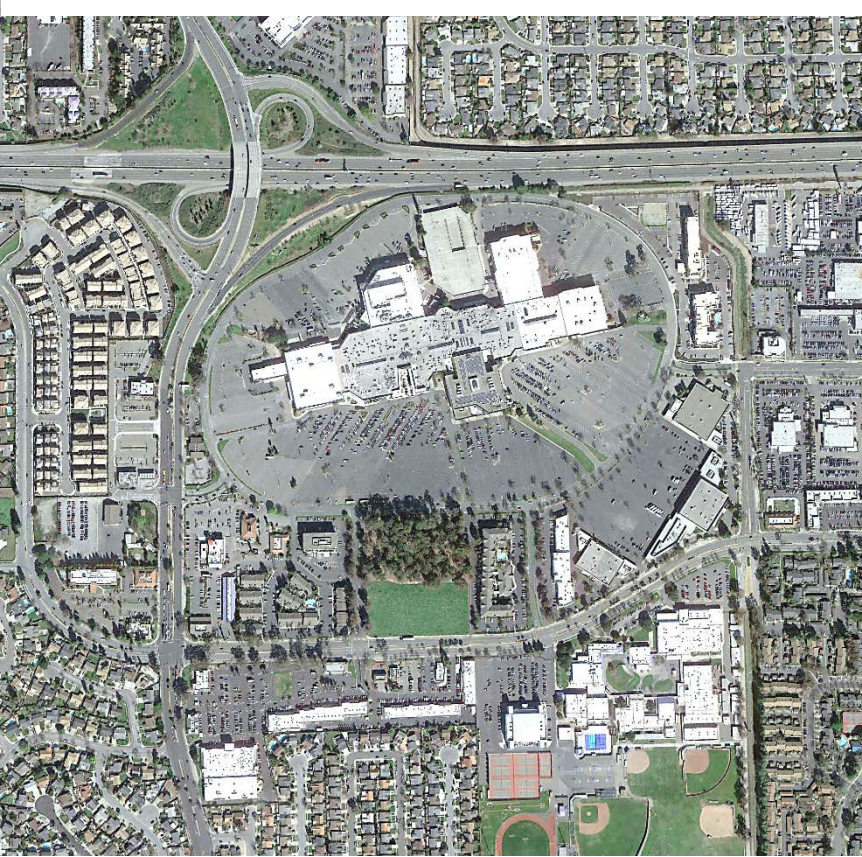


Initial Study

# 2021 NewPark Place Specific Plan Actions

General Plan Amendment, Specific Plan Amendments, Zoning Amendment,  
Vesting Tentative Map, Phase A Mixed-Use Project, and Costco Project

June 10, 2021



Prepared by  
EMC Planning Group



INITIAL STUDY

# 2021 NEWPARK PLACE SPECIFIC PLAN ACTIONS

General Plan Amendment, Specific Plan Amendments, Zoning Amendment,  
Vesting Tentative Map, Phase A Mixed-Use Project, and Costco Project

PREPARED FOR

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## A. BACKGROUND

Project Title	2021 NewPark Place Specific Plan Actions – General Plan Amendment, Specific Plan Amendments, Zoning Amendment, Vesting Tentative Map, Phase A Mixed-Use Project, and Costco Warehouse and Fueling Station Project
Lead Agency Contact Person and Phone Number	City of Newark Steven Turner, Community Development Director, 510-578-4208
Date Prepared	June 10, 2021
Study Prepared by	EMC Planning Group Inc. 301 Lighthouse Avenue, Suite C Monterey, CA 93940 Ron Sissem, MRP, Principal Polaris Kinison Brown, MS, Principal Planner
Project Location	City of Newark
Project Sponsor Name and Address	City of Newark 37101 Newark Boulevard Newark, CA 94560
General Plan Designation	Regional Commercial
Zoning	RC – Regional Commercial

### Setting

#### *Location*

In 2018, the City of Newark (“City”) approved the NewPark Place Specific Plan (“specific plan”). The specific plan area location is illustrated in [Figure 1, Specific Plan Area Location Map](#). The specific plan boundary is defined by Mowry Avenue on the west, Interstate 880 on the north, the east-west segment of Balentine Drive on the east, and Cedar Boulevard on the south as shown in [Figure 2, Specific Plan Boundary](#). The specific plan area is a subset of the Greater NewPark Mall Focus Area described in the *Newark General Plan* (City of Newark 2013) (“general plan”). The general plan also describes this area as the Greater New Park Mall. [Figure 3, Greater NewPark Focus Area](#), shows this area.



**Existing Conditions**

The specific plan area and surrounding uses and features are illustrated in [Figure 4, Existing Conditions](#). With the exception of Shirley Sisk Grove, a two-acre landscaped public park located on NewPark Mall Road between North Magazine and South Magazine, and a vacant, privately-owned parcel immediately to the south of Shirley Sisk Grove, land within the specific plan boundary is entirely developed, primarily with retail uses located within the NewPark Mall (“mall”), but also with hotel, commercial, office, and other ancillary uses.

The NewPark Mall opened in 1980. The large surface parking areas on all sides of the mall are significantly underutilized and create a sea of paved space. Many of the older structures built in the 1970s that are located south of the mall between NewPark Mall Road and Cedar Boulevard still remain. Most of the buildings have housed retail business, but a number have been, and currently are, restaurants or other food establishments. Two hotel developments, Homewood Suites and Chase Suites, continue to operate on sites located along Cedar Boulevard. Within the last few years, two new hotels have been constructed within the eastern portion of specific plan area. [Table 1, NewPark Place Specific Plan Existing Land Use](#), summarizes the existing developed uses within the specific plan boundary as of 2021.

**Table 1 NewPark Place Specific Plan Existing Land Use**

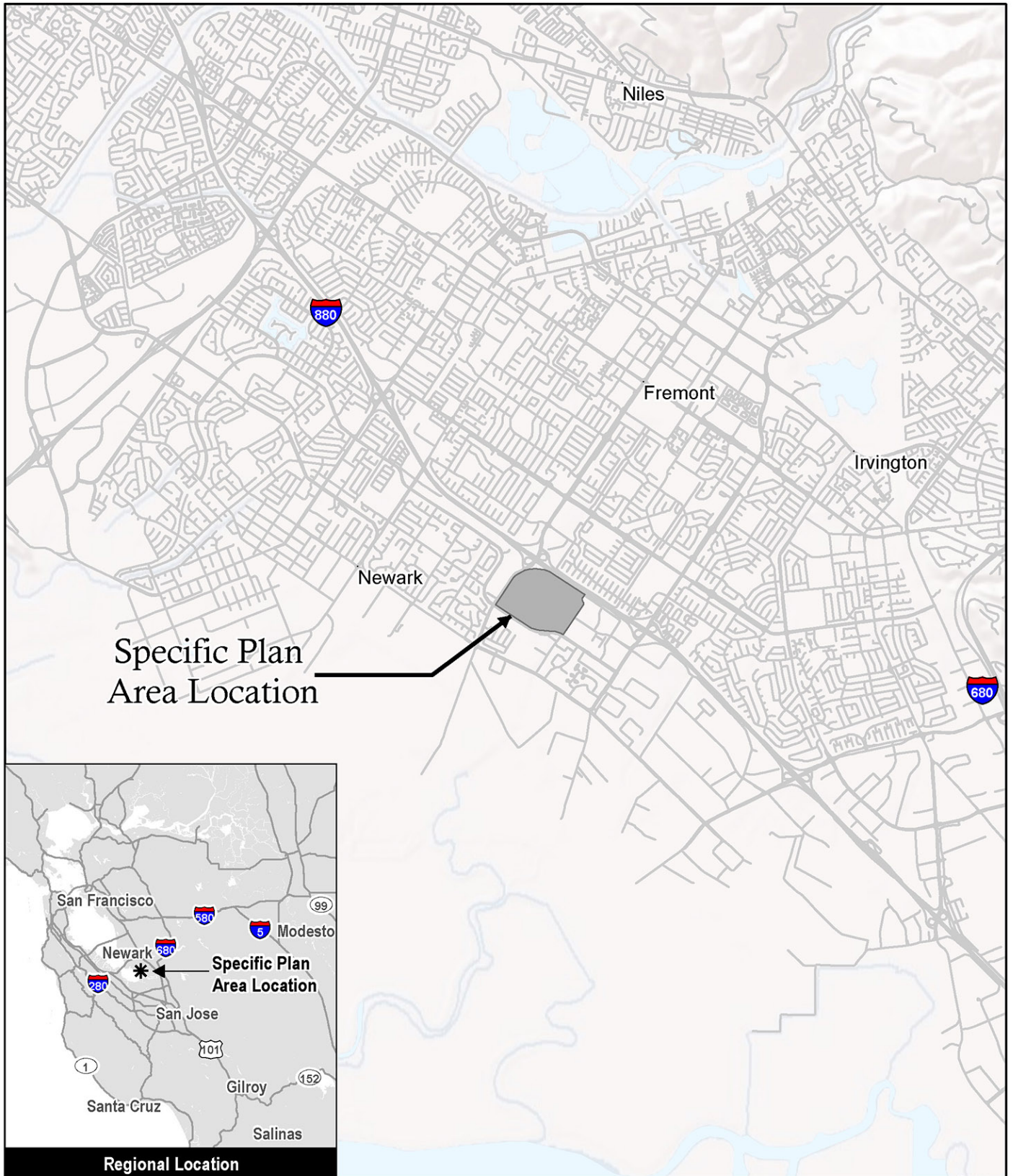
Land Use	Existing
Retail	1,445,762 GSF <sup>1,2</sup>
Retail/Restaurant	707,520 GSF
Retail Anchors	543,242 GSF <sup>2</sup>
Big Box Retail	195,000 GSF
Office	27,146 GSF
Hotel	564 rooms <sup>3</sup>
Residential	0 units

SOURCE: City of Newark 2018, Retail anchors square footage and hotel room count provided by TCA Architects 2020

NOTES:

1. GSF = gross square feet.
2. Retail anchor square footage and total retail square footage has been updated to reflect conditions since the adoption of the general plan and specific plan.
3. Two hotels with a total of 224 hotel rooms have been constructed within the specific plan boundary since the general plan and specific plan were adopted, bringing the total to 564 rooms

There are no intact natural features within the specific plan boundary other than trees located within Shirley Sisk Grove and ruderal vegetation located on the undeveloped parcel adjacent parcel to Shirley Sisk Grove.



Source: ESRI 2017

Figure 1

# Specific Plan Area Location Map


2021 NewPark Place Specific Plan Actions Initial Study



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 Specific Plan Boundary

Source: ELS 2017

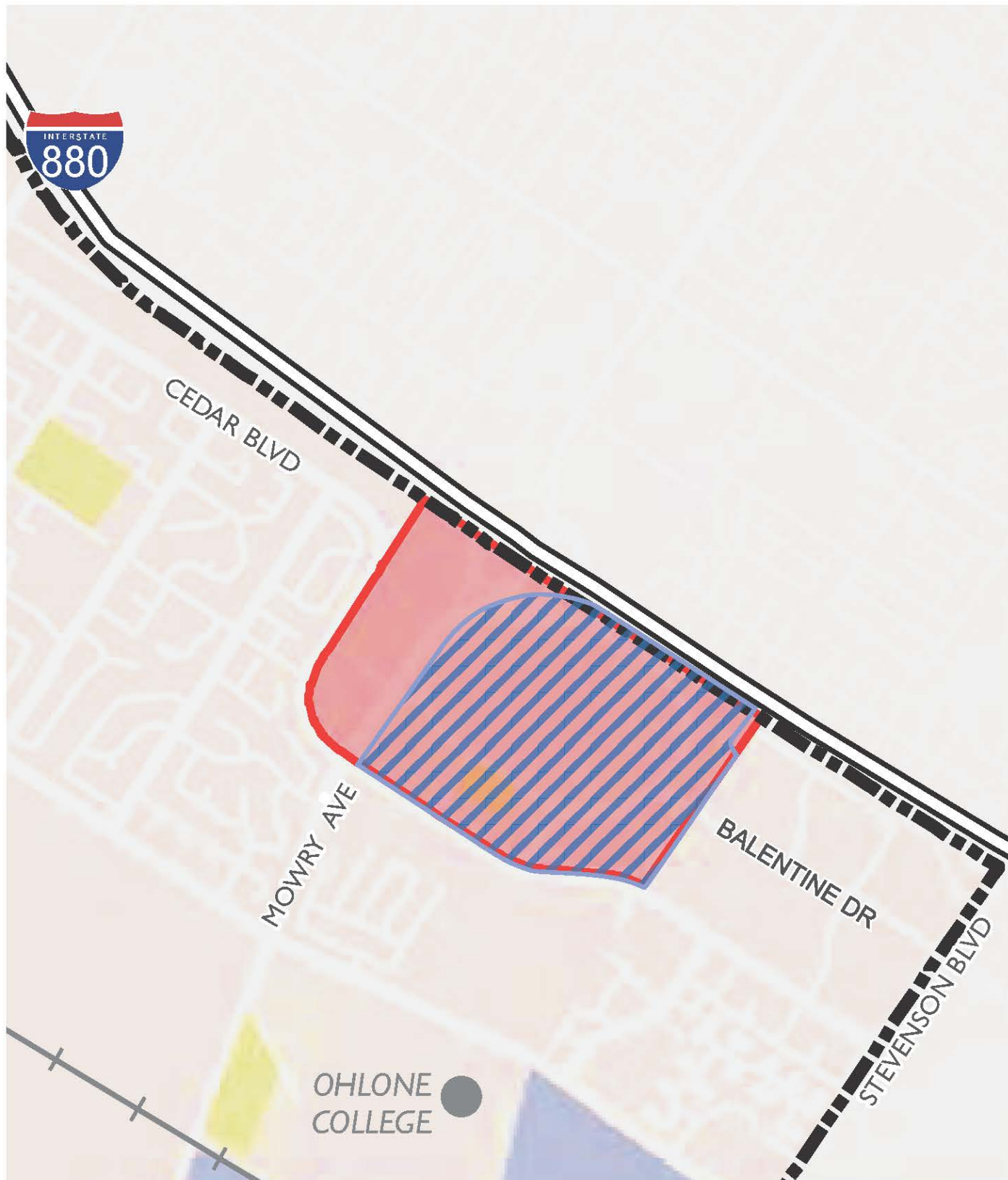
Note: For planning purposes, the specific plan boundary is considered coterminous with the Greater NewPark Mall and the Greater NewPark Focus Area boundaries identified in the general plan.




Figure 2  
Specific Plan Boundary

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 Specific Plan Area

 Greater NewPark Focus Area

 City Limit

Source: City of Newark General Plan

Figure 3

## Greater NewPark Focus Area

2021 NewPark Place Specific Plan Actions Initial Study



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Source: Google Earth 2020



Figure 4  
Existing Conditions



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The circulation network that provides access to and within the specific plan area is comprised of several streets. NewPark Mall Road is the main through access road. It forms a “ring road” around the NewPark Mall. Near the western boundary of the specific plan area, NewPark Mall Road connects with Alpenrose Court, which provides a direct connection to Mowry Avenue, the main regional arterial access to the area. Mowry Avenue has an interchange with Interstate 880. Near the eastern boundary of the specific plan area, NewPark Mall Road connects with Balentine Drive. About one-half mile to the east of the specific plan boundary, Balentine Drive connects to Stevenson Boulevard, which also has an interchange with Interstate 880. North Magazine and South Magazine provide connections between NewPark Mall Road and Cedar Boulevard, a primary arterial road.

The specific plan area is surrounded with developed urban uses. Commercial development and high-density residential development are located to the west of Mowry Avenue, Interstate 880 and residential uses are located to the north, commercial uses are located to the east, and commercial uses and Newark Memorial High School are located to the south. Residential uses (primarily single-family homes) are located further to the south and west of the specific plan area.

## Background

### *General Plan*

As noted previously, the specific plan area is located within the broader boundary of the Greater NewPark Focus Area (the area including NewPark Mall and the commercial uses on its perimeter). The Focus Area is identified in the general plan as a “priority location for growth and change” over the 20-year general plan planning horizon (general plan policy LU-1.2). The general plan calls for the Greater NewPark Mall to serve as a “community showcase and quality environment for shopping and other compatible uses” (general plan goal LU-9). Options identified in the general plan for complementing the retail center include mixed-use development, additional retail and office uses, and new pedestrian-oriented streets and public spaces. The general plan contains a range of policies that provide guidance for desired land use, circulation, and design outcomes for future development within the Greater NewPark Mall area:

**Policy LU-1.2 Growth Focus Areas.** Achieve a future growth pattern which includes new neighborhoods on vacant land along the southern and western edges of the city, and infill development in transit-served areas such as Old Town and the Greater NewPark Mall Area. Zoning and development review decisions should recognize these areas as the priority locations for growth and change over the next 20 years.



**Policy ED-2.2 Greater NewPark Mall Area.** Guide the revitalization of the NewPark Mall area so it becomes a world-class retail and entertainment destination. Additional uses such as offices, hotels, and housing should be supported only to the extent that they support retail revitalization.

**Policy LU-4.4 Greater NewPark Area.** Modernize the Greater NewPark Area to create a vibrant regional retail location which provides urban amenities and gathering places. A mixture of higher density housing, office, hotel, entertainment, civic, and other uses should be encouraged, to the extent that these uses enhance regional retail as the primary use and assist in the area's revitalization.

**Policy LU-9.1 Greater New Park Area Land Use Mix.** Diversify the mix of uses in the NewPark Mall vicinity to sustain and expand its role as the premiere shopping and entertainment destination in Southern Alameda County.

**Policy LU-9.2 High Density Housing in the Greater NewPark Area.** To the extent that it contributes to the regional retail focus of the area, consider introduction of high-density residential uses in the NewPark Mall vicinity.

**Policy LU-9.3 Greater NewPark Area Design.** While maintaining the primary focus on regional retail uses, require that the design of future buildings in the NewPark area reflects a long-term vision of a more urban destination. High quality exterior materials should be used to create a welcoming environment for pedestrians. Signage, exterior lighting, landscaping, and other features should facilitate the transformation of this area from a suburban center to an "urban village."

The general plan policies promote intensifying land use and encourage a mix of uses, including higher density residential uses, within the Greater NewPark Mall area. The general plan Regional Commercial land use designation applies to all land within the specific plan boundary except Shirley Sisk Grove, which is designated Parks and Recreation Facility. The Regional Commercial designation is described in the general plan as follows:

**Regional Commercial.** This designation supports the largest and most complete shopping facilities in the city. The emphasis is on a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region... Uses such as hotels and corporate office buildings are acceptable in areas with this designation. Housing at densities greater than 30 units per acre may be included if such housing is a component of a large-scale planned development which is primarily oriented around regional retail commercial uses. FARs are generally in the range of 0.2 to 4.0. The actual intensity of development on

any given site is dictated by a number of factors, including height limits, parking and landscaping requirements, and site size and dimensions (general plan, p. LU-13).

As is described in the NewPark Place Specific Plan section below, the specific plan land use vision, mix of uses, and development intensities and capacities are consistent with the intent of the Regional Commercial land use designation.

### ***General Plan Environmental Impact Report (EIR)***

*The City of Newark General Plan Tune Up Draft Program EIR* (Planning Center/DC&E 2013) (“general plan EIR”) translates the City’s desired growth scenario for the Greater NewPark Mall area into development capacity for various types of future uses as follows:

The Greater NewPark Focus Area is located in the southeastern portion of the City, adjacent to Interstate 880, encompassing the NewPark Mall and its vicinity, as shown in Figure 3-7. The proposed Plan articulates a vision for this 120-acre focus area that involves strengthening NewPark Mall and its environs to enhance its role as a community showcase and a quality environment for shopping, working, and living. The Plan proposes modifying the Regional Commercial land use designation applicable to much of the Greater NewPark Focus Area so as to allow high density residential, office, and hotel uses to the extent that they support the area’s regional retail focus. The City estimates that the proposed Plan would allow for approximately 1,800 new housing units, 700 new hotel rooms, 200,000 square feet of net new retail space, and 500,000 square feet of net new office space in this focus area (general plan draft EIR, p. 3-21).

The general plan EIR impact analysis presumes these development intensities and capacities for new development within the Greater NewPark Focus Area as part of the general plan 2035 horizon year buildout projections as discussed on general plan EIR page 3-26.

### ***NewPark Place Specific Plan***

The City approved *The NewPark Place Specific Plan* in 2018. As part of its findings, the City found the specific plan to be consistent with the general plan and the Regional Commercial land use designation. The City also found the specific plan development intensities and capacity consistent with the development intensity and capacity identified in the general plan EIR for the Greater NewPark Mall/Greater NewPark Focus Area. The specific plan land use plan is shown on [Figure 5, Land Use Plan](#).

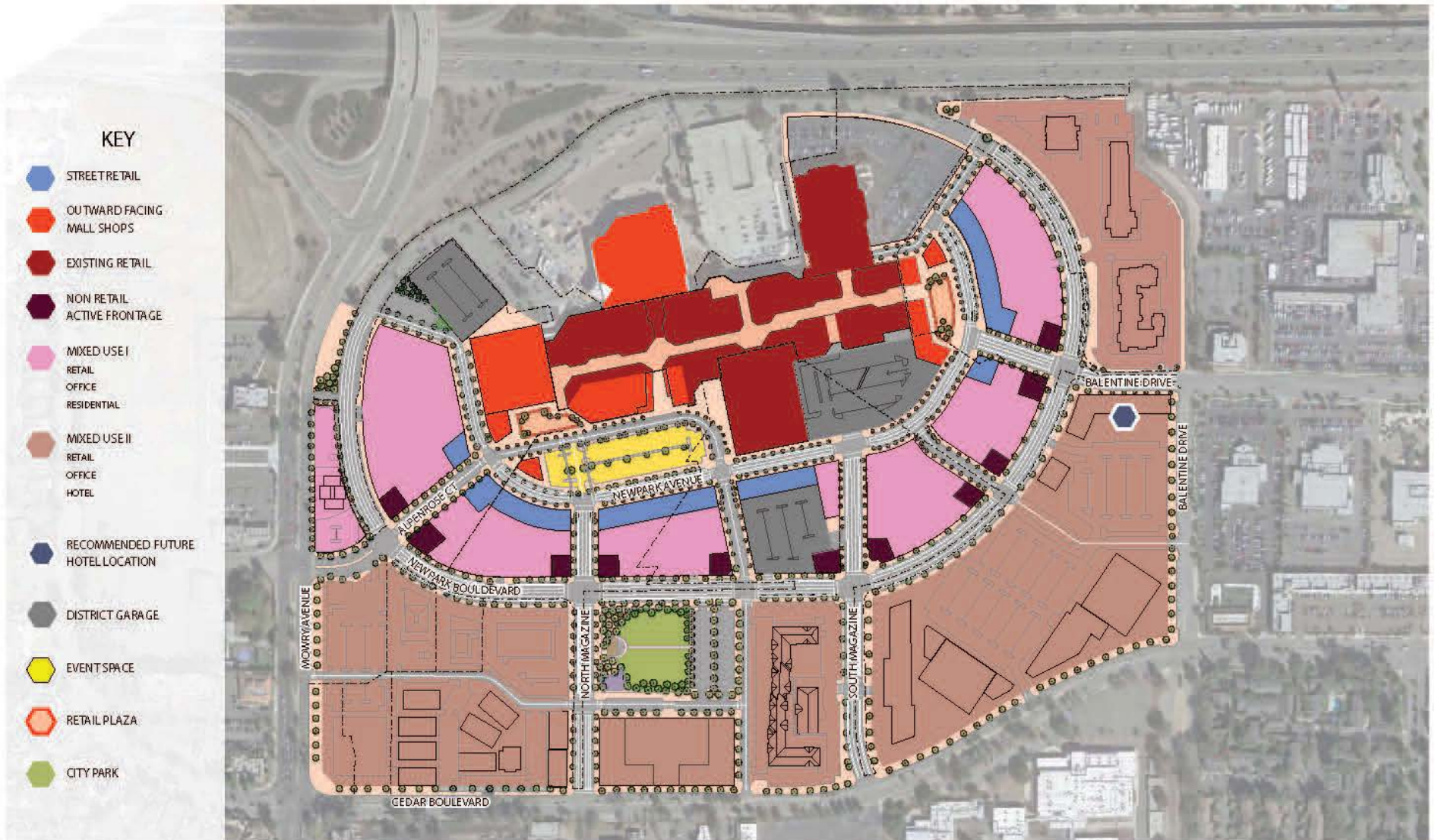
The existing NewPark Mall is the retail focus in the specific plan. The Mixed Use I designation allows a mix of retail, office, and residential uses, with residential density of up to 160 units per acre. Residential development is limited to this area with the intention to

create a high-density residential community adjacent to the mall. As a result, residential density is focused within this area rather than distributed across the entire specific plan area. The Mixed Use II designation allows a mix of retail, office, and hotel uses. Structured parking garages, as well as amenities that include plazas, parks, and an event space are also planned.

As shown in [Figure 3](#), presented earlier, the specific plan boundary encompasses the subset of the land within the Greater NewPark Focus Area that is located east of Mowry Avenue. The new development capacity assumed for the specific plan boundary is, therefore, a subset of the total new development capacity assumed in the general plan and evaluated in the general plan EIR for the Greater NewPark Focus Area as described previously. Since the general plan was adopted in 2013, a 281-unit high density residential project has been constructed within the Focus Area boundary on approximately 9.5 acres located on the west side of Mowry Avenue between Cedar Boulevard and Mowry Avenue. Therefore, of the 1,800 new residential unit development capacity assigned to the Greater NewPark Focus Area, capacity for 1,519 units remains, as is reflected in the specific plan.

The specific plan includes policies and implementation actions stating that the developers of residential and mixed-use projects within areas designated Mixed Use I are responsible evaluating improvement requirements needed to accommodate new development and for preparing master plans for those improvements including the following:

- a detailed roadway capacity/design analysis (if options to the roadway classification standards are proposed) (Policy M-2);
- a circulation design analysis (Policy M-3);
- a mobility improvement master plan (Policy M-5);
- a transit master plan (Policy M-6);
- a garage (structured parking) master plan “to meet parking demand for retail and entertainment uses within the NewPark Mall, NewPark Avenue active street retail and entertainment uses, and office uses that may located within NewPark Place” (Policy M-7);
- a water distribution infrastructure master plan (Policy IF-2);
- a sewer capacity study (Policy IF-3);
- a storm water management master plan (Policy IF-4);
- a retail plaza improvement plan (Policy IF-5);
- an event space improvement plan (Policy IF-7); and
- a maintenance plan for all improvements to be designed, funded, and constructed by these developers (policy IF-9).



