E.5 Hearing to consider a planned unit development, a conditional use permit, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street – from Assistant Planner Bowab. (RESOLUTIONS-2)

Background/Discussion - Villa Developers & Investment, LLC has submitted an application for a five-story hotel and retail mixed use project. The project area is approximately 53,140 square feet (1.22 +/- acres) in size, after right-of-way land dedication. The property is currently vacant and is bounded by Enterprise Drive to the north, Willow Drive to the east, planned medium density residential to the west, and planned affordable senior housing to the south. The subject site is zoned R-FBC (Commercial Retail – Form Based Code).

The five-story commercial project will include a 146-room hotel and an 8,300 square foot grocery/retail space. The proposed project will include approximately 168,440 square feet of floor area and be approximately 80 feet in height. The grocery/retail component will be located on the ground level along with shared parking on the ground and 2nd level. The hotel will operate on all 5 floors with guest rooms starting on the 3rd floor. The grocery/retail amenities will include elevated pedestrian enhanced walkways and outdoor seating areas with tables. Hotel amenities will include a lobby, an outdoor pool, a pool deck, a small recreation area, 3 fire pits, 2 lounge areas, 2 balconies, a restaurant, 2 bars, 3 meeting rooms, and 2 kitchens.

The architectural design and layout of the project was carefully designed as a gateway development for the Dumbarton Transit-Oriented Development (TOD) Specific Plan area. This project will be the first commercial development in the area and is pedestrian oriented with amenities activating the street front. The hotel entrance is located on the corner of the development facing the round-a-bout entrance to the TOD Specific Plan area. The modern design consists of undulating roof lines, an articulating façade, a large granite and glass pop-out feature, a metal canopy and awnings, and various types of granite stone, glass, and cement elements. In addition, due to the proximity of future planned residential to the west of the proposed project, no windows or openings are proposed on the west side of the building close to the property line. This will ensure the project won't be a nuisance to future residents by restricting the view of the garage and loading areas.

Planned Unit Development and Conditional Use Permit Findings

The Findings given in the draft resolution of approval contains language that comes from the Newark Municipal Code, Sections 17.40.050 (Planned Unit Development Permit – Permit procedure) and 17.72.070 (Use Permits – Action by Planning Commission) and are supported by the application materials on file, this staff report and the supporting exhibits attached.

Further elaboration for each finding is as follows:

a. That the proposed location of the planned unit development is in accord with the objectives

of the zoning title and the purposes of the district in which the site is located.
This location was planned for a commercial development as part of the TOD Specific Plan and the hotel and retail use fits under the approved zoning district.

b. *That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
The hotel, restaurant and retail space shall be a complement to the area and the residents by reducing vehicular trips and providing retail options within walking and biking distance.

c. *That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title.*
The building is being designed to fit the urban setting which was and is envisioned for the TOD area. The design and layout of the building have taken into account the proposed surrounding uses and will be compatible with the area.

d. *That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.*
Access to the site will be by a driveway off of Enterprise Drive and from Willow Street through the adjacent parking lot. There is a recorded easement to allow access to the site though the adjacent parking lot of the affordable senior housing site to the south. Enterprise Drive will be the main entrance to the parking garage and the hotel is not expected to generate traffic that exceeds the level of service of that roadway.

Hotels are required to provide one-off street parking space for each employee, plus one additional parking space for each guest room or for each two beds, whichever is greater. For retail, a minimum of three parking spaces per one thousand square feet of floor area is required. Based on this ratio, the project is required to have 181 parking spaces. A parking study, by Fehr & Peers, and a Transportation Demand Management (TDM) Plan, by Hexagon Transportation Consultants, Inc., were prepared to allow for a reduction in parking for this project. The study and plan concluded if all recommended TDM measures are implemented by the project, the required parking spaces may be reduced by 35%. This project is conditioned to implement the TDM measures in the attached TDM Plan and to re-evaluate the TDM Plan annually for the life of the project.

e. *That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.*
There are a variety of uses surrounding this location, which include senior housing, multifamily and single family uses. The commercial location on this property and across the street on Enterprise Drive are part of a larger design to provide neighborhood services to the

numerous housing units planned as part of the specific plan.

f. *That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located.*
The proposed use is in line with the proposed TOD Specific Plan.

g. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
There are several conditions related to this project to minimize any potential negative impacts of the development. Staff does not believe there will be any negative impacts of the general public within the vicinity.

h. *That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).*
Staff has reviewed the project and it is in compliance with the provisions of Section 17.72.

Environmental Review

The addendum to the existing Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project was prepared by HELIX Environmental Planning, Inc. The addendum concludes this proposed modified project will have similar, and in most cases lesser, impacts than the previous approved SHH/FMC project because the project site has now been graded.

The addendum was made available to the public beginning July 25, 2017. We received one comment letter from Alameda County Water District (Exhibit E) and have attached a response letter (Exhibit F) that addresses all their comments.

Recommendation

Staff believes this project will be beneficial for the City and recommends approval of the proposed five-story mixed-use hotel and retail space project, subject to the conditions of approval listed in the attached resolution.

Update – At its August 22, 2017 meeting, the Planning Commission approved: (1) Resolution No. 1947, for P-17-01, a planned unit development, and U-17-02, a conditional use permit, for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03) with Exhibits A, C and D; and (2) Resolution No. 1948, for E-17-03, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03), with Exhibit B.

Attachments

Action – It is recommended that the City Council, by resolutions: (1) approve P-17-01, a planned unit development, and U-17-02, a conditional use permit to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03); and (2) making certain findings and adopting an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03).

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING P-17-01, A PLANNED UNIT DEVELOPMENT, AND U-17-02, A CONDITIONAL USE PERMIT, TO ALLOW FOR A PROPOSED FIVE-STORY MIXED-USE HOTEL AND RETAIL SPACE AT 37445 WILLOW STREET (APN: 092-0115-011-03)

WHEREAS, Villa Developers & Investment, LLC has filed with the City Council of the City of Newark application for P-17-01, a planned unit development, and U-17-02, a conditional use permit, for a proposed five-story mixed-use hotel and retail space project; and

PURSUANT to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on August 29, 2017 and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on September 17, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, pursuant to Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission at its August 22, 2017 meeting hereby made the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located;

2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;

4. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

5. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;

7. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approves this application as shown on Exhibits A, C and D, subject to compliance with the following conditions:

Planning Division

a. No refuse, garbage or recycling shall be stored outdoors except within approved trash and recycling enclosure.

b. Elevators must be open to the public during retail hours to accommodate overflow parking on the 2nd floor.

c. Prior to the issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from public streets. All equipment shall be fully screened within the context of the building's architecture, as approved by the Community Development Director. Said screening design shall be maintained to the satisfaction of the Community Development Director. The building owner shall paint the roof equipment and the inside of its screening wall within the context of the building's color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the building, as determined by the Community Development Director.

d. Construction site trailers and buildings located on-site shall be used for office and storage purposes and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

e. There shall be no outdoor vending machines other than sale of newspapers. There shall be no outdoor storage of any materials for sale, display, inventory or advertisement, except Christmas trees, without the review and approval of the Planning Commission and City Council.

f. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 8:00 p.m. and 7:00 a.m.

g. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.

h. The site and its improvements shall be maintained in a neat and presentable condition to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site cleanup. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

i. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.

j. Prior to the issuance of a building permit, the developer shall submit final colored elevations for the review and approval of the Community Development Director. The building elevations shall reflect all architectural features and projections such as roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building location with respect to property lines shall also show the projections. Said elevations shall specify exterior materials.

k. Prior to the issuance of a building permit, any change to the floor plans as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.

l. Prior to the issuance of a building permit, the location and screening design for centralized garbage, refuse and recycling collection areas for the project shall be submitted for the review and approval of Republic Services Inc. and the Community Development Director, in that order.

m. Prior to the issuance of a building permit, roof material shall be submitted to the Community Development Director for review and approval. All roof material shall consist of fire retardant shake roof, concrete tile or a roof of similar non-combustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.

n. Prior to the issuance of a building permit and after approval of the acoustical analysis report, wall and fence details shall be submitted for the review and approval of the Community Development Director.

o. During project construction, should archeological or paleontological artifacts or remains

be discovered, work in the vicinity of the find shall stop immediately until a qualified archeologist or paleontologist, as appropriate, can evaluate the site and determine the significance of the find. Project personnel shall not collect or alter cultural resources. Identified cultural resources shall be recorded on forms DPR 422 (archeological sites) and/or DPR 523 (historic resources). If human remains are found, the County Coroner shall be contacted immediately.

p. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster. The mailbox compartments of centralized mailboxes shall identify the individual units with permanent, easily legible lettering.

q. Prior to the issuance of a Certificate of Occupancy, all on-site parking facilities shown on the approved plans shall be installed and striped. This shall include, but not be limited to, identifying compact parking spaces and providing directional arrows as required by the Community Development Director.

r. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted to the Community Development Director for review and approval.

s. All construction within the project area shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, unless alternative hours are approved by the Newark Building Official. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy duty mufflers designed to reduce noise impacts.

t. The applicant shall contract with a qualified, licensed geotechnical engineering firm to identify appropriate materials and methods for soil compaction and the construction of building foundations to ensure compliance with the Uniform Building Code. All recommendations contained in the geotechnical reports shall be followed by the applicant and the City of Newark during construction phases of the project.

u. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.

v. If significant time passes subsequent to rough grading, the developer shall hire a qualified biologist to: (1) determine if Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.

w. If any condition of this Planned Unit Development (PUD), and Conditional Use Permit (CUP) be declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall terminate and be of no force and effect, at the election of the City Council on motion.

x. The developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

y. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the developer shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

z. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.

aa. Unless a building permit is issued within 24 months of project approval, the entitlements expire unless extended by Community Development Director.

Engineering Division

bb. The developer shall provide the following street improvements along Willow Street and Enterprise Drive along the project frontage.

> Willow Street & Enterprise Drive: The developer for Tract 8157 has provided improvement security for the project street frontage. Improvements required for the project are limited to utility connections as approved by the City Engineer. Pavement restoration for utility cuts shall be a minimum of 10-foot wide pavement grind and overlay.

cc. Right-of-way encroachments by building canopies shall be limited to two-thirds (2/3) the width of the sidewalk and shall be at least eight (8) feet above grade. Canopy encroachment shall be free standing (i.e. no post, column or supports within the right-of-way).

dd. Prior to building permit issuance, the developer shall dedicate right-of-way in-fee title where areas were previously dedicated as roadway easements. The developer shall provide legal descriptions and plats prepared by a California-licensed Land Surveyor for City Engineer approval during the building permit review process.

ee. The provided Preliminary Stormwater Control Plan is approved in concept only. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.

ff. The developer shall submit detailed grading and drainage plans for review and approval by the City Engineer. These plans must be based upon a City benchmark and need to include pad and finish floor elevations, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.

Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer. The calculations shall show that the City and County freeboard requirements will be satisfied. The County's updated Hydrology and Hydraulics Manual can be downloaded at http://www.acfloodcontrol.org/projects-and-programs/hydrology-hydraulics/hydrology-hydraulics-manual/.

gg. The project site is located within a seismic hazard area as indicated on the official Seismic Hazard Zone maps released by the State Geologist. The project geotechnical engineer shall continue to address the mapped hazard and obtain City approval with respect to the liquefaction hazards prior to building permit submittal. The seismic hazard report shall be peer reviewed by the City's geotechnical consultant at the developer's expense.

hh. Prior to any soil improvement measures and/or dewatering activities, the project geotechnical engineer(s) shall coordinate with ACWD to ensure compliance with ACWD Ordinance No. 2010-01. Any groundwater extracted during dewatering should be properly disposed of due to the presence of potential VOCs. In addition, any groundwater extracted during the project should be quantified and may be subject to a Replenishment Assessment Fee in accordance with the Replenishment Assessment Act of ACWD.

ii. Prior to issuance of a Certificate of Occupancy or release of utilities for each unit, the on-site drive aisles and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces.

jj. All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way, unless deemed infeasible by PG&E to install in underground vaults due to the load restrictions.

kk. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted on Enterprise Drive and Willow Street unless the affected area is scheduled for a pavement overlay concurrent with site development.

ll. Prior to the approval of the building permit, the developer shall petition the City Council to participate in an active Landscaping and Lighting District for perpetual maintenance of median landscaping, traffic circle landscaping, frontage landscaping, and lighting systems on Willow Street and Enterprise Drive. The developer shall deposit sufficient funds for the City to hire a consultant to prepare the Engineer's Report, which shall be approved by the City Council. Prior to issuance of a Certificate of Occupancy, the City Council shall adopt a resolution for the annexation into an assessment district.

mm. In compliance with the BAAQMD CEQA Air Quality Guidelines, the developer shall implement the following basic construction mitigation measures for all construction activities:

1. All exposed surfaces (e.g. parking areas, staging areas, soil piles, 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 of unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measures 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. A publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours.

These measures shall be incorporated into the grading plans as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

nn. In compliance with the BAAQMD CEQA Air Quality Guidelines, the developer shall implement the following additional construction mitigation measures for all construction activities:

1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
2. Wind breaks (e.g. trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
3. Vegetative ground cover (e.g. fast germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
4. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
5. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
6. Site accesses up to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
7. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
8. Minimizing the idling time of diesel powered construction equipment to two minutes.
9. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e. owned, leased, and subcontractor vehicles) would achieve a project wide fleet average 20 percent

NOX reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after treatment products, add-on devices such as particulate filters, and/or other options as such become available.

10. Use low VOC (i.e. ROG) coatings beyond the local requirements (i.e. Regulation 8, Rule 3: Architectural Coatings).
11. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOX and PM.
12. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

These measures shall be incorporated into the grading plans as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

oo. Prior to the issuance of any grading permit, all water wells within the project boundary shall be identified on the plans to be protected or properly destroyed. If the well(s) are to remain, a letter so indicating must be submitted to ACWD for review and approval. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the Well Ordinance. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities.

pp. Prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations, the developer shall apply and obtain a drilling permit from ACWD's Engineering Department at 43885 South Grimmer Boulevard, Fremont.

qq. Prior to issuance of a building permit, specific measures shall be identified in a Risk Management Plan describing routine operation and maintenance of utility systems so that soil or groundwater does not pose a risk to the health and safety of workers during installation and post-construction operations and maintenance. The Risk Management Plan shall be subject to review and approval of the City Engineer, ACWD, and USD.

rr. As a benefited property within the Dumbarton TOD for the waterline extension on Willow Street, the developer shall pay its pro-rata benefit cost as outlined in the Waterline Agreement prior to issuance of the building permit. If the developer pays it pro-rata benefit cost based on the waterline extension estimated cost, the developer shall pay a supplemental reimbursement for the difference between actual cost and estimated cost after receipt of the actual cost is provided.

Landscape/Parks Division

ss. Prior to the issuance of a Certificate of Occupancy, the developer shall enter into a Landscape Maintenance Agreement to ensure the perpetual maintenance of all landscaping along the project frontage, including the right-of-way and adjoining easement areas, and all other visible on-site landscape improvements. This agreement shall run with the land and be binding upon all future owners.

tt. The Preliminary Proposed Plant Palette is approved in concept only. The final landscape plant palette shall provide the following plant material sizing: Trees shall be a minimum of a 15-gallon container size; shrubs and vines shall be a minimum of 5-gallon container size.

uu. The project shall comply with the State of California Model Water Efficient Landscape Ordinance and shall provide a landscape documentation package to demonstrate compliance prior to building permit issuance.

Building Division

vv. Construction for this project, including site work and all structures, can occur only between the hours of 8:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.

ww. As per the Newark Municipal Code all the structures shall be equipped with a fully automatic fire sprinkler system.

Police Department

xx. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code.

yy. The development shall comply with Section 5.10 of the California Fire Code for radio reception.

zz. Security cameras need to be placed within the parking structure. Cameras placed at the entrance should be of sufficient acuity to identify vehicle license plates, vehicle make, model and color. Cameras need to be placed in stairwells and other pedestrian access points to deter criminal activity within the parking structure.

General

aaa. The project is subject to all conditions of approval associated with City Council

Resolution No. 10,195 for Vesting Tentative Tract Map 8157, unless amended with conditions of approval stated herein. In case of conflict between conditions of approval, the amendments shall take precedence over and be used in lieu of the conflicting portions.

bbb. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.

ccc. If any condition of this planned unit development and conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

ddd. The applicant hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

eee. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the developer shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

fff. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK MAKING CERTAIN FINDINGS AND ADOPTING AN ADDENDUM TO THE DUMBARTON TRANSIT ORIENTED DEVELOPMENT (TOD) SPECIFIC PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) (SCH NO. 2010042012) AND SUBSEQUENT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR THE SHH/FMC PROJECT (SCH No. 2014012056) TO ALLOW FOR A PROPOSED FIVE-STORY MIXED-USE HOTEL AND RETAIL SPACE AT 37445 WILLOW STREET (APN: 092-0115-011-03)

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

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

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

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

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

WHEREAS, on September 14, 2017 the City Council of the City of Newark conducted a duly noticed meeting to consider the Initial Study and Addendum of environmental impacts for the proposed Project, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the September 14, 2017 meeting related to the proposed Project.

NOW, THEREFORE, the City Council finds and resolves the following:

1. The Initial Study and corresponding Addendum of environmental impacts were released for public review and said mitigation measures contained within the same would avoid the

effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and

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

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

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

NOW, THEREFORE, be it resolved by the City Council of the City of Newark that:

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

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

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

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

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

CUP PLAN RE-SUBMITTAL– REVISED JULY 19, 2017

COVER SHEET

NEWARK GATEWAY

MIXED-USE DEVELOPMENT

ENTERPRISE DRIVE & WILLOW STREET

NEWARK, CA

JONATHAN NEMER + ASSOCIATES

ARCHITECTURE

OWNER
Tony Baig
VillaDevelopers, Inc.
2850 Stevens Creek Blvd
San Jose, CA 95128

APPLICANT
Henry Cord
Cord Associates
401 Fieldcrest Drive
San Jose, CA 95123

ARCHITECT
Scott Rosenberg, AIA
Jonathan Nehmer + Associates, Inc.
7361 Calhoun Place, Suite 310
Rockville, MD 20855

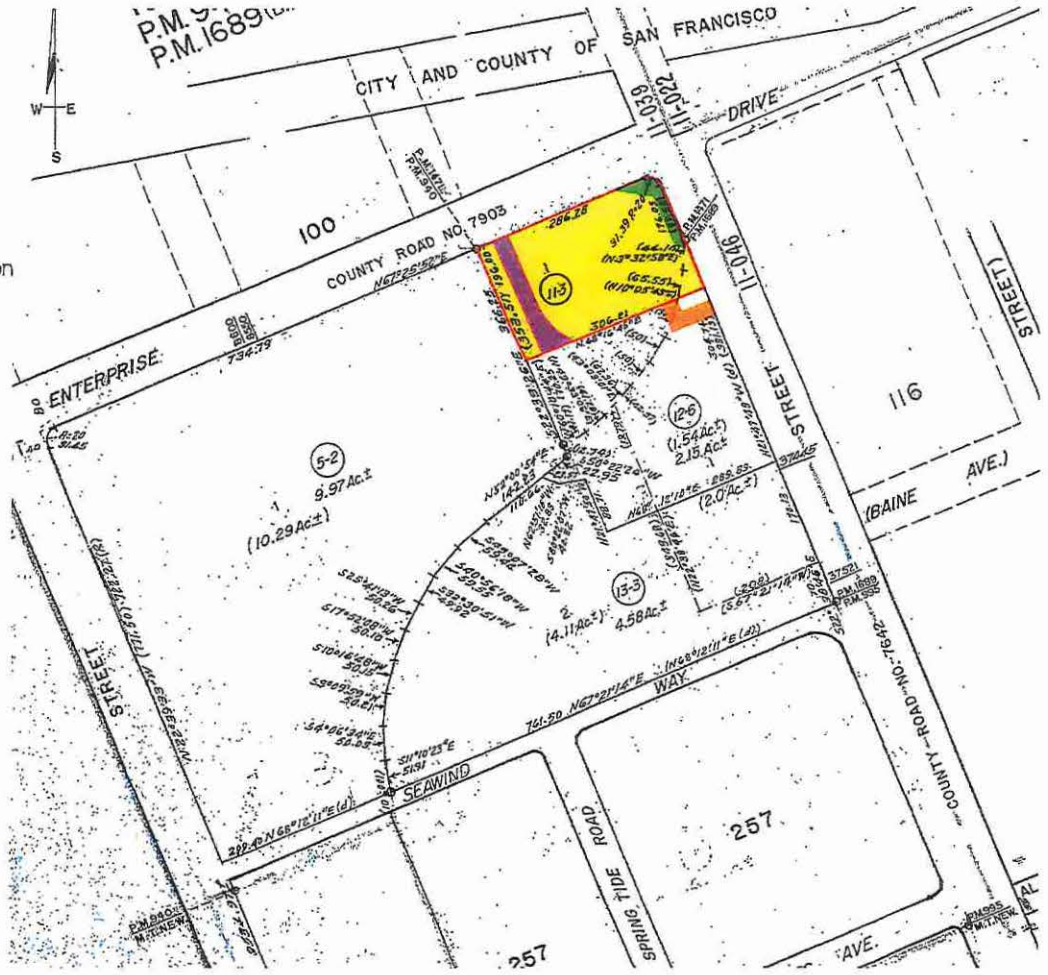
CIVIL ENGINEER
Terry Reeves, P.E.
Carlson, Barbee & Gibson, Inc.
2633 Camino Ramon, Suite 350
San Ramon, CA 94583

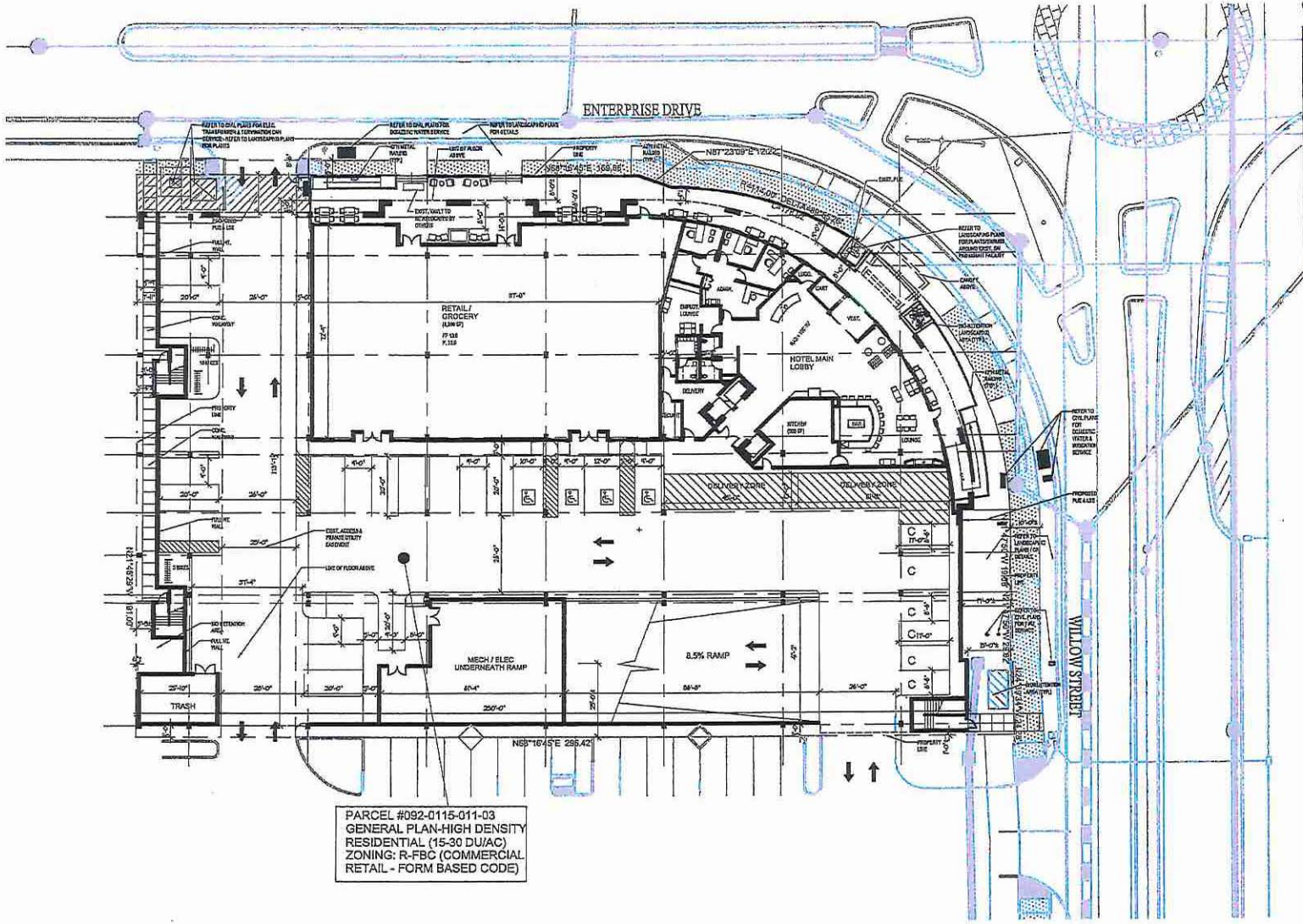
LANDSCAPE ARCHITECT
Annika Carpenter, Principal
Ripley Design Group
1615 Bonanza Street, Suite 314
Walnut Creek, CA 94596

GEOTECHNICAL CONSULTANT
Danh Tran
Cornerstone Earth Group
1259 Oakmead Parkway
Sunnyvale, CA 94085

JOINT TRENCH DESIGN CONSULTANT
Joanna Giacalone-Casey
Giacalone Design Services, Inc.
5820 Stoneridge Mall Rd., Suite 345
Pleasanton, CA 94588

INDEX





SITE INFORMATION:

- SITE ADDRESS: 37445 WILLOW ST., NEWARK, CA 94560
- TOTAL SITE AREA: 53,740 SF (1.232 AC)
- TOTAL COVERED SITE AREA: 47,408 SF (88.23%)
- LANDSCAPING/OPEN SPACE AREA: 5,735 SF
- PROPOSED BLDG HEIGHT: 80'-0" TO THE HIGHEST POINT OF THE PARAPET.
- EXISTING USES: VACANT
- PROPOSED USES: - RESIDENTIAL R-1 HOTEL
  - MERCANTILE M RETAIL (GROCERY)

PROJECT DESCRIPTION:

A FIVE-STORY HOTEL & RETAIL BUILDING CONSISTS OF 146 ROOMS, 118 PARKING SPACES & APROX. 8,300 SF OF GROCERY.

