

GATEWAY STATION WEST

**SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
(State Clearinghouse No. 2014082022)**

MITIGATION MONITORING AND REPORTING PROGRAM

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

December 2015

**GATEWAY STATION WEST
MITIGATION MONITORING AND REPORTING PROGRAM
SCH#: 2014082022**

1.0 INTRODUCTION

Mitigation Monitoring and Reporting Programs (MMRPs) are required by the California Environmental Quality Act (CEQA) Public Resources Code Section 21081.6 to be incorporated into the final Environmental Impact Reports (EIRs) for projects having the potential to cause significant environmental impacts. MMRPs must be adopted upon certification of an environmental document to ensure that the mitigation measures identified within it are implemented.

The City of Newark (City) has prepared this MMRP for the proposed project. The City will use this MMRP, which incorporates all mitigation measures identified in the Gateway Station West Project Final Supplemental Environmental Impact Report (Final SEIR), to track mitigation compliance.

The MMRP identifies: the entity responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, and the monitoring and reporting schedule. A record of the MMRP will be maintained at the City Community Development Department, 37101 Newark Boulevard, Newark, CA, 94560

MMRP FORMAT AND IMPLEMENTATION

Mitigation measures that would reduce or eliminate potential environmental impacts of the proposed project were identified in the EIR and associated Findings will become conditions of project approval if the proposed project is approved. City staff are required to verify that all adopted mitigation measures are implemented properly. To ensure compliance, this MMRP (including checklists) has been formulated. Upon project approval, it shall be adopted by the City as CEQA Lead Agency (as will CEQA Findings), and will be administered by City personnel from the City Community Development Department and Public Works Department. Specific responsibilities are delineated in the attached checklist tables. These responsibilities may be delegated to qualified City staff or consultants. No authorization to commence any activity on site shall be granted except with the concurrence of the respective City departments.

This MMRP includes mitigation measures that will minimize or avoid impacts to:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Noise
- Transportation/Traffic

The City will monitor and report on the implementation of these mitigation measures as specified in the following pages. The checklist which follows is intended to be used by the applicants, grading/construction contractors, and personnel from the above-listed City departments, or City appointed consultants, as appropriate, as the mitigation implementation and monitoring entities. Information contained within the checklist clearly identifies each mitigation measure, defines the conditions required to verify compliance and delineates the monitoring schedule. Following is an explanation of the six columns that constitute the MMRP checklist.

- Column 1 Task to Be Completed/Mitigation Measures: States each task or mitigation measure to be completed.
- Column 2 Responsible Department/Staff for Monitoring: Identifies the department/staff as responsible party. The City may assign specific monitoring tasks to City staff or consulting specialists, as appropriate, who will then be responsible for determining compliance with each mitigation measure and informing the Community Development Department regarding compliance.
- Column 3 Timing/Phase: Identifies the timing of each mitigation monitoring (e.g., prior to grading).
- Column 4 Completion/Compliance Initials/Date: Initials of person verifying completion or compliance of task or mitigation measure and notation regarding the date of verification.
- Column 5 Comments: Space provided for brief additional comment, or reference to an attached comments page (see Column 6), as appropriate.
- Column 6 Additional Comment Sheet Provided: To be checked if additional comments are provided on the attached Additional Comments sheet.

Two additional sheets are attached to the MMRP checklist, Additional Comments and Responsible Parties:

Additional Comments: Provides additional space for lengthier comments.

Responsible Parties: Identifies the name, initials, department/division and title of persons verifying completion or compliance of tasks and mitigation measures.

During the implementation of the proposed project, minor changes may be made to the MMRP as appropriate based on field conditions, environmental permit requirements and/or construction requirements. It is not anticipated that these changes would require the preparation of a subsequent or supplemental EIR pursuant to State CEQA Guidelines Sections 15162 and 15163. If such should occur, additional CEQA review would be completed by the City.

In addition to the mitigation measures listed below, five sections within the environmental analysis of the EIR (Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Hydrology/Water Quality) address project design features and/or regulatory conformance that will help the City avoid or minimize potential environmental

effects. These include design measures to mitigation erosion/sedimentation incorporated into permits from the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and the California Department of Fish and Wildlife (CDFW), as well as implementation of a Storm Water Pollution Prevention Plan (SWPPP). These project elements are also itemized in the attached MMRP as project design measures/permits that minimize impacts.

The City of Newark adopted this MMRP on **xx, 2016. (Date to be confirmed)**

MITIGATION, MONITORING AND REPORTING PROGRAM/

PROJECT NAME: Gateway Station West Project **SCH#:** 2014082022

PROJECT LOCATION: Dumbarton TOD Specific Plan area at the western edge of the City **APPROVAL BODY/DATE:** City of Newark/ xx, 2016

PROJECT MANAGER: Terrence Grindall, Assistant City Manager/Community Development Director **PHONE NUMBER:** 510-578-4208

APPLICANT CONTACT: Glenn Brown, Vice President **Email:** Terrence.grindall@newark.org
Dumbarton Area 2, LLC **PHONE NUMBER:** 925-984-7137

