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*Final*

**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**

**November 1994**

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## *Gateway Final EIR*

### **I. Introduction and Document Format**

This document constitutes the Final Environmental Impact Report (FEIR) for the proposed Gateway project, a land development project and for the proposed formation of Area Improvement District 26 for the purpose of improving local arterial streets adjacent to the Gateway site.

A separate companion document, a Draft Environmental Impact Report, (DEIR) was prepared and circulated during the months of September and October, 1994, for the purpose of soliciting comments from all interested public agencies and citizens regarding the proposed project. The comment period was 45 days in duration, complying with the requirements of CEQA.

This document contains all letters received by the City of Newark during the comment period concerning the DEIR with associated responses to each of the comments. Taken together, the Draft EIR and the Final EIR constitute the complete Environmental Impact Report for the proposed Gateway project and the formation of Area Improvement District 26.

### **II. Project Location**

The project site is located in the northwest portion of Newark, California and is generally bounded by State Route 84 to the north, Thornton Avenue to the west, Jarvis Avenue to the south and Bridgeway Center industrial park to the northeast.

### **II. Project Summary**

The proposed Gateway project consists of approximately 153 acres of land, of which 143 acres is being planned for a mix of approximately 1,460,000 gross square feet of office and research and development uses and approximately 720,000 gross square feet will be built as warehouse and distribution land uses. The total maximum development on the Gateway site will not exceed 2,180,000 gross square feet. This quantity and mix of land uses is consistent with the Newark General Plan, adopted in 1992. Buildings to be constructed on the site will be limited to a maximum height of 30 feet near existing residential areas and 60 feet elsewhere on the site.

Precise development plans for individual buildings within the project site have not yet been formulated by the applicant, however, the following land use entitlements are being sought:

- Creation of a new zoning district by the City of Newark to regulate land uses on this site, known as the MT-1 District.
- Rezoning of the Gateway site to the MT-1 Zoning District.

- Consideration of a Tentative Parcel Map (File No. 6685) to divide 143 acres of the total project site into two parcels as well as establishing the approximate alignment of the major road to serve the project, Gateway Boulevard.
- Consideration of future Architectural and Site Plan Reviews by the City of Newark for individual buildings to be built on the project site.
- Consideration of a Development Agreement between the project applicant and City of Newark.
- Annexation to the Union Sanitary District.

A more complete description of the project is found in Section 3.0 of the Draft EIR document.

#### **IV. List of Persons and Organizations Submitting Comments**

The following individuals and organizations submitted comments to City. They are listed below in chronological order based on the date received by the City.

Scott Schroeder

Nellie Reichard

Lisa H. McCann, Environmental Specialist  
California Regional Water Quality Control Board

Brian Wiese, Trail Development Coordinator  
San Francisco Bay Trail

Jason Marshall, Environmental Analyst  
State Department of Conservation

Don Laniewski

John Rusmiser, District Manager  
Alameda County Mosquito Abatement District

Margaret Lewis

Kent Steffens, P.E., Senior Engineer  
Union Sanitary District

Florence M. LaRiviere  
Citizens Committee to Complete the Refuge

Elsie Richey, Board of Directors,  
Oholone Audubon Society

Newark Chambers of Commerce  
Board of Directors

Newark Chamber of Commerce

Legislative Committee

Brian Hunter, Regional Manager  
Calif. Department of Fish and Game

Lynn Dantzker, Community Development Director  
City of Fremont

Arthur Feinstein, Golden Gate Audubon Society

Donna Lau, Pacific Gas & Electric

Don Guidoux, Tri-City Ecology Center

Dan Kelley, interested resident

Millicent Malliett, interested resident

Eric Hentschke

Richard Mendenhall, Firestone Court Homeowners' Association

Phillip Badel, Caltrans

Joel Medlin, United States Fish and Wildlife Service

## **V. Comment Letters and Responses**

Following is a summary of the comment letters received by the City of Newark regarding the Draft Gateway EIR and responses to the comment letters. The full text of each of the comment letters follow this section. Note that responses have been prepared for individual paragraphs constituting the letters, where appropriate.

### **Letter 1: Scott Schroeder, interested resident (received September 29, 1994)**

- Comment: Construction of the proposed project will mitigate existing environmental conditions, such as blowing dust and flooding. Gateway project will also add jobs and tax base to community.

Response: Comment acknowledged. No response required

### **Letter 2: Nellie Reichard, interested resident (October 10, 1994)**

- Comment: Proposed Gateway project will add jobs and expand City, but project is being opposed by environmentalists.

Response: Comment acknowledged. No response required.

### **Letter 3: Lisa McCann, California Regional Water Quality Control Board (October 13, 1994)**

- Comment 3a: The proposed project drainage plan should be clarified regarding (1) applicability of the project drainage plan to encompass all paved surfaces, including access roads and (2) appropriate travel time and distance in the swales. Exhibit 11 (concept drainage plan) does not show flow path through grassed swales to the northern inlet near SR 84, nor does it show that proposed paved areas closest the consolidated wetland area would be routed along an appropriate length within a grassed swale.

Response: Exhibit 11 should reflect the future construction of a grass swale on the project site immediately south of SR 84. A revised Exhibit 11 is included within this Final EIR. The Storm Drainage Plan shown on Exhibit 11 is intended only as a concept drainage plan at this stage of the project and the final drainage plan required by Mitigation Measure will require that all on-site drainage, including flows generated from buildings, driveways, parking lots and access roads, flow through a grass-lined swale prior to entering the consolidated enhanced wetland area. As part of more definitive drainage plans, entrances to the swale system from all paved areas will be planned in conjunction with the Newark Development Services Department and California Regional Water Quality Control Board to ensure maximum travel time and distance within the swale system so that acceptable water quality standards are met.

- Comment 3b: Pursuant to Regional Board policy, the consolidated, enhanced wetland area should not be used as a method of improving storm water quality prior to discharge into the San Francisco Bay National Wildlife Refuge. Use of consolidated wetland area is encouraged only if its primary purpose is for wetland mitigation.

Response: The Gateway project will be developed in a manner to integrate all Best Management Practices as part of the storm drainage plan. In this regard, the consolidated enhanced wetland area will not be used for the purpose of treating or purifying storm water run-off. Instead, all storm water run-off entering the consolidation area will be pre-treated prior to entering the area by passing through a system of grass-lined swales.

- Comment 3c: No mitigation measure has been listed in the Draft EIR concerning water quality, although the document does list water quality as a potentially significant adverse impact. Any mitigation addressing water quality must include a discussion of "post-construction" water quality controls, including proposed operation and maintenance responsibilities and agreements that would need to be made in order to make the measures outlined in Mitigation Measure 4.3.1 achievable.

Response: The Draft EIR does not contain a separate, specific measure mitigating anticipated water quality impacts of the proposal. Instead, two interrelated measures are considered to address and mitigate potential water quality impacts. These include Mitigation Measure 4.1.2 and Mitigation Measure 4.3.1. Mitigation Measure 4.3.1 is hereby amended to read as follows and is incorporated by reference into the EIR, which includes comments made regarding post construction measures.

"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.

In addition, all post construction mitigations for water quality purposes as required in Mitigation Measure 4.1.2 shall be complied with."

**Letter 4: Jason Marshall, State Department of Conservation (October 17, 1994)**

- Comment: The DEIR appears to minimize potential adverse effects of ground shaking. The Department of Conservation notes that "bay mud" soils located around the site periphery are known to be subject to earthquake shaking.

Response: Comment acknowledged and the department's clarification regarding earth shaking are hereby incorporated by reference into the Final EIR.

- Comment: Please include the two previous soils report (Kaldeveer, 1978 and Berlogar, 1993) into the appendix of Final EIR.

Response: Both soils reports are reprinted in the Final EIR Appendix

**Letter 5: Brian Weise, San Francisco Bay Trail (October 18, 1994)**

- Comment: The Draft EIR apparently contains an inconsistency. One section of the document notes that widenings and improvements to both Thornton and Jarvis Avenues will provide more pavement for bicyclists (pages 9 and 71), yet the exhibits showing proposed street cross sections do not indicate that bike lanes will be constructed (Exhibits 5 and 6).

Response: No inconsistency exists. Although exhibits 5 and 6 do indicate an eight foot parking lane adjacent to the sidewalk, this area will actually be striped for use by bicyclists and will be available for emergency vehicular parking. This information is provided by the Engineering Division of the Newark Development Services Department.

**Letter 6: Don Laniewski, interested resident (received October 19, 1994)**

- Comment: believes that implementation of the project will result in an environmentally safe, aesthetically pleasing, job creating and tax revenue enhancement for the City.

Response: Comment acknowledged.

**Letter 7: John Rusmisl, Alameda County Mosquito Abatement District (October 24, 1994)**

- Comment: 7a: Incomplete sentences are contained in the Draft Wetlands Consolidation Plan.

Response: Regular tidal action will be provided during the summer months to the site which will assist in reducing mosquito breeding.

- Comment 7b: Would like to see the section describing mosquito control expanded. The Alameda County Mosquito Abatement District uses biorational insecticides in salt marshes for mosquito control.

Response: The Alameda County Mosquito Abatement District is the lead agency for mosquito control within the County. The City of Newark defers to the maintenance methods used by the District in the performance of its duty.

**Letter 8: Margaret Lewis, interested resident (October 28, 1994)**

- 8a: Cargill must obtain all state, federal and local permits before a decision is made on the rezoning.

Response: This EIR is the first step in obtaining all necessary permits pursuant to the California Environmental Quality Act (CEQA). According to CEQA, environmental review must be completed prior to a local agency, such as the City of Newark, taking any action on a discretionary permit, such as rezoning.

- Comment 8b: Cargill must comply with the recent federal court decision, including removal of illegal structures, payment of fines and restoration of work on the site.

Response: Compliance with the federal court decision is a separate action from the EIR. The federal court actions did not involve CEQA. However, as a point of clarification, there is no pending litigation which would affect wetlands on the project site. Cargill is appealing the ruling regarding the "other waters" issue, but that will not affect the proposed consolidation plan since Cargill has indicated an intent to proceed with the consolidation plan in any event. The decision of the judge regarding the federal government's interpretation of the "other waters" jurisdiction also included fines and the need to restore previous disturbance. In order to protect Cargill's right of appeal the fines have not been paid, but a bond has been posted with the federal court and a permit has been applied for that would allow for the removal of the tide gate and restoration of the ditch that was graded in 1985.

- Comment 8c: Cargill must obtain all permits from state federal and local agencies regarding the proposed Consolidation Plan, including permits to widen Thornton and Jarvis Avenues.

Response: Mitigation Measure 4.3.2 requires the applicant to obtain all necessary permits for the Consolidation Plan from all local, state and federal agencies prior to the development or construction of any public improvements on the site.

- Comment 8d: The DEIR states that "approval of the Consolidation Plan would take place prior to any grading permit application," even though the City granted a grading permit in October, 1989. Grading was done to eliminate natural ponding and circumvent the EIR process.

Response: Mitigation Measure 4.3.2 requires approval of the Consolidation Plan prior to construction of any public improvements on the site. Previous site grading has been accomplished by the owner (Cargill), however, grading occurred outside of wetland or

"other water" areas of the site and was done for site maintenance purposes. Previous grading did not affecting ponding within either wetlands or "other waters."

- Comment 8e: Cargill is disguising the truth when it states that no migratory corridors will be affected should the project be completed. There is a history of extensive wildlife and use of the site.

Response: Information supplied by a qualified wildlife biological consulting firm, Wetlands Research Associates, and others, was used to confirm low bird usage of the project site and that construction of the consolidated enhanced wetland area, which will increase tidal action in the wetland portion of the site, will serve to increase bird use of the site.

- Comment 8f: It is unclear how roads would serve the area. If the Consolidation Plan cannot be implemented, where will the project road extend?

Response: The Draft EIR identifies an alternative alignment Gateway Boulevard. Alternative 3 (Exhibit 25) shows Gateway Boulevard turning south and intersecting Jarvis Avenue. This alternative road alignment would not cross the consolidated enhanced wetland area.

- Comment 8g: What is planned traffic mitigation for Thornton and Jarvis Avenues and Newark Boulevard?

Response: Section 4.11 of the Draft EIR discusses anticipated traffic impacts of the proposed project. Table 5 within this section indicates that the amount and intensity of development proposed by the applicant will result in fewer trips than forecast in the General Plan Circulation Element and hence will have less traffic impact on Thornton Avenue, Jarvis Avenue and Newark Boulevard. However, the traffic analysis also notes that the anticipated long term, cumulative traffic impact will still be significant for the following intersections during certain peak hour conditions:

Newark Boulevard/Jarvis Avenue (pm peak)

Thornton Avenue/State Route 84 Eastbound off-ramp (am and pm peaks)

Ardenwood/State Route 84 Westbound off-ramp (am peak)

Newark Boulevard/State Route 84 Eastbound off-ramp (pm peak)

Although measures have been included in the Draft EIR to mitigate anticipated traffic (Mitigation Measure 4.11.1), successful mitigation of long term, cumulative traffic cannot be accomplished. Pursuant to CEQA, the City Council may choose to acknowledge the extent of the anticipated traffic impact and, by resolution, override the impact based on other perceived benefits associated with the proposed project. This action, should it occur, would re-affirm the Council's earlier adoption of a Statement of Overriding Considerations for cumulative traffic as part of the certification of the Final EIR for the 1992 General Plan.

- Comment 8h: Fremont, Union City and Newark contain hundreds of acres of empty industrial parks and industrial buildings with appropriate zoning and no wetlands.



Response: CEQA does not require a comprehensive market analysis of vacant lands or buildings as part of an EIR. The Draft EIR did look at alternatives to the project, including the mandatory No Project alternative. The EIR also notes that the Gateway site is designated on the Newark General Plan for "special industrial" development, and the proposed Gateway site is consistent with that designation.

- Comment 8i: The EIR and rezoning request must be set aside until all permits are granted and all mitigations in place and all facts are known.

Response: This EIR serves as an informational document to identify and evaluate facts regarding the proposed development, anticipating significant environmental impacts should the project be constructed as well as describing measures to mitigate significant adverse impacts, such as treatment of site wetlands. Certification of this Final EIR in no way mandates or requires City approval of the requested rezoning or other entitlements.

#### **Letter 9: Kent Steffens, Union Sanitary District (October 31, 1994)**

- Comment 9a: The District believes that there could be potential impacts to the Districts existing 39-inch force mains which traverse the project site. Additional study is needed to evaluate such impacts. The size of the mains is 39 inches, not 33 inches as documented in the DEIR.

Response: Comment acknowledged and the correct size of the force mains (39 inches) is hereby incorporated by reference into the Final EIR. The applicant's consulting engineer have concluded that there will be no significant adverse impacts to the existing force mains. The location of the force mains through the Consolidation Area is considered no different than the location of the force mains through the Mayhews landing parcel, which is subject to tidal action.

- Comment 9b: Will excavation and subsequent flooding near the force main significantly change soil conditions which will cause settlement and structural problems for the force mains?

Response: Preliminary soils investigations indicate that the same soil characteristics exist throughout the general vicinity of the force mains and that the creation of the consolidated enhanced wetland area will not cause settlement or structural problems in regard to the force mains.

- Comment 9c: Will USD's right of entry to existing manholes, including vehicular access, be impeded if the project is constructed as planned?

Response: The City of Newark and the property owner/project applicant understand the need of the District to maintain access to their facilities for maintenance and inspection purposes. Provisions for access to District facilities will be coordinated as part of future development plans on the site.

- Comment 9d: What impacts do the waterways cause on the feasibility and cost of replacing, repairing or running new utility lines over the existing easement?

Response: Preliminary design for the consolidation area indicates that there will be a 20-foot wide level area over the top of the pipe and a 4:1 side slope to the detention basin. This is believed adequate to maintain or repair facilities. Final design of the consolidated enhanced wetland area will be done in consultation with the District to ensure full access for maintenance and repair of facilities.

- Comment 9e: What contingencies are built into the proposed drainage basins in the event of a significant sewage spill? Can proposed tide gates hold in water if needed?

Response: If a sewage spill were to occur in this section of the line, spillage could be feasible stored in the detention basin for clean up.

- Comment 9f: What precautions will be taken to ensure the structural loads and vibration from earthmoving equipment will not damage force mains?

Response: It will not be necessary to work over the top of the force main except in the vicinity of the concrete apron. Temporary fencing could be installed to preclude heavy equipment operating on top of the force mains. Light equipment could also be used to conduct work on the concrete apron. Construction details and specifications can be mutually agreed to between the District and the City at the time precise construction plans are prepared and submitted to the City for approval.

- Comment 9g: Will the installation of culverts or dredging of existing drainage channels significantly reduce the cover over the force mains or other USD sewer facilities?

Response: Final design of improvements are not complete, but if there are concerns regarding adequate cover, concrete aprons can be added or the design altered.

**Letter 10: Newark of Chamber of Commerce (received October 31, 1994)**

- Comment: The Newark Chamber of Commerce Board of Directors supports the proposed Gateway project since it will be good from a business standpoint. The project site has been planned for industrial uses in the General Plan (Newark 2007) and the local economy will experience increased jobs. This will increase revenue on the local economy.

Response: Comment acknowledged.

**Letter 11: Newark Chamber of Commerce Legislative Committee (received October 31, 1994)**

- Comment: The Legislative Committee of the Newark Chamber of Commerce supports the proposed Gateway project since it will generate additional taxes and jobs in Newark. The proposed project will also bring the site into conformance with the General Plan.

Response: Comment acknowledged.

**Letter 12: Elsie Richey, Oholone Audubon Society (October 31, 1994)**

- Comment 12a: There is a pending lawsuit regarding actions by Cargill that included the installation of a concrete drainage structure which violated Federal restrictions.

Response: Refer to Comment and Response 8b regarding the status of the federal lawsuit.

- Comment 12b: Cargill needs to acquire permits for the Consolidation Plan prior to a permit by the City of Newark is issued.

Response: Refer to Comment and Response 8b.

- Comment 12c: Plans to mitigate loss of wetlands are not clear. Mitigation for loss of widening of Thornton and Jarvis Avenues is not mentioned.

Response: Mitigation for any loss of wetland caused by construction of the proposed project, including widening of adjacent streets, is required pursuant to Mitigation Measure 4.3.3. According to representatives of the applicant, mitigation will include construction of new, additional wetlands on site.

The Alternatives section of the DEIR (Exhibit 26) contains an alternative roadway alignment which could avoid impacting wetlands, such as routing Jarvis and proposed Gateway Boulevard in a manner which avoids any impact to the present location of Jarvis and Thornton.

- Comment 12d: The loss of shorebird habitat brings the proposed action under the purview of the Migratory Bird Treaty and the proposed project would not be consistent with this treaty.

Response: The Migratory Bird Act does not preclude the use of mitigation to protect migratory birds. The Consolidation Plan will provide the same acreage of "waters of the United States" as presently exists. It is anticipated that wetlands consolidation will result in increased shorebird use.

- Comment 12e: The effects of a shopping mall would be an additional violation of the Migratory Bird Treaty if the lights, noise and human activity were close to this area.

Response: No shopping mall is proposed for the Cargill site.

**Letter 13: Florence LaRiviere, Citizens Committee to Complete the Refuge (October 31, 1994)**

- Comment 13a: Additional details needed regarding the widening of Thornton and Jarvis Avenues. Both thoroughfares abut wetlands so that any widening would be impossible, especially since Federal ownership complicates expanding of roads.

Response: Mitigations contained in the EIR (Mitigation Measure 4.11.1) requires the widening and improvement of both Thornton and Jarvis Avenues. As proposed by the applicant and evaluated in the DEIR, such widening would require the loss of approximately 0.73 acres of existing wetland at the intersection of Jarvis and Thornton. The DEIR further requires that any wetland lost or impacted by the construction of the

project, including roadway widening, be mitigated on the project site so that there will be no net loss of wetland area (reference Mitigation Measure 4.3.3).

Sufficient non-wetland areas exist on the applicant's property to widen both Thornton and Jarvis Avenues without impacts to wetlands, except at the intersection of Jarvis and Thornton, as noted above.

- Comment 13b: It appears that the conditions of the Army Corps lawsuit settlement have not been satisfied, including restoration of wetlands and payment of a fine. These items need to be resolved prior to rezoning.

Response: Refer to the response to Comment 8b.

- Comment 13c: The feature of the proposed Consolidation Plan to divide the proposed wetlands by an access road (Gateway Boulevard) is unacceptable.

Response: The proposed design and configuration of the consolidated, enhanced wetland area has been prepared by a qualified wetland biological firm, Wetlands Research Associates. The Consolidation Plan has been submitted to the Corps of Engineers and other affected agencies for approval.

- Comment 13d: The feature of the proposed consolidation plan resulting in a lengthwise wetland area caused by Union Sanitary District easements is unacceptable.

Response: Refer to the Response to the California Department of Fish and Game comment, Comment Letter 14.

- Comment 13e: The feature of the proposed Consolidation Plan which would add storm water run-off into the San Francisco Bay National Wildlife Refuge is unacceptable.

Response: Comment acknowledged. Refer to the Comment from the San Francisco Bay Regional Water Quality Control Board (Comment 3) regarding proposed storm water run-off into wetland areas and associated water quality issues. Also, as noted in the DEIR, the applicant has retained drainage easements over portions of Refuge lands.

**Letter 14: Brian Hunter, Department of Fish and Game (received November 1, 1994)**

- Comment 14a: The Department of Fish and Game would like to see an alternative wetland consolidation plan included in the EIR in lieu of the linear configuration proposed by the project applicant, specifically an alternative which included less "edge condition" between the constructed wetland and urban development.

Response: As documented in the DEIR and proposed Consolidation Plan, the existing wetlands and "other waters" have low bird usage in comparison with other similar sites in the region. This low bird use can be attributed to factors other than edge factors, since no development now exists on the site. The presence of tidal waters throughout the year within the consolidated area will increase the potential for bird use than now occurs. The site is presently surrounded by urban development except west of Thornton Avenue. the San

Francisco Bay National Wildlife Refuge. Therefore, a wetland design which maximizes the border with the Refuge is more likely to provide a habitat for wildlife since it is closer to the Refuge and will also serve as a buffer to urban uses in Newark.

The existing (pre-project) edge-to-area ratio in perimeter feet to acres is 864. The Draft Consolidation Plan results in a ratio of 341, which is a reduction of 51% of the existing ratio. A circle with an area of 12.5 acres has a ratio of 209. Thus, the proposed plan is close to the optimal edge/area ratio and is much less than the current condition.

- Comment 14b: The proposed wetland Consolidation Plan does not address issues relating to long term maintenance of mitigation areas for wetlands and endangered species. These items should be incorporated into the Plan.

Response: The City of Newark and land owner/applicant understand that long term maintenance is an issue which must be addressed as part of the wetlands and "other waters" consolidation effort. This is documented in the Draft Consolidation Plan. However, the intent of the EIR is to identify and evaluate broad environmental issues during the early stages of project review. Approval of the Consolidation Plan is pending before the U.S. Army Corps of Engineers and other affected agencies.

- Comment 14c: DEIR is unclear if no net loss of wetlands will be achieved. The wetland area includes roost sites for shorebirds and snowy plover which appear to be uplands.

Response: Refer to Comment and response 12c

Roost sites for shorebirds have been included within the wetland acreage calculation.

- Comment 14d: Buffers should be provided between development and retained habitat areas. The Department of Fish and Game normally recommends a 100-foot wide buffer. The width of the grass swales, which could be used for buffers, is not identified in the DEIR.

Response: Proposed buffers between the wetland area and urban development uses on the site will include landscaping and fencing off of the consolidated wetland area. In addition, there will be a grade change between the consolidation area and the parking area for urban uses that will result in no direct eyesight contact with individuals parking cars adjacent to the consolidation area.

- Comment: 14e: The DEIR indicates that the wetland mitigation area is to be used for stormwater detention purposes, with stormwater runoff first passing through grassy swales prior to entering the wetland area. The effectiveness of such measures to reduce pollutants to acceptable levels have not been adequately evaluated in the document.

Response: The use of grassy swales as mitigation to ensure the highest possible water quality for storm water run-off is strongly recommended by the Regional Water Quality Control Board and has been incorporated into the Gateway plan based on discussion with Board staff members.

- Comment 14f: The Department of Fish and Game recommends that mitigation be required to offset loss of burrowing owl habitat. Possible mitigations could include the construction of man-made burrows within buffer areas.

Response: Artificial burrows could be placed on the berm located within the proposed Consolidation area. This will require the approval of the property owner.

- Comment 14g: The Department of Fish and Game does not believe that the EIR is ready for certification until all of the Department's concerns are adequately addressed.

Response: Based on the preceding responses to Department of Fish and Game comments, the City of Newark staff believes that a thorough environmental review of the proposed project has been completed and that the EIR should be certified.

**Letter 15: Lynn Dantzker, City of Fremont (November 1, 1994)**

- Comment 15a: Fremont's primary concern is the additional project-related traffic on State Route 84, Paseo-Padre-Thornton Avenue and Ardenwood Boulevard-Newark Boulevard. Fremont's 1990 General Plan Update did not reveal potentially significant traffic impacts at the above intersections, however, land use assumptions utilized in Newark's 1992 Circulation Element update contained more intensive uses than does the Fremont General Plan.

Response: Comment acknowledged.

- Comment 15b: Fremont's review of the traffic appendices in the DEIR indicates that incorrect intersection geometrics may have been used at the Ardenwood Boulevard/Newark Boulevard intersections, including looped on-ramps in both eastbound and westbound directions.

Response: Changes have been made to Level of Service(LOS) calculations based on existing diamond intersection configurations. Revised cumulative LOS calculations include:

	<u>VC ratio</u>	<u>LOS</u>
Ardenwood/SR 84 WB off-ramp		
AM peak	1.36	F
PM peak	0.97	E
Newark Blvd/SR 84 EB off-ramp		
AM peak	0.89	D
PM peak	1.45	F

- Comment 15c: Fremont wants to express strong concern for maintaining economic development potential in the vicinity of Route 84. The City of Fremont proposes that a cooperative effort with Newark be undertaken to identify how Route 84 interchanges could be improved and appropriate funding secured.

Response: Comment acknowledged and referred to the City of Newark for appropriate action.

**Letter 16: Arthur Feinstein, Program Coordinator, Golden Gate Audubon Society  
(November 2, 1994)**

- Comment 16a: The commenter believes that the EIR analysis of wildlife values may underestimate such values, especially in light of previous site grading.

Response: The analysis of wildlife values and bird usage was completed by Dr. Howard Cogswell prior to recent grading of upland areas on upland site. His work was completed in 1984-85 and documented low bird usage of the existing "other waters of the United States" in comparison to other nearby sites, such as the nearby National Wildlife Refuge. Also, no grading has occurred on either existing site wetlands or on existing "other waters of the U.S."

- Comment 16b: Resolution of the Corps of Engineers Cease and Desist Orders should be completed before such an evaluation of resource values, since the Orders may require restoration of wildlife habitat.

Response: According to the applicant, completion of restoration work involves several hundred square feet of land area. Implementation of the proposed Consolidation Plan as part of the Gateway project will result in the creation of more wetland area than now exists which will promote more bird usage on the site than is now experienced.

- Comment 16c: Mitigation Measure 4.4.1 requires that if salt marsh harvest mouse is destroyed, it must be mitigated off the project site. The EIR needs to identify such site and its ownership and require acquisition of the site.

Response: Mitigation Measure 4.4.1 requires that the habitat of the salt marsh harvest mouse be avoided in the construction of the project. Off-site mitigation would be required as a back-up, only in the event salt marsh harvest mouse habitat cannot be avoided during construction. Therefore, identification of a specific mitigation area at this time is premature.

- Comment 16d: A resource management plan for the salt marsh harvest mouse should be prepared and included in the DEIR for public review.

Response: Preparation of a resource management plan is required pursuant to Mitigation Measure 4.4.1 for the salt marsh harvest mouse in the event such habitat cannot be avoided during construction of the Gateway project. The preferred method of mitigation is habitat avoidance. Therefore, preparation of a resource management plan is premature.

- Comment 16e: Concerns exist for the habitat of the western snowy plover, an endangered species. A resource management plan should be developed for this species and included in the DEIR.

Response: The proposed Consolidation Plan for the "waters of the United States" is designed to provide isolated upland refugia that will be barren of vegetation. This type of habitat has been used by the western snowy plover in previous years and should be suitable for this species. Western snowy plovers do rest and nest on levees within the National Wildlife Refuge and the proposed habitat element in the Consolidation Plan is similar to this type of habitat.

- Comment 16f: There is a clear lack of a "resource management plan" which may mislead the public into thinking that satisfactory mitigation will be provided. The commenter has concerns about the ability of the proposed wetlands consolidation plan to provide habitat for endangered species.

Response: The Consolidation Plan, which has been prepared by a qualified biological consulting firm, serves a resource management plan for protection of existing wetlands and the creation of additional wetlands to compensate for development of urban uses on existing "other waters of the United States." The full text of the Consolidation Plan is included in the Draft EIR for public review.

- Comment 16g: Concerns raised about the use of the consolidated wetland area to also serve a storm water retention purpose. A similar mitigation was created as part of the Hahn shopping center in Marin County. A recent U.S. Fish and Wildlife Service (USFWS) Field Office Report concludes that the wetland was not a success and resulted in limited vegetation and use by few species of waterfowl. Stormwater retention overwhelmed habitat areas.

Response: No reference was provided as to the cited USFWS report. However, a report entitled "An Evaluation of Selected Wetland Creation Projects Authorized Through the Corps of Engineers Section 404 Program" prepared by the USFWS in 1994 did discuss the Hahn Shopping Center in Novato, Marin County. This project received a compliance rating of 9 out of a possible 10 and an overall habitat value rating of 8 out of 10. The report indicates that values of 7 or greater indicated 75% to 100% compliance with permit conditions. The problems discussed in the letter were not mentioned in this USFWS report.

There is a wetland mitigation project at the Village Shopping Center in Corte Madera that is similar to that described in the letter. This system operates differently than that proposed for the Gateway Consolidation Plan. The Village Shopping Center wetland area drains a major portion of the Town of Corte Madera and large pumps are required to drain the site. The consolidated area proposed for the Gateway project will be more similar in design to that at the Hahn Shopping Center which received a much higher evaluation.

- Comment 16h: Use of the proposed consolidation area for endangered species wildlife habitat as well as storm water retention could result drowning to mouse species during periods of intensive flooding.

Response: Upland refugia have been provided within the consolidation area for the salt marsh harvest mouse. Peripheral halophyte vegetation will be planted within the consolidation area. In addition, existing wetlands will be protected from flooding and will be available to the mouse. The salt marsh harvest mouse has become established under similar circumstances within the Mayhews Landing property where muted tidal marsh is at the mouth of a major flood drainage channel.

- Comment: 16i: Flood control and wildlife habitat are often two opposing goals. A mitigation plan that attempts to unit both in one project will not succeed. A resource management plan must be developed and included in the DEIR for public review.



Response: Performance criteria have been established for the consolidation plan and will be met as part of the permit compliance process.

- Comment 16j: A clear description of proposed snowy plover mitigation habitat is not provided other than saying it will consist of an area of approximately +6 foot elevation.

Response: The draft Consolidation Plan identifies proposed western snowy plover habitat area in both text and exhibit format. The Plan is contained in the Appendix of the DEIR.

- Comment 16k: No analysis of having a road bisect the wetland consolidation is provided.

Response: Adequate culverts will be installed under the proposed roadway to allow free flow of water throughout the consolidated wetland area. No significant adverse impacts are anticipated.

- Comment 16l: The DEIR states that loss of pickleweed will be insignificant. Pickleweed provided habitat for the salt marsh harvest mouse and such loss will be significant.

Response: Loss of pickleweed could occur with portions of existing "other waters of the U.S." Replacement plantings will occur within the consolidated wetland area to more than off-set any loss of pickleweed.

**Letter 17: Letter from Donna Lau, Pacific Gas and Electric Company (October 31, 1994)**

- Comment 17a: Natural gas and electric facilities are adequate to serve the proposed project, although some concerns raised during Notice of Preparation have not been resolved.

Response: Comment acknowledged.

- Comment 17b: PG&E concerned about the proposed project's potential impact on continued safe, reliable maintenance of existing utility facilities as well as cumulative impacts on utility systems capability.

Response: Pacific Gas and Electric Company will be consulted prior to the approval of precise development plans on the project site by the City of Newark.

- Comment 17c: Restrictions must be placed on future land use improvements near PG&E facilities to ensure maintenance and operation of such facilities.

Response: Refer to Comment and Response 17b.

- Comment 17d: The proposed development will have cumulative impacts on PG&E's natural gas and electric systems. Ability to provide future service is dependent on securing adequate land rights and off-site improvements to existing facilities.

Response: Comment acknowledged.

- Comment 17e: Upgrades and expansions to existing utility systems may be needed based on general growth and development.

Response: Comment acknowledged.

- Comment 17f: Environmental documentation needs to include adequate coverage of cumulative impacts to utility systems, utility facilities and any other environmental issues associated with the extension of utility services.

Response: PG&E representatives were personally contacted as part of the DEIR to discuss the ability of PG&E to serve the project, cumulative utility impacts and other environmental issues.

**Letter 18: Eric Hentschke, interested resident (November 2, 1994)**

- Comment 18a: Disagrees that the project will result in minor quantities of objectionable odors which will not be significant.

Response: No information has been submitted by the applicant to indicate that future uses will include uses generating significant quantities of objectionable odors. Enforcement of regulations governing emission of objectionable odors is provided by the Bay Area Air Quality Management District.

- Comment 18b: Lethal or toxic fumes are not addressed.

Response: Section 4.9 of the Draft EIR addresses potential emission of toxic or hazardous materials, including fumes. This section notes that the Newark Fire Department's Hazardous Materials Bureau regulates and inspects industrial operations for compliance with local regulations concerning hazardous materials.

- Comment 18c: Exposing people to flooding is not significant?

Response: Section 4.1 of the DEIR notes that construction of the proposed project could expose people and property to flood hazards (reference Environmental Impact 4.3.3), however, the application of existing City regulations regarding flood protection will automatically mitigate potential flood hazard to a level of insignificance.

- Comment 18d: Habitat for endangered species was documented in studies completed in the 1980's, but have been demolished by the applicant.

Response: Previous biological studies have been referenced in both the Draft EIR (Cogswell, 1983 and 1986; Rigney and Harvey, 1987) and Draft Consolidation Plan. No evidence has submitted regarding demolition of such species.

- Comment 18e: Only construction noise mitigated, not operational noise.

Response: Typically, construction noise is greater than operational noise, although it is short term in duration. The City's existing Noise Element provides standards to protect nearby residents from excessive noise. Also, provisions of the new industrial zoning district (MT-1) will provide a wide landscaped setback adjacent to residents on the south side of Jarvis Avenue. Finally, the location of truck loading and circulation areas will be reviewed at the Architectural and Site Plan levels to ensure that excessive noise is not sited near residences south of Jarvis.

- Comment 18f: Although light is mitigated, glare is not.

Response: Mitigation Measure 4.6.1, page 50 of the DEIR, is specifically intended to mitigate spill over of glare as well as light into adjacent residential areas.

- Comment 18g: Traffic is not mitigatable and gridlock traffic has not been advertised.

Response: The Draft EIR clearly indicates that long term, cumulative traffic cannot be mitigated to levels of insignificance. This information was included in the document distributed for public review. The DEIR also notes that the City Council adopted a Statement of Overriding Considerations for future traffic impacts when adopting the General Plan in 1992.

- Comment 18h: No mention is made of police services. Warehouses and industry will attract crime.

Response: Section 4.12 of the DEIR assesses police protection of the proposed project and concludes that construction of the proposed project will not result in significant safety or security impacts. Information contained in the DEIR is based on discussions with the Newark Police Department.

- Comment 18i: Human Health discussion not found, especially information about toxins, fumes, pollution.

Response: The DEIR indicates that a discussion of human health is contained in Section 4.9, Risk of Upset, which discusses the potential for hazardous materials on the project site.

- Comment 18j: Disagrees with the finding of "not significant" relating to aesthetics.

Response: Comment acknowledged. The discussion contained in the Aesthetics section (Section 4.16) assesses obstruction of views or the creation of an aesthetically offensive view to the public. None of these conditions will exist should the project develop in a manner described in the EIR.

- Comment 18k: Indian remains on the site have not been examined.

Response: The site has been examined by a qualified archeologist (Miley Holman) and no such artifacts were discovered. However, should historic, prehistoric or cultural artifacts be

uncovered during grading operations, treatment of such artifacts will be dealt with pursuant to Mitigation Measure 4.18.1.