Source: ELS 2017

Figure 5  
Land Use Plan



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These analyses and master plans have been or will be prepared. The master plans completed to date have been reviewed by the City. In some cases, outside agencies (such as the Union Sanitary District and the Alameda County Flood Control Agency) must review and approve the plans. Individual developments must be designed to implement these plans.

### *Specific Plan CEQA Documentation*

An initial study was prepared for the specific plan and adopted by the City in 2018. The initial study evaluated the potential environmental effects of implementing the specific plan based on CEQA (Public Resources Code Section 21083.3) and CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning. The initial study determined the specific plan was consistent with the development capacity and density for the Greater NewPark Focus Area, that the specific plan would not result in new or more significant impacts than were assumed in the general plan EIR with implementation of general plan policies and actions, mitigation measures included in the general plan EIR and conformance with uniformly applied development policies and standards. Consequently, no further CEQA documentation was required.

### *Adopted Specific Plan Development Capacity*

Table 2, *Adopted Specific Plan Area Buildout Development Capacity*, summarizes existing development, new development capacity allowed per the general plan/general plan EIR, and development capacity identified in the approved specific plan relative to permitted capacity.

**Table 2      Adopted Specific Plan Area Buildout Development Capacity**

Land Use	Existing Development <sup>1</sup>	Additional Allowed General Plan Capacity	Total Allowed Capacity	Total Adopted Specific Plan Capacity	Total vs. Allowed Capacity
Retail	1,446,869 GSF <sup>2</sup>	200,000 GSF	1,646,869 GSF	1,474,526 GSF	(172,343) GSF
Retail/Restaurant	707,520 GSF	---	---	1,038,419 GSF	---
Retail Anchor	543,349 GSF	---	---	309,962 GSF	---
Big Box Retail	195,000 GSF	---	---	126,145 GSF	---
Office	27,146 GSF	500,000 GSF	527,146 GSF	527,146 GSF	same
Hotel	340 rooms <sup>4</sup>	700 rooms	1,040 rooms	1,040 rooms <sup>3</sup>	same
Residential	0 <sup>5</sup>	1,519 units <sup>5</sup>	1,519	1,519 units <sup>4</sup>	same

SOURCE: City of Newark 2018

NOTES:

- As reported in the adopted specific plan. Current "existing GSF may differ."
- GSF = gross square feet.
- As reported in the adopted specific plan: 224 hotel rooms have been approved within the specific plan boundary since the general plan was adopted. A total of 564 hotel rooms are existing and entitled. Available new hotel room capacity equals 1,040.

4. As reported in the adopted specific plan: a total of 1,800 residential units are allowed within the Greater NewPark Focus Area per the general plan. 281 of these have already been approved and constructed as part of the Prima Residential Project located to the west of Mowry Avenue. That site is not within the specific plan boundary. Therefore, no existing residential units are shown within the specific plan boundary and the balance of 1,519 units is shown as the total general plan allowance within the specific plan boundary.
- 

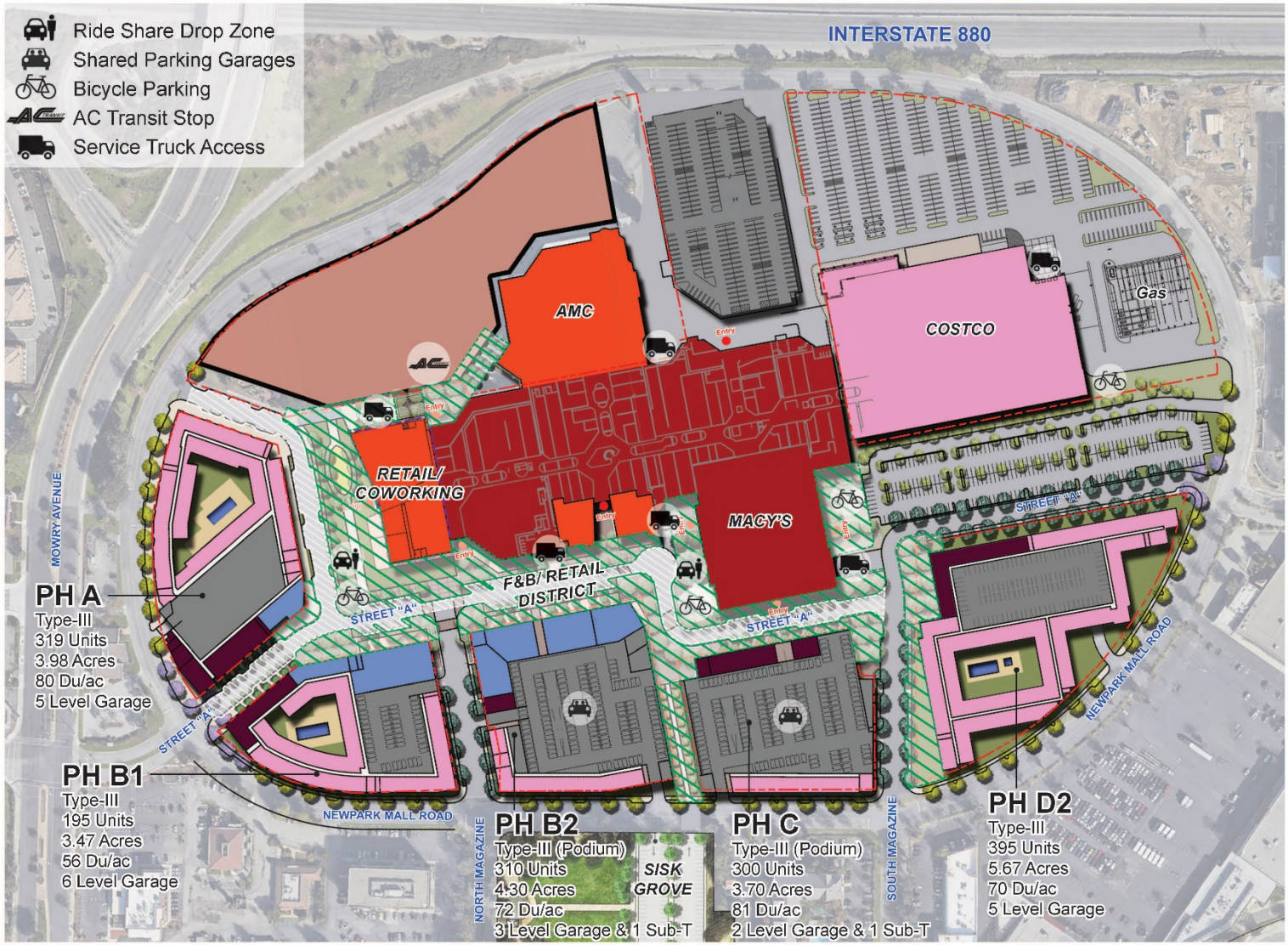
As shown in [Table 2](#), the approved specific plan allows for the maximum development capacity increase for individual use types other than retail development, as identified in the general plan for the Greater NewPark Focus Area, but does not exceed them. The retail development capacity in the specific plan is actually less than what the general plan/general plan EIR assumed. Consequently, the approved specific plan is consistent with the general plan/general plan EIR development intensity and capacity for the Greater NewPark Focus Area.

## Project Description

This initial study evaluates the potential environmental impacts of implementing six discretionary approvals being considered by the City at the request of the applicant. These six approvals constitute the “whole of the action” to be considered by the City, and per CEQA Guidelines section 15378, represent the project being evaluated in this initial study. The six individual approvals include: 1) amendment to the general plan; 2) amendments to the NewPark Place Specific Plan; 3) a zoning amendment (to establish a Planned Development Overlay District); 4) a vesting tentative map; 5) a Phase A mixed-use project (“Phase A”); and 6) a Costco warehouse and fueling station (“Costco”). Each of these entitlement actions are described below

The Phase A and Costco projects are the first individual development projects being proposed within the specific plan boundary since the specific plan was adopted. [Figure 6, Proposed Overall Mall Development Plan](#), shows the applicant’s current vision for how the mall portion of the specific plan area would be developed consistent with the specific plan land use plan use types, development intensities and development capacities. Individual residential/retail mixed use project phases (denoted with the prefix “PH”) are identified, including Phase A (PH A), the Costco warehouse/fueling station. The additional phases of development per the mall development plan are anticipated to move forward in the future. The dwelling unit numbers, residential densities, and use type configurations for each future phases B-D are shown for illustrative purposes only. Densities and residential unit yield may shift between phases, each of which will be subject to future City review and approval.

- Ride Share Drop Zone
- Shared Parking Garages
- Bicycle Parking
- AC Transit Stop
- Service Truck Access



Existing NewPark Mall	
Anchor	
Macy's	191,870
Sears	144,000
JC Penney	119,962
Burlington	87,410
Inline Mall	491,684
Kiosk	1,188
*Retail GLA Square Footage	1,036,114
*Mall square footage previously miscalculated at 1,135,625	

NewPark Mall Redevelopment	
Anchor	
Macy's	191,870
Sears Redevelopment	62,753
Costco	161,800
Inline Mall	407,812
Kiosk	1,188
Retail GLA Square Footage	825,423
Resi Buildings Retail SF	23,000
	848,423

Retail Parking Stalls Required 2,970  
 - Retail parking ratio of 3.5 stalls per 1,000 square feet of retail at full project build out

Costco Development	
JC Penney Demo	(119,962)
Burlington Demo	(87,410)
Inline Demo	(83,872)
Costco	161,800
Retail Square Footage	(129,444)

Sears Redevelopment	
Sears Demo	(144,000)
Sears Redevelopment	62,753
Retail Square Footage	(81,247)

Retail Square Foot Reduction (187,691)

Residential Development	
Phase A	319
Phase B1	195
Phase B2	310
Phase C	300
Phase D2	395
Total Units	1,519

Development Data And Densities Are Approximate And For Illustrative Purposes. Approval Of The Actual Development On Each Site Will Be Subject To Future City Review And Approval.

- LEGEND**
- PUBLIC OPEN SPACE
  - PUBLIC FLEX OPEN SPACE
  - STREET RETAIL
  - OUTWARD FACING MALL SHOPS
  - EXISTING RETAIL
  - NON-RETAIL ACTIVE FRONTAGE
  - MIXED USE I
  - MIXED USE II



Source: TCA Architects 2021

Figure 6  
 Proposed Overall Mall Development Plan





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### *Proposed General Plan Amendment*

The proposed project includes a general plan land use map amendment. The City will first act to amend the general plan to incorporate the specific plan by amending the general plan land use map to show that land within the specific plan boundary is governed by the NewPark Place Specific Plan.

### *Proposed Specific Plan Amendments*

The applicant is proposing to amend the adopted specific plan. A range of changes are being requested that address the following topics:

- definition or clarification of several geographical areas;
- roadway name changes (e.g., Newpark Boulevard to NewPark Mall Road, and Alpenrose Court to “Street A”);
- replace the term “master plan” with “sub plan” to reflect plans identified in specific plan policies that are required for implementing the specific plan;
- land use and retail changes and a new retail sub plan;
- open space and mobility sub plan changes;
- infrastructure and parking changes;
- implementation changes; and
- modifications to the design guidelines.

These changes are being requested to enable implementation of the applicant’s vision for buildout of the mall component of the specific plan area are illustrated in Figure 6, and in [Figure 7, Proposed Specific Plan Amended Land Use Plan](#).

The “Total Amended Specific Plan Capacity” column in [Table 3, Proposed Amended Specific Plan Area Buildout Development Capacity](#), shows that the proposed specific plan amendments would alter how the retail building square footage is allocated among different retail sub types relative to that allocation as shown in the “Total Adopted Specific Plan Capacity” column in Table 2.

Included in the total amended specific plan retail/restaurant capacity identified in the table above, is 23,700 square feet of ground floor retail, which would be dispersed through the various residential blocks shown in Figure 6.

A summary of the proposed specific plan amendment is included as [Appendix A](#). Specific proposed text changes and proposed figure changes are available on the city’s website at: [tinyurl.com/newpark-place-specific-plan](http://tinyurl.com/newpark-place-specific-plan)

**Table 3 Proposed Amended Specific Plan Area Buildout Development Capacity**

Land Use	Existing Development <sup>1</sup>	Additional Allowed General Plan Capacity	Total Allowed Capacity	Total Amended Specific Plan Capacity	Total vs. Allowed Capacity
Retail	1,445,762 GSF <sup>2</sup>	200,000 GSF	1,645,762 GSF	1,474,526 GSF	(171,236 GSF)
Retail/Restaurant	707,520 GSF	---	---	931,381 GSF	---
Retail Anchor <sup>3</sup>	543,242 GSF <sup>4</sup>	---	---	417,000 GSF	---
Big Box Retail <sup>5</sup>	195,000 GSF	---	---	126,145 GSF	---
Office	27,146 GSF	500,000 GSF	527,146 GSF	527,146 GSF	same
Hotel	564 rooms <sup>6</sup>	476 rooms	1,040 rooms	1,040 rooms	same
Residential	0 <sup>7</sup>	1,519 units <sup>5</sup>	1,519	1,519 units	same

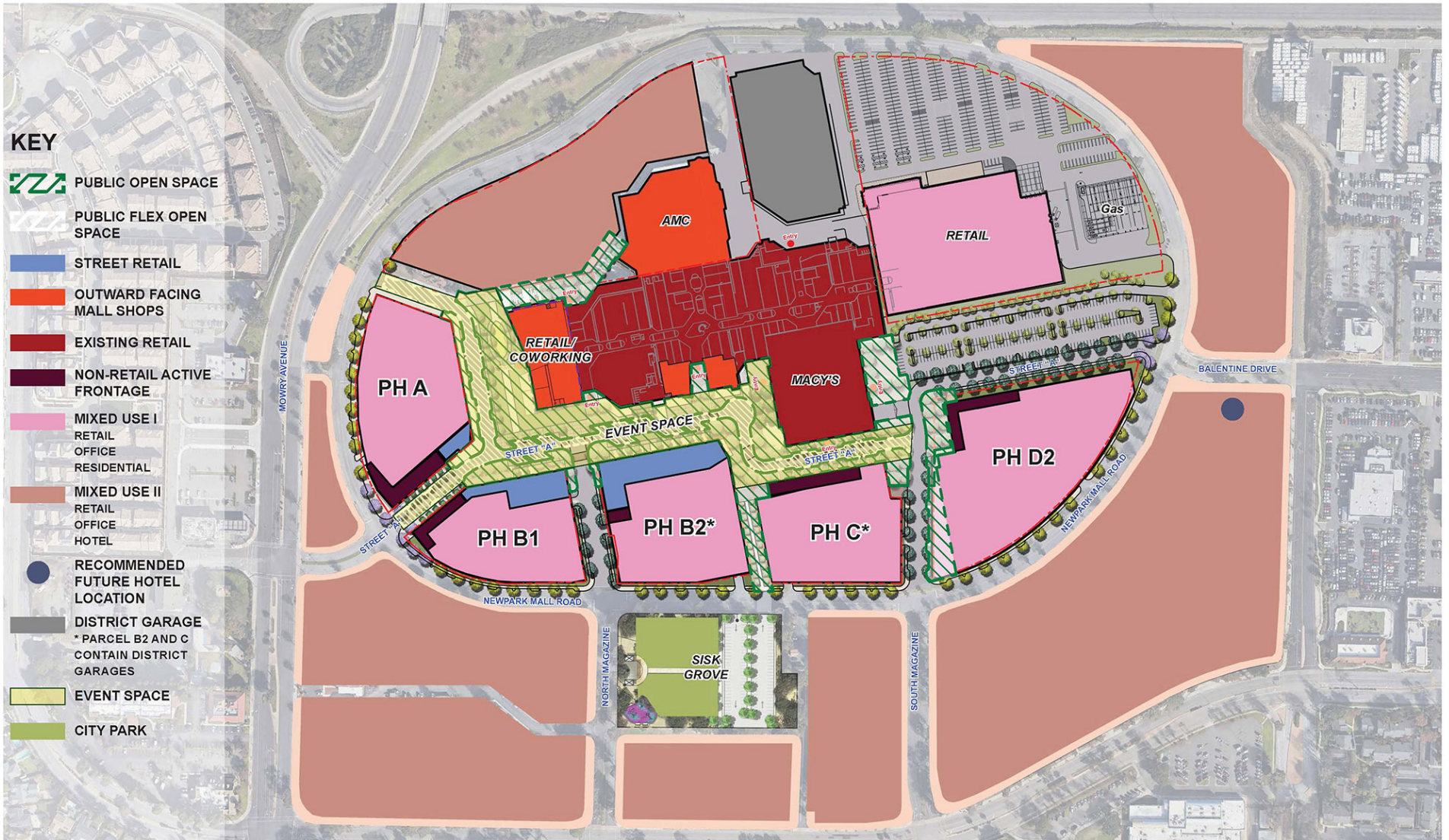
SOURCE: City of Newark and TCA Architects 2021

NOTES:

1. As of 2021.
2. GSF = gross square feet.
3. The anchor stores are in the retail center in Retail and Mixed-Use Area I areas, and may include big box retail uses and ancillary gas sales facilities.
4. Retail anchor square footage has been updated relative to that described in the specific plan.
5. This category of big box retail includes the NewPark Plaza large format retail stores in Mixed-Use Area II.
6. Two hotels with a total of 224 rooms have been constructed within the specific plan boundary since the specific plan was adopted. Therefore, there are a total of 564 (340 + 224) hotel rooms.
7. A total of 1,800 residential units are allowed within the Greater NewPark Focus Area per the general plan. 281 of these have already been approved and constructed as part of the Prima Residential Project located to the west of Mowry Avenue. That site is not within the specific plan boundary. Therefore, no existing residential units are shown within the specific plan boundary and the balance of 1,519 units is shown as the total general plan allowance within the specific plan boundary.
8. 23,700 square feet of new ground floor retail is from the Retail/Restaurant category.

### ***Zoning Amendment - Planned Development Overlay District Zoning***

One of the implementation measures in chapter 5 of the adopted specific plan to enable development proposed in the specific plan is to modify the zoning in the Mixed-Use Area I shown in the specific plan land use plan. To effectuate this implementation measure, the project includes amending the Newark Municipal Code (“municipal code”) to apply a Planned Development Overlay District (PD) to this area. This zoning leaves in place the underlying existing zoning of Regional Commercial which is the most appropriate and consistent with the general plan. The addition of the PD overlay applies the specific plan guidance to the Mixed-Use Area I as the Planned District Plan. The City’s zoning map would be amended by a notation of the PD zone. Section 1.4, page 17 of the specific plan provides that “if there are inconsistencies or conflicts between the development regulations contained in the specific plan and those contained in the municipal code [such as the PD regulations] or other applicable, adopted or future rules, regulations, or official policies of the city, the regulations contained in the specific plan prevail.”



Source: TCA Architects 2021

Figure 7  
Proposed Specific Plan Amended Land Use Plan

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The zoning amendment provides flexibility in the arrangement of uses within the site, but would not modify the permitted development capacity for the specific plan area as identified in the specific plan or general plan EIR or directly result in physical environmental change.

### *Vesting Tentative Map*

The applicant has prepared a vesting tentative map to subdivide the mall portion of the specific plan area into 13 parcels. The vesting tentative map includes the following information:

- Tract Map including parcel information, utility providers, and parcel size and use;
- Existing Boundary Survey;
- Preliminary Site Plan and Street Sections;
- Preliminary Grading Plan;
- Preliminary Utility Plan;
- Preliminary Stormwater Management Plan;
- Emergency Access Plan;
- Phasing Plan - Surface Improvements; and
- Phasing Plan – Utilities.

The vesting tentative map site plan is included as [Figure 8, Vesting Tentative Map](#). The complete vesting tentative map is included as [Appendix B](#).

### *Phase A Mixed-Use Project*

The Phase A project site is approximately four acres. The primary access to the site would be from Alpenrose Court via Mowry Avenue. Refer back to [Figure 6](#) for the Phase A location.

The Phase A project applicant is proposing a residential/retail mixed-use project with a total of 319 dwelling units, approximately 3,700 square feet of ground floor retail, approximately 12,900 square feet of amenities (such as a bike shop, clubroom, co-work space, game room, fitness room, etc.), a pool courtyard, and enclosed parking including 506 parking stalls, as shown in [Figure 9, Phase A Site Plan](#), [Figure 10, Phase A Elevation – East](#), and [Figure 11, Phase A Elevation – West](#), provide details about the project. The full project plan submittal, including architectural renderings, building plans, and landscape plans is included as [Appendix C](#). Proposed development components are summarized in [Table 4, Phase A Components](#). As previously noted, the applicant is proposing to modify existing street names as part of the specific plan amendment process. The new street names are shown on the applicant’s Phase A and Costco project plans as well as on sub plans that have been prepared to implement the specific plan.

**Table 4 Phase A Components**

Component/Type	Square Feet	Unit Count	Parking (Stalls)
<b>Residential</b>			
Studio	-	43	-
Junior 1 Bedroom	-	86	-
1 Bedroom	-	93	-
2 Bedroom	-	92	-
3 Bedroom	-	5	-
<b>Total</b>	-	<b>319</b>	-
<b>Amenities</b>			
Bike Shop	885	-	-
Clubroom	1,500	-	-
Co-work	3,210	-	-
Dog Wash	454	-	-
Fitness	3,714	-	-
Game Room	845	-	-
Restrooms	1,592	-	-
Roof Deck	725	-	-
<b>Subtotal</b>	<b>12,935</b>	-	-
<b>Retail</b>			
Retail Space	3,655	-	-
<b>Subtotal</b>	<b>3,655</b>	-	-
<b>Parking</b>			
Parking Area	-	-	506
<b>Total</b>	-	-	<b>506</b>
<b>TOTAL</b>	<b>16,590</b>	<b>319</b>	<b>506</b>

SOURCE: Brookfield Properties 2020

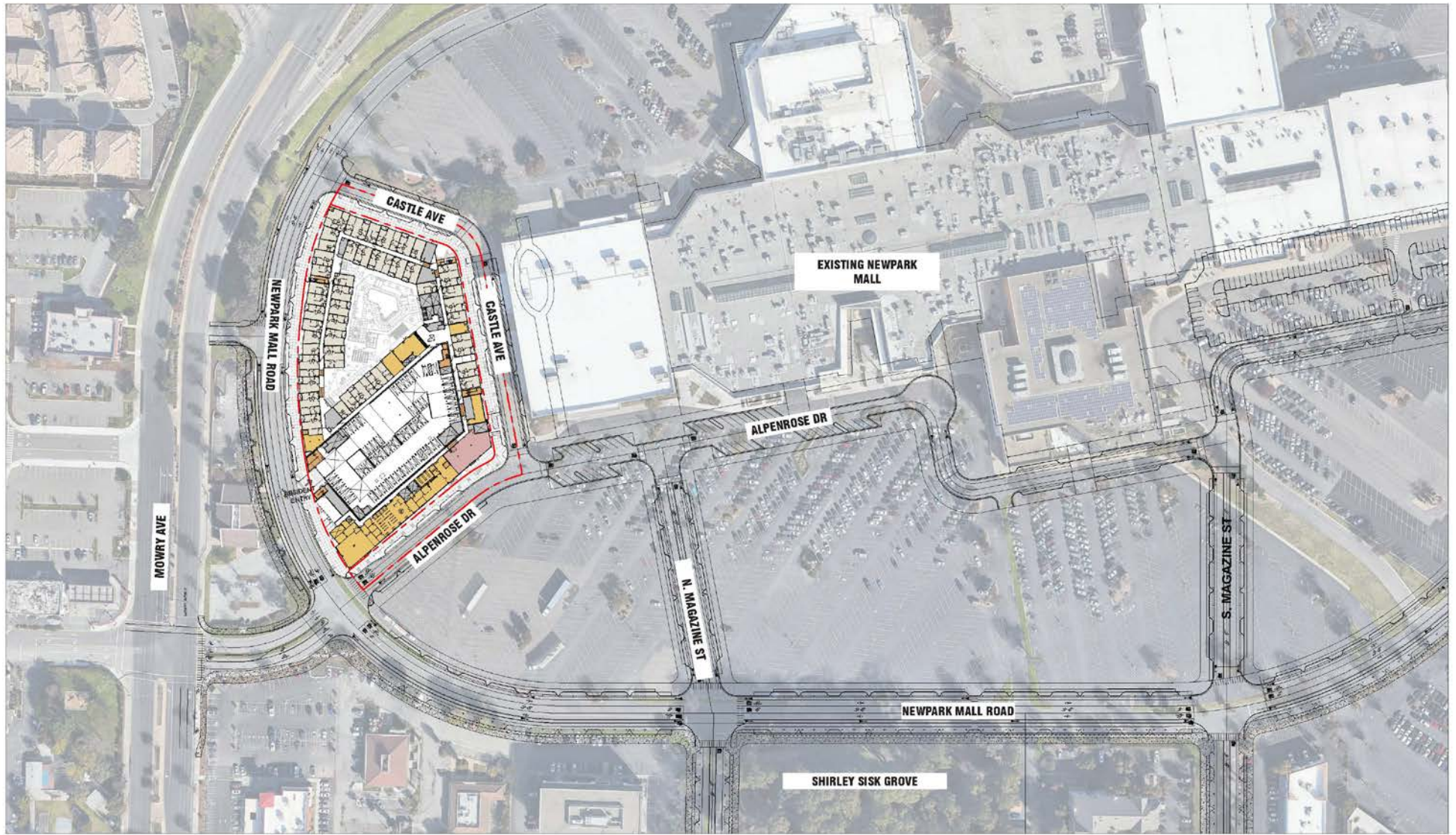
The applicant proposes to either pay the affordable housing in-lieu fee or provide a percentage of on-site affordable housing units. With the latter option, the on-site affordable units would be taken from the total proposed number of units; it would not add any additional units to the project.