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Compliance Activities						
Pre-Construction Meeting with Contractor/Team	City Community Development Department/ Contractor	Contract Award				
Environmental Compliance Review	City Public Works Department, Contractor	Safety Review				
Project Design Measures/Permits that Avoid/Minimize Impacts						
Water Quality Permits						
P-1. Existing regulatory permit requirements and standard industry design/construction guidelines, erosion control plans (NPDES BMPs) shall be implemented to avoid or reduce all identified hydrology and water quality effects to below a level of significance. Appropriate language shall be noted on the plans.	City Planning and City Community Development Department	Implementation prior to and during construction				
P-2. USACE Section 404 Individual Permit shall be obtained	City Planning and City Community Development Department	Design/Prior to grading				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Project Design Measures/Permits that Avoid/Minimize Impacts (cont.)						
Water Quality Permits (cont.)						
P-3. RWQCB Section 401 Water Quality Certification shall be obtained	City Planning and City Community Development Department	Design/Prior to grading				
P-4. CDFW Section 1602 Streambed Alteration Agreement shall be obtained	City Planning and City Community Development Department	Design/Prior to grading				
Aesthetics Design Considerations						
Compliance with the Site and Architectural Design Guidelines, policies of the General Plan and regulations in the Municipal Code are required	City Community Development Department	Design/Confirmation during construction				
Air Quality and Greenhouse Gas Considerations						
Air quality design features include several requirements of the California Green Building Code (CALGreen) and Green Point Rated Program to increase energy efficiency and reduce area source pollutants. These features include, but are not limited to, the following:	City Planning, Building Inspection and Public Works	During final design and project construction				
<ul style="list-style-type: none"> • Energy efficiency of at least 20 percent beyond Title 24 • Sustainably designed plumbing systems and low-flow water fixtures • Efficient mechanical and electrical equipment, appliances, and lighting fixtures. • Low-water landscape irrigation system • Low-water landscape practices such as use of soil amendments and top dressing for moisture retention, and placing trees to reduce heat gain on hard surfaces • Weather- or soil-moisture-based irrigation controllers • Drought-tolerant landscaping • Low-VOC flooring, paint, and construction adhesives • Low-VOC insulation 						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Project Design Measures/Permits that Avoid/Minimize Impacts (cont.)						
Water Quality Permits (cont.)						
<ul style="list-style-type: none"> Natural gas fireplaces Shade trees in parking areas and throughout project site Cool roof materials (albedo/reflectivity greater than or equal to 30) Smart meters and programmable thermostats Roof anchors and wiring for solar panel installations Residences would be within walking distance (0.25-mile) from a proposed transit station Maximum interior daylight Secure bike parking (at least 1 bicycle space per 20 vehicle spaces) Information on transportation alternatives would be provided to the public (i.e., bike maps and transit schedules) 						
<p>Control measures during project construction that would be implemented to be consistent with the Dumbarton TOD Specific Plan EIR would include, but not be limited to, the following:</p> <ul style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day in order to maintain a minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. All haul trucks transporting soil, sand, or other loose material off site shall be covered. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. All vehicle speeds on unpaved roads shall be limited to 1.5 miles per hour (mph). 	City Planning and Public Works	During construction				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Project Design Measures/Permits that Avoid/Minimize Impacts (cont.)						
Water Quality Permits (cont.)						
<ul style="list-style-type: none"> Roadways, driveways, and sidewalks will be paved early in construction phasing to minimize fugitive dust. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time of diesel powered construction equipment to two minutes. Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas and watered appropriately until vegetation is established. Wind breaks should have at maximum 50 percent air porosity. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas and watered appropriately until vegetation is established. The simultaneous occurrence of excavation, grading and ground disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Project Design Measures/Permits that Avoid/Minimize Impacts (cont.)						
Water Quality Permits (cont.)						
<ul style="list-style-type: none"> All trucks and equipment, including their tires, shall be washed off prior to leaving the site. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel. Sandbags or other erosion-control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) will achieve an USEPA Tier 2 or better engine standards for off-road engines. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology (such as Tier 2 or better engine standards and diesel particulate filters) for emission reductions of NO_x and PM. 						
The project proposes to recycle, and/or salvage for reuse, a minimum of 75 percent of the non-hazardous construction debris.	City Planning, Building Inspection and Public Works	During construction				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Project Design Measures/Permits that Avoid/Minimize Impacts (cont.)						
Hazards and Hazardous Materials						
Transport and disposal of hazardous materials would be carried out consistent with applicable regulatory requirements, including the federal Hazardous Materials Transport Act and pertinent requirements of the SWRCB/RWQCB, DEH, California DTSC, Caltrans, California Highway Patrol, and BAAQMD.	City Planning	During construction and implementation, as appropriate				
Mitigation Measures						
General Requirement for all Mitigation Measures - Conditions of Approval						
All mitigation measures identified within this MMRP shall be made Conditions of Approval during consideration of the Project by the City Council.	City Council to approve, Planning Division to check plan conditions	During Project approval and prior to approval of final plans.				
Air Quality						
MM 4.2-1a: Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with the BAAQMD CEQA Air Quality Guidelines, the following basic construction mitigation measure shall be implemented for the Gateway Station West Project. A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	City Public Works Director and Building Inspection Division, Project Construction Contractor	Prior to issuance of any grading permit. Site visits to ensure sign presence during demolition, grading and construction.				
MM Air-1: Tier 4 Off-road Construction Equipment. Prior to issuance of any Grading Permit, the Public Works Director and the Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that all diesel-powered off-road equipment used during the grading phase shall meet Tier 4 final off-road emissions standards. A copy of each unit's certified Tier specification shall be provided to the City Building Department at the time of mobilization of each applicable unit of equipment.	City Public Works Director and City Building Inspection Division	Prior to mobilization of each piece of equipment. Monitoring to occur during construction.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Biology						
<p>MM BIO-1: The results of rare plant surveys are typically considered valid for two blooming seasons after the surveys are conducted. If development of the site commences prior to the end of summer of 2017, no further mitigation measure is required for special-status plant species. If development of the site does not commence prior to the end of summer of 2017, rare plant surveys should be re-conducted to verify presence/absence of special-status plant species.</p> <p>If special-status plants are found in the project site and/or off-site improvement areas, project development plans shall consider avoidance to the extent practicable. If avoidance is not practicable while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be implemented as detailed below. A mitigation compliance report shall be submitted to the City planning staff or staff biologist at least 30 days prior to ground disturbance. The compliance report shall detail the avoidance and other mitigation measures that have been implemented by the project. The City may approve grading/site disturbance in a quicker timeframe than 30 days if compliance with the mitigation measures can be verified by the City sooner than 30 days.</p> <p>The following measures shall be implemented if special-status plants are found in the project area during subsequent survey(s) prior to site disturbance:</p> <ul style="list-style-type: none"> Initially the feasibility of avoidance shall be evaluated as noted above. If avoidance is not feasible, a mitigation plan shall be developed in consultation with CDFW personnel if it is a state listed (i.e., protected pursuant to the CESA) or a CNPS List 1B or List 2 plant. If the plant is state 	<p>Project applicant (to hire qualified biologist/botanist), qualified biologist/botanist, and City Planning.</p>	<p>Only if site development commences after summer 2017, and then to occur prior to site grading/ground disturbance.; including hiring, survey, report preparation and submittal and mitigation implementation.</p> <p>If federally listed plants are located, notification to USFWS must occur within 5 days.</p> <p>Annual monitoring to be completed of re-seeded/transplanted area for five years, with reports submitted to CDFW and/or</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology</p> <p>listed, an incidental take permit (i.e., a 2081 Agreement) shall be acquired for the project from CDFW prior to any grading within the project area. A copy of the permit shall be provided to the appropriate department within the City prior to any grading within the project area. Any conditions for the project established by CDFW in the 2081 Agreement shall become conditions of the project also enforceable by the City.</p> <ul style="list-style-type: none"> If the plant is federally listed (i.e., protected pursuant to FESA), the project sponsor shall formally notify the USFWS within five days of the finding. As required in practice by the USFWS, an "incidental take" permit may be necessary from the USFWS for any proposed impacts on any federally listed plants found within the project site. A copy of this permit or a letter from the USFWS that otherwise states this agency is satisfied with the avoidance and/or mitigation measures shall also be provided to the appropriate department at the City prior to the time the project site can be graded. If a plant is found on the project site that is a CNPS List 1B or 2 species, and the species is not otherwise protected pursuant to state or federal regulations, prior to construction within the project area, a qualified botanist shall collect the seeds, propagules, and top soils, or other part of the plant that would ensure successful replanting of the population elsewhere. The seeds, propagules, or other plantable portion of all plants shall be collected at the appropriate time of the year. Half of the seeds and top soils collected shall be appropriately stored in long-term storage at a botanic garden or museum (for example, Rancho Santa Ana Botanic Garden). The other half of the seeds, propagules, or other plantable portion of all plants shall be planted at the appropriate time of year 			USFWS as appropriate prior to December 1 of each year. If this effort fails, further re-seeding, monitoring and reporting would occur for an additional three years.			