- Comment 18l: The "No Project" alternative does not address potential benefits of the project. There are no current jobs on the site, so jobs could not be lost. Dust was not an issue until grading was completed by the applicant. Use of the site as a wetland gateway is preferable to construction of warehouses.

Response: The "No Project" alternative describes a theoretical loss of jobs should the project not be built as proposed. It does not indicate that there are existing uses on the site which currently generate jobs. Grading operations have been previously conducted by the land owner, but there is no evidence that creation of dust is a result of such grading. The proposed project does include construction of a consolidated, enhanced wetland area adjacent to Thornton which will serve as a natural gateway to Newark for motorists entering Newark from Thornton Avenue.

- Comment 18m: Why weren't moving wetlands along Jarvis looked into?

Response: The Consolidation Plan was prepared both to promote conservation of natural resources, including endangered species, as well as to serve storm drain detention purposes. Construction of wetlands along Jarvis Avenue would not feasibly permit storm water detention for the site.

- Comment 18n: Seriously biased assumptions were made in the Analysis of Long Term Effects, including that only productivity is long term gain, not long term quality of life in Newark. There are already sufficient vacant warehouses and industrial lands.

Response: Through the General Plan, the community has decided that future development should occur on the project site. Construction of the Gateway project is consistent with the General Plan.

- Comment 18o: Project does not address rural ambiance of Newark.

Response: Comment acknowledged. Refer to the Response to Comment 18o.

- Comment 18p: Commenter does not want project to be built and wants to protect Newark.

Response: Comment acknowledged.

- Comment 18q: Commenter would prefer the site remain open rather than being developed.

Response: Comment acknowledged.

- Comment 18r: The City should consider adding serious conditions of approval to the project, including levying large fines if quality of life of nearby residents is diminished.

Response: Recommending conditions of approval for the proposed project is beyond the scope of the EIR.

**Letter 19: Phillip Badal, Transportation Planning Branch, Caltrans (November 4, 1994)**

- Comment 19a: A Statement of Overriding Considerations is proposed in lieu of mitigation measures. This project alone will deteriorate LOS to an unacceptable, thirteen years before the horizon year of the 2007 General Plan.

Response: The DEIR does recommend several mitigations for traffic (Mitigation Measure 4.11.1), although the analysis indicates that the mitigations will not reduce LOS to acceptable levels. Note that more recent traffic LOS data (attached) indicates that this project alone will not deteriorate local traffic conditions to unacceptable levels.

- Comment 19b: Provide additional traffic information, including Existing, Existing plus project, and Existing plus project plus cumulative for the intersections analyzed in the DEIR.

Response: Requested information is attached. Note that cumulative traffic (including existing plus project) is contained in the DEIR document.

- Comment 19c: Provide trip generation rates for industrial, research and industrial and warehouse land uses.

Response: The precise mix of land uses for the proposed project is not known at this time. Precise development plans do not exist. Therefore, the mix of uses shown in the DEIR is believed to best represent future mix of land uses.

**Letter 20: Millicent Malliett, interested resident, (November 3, 1994)**

- Comment 20a: Cargill has underestimated wildlife use of the site.

Response: Refer to Comment and Response 16a.

- Comment 20b: Draft EIR does not fully disclose impacts of traffic, noise, water quality, human interaction and light pollution on the Refuge.

Response: The DEIR represents a full and impartial analysis of all of the issues identified in the comment. No such technical or scientific information was presented to the City during the NOP or public comment period in this regard.

- Comment 20c: The EIR is too vague in disclosing mitigations and a resource management plan

Response: Comment acknowledged regarding mitigations. Please refer to Comment 16 d.

- Comment 20d: Cargill has not obtained a permit for wetland consolidation plan.

Response: The DEIR requires that Cargill obtain such a permit prior to site development. This is required in Mitigation Measure 4.3.2.

- Comment 20e: Cargill has not complied with previous court orders regarding site restoration.

Response: Refer to Comment 8b.

- Comment 20f: Cargill cannot combine a mitigation area with a storm water retention area.

Response: Refer to Comment 16g.

- Comment 20g: Plans to widen Jarvis and Thornton are too vague.

Response: The DEIR contains a site map (Exhibit 4) and cross sections (Exhibits 5 and 6) regarding the proposed widening of both roads. Storm water drainage from both roads will be directed away from wetland areas.

**Letter 21: Dan Kelley, interested resident (November 4, 1994).**

- Comment 21a: Cargill has not been given permission for wetlands consolidation or for widening of Thornton and Jarvis Avenues.

Response: Refer to Comment 8b regarding the proposed consolidation plan. Roadway approvals have not yet been granted. The EIR is the first step in the project review and approval process.

- Comment 21b: The DEIR does not fully describe impacts to the Refuge, including traffic, water runoff, noise, light and human disturbances.

Response: Refer to Comment 20b.

- Comment 21c: The proposed Consolidation Plan is too vague, especially the plan to use wetlands for storm water retention. Wildlife will be destroyed during flooding periods.

Response: Refer to Comment 16g.

- Comment 21d: Cargill has not complied with federal laws and court orders.

Response: Refer to Comment 8b.

- Comment 21e: Widening of Jarvis and Thornton Avenues will create unsafe traffic conditions.

Response: The proposed design will be undertaken by registered traffic and civil engineers to ensure that all traffic safety criteria are met.

- Comment 21f: If a road cannot be built through wetlands, will it be routed onto Jarvis?

Response: Exhibit 25 indicates an alternative to the proposed project which would route Gateway Boulevard, the main project roadway, onto Jarvis. This alternative was prepared for analysis purposes and is not included as part of the proposed project.

#### **Letter 22: Firestone Court Homeowners Association (November 4, 1994)**

- Comment 22a: Concerns raised about noise emission limitations between 7 a.m. and 10 p.m., specifically the ability of the Development Services Department to enforce this zoning restriction.

Response: The City of Newark has the power and authority to enforce noise limitations through the existing zoning ordinance as well as the nuisance ordinance in the Municipal Code. If violations occur, appropriate enforcement action will be implemented through citations and, if necessary, legal action through the City Attorney's office.

- Comment 22b: Supports proposal for widening and improvement of Jarvis Avenue, so long as no direct access from the project site to Jarvis Avenue occurs.

Response: Comment acknowledged.

- Comment 22c: Municipal Code requirements will include planting of a 50-foot wide buffer adjacent to Jarvis Avenue as well as landscaping along Dumbarton Freeway. Thornton Avenue will be buffered by constructed wetlands.

Response: Zoning requirements of the MT-1 District, which will be applied to the Cargill site, will require the provision and maintenance of a 50 foot wide buffer along Jarvis Avenue. The proposed Tentative Parcel Map for the property includes a 50-foot wide landscape easement along the north side of Jarvis Avenue and a 10-foot wide landscaping easement adjacent to the Dumbarton Freeway. Consolidated, enhanced wetland are proposed along the Thornton Avenue frontage as shown in the Draft EIR as well as on the Tentative Parcel Map.

- Comment 22d: Actual composition of the landscaping will be developed and approved with citizen participation.

Response: Conceptual landscape plans for the buffer areas will be subject to review and approval of the Planning Commission and City Council.

- Comment 22e: The proposed roadway alignment contained in the Draft EIR (Exhibit 26) for Jarvis Avenue and Gateway Boulevard will not impact wetlands and will allow for a better managed and uninterrupted wetland area. Proposed traffic will be no more negative than similar intersections in the community.

Response: Comment acknowledged. Exhibit 26 indicates a possible street alignment which was considered in the EIR. Traffic impacts have been addressed in Section 4.11 of the DEIR and supplemental traffic information included in the Final EIR.

- Comment 22f: Between the 50-foot strip along Jarvis and construction of any buildings, an additional 50-foot setback should be required which would only allow parking or passage of automobiles or two-axle commercial vehicles.

Response: Additional language has been added to the draft of the MT-1 Zoning District to require that: (a) if truck loading or unloading faces an arterial street, a minimum building setback of 100 feet shall be established and maintained, (b) in lieu of a 100-foot setback, the minimum setback shall be 50 feet and the project applicant shall construct a noise barrier wall to protect adjacent residential areas, or (c) a minimum 50-foot setback may be established and maintained adjacent to an arterial street provided that truck loading and unloading not occur adjacent to an arterial street.

- Comment 22g: Between the area paralleling Jarvis Avenue and buildings, an additional 10-foot landscaped strip shall be provided.

Response: The MT-1 District requires a minimum 25% of all sites to be permanently landscaped. This could include a 10-foot strip adjacent to buildings. The actual location of site landscaping will be determined at the level of Architectural and Site Plan Review.

- Comment 22h: No shuttling or transfer of tractor trailers, tankers or commercial vehicles should be allowed on Jarvis Avenue or any perimeter road paralleling Jarvis.

Response: Parking is currently prohibited on the north and south sides of Jarvis Avenue. No Parking signs will be installed on the north side of Jarvis as a part of the improvement of Jarvis Avenue. Such parking restrictions will also be placed on any perimeter roads within the Gateway project.

- Comment 22i: No parking of tractor trailers, tankers, heavy haulers or commercial vehicles should occur on Jarvis other than for emergency reasons.

Response: Refer to Comment and Response 22h.

- Comment 22j: No loading docks or bays should face Jarvis from the first series of buildings paralleling Jarvis.

Response: Refer to Comment and Response 22f.

- Comment 22k: The City of Newark should establish a binding and transferable precondition to all zoning changes for the establishment of the Business park, including but not limited to landscaped areas, building heights, wetlands improvements and roadways. Cargill and any future owners will be held fully liable for these preconditions.

Response: Many of the standards by which the Gateway Business Park will be developed are required by the MT-1 Zoning District, adopted and enforced by the City. This includes



parking, on-site landscaping, building heights, provisions of buffer strips adjacent to Jarvis Boulevard and others. Prior to building any improvements on the site, these requirements must be fulfilled by any landowner, whether Cargill or a successor owner. Other conditions are attached to the land based on the Tentative Parcel Map, such as the widening and improvement to local streets and roads. Enhancement and preservation of the wetland area is required as a Mitigation Measure by the Environmental Impact Report.

**Letter 23: Don Guidoux, Tri-City Ecology Center (November 3, 1994)**

- Comment 23a: Wetlands mitigation area should not be used as a stormwater retention basin.

Response: Refer to Comment and Response 14e. In addition, storage of peak storm water has been one of the historic functions of wetlands.

- Comment 23b: Proposed drainage channels from the wetlands mitigation area to and through the Refuge are not acceptable and one of them violates federal law and must be removed.

Response: Recorded drainage easements exist over Refuge lands, which were reserved as part of the transfer of lands from Cargill, or previous owner, to the federal government as part of the creation of the Refuge. The legality of the proposed drainage plan will likely be reviewed by the Corps of Engineers as part of the 404 permit, which has been filed by Cargill.

- Comment 23c: There is no delineation of wetlands or Corps approval of the Consolidation Plan. Restoration of wetlands by Cargill should be accomplished prior to project approval.

Response: Refer to Section 4.3 of the Draft EIR, which describes the background of wetlands and "other waters of the U.S." delineation on the site. Refer to Comment and Response 8b regarding settlement of the lawsuit.

- Comment 23d: The proposed consolidation area has a narrow configuration, has a minimal buffer zone and will be divided into two parts by an access road. Recommend no division of wetlands by roads, protected by a 200-foot wide buffer and possibly be relocated to another portion of the property.

Response: Refer to Comment and Response 13c regarding location of access road through the proposed consolidation area. Refer to Comment and Response 14d regarding buffering measures proposed to be incorporated into the Consolidation Plan. Refer to Comment 14a regarding to the proposed consolidation plan configuration.

- Comment 23e: Several questions regarding the Consolidation Plan: (a) who will develop the plan, (b) when will construction begin, (c) what kind of mitigation standards will be achieved, (d) who will monitor wetlands, (e) who will pay for monitoring?

Response: The Consolidation Plan must be approved by the Corps of Engineers prior to construction of new development on the Cargill site. Many of the questions, including who will pay for improvements, monitoring, etc. will be answered through the 404 permit

process. A copy of the draft Consolidation Plan has been included in the Draft EIR for public review.

- Comment 23f: Traffic impacts of the development are substantial and are not adequately addressed.

Response: Refer to Comment and Response 21e.

**Letter 24: Joel Medlin, U.S. Fish and Wildlife Service (November 4, 1994)**

- Comment 24a: The Fish and Wildlife Service continues to recommend that the consolidated wetland area be kept separate from any storm water retention facility.

Response: All Best Management Practices will be incorporated into the Gateway development plan to ensure that stormwater entering the consolidation area will be of the highest water quality achievable. Preliminary water quality plans indicate that grass swales will be installed adjacent to the main access road as well as the project perimeter to filter all storm water run-off from private property and from public roads constructed on the property. The Draft EIR also indicates other storm water pollution control measures which must be taken as part of the project (Mitigation Measure 4.1.2). All necessary permits will be obtained from the Regional Water Quality Control Board prior to project construction.

- Comment 24b: Specific mitigation are not listed for restoration of 0.98 acres of wetland which could be disturbed for drainage improvements through the Refuge.

Response: Impacted areas within the Refuge include (a) property included in a drainage easement held by Cargill and (b) a channel between the drainage easement and Newark Slough. The drainage channel within the Cargill easement would be widened by removing the existing access road along the easterly side of the drainage channel. Vegetation within the channel will be salvaged and planted in the widened channel. An access road for maintenance of the channel will be relocated to an existing levee on the western side of the channel. By removing the access road and widening the channel, there will be no net loss of wetland acreage. The downstream channel will be abandoned for drainage purposes and a short section of new channel created in order to tie in with the existing drainage channel flowing into Newark Slough. The routing of the channel has been selected to minimize loss of vegetation. No fill will be placed in the wetlands and the resulting activity will not result in any net loss of wetlands.

- Comment 24c: The DEIR fails to identify potential impacts associated with the introduction of significant amounts of fresh water into the salt marsh habitat west of Marshland Road, including potential impacts on existing channels and vegetation.

Response: There will be increased flows of freshwater to the salt marsh habitat west of Marshland Road. With construction of the proposed Gateway development more impervious surfaces will be created and, hence, more run-off during rain storms can be expected. However, peak fresh water flows will be confined to the drainage channels described in the response to Comment 24b. A similar drainage condition exists near Mayhew's Landing Road, where storm water empties into a wetland area and an inspection of this area indicates that no significant impact has resulted to salt marsh harvest mouse habitat or other habitat areas. In addition, the opportunity exists for the refuge to introduce

tidal water to the salt marsh habitat in conjunction with the project. This potential will eclipse any impacts due to the introduction of freshwater.

- Comment 24d: The proposed project may affect the federally endangered salt marsh harvest mouse and the federally threatened western snowy plover. The project site has been identified as a use area for snowy plover by Refuge staff.

Response: Pickleweed habitat similar to that preferred by the salt marsh harvest mouse will be temporarily impacted by the project. Reference the response to Comment 24b. A single snowy plover nest was observed near the intersection of Highway 84 and Thornton Avenue. The Gateway project proposes creation of additional pickleweed habitat within the consolidation area so that the salt marsh harvest mouse will increase following completion of the consolidation plan. A roosting and nesting area is proposed within the consolidation area for shorebirds and has been designed to provide suitable habitat for the western snowy plover.

- Comment 24e: Initiation of a Section 7 consultation may be required as part of the applicant's request for a 404 permit if it is determined that a federally listed endangered species would be affected.

Response: An application for a Corps permit was submitted to the San Francisco District on March 29, 1994 and the need for a Section 7 consultation will be determined by the Corps..

**COMMENT LETTERS**

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Following are the letters received during the comment period regarding the Gateway Draft EIR

LETTER 1

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

OF 29 1994

EIR SCH No. 94-063007  
The Gateway Area Improvement District 26

RECEIVED  
CITY OF NEWARK

Dear Mr. Reese:

I am a Newark resident and live in the Newpark Village Complex off Joaquin Murieta Ave. Having lived here for nearly five years, I have had the opportunity to observe city development and compare it to Fremont. I continue to be impressed with the "coups" Newark has engineered at the expense of Fremont. Like an agile rabbit running circles around a lumbering elephant, Newark appears to stay several steps in front of Fremont. This makes me proud to live here and feel compelled to speak out on the Gateway improvement plan. Let me open my argument by citing another similar project. The opponents of the Newpark Mall were convinced it was a "bad undertaking." The traffic, noise, environmental damage, ect., ect., would create an eyesore and ruin "pristine wildlands." Had they succeeded in blocking the mall, Fremont would now have the revenue base, jobs, ect. and Newark would have a litter-choked field. The mall is a boon for Newark and demonstrates a successful, far-sighted approach to civic planning and development.

The Gateway proposal, for which a draft EIR has just been released, strongly parallels the Newpark Mall situation. Currently, the proposed site is a large dust bowl which, in part, floods during the winter rains. As it sits, I believe it to be relatively unattractive and not very usable. The proposal to rezone the parcel outlines many well-thought issues and ideas which should help mitigate several concerns. However, there will probably always be more individuals dedicated to preventing further development no matter how beneficial it might prove to the community. Nevertheless, I strongly believe that the proposals outlined would warrant a rezoning of the Gateway parcel to allow for future development. Obviously, the increased tax base and number of jobs speak for themselves. Aesthetically, a dust bowl does not put the best light on the city, as one enters from the Dumbarton Bridge. If civic leaders are to continue their enviable track record of successful development, supporting the Gateway project, as a showcase for Newark, should be in their best interest.

Sincerely,



Scott Schroeder

LETTER 2

7104 Arbeau Dr.  
Newark, CA 94560  
October 10, 1994

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

Dear Mr. Reese:

When we bought our house in this city, twenty years ago, there was a project to build a golf course over Jarvis Avenue where the old golf course existed, but the environmentalists opposed it because of the possible damage to the wetlands.

Now we have another project. The Mayhews Landing Association is planning to build single-family detached homes on the area that covers part of the controversial wetlands. Again we are facing the opposition of environmental advocates.

Now Cargil Salt Co. is planning to build, on the same area, a distribution center that will provide new jobs and a much needed expansion to the city, but we are facing the same opposition from the environmentalists.

But the problem is that the wetland advocates don't do anything to improve the appearance of the area. They just abandon it, they even allow health hazards like the tumble-down shacks we suffer on Jarvis and Haley. Under their "protection," the whole area looks like the boon-docks.

We are sick and tired of this paralysis. The city need expansion in this area and it is time for some kind of compromise and action. We don't need to be talking to the wetland protectors to the end of time.

Since you are the representative of the city on this matter, I wanted to express my opinion as a concerned and frustrated citizen.

Very truly yours,

  
Nellie Reichard

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION  
2101 WEBSTER STREET, SUITE 500  
OAKLAND, CA 94612

TEL: (510) 286-1255  
FAX: (510) 286-1380  
BBS: (510) 286-0404  
OCT : -



October 13, 1994

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

**LETTER 3**

**SUBJECT: Draft EIR for The Gateway Area Improvement District No. 26**

Dear Mr. Reese:

We have reviewed the Draft EIR for The Gateway Area Improvement District No. 26 and have the following comments about storm water quality impacts and mitigation measures:

The Draft EIR (pages 31-33) indicates "... runoff from individual building sites via a series of grass-lined surface swales...Storm water will be transported and filtered via the grass swales and will be emptied into the consolidated enhanced wetland area...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..."

**3a** We support the idea of routing storm water runoff through grass swales as a method of pre-treatment prior to discharge into the consolidated enhanced wetland area. Since all storm water runoff from the site will ultimately enter the consolidated enhanced wetland area, all runoff must be adequately pre-treated by the swales. This will require that the drainage plan provides for 1) runoff from **all paved surfaces** including the roads be routed to the swales, and 2) appropriate travel time and distance in the swales. The drainage plan shown in Exhibit 11 of the Draft EIR does not show a flow path through grassed swales to the northern inlet near State Route 84, nor does it clearly indicate that runoff from the northwestern portions of the site, in closest proximity to the consolidated enhanced wetland area, would be routed along an appropriate length of the swales. The drainage plan should be clarified regarding these points.

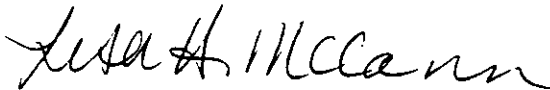
**3b** Regional Board Resolution No. 94-102, Policy on the use of Constructed Wetlands for Urban Runoff Pollution Control, states that "Constructed wetlands used for urban runoff treatment may not be used to satisfy mitigation requirements from wetlands loss pursuant to any program within the purview of the Regional board including, but not limited to, Sections 401 and 404 of the Clean Water Act..." Therefore, as a mitigation area, the consolidated enhanced wetland area should not be used for storm water detention as a means to improve storm water quality prior to discharge to the Wildlife Refuge. Use of the consolidated

enhanced wetland area for storm water detention is encouraged only if this is consistent with its primary function as wetland mitigation. The quality of the water entering the consolidated enhanced wetland area must be as high quality as is acceptable for the water entering the Wildlife Refuge. Any water quality benefits obtained from passing through the consolidated enhanced wetland area should be incidental and/or in addition to efforts to achieve the highest quality water possible prior to discharge into the mitigation area.

3c  
The Draft EIR (page 33) identifies a potentially significant adverse impact related to water quality in Environmental Impact 4.3.1 but fails to list an appropriate mitigation measure. Mitigation Measure 4.3.1 addresses "hydrology" impacts but says nothing about "water quality". If Mitigation Measure 4.3.1 was intended to include "water quality" this should be made clear. An appropriate mitigation measure for Environmental Impact 4.3.1 must include a discussion of "post-construction" water quality controls as required by the NPDES Construction Permit. The paragraph addressing post construction measures found in Mitigation Measure 4.1.2 (erosion) on page 22 seems to cover "water quality" and not "erosion". This mitigation measure should be connected to Environmental Impact 4.3.1. This mitigation measure should elaborate on proposed operation and maintenance responsibilities and agreements that would have to be established to ensure these measures are achievable.

If you have any questions, please call me at (510)286-0378.

Sincerely,



Lisa Horowitz McCann  
Environmental Specialist

cc: Mike Monroe, EPA Permits and EIS Review  
Karen High, U.S. Army Corps of Engineers



**MEMORANDUM**

To: Project Coordinator  
Resources Agency

Date: October 17, 1994

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

LETTER 4

From: Department of Conservation  
Governmental and Environmental Relations

Subject: Draft EIR for the Gateway Area Improvement District No. 26, City of Newark --  
SCH# 94063007.

The Department of Conservation's Division of Mines and Geology (DMG) has special expertise in evaluating geologic and seismic hazards as well as mineral resource issues, and has performed a review of the Draft Environmental Impact Report (DEIR) for the proposed Gateway Area Improvement District No. 26 project. DMG has restricted its current comments to the apparent issues in the DEIR concerning seismic shaking and ground failure hazards.

Ha  
The DEIR Section 4.1, addressing *Earth* environmental issues, identifies these two potential types of seismic hazards, seismic shaking and ground failure, within the project region. However, the DEIR appears to minimize the potential hazard for significant earthquake shaking, stating that it is "anticipated to occur in areas containing more solid ground, east of the project site" (p.17). This statement, perhaps mistakenly, represents information presented in a project soils report. However, it is inconsistent with knowledge of seismic shaking response of soils. Softer soils, especially "bay mud" soils located around the periphery of the San Francisco Bay, are well known to significantly amplify earthquake shaking (e.g., SEAOC Ad Hoc Earthquake Reconnaissance Committee, 1991, p.22).

Ab  
The DEIR summarizes information from two geotechnical investigations, referenced as "Kaldveer (1978)" and "Berlogar, 1993", which reportedly identify potentially liquefiable soil zones below a depth of 7 to 12 feet. This information is valuable to the review of potential adverse geologic/geotechnical conditions at the site, and DMG recommends that the reports be included as appendices to the Final EIR.

We hope the above comments are helpful to you in the preparation of the final EIR for the Gateway Area Improvement District No. 26 project. If you have any questions regarding these comments, please contact me (916-445-8733) or, for specific geologic questions, Jeff Howard, Division of Mines and Geology, Environmental Review Project Manager, at (916) 323-4399.



Jason Marshall  
Environmental Analyst

cc: Jeff Howard, Division of Mines and Geology  
Ray Seiple, Division of Mines and Geology

Mr. Jim Reese  
October 17, 1994  
Page Two

**References:**

Ad Hoc Earthquake Reconnaissance Committee, 1991, Reflections on the Loma Prieta Earthquake, October 17, 1989: Structural Engineers Association of California (SEAOC), 174p.

Association of Bay Area Governments (ABAG), 1988, The San Francisco Bay Area, On Shaky Ground: Alameda and Contra Costa Counties Map Set, scale 1:125,000.



October 18, 1994

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

LETTER 5

RE: Draft Environmental Impact Report, Gateway Project

Dear Mr. Reese:

After having reviewed the subject document, the Bay Trail Project would like to make the following comments:

The Bay Trail is a 400-mile multi-use trail system circling San Francisco Bay. Portions of the trail run on public streets as bicycle lanes. The City of Newark has endorsed the Bay Trail route along both Jarvis and Thornton Avenues, both of which are referenced as bicycle routes in the City's general plan. Thornton Ave. provides an important bicycle link to the National Wildlife Refuge and Coyote Hills Regional Park. Jarvis Ave. links to the bicycle path along Rt. 84 across the Dumbarton Bridge. If the proposed project is approved, both streets will become important bicycle commute routes serving the Gateway Project and facilitating a reduction in automobile trips.

The Gateway Project EIR (pp.9, 71) refers to proposed widenings of Thornton and Jarvis Avenues and to the provision of bike lanes on both streets. However, cross-sections for these streets (Exhibits 5 and 6) are not consistent with this statement, since they show 8 ft. parking lanes, rather than bike lanes, at the roadway shoulder. This does not, as is stated on p. 70, provide "more pavement area for bicyclists." (We assume that the sidewalks are not being proposed as bike paths, which would create safety problems at every intersection). Where parking is to be provided, Caltrans standards call for a minimum 5-ft. striped bike lane outside of the parking lane. In a development projected to generate some 12,500 vehicle trips per day and "result in significant traffic congestion, defined as Level of Service F, at key roadway intersections near the project site...." provision of dedicated bicycle lanes is obviously an important safety consideration which should be incorporated into the project and the proposed trip reduction ordinance.

Thank you for the opportunity to comment on this project.

Sincerely yours,

Brian Wiese  
Trail Development Coordinator

Don D. Laniewski  
35693 Scarborough Drive  
Newark, CA 94560  
October 14, 1994

LETTER 6

JIM REESE  
Community Development Director  
37101 Newark Boulevard  
Newark, CA 94560

OCT 1994

Re: Project: The Gateway  
Area Improvement District No. 26

Dear Mr. Reese:

I am a resident and homeowner at The Lake in Newark and have been so for the past twenty-three years. I am very proud to be a Newark resident, and I am naturally interested in new projects that may have an impact on my City and the surrounding area. I take pride in the accomplishments that I have observed in Newark. Simply looking at the contiguous communities makes me realize that Newark is a "stand-out" city. I believe that it is Newark's far-sightedness that has caused it to become the city that it is.

I am familiar with the project proposed by Cargill Inc. and, living in the area, I know the area that Cargill Inc. wishes to develop. Presently, I see a vast, unproductive wasteland, a definite "eyesore" and "dustbowl". Cargill's project would eliminate this. It appears to be well thought-out, and definitely would be a benefit and asset to the City in the long run. I see a potential development that would be environmentally safe, aesthetically pleasing, job creating and a much-needed source of tax revenue for the City.

I know that there will be opposition to Cargill's project. There always is when a new and large undertaking such as this one is proposed, but I personally feel that this project is a perfect use of this vast area of land. It will require the same far-sightedness on the part of the City of Newark that was present when Newark developed Newpark Mall. I am sure that there was opposition to that project. It is not necessary to point out the wisdom of that development. It is that same far-sightedness on the part of the City of Newark that I hope I will see in respect to this latest project.

As a Newark resident, I strongly urge you to approve Cargill's Project and allow Newark to move into the future.

Very truly yours,



Don D. Laniewski

BOARD OF TRUSTEES

Felix H. Ocho  
President  
Paul T. Garcia  
Vice-President  
Jonathan Marks  
Secretary  
James N. Doggett  
T. David Edwards  
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William M. Spinola  
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John P. Vizzolini  
Jan Washburn

# Alameda County Mosquito Abatement District

FRED C. ROBERTS  
MANAGER  
23187 CONNECTICUT STREET  
HAYWARD, CALIFORNIA 94545  
(510) 783-7744  
FAX (510) 783-3903

October 24, 1994

23 4

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

LETTER 7

Subject: Comments on DEIR for The Gateway Project

Dear Mr. Reese,

Thank you for the opportunity to comment on the Gateway Project proposed by the City of Newark and Cargill Salt. My comments will be addressing Appendix 8.5, Newark-Coyote Tract Consolidation Plan For Poned Areas, prepared by Wetlands Research Associates and Greiner, Inc.. This plan concerns wetlands ( and mosquito sources ) in the project area.

7a

7b

I was pleased to see that the plan is to be flexible enough to allow modifications that may be required for mosquito control needs. (A 8.5 p.4) In section 3.1 #1 the sentence is never finished from page 11 to page 12. What does this excavation of 12.8 acres provide? On page 13 in section 3.4 Tidal Wetland Creation, the channels and marsh being tidal year-round solves most mosquito problems except for those involving *Aedes dorsalis*, a mosquito that breeds in tidal salt marshes. This mosquito is already a problem in this area and if there are sites that only pond at the highest tides and are not flushed out regularly afterwards then this mosquito can be a problem on this created wetland. *Aedes dorsalis* prefers to breed in sites with salt grass (*Distichlis*) primarily, followed by pickleweed (*Salicornia*) habitats. The last sentence on page 13 is never finished on page 19 when the text resumes. Section 3.5 Mosquito Control, is true but we would like to see it expanded. Mosquito control involves inspections and insecticide treatments to control the mosquitoes. ACMAD uses biorational insecticides like BTI and methoprene in salt marshes. There needs to be access for mosquito control personnel and equipment, we would like to see this included in the plan.

Please keep us informed of any changes in these plans as they evolve. If you need more information, please contact Mr. Wesley Maffei, Environmental Specialist.

Sincerely,

John R. Rusmiser  
District Manager

2

# LETTER 8

28 October, 1994

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

OCT 28 1994

Re: Draft EIR Newark Coyote Tract

Dear Mr. Reese:

This Draft EIR is premature, contains misinformation and seriously misrepresents Cargill's intentions on this site. No action should be taken on the request for rezoning.

- 3a 1. Cargill must obtain all permits including federal, state and local agencies before a decision is made on rezoning.
- 3b 2. Cargill must comply with the recent federal court decision regarding removal of illegal structures, payment of fine and restoration work on the Tract. Cargill must comply with all Corps of Engineers cease-and-desist orders issued on the Coyote Tract.
- 3c 3. Cargill must obtain all permits from federal, state and local agencies regarding its Consolidation Plan. This includes all permits needed to widen Thornton and Jarvis Avenues.

3d The Draft EIR states that the "approval of the Consolidation Plan would take place prior to any grading permit application." This is a lie. The City of Newark granted grading and fill permits in October of 1989; five years ago! The grading and filling was done to eliminate natural ponding of water and to circumvent the EIR process.

3e Cargill is disguising the truth when it states that no migratory corridors would be affected (pg 46). The company is well aware of the years of extensive wildlife use of the site. Migratory shorebirds and waterfowl have been counted by the hundreds during winter and spring months. There is documented use of poison traps to eliminate burrowing owls.

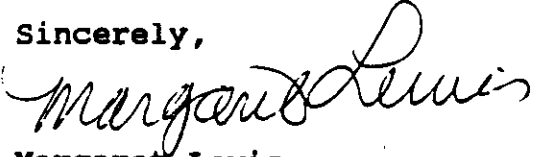
3f Due to placement of wetlands on the site, it is unclear how roads would service the area. If the Consolidation Plan cannot be implemented, where will the project road extend? What is planned mitigation for the expected gridlock traffic on Thornton, Jarvis and Newark Blvd?

3g  
3h The Fremont, Union City and Newark areas contain hundreds of acres of empty industrial parks and empty buildings. Zoning is already in place, there are no wetland constraints.

8i

This EIR and request for rezoning must be set aside until all the facts are know, all permits in hand, all mitigation in place and functioning. If Cargill cannot wait until the project is done correctly and in compliance with all laws then we are left to suspect suspicious circumstances. If the city grants rezoning based on this inadequate document suspicions are also raised.

Sincerely,



Margaret Lewis  
36102 Spruce St.  
Newark, CA 94560



**Directors**  
Liz Figueroa  
Pat Kite  
Rudy Reyna  
Lindsay Roberts  
Dan Wilkowsky

**Officers**  
Stephen T. Hayashi  
*General Manager /  
District Engineer*  
David M. O'Hara  
*Attorney*

OCT

October 31, 1994

**LETTER 9**

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

**Subject: Draft Environmental Impact Report for The Gateway**

Dear Mr. Reese:

Thank you for the opportunity to review and comment on the draft EIR for the Gateway Project. Union Sanitary District (USD) currently owns and operates two 39-inch wastewater force mains which are located on the project site. These force mains currently transport approximately 18 million gallons per day of untreated wastewater from the cities of Newark and Fremont to our treatment plant in Union City.

The force mains are located directly underneath the area proposed for wetlands consolidation. USD is concerned that development activities, unless properly mitigated, could damage or weaken the force mains. Since the force mains are under pressure, any damage to them could cause significant spills of wastewater, which would adversely effect the environment. The draft EIR has not addressed this issue. We feel additional study is needed to address this concern. We are also greatly concerned that creation of wildlife habitat on and around our force mains will result in severe access restrictions for maintenance, repair, etc. In the future access by USD may be viewed as an intrusion on a wildlife and/or endangered species habitat. This would be an unacceptable outcome for the project. Our specific comments are provided below.

- 9a
1. Page 79 of the draft EIR states, "The project will not impact the 33-inch force mains, which are located in the area planned for consolidated enhanced ponds." We have found no analysis or discussion in the EIR to support this conclusion. USD believes there are potential impacts which need additional study to ensure there are no significant impacts to the force mains. Also please note that the force mains are 39-inches, not 33-inches.



- 9b 2. Will excavation and subsequent flooding on both sides of the twin force mains significantly change soil conditions causing settlement or other structural problems for the pipelines?
- 9c 3. USD currently has access manholes at two locations on the site. USD's easement over the property gives us the right to access the force mains at any time. Will USD access be significantly impeded by wildlife habitats? The sand area shown for snowy plover habitat would eliminate vehicular access. This is not acceptable to USD. Showing the easement access road as snowy plover habitat appears misleading and self-serving.
- 9d 4. What impacts do the waterways cause on the feasibility and cost of replacing, repairing, or running new utility lines in the existing easement?
- 9e 5. What contingencies are built in to the drainage basins in the event of a significant sewage spill? Will tide gates be designed to hold in water if needed?
- 9f 6. What precautions will be taken to ensure the structural loads and vibration from earth moving equipment will not damage the force mains?
- 9g 7. Will the installation of culverts or dredging of existing drainage channels significantly reduce cover over the force mains or other USD sewer lines?

While these comments focus on the maintaining the structural integrity of the existing pipelines, we believe this is directly related to the feasibility of creating the wetlands consolidation area. It is also our belief that maintaining the structural integrity of the force mains, and maintaining unrestricted access for USD is a vital precursor to the successful creation of wildlife habitat as part of this proposed project.

We look forward to working together to resolve these important issues.

Sincerely,

*Kent Steffens*

Kent Steffens, P.E.  
Senior Engineer

cc: Steve Hayashi, General Manager USD  
Liz Varnhagen, US Army Corps of Engineers  
Brian Hunter, State Department of Fish & Game



LETTER 10

October 17, 1994

Mr. William Fitts, Chairman  
City of Newark Planning Commission  
37101 Newark Boulevard  
Newark, CA 94560

Dear Chairman Fitts:

The Newark Chamber of Commerce Board of Directors is writing in support of the proposed Gateway project on the Newark Coyote Tract that is currently owned by Cargill Salt. We support the rezoning for the simple reason that it is good from a business standpoint for Newark. The proposed business park sets a high quality of standards for development at the gateway entrance to Newark. The quality proposed will improve the gateway element and allow Newark to compete with Ardenwood business park in Fremont. This type of development will be an excellent use of property as a prime industrial site at the hub of Highway 84 coming from the Dumbarton Bridge. All of this will enhance the development potential for the city which in turn will provide Newark a stronger livability.