FACILITY PROGRAM:

FLOOR AREA SQUARE FOOTAGE:

GROUND FLOOR:	15,010 SF
• RETAIL / GROCERY:	8,200 SF
• HOTEL ADMIN.:	850 SF
• HOTEL MAIN LOBBY:	1,530 SF
• HOTEL BAR / LOUNGE:	1,430 SF
• HOTEL B.O.H.:	2,826 SF
PARKING L2 PLAN:	47,350 SF
• BACK OF HOUSE:	12,130 SF
• PARKING AREA:	33,220 SF
3rd FLOOR PLAN:	40,915 SF
• POOL & POOL DECK:	9,280 SF
• PUBLIC CORRIDOR:	3,960 SF
• BACK OF HOUSE:	2,250 SF
• GUESTROOM AREA:	25,775 SF
4th FLOOR PLAN:	32,915 SF
• CORRIDOR:	3,960 SF
• BACK OF HOUSE:	2,280 SF
• GUESTROOM AREA:	25,775 SF
5th FLOOR PLAN:	32,250 SF
• CORRIDOR:	3,670 SF
• BACK OF HOUSE:	2,280 SF
• GUESTROOM AREA:	13,400 SF
• ROOFTOP LOUNGE:	1,200 SF
• MEETING ROOMS:	2,200 SF
• PRE-FUNCTION:	1,100 SF
• RESTAURANT:	2,970 SF
• OUTDOOR SEATING:	700 SF
• BAR / LOUNGE:	1,250 SF
• KITCHEN:	2,470 SF
TOTAL:	168,440 SF

PARKING TABULATION:

• L2 PARKING PLAN:	87 SPACES
• ON-GRADE PARKING:	31 SPACES
TOTAL PROVIDED PARKING: (51C + 5HC + 62R)	118 SPACES
• BIKES:	PROVIDED 15 SPACES
• LOADING SPACES:	PROVIDED 2 SPACES
• HOTEL: (146 KEYS)	146 SPACES
• EMPLOYEES:	10 SPACES
• RETAIL (3/1000 x 8,300 SF):	25 SPACES
• 35% DEDUCTION:	-53 SPACES
TOTAL REQUIRED PARKING:	118 SPACES

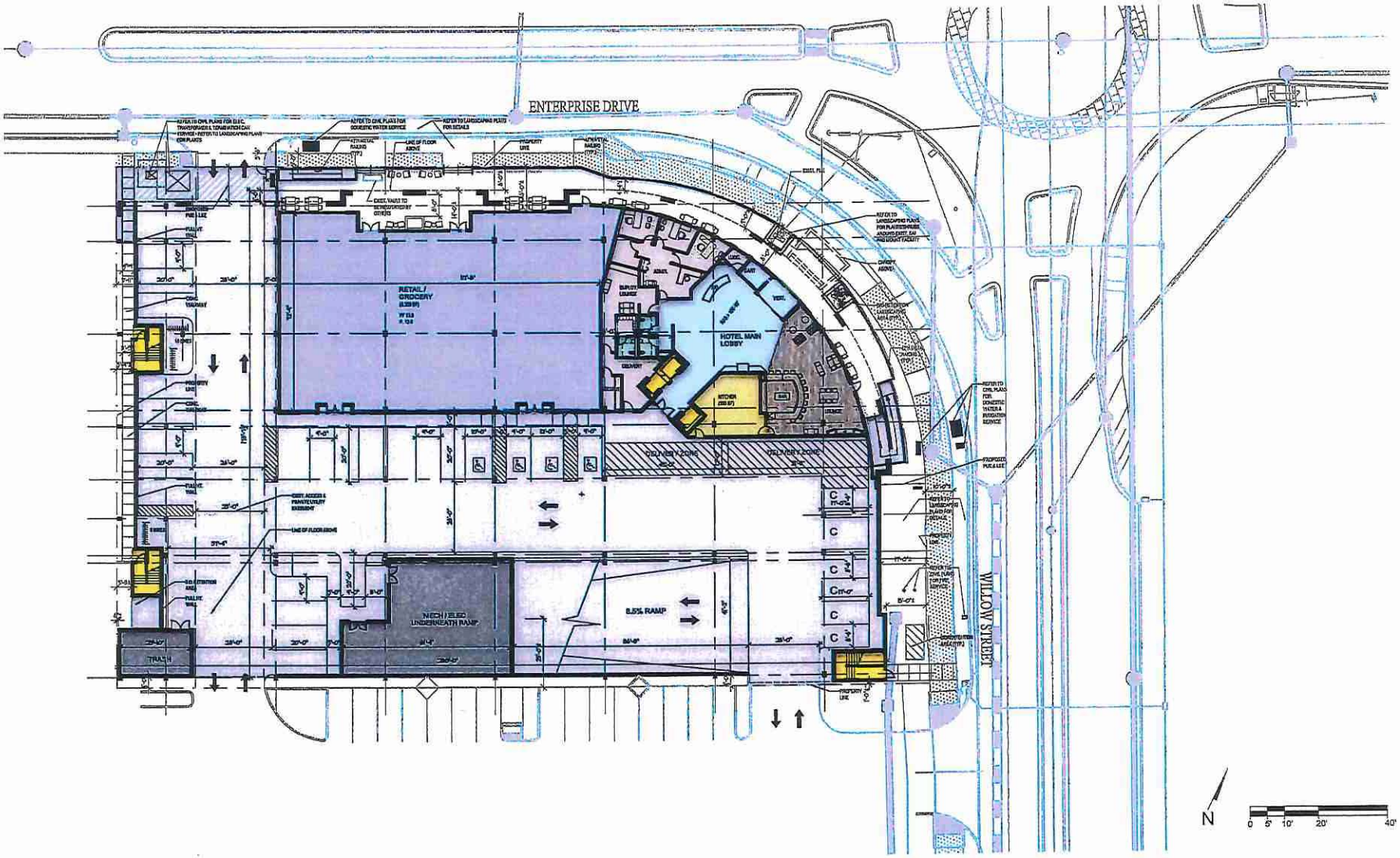
HOTEL ROOM MATRIX:

TYPE FL	STE	K	QQ	K ADA ROLL IN	QQ ADA ROLL IN	K ADA	QQ ADA	TOTAL
3rd FL	-	33	22	1	1	2		59
4th FL		35	21			2	1	59
5th FL		17	11					28
TOTAL		85 (58%)	54 (37%)	1	1	4	1	146

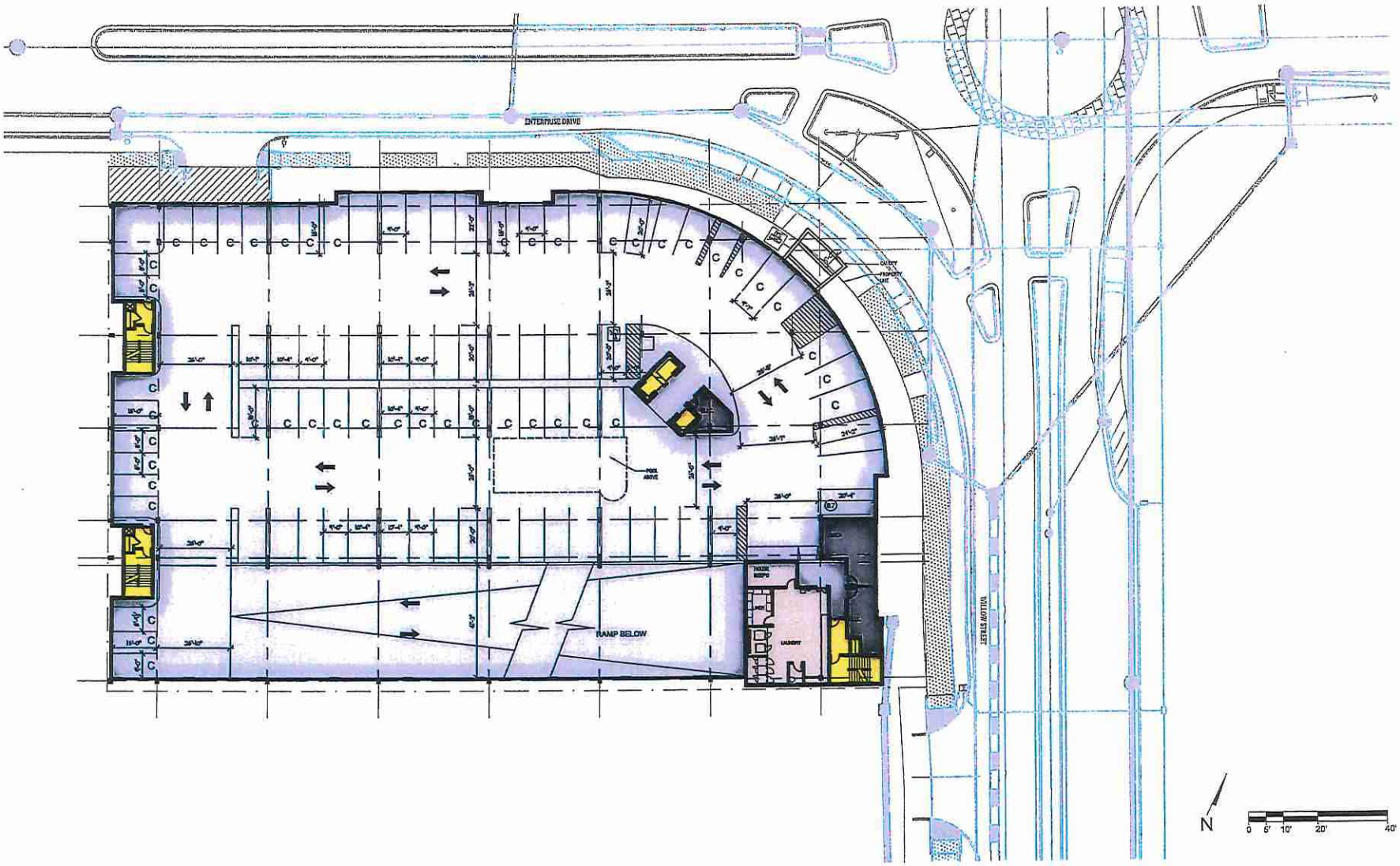
TYP. KING ROOM SIZE: 30'-0"L x 12'-4"W (CLEAR)
TYP. Q/Q ROOM SIZE: 34'-0"L x 12'-4"W (CLEAR)

0 5' 10' 20' 40'

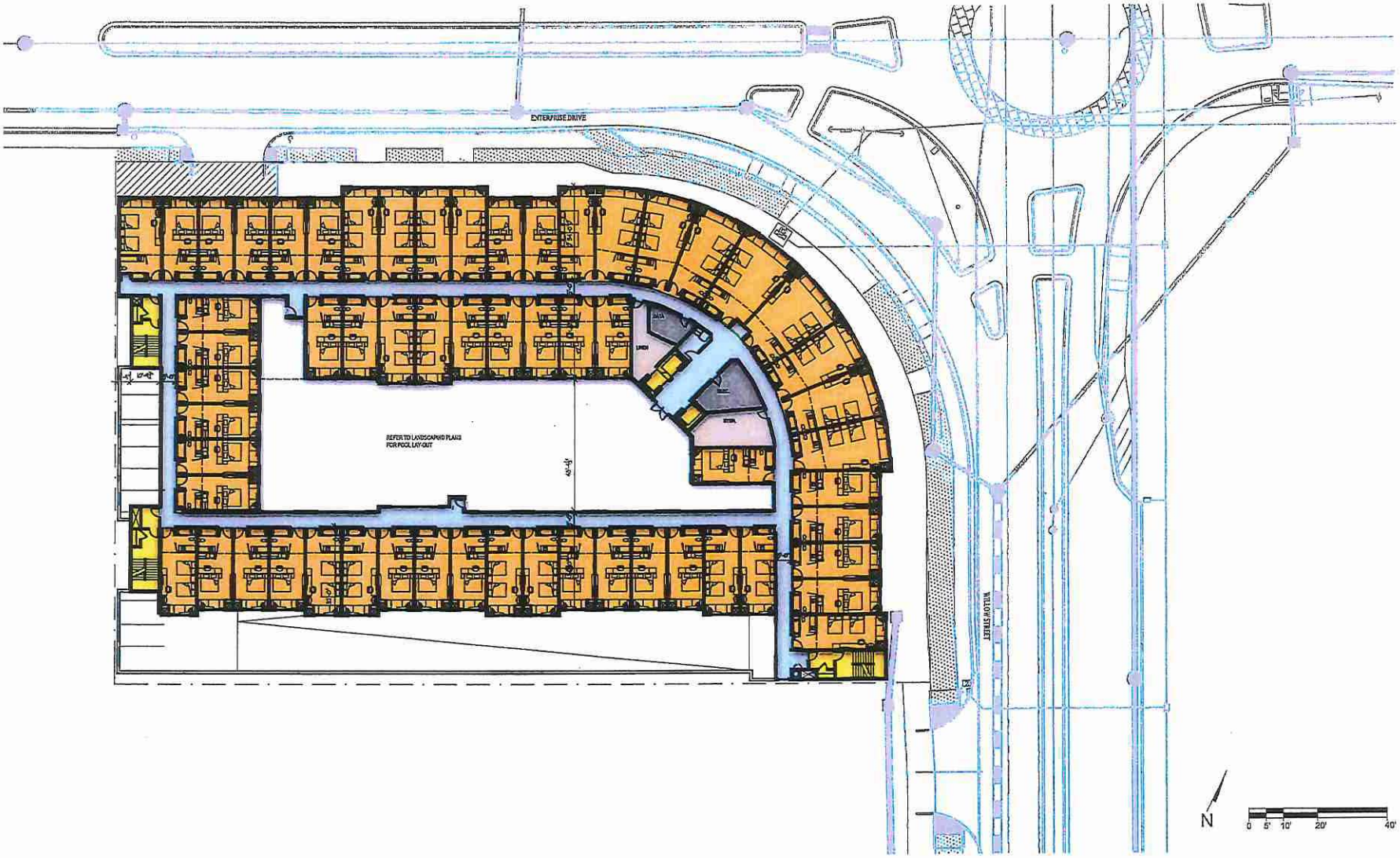
GROUND FLOOR PLAN



PARKING L2 PLAN



THIRD FLOOR PLAN

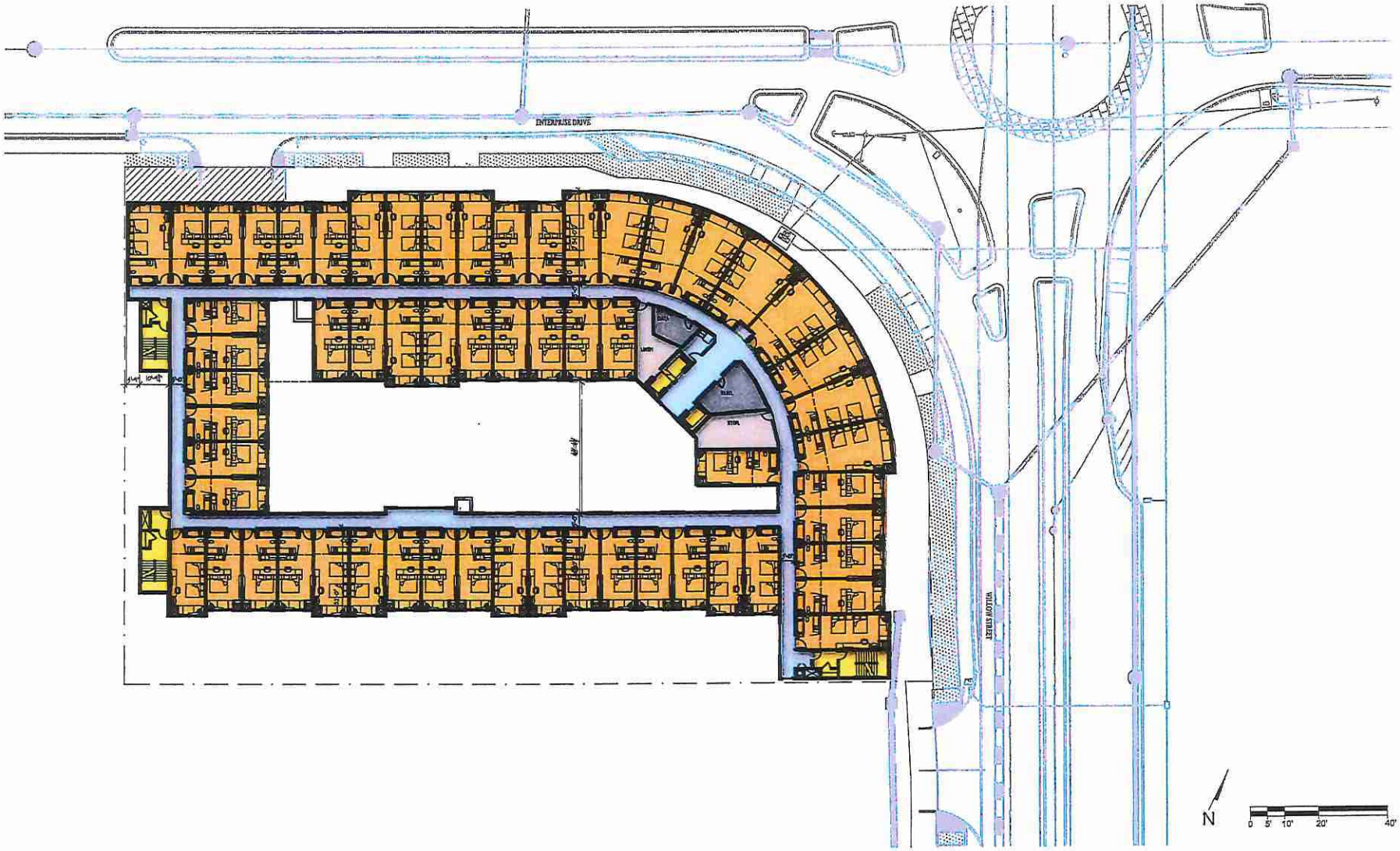


JNA ARCHITECTURE

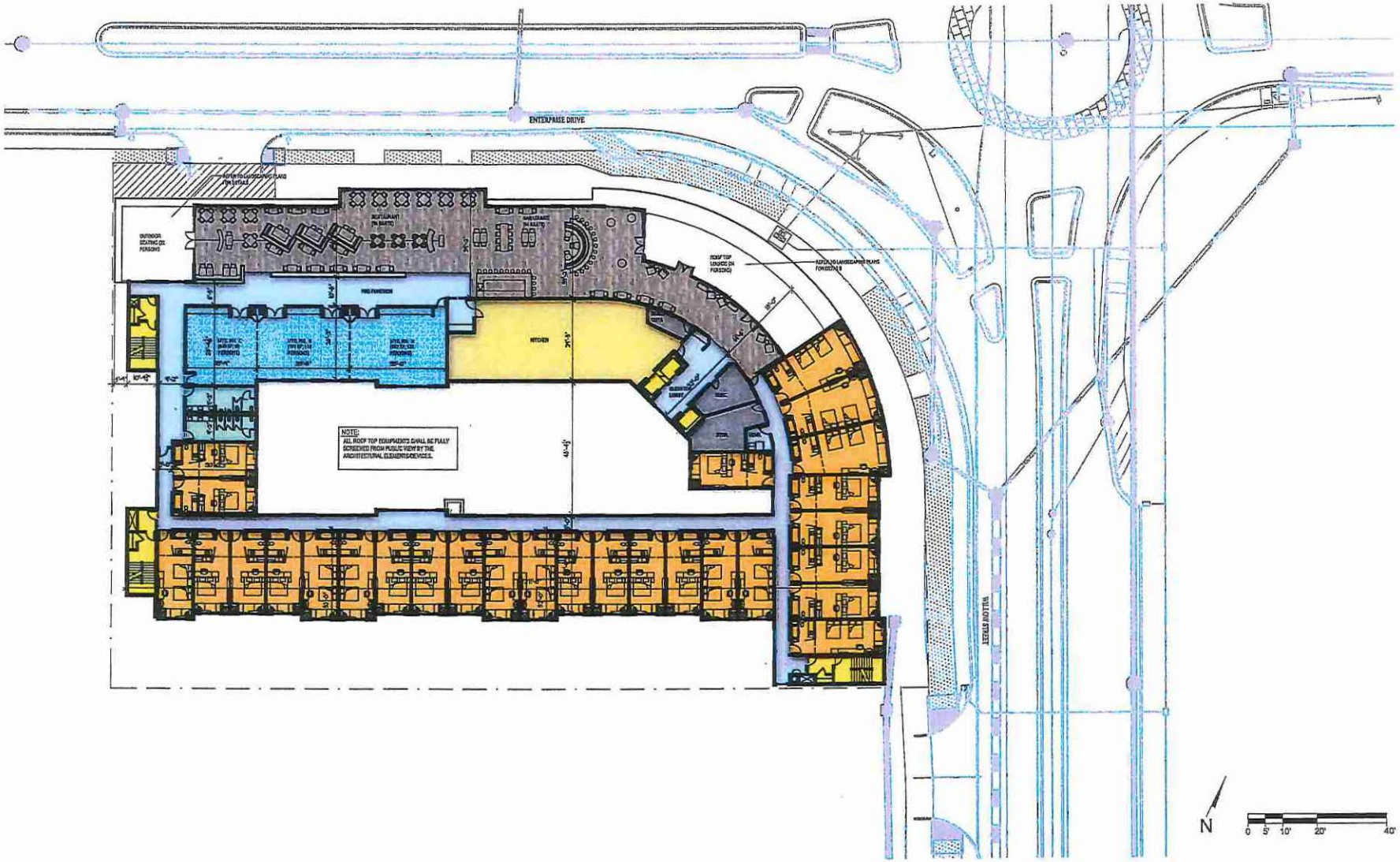
Newark Gateway
Mixed-Use Development
Enterprise Drive & Willow Street

