RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK MAKING CERTAIN FINDINGS AND ADOPTING AN ADDENDUM TO THE DUMBARTON TRANSIT ORIENTED DEVELOPMENT (TOD) SPECIFIC PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) (SCH NO. 2010042012) AND SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE SHH/FMC PROJECT (SCH No. 2014012056) TO ALLOW FOR A PROPOSED FIVE-STORY MIXED-USE HOTEL AND RETAIL SPACE AT 37556 WILLOW STREET (APN: 092-0115-011-03)

WHEREAS, the five-story mixed-use hotel and retail space project ("Project"), which is located within the Dumbarton Transit Oriented Development (TOD) Specific Plan area, consists of the construction of one, five-story hotel consisting of a 146 guests rooms, and a 8,300 square foot retail space (APN: 092-0115-011-03); and

WHEREAS, the entitlements requested include a planned unit development (P-17-01) and conditional use permit (U-17-02); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an initial study and an Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056) has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project's potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project does not result in any new significant impacts and the conclusions in the 2011 Environmental Impact Report remain unchanged; and

WHEREAS, the IS/Addendum was made available to the general public beginning on July 25, 2017; and

WHEREAS, on August 8, 2017 the Planning Commission of the City of Newark conducted a duly noticed meeting to consider the Initial Study and Addendum of environmental impacts for the proposed Project, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the August 8, 2017 meeting related to the proposed Project.

NOW, THEREFORE, the Planning Commission finds and resolves the following:

1. The Initial Study and corresponding Addendum of environmental impacts were released for public review and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and

2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment; and

3. The Planning Commission has read and considered the Initial Study and the Addendum and the comments thereon, and has determined the Initial Study and the Addendum reflect the independent judgment of the City and were prepared in accordance with CEQA; and

4. The Initial Study and the Addendum (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the Planning Commission decision is based is are located at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and is available for public review.

NOW, THEREFORE, the Planning Commission:

Based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the Initial Study/Addendum, the Planning Commission staff report, certifies in accordance with CEQA guidelines that:

1. The Initial Study/Addendum was prepared in compliance with CEQA and CEQA guidelines;

2. The Planning Commission has reviewed and considered the information contained in the Initial Study/Addendum prior to approving the project;

3. The Initial Study/Addendum adequately describe the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures; and

4. The Initial Study/Addendum reflect the independent judgment and analysis of the City Council.

This Resolution was introduced at the Planning Commission's August 8, 2017 meeting by , seconded by , and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

KAREN BRIDGGES, Vice Chairperson

EXHIBIT B

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

Newark Gateway Mixed-Use Development Project

Prepared for:

City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560

Prepared by:

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

July 2017

ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE NEWARK GATEWAY MIXED-USE DEVELOPMENT PROJECT IN THE CITY OF NEWARK

A. INTRODUCTION

The City of Newark (City) certified a Program Environmental Impact Report (PEIR) for the Dumbarton Transit Oriented Development (TOD) Specific Plan (State Clearinghouse No. 2010042012, July 2011). Subsequently, the City also adopted a project-specific Mitigated Negative Declaration (MND) for the SHH/FMC project in 2014. Villa Developers (the current project applicant) proposed changes to the former FMC project which have been evaluated in an Initial Study (IS), that is included with this Addendum, to determine whether those changes would result in any new or more substantial impacts from those identified in the prior adopted 2014 IS/MND.

This Addendum has been prepared to provide information regarding: (1) the history of the project; (2) the proposed project modification; (3) standards for adequacy under the California Environmental Quality Act (CEQA) and State CEQA Guidelines; (4) a description of the format and content of this Addendum; and (5) the applicable CEQA processing requirements for the proposed modified project.

B. BACKGROUND

The site for the Newark Gateway Mixed-Use Development Project (proposed modified project) is a 1.38-acre lot within the Dumbarton TOD Specific Plan area in the City of Newark. The site is bound by Enterprise Drive to the north, Willow Street to the east, the planned Senior Affordable Housing project to the south, and undeveloped land within the Specific Plan area to the west.

The Dumbarton TOD Specific Plan analyzed in the 2011 PEIR included the development of a mixed density residential, retail, commercial, park and recreational open space in close proximity to the planned Dumbarton Rail Corridor (DRC).

In 2014, an IS/MND was prepared for the SHH/FMC project site. The proposed SHH/FMC project was an 8.09-acre mixed-use commercial and residential development. A townhome condominium development was proposed for construction on 4.08 acres in the southern portion of the site, and a 0.17-acre park was proposed for construction in the townhome condominium neighborhood. A 2.08-acre lot in the center of the site was proposed for development with affordable housing units, and 0.29 acre of the project site was designated for open space as a buffer to avoid an existing isolated, seasonally inundated depression. The commercial

development in the northern portion of the site was planned for a 15,000 square-foot retail space and 49 parking spaces on 1.22 acres (former FMC project). The remainder of the project site was planned to be dedicated to the City as right-of-way for off-site infrastructure improvements.

C. OVERVIEW OF MODIFICATION TO THE PROJECT

Since the adoption of the 2014 IS/MND, the market demand has changed to a different product type, requiring that changes be made to the FMC portion of the SUD/FMC project site plan. The project applicant is proposing to expand the project vertically by constructing a five-story, mixed-use commercial building. The total height and square footage of the proposed commercial building would be approximately 80 feet and 168,440 square feet. The commercial building would include an 8,300 square-foot retail space on the ground floor, off-street parking on the ground floor and 2nd floor, and a five-story hotel. The 5th floor of the commercial building would also include a restaurant, bar, and rooftop lounge.

The commercial development under the proposed modified project includes a retail space, 118 off-street parking spaces, and a total of 146 hotel rooms. Additional changes under the current entitlement application include a Conditional Use Permit and Planned Unit Development. The commercial retail land use proposed for project site differs from the land use proposed in the Dumbarton TOD Specific Plan and 2013 Updated General Plan. Although the Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment, a revised Land Use Plan and revised Proposed Land Use Table will be submitted to the City for approval.

D. BASIS FOR AN ADDENDUM

The State CEQA Guidelines environmental review procedures allow for the updating and use of a previously adopted MND for projects that are different from the previous project or the conditions under which the project was analyzed. Section 15164 of the State CEQA Guidelines states the following with respect to an addendum to an adopted MND:

b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

In accordance with State CEQA Guidelines Section 15164, this Addendum has been prepared to document that the proposed project modifications do not require preparation of a subsequent MND under Section 15162.

The proposed modified project is substantially similar to the project evaluated in the adopted 2014 MND. Like the approved project, the proposed modified project involves constructing a mixed-use commercial development on the project site which is substantially similar to the development area analyzed in the 2014 MND. As supported in the analysis contained in the accompanying Initial Study, there are no substantial changes proposed in the project which would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance which was not known for the 2014 MND, and no new mitigation measures are necessitated by new impacts.

None of the circumstances listed in State CEQA Guidelines Section 15162 requiring the preparation of a subsequent MND are present, and only minor technical changes or additions are necessary to update the previously adopted 2014 MND; therefore, an addendum may be prepared.

E. FORMAT, CONTENT, AND CONCLUSIONS OF THIS ADDENDUM

The accompanying CEQA Initial Study (IS) and associated technical studies comprise the Addendum to the SHH/FMC MND. A project-specific Traffic Technical Memorandum and Transportation Demand Management plan were prepared and are included as an appendix to the IS.

As described above, the IS has been prepared to determine whether the proposed amendments to the approved project analyzed in the adopted MND would require major revisions to the MND due to any new or more severe significant environmental impacts as compared to those analyzed in the prior adopted MND. Changes in site design necessitated a reevaluation of the impacts for the proposed modified project.

The 2014 MND found that the approved project could have potentially significant impacts on biological resources, possibly reducing or degrading habitat for a special status species. Mitigation measures were adopted from the 2011 Dumbarton TOD Specific Plan PEIR to reduce the impacts on special status animal and plant species to less than significant. Mitigation measures that were also adopted from the 2011 PEIR would reduce the impacts on cultural resources to less than significant. Other potentially significant impacts identified in the 2014 IS/MND for the approved project were air quality, geology and soils, greenhouse gas emissions,

hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, and transportation and traffic.

The proposed modified project, because the project site has now been graded and due to its similarities with the approved SFH/FMC project, would have similar, and in most cases lesser, impacts than the approved project. It will not introduce new or more significant impacts that were not previously disclosed in the Specific Plan PEIR or the project-specific IS/MND. Based on the conclusions of the IS, an Addendum to the approved IS/MND is the appropriate CEQA-compliance document for the revised project.

The following definitions are used in the IS:

Potentially Significant Impact: Any potentially significant impact as a result of the proposed modified project that was not previously analyzed in the PEIR or IS/MND.

Less than Significant with Mitigation Incorporated: Any potential impacts as a result of the proposed modified project not previously analyzed in the certified PEIR or IS/MND, but found to be less than significant with previously prescribed mitigation from the PEIR or IS/MND incorporated.

Less than Significant: Any potential impacts as a result of the proposed modified project not previously analyzed in the IS/MND, but which are found to be less than significant.

No New Impact: The proposed modified project would not result in an impact, or would result in an impact found to be equal to or less than the impact analyzed in the IS/MND.

F. ADDENDUM PROCESSING

The City of Newark Planning Department directed and supervised the preparation of this Addendum, which has been reviewed and determined to be complete and accurate by the Planning Department. The City has concluded, based on the accompanying IS, that an Addendum is the appropriate CEQA compliance document for the proposed Newark Gateway Mixed-Use Development project.

INITIAL STUDY AND ENVIRONMENTAL EVAUATION

Newark Gateway Mixed-Use Development Project

Prepared for:

City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560

Prepared by:

HELIX Environmental Planning, Inc.
11 Natoma Street, Suite 155
Folsom, CA 95630

July 2017

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INITIAL STUDY AND ENVIRONMENTAL EVALUATION

Project Title:	Newark Gateway Mixed-Use Development Project
Entitlement Requested:	Conditional Use Permit Planned Unit Development
Lead Agency Name and Address:	City of Newark Community Development Department 37101 Newark Boulevard, Newark, CA 94560
Contact Person and Phone Number:	Sarah Bowab (510) 578-4215
Project Sponsor's Name and Address:	Tony Baig, Villa Developers 2850 Stevens Creek Boulevard San Jose, CA 95128
General Plan Designation (December 2013): High-Density Residential	**Existing Zoning:** Commercial Retail/Form Base Code

1. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This Initial Study addresses the proposed Newark Gateway Mixed-Use Development Project (proposed modified project) and whether it may cause significant effects on the environment. These potential environmental effects are further evaluated to determine whether they were examined in the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2010042012) and in the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (State Clearinghouse No. 2014012056). Consistent with Public Resources Code (PRC) §21083.3, this IS focuses on any effects on the environment which are specific to the proposed modified project, or to the parcel on which the project would be located, which were not analyzed as potentially significant effects in the PEIR prepared for the Dumbarton TOD Specific Plan or the IS/MND for the SHH/FMC project, or for which substantial new information shows that identified effects would be more significant than described in the PEIR or IS/MND.

The IS is also intended to assess whether any environmental effects of the project are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or by other means [§15152(b)(2)] of the California Environmental Quality Act (CEQA) Guidelines. If such revisions, conditions, or other means are identified, they will be identified as mitigation measures.

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

2. PROJECT BACKGROUND

The 1.38-acre project site is planned for mixed-use commercial development in the City of Newark (City). The proposed modified project is planned for development under the Dumbarton TOD Specific Plan. The project site is within APN 092-0115-011. Refer to **Figure 1** for the project site and vicinity map and **Figure 2** for the aerial map of the project site.

The Dumbarton TOD Specific Plan encompasses approximately 205 acres and is located at the western edge of the City of Newark, and is generally bounded by Union Pacific Railroad tracks (formerly Southern Pacific Railroad) to the north, existing on-going salt production and harvesting facilities to the south and west, an Alameda County Flood Control canal to the south, and Willow Street and industrial and residential uses to the east. A Final PEIR (State Clearinghouse No. 2010042012) has been prepared and certified, and the Specific Plan has been adopted by the City.

The Dumbarton TOD Specific Plan identifies the project site as medium/high density residential, but since adoption of the Specific Plan, the proposed land uses for APN 092-0115-011 has changed. In 2014, an IS/MND was prepared for the SHH/FMC project which proposed the development of a retail space on the project site (formerly known as FMC Parcel E [Lot 16]). This IS further evaluates the impacts from the proposed modified project which includes a five-story hotel and associated parking in conjunction the formerly proposed retail space.

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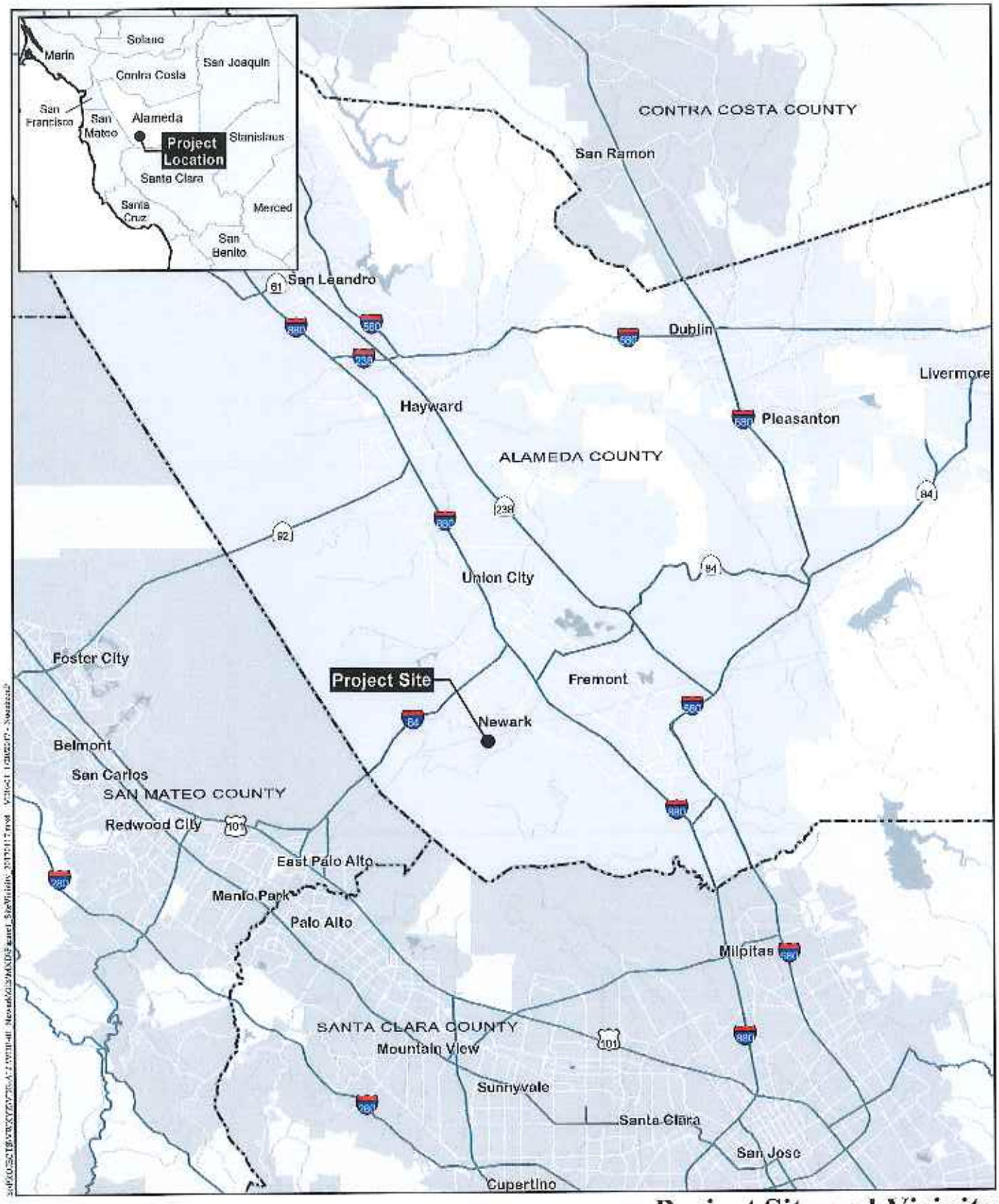

Project Site and Vicinity

NEWARK GATEWAY MIXED USE DEVELOPMENT PROJECT

HELIX Environmental Planning

0 2 Miles

Figure 1

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Aerial Map

NEWARK GATEWAY MIXED USE
DEVELOPMENT PROJECT

Figure 2

HELIX
Environmental Planning

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The proposed modified project would be a five-story, mixed-use commercial building with a retail space, off-street parking, and five-story hotel at the intersection of Willow Street with Enterprise Drive. Refer to **Appendix A** for the overall site design of commercial building.

