request a negative declaration.

Under CEQA, they are illegally "piecemealing" the project with apparent approval and collusion of the City. This site was the subject of a law suit between Cargill/Leslie and the U. S. Government. Terms of the settlement (requirements placed on Cargill/Leslie) have still not been met. A required fine has not been paid and restoration of wetlands has not been done.

Cargill has changed the drainage patterns of the site and altered the topography. Until they comply with the requirements of the settlement they are not in a position to request development of the site.

It seems that the City is grasping for straws when they say that the City's General Plan's environmental statements are sufficient to act as the environmental impact document for this project. The City's General Plan states that specific projects would require environmental impact reports. DeSilva tried this technique recently with the Regional Water Quality Control Board and legal action brought about a reversal at the State level. Newark must realize that this is illegal.

Recently the City took the Union Sanitary District to court to try to force a full environmental impact review on the replacement of a couple of pumps. There are no environmental effects for this replacement and it should not have even caused a stir. Yet, on the proposed Coyote Tract, development that will have far reaching impacts on the City (traffic, loss of animal and plant habitat, air and water

quality, etc), the City turns a blind environmental eye and will not follow the requirements of CEQA as mandated by law.

It doesn't take the brains of a grasshopper to realize that the City has no interest in following the law and is in collusion with developers to destroy as much environmentally sensitive land as possible.

We do not need another "Mowry" Avenue situation in the north end of Newark. Newark Boulevard has become a traffic nightmare and the only relief is to use Thornton. Statements made by CalTrans in a recent San Jose Mercury News column (April 16, 1994, Dennis Rockstroh) indicate that developments such as this must be given full EIR's as they will impact and require improvements to access roads. Any improvements to access roads will be in wetlands. These can not be made without an environmental impact report and a Corps permit.

To state that the proposed development will serve to reduce regional traffic congestion is ludicrous. People currently working in high tech jobs on the Peninsula will not trade them for work in an industrial park. Where will the workers come from? Certainly not Newark as there are no plans for additional housing in the current master plan.

If the City and Cargill are serious about the project, they will begin the process correctly and begin a full environmental impact report on the site and save all of us a lot of time and delay on the project. We currently have too many vacant industrial parks waiting for tenants. Cargill has the time, the resources and the legal responsibility to complete the EIR. The City has the moral, legal and ethical obligation to see that the project follows all CEQA rules and regulations and require the EIR. To do otherwise is a disservice to the citizens of Newark and continues to show the contempt the City holds for those citizens.

Yours truly,


Dean Lewis

36102 Spruce St.
Newark, CA 94560



CITY OF FREMONT
COMMUNITY DEVELOPMENT DEPARTMENT

APR 22 1994

April 21, 1994

Jim Reese
City of Newark
Community Development Director
37101 Newark Boulevard
Newark, CA 94560

RE: Negative Declaration for Proposed Rezoning, New Zoning District and Tentative Tract Map For Cargill Coyote Tract

Dear Mr. Reese:

The City of Fremont appreciates this opportunity to comment on the Negative Declaration for the proposed rezoning, new zoning district and tentative tract map for the Cargill Coyote Tract project. Fremont's main concern relative to this project is the impact of the additional traffic on Route 84, Paseo Padre Parkway-Thornton Avenue, and Ardenwood Boulevard-Newark Boulevard.

The Negative Declaration refers to significant negative traffic impacts identified in the 1992 Update of the Newark General Plan EIR for which a Statement of Overriding Considerations was adopted by the Newark City Council. Although Fremont's 1990 General Plan Update traffic analysis did not reveal any potential problems at the Route 84 interchange intersections, our assumptions were based on substantially less intensive development in the traffic analysis zone which includes the Cargill tract.

The 2,180,000 square foot development with 50 percent hi-tech and 50 percent warehouse would generate approximately 1900 p.m. peak hour trips. Both Fremont and Newark should be concerned about the traffic impacts this development would have on Route 84, Paseo Padre Parkway-Thornton Avenue, and Ardenwood Boulevard-Newark Boulevard. In particular, we need to be concerned about the creation of Congestion Management Program (CMP) deficiencies on Route 84.

The Newark General Plan stated the level-of-service (LOS) for the intersection of Jarvis Avenue and Newark Boulevard would operate at LOS F in the p.m. peak hour. The mitigation measure recommended in the Newark General Plan was to widen Jarvis Avenue from Thornton Avenue to Newark Boulevard, which was to be paid for by the adjacent developers. The mitigation measures proposed in the Negative Declaration do not specify this development's share of improvement costs to widen Jarvis Avenue. Will this project be required to share in the cost of widening Jarvis Avenue and any intersection improvements at Jarvis Avenue and Newark Boulevard? We suggest that the recommendations of the traffic analysis in the General Plan be implemented with this project.

Should you need further information or have questions regarding our comments, please contact

City of Newark
Cargill Coyote Tract/Rezoning

April 20, 1994
Page 2

me at (510) 494-4438. Additionally, Martin Boyle, City Transportation Engineer, is available to provide specific traffic information at (510) 494-4684.

Sincerely,



JANET HARBIN
Associate Planner
Community Development Department

cc: City Manager
Public Works Director
Economic Development Director
Transportation Engineer Boyle
Community Development Director
Senior Planner Banda



CITY OF FREMONT
COMMUNITY DEVELOPMENT DEPARTMENT

Post-It® Fax Note	7671	Date	4/21/94
To	JIM REESE	From	JANET HARBIN
Company	CITY OF NEWARK	City	CITY OF FREMONT
Phone #		Phone #	494-4438
Fax #	745-9972	Fax #	494-4457

April 21, 1994

Jim Reese
City of Newark
Community Development Director
37101 Newark Boulevard
Newark, CA 94560

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The 2,180,000 square foot development with 50 percent hi-tech and 50 percent warehouse would generate approximately 1900 p.m. peak hour trips. Both Fremont and Newark should be concerned about the traffic impacts this development would have on Route 84, Paseo Padre Parkway-Thornton Avenue, and Ardenwood Boulevard-Newark Boulevard. In particular, we need to be concerned about the creation of Congestion Management Program (CMP) deficiencies on Route 84.

The Newark General Plan stated the level-of-service (LOS) for the intersection of Jarvis Avenue and Newark Boulevard would operate at LOS F in the p.m. peak hour. The mitigation measure recommended in the Newark General Plan was to widen Jarvis Avenue from Thornton Avenue to Newark Boulevard, which was to be paid for by the adjacent developers. The mitigation measures proposed in the Negative Declaration do not specify this development's share of improvement costs to widen Jarvis Avenue. Will this project be required to share in the cost of widening Jarvis Avenue and any intersection improvements at Jarvis Avenue and Newark Boulevard? We suggest that the recommendations of the traffic analysis in the General Plan be implemented with this project.

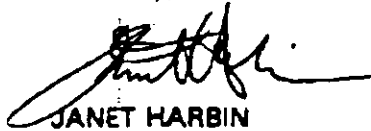
Should you need further information or have questions regarding our comments, please contact

City of Newark
Cargill Coyote Tract/Rezoning

April 20, 1994
Page 2

me at (510) 494-4438. Additionally, Martin Boyle, City Transportation Engineer, is available to provide specific traffic information at (510) 494-4684.

Sincerely,



JANET HARBIN
Associate Planner
Community Development Department

cc: City Manager
Public Works Director
Economic Development Director
Transportation Engineer Boyle
Community Development Director
Senior Planner Banda

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH1400 TENTH STREET
SACRAMENTO, CA 95814

April 20, 1994

JIM REESE
CITY OF NEWARK
37101 NEWARK BLVD
NEWARK, CA 94560Subject: REZONING AND TPM FOR CARGILL NEWARK COYOTE TRACT SCH #:
94033046

Dear JIM REESE:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Chiriatti, Jr.", written over a faint typed name.

Michael Chiriatti, Jr.
Chief, State Clearinghouse

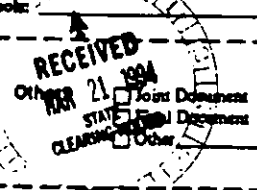
Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 94033046

Project Title: Rezoning and Tentative Parcel Map for Cargill Newark Coyote Tract
Lead Agency: City of Newark
Street Address: 37101 Newark Boulevard
City: Newark Zip: 94560
Contact Person: Jim Reese
Phone: (510) 790-7222 X 214
County: Alameda

Project Location
County: Alameda City/Nearest Community: Newark
Cross Streets: Thornton Avenue & Jarvis Avenue Zip Code: 94560 Total Acres: 153
Assessor's Parcel No. 337-851-1-236 6 6 7 Section: Top: Range: Base:
Within 2 Miles: State Hwy #: 84 Waterways: None Airports: None Railways: Southern Pacific Schools:

Document Type
CEQA: [] NOP [] Supplement/Subsequent [] Early Cons [] ETR (Prior SCH No.) [] Neg Dec [] Draft EIR
NEPA: [] NOI [] EA [] Draft EIS [] FONSI



Local Action Type
[] General Plan Update [] Specific Plan [] Annexation (USD)
[] General Plan Amendment [] Master Plan [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, Parcel Map, Tract Map, etc.) [] Other

Development Type
[] Residential: Units _____ Acres _____
[] Office: Sqft. _____ Acres _____ Employees _____
[] Commercial: Sqft. _____ Acres _____ Employees _____
[] Industrial: Sqft. 2.2 M Acres 153 Employees 6000
[] Educational _____
[] Recreational _____
[] Water Facilities: Type _____ MGD
[] Transportation: Type _____
[] Mining: Mineral _____
[] Power: Type _____ Watts
[] Waste Treatment: Type _____
[] Hazardous Waste: Type _____
[] Other: _____

Project Issues Discussed in Document
[] Aesthetic/Visual [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Agricultural Land [] Forest Land/Fire Hazard [] Sewer Systems [] Water Supply/Groundwater
[] Air Quality [] Geologic/Seismic [] Soil Erosion/Compaction/Grading [] Wetland/Riparian
[] Archeological/Historical [] Minerals [] Solid Waste [] Wildlife
[] Coastal Zone [] Noise [] Toxic/Hazardous [] Growth Inducing
[] Drainage/Absorption [] Population/Housing Balance [] Traffic/Circulation [] Landuse
[] Economic/Job [] Public Services/Facilities [] Vegetation [] Cumulative Effects
[] Fiscal [] Recreation/Parks [] Other

Present Land Use/Zoning/General Plan Use
Vacant/Agricultural/Special Industrial

Project Description Cargill Salt, the property owner, proposes to rezone the property from agricultural to MT-1 High Tech Industrial use. This use was approved as part of the Newark General Plan Update approved in June, 1992. The project also includes a Tentative Parcel Map, Amendment to the Newark Municipal Code and Annexation into the Union Sanitary District.

CLEARINGHOUSE CONTACT: MIKE CIRIATTI (916) 445-0613

STATE REVIEW BEGAN: 3-21-94
DEPT REV TO AGENCY: 4-13
AGENCY REV TO SCH: 4-18
SCH COMPLIANCE: 4-20

Checklist of agencies with names redacted:
CMT SPT Resources
State/Consumer Svcs
Conservation
Fish & Game
Parks & Rec/OEP
DWR
Caltrans
State Lands Com

PLEASE NOTE SCH NUMBER ON ALL COMMENTS
PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

QMD/APCD: 2 (Resources: 3/24)

April 15, 1994

Jim Reese
Community Development Director
City of Newark
37101 Newark Blvd
Newark, CA 94560-3796

RE: Cargill Newark Coyote Tract Negative Declaration and Initial Study

Dear Mr. Reese,

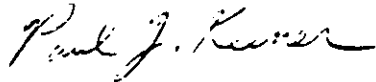
Thank you for including AC Transit in the review process for this project on the land owned by Cargill Salt Company. Planning Department staff have reviewed the Negative Declaration and Initial Study. Without more detailed information of what this project will entail, AC Transit has the following, partial list, of comments:

- Mitigation Measure 3 suggests working with AC Transit to extend bus service to the project site. Developer fees can be used to fund additional transit service or to extend existing service.
- To encourage transit use as proposed Mitigation Measure 3, the project area must provide good pedestrian access to potential transit stops. Pedestrian access to and from the project site should be designed to minimize travel distances for transit patrons.
- To facilitate pedestrian access to the site, sidewalks should be constructed on both sides of the streets when improvements are made.
- Street improvements should be designed with transit in mind. AC Transit is currently updating its Transit Facility Standards Manual which provides information regarding the design standards for bus operation, bus stops, and other transit related facilities. Upon request, this document can be sent to your department when complete.
- The lack of project details makes it hard for us to assess the transit needs of this project. To evaluate the possibility of transit service to the project site we would need to know the number of projected workers, the hours of operation, and any peak use times for the service.
- AC Transit is also interested in knowing the estimated number of additional parking spaces required for the proposed project, as well as the number of existing parking spaces, if any. The District supports a reduction in the supply of on-site parking

- Failure to include a site map makes commenting on this project difficult. Site maps should be included for all projects under environmental review.

Once again, thank you for the opportunity to comment on this proposal. If you have any questions you can call Darton Ito, Transit Planning Intern, at 891-4846.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Keener".

Paul J. Keener
Senior Transportation Planner

cc: Darton Ito

April 24, 1994

APR 25 1994

DEVELOPMENT SERVICE

Re: Negative Declaration/Initial Study
Newark/Coyote Tract

Mr. Jim Reese, Planning Director and Members of the Planning Commission:
City of Newark
37101 Newark Boulevard
Newark, CA 94560

Dear Mr. Reese & Members of the Commission:

As a former City Councilmember (12 years) and Planning Commissioner (6 years) in the City of Palo Alto, I am incredulous that the City of Newark is considering a Negative Declaration for a project of 2,180,000 square feet (50+ acres) of office and industrial buildings. It taxes the imagination to think that there are no significant impacts from such a large project. On the contrary, the impacts of traffic, runoff, air quality, etc. are apt to be significant and have little potential for mitigation.

Even if general impacts for the zoning had been considered during your General Plan update, the specific impacts of the specific traffic and circulation plan, as well as the construction itself, for a project of 50 acres of buildings would still need to be addressed and a Negative Declaration is inappropriate.

You have not addressed how runoff from this gigantic project will be handled to avoid polluting adjacent waters including San Francisco Bay. What is the plan for runoff cleanup and/or detention? Likewise, your work to date does not address impacts on wetlands or migratory waterfowl. This is significant and makes a Negative Declaration completely inappropriate. In accordance with the legislative intent of the Environmental Quality Act of 1970, effects on natural, aesthetic, scenic, and historic environmental qualities are deemed to be more significant than other environmental effects. The maintenance and perpetuation of fish and wildlife species, freedom from excessive noise, and waste disposal & environmental pollution are also considered more significant than other environmental effects. You have not addressed these factors with respect to the proposed 2,180,000 square foot project.

Finally, it is improper to issue a Negative Declaration on this project by deferring problems and impacts for future study. This is somehow presuming that the studies will show that there is no impact and therefore a Negative Declaration is appropriate. You cannot make that finding until the studies are done.

A Negative Declaration in this instance is in gross violation of the CEQA guidelines. I trust that Planning Commissioners will recognize this and insist on a proper environmental study for this major project.

Sincerely,

Emily M. Rengel

Emily M. Rengel
1056 Forest Ave
Palo Alto CA 94301-3000

510 745-9972
e.m.r.

APR 25 1994

April 24, 1994

DEVELOPMENT SERVICE

Re: Negative Declaration/Initial Study
Newark/Coyote Tract

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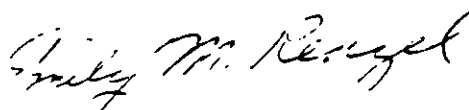
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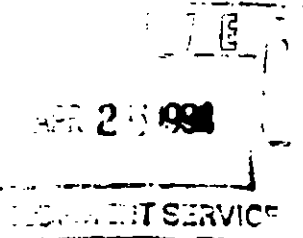
Emily M Renzel
1056 Forest Ave
Palo Alto CA 94301-3030



Ohlone Audubon Society, Inc.
A chapter of the National Audubon Society
Serving Southern Alameda County, CA

23 April 1994

Planning Division
City of Newark
37101 Newark Boulevard
Newark CA 94560



Re: Newark Coyote Tract/Negative Declaration

Ladies/Gentlemen:

Ohlone Audubon has just been made aware that you may be planning to authorize the development of the Newark Coyote Tract on a Negative Declaration.

A Negative Declaration is not appropriate for this project. The property has had and may still have nesting Snowy Plovers as well as other threatened or endangered species. Until filling began the area abounded with shorebirds and other waterfowl. Burrowing owls nested on the property. The property contains valuable wetlands or should contain the wetlands which Cargill was ordered in the final judgment in Leslie Salt v. USA to restore to replace wetlands it had destroyed.

These are valuable assets to the community which must be identified and disclosed and their impacts reviewed by a responsible agency, with monitored mitigation requirements. Under CEQA an Environmental Impact review and report is clearly required.

This major project must not be authorized without a full environmental study and report.

Yours very truly,

Bette J. Wentzel, President
Ohlone Audubon Society
5012-100 Lakeview Drive
San Ramon CA 94583





Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, CA 94702 • Phone: (510) 843-2222 • Fax: (510) 843-5351

Americans Committed to Conservation • A Chapter of the National Audubon Society

April 25, 1994

City of Newark
37101 Newark Boulevard
Newark, CA 94560
ATTN: Jim Reese, Community Development Director

2 008

RE: Negative Declaration of a Proposed Project Generally Located On the Northeast Corner of Thornton Boulevard and Jarvis Boulevard in Newark, California; Project: "The Gateway"; Applicant: Cargill Salt

Dear Sirs:

The Golden Gate Audubon Society believes that the "Negative Declaration of a Proposed Project Generally Located On the Northeast Corner of Thornton Boulevard and Jarvis Boulevard in Newark, California"; Project: "The Gateway"; Applicant: Cargill Salt, prepared for the City of Newark, is completely inadequate. We urge the City of Newark to reject this Negative Declaration and to require that a full Environmental Impact Report be prepared on the proposed project.

The CEQA process was created in order to assure that decision-makers had all necessary information available to them, including alternatives to a proposed project, before reaching decisions on projects that could have environmental impacts.

The Negative Declaration (NEG DEC) at issue here does not provide that information. In fact, since there is no project actually available for review the presentation of this Negative Declaration insults the very concept of informed decision-making.

This Negative Declaration defers decisions on issues that are substantive and that have or may have significant impacts. These include issues concerning water quality, endangered species, traffic, wetlands and migratory birds. In many cases there is no indication as to how decisions will be made on these issues.

In all instances impacts are superficially stated. In most cases the mitigations proposed for these impacts are presented in the most general terms.

For example, the NEG DEC admits there will be potential impacts to water quality and then goes on to say these will be mitigated by a Stormwater Prevention Plan. Because there is no actual project, the NEG DEC cannot discuss the kinds of toxics that might be a problem in attaining water quality. It cannot discuss how water run-off may effect the adjacent San Francisco Bay National Wildlife Refuge. The Refuge is not even mentioned in terms of water quality

impacts, yet it is located just across Thornton Avenue from the project site and any stormwater runoff will have to go through Refuge property.

Thus decision-makers cannot know what kinds of water quality problems the project will create. Mitigation measures for those impacts are not explained other than a promise that such mitigation measures will be established.

The Neg. Dec. admits to the possibility of impacts to endangered species but, without investigation, assumes such impacts can be mitigated. Endangered species habitat is not always so easily created, and surely decision-makers need to know what kind of mitigation is to be proposed and how it is to be carried out rather than reaching a decision based on a vague "it will be mitigated". There is no clear indication of who will determine the amount of mitigation or how it will be carried out.

The traffic mitigation section neglects to mention that any expansion of Thornton Avenue will entail impacts to the wetlands that are adjacent to Thornton Avenue.

This NEG DEC ignores some impacts (*water quality impacts on the adjacent National Wildlife Refuge resulting from storm-water run-off and destruction of wetlands resulting from widening of Thornton Avenue) and proposes vague, wish-list promises of mitigation for others (creation of endangered species habitat, a storm water prevention plan, etc.).

If all political decisions are to be made on so little information and on promises of mitigation without any facts behind those promises then why have CEQA documentation at all. This violates the very principle of CEQA that decision-makers make informed decisions. This NEG DEC epitomizes uninformed decision making. We ask that the NEG DEC be rejected and that a full EIR be prepared for this project.

Sincerely yours,



Arthur Feinstein
Program Coordinator



Golden Gate Audubon Society

2530 San Pablo Avenue, Suite G • Berkeley, CA 94702 • Phone: (510) 843-2222 • Fax: (510) 843-5361

Americans Committed to Conservation • A Chapter of the National Audubon Society

APR 25 1994

April 25, 1994

City of Newark
37101 Newark Boulevard
Newark, CA 94560
ATTN: Jim Reese, Community Development Director

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Sincerely yours,



Arthur Feinstein
Program Coordinator

APR 25 1994

Restoring the Bay Campaign

c/o Save San Francisco Bay Association
1736 Franklin Street, Third Floor
Oakland, California 94612
Phone (510) 462-9261
FAX (510) 462-9266

April 25, 1994

Mr. Jim Reese, Planning Director
City of Newark
City Hall
37101 Newark Boulevard
Newark, CA, 94560
Fax: (510) 745-9972

Re: Negative Declaration on Newark-Coyote Tract

Dear Mr. Reese,

We are writing to oppose the issuance of a negative declaration for the major development proposed for the Newark-Coyote Tract. It is clear that a project of this size and intensity on such a sensitive site will definitely have a negative impact on the environment and that a full Environmental Impact Report should be required.

The "Negative Declaration/Initial Study, Newark Coyote Tract" does not adequately address the many relevant environmental issues. It is a violation of the intent of CEQA to defer essential data gathering to subsequent studies and documents; full disclosure of all potential impacts, as well as alternatives and mitigations, should be made in an EIR before any project approvals are considered.

Thank you for considering our views.

Sincerely,



Ruth Gravanis, Director
Restoring the Bay Campaign

- Citizens Alliance to Restore the Estuary
- BayKeeper
- Bay-Delta Hearings Coordination Project
- The Bay Institute
- Baylands Conservation Committee
- Citizens for a Better Environment
- Citizens Committee to Complete the Refuge
- Citizens for the Eastern San Bay
- Crook Water Fund
- East Bay Citizens for Creek Restoration
- Environmental Defense Fund
- Oakland Gate Audubon Society
- Greenbelt Alliance
- Main Audubon Society
- Main Conservation League
- Marine Science Institute
- Mission Creek Conservancy
- Mt. Diablo Audubon Society
- Page-Solara Audubon Society
- Natural Heritage Institute
- Natural Resources Defense Council
- Pacific Coast Federation of Fishermen & Associations
- Petaluma Conservation Center Foundation
- Petaluma River Observatory
- Santa Clara Valley Audubon Society
- Save Wetlands in Marin
- Save San Francisco Bay Association
- Serra Club, Lower Piedmont Chapter
- Serra Club, San Francisco Bay Chapter
- United Anglers of California

DEPARTMENT OF TRANSPORTATION

BOX 23680
OAKLAND, CA 94623-0680
(510) 286-4444
TDD (510) 286-4434



April 26, 1994

ALA084 R4.00
SCH# 94033046
ALA084227

Mr. Jim Reese
Planning Division
37101 Newark Boulevard
Newark, CA 94560

RE: Initial Study and Negative Declaration for The Gateway - Mixed-Use, High-Tech Industrial, Warehouse and Distribution Complex

Dear Mr. Reese:

Thank you for including the California State Department of Transportation in the review process for this proposal. We have reviewed the document referred to above and have the following comments:

The widening of Thornton Avenue and the proximity of the new Gateway Avenue/Thornton Avenue Intersection may affect the operation of the Route 84/Thornton Avenue Interchange. Engineering plans for the new Gateway Avenue/Thornton Avenue Intersection should be submitted to Caltrans for review.

A traffic impact analysis should be prepared to assess the impact of this proposal. The analysis should include an assessment of this proposal's impacts on, at least, the following facilities:

- Route 84/Thornton Avenue Interchange
- Route 84/Interstate 880 Interchange
- Gateway Avenue(new)/Thornton Avenue Intersection

State facilities distant from the project site which are operating, or are projected to operate, at a degraded level of service should also be evaluated if this project could add significant traffic volumes to the facility.

The traffic study should include trip generation, distribution and assignment. The methodologies used in compiling the information should be explained. Trip distribution information should be based on a realistic estimate of where the residents of the development will work and shop. Their capacities should be analyzed for the existing condition and the cases of "build" and "no build" under the "future" and "future +" cumulative conditions.

Reese/ALA084227

4/26/94

Page 2

Traffic information should be presented in terms of average daily traffic volumes, AM and PM peak hour volumes and level of service for the above listed facilities. Traffic data should be calculated for each of the following conditions:

- Existing traffic
- Existing plus project traffic
- Existing plus project plus cumulative traffic

Calculation of cumulative traffic volumes should consider all traffic generating development that would affect the facilities evaluated, and should not be limited to projects under the jurisdiction of the lead agency.

Diagrams illustrating traffic distribution and assignment, and a map showing the locations of approved projects in the vicinity should be included.

The traffic study must include adequate mitigation for impacts to State highway facilities. Mitigation measures considered should include highway and non-highway improvements. Special attention should be given to the development of alternative solutions to circulation problems which do not rely on increased highway construction.

Additionally, all mitigation proposed should be fully discussed in the environmental document. This discussion should include but not be limited to the following areas:

- Cost
- Financing
- Scheduling
- Lead agency monitoring
- Implementation responsibilities

Should you have any questions regarding these comments, please contact Noreen Rodriguez of my staff at (510) 286-6312.

Sincerely,

JOE BROWNE
District Director

By



KIT CURTISS
Senior Transportation Planner

Harry S. Lewis
5094 Scarborough Dr.
Newark, CA 94560
(510) 797-3373

May 2, 1994

MAY 2 1994

Newark Planning Commission

Dear Commissioners:

I am writing this letter in response to the April 26, 1994 Planning Commission meeting regarding the Cargill Co. request for the rezoning of a 140 plus acre parcel at Jarvis and Thornton Avenues to conform to the General Plan. In the early 1950's this parcel was Lesley Salt Plant No. 1, an operating salt processing plant including salt harvesting ponds. The land south of Jarvis from Thornton Avenue east to the present residential tract was an operating 18 hole golf course in the 1960's and 1970's. It only closed because of salt intrusion into their irrigating wells and a club house fire that put them under.

None of the land east of Thornton Avenue was ever "wet lands" or a "wild life habitat" and, in my judgment (and that of many other Newark residents), it should be available for development.

I am a supporter of the Wild Life Refuge. Along with a number of other Newark senior residents, I have helped build the new pavilion and have been working to restore the last duck club building on other Wild Life Refuge property. I feel, however, that there is a limit to the land grabbing techniques of a few uninformed overzealous special interest people who have made their demands known on this and other projects in Newark.

Mr. Oliver De Silva purchased the old Silver Pines 18 hole golf course property after the fire. Only because of his strong financial position and his honest belief that the total property could and should be developed (which would include a 9 hole executive golf course) did he persist in trying to work with the many public agencies that claimed to have some jurisdiction over the property.

After both Mr. De Silva and Cargill agreed to make a portion of their property available to the Refuge were they allowed to develop the balance. Now that Cargill has requested rezoning, these same people are trying to stir up more problems.

Cargill and Lesley Salt Co., its predecessor, have been in Newark for many years more than these overzealous people and have provided one of Newark's basic industries. They have been financial supporters and participators in the Newark Chamber of Commerce long before we were a city. They recently provided a trained police dog to re-establish the Newark Police K-9 unit. They have provided a matching dollar for each pound of food donated to the Viola Blythe Service Center, to mention only a few.

I have lived in this town from before incorporation and have always found Lesley Salt and Cargill to be none of the things this misleading group claim they are. The salt industry is one of the oldest and strongest supporters of the City of Newark. They have never, to my knowledge, proposed anything that was detrimental to the City of Newark or its citizens.

It's long past time for local citizens to recognize the many contributions that Lesley Salt and Cargill have made to the strength and stability of the South Bay Area and stop reacting to these special interest people.