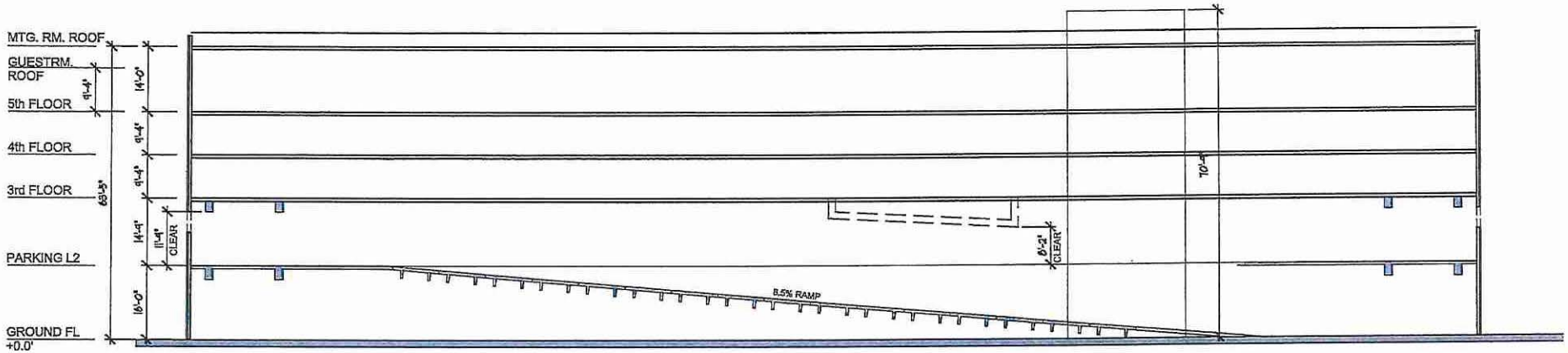
EXHIBIT A p.6

FOURTH FLOOR PLAN

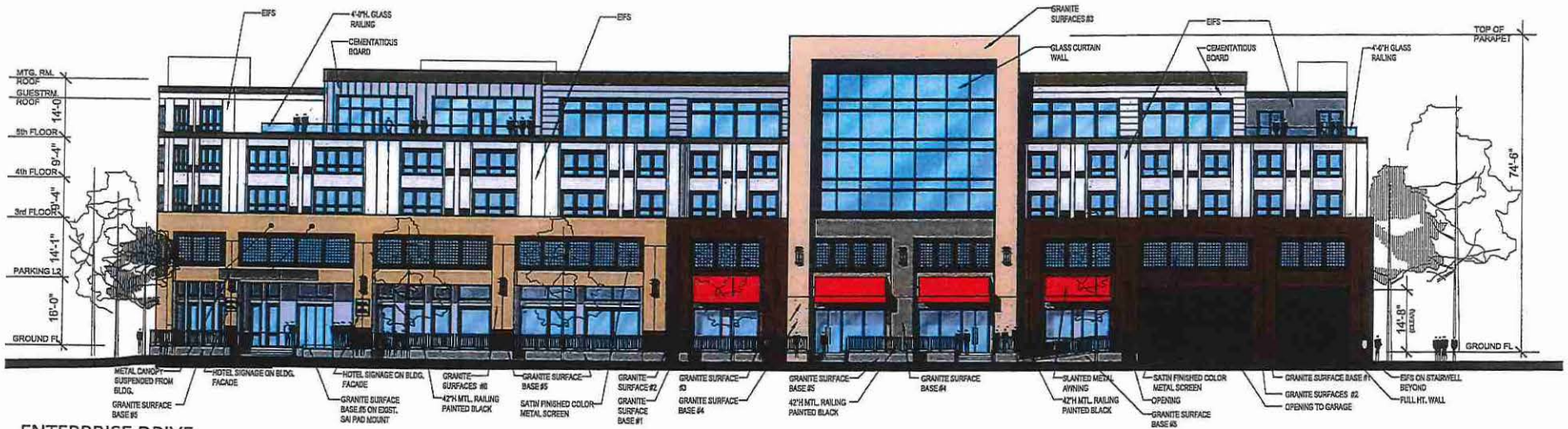


FIFTH FLOOR PLAN

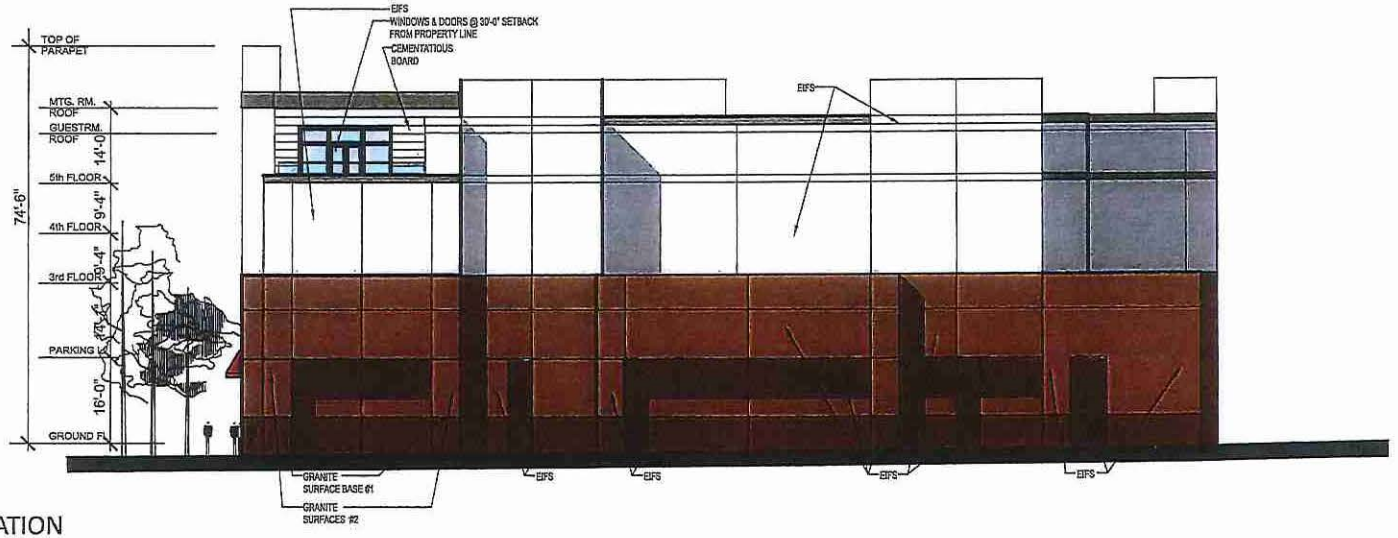



MTG. RM. ROOF
GUESTRM. ROOF
5th FLOOR
4th FLOOR
3rd FLOOR
PARKING L2
GROUND FL
+0.0'
11'-4"
14'-0"
9'-4"
9'-4"
9'-4"
14'-0"
11'-4"
CLEAR
16'-0"
63'-5"
70'-0"
8'-2"
CLEAR
8.5% RAMP

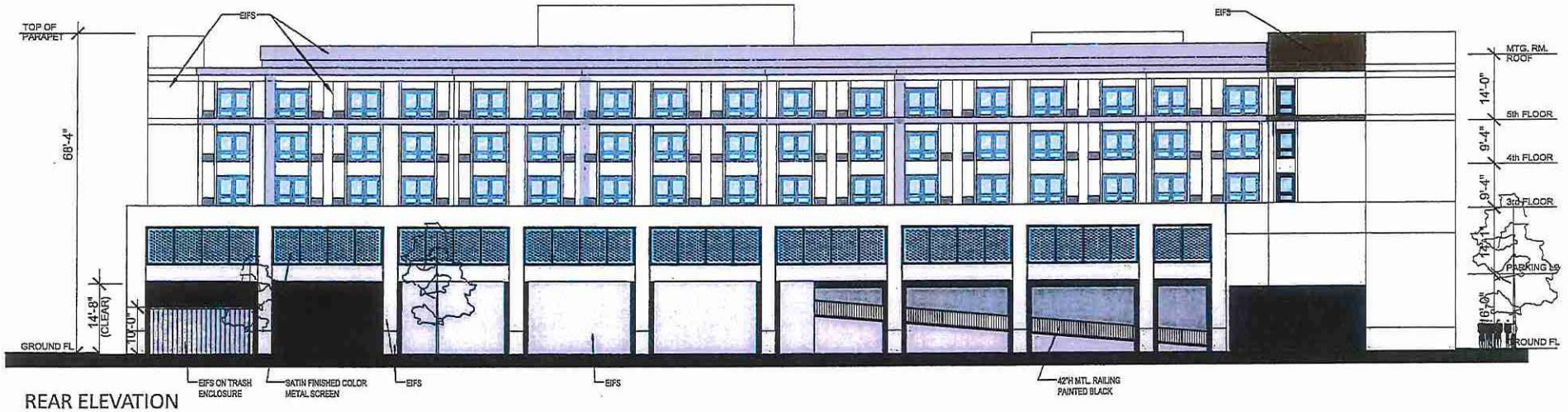
WILLOW STREET



ENTERPRISE DRIVE



RIGHT ELEVATION



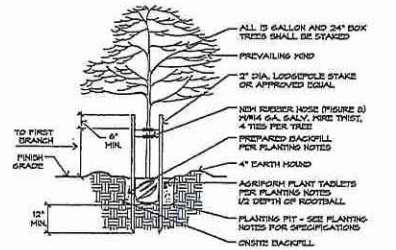
REAR ELEVATION


CHIPLS CAFE
AJ's GROCERY

CONDITIONAL USE PERMIT SUBMITTAL - 2017

1ST FLOOR LANDSCAPE PLAN

TREE & SHRUB PLANTERS



NOTE:
1. ROOT CONTROL BARRIER PANELS SHALL BE REQUIRED WHERE TREES IS WITHIN 10' FROM PAVING. ROOT SOLUTIONS ROOT BARRIER OR EQUAL MAY BE USED. LENGTH OF BARRIER TO BE CENTERED ON TREE.

A **TREE PLANTING AND STAKING DETAIL** SCALE: 1/2" = 1'-0"

NOTES:
1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
2. TREES PLANTED WITHIN 5' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS, USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".

GRAPHIC SCALE
0 20 40 60
(IN FEET)
1 inch = 20 ft.

PRELIMINARY PROPOSED PLANT PALETTE

TREES

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH/HEIGHT	WATER USE
ENTERPRISE DRIVE & WILLOW STREET STREET TREES REFER TO EXISTING APPROVED IMPROVEMENT PLANS				
EVERGREEN SCREEN TREE PRUNUS CAROLINIANA 'COMPACTA'	CAROLINA CHERRY	15 GALLON	15'/10'	LOW
ACCENT TREES CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM	15 GALLON	15'/15'	LOW
SPECIMEN TREES ARBUTUS MARINA MULTI	MULTI TRUNK STRAWBERRY TREE	24" BOX	20'/30'	LOW

FIRST FLOOR/ GROUND LEVEL, THIRD FLOOR PLANTERS, AND FIFTH FLOOR PLANTERS

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH/HEIGHT	WATER USE
SHRUBS -				
ACACIA 'COUSIN ITT'	LITTLE RIVER WATTLE	1 GALLON	3'/4'	LOW
AGAVE 'CARL'S DWARF'	PINK AGAVE DWARF	1 GALLON	1'/2'	LOW
ALOE 'BLUE ELF'	DWARF ALOE	1 GALLON	2'/2'	LOW
ALOE POLYPHYLLA	AFRICAN SPIRAL ALOE	1 GALLON	1'/2'	LOW
ANIGOZANTHOS FLAVIDUS	KANGAROO PAW	1 GALLON	4'/3'	LOW
BOUTELOUA G. 'BLONDE AMBITION'	GRAMA GRASS	1 GALLON	2'/2'	LOW
BUDDLEIA DAVIDII'NANHO'	DWARF BUTTERFLY BUSH	1 GALLON	10'/10'	LOW
CAREX TUMULICOLA 'SHULSA'	BERKELEY SEDGE	1 GALLON	1 1/2'/2'	LOW
CEANOTHUS 'SAN HARDINAT'	MOUNTAIN LILAC	1 GALLON	20'/10'	LOW
CHONDROPETALUM TECTORUM	CAPE REED	1 GALLON	3'/4'	LOW
DIETES BICOLOR 'NORAEA'	FORTNIGHT LILY	1 GALLON	4'/4'	LOW
DIETES IRIOIDES	AFRICAN IRIS	1 GALLON	3'/4'	LOW
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GALLON	20'/36'	LOW
EUONYMUS JAPONICUS 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	15 GALLON	7'/8'	LOW
FESTUCA GLAUCA	BLUE FESCUE	1 GALLON	10'/10'	LOW
FESTUCA MAIRE	MAIRE'S FESCUE	1 GALLON	3'/3'	LOW
FREMONTODENDRON CALIFORNIA	FLANNEL BUSH	1 GALLON	20'/20'	LOW
GREVILLEA 'NOELLII'	NOELLII GREVILLEA	1 GALLON	4'/5'	LOW
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	3'/3'	LOW
HESPERACA PARVIFLORA 'BRAKELIGHTS'	RED CORAL BELLS	1 GALLONN	15'/15'	LOW
KNYPHOFIA 'NANCY'S RED'	RED HOT POKER	1 GALLON	24'/24"	LOW
LAVANDULA STOECHAS 'OTTO QUAST'	SPANISH LAVANDER	1 GALLON	3'/3'	LOW
LAVATERA MARITIMA	TREE MALLOW	1 GALLON	10'/10'	LOW
LOROPETALUM C. 'GREEN N PINK'	FRINGE FLOWER	1 GALLON	6'/6'	LOW
LOROPETALUM C. 'PLUM DELIGHT'	FRINGE FLOWER	1 GALLON	6'/6'	LOW
LOROPETALUM C.'NORAZ'	FRINGE FLOWER	1 GALLON	6'/6'	LOW
MUHLENBERGIA RIGENS	DEER GRASS	1 GALLON	4'/4'	LOW
MYRTUS C. 'COMPACTA'	DWARF MYRTLE	1 GALLON	4'/4'	LOW
NANDINA D. 'GULF STREAM'	COMPACT HEAVENLY BAMBOO	1 GALLON	4'/2'	LOW
NASSELLA TENUISSIMA	MEXICAN FEATHER GRASS	1 GALLON	2'/3'	LOW
NEPETA FAASSENII'	CATMINT	1 GALLON	1'/2'	LOW
OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	1 GALLON	6'/6'	LOW
PENSTEMON HETEROPHYLLUS 'MARGARITA BOP'	BLUE BEDDER PENSTEMON	1 GALLON	2'/3'	LOW
PHORMIUM T. 'JACK SPRATT'	RED-BROWN DWARF FLAX	1 GALLON	2'/2'	LOW
PHORMIUM 'PETTS BLACK'	BLACK NEW ZEALAND FLAX	5 GALLON	4'/4'	LOW
PHORMIUM H. 'MAORI QUEEN'	RED NEW ZEALAND FLAX	5 GALLON	5'/5'	LOW
PHORMIUM T. 'TOM TIGER'	DWARF NEW ZEALAND FLAX	1 GALLON	3'/3'	LOW
PRUNUS C. 'MONUS'	DWARF ENGLISH LAUREL	5 GALLON	12'/8'	LOW
ROSA RUBIGOSA	PINK RUGOSA ROSE	5 GALLON	6'/6'	LOW
ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	UPRIGHT ROSEMARY	5 GALLON	7'/2'	LOW
SISYRINCHIUM BELLUM	BLUE-EYED GRASS	1 GALLON	12'/18"	LOW
SOLLYA HETEROPHYLLA	BLUEBELL CREEPER	1 GALLON	3'/5'	LOW
SYRINGA VULGARIS	COMMON LILAC	1 GALLON	20'/15'	LOW
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GALLON	2'/10'	MEDIUM
TRICHOSTEMA LANATUM	WOOLLY BLUE CURLS	1 GALLON	1'/2'	LOW
TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GALLON	14'/2'	MEDIUM
XYLOSMA C. 'COMPACTA'	COMPACT SHOT XYLOSMA	5 GALLON	8'/8	LOW
ZANTEDESCHIA AETHIOPIA	COMMON CALLA LILY	1 GALLON	4'/2'	MEDIUM
ZEPHYRANTHES 'CANDIDA'	FAIRY LILY	1 GALLON	1'/2'	MEDIUM

BIO-RETENTION AREA

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH/HEIGHT	WATER USE
GRASSES/ SHRUBS				
ALOE STRIATA	CORAL ALOE	1 GALLON	2'/2'	LOW
ARCTOSTAPHYLOS HOOKERI	MONTEREY MANZANITA	1 GALLON	1'/4'	LOW
BOUTELOUA GRACILIS	BLUE GRAMA GRASS	1 GALLON	1.5'/2'	LOW
CAREX 'TUMULICOLA'	BERKELEY SEDGE	1 GALLON	1'/1'	LOW
CAREX PRAEGRACILIS	CLUSTERED FIELD SEDGE	1 GALLON	1.5'/1.5'	LOW
CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO	1 GALLON	1'/2'	LOW
CHONDROPETALUM TECTORUM	BLUE RUSH	5 GALLON	3'/3'	LOW
CISTUS SKANBERGII	HYBRID ROCKROSE	5 GALLON	3'/3'	LOW
CORREA 'CARDINE'	AUSTR. CORAL BELLS	1 GALLON	2'/3'	LOW
CALIFORNIASTUCA GLAUCA	CALIFORNIA FESCUE	1 GALLON	2'/2'	LOW
IRIS DOUGLASIANA	DOUGLAS IRIS	1 GALLON	1.5'/2'	LOW
JUNCUS PATENS	GREY RUSH	1 GALLON	2'/1'	LOW
LUPINUS BICOLOR	MINIATURE LUPINE	1 GALLON	1'/1'	LOW
MIMULUS AURANTIACUS	COMMON MONKEY FLOWER	1 GALLON	3'/3'	LOW
MUHLENBERGIA RIGENS	DEER GRASS 5	GALLON	3'/3'	LOW
SCAEVOLA 'MAUVE CLUSTERS'	FAN FLOWER	1 GALLON	1'/4'	LOW
SISYRINCHIUM BELLUM	BLUE-EYED GRASS	1 GALLON	1'/1'	LOW
SISYRINCHIUM CALIFORNICA	YELLOW-EYED GRASS	1 GALLON	1'/1'	LOW
STACHYS BYZANTINA	LAMB'S EARS	1 GALLON	1'/2'	LOW
VERBENA TENUISECTA	MOSS VERBENA	1 GALLON	1'/3'	LOW

cbg Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS - SURVEYORS - PLANNERS
2633 Camino Ramon, Suite 350 - San Ramon, CA 94583
925.866.0322
www.cbandg.com

Newark Gateway

Mixed-Use Development

Enterprise Drive & Willow Street

EXHIBIT Ap13

L1

CONDITIONAL USE PERMIT SUBMITTAL - 2017

3RD FLOOR LANDSCAPE PLAN

POOL LOUNGES WITH DUAL UMBRELLA

SMOOTH BLACK NOYA COBBLE AT BASE OF BUILDING WITH LIGHT WELLS BETWEEN RAISED CONCRETE PLANTER

PLANTED POTTERY WITH TREE

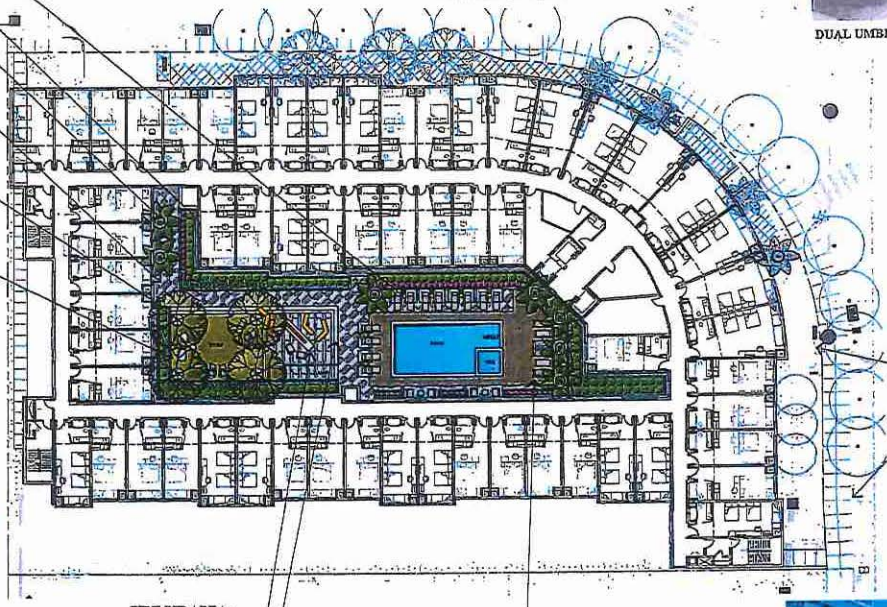
CONCRETE PAVERS WITH DARK/LIGHT PATTERN, TYPICAL

RAISED PLANTER WITH BIO FILTRATION AND BIO-FILTRATION PLANTING, TYPICAL- SEE PLANTING LEGEND, SHEET L1

PASSIVE RECREATION AREA: OPEN LAWN WITH LARGE, MEDIUM, AND SMALL SOMA STONE SEATING, ADIRONDAK CHAIRS, AND SPECIMEN TREES IN LARGE POTS WITH CONCRETE BASES

SOMA STONES IN FRONT OF RAISED CONCRETE PLANTERS

ILLUMINATED CONCRETE STEPS



FIRE PIT AREA: LONG CONCRETE FIRE PIT, COLORED CONCRETE SEAT WALLS, CONTRASTING ACCENT PAVING, MOVEABLE CASUAL SEATING

(2) 6" HIGH ILLUMINATED CONCRETE RISERS TO RAISED FIREPIT AND OPEN LAWN. ADA ACCESSIBLE RAMP W/ CONCRETE CURB TO ACCESS RAISED AREA.

IPE OR CONCRETE "WOOD" PLANK PAVING AROUND POOL AND SPA

DUAL UMBRELLA

LOUNGE

FIRST FLOOR/GROUND LEVEL LANDSCAPE- SEE SHEET L1

COOL ROOF PAVING BY TILE TECH

PORCELAIN PLANK ROOF PAVING BY TILE TECH

GRAPHIC SCALE

0 20 40 60

(IN FEET)

1 inch = 20 ft.