Several of the associated technical studies used in preparation of the adopted PEIR and approved IS/MND have been incorporated into the analysis set forth in this IS, as applicable, and as described further in Section 5, *Previous Relevant Environmental Analysis*. Additionally, a Traffic Technical Memorandum was prepared for this IS and is included as Appendix D.

3. DESCRIPTION OF PROJECT

PROJECT LOCATION

The proposed modified project site is situated within the City of Newark in southwestern Alameda County at the southwest corner of the intersection of Willow Street with Enterprise Drive. The proposed modified project site is located in Sections 2 and 11, of Township 5 South, and Range 2 West of the U.S. Geological Survey (USGS) 7.5-minute "Newark" quadrangle map. Refer to **Figure 1** for the project location in the region.

PROJECT SETTING AND SURROUNDING LAND USES

The project site is vacant, and the surrounding land uses are actively being developed in accordance with the Dumbarton TOD Specific Plan. Residential units planned within the Specific Plan area south of the project site have been constructed and/or are under construction.

Enterprise Drive borders the project site on the north and Willow Street borders the project site on the east. Neighboring land uses are summarized in **Table 1**.

Table 1. Surrounding Land Uses

Direction	Land Use
North	A vacant former industrial lot is across Enterprise Drive
East	A vacant former industrial lot is across Willow Street from the project site
South	Planned Senior Affordable Housing project
West	Vacant former industrial lot

The project site's elevation is generally 12 feet above mean sea level (amsl), and terrain in the immediate vicinity of the site is primarily flat. As a result of nearby construction, mass grading has occurred on and around the project site.

Precipitation and municipal water are the primary sources of water for the project site. No other waterbody (such as ponds, creeks, ditches, or canals) is on or immediately adjacent to the project site; however, a man-made seasonal wetland is approximately 100 feet south of the project site. Refer to **Figure 2** for an aerial photograph of the project site and vicinity.

PROPOSED MODIFIED PROJECT

The project site is approximately 1.38 acres on which the project applicant is proposing to construct a five-story, mixed-use commercial building. The total height and square footage of the

proposed commercial building would be approximately 80 feet and 168,440 square feet. The commercial building would include an 8,300 square-foot retail space on the ground floor, off-street parking on the ground floor and 2nd floor, and a five-story hotel. The 5th floor of the commercial building will also include a restaurant, bar, and rooftop lounge. Additional proposed site improvements would include: on-grade parking, drive aisles, underground utilities, drainage structures, lighting, sidewalks, and landscaping. Refer to Appendix A for the site design of each floor of the commercial building.

Ground Floor

The ground floor of the commercial building would be approximately 15,010 square feet and would include an 8,300-square-foot retail space. Hotel amenities on the ground floor would include a 500-square-foot kitchen, indoor bar and lounge, outdoor seating areas, administrative office space, and an employee lounge. Additional ground floor features would include: the hotel main lobby, a vehicle passage way and ramp to the Second Level parking lot, delivery zone, mechanical/electric underneath ramp, and trash enclosure.

Second Floor

Off-street parking would be provided on the second level of the commercial building. The second floor of the commercial building would be approximately 47,350 square feet and would provide 87 parking spaces. Standard, compact, and handicap parking spaces would be provided. Additional features on the second level would include electric elevators and a laundry unit for hotel guests.

Third Floor

The hotel guest rooms would start on the third floor of the commercial building. The third floor would provide 59 hotel rooms: 33 rooms with a king bed; 22 rooms with two queen beds; one Americans with Disabilities Act (ADA) accessible room with a king bed and roll in features; one ADA accessible room with two queen beds and roll in features; and two ADA accessible rooms with a king bed. Amenities on the third floor include an outdoor pool, spa, fire pit, and roof garden.

Fourth Floor

The fourth level of the commercial building would host 59 hotel rooms: 35 rooms with a King bed; 21 rooms with two queen beds; two ADA accessible rooms with a king bed; one ADA accessible room with two queen beds.

Fifth Floor

The fifth floor would be the top level of the commercial building. The fifth floor would provide 28 hotel rooms: 17 rooms with a king bed and 11 rooms with two queen beds. Additionally, the fifth floor would feature three meetings rooms of variable sizes, a restaurant, outdoor seating with a fire pit, indoor bar and lounge area, and a roof top lounge with a fire pit.

Parking

In addition to the 87 parking spaces proposed on the second level of the commercial building, 31 at-grade parking spaces would be provided for a total of 118 parking spaces. The project site is located within a TOD which promotes a more walkable and bicycle friendly environment, therefore the total parking spaces provided represents a 35 percent reduction in the parking spaces required. A parking analysis and transportation demand management plan have been prepared for the proposed modified project (See Appendix D).

A total of fifteen illuminated bike racks would be provided for the retail space and hotel. The bike racks would be installed along Enterprise Drive in the northwest corner of the project site.

Circulation

Vehicular Access/Street Design

The commercial development would be accessible from both Enterprise Drive and Willow Street.

The commercial development would be able to be directly accessed from the north via one 26-foot-wide driveway at Enterprise Drive, and from a 26-foot-wide driveway in the southeast corner of the project site off Willow Street.

Pedestrian Circulation

The commercial development would include walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and Willow Street. Enhanced pedestrian crosswalks would be constructed across the driveways accessing Enterprise Drive and Willow Street and across aisles in the parking lot.

Fire Access

The minimum width available for driving or turning movements around the project site would be 26 feet along Willow Street. An 8-inch fire service line would be installed and tie into the

existing 12-inch water transmission main in Enterprise Drive, north of the project site. Additionally, a fire department connection and post indicator valve would be installed and connect to the planned fire service line in the northwest corner of the project site. The nearest existing fire hydrant is located approximately 105 feet northwest of the project site, across Enterprise Drive.

Infrastructure

Grading and Drainage

A storm drain system consisting of bio-retention areas, curbs and gutters along the roadways, and underground storm drain pipes would be installed on the project site. Two storm drain pipes would be installed in the northwest corner of the proposed building and would tie into the existing 15-inch storm drain pipe in Enterprise Drive. Bio-retention areas would be constructed along the northern and eastern edges of the project site. The roof treatment system would connect to the existing 12-inch storm drain in the southwest corner of the project site and to the field inlet in the southeast corner of the project site.

Water Supply

The Alameda County Water District would supply water to the project site. Two water lines would be installed to provide water to the project site. An 8-inch water line would tie into the existing 12-inch water transmission main in Enterprise Drive to the north, and an 8-inch water line would tie into the existing 16-inch water transmission main in Willow Street in the southeast corner of the project site.

Sanitary Sewer

The Union Sanitary District would provide sanitary sewer for the project site.

An 8-inch sanitary sewer lateral would be extended to the commercial development to service the project site. The sanitary sewer lateral would connect with the existing 14-inch sanitary sewer main in Enterprise Drive, north of the commercial development.

Landscaping

The project's proposed landscaping plan includes ornamental trees, shrubs, and groundcover. The conceptual landscaping design concentrates plantings along the perimeter of the project site and on both the third and fifth floors of the commercial building.

Ground Floor

Landscape easements will be established along the northern and eastern boundaries of the project site at Enterprise Drive and Willow Street. Trees to be planted along the perimeter include: Evergreen pear trees (*Pyrus calleryana 'Chanticleer'*), Carolina cherry trees (*Prunus caroliniana 'Compacta'*), Mediterranean fan palm (*Chamaerops humilis*), multi trunk strawberry trees (*Arbutus marina multi*), and Eastern redbuds (*Cercis canadensis*). All landscaping would be appropriately irrigated and maintained.

Third Floor

The landscaping on the third floor would surround the proposed pool, fire pit, and garden roof area. Potted Mediterranean fan palms are proposed around the perimeter of the outdoor pool area. The fire pit and garden roof area would feature a raised planter with bio-filtration planting, an open lawn with large, medium, and small soma stone seating, adirondack chairs, and specimen trees in large pots with concrete bases.

Fifth Floor

The landscaping on the fifth floor would be focused in the outdoor seating area near the restaurant and roof top lounge area. The outdoor seating area in the northwest corner of the fifth floor would feature a round fire pit and potted Mediterranean fan palms. The roof lounge area overlooking the intersection of Enterprise Drive and Willow Street would feature raised concrete planters with bio-filtration and glass rail and an arced concrete fire pit with glass rail.

Grading and Impervious Surfaces

Fill has been placed and compacted on the proposed project site in conjunction with grading for the previously approved SHH/FMC project.

The project site is undeveloped and does not have impervious surfaces. After construction, approximately 47,845 square feet of the project site would have impervious surfaces, consisting of building foundations and paved areas.

Construction Schedule

Project construction is anticipated to begin in January 2018, with development activities expected to be completed by April 2019. With no delays to the construction schedule, the retail space and hotel would open in July 2019.

4. REQUIRED APPROVALS

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

- Conditional Use Permit
- Planned Unit Development

CITY OF NEWARK

The City has the following discretionary powers related to the proposed project:

- **Certification of the environmental document:** The Newark City Council will act as the lead agency as defined by CEQA, and will have authority to determine if the project has been adequately addressed under CEQA and the State CEQA Guidelines.
- **Approve Project:** The Newark City Council will consider approval of the project and the entitlements as described above.

AGENCIES

Because the proposed modified project will not impact wetlands or other waters of the U.S./state, the project will not need to obtain discretionary approval by federal or state resources agencies.

5. PREVIOUS RELEVANT ENVIRONMENTAL ANALYSIS

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

As previously mentioned, a site-specific IS/MND was prepared in 2014 for the SHH/FMC project which included the development of a retail space on the project site (formerly known as FMC Parcel E [Lot 16]). This environmental document is being prepared to reassess project impacts for the revised development plan for the project site, previously analyzed in the 2014 IS/MND for the SHH/FMC project.

TIERING

"Tiering" refers to the relationship between a PEIR (where long-range programmatic cumulative impacts are the focus of the environmental analysis) and subsequent environmental analyses such as the subject document, which focus primarily on issues unique to a smaller project within the larger program or plan. Through tiering a subsequent environmental analysis can incorporate, by reference, discussion that summarizes general environmental data found in the program EIR that establishes cumulative impacts and mitigation measures, the planning context, and/or the regulatory background. These broad-based issues need not be reevaluated subsequently, having been previously identified and evaluated at the program stage.

Tiering focuses the environmental review on the project-specific significant effects that were not examined in the prior environmental review, or that are susceptible to substantial reduction or avoidance by specific revisions in the project, by the imposition of conditions or by other means. Section 21093(b) of the Public Resources Code requires the tiering of environmental review whenever feasible, as determined by the Lead Agency.

This Initial Study is tiered from the 2014 IS/MND for the SHH/FMC project which was prepared at a site-specific level. The SHH/FMC IS/MND tiered from the program-level Specific Plan PEIR, which serves as the primary environmental document for the proposed land use

designations, zoning district, and future development that would be undertaken in the Dumbarton TOD Specific Plan area.

The SHH/FMC Project, 2013 Draft Updated General Plan and the Dumbarton TOD are projects that are related to the proposed Newark Gateway Mixed-Use Development project and, pursuant to §15152(a) of the State CEQA Guidelines, tiering of environmental documents is appropriate. State CEQA Guidelines §15152(c) specifically provides that,

> "[w]hen tiering is used, the later EIRs or Negative Declarations shall refer to the prior EIR and state where a copy of the prior EIR may be examined. The later [environmental document] should state that the Lead Agency is using the tiering concept and that the [environmental document] is being tiered with the earlier EIR."

INCORPORATION OF THE PREVIOUS RELEVANT ENVIRONMENTAL ANALYSIS

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

INCORPORATION OF THE SHH/FMC PROJECT

This IS evaluates whether the environmental effects of the currently proposed Newark Gateway Mixed-Use Development project were adequately addressed in the IS/MND for the SHH/FMC Project. For impacts that were adequately addressed, this IS provides a cross-reference to the relevant discussion in the IS/MND. Impacts specific to the proposed modified project that were not addressed in the IS/MND for the SHH/FMC Project are evaluated in detail in this document. This document also identifies changes to the project or circumstances since the IS/MND was certified that require additional analysis in this document. Mitigation measures contained in the SHH/FMC Project Mitigation, Monitoring, and Reporting Program (MMRP) relevant to the project have been identified and summarized in this Initial Study, and are included in the MMRP prepared for the proposed modified project in Appendix B.

6. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

7. DETERMINATION

On the basis of the initial evaluation that follows:

■ I find that the proposed project WOULD NOT have a significant effect on the environment. An ADDENDUM will be prepared. (See Addendum above).

☐ I find that the proposed project WOULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, the project impacts were adequately addressed in an earlier document or there will not be a significant effect in this case because revisions in the project have been made that will avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

_____ _____

Signature Date

_____ _____

Printed Name Date

8. EVALUATION OF ENVIRONMENTAL IMPACTS

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

I. AESTHETICS

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

The project site is a vacant lot situated on the corner of Enterprise Drive and Willow Street. The area is flat, has recently been graded and it lacks natural habitat and vegetation.