Very truly yours;

HARRY S. "HANK" LEWIS

HSL:GL

pc: Newark City Council
Argus

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



RECEIVED

MAY 4 1994

GENERAL SERVICES

May 3, 1994

Jim Reese
Community Development Director
37101 Newark Boulevard
Newark, CA 94560

SUBJECT: Negative Declaration for proposed rezoning, new zoning district, and tentative tract map for the Cargill Newark Coyote Tract

Dear Mr. Reese:

We have reviewed the Negative Declaration for the Cargill Newark Coyote Tract and have the following comments regarding the issues underlined:

General Comments

The project description does not clearly explain what aspects of the project are part of the rezoning, new zoning district, and tentative tract map addressed in this Negative Declaration and what aspects of the project will be addressed in future environmental documents based on "precise development plans". This distinction should be made clear (or explain why this distinction is not possible) in the project description and throughout the discussions of potential impacts and mitigation measures.

Discussions of responsible agencies and required permits should be improved. Permits, approvals, etc. should be specifically identified and the issuing or responsible agency for each permit clearly indicated. For example, Mitigation Measure 5 on page 4 refers to the "consolidation plan" and states "clearances shall be obtained prior to grading of any jurisdictional areas". This discussion needs to be improved to specifically identify the "clearances" and from what agency each clearance will be obtained (e.g. permits, certifications, approvals, and issues to resolve).

Erosion Control

Regional Board staff is concerned about erosion from this project due to the anticipated large quantity of earth fill likely to be required, the phased approach to development, and proximity of the site to San Francisco Bay.

The measures described in Mitigation Measure 1 are required under the Construction Activity Storm Water General Permit (as explained). This discussion should be improved by describing the specific types of erosion control measures proposed.

Mitigation Measure 1 also needs to explain that the permit must address erosion control for the entire life of the project, meaning until it can be shown that the site is fully stabilized and approved for occupancy. Another option is to explain that the site will be fully stabilized at completion of each phase of development and additional notice of intents for coverage under the permit must be submitted for each subsequent phase of development. If the first approach is preferred, then specific erosion control measures need to be discussed in more detail for all anticipated phases of development.

We are particularly concerned about implementation of adequate measures to prevent discharge of sediment to wetlands, U.S. waters and the Bay. The Negative Declaration states that the Construction Activity Stormwater General Permit shall be obtained prior to issuance of a grading permit. More importantly, coverage under this permit must be obtained prior to any land disturbance (including activity authorized by the Uniform Building Code).

Wetlands

The Negative Declaration does not discuss any of the regulatory issues related to the "jurisdictional wetlands" and "waters of the United States". The Negative Declaration should refer to the discussion in the Initial Study or summarize the information directly in the document in Mitigation Measure 5.

Mitigation Measure 5 needs to address the requirement to obtain a 404 permit from the U.S. Army Corps of Engineers which includes receiving certification (or a waiver of certification) from the State Water Resources Control Board (State Board) based on recommendations of Regional Board staff that the permit will comply with water quality standards. If not waived, certification can be granted or denied by vote in a public hearing.

The Regional board's Wetland Fill Policy requires no net loss of wetland acreage and no net loss of wetland value. Mitigation will be required for this project, preferably in-kind and on-site with no net destruction of habitat value. Successful mitigation projects are complex tasks and difficult to achieve. This issue will be strongly considered during agency review of any wetland fill proposed.

The consolidation plan, which receives no explanation and inadequate attention in the Negative Declaration, should contain the mitigation plans. We think the monitoring program recommended is a good idea. However, we are concerned that

the Negative Declaration indicates that evaluations of plant and animal life (which would indicate habitat values and functions) are not proposed prior to issuance of the grading permit. Water quality certification by the State Board and a 404 permit from the U.S. Army Corps of Engineers is required prior to any grading in "jurisdictional wetlands" or "waters of the United States." We recommend that California Department of Fish and Game and U.S. Fish and Wildlife Service be consulted prior to project approval and issuance of the grading permit, and that their policies and authority related to this project are addressed in the Negative Declaration.

Wetland features or ponds created as mitigation for consolidation of existing "jurisdictional wetlands" or "waters of the United States" cannot be used as storm water treatment controls. Storm water runoff to the proposed mitigation ponds from Gateway Avenue (or any other street, loading or parking area) may need to be treated by an appropriate water quality control measure (such as a detention basin, sand filter, or treatment wetland) prior to discharge to the mitigation ponds.

Storm Water Quality Control

Our staff's discussions about this project with Jim Reese and Wil Wolbertus of the City of Newark indicated that the intention of this project is to include post construction storm water quality controls (vegetated drainage swales and detention ponds) which will be constructed as part of the site preparation in conjunction with the flood control facilities. This is not discussed in either the Negative Declaration or the Initial Study. Furthermore, the information presented does not in any way indicate this is being considered.

Post construction controls listed in Mitigation Measure 1 in the Negative Declaration need to be described in greater detail including how adjacent wetland areas will be protected and a description of the controls described in discussions with city staff (vegetated swales and detention ponds).

The plans for the swales and ponds must be included in the storm water pollution prevention plan for compliance with the Construction Activity Storm Water General Permit. The language in Mitigation Measure 1 should include the City's commitment (and obligation as a co-permittee to an NPDES municipal permit) to review and approve the plans for these controls prior to issuance of a grading permit (or other appropriate issuance or approval point) and the City's commitment to insure implementation of the controls.

It is unclear if the "off-site, regional drainage facilities" in the Initial Study, 3.C.(e) *Discharge into surface waters*, refers to the swales and ponds. This section of the Initial Study needs a more detailed description and should be similar to the

information in the Negative Declaration either by reference or description.

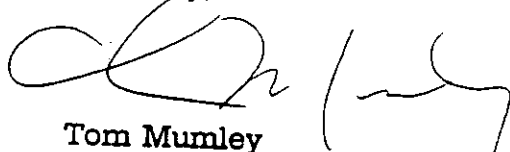
We disagree with the statement that "Mitigation Measure 1 (Earth) will ensure that water quality standards are met." As currently presented in the Negative Declaration, the proposed measures are inadequate for protection of storm water quality. However, if revised according to the comments in this section, the site will be in compliance with storm water quality policies and regulations administered by this agency.

In summary, we want to be clear that we are not criticizing Cargill's general approach to mitigating loss of "jurisdictional wetlands" and "waters of the United States". Our concerns focus on the procedure and documentation for evaluating water quality impacts and developing appropriate mitigation measures. Once again, the main issues that concern us are:

- Clarification of the specific development activity being considered in this Negative Declaration,
- Erosion control,
- Wetlands, and
- Storm water quality control.

If you have any questions, please call me at (510)286-0962 or Lisa McCann at (510)286-0378.

Sincerely,



Tom Mumley
Watershed Management Specialist

cc: Mike Monroe, EPA Permits and EIS Review
Karen High, U.S. Army Corps of Engineers

Appendix 8.4 Traffic Analysis

**TRAFFIC ANALYSIS REPORT
THE GATEWAY DEVELOPMENT
NEWARK , CALIFORNIA**

REZONING

JUNE, 1994

BY

PANG ENGINEERS, INC.
Traffic and Transportation Consultants
P.O. Box 4255
Mountain View, CA 94040

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TRAFFIC ANALYSIS REPORT

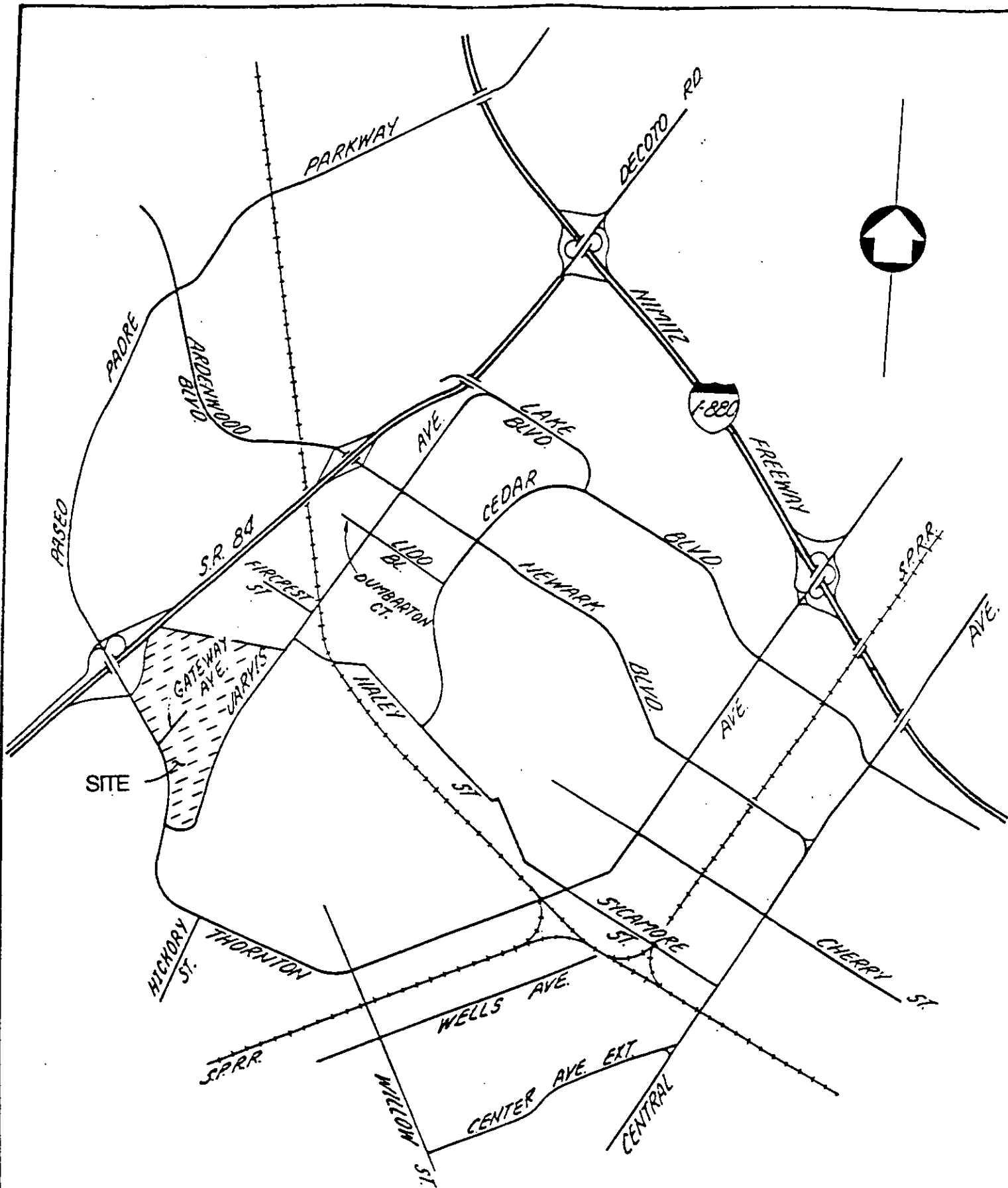
I. INTRODUCTION

CARGILL SALT COMPANY proposes to rezone approximately 153 gross acres of land at the northeast corner of the Thornton Avenue / Jarvis Avenue intersection from high tech industrial to a mixed use high tech industrial warehouse distribution complex.

The objective is to provide the estimated traffic impacts based upon a comparison of the trip generation and distribution for the proposed land use and the General Plan Year 2007 land use, together with the level of service comparison at the critical intersections.

II. SITE DESCRIPTION

The project study site (Plate 1) is a vacant 153 acre parcel located adjacent and to the north of Jarvis Avenue, a two to four lane east-west arterial street. The site is bounded to the north by State Route 84 (the Dumbarton Freeway), to the west by the State Route 84 / Thornton Avenue interchange and Thornton Avenue a two lane street, and to the east by vacant lands, zoned for industrial uses.



NO SCALE

PLATE 1
VICINITY MAP

III. TRAFFIC CHARACTERISTICS

A. Existing Transportation Setting

Currently, there are two major freeways in the vicinity of the project site. The Nimitz Freeway (Interstate 880) is an eight-lane freeway which runs north-south from Interstate 80 in Oakland to Interstate 280 in San Jose. The Dumbarton Freeway (State Route 84) is a four-lane freeway which runs east-west from Interstate 580 in Livermore to State Highway 1 near San Gregorio.

There are four major arterial streets in the vicinity of the project site. Jarvis Avenue operates in the east-west direction while Newark Boulevard and Lake Boulevard operate in the north-south direction. Thornton Avenue operates in the north-south direction north of Jarvis Avenue and east-west southerly thereof.

Jarvis Avenue currently stretches from Thornton Avenue to Lake Boulevard. From Thornton Avenue to Haley Street, Jarvis Avenue is a two-lane undivided roadway. Jarvis Avenue becomes a four-lane divided roadway from Haley Street to Lake Boulevard. The posted speed limit on Jarvis Avenue west of Lido Boulevard-Dumbarton Court is currently 45 miles per hour. The posted speed limit east of Lido Boulevard-Dumbarton Court is currently 35 miles per hour.

Newark Boulevard is a four-lane divided roadway south of Jarvis Avenue. North of Jarvis Avenue to the State Route 84 interchange, Newark Boulevard is a six-lane divided roadway. Newark Boulevard becomes Ardenwood Boulevard north of the State Route 84 interchange. Ardenwood Boulevard is a four lane divided roadway just north of the State Route 84 interchange. The posted speed limit on Newark Boulevard is currently 35 miles per hour.

Lake Boulevard is a two-lane divided roadway which extends from Cedar Boulevard to the Ardenwood Regional Preserve entrance at Jarvis Avenue.

Thornton Avenue is a four lane divided roadway from west of Willow Street to Hickory Street. Between Hickory Street and the on/off ramp to eastbound State Route 84, Thornton Avenue becomes a two-lane undivided roadway. The Thornton Avenue bridge which crosses over State Route 84 has four lanes. North of the on/off ramp to State Route 84, Thornton Avenue becomes Paseo Padre Parkway which is a four-lane divided roadway. The posted speed limit on Thornton Avenue between Willow Street and the State Route 84 interchange is currently 45 miles per hour.

There are currently six signalized intersections within the vicinity of the project site. The six intersections include Newark Boulevard (Ardenwood Boulevard) at the State Route 84 Westbound on/off ramp, Newark Boulevard at the State Route 84 Eastbound on/off ramp, Newark Boulevard at Jarvis Avenue, Jarvis Avenue at Lido Boulevard-Dumbarton Court, State Route 84 at the Interstate 880 Northbound off ramp, and State Route 84 at the Interstate 880 Southbound off ramp.

There are four unsignalized intersections in the immediate vicinity of the project site which are currently controlled by a STOP sign on the minor street. The four intersections include Thornton Avenue (Paseo Padre Parkway) at the State Route 84 Westbound off ramp, Thornton Avenue at the State Route 84 Eastbound on/off ramp, Thornton Avenue at Jarvis Avenue, and Jarvis Avenue at Fircrest Street.

B. Trip Generation

The General Plan Traffic Model⁽¹⁾ for Year 2007 lists this property within the Traffic Analysis Zone (TAZ) 122 which consists of 207 gross acres of land bounded by State Route 84 on the north, Thornton Avenue on the west, Jarvis Avenue on the south and on the east near Fircrest Street. All 153 gross acres of land for this project lies within this TAZ.

Table I contains the trip generation estimate that was extracted from the General Plan Year 2007 Traffic Report. Since all of the lands for the rezoning fall within the General Plan TAZ, the traffic generation estimates should remain identical to the General Plan estimates. Thus, at a trip rate of 82.01 per acre, approximately 12,548 daily trips are expected with 1360 occurring during the AM and 1409 during the PM peak hour.

There is the potential to analyze a scenario with a more specific land use within the high tech industrial category. The applicant has indicated that approximately 67% of the land would be developed with an industrial park with the remaining 33% as a warehouse use. Utilizing Institute of Transportation Engineers trip generation rates of 62.90 per acre for industrial and 56.08 per acre for warehouses together with the AM and PM peak hour rates, a comparison of the General Plan and rezoning trip generation was performed. The comparison is shown on Table II. There is about a 34 % decrease in daily trips

(1) Source: General Plan Traffic Report, Year 2007, TJKM, August, 1991.

TABLE I

**GENERAL PLAN
TRIP GENERATION *
153 Gross Acres**

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR	PM PEAK HOUR
A. High Tech Industrial (153 Gross Acres)	153 A \square	82.010 ^(a)	12,548		
	AM	8.891 ^(b)	.....	1360	
	PM	9.211 ^(c)	.....	.....	1409

* Trip generation for the General Plan Year 2007 and the Rezoning are identical

AM = Morning peak hour

PM = Evening peak hour

Source: 2007 General Plan Traffic Study Technical Appendix, TJKM, August 1991

(a) Per gross acre per day.

(b) Per gross acre per AM peak hour.

(c) Per gross acre per PM peak hour.

TABLE II

TRIP GENERATION COMPARISON

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR	PM PEAK HOUR
A. General Plan ⁽¹⁾					
High Tech Industrial (153 Gross Acres)	153 A£	82.010 ^(a)	12,548		
	AM	8.891 ^(b)	.....	1360	
	PM	9.211 ^(c)	.....	.....	1409
B. Rezoning					
High Tech Industrial (137 Gross Acres) ⁽³⁾					
Industrial ⁽²⁾ (67%)	91.79 A£	62.90 (a)	5,774		
	AM	10.09 (b)	.....	926	
	PM	10.48 (c)	.....	.....	962
Warehouse ⁽²⁾ (33%)	45.21 A£	56.08 (a)	2,535		
	AM	9.88 (b)	.....	447	
	PM	8.75 (c)	.....	.....	396
TOTAL =			8,309	1,373	1,358
DIFFERENCES ⁽⁴⁾		(16 A£)	(4239)	13	(51)
% Change			(33.78)	0.96	(3.62)

AM = Morning peak hour
 PM = Evening peak hour

- (a) Per gross acre per day.
- (b) Per gross acre per AM peak hour.
- (c) Per gross acre per PM peak hour.

(1) Source: 2007 General Plan Traffic Study Technical Appendix, TJKM, August 1991.
 (2) Source: Trip Generation, Institute of Transportation Engineers, Fifth Edition, 1991.
 (3) Gross acres excluding 16 acres for a retention basin.
 (4) Rezoning Project less General Plan.

with the ITE rates even though the traffic model rates are higher. There will be less than a 1% increase in the AM peak hour trips due primarily to a higher ITE trip rate when compared with the traffic model. About a 4% decrease in the PM peak hour trips is expected, with the ITE rate higher for industrial and lower for warehouse uses when compared with the traffic model.

Thus, the trip generation as it affects the level of service calculations shows a major decrease in daily trips, a neutrality for the AM peak hour and a slight improvement in the PM peak hour.

C. Trip Distribution

The trip distribution is based on the General Plan Year 2007 Traffic Report. The assumptions within that model are considered appropriate for this rezoning.

D. Level of Service

The level of service at critical intersections are contained in the General Plan Year 2007 Traffic Report. Five intersections in the vicinity of the project site are addressed.

1. Newark Boulevard / Jarvis Avenue
2. Thornton Avenue / SR 84 - EB off ramp
3. Paseo Padre Parkway / SR 84 - WB off ramp
4. Ardenwood Boulevard / SR 84 - WB off ramp
5. Newark Boulevard / SR 84 - EB off ramp

A summary of the level of service is contained on Table III A.

The Newark Boulevard / Jarvis Avenue intersection will operate with a "F" - LOS in the PM peak hour, with the AM at a "D" - LOS. The Thornton Avenue / SR 84 - EB off ramp intersection will operate with a "F" - LOS for both the AM and PM peak hours.

The Paseo Padre Parkway / SR 84 - WB off ramp intersection will operate with a "D" and "C" - LOS for the AM and PM peak hours respectively. The Ardenwood Boulevard / SR 84 - WB off ramp intersection will operate with a "F" - LOS for the AM and PM peak hours. The Newark Boulevard / SR 84 - EB off ramp is expected to operate with a "D" - LOS in the AM and a "F" - LOS in the PM peak hours.

TABLE III A
SUMMARY
LEVEL OF SERVICE

INTERSECTION	GENERAL PLAN YEAR 2007		REZONING ⁽¹⁾	
	V/C	LOS	V/C	LOS
1. Newark Boulevard/Jarvis Avenue				
AM	0.82	D	0.82	D
PM	1.48	F	<1.48	F or better
2. Thornton / SR 84 - EB Off ramp				
AM	1.04	F	1.04	F
PM	1.12	F	<1.12	F or better
3. Paseo Padre / SR 84 - WB Off ramp				
AM	0.83	D	0.83	D
PM	0.71	C	<0.71	C or better
4. Ardenwood / SR 84 - WB Off ramp				
AM	1.16	F	1.16	F
PM	1.15	F	<1.15	F or better
5. Newark / SR 84 - EB Off ramp				
AM	0.81	D	0.81	D
PM	1.26	F	<1.26	F or better

AM = Morning peak hour
PM = Evening peak hour
V/C = Volume-to-capacity ratio
LOS = Level of Service

EB = Eastbound
WB = Westbound
SR = State Route

Source: 2007 General Plan Traffic Study Technical Appendix, TJKM, August 1991

(1) V/C ratios and LOS will remain about the same in the AM peak hour but will be improved in the PM peak hour since the project will generate less trips due to the revised mix of land uses within the high tech industrial category.

Additionally, three other intersections were reviewed for the projected level of service based upon past studies in the area on this identical property. The intersections are:

1. Jarvis Avenue / Fircrest Street
2. Jarvis Avenue / Thornton Avenue
3. Thornton Avenue / Gateway Avenue

A summary of the level of service is contained on Table III B.

The Jarvis Avenue / Fircrest Street intersection will operate with an "A" - LOS in the AM peak hour and a "C" in the PM peak hour. The Jarvis Avenue / Thornton Avenue intersection will operate with an "A" - LOS for the AM and PM peak hours.

The Thornton Avenue / Gateway Avenue intersection was assumed to accept 70% of the project traffic entering and exiting from Thornton Avenue. The intersection is expected to operate with a "C" - LOS for the AM peak hour and "A" - LOS for the PM peak hour.

TABLE III B

**SUMMARY
LEVEL OF SERVICE**

INTERSECTION	GENERAL PLAN	REZONING ⁽¹⁾⁽²⁾
	YEAR 2007 ⁽³⁾	
	LOS	LOS
1. Jarvis Avenue / Fircrest Street		
AM	A	A
PM	C	C or better
2. Jarvis Avenue / Thornton Avenue		
AM	A	A
PM	A	A
3. Thornton Avenue / Gateway Avenue		
AM	C	C
PM	A	A

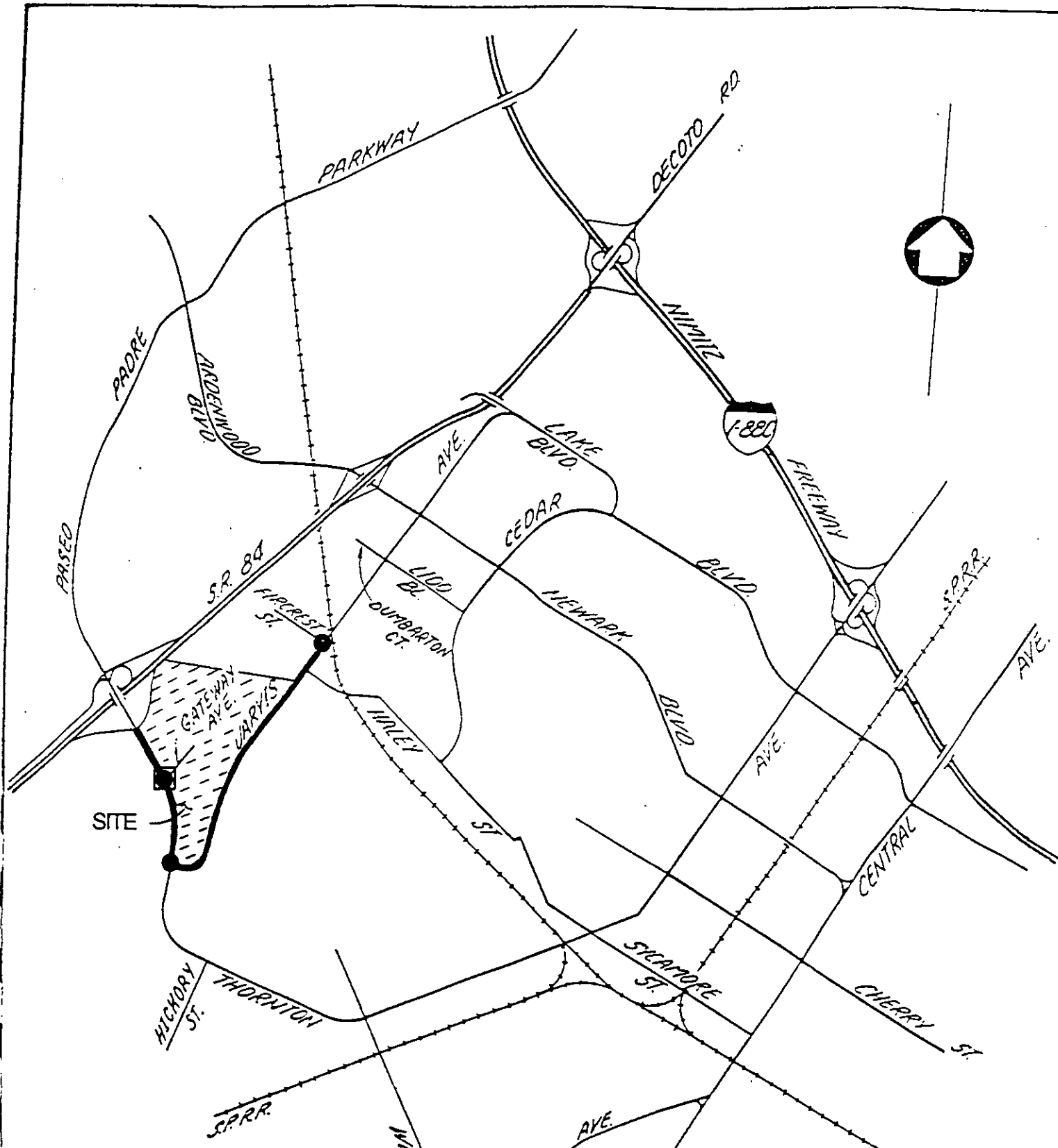
AM = Morning peak hour
 PM = Evening peak hour
 LOS = Level of Service

- (1) V/C ratios and LOS will remain about the same in the AM peak hour but will be improved in the PM peak hour since the project will generate less trips due to the revised mix of land uses within the high tech industrial category.
- (2) With assumed street improvements and traffic signalization.
- (3) Identical to results from past studies on the identical property.




IV. PLANNED IMPROVEMENTS

The following improvements to enhance the traffic carrying capability of the streets in the proximity of the development by the future plan year 2007 are stated in the General Plan Traffic Report and shown on Plate 2.

1. Widen Jarvis Avenue from two to four lanes from the Southern Pacific Transportation Company railroad tracks near Haley Street to Thornton Avenue.
2. Widen Thornton Avenue from two to six lanes from the State Route 84 (Dumbarton Freeway) to Jarvis Avenue.
3. Traffic Signal installations at the following intersections:
 - a) Jarvis Avenue / Fircrest Street (when warranted)
 - b) Jarvis Avenue / Thornton Avenue (when warranted)
 - c) Thornton Avenue / Gateway Avenue.



