



**F.1 ASR-17-14, an Architectural and Site Plan Review, for 3 new advanced manufacturing buildings located at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56) – from Assistant Planner Bowab. (RESOLUTIONS-2)**

**Background**

Panattoni Development Company, Inc. has submitted an application for a 3 building advanced manufacturing project located at 7200, 7300, and 7400 Gateway Boulevard. The project area is approximately 23.1 acres and is bounded by Gateway Boulevard to the north, Industrial Park to the east, High Technology Park to the west, and Jarvis Avenue to the south. The subject site is zoned MT-1 (High Technology Park) with a SI (Special Industrial) General Plan land use designation.

The two-story advanced manufacturing project will consist of 3 buildings that will include 249,919 square feet of manufacturing, 135,408 square feet (33% maximum) of warehousing, and 26,000 square feet of office area. The proposed project will total 410,327 square feet of floor area and be approximately 38 feet in height. The site provides adequate parking for the proposed uses.

The architectural design and layout of the project was carefully designed with office areas to the front and rear of the project while locating the loading dock areas in between each building. The 3 concrete tilt-up buildings include various types of glass, window, and cement design elements. There is an existing fountain and moat that will remain at the front of the site.

Extensive landscaping will be provided along the perimeter of the site, including a 25 foot wide landscape easement along Gateway Boulevard and a 50 foot landscape easement along the southerly property line of Jarvis Avenue. The existing meandering sidewalk and mature trees along Jarvis Avenue within the landscape easement will remain.

Due to the proximity of the residential homes to the south of the proposed project, a condition was included to require a sound wall to buffer any loading activities if noise levels become a problem in the future. This will ensure the project won't be a nuisance to residents.

On October 16, 2017, representatives of Panattoni Development Company, Inc. held a neighborhood meeting to introduce the project to nearby property owners. Letters were sent to all property owners located within 400 feet of the project site. Community Development staff attended the meeting at which no citizens attended.

### **Environmental Review**

In December 1994, the City Council certified a full project Environmental Impact Report (EIR) for the Cargill project (now the Pacific Research Center) which includes the subject property, the existing Pacific Research Center campus on the north and south side of Gateway Boulevard, and the site at the northwest corner of Jarvis Avenue and Kiote Drive. The EIR contains a comprehensive assessment of the environmental impacts of developing this area. Also, as considered by the trip generation assessment conducted by Fehr and Peer on August 21, 2017, the traffic impacts of the proposed project are consistent with findings of the amended 1997 EIR. Given that, including this proposed advanced manufacturing project, the previous environmental analysis and the trip generation assessment adequately addressed the potential impacts of the project. A resolution containing the findings required per the California Environmental Quality Act (CEQA) is attached for the Commission's consideration.

### **Recommendation**

Staff believes this project will be beneficial for the City by providing employment opportunities and tax revenue and recommends approval of the proposed 3 building advanced manufacturing project, subject to the conditions of approval listed in the attached resolutions.

**Action** – It is recommended that the Planning Commission, by resolutions: (1) recommend that the City Council find that the proposed project does not require additional environmental review as provided for in Section 21166 of the California Environmental Quality Act; and (2) approve Exhibit A with pages 1 through 17, for ASR-17-14, an Architectural and Site Plan Review for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56).

### **Attachments**

RESOLUTION NO.

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF NEWARK FIND THAT ASR-17-14, AN ARCHITECTURAL AND SITE PLAN REVIEW, SUBMITTED BY PANATTONI DEVELOPMENT COMPANY, INC., TO ALLOW FOR 3 NEW ADVANCED MANUFACTURING BUILDINGS AT 7200, 7300, AND 7400 GATEWAY BOULEVARD (APNs: 537-853-54, 537-853-55, 537-853-56) DOES NOT REQUIRE ADDITIONAL ENVIRONMENTAL REVIEW AS PROVIDED FOR IN SECTION 21166 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Panattoni Development Company, Inc. has filed with the Planning Commission of the City of Newark an application for ASR-17-14, an Architectural and Site Plan Review, for a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, on December 1, 1994, the City Council of the City of Newark approved and certified a full Environmental Impact Report (EIR) for the Gateway Technology Centre, including a statement of Overriding Considerations and a Mitigation Monitoring Program; and

WHEREAS, on May 8, 1997, the City Council of the City of Newark approved and certified an addendum to the 1994 Environmental Impact Report (EIR) for the Gateway Technology Centre which determined the change to a mixed-use, high-tech industrial, office complex is consistent with the description of the environmental setting, environmental impacts and mitigation measures as set forth in the originally certified Gateway EIR; and