The site is primarily surrounded by vacant, former industrial lots, some of which are actively undergoing construction. The adjacent lot to the west is primarily flat and contains remnant building foundations and fencing, and the adjacent lot to the south is being graded for a planned Senior Affordable Housing project. The more expansive surrounding area contains residential

development approximately 0.2 mile to the northeast, commercial/business development approximately 0.2 mile to the east and southeast, salt production basins approximately 0.5 mile to the south, Wildland's Plummer Creek Mitigation Bank approximately 0.5 mile to the southwest, vacant former industrial facilities and salt production basins approximately 0.4 mile to the west, and industrial facilities approximately 0.2 mile to the northwest.

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Visual resources (i.e., aesthetics) are discussed in Section 4.1 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.1 of the IS/MND for the SHH/FMC Project (RBF 2011; HELIX 2014). The PEIR concluded that construction of the project would alter the existing views by replacing primarily vacant, disturbed land with urban development, but the development would be consistent with the character of the surrounding development. Further, the Specific Plan contains Site and Architecture Design Guidelines intended to achieve a mixed-use community with a consistent quality and distinct sense of space. Development in the Specific Plan area would be required to comply with the development regulations and design guidelines contained in the Specific Plan to ensure that the development is of quality design and is consistent with the City of Newark 2013 General Plan. No significant impacts relating to visual resources/aesthetics were identified in the EIR, and therefore no mitigation measures were required.

Consistent with the findings in the Dumbarton TOD Specific Plan PEIR, the IS/MND for the SHH/FMC project concluded the project would not result in significant impacts relating to aesthetics, and no mitigation measures were required.

EVALUATION OF AESTHETICS

Question a: No new impact

Scenic vistas within the City range from short-range to long-range, depending upon topography and the presence of mature vegetation. Prior to buildout of vacant lots in the Specific Plan area surrounding the project site, views to or from the project site would be medium-range from the developed areas in the vicinity. Following buildout of the vacant lots surrounding the project site, the views would be short-range and limited to neighboring residents and travelers on adjacent streets. Neither the project site, nor views to or from the project site, have been designated an important scenic resource by the City of Newark or any other public agency. The SHH/FMC IS/MND concluded that construction of the proposed development would not interfere with or degrade a scenic vista. The proposed modified project would have no new impact, and no mitigation would be necessary.

Question b: No new impact

There are no state or locally designated scenic highways in the vicinity of the proposed project (Caltrans 2017). The SHH/FMC IS/MND concluded that implementation of the project would not adversely affect scenic resources within a designated scenic highway. The proposed modified project would have no new impact, and no mitigation would be necessary.

Question c: No new impact

The existing visual character of the area surrounding the project site is defined by vacant lots of former industrial land uses and ongoing construction and development. The project site is a vacant lot that lacks any natural habitat or vegetation. Implementation of the project would result in the construction of a multistory commercial building with a community market, parking level, and five-story hotel, altering the existing visual character to a more urban development visual character than is currently experienced by viewers. The SHH/FMC IS/MND concluded that while the proposed project would result in a change in visual character on site, the project has been designed to be consistent with the Site and Architecture Design Guidelines contained in the Specific Plan, and is expected to integrate with the planned area for the Dumbarton TOD Specific Plan area, and the surrounding land uses. Therefore, the proposed modified project would have no new impact to visual character, and no mitigation would be necessary.

Question d: No new impact

Any new lighting associated with development within the project area would be subject to the lighting standards in the Site and Architecture Design Guidelines contained in the Specific Plan. These guidelines contain lighting standards for 1) exterior illumination for streetlights and fixtures; 2) path and stair lighting; 3) building mounted lights; 4) accent lighting; and 5) special event lighting. These guidelines are developed to minimize light spillover and glare to adjacent areas. The SHH/PMC IS/MND concluded that compliance with those guidelines would ensure that the proposed project does not introduce substantial light and glare that may pose a hazard or nuisance or result in night sky illumination. Because the proposed modified project design would limit light spillover and intensity, there would be no new impacts, and no mitigation would be necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526 (g)), or timberland zoned Timberland Production (as defined by Government Code Section 51104 (g))?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	■

As discussed in Section 1.2 of the PEIR prepared for the Dumbarton TOD Specific Plan, agriculture/forestry resources issues were not addressed in the PEIR because it was determined

based on substantial evidence that the project would have no impacts to agriculture/forestry resources (RBF 2011).

No agricultural activities or timber management occur on the project site or in adjacent areas, and the site is not designated for agricultural or timberland uses. The California Important Farmland Finder Interactive Map prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation classifies the project site as urban and built-up land, and immediately adjacent areas are urban and built-up land and other land (CDC 2017). Urban and built-up land is defined by the California Department of Conservation as land occupied by structures with a building density of at least one unit to one and one-half acres, or approximately six structures to a 10-acre parcel. Other land is defined by land that is not included in any other category, which includes areas not suitable for agricultural uses (CDC 2017).

EVALUATION OF AGRICULTURE AND FORESTRY SERVICES

Questions a, b: No new impact

The SHH/FMC IS/MND determined that no important agricultural resources or activities exist on the project site, no impact would occur, and no mitigation would be necessary. The proposed modified project would have no new impact.

Questions c, d, e: No new impact

The SHH/FMC IS/MND concluded that because no portion of the City or the project site are zoned for forest land, timberland, or zoned Timberland Production, no impact would occur, and no mitigation would be necessary. The proposed modified project would have no new impact.

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	■
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	■
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	■
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	■
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	■

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

Elevation inversions occur during the warmer months as ascending air associated with the Pacific high pressure cell comes into contact with warmer air up the coastal hills. The boundary between the two layers of air creates a temperature inversion that traps pollutants. The other type of inversion, a radiation inversion, develops on winter nights when air near the ground cools by

heat radiation and air aloft remains warm. The shallow inversion layer formed between these two air masses can also trap pollutants. As the pollutants become more concentrated in the atmosphere, photochemical reactions produce ozone, commonly known as smog.

AMBIENT AIR QUALITY STANDARDS

The Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. The City of Newark lies within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Quality Management District (BAAQMD) is responsible for implementing emissions standards and other requirements of federal and state laws in the project area. As required by the California Clean Air Act (CCAA), BAAQMD has published Clean Air Plans and adopted rules and regulations to limit the emissions that can be generated by various uses and/or activities to bring the Bay Area into compliance with the federal and state ambient air quality standards.

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

The CARB is required to designate areas of the state as attainment, nonattainment, or unclassified for any state standard. An "attainment" designation for an area signifies that pollutant concentrations do not violate the standard for that pollutant in that area. A "nonattainment" designation indicates that a pollutant concentration violated the standard at least once.

The EPA designates areas for ozone (O_3), carbon monoxide (CO), and nitrogen dioxide (NO_2) as either "Does not meet the primary standards," "Cannot be classified," or "Better than national standards." For sulfur dioxide (SO_2), areas are designated as "Does not meet the primary standards," "Does not meet the secondary standards," "Cannot be classified," or "Better than national standards." The area air quality attainment status of the SFBAAB, including the City of Newark, is shown on **Table 2**.

Table 2. San Francisco Bay Area Air Basin Attainment Status

Pollutant	State of California Attainment Status	Federal Attainment Status
Ozone (1-hour)	Nonattainment	Nonattainment (marginal)
Ozone (8-hour)	Nonattainment (serious)	Classification revoked 2005
Suspended Particulate Matter (PM_{10})	Nonattainment	Attainment/Unclassified
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Nonattainment
Carbon Monoxide	Attainment	Attainment/Unclassified
Nitrogen Dioxide	Attainment	Attainment/Unclassified
Lead	Attainment	Attainment/Unclassified
Sulfur Dioxide	Attainment	Attainment/Unclassified
Sulfates	Attainment	No Federal Standard
Hydrogen Sulfide	Unclassified	No Federal Standard
Visibility Reducing Particles	Unclassified	No Federal Standard

Sources: BAAQMD Air Quality Standards and Attainment Status. Accessed at http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status on March 27, 2017.

The City of Newark is currently in nonattainment for federal and state O_3 and $PM_{2.5}$ standards. The City is in nonattainment for state PM_{10} standards. Concentrations of all other pollutants meet state and federal standards.

AIR QUALITY MONITORING

The BAAQMD operates a network of ambient air monitoring stations throughout the Bay Area. The air quality monitoring station closest to the City of Newark is the Hayward Monitoring Station. However, this station only monitors ozone, so data was obtained from the San Jose Monitoring Station for the other criteria air pollutants. The ambient pollutant concentrations collected at the stations during the last three available years (2013 through 2015) were reviewed for exceedances and violations of state and federal standards. The data show occasional violations of the state and federal ozone standards, state PM_{10} standards, and federal $PM_{2.5}$ standards. The state and federal CO, SO_2, and NO_2 standards have not been exceeded in the past three years.

As shown in Table 3, the 1-hour O_3 concentration exceeded the state standard once in 2014 and twice in 2015. The federal standard for 8-hour ozone was exceeded once in 2013, four times in 2014, and twice in 2015. The state 24-hour PM_{10} standard was violated twice in 2013, once in

2014 and once in 2015. The federal 24-hour $PM_{2.5}$ standard was violated six days in 2013, twice in 2014, and twice in 2015.

Table 3. Summary of Annual Air Quality Data for Hayward and San Jose Air Quality Monitoring Stations

Pollutant	2013	2014	2015
Ozone (O3) Hayward Monitoring Station			
Maximum 1-hour concentration (ppm)	0.085	0.096	0.103
Days above 1-hour state standard (>0.09 ppm)	0	1	2
Maximum 8-hour concentration (ppm)	0.075	0.075	0.084
Days above 8-hour federal standard (>0.070 ppm)	1	4	2
Respirable Particulate Matter (PM_{10}) San Jose Monitoring Station			
Maximum 24-hour concentration ($\mu g/m^3$)	58.1	54.7	58.0
Days above state standard (>50 $\mu g/m^3$)	5	1	1
Days above federal standard (>150 $\mu g/m^3$)	0	0	0
Fine Particulate Matter (PM2.5) San Jose Monitoring Station			
Maximum 24-hour concentration ($\mu g/m^3$)	57.7	60.4	49.4
Days above federal standard (>35 $\mu g/m^3$)	6	2	2
Nitrogen Dioxide (NO_2) San Jose Monitoring Station			
Maximum 1-hour concentration (ppm)	0.058	0.058	0.049
Days above state 1-hour standard (0.18 ppm)	0	0	0

Notes: Underlined values in excess of applicable standard / ppm = parts per million / µg/m3 = micrograms per cubic meter
*Insufficient data to determine the value.
Source: California Air Resources Board, Air Quality Trend Summaries for Sacramento County. Accessed at https://www.arb.ca.gov/adam/index.html on March 27, 2017.
Ozone data was obtained from the Hayward Monitoring Station.
NO_2, PM_{10} and $PM_{2.5}$ data was obtained from the San Jose Jackson Street Monitoring Station.

METHODS

To determine whether construction or operation of the Project would result in violations of emission standards, contribute to a cumulative impact on air quality, or expose receivers to pollutants, construction and operation emissions were estimated using the CalEEMod Version 2016.3.1. The construction analysis included modeling of the projected construction equipment that would be used during each construction activity. The analysis assessed maximum daily emissions from individual construction activities, including grading, backbone infrastructure, building construction, paving, and architectural coating. The model estimates daily regional emissions from vehicle and stationary sources of pollutants during existing conditions. Project

impacts for operational emissions were assessed by calculating the net increase in emissions from the proposed modified project compared with emissions from the existing use on the site (the baseline emissions).

LEVELS OF SIGNIFICANCE

The BAAQMD has published thresholds of significance for new projects. In May 2010, the BAAQMD published new and more stringent draft CEQA guidelines to assist local agencies in evaluating air quality impacts of development proposals and other regulatory plans proposed in the SFBAAB. In early 2012, an Alameda County Superior Court ruled that the BAAQMD's updated guidelines be set aside on the ground that the District did not attempt to evaluate the potential environmental effects of the updated guidelines before their adoption. In California Building Industry Association v. BAAQMD (August 13, 2013, Case No. A136212) Cal. App. 4th, the First District Court of Appeal reversed a trial court's decision striking down BAAQMD's 2012 CEQA thresholds of significance for greenhouse gas (GHG) emissions. Although the Court of Appeal's decision does provide the means by which BAAQMD may ultimately reinstate the GHG emissions thresholds, any such action by the District is still uncertain; BAAQMD will revisit the issue and reinstate the thresholds or adopt other standards altogether (Morrison & Foerster, LLP 2013). For this analysis, the BAAQMD's 2010 thresholds of significance were employed to determine the proposed modified project's contribution to air quality and GHG emissions, and the local community risk and hazard impacts associated with toxic air contaminants (TACs) and $PM_{2.5}$. Refer to Section 8.VII, *Greenhouse Gas Emissions* for a discussion of impacts to GHG emissions.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Air Quality is discussed in Section 4.2 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.III of the IS/MND for the SHH/FMC Project. The PEIR concludes that construction of the project would result in fugitive dust emissions and includes measures to reduce impacts to less than significant. The overall Specific Plan is considered consistent with regional plans, and would not result in a significant cumulative impact to air quality impacts.

EVALUATION OF AIR QUALITY

Question a: No new impact

BAAQMD has attainment plans in place that identify strategies to bring regional emissions into compliance with federal and state air quality standards. Although the proposed modified project

would replace existing undeveloped areas with a commercial development, the proposed modified project is part of a larger project included in the City of Newark 2013 Updated General Plan, and the project is consistent with the net development envisioned in the Dumbarton TOD Specific Plan.

Buildout of the proposed modified project would be consistent with the 2010 Bay Area Clean Air Plan (BAAQMD 2010) because the projected average daily traffic (ADT) with the internal capture rate at 33 percent would be lower than what was predicted under the Dumbarton TOD Specific Plan.

Although land uses and densities are not consistent with parcel-specific land uses identified in the Dumbarton TOD Specific Plan and the 2013 Updated General Plan (see Section 8.X, *Land Use and Planning*), the project is consistent with the City of Newark's Zoning Ordinance. The commercial retail land use proposed for project site differs from the land use proposed in the Dumbarton TOD Specific Plan and 2013 Updated General Plan. The Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment. A revised Land Use Plan and revised Proposed Land Use Table will be submitted to the City for approval. Further, the proposed modified project would not generate significant amounts of air pollutant emissions during construction or operation. The proposed modified project would not exceed screening criteria thresholds set by BAAQMD, and no feature of the proposed modified project would conflict with or obstruct implementation of the 2010 Bay Area Clean Air Plan. Although impacts, as a result of emission, would be less than significant, fugitive dust generated by construction activities could result in a potentially significant impact. The following measures contained in the PEIR prepared for the Dumbarton TOD Specific Plan will be implemented to reduce impacts from fugitive dust to less than significant.

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

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

Consistent with the IS/MND for the SHH/FMC project, these measures would be implemented and impacts as a result of fugitive dust will be less than significant.

Question b: No new impact

Construction of the proposed project could impact air quality as a result of heavy equipment emissions and architectural coatings. The results of the CalEEMod analysis performed (Appendix C) indicated that emissions of all criteria pollutants related to project construction activities would be below the BAAQMD's significance thresholds. Table 4 presents the modeled construction emissions for each calendar year of construction. During construction activities, the project proponent would implement applicable and feasible elements of the dust abatement program as identified in the PEIR (MMRP measures 4.2-1a and 4.2-1b). Direct impacts from criteria pollutants generated during construction would not be significant and no mitigation would be required.