Pedestrian and bicycle facility and streetscape improvements (including landscaping, areas of bench seating, outdoor restaurant seating, and bicycle parking) would be constructed along the streets adjacent to the site. In addition, Phase A would implement its share of circulation, infrastructure, and other improvements identified in the specific plan as proposed for amendment and with improvement plans shown in the tentative map.



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Source: TCA Architects 2020



Figure 9  
Phase A Site Plan

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EAST ELEVATION



VIEW FROM THE MALL

Source: TCA Architects 2020

Figure 10  
Phase A Elevation - East



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WEST 1 ELEVATION



VIEW FROM NEWPARK MALL ROAD & CASTLE AVE.

Source: TCA Architects 2020

Figure 11  
Phase A Elevation - West



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Sixty-four long-term bike stalls and four long-term residential bike parking spaces would be provided as required by the municipal code.

**Design.** The proposed structure is a “wrap building” consisting of residential units and/or retail “wrapping” around an above ground parking structure and a main pool courtyard. Along Alpenrose Drive, the structure would be six stories with five residential levels situated over ground floor retail and amenities. The remaining portion of the structure is five stories with six and a half levels of enclosed parking.

In keeping with the specific plan development standards, the proposed building would be 65 to 80 feet in height. Ground level lobbies, amenity spaces, and retail would be 18 feet high. Ground level residential units along Newpark Mall Road would be 12 feet high. The building footprint would follow the street with minimal setback to concentrate urban activity on the street. Open space is provided within the residential courtyard for various outdoor activities.

The exterior materials include metal panels, metal garage screens, stucco, retail aluminum storefronts, metal awnings, and glass and metal railings. The design is intended to serve as a “gateway” for the revitalized NewPark Mall mixed use and retail district.

The streetscape on all sides of the building would be lined with street trees, enhanced paving at entries, and include bench seating and outdoor dining opportunities as part of the ground floor retail areas. The proposed landscape plan utilizes native non-invasive and drought tolerant palette of trees, palms, and shrubs. All utilities servicing the building would be screened by landscaping.

**Lighting.** The site lighting is designed to provide safety for the pedestrian paths along all sides of the building and to highlight the building entrances. The exterior building lighting is designed to accent architectural features and animate the building façade at night.

**Consistency with Specific Plan and General Plan Development Capacity and Intensity.** Phase A includes 319 dwelling units and approximately 3,700 square feet of retail space. This development is consistent with the development capacity and intensity identified in the adopted specific plan and with development capacity for the specific plan as being requested as part of the proposed specific plan amendment (refer to Tables 2 and 3, respectively), and by extension, with the development capacity and intensity for the specific plan area as identified in the general plan and assumed in the general plan EIR.

### *Costco Warehouse and Fuel Facility Project*

The proposed Costco warehouse and 32-pump fuel facility would be located on an approximately 10.8-acre site as shown in Figure 6. The site is bordered by existing parking fields and by existing mall buildings. The site is currently occupied by the JC Penney and

Burlington Coat Factory stores, both of which would be demolished, and by existing surface parking. The primary access would be from Interstate 880 via Stevenson Boulevard exit and Balentine Drive. Secondary access would be from Interstate 880 via Mowry Avenue, existing Alpenrose Court, and existing NewPark Mall Road, and from Cedar Boulevard via North Magazine, South Magazine, and Balentine Drive.

The overall project design is shown in [Figure 12, Costco Warehouse Development Site Plan](#), and [Figure 13, Costco Exterior Elevations](#). The full project plan submittal, including the site plan, demolition plan, landscape plan, floor plans, elevations, and perspectives is provided as [Appendix D](#). The project is projected to generate approximately 165 to 170 full-time jobs.

The proposed project would be designed to construct circulation, infrastructure and other supporting improvements consistent with the specific plan as proposed for amendment and consistent with improvement plans shown in the tentative map.

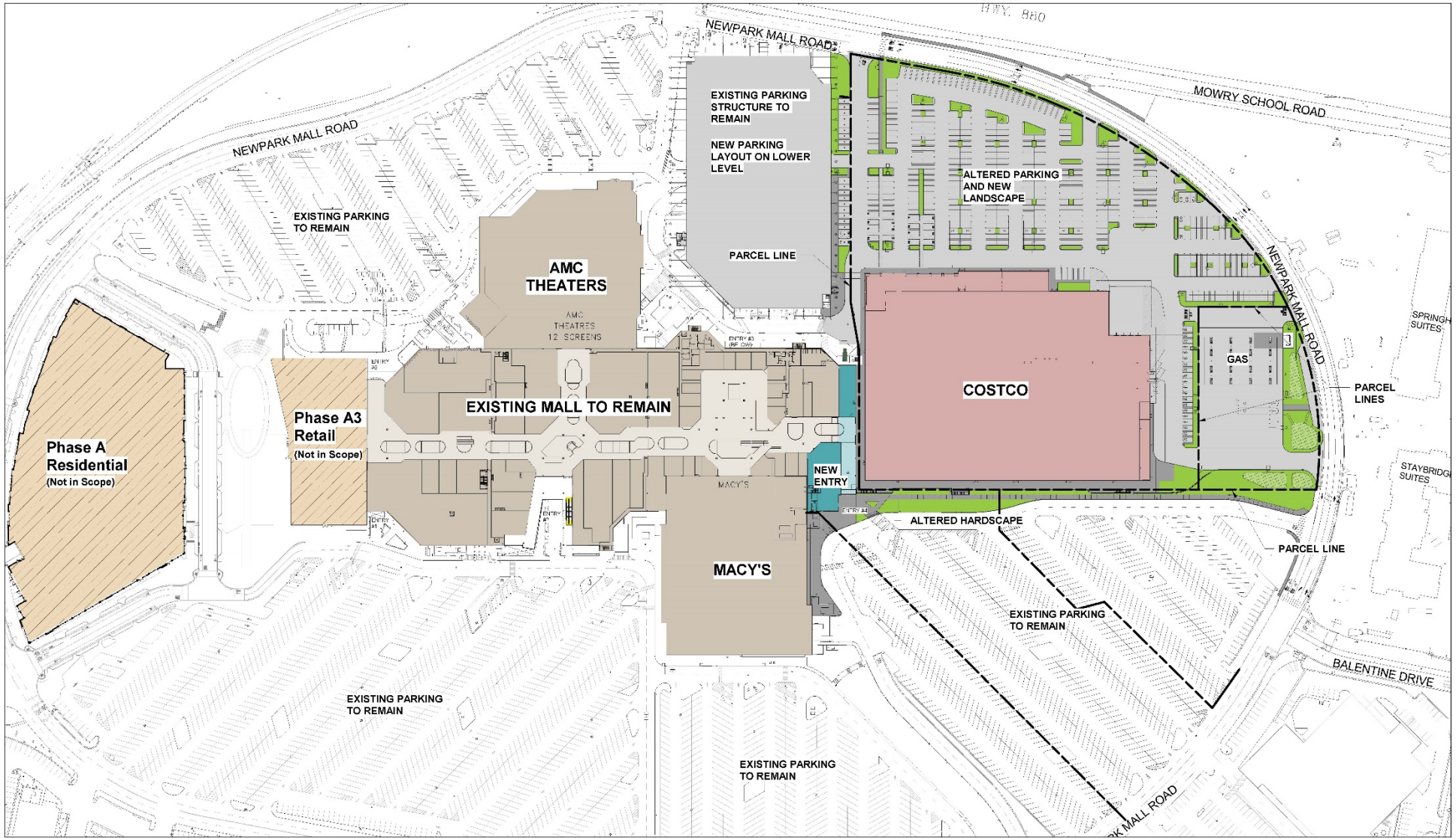
**Warehouse.** The warehouse would include approximately 161,000 square feet of gross lease area that includes a bakery, pharmacy, optical center, hearing aid testing center, food court, alcohol sales and tasting/samples, and tire sales and installation center, and 10,340 square-foot open air canopy.

**Tire Center.** The 5,275 square-foot tire sales and installation facility with five installation bays would be incorporated into the warehouse footprint. A promotional vehicle may be on display at the entry to the building. This vehicle is only to promote online or offsite vehicle sales; no vehicles would be sold on site.

**Fuel Facility.** The fuel facility would be available to Costco members only. It would include four covered fueling bays, each with four gas dispensers that fuel two cars each for a total fueling capacity for 32 pumps and a 10,340 square foot open air canopy. The fueling station would also have eight stacking lanes, which would provide capacity for 32 vehicles waiting for open pumps in addition to the 32 vehicles at the pumps. The pumps would be fully automated and self-service, with a Costco attendant present to oversee operations and assist members. Underground fuel tanks would also be installed at the eastern edge of the fuel facility. Lights would be recessed into the canopy and provide both lighting during operating hours and a lower level of security lighting after hours. A 125 square-foot controller enclosure would also be included.

**Parking.** Parking requirements would be met through a reciprocal easement agreement for all properties within the mall area. The entire mall area would be required to provide parking at a ratio of 3.5 stalls/1,000 square feet of building area. Parking stalls would be sized at 10 feet by 20 feet, which is larger than the minimum City requirements to provide members with easier accessibility to vehicles for bulk purchases. Twenty-one short term bike parking stalls, and 14 long-term (lockable bike lockers) would also be provided.





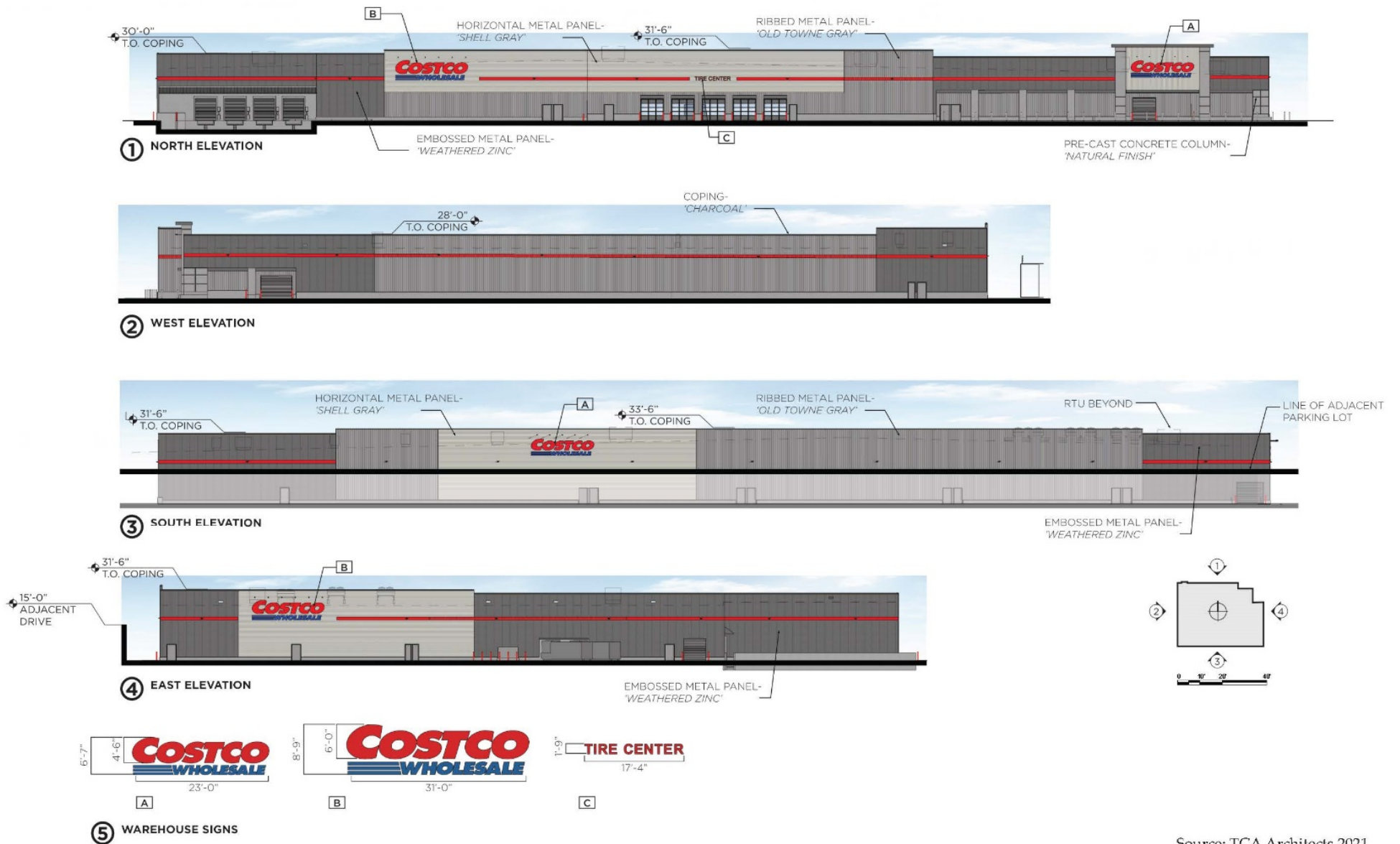
Source: LDA Design Group 2021, DB&A Architecture 2021

Figure 12  
 Costco Warehouse Development Site Plan



2021 NewPark Place Specific Plan Actions

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Source: TCA Architects 2021

Figure 13  
Costco Exterior Elevations



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**Design.** The warehouse architectural design would incorporate several features from the specific plan design guidelines including:

- The entry to the warehouse has been recessed to emphasize the rhythm of the facade. The entry also includes architectural detailing and change in materials and height that provide a direct visual differentiation to denote the warehouse entry.
- The architectural design consists of strong, simple forms, and varied building materials that provide visual interest and reduce the massing of the building.
- The warehouse has been sited towards the fronting street to form a strong building line parallel to the street.
- The warehouse building materials have been carefully integrated into the architectural design to create visually interesting elevations.

Building signage would consist of the Costco red and blue corporate colors. The signage would be scaled to the mass of the building elevations. The warehouse wall signage would consist of externally illuminated reverse pan channel letters and the gas station signage would also be externally illuminated. Building heights are shown on [Figure 12](#).

**Landscaping.** The landscape plan includes a mix of drought tolerant shrubs and grasses and a variety of shade trees appropriate for the climate that would be used throughout the parking field and along the project perimeter. The parking area would include perimeter landscaping buffers and parking lot trees.

**Lighting.** The parking lot would be illuminated with standard downward pointing lights using LED fixtures affixed to 36-foot-high light poles. The lighting fixtures are of a “shoe-box” style. Parking lot lighting is designed to provide even light distribution for vehicle and pedestrian safety. The parking lot lighting would be timer controlled to limit lighting after the warehouse has closed and employees have departed. Some parking lot lighting would remain on to provide security and emergency lighting.

Lighting fixtures would also be located every 40 feet on the exterior of the building to provide additional safety and security.

Parking lot and building lighting would include cutoff lenses to reduce light splay onto adjacent properties.

**Operations.** The planned warehouse hours are Monday through Friday from 9:00 a.m. to 8:30 p.m., and Saturday and Sunday from 9:00 a.m. to 7:00 p.m. The fuel facility hours are anticipated to be daily from 5:00 a.m. to 10:00 p.m.

The warehouse would receive about 10-14 trucks delivering goods on a typical day. The trucks range in size from 26 feet long for single-axle trailers to 70 feet long for double-axle trailers. Receiving time is from 2:00 a.m. to 1:00 p.m., averaging two to three trucks per hour,

with most of the deliveries completed before the 10:00 a.m. opening time. Deliveries are made primarily in Costco trucks from its freight consolidation facility in Tracy, California. Access would be via the Mowry Road via its interchange with Interstate 880, or Balentine Drive or Cedar Boulevard via Stevenson Boulevard and its interchanges with Interstate 880.

The tire center typically would receive shipments of tires one to two times per week in single- or double-trailer trucks of up to 70 feet in length, and the same delivery truck would pick up old tires for recycling. Deliveries to and pickups from the tire center would be scheduled for pre-opening hours, typically about 6:00 a.m.

It is estimated that fuel would be delivered to the fuel facility in five to seven trucks per day. The largest fuel trucks are approximately 70 feet long. Delivery for the fuel facility will be completed from a remote fill port and pull out for the fuel truck off Newpark Mall Road. The pull out will allow for the truck to park while delivering fuel and will not block access during the process at Newpark Mall Road. No Parking signs will be installed to prohibit the public from using the pull-out area for parking. The fuel facility is located at the furthest distance possible from the warehouse to avoid traffic and queuing conflicts with the warehouse.

To open and operate the gas facility, Costco would have to meet requirements of local, state and federal regulators and agencies, including the City of Newark Fire Department, the Alameda County Department of Environmental Health, the Bay Area Air Quality Management District, the State Water Resources Control Board, the California Environmental Protection Agency, and the United States Environmental Protection Agency.

**Applicant-Proposed Energy Efficiency and Resource Management Components.** The applicant's project description includes several energy-saving and resource conservation-related measures:

- Parking lot light standards would be designed in order to provide even light distribution, and utilize less energy compared to a greater number of fixtures at lower heights;
- New and renewable building materials would typically be extracted and manufactured within the region;
- The use of pre-manufactured building components, including structural framing and metal panels, would help to minimize waste during construction;
- Pre-manufactured metal wall panels with insulation and greater solar reflectivity would be utilized to help conserve energy;
- Use of a reflective cool roof material to produce lower heat absorption and thereby lower energy requirements during the hot summer months. This roofing material would meet the requirements for the EPA's Energy Star energy efficiency program;

- The irrigation system would include the use of deep root watering bubblers for parking lot trees to minimize usage and ensure that water goes directly to the intended planting areas;
- Storm water management plans would be designed to maintain quality control and storm water discharge rates;
- Use of native species vegetation and drip irrigation systems would greatly reduce potable water consumption;
- High-efficiency restroom fixtures would achieve a 40 percent decrease and water savings over U.S. standards by using high-efficient restroom fixtures;
- HVAC comfort systems would be controlled by a computerized building management system to maximize efficiency;
- HVAC units would be high efficiency direct ducted units;
- HVAC units avoid use of HCFC's;
- Lighting would be controlled by the overall project energy management system;
- Gas water heaters are direct vent and would be rated at 94 percent efficiency or greater;
- Roof material would be recycled standing seam metal panel, designed to maximum efficiency for spanning the structure;
- When masonry and concrete are used, the materials purchased would be local to the project, thereby reducing construction phase transportation impacts to local road networks;
- Construction waste would be recycled whenever possible;
- Floor sealant would be No-VOC; and
- An extensive recycling/reuse program would be implemented for warehouse and office space including tires, cardboard, grease, plastics and electronic waste.

**Consistency with Specific Plan and General Plan Development Capacity and Intensity.**

[Table 5, Proposed NewPark Mall Retail Redevelopment Square Footage Changes,](#)

summarizes the total amount of retail square footage that would be removed from the existing mall and the total amount of retail square footage that would be added with Costco project and the future planned redevelopment of the existing Sears store located at the opposite end of the existing mall. The Sears redevelopment is not part of the Costco project.

As shown in [Table 5](#), redevelopment associated with the Costco project and future Sears site redevelopment would result in a 210,691 square-foot reduction in the size of the mall relative to existing conditions. As shown in [Table 2](#), the specific plan and general plan allow an increase in retail square footage within the specific plan boundary. Thus, the Costco project



would be consistent with the approved specific plan development capacity and intensity, and by extension, with the development capacity and intensity for the specific plan area as identified in the general plan EIR.

**Table 5 Proposed NewPark Mall Retail Redevelopment Square Footage Changes**

Retail Use	Existing Development	Future Sears Redevelopment <sup>1</sup>	Proposed Costco	Total Future Development	Total Retail Reduction
Existing Anchors					
Macy's	191,870	--	--	191,870	
Sears	144,000	(81,247)		62,753	
JC Penny	119,962	-	(119,962)	0	
Burlington	87,410	-	(87,410)	0	
Inline Mall	491,684	-	(83,872)	407,812	
Kiosk	1,188	-	---	1,188	
Costco	---	-	161,800	161,800	
<b>Total</b>	<b>1,036,114</b>	<b>(81,247)</b>	<b>(129,444)</b>	<b>825,423</b>	<b>(210,691)</b>

SOURCE: TCA Architects 2021

NOTE:

1. This is a planned future change to the existing Sears store located at the west end of the existing mall. This change is not part of the current project, but is shown to reflect how existing mall development is anticipated to change as a whole.

## CEQA Analysis Methodology

This initial study assesses whether additional CEQA documentation is required to assess the significance of impacts associated with the project (the six actions that constitute the whole of the project), pursuant to the CEQA streamlining provisions contained in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. Those provisions suggest preparing an initial study consistent with CEQA Guidelines section 15162 to determine whether the proposed general plan amendment, specific plan amendments, the zoning amendment, the vesting tentative map, the Phase A project, and the Costco project may have new or more severe project-specific significant impacts peculiar to the project and/or the site than were identified in the general plan EIR and specific plan initial study. If not, no further CEQA documentation would be required. Section 15183 states:

15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine

whether there are project specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

- (1) The project is consistent with:
  - (A) A community plan adopted as part of a general plan,
  - (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
  - (C) A general plan of a local agency, and
- (2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

- (1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the EIR on the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and
  - (2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.
- (f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect...

Section 15183 is also relevant for assessing cumulative impacts, especially where the cumulative impact was found to be significant and unavoidable in the general plan EIR. The general plan EIR identified several significant and unavoidable cumulative impacts for which the City approved a Statement of Overriding Considerations. In these cases, the analysis in this initial study concludes that the proposed project contribution to these significant and unavoidable cumulative impacts was already identified in the general plan EIR. This approach is consistent with CEQA Guidelines section 15183(c) which states, "if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact."

### *General Plan Amendment, Specific Plan Amendment, and Zoning Amendment Components*

The proposed general plan amendment, specific plan amendment, and zoning amendment actions would not result in increased development capacity or changes in the types or intensity of development or site improvements already planned or anticipated in the specific plan. Nor would the amendments directly result in development types that were not already assumed and evaluated in the general plan EIR and specific plan initial study. None of the proposed amendments would result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. However, a statement regarding these project components is included in each environmental topic section of this initial study for ease of reference.

### *Vesting Tentative Map Component*

The vesting tentative map describes improvements and infrastructure that are necessary to enable redevelopment of the mall area (refer to Figure 6), including the current Phase A and Costco components, and future additional development phases. While many of the improvements are needed to support individual phases of development, some improvements could occur independently of current or future development phases. Therefore, implementing the vesting tentative map could result in physical changes or impacts independent of those associated with Phase A and/or Costco. This possibility is assumed in the evaluation of potential impacts of the vesting tentative map. These impacts relate primarily to construction effects associated with installing utility and roadway infrastructure.

### *Phase A Project and Costco Components*

As discussed earlier in this initial study, the City certified an EIR for the current general plan in 2013, and the proposed specific plan amendments, zoning amendments, Phase A development, and Costco development are all consistent with the general plan's policies regarding development capacity and intensity for the specific plan area. Therefore, CEQA Guidelines section 15183 applies to subsequent environmental review for the project. Pursuant to section 15183(b), this initial study is used as a tool to evaluate whether any of the circumstances identified in 15183(b)(1) through 15183(b)(4) apply. Where none apply, this is so noted and no further analysis of the environmental effect required. The evaluation of each environmental topic in the initial study focuses on 15183(b)(1), as the circumstances noted in 15183(b)(2) through 15183(b)(4) generally do not apply.

### *Environmental Effects Analysis Approach*

The evaluation of each environmental effect in this initial study generally begins with a summary of the general plan EIR significance determination for the effect and reference to general plan policies, specific plan policies, general plan EIR mitigation measures, and/or other uniformly applied development standards as tools to reduce impact significance. Regulations and standards in the municipal code are regularly cited in the general plan EIR as reducing the significance of impacts associated with implementing the general plan. Since the general plan EIR was certified, the City has updated its municipal code. The update resulted in changes to the numbering nomenclature in the municipal code relative to the code in place at the time the general plan EIR was prepared. The references to municipal code sections in this initial study have been updated to reflect the current adopted version of the municipal code. Therefore, references to municipal code chapters in this initial study may not match those referenced in the general plan EIR.



Where applicable, a summary of the impact analysis found in the initial study prepared for the specific plan is also provided. This initial study also references the results of project specific analyses that have been prepared for the Phase A and the Costco projects as required by a number of general plan policies that require such analyses at the time specific development projects are proposed. The analyses are used as evidence to determine whether either development project may have new or more severe significant impacts than were identified in the general plan EIR. Where none occur, no further environmental analysis is necessary.

### **Conditions of Approval for Reducing Environmental Effects**

The City will identify conditions of approval that apply to the tentative map, Phase A and Costco components of the project. Standard conditions of approval that the City applies to all development projects, as well as applicable general plan policies, general plan actions, and uniformly applicable development standards and regulations identified in the general plan EIR that serve to reduce the environmental effects of these project components will be included. Construction activities associated with the tentative map, Phase A and Costco must comply with the conditions of approval, as must operations of Phase A and Costco, to demonstrate that environmental impacts of each component will be reduced. The conditions of approval will be available as part of the Planning Commission and City Council project consideration packages.

### **Tiering**

This initial study uses CEQA tiering provisions in that information in the general plan EIR and the specific plan initial study are utilized to the extent possible, with the analyses supplemented by project-specific analysis consistent with policies and actions in the general plan and/or specific plan.

### **Approval Actions**

The proposed project would require City of Newark approval for the following actions:

- Initial Study/ CEQA Determination;
- General Plan Amendment;
- Specific Plan Amendment;
- Zoning Amendment (to establish a Planned Development Overlay District);
- Vesting Tentative Map;
- Design Review - Phase A Mixed Use;

- Design Review – Costco Warehouse and Fueling Station; and
- Affordable Housing Compliance Approval.

The initial study evaluates the discretionary actions being considered by the City for their potential to result in significant environmental effects.

### **Other Public Agencies Whose Approval is Required**

The Costco fueling facility requires approval from the following agencies:

- Alameda County Department of Environmental Health;
- Bay Area Air Quality Management District;
- State Water Resources Control Board;
- California Environmental Protection Agency; and
- United States Environmental Protection Agency.