LEGEND

-  PLANNED ROADWAY IMPROVEMENTS
-  FUTURE NEW TRAFFIC SIGNALS (WHEN WARRANTED)
-  PROJECT SPECIFIC TRAFFIC SIGNAL

NO SCALE

PLATE 2
PLANNED IMPROVEMENTS

APPENDIX

Level of Service Descriptions

LOS	Description	V/C Ratio
A	A condition of free flow, with low volumes and high speeds. Traffic density is low, with speeds controlled by driver desire, speed limits, and physical road conditions.	< 0.600
B	A condition of stable flow, with operating speeds beginning to be restricted somewhat by traffic conditions. Drivers still have reasonable freedom to select their speed and lane of operation.	0.600-0.699
C	A condition of stable flow, but speed and maneuverability are more adversely affected by higher traffic volumes. Most drivers are restricted in their freedom to select their own speed, change lanes, or pass.	0.700-0.799
D	Conditions approach unstable flow, with tolerable operating speeds being maintained though considerably affected by changes in operating conditions. Fluctuation in volume and temporary restrictions may cause substantial drops in operating speeds. Drivers have little freedom to maneuver, and comfort and convenience are low, but conditions can be tolerated for short periods of time.	0.800-0.899
E	Represents operation at operating speeds lower than in Level D, with volumes at or near the capacity of the highway.	0.900-0.999
F	Represents forced flow operations at low speeds, where volumes are below capacity. Speeds are reduced substantially and stoppage may occur for short or long periods of time because of the downstream congestion.	≥ 1.00

Notes:

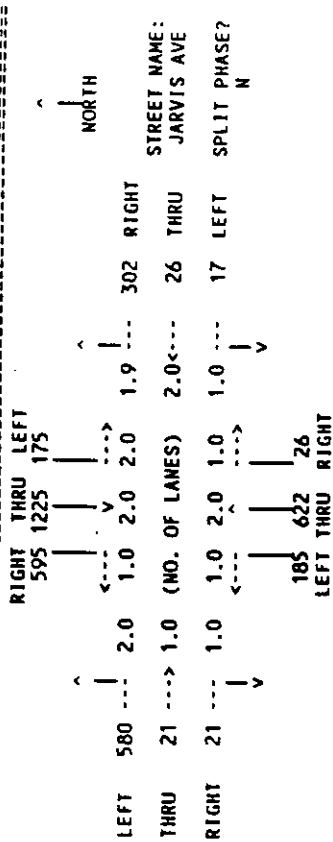
LOS: Level of Service
V/C: Volume to Capacity Ratio

Source: Highway Capacity Manual, Special Report 209, Transportation Research Board, 1985

**LEVEL OF SERVICE
CALCULATIONS**

TJKM INTERSECTION CAPACITY ANALYSIS 5/17/94

INTERSECTION 2763 NEWARK BL and JARVIS AVE NEWARK
 COUNT DATE/TIME: AM NEWARK 2007 K4 (NEWARK.AMV) PEAK HOUR: FILE 6049mit.
 CONDITION : PH NEWARK 2007 K4 (NEWARK.PMV) PEAK HOUR: FILE 6049mit.



STREET NAME: NEWARK BL SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	43	0	1500	0.0000	
THRU (T)	2156	2156	3300	0.6533	
LEFT (L)	170	170	1500	0.1133	0.6533
SB RIGHT (R)	739	163	1500	0.1087	
THRU (T)	1293	1293	3300	0.3918	
LEFT (L)	405	405	2700	0.1500	0.1500
EB RIGHT (R)	91	0	1500	0.0000	
THRU (T)	115	115	1650	0.0697	
LEFT (L)	1786	1786	2700	0.6615	0.6615
WB RIGHT (R)	267	267	1650	0.1618	
THRU (T)	49	49	3300	0.0148	0.0148
LEFT (L)	46	46	1500	0.0307	

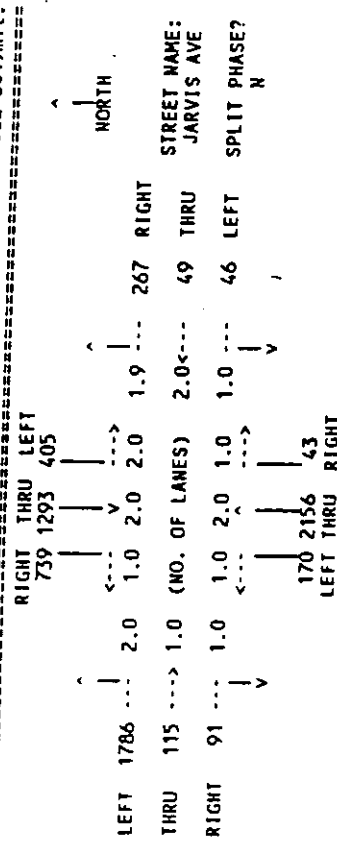
VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 0.72
 ADJUSTMENT FOR LOST YELLOW TIME: 0.10
 TOTAL VOLUME-TO-CAPACITY RATIO: 0.82
 INTERSECTION LEVEL OF SERVICE: D

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1993 YY

TJKM INTERSECTION CAPACITY ANALYSIS 5/17/94

INTERSECTION 2763 NEWARK BL and JARVIS AVE NEWARK
 COUNT DATE/TIME: PH NEWARK 2007 K4 (NEWARK.PMV) PEAK HOUR: FILE 6049mit.
 CONDITION : PH NEWARK 2007 K4 (NEWARK.PMV) PEAK HOUR: FILE 6049mit.



STREET NAME: NEWARK BL SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	43	0	1500	0.0000	
THRU (T)	2156	2156	3300	0.6533	
LEFT (L)	170	170	1500	0.1133	0.6533
SB RIGHT (R)	739	163	1500	0.1087	
THRU (T)	1293	1293	3300	0.3918	
LEFT (L)	405	405	2700	0.1500	0.1500
EB RIGHT (R)	91	0	1500	0.0000	
THRU (T)	115	115	1650	0.0697	
LEFT (L)	1786	1786	2700	0.6615	0.6615
WB RIGHT (R)	267	267	1650	0.1618	
THRU (T)	49	49	3300	0.0148	0.0148
LEFT (L)	46	46	1500	0.0307	

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 1.48
 ADJUSTMENT FOR LOST YELLOW TIME: 0.00
 TOTAL VOLUME-TO-CAPACITY RATIO: 1.48
 INTERSECTION LEVEL OF SERVICE: F

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1993 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

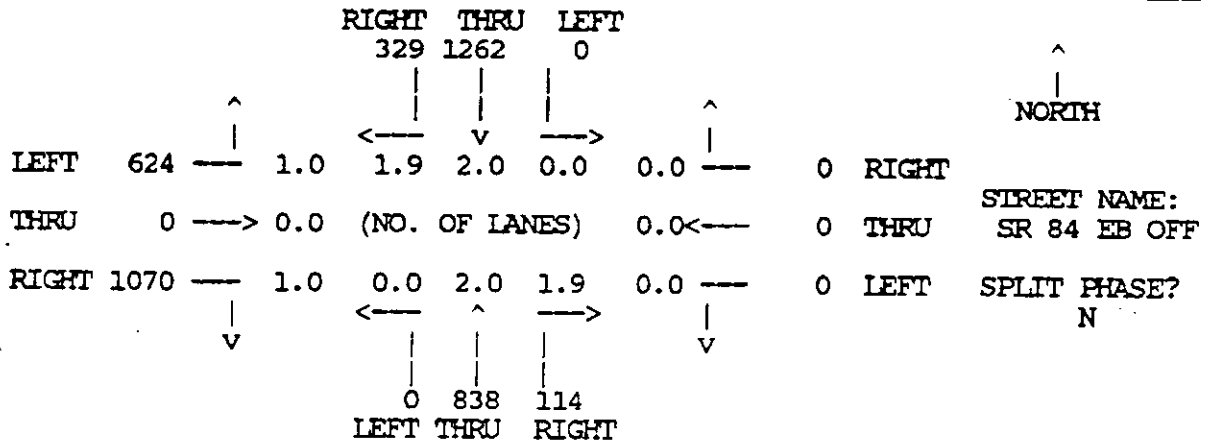
INTERSECTION 2093 THORNTON AVE and SR 84 EB OFF NEWARK

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : AM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: THORNTON AVE

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	114	114	1650	0.0691	
THRU (T)	838	838	3300	0.2539	
SB RIGHT (R)	329	329	1650	0.1994	
THRU (T)	1262	1262	3300	0.3824	0.3824
EB RIGHT (R)	1070	990 *	1500	0.6600	0.6600
LEFT (L)	624	624	1500	0.4160	

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION:

1.04

ADJUSTMENT FOR LOST YELLOW TIME:

0.00

TOTAL VOLUME-TO-CAPACITY RATIO:

1.04

INTERSECTION LEVEL OF SERVICE:

F

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

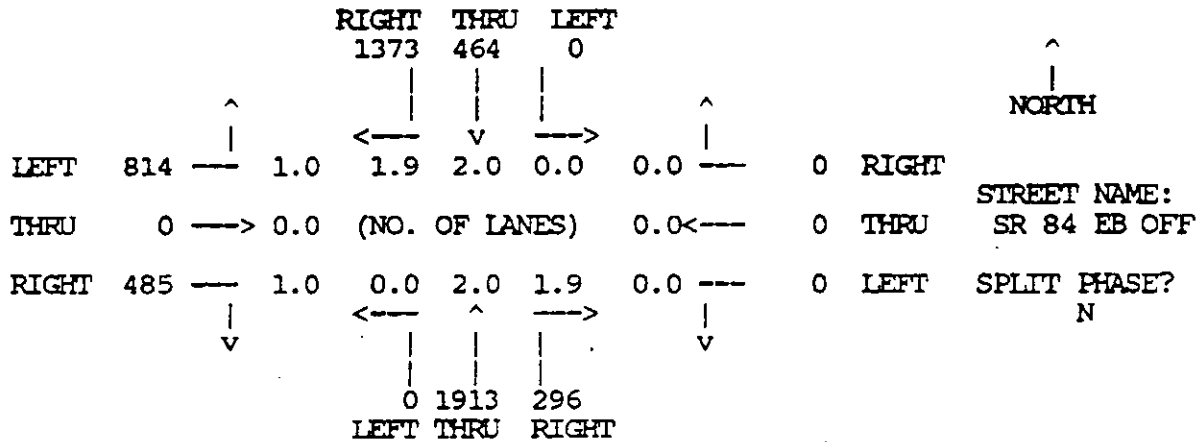
INTERSECTION 2093 THORNTON AVE and SR 84 EB OFF NEWARK

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : PM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: THORNTON AVE

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	296	296	1650	0.1794	
THRU (T)	1913	1913	3300	0.5797	0.5797
SB RIGHT (R)	1373	1373	1650	0.8321	
THRU (T)	464	464	3300	0.1406	
EB RIGHT (R)	485	405 *	1500	0.2700	
LEFT (L)	814	814	1500	0.5427	0.5427

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 1.12
 ADJUSTMENT FOR LOST YELLOW TIME: 0.00

TOTAL VOLUME-TO-CAPACITY RATIO: 1.12
 INTERSECTION LEVEL OF SERVICE: F

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

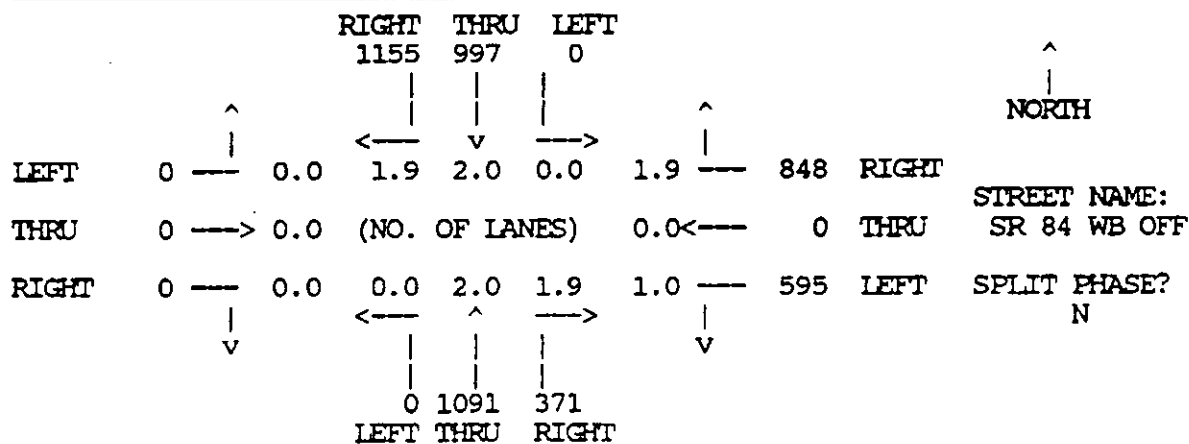
INTERSECTION 2097 PASEO PADRE and SR 84 WB OFF FREMONT

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : AM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: PASEO PADRE

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	371	371	1650	0.2248	
THRU (T)	1091	1091	3300	0.3306	0.3306
SB RIGHT (R)	1155	1155	1650	0.7000	
THRU (T)	997	997	3300	0.3021	
WB RIGHT (R)	848	848	1650	0.5139	
LEFT (L)	595	595	1500	0.3967	0.3967

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION:

0.73

ADJUSTMENT FOR LOST YELLOW TIME:

0.10

TOTAL VOLUME-TO-CAPACITY RATIO:

0.83

INTERSECTION LEVEL OF SERVICE:

D

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

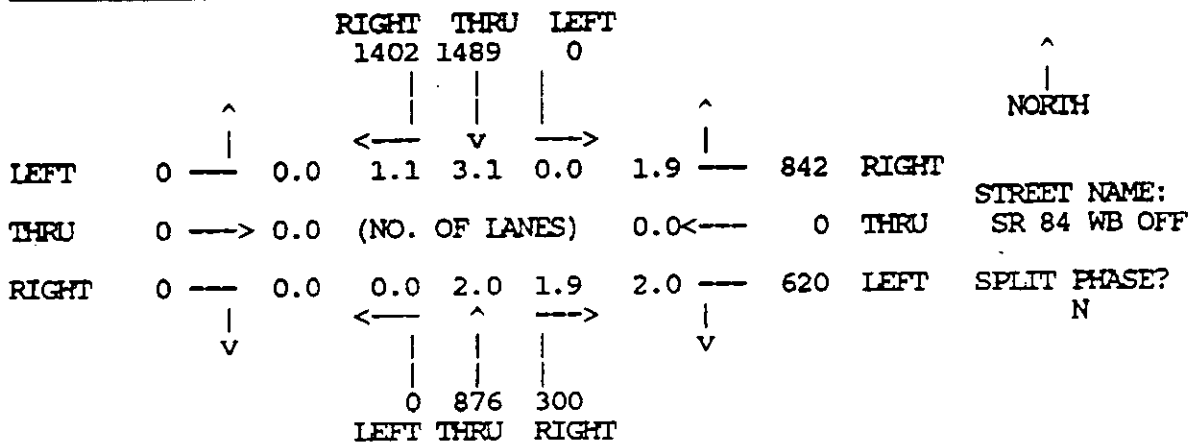
INTERSECTION 2088 ARDENWOOD BL and SR 84 WB OFF FREMONT

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : AM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: ARDENWOOD BL

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	300	300	1650	0.1818	
THRU (T)	876	876	3300	0.2655	
SB RIGHT (R)	1402	1402	1500	0.9347 **	0.9347
THRU (T)	1489	1489	4800	0.3102	
T + R		2891	4800	0.6023	
WB RIGHT (R)	842	842	1650	0.5103	
LEFT (L)	620	620	2700	0.2296	0.2296

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 1.16
 ADJUSTMENT FOR LOST YELLOW TIME: 0.00

TOTAL VOLUME-TO-CAPACITY RATIO: 1.16
 INTERSECTION LEVEL OF SERVICE: F

* ADJUSTED FOR RIGHT TURN ON RED ** APPROACHING OR EXCEEDING CAPACITY

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

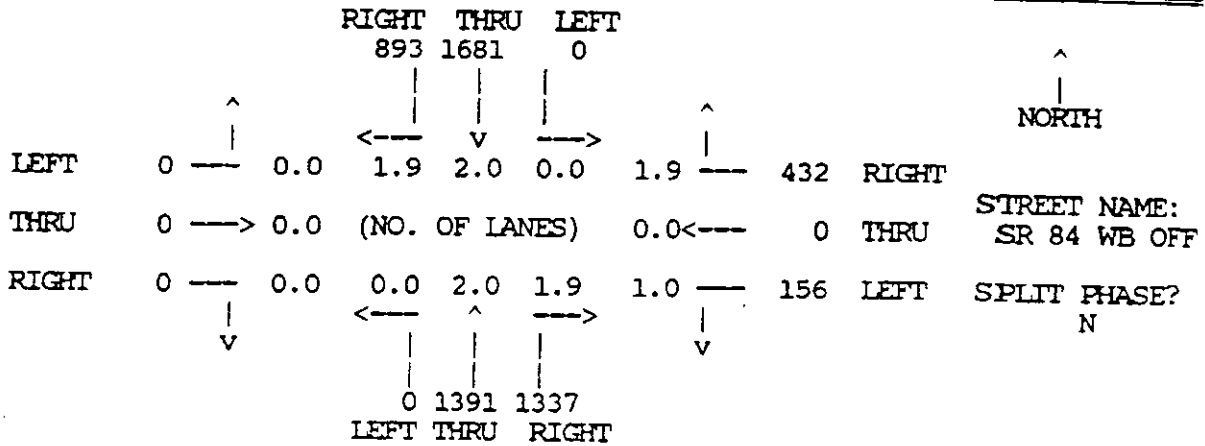
INTERSECTION 2097 PASEO PADRE and SR 84 WB OFF FREMONT

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : PM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: PASEO PADRE SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	1337	1337	1650	0.8103	
THRU (T)	1391	1391	3300	0.4215	
SB RIGHT (R)	893	893	1650	0.5412	
THRU (T)	1681	1681	3300	0.5094	0.5094
WB RIGHT (R)	432	432	1650	0.2618	
LEFT (L)	156	156	1500	0.1040	0.1040

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 0.61
ADJUSTMENT FOR LOST YELLOW TIME: 0.10

TOTAL VOLUME-TO-CAPACITY RATIO: 0.71
INTERSECTION LEVEL OF SERVICE: C

* ADJUSTED FOR RIGHT TURN ON RED

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TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

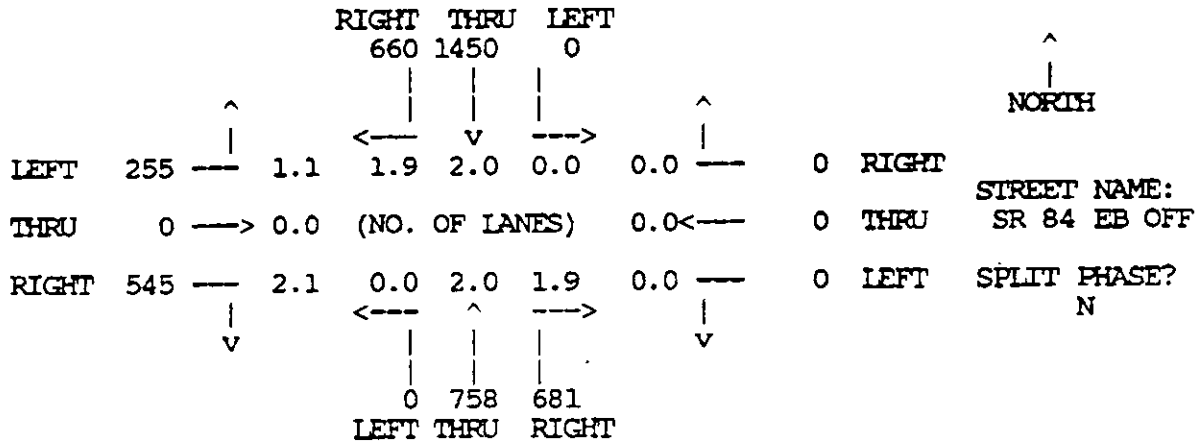
INTERSECTION 3388 NEWARK BL and SR 84 EB OFF NEWARK

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : AM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: NEWARK BL

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	681	681	1650	0.4127	
THRU (T)	758	758	3300	0.2297	
SB RIGHT (R)	660	660	1650	0.4000	
THRU (T)	1450	1450	3300	0.4394	0.4394
EB RIGHT (R)	545	465 *	2700	0.1722	
LEFT (L)	255	255	1500	0.1700	
T + R + L		720	2700	0.2667	0.2667

VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 0.71
 ADJUSTMENT FOR LOST YELLOW TIME: 0.10

TOTAL VOLUME-TO-CAPACITY RATIO: 0.81
 INTERSECTION LEVEL OF SERVICE: D

* ADJUSTED FOR RIGHT TURN ON RED

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TJKM INTERSECTION CAPACITY ANALYSIS

6/24/94

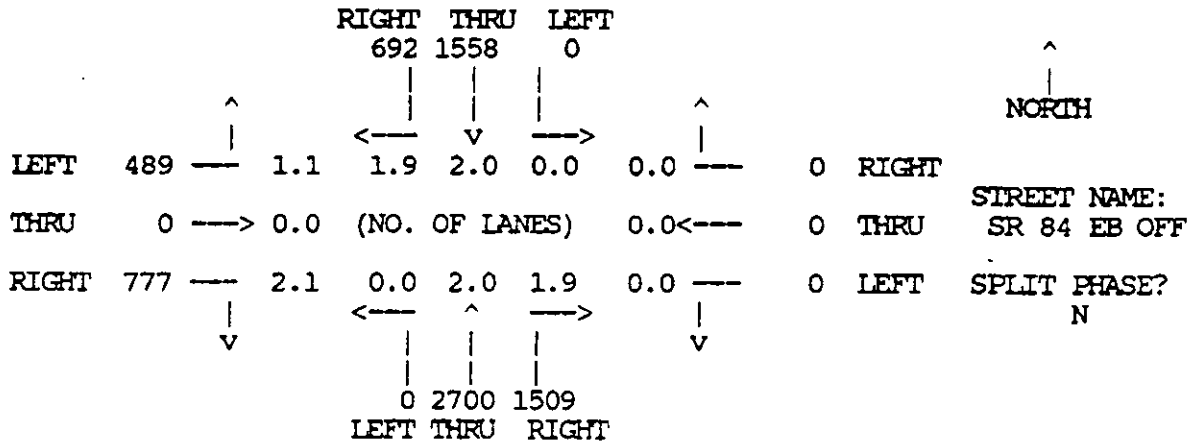
INTERSECTION 3388 NEWARK BL and SR 84 EB OFF NEWARK

COUNT DATE/TIME:

PEAK HOUR:

CONDITION : PM 2007 NEWARK MODEL (K4)

FILE 6-049EXT



STREET NAME: NEWARK BL

SPLIT PHASE? N

MOVEMENT	ORIGINAL VOLUME	ADJUSTED VOLUME*	CAPACITY	V/C RATIO	CRITICAL V/C
NB RIGHT (R)	1509	1509	1650	0.9145 **	
THRU (T)	2700	2700	3300	0.8182	0.8182
SB RIGHT (R)	692	692	1650	0.4194	
THRU (T)	1558	1558	3300	0.4721	
EB RIGHT (R)	777	697 *	2700	0.2581	
LEFT (L)	489	489	1500	0.3260	
T + R + L		1186	2700	0.4393	0.4393

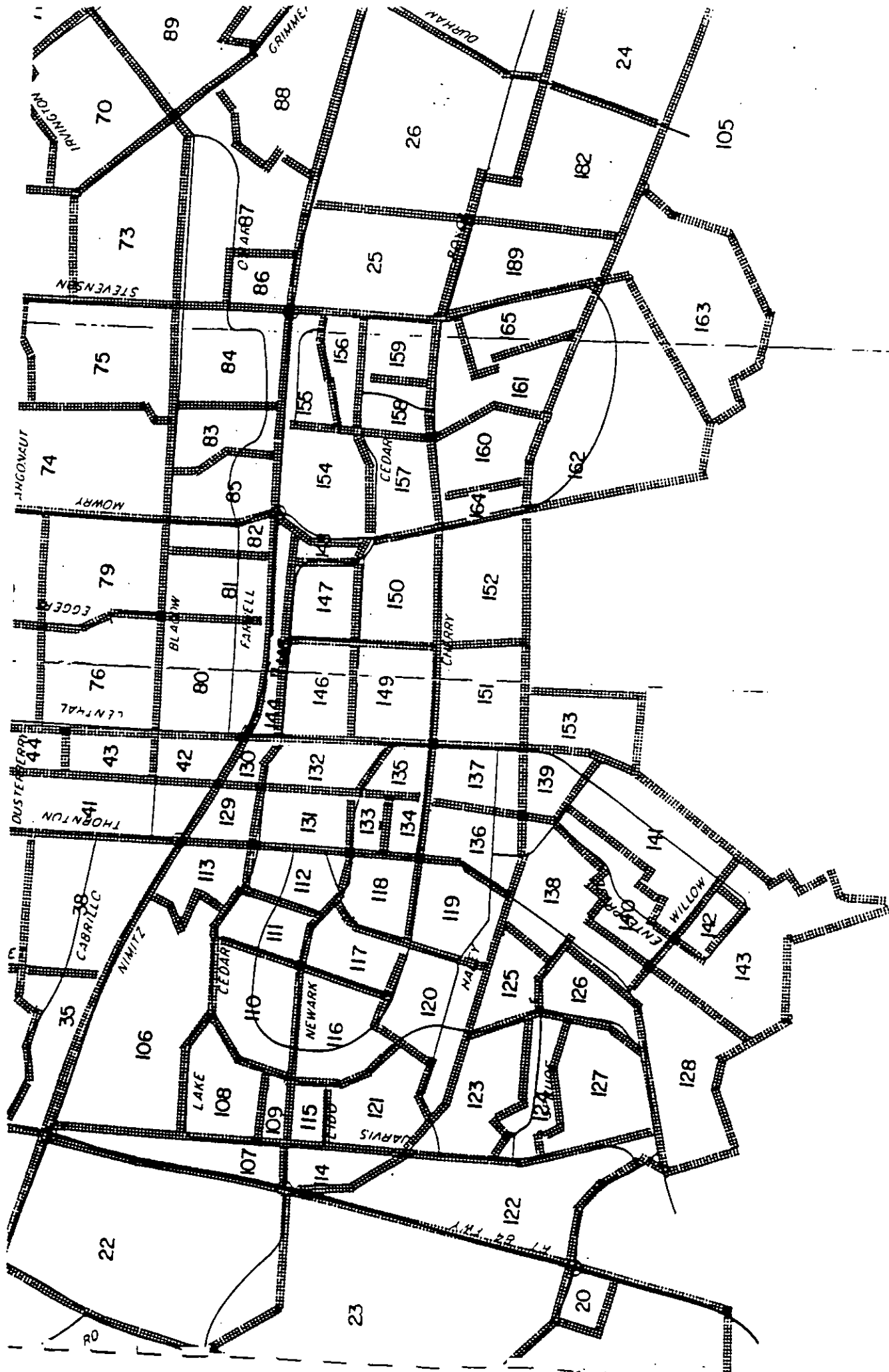
VOLUME-TO-CAPACITY RATIO FOR THE INTERSECTION: 1.26
 ADJUSTMENT FOR LOST YELLOW TIME: 0.00

TOTAL VOLUME-TO-CAPACITY RATIO: 1.26
 INTERSECTION LEVEL OF SERVICE: F

* ADJUSTED FOR RIGHT TURN ON RED ** APPROACHING OR EXCEEDING CAPACITY

Developed by TJKM Transportation Consultants, Pleasanton, CA, 1991 YY

TRAFFIC ANALYSIS ZONES



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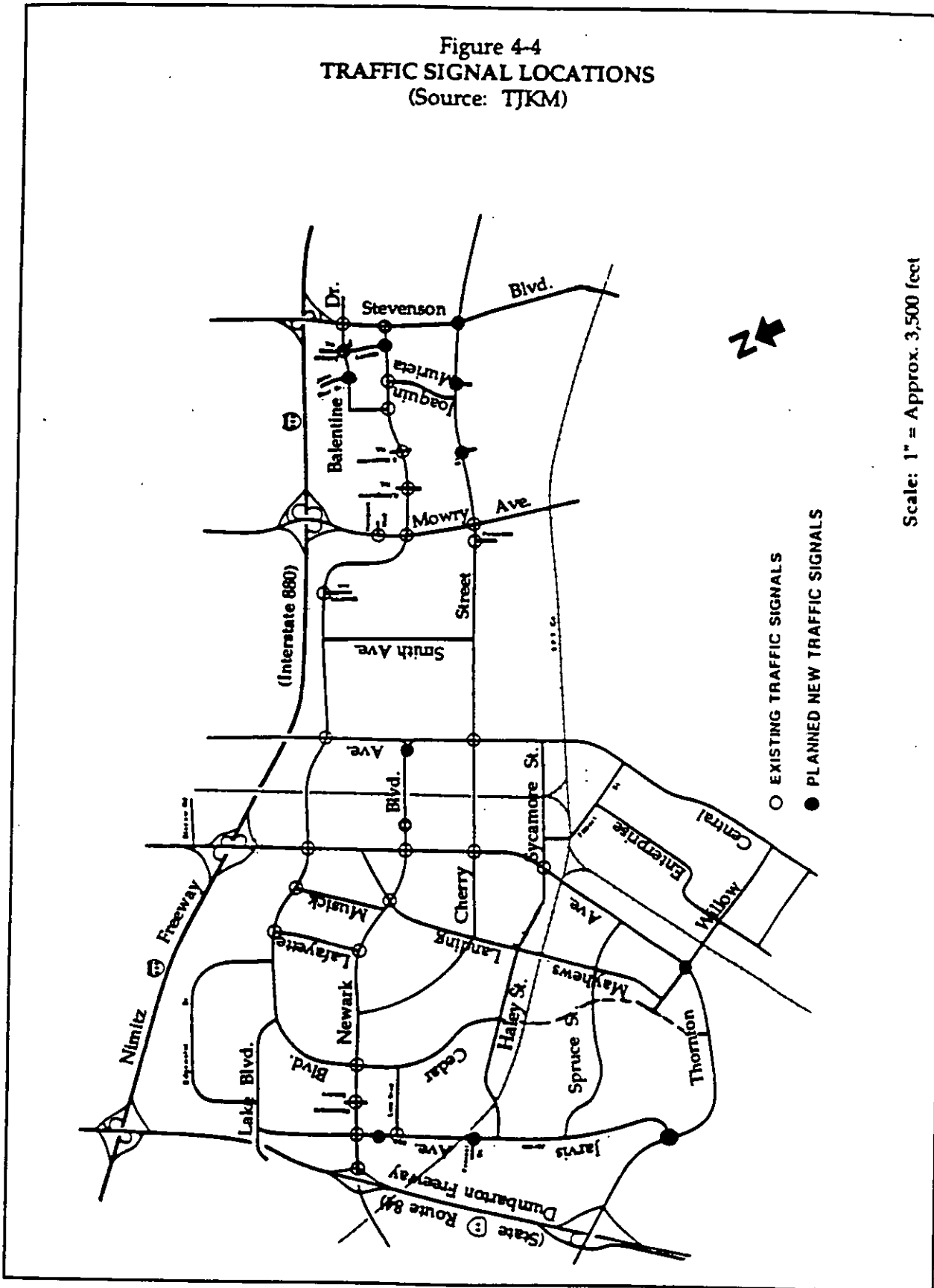
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Figure 4-4
 TRAFFIC SIGNAL LOCATIONS
 (Source: TJKM)



Scale: 1" = Approx. 3,500 feet

Appendix 8.5 Proposed Consolidation Plan

**NEWARK-COYOTE TRACT
CONSOLIDATION PLAN FOR PONDED AREAS**

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January 1994

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1.0 CONSOLIDATION PLAN OBJECTIVES

1.1 Introduction

The Newark-Coyote Tract is an undeveloped area of former crystallizers and salt production facilities located in Newark, California. The parcel is owned by Cargill Salt Company which is seeking permits and entitlements for the purposes of land development. It is anticipated that the property will be eventually developed by another party for light industrial and commercial buildings and activities. The proposed use is consistent with the General Plan for the City of Newark. Cargill Salt seeks to consolidate existing ponded areas on the site into a single multipurpose wetland area. The Project Area is north of Jarvis Avenue (North Jarvis Parcel, 142 acres), bounded by Thornton Avenue to the west, Jarvis Avenue to the south and east, Highway 84 to the north, and light industrial property to the northeast (Figure 1). Isolated portions of the Project Area contain areas delineated as jurisdictional wetlands (2.0 acres) and ponded areas¹ (12.5 acres) as defined under Section 404 of the Clean Water Act. The latter consist of isolated unvegetated depressions within crystallizers and former salt production facilities. These areas and the plan components are illustrated in Figure 2. The proposed industrial park will fill approximately 7.3 acres of the ponded areas. No fill is proposed in jurisdictional wetlands.