The site has already been planned as industrial use in the approval of Newark 2007. The effects on the economy of Newark stand to increase greatly with the potential of 3,000 to 4,000 new jobs in Newark. The effects that these new jobs could have on the Newark economy are great. For example for every 100 new jobs to a community it can mean \$2,180,000 in spendable income, more than \$2,200,000 in bank deposits, and added retail sales of \$987,500. This is exactly the kind of development that Newark needs. These are just some of the economic benefits to be derived from a new industrial location. It just stands that this is needed in Newark. Can we afford not to create the environment for this kind of development. We think not.

Sincerely,

Newark Chamber of Commerce Board of Directors  
(listed on page 2)

*Sandy Young*  
Sandy Young  
Mason McDuffie

*Cathie Babbick*  
Cathie Babbick  
The Travel Store

*Colby LaPlace*  
Colby LaPlace  
Jones-Hamilton Co.

*Fran Meredith*  
Fran Meredith  
F & M Productions

*Bernadette Eberle*  
Bernadette Eberle  
Century 21

*Donald D. Winn, Jr.*  
Donald D. Winn, Jr.  
Newark Chamber of Commerce

*Gloria Davis*  
Gloria Davis  
CopyMat of Newark

*John Balentine*  
John Balentine  
Second Chance

*Marlene Watkins*  
Marlene Watkins  
Glendale Federal Bank

*Sharon James*  
Sharon James  
NewPark Mall

*Harriet Despeaux*  
Harriet Despeaux  
Century 21

*Jerry Gallaway*  
Jerry Gallaway  
Inland Container

*K. M. Behrens*  
Kati Behrens  
Pain Relief Center

*Jackie Low*  
Jackie Low  
Beauty Super Store

October 27, 1994

In addition to the letter of support from the Newark Chamber of Commerce Board of Directors the Chamber's Manufacturer's Committee has voted to endorse the project. The following businesses are represented on that committee:

Ashland Chemical Co.  
Bemis Jason Corp.  
Cargill Salt  
Edwards Enterprises  
Evergreen Oil  
FMC Corp.  
Hewlett-Packard  
Inland Container  
International Paper  
Jones-Hamilton Co.  
Morton Salt  
Nancy's Specialty Foods  
Oatey Co.  
Pabco Gypsum  
San Francisco Bay Brands  
Thoro System  
W.R. Grace

October 26, 1994

Mr. William Fitts, Chairman  
City of Newark Planning Commission  
37101 Newark Blvd.  
Newark, CA 94560

**LETTER II**

Planning Commission:

The Legislative Committee of the Newark Chamber of Commerce supports the proposed Gateway project at Newark Coyote tract. We feel that Cargil Salt has displayed a high standard of development in this project; they have dealt with ecological concerns, and permanent improvements to the Jarvis Ave. western gateway area, while producing a prime industrial site which will generate additional taxes and jobs for Newark.

This project will bring us into conformance with Newark 2007, the general plan that provides the groundwork for future development of the site. Throughout all phases of the development process more jobs will come into Newark. Temporary employment during the construction phase will precede the thousands of new jobs resulting upon the completion of the Gateway Project. Increased business to local suppliers, services and retailers will increase our tax base thereby funding city services and local schools. As businesses continue to develop and expand in Newark, the viability of the city improves.

We strongly urge the Planning commission to support the Gateway Project to rezone this 153 acre parcel, one of the best places for economic and business development in Newark.

Sincerely,  
Newark Chamber of Commerce Legislative Committee

*Steven M. Bernay*  
*Harry S. "Howie" Lewis*  
*Sill Singleton*  
*Annelle Brazil*  
*Harold Despreaux*  
*Stephen Thors*

*James Fisher*  
*Colby 17 Plan*  
*Jandra K. Young*

**LEGISLATIVE COMMITTEE**  
Newark Chamber of Commerce

Steven Bernard  
791-1888

Bernard and Wood  
3900 NewPark Mall Rd, 3rd floor

Harriet Despeaux  
745-9300

Century 21 Pride Properties  
5172 Mowry Ave  
Fremont 94538

Jim Fisher, Dave Lanferman  
623-4150

Lanferman, Fisher and Hashimoto  
39899 Ballentine Dr. #330

Ann Foulke  
489-3846

6 Palm Dr  
Union City 94587

Cheryl Goldman  
657-1350

Browning-Ferris Industries  
42600 Boyce Rd  
Fremont 94538

Hank Lewis  
797-3373

Newark Professional Center  
5094 Scarborough Dr.

Rich Olivas  
713-3360

Fremont Bank at Safeway #1224-5  
5877 Jarvis

Jill Singleton  
797-1820

Cargill Salt  
7220 Central Ave

Sandy Sublett  
797-4672

Oatey Co  
6600 Smith Ave

Laurie Taylor  
582-8800

Senator Lockyer's office  
22634 Second Str. #104,  
Hayward 94541

Jim Twietmeyer  
494-1100

Nancy's Specialty Foods  
6500 Overlake Pl.

Sandy Young  
794-9023

Mason McDuffie  
5920B Thornton Ave.





*Ohlone Audubon Society, Inc.*  
A Chapter of the National Audubon Society

*Southern Alameda County, California*

25656 West Camino Vista  
Hayward, California

31 October 1994

**LETTER 12**

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

NOV 2

Re: Draft EIR Newark Coyote Tract

Dear Mr. Reese:

It has come to my attention that there is an application for a permit before you from Cargill Salt Company regarding the Newark Coyote Tract.

I feel that a decision on this application should be delayed, for several reasons.

- 12a 1. A lawsuit is pending regarding actions by Cargill that included the installation of a concrete drainage structure. This structure apparently violates Federal restrictions.
- 12b 2. Cargill needs to acquire permits for the other parts of its "Consolidation" Plan. These permits need to be obtained before the City of Newark permit is issued. (In a prior instance of a similar nature, when Cargill was issued a premature permit, a stay was ignored by the Cargill people and work under the previous permit has been and still is being carried on)
- 12c 3. Cargill's plans to mitigate for loss of wetlands are not clear. There can be no mitigation for using wetlands by assigning a nearby wetland for this purpose. Mitigation for the widening of Thornton and Jarvis Streets is also not mentioned. Wetlands will be lost in this action, too.
- 12d 4. The presence of feeding areas for migratory shorebirds and wildfowl on the bayward side of these thoroughfares, which formerly took place on both sides of the roads, brings this action into the purview of the Migratory Bird Treaty. The Consolidation Plan would be in violation of the restraints of this international agreement.
- 12e 5. The effects of a shopping mall would be an additional violation

of the Migratory Bird Treaty if the lights, noise and human activities were so close to this area.

It is my sincere hope that other areas of Newark could be used for such a massive installation. I hope that Cargill can satisfy all the permitting requirements of their Consolidation plan in a way that will not impact the shorebirds and wildfowl who use the San Francisco National Wildlife Refuge.

Sincerely,

Elsie Richey  
Board of Directors,  
Ohlone Audubon Society

cc  
Committee to Complete the Refuge  
Bette Wentzel, Ohlone Audubon Society





# CITIZENS COMMITTEE TO COMPLETE THE REFUGE

453 Tennessee Lane, Palo Alto, CA 94306

Tel 415-493-5540

Fax 415-494-7640

October 31, 1994

## ENDORSERS

### 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
- Oftone Audubon Society
- Peninsula Conservation Center Foundation
- Planning and Conservation League
- San Francisco Bay Chapter, Sierra Club
- San Clara Valley Audubon Society
- 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 Alvarado
- Friends of Foster City
- Save Our South Bay Wetlands
- Save Wetlands in Mayhew
- Living Wings/Pintail Duck Clubs

Transmitted by FAX and U. S. Mail

Jim Reese  
 Community Development Director  
 37101 Newark Blvd  
 Newark CA 94560

**LETTER 13**

Re: Draft EIR Newark/Coyote Tract

Dear Mr. Reese,

Concerns that we expressed earlier in regard to the Newark/Coyote Tract remain unresolved.

The public deserves details of the specific plans that will allow the widening of Thornton and Jarvis Roads. Both roads are abutted by wetlands, so that any widening would require mitigation that would appear to be impossible. Federal ownership of some of these wetlands further complicates any hope of relieving traffic problems by expanding these roads.

13a

It appears that Cargill has not resolved requirements placed on it by the settlement of its suit against the Army Corps of Engineers; restoration of wetlands on site and the payment of a fine were two of the demands that seem not to have been met. In addition, the public should have assurances that all the Cease and Desist orders served on Cargill have been resolved before any rezoning is granted.

13b

Several specific features of the plan submitted regarding the consolidation of wetlands are not acceptable: one is dividing the wetlands in two crosswise with an access road; the second is bifurcating the wetland lengthwise because of the Union Sanitary District easement for a sewage pipeline; and a third is the proposed flood control channels that might result in runoff onto the S. F. Bay National Wildlife Refuge.

13c

13d

13e

The City of Newark will surely wish to see these matters considered carefully before approving any action on the site.

Yours sincerely,

*Florence M. LaRiviere*

Florence M. LaRiviere  
Chairperson



Mr. Jim Reese  
October 27, 1994  
Page Three

cc: U. S. Fish and Wildlife Service  
Sacramento

Mr. Mike Monroe  
Environmental Protection Agency  
San Francisco

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

Mr. Dale Bowyer  
Regional Water Quality Control Board

Mr. Bob Douglas  
Cargill Salt

Save the Bay

Committee to Complete the Refuge

## DEPARTMENT OF FISH AND GAME

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



LETTER 14

October 27, 1994

NOV 4

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

Dear Mr. Reese:

Draft Environmental Impact Report (DEIR), Cargill Rezoning  
Creation of New Zoning District and Tentative Parcel Map

Department of Fish and Game personnel have reviewed the DEIR for the proposed project. The 153-acre project site supports wetlands and suitable habitat for the endangered salt marsh harvest mouse and the threatened snowy plover. Additionally, burrowing owls have been documented using the site.

The DEIR identifies potential impacts to wildlife, wetlands and sensitive species. Water quality effects on proposed wetland mitigation and the adjacent San Francisco National Wildlife Refuge are also addressed.

14a The project proposes wetland consolidation as the means of mitigating for the loss of dispersed wetlands on the site. In the Department's comments to the Notice of Preparation, we requested that alternative wetland consolidations be evaluated. The linear configuration of the proposed mitigation maximizes exposure to disturbance. An alternative which minimized the amount of edge between the created wetland and urban development should have been evaluated. The Department believes that consolidations which result in the least amount of edge provide the greatest wildlife values. Such an evaluation was not included as a part of the impact analysis in the Water Quality section or the Biological Resources section of the document nor was it considered in the Alternatives Analysis section. The Alternatives Analysis does not address this issue at all and the document should be amended to include an alternative which considers wetland consolidation which limits edge effect.

14b The proposed mitigation plan does not address issues related to the long-term maintenance and protection of proposed mitigation areas for wetlands and endangered species. The plan should incorporate how these areas will be protected and managed in the future.

Mr. Jim Reese  
October 27, 1994  
Page Two

14c

It is unclear from the mitigation plan if no net loss of wetlands will be achieved. The wetland area includes roost sites for shorebirds and snowy plovers which appear to be uplands.

14d

The need for buffers between development and retained habitat areas was not addressed in the DEIR. The Department normally recommends that development be set back 100 feet from habitat areas to protect habitat values and minimize disturbance. As part of the onsite storm drainage plan, grass lined swales would separate the wetlands for development. The document does not identify the width of the swales or if additional planting between the development and swale would provide appropriate buffering of the wetlands from developed areas.

14e

The DEIR indicates that the wetland mitigation area will be used for storm water runoff detention. It is proposed that runoff will be pretreated using grassy swales to remove pollutants. The effectiveness of such measures is not adequately evaluated in the document to demonstrate that pollutants will be reduced to levels acceptable for discharge into wetlands although the proposal has merit.

14f

The document identifies that burrowing owls use the site and may nest on the site. Identified mitigation measures would avoid direct take of burrowing owls during construction but do not address loss of nesting habitat if the birds are present on the site. The Department recommends that mitigation be required to offset the loss of habitat. This could be achieved by incorporating artificial burrows into the buffer area between the wetland mitigation site and the areas to be developed.

14g

The Department does not believe the document in its current form adequately addresses the concerns raised in our response to the Notice of Preparation. As such, we recommend against certification until the issues identified above have been addressed.

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

Sincerely,

*Ker Assen*  
*for*

Brian Hunter  
Regional Manager  
Region 3

cc: See Attached List



**CITY OF FREMONT**  
COMMUNITY DEVELOPMENT DEPARTMENT

**LETTER 15**

NOV

November 1, 1994

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

**RE: Draft Environmental Impact Report for Proposed Rezoning, New Zoning District and Tentative Parcel Map For Cargill Coyote Tract**

Dear Mr. Reese:

The purpose of this letter first and foremost is to provide comment on the Draft Environmental Impact Report (EIR) for the proposed rezoning, new zoning district and tentative parcel map for the Cargill Coyote Tract project. As stated in the letter submitted to you on April 21, 1994 in response to the negative declaration originally prepared for the project, Fremont's primary concern is the impact of the additional project-related traffic on Route 84, Paseo Padre Parkway-Thornton Avenue, and Ardenwood Boulevard-Newark Boulevard.

15a

The Draft EIR refers to significant negative traffic impacts identified in the 1992 Update of the Newark General Plan EIR for Route 84 off-ramp intersections at Ardenwood Boulevard-Newark Boulevard and Paseo Padre Parkway-Thornton Avenue. A Statement of Overriding Considerations for traffic impacts at these intersections was adopted by the Newark City Council in June 1992. 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. It also did not include the assumptions of the 1992 Newark General Plan.

15b

A review of the level of service calculations included in the Draft EIR Appendices indicates incorrect geometric assumptions may have been used at Ardenwood Boulevard-Newark Boulevard off-ramp intersections. Loop on-ramps for both eastbound and westbound traffic were assumed. This would require a modification of the existing interchange configuration. There appeared to be no discussion in the Draft EIR of how the loop on-ramps would be added to the interchange. This should be described in the text.

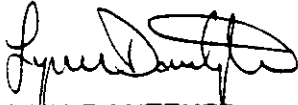
15c

Secondarily, we want to express our strong concern for maintaining the economic development potential in the vicinity of Route 84. Ensuring a viable corridor will certainly benefit both cities, and we believe the City of Newark would agree that this should be a mutual goal. Toward this end, Fremont would propose that a cooperative effort be initiated between the two cities to identify how the Route 84 interchanges could be improved, and cooperatively seek funding for any feasible improvements.



For information regarding our comments on the Draft EIR, please contact Janet Harbin at (510) 494-4438. Additionally, Martin Boyle, City Transportation Engineer, is available to provide specific traffic information at (510) 494-4684.

Sincerely,



**LYNN DANTZKER**  
Community Development Director

cc: **City Manager**  
**Public Works Director**  
**Economic Development Director**  
**Transportation Engineer Boyle**  
**Community Development Director**  
**City Engineer**  
**Senior Planner Banda**



## 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

LETTER 16

November 2, 1994

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

RE: Draft Environmental Impact Report for Cargill Rezoning, Creation of a New Zoning District and A Tentative Parcel Map; SCH No. 94-063007

Dear Sirs:

The Golden Gate Audubon Society has the following comments to make on the above referenced Draft Environmental Impact Report.

We believe that the analysis of wildlife values (pg. 43) on the site may underestimate those values since considerable grading of the site has taken place. Resolution of the existing Army Corps of Engineers Cease and Desist Orders should be completed before such an evaluation of resource values is made since that resolution may entail Cargill having to restore wildlife habitat on the site. 16a

Mitigation measure 4.4.1. states that if salt marsh harvest mouse habitat is destroyed it will be mitigated "off of the project site". Considering the cost of Bay Area land we believe it is necessary for this EIR to identify such a site and its ownership, and to state that the project proponent must acquire said site. 16b

There are many instances of such CEQA mitigation requirements never being fulfilled when the language is as vague as in this measure. The same can be said for the creation of a "resource management plan" that will supposedly ensure the survival of the mouse's habitat on site. Such a plan should be presented in this EIR for public review. Such a broad public review is not a part of the Endangered Species Act process. Failure to reveal such a "resource management plan" to the public now, in this EIR, is to remove the public from the resource planning process and will prevent the public from 16c

providing valuable information to decision-makers regarding such a "resource management plan".

Similar concerns exist for the threatened western snowy plover. Again, vague reassurances that the wetland consolidation plan will provide adequate western snowy plover habitat is inadequate information in a DEIR. The "resource management plan" should be well developed and included in the DEIR. Failing that, the public will not have an opportunity to make informed comments on the mitigation proposals for a project that will result in significant impacts to at least two endangered species.

16e

The lack of a clear "resource management plan" may mislead the public into thinking that satisfactory mitigation will be created by this project. We have grave concerns over the proposed "wetlands consolidation" and its ability to provide habitat for endangered species.

16f

The fact that the consolidated wetland will also serve as a storm water retention basin significantly undermines its ability to act as a wildlife habitat. A similar mitigation project was created as mitigation for the Hahn Shopping Center in Marin County. Here a mitigation project attempted to create both wetlands and act as a flood control/stormwater retention pond. A recent U.S. Fish and Wildlife Service Sacramento Field Office Report on Mitigation discusses this Hahn Shopping Center mitigation project and concludes that it was not a success. The study showed that the mitigation resulted in very limited wetland vegetation and the use by a very few species of waterfowl. Stormwater retention pond functions overwhelmed the hoped-for habitat functions. Part of the problem was that the site's tide gates were adjusted for flood control and not habitat values and so the site became more pond than wetland.

16g

If the proposed wetland consolidation plan described in this DEIR was designed strictly for wildlife habitat, the proposed muted tidal regime might prove of some value to wetland species such as the salt marsh harvest mouse. The fact that mitigation wetland will also act as a stormwater pond suggests that even if salt marsh harvest mouse vegetation is successfully established (and this is in doubt because of the large amount of flooding in the wetland that may result during the rainy season), during intense flood events the mouse may still be drowned because of the unnaturally high rate of water flowing into the ponds to serve their flood control functions.

16h

In sum, we believe that the mitigation wetland consolidation plan will not be successful but will instead result in the probable lack of successful wetland vegetation growth and the probable flooding of the habitat resulting in salt marsh harvest mice death.

Flood control and wildlife habitat are often two opposing goals. A mitigation plan that attempts to unite both attributes into one project will not succeed. A "resource management plan" must be developed prior to adoption of this DEIR in order to assure the public that a successful wildlife habitat mitigation plan is being developed.

16i



A clear description of the proposed snowy plover mitigation habitat is not provided other than saying that it will consist of an area at approximately +6 foot elevation. This is insufficient detail. 16j

No analysis of the impact of having a road bisect the wetland consolidation mitigation site is included in the DEIR. 16k

Finally, Environmental Impact 4.4.1. states that the loss of pickleweed (*salicornia*) is "insignificant". We disagree. *Salicornia* provides habitat for the salt marsh harvest mouse and thus its loss is very significant indeed. 16l

Thank you for your consideration of our views.

Sincerely yours,



Arthur Feinstein  
Program Coordinator

**Pacific Gas and Electric Company**

Tri-Cities District  
41800 Boscett Road  
Fremont, CA 94538-3105  
510/683-3000

Donna Y. Lau  
Manager

October 31, 1994

LETTER 17



Mr. Jim Reese  
Community Development Director  
City of Newark  
37101 Newark Boulevard  
Newark, California 94560

NOV 4

Subject: Draft EIR - Gateway Project/ Cargill Rezoning

Dear Mr. Reese:

Pacific Gas and Electric Company appreciates the opportunity to review and comment on this project. Based on our review of the above mentioned document our gas and electric facilities are adequate to serve the proposed project. Additionally, some of our comments from June 25, 1994 still remain unaddressed and are resubmitted for your consideration (see attachment).

17a

Should you need additional information, please feel free to contact Hazzel Rizo from our Distribution Planning Department at (510) 784-3240.

Sincerely,

A handwritten signature in cursive script that reads 'Donna Y. Lau'.

Donna Y. Lau

DL:rlb

Attachment

June 25, 1994

Mr. Jim Reese  
City of Newark  
37101 Newark Boulevard  
Newark, CA 94580

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.

17b

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.

17c

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.

17d

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.

17e

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

17f

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,

ORIGINAL SIGNED BY:

Melody Kercheval  
Land Project Analyst

cc: Jerry Haag  
3254 Adeline  
Berkeley, CA 94703

NEWARK.DOC

November 2, 1994

LETTER 18



Dear Planning Commission and City Council,

I have read the Environmental Impact Report for Newark's Gateway project and offer the following comments:

1. When the Negative Declaration was proposed, I wrote asking specific topics to be addressed. Several of these were not mentioned and others were addressed minimally. Without highlighting each one, I offer the sampling below as testimony to an EIR that does not champion the cause of the residents of Newark.

These TOPIC/IMPACTS found on pages "i" and following indicate a problem to me:

- \* 4.2 "Minor quantities of objectionable odors" requires "no mitigation" and the impact "not significant". Tell that to the residents who get the westerly winds daily, that the impact is not significant. Also, lethal or toxic fumes are not addressed. 18a
- \* 4.3.3 Exposing people to floods is "not significant?" 18c
- \* 4.4.2 and 4.4.3 Habitat for these animals was well documented in studies done during the mid 1980s. Cargill poisoned and demolished them to the levels they are today. Doesn't this tell you that Cargill will "stop at nothing" to get their agenda met? 18d
- \* 4.5 Only construction noise is mitigated. Why is noise after completion not addressed? Do you think warehouses do not generate noise? 18e
- \* 4.6 Light is mitigated somewhat, but glare is not addressed. Granted, this only affects the nearby neighbors and we are only residents, not multi-billion dollar corporations. Nonetheless, we live here and contribute to the well being of Newark. 18f
- \* 4.11 The traffic is not mitigatable. Why do we continue to allow little chinks in the armor of our quality of life? Gridlock traffic for Newark commuters has not been advertised...why not? 18g
- \* No mention of how this project will impact Police services is mentioned. Do you think warehouses and industry do not attract crime? I believe otherwise. 18h

\* 4.15 Here the document says that other areas address Human Health, but I searched and found none in the sections mentioned. I am concerned about the toxins, fumes, pollution, etc. that neighbors will have blown on them.

18i

\* 4.16 "Not significant" is the finding of someone concerning the Aesthetics of this project. Obviously, someone is not listening to the residents of western Newark who unanimously agree that significant deterioration will occur to the aesthetics of this area.

18j

\* 4.18 I don't think anyone has seriously examined the Indian remains I have found on this property. They will be buried if not exhumed now. Obviously someone thinks this is not significant.

18k

2. I take exception to the treatment of the "No Project Alternative" and believe it does not address the potential benefits of no project. For example, the dust was not an issue until Cargill began grading off the vegetation and bringing in fill. Also, the EIR states that no project will result in the "loss of up to 3,135 jobs and tax revenues". How can we lose jobs that we don't have? If we were demolishing a currently existing warehouse, that might be true, but no jobs currently exist. Also, the idea that Newark's only choice as a "gateway" is a warehouse seems preposterous. Think what a lovely entrance statement we could make with wetlands or natural scenery! The EIR affirms that the proposed development would block views. Why do you even give time to a proposal that makes an "economic" statement to passers by, but offers a "warehouse front property" view for the residents?

18l

3. Why weren't alternatives such as moving the wetlands along Jarvis looked into? Whose needs is this project supposed to meet, the business community's or the residents'? When you consider that special considerations were made just to allow warehouses on this site (the creation of MT-1 zoning district), one must seriously question the allegiances of our leaders because the residents spoke out overwhelmingly against this project, even back in the days of 2007.

18m

4. Under the Analysis of Long-Term Effects some seriously biased assumptions are made. CEQA demands the examination of short-term benefits to long-term benefits. The biased assumption is that only productivity is a long-term gain.

18n

What about quality of life in Newark as a long term benefit? If the latter is allowed to be a benefit, then clearly we need to look at leaving this site undeveloped, for in its undeveloped state, many more qualities are preserved. We clearly don't benefit from building warehouses when we can't fill the ones currently constructed, nor can we develop our vacant industrial lands.

5. I don't believe this project in any way addresses the maintenance of one of Newark's finest assets...her rural ambiance. This is truly a marketable item that will be eroded if this project is allowed.

18o

6. Myself, and others, have been described as overzealous and "NIMBYs" in an effort to weaken our arguments. Let's switch the paradigm. Instead of saying Eric Hentschke wants nothing in his back yard, what if we say he is protecting his back yard (and Newark's). It is an honorable thing to protect your lot. If the battle is personalized, it is easier to understand. Think about how former mayor Lewis would feel if we proposed a shopping mall over the filled in Lake (his "back yard"). Would he feel it must be accepted as "progress" or "economic"? Would he find ways to fight it? Would he zealously defend the rights of Lake property owners not to have to deal with this?

18p

7. The Bay Area is full. We have got to recognize that each time we add another project like this, we erode the psychological protections we build for ourselves. We need permanent things like open space to revitalize our armor. Newark has plenty of land open and ready for development of warehouses. Let's build there. If Cargill wants to "return this land to its former use" (as agriculture, not industrial...they can't have it both ways) by putting in crops, I say let them. But to allow an unneeded, unwanted (by citizens), warehouse (and let's make no bones about it, one third will be warehouses), is not in the best interest of the community of people you represent.

18q

8. Finally (for now), I would like you to consider some serious conditions added to this project if you are leaning toward allowing the project. I would like you to include the ability to levy LARGE fines on the owners, payable to the victims, if

18r

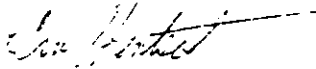


their peace of mind, health, security, or quality of life is diminished in any way. How can you not agree that the needs of the citizens should come first?

I hope you recognize the similarities this issue has to the fable of the Emperor's clothing. Are we being sold a "bill of goods" by Cargill? I think so. But what will they care as they are running to the bank?

Thank you for your time in reading this.

Sincerely,



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

## DEPARTMENT OF TRANSPORTATION

BOX 23680  
 OAKLAND, CA 94623-0680  
 (510) 286-4444  
 TDD (510) 286-4434

LETTER 19



November 4, 1994

ALA-084-R3.75  
 SCH#94-063007  
 ALA084227

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

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR - The Gateway Project**  
 143 acres to construct a mixed-use, high-tech industrial, office, warehouse and  
 distribution complex (Cargill Rezoning, Creation of a New Zoning District and  
 Tentative Parcel Map)

Dear Mr. Reese:

Thank you for including the California State Department of Transportation in  
 the continued review process for this proposal. We have reviewed the document  
 referred to above and have the following comments:

1. Page 70, Environmental Impact 4.11.1 (vehicular circulation): Implementation  
 of the project will deteriorate the existing LOS to "F" and are considered significant  
 and adverse on the following intersections: 19a

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

The text further indicates that "the benefits of land-uses contained within this  
 project outweighs the negative adverse environmental impacts." Therefore, "A  
 Statement of Overriding Considerations" for this project is proposed, thus utilizing  
 this statement in lieu of any mitigation measures. Please note that this project  
 along will deteriorate the LOS to an unacceptable level (thirteen years ahead of 2007  
 General Plan's projections). Appropriate mitigation measures should be explored.

2. This document compares the Level of Service for the proposed project against  
 the "build-out" of the 2007 General Plan and determines that the findings of the  
 proposed project are less than significant to the "built-out" scenario. This analysis is  
 inadequate and does not reflect the impacts on the existing conditions. Therefore, in 19b

Reese/ALA084227

November 4, 1994

Page 2

order for Caltrans to adequately assess the impacts of this project and the proposed mitigation, a traffic analysis in terms of distribution and assignment and line diagrams, depicting all movements should be conducted for each of the following traffic conditions:

Existing  
Existing plus project  
Existing plus project and cumulative

3. The information presented on page 68, Table 5, is for industrial and warehouse only. This document should include trip generation rates for industrial, research and warehouse. The rates should be analyzed for square foot development instead of acreage.

19c

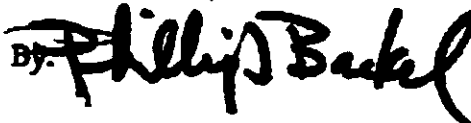
We look forward to reviewing the Final EIR. We expect to receive a copy from the State Clearinghouse. However, to expedite the review process please send a copy in advance to the following address:

Phillip Badal  
Transportation Planning Branch  
Caltrans District 4  
P.O. Box 23660-0660  
Oakland, CA 94623

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: 

PHILLIP BADAL  
Transportation Planning Branch

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

November 3, 1994

LETTER 20

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

Re: Draft Environmental Impact Report, Cargill Rezoning

Dear Sir:

The following comments are to register my objection to the proposed rezoning of the Newark Coyote Tract.

Cargill has seriously underestimated the wildlife use of this site and the impacts of development on the nearby federal wildlife refuge. Until Cargill began filling the Coyote Tract, the site attracted numerous shorebirds and other waterfowl. The use was especially evident during winter and spring.

20a

This draft EIR does not fully disclose the impacts of traffic, noise, water quality, human intrusion and light pollution which will affect the wildlife refuge. The EIR is too vague in disclosing mitigation measures and a so called resource management plan. Will such a plan be available for public comment and if so, where is it?

20b

20c

Cargill has not obtained a permit for the wetland consolidation plan. In fact, Cargill has yet to comply with a federal order to remove an illegally placed concrete pipe and restore damaged wetlands. Cargill claims it has a drainage easement over the wildlife refuge. It appears from this EIR that Cargill is planning to construct a flood control channel through the refuge and into Newark Slough. Cargill cannot combine the uses of the so called mitigation area with a storm water retention basin. A water treatment facility is not wildlife habitat.

20d,e

20f

The plan to widen Thornton and Jarvis Avenues is too vague. Wetlands border both roads. Runoff from the roads will flow directly into wetlands. Worse, this proposal calls for widening Thornton Avenue from two lanes to six lanes for about half a mile. At that point the road will narrow back to two lanes. The city should consider locating an emergency medical clinic nearby to handle all the traffic accident victims.

20g

Non rezoning should be done until all the facts are known.

Sincerely,

*Millicent Malliett*

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

November 4, 1994

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

LETTER 21

Dear Mr. Reese:

I am writing regarding Cargill's request for rezoning the Newark Coyote Tract. Due to a surplus of unresolved issues I am asking that the rezoning be delayed.

Cargill has not been given permission to proceed with the Wetlands Consolidation Plan. No permission has been granted to widen Thornton and Jarvis Avenues. These are major parts of the project proposal. There must be NO rezoning until these issues are resolved. 21a

The draft EIR does not fully disclose the impacts to the National Wildlife Refuge nearby. Traffic projections indicate gridlock conditions, major stormwater runoff will be diverted through the wildlife refuge, noise, light and human disturbances will cause problems for wildlife. The proposed 2 million square feet of development will have its own impacts and these are not even discussed. 21b

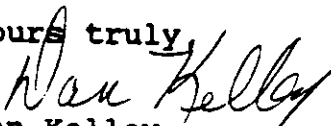
The plan to consolidate wetlands is too vague. There are utility easements in the area. Who will monitor results? The plan to use the mitigation area as a storm water retention basin is a joke. There will be pollution from the landscaping, from parking lots and industries and businesses. During periods of heavy winter rains, wetlands will be totally flooded and wildlife destroyed. This is not a mitigation site. 21c

Cargill has refused to comply with federal laws and remove a culvert and pipe it illegally installed. It is unclear in this draft EIR if Cargill is planning to use this illegal pipe as part of the mitigation plan. 21d

The proposed widening of Thornton and Jarvis Avenues will create unsafe traffic conditions. Widening a two lane road to six lanes and again to two lanes in half a mile will cause accidents and traffic delays. If Cargill cannot obtain permission to build a road through wetlands and connect the development to Thornton, where will the road go? Through the residential neighborhood on Jarvis? 21e 21f

No rezoning should be allowed at this time.

Yours truly,



Dan Kelley  
36738 Mulberry St.  
Newark, CA 94560

November 4, 1994

LETTER 22

Jim Reese  
Planning Department  
City of Newark  
37101 Newark Blvd.  
Newark, Ca. 94560

NOV 7 1994

Dear Mr. Reese:

The Newark Home Owners Association of Firestone Court has reviewed the Draft EIR

for the Gateway Area Improvement District No. 26.

We as home owners adjacent to the proposed development by Cargill Inc. have a greater vested interest in what you and the City Council propose and plan to enforce in the development of this Business Park than residents and property owners living further from the impacted area. Since Cargill Inc. has both a local and Federal record of noncompliance with laws and regulations which impede or impair its perceived economic interest, it is imperative that the City of Newark have a clear and hopefully binding and enforceable set of preconditions with Cargill Inc. before approving any zoning changes or construction/building permits for the property under consideration. The question that we as citizens of Newark must ask is.....just how much influence over the planning of the project and enforcement of the agreements entered into do we have really over Cargill Inc.???

Our Home Owners Association would like to put on record some of the specific proposals we support in the EIR. We would also like to put on record additional proposals which would assist in mitigating the impact of the proposed Business Park on the residents in the adjacent residential area.

#### PROPOSALS WE SUPPORT IN THE EIR

1. Noise 4.5.2 limits noise emission to 55dBA between 7 a.m. and 10p.m. and 45dBA between 10p.m. and 7a.m. a

Question: What actual power does the Newark Development Services Department have to enforce this zoning restriction?

2. Mitigation Measure 4.11.1 (vehicle traffic)..Curb and gutter, sidewalk, and twenty- b

two (22) feet of paving along Jarvis Avenue, GIVEN THAT THERE WILL BE NO ACCESS FROM THE SITE TO JARVIS

Comment: Letter dated November 2, 1994 from Robert C. Douglass of Cargill Inc. states unbinding support for this proposal by Cargill Inc.

3. Aesthetics 4.16...On-site Aesthetics. "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." c

Comment: 1. Letter dated November 2, 1994 from Robert C. Douglass of Cargill Inc. states unbinding support for this proposal by Cargill Inc.

2. It is our understanding after speaking with Mr. Reese that the actual composition of the landscaping would be developed and approved with citizen participation after approving the proposal which defines having the landscaping as part of the proposed Business Park. d

4. 5.4.2 New Roadway Alignment. As discussed on page 95 of the EIR and shown in Exhibit 26 a new roadway alignment for Jarvis Avenue and the proposed Gateway Boulevard would have the benefit of not impacting existing wetlands. e

Comment: This roadway alignment would allow for establishing an uninterrupted

and better managed wetlands area. Further the land southwest of the Roadway Realignment, which did not come under wetland classification, could be developed as a residential park. This could be part of the agreement with the DeSilva Company when they start negotiating for their single family residential development adjacent to this area. The fact that an additional intersection between Gateway Blvd. and Jarvis Ave. should have no more negative impact on traffic flow than similar intersections such as: Central and Newark Blvd.;

Central and Filbert, or Cherry and Auto Mall Pky. These noted high traffic intersections have met the needs of their respective business and residential needs.

ADDITIONAL PROPOSALS TO HELP MITIGATE THE IMPACT OF THE PROPOSED BUSINESS PARK ON THE ENVIRONMENT AND RESIDENTS

1. Between the landscaped fifty (50) foot strip along Jarvis Avenue and the construction of any buildings, an additional setback of fifty (50) feet would be required and would only be zoned to accommodate parking or passage of two axle commercial or personnel passenger vehicles. f
2. Between the parking area paralleling Jarvis Avenue and any buildings would be an additional minimum ten (10) foot landscaped area. This area would further mitigate sound and the physical presence of the buildings. g
3. No shuttling or transfer of tractor trailers, tankers, or heavy haulers on Jarvis Avenue or on the perimeter road paralleling Jarvis Avenue. h
4. No parking of tractor trailers, tankers, heavy haulers, or commercial vehicles of 3-axes or more on Jarvis Avenue for other than emergency reasons. i
5. No loading docks or bays facing Jarvis Avenue from the first series of buildings paralleling Jarvis Avenue. j
6. The City of Newark establishes a binding and transferable imperpetuity precondition to any and all zoning changes for the establishment of the proposed Business Park. The precondition agreement will include but not be limited to any and all proposals pertaining to landscaping areas, building heights, wetlands improvements and preservation, and roadways. Cargill Inc. and any parties who hold interest in these properties now or in the future will be held fully liable to fulfill and execute in good faith and as stipulated by the City of Newark in perpetuity the preconditions agreed upon. k

*John M. Hall* 35952 FIRESTONE, CT, Newark, CA.  
*Michael E. Magy* 35953 Firestone ct. Newark  
*Ronald D. Allmon* 35967 Firestone CT Newark  
*Hugh T. Reed* 35979 Firestone Ct. Newark.  
*Philip A. P. Jones* 35981 Firestone Ct. 94560  
*Ch. Hat* 35951 FIRESTONE CT 94560  
*K. Baghonia* 35940 Firestone ct. 94560  
*Julie Engel* 35976 Firestone Ct., Newark 9456



# Tri-City Ecology Center

P.O. Box 674, Fremont, CA 94537

510-793-8222

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

November 3, 1994

Re: Draft EIR, SCH No. 94-063007, Gateway Area Improvement District # 26

Dear Mr. Reese,

Thank you for the opportunity to comment on the Draft EIR for the rezoning of the Cargill Property, known as the Newark Coyote Tract. First, we wish to thank you for requiring a full EIR for this project. It is of the utmost importance to review all the aspects and consequences of any rezoning, but especially one relating to such a sensitive area.