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L2

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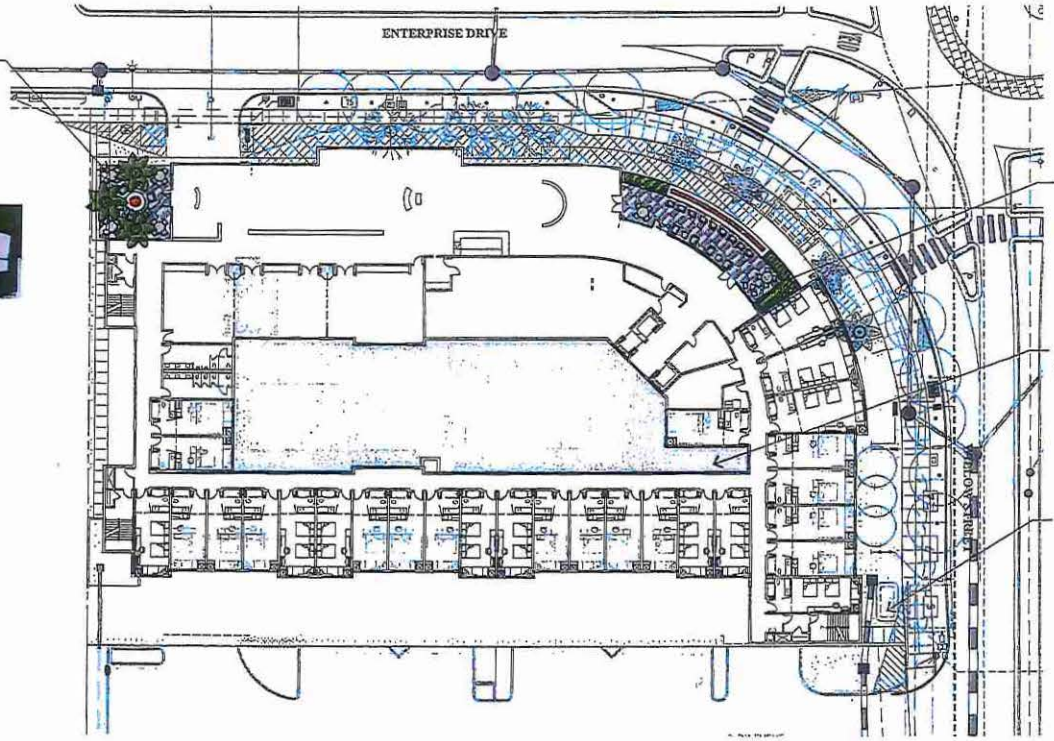
5TH FLOOR LANDSCAPE PLAN

OUTDOOR SEATING:
ROUND FIRE PIT WITH CLUB CHAIR SEATING, OUTDOOR DINING TABLES, AND CONCRETE PAVERS WITH DARK/ LIGHT PATTERN

ROUND CONCRETE FIRE PIT WITH CLUB SEATING



ROOF LOUNGE:
RAISED CONCRETE PLANTERS WITH GLASS RAIL, ARCED CONCRETE FIRE PIT WITH GLASS RAIL, CONCRETE PAVERS WITH DARK/LIGHT PATTERN, AND OUTDOOR SEATING

THIRD FLOOR LANDSCAPE-
SEE SHEET L2

FIRST FLOOR/GROUND LEVEL LANDSCAPE-
SEE SHEET L1

GRAPHIC SCALE

0 20 40 80

(IN FEET)
1 inch = 20 ft.

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L3

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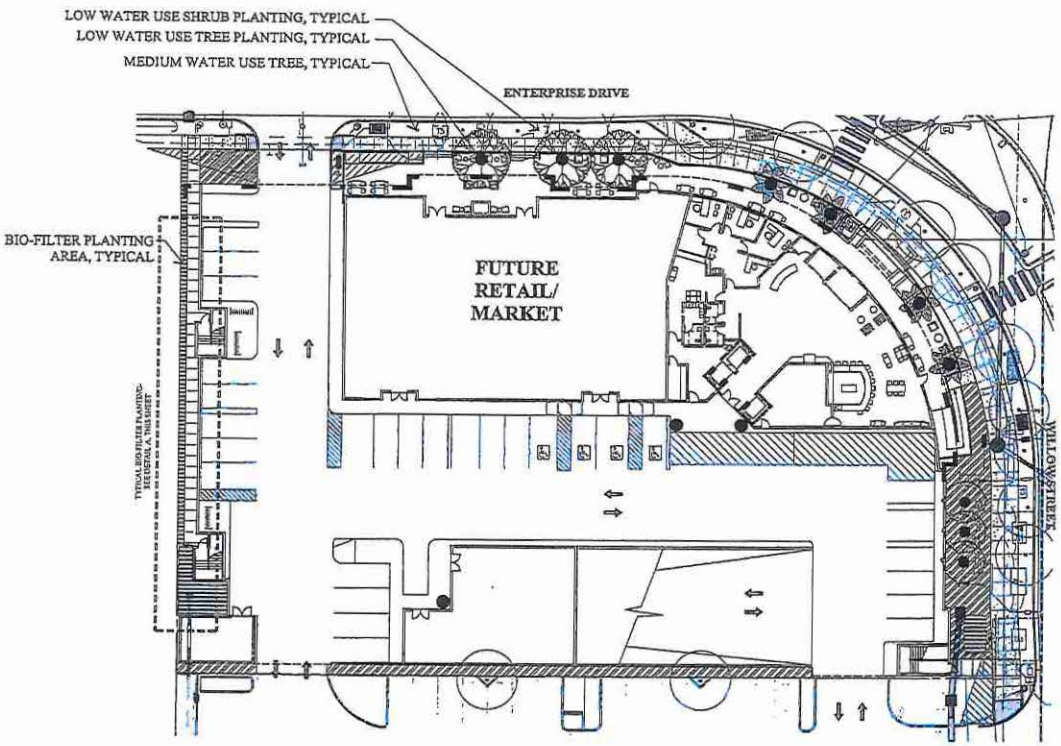
1ST FLOOR HYDROZONE PLAN



GRAPHIC SCALE

0 20 40 80

(IN FEET)

1 inch = 20 ft.

HYDROZONE LEGEND

- BIO-FILTER PLANTING - LOW WATER USE
- SHRUB-PLANTING LOW WATER USE
- TREE-PLANTING LOW WATER USE

WATER USE CALCULATIONS:

THE MAXIMUM APPLIED WATER ALLOWANCE (MAWA) IN GALLONS PER YEAR IS BASE ON THE FOLLOWING FORMULA:

MAWA = (ETo)(0.62)(0.55 X LA)

THE ESTIMATED TOTAL WATER USE (ETWU) IS THE SUM TOTAL OF ESTIMATED WATER USE FOR EACH HYDROZONE IN GALLONS PER YEAR AND IS BASED ON THE FOLLOWING FORMULA:

$$ETWU = \frac{(ETo)(0.62)(PF \times HA)}{IE} + SLA)$$

ETo	=	REFERENCE EVAPOTRANSPIRATION INCHES PER YEAR)
LA	=	LANDSCAPE AREA
HA	=	HYDROZONE AREA (SQUARE FEET)
PF	=	PLANT FACTOR FROM WUCOLS
IE	=	IRRIGATION EFFICIENCY (0.71)
0.45	=	ET ADJUSTMENT FACTOR
0.62	=	CONVERSION FACTOR (TO GALLONS)

REFERENCE EVAPOTRANSPIRATION (ETo) = 47.0

MAXIMUM APPLIED WATER ALLOWANCE:

MAWA= 147.01 X (0.62) X (0.45 X 8.548) = 82,103 GAL/YR

ESTIMATED WATER USE:

LOW:

ETWU = (47.01 X (0.62) X $\frac{(0.20 \times 77491)}{0.71}$ = 63,607 GAL/YR

HIGH:

ETWU = 147.01 X (0.62) X $\frac{(0.80 \times 3001)}{0.71}$ = 25,267 GAL/YR

ESTIMATED TOTAL WATER USE: 89,874 GAL/YR

HYDROZONE INFORMATION TABLE - FIRST FLOOR

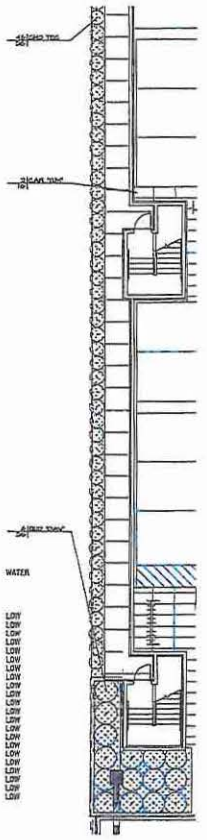
HYDROZONE (WATER USE)	ZONE/ VALVE	IRRIG. METHOD	AREA	% OF LANDSCAPE AREA
LOW	A-1	DRIP	2,378 SF	79%
LOW	A-2	BUBBLER	77 SF	3%
LOW	A-3	DRIP	532 SF	18%
		TOTAL	2,987 SF	100%

PRELIMINARY BIO-RETENTION PLANT PALETTE

BIO-RETENTION AREA

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE USE	WIDTH/HEIGHT	WATER
GRASSES/ SHRUBS					
*ALO STR	ALOE STRIATA	CORAL ALOE	1 GALLON	2'/2'	LOW
*ARC HOO	ARCTOSTAPHYLOS HOOKERI	MONTEREY MANZANITA	1 GALLON	7'/4'	LOW
*BOU GRA	BOUTELOUA GRACILIS	BLUE GRAMA GRASS	1 GALLON	1.5'/1'	LOW
BUD "DAV"	BUDDLEJA 'DAVIDII'	BUTTERFLY BUSH	5 GALLON	5'/4'	LOW
*CAR "TUM"	CAREX 'TUMULICOLA'	BERKELEY SEDGE	1 GALLON	1'/1'	LOW
*CAR PRA	CAREX PRAEGRACILIS	CLUSTERED FIELD SEDGE	1 GALLON	1.5'/1.5'	LOW
*CER PLU	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO	1 GALLON	1'/1'	LOW
*CHO TEC	CHONDROPETALUM TECTORUM	BLUE RUSH	5 GALLON	3'/3'	LOW
CIS SKA	CISTUS SKANBERGII	HYBRID ROCKROSE	5 GALLON	3'/3'	LOW
*COR "CAR	CORREA 'CARMINE'	AUSTR. CORAL BELLS	1 GALLON	3'/3'	LOW
*FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GALLON	2'/2'	LOW
*HEL SP	HELES PORIODES	FORTNIGHT LILY	1 GALLON	2'/2'	LOW
IRI DOU	IRIS DOUGLASIANA	DOUGLAS IRIS	1 GALLON	1.5'/2'	LOW
*JUN PAT	JUNCUS PATENS	GREY RUSH	1 GALLON	2'/1'	LOW
LUP BIC	LUPINUS BICOLOR	MINIATURE LUPINE	1 GALLON	1'/1'	LOW
MIM AUR	MIMULUS AURANTIACUS	COMMON MONKEYFLOWER	1 GALLON	2'/3'	LOW
*MUH RIG	MUHLENBERGIA RIGENS	DEER GRASS	5 GALLON	3'/3'	LOW
SCA "M.C."	SCAEVOLA 'MAUVE CLUSTERS'	FANFLOWER	1 GALLON	1'/4'	LOW
SIS BEL	SISYRINCHIUM BELLUM	BLUE-EYED GRASS	1 GALLON	1'/1'	LOW
SIS CAL	SISYRINCHIUM CALIFORNICA	YELLOW-EYED GRASS	1 GALLON	1'/1'	LOW
*STA BYZ	STACHYS BYZANTINE	LAMB'S EARS	1 GALLON	1'/2'	LOW
VER TEN	VERBENA TENUISECTA	MOSS VERBENA	1 GALLON	1'/2'	LOW

*SHADE TOLERANT PLANT - PARTIAL TO FULL SUN
**FULL SHADE PLANT



A TYPICAL BIO-FILTER PLANTING PLAN SCALE: 1"=10'-0"

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L4

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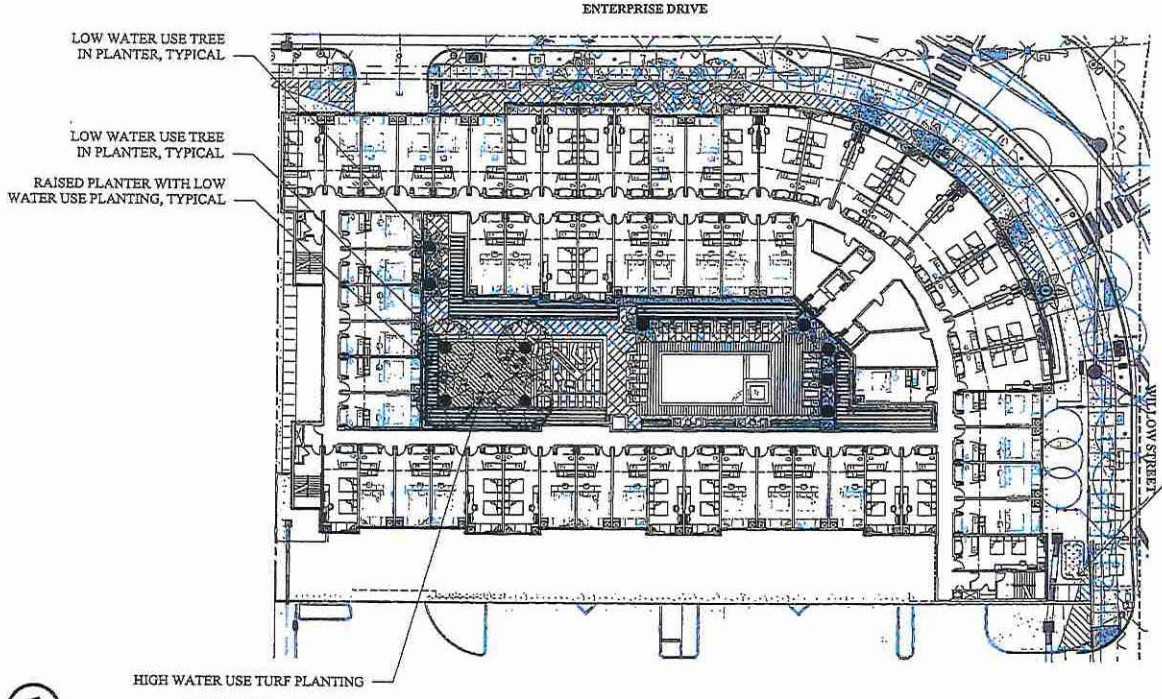
3RD FLOOR HYDROZONE PLAN



FIRST FLOOR/GROUND LEVEL LANDSCAPE- SEE SHEET L4

HYDROZONE INFORMATION TABLE - THIRD FLOOR

HYDROZONE (WATER USE)	ZONE/ VALVE	IRRIG. METHOD	AREA	% OF LANDSCAPE AREA
LOW	H-1	DRIP	2,391 SF	54%
LOW	H-2	BUBBLER	132 SF	3%
LOW	H-3	DRIP	1,542 SF	28%
HIGH	H-4	SPRAY	800 SF	15%
		TOTAL	0,355 SF	100%

* REFER TO SHEET L4 FOR WATER BUDGET CALCULATIONS

HYDROZONE LEGEND

- BIO-FILTER PLANTING - LOW WATER USE
- SHRUB-PLANTING LOW WATER USE
- TREE-PLANTING LOW WATER USE

GRAPHIC SCALE

0 20 40 60

(IN FEET)
1 inch = 20 ft.

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EXHIBIT Ap17

L5

CONDITIONAL USE PERMIT SUBMITTAL - 2017

5TH FLOOR HYDROZONE PLAN

BAY FRIENDLY LANDSCAPING PRACTICES & W.E.L.O. COMPLIANCE NOTES:

Implementation of Bay friendly landscape guidelines consistent with Newark Municipal Code 15.44.050 are included in the landscape construction documents. Evidence of compliance with these guidelines are as follows:

1) Earthwork and Soil health:

a. A laboratory soil analysis results and recommendations for compost and natural fertilizers will be submitted.

b. Design documents include specification to alleviate compacted soils to a depth of 8 inches prior to planting for all landscaped areas.

c. Planting specifications and plans that after construction, all soil on site is protected with a minimum of 3" of mulch.

d. When soil is amended, organic matter has a minimum content of 1 inch of quality compost.

2) Materials:

a. 100% of mulch is recycled from local, organic materials such as plant or wood waste.

b. 50% of landscape construction and demolition waste will be recycled.

3) Planting:

a. No species will require shearing.

b. Plant specified can grow to mature size within allocated space.

c. None of the species listed by Cal-IPC as invasive in the San Francisco Bay Area are included in the planting plan.

d. 100% of all non-turf plants are California native, Mediterranean or climate adapted plants.

e. Turf is not specified in areas less than 8 feet wide or in medians.

f. Turf shall not be installed on slopes exceeding 10%.

h. Plants will be grouped by water requirements and sun exposure within identified hydrozones on the irrigation plan.

4) Irrigation

a. A rain sensor shutoff will be implemented with irrigation controllers.

b. Sprinklers and spray heads are not specified for areas less than 8 feet wide.

c. Drip and bubbler irrigation equipment will be specified and installed with an operational distribution uniformity of 80% or greater in 100% of non-turf irrigated areas.

d. Irrigation in all turf areas will have a precipitation rate of 1 inch or less per hour and an operational distribution uniformity of 70% or greater.

e. Irrigation system will be operated at 70% of reference ET.

f. An irrigation meter is specified to track irrigation water.

5) Ongoing Maintenance

a. Organic mulch to a minimum of 3 inches will require regular reapplication.

b. Maintenance includes a schedule for reading the meter and reporting water use.

c. At completion of the installation, the contractor shall provide the property owner with precipitation rate for each valve zone, area calculations for each irrigation zone, and the irrigation plans.

d. Irrigation equipment will be regularly checked and any broken equipment will be immediately replaced.

e. Maintenance includes integrated pest management specifications.

Evidence of compliance with the State Model Water Efficient Landscape Ordinance is as follows:

1. WELO 492.4(A1) Preliminary hydrozone information for each typical lot is provided to the left. Square footage of landscaped area is shown in the typical water budget calculations.

2. WELO 492.4(A2) Water budget calculations show the Estimated Total Water Use (ETWU) and the Maximum Applied Water Allowance (MAWA) for gallons per year.

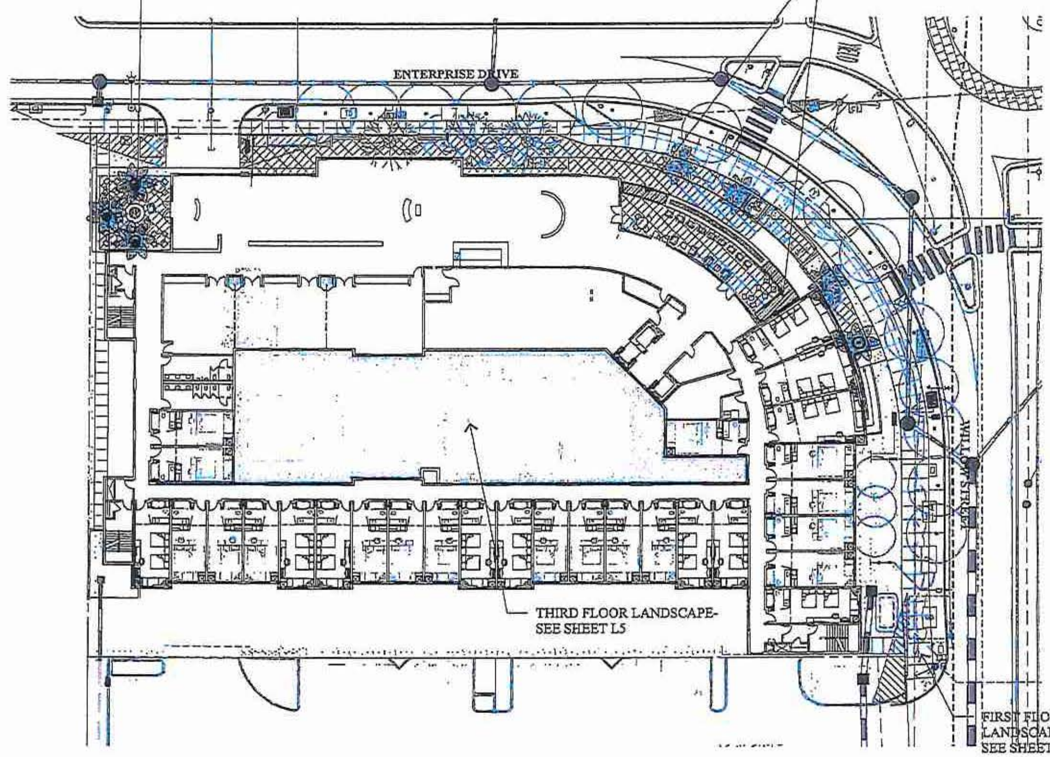
   Reference Evapotranspiration in inches per year (ETo) = 43
   ET Adjustment Factor (ETAF) = 0.7
   Conversion factor (to gallons per square foot) = 0.62

3. WELO 492.4(D1) The plant factor (PF) = 0.3 for low water use, 0.6 for medium water use, and 0.8 for high water use.

4. WELO 492.4(C1) The MAWA equations are provided to the left.

   47 = Reference Evapotranspiration in inches per year (ETo)
   0.7 = ET Adjustment Factor (ETAF)
   0.62 = Conversion factor (to gallons per square foot)

5. WELO 492.4(D1) The ETWU equations with square footage of each hydrozone area are provided to the left. The values listed above for the MAWA are also used in the ETWU.



HYDROZONE INFORMATION TABLE - FIFTH FLOOR

HYDROZONE (WATER USE)	ZONE/ VALVE	IRRIG. METHOD	AREA	% OF LANDSCAPE AREA
LOW	C-1	DRIP	171 SF	79%
LOW	C-2	BUBBLER	36 SF	3%
		TOTAL	207 SF	100%

* REFER TO SHEET L4 FOR WATER BUDGET CALCULATIONS

HYDROZONE LEGEND

SHRUB-PLANTING LOW WATER USE

TREE-PLANTING LOW WATER USE

N

GRAPHIC SCALE

0 20 40 80

(IN FEET)
1 inch = 20 ft.