Table 4. Maximum Daily Construction Emissions

Year	Pollutant Emissions (pounds per day)					
	ROG	NO_x	CO	SO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
2018	2.91	20.16	16.10	0.03	1.08	1.04
2019	44.48	18.56	15.48	0.03	0.93	0.90
Significance Thresholds	54	54	-	-	82	54
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*

Notes: (1) Emissions were calculated for both summer and winter months. On average winter emissions were higher and therefore were used for this analysis. (2) Low VOC coatings were used to reduce ROG emissions for architectural coatings.

The proposed modified project could result in minor emissions associated with electricity consumption, natural gas usage, and vehicle trips associated with project operations. Potential impacts as a result of operational emissions were evaluated based on the net increase of emissions from the proposed project (Appendix C). As illustrated in Table 5, the net increase of daily maximum operational emissions as a result of project operations would be below the BAAQMD's significance criteria for all criteria pollutants and would not result in a significant direct impact as a result of operational emissions. No mitigation would be required.

Table 5. Maximum Daily Operational Emissions

Emission Source	Pollutant Emissions (pounds/day)					
	VOC	NO_x	CO	SO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Proposed Project						
Area	2.78	<0.01	0.02	0.00	<0.01	<0.01

Energy	0.09	0.78	0.66	<0.01	0.06	0.06
Mobile	1.85	10.67	16.68	0.04	0.05	0.05
Proposed Project Total	**4.72**	**11.45**	**17.35**	**0.05**	**0.11**	**0.11**
Significance Threshold	54	54	-	-	82	54
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*

Note: (1) Emissions were calculated for both summer and winter months. On average winter emissions were higher and therefore were used for this analysis. (2) Emissions from the proposed project include applicable design features.

Question c: No new impact

The San Francisco Bay Area region is in non-attainment for ozone (NO_x and ROG) and particulate matter ($PM_{2.5, 10}$). As discussed above, no exceedance of the District's emission thresholds for criteria pollutants would be expected for the proposed modified project. The project would not result in a cumulatively considerable net increase in any criteria pollutant. Impacts from the proposed modified project would be consistent with the SFH/FMC Project.

Questions d and e: No new impact

The CARB describes sensitive receptors as residences, schools, day-care centers, playgrounds, medical facilities, or other facilities that may house individuals with health conditions (medical patients or elderly persons/athletes/students/children) that may be adversely affected by changes in air quality. The two primary pollutants of concern regarding health effects for land development are CO and diesel particulate matter.

Construction Diesel Particulates

Construction activities are short-term and temporary, as are the resulting emissions. Diesel particulate matter is not included as a criteria pollutant; however, it recognized by the State of California as containing carcinogenic compounds. Diesel particulate matter would be emitted from heavy equipment used for construction activities. It is estimated that construction activities for the project would occur over approximately 78 weeks which is substantially less than the 70-year/40-year period used for health risk determination. Further, as identified in Table 4, construction emissions would not exceed significant thresholds. The proposed modified project would have no new impact and no mitigation is required.

Carbon Monoxide Hot Spots

The SFBAAB is designated as attainment for CO. BAAQMD's 2010 CEQA guidelines notes that CO impacts may be determined to be less than significant if a project is consistent with the

applicable congestion management plan or would not increase traffic volumes at intersections to more than 44,000 vehicles per hour for regular intersections, or would not increase traffic volumes at intersections to more than 24,000 vehicles per hour for intersections with limited mixing zones (e.g., tunnels, garages, overpasses, etc.).

The PEIR prepared for the Dumbarton TOD Specific Plan specifies that the projects included in the Specific Plan would not cause traffic volumes at local intersections to increase beyond 6,000 vehicles per hour. The proposed modified project is anticipated to account for less than two percent of the total generated trip identified in the Dumbarton TOD Specific Plan. As a result, the proposed modified project would not increase traffic volumes to an extent that would result in a significant impact. The proposed modified project would have no new impact and no mitigation is required.

Operational Diesel Particulates

The proposed project is anticipated to generate minor emissions associated with delivery trucks for the retail store. Trucks entering and leaving the proposed project would include deliveries associated with the retail space. Trucks would idle in the shipping and receiving delivery dock areas. Trucks would be limited to an idle time of five minutes for entering or exiting the truck delivery well, in accordance with California state law. The loading delivery docks are the only locations where routine truck idling associated with operation of the Project would be expected. It is possible that the operation of the retail space would require use of trucks equipped with transportation refrigeration storage units (TRUs) to deliver cold-stored food items. Trucks equipped with TRUs typically result in higher TAC emissions, because they are equipped with diesel generator sets to keep perishable food cold, in addition to diesel engine exhaust from the truck. However, it is not anticipated that the proposed retail space would experience high truck volumes (i.e., warehouses with distribution centers that have greater than 100 commercial trucks per day or 40 TRU-equipped trucks per day as defined by the CARB as the screening level) delivering materials on a frequent basis.

Retail spaces with on-site food services emit minor amounts of TACs from the cooking of animal fats and oils. TAC emissions would be controlled through an exhaust hood to a roof-top vent. Therefore, on-site or off-site sensitive receptors would not be exposed to substantial TAC concentrations from these sources.

Odors

The project involves construction of a hotel and retail space. These uses are not identified as major sources of odor emissions according to the CARB Air Quality and Land Use Handbook. The proposed modified project would not be a source of nuisance odors associated with operations.

Additionally, the occupants of the proposed modified project would not be subjected to facilities associated with odor complaints. The proposed land uses in the Dumbarton TOD Specific Plan surrounding the project site are primarily residential. Union Sanitary District sewerage treatment plant is the closest potential source of odors, and this facility is located approximately 4,600 feet to the northwest of the project site. There are also reports of odors that occur due to algae in the salt ponds. However, these odors are regarded as an annoyance rather than a health hazard. Based on the nature of the odor source and the low frequency of odor events generated by the salt ponds, impacts are not considered a significant odor source. Additionally, salt ponds are not identified by the BAAQMD as a significant odor source.

IV. BIOLOGICAL RESOURCES

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

The project site has been fully disturbed in conjunction with the development of the adjacent SHH site's grading activities. Previously, the site evaluated by biologists Stephen Stringer and Catherine Silvester, of HELIX Environmental Planning, Inc. (HELIX), on August 5, 2013 and September 19, 2013 for the SHH/FMC IS/MND. The biological reconnaissance surveys were conducted to determine the existing conditions, identify biological habitats/vegetation communities on the project site, conduct botanical and wildlife inventories, conduct a tree inventory, and identify the habitats present on the project site that have the potential to support special-status species. The methods and results of the evaluation were presented in a biological resources evaluation (BRE) prepared for the SHH/FMC Project, and the information relevant to the proposed modified project are summarized below.

HABITAT TYPE PRESENT

The project site contains fill/construction materials and is used as a construction staging area for nearby construction activities. This area has been cleared and graded, and is largely maintained free of vegetation. The project site is characterized as developed/distured habitat.

PROTECTED TREES

The biological reconnaissance survey on September 19, 2013 included a certified arborist tree inventory. One native Monterey pine tree was located on the project site (former FMC Parcel). The Monterey pine tree met the criteria for protection under the City of Newark, and a tree removal permit was obtained from the City of Newark in May 2016. The Monterey pine tree has since been removed, and there are currently no trees on the project site.

JURISDICTIONAL WATERS

A delineation of potential jurisdictional waters on the project site was prepared by WRA, Inc. in 2013.

Although there are no jurisdictional waters present on the project site, one man-made, 0.03-acre seasonally inundated depression is located approximately 100 feet south of the project site, on the SHH Property. The seasonally inundated depression will be completely avoided by the proposed modified project.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Biological Resources are discussed in Section 4.3 of the PEIR for the Dumbarton TOD Specific Plan and Section 8.IV of the IS/MND for the SHH/FMC Project (RBF 2011; HELIX 2014). The

PEIR concludes that construction of the project could have potentially significant adverse impacts on special-status animal and plant species, wetlands and Waters of the State/U.S., and protected tree. The IS/MND for the SHH/FMC project concluded that there was no suitable habitat on site for the Salt Marsh Harvest Mouse (SMHM) and the Western Burrowing Owl (BO).

EVALUATION OF BIOLOGICAL RESOURCES

Question a: No new impact

Special Status Wildlife *(Salt Marsh Harvest Mouse)*

A habitat assessment for SMHM and BO was prepared for the, SMHM is presumed absent from the site as a result of the existing level of disturbance, industrial land uses, and lack of suitable natural habitat such as saline emergent wetlands and nearby uplands. The SHH/FMC IS/MND concluded that as a result, no impacts to salt marsh harvest mouse are anticipated. The proposed modified project would be consistent with the SHH/FMC IS/MND and have no new impact.

Nesting Raptors

Migratory birds (including raptors) have the potential to use the trees adjacent to the study area for nesting and the adjacent area for foraging. There are no trees or structures present on the project site, but birds nesting on trees within 300 feet of the project site could be indirectly impacted by construction activities and noise.

The project site is currently being graded as part of the SHH/FMC Project. Preconstruction nesting bird surveys were conducted in April 2016, and burrowing owl monitoring surveys were conducted in October 2016 in compliance with the Specific Plan MMRP. Consistent with the SHH/FMC IS/MND, the Specific Plan MMRP measure 4.3-2 would be implemented to avoid, minimize, and mitigate impacts to nesting raptors. The proposed modified project would have no new impact.

Western Burrowing Owls

No suitable habitat for BO is present in the study area, and none were observed in or adjacent to the study area during the biological reconnaissance survey. The proposed modified project would be consistent with the SHH/FMC IS/MND and have no new impact.

Nesting Passerines

Migratory birds (including passerines) have the potential to use the trees adjacent to the study area for nesting and the adjacent area for foraging. There are no trees or structures present on the project site, but birds nesting on trees within 300 feet of the project site could be indirectly impacted by construction activities and noise. The Specific Plan MMRP measure 4.3-4 would be implemented to avoid, minimize, and mitigate impacts to nesting passerines.

Special Status Plants

A Rare Plant Survey Report was prepared for the SHH/FMC Project in April 2016 by HELIX. The report concluded that no special-status species were observed on the project site and special-status plants were determined to be absent. Therefore, the proposed modified project would have no new impact on special status plants.

Question b, c: No new impact

The SHH/FMC IS/MND determined that no riparian habitat or other sensitive community, waters of the State, or waters of the U.S. would be impacted by the project. The proposed modified project would have no new impact.

Question d: No new impact

The project area and vicinity feature previous industrial land uses and development with residential and commercial uses. The SHH/FMC IS/MND determined that the project site does not provide a migratory wildlife corridor nor would development of the project impede the use of native wildlife nursery sites. Therefore, the proposed modified project would have no new impact.

Question e: No new impact

Per the SHH/FMC IS/MND, a tree removal permit was obtained from the City of Newark to remove the native Monterey pine tree identified along the western boundary of the project site. The tree has been removed, and the proposed modified project would have no new impact.

Question f: No new impact

The SHH/FMC IS/MND determined that no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan has been

approved for the City of Newark, and no impact would occur. The proposed modified project would have no new impact.

V. CULTURAL RESOURCES

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

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

Cultural resource issues relevant to the proposed project are summarized here.

The Specific Plan area lies within the ethnographic territory of the Ohlone. Coastal Native American habitation sites in Alameda County, such as the Ohlone, are often marked by the presence of midden soil deposits, which are a buildup of organic debris and contain marine shells

and animal bones. Other types of features that identify Native American activity areas are scatters of "flakes" or chipped material that resulted from the manufacturing of chipped stone tools and bedrock milling features (mortar depressions). Native American cultural resources in western Alameda County are typically found near the bayshore and adjacent to other seasonal and perennial watercourses. No recorded, reported, or known Native American sites, villages, trails, traditional use areas, or contemporary use areas have been identified in, adjacent to, or near the Specific Plan area.

The South Pacific Coast Railroad opened for service in March 1878 and is the present-day location of Union Pacific Railroad corridor (formerly Southern Pacific Railroad) and the future Dumbarton Rail Corridor project, approximately 700 feet north of the project site. A portion of the railroad corridor between Wells and Thornton Avenues has been evaluated as eligible for inclusion on the National Register of Historic Places under criteria A, B, and C.

The Specific Plan area remained primarily undeveloped until industrial uses moved in during the 1920s. Several parcels, including the project site, were never developed or actively used.

The entire Specific Plan area is underlain by Holocene floodbasin deposits (Qhb) and Holocene estuary deposits (bay mud). Many paleontologists consider Holocene biologic remains too young to qualify as fossils. Although the soils may contain Holocene aged mulluscan fossils, such fossils are not considered significant. Consequently, the paleontological sensitivity of these units is considered low.

No NRHP or California Register of Historical Resources (CRHR) listed, determined, or potential archaeological sites, significant local, State, or Federal historic properties, landmarks, etc. have been identified in or adjacent to the Specific Plan area. The Specific Plan area contains no recorded archaeological resources, including prehistoric sites.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

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

reported in or near the Specific Plan area. The Specific Plan area has a low sensitivity for paleontological resources.

There is a possibility that potentially significant unrecorded archaeological resources, including prehistoric resources and human remains, as well as historic resources, and are present beneath the ground surface and could be exposed during construction activities. Unknown paleontological resources may be damaged or destroyed during ground disturbing activities. Mitigation measures are recommended to reduce impacts to cultural resources to a less-than-significant level.

EVALUATION OF CULTURAL RESOURCES

Questions a - d: No new impact

Previous record searches have resulted in negative findings for historic or archaeological resources. Consistent with the SIIH/FMC IS/MND, mitigation measures contained in the Specific Plan MMRP (measures 4.4-1a and 4.4-1b) would be implemented for the proposed modified project to minimize impacts to cultural resources to less than significant. The proposed modified project would have no new impact.

VI. GEOLOGY AND SOILS

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

Geology and soils are discussed in Section 4.5 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.VI in the IS/MND for the SHH/PMC Project (RBF 2011; HELIX 2014). Information pertinent to the proposed modified project is summarized below.

Geology

The project site is located in the San Francisco Bay Area. This region is known to be one of the most seismically active places in the United States. There are three major active faults located in the San Francisco Bay Area: the Hayward Fault, which is located approximately 6 miles east of the project site, the San Andreas Fault, which is located approximately 13 miles west of the project site, and the Calaveras Fault, which is located approximately 11 miles east of the project site.

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

Soils

The project site is underlain by Marvin silt loam, saline-alkali (NRCS 2017). However, the soil profile throughout the project area did not match the description of Marvin silt loam, indicating that imported fill material is present on the project site (WRA 2013). It is unknown whether the project site contains liquefiable soils; however, geotechnical investigations conducted on other properties in preparation of the PEIR (RBF 2011) identified liquefiable soils in other areas of the Specific Plan. Therefore, the project site has a potential to contain liquefiable soils. Backfilled areas or areas with liquefiable soils could experience differential ground settlement, which could result in structural damage to buildings, pipelines, and other structures.