However, several areas of concern still remain, specifically:

Wetlands as a Storm Basin: The wetlands mitigation area should not be used as a storm water retention basin. Runoff from the developed areas will contaminate and degrade the wildlife habitat. Other means of dealing with storm water runoff should be investigated and implemented. a

Drainage Channel: The proposed drainage channels from the wetlands mitigation area to and through the San Francisco Bay National Wildlife Refuge are not acceptable. One of them (located near the intersection of Thornton Ave. and Highway 84) violates federal law and must be removed from current use and as part of the rezoning plan. b

Consolidation Plan: There is no deliniation of wetlands on this site and no Corps approval of the Consolidation Plan. We feel no further action should take place until these issues are settled. In addition, restoration of wetlands as defined in the lawsuit between Leslie Salt and the United States should be completed. c

Wetlands Site: Its long and narrow configuration, minimal buffer zone and division into two parts by an access road would create an area of questionable value. We recommend the mitigation area: (1) should not be divided by a road, (2) should be protected by a 200 foot wide buffer area and (3) possibly be relocated to another portion of the property allowing a better configuration for habitat development. d

Wetlands Mitigation Plan: The plan itself brings up many questions: (1) Who will develop the plan, (2) When will construction begin?, (3) What kind of mitigation standards will be achieved before development can begin?, (4) Who will monitor the wetlands area and for how long? and (5) Who will pay for developing and monitoring the mitigation plan? All these questions must be answered before moving forward. We recommend, as a guideline, the King & Lyons' Bayside Business Park II in Fremont. To date, their plans and procedures have been exemplary. e

Traffic Concerns: The traffic impacts of this development are substantial. Widening Thornton Avenue from 2 lanes to 6 and Jarvis Avenue from 2 lanes to 4 could create congestion on Highway 84, Paseo Padre Parkway-Thornton Ave., Newark Avenue and Jarvis Avenue. These impacts are not adequately addressed. Discussions with neighboring cities and the Alameda County Congestion Management Agency are in order. f

The Tri-City Ecology Center urges the City of Newark to do all it can to minimize the impact to wetlands, the San Francisco Bay National Wildlife Refuge and the community at large. We look forward to hearing from you on this matter.

Sincerely,



Don Guidoux, Chair





# 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

LETTER 24

In Reply Refer To:

PPN 1495

November 4, 1994

City of Newark  
ATTN: Jim Reese  
Community Development  
37101 Newark Boulevard  
Newark, California 94560

NOV 10 1994

Subject: Review of Draft Environmental Impact Report for Cargill Rezoning, Creation of a New Zoning District and a Tentative Parcel Map, Newark-Coyote Tract, Cargill Salt Division, Newark, Alameda County, California

Dear Mr. Reese:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the rezoning, creation of a new zoning district and a tentative parcel map on Cargill Salt Division's, (Cargill) Newark-Coyote Tract. The following comments are provided to assist you in your review of the proposal, and 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 of 1973, as amended (Act).

As stated in the DEIR for the project, Cargill has proposed to construct a mixed-use, industrial, warehouse and distribution complex to be known as the Gateway Project. The project site is located on approximately 153 acres of land currently owned by Cargill.

It is the Service's opinion that the DEIR does not adequately address the concerns identified by letter to the City of Newark on April 18, 1994 (copy attached).

The applicant proposes to mitigate for the wetland impacts of the proposed project by constructing a "wetland consolidation" area along the western edge of the proposed project site. The applicant states that storm water would be transported and filtered through grass swales and emptied into the consolidated wetland area, which would also be used for storm water detention purposes. The Service continues to recommend that the "consolidated wetland" be kept separate from any storm water retention facility.

The DEIR identifies that 0.98 acre of wetland habitat on San Francisco Bay National Wildlife Refuge would be impacted to widen the existing drainage ditch through the easement area. The DEIR identifies that impacted areas would be restored to pre-construction quality, but does not identify specific

a

b

habitat and species related impacts, or mitigation methods.

The DEIR fails to identify potential impacts associated with introduction of significant amounts of fresh water into the salt marsh habitat located west of Marshland Road, including potential impacts on existing natural channels and vegetation. c

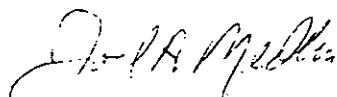
The Service believes that the proposed project may affect the federally-endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), and the federally-threatened western snowy plover (*Charadrius alexandrinus nivosus*). During 1993 and 1994, San Francisco Bay Refuge staff identified use of the project site by snowy plovers for nesting. d

Since the Corps as a Federal agency may be involved with the permitting, funding, or carrying out of this project, initiation of formal consultation between the Corps and the Service pursuant to section 7 of the Act, would be required if it is determined that the proposed project may affect a federally listed species. This consultation would result in a biological opinion that addresses the anticipated effects of the project to listed species and may authorize a limited level of incidental take. e

**SUMMARY:**

The Service recommends that the City of Newark continue to develop alternatives to the project which will meet the needs of the applicant and provide quality habitat for the fish and wildlife resources of the south bay. If you have any questions regarding these comments or need further assistance in identifying information sources on wildlife resources in the area, please contact Mark Littlefield (wetlands) at 916/978-5801 or Jim Browning (endangered species) at 916/978-4866.

Sincerely,



Joel A. Medlin  
Field Supervisor

**Enclosures**

cc: Reg. Dir., (ARD-ES), FWS, Portland, OR  
Refuge Manager, San Francisco Bay Refuge, CA  
Applicant



# 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

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

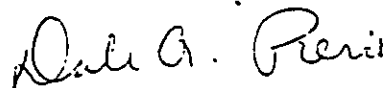
water retention. There is a possibility that Cargill's storm water retention needs could be consolidated with facilities that Caltrans may need should their current discharge of storm water into tract 102 be determined by the Service to be a non-conforming use of the Refuge. Adoption of this recommendation 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

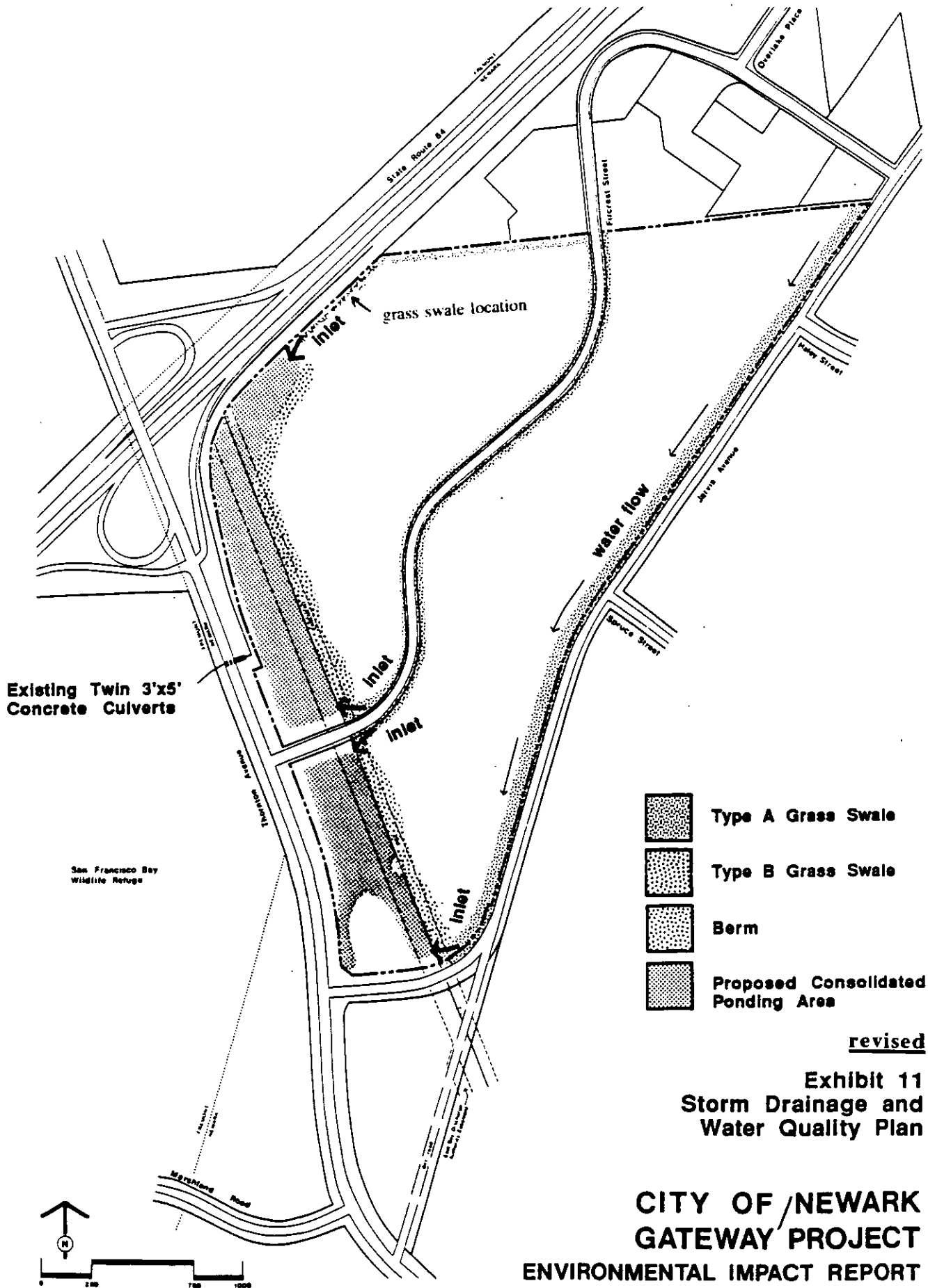
cc: Reg. Dir., (ARD-ES), Portland, OR  
Refuge Manager, San Francisco Bay Refuge, CA  
Corps of Engineers, San Francisco, CA  
EPA, San Francisco, CA  
Dir. CDFG, Sacramento, CA  
Reg. Mgr. CDFG, Region IV, Fresno, CA





## **APPENDICES**

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Following is a copy of revised Exhibit 11 and soils reports for the project site.





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

revised

**Exhibit 11  
Storm Drainage and  
Water Quality Plan**

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

**GEOTECHNICAL INVESTIGATION  
FOR SITE GRADING  
NEWARK COYOTE TRACT  
THORNTON AVENUE AND JARVIS AVENUE  
NEWARK, CALIFORNIA**

**FOR**

**CARGILL SALT COMPANY**

**March 19, 1993**

**Job No. 1573.000**



VIA HAND-DELIVERY  
March 19, 1993  
Job No. 1573.000

Cargill Salt Company  
7200 Central Avenue  
Newark, California 94560

Attention: Mr. Chuck Taylor

Subject: Geotechnical Investigation for Site Grading  
Newark Coyote Tract  
Thornton Avenue and Jarvis Avenue  
Newark, California

Gentlemen:

### INTRODUCTION

This report contains the results of our geotechnical investigation for site grading on the subject project. The site is located north of the intersection of Jarvis Avenue and Thornton Avenue in the City of Newark, as shown on the Vicinity Map, Plate 1. Most of the site was previously occupied by salt evaporators.

We understand that you intend to place an average of 1½ feet of imported fill on the site. The areas of proposed grading are indicated on the grading plan for the site, dated February 1993, prepared by Fremont Engineers, Inc.

The purpose of this investigation was to explore the near surface soil conditions in order to provide soil engineering conclusions and recommendations for the proposed site grading. The scope of work for this investigation included a review of a feasibility geotechnical investigation report for the proposed Coyote Tract Development, which encompasses the project site, by Peter Kaldveer and Associates, dated April 14, 1978, exploration of near surface soil conditions with a series of test pits excavated by backhoe, and preparation of this report presenting our conclusions and recommendations for site grading. Additional studies will have to be performed for the design of further improvement to the site.

### SITE DESCRIPTION

The 110 acres to be graded is part of a roughly triangular shaped parcel encompasses about 143 acres and is bounded by Jarvis Avenue on the southeast, Thornton Avenue on the southwest, an entrance ramp to State Highway 84 on the west, and a partially developed business park to the north. Former and current site features are shown on the Site Plan. The majority of the site was previously divided into three salt crystalizers surrounded by 2 to 3 foot high levees framed with wooden retaining walls. The levees and wooden retaining walls were removed in the summer of 1992. At that time, minor grading consisting of the redistribution of on-site soil materials was performed; this resulted in the placement of uncompacted fill typically less than 1 foot deep over parts of this site.

A roughly rectangular strip of land within the project site along Jarvis Avenue is separated from the former salt evaporators by an embankment for the demolished railroad tracks that were once used by the salt recovery operations. Near the center of this rectangular strip of land are two smaller salt ponds; the southernmost pond is rectangular shaped, about 400 feet long, 65 feet wide, and about 3 to 4 feet deep; the other pond consists of a 20 foot wide, 2 to 3 foot deep depression forming a rectangular shaped ring about 525 feet long and 275 feet wide. In 1989, the bottom of both of these ponds was covered with a crust of salt. The area between the ponds consisted of irregularly shaped mounds which appeared to be soil excavated in creating the ponds. A depression between these fill mounds and the abandoned railroad embankment interconnects the two ponds.

Site elevations generally range from about +10 feet (Mean Sea Level) in the northeast corner to about +5 feet along the west and southwest border. The area to be graded generally decreases in elevations from northeast to southwest. Surface elevations range from about elevation 9.0 at the northeast corner to a low of about elevation 4.0 along Thornton Avenue.

A P.G.&E transmission line crosses the southwest side of the site parallel to Thornton Avenue. At the time of our investigation the salt evaporators and ponds were relatively free of vegetation, and grass and occasional shrubs covered the southernmost portion of the site.

#### PROPOSED SITE GRADING

The proposed site grading shown on the grading plan by Fremont Engineers, Inc. will include 300 cubic yards of cut and 237,800 cubic yards of fill (including quantities allowed for shrinkage and consolidation).

#### REGIONAL GEOLOGY

The site is located within the Coast Ranges Geomorphic Province of California which includes the mountain ranges to the east and west of the San Francisco Bay. The San Francisco Bay occupies a structural depression located between the San Andreas and Hayward Fault Zones. Several hundred feet of Plio-Pleistocene marine and non-marine alluvium have been deposited in the bay depression. The upper 300 to 400 feet of alluvium is generally poorly consolidated.

The site is not within a currently designated State of California Special Studies Zone for active faults (State of California, 1982). The San Andreas Fault is located about 14 miles southwest of the site. The Hayward and Calaveras Faults are located about 4 and 10 miles, respectively, to the northeast of the site. No known faults are mapped through the site.

### EXPLORATION DETAILS

We explored the near surface soil conditions in 1989 in the areas of proposed grading by excavating a total of 15 test pits with a rubber-tire backhoe to a maximum depth of 10 feet. We determined the test pit locations shown on the Site Plan by pacing from existing surface features. Our representative logged the test pits and obtained bulk soil samples at various depth for further observation in our laboratory. The test pit logs are presented on Plates 3 through 6.

### SUBSURFACE CONDITIONS

The Kaldveer report (April 14, 1978) describes the surface soils encountered in their investigation as stiff to hard silty clay extending to depths of 7 to 12 feet. The surface clayey soils were described as being underlain by a heterogeneous layer of firm to stiff silty clays and clayey silts, and loose silty sands and sandy silts, extending to depths of about 19 to 25 feet. Free ground water was encountered at depths of 6 to 12 feet during their drilling program.

Test Pits TP-1, TP-2, and TP-3 from our investigation were excavated in the bottom of the small rectangular shaped salt pond and encountered a 3 to 6 inch layer of white, hard, crystalline salt overlying black, stiff silty clay mixed with salt which extended to a depth of about 1 foot. Mottled gray and brown, stiff, moderately plastic silty clay was encountered below a depth of 1 foot to the maximum exploration depth of 9 feet. Test Pits TP-5 and TP-7, excavated at the bottom of the rectangular ring shaped pond encountered similar materials at the same depths as Test Pits TP-1, TP-2 and TP-3, except for a second layer of hard salt between a depth of 1 and 2 feet. Test Pits TP-4 and TP-6, excavated inside the salt ponds encountered a 1 to 2 foot layer of dark brown, stiff silty clay overlying the mottled gray and brown stiff silty clay. Test Pits TP-8 and TP-9, excavated in the fill mounds between the salt ponds encountered 4½ to 5 feet of fill consisting of dry, tan, firm to stiff silty clay intermixed with layers of salt. Stiff, dark brown, silty clay with traces of salt was encountered beneath the fill to the maximum exploration depth of 10 feet.

Test Pits TP-10 through TP-15 were excavated within the 3 large salt evaporators. They each encountered a 6 to 12 inch layer of dark brown, soft to firm, silty clay with traces of salt, overlying mottled gray and brown stiff silty clay, extending to a depth of 8 feet. Test Pit TP-13 encountered brown, medium dense clayey sand below a depth of 8 feet, extending to the maximum exploration depth of 10 feet.

Free ground water was encountered only in Test Pit TP-13 at a depth of 9 feet within the clayey sands encountered only by this test pit. Minor seepage was encountered in Test Pits TP-4 and TP-6 at depths of 9 and 10 feet, respectively. Significant seepage was encountered at a depth of 1 foot, in Test Pits TP-1, TP-2 and TP-3, and at a depth of 2 feet in Test Pits TP-5 and TP-7. This observed seepage beneath the two salt ponds is at a higher elevation than the free ground water encountered in Test Pit TP-13, and was judged likely to be perched water.

#### RECOMMENDATIONS

Our site preparation and grading recommendations are as follows;

1. All areas to be graded should be cleared of surface vegetation, debris, and existing structures. All loose and/or saturated soils should be overexcavated to expose firm soil as determined in the field by the soil engineer and replaced with engineered fill placed and compacted as described below.
2. The uncompacted fill placed in 1992 should be treated as follows:
  - A. Where less than 6 inches thick, the area should be scarified to a depth of not less than 12 inches, moisture conditioned and compacted to not less than 90 percent relative compaction.
  - B. Where more than 6 inches thick, the upper part of the uncompacted fill should be excavated as needed to reduce the thickness to less than 6 inches. The area should then be scarified, moisture conditioned and compacted to not less than 90 percent relative compaction.

Relative compaction refers to the in-place dry density of soil expressed as a percentage of the maximum dry density of the same soil determined by the ASTM D 1557-78 compaction test procedure. Optimum moisture is the water content expressed as a percentage of dry weight at the maximum dry density.

3. All on-site or imported fill and backfill materials should be subject to evaluation by the soil engineer prior to use. On-site soils are considered acceptable for use as engineered fill if they are free of debris and vegetation. Imported fill should be free of debris and organics, with a Plasticity Index of 25 or less, and with a maximum dimension of 4 inches.

4. Expansive imported soils used as fill or backfill should be brought to at least 4 percent but not more than 10 percent above the optimum moisture content and compacted to between 85 and 90 percent relative compaction. On-site or imported soils which have a low expansive potential should be moisture conditioned to near optimum moisture content and compacted to at least 90 percent relative compaction.
5. Observations and soil density tests should be carried on during grading to assist the contractor in obtaining the required degree of compaction and proper moisture content. Where compaction is less than required, additional compactive effort should be made with adjustment of the moisture content where necessary until the specified compaction is obtained. The soil engineer should be notified at least 48 hours prior to any operation. The procedures and methods of grading may then be discussed between the contractor and soil engineer.

#### Additional Considerations

Prior to construction, we should review the final grading plans and specification for conformance with the intent of our recommendations. In the event that there are changes in the grading plan, the conclusions and recommendations presented in this report shall not be considered valid unless the changes are reviewed by us and the conclusions either verified or modified as required.

To a degree, the performance of future developments placed on areas of engineered fill will be dependent on the procedure and quality of the construction. Therefore, we should provide on-site soil observations of the contractor's procedures and the exposed soil conditions, together with field and laboratory testing during site preparation and grading, placement and compaction of fill and backfill. These observations will allow us to check the contractor's work for conformance with the intent of our recommendations. In addition, we would appreciate the opportunity to meet with the contractor prior to the start of grading to discuss the procedures and methods of construction. This can facilitate the performance of the construction operation and minimize possible misunderstandings and construction delays.

No development of the site should take place without performing a detailed geotechnical investigation. The proposed site grading will result in changed site conditions which will need to be investigated with respect to the proposed development.

The proposed site grading will result in highly corrosive conditions of the near surface soils. The proposed fill will induce settlements expected to range up to 1 to 2 inches. The expansiveness of the near surface soils will depend on the quality of the on-site and imported soils placed as fill and will need to be evaluated. The areas of non-compacted fill will need to be reworked prior to placement of additional fill or structures.


**LIMITATIONS**

Our investigation included on a surface reconnaissance and 15 test pits. The logs of test pits show subsurface conditions at the locations and on the date indicated. It is not warranted that they are representative of such conditions elsewhere or at other times. The conclusions and recommendations contained herein are professional opinions derived in accordance with the current standards of geotechnical practice; no other warranty is expressed or implied.


The locations of test pits were determined by pacing from established cultural features and other points of reference indicated on the grading plan supplied by Fremont Engineers, Inc., and are to be considered approximate only. The elevations discussed in the text of this report were determined from ground surface contours shown on the grading plan and are considered approximately only.

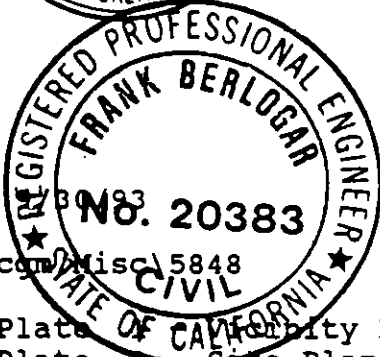
Respectfully submitted,

**BERLOGAR GEOTECHNICAL CONSULTANTS**

  
Raymond P. Skinner  
Principal Geologist  
CEG 1239



  
Frank Berlogar  
RCE 20383, Exp. 3/30/93



DPO/RPS/FB:jab/cmm Misc 5848

- Attachments: Plate 1 - Utility Map  
Plate 2 - Site Plan  
Plates 3 through 6 - Test Pit Logs

Copies: Addressee (10)

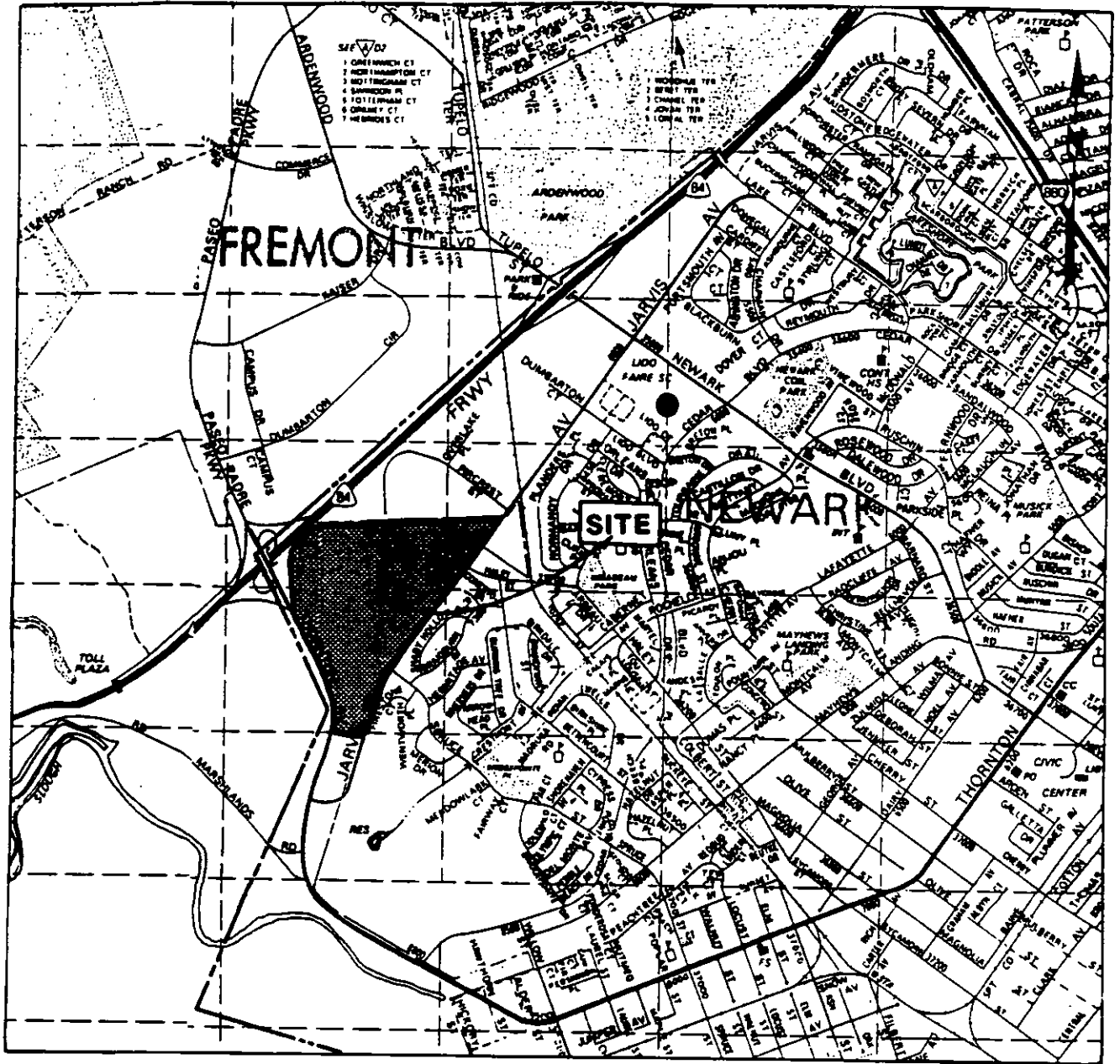
**BERLOGAR GEOTECHNICAL CONSULTANTS**



BY: DMH

DATE: 3-19-93

JOB NUMBER: 1573.000



SCALE: 1" = 2200'

### VICINITY MAP

### NEWARK COYOTE TRACT

THORNTON AVENUE AND JARVIS AVENUE  
NEWARK, CALIFORNIA  
FOR  
CARGILL SALT COMPANY

BASE: THOMAS GUIDE, ALAMEDA COUNTY, CALIFORNIA, PAGES  
64 AND 67, DATED 1989, AT A SCALE OF 1" = 2200'.

PLATE 1

Job No. 1573.000  
Newark Coyote Tract  
Newark, California

TEST PIT LOGS

<u>Test Pit Number</u>	<u>Depth (feet)</u>	<u>Description</u>
	TP-1	0 - 1/4 SALT, white, crystalline, hard
	1/4 - 1	SALT AND CLAY, mixed, black, stiff
	1 - 9	SILTY CLAY, mottled, gray and brown, moist, stiff, moderately plastic, organic odor, seepage at 1 foot, bulk sample taken at 2 feet
		Total depth 9 feet No free water encountered
TP-2	0 - 1/4	SALT, white, crystalline, hard
	1/4 - 1	SALT AND CLAY, mixed, black, stiff, strong organic odor
	1 - 4	SILTY CLAY, mottled, brown and gray, moist, stiff, moderately plastic
		Total depth 4 feet No free water encountered
TP-3	0 - 1	SALT AND CLAY, mixed, black, hard to stiff, crystalline
	1 - 8	SILTY CLAY, mottled, gray and brown, moist, stiff, moderately plastic, seepage at 1 foot, sample taken at 2 feet
	-	Total depth 8 feet No free water encountered
TP-4	0 - 2	SILTY CLAY, dark brown, moist, moderately plastic, desiccation cracks on the surface
	2 - 9	SILTY CLAY, mottled, gray and brown, moist, stiff, moderately plastic, sample taken at 8 feet, minor seepage at 9 feet
		Total depth 9 feet No free water encountered

Job No. 1573.000  
 Newark Coyote Tract  
 Newark, California

TEST PIT LOGS

<u>Test Pit Number</u>	<u>Depth (feet)</u>	<u>Description</u>
TP-5	0 - 1	SILTY CLAY, brown, very moist, soft, moderately plastic
	1 - 2	SALT, coarse grained (crystals up to ¼ inch) with inter layer of black silty clay
	2 - 8	SILTY CLAY, mottled, gray and brown, moist, stiff, moderately plastic, seepage at 2 feet
		Total depth 8 feet No free water encountered
TP-6	0 - 1	SILTY CLAY, dark brown, moist, stiff, desiccation cracks on the surface, moderately plastic
	1 - 10	SILTY CLAY, mottled, brown to gray, moist, very stiff, moderately plastic, minor seepage at 10 feet, sample taken at 9½ feet
		Total depth 10 feet No free water encountered
TP-7	0 - ¼	SALT, fine crystals, white, hard
	¼ - 1	SILTY CLAY, black, saturated, soft, moderately plastic, strong odor
	1 - 2	SALT, coarse crystals, white, saturated
	2 - 5	SILTY CLAY, mottled, gray to brown, moist, stiff, moderately plastic, high seepage rate at 2 feet
		Total depth 5 feet No free water encountered
TP-8	0 - 5	FILL: SILTY CLAY INTERBEDDED WITH SALT DEPOSITS, tan, dry, firm to stiff, mottled flow texture, organic in top 2 inches, sample taken at 2 feet
	5 - 10	SILTY CLAY, dark brown, moist, stiff, trace fine grained salt crystals
		Total depth 10 feet No free water encountered

Job No. 1573.000  
 Newark Coyote Tract  
 Newark, California

TEST PIT LOGS

<u>Test Pit Number</u>	<u>Depth (feet)</u>	<u>Description</u>
TP-9	0 - 4½	FILL: SILTY CLAY INTERBEDDED WITH SALT DEPOSITS, tan, mottled, flow texture, dry, firm to stiff
	4½ - 7	SILTY CLAY, dark brown, moist, stiff, contains trace fine grained salt crystals
Total depth 7 feet No free water encountered		
TP-10	0 - ½	SILTY CLAY, dark brown, moist, firm, trace of fine salt crystals
	½ - 5	SILTY CLAY, dark brown, mottled with gray, moist, stiff moderately plastic
Total depth 5 feet No free water encountered		
TP-11	0 - 1	SILTY CLAY, dark brown, moist, firm to stiff, contains salt crystals
	1 - 7	SILTY CLAY, dark brown mottled with some gray, moist, very stiff, moderately plastic, sample taken at 4 feet
Total depth 7 feet No free water encountered		
TP-12	0 - 1	SILTY CLAY, dark brown, with some salt, dry, firm to stiff
	1 - 5	SILTY CLAY, dark brown, mottled with gray, moist, stiff
Total depth 5 feet No free water encountered		

Job No. 1573.000  
Newark Coyote Tract  
Newark, California

TEST PIT LOGS

<u>Test Pit Number</u>	<u>Depth (feet)</u>	<u>Description</u>
TP-13	0 - 1	SILTY CLAY, dark brown, dry, soft to firm, some salt crystals
	1 - 8	SILTY CLAY, dark brown, mottled with gray, moist, stiff, moderately plastic
	8 - 10	CLAYEY SAND, brown, saturated, medium dense, seepage at 9 feet
Total depth 10 feet Free water encountered at 9 feet		
TP-14	0 - 1	SILTY CLAY, dark brown, dry, soft to firm, contains some salt
	1 - 4	SILTY CLAY, dark brown, mottled with gray, moist, stiff, moderately plastic
Total depth 4 feet No free water encountered		
TP-15	0 - 1	SILTY CLAY, dark brown, dry, soft to firm, contains some salt
	1 - 5	SILTY CLAY, dark brown, mottled with some gray, moist, stiff, moderately plastic
Total depth 5 feet No free water encountered		

**FEASIBILITY GEOTECHNICAL INVESTIGATION  
FOR  
PROPOSED COYOTE TRACT DEVELOPMENT  
LESLIE SALT COMPANY PROPERTY  
NEWARK AND FREMONT, CALIFORNIA**

**RECEIVED**

AUG 5 1992

LAND DEPT.

April 14, 1978  
K545-1, O 8321

Genge/Murray-McCormick  
7700 Edgewater Drive, Suite 654  
Oakland, California 94621

Attention: Mr. Robert Silva

RE: FEASIBILITY GEOTECHNICAL  
INVESTIGATION  
PROPOSED COYOTE TRACT DEVELOPMENT  
LESLIE SALT COMPANY PROPERTY  
NEWARK AND FREMONT, CALIFORNIA

Gentlemen:

In accordance with your request, we have performed a feasibility geotechnical investigation for the subject development. The accompanying report presents the results of our field investigation, laboratory tests, and engineering analysis. The geotechnical conditions are discussed and preliminary recommendations for the geotechnical engineering aspects of the project are presented. The conclusions and preliminary recommendations contained herein are based upon applicable standards of our profession at the time this report has been prepared. Copies of this report are furnished only to provide the factual data which were gathered and which were summarized in the report.

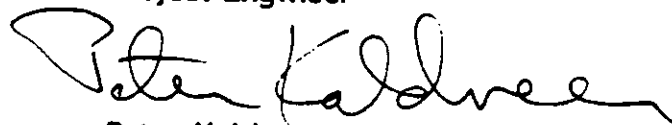
We refer you to the text of the report for detailed recommendations. If you have any questions concerning our findings, please call us.

Very truly yours,

PETER KALDVEER AND ASSOCIATES



Ronald L. Bajuniemi  
Project Engineer



Peter Kaldveer

RLB/PK: lah  
Copies: Addressee (6)

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**FEASIBILITY GEOTECHNICAL INVESTIGATION**

**For  
PROPOSED COYOTE TRACT DEVELOPMENT  
LESLIE SALT COMPANY PROPERTY  
NEWARK AND FREMONT, CALIFORNIA**

**To  
Genge/Murray-McCormick  
7700 Edgewater Drive, Suite 654  
Oakland, California 94621**

**April 1978**

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## TABLE OF CONTENTS

	<u>Page No.</u>
Letter of Transmittal	
TITLE PAGE	
TABLE OF CONTENTS	
INTRODUCTION	1
SCOPE	1
SITE INVESTIGATION	2
A. Surface	2
B. Subsurface	2
C. Groundwater	3
D. Geology	3
E. Seismicity	3
EVALUATION AND CONCLUSIONS - GEOLOGIC HAZARDS	4
A. Fault Offset Hazard	5
B. Shaking Hazards	5
1. Soil Liquefaction	5
2. Seismically Induced Waves	6
3. Inundation Due To Dam or Embankment Failure	6
4. Differential Compaction	7
5. Other Shaking Hazards	7
DISCUSSION AND CONCLUSIONS - PRELIMINARY FOUNDATION RECOMMENDATIONS	7
A. Earthwork	8
B. Foundations	9
C. Slabs-on-Grade	9
D. Dock-High Retaining Walls	9
E. Galvanic Corrosion Potential	9
F. Pavements	10
FUTURE INVESTIGATION	10
FIGURE 1 - SITE PLAN	
APPENDIX A - FIELD INVESTIGATION	A-1
Figure A-1, Key to Exploratory Boring Logs	
Exploratory Boring Logs (1 through 12)	
APPENDIX B - LABORATORY INVESTIGATION	B-1
Table B-1, Strength Data	
Figure B-1, Plasticity Chart and Data	
Figures B-2 through B-5, Gradation Test Data	
Figures B-6 through B-8, Consolidation Test Data	

FEASIBILITY GEOTECHNICAL INVESTIGATION  
FOR  
PROPOSED COYOTE TRACT DEVELOPMENT  
LESLIE SALT COMPANY PROPERTY  
NEWARK-FREMONT, CALIFORNIA

INTRODUCTION

In accordance with your request, we have performed a feasibility geotechnical investigation for the Proposed Leslie Salt Company Property Development to be located northwest of the intersection of Jarvis Road and Thornton Avenue in both Newark and Fremont, California, as shown on the Site Plan, Figure 1. The purpose of this feasibility geotechnical investigation was to provide some insight into the geotechnical conditions at the site and their relationship to the development of the property.