## B. 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.

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Greenhouse Gas Emissions      | <input type="checkbox"/> Population/Housing                 |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Hydrology/Water Quality       | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Biological Resources               | <input type="checkbox"/> Land Use/Planning             | <input type="checkbox"/> Transportation                     |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Wildfire                      | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                         | <input type="checkbox"/> Mandatory Findings of Significance |

## C. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (1) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) there are no new or more severe project-specific significant impacts peculiar to the project and/or the project site than were identified in the general plan EIR and specific plan initial study, and therefore, no further CEQA documentation is required.

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Name and Title

---

Date



## D. EVALUATION OF ENVIRONMENTAL IMPACTS

### Notes

1. A brief explanation is provided for all answers except “No Impact” answers that are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer is explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once it has been determined that a particular physical impact may occur, then the checklist answers indicate whether the impact is significant, less than significant or less than significant with mitigation, analyzed in a prior EIR, or substantially mitigated by uniformly applicable development policies. This approach is consistent with the streamlining provisions of CEQA Guidelines section 15183 under which the environmental impacts of the proposed project are being evaluated in this initial study.
4. “Less-Than-Significant Impact with Mitigation Measures Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less-Than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from section XVII, “Earlier Analyses,” may be cross-referenced).
5. More than one box can be checked for each criteria.
6. When “Less Than Significant with Mitigation” is checked, the mitigation referred to is mitigation from the prior EIR.
7. Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. [Section 15063(c)(3)(D)] In this case, a brief discussion would identify the following:
  - a. “Earlier Analysis Used” identifies and states where such document is available for review.
  - b. “Impact Adequately Addressed” identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.

- c. “Mitigation Measures” – For effects that are “Less-Than-Significant Impact with Mitigation Measures Incorporated,” mitigation measures are described which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
8. Checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances, etc.) are incorporated. Reference to a previously prepared or outside document, where appropriate, commonly include a reference to the page or pages where the statement is substantiated.
9. “Supporting Information Sources” – A source list is attached, and other sources used or individuals contacted are cited in the discussion.
10. The explanation of each issue identifies:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any to reduce the impact to less than significant.

# 1. AESTHETICS

Except as provided in Public Resources Code Section 21099 (Modernization of Transportation Analysis for Transit-Oriented Infill Projects), would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Have a substantial adverse effect on a scenic vista? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (1,2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Comments:

- a. According to the general plan EIR, there are no scenic vistas or view corridors in Newark; however, panoramic views of the surrounding hills are available from open spaces within the city. Additionally, views of low-lying wetland areas fronting San Francisco Bay are available from vantage points along the western perimeter of the city. The general plan EIR concludes that with the implementation of applicable policies and conformance of future development to applicable regulations contained in the municipal code, impacts on panoramic views would be less than significant (page 4.1-7). These general plan policies include LU-4.13, LU-4.14, and PR-1.6.

Applicable regulations include those in Chapter 17, Zoning, of the municipal code that regulate building height and placement and establish standards for lot coverage and usable open space, and design guidelines also found in Chapter 17 that describe building height and massing.

As identified in the initial study prepared for the specific plan, future development would be similar to other types of residential and non-residential development growth anticipated in the general plan EIR and would be required to be consistent with general plan policies and with applicable regulations contained in the municipal code. The specific plan initial study concluded that the specific plan includes development standards and design standards that provide guidance for future development consistent with applicable general plan policies and standards that reduce panoramic views to less than significant (page 28). The initial study concluded that there were no known site or design characteristics of development per the specific plan that result in significant scenic vista impacts that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts on scenic vistas than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The proposed vesting tentative map allows for the creation of new individual parcels for a phased development of the specific plan area and includes grading plans, utility plans, and storm water improvement plans. Implementation of general plan policies and actions, and municipal code regulations as described above reduce the potential for substantial adverse effects on views of the surrounding hills and the wetlands to less than significant. Constructing improvements consistent with the tentative map would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Phase A Component**

The Phase A mixed-use component represents a common development type assumed in the general plan as part of the general plan buildout scenario, including anticipated new development within the Greater NewPark Focus Area. Phase A is



not expected to result in potential impacts on panoramas that were not assumed in the general plan EIR. The RC zoning district allows heights up to 250 feet and the specific plan allows height of up to 200 feet. The proposed maximum height of the Phase A building is 83 feet. The height and massing of Phase A buildings are consistent with regulations included in the specific plan which was found to be consistent with the general plan and height regulations for the Regional Commercial zoning designation. General plan policies and actions, and uniformly applied development standards, including those in the specific plan, mitigate related impacts on scenic vistas to less than significant.

The Phase A component would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Phase A is planned on a site that is part of a developed retail mall. The mall site does not include scenic vistas or include scenic vista visual corridors. Phase A is also a developed urban use that also would not affect a scenic vista. Therefore, Phase A will not have significant effects which are peculiar to the project or the project site. No further analysis is required.

### **Costco Component**

Similar to development of the Phase A project as described above, the Costco component is not expected to result in potential impacts on panoramas that were not assumed in the general plan EIR. The height and massing of the proposed structures are consistent with regulations included in the specific plan, which was found to be consistent with the general plan and height regulations for the Regional Commercial zoning designation. Implementation of general plan policies and actions identified in the general plan EIR as described above, mitigate related impacts to less than significant. Consequently, the proposed Costco project would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Costco is planned on a site that is part of a developed retail mall. Planned on a site that is part of a developed retail mall. The mall site does not include scenic vistas or include scenic vista visual corridors. Costco is also a developed urban use that also would not affect a scenic vista. Therefore, Costco will not have significant effects which are peculiar to the project or the project site. Therefore, Costco will not have significant effects which are peculiar to the project or the project site. No further analysis is required.

### **Combined Effect of Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts

to scenic vistas than identified in the general plan EIR and specific plan initial study. There is nothing peculiar about the project or the site that would result in project-specific significant effects.

- b. The two highways that traverse the City of Newark, State Route 84 and Interstate 880, are not designated scenic highways. The nearest segment of an officially State-designated scenic highway is Interstate 680, located approximately two miles east of Newark. The general plan EIR concludes that implementation of the general plan would not damage scenic resources within a State scenic highway. This discussion is found on general plan EIR page 4.1-7. The specific plan initial study also concluded that implementation of the proposed specific plan would have no impact on scenic resources within a state scenic highway (page 29). Consequently, implementation of the project would not have an impact on scenic resources within a state scenic highway. No further analysis is required.
- c. The general plan EIR concluded that new development within the city would have a less-than-significant impact on visual character provided such new development is consistent with a range of regulations contained in the municipal code and with general plan policies LU-2.1 and LU-2.2 as discussed on general plan EIR page 4.1-8.

Because the proposed project is in an urbanized area, consistency with applicable zoning regulations governing scenic quality is of particular relevance. Such regulations include chapter 17.08 of the municipal code which contains requirements that would ensure new development in commercial and mixed-use districts complies with community-approved standards for features such as building height, setbacks, and lighting. Chapter 17.34 establishes standards for site plan and architectural review for commercial districts, which would ensure that features of new development such as location, exterior design and appearance, colors, lighting, and landscaping are in keeping with community preferences. Additionally, chapter 17.17 details standards to ensure that new development in commercial districts does not contribute glare or objectionable lighting.

Specific impacts of development within the specific plan area on visual character are addressed in the general plan EIR, which concludes that general plan policies LU-2.1 and 2.2 would help to further reduce an already less-than-significant impact to the existing visual character of the Greater NewPark Focus Area.

The specific plan includes development standards and design standards that provide guidance for future development consistent with applicable general plan policies and standards in the municipal code that reduce visual resource impacts. The specific plan initial study concluded that there are no site or design characteristics of implementing the specific plan that result in significant visual resource impacts that were not already identified in the general plan EIR (page 29).

## **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Vesting Tentative Map Component**

The proposed vesting tentative map would not directly result in construction activities or types that were not already assumed for development as evaluated in the general plan EIR and specific plan initial study. As such, there are no site or design characteristics of this component that would result in significant visual impacts that have not already been identified in the general plan EIR or that would conflict with applicable zoning and other regulations governing scenic quality.

## **Phase A and Costco Components**

Future development would be required to comply with policies and regulations identified in the general plan EIR and initial study, as discussed above, that ensure impacts are less than significant. The Phase A and Costco components are designed to be consistent with general plan policies and actions, municipal code standards, and development standards in the specific plan. The project components would be reviewed by the City for consistency as part of the design review process. Where inconsistencies, if any, are identified, conditions of approval would be applied to ensure that final plans for each project are consistent. Therefore, neither component would result in new or more severe impacts than identified in the general plan EIR. Further, both components are planned on a site that is part of a developed retail mall that is not considered to have unique or valuable visual character or quality. Both components are also developed urban uses. Consequently, neither component would have significant effects on visual character that are peculiar to each component or to the project site.

## **Combined Effect of Project Components**

The combined effect of the six project components identified above, or the overall effect of implementation of the project would not result in new or more severe impacts associated with degrading the existing visual character or quality of public views of the site and its surroundings than were identified in the general plan EIR and specific plan initial study. There are no project specific significant effects which are peculiar to the project or its site. No further analysis is required.

- d. The general plan EIR concluded that with implementation of general plan policies that manage exterior lighting and evening lighting at parks (policies LU-4.7 and PR-3.5) and with conformance of new development to municipal code lighting regulations in chapter 17.17, General Site Regulations; chapter 17.08, Commercial and Mixed-Use Districts; and chapter 17.23 Parking and Loading, light and glare impacts would be less than significant. This discussion is found starting on general plan EIR page 4.1-12.

The specific plan initial study concluded that future development within the specific plan boundary would be typical of urban development within the city as described in the general plan EIR. Such development would create new sources of light and glare; however, these effects were already evaluated in the general plan EIR as part of its consideration of light and glare impacts under general plan buildout conditions (pages 29-30). General plan policies and uniformly applied development standards identified in the general plan EIR, minimize related impacts and ensure a less than significant impact.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The proposed vesting tentative map would result in infrastructure development that supports new urban development that was already assumed in the general plan EIR and specific plan initial study. The major source of associated lighting would be street lighting. Street lighting is a common form of urban lighting that is assumed in the general plan EIR. Consequently, the vesting tentative map would not result in light and glare impacts that were not already identified in the general plan EIR, and no new or more severe impacts would occur.

### **Phase A and Costco Components**

Future development would be required to comply with policies and regulations identified in the general plan EIR and discussed above that ensure light and glare impacts are less than significant. The Phase A and Costco components include plans for lighting that must be consistent with the development policies and actions in the



general plan and with uniformly applied standards in the municipal code. The Phase A and Costco lighting plans would be reviewed by the City for consistency with these policies and standards as part of the design review process. Where inconsistencies, if any, are identified, conditions of approval would be applied to ensure that final plans for each project are consistent with applicable regulations.

Neither component would result in new or more severe impacts than identified in the general plan EIR. Further, both components are planned on a site that already contains significant sources of light and glare from street, parking lot and building lighting. Both components would include lighting that would be similar to existing light sources. Consequently, neither component would have significant light and glare effects that would be peculiar to each or to the project site.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe light and glare impacts than identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

## 2. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts on agricultural resources are significant environmental effects and in assessing impacts on agriculture and farmland, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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 nonagricultural use? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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- |  |                          |                          |                                     |                          |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use? (2,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
- 

**Comments:**

- a-e. There is no farmland or forest land located within or adjacent to the specific plan area. Accordingly, implementation of the proposed project would have no impact on agriculture or forest resources, would not result in new or more severe agricultural or forest resources impacts than identified in the general plan EIR and specific plan initial study, or result in project-specific significant impacts that are peculiar to the project or the site. No further analysis is required.

### 3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Conflict with or obstruct implementation of the applicable air quality plan? (1,2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard? (2,4,12,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations? (12,13) <sup>1</sup>  <sup>1</sup> Health risks to new residents have been previously analyzed, risks to off-site receptors are less than significant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people? (1,2,4,5,6,7,8,9,18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Comments:

- a. As described in the general plan EIR, although growth under the general plan is expected to occur over a period of approximately 25 years and would be guided by a policy framework in the general plan that is generally consistent with many of the principal goals and objectives established in regional planning initiatives for the Bay Area, growth under the general plan would exceed regional projections for the city. The projected growth in vehicle miles traveled in the city that contribute to growth of vehicle emissions could lead to a regional VMT increase beyond that anticipated in the Bay Area Air Quality Management Districts’ clean air planning efforts. As a



result, buildout of the general plan planning area would contribute to ongoing air quality issues and would be inconsistent with the clean air plan. This impact was found to be significant and unavoidable in the general plan EIR (page 4.2-48).

The specific plan initial study identified that proposed growth within the specific plan boundary is consistent with growth assumptions included in the general plan and general plan EIR. Such development would contribute to the significant unavoidable impact of conflict with the clean air plan that was in effect at the time the general plan EIR was prepared. The proposed project contribution to this significant and unavoidable cumulative impact was already identified in the general plan EIR. The specific plan's contribution to the impact of inconsistency with the clean air plan was found not be peculiar due to the specific plan design or location, and the initial study concluded that no further analysis is required.

The Bay Area Air Quality Management District's (air district) currently adopted air plan is the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 CAP). The 2017 CAP defines a new methodology for assessing consistency of individual projects with the plan. The air district's 2017 Air Quality CEQA Guidelines ("air district CEQA guidelines") Section 9.1 provides guidance on for this determination. Consistency with the Clean Air Plan is based on three inter-related criteria: support for the primary goals of the Clean Air Plan, inclusion of applicable Clean Air Plan air quality control measures, and absence of hindrances to implementation of the Clean Air Plan. The specific plan initial study identified several control measures that are potentially applicable to future development within the specific plan boundary and identified policies in the specific plan that demonstrate consistency with the control measures (refer to Table 3 of the specific plan initial study). Potentially applicable control measures include: TR2 – Trip Reduction Programs, TR8 – Ridesharing and Last-Mile Connections, TR9 – Bicycle and Pedestrian Access and Facilities, NW2 – Urban Tree Planting, WA3 – Green Waste Diversion, and WR2 – Support Water Conservation. The purpose of the control measures is to provide methods for individual development to reduce air quality impacts and demonstrate consistency with the Clean Air Plan. The applicable measures and policies should be required as conditions of approval of a building permit given that future development within the specific plan area must be substantially consistent with specific plan policies. Actions to be taken by the City during the development review process for individual projects within the specific plan boundary were also identified to demonstrate consistency.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the

proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

The vesting tentative map, Phase A, and Costco components would enable development that is anticipated in the general plan within the Greater NewPark Focus Area whose incremental effects on air quality are addressed in the general plan EIR. The proposed components would contribute to the significant unavoidable clean air plan inconsistency impact identified in the general plan EIR.

Per CEQA Guidelines section 15183(c), if an impact is not peculiar to the project site or project and has been addressed as a significant impact in the general plan EIR, then an additional EIR need not be prepared solely on the basis of that impact. The three noted components can be characterized as common land use development actions for redeveloping the Greater NewPark Focus Area as assumed in the general plan and evaluated in the general plan EIR. As such, their contribution to the overall significant unavoidable impact was assumed in the general plan EIR. Consequently, there are no project specific significant impacts related to these components which are peculiar regarding inconsistency with the clean air plan. These actions would not result in new or more severe air quality impacts than identified in the general plan EIR and specific plan initial study.

General plan EIR mitigation measure AIR-1 identifies that a range of other policies and actions in the general plan are designed to reduce the source of inconsistency with the clean air plan – projected growth in vehicle miles traveled that exceeds the rate of population growth. No specific new measures or actions are identified in the mitigation measure. Therefore, it would not apply to the three project components independent of policies and actions specific to reducing vehicle miles traveled with which these components must already comply. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe impacts from conflicts with, or obstruct, the implementation of the clean air plan than identified in the general plan EIR and specific plan initial study, nor result in significant impacts that are peculiar to the project or the project site. No further analysis is required.

- b. The general plan EIR concluded that with implementation of a multitude of general plan policies and uniformly applied air district regulations, implementation of the general plan would not contribute to violating air quality standards. Policies include CS-5.1 through CS-5.5, T-1.1, T-1.3, T-1.6, T-2.1 through T-2.7, T-2.9 through T-2.11, T-3.1 through T-3.4, T-3.7 through 3.9, T-4.1, T-4.2, T-4.4 through T-4.9, LU-1.1 through LU-1.4, and LU-4.2 which would serve to minimize potential impacts. As such, impacts from violating air quality standards would be less than significant. Applicable uniformly applied regulations include air district Regulation 6, Rules 1 through 3; and Regulation 11, Rule 2. This discussion is found starting on general plan EIR page 4.2-35 through page 4.2-40.

The specific plan initial study identified that proposed growth within the specific plan boundary is consistent with growth assumptions included in the general plan and general plan EIR. There are no site or design characteristics of the specific plan that result in significant criteria air emissions impacts that were not already been identified in the general plan EIR.

The Bay Area is considered a non-attainment area for ground-level O<sub>3</sub> and PM<sub>2.5</sub> under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM<sub>10</sub> under the California Clean Air Act, but not the federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for O<sub>3</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>, the air district has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O<sub>3</sub> precursor pollutants (ROG and NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub> and apply to both construction period and operational period impacts.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

Of the components evaluated in this initial study, only the Phase A and Costco components include development that would generate operational criteria air emissions. Therefore, project specific air quality assessments were prepared for each of these two proposed components to determine whether they would generate emissions that would result in a cumulatively considerable net increase of any criteria

pollutant for which the project region is nonattainment under an applicable air quality standard. Air pollutant and GHG emissions associated with the construction and operation of the project were predicted using appropriate computer models. The analyses for the two project components are summarized below.

## **Phase A Component**

Consistent with general plan actions HW-1.B and HW-1.F, a project-specific air quality and health risk assessment was prepared for the Phase A project. The *NewPark Mall Mixed-Use Project: Phase A Residential Air Quality and Greenhouse Gas Emissions Assessment* (Illingworth & Rodkin, Inc. 2021) (hereinafter “Phase A air quality assessment”) is included as [Appendix E](#). The discussion below is based on the Phase A air quality assessment results.

### ***Construction Emissions***

Annual emissions were predicted using CalEEMod and EMFAC2017. The Phase A air quality assessment shows daily construction emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> exhaust, and PM<sub>2.5</sub> exhaust estimated during construction show emissions would not exceed the air district’s significance thresholds (Illingworth and Rodkin 2021, Table 3).

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The general plan EIR states that construction activities must include the air district’s basic control measures for fugitive dust pursuant to general plan action HW-1.G, which is uniformly applied on construction projects throughout the city. These control measures include best management practices as identified in the Phase A air quality assessment. Consistent with action HW-1.G, the City should ensure that these measures are implemented to reduce fugitive emissions impacts to less than significant.

### ***Operational Emissions***

Operational air emissions from the project would be generated primarily from autos driven by future residents, employees, and customers. Annual emissions were predicted using CalEEMod and daily emissions were estimated assuming 365 days of operation. Table 5 of the Phase A air quality assessment shows average daily emissions of ROG, NO<sub>x</sub>, total PM<sub>10</sub>, and total PM<sub>2.5</sub> during Phase A operations. Operational emissions would not exceed the air district’s significance thresholds.

Given the discussion above, the Phase A project would have a less-than-significant impact from generating air emissions during operations. Therefore, Phase A would not result in new or more severe impacts than were identified in the general plan EIR. No further analysis is necessary.

## **Costco Component**

Consistent with general plan actions HW-1.B and HW-1.F, a project-specific air quality and health risk assessment was prepared for the Costco project. The *NewPark Mall Mixed-Use Project: Costco Air Quality and Greenhouse Gas Emissions Assessment* (Illingworth & Rodkin, Inc. 2021) (hereinafter “Costco air quality assessment”) is included as [Appendix F](#). The discussion below is based on the Costco air quality assessment results.

### *Construction Emissions*

Annual emissions were predicted using CalEEMod and EMFAC2017. The Costco air quality assessment shows daily construction emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> exhaust, and PM<sub>2.5</sub> exhaust and identifies that predicted construction period emissions would not exceed the air district’s significance thresholds for criteria pollutant emissions (Illingworth and Rodkin 2021, Table 3).

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM<sub>10</sub> and PM<sub>2.5</sub>. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The general plan EIR states that construction activities must include the air district’s basic control measures for fugitive dust pursuant to general plan action HW-1.G, which is uniformly applied throughout the city. Those control measures include the air district’s best management practices as described in the Costco air quality assessment. Consistent with action HW-1.G, the City should ensure that these measures are implemented.

### *Operational Emissions*

Operational air emissions from the Costco component would be generated primarily from autos driven by future residents, employees, and customers, and to a lesser degree by delivery trucks to the warehouse and fueling facility. Annual emissions were predicted using CalEEMod and daily emissions were estimated assuming 365 days of operation. Table 5 of the Costco air quality assessment shows average daily operational emissions of ROG, NO<sub>x</sub>, total PM<sub>10</sub>, and total PM<sub>2.5</sub> during operations. The operational emissions would not exceed the air district’s significance thresholds.



Given the discussion above, Costco would have a less-than-significant impact from operational air emissions. Therefore, Costco would not result in new or more severe impacts than were identified in the general plan EIR.

### **Combined Effect of the Project Components**

Table 4 in both the Phase A and Costco air quality assessments identifies the combined daily construction emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub> exhaust, and PM<sub>2.5</sub> exhaust estimated during construction of both Phase A and Costco. As indicated in the tables, predicted construction period emissions would not exceed the BAAQMD significance thresholds. Table 6 of the Phase A and of the Costco air quality assessments identifies the combined daily operational emissions of both components. The combined operational emissions would not exceed the BAAQMD significance thresholds. Therefore, the combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe impacts associated with criteria air pollutant emissions than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- c. The general plan EIR concludes that with implementation of general plan policy LU-2.4, and actions LU-2.C and HW-1.F that require setbacks from transportation facilities and preparation of health risk assessments, respectively, for new development that includes sensitive receptors near high volume transportation facilities such as Interstate 880 and Mowry Avenue, new development under the general plan would not result in significant impacts from placement of sensitive receptors near major sources of air pollution or vice-versa. Applicable regulations cited in the general plan include air district Regulation 2, rules 2 and 5; and California Air Resources Board rules 2485, 2480, and 2477. This discussion is found starting on general plan EIR page 4.2-40.

The specific plan initial study concludes that growth within the specific plan boundary, including development of higher density residential uses that are considered sensitive receptors, is consistent with the growth assumptions and land use assumptions included in the general plan and general plan EIR. There are no site or design characteristics of the specific plan that result in significant air emissions impacts on sensitive receptors that were not already been identified in the general plan EIR.

## **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Health Risk Assessment Requirement and Scope of Analysis**

General plan action HW-1.F requires the submittal of a health risk assessment for major development or redevelopment projects within 1,000 feet of Interstate 880 and identifies quantified thresholds for determining significant impacts. Both Phase A and Costco are located within this distance of the highway. Therefore, the Phase A air quality assessment (Illingworth and Rodkin 2021b is included as Appendix E) and Costco air quality assessment (Illingworth and Rodkin 2021c included as [Appendix F](#)) each include a health risk assessment to evaluate health risks consistent with action HW-1F. Since Costco would not include sensitive receptors, the risk assessment for it does not address potential impacts on receptors that are part of that components. Only Phase A includes sensitive receptors, so its risk assessment does address this issue.

Because each of the components would also generate toxic air contaminants (TACs) that would exacerbate exposure of sensitive receptors to existing sources of TACs, each of the risk assessments also includes analysis of the potential impacts of each component on nearby, off-site sensitive receptors. The combined risk created by both components is also evaluated. Community risks associated both with construction emissions and operations of both components are evaluated. The risk assessments implement the uniformly applied development standard represented by action HW-1.F.

## **Phase A Component**

### *Community Health Risk Impacts on Phase A Sensitive Residential Use*

Refer to [Appendix E](#) for information on the assessment methodology and modeling tools used in the analysis of impacts that TAC sources would have on the new residents of Phase A.

The Phase A health risk assessment found that the cancer risk and Hazard Index (HI) to residents of Phase A from nearby TAC sources, including traffic on Interstate 880, do not exceed their single-source or cumulative-source thresholds. However, as

shown in Table 9 of the risk assessment, annual PM<sub>2.5</sub> concentrations are estimated to exceed both the single-source or cumulative-source thresholds for Phase A receptors located along Mowry Avenue and NewPark Mall Road due to fugitive road dust emissions from these roadways, including that which would be contributed by traffic from Phase A and Costco. However, Table 10 shows that the threshold would be exceeded only at residential units that would be located on the ground floor. PM<sub>2.5</sub> concentrations on the second floor and above are estimated to be below air district thresholds.

The Phase A risk analysis identifies several measures to reduce exposure and reduce the health risk to first floor residents: high-efficiency particulate filtration systems should be included in the Phase A ventilation system, air intakes should be located away from emissions sources, and tiered plantings of vegetation should be integrated at the exterior of the affected residential units. With these measures, the maximum annual PM<sub>2.5</sub> concentration would be reduced from 0.91 to 0.273  $\mu\text{g}/\text{m}^3$ , 66 percent below the 0.80  $\mu\text{g}/\text{m}^3$  cumulative exposure threshold. The maximum annual PM<sub>2.5</sub> concentration from Mowry Avenue would be reduced from 0.39 to 0.12  $\mu\text{g}/\text{m}^3$ , 61 percent below the 0.30  $\mu\text{g}/\text{m}^3$  single source threshold. These measures, and the implementation language that accompany them, are described starting on page 28 of the Phase A health risk assessment. The City would ensure that these measures are implemented for Phase A, consistent with general plan action HW-1.F.

### *Community Health Risks – Phase A Construction Impacts on Existing Sensitive Receptors*

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust and fugitive dust PM<sub>2.5</sub> that poses health risks for sensitive receptors. Diesel particulate matter (DPM), which is a known TAC, is a component of diesel exhaust.

The maximum-modeled annual DPM and PM<sub>2.5</sub> concentrations were used to identify the off-site maximally exposed individuals (MEI). The MEI is a townhome to the northwest of the Phase A site, opposite Mowry Avenue. As shown in Table 7 of the Phase A risk assessment, unmitigated construction equipment emissions generated by Phase A construction activities would have a cancer risk of up to 6.3 occurrences per million. This is below the air district significance threshold of 10 occurrences per million. The maximum projected PM<sub>2.5</sub> concentration of 0.06  $\mu\text{g}/\text{m}^3$  at the MEI would not exceed the threshold of 0.3  $\mu\text{g}/\text{m}^3$ , nor would the maximum HI index of less than 0.01 exceed the air district significance threshold of 1.0.