The purpose of this report is to set forth a conceptual plan to consolidate the ponded areas within the Newark-Coyote Tract into a single area near Thornton Avenue. Only ponded areas are proposed for consolidation; the existing wetland will be preserved. The proposed consolidation site will be managed to provide improved habitat for species associated with seasonally ponded areas and will also provide additional vegetated habitat not currently existing on the site. Long term monitoring and management will assure success of the proposed consolidation. The elements of the conceptual plan and the monitoring program are described in this report.

1.2 Plan Objectives

The following are the objectives of a plan to consolidate the ponded areas within a single multiple use site designed to provide wetland, shallow water, and roosting habitat.

1. Create and manage 12.8 acres of wetlands and ponded habitat within a consolidation area near Thornton Avenue. This will replace 7.3 acres of ponds to be filled by the

¹Although not jurisdictional wetlands, ponded areas are considered "waters of the United States."

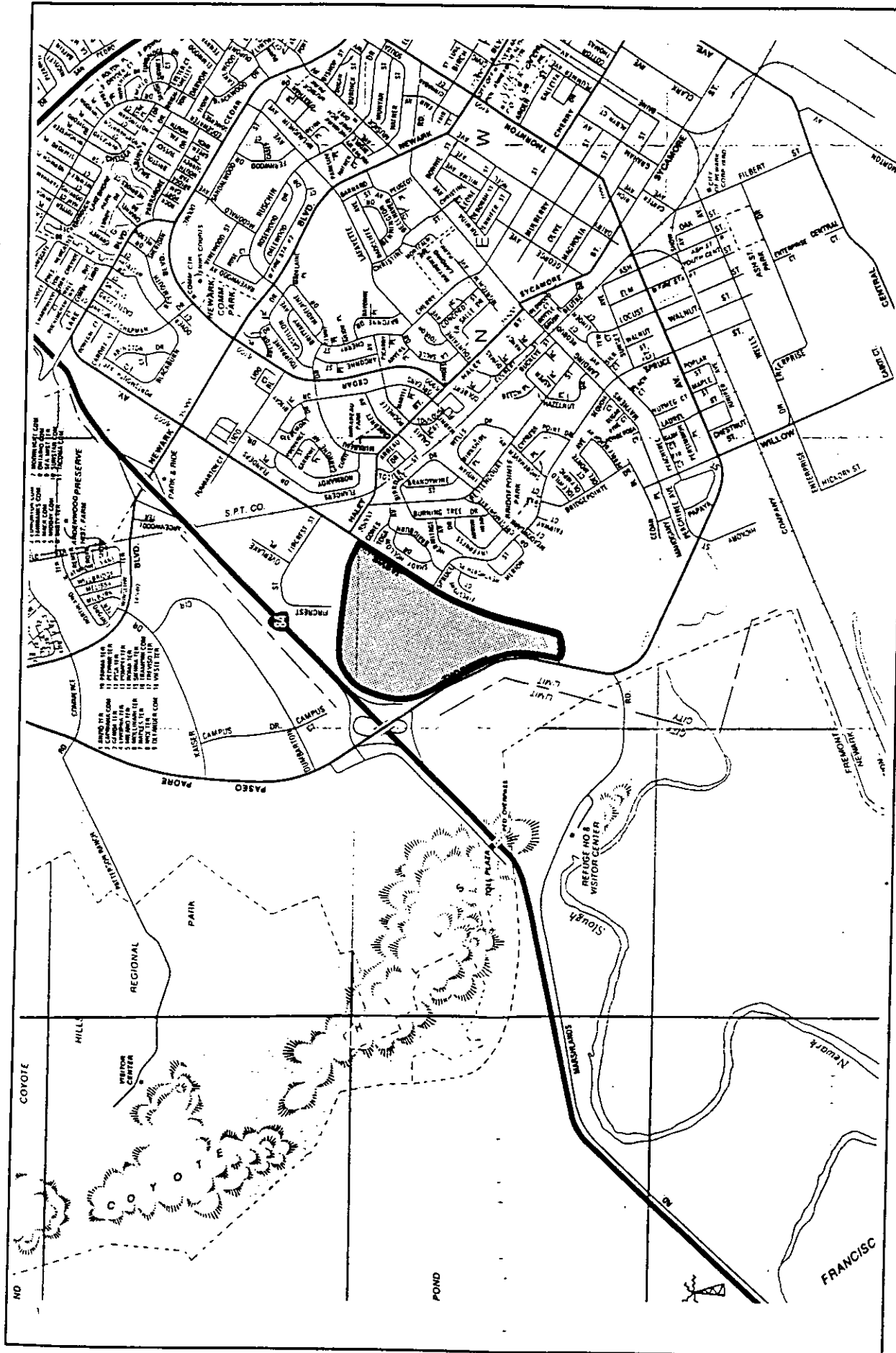


Figure 1. Location of the Newark-Coyote Tract in Alameda County, Newark, California.



Wetlands Research Associates, Inc.

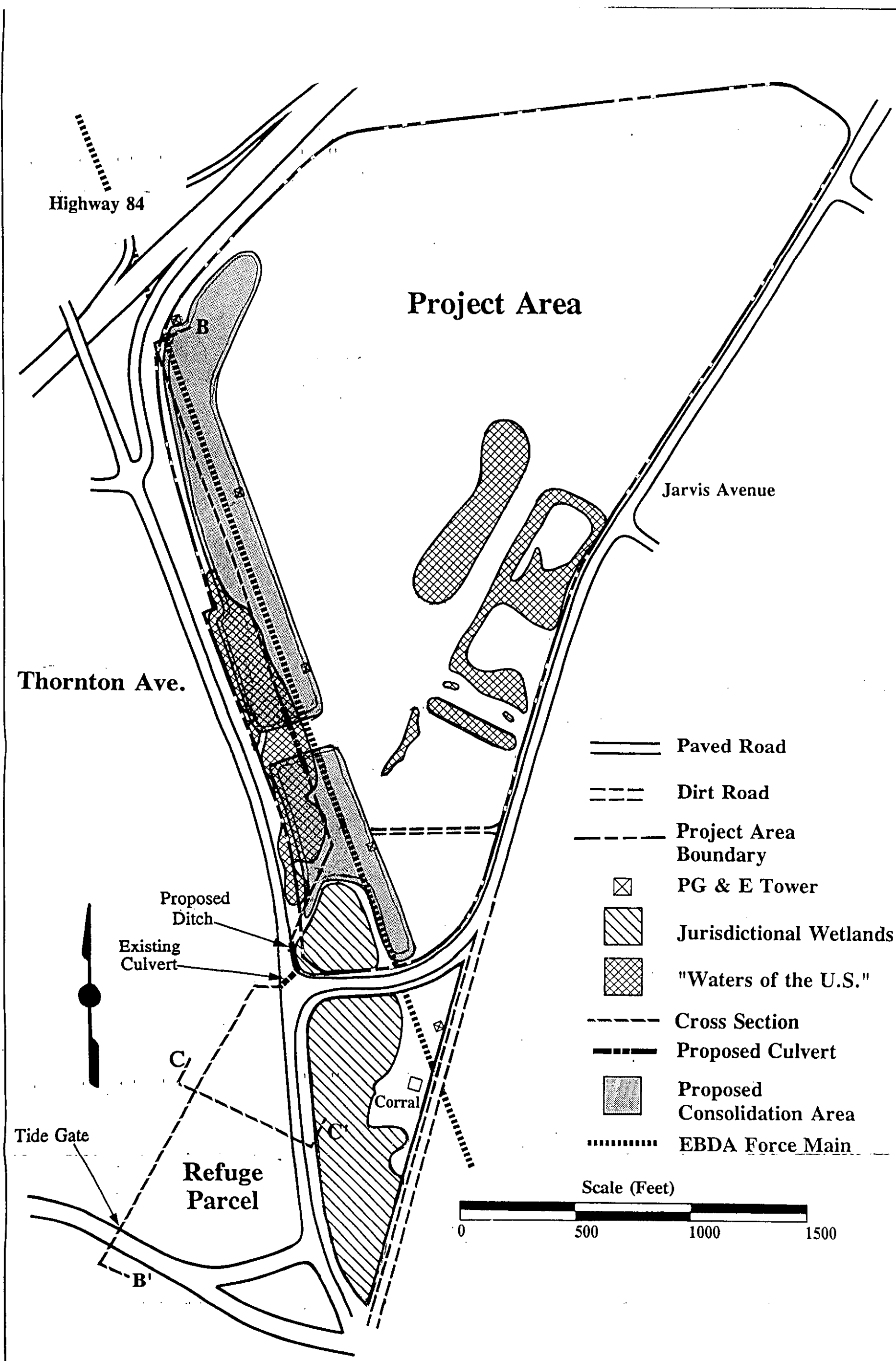


Figure 2. Newark-Coyote Tract proposed consolidation area with existing jurisdictional "Waters of the U.S." and vegetated wetlands.



project. This will also incorporate the 5.2 acres of existing ponded areas within the proposed consolidation area.

2. Create a stormwater retention system.
3. Avoid 2.0 acres of existing jurisdictional wetlands within the Project Area to the maximum extent possible.
4. Create 2.0 acres of loafing and roosting habitat on the Project Area for shorebirds, particularly western snowy plover.
5. Provide long-term management flexibility to allow system modifications that may be required as a result of changes in rainfall patterns, sea-level rise, and mosquito control needs.

1.3 Primary Consolidation Plan Elements

The following elements are proposed to achieve the consolidation objectives:

1. Excavate 12.8 acres of the western portion of the Project Area to an elevation below 3.0 foot NGVD, including 3.5 acres below 1.0 foot NGVD.
2. Install water control structures at the USFWS Refuge entrance road to effectively manage wetland hydrology. The new system will be subject to a muted tidal regime. Elevations between -1.0 NGVD and +1.0 NGVD will be subject to tidal flows.
3. Excavate and widen the channel from Thornton Avenue to the USFWS entrance road to provide efficient hydrologic connection for muted tidal flow to the new system. Existing sloughs connecting the outer tide gate to Newark Slough may also require some widening to reduce erosion due to increased tidal action.
4. Plant emergent wetland vegetation in newly created tidal wetlands.
5. Conduct a monitoring program to evaluate success in achieving the project goals and provide information on system modifications necessary to maintain or enhance habitat values.
6. Provide for other wetland restoration opportunities in existing wetlands.

2.0 EXISTING CONDITIONS

The Newark-Coyote Tract consists of former salt crystallizers, remnants of a former salt processing facility, and pasture areas. The site was the subject of a lawsuit (Leslie Salt vs United States) over the extent of federal jurisdiction under Section 404 of the Clean Water Act. In January 1992, the District Court found that wetlands and ponded areas were present on the site. The purpose of this portion of the report is to summarize the existing vegetative and wildlife use of the wetland and ponded areas. In addition, the relative utilization of the ponded areas compared to nearby restored sites is given in order to estimate the likely increase in habitat value due to the proposed consolidation and restoration.

2.1 Vegetation

Vegetation surveys were conducted by Wetlands Research Associates on the Newark-Coyote Tract between fall 1984 and summer 1986. Some vegetated portions of the Newark-Coyote Tract Project Area included in the survey were determined by the District Court to be jurisdictional wetlands (2.0 acres). The salt crystallizers were sampled in spring 1987 using methods similar to the 1984-1986 studies. A portion (12.5 acres) of the crystallizers and barren pasture were later determined to be ponded areas. Generally, ponded areas were barren (Figure 3). Sampling methods are presented in Appendix A.

2.1.1 Ponded Areas

Ponded areas were designated on three portions of the Project Area: the former salt crystallizers (NC7,NC8), the calcium chloride pit and the horse pasture (NC4a,NC6)² (Figure 2). These areas were not determined to be jurisdictional wetlands. The ponded area portions of the crystallizers were largely barren, covering 8.54 acres. Plant cover was limited to scattered patches within larger portions of barren ground. The only species recorded was *Salicornia europaea* (annual pickleweed OBL).

Plant cover within the ponded areas located on the pasture portions (3.33 acres) was 17.3 percent. Species present included *Salicornia virginica* (pickleweed OBL) and the remainder was *Frankenia grandifolia* (alkali heath FACW), *Cotula coronopifolia* (brass buttons FACW), *Spergularia marina* (sand spurry OBL) and *Polypogon monspeliensis* (rabbit foot grass FACW). No plant cover was recorded in the calcium chloride pit (0.63 acres) since it contained water for longer periods of time than the other areas.

²Site designations were used in initial studies of the Tract and are included here as reference.

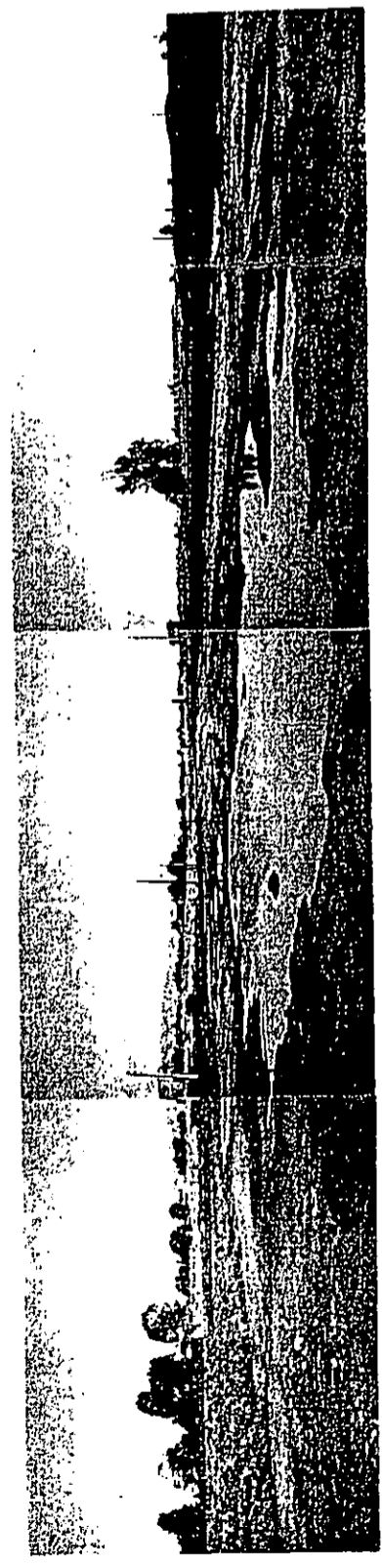


Figure 3. Photographs of existing ponded areas to be consolidated.



Wetlands Research Associates, Inc.

2.1.2 Vegetated Wetlands

Portions of the Project Area have been used for pasture (Figure 4). Within those pasture areas (NC6, and NC6A), wetlands have been designated by the court as falling under Section 404 jurisdiction.

Areas delineated as wetlands (2.0 acres) in the Project Area (Figure 2) had 98 percent plant cover. Sixty-eight percent of the plant cover was pickleweed (OBL); the remainder included sand spurrey (OBL), *Hordeum hystrix* (barley FAC), brass buttons (FACW), alkali heath (FACW), rabbit foot grass (FACW), and *Hemizonia pungens* (common tarweed FAC).

2.2 Birds

The only wildlife use noted for the ponded areas and wetlands was by birds. An avian study was conducted from late 1984 through late 1985 by Dr. Howard Cogswell to document avian use of the Newark-Coyote Tract. Cogswell used 30 observation sites to survey the entire tract. Surveys were conducted monthly during high, intermediate, and low tides with additional surveys conducted immediately following storm events. Forty-five bird surveys were conducted from October 22, 1984 through October 30, 1985. Cogswell grouped bird species into four categories based on general habitat selection. Cogswell's categories included water birds, wetland birds, transitional wetland birds, and land birds. The species documented on Newark-Coyote and their assigned categories are given in Appendix B.

Cogswell also developed a "use-index" to compare avian use between sites. This index was calculated as the number of birds observed on an individual observation site divided by the acreage of that site.

Newark-Coyote sites that contained seasonal ponds received less overall use by all bird categories except water birds, than sites that contained vegetated wetlands (Table 1), based on the bird use (birds/acre) index. The average water bird use of the ponded areas was 0.75 birds/acre compared to 0.04 birds/acre recorded in the vegetated wetland areas. Most water bird use of the ponded areas occurred after storm events. The ponds occur seasonally when rainwater collects on the former salt crystallizers and calcium chloride storage pit. These seasonal ponds lack significant invertebrate prey items and are only used by waterbirds as resting or roosting sites, particularly during high tides.

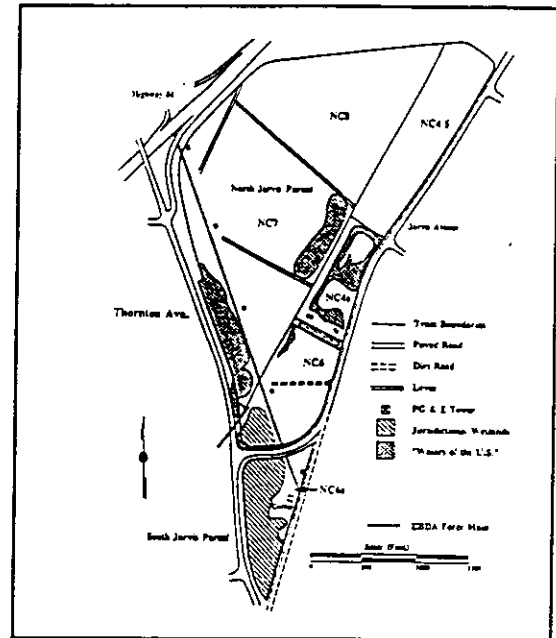


Figure 4. Location of historic crystallizers on the Newark-Coyote Tract.

Table 1. Comparison of bird use-index average values on the Newark-Coyote Tract (birds/acre).

CATEGORY	PONDS	WETLANDS
Water Birds	0.75	0.04
Wetland Birds	0.01	0.06
Transitional Birds	0.37	1.22
Land Birds	0.41	1.75
Total Combined Use	1.54	3.07

The vegetated wetlands had higher overall bird usage than the ponded areas (3.07 birds/acre compared to 1.54 birds/acre). Ninety-six percent of all birds recorded on the vegetated wetland were land (1.75 birds/acre) and transitional wetland bird species (1.22 birds/acre) with the remaining four percent comprised of water (0.04 birds/acre) and wetland (0.06 birds/acre) bird species.

2.3 Comparison to Other Sites

Additional studies by Cogswell following the same methods were conducted concurrently at Coyote Hills Regional Park and the San Francisco Bay National Wildlife Refuge (Table 2). These areas provide a comparison with the Newark-Coyote sites as well as an indication of the potential bird use in restored sites similar to that proposed in the consolidation plan.

2.3.1 Comparison of Newark-Coyote Tract to Coyote Hills Regional Park

Coyote Hills is a seasonally flooded wetland. The dominant species were pickleweed and *Ruppia maritima* (widgeon grass) with alkali heath, rabbit foot grass, and *Distichlis spicata* (salt grass).

Coyote Hills had considerably more use by water and wetland birds than Newark-Coyote (Table 2). The use-index value for wetland birds at Coyote Hills was 1.22 birds/acre compared to only 0.06 birds/acre in vegetated wetlands at Newark-Coyote (Tables 2 and 1). Transitional wetland birds were more abundant at Newark-Coyote, however; Cogswell reported that the numbers of transitional wetland birds was inflated due to the presence of a large flock of red-winged blackbirds. Comparison of land bird use also showed higher use at Newark-Coyote (Table 2).

2.3.2 Comparison of Newark-Coyote Tract to San Francisco Bay National Wildlife Refuge

The San Francisco Bay National Wildlife Refuge site is a sparsely vegetated former salt crystallizer restored to tidal action.

San Francisco Bay National Wildlife Refuge compared to Newark-Coyote in 1984-1985; received nearly 3.8 times more overall bird use. The water bird use-index for San Francisco Bay National Wildlife Refuge was 17.6 times greater than on the Newark-Coyote. Wetland and transitional wetland bird use was similar. On the other hand, land bird use on Newark-Coyote was 6.5 times greater than that documented on San Francisco Bay National Wildlife Refuge

Table 2. Average combined bird category use (birds/acre) comparison of three sites during the 1984-85 Cogswell surveys.

(Table 2).

2.3.3 Conclusion

These comparisons indicate that the ponded and wetland areas on the Newark-Coyote Tract

Category	Newark-Coyote	Coyote Hills	SFBNWR
Water Birds	0.45	2.67	7.92
Wetland Birds	0.03	1.22	0.05
Transitional Birds	0.73	0.13	0.59
Land Birds	0.98	0.83	0.15
Combined Bird Use	2.19	4.85	8.71

supports considerably less water birds than nearby restored wetlands. Coyote Hills is a non-tidal vegetated marsh and supports a lower bird-use index than the tidally influenced Refuge site. Given the fact that the consolidation site will be managed for year round, tidally influenced, vegetated and ponded habitat, it is expected to support a greater number of migratory waterbirds than currently exist on the Project Area. Therefore, the proposed mitigation replacement on a 1:1 ratio should result in a net increase in functional habitat and wildlife values.

2.4 Special Status Species

Species given special status by federal and state governments have reportedly been observed on the project site. Brief descriptions and their relevance to the conceptual consolidation plan are given below.

2.4.1 Western Snowy Plover

The western snowy plover is currently classified as federally and state threatened. A single snowy plover was reported on the site on 2 January 1985. More recently, a snowy plover nest was reportedly observed near the intersection of Thornton Avenue and Highway 84. A second pair was reportedly observed staging nearby (USFWS letter, 5/28/93). A protected nesting/roosting area is proposed for inclusion in the consolidation plan.

2.4.2 Burrowing Owl

The burrowing owl is listed as a species of special concern by the state of California. Cogswell documented up to 13 individual owls during the summer of 1985. In 1987, Rigney determined that there were six burrows containing breeding pairs of owls. Three surveys conducted in 1992 by Wetland Research Associates staff documented the presence of a single owl. No owl burrows were identified. However, the area used by burrowing owls within the vegetated wetland will be preserved.

2.4.3 Tri-colored Blackbird

The Tri-colored Blackbird is listed as a federal candidate, category 2 and by the state of California as a Species of Special Concern with special status only on the breeding grounds.

Cogswell identified six tri-colored blackbirds on the Newark-Coyote Tract: two in Nov/84, one in Dec/84 and three in Feb/85. All sightings were documented in jurisdictional wetlands. Forage habitat of tri-colored blackbirds is typically wet meadows, agricultural, fields and rangeland where seeds are abundant. These birds are gregarious colonial nesters with nests usually placed in large stands of cattails, tules, or on top of blackberry brambles. These habitats are not present on the Newark-Coyote Tract; therefore the area is not suitable tri-colored blackbird nesting habitat. Since the birds were observed during the non-breeding season (Nov., Dec., and Feb) and only six individuals, it is unlikely that the birds utilized the site on a regular basis. The wetlands where they were observed are being preserved.

2.5 Conclusions

The current ponded areas and vegetated wetlands of the Newark-Coyote Tract may be too small and isolated to attract large numbers of birds on a per acre basis compared to those areas in Coyote Hills and San Francisco Bay National Wildlife Refuge. In addition, the lack of persistent water such as exists at the comparison sites further diminishes the quality of the Newark-Coyote Tract for water birds. The lack of benthic invertebrates provides limited food resources and the site is used primarily for roosting.

The consolidation plan will provide an opportunity to manage water availability so that the mitigation area can support a greater number of birds than now use the ponded areas on Newark-Coyote Tract. Management for the consolidation area will introduce muted tidal action that will increase vegetative diversity, support benthic invertebrates, and will result in an increase in bird use similar to that as observed at the SFBNWR restoration area. In addition, the highest use habitat, the vegetated wetland, will be preserved and enhanced in this plan; further increasing avian populations.

3.0 PROPOSED CONSOLIDATION PLAN

Site grading will fill 7.3 acres of ponded areas in the Project Area. Approximately 5.2 acres of ponded habitat will be excavated to create the flood retention/wetland habitat area. Following construction, the resulting habitat within the basin will be 12.8 acres of wetlands and 2.0 acres of roosting and loafing habitat. All existing jurisdictional wetlands in the Project Area will be preserved. Acres of existing and proposed wetlands and ponded areas on the Newark-Coyote Tract Project Area are presented in Table 3.