WHEREAS, on November 28, 2017, the Planning Commission will consider ASR-17-14, an Architectural and Site Plan Review, for a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, ASR-17-14 is consistent with the project as defined by the 1997 addendum to the EIR for the Gateway Technology Centre approved and certified by the City Council on December 1, 1994; and

WHEREAS, the Planning Commission considered said application at 7:30 p.m. on November 28, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approves this application and recommends the City Council find as provided for in Section

21666 of the California Environmental Quality Act that no additional environmental analysis is needed for ASR-17-14, an architectural and site plan review for 3 new advanced manufacturing buildings, given that:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, that shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR:

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

This Resolution was introduced at the Planning Commission's November 28, 2017 meeting by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed as follows:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
TERRENCE GRINDALL, Secretary

\_\_\_\_\_  
BERNIE NILLO, Chairperson

RESOLUTION NO.

RESOLUTION APPROVING ASR-17-14, AN ARCHITECTURAL AND SITE PLAN REVIEW, TO ALLOW FOR 3 NEW ADVANCED MANUFACTURING BUILDINGS AT 7200, 7300, AND 7400 GATEWAY BOULEVARD (APNs: 537-853-54, 537-853-55, 537-853-56)

WHEREAS, Panattoni Development Company, Inc. has filed with the Planning Commission of the City of Newark an application for ASR-17-14, an Architectural and Site Plan Review, a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, the Planning Commission considered said application at 7:30 p.m. on November 28, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approves this application and recommends the City Council approve this application as shown on Exhibit A, pages 1 through 17, subject to compliance with the following conditions:

Planning Division

- a. This project is subject to the conditions of approval in Planning Commissions Resolutions Nos. 1493 and 1494 and City Council Resolutions Nos. 6978 and 6979, unless otherwise amended herein.
- b. No refuse, garbage or recycling shall be stored outdoors except within approved trash and recycling enclosure.
- c. Unless a building permit is issued within 24 months of project approval, the entitlements expire unless extended by Community Development Director.
- d. 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, Highway 84 (Dumbarton Freeway), and freeway overpasses. 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. If screening panels are used, they 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.

- e. 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.
- f. 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, without the review and approval of the Community Development Director.
- g. In the event of disruption to the nearest residential neighborhood, the Community Development Director may require the developer to build a wall(s) in the landscape border area that blocks the loading aisle(s) from residential areas, or, may require, at the Director's discretion, some other noise mitigation while still allowing deliveries. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 8:00 p.m. and 8:00 a.m.
- h. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- i. 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.
- j. 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.
- k. The applicant has submitted colored elevations for the review and approval of the Planning Commission and City Council along with this application. The building elevations 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 also shows the projections. Said elevations specify exterior materials. Prior to the issuance of a building permit, final color elevations shall be submitted for the review and approval of the Community Development Director.
- l. The applicant has submitted the floor plans for the review and approval of the Planning Commission and City Council along with this application.
- m. Prior to the issuance of a building permit, the location and screening design for centralized garbage, refuse, organics 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.

- n. The maximum sound level radiated by any activity on a site shall not exceed 55 dBA between 7 a.m. and 10 p.m., and shall not exceed 45 dBA between 10 p.m. and 7 a.m. at the property plane adjoining an A, O or R district or any residential site. The maximum sound level radiated by any activity on a site at the property plane adjoining other districts shall not increase the ambient noise level by more than 6 dBA.
- 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 7:00 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. If 3 months passes subsequent to rough grading, the applicant 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.

- v. Prior to the issuance of a building permit, the applicant shall pay the following fees: public safety impact fee (\$0.25 per square foot), community service and facilities impact fee (\$0.18 per square foot), transportation impact fee (\$2.41 per square foot), non-residential development housing impact fee (\$0.69 per square foot), art in public places impact fee (\$0.41 per square foot), and the community development maintenance fee (0.5% of construction valuation).