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EXHIBIT Ap18

L6

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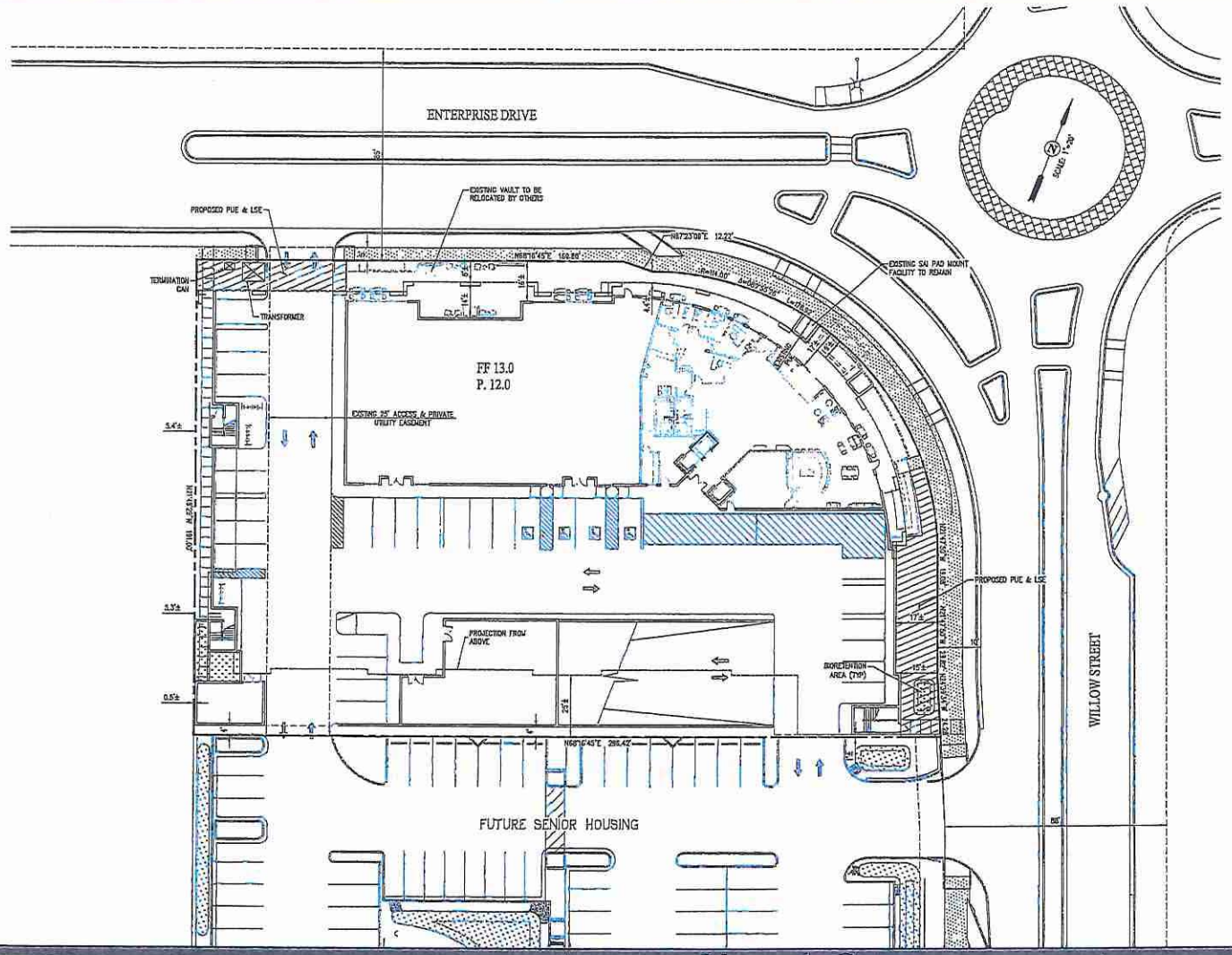
PRELIMINARY SITE PLAN



GENERAL NOTES:

1. OWNER/DEVELOPER: VILLADEVELOPERS, INC.
   2850 STEVENS CREEK BLVD
   SAN JOSE, CA 95128
   CONTACT: TONY BAIG
2. ENGINEER: CARLSON, BARBEE & GIBSON, INC.
   2633 CAMINO RAMON, SUITE 350
   SAN RAMON, CA 94583
   CONTACT: TERRY REEVES
   (925) 866-0322
3. SOILS ENGINEER: CORNERSTONE EARTH GROUP, INC.
   1259 OAKHEAD PARKWAY
   SUNNYVALE, CA 94085
   CONTACT: JOHN DYE
   (925) 245-4600

ABBREVIATIONS

AC	ACRES	LP	LOW POINT
A/C	ASPHALT CONCRETE	LS	LANDSCAPE
ACWD	ALAMEDA COUNTY WATER DISTRICT	MH	MANHOLE
ACFC & WCD	ALAMEDA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT	ML	MONUMENT LINE
		OF	OVERFLOW
AD	AREA DRAIN	OHE	OVERHEAD ELECTRIC
B	BOTTOM OF BIORETENTION AREA	P	PAD
BFP	BACK FLOW PREVENTER	PL	PROPERTY LINE
EX	EXISTING	PUE	PUBLIC UTILITY EASEMENT
CB	CATCH BASIN	PSDE	PRIVATE STORM DRAIN EASEMENT
DW	DRIVEWAY	PVAE	PRIVATE VEHICLE ACCESS EASEMENT
EG	EXISTING GRADE	R/W	RIGHT OF WAY
EP	EDGE OF PAVEMENT	SF	SQUARE FEET
EVA	EMERGENCY VEHICLE ACCESS	SS	SANITARY SEWER
FF	FINISH FLOOR ELEVATION	SSE	SANITARY SEWER EASEMENT
FG	FINISHED GRADE	SD	STORM DRAIN
FH	FIRE HYDRANT	SDE	STORM DRAIN EASEMENT
FI	FIELD INLET	S/W	SIDEWALK
FL	FLOW LINE	TC	TOP OF CURB
GB	GRADE BREAK	TRG	TOP OF ROLLED CURB
GL	GARAGE LIP	TSM	TOP OF SOIL MIX ELEVATION
GR	GRATE ELEVATION	TYP	TYPICAL
HP	HIGH POINT	USD	UNION SANITARY DISTRICT
INV	INVERT	W	WATER
JT	JOINT TRENCH (BY OTHERS)	WLE	WATER LINE EASEMENT
LL	LOT LINE	WQ	WATER QUALITY

GRAPHIC SCALE

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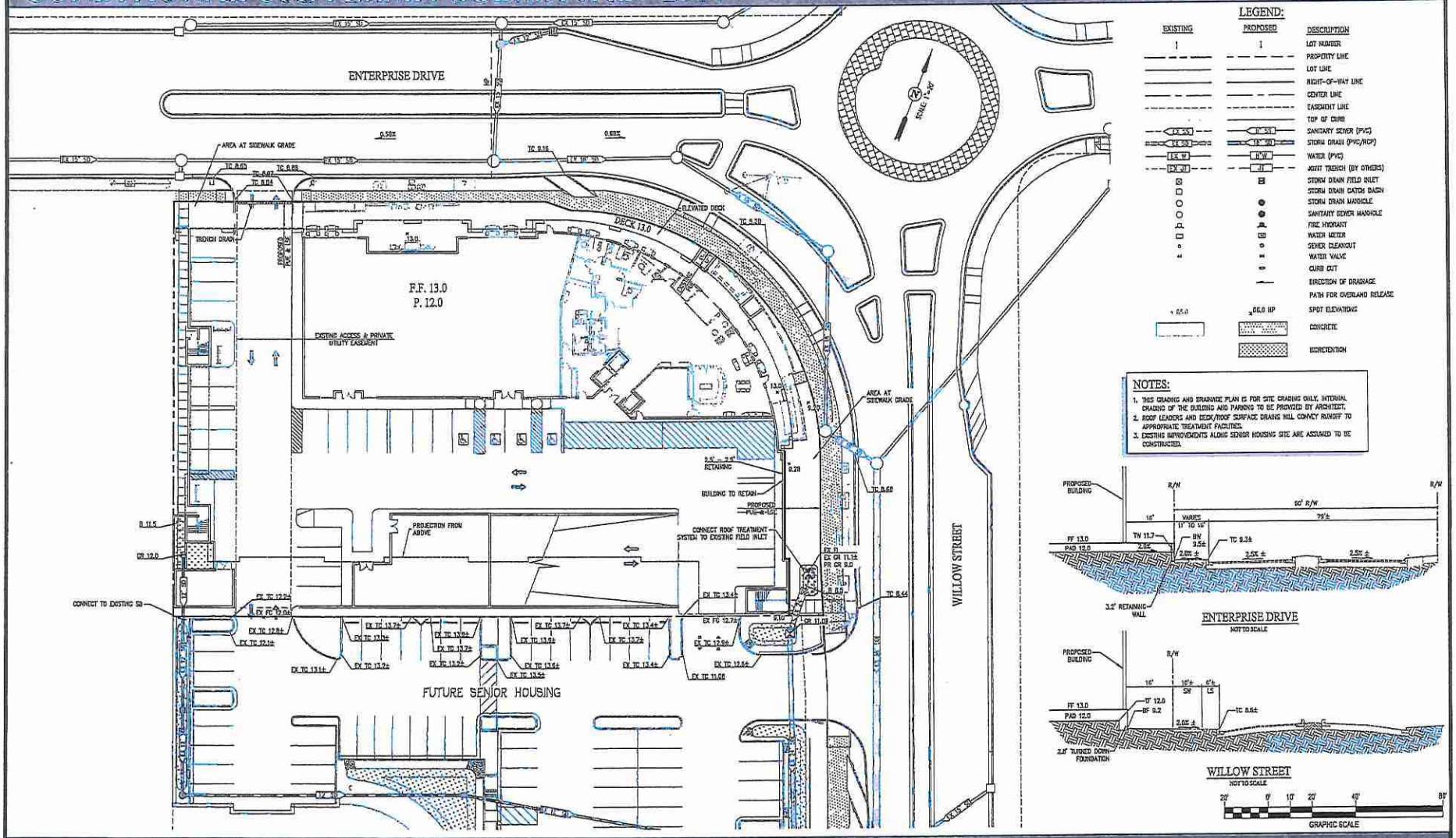
EXHIBIT A p19

C-1

CONDITIONAL USE PERMIT SUBMITTAL - 2017

PRELIMINARY GRADING PLAN



LEGEND:

EXISTING	PROPOSED	DESCRIPTION
1	1	LOT NUMBER
		PROPERTY LINE
		LOT LINE
		RIGHT-OF-WAY LINE
		CENTER LINE
		EASEMENT LINE
		TOP OF CURB
EX. SS	8" SS	SANITARY SEWER (PVC)
EX. SD	18" SD	STORM DRAIN (PVC/RCP)
EX. W	P.W.	WATER (PVC)
EX. JT	JT	JOINT TRENCH (BY OTHERS)
		STORM DRAIN FIELD INLET
		STORM DRAIN CATCH BASIN
		STORM DRAIN MANHOLE
		SANITARY SEWER MANHOLE
		FIRE HYDRANT
		WATER METER
		SEWER CLEANOUT
		WATER VALVE
		CURB CUT
		DIRECTION OF DRAINAGE
		PATH FOR OVERLAND RELEASE
x 65.0	65.0 HP	SPOT ELEVATIONS
		CONCRETE
		BIORETENTION

NOTES:

1. THIS GRADING AND DRAINAGE PLAN IS FOR SITE GRADING ONLY. INTERNAL GRADING OF THE BUILDING AND PARKING TO BE PROVIDED BY ARCHITECT.
2. ROOF LEADERS AND DECK/ROOF SURFACE DRAINS WILL CONVEY RUNOFF TO APPROPRIATE TREATMENT FACILITIES.
3. EXISTING IMPROVEMENTS ALONG SENIOR HOUSING SITE ARE ASSUMED TO BE CONSTRUCTED.

ENTERPRISE DRIVE
NOT TO SCALE

WILLOW STREET
NOT TO SCALE

20' 0' 10' 20' 40' 80'
GRAPHIC SCALE

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EXHIBIT Apac

C-2

CONDITIONAL USE PERMIT SUBMITTAL - 2017

PRELIMINARY UTILITY PLAN

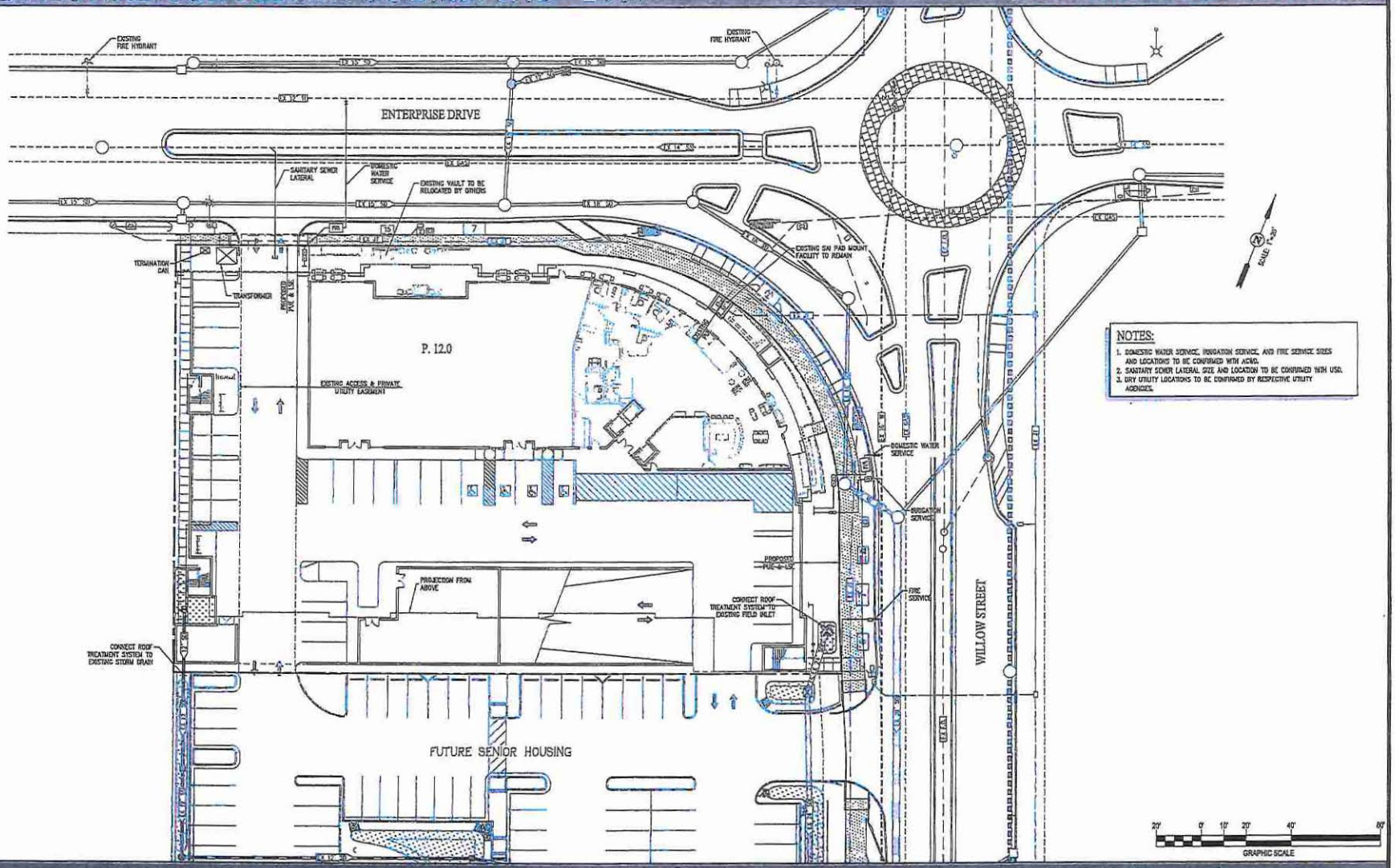

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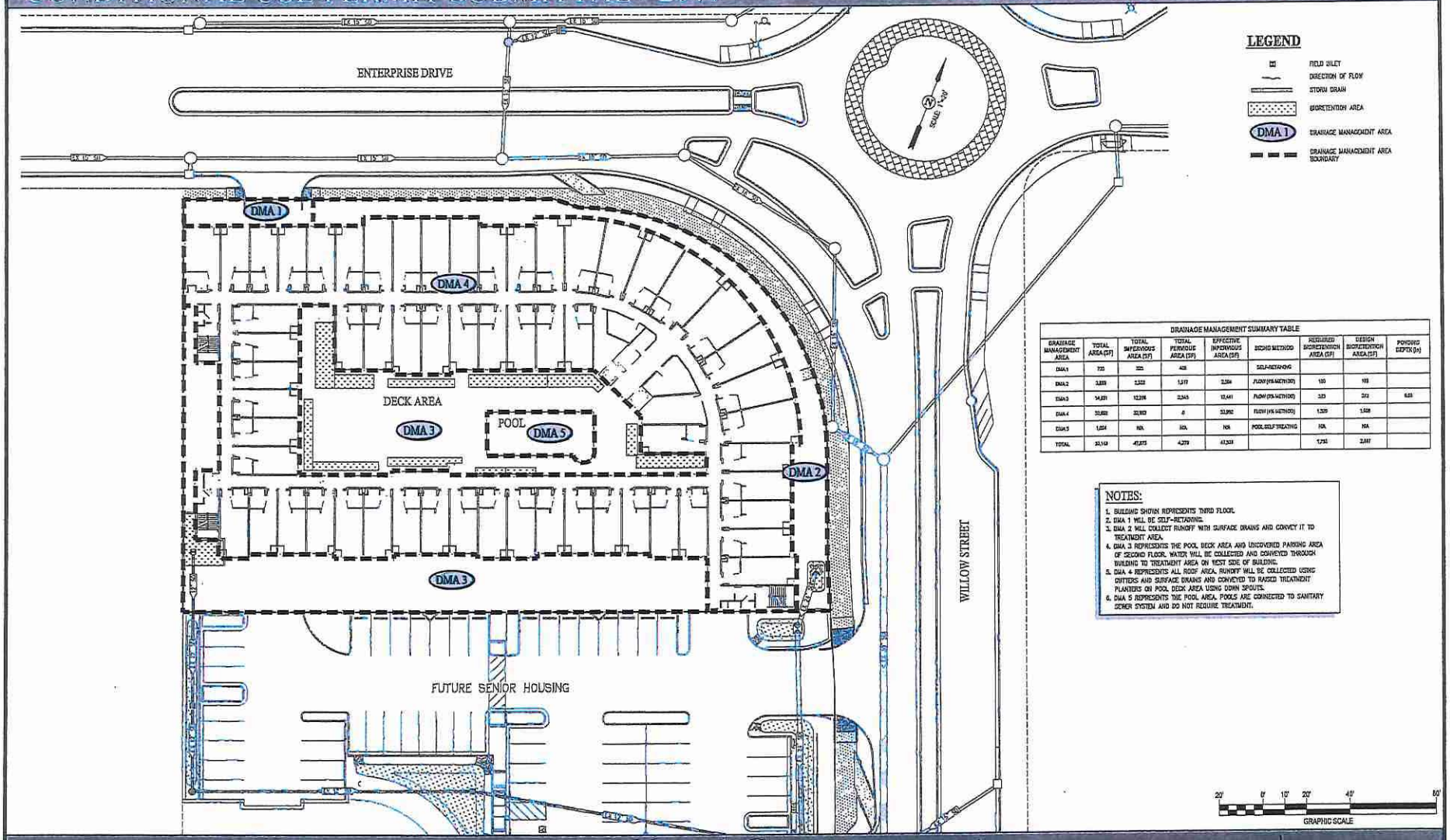
EXHIBIT Ap21

C-3

CONDITIONAL USE PERMIT SUBMITTAL - 2017

PRELIMINARY STORMWATER CONTROL PLAN



DRAINAGE MANAGEMENT SUMMARY TABLE

DRAINAGE MANAGEMENT AREA	TOTAL AREA (SF)	TOTAL IMPERVIOUS AREA (SF)	TOTAL PERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	SIZING METHOD	REQUIRED BIORETENTION AREA (SF)	DESIGN BIORETENTION AREA (SF)	PONDING DEPTH (in)
DMA 1	725	325	400		SELF-RETAINING			
DMA 2	3,833	2,333	1,317	2,334	FLOW (4% METHOD)	100	103	
DMA 3	14,831	12,206	2,343	12,441	FLOW (4% METHOD)	323	332	6.00
DMA 4	22,802	22,802	0	22,802	FLOW (4% METHOD)	1,329	1,328	
DMA 5	1,054	N/A	N/A	N/A	POOL, SELF TREATING	N/A	N/A	
TOTAL	43,143	47,673	4,279	41,533		1,751	2,167	

NOTES:

1. BUILDING SHOWN REPRESENTS THIRD FLOOR.
2. DMA 1 WILL BE SELF-RETAINING.
3. DMA 2 WILL COLLECT RUNOFF WITH SURFACE DRAINS AND CONVEY IT TO TREATMENT AREA.
4. DMA 3 REPRESENTS THE POOL DECK AREA AND UNCOVERED PARKING AREA OF SECOND FLOOR. WATER WILL BE COLLECTED AND CONVEYED THROUGH BUILDING TO TREATMENT AREA ON WEST SIDE OF BUILDING.
5. DMA 4 REPRESENTS ALL ROOF AREA. RUNOFF WILL BE COLLECTED USING GUTTERS AND SURFACE DRAINS AND CONVEYED TO RAISED TREATMENT PLANTERS ON POOL DECK AREA USING DOWN SPOUTS.
6. DMA 5 REPRESENTS THE POOL AREA. POOLS ARE CONNECTED TO SANITARY SEWER SYSTEM AND DO NOT REQUIRE TREATMENT.

20' 0' 10' 20' 40' 60'

GRAPHIC SCALE

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EXHIBIT Ap22

C-4

CONDITIONAL USE PERMIT SUBMITTAL - 2017

PRELIMINARY FIRE ACCESS PLAN

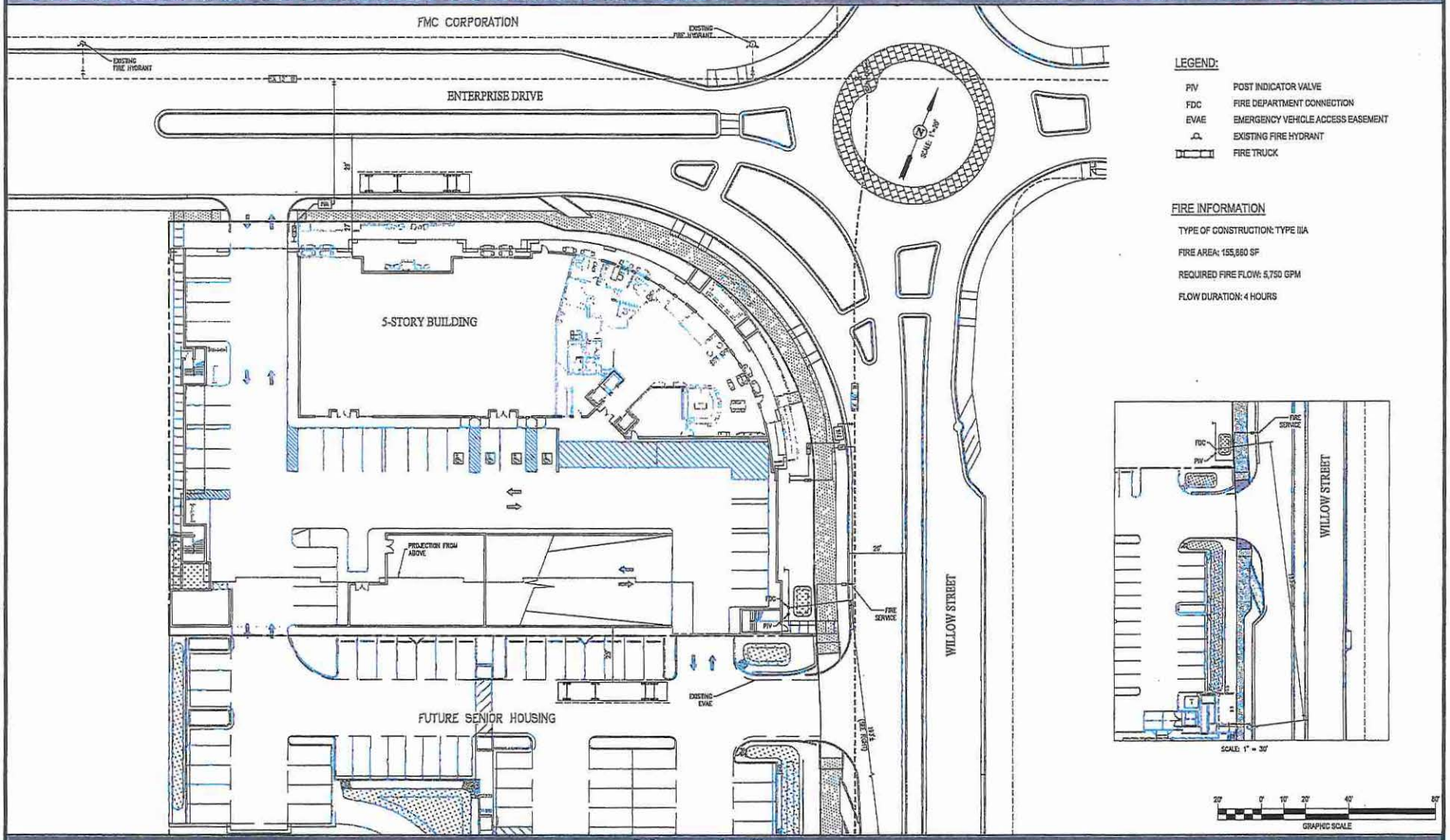

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EXHIBIT Ap23

C-5

FEHR PEERS

DRAFT MEMORANDUM

Date:	March 8, 2017
To:	Dave Claycomb, HELIX Environmental Planning, Inc.
From:	Francisco Martin and Lee Reis, Fehr & Peers
Subject:	**Parking Demand Evaluation of the Newark Gateway Mixed-Use Development Project**

OK17-0159

This memorandum presents the findings of the parking demand evaluation prepared for the Newark Gateway Mixed-Use Development Project in Newark, CA. The Project proposes construction of an 8,300 square foot grocery store and a 146-room hotel on a currently vacant parcel at the southwest corner of the Enterprise Drive/Willow Street intersection. The Project site is part of a larger development area addressed in the *Dumbarton Transit Oriented Development Specific Plan Final Environmental Impact Report* (SP EIR) (Final EIR – July 2011). The transportation evaluation is summarized below.