Table 3. Pre- and post-project distribution of habitats on the Newark-Coyote Tract Project Area.

NEWARK-COYOTE TRACT 142 ACRE PROJECT AREA			
	Wetlands	Ponds	Overall
PRE-PROJECT			
Existing	2.0	12.5	14.5
POST-PROJECT			
Filled/Impacted	0.0	-12.5	
Created	+9.3	+3.5	+12.8
Preserved	+2.0	0.0	+2.0
Net Total	11.3	3.5	14.8
Acreages provided by Greiner, Inc.			

3.1 Primary Consolidation Plan Elements

The following consolidation plan elements will be implemented to achieve project objectives (Section 1.1) and enhance wildlife functions and values.

1. Excavate 12.8 acres of the western portion of the Project Area to create muted tidal habitats consisting of open water, mudflat, and vegetated wetlands. This would provide

2. Install water conveyance and control structures to create muted tidal wetland hydrology within the consolidation area. New culverts with slide flap gates will be installed near the Refuge access road; culverts will be installed under Thornton Avenue and between the ponds in the consolidation area.
3. Plant emergent wetland vegetation to provide wildlife cover, roosting, and nesting habitat, and to improve water quality.
4. Create 2.0 acres of roosting and loafing habitat for shorebirds, particularly western snowy plover, in the interior of the ponds complex and provide limited upland access to these areas.
5. Conduct a monitoring program to evaluate success in achieving the project goals and provide information on system modifications necessary to maintain or enhance habitat values.

In addition to the 7.3 acre fill, the consolidation site includes excavating 5.2 acres of existing ponded areas near Thornton Avenue to elevations ranging from -1.0 to 5.5 feet NGVD. Impacts to existing jurisdictional wetland areas will be avoided to the maximum extent possible. The plan will include a vegetative barrier and fence adjacent to Thornton Avenue and the development.

The East Bay Dischargers Authority 39 inch force main traverses the proposed excavation area at a top elevation of between +1.0 and -1.0 foot NGVD (Figure 1). This limits excavation depth above the main and influences the general design of the consolidation area.

3.2 Channel and Control Structure Modifications

To achieve the appropriate hydrologic regime, the following modifications of existing drainages and installation of water control structures are proposed:

1. Deepen the channel (which runs from the Project Area, under Thornton Avenue, then south-southwest to Newark Slough) to -1.0 foot NGVD. This will create a channel that will provide adequate drainage for the Project Area and allow controlled tidal exchange for the excavated pond/wetlands area.
2. Install four 36 inch culverts (with slide flap gates) under the San Francisco Bay Wildlife Refuge access road along the channel mentioned above.
3. Install four 36" culverts under Thornton Avenue to connect the ponds to the tidal channel.

4. Install two 36" culverts at elevation 0.0 NGVD to hydrologically connect the excavated pond/wetland area.

3.3 Flood Control Design Criteria

The pond/wetland will function as a storm retention basin designed for a 4-inch storm event based on the criteria in Section 2.9 of the Alameda County Flood Control and Water Conservation District "Hydrology and Hydraulics Criteria Summary". These criteria require that the basin be designed to allow the water surface to return to pre-storm elevations within 24 hours. Runoff from 4-inch storm event on the 142 acre North Jarvis Parcel (Figure 2) would necessitate 45 acre-feet storage capacity. This capacity is available between +1.0 and +4.5 feet NGVD in the pond/wetland basin.

3.4 Tidal Wetland Creation

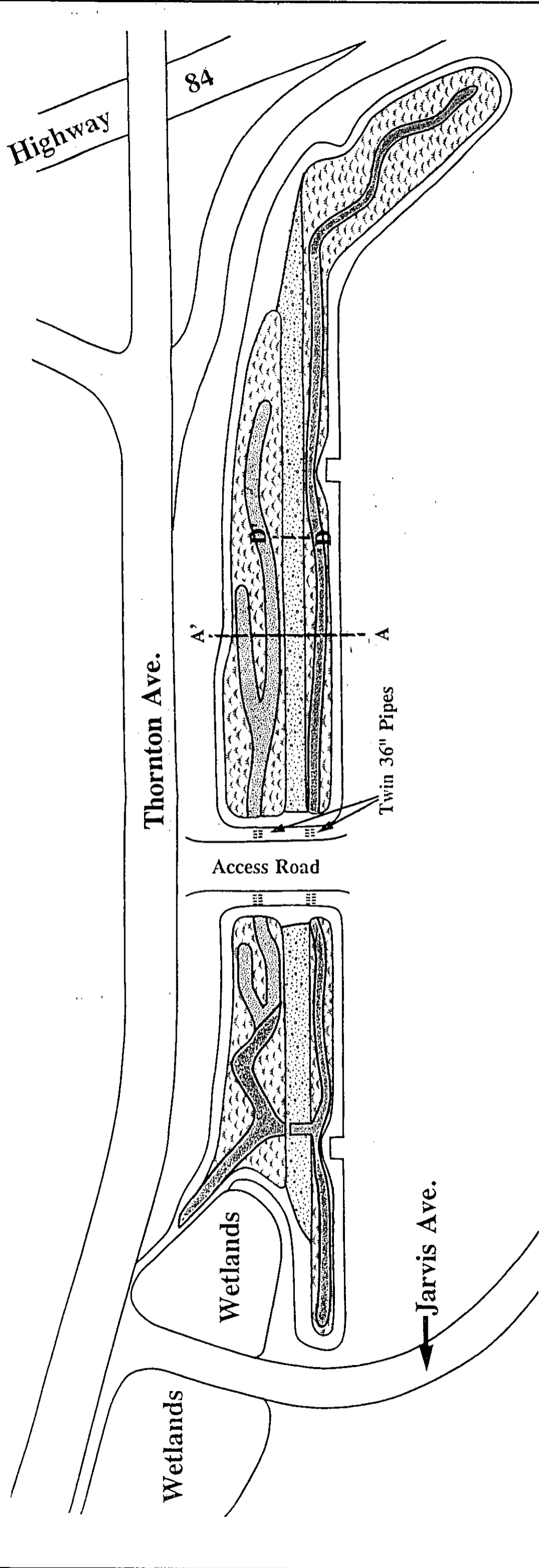
Wetland habitat will be maximized through the creation of a muted tidal exchange incorporating an excavated dendritic channel system with surrounding wetlands.

The plan provides for a muted tidal wetland habitat (Figures 5 through 9). A channel system, excavated to an elevation of -1.0 foot NGVD, would provide the tidal circulation to the wetland. The channels and marsh would remain tidal year-round. The wetland habitat would be at an elevation of +1.0 foot NGVD and receive dampened tidal flows reaching a maximum tidal level of 1.0 NGVD and during a 25 year storm event, approximately 2.8 feet. This plan includes excavating the channel on the San Francisco Bay Wildlife Refuge property to a proposed bottom elevation of -1.0 foot NGVD. This will allow proper tidal flushing. Culverts at Newark Slough will be fitted with slide/flap gates that would be used to control tidal flooding without restricting drainage. Restricting tidal flooding to a maximum upper limit of +1.0 NGVD during the rainy season would provide adequate flood storage capacity during a 4-inch storm event.

A final hydrologic evaluation of the proposed design has not been performed. Through such an evaluation, the number of culverts remaining open and the degree of opening of the slide flap gate can be determined.

The plan provides a diversity of habitats that could be utilized by a wide variety of birds. During periods of low tide, the exposed substrate would provide foraging habitat for shorebirds; during high tide the area would provide resting and foraging habitat for egrets, herons, rails, and waterfowl.

This plan provides additional roosting and loafing habitat (2.0 acres) on the 20 foot wide







LEGEND	
	Proposed open water
	Proposed mudflat
	Proposed marsh
	Proposed western snowy plover roosting habitat



Figure 5. Newark-Coyote Tract proposed muted tidal flooded consolidation area including open water, mudflat, marsh and snowy plover roosting habitats.

Wetlands Research Associates, Inc.

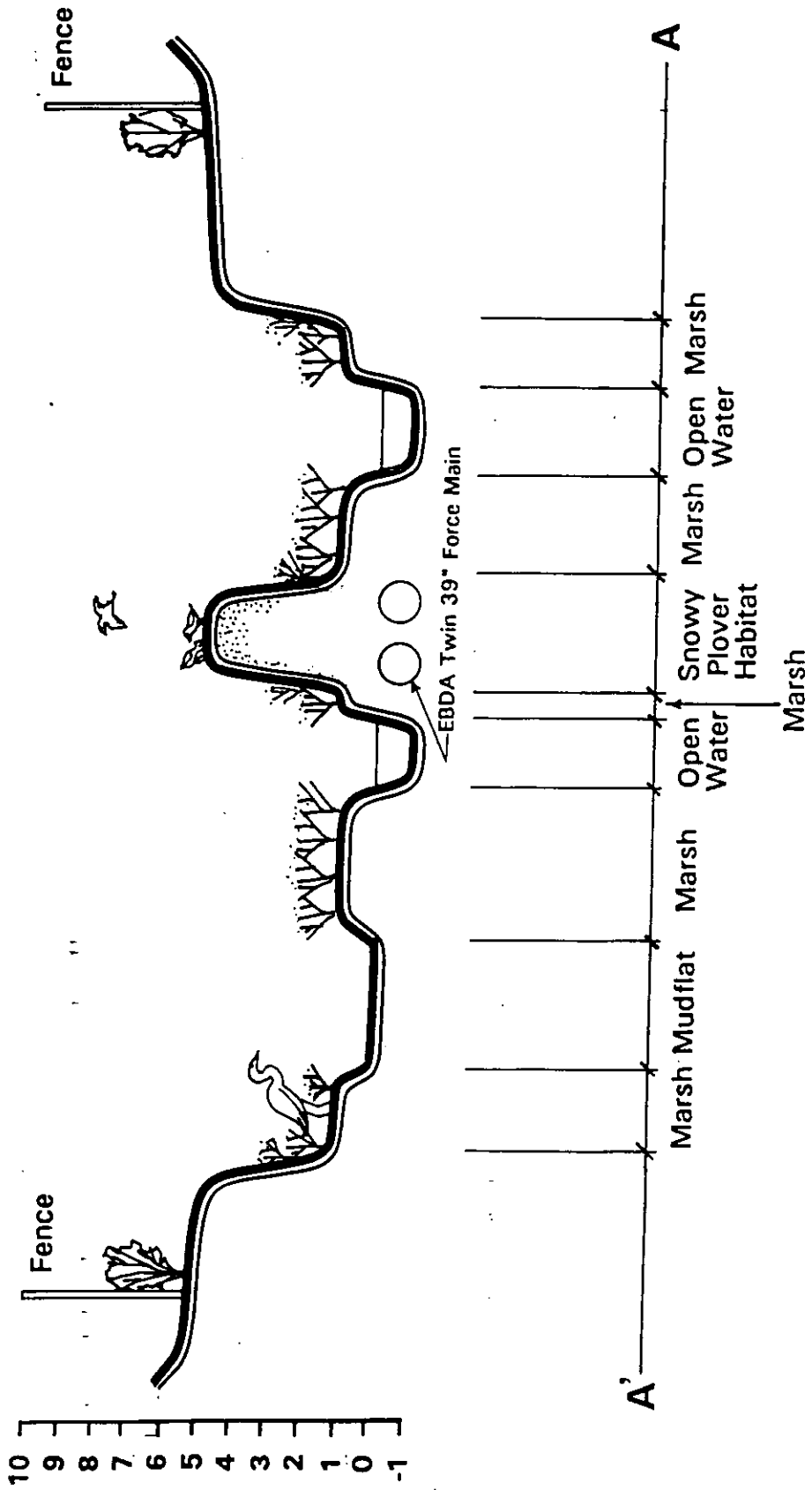


Figure 6. Cross section A-A' through the proposed consolidation area. Approximate horizontal scale 1" = 100' and approximate vertical scale 1" = 5'.



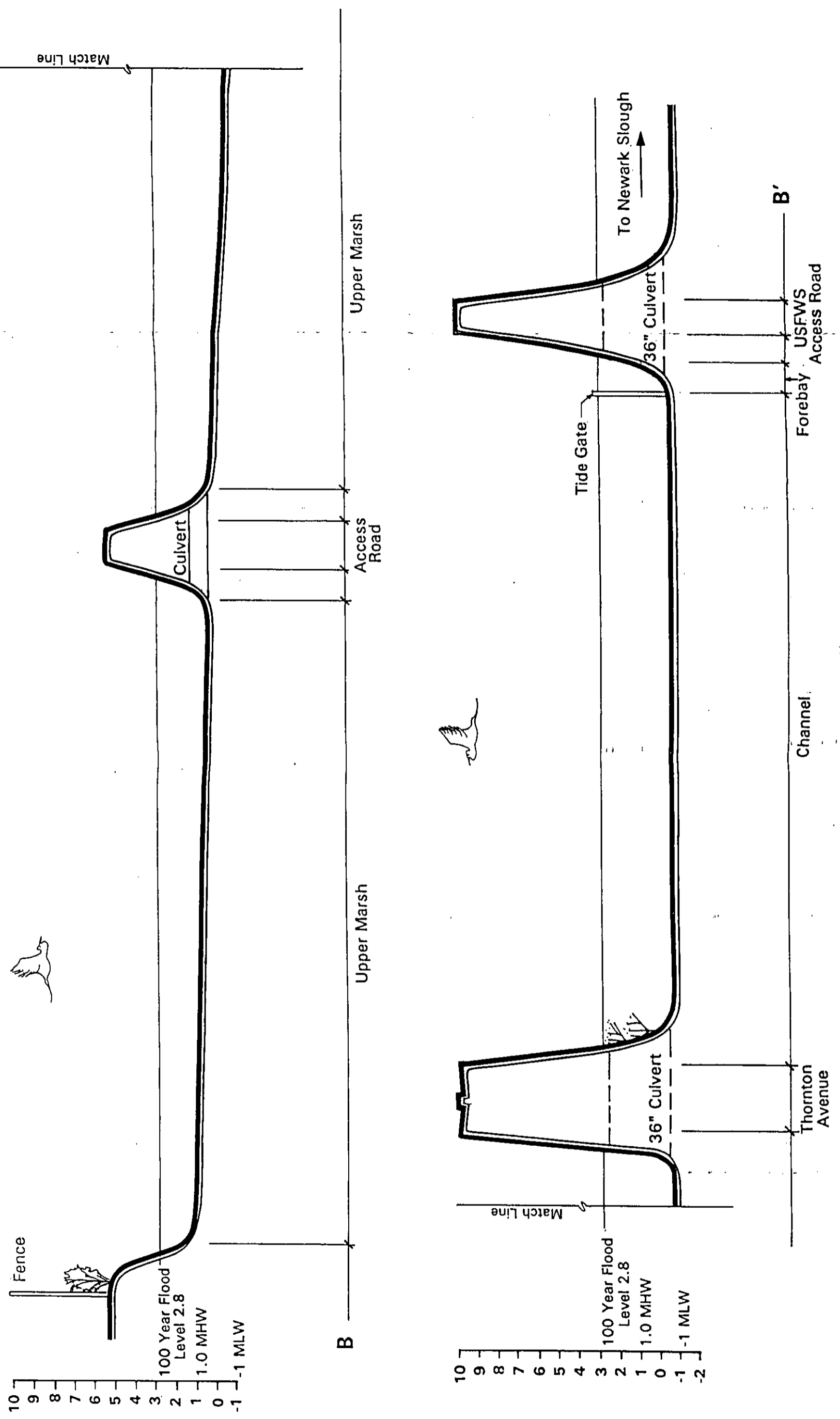
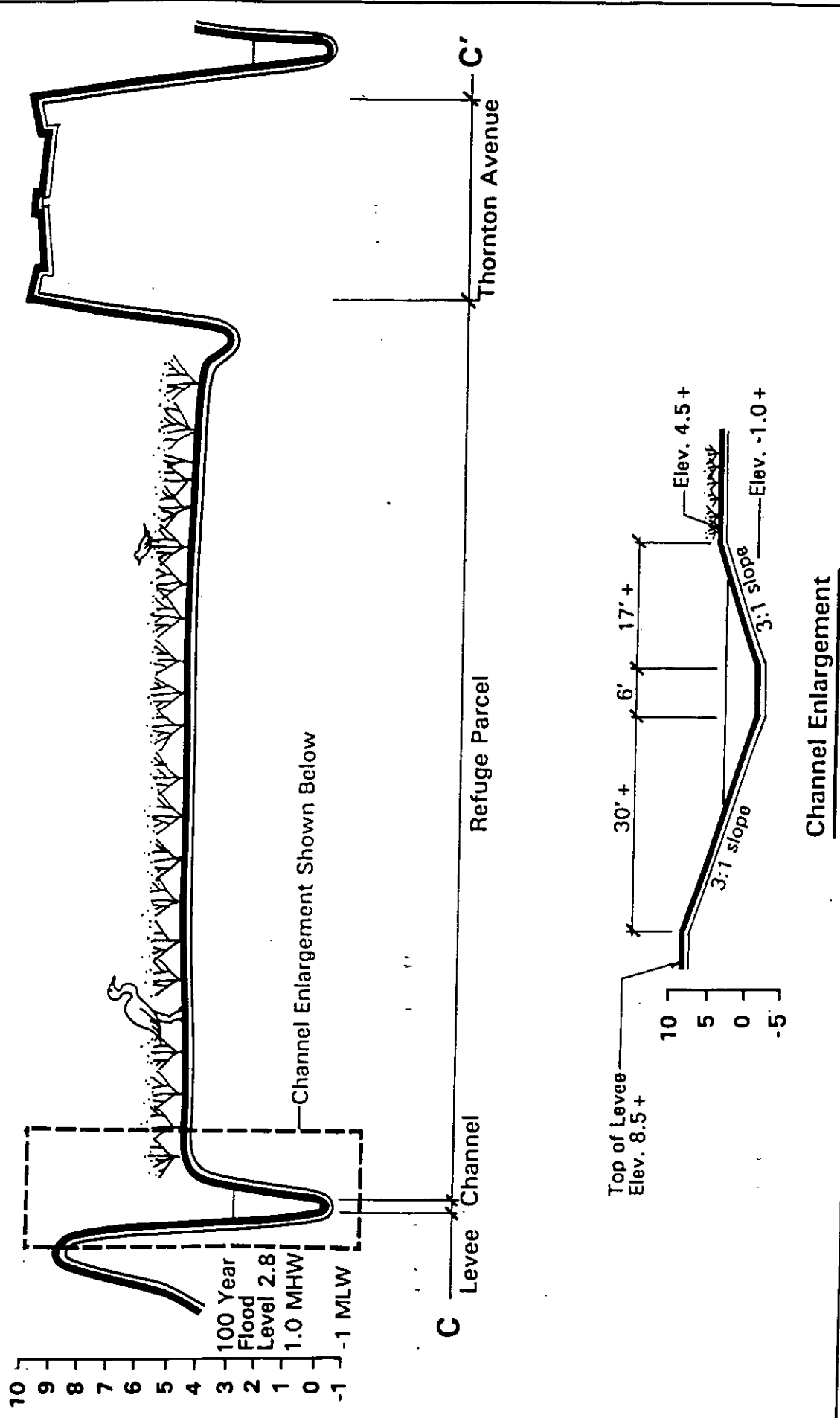


Figure 7. Longitudinal section B-B' through the proposed consolidation area, and refuge parcel to the outfall to Newark Slough. Approximate horizontal scale 1" = 200' and approximate vertical scale 1" = 5.'



Wetlands Research Associates, Inc.



Channel Enlargement

Figure 8. Cross section C-C' through the San Francisco Bay National Wildlife Refuge parcel. Approximate horizontal scale 1" = 100' and approximate vertical scale 1" = 5'. Channel enlargement approximate scale is 1" = 20'.



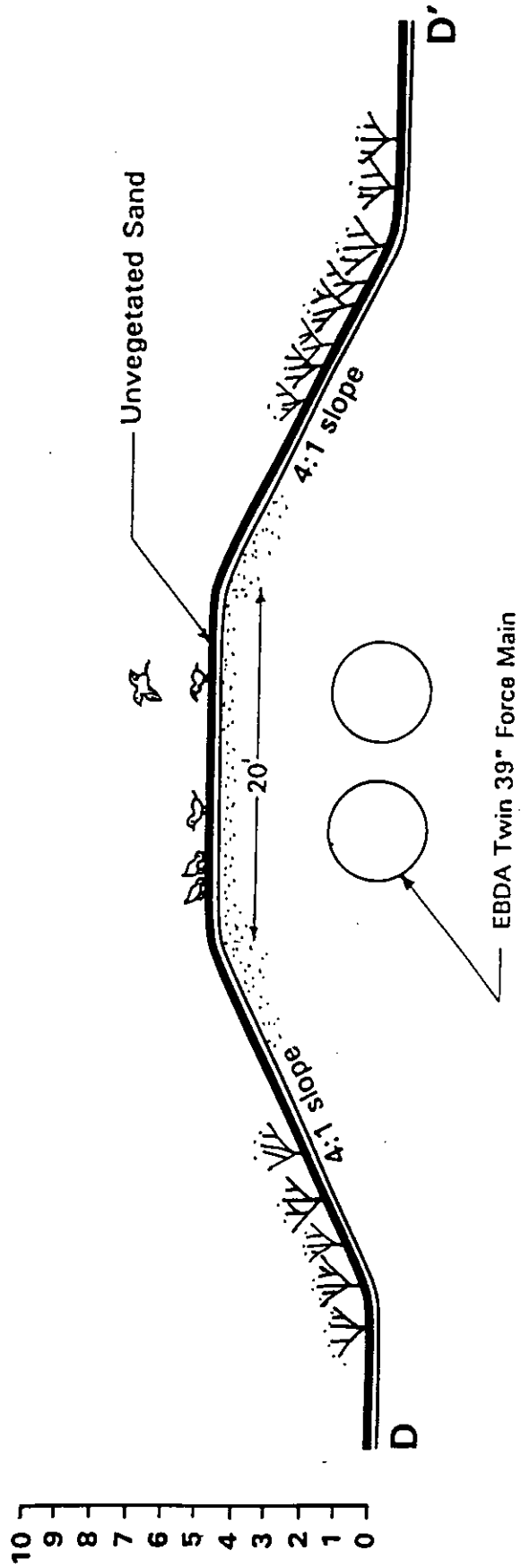


Figure 9. Cross section D-D' through the proposed snowy plover roosting habitat. Approximate horizontal scale 1" = 100' and approximate vertical scale 1" = 5'.



This plan provides additional roosting and loafing habitat (2.0 acres) on the 20 foot wide levee located above the 39" East Bay Dischargers Authority force main. The addition of this habitat would increase the use of the site by shorebirds and waterfowl during periods of high tide. Studies conducted in Humboldt Bay have documented high shorebird use on unvegetated island and peninsulas (S. Harris pers. comm.; Grosz 1992). Within San Francisco Bay, these habitats also receive high shorebird use (H. Cogswell pers. comm.; WRA pers. obs.). Sand would be placed on the area to provide suitable habitat for western snowy plover roosting.

3.5 Mosquito Control

Tidal flushing is an effective means of mosquito control, provided tidal areas are well flushed and drained.

4.0 GRADING

4.1 Grading Plan

Excavation and grading will be accomplished with standard earthmoving equipment with low ground pressure tracks, as required by the site conditions. In the newly created ponds and wetlands, the grading will be uneven to create irregular surfaces providing patchiness and habitat diversity within the created wetland area. The total excavation required is approximately 114,000 cubic yards ; this material will be redistributed onsite (Figures 5 through 9).

To provide tidal flows to the consolidation area, excavation of the existing drainage channel, which runs from Newark Slough to the Project Area to an elevation of -1.0 feet NGVD is proposed. The channel currently receives reduced tidal flows from Newark Slough via two culverts between the Project Area and Newark Slough. These culverts would be removed and replaced with four new 36 inch culverts near the refuge access road (Section 4.3 Refuge Ditch).

4.2 Protection of Existing Wetlands

The existing wetland will be flagged in the field prior to construction. The proposed grading plan avoids and/or minimizes impacts to jurisdictional wetlands.

4.3 Refuge Channel

A portion of the channel between the Project Area and Newark Slough is located in the 7 acre Wildlife Refuge parcel. This channel would be excavated to incorporate a 6 foot bottom width with 3:1 sideslopes. The expanded channel width would incorporate existing uplands and an access road adjacent to the eastern side of the ditch, minimizing wetland disturbance. To achieve that bottom width and elevation, approximately 3,000 cubic yards of material would have to be excavated.

The existing tide gate at Thornton Avenue would be removed and replaced with four 36" culverts. The tide gate would be upstream of the refuge access road outfall to Newark Slough and would allow full tidal action into a forebay north of the road. This forebay could be used to introduce tidal action to the Refuge parcel if desired.

4.4 Connection to Newark Slough

Between the Refuge access road and the main tidal channel of Newark Slough, a series of small tidal channels distribute water through a vegetated marsh. Increased tidal flows into the consolidation area may cause erosion of these channels. Some widening of those sloughs may be required to increase hydrologic efficiency and reduce scour.

4.5 Monitoring by Wetland Biologist

During the construction phase, the grading work will be monitored by a wetland biologist. The biologist will have the authority to stop construction if problems arise not anticipated by this plan or by the final engineering plan specifications.

5.0 REVEGETATION

Open water/mudflat habitat will be created through muted tidal action to an elevation of +0.5 feet NGVD. Areas above this elevation would be vegetated. Emergent marsh plants would become established between 0.5 to 1.5 feet NGVD with high marsh vegetation occurring at an elevation of 3.0 NGVD. Transition and buffer vegetation would be established between 3.0 to 5.0+ feet. It is expected that pickleweed will become readily established in the emergent marsh area by natural colonization. Above this elevation, planting may be necessary to establish the desired diversity.

5.1 Plant Materials

A planting plan is proposed for the transition and buffer areas between 3.0 to 5.0+ feet NGVD. Recommended plants are native species known for the salt marsh and adjacent uplands of San Francisco Bay. Other species not readily available from on-site sources will be acquired from a native plant nursery. A detailed planting plan will be prepared with the final grading plan.

General recommended plants include:

Alkali heath (*Frankenia grandifolia*) is a perennial found in the Bay's tidal marshes at elevations up to the influence of the highest tides. It may serve as ground cover for salt marsh harvest mice when pickleweed is inundated. It is tolerant of salty conditions and is found growing with pickleweed. Seeds can be collected in the fall and planted in the winter.

Fat hen (*Atriplex patula*), an annual, is common in the mid to upper marsh elevations of the bay. Seeds can be collected and planted in the fall.

Gum plant (*Grindelia humilis*), a peripheral halophyte, adds diversity to the bordering community. It cannot tolerate prolonged inundation and should be planted at higher wetland elevations. The plant flowers all year and seeds can be collected and planted in the winter and early spring.

Salt grass (*Distichlis spicata* var. *stolonifera*), a spreading perennial, grows best at the upper margins of the marsh, but is quite salt tolerant. It can grow into upland areas which makes it a good transition species. Seeds can be collected in the fall and germinated in the lab or spread directly on the ground.

Saltbush (*Atriplex lentiformis* var. *breweri*), an evergreen shrub growing 5-7 feet tall,

can tolerate harsh soils including alkaline, xeric and infertile conditions. It would add diversity to the brush cover at higher elevations. Seeds can be collected in the winter and planted in the spring.

Coyote Brush (*Baccharis pilularis* var. *consanguinea*) is a dense shrub growing 3-12 feet tall. It is tolerant of a wide range of soils including saline and xeric conditions. It makes an ideal plant for the upper elevations. Seeds can be collected in the fall and planted in the fall and winter.

5.2 Refuge Channel

The channel excavated on the Refuge property would be replanted with pickleweed plugs from the adjacent wetland donor site to increase the establishment rate and reduce erosion into Newark Slough.

5.3 Planting specifications

All marsh plants should be installed in the fall and winter months in order to reduce the need for irrigation during the establishment period. For upland species, irrigation will be required.