Based on the information indicated on the Site Plan as well as our conversations with Mr. Milt Murray and Mr. Robert Silva with Genge/Murray-McCormick, it is our understanding that the proposed development will consist of an office park, an industrial park and a commercial park. The development is divided into three areas which will be separated by the proposed Dumbarton Freeway with the combined area of the three sites being approximately 250 acres. Some earthwork will be required to achieve the proposed site elevation of +7 feet.

SCOPE

The general scope of our work included:

1. A detailed review of the existing published and unpublished soil and geologic data on the site as well as evaluating information gathered for previously performed investigations in the general area of the site.
2. A surface reconnaissance of the site.
3. A field subsurface exploration program and laboratory testing of recovered samples, under the direction of our project engineer, designed to evaluate the general subsurface soil conditions and to provide information for evaluation of liquefaction potential.
4. Based on the data developed from our field and laboratory work, as well as the work done by others previously, we evaluated potential geologic hazards within the site. In addition, we are providing preliminary foundation recommendations for the proposed development.
5. Preparation of this feasibility geotechnical report that presents the results of our studies.

## SITE INVESTIGATION

A surface reconnaissance and a subsurface investigation was performed between December 6 and 8, 1977, using truck-mounted, continuous flight, solid and hollow stem auger equipment to investigate and sample the subsurface soils. Seven 6-inch diameter and five 8-inch diameter exploratory borings were drilled to a maximum depth of 50 feet. The soils encountered were continuously logged by our project engineer. The locations of the borings for the current investigation and the borings drilled previously by others are shown on Figure 1. Logs of our borings and details regarding the field investigation are included in Appendix A and the results of our laboratory tests are included in Appendix B.

### A. Surface

The area to be developed is essentially level, presently vacant and is located between Jarvis Road and the Coyote Hills and north of Thornton Avenue in the City Limits of both Newark and Fremont. The ground elevations vary from +3 feet to +8 feet (Mean Sea Level Datum). The eastern section of the property has been used as pasture land. The remaining sections of the site to the west have been used as salt evaporators, except the northwest corner of the Leslie Salt property. Located at this corner were two man-made fresh water ponds. Several dirt roads on-grade and roads on levees existed on the site along the inactive salt ponds. Along the levee roads were the remains of demolished railroad tracks used for salt recovery operations. In addition, the salt ponds and associated inter-connecting ditches were bounded by wood retaining walls and several small wood-frame sheds were located along the ponds. A P.G.& E. tower line crosses the site in the north-south direction. At the time of our investigation, the salt ponds were void of vegetation. The pasture area had a moderate growth of weeds.

### B. Subsurface

The surface soils encountered in the exploratory borings generally consisted of stiff to hard silty clay which extended to depths of 7 to 12 feet. The surface soils were found to have a medium plasticity and a moderate expansion potential. The surface clayey soils were underlain by a heterogeneous layer consisting of firm to stiff, slightly compressible, silty clays and clayey silts and loose silty sands and sandy silts. This layer extended to depths of about 19 to 25 feet. Beneath this heterogeneous layer, stiff to very stiff silty clays and loose to dense clayey and silty sands and gravel extended to the maximum depth explored during the current study of 50 feet. The borings drilled by others previously encountered stiff to very stiff, silty clays and medium dense to very dense, silty and clayey sands and gravels to a depth of 73 feet. Detailed descriptions of the soils encountered in each of our borings are presented on the logs of borings in Appendix A.

The attached boring logs and related information depict subsurface conditions only at the specific locations shown on the Site Plan and on the particular date designated on the logs. Also, the passage of time may result in changes in the subsurface conditions due to environmental changes. The locations of the borings were approximately determined by pacing and should be considered accurate only to the degree implied by the method used.

### C. Groundwater

Free groundwater was encountered in all borings at depths of 6 to 12 feet at the time of drilling. All borings were backfilled immediately after drilling. It should be noted that the borings may not have been left open for a sufficient period of time to establish equilibrium groundwater conditions. In addition, fluctuations in the groundwater level may occur due to variations in rainfall, temperature and other factors not evident at the time measurements were made.

It should be noted, from our discussions with Alameda County Flood Control and Conservation District, the anticipated high groundwater level (100-year flood) could be as high as +9 to +10 feet (Mean Sea Level Datum) in the vicinity of the site. This high water level was previously measured in the Spring of 1916. The County Flood Control District, at present, has no plans of raising the groundwater to this level.

### D. Geology

The site is located near the east shore of San Francisco Bay on a low-lying area of slight relief forming the broad alluvial slope between the bay and the hills to the east. The alluvium in this area is approximately 350 feet and overlies bedrock of the Franciscan Formation.

The alluvium underlying the site was probably derived from two areas. The older, deeper sands were derived from erosion from the hills to the east. The overlying fine grained, silt and clay layers are probably in part bay deposits. This layering has occurred in such a fashion that humps, or cones, have formed around Alameda Creek. The site is located on the west edge of the Niles Cone.

### E. Seismicity

The San Francisco Bay Area is recognized by geologists and seismologists as one of the most active seismic regions in the United States. Three major fault zones which pass through the Bay Area in a northwest direction have produced approximately 12 earthquakes per century strong enough to cause structural damage. The faults causing such earthquakes are part of the San Andreas Fault System, a major rift in the earth's crust that extends for at least 450 miles along the California Coast and includes the San Andreas, Hayward and Calaveras Faults. The site is located approximately 13 miles northeast of the San Andreas Fault and approximately 5 and 13 miles southwest of the Hayward and Calaveras Faults, respectively.

In addition, a trace of the Silver Creek Fault underlies the southwest side of the site. This fault trace was located by the California Division of Mines and Geology and is based on gravity studies by Taylor in 1957. Available information indicates that the location of the Silver Creek Fault in this area is a gross approximation. In addition, the absence of surface or subsurface expressions of fault movement above the Silver Creek Fault in this area indicates that this fault is deeply buried beneath the alluvium and is probably inactive.

Since the early 1800's, major earthquakes have been recorded along the San Andreas, Hayward, and Calaveras Fault Zones. In 1861, an earthquake having Richter magnitude of approximately 6.5 was reported on the Calaveras Fault. The presumed epicenter of this earthquake was located approximately 21 miles northeast of the site. In 1836 and again in 1868, earthquakes having Richter magnitudes of approximately 7.0 were recorded along the Hayward Fault. These earthquakes opened fissures at random locations along the fault, from San Pablo to Mission San Jose. The presumed epicenters of the 1836 and 1868 earthquakes were located approximately 21 miles northwest and 6 miles southeast of the site, respectively. The San Francisco Earthquake of 1906 had a Richter magnitude of approximately 8.3 and the epicenter of this earthquake was located approximately 51 miles northwest of the site; also, the San Andreas Fault produced an earthquake having an approximate magnitude of 7.0 in 1838, the presumed epicenter of which was located about 22 miles west of the site. In addition, numerous earthquakes of magnitude 4.0 or greater, have been recorded throughout the Bay Area along all three of these faults.

In addition, we should note that publications of the California Division of Mines and Geology indicate that the site is in a region which experienced earthquake intensities of VI, VII or VIII (Modified Mercalli Intensity Scale) at least 11 times since 1810. To explain the Modified Mercalli Intensity Scale and to correlate intensities on this scale with Richter magnitudes, we have attached Table 1 and Figure 2 to this report. Table 1 presents a scale of intensity of shaking (Modified Mercalli) that can be expected during an earthquake. Figure 2 presents a very idealized and simplified relationship between the size (Richter Magnitude) of an earthquake and the observed intensity of shaking (Modified Mercalli) near the epicenter.

#### EVALUATION AND CONCLUSIONS - GEOLOGIC HAZARDS

Based on our investigation, we conclude that from a geologic hazards standpoint, the area is suitable for the proposed industrial park development, provided the conclusions presented in this report are considered in the design and construction of future facilities. As part of our study, we have reviewed the Seismic Safety Elements for Alameda County and the Cities of Newark and Fremont. We should note that historical evidence and the results of current technology indicate that at least one moderate to severe earthquake will occur sometime during the design life of the structures located on the site. Geologic hazards in this region are typically most critical during strong earthquakes and can be divided into two general categories; fault offset hazard and shaking hazards. Detailed discussions of these hazards with respect to the site are presented below.

### A. Fault Offset Hazard

Based on existing geologic information, there are no known active faults that exist at the site. Therefore, a potential hazard resulting from surface rupture or fault offset at the site is considered to be very remote.

### B. Shaking Hazards

During a moderate to severe earthquake occurring on any of the above mentioned faults, strong shaking of the site will probably occur. Strong ground shaking not only can cause structures to shake, but it also has the capability of inducing other phenomena that can indirectly cause substantial damage to the structures. These phenomena include soil liquefaction, seismically induced waves such as tsunamis and seiches, inundation due to dam or embankment failure, landsliding and other shaking hazards such as lateral spreading, differential compaction and ground cracking. Detailed discussions of these hazards with respect to the area are presented below.

#### 1. Soil Liquefaction

Soil liquefaction is a phenomenon in which a saturated cohesionless soil layer located close to the ground surface loses strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands that lie within 50 feet of the ground surface.

To obtain a qualitative evaluation of the liquefaction potential of the granular soils at the site we used the simplified procedure for evaluation of soil liquefaction developed by Drs. H.B. Seed, I. Arango, and C.K. Chan at the University of California at Berkeley. We should point out that the simplified procedure is most applicable to fine-grained, uniformly graded, clay-free sands. It has been established through research that liquefiable sands generally have mean grain sizes within the range of 0.075 millimeter to 0.2 millimeter. Granular soils with larger mean grain sizes are generally too permeable to permit the build-up of excess porewater pressures which result in liquefaction. In addition, granular soils with high clay contents generally have a significant cohesion which serves to resist liquefaction.

The granular soils underlying the site most susceptible to liquefaction are the loose to medium dense silty sands and firm sandy silts which were encountered at depths of 12 to 23 feet below the ground surface. These soils are located in isolated lenses varying in thickness from 3 to 9 feet in the heterogeneous layer described previously. The physical properties of the granular soils most susceptible to liquefaction encountered at the site are shown below:

Boring No.	Depth (feet)	Unified Soil Classification Symbol	Standard Penetration Blow Count	Mean Grain Size Diameter (mm)	Passing No. 200 Sieve (%)
1	13-19.5	ML	7	0.08	51
2	12-14	SM-ML	9	--	--
3	12-19	SM-SC	5	--	--
4	8-17	SM	10	0.17	22
5	17-23	SM	7	0.12	39
7	12-18	SM	--	0.12	33
9	11-17	SM	--	0.18	36

The simplified procedure for evaluating soil liquefaction indicates that these saturated isolated lenses of silty sands and sandy silts could theoretically liquefy during moderate to large magnitude earthquakes producing ground surface accelerations of 0.06 to 0.11g.

Liquefaction of the above soils could cause isolated sand boils and localized settlements on the order of 0.5 to 3 inches depending on the density and thickness of the isolated lenses. However, differential settlements would tend to be minimized because of the 7- to 12-foot thick cap of stiff to hard relatively impermeable clays. In addition, because the liquefiable soils are not contiguous and are confined by impermeable clays, lateral movements are very unlikely.

## 2. Seismically Induced Waves

During a major earthquake, strong waves such as tsunamis or seiches may be generated in large bodies of water and may cause substantial damage to structures affected by them. The tsunami, or seismic sea wave, is an open ocean phenomenon caused by faulting, volcanism or other abrupt movement on the ocean floor often at considerable depth. The seiche is a wave which occurs in an enclosed basin as a result of fault displacement in the basin bottom, large landslides into the basin, or from periodic oscillation or sloshing of the water in the basin.

Our evaluation of published data by the U.S. Geological Survey indicates that the site will not be affected by even a very large tsunami arriving at the Golden Gate with a run-up of 20 feet. Therefore, we conclude that the site will not be affected by a seiche traversing the San Francisco Bay.

## 3. Inundation Due To Dam or Embankment Failure

There are no large lakes or reservoirs in the immediate vicinity of the site. However, in the hills to the east of the site, there are three large reservoirs; San Antonio Reservoir (50,500 acre feet), Del Valle Reservoir (77,100 acre feet) and Calaveras Reservoir (100,000 acre feet). Inundation maps, showing the areas affected in the event of dam failure, have been prepared for these reservoirs by the owning agencies, the San Francisco Water Department and

the California Department of Water Resources. In preparing the maps, two conservative assumptions were made: (1) the reservoirs would be filled to maximum capacity at the time of failure, and (2) failure would be sudden and complete. Based on these assumptions, the inundation maps indicate that, in the event of a failure at one of the above reservoirs, flood waters would flow out of Niles Canyon, across the flat alluvial plain and into San Francisco Bay. Areas which could be inundated by the floodwaters include the cities of Newark and Fremont and parts of Union City and Hayward.

We should emphasize, however, that the dams at the San Antonio and Del Valle Reservoirs are modern engineered earth fill embankments designed for maximum postulated seismic events. The Calaveras Dam, although a relatively old hydraulic fill dam, has been recently evaluated for seismic stability and updated. Improvements were made to the upstream and downstream slopes of the dam (completed in June 1975) and these improvements have been approved by the State. Therefore, it is our opinion that dam failures at any of these three reservoirs during even a very large magnitude earthquake is remote.

#### 4. Differential Compaction

Vibratory earthquake forces can cause clean, loose to medium dense, dry or saturated granular soils to compact differentially as compared to cohesive soils. Because of the variability of the soils underlying the site and their consistency the potential for differential compaction is a possibility. However, the 7- to 12-foot thick clay cap overlying the granular soils will mitigate differential ground movements. Any compaction which could occur will probably appear at the ground surface as areal settlements as discussed previously under Item B.1., "Soil Liquefaction".

#### 5. Other Shaking Hazards

We have also considered the possibility of the occurrence of other hazards. Because of the relatively flat topography, landsliding and lateral spreading are considered unlikely.

### DISCUSSION AND CONCLUSIONS - PRELIMINARY FOUNDATION RECOMMENDATIONS

Based on the results of our feasibility investigation, it is our opinion, from a geotechnical standpoint, that the site is suitable for the proposed development. The primary considerations for foundation design at the site are (1) the moderate expansion potential of the surface soils and (2) the slightly compressible nature of the heterogeneous soil layer underlying the surface soils.

The moderate expansion potential of the clayey surface soils encountered at the site could be subjected to volume changes during seasonal fluctuations in moisture content. In order to minimize possible damage to the buildings resulting from



swelling and shrinkage of these materials, the buildings may have to be supported on footings extended somewhat deeper than normal. In addition, the interior slabs-on-grade may have to be supported on a layer of imported non-expansive fill. However, if during mass grading a minimum thickness of imported non-expansive fill is used to raise the site grades, no additional non-expansive fill will be required.

Fills of 1 to 2 feet will be required to establish the proposed grade at elevation +7 feet. The placement of areal fill will cause some settlement due to the slightly compressible heterogeneous layer underlying the surface soils. We estimate settlements in the range of 1 to 2 inches could occur due to the placement of about 2 feet of fill. The upper range of the settlements are more likely to occur on the southern section of the site. However, the actual settlements that will occur will depend on the thickness of the compressible layer, the amount of fill, the building loads and the construction schedule. For relatively light commercial and industrial buildings the settlements caused by one to two feet of fill would be fairly uniform and should not cause any unusual design problems.

Should dock-high structures be utilized in the development, differential settlements could cause damage to these buildings. We estimate settlements in the range of 2 to 5 inches could occur due to the placement of about 5 feet of fill for the dock-high structures. The actual settlement that will occur will depend on the factors discussed above. However, to avoid these settlements, the dock-high pads could be developed by cutting the area around the structures and only adding minimal fill above the existing grade. This would minimize the site settlements and also reduce the amount of required imported fill.

#### A. Earthwork

No unusual problems are anticipated during site preparation and earthwork operations at the site. The property will have to be cleared of all obstructions including the existing fences, wood retaining walls, small wood frame buildings, buried wooden drainage channels, rail tracks and debris as well as shrubs and their associated roots. After clearing, the areas of the site containing surface vegetation will require several inches of stripping to remove all surface vegetation and organic laden topsoil. After clearing and stripping, any required excavations should be made and the subgrade soils prepared for any structure fill, buildings and pavements. All existing on-site soils below the stripped layer will probably be suitable for use as fill material except where non-expansive fill is required beneath slabs. The required imported fill should be predominantly granular with a plasticity index of 12 or less.

All structural fill less than 5 feet thick should be compacted to at least 90 percent relative compaction as determined by ASTM Test Designation D 1557-70. Structural fill or wall backfill greater than 5 feet high should be compacted to at least 95 percent relative compaction.

## B. Foundations

Based on the subsurface conditions encountered in our borings and borings drilled by others, typical lightly to moderately loaded commercial and industrial buildings can be supported on conventional continuous and isolated spread footings bearing in undisturbed natural soils or compacted structural fill. Such footings would have to be founded at least 18 to 24 inches below the lowest adjacent finished grade. At these depths, they could be designed for allowable dead plus live load bearing pressures in the range of 2000 to 5000 pounds per square foot.

It should be noted that the design depths and allowable bearing pressures for the foundation schemes described above will be established after the development plans have been finalized and additional borings have been made. However, based on our past experience in the general area of the site and the anticipated loadings of the proposed relatively lightly loaded commercial and industrial buildings, both total and differential settlements for the allowable bearing pressures given above should be within tolerable limits.

For heavily loaded industrial buildings and other structures sensitive to differential settlement, special design features must be considered. Possible foundations for these structures would include the following: (1) pile foundations extending through the compressible layer and gaining strength from friction between the pile and surrounding soil, (2) a grid foundation consisting of inter-connected footings and (3) a mat foundation.

## C. Slabs-on-Grade

Due to the moderately expansive nature of the surface soils at the site, the slabs-on-grade will be supported on a minimum of 12 inches of imported non-expansive compacted fill. It should be noted that if during mass grading non-expansive fill is used to raise the site grades at least one foot, no additional non-expansive fill will be required. In addition, minimum reinforcing may be required. Where floor wetness would be undesirable, the slab would have to be underlain by an impermeable membrane and capillary break.

## D. Dock-High Retaining Walls

Any dock-high retaining walls must be designed to resist both lateral earth pressures and any additional lateral loads caused by surcharge loads on the adjoining ground surface. Unrestrained walls with level backfill will have to be designed to resist an equivalent fluid pressure of 30 to 40 pounds per cubic foot depending on the material which is used as backfill.

## E. Galvanic Corrosion Potential

Specific conductance and salinity laboratory tests were run on samples of the surface soils to a depth of about 5 feet from our Boring 4. The test data indicates that the soils in the upper 5 feet have a very severe to extremely severe corrosivity.

F. Pavements

The on-site, surface clayey soils encountered have a medium plasticity and probably have a relatively low "R" value. Therefore, the pavement sections required over these materials will probably be slightly thicker than normally constructed. However, if the site grades in the pavement areas are raised with imported non-expansive fill the pavement sections required will be nominal.

FUTURE INVESTIGATION

We recommend that additional borings be drilled during the final foundation investigation for each of the developments, and that additional laboratory tests be performed to further evaluate the uniformity and strength and compressibility properties of the subsurface soils. Additional, engineering analyses would be made to provide specific earthwork and foundation recommendations. Our report would summarize the field and laboratory data and would include detailed recommendations for building foundation types, depth and allowable bearing pressures as well as recommendations for grading, earthwork operations, slab-on-grade floors, lateral earth pressures for walls and pavements.

\*\*\*\*\*

## APPENDIX A - FIELD INVESTIGATION

The field investigation consisted of a surface reconnaissance and a subsurface exploration program using truck-mounted, continuous flight, solid and hollow stem auger drilling equipment. Seven 6- and five 8-inch diameter exploratory borings were drilled between December 6 and 8, 1977, to a maximum depth of 50 feet. The locations of the exploratory borings are shown on the Site Plan, Figure 1. The soils encountered in the borings were continuously logged in the field by our representative and described in accordance with the Unified Soil Classification System (ASTM D-2487). The logs of the borings as well as a key for the classification of the soil (Figure A-1) are included as part of this appendix.

Representative disturbed and undisturbed soil samples were obtained from the exploratory borings at selected depths appropriate to the soil investigation. All samples were returned to our laboratory for evaluation and testing.

The standard penetration resistance blow counts were obtained by dropping a 140-pound hammer through a 30-inch free fall. The 2-inch O.D. split spoon sampler was driven 18 inches and the number of blows recorded for each 6-inch penetration. The blows per foot recorded on the boring logs represent the accumulated number of blows that were required to drive the last 12 inches.

Undisturbed samples were obtained using 3-inch diameter thin wall Shelby tubes and the 2.5-inch diameter modified California sampler. Shelby samples were generally obtained by pushing the tube into the soil at the bottom of the hole through a distance of 2 to 2.5 feet using hydraulic pressure from the drill rig; the pressure required to push the sampler is recorded on the boring logs. Modified California samples were obtained by driving the sampler a distance of 18 inches using the 140-pound hammer described above. All sampler types are indicated in the "Sampler" column of the boring logs as designated below:

- Split Spoon
- Modified California
- Shelby Tube

The approximate unconfined compressive and shear strengths of saturated clayey soil samples were evaluated in the field utilizing the hand operated Pocket Penetrometer and Torvane testing instruments, respectively. The strengths measured by these instruments are shown on the boring logs at the appropriate sample depth.

The approximate ground surface elevations at the locations of the borings were obtained from the print titled "Base Map, Coyote Tract, Leslie Salt Company", prepared by Genge/Murray-McCormick and undated. These elevations are based on the U.S.G.S. 1929 Mean Sea Level Datum.

The attached boring logs show our interpretation of the subsurface conditions at the dates and locations indicated, and it is not warranted that they are representative of subsurface conditions at other locations and times.

PRIMARY DIVISIONS			GROUP SYMBOL	SECONDARY DIVISIONS
COARSE GRAINED SOILS MORE THAN HALF OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVELS MORE THAN HALF OF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS (LESS THAN 5% FINES)	GW	Well graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly graded gravels or gravel-sand mixtures, little or no fines.
		GRAVEL WITH FINES	GM	Silty gravels, gravel-sand-silt mixtures non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS MORE THAN HALF OF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS (LESS THAN 5% FINES)	SW	Well graded sands, gravelly sands, little or no fines.
			SP	Poorly graded sands or gravelly sands, little or no fines.
		SANDS WITH FINES	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS MORE THAN HALF OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT IS LESS THAN 50%	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity.	
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays.	
		OL	Organic silts and organic silty clays of low plasticity.	
	SILTS AND CLAYS LIQUID LIMIT IS GREATER THAN 50%	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts.	
		CH	Inorganic clays of high plasticity, fat clays.	
		OH	Organic clays of medium to high plasticity, organic silts.	
HIGHLY ORGANIC SOILS			Pt	Peat and other highly organic soils.

**DEFINITION OF TERMS**

U.S. STANDARD SERIES SIEVE								CLEAR SQUARE SIEVE OPENINGS		
200		40		10		4		3/4"	3"	12"
SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS			
	FINE	MEDIUM	COARSE	FINE	COARSE					

**GRAIN SIZES**

SANDS AND GRAVELS	BLOWS/FOOT <sup>†</sup>
VERY LOOSE	0 - 4
LOOSE	4 - 10
MEDIUM DENSE	10 - 30
DENSE	30 - 50
VERY DENSE	OVER 50

SILTS AND CLAYS	STRENGTH <sup>‡</sup>	BLOWS/FOOT <sup>†</sup>
VERY SOFT	0 - 1/4	0 - 2
SOFT	1/4 - 1/2	2 - 4
FIRM	1/2 - 1	4 - 8
STIFF	1 - 2	8 - 16
VERY STIFF	2 - 4	16 - 32
HARD	OVER 4	OVER 32

**RELATIVE DENSITY**

<sup>†</sup> Number of blows of 140 pound hammer falling 30 inches to drive a 2 inch O.D. (1-3/8 inch I.D.) split spoon (ASTM D-1586).

<sup>‡</sup> Unconfined compressive strength in tons/sq. ft. as determined by laboratory testing or approximated by the standard penetration test (ASTM D-1586), pocket penetrometer, torvane, or visual observation.

**CONSISTENCY**

**Peter Kaldveer and Associates**

*Geotechnical Consultants*

**KEY TO EXPLORATORY BORING LOGS  
Unified Soil Classification System (ASTM D-2487)**

PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT  
Newark-Fremont, California

PROJECT NO.


K545-1

DATE

April 1978

Figure A-1

DRILL RIG Continuous Flight Auger				SURFACE ELEVATION ± 5 Feet		LOGGED BY R.L.B.				
DEPTH TO GROUNDWATER 7 Feet				BORING DIAMETER 6.1 inches		DATE DRILLED 12/6/77				
DESCRIPTION AND CLASSIFICATION					DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE							
SILT, clayey (sediment deposit)	lt. grey	soft	ML	1		17	18			
CLAY, silty Dry Density = 109 pcf (grading less plastic at 3 feet)	mottled dark grey-brown	very stiff	CL	1		34	18			
		hard		5		28	19	3.2	4.8	
CLAY, very silty	light brown	firm	CL ML	5						
				10		4	21			
SILT, sandy, fine grained with some clay Passing No. 200 Sieve = 51% (grading with traces of sand)	light brown	loose	ML	15		push 300-400 psi				
CLAY, very silty	green blue	stiff	CL	20		7	34			
				25		17				
Dry Density = 104 pcf				30		15	24	0.62*	1.24*	
Bottom of Boring = 30 Feet										
Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.										
* Laboratory Test Data										
Peter Kaldveer and Associates  Geotechnical Consultants					<b>EXPLORATORY BORING LOG</b>					
					PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
					PROJECT NO.		DATE		BORING NO.	
					K545-1		April 1978		1	

DRILL RIG <b>Hollow Stem Auger</b>				SURFACE ELEVATION $\pm$ 6 Feet		LOGGED BY <b>R.L.B.</b>					
DEPTH TO GROUNDWATER <b>7 Feet</b>				BORING DIAMETER <b>8 Inches</b>		DATE DRILLED <b>12/6/77</b>					
DESCRIPTION AND CLASSIFICATION						DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE								
<b>CLAY, silty</b> Liquid Limit = 32% Plasticity Index = 16% Passing No. 200 Sieve = 94% Dry Density = 107 pcf	dark brown-grey	very stiff	CL	1		21	18			3.2	4.8
		hard stiff		5		27	21				
<b>CLAY, silty with fine grained sand</b> Liquid Limit = 28% Plasticity Index = 8% Passing No. 200 Sieve = 74%	light brown	firm	CL	10		push 300-400 psi		16			
		loose		15		push 350-400 psi					
<b>SAND, silty</b>	brown	loose	ML SM			9	25				
<b>CLAY, silty</b>	green-blue	firm	CL	20		13				0.7	1.8
		very stiff		25		17					
<b>CLAY, silty</b>  (grading with some fine grained sand) Dry Density = 95 pcf	light brown	stiff	CL CH	30		27	25			2.2	4.0
				35							
				40		13	30				
<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>						<b>EXPLORATORY BORING LOG</b>					
						PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
						PROJECT NO.		DATE		BORING NO.	
						K545-1		April 1978		2	



DRILL RIG <b>Hollow Stem Auger</b>	SURFACE ELEVATION <b>± 6 Feet</b>	LOGGED BY <b>R.L.B.</b>
DEPTH TO GROUNDWATER <b>7 Feet</b>	BORING DIAMETER <b>8 Inches</b>	DATE DRILLED <b>12/6/77</b>

DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
CLAY, silty (continued)  (lens of sand at 46 to 47 feet)  Dry Density = 97 pcf	light brown	stiff	CL- CH	41					
		very stiff		45					
Bottom of Boring = 50 Feet  Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.				50	⊗	34	27	2.7	4.5
				55					
				60					
				65					
				70					
				75					
				80					

<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>	<b>EXPLORATORY BORING LOG</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO.	DATE	BORING NO.
	K545-1	April 1978	2

DRILL RIG Continuous Flight Auger				SURFACE ELEVATION ± 7 Feet		LOGGED BY R.L.B.				
DEPTH TO GROUNDWATER 6 Feet				BORING DIAMETER 6 Inches		DATE DRILLED 12/6/77				
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVAINE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)	
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE							
CLAY, silty	dark brown	stiff	CL	1		16	19	4.4	7.0	
		very stiff		5		30				16
				5		25				17
SILT, sandy with some clay	light brown	firm	ML	10		5	22			
SAND, fine grained, silty with some clay  (grading with clay)	light brown	loose	SM SC  SC	15		9	25			
CLAY, silty Passing No. 200 Sieve = 97%	mottled brown-grey	stiff	CL- CH	20		push 350- 400 psi	34	1.0	1.4	
Bottom of Boring = 21 Feet										
Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.										
				25						
				30						
				35						
				40						
Peter Kaldveer and Associates  Geotechnical Consultants				<b>EXPLORATORY BORING LOG</b>						
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California						
				PROJECT NO.		DATE		BORING NO.		
				K545-1		April 1978		3		

DRILL RIG Hollow Stem Auger	SURFACE ELEVATION ± 7 Feet	LOGGED BY R. L. B.
DEPTH TO GROUNDWATER 5.8 Feet	BORING DIAMETER 8 Inches	DATE DRILLED 12/7/77

DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)	
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE							
CLAY, silty  Dry Density = 102 pcf	dark brown-grey	very stiff	CL	1		18	20	2.8	4.2	
				5	X	32	23			
SILT, clayey and sandy	light brown	firm	ML			push				
SAND, fine to medium grained with traces of silt  Passing No. 200 Sieve = 22% (grading more silty)	light brown	loose	SM	10		300-350 psi				
				15		10	26			
SILT, clayey Liquid Limit = 32% Plasticity Index = 10% Passing No. 200 Sieve = 99%	blue-grey	firm	ML-CL	20	X	13	32			
CLAY, silty  (grading very silty)  Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.	green-blue	very stiff	CL-CH	25		19	20			
				light brown	stiff	CL-ML	30		14	24
							35			
Bottom of Boring = 40 Feet				40	X	22				

<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>	<b>EXPLORATORY BORING LOG</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO.	DATE	BORING NO.
	K545-1	April 1978	4

DRILL RIG <b>Hollow Stem Auger</b>		SURFACE ELEVATION $\pm$ 8 Feet		LOGGED BY <b>R.L.B.</b>					
DEPTH TO GROUNDWATER <b>10 Feet</b>		BORING DIAMETER <b>8 Inches</b>		DATE DRILLED <b>12/7/77</b>					
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
SAND, gravelly and silty (FILL) $\uparrow$	red-brown	medium dense	SM	1		27	7		
CLAY, very silty (grading less silty at 4 feet)  Dry Density = 87 pcf	dark grey-brown	very stiff	CL-ML	5		21	14	1.5	2.0
	mottled light brown-grey	stiff	CL			13	17		
						18	29		
CLAY, silty with sand	green-brown	firm	CL	15		10			
SAND, silty with traces of clay Passing No. 200 Sieve = 39%	green-brown	loose	SM	20		7	21 20		
CLAY, silty Dry Density = 92 pcf  (grading with some sand)	light brown-grey	firm	CL-CH	25		12	.18	1.0	2.0
	green-blue-light brown	very stiff		30		27	18		
(grading very silty)	light brown	stiff	CL-ML	40		11	28		
<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>				<b>EXPLORATORY BORING LOG</b>					
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
				PROJECT NO.	DATE	BORING NO.			
				K545-1	April 1978	5			

DRILL RIG Hollow Stem Auger				SURFACE ELEVATION ± 8 Feet		LOGGED BY R. L. B.			
DEPTH TO GROUNDWATER 10 Feet				BORING DIAMETER 8 inches		DATE DRILLED 12/7/77			
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
CLAY, very silty (continued)	light brown	stiff	CL-ML	41					
				45					
SILT, sandy, fine to medium grained, with traces of clay Passing No. 200 Sieve = 53%	light brown-brown	loose	ML	50	X	16			
Bottom of Boring = 50 Feet  Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.				55					
				60					
				65					
				70					
				75					
				80					
Peter Kaldveer and Associates  Geotechnical Consultants					<b>EXPLORATORY BORING LOG</b>				
					PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California				
					PROJECT NO.	DATE	BORING NO.		
					K545-1	April 1978	5		

DRILL RIG Hollow Stem Auger				SURFACE ELEVATION ± 8 Feet		LOGGED BY R. L. B.					
DEPTH TO GROUNDWATER 12 Feet				BORING DIAMETER 8 Inches		DATE DRILLED 12/7/77					
DESCRIPTION AND CLASSIFICATION						DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE								
SAND, gravelly with some clay and silt (FILL) ↑	red-brown	medium dense	SM-SC	1		13	11				
CLAY, silty Dry Density = 88 pcf	dark brown-black	stiff	CL	5		16	23				
		very stiff			33	28	2.9	6.0			
CLAY, very silty Dry Density = 98 pcf (grading with sand and gravel at 15 feet)	mottled light brown-grey	stiff	CL-ML	10		13	22				
				15		14	23	0.53*	1.03*		
SILT, sandy with some clay Passing No. 200 Sieve = 56%	green-brown	dense	ML	20		31	25				
CLAY, silty Dry Density = 88 pcf Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual. * Laboratory Test Results	green-blue-light brown	very stiff	CL-CH	25		19	20				
				30		15	27	1.3	2.0		
SILT, sandy with traces of clay Passing No. 200 Sieve = 53%	green-brown	medium dense	ML	40		13	22				
Bottom of Boring = 40 Feet											
Peter Kaldveer and Associates Geotechnical Consultants						<b>EXPLORATORY BORING LOG</b>					
						PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
						PROJECT NO.		DATE		BORING NO.	
						K545-1		April 1978		6	

DRILL RIG <b>Continuous Flight Auger</b>		SURFACE ELEVATION $\pm$ 5 Feet		LOGGED BY <b>R.L.B.</b>					
DEPTH TO GROUNDWATER <b>8 Feet</b>		BORING DIAMETER <b>6 Inches</b>		DATE DRILLED <b>12/7/77</b>					
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
<b>CLAY, silty</b> Liquid Limit = 36% Plasticity Index = 19% Passing No. 200 Sieve = 94% Dry Density = 97 pcf	dark brown	stiff	CL	1		16	21		
	mottled brown-grey	very stiff	CL	5		27	23	3.8	7.2
		stiff		8		30			
<b>SAND, fine grained, silty, with some clay</b> Passing No. 200 Sieve = 33%	light brown	medium dense	SM	15		push 550-600 psi	23		
<b>CLAY, silty</b>  Dry Density = 99 pcf	mottled brown-grey	stiff	CL-CH	20		9	32		
		very stiff		25		40	22	4.1	8.0
<b>Bottom of Boring = 30 Feet</b>  Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.				30					
				35					
				40					
<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>				<b>EXPLORATORY BORING LOG</b>					
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
				PROJECT NO.	DATE	BORING NO.			
				K545-1	April 1978	7			

DRILL RIG Continuous Flight Auger		SURFACE ELEVATION ± 5 Feet		LOGGED BY R.L.B.						
DEPTH TO GROUNDWATER 16.5 Feet		BORING DIAMETER 6 Inches		DATE DRILLED 12/8/77						
DESCRIPTION AND CLASSIFICATION				DEPTH (Feet)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)	
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE							
CLAY, silty	dark brown black	stiff	CL	1		14	23	4.5	8.0	
		very stiff		5		27	22			16
CLAY, very silty  (grading with less silt)	light brown  mottled light brown-grey	stiff	CL-ML	10		8	20			
			CL	15		14				
Bottom of Boring = 20 Feet				20						
Note: The stratification line represents the approximate boundary between soil types and the transition may be gradual.				25						
				30						
				35						
				40						
Peter Kaldveer and Associates  Geotechnical Consultants		<b>EXPLORATORY BORING LOG</b>								
		PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California								
		PROJECT NO.	DATE	BORING NO.						
		K545-1	April 1978	8						



DRILL RIG Continuous Flight Auger		SURFACE ELEVATION ± 5 Feet		LOGGED BY R.L.B.					
DEPTH TO GROUNDWATER 7 Feet		BORING DIAMETER 6 Inches		DATE DRILLED 12/8/77					
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
CLAY, silty	dark brown	stiff very stiff stiff	CL	1 5		15 28 24	21		
CLAY, silty	light brown-grey	stiff	CL	10		14		0.9	2.7
SAND, fine grained, silty, with traces of clay  Passing No. 200 Sieve = 36%	light brown	loose-medium dense	SM	15		push 500 psi	21		
CLAY, silty	mottled lt. brown-grey	stiff	CL-CH	20		9	33		
Bottom of Boring = 20 Feet  Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.				25 30 35 40					
Peter Kaldveer and Associates  Geotechnical Consultants		<b>EXPLORATORY BORING LOG</b>							
		PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California							
		PROJECT NO.	DATE	BORING NO.					
		K545-1	April 1978	9					

DRILL RIG Continuous Flight Auger				SURFACE ELEVATION ± 9 Feet		LOGGED BY R.L.B.			
DEPTH TO GROUNDWATER 11 Feet				BORING DIAMETER 6 Inches		DATE DRILLED 12/8/77			
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
SAND, silty and gravelly (FILL) ↑	red-brown	medium dense	SM	1		15	7		
CLAY, silty  Dry Density = 92 pcf	grey-brown	stiff	CL	5		13	11		
	dark brown					11	17		
		very stiff		10		20	26	3.0	5.4
		stiff							
Dry Density = 109 pcf	mottled light brown-grey	firm		15		7	24		
		stiff		20		19	22	1.5	2.4
Bottom of Boring = 20 Feet									
Note: The stratification line represents the approximate boundary between soil types and the transition may be gradual.									
				25					
				30					
				35					
				40					
Peter Kaldveer and Associates  Geotechnical Consultants				<b>EXPLORATORY BORING LOG</b>					
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
				PROJECT NO.		DATE		BORING NO.	
				K545-1		April 1978		10	

DRILL RIG <b>Hollow Stem Auger</b>		SURFACE ELEVATION		LOGGED BY <b>R.L.B.</b>					
DEPTH TO GROUNDWATER <b>8 Feet</b>		BORING DIAMETER <b>8 Inches</b>		DATE DRILLED <b>12/8/77</b>					
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
CLAY, silty	black	very stiff	CL	1		16	15		
		stiff		5		21	17		
CLAY, silty	mottled brown-grey	stiff	CL	10		8	23		
SILT, clayey with some sand Liquid Limit = 19% Plasticity Index = 2% Passing No. 200 Sieve = 76%	brown	firm	ML	15		push 350-400 psi	23		1.0
CLAY, silty	mottled brown-grey	stiff	CL	20		8	27		
CLAY, silty  Dry Density = 103 pcf Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.	mottled light brown-grey	very stiff	CL-CH	25		20	22		
		stiff		30		21	26	1.6	3.6
SILT, sandy, fine grained, with traces of clay Passing No. 200 Sieve = 43%	light brown	medium dense	ML	40		13	24		
Bottom of Boring = 40 Feet									
<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>				<b>EXPLORATORY BORING LOG</b>					
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
				PROJECT NO. <b>K545-1</b>	DATE <b>April 1978</b>	BORING NO. <b>11</b>			

DRILL RIG <b>Continuous Flight Auger</b>		SURFACE ELEVATION			LOGGED BY <b>R.L.B.</b>				
DEPTH TO GROUNDWATER <b>8 Feet</b>		BORING DIAMETER <b>6 Inches</b>			DATE DRILLED <b>12/8/77</b>				
DESCRIPTION AND CLASSIFICATION				DEPTH (FEET)	SAMPLER	PENETRATION RESISTANCE (BLOWS/FT)	WATER CONTENT (%)	SHEAR STRENGTH BY TORVANE (KSF)	UNCONFINED COMPRESSIVE STRENGTH (KSF)
DESCRIPTION AND REMARKS	COLOR	CONSIST.	SOIL TYPE						
CLAY, silty	dark brown-black	stiff	CL	1		10	25		
CLAY, silty with traces of sand	light brown-brown	stiff	CL	5		16			
(grading very silty 8½ to 9½ feet)		firm	CL-ML	10		6	25		
Dry Density = 108 pcf			CL	15		16	20	2.0	3.3
SILT, clayey with fine grained sand	light brown	firm	ML	20		6	34		
CLAY, silty	mottled lt. brown-grey	stiff	CL-CH						
Bottom of Boring = 23.5 Feet				25					
Note: The stratification lines represent the approximate boundaries between soil types and the transitions may be gradual.				30					
				35					
				40					
<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>				<b>EXPLORATORY BORING LOG</b>					
				PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California					
				PROJECT NO.		DATE		BORING NO.	
				K545-1		April 1978		12	

## APPENDIX B - LABORATORY INVESTIGATION

The laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site.