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

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

City Regulation of Geology and Soils

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Impacts to people or structures as a result of seismic-related activity could be potentially significant. The impact of seismic-related ground shaking on the project site can be reduced if the project is constructed in compliance with the geotechnical engineering investigations and the California Building Code requirements. Mitigation measures 4.5-1 and 4.5-2 contained in the Specific Plan MMRP would be implemented to reduce impacts to a less-than-significant level.

EVALUATION OF GEOLOGY AND SOILS

Question a: No new impact

Because there are no identified active earthquake faults on the project site, there is no risk of ground rupture on the project site from known earthquake faults; however, there is a potential for moderate earthquake-induced ground shaking due to other identified earthquake off-site faults in the San Francisco Bay Area. The project site may be underlain by potentially liquefiable soils, and contains backfill that could result in seismically-induced ground failure from an adequately substantial earthquake from off-site faults. Consistent with the SHH/FMC Project, the proposed modified project would implement mitigation measure 4.5-1 from the Specific Plan MMRP to reduce impacts to a less-than-significant level. Therefore, the proposed modified project would have no new impact. Due to the relatively flat topography of the project site, it is not susceptible to landslides as a result of seismic activity.

Question b: No new impact

The SHH/FMC IS/MND concluded that construction activities on the project site, such as removal of vegetation, grading, and excavation could potentially result in increased erosion or loss of topsoil from wind or stormwater. Consistent with the SHH/FMC IS/MND, the proposed

modified project would implement mitigation measure 4.5-2 to reduce potential impacts from soil erosion to a less-than-significant level. The proposed modified project would have no new impact.

Question c, d: No new impact

The specific soil conditions on the project site are not known; however, the project site likely has a low potential for subsidence. The site may contain soils that are subject to liquefaction, which could lead to differential settlement. Because the project site was previously remediated, it could experience differential ground settlement from areas that were backfilled. Also, the soil that underlies the project site has high shrink-swell potential, which could result in structural damage. While the project could be exposed to impacts caused by unstable soils, implementation of Specific Plan MMRP measure 4.5-1 which requires that developers have design-level geotechnical engineering investigations prepared would be implemented to reduce these impacts to a less-than-significant level, consistent with the SHH/FMC IS/MND. Therefore, the proposed modified project would have no new impact.

Question e: No new impact

The SHH/FMC IS/MND determined that the proposed project would be connected to a municipal wastewater treatment system provided by the City of Newark and would not require septic systems or an alternative waste disposal system. No impact would occur and no mitigation would be required. The proposed modified project would have no new impact.

VII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	☐	☐	☐	■
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	■

Climate change has been observed to contribute to poor air quality, rising sea levels, melting glaciers, stronger storms, more intense and longer droughts, more frequent heat waves, wildfires, and other threats to human health (ALA California 2011; IPCC 2007). From 1994 through 2006, eleven of those twelve years rank among the 12 warmest years on record (since 1850), with the warmest two years being 1998 and 2005 (IPCC 2007). Hotter days facilitate the formation of ozone, increases in smog emissions, and increases in public health impacts (e.g., premature deaths, hospital admissions, asthma attacks, respiratory conditions, and acute bronchitis) (ALA California 2011). Global temperatures have risen by 1.3°F over the past century, and if greenhouse gas emissions continue to increase, climate models predict that the average temperature at the Earth's surface could increase by 2 to 11.5°F by the year 2100 (IPCC 2007).

Because reducing GHG emissions would help to reduce the potential impacts of climate change, California has adopted AB 32, the Global Warming Solutions Act of 2006. The California Air Resources Board (CARB) is in the process of implementing a comprehensive, multi-year strategy to reduce GHG emissions. The state Attorney General's Office has identified various measures for all development types that may reduce the global warming impacts at the individual project level. The various measures include the following list categories:

- Energy Efficiency
- Renewable Energy and Energy Storage

- Water Conservation and Efficiency
- Solid Waste Measures
- Land Use Measures
- Transportation and Motor Vehicles
- Agriculture and Forestry

The Attorney General's Office also suggests that if, after analyzing and requiring all reasonable and feasible on-site mitigation measures for avoiding or reducing greenhouse gas-related impacts, the lead agency determines that additional mitigation is required, the agency may consider additional off-site mitigation (California AGO 2010).

Table 6 lists 2009 California GHG emissions estimated by CARB based on carbon dioxide equivalent emission rates.

Table 6. California Greenhouse Gas Emissions based on Carbon Dioxide Equivalent Emission Rates

Category	CO_2 Equivalent (million tonnes)	Percent Total (of gross)
Transportation	172.92	38.2
Electric Power	103.58	22.9
Agriculture	32.13	7.1
Commercial and Residential	42.95	9.5
Industrial	81.36	17.1
Recycling and Waste	7.32	1.6
High GWP[1]	16.32	3.6
Forestry	0.19	0.0
Total (gross)	*456.77*	*100*
Sinks and Sequestrations	-3.80	
Total (net)	**452.97**	

[1] Includes Ozone Depleting Substance (ODS) Substitutes, Electricity Grid SF6 Losses, and Semiconductor Manufacturing.

Source: California Air Resources Board, 2011. Greenhouse Gas Inventory for 2000-2009 by Category as Defined in the Scoping Plan. Retrieved March 14, 2013, from California Air Resources Board: http://www.arb.ca.gov/cc/inventory/data/data.htm.

California carbon dioxide equivalent emissions were approximately 452.97million tonnes in 2009. As shown in the table, over 38 percent of GHG emissions from within California occur from transportation, and 23 percent occur from electric power.

Naturally occurring greenhouse gases include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, emitted solely by human activities. There are also several gases that, although they do not have a direct radiative forcing effect, do influence the formation and destruction of ozone, which does have such a terrestrial radiation absorbing effect. These gases, referred to here as ozone precursors, include carbon monoxide (CO), oxides of nitrogen (NO_x), and non-methane volatile organic compounds (NMVOC). Aerosols (extremely small particles or liquid droplets emitted directly or produced as a result of atmospheric reactions) can also affect the absorptive characteristics of the atmosphere (EPA 2010).

REGULATORY FRAMEWORK RELATING TO GREENHOUSE GAS EMISSIONS

Federal and State Regulations

The United States Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The U.S. Supreme Court ruled on April 2, 2007 that CO_2 is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs.

CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California, and for implementing the California Clean Air Act (CCAA). Various statewide and local initiatives to reduce the state's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long-term. Because every nation emits GHGs, and therefore makes an incremental cumulative contribution to global climate change, cooperation on a global scale will be required to reduce the rate of GHG emissions to a level that can help to slow or stop the human-caused increase in average global temperatures and associated changes in climatic conditions.

There are numerous laws that have been signed in California to reduce greenhouse gas emissions. Assembly Bill (AB) 1493 (signed in 2002) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of greenhouse gases emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the state." To meet the requirements of AB 1493, in 2004 CARB approved amendments to the California Code of

Regulations (CCR) adding GHG emissions standards to California's existing standards for motor vehicle emissions.

Executive Order S-3-05, which was signed by Governor Schwarzenegger in 2005, proclaims that California is vulnerable to the impacts of climate change. It declares that increased temperatures could reduce the Sierra's snowpack, further exacerbate California's air quality problems, and potentially cause a rise in sea levels. To combat those concerns, the Executive Order established total greenhouse gas emission targets. Specifically, emissions are to be reduced to the 2000 level by 2010, the 1990 level by 2020, and to 80 percent below the 1990 level by 2050.

In 2006, Governor Schwarzenegger signed AB 32, the California Climate Solutions Act of 2006. AB 32 established regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. California needs to reduce GHG emissions by approximately 28.3 percent below the "business as usual" predictions to achieve this goal. The bill requires the CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions. In 2011, specific GHG emission limits and reduction measures in line with AB 32 were adopted; these became enforceable in 2012.

As of 2011, 18 of 30 CARB regulations had been approved, including nine discrete early actions, as required by AB 32. The current estimate for the necessary GHG emissions reductions to attain the goals of AB 32 (i.e., 1990 levels by 2020) is 174 million metric tons of CO_2 equivalent ($MMTCO_2e$). It is estimated that nine proposed discrete early actions identified by CARB will provide approximately 16 $MMTCO_2e$ of GHG reductions while the other early actions will provide approximately 26 $MMTCO_2e$ of GHG reductions. It also is anticipated that an additional 30 $MMTCO_2e$ in reductions will be achieved from the passage of anti-idling measures and AB 1493 (described below). The remaining 102 $MMTCO_2e$ are expected to be achieved through CARB's Scoping Plan and other emission reduction efforts by members of the CCAT. By January 1, 2014, and every five years thereafter, the CARB will update its Scoping Plan.

Senate Bill (SB) 375 was signed and passed into law in 2008. SB 375 enhances the CARB's ability to reach AB 32 goals. Specifically, SB 375 requires CARB to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for the years 2020 and 2035. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain review requirements of CEQA.

The targets apply to the 17 regions in the state managed by metropolitan planning organizations (MPO). CARB adopted its final targets in 2010.

The metropolitan transportation commission (MTC) is the MPO for the nine-county San Francisco Bay Area region. MTC's targets are a 7 percent per capita reduction from 2005 by 2020, and 15 percent per capita reduction from 2005 by 2035. MTC's *Plan Bay Area* is the San Francisco Bay Area's Regional Transportation Plan (RTP)/Sustainable Community Strategy (SCS). The *Plan Bay Area* was released in 2013 and was adopted in July of that year. The SCS sets a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement) beyond the per capita reduction targets identified by CARB. According to *Plan Bay Area*, the Plan meets a 16 percent per capita reduction of GHG emissions by 2035 and a 10 percent per capita reduction by 2020 from 2005 conditions.

In 2008, the CARB adopted the Scoping Plan (CARB 2008) as directed by AB 32. The Scoping Plan proposes a set of actions designed to reduce overall GHG emissions in California to the levels required by AB 32. The measures in the Scoping Plan approved by the CARB will be in place by the year 2012, with further implementation details and regulations to be developed, followed by the rulemaking process to meet the year 2012 deadline. Measures applicable to development projects include those related to the following: energy-efficiency building and appliance standards; the use of renewable sources for electricity generation; regional transportation targets; and green building strategy.

Relative to transportation, the Scoping Plan includes nine measures or recommended actions. One of these is measure T-3, Regional Transportation-related Greenhouse Gas Targets, which relies on SB 375 implementation to reduce GHG emissions from passenger vehicles through reducing vehicle miles traveled. The other measures are related to vehicle GHGs, fuel, and efficiency measures, and those measures would be implemented statewide rather than on a project-by-project basis.

City of Newark Climate Action Plan

The City of Newark has adopted a Climate Action Plan to identify and evaluate feasible and effective policies to reduce GHG emissions in order to reduce energy costs, protect air quality, and improve the economy and the environment. The plan identifies a 5 percent GHG reduction target from 2005 municipal emissions by July 2012, a 5 percent reduction in city and community emissions by July 2015, and a 15 percent decrease in communitywide emissions levels by 2020.

Data collected by the City thorough the GHG monitoring process shows that the City has already achieved the first two of these goals.

METHODS

As described under methods in Section 8.III, *Air Quality*, construction and operation emissions were estimated using the CalEEMod Version 2016.3.1. The construction analysis included modeling of the projected construction equipment that would be used during each construction activity. The analysis assessed maximum daily emissions from individual construction activities, including grading, backbone infrastructure, building construction, paving, and architectural coating. The model estimates daily regional emissions from vehicle and stationary sources of pollutants during existing conditions. Project impacts for operational emissions were assessed by calculating the net increase in emissions from the proposed modified project.

LEVELS OF SIGNIFICANCE

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

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

As shown in Table 7, the BAAQMD 2010 CEQA Guidelines do not have thresholds for construction GHG emissions, but do include operational related thresholds. For a land use development project to meet the operational thresholds, it must show compliance with a qualified GHG reduction strategy, or be below a screening-level emission rate of 1,100 MT CO_2e per year. This emission level is based on the amount of vehicle trips, the typical energy and water use, and other factors associated with projects.

Table 7. BAAQMD Greenhouse Gas Emissions Thresholds

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

Source: BAAQMD CEQA Guidelines Updated May 2010.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIROMENTAL DOCUMENTATION

Greenhouse Gas Emissions is discussed in Section 4.6 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.VII of the IS/MND for the SHH/FMC Project (RBF 2011; HELIX 2014). The PEIR concludes that the project would not conflict with an applicable GHG reduction plan, policy or regulation, and includes measures (MMRP measure 4.6-1) describing potential design features to be incorporated into the project design to ensure that GHG emission associated with project operation would be below the business as usual scenario. With implementation of the proposed design features, GHG emissions would be less than significant. The Dumbarton TOD could result in potentially significant cumulative impacts resulting from GHG emissions, but these would be reduced to less than significant with implementation of MMRP 4.6-1.

EVALUATION OF GREENHOUSE GAS EMISSIONS

Question a: No new impact

Greenhouse gas emissions would be generated from the proposed commercial development during construction and operation.

Construction Emissions

GHG emissions during construction would be associated with the use of heavy equipment and by construction worker commute trips. GHG emissions, as a result of construction activities, would be temporary. As shown in Table 8, total GHG emissions associated with construction are estimated at 352 MT of CO_2e.

Table 8. Estimated Construction Related GHG Emissions (metric tons/year) for the Proposed Project

Calendar Year	CO_2	CH_4	N_2O	CO_2e
2018	302.99	0.05	0.00	304.29
2019	47.12	0.01	0.00	47.34
TOTAL (metric tons)	**350.12**	**0.06**	**0.00**	**351.63**

The BAAQMD 2010 CEQA Guidelines do not have significance thresholds for construction GHG emissions; however, the project-related emissions are included here for informational purposes. Impacts would be less than significant and no mitigation measures are required.

Operational Emissions

Operational emissions would result from transportation sources (primarily automobile trips) and from area sources such as electricity generation, water treatment and transmission, solid waste collection, and space heating. As shown in Table 9, total GHG emissions associated with operation are estimated at 1,093 MT of CO_2e.

Table 9. Estimated Annual Operation Greenhouse Gas Emissions for the Proposed Project

Emission Source	Annual Emissions (metric tons/year)			
	CO_2	CH_4	N_2O	CO_2 Equivalents
Area Source	<0.01	<0.01	<0.01	<0.01
Energy Use	356.17	<0.01	<0.01	357.09
Mobile	709.36	0.05	0.00	710.50
Solid Waste Management	6.43	0.38	0.00	15.94
Water Consumption	5.19	0.12	<0.01	9.13
Operational Total (metric tons)	1,077.16	0.55	0.01	1,092.67
Significance Threshold	1,100			
Significant Impact?	*No*			

Question b: No new impact

The PEIR prepared for the Dumbarton TOD Specific Plan concludes that the entire Dumbarton TOD project (which includes the Project) is consistent with all applicable GHG plans and policies. The project design features were compared against the policies included in the 2013

Updated General Plan that is incorporated the City of Newark's Clean Air Plan. The project's design features would support these policies. They include:

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

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

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

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

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

Policy CS-7.2 Renewable Energy Sources. Support the expanded use of renewable energy sources such as wind and solar by Newark residents and businesses, the City of Newark, and other government agencies.