Plants should be installed in holes excavated in the soil, with peat moss and top soil used as backfill. Wire mesh cages should be installed over the plant material to reduce impacts associated with grazing. A natural mulch should be used around the plantings to reduce competitive weed growth during first year.

5.4 Roosting and Loafing Areas

One portion of the site will not be allowed to revegetate so that it can provide shorebird roosting habitat. To prevent vegetation establishment on the loafing and roosting area above the force main, soils with a high salinity would be used and then compacted to retard vegetation establishment. Sand would be placed over this substrate. Periodic weed control may be necessary to ensure barren areas.

6.0 MONITORING PLAN

Upon completion of the restoration of pond/wetland habitat, a 5 year monitoring program will be implemented. Annual reports will be submitted to the Corps of Engineers, the US Fish and Wildlife Service and the CA Department of Fish and Game. Elements of the program include:

6.1 Performance Criteria

6.1.1 Vegetated Wetlands

Creation of suitable vegetated tidal marshlands such that all areas at suitable elevations (below 3.0 feet) for marsh plant establishment will be vegetated by 60% cover within 2 years following completion, by 80% cover within 4 years, and by 90% cover within 5 years by native marsh plants. Additional plantings may be required to meet these criteria if vegetative cover is not establishing as rapidly as expected.

6.1.2 Roosting and loafing areas

The roosting and loafing areas above the force main would remain barren. Success for this habitat is unvegetated. Lack of vegetation would be verified and control measures ("weeding") to remove unwanted vegetation may be required.

6.1.3 Hydrology

Monitoring of the tidal regime will be conducted as described below. Conformance to the planned tidal range will be met using the structures and facilities described. If these ranges are not being met, the tide gates will be adjusted appropriately consistent with flood protection and habitat goals.

6.1.4 Birds

Bird use should be monitored in the mitigation area twice yearly, once during the breeding season and once when peak numbers of migrant birds are expected in the area. This information would allow managers to manage the marsh at the stage of marsh development that has the highest (individuals/acre) and most diverse use.

6.2 Monitoring Methods

6.2.1 Vegetation

Three permanent 1 m² plots and two transects will be established in the pond/wetland area. Vegetation percent cover, health, and soil moisture will be sampled twice a year.

6.2.2 Hydrology

Staff gauges should be established at the culverts beneath Thornton Avenue, and within the created wetland ponds. During the initial period of operation of the various control structures, routine measurements of the tidal regime in the marsh should be made to calibrate the settings of the slide gates. Settings of the various control structures should be established following measurements over several tidal cycles.

6.2.3 Birds

Breeding Birds. Three surveys will be conducted during the breeding season (April/May) of each year.

Migratory Birds. Three surveys will be conducted during the fall migratory period (November/December) of each year.

6.2.4 Photographic Points

Permanent photo points will be established at each permanent plot. Included with each monitoring report will be photographs documenting wetland development. The photos will be taken from the same vantage point and direction each year.

Appendix A: Vegetation Sampling Methodology

A stratified random sampling technique was used to determine the species composition and percent cover of vegetation, on the areas designated as either wetland or ponded habitat. The Newark-Coyote Tract was divided into subareas (strata) whose limits were based on similarities of vegetation cover and topography. Sampling was conducted at randomly selected coordinates within strata; percent cover by species was determined using a point intercept sampling method.

All plant species identified on the Tract were assigned a wetland status according to the U.S. Fish and Wildlife Service (Reed 1988) list of plant species that occur in wetlands. This wetland classification system is based on the expected frequency occurrence in wetlands. The classifications are listed in Table 5.

Table 4. USFWS wetland vegetation classification system.

Classification	Frequency
OBL Always found in wetlands	>99%
FACW Usually found in wetlands	67-99%
FAC Equal in wetland or non-wetlands	34-66%
FACU Usually found in non-wetlands	1-33%
UPL Not found in local wetlands	<1%
NL Not listed	

Appendix B. Birds recorded on the Newark-Coyote Tract between October 22, 1984 through October 30, 1985. Birds are arranged taxonomically by common and scientific name followed by Cogswells category. W = water birds; We = wetland birds; T = transitional wetland birds; L = land birds.

Common Name	Scientific Name	Category
Great Egret	<i>Casmerodius albus</i>	W
Snowy Egret	<i>Egretta thula</i>	W
Cattle Egret	<i>Bubulcus ibis</i>	We
Mallard	<i>Anas platyrhynchos</i>	W
Gadwall	<i>Anas strepera</i>	W
American Wigeon	<i>Anas americana</i>	W
Northern Pintail	<i>Anas acuta</i>	W
Cinnamon Teal	<i>Anas cyanoptera</i>	W
Scaup	<i>Aythya spp.</i>	W
Common Goldeneye	<i>Bucephala clangula</i>	W
Bufflehead	<i>Bucephala albeola</i>	W
Turkey Vulture	<i>Cathartes aura</i>	L
Golden Eagle	<i>Aquila chrysaetos</i>	L
Black-shouldered Kite	<i>Elanus caeruleus</i>	We
Northern Harrier	<i>Circus cyaneus</i>	We
Red-tailed Hawk	<i>Buteo jamaicensis</i>	L
American Kestrel	<i>Falco sparverius</i>	L
American Avocet	<i>Recurvirostra americana</i>	W
Black-necked Stilt	<i>Himantopus mexicanus</i>	W
Snowy Plover	<i>Chararius alexandrinus</i>	W
Semi-palmated Plover	<i>Chararius semipalmatus</i>	W
Killdeer	<i>Chararius vociferus</i>	T
Black-bellied Plover	<i>Plovialis squatarola</i>	W
Willet	<i>Catoptrophorus semipalmatus</i>	W
Greater Yellowlegs	<i>Tringa melanoleuca</i>	W
Lesser Yellowlegs	<i>Tringa flavipes</i>	W
Dowitcher	<i>Limnodromus spp.</i>	W
Common Snipe	<i>Gallinago gallinago</i>	W
Dunlin	<i>Calidris alpina</i>	W
Western Sandpiper	<i>Calidris mauri</i>	W
Least Sandpiper	<i>Calidris minutilla</i>	W
Ring-billed Gull	<i>Larus delawarensis</i>	We
Mew Gull	<i>Larus canus</i>	W
Herring Gull	<i>Larus argentatus</i>	W
California Gull	<i>Larus californicus</i>	We

Appendix B. (page 2)

Common Name	Scientific Name	Category
Thayer's Gull	<i>Larus thayeri</i>	W
Glaucous-winged Gull	<i>Larus glaucescens</i>	W
Ring-necked Pheasant	<i>Phasianus colchicus</i>	L
Rock Dove	<i>Columba livia</i>	L
Mourning Dove	<i>Zenaida macroura</i>	L
Burrowing Owl	<i>Athene cunicularia</i>	L
Anna's Hummingbird	<i>Calypte anna</i>	L
Black Phoebe	<i>Sayornis nigricans</i>	We
Say's Phoebe	<i>Sayornis saya</i>	L
Cliff Swallow	<i>Hirundo pyrrhonota</i>	L
Barn Swallow	<i>Hirundo rustica</i>	L
Loggerhead Shrike	<i>Lanius ludovicianus</i>	L
Northern Mockingbird	<i>Mimus polyglottos</i>	L
American Pipet	<i>Anthus rubescens</i>	We
European Starling	<i>Sturnus vulgaris</i>	L
Yellow-rumped Warbler	<i>Dendroica coronata</i>	L
Savannah Sparrow	<i>Passerculus sandwichensis</i>	We
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	L
Western Meadowlark	<i>Sturnella neglecta</i>	L
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	T
Tri-colored Blackbird	<i>Agelaius tricolor</i>	L
Brewers Blackbird	<i>Euphagus cyanocephalus</i>	L
Brown-headed Cowbird	<i>Molothrus ater</i>	L
House Sparrow	<i>Passer domesticus</i>	L
House Finch	<i>Carpodacus mexicanus</i>	L

Appendix 8.6 AID No. 26 Alternatives Analysis

CITY OF NEWARK

AID NO. 26

ALTERNATIVES ANALYSIS

SEPTEMBER, 1994

**CITY OF NEWARK
AID NO. 26
ALTERNATIVE ANALYSIS**

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I. INTRODUCTION

A. Proposed Federal Action

The City of Newark plans to widen 0.5 miles of Thornton Avenue between Jarvis Avenue and the State Route 84 interchange and 0.9 miles of Jarvis Avenue between a point 700 feet east of Haley Street and the Thornton Avenue intersection all as shown in Figure 2.

The proposed Federal Action in connection with this project is the issuance of a discharge permit by the Corps of Engineers to fill up to 0.62 acres of wetlands for the construction of these two roadways, said wetland having been determined to be wetlands of the United States. The wetlands are shown in Figure 3.

As will be shown in the Alternatives Analysis, the existing general alignments of the two roadways appear to be the least damaging practical alternative. As part of this analysis we have shown a variety of alternatives using the same general alignment to minimize the environmental impacts in this area.

B. Relationship to the Clean Water Act

The Clean Water Act of 1977 prohibits the discharge of dredged or fill material into the waters and wetlands of the United States unless a discharge permit is obtained from the U.S. Army Corps of Engineers in accordance with Section 404 of the Act. Guidelines established by the U.S. Environmental Protection Agency (40 CFR 230, 24 Dec 80) specify the procedures for issuing discharge permits. The EPA Guidelines prohibit the discharge of fill materials into wetland areas under the following conditions.

- If there is a practicable, less damaging alternative.
- If discharges violate water quality or toxic effluent standards or jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended.
- If discharges will have significantly adverse effects on aquatic resources.
- If appropriate and practicable steps have not been taken which will minimize the potential adverse impacts of the discharge on the aquatic ecosystem.

Under the Corps of Engineers Permit Regulations for enforcement of Section 404 (33 CFR 320-330, 13 Nov 86), an application for a discharge permit will be evaluated based on the following general criteria:

- 1) The relative extent of the public and private need for the proposed structure or work;
- 2) Where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work; and
- 3) The extent and permanence of the beneficial and/or detrimental effects which the proposed structure or work is likely to have on the public and private uses to which the area is suited.

The public benefits of the proposed project, as identified by the evaluation of the above criteria, will then be weighed against the effect of the project on wetlands resources.

C. Scope of Alternatives Analysis

Prior to issuance of a discharge permit for a wetland site, the EPA Guidelines require that a detailed analysis of alternative site locations and alternative site design plans be conducted. The burden of proof is placed on the applicant to demonstrate either:

- that the project requires access or proximity to or sitting within the special aquatic site to fulfill its basic purpose (i.e., it is water dependent);

or

- that there are no practicable alternatives to the proposed alignments within the area which would have less environmental impacts and that redesign of the proposed roadways will not eliminate the need for discharge of fill without jeopardizing the basic purpose of the project.

Practicable alternatives which do not involve discharge into a wetland site are presumed to exist and to have less adverse environmental impacts unless clearly demonstrated otherwise. The following alternatives analysis establishes the basic and overall project purposes of the proposed roadway widenings and evaluates potential alternative alignments. Alternatives sections which involve varying amounts of discharge into wetland areas are also evaluated.

This analysis of alternative site locations and alternative site designs has been prepared under Section 404(b) (1) of the Clean Water Act in accordance with the U.S. Army Corps of Engineers Permit Regulations and the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material.

D. Project Applicant

This analysis supports an application dated _____ for a Section 404 permit from the U.S. Army Corps of Engineers. The application has been filed on ENG Form 4345 by the following party, who is the project applicant:

City of Newark
37101 Newark Boulevard
Newark, CA 94560-3796
Attention: Mr. Kenneth Buck, Public Works Director
Tel: (510) 790-7206
FAX: (510) 790-7265

II. PROPOSED PROJECT CHARACTERISTICS

A. Project Location and Existing Conditions

Thornton Avenue and Jarvis Avenue are listed as Arterials Streets in the City of Newark General Plan Update Project 2007 (Draft) dated February 1992. See Figure 1 and 2 for their locations.

THORNTON AVENUE

Thornton Avenue begins at the northwesterly corner of the City of Newark at its interchange with State Route 84 (Dumbarton Freeway). Its northerly projection into the City of Fremont is called Paseo Padre Parkway. From the Route 84 Interchange Thornton Avenue runs southeasterly approximately 1.5 miles before making a turn to the left and running northeasterly 2.5 miles through central Newark to its intersection with U.S. Route 880 (Nimitz Freeway) at the City limits line. Thornton Avenue's projection across the freeway continues through the City of Fremont where it is also called Thornton Avenue.

The portion of Thornton Avenue to be included in this Alternative Analysis is a 0.5 mile long section from the Dumbarton Freeway to Jarvis Avenue as shown in Figure 2.

Reach 1 - Dumbarton Freeway to the New Jarvis Intersection

This section of roadway is bounded by Cargill on the east and U.S. Fish and Wildlife on the west. The existing right of way is 162.50 feet wide in this segment. The City of Newark General Plan calls for six lane facility with a 128 foot wide right of way. A portion of the right of way lies within a wetland area near the Jarvis intersection. The wetland status of the right of way along the U.S. Fish and Wildlife has not been determined although preliminary observation indicates there will be no encroachment into a wetlands.

The existing roadway consists of a 40' wide pavement with 2-12' wide lanes and 8' shoulders. The centerline of this roadway lies 82.50' from the easterly right of way line and 80.00' from the westerly right of way line. The roadway section widens commencing from a point 800' northerly of the intersection with Jarvis Avenue being approximately 60' wide at that intersection.

JARVIS AVENUE

Reach 2

Jarvis Avenue begins at an T-intersection with Thornton Avenue and runs generally northeasterly approximately two miles to its intersection with Lake Boulevard where it terminates.

The portion of Jarvis Avenue to be included in this Alternatives Analysis is a 1.0 mile long section from the intersection with Thornton Avenue to a point approximately 700' northeast of Haley Street, as shown in Figure 2.

This section of Jarvis Avenue is bounded by Cargill on the northwest and miscellaneous residential tracts and The DeSilva Group Mayhews Landing property on the southeast. The existing right of way for most of Jarvis Avenue is 82 feet wide. The City of Newark General Plan calls for a four lane facility with a 104 foot wide right of way with the additional 22 feet of right-of-way coming from the northwest (Cargill) side. Near the intersection with Thornton Avenue the existing right of way is 108 feet. Near Thornton Avenue the right of way encroaches on wetlands area on each side. The encroachment on the north (Cargill) side is relatively minor but on the south side the encroachment is nearly 40 feet wide and 350 feet long.

The pavement is constructed approximately 50' in width at its intersection with Thornton Avenue. The section reduces to 40' at a point approximately 1000' easterly of the intersection. This point is also the limit of work of the construction done as part of the Caltrans Dumbarton Freeway project in 1983. From this point to a point approximately 1700' northeasterly the pavement width is approximately 24 feet with additional widening on the southeast side at the Spruce Street intersection.

Going northeasterly from the intersection with Spruce the pavement width again narrows to approximately 24 feet widening again 1,700 feet northeasterly at the intersection with Haley Street. From this point northeasterly the street is constructed to its full width on the east side with a partial section on the west.

B. Project History

Thornton Avenue and Jarvis Avenue have long been established roadways in this area and have served as feeders to the Dumbarton Bridge, the southerly most crossing of San Francisco Bay. Prior to the construction of the Dumbarton Freeway (State of Route 84) in 1983, Jarvis Avenue connected to an interchange with the Nimitz Freeway (U.S. Route 880) and continued northeasterly through the City of Fremont as DeCoto Road. With the construction of the Dumbarton Freeway, Jarvis Avenue was terminated at Lake Boulevard approximately 0.6 miles from the earlier interchange with the Nimitz Freeway.

Realignment of both Jarvis Avenue and Thornton Avenue occurred with the construction of the Dumbarton Freeway. Prior to this construction Jarvis Avenue ended at T-intersection with Thornton Avenue on the westerly edge of a now abandoned golf course. Thornton Avenue then continued westerly changing in name to Dumbarton Road and providing access to the east end of the Dumbarton Bridge and thence to Palo Alto and the Peninsula.

With the construction of the Dumbarton Freeway both Thornton Avenue and Jarvis Avenue were realigned near their point of intersection. Old Thornton Avenue became the access road to the San Francisco Bay National Wildlife Refuge Headquarters. A realigned Thornton Avenue was then constructed in 1983 running nearly due north to its intersection with the Dumbarton Freeway. The extension of Thornton Avenue northerly from the freeway into the City of Fremont is called Paseo Padre Parkway. The alignment of old Jarvis Avenue was altered from a point approximately 0.3 miles from the earlier intersection with Thornton Avenue. At that point Jarvis Avenue makes a sharp turn to the right and tees into Thornton Avenue approximately 0.25 miles northerly of the original intersection.

C. Project Justification

Construction of these new improved roadways will assist in providing for a quality environment with smooth, convenient and safe vehicular travel in the City of Newark and will provide support for regional transportation planning for southern Alameda County. Included in the benefits will be the improving of emergency vehicle response time, improving roadway safety, achieving level of service of "C" or better at the major intersections and establishment of a capital improvement program for needed roadway improvements.

The California Department of Transportation is currently studying the I-880 corridor to discover options to reduce future traffic congestion. This project has identified Thornton Avenue from State Route 84 to Willow Street as a link in this alternative corridor.

Thornton Avenue is on the designated MTS (Metropolitan Transportation System). Jarvis Avenue while not on the MTS, intersects Thornton Avenue and, therefore, benefit from the MTS. As such, these streets are all eligible for participation in Federal ISTEA funding programs. In order to be eligible for such funding, a definitive project must be identified, which requires that the environmental and design development phases be completed in order to submit a competitive application for such funding.

The environmentally sensitive nature of the adjoining properties, regional significance of Thornton Avenue, and the potential for development of a project, which would be eligible for federal funding, require that work on the environmental and design development phases of this project be initiated at this time, prior to adjacent on-site development.

D. Proposed Project Description

The City of Newark General Plan calls for Thornton Avenue, from the State Route 84 interchange to Jarvis Avenue, to be a six-lane Divided Arterial with a 128-foot-wide right-of-way. Included in this section are six travel lanes, two bicycle and disabled vehicle lanes, a 16-foot-wide raised median and 10-foot curb to right-of-way distances.

From Jarvis Avenue southeasterly, Thornton Avenue is planned to be a four-lane facility with a 104-foot wide right-of-way. Included in this section are four travel lanes, two bicycle and disabled vehicle lanes, a 16-foot-wide raised median and 10-foot curb to right-of-way distances.

Jarvis Avenue is to be a four-lane facility with a 104-foot wide right-of-way with the same features as Thornton Avenue above.

E. Section 404 Project Purpose

The remainder of this report is primarily an examination of alternatives to the proposed fill. The only alternatives which must be considered are practicable ones. Section 404(b)(1) guidelines in 40 CFR 230.10(a)(2) and (3) reference practicable alternatives in terms of the "basic purpose" of a proposed project and the "overall project purposes" which take into account the basic purpose plus consideration of costs, logistics and technology. The practicability of alternatives to the proposed project is, in part, determined by the extent to which the alternatives attain the basic and overall project purposes. In addition to being evaluated against project purposes, alternatives must also be obtainable in order to complete and pass the practicability test. Based on the published guidelines and other written direction, the following statements of basic and overall project purposes guide the proposed street widenings.

Basic Purposes

The statement of Basic Purpose is a general statement of purpose which is used by the Corps of Engineers for water dependency test. The Basic Purpose is to improve traffic circulation in the western part of Newark.

Overall Project Purpose

The Corps has an obligation to take into account an applicant's objectives when reviewing project alternatives. The statement of Overall Project Purpose is the applicant's statement of objectives used in support of arguments rebutting the presumption that practical alternatives exist. The City of Newark defines its Overall Project Purpose as follows:

Improve Thornton Avenue and Jarvis Avenue to adequately meet the needs and safety requirements of the citizens of Newark and others passing through the City.

III. ALTERNATIVES ANALYSIS

A. Criteria for Evaluation

The various alternates will be evaluated with regard to wetlands encroachment and initial cost. Additional items such as safety, aesthetics and operational costs will be considered where appropriate. The project will be divided into 2 separate reaches for this analysis with 1 reach along Thornton Avenue and one along Jarvis Avenue.

A review of the two roadways being studied in this analysis indicates that Jarvis Avenue is the only street where a modified route might be practical. Thornton Avenue between the Dumbarton freeway and New Jarvis Avenue is well located. Some ponding areas exist on the easterly side of the roadway and there is some encroachment of wetlands at the intersection with Jarvis. Any shift in this portion of the roadway would result in a substandard alignment and a probable overall increase in the impact on wetlands.

Jarvis Avenue for the majority of its length runs along a residential area to the south and the undeveloped Cargill parcel to the north. There is no encroachment into wetlands until we near the intersection with Thornton Avenue. At that point there is encroachment on both the north and south sides of the street. We have investigated realignments of Jarvis Avenue at this location. The existing and revised alignments are shown in Figures 8, 9, and 10.

Six alternatives will be evaluated. Alternatives 1 to 4 are same route alternates. Alternate 5 examines a realignment for the westerly 1,200 feet of Jarvis Avenue. Alternate 6 examines intersecting Jarvis Avenue with Gateway Avenue, a new public street proposed for the Cargill Development.

B. Description of Alternates

The following is a description of the 6 alternates which will be evaluated.

Alternate 1. This alternate incorporates the City of Newark standard sections, criteria and existing alignments and is the standard to which all other alternates will be compared both in wetlands impact and in cost.

Alternate 2. This alternate evaluates a section with a reduced right-of-way width. The median is reduced from 16 feet to 10 feet and the face of curb to top of slope distance is reduced from 10 feet to 5 feet.

Alternate 3. This alternate evaluates construction of retaining walls along the right-of-way in areas of wetland encroachment.

Alternate 4. This alternate combines Alternate 2 and 3 with a reduction in right-of-way width and construction of retaining walls.

Alternate 5. This alternate involves the realignment of the westerly 1,200 feet of Jarvis Avenue.

Alternate 6. This alternative involves the intersecting of Jarvis Avenue with Gateway Avenue.

C. Comparison of Alternatives

Alternate 1. This alternate is the City standard alternate and the alternate which would be constructed if there were no other constraints. The Typical City Sections are shown on Figures 4 and 5. They have been developed over the years and have been determined to be the optimum section to safely and efficiently

convey traffic. The 12-foot travel lane with 14-foot lane adjacent to the median are required for traffic capacity and safety and should not be reduced. The 8-foot emergency pulloff/bike path lane is also minimal.

Alternate 2. This alternate reduces the street section width as shown in Figures 6 and 7. As discussed above, the lane widths will not be altered. The width reduction is achieved, decreasing the median width from 16 feet to 10 feet and reducing the face of curb to top of slope distance from 10 feet to 5 feet. While the 16-foot median will be required at intersections where left-turn storage must be developed, it could be reduced at other locations if great benefit can be achieved. There are disadvantages in reducing the median width including the following:

- 1) Reduction of landscaping area
- 2) Creation of curvature in otherwise straight sections of road
- 3) Reduction in space for installation of street lights, signs and monuments

The reduction of face of curb to top of slope distance from 10 feet to 5 feet can decrease encroachment into wetland areas by a total of 10 feet. Again, it should only be reduced in areas of great benefit as there are disadvantages. Included in these are:

- 1) Reduction of a level area for installation of utilities
- 2) Loss of a level area to which a vehicle can be completely removed from the roadway
- 3) Reduction in width of the pedestrian area
- 4) Increase in the probability that a vehicle which might traverse the curb would go down the slope

Alternate 3. This alternate reduces encroachment into wetland areas by constructing a retaining wall at the right-of-way line. This alternate has very serious disadvantages. Among them are the following:

- 1) The unsafe aspect that a 6-foot vertical dropoff represents to both vehicular and pedestrian traffic
- 2) The aesthetic impact of the installation of a guardrail and chain link fence to increase safety.
- 3) The loss of the slope bank buffer between the roadway and the wetland area.
- 4) The cost which varies between \$7 to \$12 per square foot of wetland preserved. This cost is high for wetland directly adjacent to a roadway.

Alternate 4. This alternate combines the features of both Alternates 2 and 3 with the accompanying gains and disadvantages of each.

Alternate 5. This alternate consists of a realignment of the westerly 1,200 feet of Jarvis Avenue.

Alternate 6. This alternate involves the intersecting of Jarvis Avenue with Gateway Avenue.

D. Preferred Alternates

Reach 1 - Thornton Avenue: Dumbarton Freeway to New Jarvis Intersection Selected Alternate No. 1 - City of Newark Standard Section

This is the gateway to the City of Newark from Route 84 and the Dumbarton Bridge. The full street section with landscaped median and right-of-way is necessary to create the aesthetically pleasing entrance which the City of Newark desires. While minor reductions in wetlands encroachment (1,210 to 2,460 sq.ft.) could be achieved with other alternates, the gain is not deemed sufficient when aesthetic and safety considerations are considered.

Reach No. 2 - Jarvis Avenue Selected Alternate No. 1, City of Newark Standard Section

The wetlands encroachment for this Reach occurs at the extreme westerly end of the Reach at the intersection with Thornton Avenue. We have rejected Alternate 2 as it is not practical to reduce the street section at an intersection where we are developing a left turn lane. Alternate 3 (retaining wall) is rejected for the reasons discussed below.

- 1) Aesthetics - This option would give the appearance of a concrete band running along the ground.
- 2) Safety - There is always the potential for vehicles and pedestrians to fall the 6 vertical feet from the roadway to the ground.
- 3) Loss of Buffer - This would remove the 20-foot wide slope bank buffer which will exist in the alternate without retaining wall.
- 4) This retaining wall would also be highly visible to both the north and southbound traffic on Thornton Avenue.

Alternate 6 is a recent addition to this analysis and will require a more detailed review.

E. Conclusion

The selection of the alternates in each Reach has been done in an effort to provide a street network of adequate capacity and safety with minimum impact to the adjacent wetlands areas. It is felt that the cost of \$8 to \$12 per square foot to maintain wetlands directly adjacent to a right-of-way retaining wall is a poor use of funds. It is our intention to use these funds to create new superior wetlands areas on the adjacent Cargill 10-acre parcel and on the old Jarvis Avenue right-of-way.