BACKGROUND

The Project site was originally designated for medium/high density residential uses in the SP EIR. An Initial Study/Mitigated Negative Declaration was subsequently prepared for the SHH/FMC site in 2014, which proposed a 75-unit senior housing facility, 88 condominiums, and a 15,000 foot grocery store. The senior housing facility and condominiums were proposed on the SHH portion of the site, which have since been approved. The 15,000 square foot grocery store was planned for the FMC portion of the site, which is the same as the current Project site; however, the current Project is now proposing a different development as described below.

PROJECT DESCRIPTION

The 1.38-acre Project site is currently proposing an 8,300 square foot grocery store and a 146-room hotel, with a total of 118 shared parking spaces. The hotel would also provide three meeting rooms, a rooftop restaurant, and lounge. Although the SP EIR does not specifically address hotels within the Dumbarton TOD plan area, hotels are a conditional use within the Form-Based Code (FBC) for the SP area.

PARKING ANALYSIS

Fehr & Peers conducted an analysis to determine the amount of parking required for the site uses, 146 hotel rooms and 8,300 square-feet of grocery store. City of Newark Municipal Code establishes parking requirements, but these may not accurately reflect demand, especially for mixed-use developments. This section includes the parking required by City code and the estimated parking demand.

PROJECT PARKING SUPPLY

The Project proposes 118 off-street parking spaces, which would be shared between the grocery store and hotel. A total of 31 parking spaces are proposed on the ground floor parking lot, and 87 spaces are proposed in the second floor parking structure. On-street parking on Enterprise Drive and Willow Street would be prohibited in the vicinity of the Project site, therefore all grocery store patrons/employees and hotel guests/employees are expected to park in the 118 off-street parking spaces proposed by the Project.

PARKING REQUIRED PER CITY CODE

The City of Newark Municipal Code defines general parking regulations by establishing basic ratios for required vehicle parking spaces for various lands uses. **Table 1** summarizes the minimum off-street parking requirement for the proposed project, using the code requirements for hotel and general retail uses. As shown in Table 1, City code requires 181 off-street parking spaces while the project proposes 118 off-street spaces, therefore the proposed off-street supply would be 63 spaces less than required by the City code. Overall, the project is proposing about 35 percent fewer parking spaces than required by City code.

TABLE 1
CITY OF NEWARK MUNICIPAL CODE PARKING REQUIREMENTS

Land Use	Size	Parking Code Requirement		Parking Supply	Parking Deficit
		Rate	Total Spaces		
Hotel	146 Rooms	1 per room[1] 1 per employee	146 spaces 10 spaces	**118 spaces**	***-63 spaces***
Grocery Store	8.3 KSF[2]	3 per KSF	25 spaces		
	Total	--	**181 spaces**		

Notes:
1. Assumes average of two beds per room: requirement is one parking space for each guest room or for each two beds, whichever is greater.
2. KSF = Thousand Square Feet.

Sources: *City of Newark Municipal Code, Chapter 17.37 – Form Based Codes* and *Chapter 17.60 – Off-Street Parking and Loading.*

Bicycle Parking Requirements

The SP includes policies that encourage the provision of secure bicycle parking racks, including Street Network Policy C-13 and Bicycle Circulation Policy C-28. Policy C-13 recommends bicycle parking as part of a transportation demand management program while Policy C-28 encourages the adoption of minimum bicycle parking requirements for both residential and commercial projects. The SP EIR also recommends secure bicycle parking of at least one space per 20 vehicle spaces within retail components of the SP area. According to SP policies, the site should provide a minimum of six bicycle parking spaces, which corresponds to one space per 20 vehicle spaces based on the current plans. The Project proposes 10 bicycle parking spaces, which is adequate for the site.

PARKING DEMAND EVALUATION

Weekday and weekend peak parking demand for the proposed Project was estimated using ITE *Parking Generation, 4th Edition*, and Urban Land Institute (ULI) *Shared Parking, 2nd Edition*. **Table 2** presents peak parking demand on a typical weekday and Saturday for the proposed Project. The parking demand for the hotel assumes full occupancy of the hotel. Since the ITE *Parking Generation* rates are primarily based on data collected at suburban single-use, freestanding sites, we adjusted the ITE-based parking demand by applying the U.S. Environmental Protection Agency (EPA)'s Mixed-Use Trip Generation (MXD) tool[1]. It is estimated that about four percent of the proposed project trips would be by non-auto travel modes. Thus, the parking demand for the project is estimated to be 155 weekday and 200 weekend spaces, assuming that each use would have its own designated parking supply.

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[1] Trip Generation Tool for Mixed-Use Developments (2012). www.epa.gov/dced/mxd_tripgeneration.html. Travel survey data was gathered from 239 mixed-use developments (MXDs) in six major metropolitan regions, and correlated with the characteristics of the sites and their surroundings. The findings indicate that the mix of employment and residents, overall size and density of development, internal connectivity for walking or driving among land uses, availability of transit service, and surrounding trip destinations within the immediate area outside the Project site all affect the external traffic generated and parking demand.

TABLE 2
NEWARK GATEWAY PROJECT PARKING DEMAND EVALUATION

Land Use	Size	Parking Supply	Weekday Automobile Parking Demand[1]			Weekend Automobile Parking Demand[2]		
			Demand Rate	Total Demand	Parking Deficit	Demand Rate	Total Demand	Parking Deficit
Hotel	146 Rooms	118 spaces	0.89 per OR[3]	130 spaces	--	1.2 per OR[3]	175 spaces	--
Grocery Store	8.3 KSF[4]		3.78 per KSF	31 spaces		3.92 per KSF	33 spaces	
Subtotal		*118 spaces*		*161 Spaces*	*-43 spaces*		*208 Spaces*	*-90 spaces*
Walk/Bike Reduction[5]		--		*-6 spaces*	--		*-8 spaces*	--
Total Without Shared Parking		**118 spaces**		**155 spaces**	**-37 spaces**		**200 spaces**	**-82 spaces**
Shared Parking Reduction[6]		--		*-28 spaces*	--		*-28 spaces*	--
Total Assuming Shared Parking		**118 spaces**		**127 spaces**	**-9 spaces**		**172 spaces**	**-54 spaces**
Transit Reduction[5]		--		-6 spaces	--		-9 spaces	--
Total Assuming Shared Parking and Transit		**118 spaces**		**121 spaces**	**-3 spaces**		**163 spaces**	**-45 spaces**

Notes:
1. Based on ITE Parking Generation, Fourth Edition: suburban, weekday, average demand (Hotel – ITE 310, 100% occupancy; Grocery Store – ITE 850).
2. Based on ITE Parking Generation, Fourth Edition: suburban, Saturday, average demand (Hotel – ITE 310, 100% occupancy; Grocery Store – ITE 850).
3. OR = Occupied Rooms.
4. KSF = Thousand Square Feet.
5. Reductions assumed: 4% for walk/bike and 5% for transit.
6. Shared parking reductions assumed due to time of day adjustments: 18% for weekdays and 14% for weekends.

Source: ITE Parking Generation, Fourth Edition and ULI Shared Parking, Second Edition.

Shared Parking is defined as the ability to share parking spaces due to variations in the accumulation of vehicles by hour, by day, or by season at individual land uses. According to the ULI shared parking methodology, parking demand for a grocery store generally peaks during the day and parking demand for a hotel peaks at night. Assuming that the project would not provide designated spaces for either use, sharing parking between the grocery store and hotel would reduce the overall parking supply for the project by about 18 percent for weekdays and 14 percent for weekends.

Accounting for shared parking, the Project is expected to generate a parking demand of 127 spaces during a typical weekday and 172 spaces during a typical weekend; which would result in an off-street parking deficit of nine spaces on weekdays and 54 spaces on weekends.

Construction of the Dumbarton Rail Transit Station can potentially reduce peak parking demand by about five percent. As shown in Table 2, the project is expected to generate a peak parking demand of 121 spaces during a typical weekday and 163 spaces during a typical weekend accounting for shared parking and completion of the Dumbarton Rail Transit Station; which would result in an off-street parking deficit of three spaces on weekdays and 45 spaces on weekends.

In conclusion, the total off-street parking supply proposed by the Project is less than both the City code requirement and the estimated peak weekday and weekend parking demand. Parking demand for the Project is expected to be highest on weekends. To minimize potential parking impacts, Fehr & Peers recommends the following:

- Increase proposed off-street parking supply by 54 spaces to meet the estimated peak parking demand, or
- Implement valet parking during peak parking demand periods, and
- Develop and implement a Transportation Demand Management (TDM) Plan for the Project to reduce the parking demand by incentivizing people to access the Project site via walking, bicycling or transit.

Please contact Francisco Martin if you have any questions or comments on the information presented in this memorandum.

EXHIBIT D

HEXAGON TRANSPORTATION CONSULTANTS, INC.

Newark Gateway Mixed-Use Development

Transportation Demand Management (TDM) Plan

Prepared for:

Cord Associates

April 7, 2017

Hexagon Transportation Consultants, Inc.
Hexagon Office: 4 North Second Street, Suite 400, San Jose, CA 95113
Hexagon Job Number: 17KK03
Phone: 408.971.6100
Document Name: Newark Gateway Hotel TDM_2017-4-7.docx

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1. Introduction

Hexagon Transportation Consultants, Inc. has prepared this transportation demand management (TDM) plan for the proposed mixed-use development at the southwest corner of the Willow Street and Enterprise Drive intersection in Newark, California (see Figure 1). The project proposes to construct an 8,300 square-foot grocery store and a 146-room hotel on a 1.38-acre vacant site. Figure 2 shows the proposed site plan. Access to the project site will be provided via driveways along Willow Street and Enterprise Drive.

The project proposes to provide 118 parking spaces when 181 spaces are required in the Newark Code or Ordinances. For this reason, a TDM plan is required to identify TDM measures that can be implemented by the project to reduce parking demand.

This TDM plan includes free shuttle services, an on-site car-share program, an on-site bicycle share program, a transit subsidy program for employees, financial incentives for employees who bike or walk to work, and an on-site TDM coordinator.

Scope of TDM Study

Transportation demand management (TDM) is a combination of services, incentives, facilities, and actions that reduce single-occupant vehicle (SOV) trips to help relieve traffic congestion, parking demand, and air pollution problems. The purpose of TDM is to (1) reduce the amount of traffic generated by new development; (2) promote more efficient utilization of existing transportation facilities and ensure that new development is designed to maximize the potential for alternative transportation usage; (3) reduce the parking demand generated by new development and allow for a reduction in parking supply; and (4) establish an ongoing monitoring and enforcement program to guarantee the desired trip and parking reductions are achieved.

The main goal of the proposed TDM plan for the mixed-use project is to achieve a reduction in parking demand through a combination of appropriate measures to promote alternative forms of transportation. As outlined in Section 17.76.070 of the Newark Code of Ordinances, the planning commission may grant a variance to the required number of off-street parking spaces for a project if (1) the project generated traffic will not require strict or literal interpretation and enforcement of off-street parking requirements; (2) the parking reduction will not result in parking on public streets that would adversely affect the traffic flow on surrounding streets; and (3) the parking reduction will not create a safety hazard.

Figure 1
Project Location

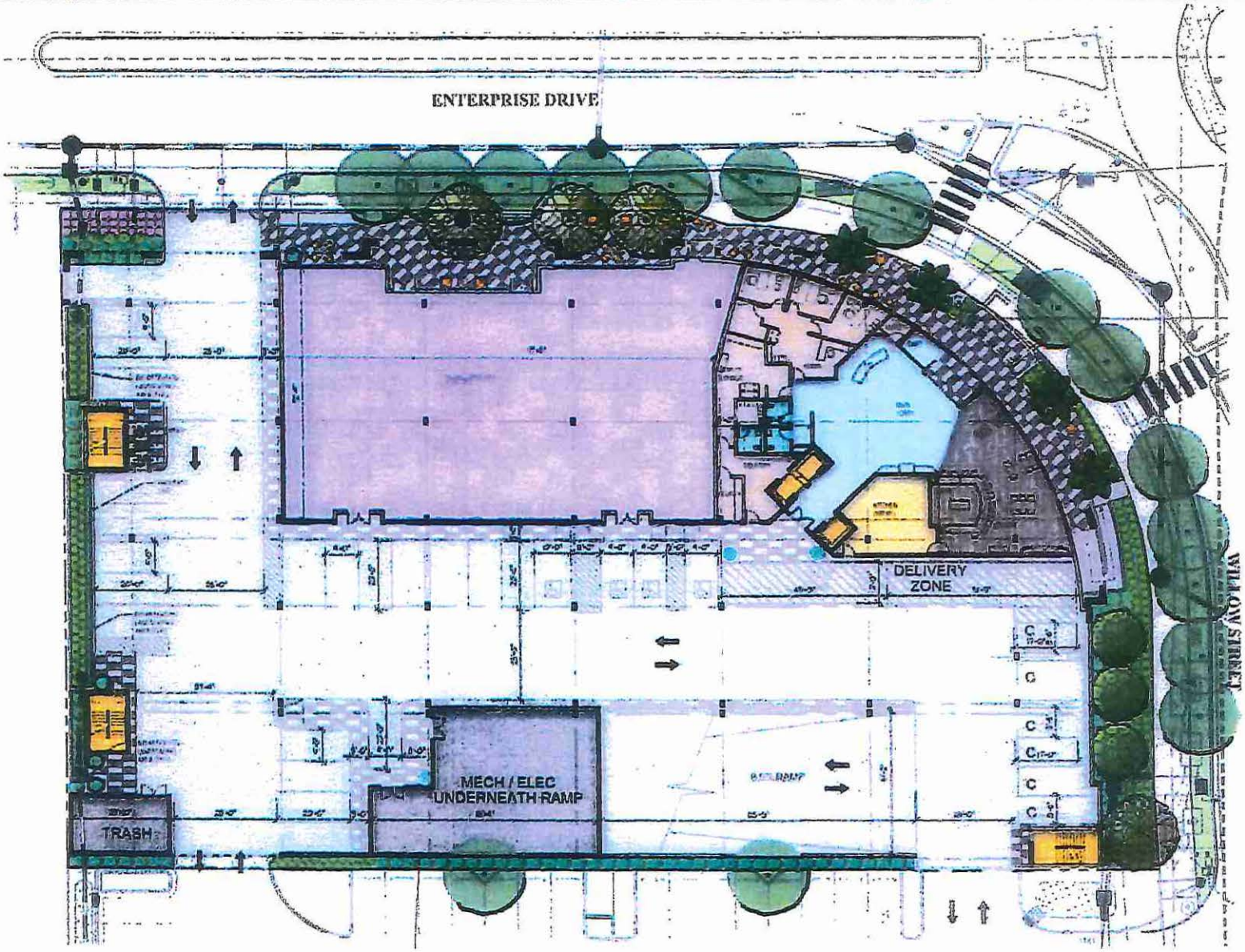

Figure 2
Proposed Site Plan

NORTH
Not to Scale

2. Existing Transportation Facilities and Services

Transportation facilities and services that support sustainable modes of transportation include commuter rail, buses and shuttle buses, bicycle facilities, and pedestrian facilities. This chapter describes existing facilities and services near the project site that will support the TDM measures contained in this plan.

Transit Services

AC Transit Bus Service

Existing transit service in Newark is provided by Alameda-Contra Costa (AC) Transit. There is currently no scheduled bus route serving the project area. Instead, AC Transit provides a Flex bus service for customers in Newark to get to and from the Union City BART station upon request. Pick up and drop off locations are at selected bus stops within the service zone, including the Union City BART station. Newark Flex departs the Union City BART station every hour at the :10 and the :40 minute mark from 6:00 AM to 8:00 PM between Monday and Friday. The nearest bus stops to the project are located at the Enterprise Drive and Wells Avenue intersection, about 1,300 feet east of the project site.

Planned Transit Improvements

The project site is located in the Dumbarton Transit Oriented Development (TOD) Specific Plan area. A future Dumbarton transit station is to be located on Enterprise Drive near the project site. The transit station would provide commuter rail service from the Union City BART station across the Dumbarton rail bridge to Menlo Park, and connect riders in east bay cities to Caltrain on the Peninsula. There is no identified schedule for the completion of the commuter rail service.

Pedestrian Facilities

Pedestrian facilities consist of sidewalks and crosswalks. Because most of the land in the Specific Plan area has not been developed, there are minimal pedestrian connections and amenities in the Specific Plan area. Sidewalks exist along the north side of Enterprise Drive west of Willow Street. There is no sidewalk on Willow Street or Enterprise Drive along the project frontage. There is no crosswalk at the Willow Street/Enterprise Drive intersection.

The Specific Plan area, when built out, would include a mix of residential, office, retail, public/quasi-public, and park and open space uses developed in close proximity to planned regional public transit facilities. Under the plan, streets in the area would accommodate all users including drivers, bicyclists, pedestrians, persons with disabilities, and transit users. Therefore, it is expected that as the area is

developed, pedestrian facilities, including sidewalks and crosswalks, would be installed along the existing streets (Enterprise Drive, Hickory Street, Central Avenue, Willow Street) and new neighborhood streets within the Specific Plan area.

Bicycle Facilities

Bicycle facilities include bike paths (Class I), bike lanes (Class II) and bike routes (Class III). Bike paths are paved multi-use trails that are separated from roadways and are shared between pedestrians and bicyclists. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are existing streets that accommodate bicycles but are not separate from the existing travel lanes. Routes are typically designated only with signs.

In the project vicinity, bike lanes exist along Thornton Avenue between the northern City limit and Hickory Street. Bike routes exist along Thornton Avenue between Hickory Street and Willow Street, along Willow Street from Cedar Boulevard to Central Avenue, and along Enterprise Drive between Willow Street and Filbert Street (see Figure 3)

According to the 2017 Draft Pedestrian and Bicycle Master Plan, bike lanes are proposed on Thornton Avenue, Enterprise Drive, and Willow Street in the project vicinity.

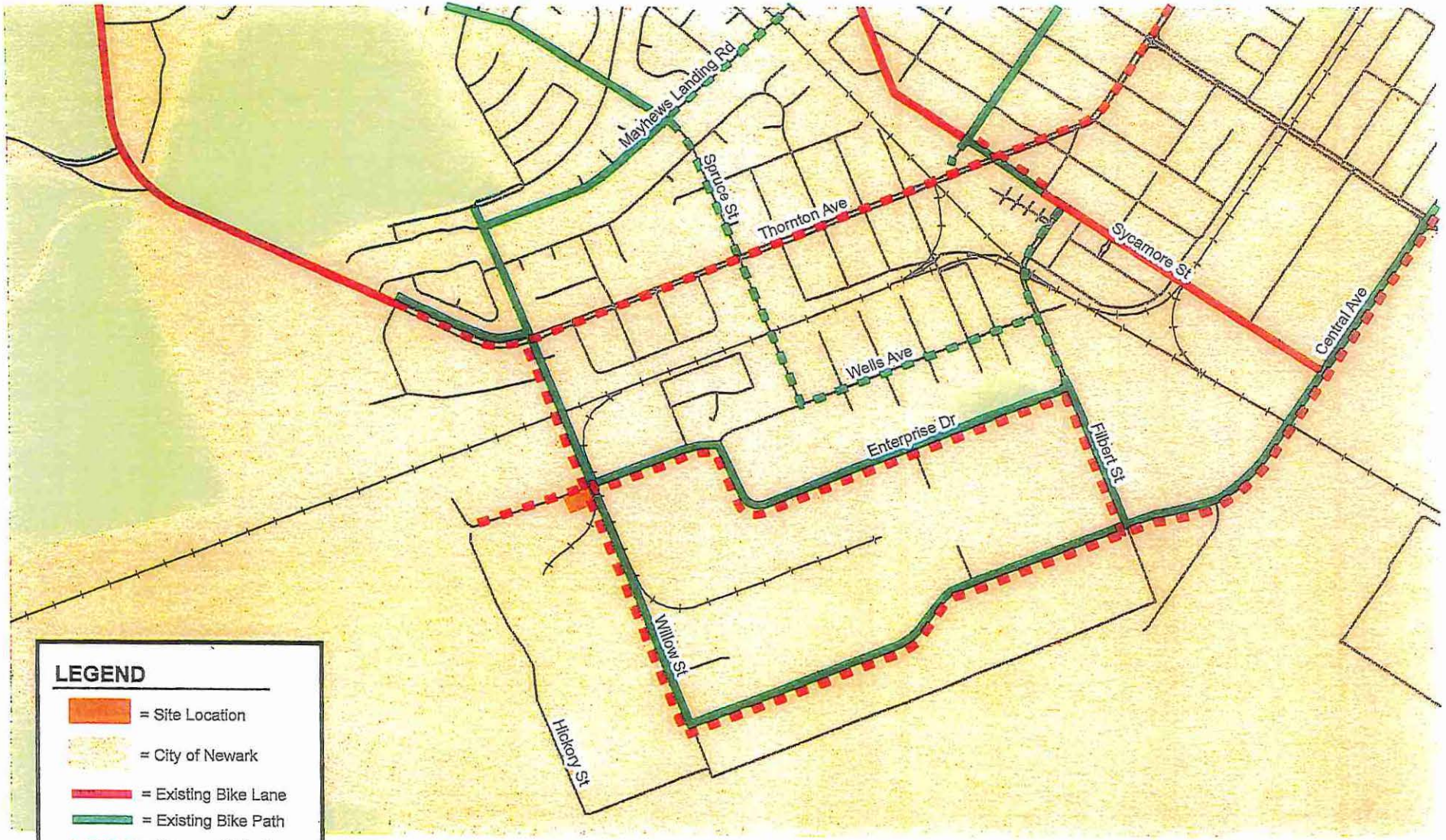

Figure 3
Existing and Proposed Bicycle Facilities

3. Parking

The project would construct an 8,300 square-foot grocery store and a 146-room hotel on a 1.38-acre vacant site. The project proposes to provide 118 parking spaces shared between the retail and hotel uses.