### ***Community Health Risks – Phase A Operational Impacts on Existing Sensitive Receptors***

As described on page 15 of the risk assessment, Phase A operations would not be expected to be a significant source of TACs or localized air pollutant emissions, as Phase A would not generate substantial truck traffic or include stationary sources of emissions, such as generators powered by diesel engines. Emissions from automobile traffic generated by Phase A would be spread out over a broad geographical area and not localized.

### ***Cumulative Community Health Risks***

Community health risk assessments typically look at all substantial sources of TACs that can affect sensitive receptors that are located within 1,000 feet of a project site. These sources include rail lines, highways, busy surface streets, and stationary sources identified by the air district. Table 8 of the Phase A risk assessment identifies the cumulative risk impacts at the sensitive receptor most affected by Phase A construction activities. It shows that the cumulative cancer risk of 22.5 per million would be below the cumulative threshold of 100 per million, the cumulative projected PM<sub>2.5</sub> concentration of 0.51  $\mu$  g/m<sup>3</sup> would not exceed the threshold of 0.8  $\mu$  g/m<sup>3</sup>, nor would the maximum HI index of less than 0.11 exceed the air district significance threshold of 10.0.

### **Costco Component**

Refer to [Appendix F](#) for information on the assessment methodology and modeling tools used in the analysis of Costco health risks. The analysis investigates potential impacts from construction activities and from the operations of the warehouse and proposed 32-pump fuel facility.

### ***Construction Community Risks - Costco***

The maximum-modeled annual DPM and PM<sub>2.5</sub> concentrations were used to identify the MEI for Costco. The risk assessment indicates that the construction residential MEI is located at a single-family home to the northeast of the project site, opposite Interstate 880. The construction risk assessment prepared for the Costco project (Appendix F) indicates that unmitigated construction emissions would result in a maximum increased cancer risk of 4.52 per million, an annual PM<sub>2.5</sub> concentration of 0.07  $\mu$  g/m<sup>3</sup>, and non-cancer HI of less than 0.01 from construction; all of which, would not exceed the air district significance thresholds at the MEI of 10 cases per million cancer risk, 0.3  $\mu$  g/m<sup>3</sup> annual PM<sub>2.5</sub> concentration, and an HI of less than 1.0, respectively, as described in Table 7 on page 19 of the Costco risk assessment (Appendix F).

### ***Operational Community Risk Impacts - Costco***

The primary operation emissions of concern are associated with the fuel facility, as described below. Operation of the warehouse store is not expected to be a source of TACs or localized air pollutant emissions, as it would not generate substantial new truck traffic or include additional stationary sources of emissions, such as generators powered by diesel engines. Emissions from automobile traffic generated by the warehouse would be spread out over a broad geographical area and not localized. The traffic would mostly replace traffic generated by existing uses. Therefore, detailed contribution of warehouse activities to health risks is not discussed further below, but see Appendix E for additional discussion.

The 32-pump fuel dispensing facility would primarily sell gasoline and would serve primarily light-duty vehicles. The facility would be available to members starting at 5 a.m. and would close at 10 p.m. daily 360 days per year. Health risk impacts from operation of the fuel facility are summarized in Table 8 on page of the Costco risk analysis. The facility operations would not exceed the single-source thresholds of significance for risk impacts in terms of excess lifetime cancer risk, annual PM<sub>2.5</sub> concentrations, or HI. The Costco risk assessment reports that the combination of construction and operational emissions from the gas station would result in a cancer risk of 1.0 per million, annual PM<sub>2.5</sub> concentration of less than 0.01  $\mu$  g/m<sup>3</sup>, maximum acute HI of less than 0.04, and maximum chronic HI of less than 0.01. The increase in cancer and health risks from construction and operations would not exceed the air district significance thresholds of 10 in one million, 0.3  $\mu$  g/m<sup>3</sup> annual PM<sub>2.5</sub> concentration, maximum acute HI of 1.0, or maximum chronic HI of 1.0, respectively.

### ***Cumulative Community Risks - Costco***

Table 9 of the Costco risk assessment summarizes cumulative health risk impacts at the off-site MEI. The unmitigated cumulative community risk would not exceed the air district's single-source health risk thresholds for cancer risk or non-cancer HI. However, the cumulative annual PM<sub>2.5</sub> concentration at the MEI would exceed the air district's cumulative source threshold without the project. This is due to the emissions from Interstate 880 and the proximity of the construction MEI to Interstate 880 (approximately 103 feet). The general plan EIR states that construction activities must include the air district's basic control measures for fugitive dust pursuant to general plan action HW-1.G, which is uniformly applied throughout the city. Those control measures include the air district's best management practices as described in the Costco health risk assessment, page 13. Compliance with measures to reduce fugitive dust (i.e., PM<sub>2.5</sub>) emissions from construction required by general plan action HW-1.G ensure that health impacts to nearby sensitive receptors are minimized. As a



standard condition of project approval, during any construction period ground disturbance, the project is subject to compliance with the following basic measures to control dust and exhaust,

1. All exposed, unstabilized surfaces that generate fugitive dust emissions (e.g., unpaved parking areas, material staging areas, soil piles, unstabilized graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. 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.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. 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.

Compliance with the standard control measures would further reduce the project's contribution to cumulatively considerable PM<sub>2.5</sub> health risks. Additionally, the air district considers the project-specific contribution to cumulative health risk impacts

to be less than significant if the project-specific construction impact is less than significant (Areana Flores, Environmental Planner, BAAQMD as cited by Illingworth and Rodkin 2021c, page 28). The project is subject to compliance with dust control measures, and since the Costco construction health risk impacts are below the air district single source thresholds, the proposed Costco facility would not have a considerable contribution to the cumulative PM<sub>2.5</sub> impact at the MEI. As such, no additional construction emissions mitigation would be required.

## **Combined Health Risk Effect of the Project Components**

### *Exposure of Phase A Sensitive Receptors to Health Risks*

This effect is described above under the heading “Community Health Risk Impacts on Phase A Sensitive Residential Use”. Each component would contribute to traffic on roads on which PM<sub>2.5</sub> levels would exceed air district thresholds. Effects on ground floor residents would be reduced by measures that are consistent with uniformly applied general plan action HW-1.F.

### *Construction Health Risks on Off-Site Receptors*

The combined Phase A and Costco construction effect on the Phase A MEI are reported in Table 7 of the Phase A risk assessment (Appendix E). The combined cancer risk is 6.6 cases per million, which is below the air district threshold of 10 cases per million. The combined annual PM<sub>2.5</sub> value of 0.07  $\mu$  g/m<sup>3</sup> would be below the threshold of 0.3  $\mu$  g/m<sup>3</sup>. The HI index of less than 0.01 would not exceed the air district significance threshold of 1.0.

The combined Phase A and Costco construction effect on the Costco MEI are reported in Table 7 of the Costco risk assessment (Appendix F). The combined cancer risk is 6.31 cases per million, which is below the threshold of 10 per million. The combined annual PM<sub>2.5</sub> value of 0.08  $\mu$  g/m<sup>3</sup> would be below the threshold of 0.3  $\mu$  g/m<sup>3</sup>. The HI index of less than 0.01 would not exceed the air district significance threshold of 1.0.

The emissions from construction of the proposed Phase A and Costco facility either individually or concurrently, would not exceed the air district single-source health risk thresholds at either MEI.

### *Operational Health Risks on Off-Site Receptors*

As reported previously, neither the operations of Phase A nor the Costco warehouse is expected to substantially contribute to community health risks. However, the combined effects of Phase A and Costco construction activities and operations of the Costco fueling facility on the Costco MEI are considered together in the Costco risk

assessment. As shown in Table 9 of that assessment (Appendix F), the combined effects would not exceed any of the air district health risk thresholds. The combined cancer risk would be 6.03 cases per million, which is below the threshold of 10 cases per million. The combined annual PM<sub>2.5</sub> value of 0.08  $\mu$  g/m<sup>3</sup> would be below the threshold of 0.3  $\mu$  g/m<sup>3</sup>. The HI index of less than 0.04 would not exceed the significance threshold of 1.0.

Given the information above and the fact that the general plan amendment, specific plan amendments, and zoning amendment would not contribute to combined health risks, the combined effect of the six project components would not result in new or more severe impacts associated on proposed sensitive receptors than was identified in the general plan EIR and specific plan initial study. Further, the proposed project would not exposure existing sensitive receptors to substantial pollutant concentrations that exceed air district thresholds of significance.

- d. The general plan EIR concluded that with implementation of general plan policy EH-8, which requires projects that emit nuisance odors beyond the property line to prepare an odor management plan, and action item HW-1.H, and with required adherence to air district regulation 7 regarding odors for existing/proposed odor sources, impacts from exposure of a substantial number of people to objectionable odors would be less than significant. This discussion is found starting on general plan EIR page 4.2-45.

The specific plan initial study identifies that the types of growth within the specific plan boundary, including residential development and the substantial number of people who would reside within it, are consistent with types of growth assumed in the general plan and evaluated in the general plan EIR for the specific plan area. The specific plan area is not located near a source of odors, nor would the non-residential end uses allowed within it be potential sources of nuisance odors. The specific plan initial study determined that there would be no site or planned development design characteristics of the specific plan that result in significant odor impacts that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, Zoning Amendments, Vesting Tentative Map, and Phase A Component**

The general plan, specific plan, and zoning amendments would have no odor effects. Development associated with the vesting tentative map and Phase A is not anticipated to be a source of substantial odors. Consequently, no new or more severe odor impacts than were identified in the general plan EIR and specific plan initial study would occur. No further analysis is required.

## **Costco Component**

Table 3-3 in the air district's 2017 CEQA Air Quality Guidelines provides odor screening distances for 16 land uses that have the potential to generate substantial odor complaints. Representative sources of substantial odor are identified as wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (Bay Area Air Quality Management District 2017). Fueling facilities are not identified as a significant odor-generating use and would not be expected to be so relative to the significant odor sources noted. Required implementation of vapor recovery systems would substantially reduce emissions of odor-generating compounds in the gasoline. In combination with the fact that the Springhill Suites hotel, the nearest sensitive receptor to the pumps, is located about 200 feet to the east of the nearest pumps, the fueling facility is not expected to generate objectionable odors that affect a substantial number of people.

## **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe impacts associated with odor than was identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 4. BIOLOGICAL RESOURCES

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means? (2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 
- 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? (2,4,5,6,7,8)
- 

**Comments:**

- a. The general plan EIR concluded that the urbanized portions of the city have low habitat value for biological resources, but also that future development could result in direct and/or indirect impacts on special-status species. The general plan EIR states that with implementation of a range of general plan policies and conformance with applicable federal, State, and local regulation, potential direct and indirect impacts on special-status species and sensitive biological resources from new development would be less than significant.

Policies and actions that serve to reduce the impact include policies CS-1.1 through CS-1.3, CS-2.1 through CS-2.3, CS-2.5, CS-2.7, CS-1.A, and action CS-2.C. Applicable regulations include conformance with the Federal Endangered Species Act, the Migratory Bird Treaty Act, the California Endangered Species Act, the California Fish and Game Code, and the California Native Plant Protection Act. This discussion is found starting on general plan EIR page 4.3-32.

The specific plan initial study determined that no recorded occurrences of special-status species are located within the specific plan area. However, the specific plan initial study determined that trees located within Shirley Sisk Grove Park could provide habitat for protected nesting birds that could be indirectly impacted by construction activities on adjacent land. The initial study concluded that this potential impact had been identified in the general plan EIR and was reduced to a less-than-significant through required conformance with general plan policies and uniformly applied regulations.

**General Plan Amendment, Specific Plan Amendment, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendment, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.



## **Vesting Tentative Map Component**

The proposed vesting tentative map would result in construction activities directly adjacent to Shirley Sisk Grove Park and would have potential to impact nesting birds and protect bat species. General plan action CS-2.C is a uniformly applied development standard that applies throughout the city. It includes actions to be taken and performance standards to be met for evaluating and reducing potential impacts of development on special-status wildlife. The City should ensure that action CS-2.C is implemented to address potential impacts of construction associated with implementing the vesting tentative map in the immediate vicinity of Shirley Sisk Grove Park. The proposed action would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Phase A and Costco Components**

The Phase A and Costco projects are located about 750 feet and 1,000 feet from Shirley Sisk Grove Park, respectively. Noise intensities commonly decline by about one-half with each doubling of distance from the noise source. Similarly, ground vibration from construction equipment, to the extent that such would be created, also attenuates with distance. Consequently, it is unlikely that noise or vibration associated with construction activities would adversely affect nesting birds within the park if such were to be identified. The proposed actions would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, construction activities associated with Phase A and Costco are not anticipated to be unique – noise and vibration would be typical for construction associated with land use development generally. Therefore, Phase A and Costco will not have significant effects special-status species which are peculiar to them. No further analysis is required.

## **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe impacts on any species identified as a candidate, sensitive, or special status species than was identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- b-f. The specific plan initial study determined that the specific plan area does not contain wetlands, riparian habitat, sensitive natural communities, or wildlife corridors, and is not within the boundary of a habitat conservation or other biological resources

management area. The initial study concluded that there were no known site or design characteristics of development per the specific plan that result in significant impacts that were not already identified in the general plan EIR.

### **Combined Effects of the Project Components**

Since there are no wetlands, riparian habitat, sensitive natural communities, or wildlife corridors within the specific plan area and it is not within the boundary of a habitat conservation or other biological resources management area, the project would not result in new or more severe biological resources impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 5. CULTURAL RESOURCES

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The general plan EIR notes that new development consistent with the general plan has potential to significantly impact historical resources, including listed historic buildings. However, no buildings in the city are listed with the National or California Registers. Locally, the City has identified two buildings in its list of historic resources, neither of which are within the specific plan boundary. The general plan EIR concluded that with the implementation of general plan policies and compliance with the municipal code and with federal, State and local regulations, impacts of new development on historical resources would be less than significant. This discussion is found starting on general plan EIR page 4.4-8.

The specific plan initial study identified that there are no known historic structures within the specific plan area. Consequently, there would be no known site or design characteristics of development per the specific plan that would result in significant impacts that were not already identified in the general plan EIR.

### Combined Effects of the Project Components

Since there are no known historic structures within the specific plan area the project would not result in new or more severe environmental impacts than identified in the specific plan initial study. No further analysis is required.

- b, c. The general plan EIR concludes that new development enabled by the general plan has potential to uncover as yet undiscovered archeological resources. General plan policy LU-5.5 requires that mitigation, preservation, and recovery procedures be implemented in the event that important resources are identified during development. Conformance of new development with general plan policies, including policy LU-5.5, municipal code regulations, and state and federal regulations would result in a less than significant impact. Applicable regulations include California Public Resources Code Section 21083.2, Senate Bill (SB) 18, California Health and Safety Code Section 7052 and 7050.5, and California Public Resources Code Section 5097 and 15064.5. This discussion is found starting on general plan EIR page 4.4-10.

The specific plan initial study concluded that although the specific plan area does not contain known archeological resources or human remains, such resources could be uncovered during construction activities.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, and Phase A and Costco Components**

Conformance of new development with general plan policy LU-5.5 would be required for the tentative map improvements, and Phase A and Costco components, as each would result in ground disturbance and excavations. Therefore, none of these components would result in new or more severe impacts than identified in the general plan EIR. These components are planned on a site that is part of a developed retail mall that is not considered to have unique or valuable archaeological potential. Consequently, none of the components would have significant effects on archaeological resources which are peculiar to the project or to the project site.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe impacts resulting from a substantial adverse change in the significance of an archaeological resource than identified in the general plan EIR and specific plan initial study. There are no site or

design characteristics of the project that give rise to significant cultural resources impacts that have not already been identified in the general plan EIR. These actions would, therefore, not result in new or more severe cultural resource impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects to archaeological resources.

## 6. ENERGY

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (1,2,3,4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (1,2,3,4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Comments:

a, b. The general plan EIR does not directly evaluate the significance of energy impacts. This is now an environmental topic included in the current version of CEQA Guidelines Appendix G, Environmental Checklist Form, but was not included in Appendix G at the time the general plan was adopted. Many lead agencies, including the City of Newark, utilize Appendix G as the basis for preparing CEQA documentation, as is the case with this 2021 NewPark Place Actions initial study. While the general plan EIR does not directly assess the significance of energy impacts, it does discuss and evaluate the important role of energy as a component of assessing air quality and GHG impacts. A wide range of policies and actions and uniformly applied development standards are identified that directly or indirectly address energy demand and conservation as a means to reduce air quality and greenhouse gas impacts. Thus, the topic of energy demand and conservation is not new. The following energy conservation and renewable energy use policies and actions are representative of those included in the general plan:

- 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.
- Policy CS-6.4: Green Roofs. Encourage the use of green roofs and cool roofs as a way of reducing heating and cooling costs, and reducing stormwater runoff.



- Policy CS-6.6: Cool Pavements. Encourage the use of cool (light colored) pavements to mitigate the heat island effect of development.
- Action CS-6.B: Green Building Incentives. Implement green building programs as called for by the Newark Climate Action Plan, including use of the Green Points certification program and the Multi-family Green Retrofit Fund.
- Action CS-6.C: Green Building Information. Make information on green building practices and programs available to Newark homeowners, builders, contractors, business owners, and developers.
- Action CS-6.D: Green Certifications. Provide resources and checklists to builders and contractors seeking to obtain green certifications through the City's Building Department.
- 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 which 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 and encourages the use of photovoltaic energy systems in new construction and rehabilitation projects.
- Action CS-7.C: Title 24. Enforce Title 24 and other energy efficiency and conservation standards when reviewing development and building permit applications.
- Action CS-7.E: Climate Action Plan Programs. Implement Newark Climate Action Plan programs intended to reduce energy use, including conservation plans for City buildings, installation of more energy-efficient heating and cooling systems, insulation, solar lighting plans, and increased use of renewable energy.
- Policy CS-3.2: Water Conservation Standards. Promote water conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs.

- Action CS-3.B: Development Review. Use the development review process to ensure that water conservation measures are incorporated in new projects.
- Action CS-3.D: Low-Flow Plumbing and Irrigation. Strongly encourage—and where appropriate, require—the use of low flow plumbing fixtures, low volume irrigation systems, and drought-tolerant plant palettes as a way to conserve water.
- Action CS-3.E: Water Efficient Landscaping. Continue to implement State Department of Water Resources 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.

In addition to required compliance with the policies and actions listed above, future development under the general plan would be required to comply with applicable energy related development standards, including those set forth in Title 24 relating to energy conservation and with California Green Building Standards Code (Part 11, Title 24, known as “CALGreen”).

The specific plan initial study, like the general plan EIR, does not directly address energy impacts resulting from implementing the initial study. The specific plan includes policies for reducing energy demand and greenhouse gas emissions that reinforce the suite of energy demand reduction and conservation policies, actions and standards in the general plan. The specific plan policies include policy M-8, which requires installing electric vehicle infrastructure and bicycle infrastructure, and policy IF-10, which requires new development to incorporate nine energy conserving features consistent with several of the general plan policies referenced above.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not be sources of energy demand and would not result in physical environmental change. Therefore, the proposed amendments would not result in energy related effects. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

The vesting tentative map improvements, and the Phase A and Costco components would create energy demand during construction. Phase A and Costco would also create energy demand during operations. Development projects must be in

conformance with policies and actions in the general plan related to energy demand and conservation, and must conform to applicable uniformly applied development standards. These three actions represent common sources of energy demand that are not considered wasteful or unnecessary, as they implement the City's development goals as identified in the general plan. In addition, required conformance to applicable regulatory requirements, applicable general plan policies and actions, and policies in the specific plan ensure that the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, these components would have less than significant energy impacts.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would have less than significant energy impacts.

## 7. GEOLOGY AND SOILS

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
(1) 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? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Strong seismic ground shaking? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Seismic-related ground failure, including liquefaction? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Landslides? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, creating substantial direct or indirect risks to life or property? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (1,2,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

a. The general plan EIR determined that implementation of general plan policies and actions and compliance of new development with California Building Code construction regulations would minimize exposure of people and structures to seismic and geologic hazard risks and result in a less than significant impact. Compliance with these standards would ensure that structures would be able to withstand anticipated seismic events and would not result in significant damage or harm to the public. This discussion is found starting on general plan EIR page 4.5-10.

Several general plan policies and actions identified in the general plan EIR are relevant to the current proposed projects as minimizing these effects to less than significant. These include policies EH-1.1, EH-1.2, EH-2.1 through EH-2-4, and actions EH-1.A, EH-2.A, EH-2.D, and EH-2.F. Required conformance with uniformly applied development standards is also required. These are listed in the general plan EIR starting on page 4.5-1 and include, but are not limited to the California Public Resources Code, Division 2, Chapter 7.8, Section 2697(a) (a.k.a. the Seismic Hazards Mapping Act) and the City of Newark Municipal Code Building Regulations (including the California Building Code as adopted by reference).

The specific plan initial study concluded that there are no potential geologic or seismic hazard conditions that are specific to the project site that result in significant impacts that were not already identified as possible throughout the city and are less than significant with the implementation of general plan policies and actions, and with conformance of new development to State and municipal regulations.

## **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Vesting Tentative Map, Phase A, and Costco Components**

The proposed tentative map includes grading plans, utility plans, and storm water improvement plans. Grading, and constructing surface and subsurface improvements (e.g., internal streets, water supply infrastructure, and wastewater collection infrastructure), and constructing vertical habitable structures consistent with the tentative map, and Phase A project and Costco plans would have impacts commonly associated with most types of construction activity, including potential impacts from exposure of people and structures to seismic and geologic hazard risks. As identified in the general plan EIR, no Alquist-Priolo Earthquake Fault Zones are located anywhere within the city, including the specific plan area (page 4.5-10). The entire city has been formally designated as a liquefaction hazard zone; and similarly, the hazards posed by strong seismic ground shaking during a major earthquake, while variable, are nearly omnipresent across the city.

These three project components would not expose people and structures to unique or site specific seismic and geologic hazard risks. These types of impacts are evaluated in the general plan EIR and specific plan initial study. General plan policies, actions and uniformly applied regulations and standards identified in the general plan EIR, as described above, serve to reduce related impacts to less than significant. Therefore, there is nothing peculiar about the vesting tentative map improvements, and Phase A and Costco components or the site that was not evaluated in general plan EIR and specific plan initial study. No further analysis is required.

## **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in more severe project-specific significant effects. No further analysis is required.



- b. The general plan EIR concludes that continued urban development would lead to an increase in potential for soil erosion and loss during construction related soil disturbance activities. Compliance with general plan policy CS-1.4 and action CS-1.B, mitigation measure 4.5-1 from the Housing Element EIR, and regulatory requirements, including erosion control measures and grading permit requirements as specified in the municipal code, would ensure impacts relating to erosion or the loss of topsoil are reduced to the maximum extent practicable and ensure that impacts would be less than significant. This discussion is found starting on general plan EIR page 4.5-12. Housing Element mitigation measure 4.5-1 from the Housing Element EIR is referenced in the general plan EIR and is relevant to Phase A, as it pertains to geologic investigations for housing developments of four or more units.

The specific plan initial study concluded that there are no soil erosion impacts that are specific to the project site that result in significant impacts that were not already identified throughout the city and are less than significant with the implementation of general plan policies and municipal code and State and federal regulations.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

Construction activities associated with installing roadway and utility improvements as identified in the vesting tentative map, and building Phase A and Costco would result in soil erosion potential that is not unique to the site or to the types of planned construction activities. The site is fully developed and does not have particularly unique erosion conditions and the improvements represent common types of urban development. Therefore, there is nothing peculiar about the construction or operations associated with these components or about the site from an erosion risk perspective that would result in project-specific significant effects. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts

associated with substantial soil erosion or the loss of topsoil than was identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- c, d. As noted in the general plan EIR, implementation of the general plan could lead to constructing urban development and infrastructure on unstable or expansive soils. The general plan EIR concluded that with implementation of general plan policies and conformance of new development within the California Building Code, this impact would be less than significant. Potential impacts would be less than significant with conformance with policies EH-1.1 and EH-1.2, and actions EH-1.A, H-2.A, and EH-2.B, which address development on unstable geologic units and soils. Applicable regulations noted in the general plan EIR include the California Public Resources Code, Division 2, Chapter 7.8, Section 2697(a) (a.k.a. the Seismic Hazards Mapping Act) and the City of Newark Municipal Code Building Regulations (including the California Building Code as adopted by reference). This discussion is found starting on general plan EIR page 4.5-13.

The specific plan initial study concluded that there were no known site or design characteristics of planned development per the specific plan that result in significant impacts that had not already been identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

Future development would be required to comply with policies and regulations identified in the general plan EIR and initial study, as discussed above, that ensure impacts are less than significant. Improvements identified on the proposed vesting tentative map and development of the Phase A and Costco projects must be designed to be consistent with policies and actions in the general plan, and other regulations identified in the general plan.

These actions would not result in new or more severe environmental impacts associated with project development on unstable or expansive soils than have been identified in the general plan EIR. The site is fully developed and does not have particularly unique soil conditions. The proposed components represent typical development that was assumed in the general plan EIR and the specific plan initial study for this area. Therefore, there is nothing peculiar about construction or operations associated with these components or about the site that would result in project-specific significant effects.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- e. Use of septic disposal is not permitted or proposed within the specific plan area.
- f. The general plan EIR identified that the potential for fossil remains of significance are unlikely in the city and in the specific plan area due to the relatively recent age of Holocene Bay mud underlying the city. Additionally, since no previous fossil finds have been made in the vicinity, and there are no known paleontological resources in Newark, the potential presence of paleontological resources is considered low. The general plan EIR concluded that impacts to paleontological resources associated with buildout of the general plan would be less than significant and consequently, does not identify policy, action, or regulatory standards for reducing related impacts.