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.) (late-fall months) in an area of the subject property or off-site, protected property that will not be impacted by the project (if the project has a designated off-site mitigation site for impacts on other special-status species, the plants can be seeded on the mitigation site). This area shall be fenced with permanent fencing (for example, chain link fencing) to ensure protection of the species. The applicant shall hire a qualified biologist to conduct annual monitoring surveys of the transplanted plant population for a five year period and shall prepare annual monitoring reports reporting the success or failure of the transplanting effort. These reports shall be submitted to the City and appropriate resource agency (CDFW and/or USFWS) no later than December 1st of each monitoring year.</p> <ul style="list-style-type: none"> • If the seeding/transplanting effort fails, the stored seeds and top soils can be taken out of long-term storage and sown in another location (either on site or off site) deemed suitable by CDFW. This seeding effort shall then be monitored for an additional three-year period to ensure survivorship of the new population. Annual monitoring reports shall be submitted to the City for the three-year period. • A CNDDB form shall be filled out and submitted to CDFW for any special-status plant species identified within the project site. Any mitigation plan developed in consultation with CDFW shall be implemented prior to the initiation of grading or issuance of a development permit. • In lieu of the above-prescribed mitigation, as allowed in writing by the City (for CEQA protected species only) and/or CDFW (for CEQA and/or state listed species), mitigation requirements may be satisfied via the purchase of qualified mitigation credits or the 						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.) preservation of off-site habitat. If the species in question is federally listed, then USFWS would also have to agree in writing, typically through issuance of a Biological Opinion, that the purchase of qualified mitigation credits or the preservation of off-site habitat would constitute satisfactory mitigation.</p>						
<p>MM BIO-2: Pre-construction surveys for western burrowing owl shall be conducted in accordance with the CDFW 2012 protocol by a qualified biologist prior to ground disturbance (including grading, clearing and grubbing, brush removal, or any other ground disturbance) as described below to ensure there are no impacts on burrowing owls as a result of the proposed project.</p> <p>The initial survey shall be conducted in the 30-day period prior to ground disturbance associated with the project, but no less than 14 days prior to the initiation of ground disturbance. Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) shall be counted and mapped. Surveys shall be conducted by walking all suitable habitat on the entire project area and (where possible) in areas within 150 meters (approximately 500 feet) of the project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be systematically spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be no more than 20 meters (approximately 100 feet) and shall be reduced to account for differences in terrain, vegetation density, and</p>	Project applicant (to hire qualified biologist, qualified biologist, and City Planning	Survey(s) to occur prior to ground disturbance. If burrowing owls are found on site, mitigation must be implemented prior to ground disturbance. Monitoring required during construction. Annual monitoring reports for five years to be submitted to CDFW prior to December 31 of each year.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>ground surface visibility. If no suitable burrowing owl habitat is present, no additional surveys will be required. If suitable burrows are determined to be present on the site, a qualified biologist will visit the site an additional three times to investigate whether owls are present where they could be affected by the proposed activities. The final survey shall be conducted within the 24-hour period prior to the initiation of construction.</p> <p>If burrowing owl is present during the non-breeding season (generally September 1 through January 31), a buffer of 50 meters (approximately 160 feet) shall be maintained around the occupied burrow(s), if practicable. If maintaining such a buffer is not feasible, then the buffer must be great enough to avoid injury or mortality of individual owls, or the owls shall be passively relocated in coordination with CDFW. If burrowing owl is detected on the site during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 250-foot buffer shall be required between the nest site(s) (i.e., the active burrow[s]) and any earth-moving activity or other disturbance in the project area. This 250-foot buffer could be decreased to 160 feet once it is determined by a qualified burrowing owl biologist that the young have fledged (that is, left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified burrowing owl biologist.</p> <p>If burrowing owl is found on the project site, a qualified biologist shall delineate the extent of burrowing owl habitat on the site and a Mitigation Plan shall be prepared in consultation with CDFW for review and approval by the City. The Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of</p>						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.) California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes shall be the responsibility of the applicant for at least five years. An annual report shall be prepared for submittal to CDFW and the City by December 31 of each monitoring year. Contingency measures for any anticipated problems shall be identified in the plan. Compensatory mitigation shall consist of providing 6.5 acres of replacement habitat which shall be protected in perpetuity per pair of burrowing owls, or unpaired resident bird. Such a set-aside would offset permanent impacts on burrowing owl habitat. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFW. Land identified to offset impacts on burrowing owls shall be protected in perpetuity by a suitable property instrument (e.g., a conservation easement or fee title acquisition).</p>						
<p>MM BIO-3: In order to avoid impacts to northern harrier or other nesting raptors, a nesting survey shall be conducted within the project site prior to commencing with earth-moving or construction work if this work would occur during the raptor nesting season (between February 1 and August 31). The raptor nesting survey shall include examination of all trees on or within 300 feet of the entire project site, not just trees slated for removal, since ground vibrations and noise from earth-moving equipment can disturb nesting birds and potentially result in nest abandonment. Areas within 300 feet of the project site shall be surveyed on foot if</p>	Project applicant (to hire qualified raptor biologist), qualified raptor biologist and Planning Division	If work would occur between February 1 and August 31, survey to occur prior to grading/construction. Biological monitoring of buffers to occur during grading				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>accessible or from within the project site or publicly accessible areas by scanning the surrounding land with the aid of binoculars. Since northern harriers are ground nesting raptors, the nesting surveys will include systematic walking transects of accessible, suitable nesting habitat within 300 feet of the project site.</p> <p>If nesting raptors are identified during the surveys, orange construction fence shall be installed to establish a 300-foot radius around the nest unless a qualified biologist determines that a lesser distance will adequately protect the nest (refer to discussion below for more detail). If the tree or nest is located off the project site, then the buffer shall be demarcated per the above where the buffer intersects the project site.</p> <p>The size of the non-disturbance buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to nesting raptors. If the buffer is reduced, the qualified raptor biologist shall remain on site to monitor the raptors' behavior during heavy construction in order to ensure that the reduced buffer does not result in take of eggs or nestlings.</p> <p>No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 31. This date may be earlier or later, and shall be determined by a qualified raptor biologist. If a qualified biologist is not hired to monitor the nesting raptors then the full 300 foot buffer(s) shall be maintained in place from February 1</p>		and construction, as appropriate.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.) through the month of August. The buffer may be removed and work may proceed as otherwise planned within the buffer on September 1.</p> <p>MM BIO-4: To avoid impacts on nesting passerines and other migratory birds, a nesting survey shall be conducted in the project site and areas within 100 feet of the site prior to commencing initial earth-moving or construction work if this work would occur during the passerine nesting season (between March 1 and September 1). Areas within 100 feet of the project site shall be surveyed on foot if accessible or from within the project site or publicly accessible areas by scanning the surrounding land with the aid of binoculars.</p> <p>The nesting surveys shall be completed approximately 15 days prior to commencing work. If special-status birds are identified nesting on or near the project site, a 100-foot radius around all identified active nests shall be demarcated with orange construction fencing to establish a non-disturbance buffer. If an active nest is found off site, the intersecting portion of the buffer that is on site shall be fenced. No construction or earth-moving activity shall occur within this 100 foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones.</p> <p>If common (that is, not special-status) birds, for example, red-winged blackbird, are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified biologist. The buffer shall be demarcated with orange construction fencing. Disturbance around an active nest shall be postponed until it is determined by the qualified biologist that the young have fledged and have attained sufficient flight skills to leave the area.</p>	Project applicant (to hire qualified biologist), qualified biologist and Planning Division.	<p>If work would occur between March 1 and September 1, nesting surveys to be completed 15 plus days prior to grading/construction.</p> <p>Biological monitoring of buffers to occur during grading and construction, as appropriate.</p> <p>Buffers to remain in place until August 1 unless earlier removal is approved by the qualified biologist, City project planner and CDFW staff.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>Typically, most birds in the region of the project site are expected to complete nesting by August 1. However, in the region many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until August 1 unless a qualified biologist determines that the young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1, the biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the City project planner and CDFW prior to the time that buffers are removed if the date is before August 1.</p> <p>Existing vegetation along the tops of the banks of the north/south drainage ditch through the open space area that provides potential nesting habitat for saltmarsh common yellowthroat and other nesting passerines, as determined by a qualified biologist, shall be protected from removal during site remediation activities.</p>						
<p>MM BIO-5:</p> <p>A verification of/concurrence with the 2015 wetland delineation must be obtained from the USACE.</p> <p>Authorization from the USACE and the RWQCB (for example, an Individual Permit and a 401 Water Quality Certification) shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project site off-site improvement areas.</p> <p>Impacts shall also be minimized by the use of BMPs to protect preserved waters of the U.S./State and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed. These practices can include installing orange construction fencing buffers, straw waddles to keep fill from entering</p>	City Planning to track/confirm permit.	Submittal of 2015 wetland delineation to occur prior to project approval at the second City Council hearing on the project. Permits to be obtained prior to project disturbance of on- or off-site wetlands.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>preserved/avoided wetlands and other waters, and other protective measures. During project construction, a biological monitor shall be on site to monitor the integrity of any preserved wetlands and other waters during mass grading or filling of the project site or off-site improvement areas.</p> <p>For those wetland areas that are not avoided by project construction, compensatory mitigation shall be provided. As approved by the USACE, the project applicant may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a 1:1 ratio.</p> <p>As an alternative to the purchase of credits in a mitigation bank, wetlands may be created on site and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement). If wetlands cannot be created in kind and on site, other alternatives shall include off-site and/or out-of-kind mitigation. In any case, mitigation requirements for wetland areas that are not avoided shall be that all impacted wetlands are replaced at a minimum 1:1 ratio (for each square foot of impact, one square foot of wetland would be restored/created) or at a ratio determined by the USACE at the time permits are issued. Mitigation requirements will be based upon the existing conditions of the wetlands impacted. Where practicable, wetland plant/animal populations shall be relocated prior to disturbance from the impacted wetlands to any re-created wetlands. Topsoils shall also be removed from impacted wetlands if practicable, and placed into any re-created wetlands. These topsoils would contain a seed bank of the impacted plant species which would germinate with fall/winter hydration of the re-created wetlands.</p>		<p>If required, wetland plant/animal relocation to occur prior to site disturbance.</p> <p>Annual monitoring reports for five years to be submitted to the City, RQOCB and USACE at the end of each monitoring year.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>If wetlands are restored/created, adequate compensation shall include creating wetlands at a suitable location that meet the following performance standards:</p> <ul style="list-style-type: none"> • The wetlands shall remain inundated or saturated for sufficient duration to support a predominance of hydrophytic vegetation. • The wetlands shall exhibit plant species richness comparable to affected wetlands. • The wetlands shall replace the lost wetlands at a minimum ratio of one acre created for each acre, or fraction thereof, permanently impacted. • The developer shall provide for the protection of the mitigation areas in perpetuity either through a permanent protection device such as a restrictive covenant or conservation easement. • The developer shall establish a five-year program to monitor the progress of any restored or created wetland mitigation, other than Mitigation Bank Credits, toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, and the USACE. This report shall document the hydrological and vegetative condition of the mitigation wetlands, and shall recommend remedial measures as necessary to correct deficiencies. <p>The USACE and other regulatory agencies generally require that wetlands not impacted by the proposed project and any new wetlands created to mitigate project impacts be set aside in perpetuity, either through deed restrictions or conservation easements. See the avoidance and minimization measure regarding the open space area (MM BIO-9).</p>						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Biology (cont.)						