City of Newark Required Parking

Vehicular parking requirements for the project are specified in the City Code Section 17.37.100 for the retail use and in the. City Code Section 17.60.090 for the hotel use. Table 1 summarizes the required parking spaces for each individual use. The project is required to provide a total of 181 vehicular parking spaces, with each proposed use treated separately.

Table 1
Required Parking Spaces

Land Use	Size	Parking Requirement	Required Spaces
Grocery Store	8,300 Sq. ft.	3 spaces per 1,000 sq. f.t[1]	25
Hotel	**146 rooms**	**1 space per room or each two beds, whichever is greater, plus**	**146**
		1 space per employee[2]	**10**
Total Required Spaces with each use treated separately			**181**

Notes:
1. City Code Section 17.37.100.
2. City Code Section 17.60.090. Assumes average of two beds per room and 10 employees.

Project Proposed Parking

As stated above, the project is required to provide a total of 181 vehicle parking spaces based on the City's parking requirements. The project proposes to provide 118 parking spaces on site, which is less than the City's parking requirement. The project requests a reduction in the parking requirement for the retail and hotel uses based on shared parking and based on the implementation of a TDM plan.

A shared parking analysis was performed to evaluate the overall parking demand with parking spaces shared among retail and hotel uses without any TDM reductions (see Table 2). The parking demands for the retail and hotel uses throughout the day were calculated based on the time-of-day trend data published in the Urban Land Institute (ULI) Shared Parking report. The results show that, without a TDM reduction, the maximum parking demand would be 154 spaces, which would occur at 11 PM.

Table 2
Shared Parking without a TDM Reduction

Hour of Day	Retail		Hotel Guest		Hotel Employee		Total	
	Wkdy	Wknd	Wkdy	Wknd	Wkdy	Wknd	Wkdy	Wknd
6 a.m.	1	1	139	139	1	1	140	140
7 a.m.	**2**	**2**	**131**	**131**	**3**	**3**	**136**	**136**
8 a.m.	5	4	117	117	9	9	131	130
9 a.m.	**11**	**10**	**102**	**102**	**9**	**9**	**122**	**121**
10 a.m.	17	14	88	88	10	10	115	112
11 a.m.	**22**	**18**	**88**	**88**	**10**	**10**	**119**	**115**
Noon	24	21	80	80	10	10	114	111
1 p.m.	**25**	**23**	**80**	**80**	**10**	**10**	**115**	**113**
2 p.m.	24	25	88	88	10	10	122	123
3 p.m.	**23**	**25**	**88**	**88**	**10**	**10**	**121**	**123**
4 p.m.	23	24	95	95	9	9	127	128
5 p.m.	**24**	**23**	**102**	**102**	**7**	**8**	**133**	**132**
6 p.m.	24	20	110	110	4	6	137	136
7 p.m.	**24**	**19**	**110**	**110**	**2**	**6**	**135**	**134**
8 p.m.	21	17	117	117	2	6	139	139
9 p.m.	**14**	**13**	**124**	**124**	**2**	**6**	**140**	**143**
10 p.m.	8	9	139	139	2	5	149	152
11 p.m.	**3**	**4**	**146**	**146**	**1**	**5**	**150**	**154**
Midnight	0	0	146	146	1	3	147	149
	Parking Demand by Each Use						Max. Demand	
	25	**25**	**146**	**146**	**10**	**10**	**150**	**154**

Time of Day parking rates based on Urban Land Institute (ULI) *Shared Parking, 2nd Edition, 2005*.

The shared parking analysis indicates that the peak parking demand would happen from 9 PM to 6 AM, when the parking demand for the retail use and hotel employees would be extremely low. The parking demand for hotel guests would peak during this midnight period. Therefore, the TDM plan focus on the hotel guests. The TDM plan can also apply to the hotel employees. However, because the parking demand for the hotel employees peaks during the midday, the parking reduction from the hotel employees would not reduce the peak parking demand at night. In order to reduce the parking demand to match the provision of 118 parking spaces on site, it will be necessary for the TDM Plan to reduce the hotel guest parking by about 25 percent (see Table 3).

Table 3
Shared Parking with a TDM Reduction

Hour of Day	Retail		Hotel Guest[1]		Hotel Employee		Total	
	Wkdy	Wknd	Wkdy	Wknd	Wkdy	Wknd	Wkdy	Wknd
6 a.m.	1	1	105	105	1	1	106	106
7 a.m.	**2**	**2**	**99**	**99**	**3**	**3**	**104**	**104**
8 a.m.	5	4	88	88	9	9	102	101
9 a.m.	**11**	**10**	**77**	**77**	**9**	**9**	**97**	**96**
10 a.m.	17	14	66	66	10	10	93	90
11 a.m.	**22**	**18**	**66**	**66**	**10**	**10**	**98**	**94**
Noon	24	21	61	61	10	10	95	92
1 p.m.	**25**	**23**	**61**	**61**	**10**	**10**	**96**	**94**
2 p.m.	24	25	66	66	10	10	100	101
3 p.m.	**23**	**25**	**66**	**66**	**10**	**10**	**99**	**101**
4 p.m.	23	24	72	72	9	9	104	105
5 p.m.	**24**	**23**	**77**	**77**	**7**	**8**	**108**	**107**
6 p.m.	24	20	83	83	4	6	110	109
7 p.m.	**24**	**19**	**83**	**83**	**2**	**6**	**108**	**107**
8 p.m.	21	17	88	88	2	6	111	110
9 p.m.	**14**	**13**	**94**	**94**	**2**	**6**	**109**	**112**
10 p.m.	8	9	105	105	2	5	**115**	**118**
11 p.m.	**3**	**4**	**110**	**110**	**1**	**5**	**114**	**118**
Midnight	0	0	110	110	1	3	111	113
	Parking Demand by Each Use						Max. Demand	
	25	**25**	**110**	**110**	**10**	**10**	**115**	**118**

Time of Day parking rates based on Urban Land Institute (ULI) *Shared Parking, 2nd Edition, 2005*.
1. A 25% TDM reduction was applied to the required hotel guest parking spaces, which results in a reduction of 36 spaces.

4. TDM Plan

This chapter describes the TDM plan for the project, which includes TDM measures developed to meet the 25 percent parking reduction for hotel guests and an ongoing monitoring and enforcement program to guarantee the desired parking reduction is achieved.

Proposed TDM Measures

The TDM measures to be implemented for the proposed hotel include design features, programs, and services that promote sustainable modes of transportation and reduce the vehicle traffic and parking demand that would be generated by the project. Such measures encourage use of transit and shuttle services, biking, and walking. For the proposed project, these include the following:

Loading Zone

The project will include a 96-foot loading/delivery zone in the parking garage next to the hotel entrance. This design would facilitate the use of taxis and rideshare services (e.g., Uber, Lyft, and Wingz) for hotel guests to access the site without cars. With the option of accessing the hotel through these ridesharing services and without a car, the need for a parking space would be reduced.

Bicycle Parking

The Dumbarton TOD Specific Plan includes policies that encourage the provision of bicycle parking spaces. Policy C-13 recommends bicycle parking as part of a transportation demand management program while Policy C-28 encourages the adoption of minimum bicycle parking requirements for both residential and commercial projects. The Specific Plan EIR also recommends secure bicycle parking of at least one space per 20 vehicle spaces within retail components of the Specific Plan area. According to SP policies, the site should provide a minimum of six bicycle parking spaces, based on the 118 provide vehicle parking spaces and one bicycle space per 20 vehicle spaces. The project proposes 10 bicycle parking spaces for retail employees, hotel employees, and hotel guests, which is adequate for the site.

Free Shuttle Services for Guests and Employees

The proposed hotel will offer free shuttles to guests and employees. The shuttle destinations would be determined based on guest preferences. It is initially thought that shuttles would serve Newark, Union City, northern Fremont, and the San Jose International Airport. Since the proposed project is a hotel, a portion of the guests would likely be traveling through the airport. With the option of using the free

shuttle, the need for a car and a parking space would be reduced. San Jose International Airport is approximately 20 miles driving distance from the proposed project.

The free shuttles will also be offered to the hotel employees between the hotel and major bus stops/transit stations within the service area.

On-Site Car-Share Program for Guests

The proposed hotel will provide on-site access to a car-sharing service such as Zipcars for hotel guests. Vehicles will be located on-site allowing hotel guests to come and go at their convenience. Vehicles can be reserved prior to visiting the hotel.

On-Site Bicycle Share Program for Guests

The proposed hotel will provide on-site bicycles for hotel guests to use. The bicycles will be stored in a secured common space that can be checked out by guests. Inclusion of a bike share program would likely reduce the need for guests to use a car.

Employee Subsidized or Free Transit Passes

The proposed hotel will offer subsides or free transit passes (AC Transit, ACE, or BART) for their employees. There are a number of ways to structure a financial incentive for transit. The hotel can cover the total monthly cost of transit for those employees who take transit through a pre-tax benefit, or purchase transit passes themselves and distribute them to employees.

Employee Financial Incentives for Biking or Walking to Work

The project will provide the hotel employees with financial incentives to utilize carpooling, biking, or walking when commuting to and from the project site. Offering financial incentives can have a measurable impact on encouraging employees to try modes other than driving alone to work. Daily, weekly, or monthly financial incentives could be offered to those employees who use a bike, carpooling, or walking as their primary mode of travel to work.

On-Site TDM Coordinator and Services

The proposed hotel will provide an on-site TDM coordinator, who will be responsible for implementing and managing the TDM plan. The TDM coordinator will be a point of contact for guests and employees should TDM-related questions arise, and will be responsible for ensuring that guests are aware of all transportation options and how to fully utilize the TDM plan. The TDM coordinator will provide the following services and functions to ensure the TDM plan runs smoothly:

- Provide guests information at the time of check-in. The process will include information about public transit services, ridesharing services (e.g., Uber, Lyft, and Wingz), bicycle maps, the on-site bicycle-share program, the on-site car-sharing program, and the guest shuttle.
- Manage the on-site bicycle-share program to ensure the bicycles remain in good condition.
- Manage the on-site car-share program to ensure the vehicles are used in the manner intended by the car-sharing service.
- Provide information to employees about subsidized transit passes and the financial incentive programs for employees who bike or walk to work.
- Conduct parking surveys annually to track actual parking demand and determine whether additional TDM measures, or another parking solution, is needed.

TDM Implementation and Monitoring

As previously stated, the primary purpose of the TDM plan is to reduce the parking demand from the hotel guests by 25 percent. Monitoring will be necessary to ensure that the TDM measures are effective and continue to be successfully implemented.

The future hotel operator will be responsible for ensuring that the TDM measures are implemented.

The TDM plan will need to be re-evaluated annually for the life of the project. An annual parking count and TDM report should be prepared by an independent consultant and reported to the City. The report will include findings of the parking counts and effectiveness of the TDM measures offered to guests and employees. If it is determined that the 25 percent parking reduction is not being achieved (i.e., the on-site parking garage reaches full capacity), additional TDM measures would need to be introduced to ensure that the parking demand is being addressed by the project without the burden being placed on outside entities.

Conclusions

The TDM measures to be implemented by the project include planning and design measures related to the attributes of the site location, the site design, and on-site amenities. Such measures encourage use of transit and shuttle services, biking, and walking. The TDM plan includes the following measures:

- Passenger loading zone
- Bicycle parking spaces
- Free shuttle services for guests and employees
- On-site car share program for guests
- On-site bicycle share program for guests
- Employee subsidized or free transit passes
- Employee financial incentives for bike or walk to work
- On-site TDM coordinator and services

EXHIBIT E

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • FREMONT, CALIFORNIA 94538
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

August 7, 2017

Terrence Grindall, Assistant City Manager
City of Newark
37101 Newark Boulevard
Newark, CA 94560-3796

Dear Mr. Grindall:

Subject: Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No.2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (State Clearinghouse No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (State Clearinghouse No.2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (State Clearinghouse No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (Project). ACWD previously reviewed and provided comments to the City of Newark that are still applicable, in letters dated: April 28, 2010, on the Notice of Preparation of a Environmental Impact Report for the Dumbarton TOD Specific Plan; June 29, 2011, on the Draft Environmental Impact Report for the Dumbarton TOD Specific Plan; March 8, 2013, on the Notice of Preparation of a Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Development; February 6, 2014, on the Draft Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Development; and February 26, 2014, on the Initial Study/Mitigated Negative Declaration for the Dumbarton TOD SHH/FMC Project. Enclosed is a copy of each letter for your consideration. The Project Proponent is encouraged to review all previous comments so that future submittals will address ACWD comments.

ACWD has reviewed the Addendum and would appreciate your consideration of the following comments:

1. Hazards and Hazardous Materials (pages 61-62):

Given that volatile organic compounds (VOCs) were detected in groundwater on the parcel, the ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to the health and safety of workers either during installation of the public water system or during long-term routine operation and maintenance of such a system. Any mitigation required to eliminate such hazards or potential

hazards, such that the soil or groundwater does not pose a risk to the health and safety of workers during installation, and during long-term routine operation and maintenance of utility systems, must be identified and described. The proposed mitigation should not rely on extraordinary measures by the utility to protect worker health and safety, such as unusual personal protective equipment, unusual soil or groundwater treatment or disposal requirements, or decontamination of tools and equipment required for potable water system maintenance. If specific measures are to be identified in a Risk Management Plan, the project proponent should require ACWD approval of the plan as part of the mitigation.

2. Appendix B, Mitigation, Monitoring, and Reporting Program (Page 12): Reference is made to Mitigation Measure 4.5-2. ACWD appreciates the inclusion of compliance with ACWD Ordinance No. 2010-01. Please note that any groundwater extracted during dewatering should be properly disposed of due to the presence of potential VOCs. In addition, any groundwater extracted during the project should be quantified and may be subject to a Replenishment Assessment Fee in accordance with the Replenishment Assessment Act of ACWD.

3. Utilities and Service Systems (page 100):

    a. The Initial Study analysis asserts that, "[t]he SHH/FMC IS/MND concluded that compliance with the requirements provided in the WSA will ensure that there will be sufficient water supply to serve the Specific Plan area," and that, "there would be a less than significant impact and no mitigation would be necessary. The proposed modified project would have no new impact." However, since the document does not evaluate how the water demands for proposed Project compare to the water demands for the site originally evaluated in the WSA, the conclusion that the proposed Project would have no new water supply impact is not supported. ACWD requests the Initial Study be revised to include additional information on the water demands for the site as well as an evaluation of whether the proposed changes will result in a substantial increase in water demand than was considered in the WSA for the Project. If this additional analysis demonstrates that the proposed Project increases water demand substantially over what was considered in the WSA, an assessment of the water supply may be necessary.

    b. The public water services must be designed per the District's *Standard Specifications for Water Main Installation* (Standard Specifications) and *Development Specifications for Public Water System Extensions* (Development Specifications).

    c. If any modifications of existing water facilities or new water service to the property are required, the project proponent shall contact ACWD's Engineering Department. Any existing water services which will not be used in the new development must be removed by ACWD. The Project Proponent is strongly encouraged to meet with ACWD's Engineering Department early in the process to discuss the configuration of service connections.

d. Each irrigation or other non-residential domestic service will, and the fire service may, require an approved above-ground reduced pressure backflow prevention device. Backflow prevention devices must be located in accordance with District Standard Drawings BP-1-08 through BP-3-08. The location and screening of these above-ground devices should be considered in the site design to address both District installation standards as well as aesthetic concerns of the development. Adequate space and access must be provided for the meter, meter box and the adjacent backflow prevention device.

e. Particular attention should be paid to any proposed work underneath existing District ACP water mains fronting the project site. ACWD has an existing 16 inch ACP water main located within Willow Street. No excavations or crossings under the ACP are allowed. If utility installations below the ACP are required for the project, the District may replace a portion of the existing main with PVC or steel pipe. Such replacement must be done by District forces at the developer's expense.

4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

- Michelle Myers, Groundwater Resources Manager, at (510) 668-4454, or by email at michelle.myers@acwd.com, for coordination regarding groundwater resources.

- Juniet Rotter, Development Services Supervisor, at (510) 668-4472, or by email at juniet.rotter@acwd.com, for coordination regarding public water systems and water services and easements.

Again, thank you for the opportunity to comment on the Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH#2010042012) for a proposed five-story mixed-use hotel and retail space project.

Sincerely,

FOR Ed Stevenson
Manager of Engineering and Technology Services

jr/jm
Enclosures
cc: Steven Inn, ACWD
Michelle Myers, ACWD
Leonard Ash, ACWD
Juniet Rotter, ACWD

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

April 28, 2010

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark CA 94560-3796

Dear Mr. Grindall:

Subject: Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan.

ACWD has reviewed the Notice of Preparation of an Environmental Impact Report (EIR) and would appreciate your consideration of the following comments:

1. Water Supply:

   a. Water Supply Assessment: Senate Bill 610 (California Water Code Sections 10910 - 10915) requires that any land use project that is subject to CEQA and has 500 residential units or more will require a water supply assessment. Because the proposed project exceeds the 500 unit threshold, a water supply assessment will need to be included in the DEIR. Pursuant to the Water Code, ACWD will prepare this assessment within 90 days of receiving a formal request from the City of Newark (City). The water supply assessment will include an estimation of the project's water demands, and an evaluation of the sufficiency of ACWD's water supplies to meet these demands.

   b. Recycled Water: The proposed project is within the area that could be served by a future recycled water project in accordance with a joint ACWD and Union Sanitary District Recycled Water Master Plan. Accordingly, the DEIR should include provisions for use of recycled water for non-potable uses such as irrigation of large landscape areas.

These provisions should include: 1) installation of recycled water distribution system ("purple pipe") within the project area designed to accommodate a future recycled water supply and 2) commitments to utilize recycled water once this supply becomes available.

c. Water Use Efficiency: In order to minimize additional demands on potable water supplies, the DEIR should plan for development of the Project with the latest technology in water efficient plumbing fixtures and irrigation systems at both residential and non-residential developments, including but not limited to those listed in the attached tables for water efficiency measures for new development. Check with ACWD water conservation staff at the time of project development for the most up-to-date measures.

Many of these technologies will actually be legal requirements under the pending Plumbing Code and already are in effect under the Model Water Efficient Landscape Ordinance revisions, effective January 1, 2010.

2. Groundwater: Local and imported water is percolated into the Niles Cone Groundwater Basin through percolation both in Alameda Creek and the adjacent recharge ponds in the Quarry Lakes Regional Recreational Area. The water is subsequently recovered through ACWD's groundwater production wells and provided as a potable supply to a population of over 330,000 in the cities of Fremont, Newark, and Union City. Therefore, it is imperative that ACWD protects the water quality and ensures the continued use of the groundwater basin for water supply for ACWD's customers. ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the EIR:

a. Well Protection/Destruction: In order to protect the groundwater basin, all wells must be identified within the project area and each well must be either protected or properly destroyed prior to or during construction activities. If the well(s) are to remain, a letter so indicating must be sent to ACWD. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the City of Newark Well Ordinance. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities.

b. Drilling Permit Requirement: As the enforcing agency for the City of Newark's Well Ordinance, ACWD requests that the EIR include the requirement of obtaining a drilling permit from the ACWD prior to the start of any subsurface drilling activities. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org/engineering/drilling_permit.php5. Before a permit is issued, the applicant is required to deposit with ACWD, cash or check in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

c. Cleanup Sites: The EIR should acknowledge that as part of ACWD's Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board), the City of Newark, and the Alameda County Department of Environmental Health which allow ACWD to provide the technical oversight of investigation and remediation at Leaking Underground Fuel Tank (LUFT) and the majority of the Spills, Leaks, Investigation, and Cleanup (SLIC) sites. The project area includes properties where at least eight (8) known Spills, Leaks, Investigation, and Cleanup sites exist. Therefore, any proposed development that includes LUFT or SLIC sites should be coordinated with ACWD and the Regional Board (when the Regional Board is the lead agency at SLIC sites). In addition, the EIR should address the potential impacts that dewatering activities and construction may have on the investigation and cleanup of those sites.

d. Dewatering: Since groundwater is an important component of ACWD's water resources, the EIR should address temporary and permanent dewatering activities and the potential impact of the project on the local drinking water supply. It is critical that the amount of water that may be extracted by dewatering be estimated and documented in the EIR. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Groundwater losses due to dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies.

ACWD regulates the installation and destruction of dewatering wells by working with licensed drilling contractors and agencies that require dewatering wells for the installation of their facilities. ACWD permits are required for dewatering well installations and destructions within the City of Newark; however, dewatering wells are currently exempt from permit fees.

3. Water System Infrastructure: In order to extend the public water distribution system to meet project water service requirements and adequately integrate the project into ACWD's water system, significant offsite improvements will be required. At least one additional water main connection between the North side of the existing railroad right-of-way and the project site at either Willow Street or Hickory Street will be required. In addition, one or more new water mains will need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. The construction of such railroad and SFPUC crossings may result in impacts to the environment. The EIR should include these connections and address any associated environmental impacts that may arise from their construction. Other onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. ACWD requests early and close coordination with the City and all project proponents.

4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

- Eric Cartwright, Water Resources Planning Manager, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.

- Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.

- Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com for coordination regarding groundwater wells and drilling permits.

- Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan at this time.

Sincerely,

Robert Shaver
Engineering Manager

la/tf
Attachments
By e-mail
cc: Eric Cartwright, ACWD
Ed Stevenson, ACWD
Steven Inn, ACWD
Michelle Myers, ACWD

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

June 29, 2011

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark CA 94560-3796

Dear Mr. Grindall:

Subject: Draft Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the "Draft Environmental Impact Report (DEIR) for the Dumbarton Transit-Oriented Development Specific Plan."

ACWD has reviewed the DEIR and would appreciate your consideration of the following comments:

1. Groundwater:

   a. Drilling Permit Requirement: As required by ACWD's Well Ordinance No. 2010-01, drilling permits are required prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations. Application for a permit may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org/engineering/drilling_permit.php5. Before a permit is issued, a cash or check deposit is required in a sufficient sum to cover the fee for issuance of the permit or charges for field investigation and inspection. All permitted work requires scheduling for inspection; therefore, all drilling activities must be coordinated with ACWD prior to the start of any field work.

   b. Geotechnical Investigation: Reference is made to Mitigation Measure 4.5-1 (page 4.5-11). The mitigation measure requires future developers to have a design-level geotechnical investigation performed. As previously mentioned, ACWD regulates the construction, repair, and destruction of wells, exploratory holes, and other excavations located within the City of Newark under ACWD Ordinance No. 2010-01.

c. Soil Improvements: Reference is made to Mitigation Measure 4.5-1 (pages 4.5-11 to 4.5-12). The mitigation measure lists a number of possible soil improvement techniques that may be employed depending on recommendations of the design-level geotechnical engineering investigation. Some of the techniques include supporting structures on deep foundations, such as piles or piers, installing wick drains, and injecting grout.

Piers, piles, and grout are frequently installed similar to wells and exploratory holes. If the annular space between the excavation or borehole wall and the support pier or pile is not properly sealed, it can act as a vertical conduit and may create preferential pathways that allow pollutants to rapidly infiltrate the subsurface and impact groundwater. Wick drains can also create preferential pathways that can impact groundwater since they remain in place after the dewatering activities are completed.