The project site is highly disturbed and it is unlikely that paleontological resources would be uncovered during construction activities associated with the tentative map, Phase A or Costco components. The project would not result in new or more severe geology and soils related impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 8. GREENHOUSE GAS EMISSIONS

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? ( )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The general plan EIR evaluated the increase in greenhouse gas (GHG) emissions from buildout of the general plan. Community-wide GHG emissions at 2035 buildout of the general plan would exceed the quantified threshold of significance for that year. Even with consistency with GHG reduction measures included in the City’s climate action plan, implementation of general plan EIR mitigation measure GHG-1 (requiring uniformly applicable development standards for pedestrian and bicycle provisions, source reduction and diversion, and tree planting for all new developments), and consistency with applicable regulations, the impact could not be mitigated to less than significant; the impact was determined to be significant and unavoidable. This discussion is found starting on general plan EIR page 4.6-18.

The specific plan initial study identified that the specific plan would enable urban development that is anticipated in the general plan within the Greater NewPark Focus Area whose incremental effects on climate change were already addressed in the general plan EIR. The initial study found that there would be no related GHG impacts that are specific to the project site or design that result in significant impacts that were not already identified in the general plan EIR.

### General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the

proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

Construction activities associated with installing roadway and utility improvements as identified in the vesting tentative map, and constructing and operating Phase A and Costco would generate GHG emissions from activities that common for new urban development. Because gas stations are allowed within the Regional Commercial zoning district that applies to the project site, the Costco gas station would not be a unique use. These components of the project are representative of urban development that is anticipated in the general plan within the Greater NewPark Focus Area whose incremental effects on climate change are addressed in the general plan EIR.

Future development would be required to comply with the general plan policies and actions noted above, with general plan EIR mitigation measure GHG-1, with regulatory requirements noted above, and with specific plan policies noted above that specify required GHG reduction measures for new development within the specific plan area. As described in the project description for Phase A and Costco, both components include GHG reduction measures. However, as part of its development review process, the City would review both components to determine if each includes all required GHG reduction measures. If all required measures are not included, incorporation of the outstanding measures would be required.

The vesting tentative map, Phase A and Costco would contribute to the significant and unavoidable climate change impact resulting from implementation of the general plan. Per CEQA Guidelines section 15183(c), if an impact is not peculiar to the project site or project and has been addressed as a significant impact in the general plan EIR, then an additional EIR need not be prepared solely on the basis of that impact.

### **Combined Effect of the Project Components**

Given the information above, the combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe GHG impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- b. The general plan EIR found that implementation of the general plan would have a significant environmental impact if it would conflict with the California Air Resources Board's Scoping Plan, the Metropolitan Transportation Commission's Plan

Bay Area, or the City's CAP. Implementation of general plan policies and actions identified in general plan EIR Table 4.6-6, Consistency with Newark's Community-wide GHG Reduction Measures, would ensure consistency with the noted plans for reducing GHG emissions such that no conflict with the plans would occur. This discussion is found starting on general plan EIR page 4.6-24.

The specific plan would enable urban development that is anticipated in the general plan within the Greater NewPark Focus Area, including development within the specific plan area. The specific plan initial study identified that such development must be consistent with policies of the general plan that reduce GHG emissions, with GHG reduction measures contained in the City's climate action plan, and with general plan EIR mitigation measure GHG-1. The specific plan initial study concluded that there were no site or design characteristics of the specific plan that would result in significant impacts that were not already identified in the general plan EIR.

### **Combined Effect of the Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment do not directly result in construction or operation activities that would generate GHGs. As described above, the vesting tentative map, and the Phase A and Costco projects must incorporate all GHG reduction measures consistent with the general plan, specific plan and general plan EIR mitigation GHG-1. By doing so, these three actions would contribute to development within the city being consistent with applicable GHG plans and policies. In addition, there are no site or design characteristics of the project that give rise to significant impacts that have not already been identified in the general plan EIR.

There are no project specific significant impacts regarding consistency with applicable GHG reduction plans which are peculiar to the project or its site. The project would not result in new or more severe GHG impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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? (2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, create a significant hazard to the public or the environment? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (2,4,5,6,7,8,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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- |   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (2,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
- 

**Comments:**

a-c. The general plan EIR concludes that implementation of the general plan would facilitate development of facilities which routinely transport, use, store, and/or dispose of hazardous materials and wastes. Service commercial and industrial facilities are more commonly associated with use of hazardous materials in volumes and types that have potential to result in significant environmental impacts. The general plan EIR notes that there are several such existing facilities within the city. Residential and retail type commercial uses generally are considered to have less potential for creating significant hazardous materials related impacts. The types and volume of hazardous materials associated with such uses commonly do not rise to the level of being considered a significant hazard. Materials types may include cleaners, paints, oils, batteries, fertilizers and pesticides as described in the general plan EIR.

The general plan EIR concludes that facilities that would use, store or dispose of hazardous materials transport, use, or disposal of hazardous materials and wastes have potential to result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, including within one-quarter mile of a school (Newark Memorial High School at 39375 Cedar Boulevard). Implementation of general plan policies and actions, and required facility conformance with regulatory programs identified in the general plan EIR would result in the potential impact to be less than significant.

Though residential and non-service commercial development commonly are not associated with having significant hazardous materials risks, several general plan policies and actions identified in the general plan EIR are relevant to the current proposed project to reduce these effects to less than significant. These include policies EH-4.1, EH-4.5, and EH-4.6, and Actions EH-4.A, EH-4.E, EH-4.G, EH-4H, EH-4.I, and EH-4J. Required conformance with a multitude of uniformly applied hazardous material regulations is also required. These are listed in the general plan EIR starting on page 4.7-2 and include, but are not limited to: Federal Department of Transportation Hazardous Materials Transport Act-Code, Federal Environmental Protection Agency Resource and Recovery Act and the Comprehensive Environmental Response, Compensation and Liability Act, California Environmental Protection Agency environmental protection laws, California Department of Toxic

Substances Control Strategic Plan (as enforced by the Alameda County Environmental Health Department acting as the Certified Unified , California Building Code Porter-Cologne Water Quality Control Act, California Health and Safety Code, and City of Newark Municipal Code Hazardous Materials Storage Permit regulations.

The specific plan initial study concluded that the proposed specific plan would enable new residential and retail/commercial development within the Greater NewPark Focus Area as anticipated in the general plan. Such development would be similar to other types of residential and non-residential development growth anticipated in the general plan EIR. Such development must be consistent with general plan policies, and with applicable regulations contained in the municipal code and with State and federal regulations regarding hazardous materials. The initial study concluded that there were no known site or design characteristics of development per the specific plan that result in significant hazardous materials impacts that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The vesting tentative map includes grading plans, utility plans, and storm water improvement plans. Grading, and constructing surface and subsurface improvements (e.g., internal streets, water supply infrastructure, and wastewater collection infrastructure) consistent with the tentative map would have impacts commonly associated with most types of construction activity, including potential impacts from the accidental release of hazardous materials resulting from their use, handling, storage, disposal and/or transport. Associated hazardous materials would include but not be limited to fuels, solvents, and lubricants. Standard accident and hazardous materials recovery training and procedures, enforced by the state and followed by private state-licensed, certified, and bonded transportation companies and contractors, reduce the potential for hazards associated with this routine use. Hazardous material impacts from construction activities associated with land use projects are evaluated in general plan EIR and specific plan EIR. General plan

policies, actions and uniformly applied regulations and standards as described above mitigate related impacts to less than significant. Constructing improvements consistent with the tentative map would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Phase A Component**

The Phase A component represents a common development type assumed in the general plan as part of the general plan buildout scenario, including anticipated new development within the Greater NewPark Focus Area. The project is not anticipated to involve hazardous materials that are unique to constructing or operating the project relative to other similar land use development identified in the general plan. Hazardous material impacts from construction activities and operating land use projects are evaluated in the general plan EIR and specific plan initial study. Further, there are no Phase A site characteristics that are peculiar that could give rise to significant hazardous materials impacts that have not already been identified in the general plan EIR. The Phase A site is not on a list of known hazardous materials sites and is not occupied by an existing use that presents hazardous materials risks. General plan policies, actions and uniformly applied regulations and standards identified in the general plan EIR, as described above, minimize the potential for impacts to occur and the resulting impact would be less than significant. The Phase A project would not result in new or more severe hazards and hazardous materials impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Costco Component**

Like constructing and operating the Phase A project as described above, activities associated with constructing the Costco component, and with operating the Costco warehouse and tire center, are not expected to result in potential hazardous materials impacts that were not assumed in the general plan EIR. Operating the warehouse and tire center may involve using detergents, solvents, oils, lubricants, etc.

Fueling station operations would involve potential hazardous materials impacts that are more common to service commercial and/or industrial projects. The fueling station includes below ground fuel storage tanks, and would require handling, storage and transport of significant volumes of hazardous fuel. It would also include storage and handling of propane. Hazards could arise due to the accidental release of such materials that could contaminate air, soil, and/or water, and/or result in public

health and safety impacts including explosions and fires. Failure to construct, maintain, operate, and monitor underground storage tanks and propane storage and dispensing equipment could result in significant hazardous materials impacts.

As described in the general plan EIR, acting as the Certified Unified Program Agency (CUPA) under the California Department of Toxic Substances, the Alameda County Environmental Health Department would, along with other state agencies, have regulatory authority over underground storage tanks to ensure they are constructed, operated, maintained and monitored to reduce potential for environmental impacts.

In addition to hazardous fuel concerns, the Costco project requires that existing structures be demolished. It is possible that hazardous materials such as asbestos, lead-based paint, or other materials could be released into the environment if such hazardous materials conditions are not remediated before or as part of the demolition process.

General plan policies, actions and uniformly applied regulations and standards identified in the general plan EIR, as described above, minimize the potential for impacts to occur and ensure a less than significant impact. This includes impacts related to handling of hazardous materials within one-quarter mile of an existing school; Newark Memorial High School, located at 39375 Cedar Boulevard, is approximately one-quarter mile from the proposed Costco fueling station location. Consequently, constructing and operating the Costco warehouse and fueling facilities would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. There are no site or design characteristics of the project that give rise to significant hazards and hazardous materials impacts have not already been identified in the general plan EIR. No further analysis is required.

- d. The specific plan initial study identifies that there are no known hazardous materials sites within the specific plan boundary. Therefore, the project is not anticipated to result in significant impacts related to development on known hazardous materials sites. Therefore, the project would not result in new or more severe hazards and hazardous materials impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- e. As described in the general plan EIR and specific plan initial study, there are no public use airports or private airstrips within the City of Newark. The nearest airports are located several miles from Newark. Consequently, the project would not have potential to conflict with operations of public or private airports and none would result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.
- f. The general plan EIR concluded that with the implementation of general plan policies and actions, new development in the city would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Potential impacts would be less than significant with implementation of policies that include EH-5.1 and EH-5.3, which among other polices, address how new development has potential to affect emergency access. Additional policies and actions, and uniformly applied regulations and standards identified in the general plan EIR are also identified that serve to minimize the potential for impacts to and ensure a less than significant impact.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development that has potential to result in inadequate emergency access and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

These three components are related in that each has potential to affect adequacy of emergency access. Tentative map circulation improvements must be designed to provide sufficient emergency access to the Phase A and Costco projects and the latter must be designed accommodate emergency vehicle access consistent with emergency vehicle access roadway design standards and development design standards. The proposed components have been designed to ensure adequate emergency access and would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- g. The specific plan initial study identified that according to general plan EIR Figure 4.7-2, the specific plan area is designated as Urban/Unzoned in terms of wildland fire risk; future development within it would not be subject to wildland fire risks. The project would not result in exposure to wildland fire risk and would not result in new or more severe wildland fire impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 10. HYDROLOGY AND WATER QUALITY

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
(1) Result in substantial erosion or siltation on- or off-site; (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) Impede or redirect flood flows? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

- a. The general plan EIR identified that future development could result in discharges of contaminated water to surface water bodies and groundwater. The EIR concluded that general plan policies and actions, together with requirements that new development comply with National Pollutant Discharge Elimination System regulations promulgated by the State Water Resources Control Board and Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay Regional Water Quality Board, would ensure that surface and groundwater quality impacts from new development are less than significant. The applicable general plan policies include CS-3.1, CS-3.4, CS-3.5, CS-3.8, and applicable general plan actions include CS-1.B, CS-3.G, and CS-3.H. This discussion is found starting on general plan EIR page 4.8-20.

The specific plan initial study concluded that there were no site or design characteristics of the specific plan project that would result in significant impacts on water quality that were not already identified in the general plan EIR (page 53).

**General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

**Vesting Tentative Map, Phase A, and Costco Components**

Future development would be required to comply with policies and regulations identified in the general plan EIR and discussed above that ensure impacts are less than significant. Construction activities and post-construction site design improvements associated with the tentative map, Phase A, and Costco must be

consistent with general plan policies, actions and uniformly applied regulations and standards identified in the general plan EIR, as described above, that minimize the potential for surface and groundwater quality impacts from new development and result in a less than significant impact, including but not limited to C.3 requirements. The plan documents to be prepared for these activities would be reviewed by the City for this purpose.

None of these three actions would result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, the site is fully developed and there is nothing unique about the project components or site that would result in degradation of surface or ground water quality. Improvements identified on the vesting tentative map, the Phase A component, and the Costco component each represent typical development that is consistent with, and was anticipated in, the general plan EIR and specific plan initial study. Further, the Phase A and Costco components are replacing existing urban uses and would be subject to more stringent water quality compliance regulations (C.3) than were in place at the time the mall was constructed. Therefore, none of these components would have significant effects on surface or ground water quality which is peculiar to each or to the project site. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- b. The general plan EIR concludes that new development projected in the general plan would not substantially deplete groundwater or interfere with groundwater recharge provided that applicable regulations and general plan policies designed to increase the potential for groundwater recharge and ensure adequate water supply are implemented. This impact was found to be less than significant. This discussion is found starting on general plan EIR page 4.8-23.

Policies and actions identified in the general plan EIR relevant to the current proposed projects as minimizing these effects to a less than significant impact include policies CS-3.1, CS-3.3, and CS-6.5; and actions CS-3.A and CS-3.C. Required conformance with uniformly applied groundwater regulations is also required. These are listed in the general plan EIR starting on page 4.8-1 and include, but are not limited to: Water Conservation Act of 2009, Alameda County Water District Ordinance No. 2010-01 – Well Ordinance, and Alameda County Clean Water Program – C.3 Provisions.

The specific plan initial study concluded that the effects of specific plan development on groundwater supply and groundwater recharge are evaluated as part of the hydrology and water quality impact analysis included in the general plan EIR. The initial study concluded that there would be no site or design characteristics of future development within the specific plan area that result in significant impacts that had not already been identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Project Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

The tentative map, Phase A, and Costco actions would result in water demand. The general plan EIR concludes that demand from new development, including demand from new development and activities forecast to occur within the specific plan boundary, would not substantially deplete groundwater supplies. The Phase A and Costco components must incorporate water conserving features consistent with City and state regulatory requirements that are uniformly applied to all development in the city, consistent with policies in the specific plan, and consistent with general plan policies and actions. The plan documents to be prepared for these activities would be reviewed by the City for this purpose. The project would not result in new or more severe water demand impacts than identified in the general plan EIR and specific plan initial study. In addition, there is nothing peculiar about these project components or about groundwater conditions at the project site which would result in project-specific significant impacts related to water demand and groundwater resources that have not already been identified in the general plan EIR. The components are common land use types with common rates of water demand, and groundwater resources conditions are not specific to an individual project site. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. Further, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- c. Erosion, siltation, on- or off-site flooding impacts and runoff water impacts of future development were found in the general plan EIR to be less than significant with required conformance with regulations including National Pollutant Discharge Elimination System General Construction Permit (Notice of Intent and Stormwater Pollution Prevention Plan requirements), C.3 requirements, Alameda County Hydrology and Hydraulics Manual requirements, and City of Newark Municipal Code, chapter 8.36 Stormwater Management and Discharge Control as listed in the general plan EIR starting on page 4.8-2. The discussions of these impacts are found starting on general plan EIR pages 4.8-25 and 4.8-26, respectively.

The specific plan initial study concludes that since new development within the specific plan area would be located on sites that are already covered with impervious surfaces, the change in drainage patterns and storm water runoff rates and volumes is not expected to be substantial. There are no site or design characteristics of future development within the specific plan area that result in significant impacts that were not already identified in the general plan EIR (page 54).

### **Combined Effect of the Project Components**

Uniformly applied regulations and standards identified in the general plan EIR, as described above, reduce related impacts to less than significant. The proposed specific plan amendments, zoning amendment, tentative map, Phase A project, and Costco project would not result in new or more severe drainage-related impacts than identified in the general plan EIR and specific plan initial study. The project site is fully developed as a mall and developed with impervious uses. The proposed project components would not increase impervious surface and therefore, would not result in increased runoff or exposure of soils to erosion. In addition, the project components must comply with more stringent construction and post-construction water quality requirements than were in effect at the time the mall was constructed. There is nothing unique about the project or site that would result in increased impervious surfaces and substantially increased erosion, siltation, runoff, or affect flood flows than was identified in the general plan EIR and specific plan initial study. Therefore, there is nothing peculiar about the project or the site that would result in project-specific significant effects. No further analysis is required.

- d. As identified in the specific plan initial study, the city is not subject to significant risk from tsunamis, seiches, or mudflows. The general plan EIR states that the entire city is located within the inundation area of three dams. However, the impact from exposure to inundation from dam failure was found to be less than significant based on implementation of hazard migration plans, requirements for flood insurance, and conformance of new development with a range of general plan policies. This discussion is found starting on general plan EIR page 4.8-31.

The proposed project is not in an area subject to inundation by seiche, tsunami, or mudflow and therefore, implementation of these projects would not result in significant adverse effects related to these hazards. The project would not result in new or more severe tsunamis, seiches, or mudflows impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- e. The San Francisco Bay RWQCB regulates water quality in the area, including the city, in accordance with the Water Quality Control Plan or "Basin Plan." The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to control water quality and protect beneficial uses.

The general plan EIR does not evaluate potential impacts from conflict with a sustainable groundwater management plan. The Sustainable Groundwater Management Act (collectively AB 1739, SB 1168, and SB 1319), which requires that such plans be produced, was not adopted by the State until after the general plan was adopted. This is now an environmental topic included in the current version of CEQA Guidelines Appendix G, Environmental Checklist Form, that was not included in Appendix G at the time the general plan was adopted. Many lead agencies, including the City of Newark, utilize Appendix G as the basis for preparing CEQA documentation, as is the case with this 2021 NewPark Place Actions initial study. While the general plan EIR does not and could not have directly assessed the significance of potential conflict with a sustainable groundwater management plan, it does discuss and evaluate the important role of water conservation in reducing impacts on groundwater supply and avoiding impeding sustainable groundwater management. These issues are discussed in item "b" above. A wide range of policies and actions and uniformly applied development standards are identified that directly or indirectly address water demand and conservation as a means to reduce groundwater impacts as described in item "b" above. Thus, the topic of water demand and potential impacts on sustainable groundwater management is not new. No further analysis of this topic is required.

The specific plan policies for reducing water demand reinforce the suite of energy demand reduction and conservation policies, actions and standards in the general plan. The specific plan policies include policy M-8, which requires installing electric vehicle infrastructure and bicycle infrastructure, and policy IF-10, which requires new development to incorporate nine energy conserving features consistent with several of the general plan policies referenced above.

Combined Effect of the Project Components As discussed under checklist question "a" above, the general plan EIR identified that development within the city is required to comply with regulations promulgated by the Alameda County Clean

Water Program which includes provisions set by the RWQCB. The general plan EIR also provides a wide range of policies and actions and uniformly applied development standards are identified that directly or indirectly address water demand and conservation and serve to reduce impacts on groundwater supply and avoid impeding sustainable groundwater management (consistent with the goals of the sustainable groundwater management plan)

By complying with these requirements, all new development in the City, including within the specific plan boundary, would be consistent with the Basin Plan. The project is replacing existing urban development and in total, results in less retail water demand than existing. The projected residential water demand has already been assumed in the general plan EIR. Therefore, there is nothing peculiar about the project or site that would result in project-specific significant water supply effects. The project would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required. As noted above, no further analysis of consistency of the project with a sustainable groundwater management plan is required.

## 11. Land Use and Planning

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Physically divide an established community? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

a, b. The general plan EIR concludes that the planning and development policy direction provided in the general plan would not result in impacts from physically dividing a community, and would not conflict with plans or policies that avoid or mitigate an environmental effect. Required consistency with general plan policies would ensure that related impacts are less than significant. The general plan EIR also states that provisions contained in the Newark Municipal Code, including the development standards governing building height, lot width, frontage, and setbacks, would further minimize the potential for physical division of existing neighborhoods. Applicable general plan policies and actions include policies LU-2.5, LU-2.6, LU-4.2: T-1.4: T-2.3: T-2.5 T-2.12 T-2.2: T-2.9; and actions T-2.G and T-2.H. Applicable regulations include the City of Newark Municipal Code, Title 16 Subdivision Ordinance and the City of Newark Municipal Code, Title 17 Zoning Code. The discussions of these effects are found starting on general plan EIR pages 4.9-6 and 4.9-7, respectively.

The specific plan initial study concludes that new development within the specific plan area is planned for in the general plan. As a component of the general plan buildout scenario, new development within the specific plan boundary would not result in significant impacts that were not already identified in the general plan EIR.



## **Combined Effect of the Project Components**

The six proposed actions are all components of enabling development within the specific plan area that the specific plan initial study found to be consistent with the general plan. The vesting tentative map, and the Phase A and the Costco projects would result in development that is consistent the specific plan and which in turn, would not physically divide an existing community. No community currently exists within the specific plan area and the project consists of redeveloping the existing mall with additional residential development. The proposed project would not have significant land use impacts that are unique to the project design or to the project site. The project would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 12. MINERAL RESOURCES

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a, b. The general plan EIR (page 7-3) and the specific plan initial study (page 57) identify the fact that there are no mineral recovery sites in Newark and implementation of the general plan and implementation of the specific plan, respectively, would not affect locally important mining operations.

The proposed project would not result in new or more severe mineral resources impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### 13. NOISE

Would the project result in:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies? (1,2,3,4,6,7,8,10,14,17)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Generation of excessive ground-borne vibration or ground borne noise levels? (1,2,4,12,13)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or 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, expose people residing or working in the project area to excessive noise levels? (1,2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

a. Regarding impacts associated with exceeding noise standards, the general plan EIR concluded that significant noise impacts would occur from implementation of the general plan if: 1) construction activities would create substantial temporary increases in ambient noise levels, and 2) increases in traffic noise, stationary noise or other noise sources result in a permanent, substantial increase in ambient noise levels. Uniformly applied standards identified in the general plan for reducing noise impacts are comprised primarily of policies in the general plan regarding Land Use Noise Compatibility Guidelines, standards in chapter 17.24.10 of the municipal code regarding noise limits for on-site noise generating activities and for construction activities, and the California Building Code Title 24.

General plan policies EH-6.6 and EH-6.7, along with actions EH-7.A and EH-7.B, which require acoustical studies and that noise impacts be mitigated as part of the

development review process by using setbacks/buffer zones, earthen berms, sound walls, building siting/orientation, and other appropriate means, are identified in the general plan EIR as minimizing construction noise impacts to less than significant (page 4.10-32 through 33). Construction noise standards in the municipal code also apply to assure construction noise is less than significant. Policies EH-7.3 and EH-7.6, and actions LU-2.C and EH-6.B, along with municipal code standards for noise limits at project boundaries minimize stationary noise source impacts to less than significant. Policy EH-7.4 and actions EH-6.D, EH-6.E, EH-6.H, and EH-7.B are defined as partially reducing traffic noise impacts – the general plan EIR found this impact to be significant and unavoidable. New development which complies with California Building Code Title 24 and general plan policies and actions, including policy EH-7.4 and action EH-7.A (that requires that acoustical studies be prepared for new development), would have a less than significant impact from generating noise which exceeds general plan land use compatibility guidelines, particularly at nearby noise sensitive uses.

New development within the specific plan area is assumed in the general plan and general plan EIR. The specific plan initial study determined that all potential noise/land use compatibility impacts associated with construction and operational noise from new development within the specific plan boundary had been analyzed and would be mitigated to the extent feasible through required conformance with applicable general plan policies and actions, the municipal code, and with applicable California Building Code regulations. Therefore, no further analysis was required.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development that has potential would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

Activities related to constructing improvements identified in the vesting tentative map would result equipment noise, vehicle noise, noise from pneumatic and other tools, etc. General plan actions EH-6.6 and EH-6.7 regulate construction noise. Action EH-6.6 limits hours of construction activity. Action EH-6.7 is commonly implemented

by requiring a construction noise control plan as a condition of project approval. Both actions are applicable to the tentative map as they apply to construction activities associated with new development throughout the city. Therefore, the tentative map project would not result in new or more severe noise impacts than were anticipated in the general plan EIR. No further analysis is required.

## **Phase A Component**

Consistent with general plan action EH-7.A, a project-specific noise analysis was prepared for the Phase A project. The *NewPark Place Phase A Residential Development Environmental Noise Assessment* (Illingworth & Rodkin 2021) (hereinafter “noise assessment”) is included as [Appendix E](#). The discussion below is based on the noise assessment results.

The noise assessment investigated whether the Phase A project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site by exceeding noise exposure and noise generation standards presented in the general plan and municipal code. Construction noise, traffic noise generation, and stationary noise impacts on adjacent properties from project stationary noise sources were evaluated. These analyses are summarized below.

### *Temporary Increase in Ambient Noise - Construction Noise*

Existing, nearby noise-sensitive land uses could potentially be exposed to temporary construction noise that exceeds general plan and municipal code standards. Based on the planned project construction phasing and the types of equipment commonly used in construction activities, predicted construction noise could exceed the acceptable limit of 60 dBA  $L_{eq}$  at nearby residences and hotels, and could exceed 70 dBA  $L_{eq}$  at nearby commercial uses. At times, existing ambient noise levels would potentially be exceeded by 5 dBA  $L_{eq}$  or more, which would be considered a significant impact based on standards identified in the general plan EIR. Additionally, several individual pieces of construction equipment would exceed standards in chapter 17.24.100 the municipal code that include an 83 dBA noise limit at a distance of 25 feet, and noise limit of 86 dBA outside of the property plane.