#### Engineering Division

- w. Prior to the issuance of a building permit, the construction plan set must incorporate any recommendations and requirements stated in the required traffic study and geotechnical investigation report for liquefaction for review and approval by the City Engineer.
- x. Prior to the issuance of a building permit on any parcel, utility easements shall be created where public utilities serving a parcel are partially located on an adjoining property within the division of land. Public utilities include, but not necessarily limited to telephone, communication, gas, and electrical services. Separate easements for storm drain, sanitary sewer, water, fire lines, and irrigation shall also be created when such lines serve a parcel and are partially located on an adjoining property within the division of land.
- y. Prior to the issuance of a building permit, the applicant shall create easements for emergency vehicle access and reciprocal access for approval by the City Engineer and City Attorney. An agreement for parking shall also be submitted for approval by the City Engineer and City Attorney. The project civil engineer shall prepare all required documents related to new easements, modified easements, and easements to be quit claimed.
- z. Prior to the issuance of a building permit, the applicant shall quit claim, remove, or modify any existing easements on the property that are no longer required or conflicts with the proposed site layout.
- aa. Prior to the issuance of a building permit, the project civil engineer must submit an existing/proposed easement exhibit for review and approval by the City.
- bb. Prior to the issuance of a Certificate of Occupancy or release of utilities for any building, common vehicle access ways and parking facilities serving the proposed buildings shall be paved in accordance with the recommendation of the project geotechnical engineer based on a Traffic Index of 6.0 for drive aisles and a Traffic Index of 5.0 within parking areas.



- cc. Prior to issuance of a Certificate of Occupancy, the on-site drive aisle 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, 1% for bare earth, and 0.3% for Portland cement concrete surfaces.
- dd. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the applicant needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. In addition the grading plans need to state: "All grading work shall be done in accordance with the approved Storm Water Pollution Prevention Plan prepared by the applicant pursuant to the Notice of Intent on file with the State Water Resources Control Board."
- ee. Prior to the issuance of a grading or any building permits for this project, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Applicant (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. A detailed dewatering plan shall be submitted for the construction of any culverts required for new driveways crossing the existing vegetated swale along Gateway Boulevard. Additional erosion and sediment control shall be provided within the existing vegetated swale along the Gateway Boulevard frontage during the construction phase at the request of the City Engineer. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, loading/unloading dock maintenance, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording "No Dumping - Drains to Bay," and other applicable practices.
- ff. 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 with roof and sanitary sewer connection, sanitary sewer connections for all non-stormwater discharges, roof over loading/unloading truck dock areas, sloping of loading/unloading truck dock area to prevent run-on, prohibiting roof downspout drainage to the loading/unloading truck dock area, loading dock design recommendations from the California Stormwater Quality BMP Handbook, Sheet SC-30, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. 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 applicant 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.

- gg. The proposed stormwater treatment design must comply with Provision C.3.d.i of the MRP for either volume based, flow-based, or combination volume and flow approach. The proposed stormwater treatment area provided must be equal to or greater than the stormwater treatment area required. The construction plan set must provide a cross-sectional detail of the proposed stormwater treatment measures based on the current version of the C.3. Technical Guidance Manual provided by the Alameda County Cleanwater Program. The proposed landscaping, bioretention soil mix, permeable rock, minimum depths, and all design features related to the bioretention areas shall be based on the current C.3 Technical Guidance Manual requirements. The bioretention areas must be inspected by the City (during all phases of construction) and approved by the project civil engineer and landscape architect prior to the issuance of a Certificate of Occupancy. A written acknowledgement letter must be submitted to the City Engineer as evidence of approval by the project civil engineer and landscape architect.
- hh. The applicant shall install full trash capture devices in all existing and proposed on and off-site storm drain inlets, including overflow catch basins within bioretention areas, on the project site and along the Gateway Boulevard and Jarvis Avenue street frontages. These trash capture devices shall be selected from a list of devices approved by the Regional Water Quality Control Board as meeting full trash capture requirements under the MRP. These devices shall be regularly cleaned and maintained by the property owner as part of the required Stormwater Treatment Measures Maintenance Agreement.
- ii. Applicant shall enter into an Agreement with the City of Newark that guarantees the property owner's perpetual maintenance obligation for all stormwater treatment and trash capture measures installed as part of the project. Said Agreement is required pursuant to Provision C.3 of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049. Said permit requires the City to provide verification and assurance that all treatment measure and trash capture devices will be properly operated and maintained. The Agreement shall be recorded against the property and shall run with the land.
- jj. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading and

drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.