Soil improvement techniques that intersect an aquifer or may impact the integrity of any aquitard located directly above an aquifer are regulated as other excavations under ACWD's Ordinance No. 2010-01. Therefore, ACWD requests that the project geotechnical engineer(s) coordinate with ACWD prior to beginning any soil improvement measures to ensure compliance with ACWD Ordinance No. 2010-01.

d. Cleanup Sites: Reference is made to section 4.7.12, Hazards and Hazardous Materials, Existing Conditions (pages 4.7-1 to 4.7-22). The project area includes properties where at least seven (7) known major Spills, Leaks, Investigation, and Cleanup sites exist. To date, the risk posed to human health and the environment from the contamination at these sites is not fully assessed and work is in progress. ACWD provides assistance and local oversight for the cleanup and restoration of these sites in coordination with the Regional Water Quality Control Board – San Francisco Bay Region under a Cooperative Agreement. Therefore, any proposed development in the vicinity of these sites should be coordinated with ACWD and the Regional Board. Accordingly, we request that Mitigation Measure 4.7-1a in the DEIR be modified to recognize ACWD's involvement in the investigation and cleanup of these sites.

e. Grading Permit: Reference is made to Mitigation Measure 4.7-1b (page 4.7-29). ACWD's records indicate the existence of over 150 wells located within the project area. Therefore, ACWD requests a mitigation measure that requires project proponents to develop a plan for the protection of wells that must be reviewed and approved by ACWD prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01.

f. Dewatering: Reference is made to Section 4.8, Hydrology, Drainage and Water Quality (pages 4.8-1 to 4.8-28). The DEIR acknowledges that groundwater is very shallow within the project area; however, the DEIR does not address any temporary or permanent dewatering activities that may be required. ACWD requests that the following potentially significant impacts related to dewatering activities be addressed by the EIR:

1) The project area includes areas where known Spills, Leaks, Investigation, and Cleanup sites exist. The EIR should address the potential impacts that dewatering activities and construction may have on the investigation and cleanup of those sites.

2) Since groundwater is an important component of ACWD's water resources, it is critical that the amount of water that may be extracted by dewatering be estimated and documented in the EIR. Alternative designs should be evaluated that would minimize the amount of dewatering required during and subsequent to construction. Groundwater losses due to dewatering should be measured and may be subject to a replenishment assessment fee. Mitigation measures should be proposed to replace all significant losses of ACWD's water supplies.

3) ACWD regulates the installation and destruction of dewatering wells under ACWD's Ordinance No. 2010-01. ACWD permits are required for dewatering well installations and destructions.

g. Groundwater Quality: Reference is made to section 4.8.1.4, Water Quality, Groundwater Quality (pages 4.8-4 to 4.8-5). The DEIR should be updated to reflect that production from the Newark Desalination Facility has been increased to approximately 12.5 million gallons per day beginning on August 24, 2010. Also, review of water quality data by ACWD in this area indicates that groundwater in the proposed redevelopment area has a potential beneficial use, contrary to what is stated in the DEIR. The DEIR should recognize that protecting the shallow water bearing zone is also critical for protecting the Newark Aquifer, in which ACWD operates high capacity production wells for potable water supply and aquifer reclamation. This increased use of groundwater for a beneficial use further emphasizes the need to restore impacted groundwater at cleanup sites.

h. Well Protection/Destruction: Reference is made to section 4.8.1.4, Water Quality, Groundwater Quality (page 4.8-4). The DEIR states that groundwater is "currently monitored by 32 wells" in the specific plan area. ACWD records indicate there are over 150 wells in the project area. Therefore, ACWD requests a mitigation measure that requires project proponents to develop a plan for the protection of wells that must be reviewed and approved by ACWD prior to issuance of demolition and grading permits to ensure compliance with ACWD Ordinance No. 2010-01.

In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the well must be destroyed in compliance with ACWD Ordinance No. 2010-01. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities.

2. Recycled Water: Reference is made to the draft Dumbarton TOD Specific Plan, Recycled Water (pages 128 to 131). As the proposed project is within the area that could be served by a future recycled water project in accordance with a joint ACWD and Union Sanitary District Recycled Water Master Plan, the Specific Plan correctly includes provisions for use of recycled water for non-potable uses such as irrigation of large landscape areas. However, the Specific Plan should also state that the installation of recycled water distribution system ("purple pipe"), designed to accommodate a future recycled water supply, within existing and new streets within the project area may be a condition of water service to the project. Such recycled water infrastructure, if required, shall be installed at the time of the development of the project site, and in the interim period before recycled water supply becomes available, this separate recycled water distribution system may be supplied using potable water via connections to ACWD's distribution system. The EIR should also address any potential environmental impacts, if any, which may result from the installation of the recycled water infrastructure along with the project.

3. Potable Water:

   a. Water System Infrastructure: Reference is made to the draft Dumbarton TOD Specific Plan, Potable Water (pages 126 to 127). In order to extend the public water distribution system to meet project water service requirements and adequately integrate the project into ACWD's water system, significant offsite improvements will be required. While the draft Specific Plan indicates a water transmission main connection of the existing railroad right-of-way may be required, ACWD has stated that at least one additional water main connection between the North side of the existing railroad right-of-way and the project site at either Willow Street or Hickory Street will be required. Based on the information provided in the draft Specific Plan, it appears that a connection within Willow Street is most likely. In addition, one or more new water mains will need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. The construction of such railroad and SFPUC crossings may result in impacts to the environment. The EIR should include this required connection and address any associated environmental impacts that may arise from its construction. Other onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. The City and project proponents should coordinate closely with ACWD throughout the planning and development of the project.

   Also on page 127, the draft Specific Plan identifies specific diameter sizes for water mains to be installed within the project's "backbone streets" and local streets. However, ACWD shall determine the water main sizing at the time of improvement plan review. In general, well-grided "backbone streets" typically would be provided with 12-inch diameter distribution mains, while well-grided residential streets typically would be provided with 8-inch diameter distribution mains.

b. Hazards and Hazardous Materials: The DEIR identifies several hazards and hazardous materials sites within the project area. The ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to health and safety either during installation of the public water system or during long-term operation and maintenance of such a system. Any mitigations required to eliminate such hazards or potential hazards, such as clean fill corridors or other mitigations, need to be identified and described in the EIR.

4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

- Eric Cartwright, Water Resources Planning, at (510) 668-4206, or by e-mail at eric.cartwright@acwd.com, for coordination regarding water supply issues.
- Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
- Rangarajan Sampath, Groundwater Resources Engineer at (510) 668-4411, or by e-mail at rangarajan.sampath@acwd.com for coordination regarding cleanup sites.
- Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com for coordination regarding groundwater wells and drilling permits.
- Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Dumbarton Transit-Oriented Development Specific Plan at this time.

Sincerely,

Robert Shaver
Assistant General Manager - Engineering

rs/tf
By PDF
cc: Steven Inn, ACWD
Eric Cartwright, ACWD
Ed Stevenson, ACWD
Michelle Myers, ACWD
Rangarajan Sampath, ACWD

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

March 8, 2013

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560-3796

Dear Mr. Grindall:

Subject: Notice of Preparation of a Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Development

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the "Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) for the Dumbarton Transit-Oriented Development (TOD) Trumark Residential Development."

ACWD has reviewed the NOP and would appreciate your consideration of the following comments:

1. Water System Infrastructure: As ACWD commented on the Draft Environmental Impact Report for the Dumbarton TOD Specific Plan, in order to extend the public water distribution system to meet water service requirements of the Dumbarton TOD Project and adequately integrate the project into ACWD's water system, significant public water system improvements will be required. At least one additional water main connection between the North side of the existing railroad right-of-way and the project site at either Willow Street or Hickory Street will be required. Based on the information provided in the draft Specific Plan for the Dumbarton TOD, it appears that a connection within Willow Street is most likely. Whichever particular development within the Dumbarton TOD Project area performs improvement work adjacent to the railroad right-of-way at either Willow Street or Hickory Street will be responsible for installing this water main connection and obtaining any necessary permits and approvals from the railroad. In addition, one or more new water mains will need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. Similarly, those particular developments within the Dumbarton TOD Project area performing improvement work adjacent to the SFPUC right-of-way will be responsible for installing the water main connection(s) crossing SFPUC right-of-way and obtaining any necessary permits and approvals from SPFUC. The construction of such railroad and SFPUC crossings may result in impacts to the environment. The SEIR should include this required connection and address any associated environmental impacts that may arise from its construction.

   Other onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. Any public water system extensions necessary to serve developments within the Dumbarton TOD Project area must meet ACWD public water system installation and design standards, including ACWD's *Standard Specifications for Water Main Installation* and *Development Specifications for Public Water System Extensions*. ACWD requests that the City and project proponents coordinate closely with ACWD throughout the planning and development of the Dumbarton TOD Project.

2. Hazards and Hazardous Materials: The SEIR should adequately identify the hazards and hazardous materials sites within the project area. The ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to health and safety either during installation of the public water system or during long-term operation and maintenance of such a system. Any mitigation required to eliminate such hazards or potential hazards, such as clean fill corridors or other mitigations, need to be identified and described in the SEIR.

3. Climate Action Plan: Reference is made to the City of Newark's Climate Action Plan, January 2010 Initial Framework. ACWD agrees with the City that planning related to sea level rise is important for the region and for ACWD, and recommends the City address the potential impacts of sea level rise and adaptation in the SEIR.

4. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

   - Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
   - Rangarajan Sampath, Groundwater Resources Engineer at (510) 668-4411, or by e-mail at rangarajan.sampath@acwd.com, for coordination regarding cleanup sites.
   - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com, for coordination regarding groundwater wells and drilling permits.
   - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Thank you for the opportunity to comment on the Notice of Preparation of the Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Project at this time.

Sincerely,

Robert Shaver
Assistant General Manager - Engineering

la/jm
By PDF
cc: Steven Inn, ACWD
Ed Stevenson, ACWD
Michelle Myers, ACWD
Rangarajan Sampath, ACWD

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

February 6, 2014

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560-3796

Dear Mr. Grindall:

Subject: Draft Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Development

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (SEIR) for the Dumbarton Transit-Oriented Development (TOD) Trumark Residential Development.

ACWD has reviewed the Draft SEIR and would appreciate your consideration of the following comments:

1. Water System Infrastructure: As ACWD commented on the Draft Environmental Impact Report for the Dumbarton TOD Specific Plan and on the Notice of Preparation for this SEIR, in order to extend the public water distribution system to meet water service requirements of the Dumbarton TOD Project and adequately integrate the project into ACWD's water system, significant public water system improvements will be required. At least one additional water main connection between the North side of the existing railroad right-of-way and the project site at either Willow Street or Hickory Street will be required. Based on the information provided in the draft Specific Plan for the Dumbarton TOD, it appears that a connection within Willow Street is most likely. Whichever particular development within the Dumbarton TOD Project area performs improvement work adjacent to the railroad right-of-way at either Willow Street or Hickory Street will be responsible for installing this water main connection and obtaining any necessary permits and approvals from the railroad. In addition, one or more new water mains will need to be constructed across the existing San Francisco Public Utilities Commission (SFPUC) right-of-way. Similarly, those particular developments within the Dumbarton TOD Project area performing improvement work adjacent to the SFPUC right-of-way will be responsible for installing the water main connection(s) crossing SFPUC right-of-way and obtaining any necessary permits and approvals from SPFUC.

   Given the location and proposed development of Site "A" shown on the Figure 3-4 of the Draft SEIR, the District will require the project to install both a water main extension crossing of the SFPUC right-of-way and a water main connection extending from the project into Willow Street to connect to the existing 16-inch water main within Willow Street on the North side of the railroad right-of-way. In lieu of the requirement for both water mains to be installed for system looping, the District

may consider requiring only one connection across either SFPUC or railroad right-of-way if the project proponents can secure a perpetual, irrevocable easement dedicated to ACWD for the water system across either right-of-way.

The construction of such railroad and SFPUC crossings will require significant trenching, excavation and dewatering and may result in impacts to the environment stemming from pumping and discharge of contaminated groundwater (including the effects of plume migration resulting from such pumping), production and handling of contaminated excavation spoils, construction noise, dust and other factors. **The SEIR should address any associated environmental impacts that may arise from construction of these required connections.**

Other onsite and offsite water system extensions and/or improvements may similarly be required in order to meet fire flow requirements or other ACWD standards and requirements. Any public water system extensions necessary to serve developments within the Dumbarton TOD Project area must meet ACWD public water system installation and design standards, including ACWD's *Standard Specifications for Water Main Installation* and *Development Specifications for Public Water System Extensions*. ACWD requests that the City and project proponents coordinate closely with ACWD throughout the planning and development of the Dumbarton TOD Project.

2. Hazards and Hazardous Materials: The installation, long-term operation, and maintenance of utilities to serve the project may include, but is not limited to, significant dewatering, disposal of groundwater, deep soil excavation, transportation and disposal of excavated soil, utilities submerged in groundwater, and worker exposure to soil and groundwater. The Draft SEIR does not adequately identify the hazards or hazardous materials sites remaining within the project area, after remediation activities are completed, that may continue to pose a risk to the health and safety of workers during the installation, long-term operation, or maintenance of all utilities required to serve the project. **This analysis should be included in the SEIR.** The ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to the health and safety of workers either during installation of the public water system or during long-term routine operation and maintenance of such a system. **Any mitigation required to eliminate such hazards or potential hazards, such that that the soil or groundwater does not pose a risk to the health and safety of workers during installation, and during long-term routine operation and maintenance of utility systems, must be identified and described in the SEIR.** The proposed mitigation should not rely on extraordinary measures by the utility to protect worker health and safety, such as unusual personal protective equipment, unusual soil or groundwater treatment or disposal requirements, or decontamination of tools and equipment required for potable water system maintenance. If specific measures are to be identified in a Risk Management Plan, the SEIR should require ACWD approval of the plan as part of the mitigation.

3. Well Protection/Destruction: Reference is made to Section 3.5.2, Pollutant Remediation and Site Preparation (pages 40 thru 43). ACWD's records indicate the existence of 47 wells in Site A and 24 in Site B (not 22 as reported in the SDEIR). **Therefore, ACWD requests a mitigation measure that requires project proponents to develop a plan for the protection or destruction of wells that must be reviewed and approved by ACWD prior to issuance of grading permits to ensure compliance with ACWD Ordinance No. 2010-01.**

In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter so indicating must be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is

jeopardized in any way during the construction process, the well must be destroyed in compliance with ACWD Ordinance No. 2010-01.

4. Climate Action Plan: Reference is made to the City of Newark's Climate Action Plan, January 2010 Initial Framework. ACWD agrees with the City that planning related to sea level rise is important for the region and for ACWD. **ACWD recommends the SEIR more thoroughly address the potential impacts of sea level rise and adaptation.**

5. ACWD Contacts: The following ACWD contacts are provided so that the City can coordinate with ACWD as needed during the CEQA process:

   - Steven Inn, Groundwater Resources Manager at (510) 668-4441, or by e-mail at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
   - Rangarajan Sampath, Groundwater Resources Engineer at (510) 668-4411, or by e-mail at rangarajan.sampath@acwd.com, for coordination regarding cleanup sites.
   - Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by e-mail at michelle.myers@acwd.com, for coordination regarding groundwater wells and drilling permits.
   - Ed Stevenson, Development Services Manager, at (510) 668-4472, or by e-mail at ed.stevenson@acwd.com, for coordination regarding public water systems and water services.

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development Trumark Residential Project at this time.

Sincerely,

Robert Shaver
Assistant General Manager - Engineering

la/ps
cc: Steven Inn, ACWD
Ed Stevenson, ACWD
Michelle Myers, ACWD
Leonard Ash, ACWD

ALAMEDA COUNTY WATER DISTRICT

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

February 26, 2014

Terrence Grindall
Community Development Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560-3796

Dear Mr. Grindall:

Subject: Initial Study/Mitigated Negative Declaration for the Dumbarton Transit Oriented Development SHH/FMC Project

The Alameda County Water District (ACWD) wishes to thank you for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Dumbarton Transit Oriented Development (TOD) SHH/FMC Project (Project).

ACWD has reviewed the IS/MND and would appreciate your consideration of the following comments:

1. Geology and Soils Mitigation Measures (pages 66-70): Reference is made to Appendix B (page 31). Mitigation Measures 4.5-2 and 4.5-3 from the Dumbarton TOD Specific Plan are crossed out and a note states the reason is the "measures [are] not relevant to the SHH/FMC Project." ACWD does not support this finding and requests the following:

   a. Page 67 of the IS/MND states "it is unknown whether the project site contains liquefiable soils; however, geotechnical investigations conducted on other properties in preparation of the EIR (RBF 2011) identified liquefiable soils in other areas of the Specific Plan. Therefore, the project site has a potential to contain liquefiable soils." Since the project site may contain liquefiable soils, soil improvement measures may be necessary and would require coordination with ACWD to ensure compliance with ACWD Ordinance No. 2010-01 as required by mitigation measure 4.5-2 in the Dumbarton TOD Specific Plan. In addition, since groundwater is shallow within the project area dewatering may also be required. As a result, ACWD requests Mitigation Measure 4.5-2 from the Dumbarton TOD Specific Plan be included in the SHH/FMC Project IS/MND.

   b. ACWD has identified 18 monitoring wells within the project area. In order to protect the groundwater basin, each well located within the property must be in compliance with ACWD Ordinance No. 2010-01. If the well(s) are to remain, a letter so indicating must

be sent to ACWD and will require a permit for inactive classification if the wells will not be used for a period of twelve (12) months. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the well must be destroyed in compliance with ACWD Ordinance No. 2010-01. Therefore, ACWD requests Mitigation Measure 4.5-3 from the Dumbarton TOD Specific Plan be included in the SHH/FMC Project IS/MND.

2. Hazards and Hazardous Materials (pages 82-86): The installation, long-term operation, and maintenance of utilities to serve the project may include, but is not limited to, significant dewatering, disposal of groundwater, deep soil excavation, transportation and disposal of excavated soil, utilities submerged in groundwater, and worker exposure to soil and groundwater. The IS/MND does not adequately identify the hazards or hazardous materials sites remaining within the project area, after remediation activities are completed, that may continue to pose a risk to the health and safety of workers during the installation, long-term operation, or maintenance of all utilities required to serve the project. This analysis should be included in the IS/MND.

   The ability to install a public water system within the project area would be conditioned upon confirmation that the soil or groundwater does not pose a risk to the health and safety of workers either during installation of the public water system or during long-term routine operation and maintenance of such a system. Any mitigation required to eliminate such hazards or potential hazards, such that the soil or groundwater does not pose a risk to the health and safety of workers during installation, and during long-term routine operation and maintenance of utility systems, must be identified and described in the IS/MND. The proposed mitigation should not rely on extraordinary measures by the utility to protect worker health and safety, such as unusual personal protective equipment, unusual soil or groundwater treatment or disposal requirements, or decontamination of tools and equipment required for potable water system maintenance. If specific measures are to be identified in a Risk Management Plan, the IS/MND should require ACWD approval of the plan as part of the mitigation.

3. Utilities and Service Systems - Water Supplies (page 125-129): While ACWD has prepared a Water Supply Assessment for the Dumbarton TOD Specific Plan which indicates adequate water supply would be available for normal and dry-year scenarios, the ACWD service area and the State of California are currently experiencing a severe water supply shortage. ACWD has taken steps to encourage water use reductions throughout the service area. In addition, ACWD may impose broad water use restrictions which may include restrictions on existing water use for purposes other than domestic use, public health, and fire protection, restrictions on new water service connections, or other measures. Such restrictions would remain in place through the end of the water supply shortage.

4. Climate Action Plan: Reference is made to the City of Newark's Climate Action Plan, January 2010 Initial Framework. ACWD agrees with the City that planning related to sea level rise is important for the region and for ACWD. ACWD recommends the IS/MND address the potential impacts of sea level rise and adaptation.

EXHIBIT F

CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • ,Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

August 18, 2017

Ed Stevenson, Manager of Engineering and Technology Services
Alameda County Water District
43885 South Grimmer Boulevard
Fremont, CA 94538

SUBJECT: Comments on the Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37556 Willow Street (APN 092-0115-011-03).

Dear Mr. Stevenson,

Thank you for your comments on the addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37556 Willow Street (APN 092-0115-011-03).

HELIX has reviewed and noted the comment letter received from you (ACWD) on August 7, 2017. Per part a. of ACWD's comment on Utilities and Service Systems, HELIX has prepared water demand comparison tables to evaluate whether the proposed project changes would result in a substantial increase in water demand than was considered in the Water Supply Assessment prepared for the Dumbarton TOD project in 2010. The comparison tables and references are provided in the attachment, and the evaluation concluded that the water demand for the current projected buildout of the Dumbarton TOD project is approximately 200 AF/yr less than what was estimated for the project buildout in 2010.

In addition, we incorporated the following conditions of approval into the project resolution for the project, which should address the comments presented in your August 7, 2017 letter:

ii. Prior to any soil improvement measures and/or dewatering activities, the project geotechnical engineer(s) shall coordinate with ACWD to ensure compliance with ACWD Ordinance No. 2010-01. Any groundwater extracted during dewatering should be properly disposed of due to the presence of potential VOCs. In addition, any groundwater extracted during the project should be quantified and may be subject to a

Replenishment Assessment Fee in accordance with the Replenishment Assessment Act of ACWD.

pp. Prior to the issuance of any grading permit, all water wells within the project boundary shall be identified on the plans to be protected or properly destroyed. If the well(s) are to remain, a letter so indicating must be submitted to ACWD for review and approval. If the well(s) are: 1) no longer required by any regulatory agency; 2) no longer monitored on a regular basis; or 3) damaged, lost, or the surface seal is jeopardized in any way during the construction process, the wells must be destroyed in compliance with the Well Ordinance. In addition, any abandoned wells located within the project area must be properly destroyed prior to construction activities.

qq. Prior to the start of any subsurface drilling activities for wells, exploratory holes, and other excavations, the developer shall apply and obtain a drilling permit from ACWD's Engineering Department at 43885 South Grimmer Boulevard, Fremont.

rr. Prior to issuance of a building permit, specific measures shall be identified in a Risk Management Plan describing routine operation and maintenance of utility systems so that soil or groundwater does not pose a risk to the health and safety of workers during installation and post-construction operations and maintenance. The Risk Management Plan shall be subject to review and approval of the City Engineer, ACWD, and USD.

Please contact us if you have any further questions or comments.

Sincerely,

Terrence Grindall
Community Development Director/Assistant City Manager

Attachments

Table 1. Water Demand for full build out of Dumbarton TOD Project 2010

Element	Planning Units	Measurement	GPD/Unit[1]	Demand Estimate (AF/yr)
Retail/Commercial	230,000	Building Area	0.282	73
Residential (MFR)	430	Dwelling Units	150	72
Residential (2,000 s.f. Lots)	1,176	Dwelling Units	179	236
Residential (3,000 s.f. Lots)	726	Dwelling Units	247	201
Residential (4,000 s.f. Lots)	168	Dwelling Units	247	46
Open Space	17	Acres	4,630	88
Estimated Total Project Demand (*rounded*)				720
Water Supplies Required (*8.4% Unaccounted for Water*)				780
Approximate peak day demand in mgd (*1.6x peaking factor*)				1.11

Source: Water Supply Assessment for the Dumbarton Transit Oriented Development Project prepared by Alameda County Water District in October 2010 (Table 5, Page 28).

[1]Demand units from the 2009 Water Demand Forecast

Table 2. Updated Water Demand Estimate for full buildout of Dumbarton TOD area 2017

Element	Planning Units	Measurement	GPD/Unit[1]	Demand Estimate (AF/yr)
Retail/Commercial	230,000	Building Area	0.282	73
Residential (MFR)	978	Dwelling Units	150	164
Residential (2,000 s.f. Lots)	603	Dwelling Units	179	121
Residential (3,000 s.f. Lots)	245	Dwelling Units	247	68
Residential (4,000 s.f. Lots)	84	Dwelling Units	247	23
Open Space	17	Acres	4,630	88
Estimated Total Project Demand (*rounded*)				537
Water Supplies Required (*8.4% Unaccounted for Water*)				582

Source: Full buildout estimates provided by City of Newark, August 2017.

[1]Demand units from the 2009 Water Demand Forecast