The natural water content was determined on 61 samples of the materials recovered from the borings in accordance with ASTM Test Designation D-2216. These water contents are recorded on the boring logs at the appropriate sample depths.

Dry density determinations were performed on 22 samples of the subsurface soils to evaluate their physical properties. The results of these tests are shown on the boring logs at the appropriate sample depths.

Atterberg Limit determinations were performed on five samples of the subsurface soils to determine the range of water content over which these materials exhibit plasticity. The Atterberg Limits were determined in accordance with ASTM Test Designations D-428 and D-424. These values are used to classify the soil in accordance with the Unified Soil Classification System and to indicate the soil's compressibility and expansion potentials. The results of these tests are presented on Figure B-1 and on the logs of the borings at the appropriate sample depths.

Two series of expansion tests were performed on samples of the surface soils. One series consisted of four samples which were compacted to an assumed 90% relative compaction at 2% below optimum moisture content. The other series consisted of undisturbed in-situ surface soils. A different surcharge load was placed on each sample, the samples were saturated and the expansion or consolidation was recorded after 24 hours. The results of the expansion tests are below:

<u>Series</u>	<u>Sample Number</u>	<u>Surcharge Load (psf)</u>	<u>Expansion (+) or Consolidation (-)</u>
Remolded	1	250	+1.40
	2	500	+0.21
	3	1000	-0.01
	4	2000	-0.50
Undisturbed	1	250	+0.10
	2	500	-0.09
	3	1000	-0.24
	4	2000	-3.50

The percent passing the #200 sieve was determined on five samples of the subsurface soils to aid in the classification of these soils. These tests were performed in accordance with ASTM Test Designation D-1140. The results of these tests are shown on the boring logs at the appropriate sample depths.

Gradation tests were performed on ten samples of the subsurface soils in accordance with ASTM Test Designation D-2217. These tests were performed to assist in the classification of the soil's and to determine their grain size distributions. On seven of these samples hydrometer tests were also performed to extend the grain size distribution curves to include the silt and clay size fraction. The results of these tests are presented on Figures B-2 through B-5.

Unconfined compression tests were performed on 18 undisturbed samples of the clayey subsurface soils to evaluate the undrained shear strengths of these materials. The unconfined tests were performed in accordance with ASTM Test Designation D-2166 on samples having a diameter of 2.4 inches and a height-to-diameter ratio of at least two. Failure was taken as the peak normal stress. The results of these tests are presented on Table B-1.

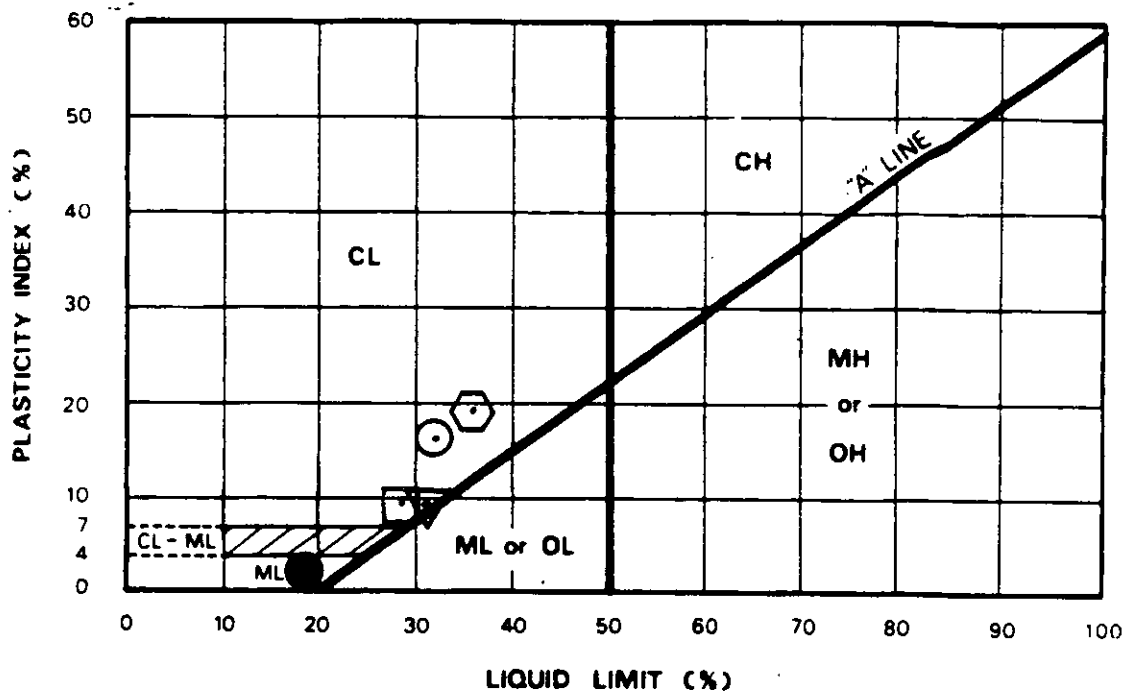
Three consolidation tests were performed on undisturbed samples of the subsurface clayey soils to assist in evaluating the compressibility characteristics of these materials. The results of the consolidation tests are presented graphically on Figures B-6 through B-8.

Salinity content and specific conductance determinations were performed on three samples of the soil from Boring 4. The results of these tests are tabulated below:

<u>Boring No.</u>	<u>Depth</u>	<u>Salinity (ppt)</u>	<u>Specific Conductance (<math>\mu</math>mhos/cm)</u>
4	0 - 1.5	1.5	3,100
4	1.5 - 3	2.0	4,400
4	3 - 4.5	1.0	1,900

TABLE B-1  
STRENGTH DATA

<u>Boring No.</u>	<u>Depth (feet)</u>	<u>Moisture Content (%)</u>	<u>Dry Density (pcf)</u>	<u>Undrained Shear Strength (ksf)</u>	<u>Unconfined Compressive Strength (ksf)</u>
1	4	19	109	1.83	3.66
1	15	21	118	- -	- -
1	29	24	104	0.62	1.24
2	4	21	107	2.19	4.39
2	19	33	93	0.91	1.82
2	29	25	95	1.03	2.06
2	49	27	97	1.79	3.58
4	4	23	102	3.33	6.66
4	10	23	104	- -	- -
5	9	29	87	0.78	1.56
5	24	18	92	1.12	2.24
5	49	22	104	- -	- -
6	4	28	88	2.96	5.92
6	14	23	98	0.51	1.03
6	29	27	88	0.57	1.13
7	4	23	97	1.76	3.51
7	24	22	99	3.35	6.70
9	9	18	115	- -	- -
10	9	26	92	2.04	4.08
10	19	22	109	1.60	-
11	29	26	103	1.32	-
12	14	20	108	1.48	-



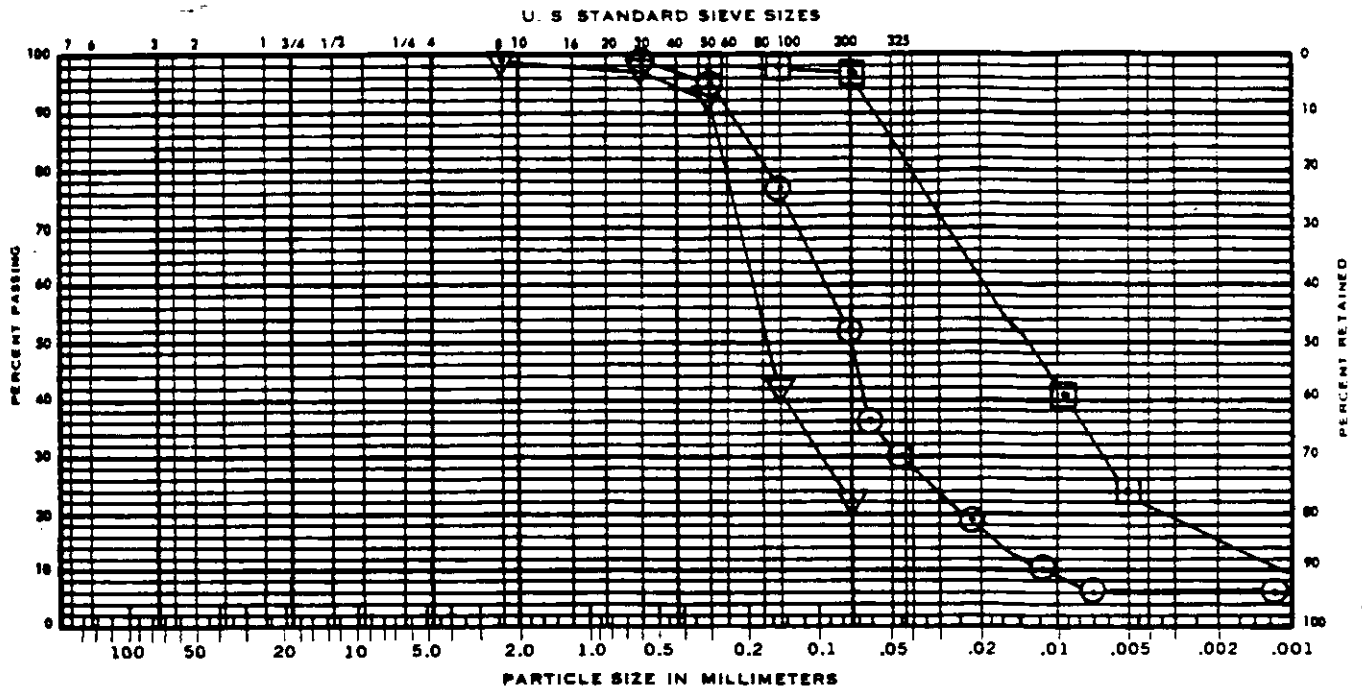
KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	NATURAL WATER CONTENT %	ATTERBERG LIMITS			PASSING NO. 200 SIEVE %	UNIFIED SOIL CLASSIFICATION SYMBOL
				LIQUID LIMIT %	PLASTICITY INDEX %	LIQUIDITY INDEX %		
○	2	0-1½	18	32	16	+ 0.14	94	CL
□	2	11-13½	16	28	9	- 0.40	74	CL
▽	4	18½-20	32	32	10	+ 1.04	99	CL-ML
⬡	7	0-1½	21	36	19	+ 0.24	94	CL
●	11	13½-16	23	19	2	+ 2.57	76	ML

<b>Peter Kaldveer and Associates</b>  <i>Geotechnical Consultants</i>	<b>PLASTICITY CHART AND DATA</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO	DATE	Figure B-1
	K545-1	April 1978	



# UNIFIED SOIL CLASSIFICATION SYSTEM

(ASTM D 422-72)



<b>COBBLES</b>	<b>GRAVEL</b>		<b>SAND</b>			<b>SILT AND CLAY</b>
	<b>COARSE</b>	<b>FINE</b>	<b>COARSE</b>	<b>MEDIUM</b>	<b>FINE</b>	

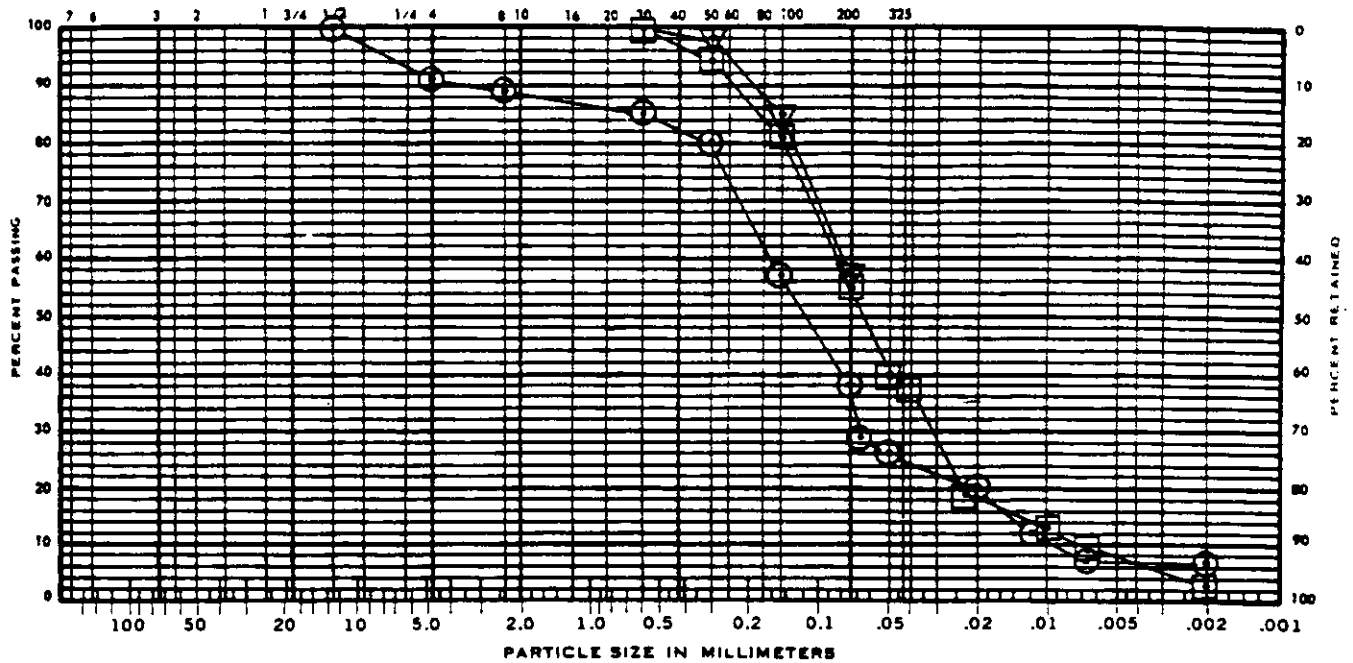
KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	ELEV. (feet)	UNIFIED SOIL CLASSIFICATION SYMBOL	SAMPLE DESCRIPTION
⊙	1	13½-16	--	ML	Light Brown, Sandy SILT
⊠	3	18½-21	--	CL	Mottled Brown-Grey, Silty CLAY
▽	4	13½-15	--	SM	Light Brown, Silty SAND

<p style="font-size: 1.2em; margin: 0;"><b>Peter Kaldveer and Associates</b></p> <p style="margin: 5px 0 0 20px;"><i>Geotechnical Consultants</i></p>	<b>GRADATION TEST DATA</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO.	DATE	Figure B-2
	K545-1	April 1978	

# UNIFIED SOIL CLASSIFICATION SYSTEM

(ASTM D 422-72)

U. S. STANDARD SIEVE SIZES



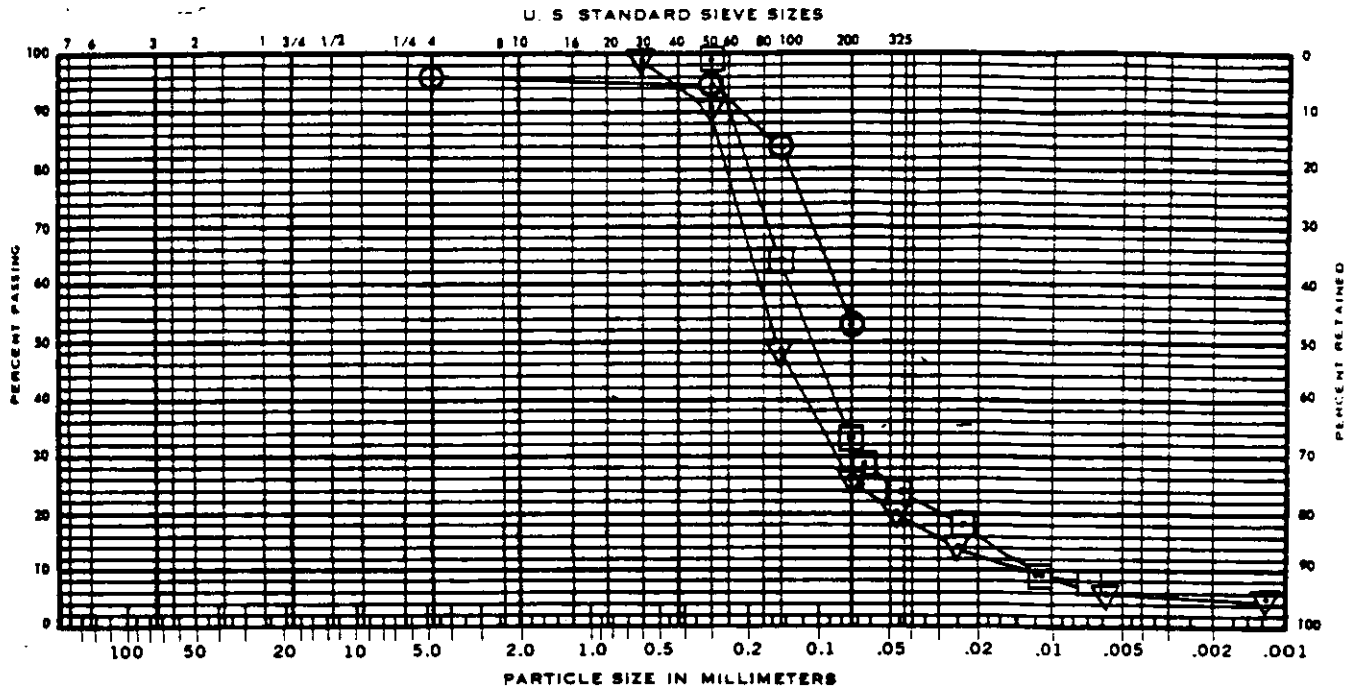
COBBLES	GRAVEL		SAND			SILT AND CLAY
	COARSE	FINE	COARSE	MEDIUM	FINE	

KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	ELEV. (feet)	UNIFIED SOIL CLASSIFICATION SYMBOL	SAMPLE DESCRIPTION
⊙	5	18½-20	--	SM	Greenish Brown, Silty SAND
⊠	5	48½-50	--	ML	Light Brown-Brown, Sandy SILT
▽	6	18½-20	--	ML	Greenish Brown, Sandy SILT

<p style="font-size: 1.2em; margin: 0;"><b>Peter Kaldveer and Associates</b></p> <p style="margin: 5px 0 0 20px;"><i>Geotechnical Consultants</i></p>	<b>GRADATION TEST DATA</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO.	DATE	Figure B-3
	K545-1	April 1978	

# UNIFIED SOIL CLASSIFICATION SYSTEM

(ASTM D 422-72)



COBBLES	GRAVEL		SAND			SILT AND CLAY
	COARSE	FINE	COARSE	MEDIUM	FINE	

KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	ELEV. (feet)	UNIFIED SOIL CLASSIFICATION SYMBOL	SAMPLE DESCRIPTION
⊙	6	38½-40	--	ML	Greenish Brown, Sandy SILT with some clay
□	7	13½-16	--	SM	Light Brown, Silty SAND
▽	9	13½-16	--	SM	Light Brown, Silty SAND

**Peter Kaldveer and Associates**

*Geotechnical Consultants*

## GRADATION TEST DATA

PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT  
Newark-Fremont, California

PROJECT NO.

DATE

K545-1

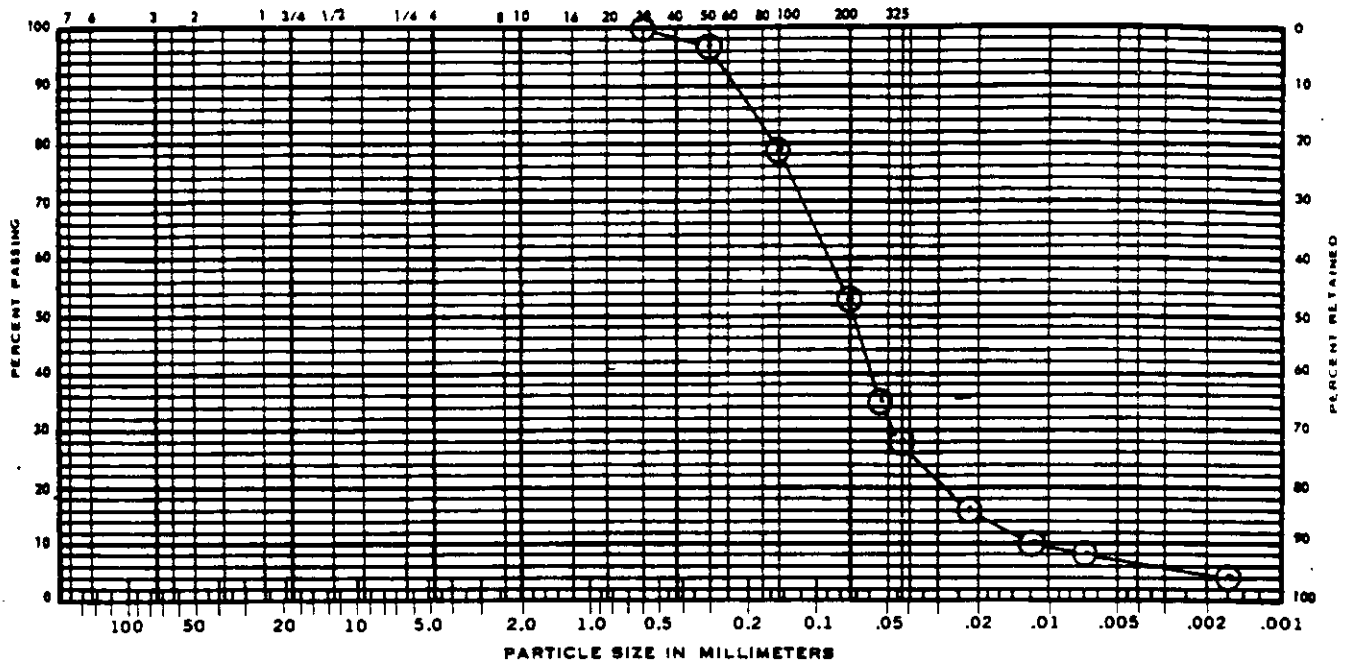
April 1978

Figure B-4

# UNIFIED SOIL CLASSIFICATION SYSTEM

(ASTM D 422-72)

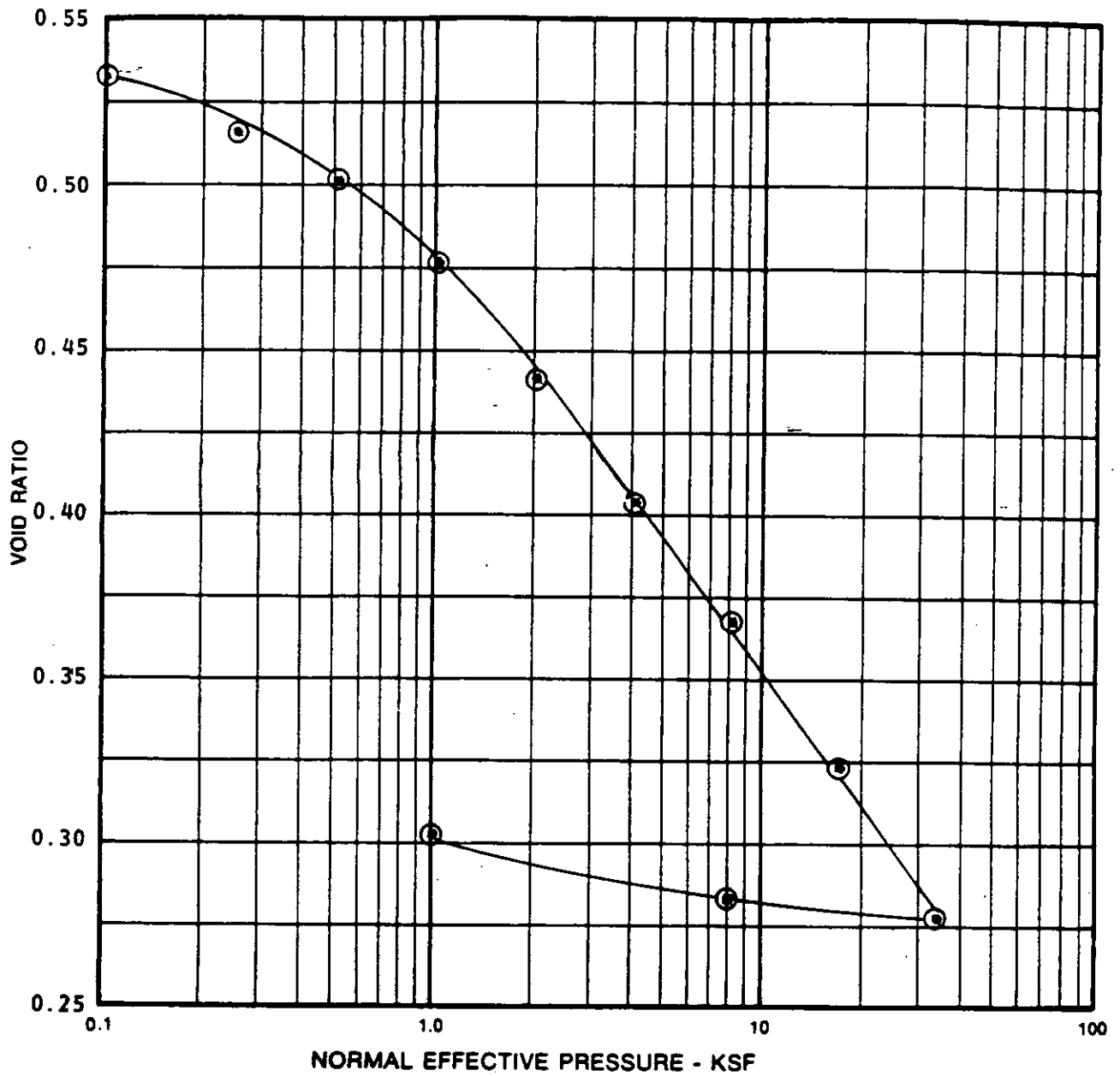
U. S. STANDARD SIEVE SIZES



COBBLES	GRAVEL		SAND			SILT AND CLAY
	COARSE	FINE	COARSE	MEDIUM	FINE	

KEY SYMBOL	BORING NO.	SAMPLE DEPTH (feet)	ELEV. (feet)	UNIFIED SOIL CLASSIFICATION SYMBOL	SAMPLE DESCRIPTION
⊙	11	38½-40	--	ML	Light Brown, Sandy SILT

<p style="text-align: center;"><b>Peter Kaldveer and Associates</b></p> <p style="text-align: center;"><i>Geotechnical Consultants</i></p>	<b>GRADATION TEST DATA</b>		
	PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT Newark-Fremont, California		
	PROJECT NO.	DATE	Figure B-5
	K545-1	April 1978	



**SAMPLE DATA**

BORING NO.: 2	
DEPTH (ft.): 11 - 13.5	ELEVATION (ft.): - -
DESCRIPTION: Light Brown, Silty CLAY with some fine grained sand (CL)	
SAMPLE DIAMETER (in.): 2.50	SPECIFIC GRAVITY (Gs): 2.70*
LIQUID LIMIT (%): 28	PLASTICITY INDEX (%): 9

**CONSOLIDATION TEST DATA**

	INITIAL	FINAL
DRY DENSITY (PCF)	110	129
MOISTURE CONTENT (%)	16	10
VOID RATIO	0.53	0.31
DEGREE OF SATURATION (%)	84	100
HEIGHT (in.)	1.00	0.86

\* Assumed Value

**Peter Kaldveer and Associates**

*Geotechnical Consultants*

**CONSOLIDATION TEST DATA**

PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT  
Newark-Fremont, California

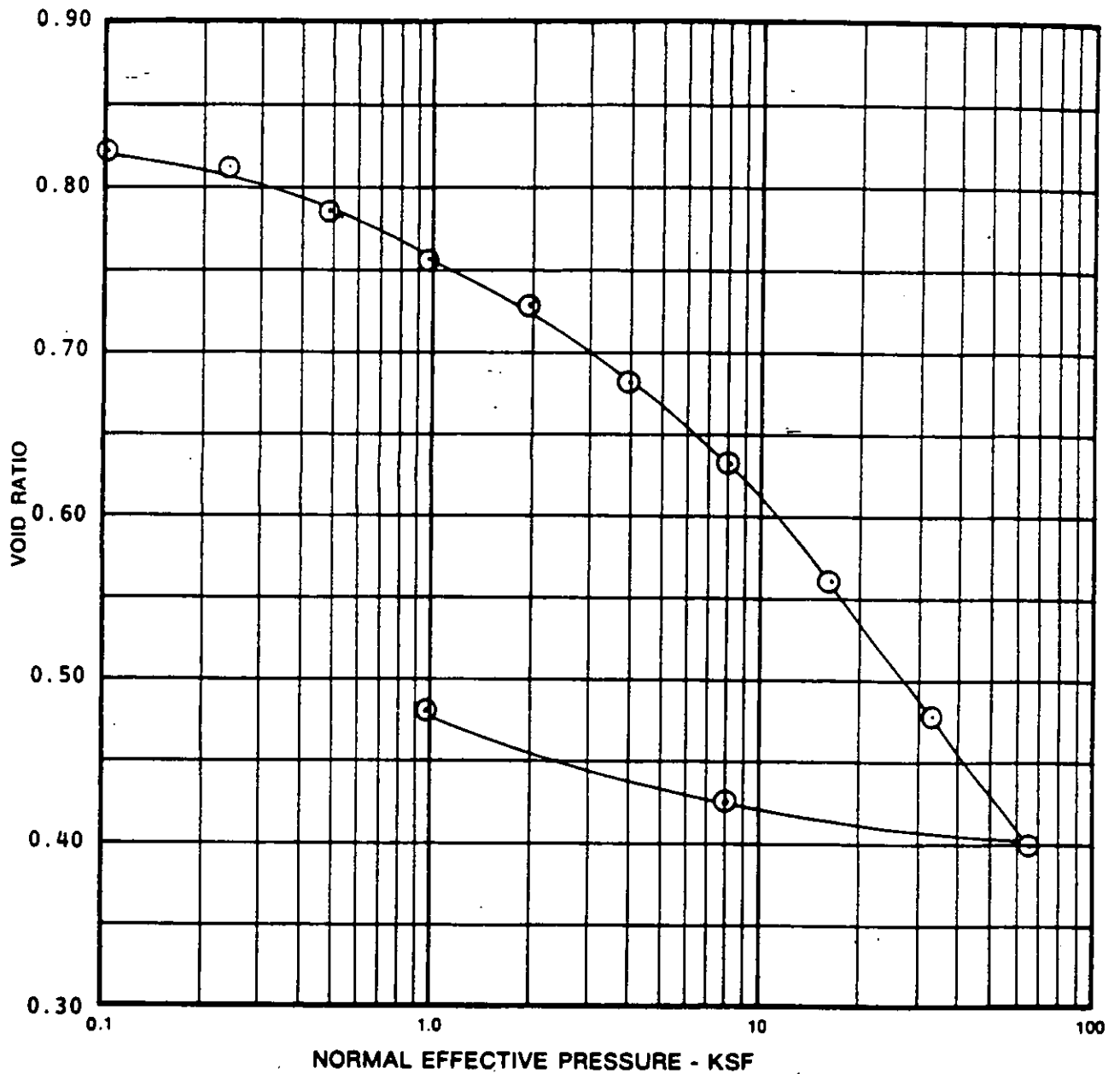
PROJECT NO.