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

Policy CS-7.5 Solar Access. Preserve solar access rights in a way that is consistent with state law, encourages the use of photovoltaic energy systems in new construction and rehabilitation projects, and balances parallel objectives to expand the urban forest and protect local trees.

The proposed modified project would also be consistent with several Action Items listed in the Clean Air Plan, namely the proposed modified project's green principles and regional smart growth planning efforts it will achieve (i.e., higher density, and mix of uses). The project would

include the installation of energy- and water-efficient systems. Furthermore, the project would be consistent with the Action Items within the CAP and would also reduce its GHG emissions in the region. The project is consistent with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development.

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

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				

Hazards and hazardous materials are discussed in Section 4.7 of the PEIR for the Dumbarton TOD Specific Plan and Section 8.VIII of the IS/MND for the SHI/FMC project (RBF 2011; HELIX 2014). The project site has a history of soil and groundwater hazardous materials contamination associated with previous land uses. No naturally occurring asbestos is present on the site (RBF 2011). The land uses causing the contamination have since ceased, and ongoing remediation and groundwater monitoring have been conducted pursuant to administrative orders adopted by the San Francisco RWQCB (RBF 2011). Subsequent investigations on the site are summarized below.

A Phase I Environmental Site Assessment (ESA) was conducted on the project site (formerly FMC Parcel E) (ERM 2013). The parcel is historically undeveloped with no structures or improvements present on the site. The results of the Phase I ESA identified recognized environmental conditions (RECs) associated with semi-volatile organic compounds (SVOC) detected in a shallow soil sample (0.5 foot below ground surface), and VOCs impacting groundwater from off-site sources.

As a result of the findings from the Phase I ESA, a Phase II Soil and Groundwater Investigation was conducted to further assess the potential impacts to soil and groundwater beneath the project site due to off-site historical facility operations. The results of the Phase II Soil and Groundwater Investigation confirm that former adjacent chemical facilities on nearby properties have impacted groundwater beneath the project site (ERM 2013). The investigation identified VOCs present in the groundwater and metals in the soil. The concentrations of the VOCs present in the groundwater are in line with levels detected in regional shallow groundwater, and concentrations of metal present in the soil of the project site are consistent with background levels for the San Francisco Bay Area.

In December 2014, the San Francisco Bay Regional Water Quality Control Board issued a letter confirming the previous landowners (FMC) had fulfilled its investigation and cleanup obligations related to the project site (formerly Parcel E).

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

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

EVALUATION OF HAZARDS AND HAZARDOUS MATERIALS

Questions a, b, c: No new impact

During construction, oil gasoline, diesel fuel, paints, solvents, and other hazardous materials would be used. If spilled, these substances could pose a risk to the environment and human health. Both federal and state laws include provisions for the safe handling of hazardous substances. Following construction, no hazardous materials use or storage would be expected other than minor amounts of cleaning and landscaping chemicals. No existing or proposed schools are within 0.25 acre of the project site; however, the routine transport, use, and disposal of hazardous materials are subject to local, state, and federal regulations to minimize risk and exposure. The SHI/FMC IS/MND concluded that this impact is considered less than significant, and no mitigation is necessary. The proposed modified project would have no new impact.

Question d: No new impact

Elevated concentrations of 1,2-Dichloroethane (1,2-DCA) were detected in shallow groundwater beneath the project site. Metals were also detected in groundwater beneath project site. However, the San Francisco Bay Regional Water Board staff found that the previous property owner had fulfilled its investigation and cleanup obligations related to the project site. Therefore, there would be no new impact, and no mitigation is necessary.

Questions e, f: No new impact

The SHI/FMC IS/MND determined that the project site is not located in an Airport Land Use Plan area, and no public or private airfields are within two miles of the project site; therefore, the project would not result in a safety hazard for people residing or working in the project area. No

impact will occur, and no mitigation is necessary. The proposed modified project would have no new impact.

Question g: No new impact

The City has adopted two emergency response plans. The "Emergency Operations Plan" provides operational procedures for responding to a variety of emergency conditions, including natural, hazardous materials, and civil defense conditions. The "Chemical Emergency Preparedness Supporting Plan" establishes operating procedures for responding to a chemical spill or other hazardous materials incident within the City. These plans are considered adequate and would not be affected by the proposed project. The SHH/FMC IS/MND concluded that no significant impact would occur, and no mitigation would be necessary. The proposed modified project would have no new impact.

Question h: No new impact

The project site is provided urban levels of fire protection by the City. The SHH/FMC IS/MND concluded that the proposed project would not increase the risk of wildland fires, and no mitigation is necessary. The proposed modified project would have no new impact.

IX. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	■
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	■
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	■
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	■
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	■
f) Otherwise substantially degrade water quality?	☐	☐	☐	■
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	■

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	■
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	■

Hydrology and water quality are discussed in Section 4.8 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.IX of the IS/MND for the SHH/JMC Project (RBF 2011; HELIX 2014). Information pertinent to the proposed modified project is summarized below.

The project site is graded and altered, and reflects the history of past hydrologic manipulation. Precipitation and municipal water are the only sources of water for the study area. A depression along the abandoned railroad corridor, approximately 100 feet south of the project site, collects precipitation during the rainy season before slowly drying in the late spring. Precipitation collected on the site may pond in low areas or flow off site to adjacent parcels where it may percolate into the ground or evaporate.

City-owned storm drains located within Willow Street and Enterprise Drive convey surface runoff from parcels fronting these streets to the Alameda County Flood Control and Water Conservation District Line south of the Specific Plan area. The County storm drain flows into the San Francisco Bay. Implementation of the proposed project will increase impervious areas, subsequently reducing absorption rates in some areas and would alter the site's existing drainage pattern. By increasing the impervious area and channelizing the stormwater runoff, the rates and volumes of runoff will increase.

Federal Emergency Management Agency (FEMA) flood insurance rate maps were reviewed for the project's proximity to a 100-year floodplain. The proposed project is on FEMA panel

06001C0443G effective 8/3/2009. The project site is located within an area classified as Zone X unshaded areas to be determined to be outside the 0.2% annual chance floodplain (FEMA 2017).

The project site is not located in the 100-year tidal flood zone of other floodplain, but it is located in the inundation areas for three dams: Del Valle, James H. Turner, and Calaveras, all of which are classified as high hazard dams because their failure could result in a significant loss of life and property damage. The California Division of Safety of Dams inspects each dam on an annual basis to ensure the dam is safe, performing as intended, and is not developing problems.

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

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

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Hydrology, Drainage, and Water Quality are discussed in Section 4.8 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.IX of the IS/MND for the SFH/FMC Project. The PEIR concluded that the Dumbarton TOD would not violate water quality standards or waste discharge requirements, as all elements of the project would be required to comply with the requirements of the NPDES General Permit which includes implementation of best management practices to prevent or minimize environmental impacts and ensure that discharges during the construction phase of the project would not cause or contribute to the degradation of water quality in receiving waters, reducing construction-related water quality impacts to less than significant. The PEIR contains measures to minimize impacts to water quality as a result of

altered drainage patterns that may cause flooding and may also result in cumulatively considerable hydrology and water quality impacts.

Future storm drainage lines may not have sufficient room to cross over the Hetch Hetchy Aqueduct; however, the proposed modified project would tie into existing storm drain lines in Enterprise Drive and would not require that new storm drain lines be constructed.

EVALUATION OF HYDROLOGY AND WATER QUALITY

Questions a, c, e, f: No new impact

Implementation of the proposed project would have the potential to generate stormwater and contaminated runoff from the project site. Pollution and sediments may be washed into receiving waters from the project site; however, following construction and during the life of the project, areas would be paved or landscaped which would stabilize soils. The project may result in an increase of pollutants associated with the development; however, the project would be required to comply with applicable policies and regulations. The site is within the existing urban area of the City served by urban stormwater facilities, and construction on the site would be subject to NPDES General Permit conditions (including the implementation of BMPs) and all of the conditions of the City's Municipal Code, and the ACFAC's requirements for new development and modifications of existing flood control systems. Operation of these requirements, which would be unchanged with approval of the project, would ensure that no adverse effects due to stormwater generation or contamination would take place. The SHH/FMC IS/MND concluded that no significant impact would result, and no mitigation would be necessary. The proposed modified project would have no new impact.

Question b: No new impact

Implementation of the proposed project would obtain water from the ACWD which utilizes treated groundwater as a source of its local supply along with other sources. The Dumbarton TOD Specific Plan is included in ACWD's forecast and water supply planning, and it would not increase water shortages from what was already factored into ACWD's planning. While the proposed project would result in additional impervious surfaces on the site that can interfere with the natural groundwater recharge process, the Alameda Creek Watershed is the primary source of recharge for the San Francisco Bay Area Basin, and rainfall and applied water provide a local recharge to a lesser extent. Therefore, the SHH/FMC IS/MND concluded that the proposed development would not substantially reduce groundwater recharge, and no significant impacts would occur. The proposed modified project would have no new impact.

Question d: No new impact

Implementation of the proposed project would increase impervious areas, subsequently reducing absorption rates in some areas and altering the site's existing drainage pattern and percolation rates. By increasing the impervious area and channelizing stormwater runoff, the rates and volumes of runoff would increase. The project site has been previously graded and otherwise altered. Existing storm drains in the area provide flood control. To ensure the storm water system can adequately accommodate the proposed modified project, Specific Plan MMRP measure 4.8-4a would be implemented, consistent with the SHH/FMC IS/MND. Therefore, no new impact would occur.

Questions g, h: No new impact

The SHH/FMC IS/MND concluded that because the project site is located outside of the 100-year tidal flood zone and other floodplains, development of the proposed project would not place persons or structures at risk from flood hazards, nor would it interfere with existing floodway capacity. Thus, no impacts would occur, and no mitigation would be necessary. The proposed modified project would have no new impact.

Question i: No new impact

The proposed project would expose new development to inundation in the event of the failure of Del Valle, James H. Turner, and Calaveras Dams. Dam failure would most likely occur with adequate warning to evacuate residents. A failure would be preceded by increased seepage to the drain, initiation of seepages on the side slopes, and very high lake levels, however, permanent structures would likely be extensively damaged or destroyed. Calaveras Dam is the only dam of the three that has documented a higher than normal risk of failure. The San Francisco Public Utilities Commission has taken steps to mitigate the risk including reducing the capacity and rebuilding the dam. Construction that would allow the dam to be filled to capacity started in August 2011, and as of January 2017, the project is 80 percent complete (SFPUC 2017). With these measures, the risk of failure is low. With the annual inspections of the other dams, and the construction efforts to improve Calaveras Dam, the risk of dam failure is low and is not considered a significant hazard to the proposed modified project. The SHH/FMC IS/MND concluded that impacts are less than significant and no mitigation is necessary. The proposed modified project would have no new impact.

Question j: No new impact

Risks of inundation by tsunami, seiche, and mudflow were evaluated in the Dumbarton TOD Specific Plan PEIR. The PEIR concluded that the risk of flooding due to a tsunami event is considered low due to the location of the Specific Plan area in the San Francisco Bay Area. Further, the portion of the Bay area near the Specific Plan area is not subject to potential flooding by seiches, since the several levees and stretches of shallow water would minimize waves generated by a seiche. No areas of potential mud flow hazard, such as a volcano or hillside are located near the Specific Plan area. In summary, there would be no potentially significant impact from inundation by seiche, tsunami, or mudflow, and no mitigation would be necessary. The proposed modified project would have no new impact.

X. LAND USE AND PLANNING

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

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

The Dumbarton TOD Specific Plan identifies the project site as medium/high density residential. The land use designation for the project site in the 2013 Updated General Plan is high-density residential (HDR). Since adoption of the Specific Plan and 2013 Updated General Plan, the proposed land use for the proposed modified project has changed and is reflected in the City of Newark's Zoning Ordinance. The City of Newark zoning designation for the project site is Commercial Retail (R)/Form Base Code (FBC).

The land use proposed by the project for APN 092-0115-011 is not consistent with the Specific Plan or 2013 Updated General Plan, but is consistent with the City of Newark's Zoning Ordinance.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Land Use is discussed in Section 4.9 of the PEIR certified for the Dumbarton TOD Specific Plan and Section 8.X of the IS/MND for the SHH/FMC project (RBF 2011; FELIX 2014). The PEIR concluded that although the project would result in a change in the project area, the development would be required to comply with the Design Guidelines in the Specific Plan that would complement the surrounding land uses and would be an extension of existing commercial development in the vicinity. Therefore, the project would not disrupt or divide an established community. Further, the Dumbarton TOD would not result in a conflict with the City's General Plan land use strategy, the Bay Area Regional Smart Growth Strategy/Regional Livability Footprint Project, the San Francisco Bay Trail Plan, or the San Francisco Bay Plan.

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

EVALUATION OF LAND USE AND PLANNING

Question a: No new impact

The surrounding lots are currently vacant or under construction as part of the Specific Plan development area through the Dumbarton TOD, of which the proposed modified project is a part. The SHH/FMC IS/MND concluded that the proposed project would not physically divide an established community, and there would be no impact. The proposed modified project would have no new impact.

Question b: No new impact

The City of Newark zoning designation is Commercial Retail (R)/Form Based Code (FBC), which is consistent with the proposed land uses for the proposed modified project.

The commercial retail land use proposed for project site differs from the land use proposed in the Dumbarton TOD Specific Plan and 2013 Updated General Plan. Although the 2013 Updated General Plan designates the parcel as HDR, City approval of the project would resolve the designation inconsistency. The Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment. A revised Land Use Plan and revised Proposed Land Use Table will be submitted to the City for approval.

Consistent with the SHH/FMC IS/MND, the following project-specific measure will be implemented to reduce impacts to less than significant:

SHH/FMC Project-Specific Mitigation Measure LUP-01

The project applicant shall submit to the City of Newark for approval a revised Land Use Plan and revised Proposed Land Use Table supporting the adjustment to land uses on APN 092-0115-011.

Question e: No impact

No Habitat Conservation Plan or Natural Community Conservation Plan has been approved for the project area. Therefore, implementation of the proposed modified project would not conflict with any conservation plans, consistent with the SHH/FMC IS/MND. Therefore, no new impact would occur.

XI. MINERAL RESOURCES

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

As discussed in Section 1.2 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.XI of the IS/MND for the SUH/FMC Project, mineral resources issues were not addressed in the PEIR because it was determined based on substantial evidence that the project would have no impacts to mineral resources (RBF 2011; HELIX 2014).

EVALUATION OF MINERAL RESOURCES

Questions a, b: No new impact

The proposed modified project is not located in a zone of known mineral or aggregate resources. No active mining operations are present on or near the site. Implementation of the project would not interfere with the extraction of any known mineral resources. Thus, no new impacts would result, and no mitigation would be necessary.