MM BIO-6: A Streambed Alteration Agreement shall be obtained for impacts to habitats regulated by CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Measures required by the Streambed Alteration Agreement shall be implemented as a condition of project approval and prior to ground disturbance affecting the drainage ditches and associated vegetation regulated by CDFW. A "no net loss" of bed, banks, and channels of the regulated waterways permanently lost as a result of the project shall be achieved with this mitigation measure.	City Planning	Prior to ground disturbance.				
MM BIO-7: A tree permit shall be obtained from the City prior to the removal of any tree protected by City ordinance on the project site or off-site improvement areas. To offset impacts resulting from the removal of protected trees, replacement trees shall be planted in designated open space areas such as multi-family landscaped areas or streetscape on the project site. Tree replacement shall be at a 1:1 ratio (that is, for each tree removed, one tree shall be planted as a replacement). Replacement trees shall be native California species that are native to the Newark area. A Tree Management Plan shall be prepared for the proposed project if tree removal occurs. Preparation of this plan and subsequent planting and monitoring shall be a condition of project approval and shall be tied to a security bond or cash deposit posted by the developer with the City to pay for any remedial work that might need to occur, if the prior effort fails. All planted trees shall be provided with a buried irrigation system that shall be maintained over a minimum three-year establishment period. The irrigation system shall be placed on automatic electric or battery operated timers so that trees are automatically watered during the dry months of the	Project applicant (to prepare/obtain permit, hire qualified arborist and/or biologist), City Planning to track/confirm, City Community Development Department, qualified arborist and/or biologist	Plan preparation prior to removal of any on- or off-site protected tree. Installation of replacement trees to occur during Project landscaping. Minimum three-year establishment period, included within five-year monitoring period. Potential additional three-year				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>establishment period. At the end of the three-year establishment period, the irrigation system could be removed, if necessary. The planted trees' health shall be monitored annually for five years by a qualified biologist or arborist. Annual monitoring reports shall be submitted to the City.</p> <p>At the end of a five-year monitoring period, at least 80 percent of planted trees shall be in good health. If the number of planted trees falls below an 80 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted. Irrigation and follow-up monitoring shall be established over an additional three-year period after any replanting occurs. Any replanting and follow-up monitoring shall be reported in annual reports prepared for the City, Community Development Department. A performance bond, letter of credit, or other financial instrument shall be established to pay for any remedial work that might need to occur, if the prior effort fails.</p>		<p>follow-up period.</p> <p>Annual reports submitted to City for five to eight years.</p>				
<p>MM BIO-8:</p> <p>A qualified biologist (biological monitor) shall be on site in the culvert replacement site during pre-construction and culvert replacement activities.</p> <p>Vegetation required to be removed in the culvert replacement site shall be removed by hand, and the area to be cleared would be minimized to the extent possible. Removed vegetation shall be stockpiled in areas away from the work activities.</p> <p>Mouse-proof fencing shall be installed prior to culvert replacing activities, and maintained for the duration of construction. Prior to installing the salt marsh harvest mouse fence, all vegetation must be cleared from alongside the</p>	<p>Project applicant (to hire qualified biologist), qualified biologist, City Planning</p>	<p>Pre-construction installation of fencing, and during culvert replacement.</p> <p>Weekly checks by biological monitor during culvert replacement.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>The fencing shall be installed around the fence line route. The fencing shall be installed around the work area to prevent mice from entering the work area. The fencing shall be climb-proof (for example, smooth plastic, not silt fencing), and installed in such a manner that the salt marsh harvest mouse cannot dig under the fence. The salt marsh harvest mouse is known to be an agile climber, but rarely digs extensively; regardless, fencing materials must account for both behaviors.</p> <p>The salt marsh harvest mouse fence shall be constructed using eight-millimeter plastic sheeting that is sandwiched between wooden stakes and buried in a minimum six-inch deep trench. The stakes shall screw together, firmly sandwiching the plastic in place. It is mandatory to sandwich the plastic between stakes if the fence is to last through even moderate winds. The finished installed fence shall be three feet above the ground. The plastic sheeting shall be smooth and non-climbable, and shall be buried and stapled to the ground at three-inch intervals to prevent rodents from digging under the fence. If construction activities occur for longer than three months from when the fence was installed, the fencing shall be replaced after three months. The integrity of the salt marsh harvest mouse fencing shall be inspected on a weekly basis by the biological monitor.</p>						
<p>MM BIO-9:</p> <p>The open space area shall be set aside in perpetuity, either through deed restrictions or conservation easements. Because the open space area contains waters under jurisdiction of the USACE and RWQCB, and potentially suitable habitat for species regulated by CDFW, the plan shall be developed in coordination with these agencies. If a perpetual deed restriction is used to preserve the open space, the land owner and any assignees/transferees of the title of the property shall assume liability for the perpetual</p>	Project applicant (to provide Management Plan), City Planning,	Management Plan to be provided minimum 60 days prior to ground disturbance. Routine monitoring as				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Biology (cont.)</p> <p>management of the preserved lands. The deed restriction shall provide the allowed and prohibited uses of the preserved site, and these uses shall be approved by the agencies. If a conservation easement is established, a non-wasting management endowment (non-wasting insofar as that principal may not be used to pay for management actions, only interest on the principal sum may be used) shall be established in concert with the grantee of the conservation easement and shall be large enough to pay for necessary management actions. In lieu of a management endowment, other financial assurances may be provided that otherwise are found acceptable by the USACE. An example of an alternative funding source would be via a Geologic Hazards Assessment District (GHAD). Home Owners' Associations and Landscape Lighting Districts are not suitable funding entities as funds collected via these entities can be distributed City-wide at the discretion of the City. In contrast, GHADs must be used within the taxing district where the funds are acquired.</p> <p>At least 60 days prior to commencement of ground disturbing activities (including site remediation activities), the applicant shall submit to CDFW, RWQCB, USACE for review and approval a management plan for the open space preserve area. The management plan will address the following issues:</p> <ul style="list-style-type: none"> • Funding: The applicant shall provide to the agencies documentation that funds for monitoring and perpetual maintenance of the open space area is available through one of the previously described mechanisms. • Maintenance and Repair: The applicant shall provide for routine maintenance such as debris removal and inspection and repair of fences and access entries. The frequency of the maintenance activities shall be developed in coordination with the agencies. 		<p>required in the Management Plan. Five-year monitoring program with annual report submittal at end of each monitoring year to USACE, RWQCB, CDFW as appropriate, and City.</p> <p>Incorporation of set-aside restrictions into property CC&Rs prior to leasing/sale to occupants.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Biology (cont.)						
<ul style="list-style-type: none"> No Vehicles: Except as needed for maintenance and repair, and access of existing easements on the property, or as necessary in emergency situations, non-motorized and motorized vehicles shall be prohibited from the open space area Inspection and Monitoring: The applicant shall establish a five-year program to monitor the progress of any wetland mitigation toward these standards. At the end of each monitoring year, an annual report shall be submitted to the City, the RWQCB, USACE, and CDFW. This report shall document the hydrological and vegetative condition of the wetlands, and shall recommend remedial measures as necessary to correct deficiencies. Restricted Activities: The applicant shall identify activities prohibited from taking place in the open space area. These include, but are not limited to: (1) alteration of existing topography or other alteration or uses for any purpose; (2) placement of any new structures in the open space area; (3) dumping and/or burning of rubbish, garbage, or other waste or fill materials; (4) construction and/or placement of new infrastructure, other than those already identified in the project design, including new roads or trails, and storm water systems or utilities (outside of the existing easements); and (5) use of pesticides or herbicides unless otherwise approved by the agencies. <p>To minimize the potential for predation and harassment of wildlife using the open space area, solar salt ponds, and Plummer Creek Wetland Mitigation Bank from cats associated with the Gateway Station West development, the keeping of outside feline pets or feral cat stations shall be prohibited. Enforcement of the restriction shall be reflected in the Covenants, Conditions & Restrictions of the neighborhood. All occupants of the project site and potential occupants shall be notified of this restriction.</p>						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Cultural						
<p>MM 4.4-1a: Prior to the issuance of grading permits for future development allowed within the Dumbarton TOD Specific Plan area, project sponsors shall retain qualified archaeologists meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist. The qualified archaeologists shall train the construction crew on the mechanisms used to identify cultural resources and to caution them on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts or human remains from the project sites.</p> <p>In accordance with State CEQA Guidelines Section 15064.5, should subsurface deposits believed to be cultural in origin be discovered during the construction of future development projects within the project site, then all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained at the project sponsor's expense to evaluate the significance of the find. Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: (1) not cultural in origin; or (2) not potentially significant or eligible for listing on the NRHP or the CRHP.</p> <p>If a potentially eligible resource is encountered, then the archaeologist, lead agency, and project sponsor shall arrange for either: (1) total avoidance of the resource, if possible; or (2) test excavations to evaluate eligibility and, if eligible, data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency and filed with the Northwest Information Center as verification that the provisions in this mitigation measure have been met.</p>	<p>Project applicant (to hire qualified archaeologist), qualified archaeologist, City Planning.</p>	<p>Construction crew training prior to ground disturbance, periodic monitoring during grading and construction.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Cultural (cont.)						
<p>If human remains of any kind are found during construction activities, all activities shall cease immediately and the Alameda County Coroner shall be notified as required by State law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the NAHC. The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the PRC). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the City shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).</p>						
Geology and Soils						
<p>MM GEO-1: A site-specific geotechnical investigation shall be conducted by a qualified engineer or engineering geologist to verify that final project plans and/or construction operations incorporate applicable regulatory/industry requirements (e.g., IBC/CBC and City standards), recommendations contained within the project geotechnical investigations (BSA 2013, 2014), related plan review, and field observations/testing. Specifically, such verification shall encompass requirements and recommendations related to potentially significant impacts from seismic ground shaking, liquefaction and related effects, manufactured slope instability, geologic/soil instability (including corrosive soils, trench instability, and shallow bedrock/groundwater), and expansive soils. The results of the noted investigation shall be documented by the project engineer or engineering geologist and submitted to the City for review.</p>	Project applicant (to hire qualified engineer/engineering geologist, qualified engineer/engineering geologist)	Prior to sign-off on final plans and initiation of construction.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Hazards and Hazardous Materials						
MM 4.7-1b: Prior to grading permit issuance, areas to be graded shall be cleared of debris, significant vegetation, pre-existing abandoned utilities, buried structures, and asphalt concrete.	City Planning, Construction Contractor	Prior to grading permit issuance and grading.				
MM 4.7-1c: Prior to the import of a soil to a particular property within the Specific Plan area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials exceeding applicable Environmental Screening Levels for the proposed land use at such a property as required by the Oversight Agency prior to importing to such a property	City Planning, City Building and Engineering Divisions	Prior to import and placement of fill soils to the site.				