Preparation and implementation of a construction noise control plan would be required prior to approval of a building permit to demonstrate compliance with general plan policy EH-6.7, and construction hours would be limited by required conformance with general plan action EH-6.6. The noise assessment includes a set of construction noise control measures that could be included in the construction noise control plan to reduce construction noise levels by 5 dBA  $L_{eq}$  or more and that would

achieve municipal code construction noise limit requirements. With implementation of a construction noise control plan, the noise assessment concludes that Phase A construction noise impacts would be less than significant. Phase A project construction would not result in new or more severe construction noise impacts than identified in the general plan EIR. Further, there is nothing peculiar about the construction activities needed to construct Phase A, nor about noise conditions within the existing mall area that would result in project-specific significant effects.

***Permanent Increase in Ambient Noise - Traffic Noise Generation***

A significant impact would occur if the project generated new traffic that would result in a permanent noise level increase of 3 dBA CNEL or greater in locations where future ambient noise levels are projected to exceed 60 dBA CNEL, or an increase of 5 dBA CNEL or greater in locations where future ambient noise levels are projected at or below 60 dBA CNEL. The general plan shows that existing and future traffic noise contours on roads adjacent to the project site and in the surrounding area would exceed 60 dBA CNEL. Therefore, a significant impact would occur if project-generated traffic increased future noise levels along these roads by 3 dBA CNEL or more. For reference, a 3 dBA CNEL noise increase would be expected if the project would double existing traffic volumes along a roadway.

The noise-sensitive receptors, including existing residential uses and hotels in the project vicinity, are exposed to traffic noise levels dominated by traffic on Interstate 880, Mowry Avenue, and Cedar Boulevard. The noise assessment considered traffic volumes reported in the *NewPark Place Circulation Analysis* (Sandis Civil Engineers 2021) in determining that the proposed Phase A project would not double traffic volumes along these roadways. Therefore, it would not cause a substantial permanent noise increase of 3 dBA or more.

Traffic noise contributed by new development within the specific plan area is evaluated in the general plan EIR analysis of transportation noise increases projected to occur throughout the city with general plan buildout. The general plan EIR found transportation noise impacts to be significant and unavoidable. Because the proposed project contribution to this significant and unavoidable cumulative impact is already identified in the general plan EIR, consistent with CEQA Guidelines section 15183(c), an additional EIR need not be prepared for the project solely on the basis of this impact. As required of all new development within the city, conformance of new development within the specific plan boundary to general plan policies and municipal code regulations will ensure that such development would not give rise to significant noise impacts that have not already been identified in the general plan EIR.

Phase A is planned on a site that is part of a fully developed retail mall without any peculiar characteristics which could lead to new or more severe traffic noise impacts. The Phase A component is a typical residential development that is consistent with type and intensity of development identified in the general plan and the specific plan. Therefore, Phase A will not have significant effects which are peculiar to the project or the project site. Therefore, there is nothing peculiar about Phase A or the project site that would change the analysis. Phase A would not result in new or more severe traffic noise impacts than identified in the general plan EIR.

***Permanent Increase in Ambient Noise – Project-Generated Stationary and Other Noise Sources***

The noise assessment evaluated whether the Phase A project could generate noise from stationary or other sources that could exceed noise standards in chapter 17.24.10 of the municipal code, and by extension, noise that could exceed land use compatibility standards in the general plan at nearby noise sensitive uses. The municipal code states that noise generated on a residential property may not exceed 70 dBA during the hours of 7:00 a.m. to 9:00 p.m. or 60 dBA during the hours of 9:00 p.m. to 7:00 a.m. at any point outside the property plane (boundary). The commercial uses located on the project site would be limited to the same threshold since this is a mixed-use building.

The project would generate noise due to mechanical equipment, parking, and truck deliveries associated with the ground-floor commercial uses. While mechanical equipment and parking lot activity would be expected to occur at any time during daytime and nighttime hours, truck deliveries would only be expected between the hours of 7:00 a.m. and 9:00 p.m.

The noise assessment determined that at a distance of three feet, the hourly average noise level at the property line of the project site due to mechanical equipment would range from 45 to 55 dBA  $L_{eq}$ , and this would meet the City's daytime and nighttime thresholds. The noise assessment also found that since the existing land use is a surface parking lot with no shielding, parking lot noise from the proposed project would be lower than under existing conditions and the City's daytime and nighttime thresholds would not be exceeded. The noise assessment also determined that due to the low anticipated volume of truck deliveries, smaller sized trucks expected at the project site, and the existing high existing ambient noise environment, truck deliveries would not result in a noticeable noise level increase. Consequently, Phase A would have a less-than-significant impact from stationary and other noise sources, and it would not result in new or more severe impacts than identified in the general plan EIR. Further, Phase A would not include stationary noise sources that



are peculiar or excessive relative to common types of land use development, and there is nothing peculiar about existing and projected noise conditions within the mall area that would result in project-specific significant impacts.

### *Exposure to Noise Levels Exceeding Standards*

Prior to receiving a building permit approval, building plans which demonstrate compliance with Title 24 standards must be submitted to the City for review and approval. Required conformance with these uniformly applied development standards would assure that impacts from exposure to noise levels exceeding standards would be less than significant. Therefore, Phase A would not result in new or more severe impacts than identified in the general plan EIR.

### **Costco Component**

The following project-specific analysis of potential noise impacts is based primarily on information from the project applicant, existing data available from the City, and reference to data in the noise assessment for Phase A. The latter is relevant to Costco given that both projects are located within the specific plan boundary, existing and projected noise conditions at each project site and in the immediate vicinity are similar, and that background data in the noise assessment that is not specific to Phase A is applicable.

### *Temporary Increase in Ambient Noise - Construction Noise*

The Costco project would generate temporary noise during demolition of existing retail buildings and during construction. Demolition and construction activities are expected to occur over a period of about one year (255 work days). Like Phase A, larger equipment used for demolition and construction would excavators, forklifts, loaders, etc.). All equipment would be similar to that needed for typical commercial project construction as assumed in the general plan EIR analysis of construction noise impacts. During each construction activity (demolition, site preparation, grading/excavation, trenching/foundation, building construction, paving, etc.) there would be a different mix of equipment operating, and noise levels would vary based on the type and numbers of equipment in operation and the location at which the equipment is operating. As described in Table 6 of the noise assessment, typical commercial development generates construction noise levels ranging from 71 to 89 dBA Leq at a distance of 50 feet from the center of the active site depending on the construction phase. Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor.

Nearby noise-sensitive uses that would be most affected by construction noise include the adjacent Springhill Suites and Staybridge Suites, both located about 500 feet from the center of the Costco project site, and single-family residential uses, located on the opposite side of Interstate 880 approximately 800 feet from the center of the Costco project site. The nearest non-sensitive uses would be portions of the existing NewPark Mall that, on average, would be about 250 feet from the center of the Costco site.

Traffic noise would be the dominant source of ambient noise at the Costco site and at these nearby sensitive and non-sensitive uses. As reported in the noise assessment, ambient traffic noise levels from the highway as reported in the general plan are about 65 to 70 dBA CNEL at the NewPark Mall (up to 68 dBA  $L_{eq}$ ). Ambient noise levels at the two noted hotels would be similar, given their similar distance from Interstate 880. The single-family homes are directly adjacent to the highway – ambient noise levels there would be incrementally higher.

The noise assessment includes projections of construction noise levels at various uses in the vicinity of the Phase A site. Since the types of construction equipment needed for that project would be similar to those used to construct the Costco project, the projected construction noise levels are relevant as reference for the Costco project. The noise assessment projects construction noise levels at a noise sensitive use located about 500 feet from the Phase A site of 60 to 70 dBA  $L_{eq}$ , and 61 to 64 dBA  $L_{eq}$  at a different noise sensitive use located about 800 feet away. The high end of these ranges is conservative, as it assumes multiple construction activities occur simultaneously. Given that the two nearest sensitive hotel uses and the nearest residential uses are located at similar distances from the Costco site, respectively, construction noise levels at these uses would be similar to those projected in the noise assessment.

Costco demolition activities would occur at an average distance of about 250 feet from the existing adjacent non-sensitive mall retail uses. Noise levels would be higher than reported for Phase A. Noise levels from Costco demolition noise at these uses would be slightly higher than 66 to 76 dBA  $L_{eq}$  at the retail/commercial use identified in the noise assessment that is 250 feet from the Phase A site. This would be the case for demolition activity for Costco which would include a greater number of construction equipment types than is reported in the noise assessment for Phase A demolition activity.

Based on the analysis above, demolition/construction noise could exceed the acceptable limit of 60 dBA  $L_{eq}$  at the nearby residences and hotels, and could exceed 70 dBA  $L_{eq}$  at the nearby mall retail uses. At times, existing ambient noise levels would potentially be exceeded by 5 dBA  $L_{eq}$  or more, which would be considered a

significant impact based on standards identified in the general plan EIR. Several individual pieces of construction equipment could temporarily exceed the municipal code chapter 17.24.100 standards of 83 dBA at a distance of 25 feet from construction equipment, and 86 dBA at the property plane.

Preparation and implementation of a construction noise control plan would be required prior to approval of a building permit to demonstrate compliance with general plan policy EH-6.7, and construction hours would be limited by required conformance with general plan action EH-6.6. With required implementation of the noise control plan and hours construction limitations as required per uniformly applied general plan development policies and construction noise standards in the municipal code, construction noise impacts would be less than significant. Costco demolition/construction activities would not result in new or more severe construction noise impacts than identified in the general plan EIR. Further, construction activities associated with Costco would not include noise sources that are peculiar or excessive relative to constructing common types of urban development, and there is nothing peculiar about existing and projected noise conditions within the mall area that would result in project-specific significant impacts.

#### *Permanent Increase in Ambient Noise - Traffic Noise Generation*

A significant impact would occur if the permanent noise level increase due to Costco if it would generate traffic that increases noise on local roadways by 3 dBA CNEL or greater in locations where future ambient noise levels are projected to exceed 60 dBA CNEL or by 5 dBA CNEL or greater in locations where future ambient noise levels are projected at or below 60 dBA CNEL. The general plan EIR figure 4.10-3 shows that future traffic noise contours for roads onto which Costco-generated traffic would be distributed (e.g., Interstate 880, Mowry Avenue, Cedar Boulevard and Balentine Drive between the specific plan boundary and Stevenson Boulevard) would exceed 60 dBA CNEL. Therefore, a significant impact would occur if project-generated traffic increased noise levels by 3 dBA CNEL or one or more of these roads. A 3 dBA CNEL noise increase would be expected if the project would double existing traffic volumes along a roadway.

The *NewPark Place Circulation Analysis Newark, California* (“circulation analysis”) (Sandis Civil Engineers 2021) was reviewed to determine whether the Costco project could double traffic volumes along any of the major roadways onto which that traffic would be distributed. The circulation analysis estimates that 65 percent of Costco traffic would be distributed onto the segment of Balentine Drive between the specific plan boundary and Stevenson Boulevard. This road segment would experience the

greatest volume increase of any other roads onto which Costco trips are distributed. In the PM weekday peak hour, Costco is projected to generate about 1,161 total vehicle trips, as reported in the table of trip generation included in the circulation analysis. This equals about 740 trips ( $0.65 \times 1,161$ ) distributed onto Balentine Drive. As shown in figure 5 of the circulation analysis, the subject segment of Balentine Drive currently carries about 540 trips in the PM peak hour and would carry a greater number of trips under future conditions with buildout of the specific plan area. Therefore, Costco would not double existing or projected future traffic volumes and would not result in more than a 3 dBA increase in traffic noise on the most noise impacted road segment. The Costco impact from traffic noise would be less than significant and the project would not result in new or more severe impacts than identified in the general plan EIR. Further, Costco represents a common form of commercial urban development that creates traffic noise, and there is nothing peculiar about it or about existing and projected noise conditions within the mall area that would result in project-specific significant impacts.

#### *Permanent Increase in Ambient Noise – Stationary and Other Noise Sources*

Stationary and other noise sources from the project could have significant impacts if they create noise that impacts off-site noise sensitive receptors or has potential to exceed noise standards in the municipal code. Noise impacts on off-site sensitive receptors would be significant if noise compatibility standards for those receptors are exceeded. Per standards in municipal code chapter 17.24.100, noise generated on a commercial property may not exceed 70 dBA outside the property plane (boundary). Primary new stationary noise sources would include rooftop heating and ventilation equipment and trash compaction equipment. Other sources include delivery truck traffic, tire shop operations, and parking noise. These sources and their projected effects are summarized below.

**Mechanical Equipment.** Rooftop heating and ventilation equipment would be required. The precise number and size of the units has not yet been identified. The equipment is typically visually and acoustically shielded by parapet walls. The existing retail buildings to be demolished include approximately 15 rooftop heating and ventilation units. The unit count is based on Google Earth imagery. The new Costco units would replace a significant number of older, existing units whose noise specification standards may have been less stringent than new units. The nearest new units would be located no closer than about 250 feet from the external Costco site boundary along NewPark Mall Road, and about 500 feet from both the noise sensitive residential uses on the opposite side of Interstate 880 and from the adjacent hotels.

With noise attenuation of about 6 dBA per doubling of distance from the units, noise attenuation from parapets and rooftops, and high existing ambient noise levels noise levels from traffic on Interstate 880, noise levels from the units are not anticipated to result in noticeable noise increases at nearby sensitive uses or exceed 70 dBA at the boundary. As part of the building plan review process, Costco would be required to submit a rooftop mechanical plan which verifies that the equipment location/setbacks, number, and manufacturer noise emissions data confirms that noise emissions meet the City's uniformly applied land use compatibility guidelines for noise and municipal code performance standards.

Costco warehouses commonly include a trash compactor. If not properly located and shielded, noise levels from compactors can be of concern. An existing compactor is located adjacent to the proposed warehouse which would meet Costco's needs. A new compactor would not be required.

**Truck Deliveries.** Four large truck loading bays are planned that face towards Interstate 880. The existing retail facilities to be demolished include three large truck loading bays. New truck bay doors are commonly equipped with sealed gaskets to limit noise impacts. The two doors on the side of the building facing the fueling station and hotels would be for receiving deliveries from smaller trucks such as Federal Express.

As noted in the project description, the warehouse would receive about 10 trucks delivering goods on a typical day. Receiving time is from 2:00 a.m. to 1:00 p.m., with most of the deliveries completed before the 10:00 a.m. opening time. The tire center within the warehouse building typically would receive shipments one to two times per week in single- or double-trailer trucks, scheduled for pre-opening hours, typically about 6:00 a.m. Fuel would be delivered to the fuel facility by two to three trucks per day. At these low truck trip volumes, and considering that truck traffic is a non-continuous source of noise, that existing ambient noise levels due to vehicle traffic on Interstate 880 are high, and the distances to nearby noise sensitive uses, delivery truck traffic is not expected to exceed noise compatibility standards at those uses.

**Tire Center.** Based on a prior noise study conducted at an existing Costco tire center, the noise level for operations at the tire center during a noisy period (with five air guns in intermittent operation) was approximately 53 dBA Leq at a distance of 70 feet directly in front of the open bay doors (Dudek 2020). All related work would take place within the warehouse building, which would have solid walls on three sides. Given the approximate 250-foot distance to the property line, approximately 500-foot

distances to sensitive receptors, high existing ambient noise levels, noise shielding and noise attenuation with distance, tire center operational noise is not expected to exceed land use compatibility thresholds at the noise sensitive uses.

**Parking.** Noise sources from parking lots commonly include car alarms, door slams, radios, and tire squeals. Noise from these sources is generally short-term and intermittent. These noise sources are different from each other in kind, duration, and location, so that the overall effects would be separate, and, in most cases, would not affect noise-sensitive receptors at the same time. Further, parking for the Costco project is not a new noise source. The Costco parking capacity and parking locations are similar to existing conditions for parking that serves the retail structures to be demolished as part of the Costco project. Given these factors, along with high existing ambient noise levels that would mask parking lot noise, parking source noise is not expected to adversely impact nearby sensitive receptors.

In summary, stationary noise sources and other noise sources described above are not expected to generate noise which exceeds the City's uniformly applied general plan land use compatibility noise guidelines or municipal code standards, both of which serve to reduce noise impacts to less than significant. As part of the building permit process, Costco would be required submit detailed building plans and other studies as necessary to demonstrate conformance with these standards. As a result, the Costco project would not result in new or more severe noise impacts than identified in the general plan EIR. Further, Costco represents a common form of commercial urban development includes typical stationary noise sources as described above. It is not peculiar from a stationary noise standpoint. Similarly, existing and projected noise conditions at the project site are typical of those of an urban environment such that there is nothing peculiar the site. Consequently, there would be no project-specific significant noise impacts that are peculiar to the project or to the project site.

### *Exposure to Noise Levels Exceeding Standards*

The California Building Code Title 24, Part 11 (CALGreen), Standard 5.507, sets interior noise standards for new construction. Prior to receiving a building permit approval, building plans which demonstrate compliance with Title 24 standards must be submitted to the City for review and approval. Required conformance with these uniformly applied development standards would assure that impacts from exposure to noise levels exceeding standards would be less than significant. Therefore, Costco would not result in new or more severe noise impacts than identified in the general plan EIR.

## **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe noise impacts than identified in the general plan EIR and specific plan initial study. Further, the project does not include noise sources that are peculiar or excessive relative to typical land development projects. The noise analyses above consider the noise conditions at the site created by substantial traffic noise on Interstate 880. There is nothing peculiar about the project that would result in project-specific significant noise impacts.

- b. The general plan EIR concluded that implementation of general plan policies and actions would reduce exposure of sensitive receptors to excessive groundborne vibration and noise from construction activities to less than significant. These effects are discussed starting on general plan EIR page 4.10-23. The general plan EIR references Federal Transit Administration guidance on vibration as the basis for criteria that if exceeded, would represent a significant impact from annoyance and/or building damage. Vibration from construction activities, particularly from grading and demolition activities, is described as localized and intermittent. Except for pile driving, the general plan EIR states that vibration as measured 25 feet from an individual piece of equipment does not exceed the threshold for annoyance or for potential to result in building/architectural damage.

The general plan EIR states that implementation of general plan actions EH-6.6, EH-6.7 and EH-7.D would reduce vibration impacts to less than significant. The latter action is particularly important. It requires an analysis of vibration impacts for projects for which vibration-intensive construction equipment such pile drivers, jack hammers, and/or vibratory rollers may be used near sensitive receptors. If vibration is deemed to be perceptible at sensitive uses based on Federal Transit Administration guidance, construction techniques must be employed to reduce vibration.

The specific plan initial study determined that all vibration impacts had been analyzed adequately in the general plan EIR, and would be avoided or mitigated to less than significant with required conformance to general plan actions.

## **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Vesting Tentative Map Component**

The tentative map would result in use of construction equipment and processes needed to install surface and subsurface infrastructure improvements. Construction equipment types would be consistent with those identified in the general plan EIR and for which implementation of actions noted above reduce impacts. Consistent with general plan action EH-7.D, prior to approval of a grading plan, the applicant should provide evidence to the City that construction equipment would not exceed vibration thresholds. If such equipment is proposed, measures must be employed to reduce potential vibration impacts during construction such as the use of less-vibration-intensive equipment or construction techniques. The tentative map would not result in new or more severe impacts than identified in the general plan EIR. No further analysis is required.

## **Phase A Component**

The noise assessment for Phase A in [Appendix E](#) determined that construction activities could generate vibration that could exceed the annoyance thresholds in the general plan EIR if heavy equipment or impact tools are used. Based on preliminary information supplied by the Phase A applicant regarding construction equipment types planned for use, none appear to include those with potential to exceed vibration impact thresholds.

Consistent with action EH-7.D, prior to approval of a grading plan, the applicant should provide evidence to the City that construction equipment would not exceed vibration thresholds. If such equipment is proposed, measures must be employed to reduce potential vibration impacts. The noise assessment includes representative measures that could be implemented for this purpose. Based on the requirement that uniformly applied standards for reducing vibration impacts be met, Phase A construction activities would not result in new or more severe impacts than identified in the general plan EIR. No further analysis is required.

## **Costco Component**

Like the Phase A project, the Costco project has potential to result in vibration impacts if construction equipment is used that would exceed vibration thresholds of significance. However, the Costco project also includes demolition of buildings that are directly adjacent to existing retail buildings that would remain. This adjacency could result in vibration impacts on adjacent structures if measures are not taken to reduce the potential.



Consistent with action EH-7.D, prior to approval of a grading plan, Costco should provide evidence to the City that construction equipment would not exceed vibration thresholds. If such equipment is proposed, measures must be employed to reduce potential vibration impacts. Based on the requirement that uniformly applied standards for vibration impacts be met, Costco construction activities would not result in new or more severe impacts than identified in the general plan EIR. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. There are no site or design characteristics of the project that give rise to significant vibration impacts have not already been identified in the general plan EIR. No further analysis is required.

- c. The general plan EIR found that the potential noise impacts from existing airport operations on existing and new noise-sensitive uses within the city would be less than significant. The nearest public airport is five miles away. Development within the city is not exposed to noise intensities from operations of that airport that exceed permitted noise exposure thresholds.

### **Combined Effect of the Project Components**

Given that airport noise exposure impacts are less than significant throughout the city, new development that includes human habitation, including Phase A and Costco, would not result in new or more severe impacts than identified in the general plan EIR. Because the specific plan amendment, zoning amendment, and tentative map actions do not enable development that includes human habitation, they too would not result in new or more severe impacts than identified in the general plan EIR. No further analysis is required.

## 14. POPULATION AND HOUSING

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The general plan EIR concludes that implementation of the general plan would not result in unexpected population growth or growth for which inadequate planning has occurred; the impact of population growth inducement is less than significant. The discussion of this effect is found starting on general plan EIR page 4.11-7. Several policies are referenced as representing the City’s effort to direct infill development with the potential to result in increased population and to manage growth to minimize environmental impacts of that growth. The general plan EIR notes that the city is largely built out and that new population growth is directed largely to four focus area, one of which is the Greater NewPark Focus Area. Thus, new population growth in the city includes population growth within the specific plan area.

The specific plan initial study concluded that population growth within the specific plan boundary is assumed in the general plan and evaluated as part of the general plan EIR, and that there are no site or design characteristics of future development within the specific plan area that result in significant population-related impacts that were not already identified in the general plan EIR.

Only the Phase A component would result in new population growth within the specific plan boundary. That population growth is planned and consistent with population growth assumed in the general plan EIR as part of the buildout of the

Greater NewPark Focus Area. The proposed project would not result in significant impacts caused by unplanned population growth that is unique to the project design or to the project site. The Phase A project would not result in new or more severe population-related environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- b. The specific plan initial study identified that there was no existing housing within the specific plan boundary. Therefore, the project would not displace housing nor have new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of or 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 following public services:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Fire protection? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

a-e. The general plan EIR concludes that buildout of the general plan would create an increased demand for new fire protection, police protection, emergency response service, school and library facilities, and parks services. The general plan EIR concluded that impacts of constructing such facilities, if needed, are less than significant with implementation of a range of general plan policies and actions. In addition, any future new individual public facility construction projects would be subject to CEQA review as a means to identify site-specific significant impacts, if any, and to mitigate project specific impacts. The discussion of needs for new public facilities is included in Section 4.12.1.3 of the general plan EIR.

The specific plan initial study identified that the development under the specific plan, like all new development anticipated by the general plan, would contribute to an increase in demand for police, fire, emergency services, schools and libraries, and parks that could incrementally result in the need for new facilities, the construction of which would result in less-than-significant impacts (page 64). The specific plan initial study also concluded that there are no site or design characteristics of future development within the specific plan area that result in environmental impacts from construction of new public services facilities that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The vesting tentative map would not generate demand for expanded public services or facilities, as implementation of the vesting tentative map would not generate new residents or employees. Implementation of the vesting tentative map would not result in construction activities related to providing altered or new public services facilities. Therefore, this project component would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Phase A and Costco Components**

Phase A and Costco would result in increased demand for public services. Such development is consistent with development assumed in the general plan EIR as part of the buildout of the Greater NewPark Focus Area. Significant impacts associated with increased public services demand and constructing new or altered government facilities are minimized and less than significant with implementation of general plan policies and actions, and required consistency with applicable regulatory requirements. Neither the Phase A or Costco projects would result in new or more severe public service-related environmental impacts than identified in the general plan EIR and specific plan initial study. These two components would not result in component-specific significant impacts caused by the need for additional public services facilities that are peculiar to their characteristics or to conditions within the project site. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe public service-related environmental impacts than identified in the general plan EIR and specific plan initial study. Nor would the combined components result in project-specific significant effects that are peculiar to the project or to the project site. No further analysis is required.

## 16. RECREATION

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Would the project 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? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

a, b. The general plan EIR found that development under the general plan would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of these facilities would occur, or be accelerated. New development under the general plan would result in new residents and employees would likely increase the use of existing local and regional parks and recreational facilities. However, additional parks and recreational facilities would be added to accommodate the new residents and employees and continued implementation of the parkland dedication requirements established in the municipal code would ensure that existing parks or public facilities are well-maintained and improved as needed.

General plan policies and actions that would serve to ensure impacts are less than significant include PR-3.1, 3.2 and 3.8; and actions PR-3.A, PR-3.D, and PR-3.H. Applicable regulations include the Quimby Act, City of Newark Park Standards, and City of Newark Parkland Dedication Ordinance. Discussion of these effects is found starting on general plan EIR page 4.12-20.