TABLE 1

Reach	Alternate 1 Current Design		Alternate 2 Reduced Section		Alternate 3 Retaining Walls at R/W		Alternate 4 Reduced Section and Retaining Walls		Alternate 5 Revised Alignment Jarvis		Alternate 6 Gateway Tie-In	
		Alt. 1 - Alt. 2		Alt. 1 - Alt. 3		Alt. 1 - Alt. 4		Alt. 1 - Alt. 5		Alt. 1 - Alt. 6		Alt. 1 - Alt. 6
1. Thornton Avenue (Rte 84 to New Jarvis)	3,600	2,390	1,210	1,800	1,800	1,140	2,460	1,800	1,800	0	3,600	
2. Jarvis Avenue	23,600	18,000	5,600	14,900	8,700	12,800	10,800	0	23,600	0	23,600	
TOTAL	27,200	20,390	6,810	16,700	10,500	13,940	13,260	1,800	25,400	0	27,200	
Area (Acres)	0.62	0.47	0.15	0.38	0.24	0.32	0.30	0.04	0.58	0	0.62	

Selected Alternates	R/W
1. Thornton Avenue (Rte 84 to New Jarvis)	3,600 Alt. 1
2. Jarvis Avenue	23,600 Alt. 1
TOTAL	27,200
Area (Acres)	0.62

IV. PROJECT COSTS

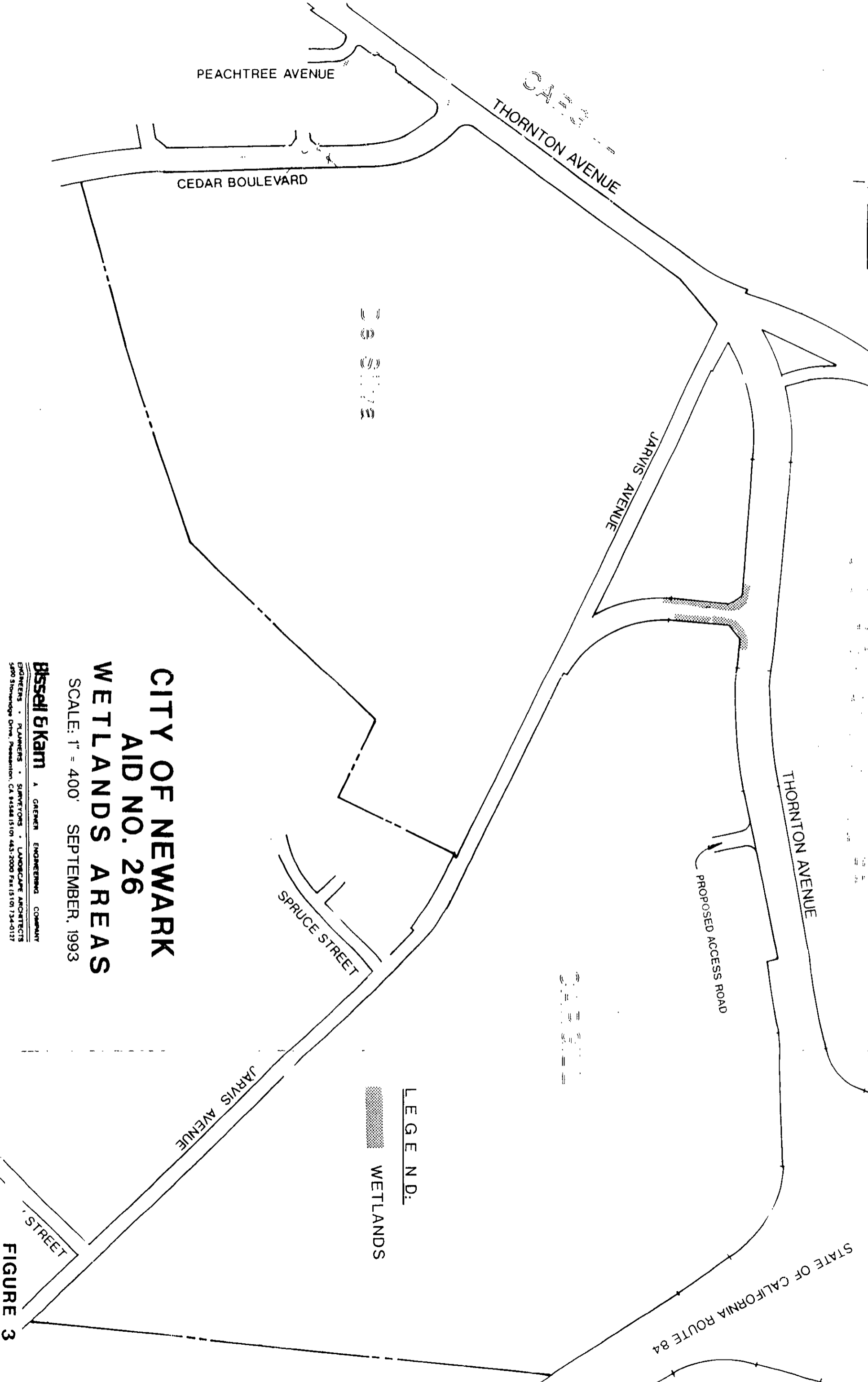
Cost for the various alternatives as shown in Table 2 are compared as additions or deductions from the costs of the City of Newark standard sections as generated by Greiner in their July 30, 1992 report entitled "Area Improvement District No. 26 - Cost Estimate." Costs for major drainage, water line, sewers and utility relocation will be excluded from these costs in that it is assumed that these costs will be approximately the same for all options. Similarly, the cost of traffic signals will be excluded. It is also assumed that any right of way required will be obtained at no cost so no additions or deductions are made for this item. The various costs are shown both with and without the cost of wetlands mitigation, which is calculated at \$6 per square foot.

Street Costs from the July 30, 1992 Report

Thornton Avenue (Freeway to Jarvis):	Section 1		\$1,244,300
Jarvis Avenue:	Section 1	570,000	
	Section 2	704,000	
	Section 3	<u>1,570,250</u>	\$2,844,250

TABLE 2

Reach 1 - Thornton Avenue (Freeway to New Jarvis)	Construction Costs		Construction Costs Plus Wetlands Mitigation Costs	
		(+) (-)		(+) (-)
Alternate 1 - Current Design	\$1,244,300	—	1,265,900	—
Alternate 2 - Reduced Section	1,150,000	-94,300	1,164,340	-101,560
Alternate 3 - Retaining Walls	1,260,800	+16,500	1,271,600	+5,700
Alternate 4 - Red. Sect. of Ret. Walls	1,166,500	-77,800	1,173,340	-92,560
Alternate 5 - Jarvis Realignment	1,205,150	-39,150	1,215,950	-49,950
Alternate 6 - Gateway Avenue Tie-In	1,102,700	-141,600	1,102,700	-163,200
Reach 2 - Jarvis Avenue		(+) (-)		(+) (-)
Alternate 1 - Current Design	\$2,844,250	—	2,985,850	—
Alternate 2 - Reduced Section	2,829,900	-14,350	2,937,900	-47,950
Alternate 3 - Retaining Walls	2,949,250	+105,000	3,038,650	+52,800
Alternate 4 - Red. Sect. of Ret. Walls	2,934,900	+90,650	3,011,700	+25,850
Alternate 5 - Jarvis Realignment	2,827,050	-17,200	2,827,050	-158,800
Alternate 6 - Gateway Avenue Tie-In	2,304,900	-539,350	2,304,900	-680,950



CITY OF NEWARK
AID NO. 26
WETLANDS AREAS

SCALE: 1" = 400' SEPTEMBER, 1993

Blissell & Kam A GREENER ENGINEERING COMPANY

ENGINEERS • PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS
 5490 Stonewood Drive, Pasadena, CA 91248 (510) 443-2000 FAX (510) 734-0127


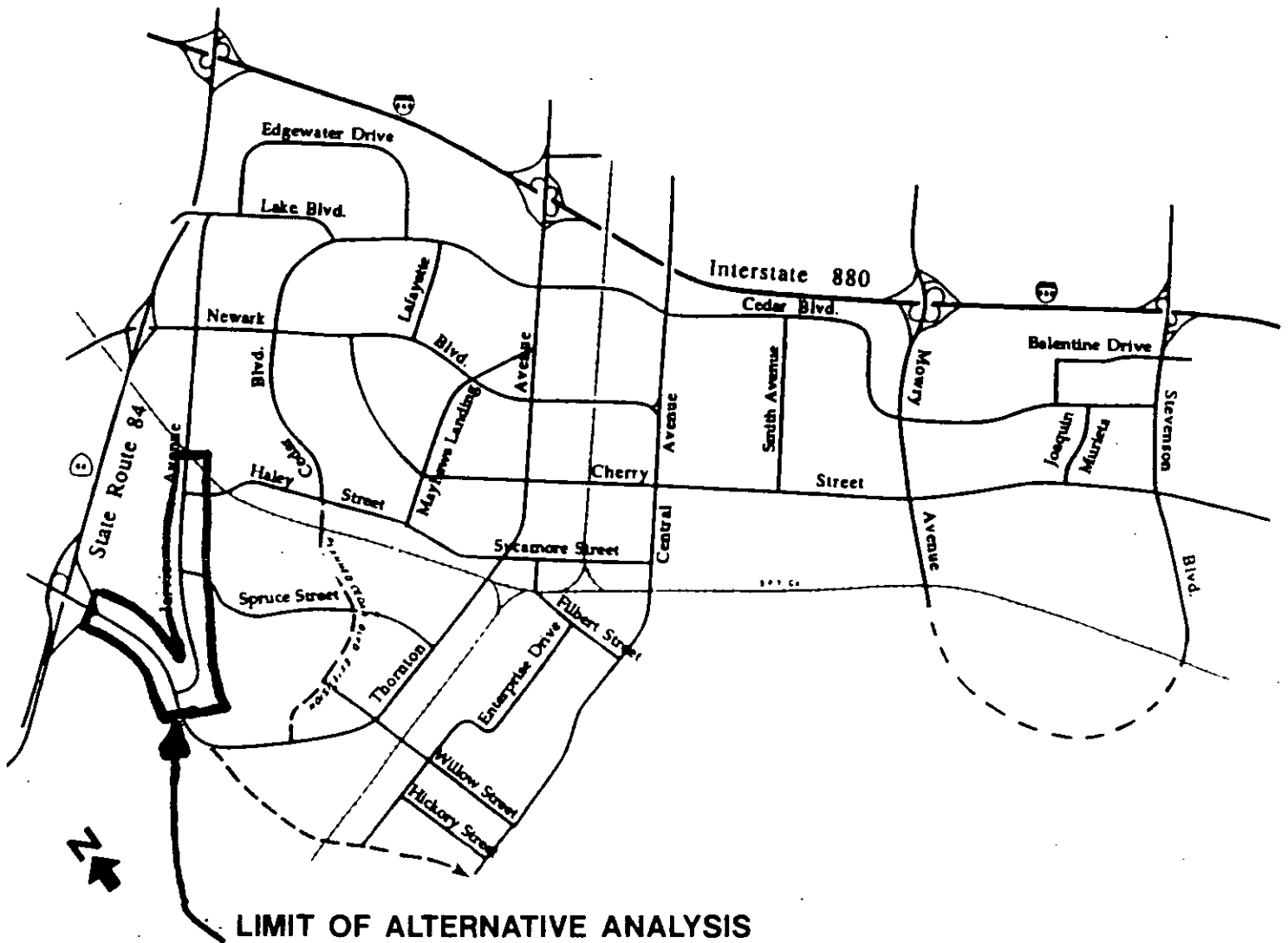
LEGEND:
 **WETLANDS**

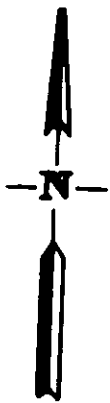
FIGURE 3



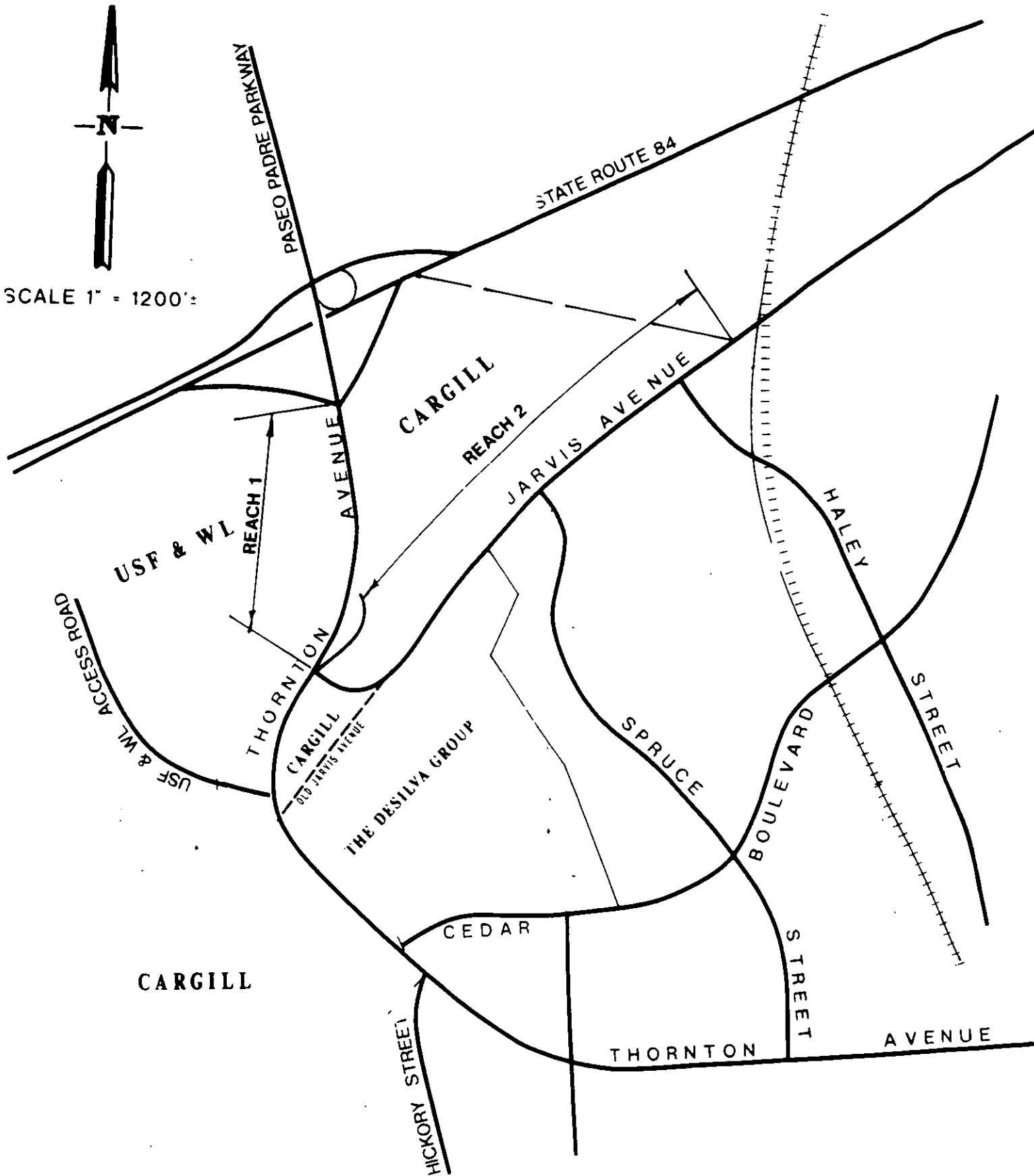
MAJOR ROADWAY NETWORK CITY OF NEWARK

SCALE: 1" = 4000'± SEPTEMBER 1993

FIGURE 1



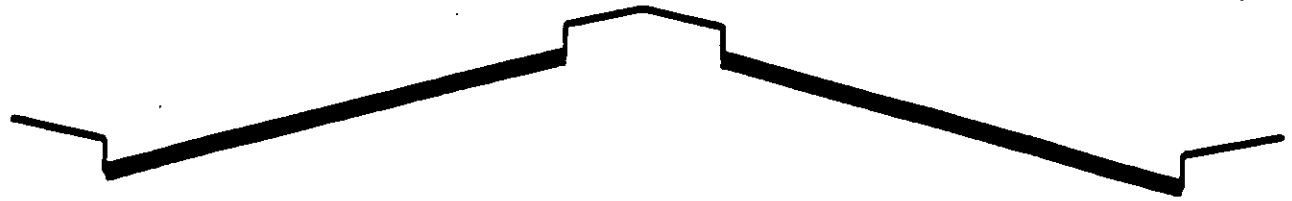
SCALE 1" = 1200'



CITY OF NEWARK
AID NO. 26
VICINITY MAP

FIGURE 2

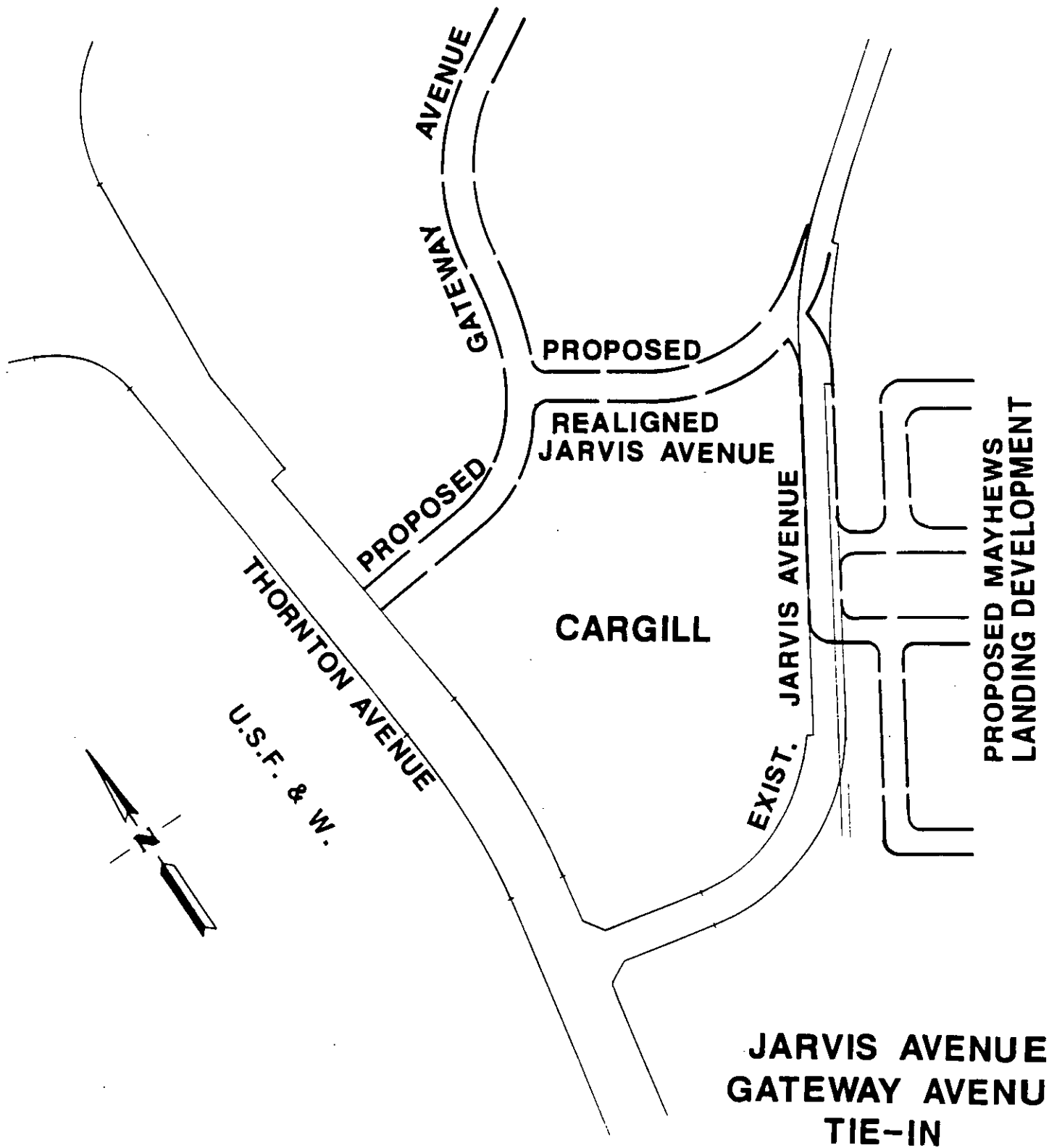
R/W											128'	R/W																																																																																																												
10'											108'											10'																																																																																																		
10'											8'											12'											12'											14'											16'											14'											12'											12'											8'											10'										
Sidewalk											Parking											Travel Lane											Travel Lane											Travel Lane											Raised Median											Travel Lane											Travel Lane											Travel Lane											Parking											Sidewalk										



6 LANE DIVIDED ARTERIAL
Standard Cross Section - A1
THORNTON AVENUE
ROUTE 880 TO JARVIS AVENUE

TYPICAL STREET
CROSS SECTIONS

CITY OF NEWARK
California



**JARVIS AVENUE
GATEWAY AVENUE
TIE-IN**

SCALE: 1"=400' SEPT. 1994

FIGURE 8

CARGILL

CARGILL

**THORNTON - JARVIS
INTERSECTION
CURRENT ALIGNMENT**

SCALE: 1" = 200' NOVEMBER, 1993

FIGURE 9



CARGILL

CARGILL

**THORNTON - JARVIS
INTERSECTION
ALTERNATE ALIGNMENT**

SCALE: 1" = 200' NOVEMBER, 1993

FIGURE 10



CITY OF NEWARK, CALIFORNIA

3700 Newark Boulevard • Newark, California 94860-3706 • (510) 793-1400 • FAX: (510) 798-9970

March 22, 1994

Appendix 8.7 MT-1 Zoning District

Interested Parties

**RE: DRAFT REVISIONS TO SECTION 17.24 OF THE NEWARK
MUNICIPAL CODE (M INDUSTRIAL DISTRICTS) CREATING THE MT-1
DISTRICT**

Enclosed is a draft of the proposed revisions to Section 17.24 of the Newark Municipal Code, dealing with Industrial Districts in the City of Newark. The major revision to this Section of the Code is being proposed at the request of Cargill Salt and involves the addition of a new Zoning District, MT-1. This District is proposed to be very similar to the existing MT Industrial District which permits administrative and manufacturing functions in high-tech and related businesses. The MT-1 will be similar except that it will permit some freestanding warehouse distribution uses.

If, after review of this proposed district, you have any questions on the revisions, please feel free to call me at (510) 790-7222, extension 214. This revision to the Newark Municipal Code is scheduled for consideration by the Planning Commission at the April 26, 1994 meeting. If you have comments, please provide them to my attention at the Development Services Department of the City of Newark before that date.

JIM REESE
Community Development Director

mf
Enclosure

(0322jr1)

M INDUSTRIAL DISTRICTS

Sections:

- 17.24.010 Applicability.
- 17.24.020 Purposes.
- 17.24.030 Permitted uses.
- 17.24.040 Conditional uses.
- 17.24.050 Site area.
- 17.24.060 Site frontage.
- 17.24.070 Front yard.
- 17.24.080 Side yard.
- 17.24.090 Rear yard.
- 17.24.100 Height of structures.
- 17.24.110 Screening, walls, fences and hedges.
- 17.24.120 Special conditions.
- 17.24.130 Joint staff committee review.
- 17.24.140 Signs.
- 17.24.150 Off- street parking and loading.
- 17.24.160 General provisions.

17.24.010 Applicability. The M industrial districts regulations are set forth in this chapter. Those regulations not specifically applicable to a particular M industrial district or districts apply to all M industrial districts.

17.24.020 Purposes. The M industrial districts are intended to create an environment encouraging sound industrial development and economic balance; to reserve appropriately located areas for administrative and research facilities and specialized industries; to reserve appropriately located areas for light and heavy industries and related activities, and to provide opportunities for certain types of industries to concentrate in mutually beneficial relationship.

17.24.030 Permitted uses. Uses are permitted in the respective M industrial districts according to the following table (the use shall be permitted in the district if an X appears in that district's column); except when, in the planning director's opinion, the permitted use could result in air pollution, production of smoke, dust, vibrations, noxious odors, danger of fire or explosion or any danger to health or safety or where the permitted use could be deemed a nuisance as defined at common law, by statute of the state or code of the city, a use permit as provided in this chapter shall be required.

DISTRICT	MT-1	MP	ML	MG	MT	PERMITTED USES
X	X	X	X	X	X	Administrative, financial and professional offices
				X		Aircraft and aircraft accessories and parts manufacture
				X		Automobile, truck and trailer and accessories and parts manufacture and assembly
		X				Automobile repairing, overhauling, rebuilding, painting, upholstery and top shops within enclosed buildings
				X		Bag cleaning
		X		X		Battery manufacture
		X		X		Blacksmith shops
				X		Boiler works
	X	X		X		Bottling works
		X		X		Box factories and cooperage
		X		X		Breweries, distilleries and wineries
		X		X		Building materials manufacture and assembly, including composition wallboards, panels and prefabricated structures
		X		X		Bus depots and transit stations and yards
X	X	X		X		Business machines manufacture and assembly, including accounting machines, computers and typewriters, provided no sensitive electronics or precision parts of equipment are used in the MG district
		X		X		Can and metal container manufacture
		X		X		Candle manufacture, not including rendering
		X		X		Carpet and rug manufacture
				X		Cement products manufacture, including concrete mixing and patching
	X	X		X		Ceramic products manufacture, such as pottery and glazed tile, using only previously pulverized clay, provided that kilns are fired only by electricity or gas
				X		Chemical products manufacture provided no fire or explosive hazard is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds and vegetable gelatin, glue and size
	X	X		X		Circuses and carnivals, subject to the provisions regulating circuses and carnivals
				X		Clay products manufacture including brick, ceramic products, fire brick, tile and pipe
	X	X		X		Cold storage plants
		X		X		Cork manufacture
		X		X		Cotton ginning and cotton wadding and linter manufacture

		X	X	Dairy products plants
X		X	X	Electrical appliances and equipment assembly, such as lighting fixtures, irons, fans, toasters and electric toys, radio and television receivers, phonographs, and home motion picture equipment, provided that no sensitive electronic or precision parts or equipment are used in the MG district
	X	X		Electrical supplies manufacture and assembly such as coils, condensers, crystal holders, insulation lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are emitted, and provided that no sensitive electronic or precision parts or equipment are used in the MG district
X	X	X	X	Experimental, development and research laboratories and services, provided that no sensitive electronic or precision parts or equipment are used in the MG district
			X	Firearms manufacture
			X	Food products manufacture including such processes as cooking, roasting, refining, pasteurization and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils and yeast
			X	Food and food products manufacture and packing, but not including fruits and vegetables, fish and meat products, pickles, sauerkraut, vinegar or yeast or refining or rendering of fats and oils
		X	X	Food and food products manufacture, packing and canning, including fruits and vegetables, but not including fish and meat products, pickles, sauerkraut, vinegar or yeast or rendering of fats or oils
X	X	X	X	Forklift rental, sales, service and storage
		X	X	Freight forwarding terminals
		X	X	Furniture manufacture
		X	X	Glass and glass products manufacture
			X	Grain elevators
			X	Graphite and graphite products manufacture
			X	Gravel, rock and cement yards
			X	Ink manufacture
			X	Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture
			X	Jute, hemp, sisal and oakum products manufacture

X			X	Laboratories devoted exclusively to basic research, experimentation, engineering development, or product development
			X	Leather and fur finishing and dyeing, not including tanning and curing
	X	X	X	Lumberyards, not including planing mills or sawmills
	X	X	X	Machine shops, not using drop hammers, automatic screw machines or punch presses with a rated capacity of over twenty tons
			X	Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery equipment and appliances such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, refrigerators, stoves and washing machines
			X	Machine tools manufacture including metal lathes and presses, metal stamping machines and woodworking machines
X			X	Manufacture and assembly of business machines, electronic instruments and components, precise timing and measuring instruments for use in research and development and precision manufacturing, drugs and pharmaceuticals, computers and computer peripherals, medical hardware, and telephone, radio and microwave equipment and components
	X	X	X	Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not using a boiling process), paper, plastics, precious or semiprecious metals or stones, rubber and synthetic rubber, shell, straw, textiles and tobacco
	X	X	X	Manufacturing, assembling, compounding, packing and processing of articles or merchandise from previous prepared wood (not including a planing mill or sawmill)
	X	X	X	Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, perfumes, perfumed soap (not including refining or rendering of fats or oils) and toiletries

X					Manufacture and assembly of electronic instruments and components, precise timing and measuring instruments for use in research and development and precision manufacturing, drugs and pharmaceuticals, computers or computer peripherals, medical hardware and telephone, radio and microwave equipment and components
	X	X	X		Manufacture and maintenance of electrical and neon signs, commercial advertising structures and light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like
	X	X	X		Manufacture of cutlery, hardware and hand tools, die and pattern making, metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils
X	X	X	X		Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronic equipment, precision instruments, musical instruments, cameras and photographic equipment, except film, provided that no sensitive electronic or precision parts or equipment are used or manufactured in the MG district
		X	X		Mattress manufacture
			X		Meat products processing and packaging not including slaughtering and glue size manufacture
			X		Metal alloys and foil manufacture including solder, pewter, brass and bronze tin, lead and gold foil
			X		Metal casting and foundries not including magnesium foundries
		X	X		Metal finishing and plating
X	X	X	X	X	Motion picture and television production
		X	X		Motor and generator manufacture
			X		Motor testing of internal combustion engines
		X	X		Painting, enameling and lacquering shops
		X	X		Paper products manufacture including shipping containers, pulp goods, carbon paper and paper stencils
		X	X		Paraffin products manufacture
X	X	X	X	X	Parking lots improved according to the standards for required off-street parking facilities (in MT districts only on the same site as the use for which it is intended)
		X	X		Plastics manufacture
		X	X		Porcelain products manufacture including bathroom and kitchen fixtures and equipment
X				X	Photographic processing and developing
			X		Precious metals reduction, smelting and refining

X	X	X	X	X	Printing, publishing, lithographing, engraving and binding of newspapers, periodicals, books, cards, forms, envelopes and circulars
			X		Railroad freight stations, repair shops and yards
		X	X		Railroad stations
	X	X	X		Retail stores and watchmen's living quarters incidental to and on the same site with a permitted use
			X		Rubber products manufacture including tires and tubes
			X		Salt works
			X		Sandblasting
		X	X		Shoe polish manufacture
		X	X		Small boat building, not including ship building
	X	X	X		Soft water services
			X		Starch and dextrine manufacture
			X		Steel products manufacture and assembly, including steel cabinets and lockers, doors, fencing and furniture
			X		Stone products manufacture and stone processing, including abrasives, asbestos, stone screening and sand and lime products
			X		Storage, sorting, collecting or baling of iron, junk, paper, rags, or scrap metal within a completely enclosed structure
		X	X		Storage yards for commercial vehicles
			X		Structural steel products manufacture including bars, girders, rails and wire rope
			X		Textile bleaching
			X		Textile, knitting and hosiery mills
			X		Tobacco curing and processing
		X	X		Trailer rentals, sales and service
		X	X		Transit yards
		X	X		Trucking terminals
	X	X	X		Union halls
	X	X	X		Warehouse, except for storage of flammable liquids
X					Warehouse/distribution operations, except that such use shall only be permitted in a business park setting where no more than thirty-three percent of the total developable area is used for this purpose
		X	X		Welding shops
			X		Wire and cable manufacture
			X		Wood and lumber processing and woodworking, including planing mills and sawmills, excelsior, plywood, sash and door manufacture, veneer and wood preserving treatment

			X	X	Woodworking shops and sash and door manufacture, including only incidental millwork conducted within a completely enclosed structure
				X	Wool scouring and pulling
X	X	X	X	X	Accessory structures located on the same site with and necessary for the operation of a permitted use
				X	Accessory uses located on the same site with and necessary for the operation of a permitted use, and provided by and operated by the primary use, including only the following: Cafeterias open only to site employees and business guests (may be independently provided and operated) Completely enclosed buildings for other custodial and maintenance services for the site Guest living quarters for business guests and employees on temporary assignment to work at the site Recreational and educational facilities for site employees and business guests Living quarters for custodial and maintenance personnel Retail outlet for the retail sale of custom-made products manufactured on the site Warehouse and storage of related products, but not to exceed forty percent of total site floor area and other uses which are added to this list by the planning commission, in accordance with the procedure prescribed for the addition of permitted uses.