MM 4.7-1d: Areas containing Naturally Occurring Asbestos (NOA) within the Dumbarton TOD Specific Plan area shall be confirmed prior to grading permit issuance. Prior to grading or construction of a particular property containing NOA, an application from the Bay Area Air Quality Management District (BAAQMD) shall be required for projects over one-acre in size. Dust control and an NOA air monitoring program shall be required. Additionally, the following general construction practices shall be adhered to for those properties containing NOA: <ul style="list-style-type: none"> The site shall be maintained in a wet condition to prevent airborne dust. On site soil shall be wetted during grading and trenching operations. Over excavation and removal of NOA material to one foot below utility is recommended for utility corridors. 	Project applicant to confirm NOA and obtain permit from BAAQMS, if necessary), City Planning,	Confirmation of NOA prior to issuance of a grading permit. BAAQMD permits, as necessary, prior to grading and construction. Monitoring during grading and construction.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Hazards and Hazardous Materials						
<p>MM 4.7-1c: On those properties where NOA is known to occur, the following measures shall be used for guidance only. The specific requirements for each property shall be determined by the risks involved and appropriate mitigation measures required to protect human health.</p> <ul style="list-style-type: none"> • <u>Detached Single Family Residences:</u> A minimum 3-foot soil cover in building pad areas, extending at least 5 feet beyond the building perimeter is recommended. Deed restrictions should be considered (such as not allowing swimming pools) if there is less than 10-feet of soil cover over the serpentine with NOA. • <u>Podium Type Multi-Unit Residential Structures:</u> A minimum 2-foot thick soil cover is recommended. • <u>Pavement and Concrete Hardscape:</u> If NOA material is covered to prevent airborne dust after construction, soil cover is not required. • <u>Landscaped Areas:</u> A minimum 2-foot thick soil cover in landscaped areas is recommended. 	<p>City Planning, City Building and Engineering Divisions</p>	<p>Requirements to be identified during preparation of Project Conditions. Implementation during construction.</p>				
<p>MM HZ-1: A qualified hazardous materials specialist shall review final project grading and development plans prior to approval to verify related conditions and assumptions in the project Phase I and Phase II ESAs, or to identify modified and/or additional requirements.</p>	<p>Project applicant (to hire qualified hazardous materials specialist), City Planning, qualified hazardous materials specialist</p>	<p>Prior to approval of final grading and development plans.</p>				
<p>MM HZ-2: After completion of final project grading and development plans, but prior to the issuance of grading or building permits for the proposed Gateway Station West project, a Hazardous Materials Remediation Plan (HMRP) shall be prepared by a qualified hazardous materials specialist and submitted to the City and applicable Oversight Agencies (e.g., the RWQCB, DTSC and County DEH) for review and approval. The</p>	<p>Project applicant (to hire qualified hazardous materials specialist), City Planning, qualified hazardous materials specialist</p>	<p>HMRP to be prepared prior to issuance of grading or building permits.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Hazards and Hazardous Materials (cont.)						
<p>HMRP shall address remediation requirements (as applicable) for all potential hazardous material impacts identified in the project Phase I and Phase II ESAs, as well as other pertinent sources, based on review of final project grading and development plans. Specifically, remediation requirements in the HMRP shall include the following:</p> <ul style="list-style-type: none"> • REC No. 1 – Former Magnesia Site. If the project grading plans identify deeper excavations (e.g., underground utilities) in applicable portions of the REC No. 1 area, associated soils exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) cobalt concentrations above the identified screening level (23 mg/kg); and (3) pH levels above 8.5. • REC No. 2 – Impacted Groundwater. Pursuant to coordination with and direction by the RWQCB, vapor intrusion engineering controls (e.g., seals or barriers) shall be implemented in applicable locations to address potential VOC vapor intrusion impacts from shallow groundwater. • REC No. 4 – Former NSC Area. Soils within the proposed development area exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) lead concentrations above the identified screening level (80 mg/kg); and (3) PAH compounds with concentrations above the identified screening levels (as identified for individual compounds in the Phase II ESA, H&A 2014b). • REC No. 5 – Pistol Range. Soils exhibiting cobalt concentrations above the identified screening level 						
		Remediation to be implemented during grading and construction as appropriate.				
		Monitoring of all activities as specified in the HMRP.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
<p>Hazards and Hazardous Materials (cont.)</p> <p>(23 mg/kg) shall be removed and properly disposed of at an approved off-site location.</p> <ul style="list-style-type: none"> • REC No. 6 – Naturally Occurring Asbestos. The HMRP analysis of REC No. 6 shall include requirements to: (1) implement Specific Plan EIR MM 4.7-1d, including dust control, air quality monitoring, and over-excavation for applicable utilities, as well as other pertinent measures identified in the HMRP (if applicable); and (2) review the NOA requirements identified in Specific Plan EIR MM 4.7-1e to determine if the associated requirements are applicable to the proposed project, or to identify other applicable measures to provide appropriate remediation of NOA in conformance with associated regulatory standards. • REC No. 7 – E-1 Drainage Ditch. Soils along the entire length of the E-1 Drainage Ditch that exhibit the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) arsenic concentrations above the identified background level (11 mg/kg); (2) lead concentrations above the identified screening level (80 mg/kg); (3) PAH compounds with concentrations above the identified screening levels (as identified for individual compounds in the Phase II ESA, H&A 2014b); (4) TPHd and TPHmo with concentrations above the identified screening levels (110 mg/kg for TPHd, and 2,500 mg/kg for TPHmo); and (5) pH levels above 8.5. • REC No. 8 – E-1 Settling Ponds and Detention Basin. Soils exhibiting the following characteristics shall be removed and properly disposed of at an approved off-site location: (1) cobalt concentrations at the detention basin above the identified screening level (23 mg/kg); (2) TPHd at the detention basin with concentrations above the identified screening level (110 mg/kg); and 						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Hazards and Hazardous Materials (cont.)						
<p>(3) pH levels above 8.5 at the settling ponds and detention basin.</p> <ul style="list-style-type: none"> REC No. 9 – Historical Industrial Use. Based on the extensive history of industrial activities within and adjacent to the project site, all applicable project-related grading and excavation activities (as identified in the HMRP) shall be monitored by a qualified hazardous materials specialist for the potential occurrence of currently unknown hazardous materials or other hazards. If such conditions are encountered, activities shall cease in the subject area until appropriate remediation efforts are identified by a qualified hazardous materials specialist, reviewed and approved by the appropriate regulatory agencies, and properly implemented. 						
<p>MM HZ-3: All project grading, excavation and development activities in the vicinity of the four on-site groundwater monitoring wells (W-25 and B-26 through B-28, refer to SEIR Figure 4.7-1) shall conform with applicable related requirements in the ACWD Groundwater Protection Act (Ordinance No. 2010-01). Specifically, the project applicant (or a designated representative of the applicant) shall provide written verification to the City that all applicable requirements related to well protection, destruction and/or abandonment have been implemented to the satisfaction of the ACWD.</p>	Project applicant or designated representative (to provide verification), City Planning and City Engineering and Building Divisions	During grading and construction				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Hydrology and Water Quality						
<p>MM HYD-1: All project dewatering operations, subsurface activities related to on-site remediation of liquefaction hazards (e.g., the installation of subdrains or piles, and implementation of efforts such as soil vibrocompaction, grouting and deep mixing), and other pertinent activities, shall conform with applicable related requirements in the ACWD Groundwater Protection Act (Ordinance No. 2010 01). Specifically, the project applicant (or a designated representative of the applicant) shall provide written verification to the City that all applicable requirements related to dewatering operations and subsurface activities (as described) have been implemented to the satisfaction of the ACWD.</p>	<p>Project applicant, ACWD staff, City Planning</p>	<p>Prior to and during construction</p>				
<p>MM HYD-2: All project-related groundwater extraction disposal operations shall conform with applicable waste discharge requirements issued by the RWQCB for disposal of extracted groundwater (if such waste discharge requirements are issued by the RWQCB). Specifically, the project applicant (or a designated representative of the applicant) shall consult with the RWQCB prior to implementing on-site dewatering activities to determine if such waste discharge requirements are required, and shall provide written verification to the City that either: (1) no waste discharge requirements related to project dewatering are required by the RWQCB; or (2) all applicable requirements related to dewatering operations have been implemented to the satisfaction of the RWQCB.</p>	<p>Project applicant, City Planning</p>	<p>Prior to implementation and during dewatering activities as part of construction.</p>				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Noise						
MM 4.10-1b:						
<ul style="list-style-type: none"> • Identify a procedure and phone numbers for notifying the City Building Inspection Division staff and Newark Police Department (during regular construction hours and off hours); • Post a sign on site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours); • Designate an on-site construction complaint and enforcement manager for the project. The manager shall act as a liaison between the project and its neighbors (including on-site residents). The manager's responsibilities and authority shall include the following: <ul style="list-style-type: none"> ○ An active role in monitoring project compliance with respect to noise; ○ Ability to reschedule noisy construction activities to reduce effects on surrounding noise sensitive receivers; ○ Site supervision of all potential sources of noise (e.g., material delivery, shouting, debris box pick-up and delivery) for all trades; and, ○ Intervening or discussing mitigation options with contractors. • Notify neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of construction activities regarding the details and estimated duration of the activity; and, • Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed. 	City Planning	Prior to grading permit.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Noise (cont.)						
Mitigation Measures (cont.)						
MM NOI-1: HVAC Condenser Noise Attenuation. For residences located within 25 feet of ground-mounted HVAC equipment, attenuation of exterior HVAC noise to levels to 45 dBA L _{eq} (for usable outdoor space) shall be ensured prior to issuance of certificates of occupancy. For single-family attached or multi-family development, potential noise control measures to achieve the performance standard for outdoor usable space include, but are not limited to: noise control barriers around the HVAC units and/or the outdoor usable space, and/or installing roof-mounted units with a standard parapet wall.	Project applicant (to hire qualified noise technical specialist), Qualified noise technical specialist, City Planning	Prior to issuance of certificates of occupancy				
MM NOI-2: Reduce Posted Speed Levels Along Enterprise Drive. Prior to the issuance of building permits, the project applicant shall coordinate with the City's Public Works Director to change the posted speed limit along Enterprise Drive (between Hickory Street and Willow Street) to 25 mph. Implementation of this measure shall be indicated on all project plans and specifications.	Project applicant, City Planning, City Public Works Director	Measure to be on final plans and specifications. Implementation prior to issuance of building permits.				
MM NOI-3: Site-Specific Noise Analysis for Proposed Uses along Enterprise Drive. Prior to the approval of building permits for residences located along Enterprise Drive between Hickory Street and Willow Street, a site-specific acoustic analysis shall be conducted to ensure exterior and interior sound levels are equal to or less than the applicable allowable limits (60 CNEL for single-family exterior, 65 CNEL for multi-family exterior, 45 CNEL for residential interior).	Project applicant (to hire qualified noise technical specialist), qualified noise technical specialist, City Planning	Prior to issuance of building permits.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Transportation						
<p>MM 4.14-1:</p> <ul style="list-style-type: none"> <u>Willow Street/Thornton Avenue:</u> A right turn overlap phase to the northbound approach on Willow Street shall be provided. Additionally, a U-turn restriction for the westbound left turn movement on Thornton Avenue shall be posted. <u>Cedar Boulevard/Thornton Avenue:</u> An additional westbound left turn lane from Thornton Avenue to Cedar Boulevard shall be provided. <u>Willow Street/Enterprise Drive:</u> Two options for mitigation at this intersection are proposed by the Specific Plan, including a roundabout or signalization of the intersection. One of the two options shall be implemented. <u>Cherry Street/Mowry Avenue:</u> Mitigation measures were identified at this intersection as part of the Area 3 and 4 EIR. The measures proposed included the addition of a second left-turn lane on the westbound approach, and resulting in realignment of the east and westbound approaches and modification to the traffic signal. These improvements are not sufficient to mitigate the project's impact; additional ROW to widen this approach may be needed. Therefore, additional mitigation measures were identified: <ul style="list-style-type: none"> The westbound approach of the intersection of Cherry Street/Mowry Avenue shall be modified to include a right turn and a through-right turn lane. This improvement would require modification of the traffic signal and removal of the existing pork chop island. 	City Public Works Department	Improvements to be included on Tentative Map(s). Improvements to be constructed prior to occupancy.				