K545-1

DATE

April 1978

Figure E-6



**SAMPLE DATA**

BORING NO.: 4	
DEPTH (ft.): 18.5- 20	ELEVATION (ft.): - -
DESCRIPTION: Mottled Blue-Grey, Silty CLAY (CL-ML)	
SAMPLE DIAMETER (in.): 2.42	SPECIFIC GRAVITY (Gs): 2.70*
LIQUID LIMIT (%): 32	PLASTICITY INDEX (%): 10

**CONSOLIDATION TEST DATA**

	INITIAL	FINAL
DRY DENSITY (PCF)	93	113
MOISTURE CONTENT (%)	32	27
VOID RATIO	0.82	0.49
DEGREE OF SATURATION (%)	100	100
HEIGHT (in.)	1.00	0.82

\* Assumed Value

**Peter Kaldveer and Associates**

*Geotechnical Consultants*

**CONSOLIDATION TEST DATA**

PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT  
Newark-Fremont, California

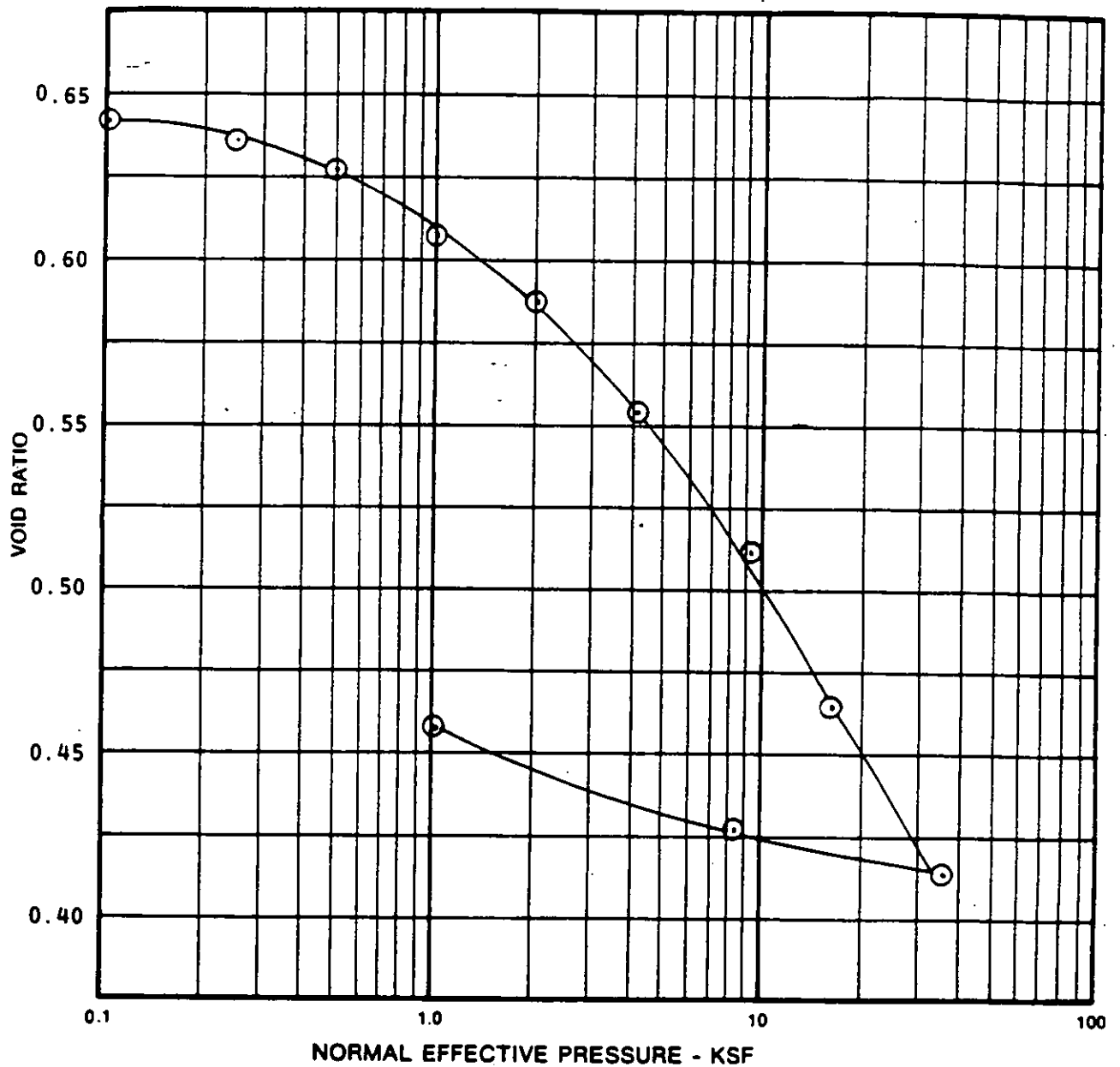
PROJECT NO.

K545-1

DATE

April 1978

Figure B-7



**SAMPLE DATA**

BORING NO.: 11	
DEPTH (ft.): 13.5 - 16	ELEVATION (ft.): - -
DESCRIPTION: Brown Clayey SILT with some sand (ML)	
SAMPLE DIAMETER (in.): 2.50	SPECIFIC GRAVITY (Gs): 2.70*
LIQUID LIMIT (%): 19	PLASTICITY INDEX (%): 2

**CONSOLIDATION TEST DATA**

	INITIAL	FINAL
DRY DENSITY (PCF)	126	142
MOISTURE CONTENT (%)	23	18
VOID RATIO	0.64	0.46
DEGREE OF SATURATION (%)	97	100+
HEIGHT (in.)	1.00	0.89

\* Assumed Value

**Peter Kaldveer and Associates**

*Geotechnical Consultants*

**CONSOLIDATION TEST DATA**

PROPOSED LESLIE SALT COMPANY PROPERTY DEVELOPMENT  
Newark-Fremont, California

PROJECT NO.

K545-1

DATE

April 1978

Figure B-8

## **ADDITIONAL APPENDICES**

---

- Traffic Analysis by Pang Engineers, Inc.
- Mitigation Monitoring Program





# PANG ENGINEERS, INC.

TRAFFIC AND TRANSPORTATION CONSULTANTS

GAY LAWRENCE PANG, C.E., T.E.

948-2

November 1, 1994

Mr. James Reese  
Planning Director  
CITY OF NEWARK  
37101 Newark Boulevard  
Newark, CA 94560-3796

Re: The Gateway Development  
Thornton Avenue

Dear Mr. Reese:

In accordance with your request, we have performed additional Traffic Engineering Services on the above subject project as it relates to near term impacts. Turning movement counts for the AM and PM peak hours at five critical intersections were obtained in October 1994 and are contained in the Appendix. The intersections are:

- a) Newark Boulevard / Jarvis Avenue
- b) Thornton / Route 84 - EB Off-ramp
- c) Paseo Padre / Route 84 - WB Off-ramp
- d) Ardenwood / Route 84 - WB Off-ramp
- e) Newark / Route 84 - EB Off-ramp

Plate 1 depicts the critical intersection locations on the Vicinity Map. On Plate 2 is the existing lane patterns while Plate 3 shows the future lane patterns.

The intent is to provide a level of service (LOS) analysis at these five intersections for the near term for three conditions:

- a) Existing
- b) Existing + Approved Projects
- c) Existing + Approved Projects + With This Project.

The City of Newark provided the "approved project" trips which consisted of the Bridgeway Research and Development Park located immediately easterly of the project site. (Plate 4 and 5).

PO BOX 4255  
MOUNTAIN VIEW  
CA 94040

(415) 948-1030  
FAX : (415) 941-PANG

This project's trip generation estimate is shown on Table I with the assumption of a high tech industrial use of which 67% is an industrial park and 33% warehouses. The trips were distributed based upon other approved projects in the proximity of this development. The trip distribution assumptions are as follows:

- a) 28% to and from Route 84 West
- b) 50% to and from Route 84 East
  - 30% to and from Thornton Avenue
  - 20% to and from Jarvis Avenue - Newark Boulevard
- c) 22% to and from local streets
  - 6% Paseo Padre Parkway
  - 4% Ardenwood Boulevard
  - 6% Thornwood Avenue south of Jarvis Avenue
  - 6% Newark Boulevard south of Jarvis Avenue

Approximately 1373 trips during the AM and 1358 trips during the PM peak hours are expected. About 70% of these trips are anticipated to access the site from Thornton Avenue. On Plates 6 and 7 are shown the project trips at the critical intersections.

The LOS at the five critical intersections were performed with the use of the Circular 212 Planning Method for critical movement analysis and a maximum lane capacity of 1800 vehicles per lane per hour. Two of the five intersections namely Thornton / Route 84 EB Off ramp and Paseo Padre / Route 84 WB Off-ramp are currently unsignalized. For purposes of this analysis and at the direction of the City of Newark, it was assumed that traffic signals are in place.

The LOS Summary is contained on Table II. The "Existing + Approved" Projects condition show that all five intersections are at a "D" or better LOS. When this project's trips are added and improvements along Thornton Avenue are implemented, e.g. two thru lanes in each direction, four of the five intersections are at a "D" or better LOS. The Newark / Route 84 EB off-ramp intersection will be at an "E" - LOS for the PM peak hour due primarily to the higher right turn movement.

Notwithstanding these near term traffic impacts, Resolution No. 6511 dated June 11, 1992 recognized that in the future, significant unavoidable traffic and circulation impacts will occur at these intersections, and a statement of overriding conditions was adopted by the City Council.

As a supplemental evaluation for the far term or Year 2007, an alternative proposal was presented to realign Jarvis Avenue and connect it to Thornton Avenue near the location of the proposed Gateway Boulevard, with Gateway Boulevard "T" ing into the realigned Jarvis Avenue. Table III contains a summary of those LOS calculations. The assumptions include two thru lanes in each direction on Thornton Avenue, two left turn lanes southbound, and one left turn lane (U-turns) northbound on Thornton Avenue, while the realigned Jarvis Avenue will have one left turn lane and two right turn lanes.

We trust that we have adequately responded to your concerns regarding the near term traffic impacts, together with the far term or year 2007 analysis of the proposal to realign Jarvis Avenue.

Very Truly Yours,

  
Gay Lawrence Pang

cc: Jerry Haag  
Bob Douglass

Attachments: Tables I, II, III  
Plates 1 thru 7  
Appendix  
Existing Volumes  
LOS Description  
LOS Ranges - Planning Application  
LOS Calculations

TABLE I

TRIP GENERATION

LAND USE	UNIT	TRIP RATE	DAILY TRIPS	AM PEAK HOUR		PM PEAK HOUR	
				IN	OUT	IN	OUT
Rezoning							
High Tech Industrial (137 Gross Acres) (2)							
Industrial (1) (67%)	91.79 A±	62.90 (a)	5,774				
AM	.....	10.09 (b)	.....	759 (82%)	167 (18%)		
				926			
PM	.....	10.48 (c)	.....			202 (21%)	760 (79%)
						962	
Warehouse (1) (33%)	45.21 A±	56.08 (a)	2,535				
AM	.....	9.88 (b)	.....	322 (72%)	125 (28%)		
				447			
PM	.....	8.75 (c)	.....			139 (35%)	257 (65%)
						396	
				1081 (78.7%)	292 (21.3%)	341 (25.1%)	1017 (74.9%)
<b>TOTAL =</b>			<u>8,309</u>	<u>1,373</u>		<u>1,358</u>	

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: Trip Generation, Institute of Transportation Engineers, Fifth Edition, 1991.  
(2) Gross acres excluding 16 acres for a retention basin.

**TABLE II**  
**SUMMARY**  
**LEVEL OF SERVICE**

INTERSECTION		DATE OF COUNT	EXISTING		EXISTING + APPROVED		EXISTING + APPROVED + PROJECT		WITH IMPROVEMENTS	
			LOS	V/C	LOS	V/C	LOS	V/C	LOS	V/C
1. Newark / Jarvis	AM	10-26-94	C	0.76	C	0.79	D	0.85	-	-
	PM	10-26-94	B	0.68	C	0.78	D	0.86	-	-
2. Thornton / SR-84 EB Off Ramp	AM	10-25-94	C	0.79	D	0.87	F	1.14	C	0.73
	PM	10-25-94	C	0.73	D	0.81	F	1.22	C	0.73
3. Paseo Padre Parkway / SR-84 WB Off Ramp	AM	10-25-94	A	0.29	A	0.29	A	0.29	-	-
	PM	10-25-94	A	0.23	A	0.23	A	0.24	-	-
4. Ardenwood / SR-84 WB Off Ramp	AM	10-27-94	A	0.52	B	0.60	B	0.68	-	-
	PM	10-27-94	A	0.52	A	0.53	A	0.55	-	-
5. Newark / SR-84 EB Off Ramp	AM	10-27-94	A	0.43	A	0.45	A	0.55	-	-
	PM	10-27-94	D	0.85	D	0.89	E	0.98	-	-

V/C = Volume to Capacity ratio  
LOS = Level of Service  
SR = State Route

AM = Morning Peak Hour  
PM = Evening Peak Hour

EB = Eastbound  
WB = Westbound

- (1) Existing = Existing condition (with existing lane patterns);
- (2) Existing + Approved = Existing + Approved Projects condition (with existing lane patterns);
- (3) Existing + Approved + Projects = Existing + Approved Projects + With This Project (with existing lane patterns);
- (4) With Improvements = Existing + Approved Projects + With This Project (with future lane patterns).

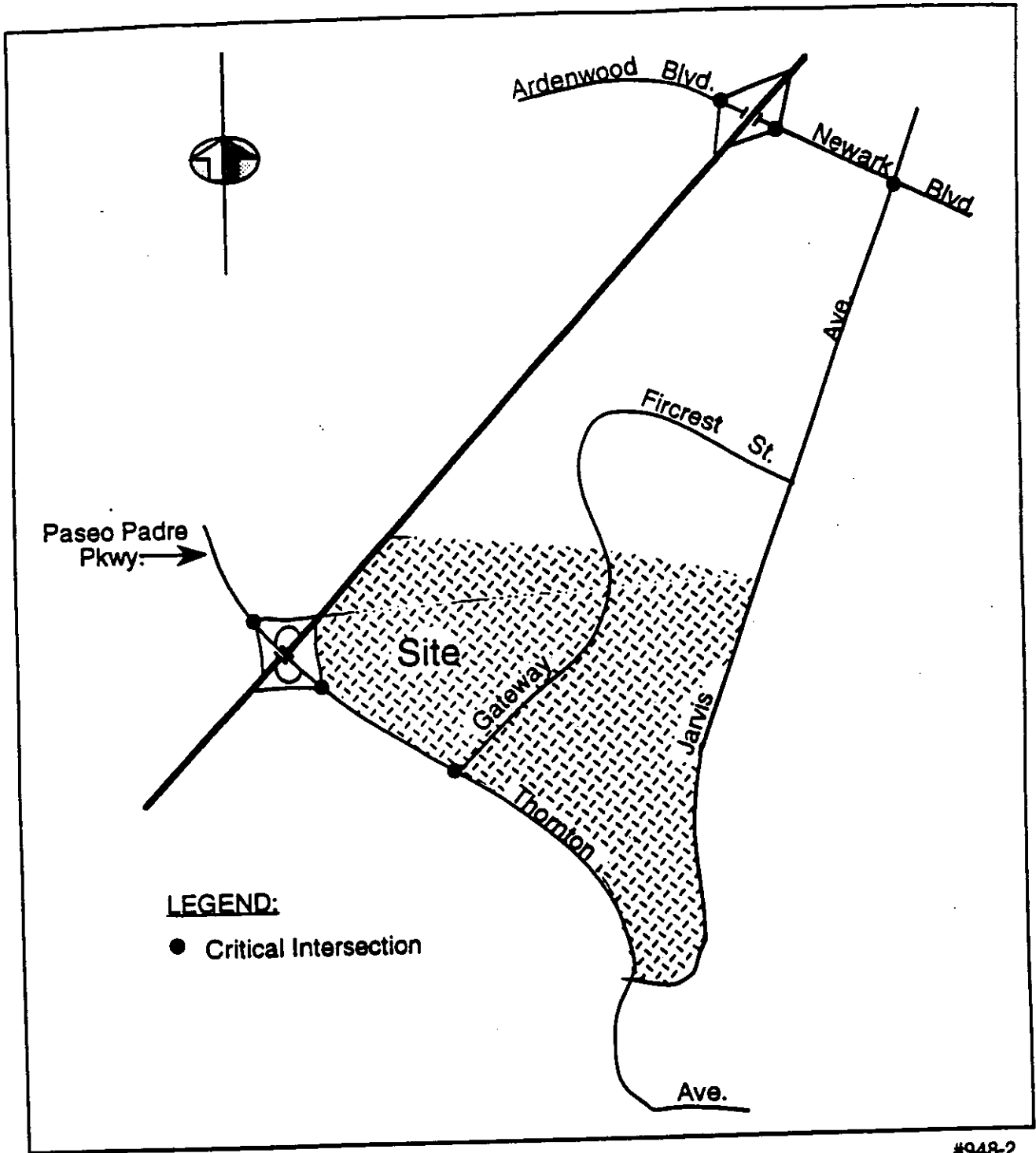
**TABLE III**

**SUMMARY  
LEVEL OF SERVICE  
JARVIS AVENUE REALIGNMENT**

INTERSECTION	REZONING <sup>(1)</sup>	
	V/C	LOS
1. Jarvis Avenue / Gateway Avenue		
AM	0.45	A
PM	0.50	A
2. Thornton Avenue / Jarvis (Realigned)		
AM	0.68	B
PM	0.32	A

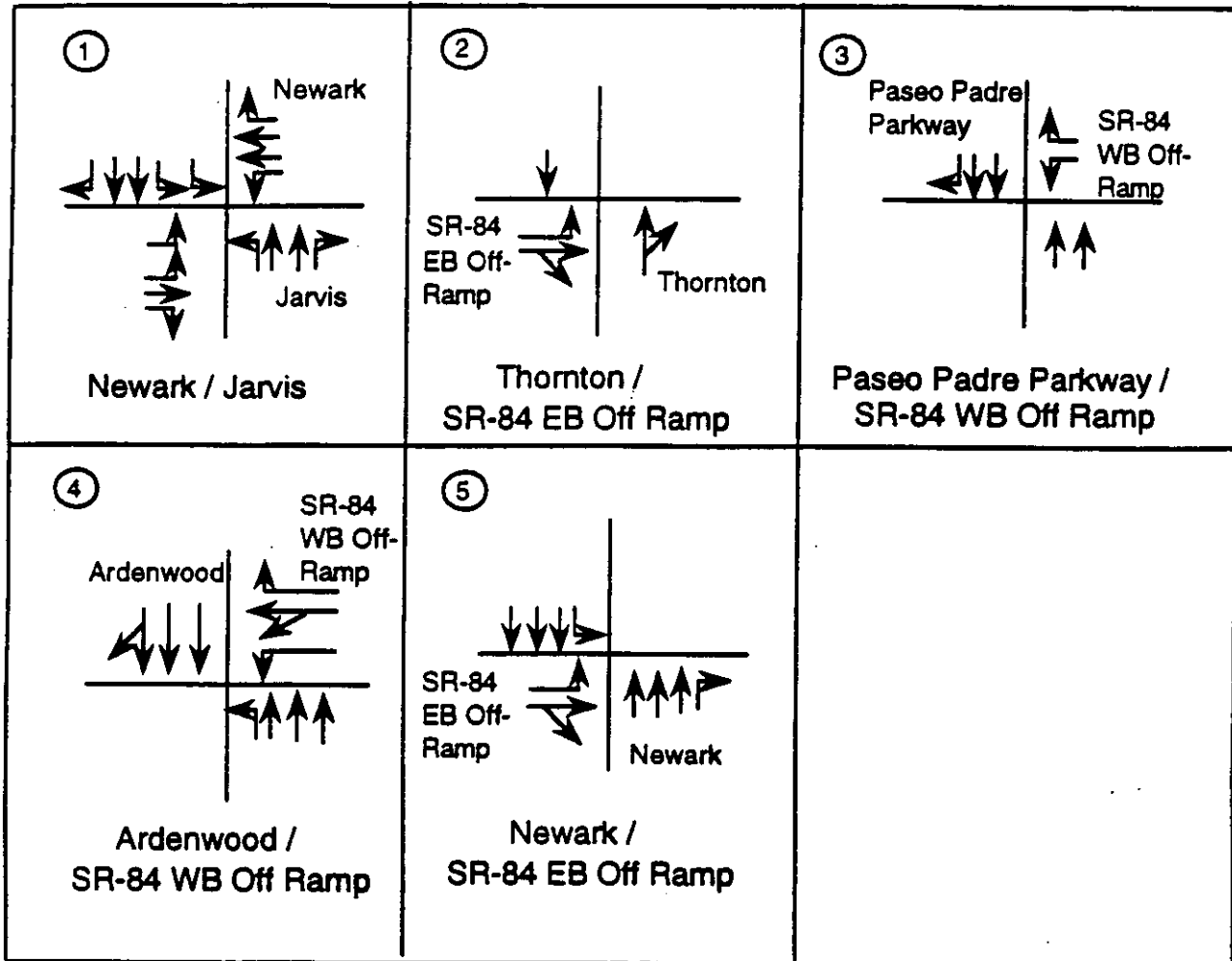
AM = Morning peak hour  
PM = Evening peak hour  
V/C = Volume to Capacity ratio  
LOS = Level of Service

<sup>(1)</sup> With assumed street improvements and traffic signalization and Jarvis Avenue realignment.



#948-2

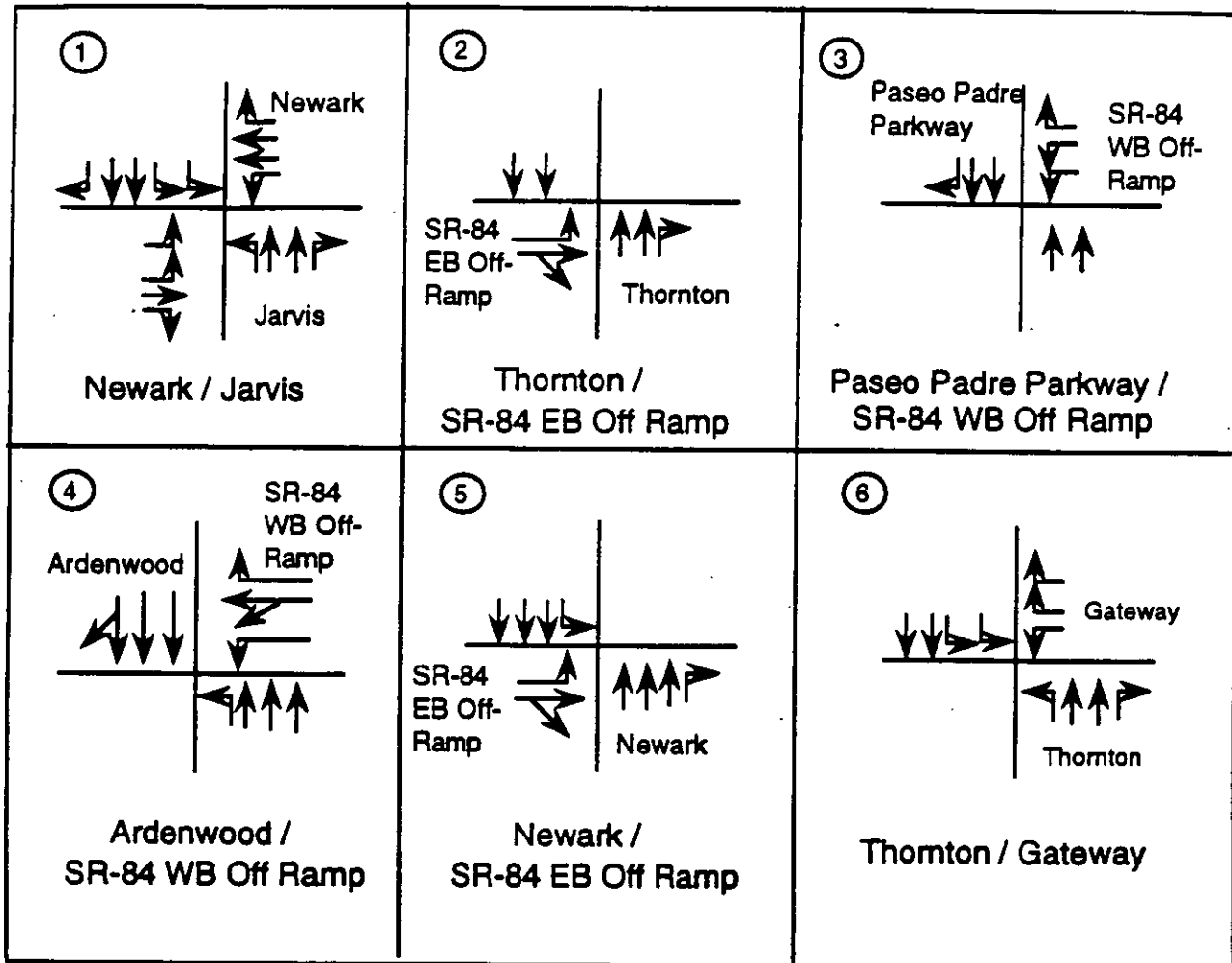
**PLATE 1  
VICINITY MAP**



#948-2

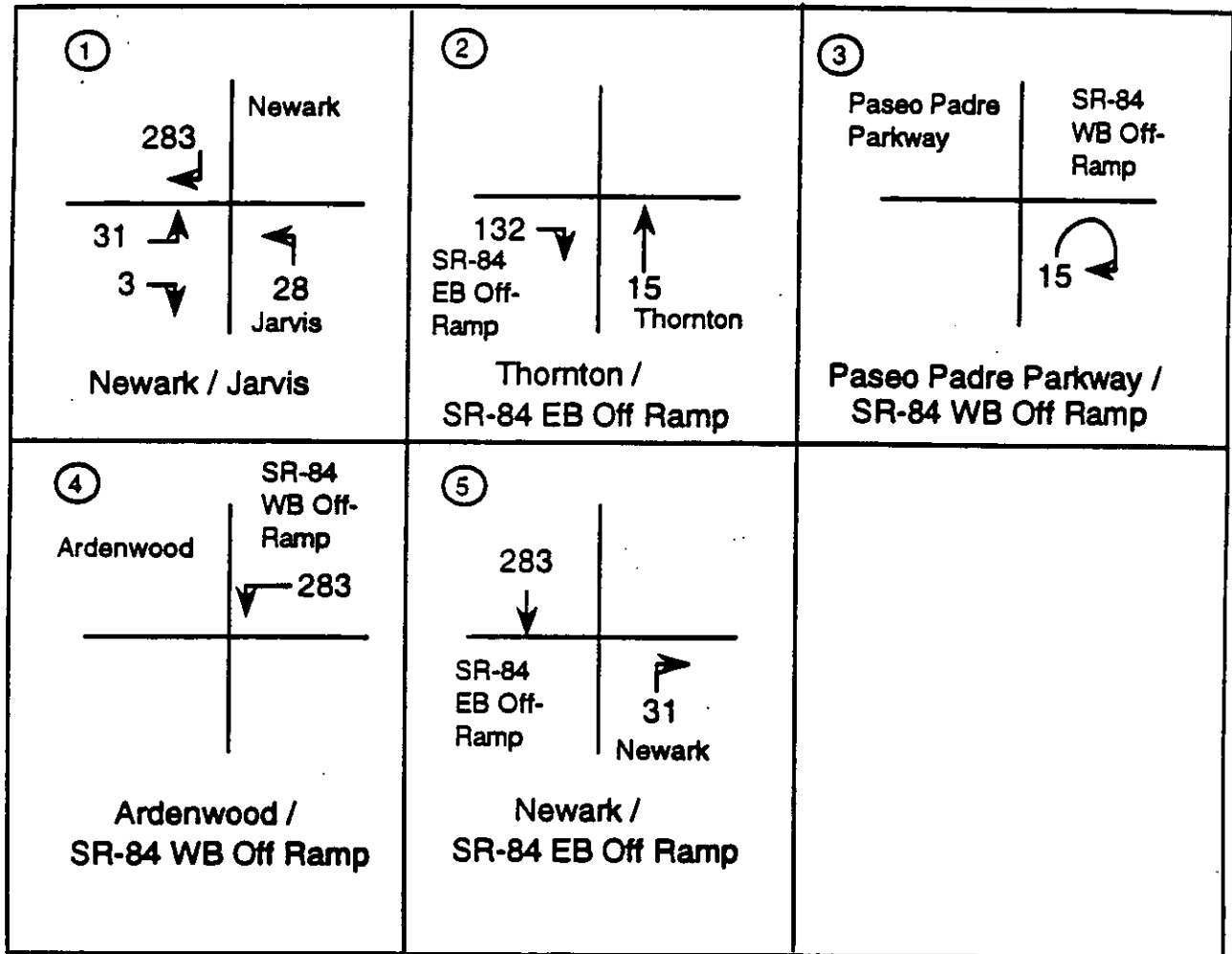
**PLATE 2**  
**EXISTING LANE PATTERNS**





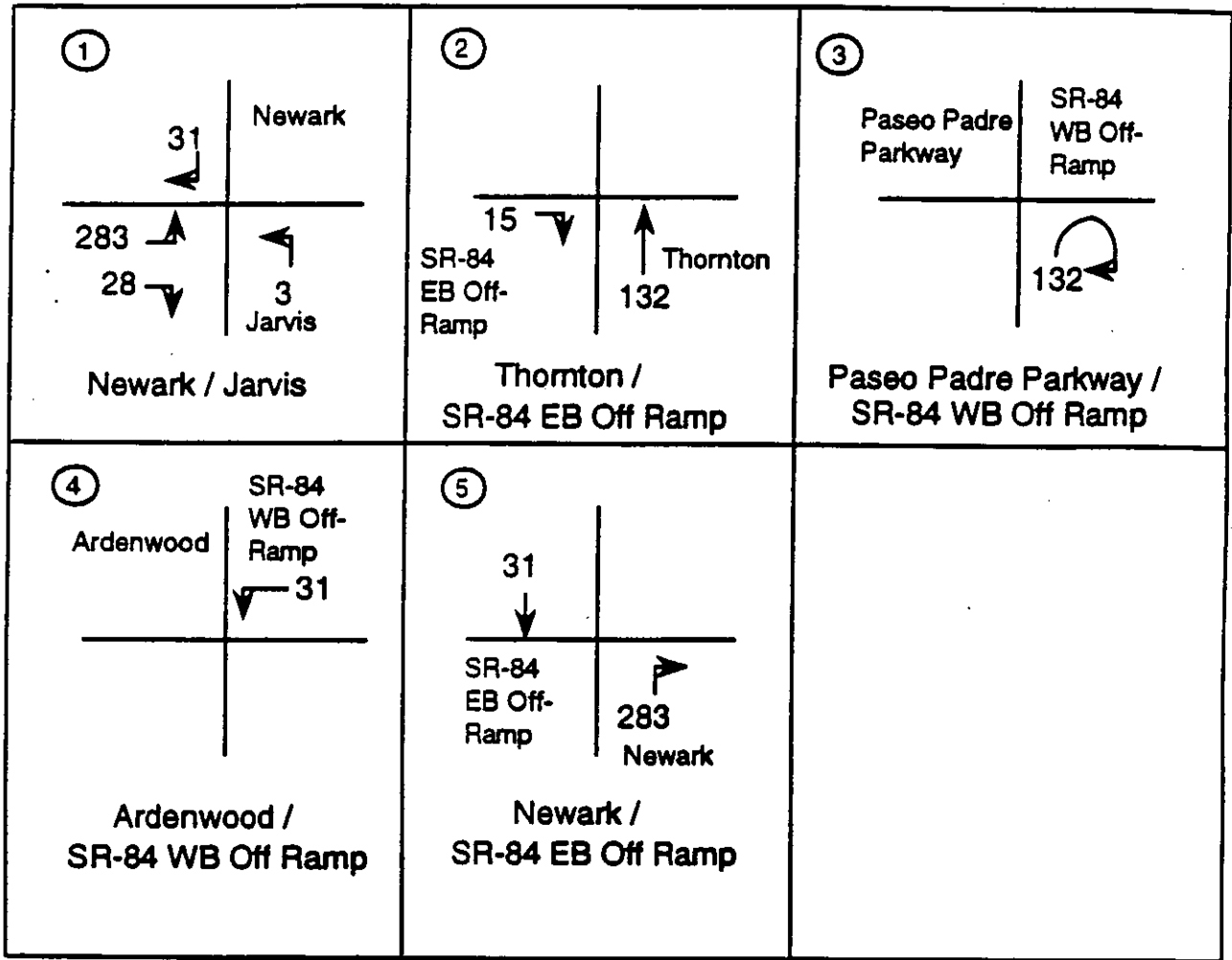
#948-2

**PLATE 3  
FUTURE LANE PATTERNS**



#948-2

**PLATE 4**  
**AM PEAK HOUR**  
**APPROVED PROJECT TRIPS**

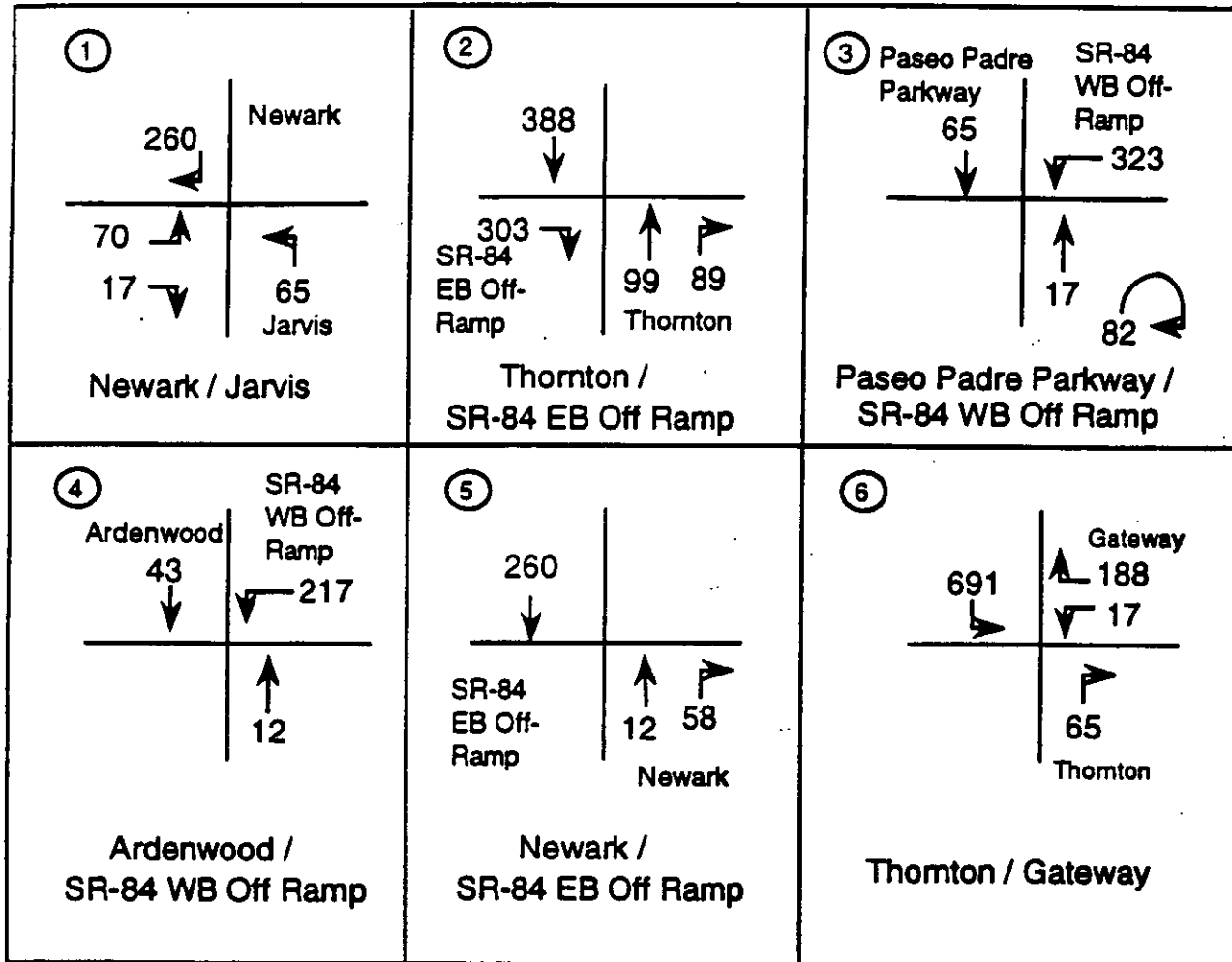


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**PLATE 5**

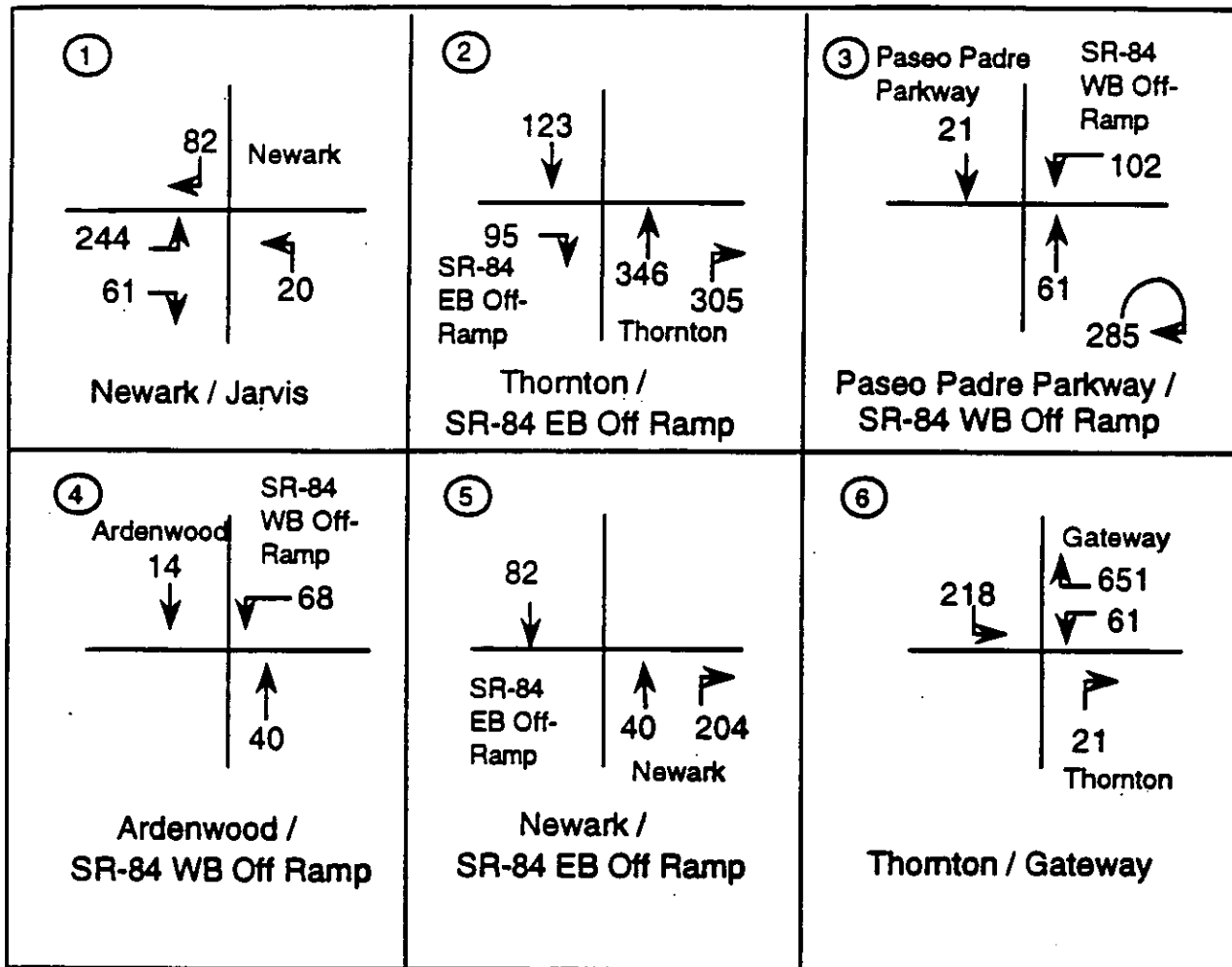
**PM PEAK HOUR**

**APPROVED PROJECT TRIPS**



#948-2

**PLATE 6**  
**AM PEAK HOUR**  
**PROJECT TRIPS**



#948-2

**PLATE 7**

**PM PEAK HOUR  
PROJECT TRIPS**

### Mitigation Monitoring Program

The table below summarizes the environmental impacts, mitigations, impacts remaining after mitigation and verification of completion of mitigations, in compliance with Public Resources Code 21081.6. The intent of this program is to ensure full compliance with all of the mitigation measures set forth in the Gateway EIR.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
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.	Newark Development Services Department	Prior to grading permits	
		4.1.2: Construction of the proposed project will minimize existing amounts of wind-borne erosion	State Water Resources Control Board and Newark Development Services Department	Prior to grading permits	
		4.4.3: Existing site soils will be disturbed and overcovered and additional grading will be needed to construct the proposed project.	N.A.	N.A.	N.A.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
4.2	4.1.4: Widening and improvement of Jarvis and Thornton will cover existing, uncovered soils.	None required	N.A.	N.A.	N.A.
	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	Newark Development Services Department	Prior to or concurrently with building permit application(s)	
	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.	Newark Development Services Department	During grading operations	
	4.2.2: Minor quantities of objectionable odors may be released from future project site users.	None required	N.A.	N.A.	N.A.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
4.3	4.2.3. Construction of new buildings may alter existing patterns of air movements in the project vicinity.	None required	N.A.	N.A.	N.A.
	Water				
	4.3.1: The proposed project has the potential to degrade the water quality of existing on-site wetland areas.	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	Newark Development Services Department	Prior to any development or construction of public improvements	
	4.3.2: Widening and improvements to Jarvis and Thornton Avenues will increase the quantity of storm water runoff into local drainage systems.	Same as above	Same as above	Same as above	
Gateway EIR Mitigation Monitoring Program	4.3.3: Construction of the proposed Gateway project will expose people and property to flood hazards	None required	N.A.	N.A.	N.A.
	4.3.4: Construction of the Gateway project and adjacent roadway widenings could result in significant adverse impacts to on-site wetlands	4.3.2: Project applicant to receive approval of Consolidation Plan for Pooled Areas by all responsible agencies	Newark Development Services Department	Prior to any development or construction of public improvements	



EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
	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 of "other waters" and disturbances to wetlands.	Newark Development Services Department	Prior to issuance of building permit for first permanent building	
	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	Same as above	Same as above	
	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.	Newark Development Services Department	During construction phases of project	
4.4	<b>Biological Resources</b>	None required	N.A.	N.A.	N.A.
	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	Responsible Agency/Department	Time Completion	Verification: Name, Date
4.4.2:	Habitat of the salt marsh harvest mouse and snowy plover could be reduced 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.	Newark Development Services Department	Prior to approval of precise development plans	
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.	Newark Development Services Department	Prior to issuance of grading or building permits	
4.5	Noise	4.5.1: Limitation on construction noise from 7 a.m. to 5 p.m. Monday through Friday.	Newark Development Services Department	During construction phases of the project	

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time Completion	Verification: Name, Date
4.6	Light and Glare				
	4.6.1: Increased levels of light and glare will result from project construction, including new street lights, parking lot lighting and security lighting.	4.6.1: Site lighting shall be directed inwards, toward the project and light fixtures to be equipped with cut-off lenses to minimize "spill over" of light onto adjacent properties.	Newark Development Services Department	During Architectural and Site Plan Review	
4.7	Land Use				
	4.7.1: Project construction will result in loss of existing "other waters of the U.S." on the site and minor secondary structures	None required	N.A.	N.A.	N.A.
	4.7.2: Potentially significant adverse impacts on the SF Bay National Wildlife Refuge includes increased storm water run-off, enlargement of drainage channels in the refuge, increased human activity in the Refuge and potentially increases in trash and debris.	None required	N.A.	N.A.	N.A.

<b>EIR Section</b>	<b>Topic/Impact</b>	<b>Mitigation Measure</b>	<b>Responsible Agency/Department</b>	<b>Time of Mitigation Completion</b>	<b>Verification: Name, Date</b>
4.8	Natural Resources  No impacts are anticipated on natural resources, including minerals, timber resources and similar resources	None required	N.A.	N.A.	N.A.
4.9	Risk of Upset  No impacts are anticipated	None required	N.A.	N.A.	N.A.
4.10	Population, Socio-Economics and Fiscal  No impacts are anticipated with respect to population or housing impacts.	None required	N.A.	N.A.	N.A.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Mitigation Completion	Verification: Name, Date
4.11	Traffic and Circulation				
	4.11.1: Significant cumulative adverse impacts (LOS "F") will result at the following intersections during certain peak hours: 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	Assessment District and Newark Development Services Department	Prior to site construction	
	4.11.2: No impacts to parking facilities are anticipated.	None required	N.A.	N.A.	N.A.
	4.11.3: Pedestrian and bicycle safety will be improved adjacent to the project site.	None required	N.A.	N.A.	N.A.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
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	N.A.	N.A.	N.A.
	4.12.2: Increased calls for fire service will be generated, but can be accommodated with existing resources.	None required	N.A.	N.A.	N.A.
4.13	Energy				
	No significant impacts are anticipated with respect to energy resources, including electrical and natural gas service.	None required	N.A.	N.A.	N.A.
4.14	Utilities				
	4.14.4: Additional demand will be placed local communication systems (telephone)	None required	N.A.	N.A.	N.A.
	4.14.2: Additional amounts of water for domestic and firefighting purposes needed, but can be accommodated.	None required	N.A.	N.A.	N.A.

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
	4.14.3: Additional sewage generation will result, but can be accommodated.	None required	N.A.	N.A.	N.A.
	4.14.4: Additional quantities of solid waste to be generated, but can be accommodated.	None required	N.A.	N.A.	N.A.
<b>4.15</b>	<b>Human Health</b>				
	Addressed in Earth (Sec. 4.1), Water (Sec. 4.3) and Risk of Upset (4.9)	None required	N.A.	N.A.	N.A.
<b>4.16</b>	<b>Aesthetics</b>				
	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	Newark Development Services Department	Prior to individual project approval	

EIR Section	Topic/Impact	Mitigation Measure	Responsible Agency/Department	Time of Completion	Verification: Name, Date
4.17	Recreation	None required	N.A.	N.A.	N.A.
4.18	Cultural Resources	4.18.1: Procedures established to require protection of significant resources should any be found during site grading	Newark Development Services Department	During all phases of construction	

N.A. = Not Applicable



**Addendum to  
Final EIR**

**Project:  
Gateway Industrial**

**Lead Agency:  
City of Newark**

**May, 1997**

ATTACHMENT A

**Addendum to  
Final EIR**

**Project:  
Gateway Industrial**

**Lead Agency:  
City of Newark**

**May, 1997**

## Table of Contents

1.0	Introduction.....	2
1.1	Purpose of this Addendum to an Environmental Impact Report .....	2
1.2	Addendum to Environmental Impact Reports .....	2
1.3	Previous EIR .....	3
1.4	Lead Agency.....	3
1.5	Mitigation Monitoring.....	3
2.0	Project Description.....	4
2.1	Project Location.....	4
2.2	Project Description.....	4
2.3	Project Objectives.....	4
3.0	Environmental Analysis.....	8
3.1	Earth.....	9
3.2	Air .....	9
3.3	Water.....	9
3.4	Biological Resources .....	10
3.5	Noise.....	10
3.6	Light and Glare.....	10
3.7	Land Use.....	10
3.8	Natural Resources .....	11
3.9	Risk of Upset.....	11
3.10	Population, Housing and Socioeconomics .....	11
3.11	Transportation and Circulation .....	12
3.12	Public Services.....	12
3.13	Energy.....	14
3.14	Utilities.....	14
3.15	Human Health.....	14
3.16	Aesthetics.....	14
3.17	Cultural Resources.....	15
4.0	Summary.....	16

## **1.0 Introduction**

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### **1.1 Purpose of this Addendum to an Environmental Impact Report**

This document is an Addendum to an Environmental Impact Report, prepared pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended. This Addendum amends and add updated information to the Gateway Environmental Impact Report, previously reviewed and certified by the Newark City Council (Resolution No. 6978, adopted December 1, 1994). The State Clearinghouse Number for the Gateway EIR is 94-063007. The Gateway project site is located in the City of Newark, Alameda County, California.

The underlying project for which the EIR has been prepared involves a 153-acre site upon which the applicant, Cargill Salt Company, proposed to construct a 137-acre mixed-use, high-tech industrial, office, warehouse and distribution complex to be known as the Gateway project. The project involved construction of a maximum of 91.79 acres of high-tech industrial uses, typically including office and research and development use, with the remainder of the site, 45.21 acres, used for warehousing and distribution type uses.

The project has since been approved by the City of Newark (Resolution No. 6978, adopted December 1, 1994).

Minor changes are now proposed for the Gateway project. This addendum is prepared to describe proposed changes and relate them to the setting, impacts and mitigation measures discussed in the Gateway EIR. Since the EIR was certified, market conditions have changed. It is now likely that most of the land within the Gateway project will be devoted to High Tech industrial uses, as allowed by the City's MT-1 Zoning District, with a substantial reduction if not elimination of warehouse and distribution uses. The purpose of this addendum is to determine whether or not such a reasonable foreseeable change in the mix of uses significantly alters the range or severity of impacts or mitigation measures.

Section 2.1 describes the proposed changes to the project more fully.

### **1.2 Addendum to Environmental Impact Reports**

The Guidelines adopted to implement the California Environmental Quality Act (CEQA) allows lead agencies to prepare Addenda to Environmental Impact Reports (AEIRs). Specifically, Section 15164 of the Guidelines states that AEIRs may be prepared in any case where Guideline Section 15162 does not require preparation of a supplemental or subsequent EIR to analyze additional impacts that the change may cause. Guideline section 15162 requires preparation of a subsequent EIR under the following conditions:

- 1) Substantial changes are proposed that will require major revisions of the previous EIR to study new environmental effects or significant increases in severity of effects previous study;

- 2) Background circumstances have changed to a degree that require major revisions and also to deal with significant new effects or increases in severity;
- 3) New information discloses new or significantly more severe impacts originally addressed or that mitigation measures or alternatives previously rejected as infeasible might, in fact, be feasible;

The analysis contained in the following document will demonstrate that none of these conditions exist in this instance, so that the preparation of a subsequent or supplemental EIR apply in this case. For this reason, use of an Addendum is appropriate.

Excerpts from CEQA Guidelines (Sections 15162 and 15164) are attached to this document.

### **1.3 Previous EIR**

The existing environmental setting, a full description of the original Gateway project, a listing of mitigation measures, an analysis of feasible alternatives and a summary of expected cumulative impacts are described in the Gateway EIR. Copies of this EIR are available for review at the City of Newark Development Services Department, 37101 Newark Boulevard, Newark, during normal business hours.

### **1.4 Lead Agency**

The City of Newark is the lead agency for both the preparation of the approved Gateway EIR as well as for the AEIR, 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.

### **1.5 Mitigation Monitoring**

CEQA requires preparation of a Mitigation Monitoring Program for any environmental document which contains mitigation measures. The mitigation monitoring plan prepared and adopted for the Gateway project is not affected by this addendum.

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## 2.0 Project Description

### 2.1 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 northeast 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

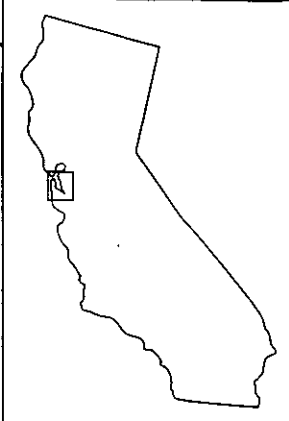
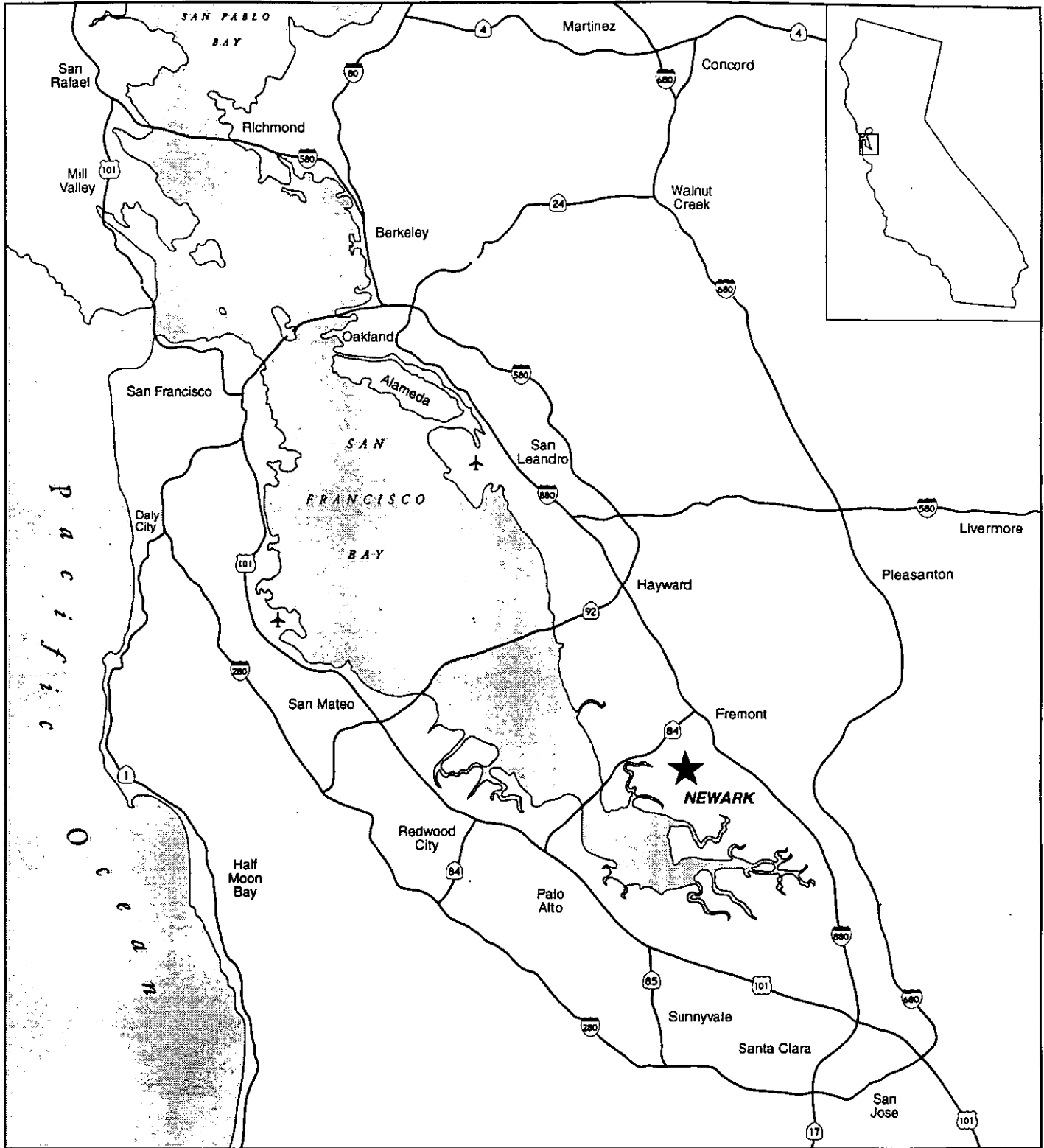
### 2.2 Project Description

The revised Gateway project consists of 125.1 acres of land, all currently owned by Cargill Salt Company. The applicant proposes to construct a mixed-use, high-tech industrial, office complex. Although the originally approved project consisted of 137 acres, the actual amount of development has decreased due to the elimination of the 10.15 portion of land located on the east side of Jarvis Boulevard and the fact that the wetland restoration portion of the project is 1.75 acres larger than originally described in the Gateway EIR.

The Gateway project now will most likely be developed for High Tech Industrial uses on the site, 125.1 acres of land, with an anticipated reduction in future warehouse and industrial uses. This, the only change between the project as originally described and analyzed in the Gateway EIR and the project as currently envisioned concerns the types of use that will be undertaken inside buildings on the site, all of which are permitted uses under the provisions of the City's MT-1 Zoning District. The change in the prospective composition of the project responds to shifts in local and regional economic conditions.

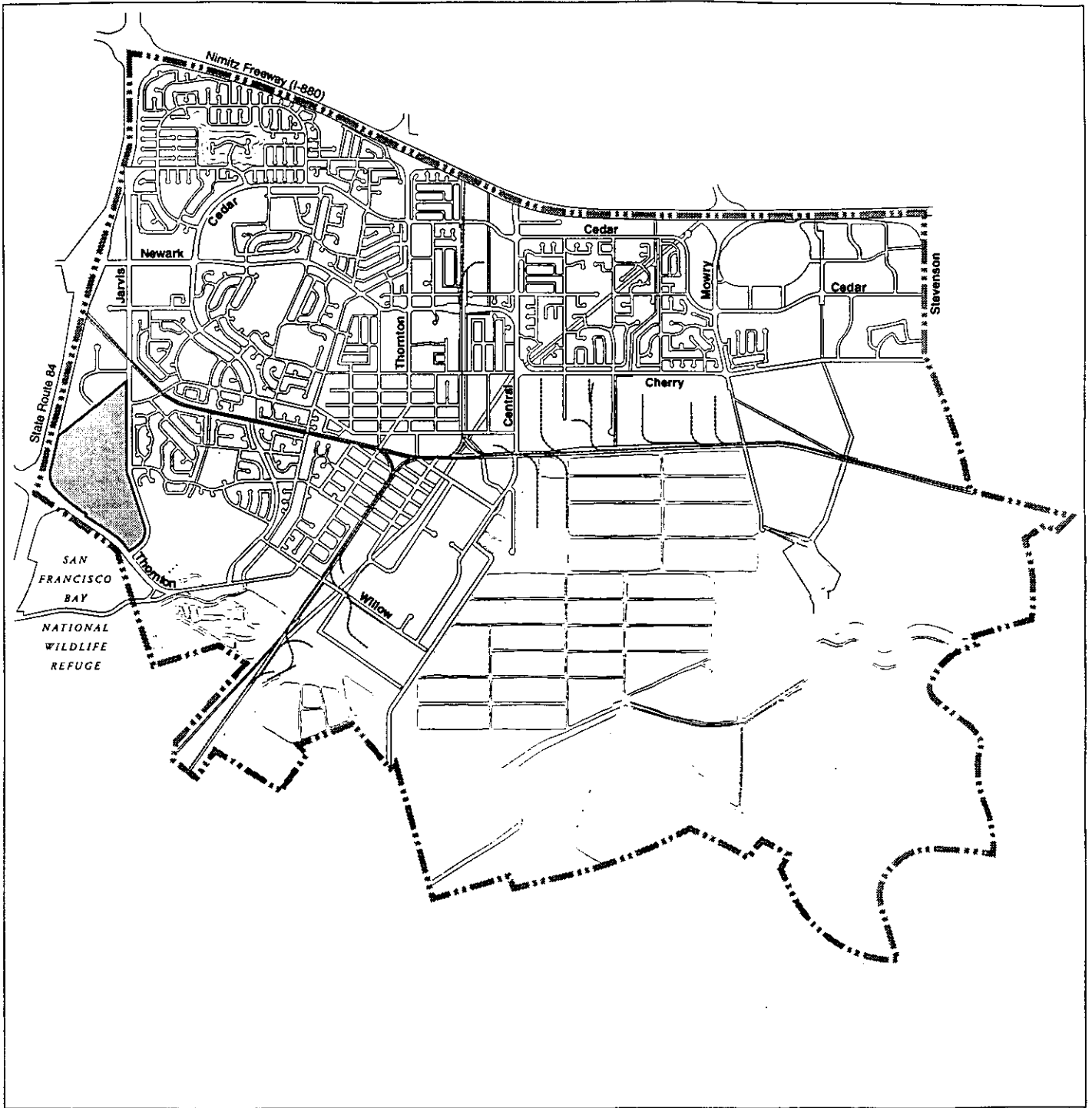
### 2.3 Project Objectives

Objectives to be achieved through approval and construction of the project are included in the Gateway EIR and are not proposed for change by this Addendum.



**CITY OF NEWARK  
GATEWAY PROJECT**



**Exhibit 1  
REGIONAL LOCATION**



**CITY OF NEWARK  
GATEWAY PROJECT**

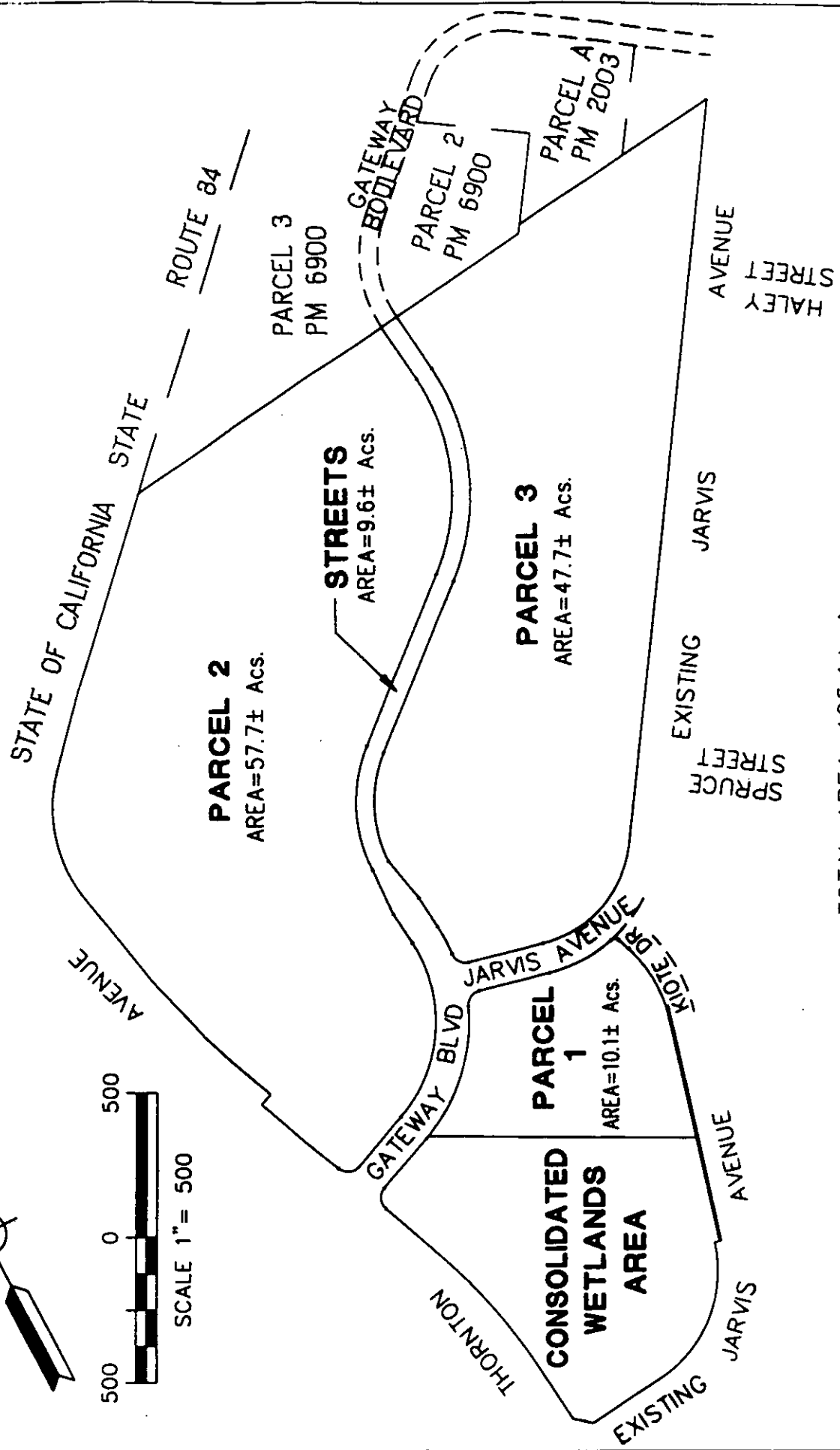
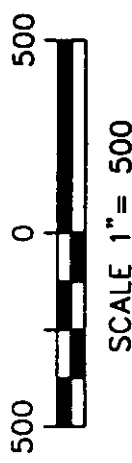
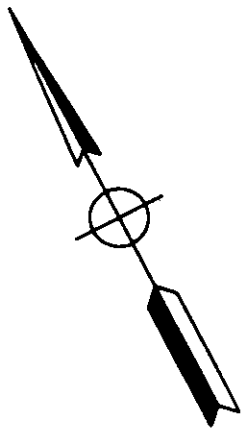


**Exhibit 2  
SITE CONTEXT**

 Newark City Limit  
 Proposed Site

0 1 2 miles





TOTAL AREA=125.1± ACS.

## **3.0 Environmental Analysis**

This section of the Addendum identifies specific environmental areas which may be affected as a result of the changed Gateway project and any changes from the original Gateway EIR. The EIR examines all of the environmental topic areas identified in the previous EIR. Each impact area is discussed individually in subsections 3.1 through 3.18, as follows:

- 3.1 Earth
- 3.2 Air Quality
- 3.3 Water
- 3.4 Biological Resources
- 3.5 Noise
- 3.6 Light and Glare
- 3.7 Land Use
- 3.8 Natural Resources
- 3.9 Risk of Upset
- 3.10 Population, Housing and Socioeconomics
- 3.11 Transportation and Circulation
- 3.12 Public Services
- 3.13 Energy
- 3.14 Utilities
- 3.15 Human Health
- 3.16 Aesthetics
- 3.17 Recreation
- 3.18 Cultural Resources

### **3.1 Earth**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.1 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to soil conditions, topographic and geologic features, site grading and potential for erosion and seismic hazards.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will not alter site grading requirements, modify the potential for erosion, affect existing topographic conditions or affect seismic risk.

### **3.2 Air**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.2 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to air resources, including emission of short and long term air pollutants, objectionable odors or alteration of air movement.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Also, the amount of vehicular traffic anticipated to be associated with the project (further described in Sec. 3.11), will not exceed the daily or peak hour amount of traffic analyzed in the previous Gateway EIR, so that there will be no significant vehicular-related emissions.

Therefore, the proposed change will not alter short or long term air emissions, creation of odor or existing air movements within the area.

### **3.3 Water**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.1 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to water resources, including changes in the direction courses, changes in storm water runoff and drainage, flooding potential, wetlands and other waters of the United States and the reduction in public water supplies.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site, the amount of landscaping or the amount of impervious surfaces.

Therefore, the proposed change will not alter site grading requirements, modify the potential for erosion, affect existing topographic conditions or affect seismic risk.

### **3.4 Biological Resources**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.4 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to biological resources, including plant or animal life.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on plant or animal species, including changes in the diversity of species, introduction of new species into an area, animal migration patterns, deterioration of fish or wildlife habitat areas or changes to agricultural crops.

### **3.5. Noise**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.5 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to noise impacts.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Based on the traffic analysis performed for the proposed change in land use mix by TJKM Associates, transportation consultants, the change may serve to reduce vehicular noise on surrounding properties, since it is anticipated that fewer truck trips would be generated (reference Section 3.11).

Therefore, the proposed change will not increase noise levels over that discussed in the Gateway EIR

### **3.6 Light and Glare**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.6 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to light and glare impacts

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site or proposed site lighting. Therefore, the proposed change will have no effect on anticipated spill over of light and glare beyond project boundaries.

### **3.7. Land Use**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.7 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to land use, including substantial changes to site land use, impacts to surrounding properties and consistency with local land use regulatory plans.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on land use.

### **3.8 Natural Resources**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.8 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to natural resources.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on natural resources.

### **3.9 Risk of Upset**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.9 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to the risk of upset, including the possibility of explosion, release of potentially hazardous materials or any other similar public health risk, including possible interference with emergency evacuation plans.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Specific uses within buildings will be regulated by the City of Newark Zoning Ordinance and applicable fire and building codes. Therefore, the proposed change will have no effect on the risk of upset.

### **3.10 Population, Housing and Socioeconomics**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.10 of the Gateway EIR) will not change any the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to socioeconomics, including substantial changes to city population, employment and related socioeconomic conditions.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Based on standard per square foot employee generation rates contained in the Gateway EIR, the revised project could generate an additional 800 High Tech employees at full project build out. However, this additional number of employees will not be significant for two reasons. First, based on the traffic analysis prepared for the revised project, the additional number of employees will not have a significant effect on traffic or circulation impacts. Secondly, the actual number of total jobs in Newark is less than the number anticipated in the adopted General Plan Environmental Impact Report. The 1992 General Plan EIR noted that there would be approximately 20,420 jobs in Newark by the year 1995 and 31,945 jobs by 2007. The Association of Bay Area Governments (ABAG) documents in Projections '96 that there were

14,560 jobs in Newark in 1995 and 19,820 jobs in 2010. Therefore, the total number of jobs in the community will be less than the General Plan EIR anticipated, even with the proposed change to the land use mix in the Gateway project.

### 3.11 Transportation and Circulation

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.11 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to transportation and circulation, including vehicular traffic, parking, bicycle, air or train modes of travel.

The proposed project change will concern activities to be conducted within enclosed buildings on the site. To verify that there will no significant impacts related to transportation and circulation, an analysis has been completed of the proposed land use change by the firm of TJKM Associates.

Based on standard vehicle trip generation rates published in *Trip Generation* (Fifth Edition, Institute of Traffic Engineers, 1991), the previous project (mixed industrial and warehouse) was expected to generate 8,309 total daily trips, 1,373 during the a.m. peak hour and 1,358 during the p.m. peak hour. As now proposed to include all High Tech industrial, the project is expected to generate 7,869 daily trips, 1,262 during the a.m. peak and 1,311 during the p.m. peak hour. With the change in project land use mix, the proposed project would result in an anticipated decrease of 440 trips per day, 111 during the a.m. peak and 47 during the p.m. peak hour. Although the change in use could result in the types of activities that generate larger number of trips, the overall reduction in daily trips is attributable to the fact that project acreage is now smaller than originally studied.

However, the analysis also notes that the in/out distribution of daily trips differs between industrial park and warehouse type uses. Industrial parks have higher morning (a.m.) inbound rates and evening (p.m.) outbound rates than warehouse uses. This difference results in the projection that the modified project would generate 19 more outbound trips during the p.m. peak hour than would the existing project. This increase is less than 2% of the evening trips and is therefore not considered significant. The proposed industrial project results in reductions in all other peak hour conditions as well as total daily trips.

A summary comparison between the original and modified project is found on Table 1.

One potential benefit of the proposed change would be a reduction in the amount of heavy trucks using the site. Published analysis (Tardi and Balbach "Truck Generation Characteristics of Non-Residential Land Use, *ITE Journal*, 7/94) indicates that Industrial Park uses generate 30 to 40% fewer daily trips by four- and five-axle trucks than warehouse uses. However, truck use by small delivery trucks and vans are very similar between the two types of uses.

The proposed change will therefore have no significant effect on traffic or circulation impacts.

### 3.12 Public Services

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.12 of the Gateway EIR) will not change the environmental setting, the environmental analysis,

**Table 1: Gateway Project Trip Generation Comparison**

Use	Acres	Daily		A.M.				P.M.							
		Trip Rate	Trip Ends	Trip rate	in%	out%	in	out	Trip Ends total	Trip rate	in%	out%	in	out	Trip Ends total
<b>Existing Project</b>															
Industrial	91.79	62.90	5,774	10.09	0.82	0.18	759	167	926	10.48	0.21	0.79	202	760	962
Warehouse	45.21	56.08	2,535	9.88	0.72	0.28	322	125	477	8.75	0.35	0.65	139	257	396
<b>Total</b>	<b>137.00</b>		<b>8,309</b>				<b>1,081</b>	<b>292</b>	<b>1,373</b>				<b>341</b>	<b>1,017</b>	<b>1,358</b>
<b>Current Proposal</b>															
Industrial	125.10	62.90	7,869	10.09	0.82	0.18	1,035	227	1,262	10.48	0.21	0.79	275	1,036	1,311
<b>Net Decrease</b>			<b>440</b>				<b>46</b>	<b>65</b>	<b>111</b>				<b>66</b>	<b>(19)</b>	<b>47</b>

Note: Trip generation source is from *Trip Generation, ITE, Fifth Edition, 1991*. Industrial rate is based on "industrial park" land use classification. All rates are based on gross acreages.

environmental impacts or mitigation measures related to public services, including changes to police, fire, schools and parks.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on provision of public services.

### **3.13 Energy**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.13 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to energy resources, including the need for electrical and natural gas.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site or the amount of energy needed to construct and operate such buildings. Therefore, the proposed change will have no effect regarding consumption of energy.

### **3.14 Utilities**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.14 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to utilities, including water, sewer, drainage and solid waste facilities.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site, including the need for utility services. Therefore, the proposed change will have no effect on utilities.

### **3.15 Human Health**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.15 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to human health.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on health factors.

### **3.16 Aesthetics**



The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.16 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to aesthetics, including blockage of views and creation of offensive views to the public.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site nor the streetscape frontage treatment along Jarvis and Thornton Avenues. Therefore, the proposed change will have no effect on aesthetic factors.

### **3.17 Recreation**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.17 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to recreation, including increased demand for parkland and recreation programs.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on recreation factors.

### **3.18 Cultural Resources**

The proposed change in the type of permitted use from that analyzed in the Gateway EIR (Section 4.18 of the Gateway EIR) will not change the environmental setting, the environmental analysis, environmental impacts or mitigation measures related to cultural resources, including archeological, paleontological, cultural or historic resources.

The proposed project change will only concern activities to be conducted within enclosed buildings on the site. The proposed change will not materially affect the number, size, or shape of buildings likely to be built on the Gateway site. Therefore, the proposed change will have no effect on cultural factors.

## **4.0 Summary**

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Based on the foregoing analysis, the proposed changes in the project are consistent with the description of the environmental setting, environmental impacts and mitigation measures as set forth in the originally certified Gateway EIR.

*Addendum EIR Preparers*

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