XII. NOISE

	Potentially Significant Impact	Less Than Significant with Project-level Mitigation Incorporated	Less Than Significant Impact	No New Impact
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	■
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	■
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	■
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	☐	☐	☐	■
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

The predominant existing noise source in the vicinity of the proposed modified project is vehicular traffic on Willow Street. No commercial airports are located within two miles of the project site, though there are occasional overflights from aircrafts travelling to and from nearby airports. The nearest public airfields are San Carlos Airport located approximately 15 miles west of the project site, Mineta San Jose International Airport located approximately 20 miles southeast of the project site and Oakland International Airport located approximately 21 miles northwest of the project site. Potential noise impacts as a result of the proposed modified project

are those resulting from project construction and those from operational activities. Construction noise would have a short-term effect; operational noise would continue throughout the lifetime of the project. Development of the project would increase noise levels temporarily during construction and intermittently during operations of the residential uses.

CITY REGULATION OF THE NOISE ENVIRONMENT

The City of Newark General Plan Noise Element identifies noise and land use compatibility standards for various land uses. These standards are intended to provide compatible land uses throughout the community as related to environmental noise. Transient lodging, motels, and hotel land uses are considered "normally acceptable" in exterior noise environments of up to 65 dBA L_{DN}. Commercial land uses are considered "normally acceptable" in exterior noise environment of up to 70 dBA L_{DN}. The analysis conducted for this project evaluated the hotel.

The City of Newark General Plan Noise Element identifies interior noise standards of 45 dBA L_{DN} for hotel uses and 50 dBA L_{DN} for commercial land uses. Further, the noise criteria for hotel rooms should comply with the Noise Insulation Standards of the California Code of Regulations, Part 2, Title 24, which require a noise analysis for multi-family housing whenever exterior noise sources exceed 60 dBA (L_{DN}) or greater, to demonstrate that the interior noise level has been designed to limit interior noise to 45 dB (L_{DN}).

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

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

NOISE SENSITIVE LAND USES

There are no existing residential or other noise-sensitive land uses adjacent to the project site. The nearest residential developments are located approximately 800 feet north and northeast of the project site. A noise receptor is a specific location for an individual within a noise-sensitive land use development. The guest rooms and recreational areas within the planned hotel are considered noise-sensitive receptors. Future noise-sensitive land uses include a planned affordable housing project for seniors and multi-family housing to the south.

METHODS

Modeling of the outdoor noise environment for this report was accomplished using two computer noise models: Computer Aided Noise Abatement version 2017 (CadnaA) and Traffic Noise Model version 2.5 (TNM 2.5). CadnaA is a model-based computer program developed by *DataKustik* for predicting noise impacts in a wide variety of conditions. CadnaA assists in the calculation, presentation, assessment, and mitigation of noise exposure. It allows for the input of project information, such as noise source data, barriers, structures, and topography to create a detailed CadnaA model and uses the most up-to-date calculation standards to predict outdoor noise impacts. CadnaA traffic noise prediction is based on the data and methodology used in the TNM 2.5.

The TNM 2.5 was released in February 2004 by the U.S. Department of Transportation. The TNM 2.5 calculates the daytime average hourly noise level (HNL) from 3-dimensional model inputs and traffic data. The TNM 2.5 model used in this analysis was developed from Computer Aided Design (CAD) plans provided by the Project applicant. Input variables included road alignment, elevation, lane configuration, area topography, existing and planned noise control features, projected traffic volumes, estimated truck composition percentages, and vehicle speeds.

The model-calculated one-hour L_{EQ} noise output, which uses 8 to 10 percent of the average daily traffic (ADT) occurring during a peak hour, is the equivalent of the L_{DN} (Caltrans Technical Noise Supplement November 2009). If the peak-hour traffic is lower than 6 to 8 percent of the ADT, the 1-hour L_{EQ} may be converted to L_{DN} by adding 2 for the equivalent L_{DN}.

LEVELS OF SIGNIFICANCE

Construction Noise

The City of Newark Municipal Code is silent regarding construction noise standards or limitations. Therefore, consistent with the Dumbarton TOD Specific Plan PEIR, the Alameda County Code (Chapter 6.60, Noise) was utilized in this analysis. Section 6.60.070 (Special Provisions) and Section 6.60.120 (Construction) would apply to the proposed Project. Section 6.60.070(E) of the Alameda County Code prohibits construction activity between 7:00 p.m. and 7:00 a.m. Monday through Friday, and between 5:00 p.m. and 8:00 a.m. on Saturday or Sunday.

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

7:00 p.m. and that disturbs the comfort and repose of any person residing or working in the vicinity.

Construction Vibration

With respect to ground-borne vibration from construction activities, the Federal Transit Administration (FTA) has adopted guidelines/recommendations to limit ground-borne vibration based on the age and/or condition of the structures that are located in close proximity to construction activity. A technical discussion of vibration related to construction activity is provided in the FTA publication titled Transit Noise and Vibration Impacts Assessment (May 2006). As described therein, a ground-borne vibration level of 0.2-inch-per-second PPV should be considered as damage threshold criterion for structures deemed "fragile," and a ground-borne vibration level of 0.12-inch-per-second PPV should be considered as damage criterion for structures deemed "extremely fragile," such as historic buildings. With respect to structures that are considered "well engineered," a ground-borne vibration damage threshold criterion of 2.0-inch-per-second PPV is used. Therefore, consistent with the Dumbarton TOD Specific Plan PEIR, this analysis has assumed a conservative threshold of 0.2-inch-per-second PPV.

Operational Noise

Stationary Source Noise

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

Transportation Noise

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

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

- An increase of the existing ambient noise level by 1.5 dB or more, where the ambient level is greater than 65 dB L_{DN}.

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

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

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

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

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

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

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

EVALUATION OF NOISE

Questions a, c, d: No new impact

Construction Noise

Construction equipment would not all operate at the same time or location. A dozer and an excavator may be working on the site simultaneously, but would not be working in close proximity to one another at a given time due to the nature of their respective operations. Furthermore, construction equipment would not be in constant use during the eight-hour operating day. The analysis assumes that the grader, loader, and dozer would be in operation for 40 percent of a given hour during typical construction day.

The nearest noise-sensitive land uses to the proposed grading areas are adjacent to the project site to the south. Construction equipment is mobile and would be moving across the site throughout the construction period. For modeling purposes, the construction equipment was assumed to operate at a distance of 115 feet from the southern property line. Over the course of a day, equipment may be closer or farther than 115 feet from the nearest property line.

Based on these assumptions, the highest impact level for a grader, loader, and dozer at the nearest NSLU is 75 dBA L_{EQ}. Construction activity would occur within the specified hours and would not exceed the construction noise planning limits (75 dBA for an eight-hour average time period), and thus, no new impacts would occur.

Although no new noise impacts resulting from construction of the proposed project are anticipated, the Specific Plan measures 4.10-1a and 4.10-1b will be implemented, consistent with the SJH/FMC IS/MND.

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

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

Operational Noise

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

The primary operational noise source associated from the proposed project with the potential for noise impacts would be the cooling tower for the heating, ventilation, and air conditioning (HVAC) system.

Specific HVAC planning information for the project, including unit types, is not currently available. Analysis in this report is based on typical size and locations for HVAC used in similar facilities to the project's facilities. This analysis assumes internal HVAC systems with an exterior cooling tower similar to a Tower Tech Model 031975 unit. It was assumed that a single cooling tower would be located along the northeastern corner of the building. All rooftop equipment would be fully screened from public view by the architectural elements. Screening is assumed to be provided by a 5-foot parapet wall at the edge of the building which would provide some noise attenuation.

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

The noise generated by the cooling tower in continuous simultaneous operation would be approximately 36.6 dBA L_{EQ} at ground level at the adjacent future senior affordable housing development, and 37.4 dBA L_{EQ} at 20 feet above ground. No new impacts as a result of operational noise from the cooling tower unit would occur.

Off-site Noise

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

Transportation noise generated by the project is primarily from vehicular traffic noise. The maximum change in noise levels at off-site receivers between the Existing and Existing plus Project traffic conditions were modeled to be approximately 1 dBA (0.8 L_{DN}). Because the existing noise levels are less than 60 L_{DN}, Project-added traffic noise levels would need to increase existing noise by 5 L_{DN} for impacts to be considered significant. Therefore, no new Project traffic noise impacts would occur. No new cumulative noise increases associated with cumulative growth including the Project would occur.

On-site Noise

Impacts to the project from off-site transportation noise

Exterior-use areas for the hotel consist of a pool area on the third floor. This area would be located in a courtyard surrounded on all sides by the building structure. Therefore, no new impacts from transportation noise impacts to on-site exterior use areas occur due to shielding by the proposed building.

Exterior –to-interior analysis assumes a minimum 15 L_{DN} reduction from the outside to the inside of a structure, assuming standard building construction methods. Therefore, interior noise levels (which are required to be less than 45 L_{DN}) for hotels are assumed to be compatible with an exterior noise level up to 60 L_{DN}. Interior noise levels for commercial uses are required to be less than 50 L_{DN}, and are assumed to be compatible with an exterior noise level up to 65 L_{DN}.

Hotel room receivers adjacent to Willow Street would be exposed to a noise levels greater than 60 L_{DN}. Because exterior to interior planning generally assumes a minimum 15 L_{DN} reduction from the outside to the inside a structure, interior noise levels may exceed the 45 L_{DN} threshold for interior use areas. Thus, hotel rooms facing Willow Street may not be compatible with the future traffic noise levels without the implementation of noise reduction measures. Project implementation would result in a potentially significant traffic noise-related land use-noise compatibility impact. Interior noise levels

To mitigate this significant land use-noise compatibility impact, an interior noise analysis of proposed residences (specifically those fronting Willow Street) shall be completed prior to building permit issuance to determine the appropriate measures to be incorporated into the building design to ensure residential interior noise levels would be below 45 L_{DN}.

Consistent with the SHH/FMC IS/MND, the following project-specific mitigation measure will be implemented (tailored to the currently proposed project) to bring the noise levels to a less than significant level:

SHH/FMC Project Specific Mitigation Measure NOISE-02

- An interior noise analysis of proposed hotel rooms immediately adjacent to Willow Street shall be completed prior to building permit issuance to determine appropriate measures to be incorporated into the building design to ensure hotel room interior noise levels would be below 45 L_{DN}. These land use-noise compatibility measures shall include:

- *Where exterior noise levels are expected to exceed 60 L_{DN}, additional noise analysis per the City standards should be conducted. The information in the noise analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site hotel rooms. If predicted noise levels are found to be in excess of 45 L_{DN} for hotel rooms, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 L_{DN}. Glazing with Sound Transmission Control (STC) ratings from a STC 22 to STC 60 should be considered. In addition, walls with appropriate STC ratings (34 to 60) should be considered.*

- Appropriate means of air circulation and provision of fresh air must be present to allow windows to remain closed for extended intervals of time so that acceptable levels of noise can be maintained on the interior. The mechanical ventilation system shall meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2001 California Building Code).

Furthermore, the Specific Plan PEIR contains a measure (MMRP measure 4.10-4) requiring that the project applicant coordinate with the City's Public Works Director to change the posted speed limit along Willow Street between Thornton Avenue and Central Avenue to 25 miles per hour. This would contribute to a reduction in the traffic noise levels generated by the overall Dumbarton TOD. Willow Street improvements are being implemented under a separate project; therefore, the mitigation measure is not the responsibility of the SHH/FMC Project.

With implementation of the above SHH/FMC IS/MND and Specific Plan PEIR measures, no new impacts would occur.

Although the dominant noise source at the Project site is the vehicular traffic on Willow Street, the project is located approximately 730 feet from a railroad that may be used as a future transit and freight corridor. The railroad noise modeling estimate for the future rail use within the Dumbarton transit corridor assumes six daytime and four nighttime passenger trains and four nighttime freight trains. Under this assumption, the railroad has the potential for noise levels of 54 L_{DN} at the project assuming no rows of intervening structures. No new impacts from railroad noise would occur.

Question b: No new impact

No new construction or operational vibration impacts would occur. Furthermore, no structures deemed "fragile" or "extremely fragile" are located in the vicinity of the project. No new impacts would occur.

Question e, f: No new impact

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

XIII. POPULATION AND HOUSING

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

The proposed modified project would construct a mixed-use commercial development in an area planned for residential and commercial development in the City of Newark 2013 Updated General Plan. The proposed modified project would include the construction of an 8,300-square-foot market and 3-story hotel with a total of 146 hotel rooms. The proposed modified project would not include the construction of residential units.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Population and Housing is discussed in Section 4.11 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 4.XIII of the IS/MND for the SHH/IMC project (RBF 2011; HELIX 2014). The PEIR concluded that although the project would directly induce population growth in the City through new housing and businesses, the Specific Plan area is already planned for urban-level development and services, and would be phased so that buildout is achieved gradually over time. Impacts to population and housing were anticipated to be less-than-significant, and therefore no mitigation measures were required.

EVALUATION OF POPULATION AND HOUSING

Question a: No new impact

Implementation of the project would not result in the construction of residential units. The proposed modified project; therefore, would not induce substantial growth in the City of Newark, and no new impact would occur.

Questions b, c: No new impact

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

XIV. PUBLIC SERVICES

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

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

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

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

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Public Services is discussed in Section 4.12 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.XIV of the IS/MND for the SHH/FMC Project (RBF 2011; HELIX 2014). The PEIR concluded that the project would result in a population increase that would affect public services, and identified several required actions to ensure individual projects within the Dumbarton TOD would comply with development standards of public services and address additional costs. With implementation of the following actions, no mitigation measures would be required. Prior to issuance of building permits, the Alameda County Fire Department would be involved in the review of project plans and the project sponsor would be required to incorporate the department's requirements into the final project design as conditions of approval. The project applicant would be required to pay development impact fees for fire protection, police protection, and schools. The fee set by NUSD is $0.47 per square foot for retail, office, and commercial uses.

EVALUATION OF PUBLIC SERVICES

Questions a, b, c, d: No new impact

The project site is within the City of Newark and is part of a larger planned development for which public services have been evaluated for service adequacy. However, the PEIR prepared for the Dumbarton TOD Specific Plan assumed the project site would be developed with medium/high residential land uses. The SHH/FMC IS/MND proposed the project site (former FMC parcel) would be developed with commercial retail land uses. Even with the change in land use, the proposed modified project would not result in a significant increase in service demands or render the current service levels to be inadequate, consistent with the conclusion in the SHH/FMC IS/MND. The project applicant is required to involve the Alameda County Fire Department in reviewing the project plans and incorporate the department's requirements into the final project design. Further, the project applicant is required to pay development impact fees for fire protection, police protection, and schools. By coordinating with the Alameda County Fire Department, and paying the appropriate developer fees, the SHH/FMC IS/MND concluded that impacts to public services would be less than significant and no mitigation is necessary. The proposed modified project would have no new impact.

Question e: No new impact

To ensure that the wastewater services to the project site are adequate, the Specific Plan MMRP measure 4.12-2 will be implemented, consistent with the SHI/FMC IS/MND. Therefore, the proposed modified project would have no new impact.