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Transportation (cont.)						
<p>MM 4.14-2: The City shall coordinate with AC Transit to improve bus service to the Specific Plan area to lessen the impact of vehicular traffic on the local and regional roadways. Potential transit accommodations may include:</p> <ul style="list-style-type: none"> • Implementation of shuttle service to the Ardenwood Park and Ride lot to provide a connection to the Dumbarton Express bus line and the Fremont and/or Union City BART stations • Rerouting bus lines 251 and/or 275 through the Specific Plan area to provide convenient stop(s) with bus shelters and benches • Addition of a new bus line to serve the Specific Plan area 	<p>City Planning, Alameda County Transit</p>	<p>Prior to occupancy, or based on input from AC Transit if that agency prefers to address at a later date.</p>				
<p>MM 4.14-6:</p> <ul style="list-style-type: none"> • <u>SR 84 Eastbound Ramps/Thornton Avenue:</u> An additional eastbound right turn lane on the SR 84 Eastbound Off-Ramp at the intersection of SR 84 Eastbound Ramps/Thornton Avenue shall be provided • <u>Gateway Boulevard/Thornton Avenue:</u> The northbound right turn lane on Thornton Avenue at the intersection of Gateway Boulevard/Thornton Avenue shall be restriped to provide a shared through-right turn lane. The existing north leg has three receiving lanes to make this improvement feasible. • <u>Willow Street/Thornton Avenue:</u> Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.14-1. • <u>Cherry Street/Thornton Avenue:</u> The intersection of Cherry Street/Thornton Avenue shall have an additional eastbound right turn lane on Thornton Avenue. 	<p>Public Works Department (all), and Caltrans staff for State elements, City Planning for revision to General Plan policy (associated only with SR 84 EB and I-880 NB Ramps/Mowry)</p>					