17.24.040 Conditional uses. A. Conditional uses shall be permitted in the respective M industrial districts, subject to securing a use permit, according to the following table (the conditional use is permitted in the district if an X appears in that district's column):

DISTRICT					CONDITIONAL USES
MT-1	MP	ML	MG	MT	
				X	Airports and heliports
				X	Asphalt and asphalt products manufacture
	X	X		X	Banks
				X	Business machines manufacture and assembly, including accounting machines, computers and typewriters, using sensitive electronics or precision parts or equipment
				X	Cement, lime, gypsum and plaster of paris manufacture
				X	Charcoal, lampblack and fuel briquette manufacture

X	Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, cleaning and polishing preparations, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates of an explosive nature, potash, pyroxylin, rayon yarn, and carbolic, hydrochloric, picric and sulphuric acids
X	Coal, coke and tar products manufacture
X	Drop forges
X	Dumps and slag piles
X	Electrical appliances and equipment assembly, such as lighting fixtures, irons, fans, toasters and electric to radio and television receivers, phonographs, and home motion picture equipment, using sensitive electronic or precision parts or equipment
X	Electrical supplies manufacture and assembly such as coils, condensers, crystal holders, insulation lamps, switches, and wire and cable assembly, using sensitive electronic or precision parts or equipment, and provided that no noxious or offensive fumes or odors are emitted
X	Experimental, development and research laboratories and services using sensitive electronic or precision parts or equipment
X	Explosives manufacture and storage
X	Film manufacture
X	Fireworks manufacture and storage
X	Fish products processing and packaging
X	Garbage dump
X	Gas manufacture and storage
X	Gelatin, glue and size manufacture from animal or fish refuse
X	Hotels and motels, including restaurants and lounge bars as a integral part thereof, but excluding live and filmed entertainment
X	Incineration or reduction of garbage, offal and dead animals
X	Junkyards
X	Lard manufacture
X	Linoleum and oil cloth manufacture
X	Magnesium foundries

			X		Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronic equipment, precision instruments, musical instruments, cameras and photographic equipment, using or manufacturing sensitive electronic or precision parts or equipment
			X		Manure, peat and topsoil processing and storage
			X		Match manufacture
			X		Metal and metal ores reduction, refining, smelting and alloying
			X		Motor vehicle wrecking yards
			X		Paint manufacture including enamel, lacquer, shellac, turpentine and varnish
			X		Paper mills
			X		Petroleum and petroleum products refining including gasoline, kerosene, naphtha and oil
	X	X	X	X	Planned unit developments as provided in Chapter 17.40
	X	X	X	X	Public buildings and grounds
	X	X	X	X	Public utility and public service pumping stations, power stations, storage tanks and transmission lines, and communications equipment buildings
X	X	X	X		Restaurants
			X		Rifle ranges
			X		Rolling mills
			X		Rubber manufacture or processing including natural or synthetic rubber and gutta-percha
	X	X	X	X	Service stations, subject to the following conditions:
					1. All operations except the sale of gasoline and the washing of automobiles shall be conducted in a building enclosed on at least three sides
	X	X	X		2. No gasoline pump island shall be located closer than twenty feet to any property line
	X	X	X		3. No rental of trailers, hand tools, garden tools, power tools, and other similar equipment as an incidental part of the service station operation
	X				4. No major automobile repairs, such as engine overhaul, transmission and differential repair, body and fender work and other repairs of a similar nature shall be performed
			X		Soap manufacture including fat rendering
			X		Steam plants
			X		Stock yards and slaughterhouses
			X		Storage of flammable liquids
			X		Tallow manufacture
			X		Tanneries and curing and storage of rawhides

	X	X	X	Technical and trade schools
X				Warehouse and distribution operations, except that these uses shall only be permitted in business parks and no more than forty-nine percent of the total area of the park shall be used for this purpose. A conditional use permit can be issued for this use if the proposed operation either contributes significant use tax to the city or creates three or more jobs per thousand square feet of space.
			X	Wood and bones distillation
			X	Wood pulp and fiber reduction and processing

B. Any of the uses in Section 17.24.030 as a permitted use in the ML district shall be permitted as a conditional use in the MP district, subject to securing a use permit in each case, provided that, on the basis of the use permit application and evidence submitted, the planning commission makes the following findings, in addition to the findings prescribed for granting a use permit:

1. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses permitted in the MP district with respect to method of operation, type of process, materials, equipment, structures, storage and appearance;

2. That the use will not create significantly more vehicular or rail traffic than the volumes normally created by uses permitted in the MP district;

3. That the use reasonably can be expected to conform with the special conditions prescribed in Section 17.24.120 for uses permitted in the MP district.

C. Any of the uses listed in Section 17.24.030 as a permitted use in the MG district shall be permitted as a conditional use in the ML district, subject to securing a use permit in each case, provided that, on the basis of the use permit application and evidence submitted, the planning commission makes the following findings, in addition to the findings prescribed for granting a use permit:

1. That consideration of all the determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses permitted in the ML district with respect to the method of operation, type of process, materials, equipment, structures, storage and appearance;

2. That the use will not create significantly more vehicular or rail traffic than the volumes normally created by uses permitted in the ML district;

3. That the use can be expected to conform with the special conditions prescribed in 17.24.120 for uses permitted in the ML district.

D. The planning director may determine if a use permit is required for accessory structures and uses located on the same site with and necessary for the operation of a conditional use.

17.24.050 Site area. The minimum site area shall be fifteen thousand square feet, subject to the following exceptions:

- A. In the MG district, the minimum site area shall be twenty thousand square feet.
- B. The minimum site for conditional uses shall be twenty thousand square feet.
- C. In the MT district, the minimum site area shall be four acres.
- D. ~~In the MT-1 district, the minimum site area shall be two acres.~~

17.24.060 Site frontage. Each site shall have not less than seventy feet of frontage on a public street, except that each site in ~~on the MT and MT-1~~ districts shall have not less than one hundred feet of frontage on a public street.

17.24.070 Front yard. The minimum front yard shall be ten feet, subject to the following exceptions:

A. When the front property line is across a street from an A or any R district, manufacturing and production facilities shall be located in the MP and ML districts, not closer than twenty-five feet to the front property line, and in the MG district, not closer than fifty feet to the front property line.

B. In the ~~MT and MT-1~~ districts, the minimum front yard shall be one hundred feet.

17.24.080 Side yard. The minimum side yard shall be fifteen feet, subject to the following exceptions:

A. On the street side of a corner site, the side yard shall be not less than fifteen feet, except that in the MT district the street side yard shall be one hundred thirty feet, with the exception that when the side property line is adjacent to an existing or proposed public right-of-way in excess of eighty feet in width, then the minimum street side yard shall be one hundred feet.

B. In the ~~MT and MT-1~~ districts, the minimum interior side yard shall be fifty feet.

C. Where the side property line of a site is across a street or alley from an A or any R district, manufacturing and production facilities shall be located, in the MP and ML districts, not closer than twenty-five feet to the street or alley, and in the MG district, not closer than fifty feet to the street or alley.

D. Where a side property line of a site adjoins property in an A or any R district, the minimum side yard, in the MP and ML districts, shall be twenty-five feet and in the MG district, shall be fifty feet, except that manufacturing and production facilities shall be located, in the MP and ML districts, not closer than fifty feet to the side property line, and in the MG district, not closer than one hundred feet to the side property line.

E. One foot shall be added at ground level to each interior side yard for each three feet of height by which the main structure exceeds thirty feet.

F. One minimum interior side yard may be eliminated or reduced to provide access to and use of a railroad spur track, provided that the required interior side yard area which has been eliminated or reduced is added to one or more of the other required yards, subject to joint staff committee review as prescribed in Section 17.24.130.

G. One minimum interior side yard may be eliminated or reduced in the MP, ML ~~and MT~~ ~~and MT-1~~ districts, provided that the required interior side yard area which is

eliminated or reduced is added to one or more of the other required yards, subject to joint staff committee review as prescribed in Section 17.24.130.

17.24.090 Rear yard. The minimum yard shall be twenty feet, and, in the MT district, fifty feet, subject to the following exceptions:

A. Where the rear property line of a site is across a street, alley or utility easement more than fifty feet in width from an A or any R district, manufacturing and production facilities shall be located, in the MP and ML districts, not closer than twenty-five feet to the street, alley, or easement, and in the MG district, not closer than fifty feet to the street, alley or easement.

B. Where the rear property line of a site adjoins a property in an A or any R district, the minimum rear yard, in the MP and ML districts shall be fifty feet, and in the MG district, shall be seventy-five feet, except that manufacturing and production facilities shall be located, in the MP district, not closer than one hundred twenty-five feet to the rear property line.

C. When the rear property line of a site in the MT district is adjacent to an existing or proposed public street right-of-way in excess of eighty feet in width, then the minimum rear yard shall be one hundred thirty feet in the MT district and one hundred feet in the MT-1 district.

D. One foot shall be added at ground level to the rear yard for each three feet of height by which the structure exceeds thirty feet.

E. The minimum rear yard may be eliminated or reduced in order to provide access to and use of a railroad spur track, provided that the required rear yard area which has been eliminated or reduced is added to one or more of the other required yards, subject to joint staff committee review as prescribed in Section 17.24.130.

17.24.100 Height of structures. A. In the MP district, no structure shall exceed fifty feet in height.

B. In the ML district, no structure shall exceed one hundred feet in height, except that within one hundred feet (including streets) of property in an A or any R district, no structure shall exceed the maximum height permitted in the A or R district. Where the ML district is within one hundred feet of more than one R district, the regulation prescribing the lowest height shall govern.

C. In the MG district, there is no limit on the height of structures, except that within two hundred feet (including streets) of property within an A or R district, no structure shall exceed the maximum height permitted in the A or R district. Where the ML district is within two hundred feet (including streets) of more than one R district, the regulation prescribing the lowest height shall govern.

D. In the MT and MT-1 districts, no structure shall exceed four stories and sixty feet in height, except that on any parcel fronting on a street opposite existing or proposed residential and school uses no structure within five hundred feet (including streets) of the residential or school property shall exceed forty-five feet, and except that within one hundred feet (including streets) of property in any R district or existing residential use, no structure shall exceed the maximum height permitted in the R district. Where the MT or MT-1 district is within one hundred feet (including streets) of more than one R district, the

regulation prescribing the lowest height shall govern. The structure height shall be measured to the highest part of the roof excluding parapets and roof-mounted mechanical equipment.

17.24.110 Screening walls, fences and hedges. A. Where a site adjoins an A, O or any R district, a solid wall or fence, a chain-link fence with slats, or a compact evergreen hedge, as determined by the planning director, six feet in height, shall be located on the property line adjoining the A, O or R district, except that the planning director may vary such height and wall, fence, or hedge requirement when such wall, fence or hedge is adjacent to a required front yard, or on a corner site when such wall, fence or hedge is adjacent to a required rear yard and is located closer to the side property line adjoining the street than the side yard as required in the adjoining district. In the MT and MT-1 districts, this requirement will apply only when the site adjoins an O or R district, and a solid wall of the same material as the main building shall be required.

B. In the MP district, unloading facilities shall be screened from view from public rights-of-way by a solid wall or fence, chain-link fence with slats, or a compact evergreen hedge (with solid gates where necessary), as determined by the planning director, not less than six feet in height. In the MT and MT-1 districts, unloading facilities shall be screened from public rights-of-way by buildings and a solid wall, not less than six feet in height of the same material as the screening building.

C. A use not conducted entirely within a completely enclosed structure shall be screened by a solid wall or fence or a chain-link fence with slats (with solid gates where necessary), not less than six feet in height if, in the opinion of the planning director, such use without such screening is found to have a substantial and detrimental effect on the property values in the area. If the developer or owner of the site in question disagrees with the finding of the director, one or more qualified independent appraisers mutually chosen by the director and the developer or owner and paid by the developer or owner shall issue a report the findings of which shall determine the matter, except if the director rules the appraisal report not satisfactorily conclusive, then the matter shall be submitted to the city council for final determination. In the MT and MT-1 districts, the use shall not occupy an area equal to more than twenty percent of the total site floor area, shall be screened by a solid wall or a chain-link fence screened by a hedge of equal or greater height, the wall or fence to be not less than six feet in height, and shall be surrounded by a minimum five-foot width of landscaping. In the MT and MT-1 districts, storage tanks shall not be higher than or visible above screening buildings or solid screening walls, which shall be of the same material as the screening building or the main building, and shall be surrounded by a minimum five-foot width of landscaping. In the MT district, the walls or fences shall be required, and shall not be subject to appraisers reports.

D. In the ML and MG districts, when across a street from an A or any R district, open storage of materials and equipment is permitted only within an area which is screened from view from public rights-of-way by a solid wall or fence, a chain-link fence with slats, or a compact evergreen hedge (with solid gates where necessary), not less than six feet in height, provided that no materials or equipment shall be stored to a height greater than that of the wall, fence or hedge.

fence not to exceed eight feet in height, and further screened by a minimum five-foot width of evergreen hedges of equal or greater height than the fence.

F. No wall, fence, hedge or vegetation shall form an obstruction at public street intersections or at the intersections of private driveways and public streets contrary to the provisions of the local traffic ordinance.

G. A gate or gates of a minimum fifteen-foot width may be required for fire access at locations specified by the fire department and approved by the planning department and public works department.

H. Outdoor swimming pools, as accessory structures located on the same site with and necessary for the operation of a permitted use, shall comply with conditions set forth in Section 17. 16. 030.

17.24.120 Special conditions. A. No use shall be permitted which, based upon the report of one or more qualified expert consultants chosen by the city and paid by the developer or owner of the site in question and where need for such report has been determined by the planning director, creates electrical disturbances beyond the site boundaries over and above normal disturbances prevalent from uses normally permitted within the area receiving such disturbances or which emits any odor, noise, vibration, heat or glare detectable beyond the site boundaries as follows:

1. No emission is permitted of odorous gases or matter detectable when diluted in a ratio of one part of odorous air to four parts of clean air at the point of greatest concentration beyond the emission site's boundaries. Any use which may involve the creation or emission of any odors is provided with a secondary safeguard system for control if the primary safeguard system fails. Hereby established as a guide to determine such quantities of offensive odors is Table III Odor Thresholds, Chapter 5, "Air Pollution Abatement Manual," 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C. No manufacturing operation in the MT and MT-1 districts shall be permitted which produces odors, fumes, smoke, or other airborne pollutants detectable, without instruments, at the property lines of the subject property. There shall be no incineration on any site in the MT and MT-1 districts of any waste material.

2. At any point beyond the site in the MP, ML and MG districts, the maximum sound pressure level radiated in each standard octave band by any use or facility, except transportation facilities or temporary construction, shall not exceed the values for octave bands within the following frequency ranges, after applying permitted correction factors. Sound pressure level shall be measured with a sound level meter and associated octave band analyzer, conforming to standards set by the American Standards Association ("American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944," and "American Standard Specifications for Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953," American Standards Assn., Inc., New York, New York, shall be used).

Frequency Range Containing
Octave HBands in Cycles per
Second

Octave Band Sound
Pressure Level in
Decibels re 0.0002
dyne/cm

20-300	60
300-2400	40
above 2400	30

If the noise is not smooth and continuous and is not radiated between ten p.m. and seven a.m., one or more of the following corrections shall be applied to the above octave band levels:

Type of Location of Operation
or Noise Characteristic

Correction in Decibels

a. Daytime operation only	+5
b. Noise source operates less than: 20% of any 1-hour period	+5
5% of any 1-hour period (apply one of these corrections only)	+10
c. Impulsive noise such as hammering	-5
d. Periodic noise such as humming or screeching	-5
e. Property located in one of the following zoning districts but not within 500 feet of any R district: Any C or MP district	+ 5
Any A, CG, ML or MG district	+10

3. In the MT and MT-1 districts, the maximum sound level at the property plane radiated by any activity on a site shall not exceed 55 dBA between seven a.m. and ten p.m., and shall not exceed 45 dBA between ten p.m. and seven a.m.

4. No vibration due to production or process, except temporary construction equipment, is permitted which is discernible without instruments beyond the site.

5. No heat shall be permitted which raises temperatures beyond the site five degrees Fahrenheit or more above the current temperature otherwise prevailing.

6. No direct or reflected glare from floodlights or high-temperature process such as combustion, welding or otherwise, except legally permitted signs, shall emanate from any structure or use so as to be visible beyond the site.

B. All uses shall comply with the regulations of the San Francisco Bay Area Air Pollution Control District and the San Francisco Bay Regional Water Quality Board.

C. No use shall be permitted which, in the opinion of the planning commission, creates any emission which endangers human health, can cause damage to animals, vegetation or other property, or which can cause soiling beyond the site boundaries, except that such emission within the jurisdictions of the San Francisco Bay Area Air Pollution

Control District and the San Francisco Bay Regional Water Quality Board shall be regulated by subsection B of this section.

D. In the ML and MG districts, uses other than landscaping, parking areas and driveways shall not be located in a required front, side or rear yard, except that railroad spur tracks and storage may be located in a required interior side or rear yard.

E. In the ML and MG districts, uses other than landscaping, parking areas and driveways shall be located no closer than ten feet to any property line adjoining a street.

F. Railroad spur and drill tracks shall not be located in a side or rear yard which adjoins property in an A, O or R district. Railroad spur and drill tracks shall not be located in the MT and MT-1 districts.

G. In any MP, ML and MG districts, the first ten feet of any site depth contiguous to any existing or proposed street which separates the M site from any existing residential use dwelling units which face such street or from any golf course which is existing or shown on the general plan shall be landscaped and permanently maintained. The landscape plan, showing location, sizes and varieties of plant materials, any wall or fence, an automatic or semiautomatic irrigation system, and providing a minimum of one fifteen gallon tree for every forty feet and one five gallon shrub for every twenty feet of the street frontage, shall be submitted for the city engineer's review and approval.

H. In the MT and MT-1 districts, all required yards and setbacks, excepting off-street parking and loading areas, and not less than twenty-five percent of the total area of each site shall be landscaped and permanently maintained in a presentable manner. In business park settings, features such as drainage detention areas and public art may satisfy this requirement. Landscaping in required areas adjoining streets shall be mounded to screen parking areas. The landscape plan, showing location, sizes and varieties of plant materials, any wall or fence, and an automatic irrigation system shall be presented for the city engineer's review and approval.

I. In the MT and MT-1 districts, the first fifty feet of any site depth contiguous to any existing or proposed street with a right-of-way exceeding one hundred feet shall be landscaped and permanently maintained in a presentable manner, and shall not be used for off-street parking and loading areas. The landscape plan, showing location, sizes and varieties of plant materials, any wall or fence, and an automatic irrigation system shall be presented for the city engineer's review and approval.

J. In the MT and MT-1 districts, all uses other than off-street parking and loading facilities, accessory recreational facilities, public grounds and recreational facilities, and public utility transmission lines shall be in completely enclosed buildings.

K. In the MT and MT-1 districts, all buildings shall be of new construction, and mobilehomes, relocated or prefabricated metal wall buildings shall not be permitted, with the following exceptions:

1. Mobilehomes may be used as temporary construction offices to be removed at the completion of the construction for which they are intended, or as temporary quarters for permitted uses during construction or for a period of no more than nine months, whichever is less.

2. Upon payment of a fee equal to one-half that required for a conditional use permit, buildings with metal walls and roofing may be permitted upon review and approval by the planning commission and city council. The review and approval will not

require a public hearing and public notice. The commission and council may deny or approve submitted elevations for such buildings, or may conditionally approve the elevations to the extent of requiring changes in or further review of changes in such buildings. Submittals of such buildings for review shall be accompanied by elevations of dissimilar sides of the buildings of a type, size and amount specified by the city.

L. In the MT district, no building shall be less than sixty thousand square feet in total floor area, and in the MT-1 district, no building shall be less than 30,000 square feet in total floor area, other than minor, recreational, custodial, or other maintenance and service buildings.

M. In the MT and MT-1 districts, each site shall provide a trash enclosure on the site. If the trash enclosure is not within an enclosed building, then the enclosure shall not be located in a required front yard or in a required side yard adjoining a street, and shall be located not closer than five feet to any other property line, nor closer than ten feet to any property line which adjoins an O or R district or any residential site. Outdoor trash enclosures shall have three sides of stucco or masonry and a double gate. The walls and gate shall be at least six feet high and the gates shall be constructed of solid wood or of chain-link with wood slats.

N. In the MT and MT-1 districts, all mounted ventilators and mechanical equipment, including air conditioning, located on any roof shall be properly screened from any public street by a material compatible in appearance with the building wall and roof structure. All visible sides of the screen shall be finished to match a theme color of the building. No mechanical equipment shall be exposed on a building wall surface visible from a public street. No built up roofing surface shall be visible from a public street.

O. The direct use of hazardous materials in fabrication shall not be permitted to exceed thirty-five percent of the total building floor area on any site.

P. Major occupancy of the total building floor area on any site shall not be permitted as an H-1 or H-2 use as those uses and occupancies are defined in the Uniform Building Code as adopted by the city.

Q. In the MP, ML and MG and MT-1 districts, all new buildings, additions and major exterior renovations shall be reviewed by the joint staff committee, according to the following conditions:

1. The purpose of joint staff committee review and architectural and site plan review is to promote the preservation of the visual character of Newark, the stability of land values and investments, the public safety, and the general welfare by preventing the erection of structures or additions, of alterations thereto, of unsightly or obnoxious appearance or which are not properly related to their sites, adjacent uses, circulation in the vicinity, and by preventing the indiscriminate clearing of property, excessive grading and the unnecessary destruction of trees.

2. New buildings, building additions and major exterior renovations which are not visible to the general motoring public or from adjacent residences, parks, retail commercial buildings or office buildings, are exempt from joint staff committee review and architectural and site plan review.

3. "Major exterior renovations" means the replacement of the exterior wall materials on one or more walls of the building or the replacement of the exterior roof materials, including wall or roof openings, to the extent of twenty-five percent or more of

one wall or of the roof. Replacement of the exterior wall materials or roof materials, including wall or roof openings, with the same materials as were previously on the building wall, roof or wall or roof opening is exempt from joint staff committee review and architectural and site plan review. Major exterior renovations does not mean or apply to any restoration to a structure which is destroyed fire or other calamity or by act of God or by the public enemy to the extent of fifty percent or less. The extent of damage shall be determined in the manner provided for restoration of a damaged structure in Chapter 17.68. Major exterior renovation does not apply to any wall or roof which is not visible to the general motoring public, or from adjacent residences, parks, retail commercial buildings or office buildings.

4. New buildings, additions and major exterior renovations (as defined above which are subject to staff review, joint staff committee review, and architectural and site plan review, planning commission or city council review under the provisions of SC, planned unit development, conditional use permit, zoning or subdivision variance regulations shall be exempt from the joint staff committee review and architectural and site plan review provided for in this subsection, but shall be subject to the guidelines of joint staff committee review and architectural and site plan review.

5. All new buildings, building additions and major exterior renovations which are not exempted by other provisions of this subsection from joint staff committee review and architectural and site plan review shall be submitted for a review by the joint staff committee, composed of the community development director, the public works director and the fire chief or their designated alternates. The review period shall not exceed fifteen days unless authorized in writing by the applicant or representative of the applicant. The committee shall use the standards set forth in an adopted policy, standards and guidelines statement and it shall also consider the goals, objectives and standards of the Newark general plan and any relevant specific plan. At the next regularly scheduled planning commission and city council meeting, seven days or more after the committee's decision, the community development director shall render a report to the planning commission and the city council with the committee's decision. The committee's decision is final, subject to the appeal procedure provided Section 17.48.120, and further subject to review by either the planning commission or the city council. If a decision is called up for review, all proceedings shall be stayed in the same manner as the filing of a notice of appeal and the matter shall be heard in the same manner as an appeal. For all new buildings, additions and major exterior renovation projects that add over ten thousand square feet of new or expanded space or that are located along major arterials as indicated on the general plan map, architectural and site plan review will be required which will need planning commission and city council review and approval. Within twenty days from the date that plans are submitted to the planning commission, the commission shall render a report to the city council with its recommendations concerning the proposed building, addition or major exterior renovation project. Within fifteen days after receipt of the recommendation of the planning commission, the city council shall approve the application or request the applicant to meet additional requirements.

6. The fee for joint staff committee review and architectural and site plan review, under this subsection, shall be equal to one-half the fee required for a conditional use permit. Joint staff committee review and architectural and site plan review, and

approval shall not require a public hearing and public notice. Submittals of new buildings, building additions and major exterior renovations for review shall be accompanied by elevations of dissimilar sides of the building of a type, size and amount, including material samples, specified by the city.

17.24.130 Joint staff committee review. A request by the developer or owner of any site for elimination or reduction of any required yards as provided in Sections 17.24.080 and 17.24.090 shall be submitted to a joint staff committee of the planning director, public works director and fire chief or their designated alternates, who shall review and may deny or grant the request in its original or modified form within fifteen days of submittal. The party requesting the review shall initially submit three copies of all drawings and information requested by the committee which may continue its review beyond the fifteen days with the written consent of the party requesting the review. A written report of the committee decision is forwarded to the planning commission at its next meeting more than seven days after the committee's decision. The committee's decision shall be subject to appeal to the planning commission as prescribed in Section 17.48.120.

17.24.140 Signs. No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Chapter 17.52.

17.24.150 Off-street parking and loading. Off-street parking and loading facilities shall be provided on the site of each use as prescribed in Chapter 17.60.

17.24.160 General provisions. All use shall be subject to the general provisions and exception of this title.

17.24.170 Provision of art in public places and private development. In the MT and MT-1 districts, a public art plan may be provided by the developer, subject to City Council approval, to assure that the intent of Resolution No. 6582 "Resolution of the City Council of the City of Newark adopting a policy for providing art in public places and private development" is met. The plan shall provide for high quality architecture and for the provision of public art at locations that are of critical aesthetic concern to the city (i.e., gateways and major arterials).