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

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

XV. RECREATION

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

Recreation is discussed in Section 4.13 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.XV of the IS/MND for the SHH/FMC Project (RBF 2011; HELIX 2014). The project site is surrounded by several regional recreational resources located both within and outside of the City of Newark. The Don Edwards San Francisco Bay National Wildlife Refuge is a span of 30,000 acres that is located to the south and west of the project site. Coyote Hills Regional Park, which is managed by East Bay Regional Park District, is a 978-acre park located north of the project site. Ardenwood Historic Farm is located about 3.7 miles north of the project site. Several trails that connect to the San Francisco Bay Trail can be accessed near the project site, including the Newark Slough Trail, which is located approximately 2 miles northwest of the project site. Additionally, Willow Street and Central Avenue are unimproved connections to the San Francisco Bay Trail.

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

The City of Newark General Plan Recreation Element identifies policies, programs, and goals for recreational resources. In compliance with the Quimby Act (Section 66477 of State Government Code) the City of Newark General Plan goal for park and recreation dedications is 3.5 acres of

parkland per 1,000 residents. The City currently maintains a ratio of 3.47 acres of public parkland per 1,000 residents, which meets the General Plan goal.

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

The Dumbarton TOD Specific Plan PEIR (RBF 2011) concluded that the 16.3 acres of parkland and San Francisco Bay Trail connection that is proposed by the Specific Plan, as well as the regional open space available within the project vicinity, would provide future Specific Plan residents with ample opportunities to enjoy recreational facilities and open space, which would not increase the use or result in the deterioration of existing recreational resources.

EVALUATION OF RECREATION

Question a: No new impact

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

The IS/MND for the SIJH/FMC Project proposed to provide 0.17 acre of usable parkland as well as additional residential community areas in the townhome condominium neighborhood. An additional 0.29 acre of Biological Open Space would be protected from use by the public.

The quality and variety of the parkland and open space that could be provided by the Dumbarton TOD Specific Plan, which includes the proposed modified project, will encourage future residents to use recreational facilities within the Specific Plan area. Additionally, the regional open space located near the project site, along with a connection to the San Francisco Bay Trail on Willow Street will provide future residents with many opportunities to enjoy recreational resources and open space. The SIJH/FMC IS/MND concluded that the proposed project would result in a less than significant impact on existing neighborhood and regional parks or other

recreational facilities, and no mitigation would be necessary. The proposed modified project would have no new impact.

Question b: No new impact

The IS/MND for the SIH/FMC proposed to construct a 0.17-acre park in the townhome condominium neighborhood. Construction of the park and other recreational/community facilities could result in temporary increases in air emissions, dust, noise, and erosion from construction activities. The SIH/FMC IS/MND concluded that although environmental impacts could result from the construction of the park, impacts could be reduced to a less-than-significant level if construction–related mitigation measures are enforced. The proposed modified project would have no new impact.

The Specific Plan MMRP measures 4.2-1a and 4.2-1b (Air Quality), and 4.10-1a, 4.10-1b (Construction Noise) would reduce the environmental impact associated with the construction of additional recreational facilities to a less than significant level.

XVI. TRANSPORTATION/TRAFFIC

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

Transportation and Circulation were evaluated in Section 4.14 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.XVI of the IS/MND for the SBH/FMC Project (RBF 2011; HELIX 2014). Additionally, a project-specific trip transportation evaluation was conducted (Appendix D) to determine the proposed project's contribution to the traffic evaluated in the Specific Plan and to evaluate the project site circulation and access.

ACCESS AND PARKING

The proposed vehicular access and street design are described in detail in Section 3, *Description of Project*. The commercial development will be accessible directly from Enterprise Drive and Willow Street.

The proposed parking is also described in Section 3 and summarized here. A total of 118 parking stalls will be provided for the commercial development. A total of 87 parking spaces would be provided on the second level of the five-story commercial building and 31 parking spaces would be provided on-grade. The parking provided as part of the commercial development project would be shared between the retail store customers, hotel guests, and employees.

FIRE ACCESS

The minimum width available for driving or turning movements for fire trucks through the project site is 26 feet along Willow Street.

TRIP GENERATION

The proposed project is estimated to generate 1,360 daily external vehicle trips, 90 a.m. peak hour external vehicle trips, and 103 p.m. peak hour external vehicle trips (Fehr and Peers 2017). In comparison, the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) estimates that all land uses within the Specific Plan area will generate 14,131 daily external vehicle trips, 1,165 a.m. peak hour external vehicle trips, and 1,320 p.m. peak hour external vehicle trips. Therefore, the project's estimated contribution to the trips generated by the Specific Plan area is approximately ten percent for a typical weekday, eight percent for the a.m. peak hour, and eight percent for the p.m. peak hour. Refer to the memorandum containing the results of the traffic evaluation in Appendix D.

TRANSPORTATION SERVICES

The City maintains a network of pedestrian and bike trails throughout the city, in addition to a network of on-street bike lanes. Willow Street and Central Avenue are "unimproved

connections" to the San Francisco Bay Trail through the City of Newark. Additionally, the Newark Slough Trail is located approximately 2 miles northwest of the project site.

No private or public airports are located within the City of Newark. The nearest public airfields are San Carlos Airport located approximately 15 miles west of the project site, Mineta San Jose International Airport located approximately 20 miles southeast of the project site and Oakland International Airport located approximately 21 miles northwest of the project site. No private airports are located within 10 miles of the city.

EMERGENCY ACCESS

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

The Dumbarton TOD Specific Plan PEIR identified intersections in the Specific Plan area that would be impacted by buildout of the Dumbarton TOD. One of the intersections that would be impacted is the Willow Street/Enterprise Drive intersection which is adjacent to the northeast corner of the proposed modified project. The intersection is being designed to accommodate the Dumbarton TOD under a separate project in the Specific Plan area. Therefore, the mitigation measures that describe design options that address circulation abatement included in the PEIR does not apply to the SHH/FMC Project. The PEIR also contains a measure for the City to coordinate with AC Transit to improve bus service to the Specific Plan area. The PEIR identifies impacts to traffic on regional roadways in the project vicinity and includes a measure for project applicants to pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time the permits are sought (MMRP measure 4.14-8).

EVALUATION OF TRANSPORTATION/TRAFFIC

Questions a, b: No new impact

The proposed parking was evaluated consistent with City requirements and the Dumbarton TOD Specific Plan. The project is proposing approximately 35 percent fewer parking spaces than required by City code. Therefore, a Transportation Demand Management (TDM) plan was prepared to reduce traffic congestion, parking demand, and air pollution impacts (Appendix D).

With implementation of the TDM, peak parking demand on weekends would be reduced to 118 parking spaces. The proposed modified project would provide 118 parking spaces, and the project would have no new impact.

The Dumbarton TOD Specific Plan contains parking policies that are recommended to be incorporated into the proposed project design:

Policy C-18 encourages the adoption of parking standards that prevent oversupply through shared parking and reduced minimum off-street requirements. The proposed modified project has incorporated shared parking that is consistent with this policy. Policy C-13 recommends bicycle parking as part of a transportation demand management program. Policy C-28 encourages the adoption of minimum bicycle parking requirements for commercial projects. As well, the PEIR prepared for the Dumbarton TOD Specific Plan lists secure bicycle parking of at least one space per 20 vehicle spaces within retail and office portions of the SP area as a greenhouse gas emissions mitigation measure. The proposed modified project would supply six bike racks which exceeds the standard listed in the Dumbarton TOD Specific Plan PEIR.

Implementation of the proposed modified project would result in an increase in traffic on Willow Street and Enterprise Drive, and buildout of the overall Specific Plan will result in significant and unavoidable impacts to the intersection at Willow Street and Enterprise Drive. However, the intersection is being evaluated and designed to accommodate the traffic generated by the Specific Plan buildout under a separate project in the Specific Plan area and is not the responsibility of the project applicant. Although the proposed modified project would result in a relatively small increase in trips generated in the area in relation to the capacity of nearby streets, the project is consistent with the Specific Plan and the General Plan, and would not conflict with the City's operational standards as projected under those plans. The PEIR prepared for the Dumbarton TOD Specific Plan identifies impacts to regional traffic significant and unavoidable. The proposed modified project's contribution to traffic impacts would be less than significant and would not exceed the impacts already identified in the PEIR. Consistent with the IS/MND for the SITH/FMC project, the following measure contained in the PEIR prepared for the Dumbarton TOD Specific Plan would be implemented to minimize impacts on regional traffic.

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

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

Question c: No new impact

No private or public airports are located within the City of Newark. The nearest public airfields are 15, 20 and 21 miles from the proposed modified project. No private airports are located within 10 miles of the project site. The proposed modified project would not result in modification to any air travel route. There would be no new impact.

Question d: No new impact

The proposed modified project would construct one new driveway accessing Enterprise Drive and one new driveway accessing Willow Street for the proposed commercial development. Consistent with the IS/MND for the SHH/FMC Project, the proposed modified project would modify Enterprise Drive and Willow Street by introducing additional access points, which is consistent with the existing access of developed areas in the vicinity and the proposed access of the Specific Plan area. The project would not require additional modification to the roadways (e.g. re-alignment) other than already identified in the PEIR prepared for the Dumbarton TOD Specific Plan (RBF 2011) that will be conducted by others through the Specific Plan buildout. Therefore, the proposed modified project would have no new impact and no mitigation would be necessary.

Question e: No new impact

No aspect of the proposed modified project would modify streets currently used for emergency access or preclude their continued use as an emergency evacuation route. The project design has incorporated fire access elements to ensure adequate emergency access to the site. The plans would be approved by the City of Newark Fire Department prior to project implementation, consistent with the IS/MND for the SHH/FMC project; therefore, no new impact would occur, and no mitigation would be necessary.

Question f: No new impact

Consistent with the IS/MND for the SHH/FMC project, the proposed modified project would not result in any modification of, or interference with, any pedestrian, bicycle, or transit facility. Because the project would not result in the modification of any existing facility, and would not result in any interference with such facilities, there would be no new impact, and no mitigation would be necessary.

XVII. UTILITIES AND SERVICE SYSTEMS

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

The project area is served by the following service providers:

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

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

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

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

IMPACTS AND MITIGATION MEASURES FROM PREVIOUS RELEVANT ENVIRONMENTAL DOCUMENTATION

Utilities are discussed in Section 4.12 of the PEIR prepared for the Dumbarton TOD Specific Plan and Section 8.XVII in the IS/MND for the SITH/FMC Project (RBF 2011; HELIX 2014). The PEIR concludes that the project would result in a population increase that would affect utilities. The PEIR states that policies would be included in the General Plan to address wastewater services for the Dumbarton TOD, and implementation of Mitigation Measure 4.12-2 would reduce impacts to the wastewater system to less than significant. The measure requires that individual projects within the Dumbarton TOD shall determine proposed new connections outside of those included in the Union Sanitary District Master Plan, and those improvements will be installed prior to issuance of a building permit. The City and Union Sanitary District shall verify that any necessary improvements will be available prior to occupation of those new residential dwelling units for which the improvements are needed.

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

EVALUATION OF UTILITIES AND SERVICE SYSTEMS

Questions a, b, e: No new impact

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

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

The 2013 Updated City of Newark General Plan policies address wastewater services for the Dumbarton TOD Specific Plan. The SHH/FMC IS/MND concluded that these policies, in addition to the implementation of Mitigation Measure 4.12-2, would reduce the impacts of the wastewater system to a less than significant level. The proposed modified project would have no new impact.

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

Mitigation Measure 4.12-2 requires that additional improvements and connections beyond those included in the Union Sanitary District Master Sewer Plan shall be determined by individual projects within the Specific Plan area. Those improvements shall be installed prior to the issuance of a building permit. Implementation of this mitigation measure will reduce impacts to wastewater to less than significant.

Question c: No new impact

As described in Section 8.IX, *Hydrology* of this IS, to ensure the storm water system can adequately accommodate the proposed modified project, the following mitigation measure from the Dumbarton TOD Specific Plan PEIR would be implemented.

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

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

Implementation of this measure would be consistent with the IS/MND for the SHH/FMC project and no new impact would occur.

Question d: No new impact

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

Under normal precipitation conditions, the water supply is projected to meet the Specific Plan area's demand. However, in the future, water supply to the Specific Plan area, including the project site may be cut back because of shortages during dry years. These cut backs would depend on the severity of the dry-year shortage and would be consistent with the rest of the ACWD's service areas. According to the WSA, during critically dry years the ACWD would secure additional water supply through the Department of Water Resources, and, if necessary, would implement a drought contingency plan to cut back on water use. This would ensure the project would have sufficient water supply during drought years.

The SHI/FMC IS/MND concluded that compliance with the requirements provided in the WSA will ensure that there will be sufficient water supply to serve the Specific Plan area. Therefore, there would be a less than significant impact and no mitigation would be necessary. The proposed modified project would have no new impact.

Questions f and g: No new impact

Republic Services, Inc. currently provides the City of Newark with solid waste refuse, recycling, and hazardous materials collection services. After being processed at a facility in San Leandro, waste from the city is hauled to the privately-owned Altamont Landfill located in Livermore. The Altamont Landfill will serve the Dumbarton TOD Specific Plan area, which includes the project modified project. The Altamont Landfill has a permitted capacity of approximately 124 million cubic yards. Approximately 52.6 percent of this capacity has been used and approximately 48.4 percent remains. The landfill is estimated to cease operation in 2025 (CalRecycle 2017).

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

materials, which will help reduce the amount of solid waste entering the Altamont Landfill and would extend the lifetime of the landfill.

The SHH/FMC IS/MND concluded that because the landfill serving the project area is of sufficient capacity to accommodate solid waste needs, the impact would be less than significant and no mitigation would be necessary. The proposed modified project would have no new impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

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

Question a: No new impact

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

Question b: No new impact

While the project would indirectly contribute to cumulative impacts associated with increased urban development in the city and region, these impacts have previously been evaluated in the PEIR prepared for the Dumbarton TOD Specific Plan, and are incorporated into the City of Newark's 2013 Updated General Plan. The PEIR concluded that development of the project site as allowed under the Dumbarton TOD Specific Plan may contribute to significant cumulative impacts as a result of contribution to the loss of vegetation and wildlife resources, impacts to cultural resources, seismic or soils hazards, greenhouse gas emissions, hazardous materials, hydrology and water quality, and noise levels. With implementation of the measures set forth in this Initial Study (and as previously analyzed in the PEIR and SJH/FMC IS/MND), cumulative impacts as a result of the Dumbarton TOD would be less than significant. No additional cumulative impacts as a result of the proposed modified project are identified.

Question c: No new impact

As outlined in other sections of this Initial Study, the project will adhere to mitigation measures previously prescribed in the Dumbarton TOD Specific Plan PEIR for potentially significant impacts to air quality, biological resources, cultural resources, seismic or soils hazards, greenhouse gases, hazardous materials, hydrology drainage and water quality, noise, wastewater treatment, regional traffic congestion and the stormwater system. These impacts have been reduced to a level of significance at both the project and cumulative level through project design and mitigation measures. Implementation of the proposed modified project will not result in substantial adverse effects to human beings either directly or indirectly.

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