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Transportation (cont.)						
<ul style="list-style-type: none"> <u>Newark Boulevard/Thornton Avenue</u>: The intersection of Newark Boulevard/Thornton Avenue shall have an additional northbound left turn lane on Newark Boulevard to accommodate the heavy left turn movement. <u>Cedar Boulevard/Thornton Avenue</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.1.4-1. <u>Willow Street/Enterprise Drive</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.1.4-1. While a single-lane roundabout would operate acceptably with the proposed traffic volumes, right-turn bypass lanes may be provided to/from the west leg to connect to the four-lane section of Enterprise Drive west of the intersection. <u>Cherry Street/Central Avenue</u>: The intersection of Cherry Street/Central Avenue shall have an additional eastbound right turn lane on Central Avenue. <u>Cherry Street/Mowry Avenue</u>: Mitigation for cumulative impacts will be addressed through implementation of the mitigation required for direct impacts at this intersection, as described in MM 4.1.4-1. <u>I-880 NB Ramps/Mowry Avenue</u>: The intersection of I-880 NB Ramps/Mowry Avenue shall be restriped to include a left/right share lane, resulting in the northbound approach having a final lane configuration of a left-turn lane, a left and right shared lane, and dual right-turn lanes. 						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Transportation (cont.)						
<p>If restriping of the intersection is not achievable, an alternate mitigation shall be to revise the City's General Plan policy to permit LOS D operations at freeway ramp intersections with existing or proposed bicycle facilities. Currently, City General Plan Policy 3d states that the City should "Work with the State and City of Fremont to maintain LOS "C" at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections."</p> <p>Additionally, General Plan Policy 2e supports completion of the Citywide Bicycle Master Plan, which may include new bicycle lanes on Mowry Avenue through the I-880 interchange. In order to recognize that automobile traffic operations should be balanced with bicycle access and pedestrian access across the interchange, General Plan Policy 3d may be amended in the following way to promote access for all travel modes: "Work with the State and City of Fremont to maintain LOS "C" at all intersections on the border of Newark, particularly Newark Boulevard/Dumbarton Freeway, Thornton Avenue/Dumbarton Freeway, Stevenson Boulevard/Interstate 880, Mowry Avenue/Interstate 880 and Thornton Avenue/Interstate 880, to accommodate buildout of lands in Fremont and Newark in the vicinity of the intersections, except at intersections that are along the City's proposed Bikeway Network where automobile LOS D is permitted." Revision of the City's General Plan to permit LOS D at freeway interchange intersections along the proposed bicycle network would reduce this impact to less than significant.</p>						