The specific plan initial study determined that the specific plan would facilitate development that is typical of urban development within the city, that development is anticipated in the general plan, and the incremental impacts of that development from constructing new recreational facilities are addressed and minimized and result

in less than significant impacts in the general plan EIR. General plan policies and uniformly applied regulations and standards identified in the general plan EIR, reduce related impacts to less than significant.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The vesting tentative map would not result in increased demand for park and recreation resources, as it would not generate new population or permanent employment, or generate need to construct recreational facilities. Therefore, implementation of the vesting tentative map would not in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Phase A and Costco Component**

The Phase A and the Costco components would result in increased use of existing recreation facilities and increased demand for recreation facilities. Such development is consistent with development assumed in the general plan EIR as part of the buildout of the Greater NewPark Focus Area. Significant impacts associated with increased use of existing and construction of new recreation facilities are minimized to less than significant with implementation of general plan policies and actions, and required consistency with applicable regulatory requirements. The proposed project would not result in significant impacts caused by the deterioration or construction of recreational facilities that is unique to the project design or to the project site. Neither the Phase A or Costco projects would result in new or more severe recreation-related environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe recreation-related environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 17. TRANSPORTATION

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (1,2,3,4,5,6,7,8,14,15,16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)? (1,2,3,4,5,6,7,8,14,15,16)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (1,2,3,4,5,6,7,8,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access? (1,2,3,4,5,6,7,8,14,15,16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The policies and programs for circulation planning in the general plan address the circulation system, including roadway circulation. Impacts regarding roadway circulation were evaluated in the context of changes in level of service (LOS). The general plan EIR concludes that based on Alameda County and City of Newark LOS standards, development under general plan buildout conditions would generate traffic that causes significant and unavoidable impacts at three intersections that are not within the jurisdiction of the City, and significant impacts at several other intersections. Per the City of Newark Municipal Code, Chapter 3.24 Development Impacts Fees, all new development within the city is required to pay a Public Facilities Impact Fee, which in part is used to construct circulation facilities under the City's jurisdiction to mitigate impacts of cumulative development. The general plan EIR concluded that improvements can be made to its circulation facilities to reduce impacts on the City's road network to less than significant. The discussion of this impact is found starting on general plan EIR page 4.13-23.



The specific plan initial study identified that traffic that would be generated from new development within the Greater NewPark Focus Area, including from within the specific plan area, was included in the citywide traffic modeling conducted to project citywide traffic impacts reported in the general plan EIR (page 68). Therefore, the contribution of new specific plan development as anticipated in the general plan EIR impact analysis had already been evaluated and determined to be less than significant.

The specific plan includes circulation, pedestrian, bicycle and transit plans designed to implement related general plan policies and actions. Associated specific plan policies require these plans to be implemented and where necessary, that additional analysis be conducted to verify whether future proposed changes to the plans, if any, would meet the intent of the plans. Specific plan policies address detailed roadway capacity/design analysis (Policy M-2), circulation design analysis (Policy M-3), mobility improvement master plan (Policy M-5), transit master plan (Policy M-6), and parking master plan (Policy M-7). These plans have been prepared by the applicant and have been reviewed by the City. Individual developments must be designed to implement these plans to ensure that new development within the specific plan area is consistent with the specific plan, and by extension, consistent with the general plan policies and actions addressing circulation, pedestrian, bicycle, and transit planning.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The proposed vesting tentative map identifies how development identified in the general plan and specific plan would be constructed and phased. The vesting tentative map is consistent circulation system, including transit, roadway, bicycle and pedestrian facilities envisioned in the general plan and specific plan

## **Phase A and Costco Components**

### *Roadway Circulation Planning*

The applicant has prepared a circulation analysis for the NewPark Mall area entitled *NewPark Place Circulation Analysis Newark, California* (Sandis Civil Engineers 2021) included as [Appendix H](#) in this initial study. The circulation analysis identifies roadway improvements within the specific plan area that are needed at buildout of the mall area as identified in Figure 6 to meet the City's LOS roadway performance standard as described in the general plan. The individual Phase A and Costco projects are assumed as part of the mall buildout. Implementation of the improvements in the circulation analysis would ensure that the roadways evaluated in the analysis would operate at a level of service that is consistent with general plan policy. Individual projects within the specific plan boundary, including Phase A and the Costco, would be required to construct and/or fund their fair share of the improvements. The tentative map identifies how such improvements would be phased.

Given the information above, the Phase A and Costco projects would not result in new or more severe conflicts with a plan, ordinance or policy related to circulation than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### *Bicycle, Pedestrian, and Transit Planning*

As identified above, the applicant has prepared mobility master plans for implementing bicycle, pedestrian, and transit improvements. The City has reviewed the plans for consistency with adopted specific plan policies, and by extension, with the general plan, and found them to be substantially consistent. Individual projects within the specific plan boundary, including Phase A and the Costco would be required to construct and/or fund their fair share of the improvements.

Given the information above, the Phase A and Costco projects would not result in new or more severe conflicts with a plan, ordinance or policy related to pedestrian, bicycle, and transit planning than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more or more severe conflicts with a plan, ordinance or policy related to pedestrian, bicycle, and transit planning than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- b. Vehicle miles traveled (VMT) is now an environmental topic included in the current version of CEQA Guidelines Appendix G, Environmental Checklist Form, that was not included in Appendix G at the time the general plan was adopted.

Since certification of the general plan EIR in 2013, passage of SB743 later that year, and adoption of CEQA Guidelines section 15064.3 in December 2018, VMT has become the most appropriate metric for determining transportation impacts of a project. Because the general plan EIR was previously certified, the determination of whether VMT needs to be analyzed for this project is governed by the law on supplemental or subsequent EIRs (Public Resources Code section 21166 and CEQA Guidelines, sections 15162 and 15163). VMT is not required to be analyzed under those standards unless it constitutes “new information of substantial importance, which was not known and could not have been known at the time the previous EIRs were certified as complete” (CEQA Guidelines section 15162(a)(3)).

The general plan EIR was set out for public review and certified in 2013, long before the amendment to the CEQA Guidelines adding VMT as the measure of transportation impacts. In addition, information was known about the impact of VMT on the environment at the time the general plan EIR was prepared and certified. The general plan EIR includes a projection of VMT that would result from build out of the general plan and explicitly identifies VMT as a fundamental input to calculating GHGs resulting from general plan build out. However, the general plan EIR used level of service as the threshold of significance for traffic impacts. VMT impacts were not analyzed in the prior EIR; however, this impact is not new information that was not known or could not have been known at the time the previous EIR was certified. Therefore, under CEQA standards, the change in law (replacement of the LOS standard with VMT) is not new information that requires analysis in a supplemental EIR, as it does not constitute a new impact caused by the changes proposed in the project. No supplemental environmental analysis of the project’s impact on this issue is required under CEQA.

- c, d. The general plan EIR concludes that impacts from new development under general plan buildout would have less-than-significant impacts from increasing hazards due to a design feature or incompatible uses, and from inadequate emergency access. Required conformance of new development with the International Fire Code, the California Building Code, municipal code regulations including chapter 16.12 Streets and Lots, and the Newark Traffic Calming Program, the California Building Code, and the International Fire Code would assure that design standards are used to avoid hazardous circulation conditions and inadequate emergency access. Additionally, the general plan contains numerous policies intended to promote safe vehicular,

pedestrian, and bicycle circulation including policies T-1.6, T-2.7, T-2.8, T-5.9 and T-5.11; and action T-1. B. The discussions of these impacts are found starting on general plan EIR pages 4.13-38 and 4.13-39, respectively.

The specific plan initial study concluded that impacts related to hazards due to a design feature or incompatible uses, and from inadequate emergency access from new development enabled by the specific plan were adequately addressed in the general plan EIR (page 69).

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development that has potential to result in inadequate emergency access and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map Component**

The vesting tentative map project would result in temporary construction traffic and circulation modifications during activities conducted to install surface and subsurface infrastructure improvements. Compliance with applicable regulations and policy for construction activities is typically implemented by requiring a construction and staging control plan as a condition of project approval. The City would require the applicant to prepare and implement a construction and staging control plan. Constructing improvements as planned in the vesting tentative map project would not result in new or more severe significant impacts than were anticipated in the general plan EIR. No further analysis is required. No further analysis is required.

### **Phase A and Costco Components**

Like all new development within the city, new development associated with these components would be required to conform to applicable regulations that assure circulation hazards are avoided and adequate emergency access is provided through individual project design. The vesting tentative map identifies improvements that would be needed for buildout of the specific plan area, including Phase A and Costco, consistent with general plan and specific plan policies and applicable regulations regarding circulation design and access. There are no project design or site characteristics identified in the circulation analysis with that would result in significant impacts from circulation hazard conditions or inadequate emergency

access that were not already identified in the general plan EIR. Therefore, the Phase A and Costco components would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more or more significant impacts from circulation hazard conditions or inadequate emergency access than were already identified in the general plan EIR. No further analysis is required.

## 18. TRIBAL CULTURAL RESOURCES

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k), or (11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (11)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. The City has not received requests for consultation from tribes that are traditionally or culturally affiliated with the specific plan project area. Therefore, no consultation was required under Assembly Bill 52. In addition, there is nothing peculiar or unique about the project or project site that would result in project-specific significant effects or require additional review. There are no site or design characteristics of the project that give rise to significant tribal cultural resources impacts.

## 19. UTILITIES AND SERVICES SYSTEMS

Would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (1,2,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**

- a. Water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunications facilities, are addressed below.

**Water Supply Facilities**

The general plan EIR identified that no new water supply facilities would be needed to supply water to accommodate general plan buildout. Since no new water supply facilities are needed, no environmental impacts from constructing such facilities would occur. The general plan includes policies CSF-5.7 and CSF-5.8, and action CSF-5.B to ensure that impacts to water facilities would be adequately addressed. Regulations identified in the general plan that are applicable to water supply facilities include the 25-Year Capital Improvement Program and Alameda County Water District Development Fees and Charges. Discussions of these effects are found starting on general plan EIR 4.14-12.

The specific plan initial study concluded that water demand from future development within the Greater NewPark Focus Area, including the specific plan area, is a component of the cumulative water demand projections included in the general plan EIR. The specific plan initial study concluded that there would be no planned development design or site characteristics that would result in impacts on water supply facilities that were not already identified in the general plan EIR.

***Combined Effect of the Project Components – Water Supply Facility Construction Impacts***

The proposed general plan amendment, specific plan amendments, zoning amendments, and vesting tentative map would not generate water demand or increase long-term demand on water supply facilities such that new facilities must be constructed. Phase A and Costco components would result in long-term increased water demand. Such development is consistent with development assumed in the general plan EIR as part of the buildout of the Greater NewPark Focus Area and was determined to have a less than significant impact from the need to construct new water supply facilities. These actions would not result in new or more severe public water facility construction impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

**Wastewater Facilities**

The general plan EIR concludes that build out under the general plan would not exceed the Alvarado Wastewater Treatment Plant treatment capacity and would not require plant expansion. Since no new wastewater facilities are needed, no



environmental impacts from constructing such facilities would occur. The general plan identifies policies and actions that would support the provision of adequate collection and treatment systems including: policies CSF-5.2, CSF-5.3, CSF-5.7,; and action CSF-5.C. Applicable regulations include the Union Sanitary District Newark Basin Master Plan and Ordinances, City of Newark and Union Sanitary District Development Review Process, Union Sanitary District Capacity Fees, and City of Newark Municipal Code, Chapter 3.24 Development Impact Fees. Discussions of these effects are found starting on general plan EIR 4.14-19.

The specific plan initial study concluded that wastewater demand and treatment from future development within the Greater NewPark Focus Area, including the specific plan area, is a component of the cumulative wastewater generation and service needs projections included in the general plan EIR. There are no project design or site characteristics in the specific plan that would result in the need to construct new wastewater facilities that were not already identified in the general plan EIR.

### *Combined Effects of the Project Components – Wastewater Facility Construction Impacts*

The proposed general plan amendment, specific plan amendments, zoning amendments, and vesting tentative map would not result in an increase demand on wastewater supply facilities such that new wastewater facilities must be constructed. Only the Phase A and the Costco components would result in increased demand for wastewater treatment. Such development is consistent with development assumed in the general plan EIR as part of the buildout of the Greater NewPark Focus Area. Therefore, neither project would result in new or more severe impacts from constructing wastewater facility impacts than identified in the general plan EIR.

### **Stormwater Facilities**

The general plan EIR concludes that buildout of the general plan would not cause significant impacts from construction of new storm drainage facilities. This conclusion is based in large part on required implementation of C.3 requirements. These requirements mandate that storm water runoff from new development not exceed pre-project volume or rate of flow delivered to existing storm water facilities. Therefore, construction of new storm drainage facilities would not be necessary. The general plan includes the following policies and actions to minimize impacts to the stormwater system: policies CSF-5.4 through 5.8, CS-6.54, and CSF-6.5; and actions CSF-5.D, CSF-5.E, CSF-5.F, and CSF-5.G. Conformance with C.3 standards, the City's

Construction General Permit, and policies in the general plan assure that impacts from such construction are less than significant. Discussion of this effect is found starting on general plan EIR page 4.14-27.

The specific plan initial study concluded that new development as contemplated in the general plan and evaluated in the general plan EIR is not expected to result in a significant increase in storm water volume from the specific plan area that otherwise might require construction of new storm water facilities. Like all development in the city, new development within the specific plan boundary must comply with C.3 regulations, Construction General Permit requirements, and general plan policies to address storm water effects. The specific plan initial study concluded that there would be no planned development design or site characteristics of development under that specific plan that would result in significant impacts from construction of new storm water facilities that were not already identified in the general plan EIR.

### *Combined Effects of the Project Components – Storm Water Facility Construction Impacts*

Neither the general plan amendment, the proposed specific plan, nor zoning amendments would generate storm water – no related storm water facility construction would be necessary. Improvements planned as part of the vesting tentative map and Phase A and Costco projects would generate storm water whose management would require on-site storm water facilities needed to meet C.3 requirements. Such construction and the environmental effects of that construction are addressed in the general plan EIR for buildout of the specific plan areas as well as for other new future development, and reduced to less than significant. Therefore, the project would not result in new or more storm water facility construction impacts than identified in the general plan EIR.

### **Electric/Gas/Telecommunications**

Pacific Gas and Electric Company is the principal provider of electricity and natural gas to customers in Newark, including those within the specific plan boundary. Telecommunication services, including telephone, mobile phone, cable television, and broadband internet services, are provided by various companies. The general plan EIR does not directly address impacts from constructing such facilities. However, were new construction required to serve the specific plan area, including the Phase A and Costco projects, the general plan EIR includes numerous policies and actions, as well as reference to many regulatory requirements that reduce construction impacts to less than significant.

*Combined Effects of the Project Components – Power, Natural Gas and Telecommunications Facilities*

The proposed general plan amendment, specific plan amendments, zoning amendment and vesting tentative map would not generate demand for new power, natural gas, or telecommunication facilities. The Phase A and Costco components would generate demand for electricity, natural gas, and telecommunications services. These projects would be served by improvements constructed to serve the entire specific plan area. Improvements are identified in the vesting tentative map. Such construction and the environmental effects of that construction are addressed in the general plan EIR for buildout of the specific plan areas as well as for other new future development, and reduced to less than significant. Therefore, the project would not result in new or more power, natural gas, and telecommunications facilities impacts than identified in the general plan EIR.

- b. The general plan EIR concludes that sufficient water supplies would be available from existing sources (Alameda County Water District) under general plan buildout conditions. Although Alameda County Water District's water supplies are projected to be sufficient to meet the future demands in the service area under normal year conditions; during single and multiple dry years, water supply shortages may occur. In such cases, additional water supplies would be secured through a Department of Water Resources drought water bank or similar water purchase/transfer program. In addition, a drought contingency plan would be implemented, which contains measures that would reduce demands by up to 50 percent in the case of drought or emergency. These measures would ensure an adequate water supply under severe drought conditions. Required conformance of existing and new development with general plan policies would serve to reduce water demand through a range of water conservation measures.

The general plan provides the following policies and actions that would ensure new development projects under the proposed plan contribute to reducing water demands: policies CS-3.2, CS-3.3, CS-3.9, CSF-5.1, CSF-5.3, CSF-5.6, CSF-5.7, CSF-5.8; and actions CS-3.B and CSF-5.B. Regulations include the Green Ordinance and Bay Friendly Landscape Guide, SB-X7-7, Alameda County Water District's water supply and demand management strategies and water shortage contingency plan identified in the Urban Water Management Plan, 2010 California Plumbing Code that requires water conserving fixtures and Alameda County Water District's Water Efficiency Measures for New Residential and Commercial Development, and Areas 3 and 4 Specific Plan Water Conservation Standards. Discussions of these effects are found starting on general plan EIR pages 4.14-7.

As identified in the specific plan initial study, water demand from future development within the Greater NewPark Focus Area, including the specific plan area, is a component of the cumulative water demand projections included in the general plan EIR. All new development within the specific plan area would be required to institute water conservation measures consistent with general plan policies and actions and with regulatory requirements. The specific plan initial study concluded that there would be no planned development design or site characteristics enabled by the specific plan that would result in significant impacts from water demand that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

The vesting tentative map and Phase A and Costco project components would demand water during construction, and Phase A and Costco would demand water throughout their operational lives. The water demand from construction and new development within the specific plan area was included in the overall cumulative water demand projections for the buildout of the city as a whole. With required conformance of these three actions with water demand related general plan policies and actions, and regulatory requirements identified above, these three project components would not result in new or more severe impacts than were identified in the general plan EIR. No further analysis is required.

### **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe public water demand impacts than identified in the general plan EIR and specific plan initial study. The proposed project would not result in significant impacts caused by the water demand that is unique to the project design or to the project site. No further analysis is required.

- c. As discussed above under item “a” above, the general plan EIR concludes that additional wastewater treatment demand at general plan buildout would not exceed the capacity of the wastewater treatment plant and would not require expansion of the plant or construction of other wastewater treatment facilities. Improvements to wastewater collection facilities may be required.

The Union Sanitary District’s sewer collection system may not be sufficient to accommodate general plan buildout. The potential impacts to the Union Sanitary District’s collection system would be addressed through multiple policies and actions including policies CSF-5.2, CSF-5.3, CSF-5.7, CSF-5.8 and action CSF-5.C. In addition, the payment of fees in compliance with the Union Sanitary District’s Capacity Fee Ordinance, Municipal Code Chapter 3.24 Development Impact Fees, and the City of Newark’s development review process would ensure that demands from individual projects would not impact Union Sanitary District’s wastewater conveyance service. As a result, the impact would be a less-than-significant. See discussion beginning on page 4.14-20 of the general plan EIR.

The specific plan initial study concludes that wastewater treatment demand from future development within the specific plan area is a component of the cumulative wastewater treatment and conveyance service needs projections included in the general plan EIR. Therefore, impacts of that development are already incorporated into the analysis included in the general plan EIR, and implementing the specific plan would have no new or more severe impacts than evaluated in the general plan EIR.

General plan policies, actions and uniformly applied regulations and standards identified in the general plan EIR, would ensure impacts related to wastewater treatment provisions from development within the specific plan area would be less than significant.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## **Vesting Tentative Map Component**

The proposed specific plan amendments, zoning amendments and vesting tentative map would not directly result in new demand for wastewater treatment. Therefore, none of these actions would result in new or more severe impacts than were identified in the general plan EIR. No further analysis is required.

## **Phase A and Costco Components**

The Phase A and Costco components would generate demand for wastewater treatment and conveyance improvements. The additional demand from development within the specific plan area was included in the overall analysis of wastewater facility demand requires for the buildout of the city as a whole. With required conformance of these projects with associated general plan policies and actions, and the regulatory requirements identified above, the projects would not result in new or more severe impacts than were identified in the general plan EIR. No further analysis is required.

## **Combined Effect of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe wastewater facility demand impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

- d, e. The general plan EIR concludes that sufficient landfill capacity would exist to service the city's solid waste disposal needs at general plan buildout, including new development within the Greater NewPark Focus Area. Conformance with general plan policies regarding source and waste reduction, as well as compliance with federal, State, and local statutes and regulations regarding waste diversion, would ensure that solid waste impacts are less than significant. Discussions of these effects are found starting on general plan EIR pages 4.14-35 and 4.14-38, respectively. Applicable policies and actions which would further reduce waste generation and the demand for landfill capacity include policies CS-8.1, CS-8.4, and actions CS-8.A, CS-8.B, CS-8.C, and CS-8.D. Applicable regulations include: California Integrated Waste Management Act, Mandatory Commercial Recycling Measure, CALGreen Building Code, County Integrated Waste Management Plan, Alameda County Source Reduction and Recycling Plan, Alameda County Plant Debris Landfill Ban Ordinance, Newark Green Ordinance, and Newark Climate Action Plan.

The specific plan initial study identified that solid waste generation from future development within the specific plan area is a component of the cumulative solid waste generation projections included in the general plan EIR. All new development within the specific plan area would be required to reduce solid waste and recycle waste consistent with general plan policies and applicable regulations. The specific plan initial study concluded that there would be no planned development design or site characteristics that would result in significant impacts from solid that were not already identified in the general plan EIR.

### **General Plan Amendment, Specific Plan Amendments, and Zoning Amendment Components**

The proposed general plan amendment, specific plan amendments, and zoning amendment would not directly or indirectly result in new development and would not result in physical environmental change. Therefore, the proposed amendments would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

### **Vesting Tentative Map, Phase A, and Costco Components**

Tentative map, Phase A and Costco construction activities, and Phase A and Costco operations would generate solid waste and demand for solid waste disposal infrastructure. The additional demand from development within the specific plan area was included in the overall analysis of solid waste management requirements for the buildout of the city as a whole. With required conformance of these three actions with associated solid waste general plan policies and actions, and with the related regulatory requirements identified above, the actions would not result in new or more severe impacts than were identified in the general plan EIR. No further analysis is required.

### **Combined Effects of the Project Components**

The combined effect of the six project components identified above, or the overall effect of the project, would not result in new or more severe environmental impacts than identified in the general plan EIR and specific plan initial study. No further analysis is required.

## 20. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Substantially impair an adopted emergency response plan or emergency evacuation plan? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (2,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a-d. The general plan EIR does not evaluate the significance of wildfire risks associated with development in or near a state responsibility area. This is now an environmental topic included in the current version of CEQA Guidelines Appendix G, Environmental Checklist Form, that was not included in Appendix G at the time the general plan was adopted.



Since certification of the general plan EIR in 2013, with adoption of CEQA Guidelines section 15064.3 in December 2018, wildfire has become a new topic of analysis identified in Appendix G of the CEQA Guidelines. Because the general plan EIR was previously certified, the determination of whether wildfire impacts need to be analyzed for this project is governed by the law on supplemental or subsequent EIRs (Public Resources Code section 21166 and CEQA Guidelines, sections 15162 and 15163). Wildfire is not required to be analyzed under those standards unless it constitutes “new information of substantial importance, which was not known and could not have been known at the time the previous EIRs were certified as complete” (CEQA Guidelines section 15162(a)(3)).

The general plan EIR was set out for public review and certified in 2013, long before the amendment to the CEQA Guidelines adding wildfire as a separate topic of environmental impact analysis. Information was known about the impact of wildfire at the time the general plan EIR was prepared and certified. While the general plan EIR did not and could not have directly assessed the significance of wildfire risks associated with development in or near a state responsibility area, it does discuss and evaluate risks of exposing people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. Therefore, this impact is not new information that was not known or could not have been known at the time the previous EIR was certified. Therefore, under CEQA standards, the change in law is not new information that requires analysis in a supplemental EIR, as it does not constitute a new impact caused by the changes proposed in the project. No supplemental environmental analysis of this impact is required under CEQA.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Does the project have the potential to substantially 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 an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory? (1,2,3,4,5,6,7,8)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) (1,2,3,4,5,6,7,8,10,12,13,14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? 1,2,3,4,5,6,7,8 ()	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Comments:

- a. Potential biological resource impacts of the project are discussed in Section 4, Biological Resources. Potential cultural resources impacts of the proposed project are discussed in Section 5, Cultural Resources. All impacts of the proposed project are less than significant with required consistency with general plan policies and actions, and with required conformance to uniformly applied development standards.

- b. The general plan amendment, specific plan amendments, and zoning amendment would not directly result in new development. Therefore, these components do not have potential to result in cumulatively considerable impacts. The proposed vesting tentative map would result in new development related to constructing site improvements and infrastructure. Construction impacts would be short term and unlikely to combine with other off-site construction impacts occurring simultaneously such that cumulative construction impacts would occur.

The Phase A and Costco components would contribute to significant and unavoidable cumulative impacts that include air quality (clean air plan inconsistency), GHG (exceedance of GHG generation efficiency target), noise (noise generation from vehicle traffic), and traffic (exceedance of LOS standards at three intersections) as identified starting on page 5-1 in the general plan EIR.

The general plan anticipated that future development and redevelopment projects in the city would occur principally in four focus areas, including within the Greater NewPark Focus Area as previously described. New development capacity within the Greater NewPark Focus Area, including the specific plan area, is generally greater than within the other three individual focus areas. As such, new development within the specific plan area would represent a significant percentage of the projected cumulative development within the city at buildout as shown in general plan EIR Table 3-4, Breakdown of Proposed Plan Land Uses. Therefore, the Phase A and Costco components are considered to have cumulatively considerable air quality, GHG, noise, and traffic impacts, however, the project component's incremental effect are not cumulatively considerable.

As described in the CEQA Analysis Methodology section of this initial study, CEQA Guidelines section 15183 is relevant for assessing the contribution of the proposed actions to cumulative impacts, especially where the cumulative impact was found to be significant and unavoidable in the general plan EIR. The contribution of the Phase A and Costco components to these significant and unavoidable cumulative impacts is already identified in the general plan EIR. CEQA Guidelines section 15183(c) states, "if an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact." Based on the analysis contained in this initial study and in the general plan EIR, air quality, GHG, noise, and traffic impacts are not peculiar to the site or to the project, and the incremental effects of the project are not cumulatively considerable.

- c. Based on the analysis contained in this initial study and in the general plan EIR, the proposed project would not have environmental effects that cause substantial adverse effects on human beings, either directly or indirectly. The proposed project would not create hazards or adverse safety conditions that would pose a substantial threat to public health and safety, either directly or indirectly that cannot be reduced to less than significant through required implementation of general plan policies and actions, and through required conformance with uniformly applied development standards identified in the general plan EIR. The health risk assessment for Phase A did identify significant impacts related to construction and exposure of residents on the first floor of the planned mixed-use building to significant pollutant concentrations. However, as noted, by requiring Phase A to implement measures needed to ensure its consistency with uniformly applied development standards, this impact is reduced.

## **E. SOURCES**

1. **City of Newark. December 2013. *Newark California General Plan.***  
<https://www.newark.org/home/showpublisheddocument/76/636502245500200000>
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All documents in **bold** are available for review at the City of Newark Community Development Department, 37101 Newark Boulevard, Newark, CA 94560. (510) 578-4330

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