Task to Be Completed/ Mitigation Measures	Responsible Department/Staff	Timing/Phase	Completion/ Compliance		Comments	Add'l Comment Sheet Provided
			Initial	Date		
Mitigation Measures (cont.)						
Transportation (cont.)						
MM 4.14-8: Prior to issuance of building permits for a Specific Plan use, the applicant shall pay all applicable transportation-related fees in accordance with the latest adopted fee schedule at the time permits are sought. Such fees shall include, but not be limited to, the City of Newark Capital Facilities Fee for Transportation, and the ACTC Regional Transportation Impact Fee. Payment of these fees would partially mitigate the impacts of the Specific Plan.	Project applicant (to pay fees), City Planning and City Building Division	Prior to issuance of building permits.				

ADDITIONAL COMMENTS

DATE	INITIAL	COMPLIANCE/DESIGN OR MITIGATION	COMMENTS

RESPONSIBLE PARTIES

NAME	INITIALS	DEPARTMENT/DIVISION	TITLE
Terrence Grindall	TG	City of Newark, Community Development Department	Assistant City Manager
Clay Colvin	CC	Community Development Department	Planning Manager
Peggy A. Claassen	PAC	Public Works Department	Public Works Director
Ray Collier	RC	Building Inspection Division	Chief Building Official, City Architect
			Qualified biologist
			Qualified botanist
			Qualified archaeologist
			Qualified hazardous materials specialist