- kk. Prior to the issuance of a building permit, the plan set must show a new City of Newark Type S driveway (City Standard Detail SD-106-4) for the main driveway approach. The existing driveway approach at the northeast corner of the site must be upgraded to comply with current Caltrans Plan No. A88A. Any work within the public right-of-way and adjacent landscape, public utility, and storm drain easement shall require the issuance of a City of Newark Encroachment Permit.
- ll. Prior to the issuance of a Certificate of Occupancy, the applicant shall vacuum clean and hydro flush the on and off-site storm drain system. The applicant shall submit a narrated video inspection with report, from an accredited company specializing in underground construction and video inspection. The video must stop and pan around all joints, damages, etc. The storm drain pipes within the new and existing culverts in the vegetated swales shall be included in the video inspection. The video and detailed report must be submitted to the City Engineer for review and approval.
- mm. Prior to the issuance of a Certificate of Occupancy, the applicant must apply for a Notice of Intent (NOI) with the State Water Resources Control Board to verify if post-construction stormwater discharges from the site are required to be permitted under the State Industrial General Permit. The applicant or tenant must coordinate regular business inspections with City Engineering Staff on a yearly basis. The required Storm Water Pollution Prevention Plan (SWPPP) as part of the NOI needs to be prepared, reviewed, and implemented year around by a Qualified Industrial Storm Water Practitioner (QISP) or Qualified Stormwater Pollution Prevention Plan Applicant (QSD). The applicant or tenant must coordinate application for a NOI with Mr. Regan Morey, State Water Resources Control Board Engineer.
- nn. The applicant shall submit a grading and drainage plan for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, 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 applicant 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 applicant's responsibility.
- oo. Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer prior to approval of the final map. The calculations shall show that the City freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm duration).
- pp. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the applicant shall install

a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

- qq. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.
- rr. Prior to issuance of a building permit, the applicant shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- ss. 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.
- tt. The applicant shall obtain approval from the Alameda County Fire Department for any modifications to the existing private fire service easement and emergency vehicle access easement as shown on Parcel Map 9361.
- uu. The applicant shall obtain approval from the Alameda County Water District, San Francisco Water District, and Shell Oil Company for any work within their existing easements as shown on Parcel Map 9361.
- vv. Prior to the issuance of a building permit, the applicant must obtain approval from Republic Services for the proposed location, size, and design of the proposed trash enclosures. The proposed trash enclosures must have a watertight roof and be connected to the sanitary sewer system.
- ww. Prior to the issuance of a building permit, the applicant must obtain approval from the Union Sanitary District for the proposed tie-in to the existing 24-inch sanitary sewer main along Jarvis Avenue. The work to tie-in to the existing 24-inch sanitary sewer main will require the issuance of a City of Newark Encroachment Permit.
- xx. The applicant shall obtain approval from the Planning Division, adjoining property owner to the west, and the Gateway Technology Centre Property Owner's Association, Inc. for the modification of the existing water fountain and moat. The applicant shall be responsible for any required modifications to the existing water fountain and moat due to the project scope as required by the Planning Division and the property owner's association. The applicant shall submit an approval letter from the adjoining property

owner to the west and the property owner's association approving any proposed layout changes to existing improvements prior to the issuance of a building permit.

- yy. Prior to the issuance of a building permit, the plan set shall include the construction of a culvert/headwalls consisting of multiple twenty-four inch diameter high density polyethylene (HDPE) pipes, rip-rap, etc. A detailed dewatering plan shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
- zz. The applicant shall obtain a structural engineer for the design of a culvert for any proposed driveways crossing the existing vegetated swale. Prior to the issuance of any permits, the applicant's structural engineer shall submit structural calculations and cross-sectional details for the proposed culverts for review and approval of the City Engineer.
- aaa. The applicant shall repair and replace any damaged vegetation, soil, rock, etc. within or adjacent to the existing vegetated swale along the Gateway Boulevard frontage of the site to the satisfaction of the City Engineer.
- bbb. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Multiple open street cuts are not permitted across Gateway Boulevard or Jarvis Avenue unless the affected area is scheduled for a pavement overlay or slurry seal concurrent with the site development. The applicant must utilize any existing utility stub outs to the maximum extent possible.
- ccc. The applicant shall repair and/or replace any private or public improvements damaged as a result of construction activity to the satisfaction of the City Engineer.
- ddd. The applicant shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.
- eee. The applicant shall implement the following measures for the duration of all construction activity to minimize air quality impacts:
  - 1. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
  - 2. All trucks hauling demolition debris from the site shall be covered.
  - 3. Dust-proof chutes shall be used to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
  - 4. All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to the existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
  - 5. All trucks hauling soil, sand, and other loose materials shall be covered or require all trucks to maintain at least 2 feet of freeboard.

6. All unpaved access roads, parking areas, and staging areas at construction sites shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.
7. All paved access roads, parking areas, and staging areas at construction sites shall be swept daily with water sweepers; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Minimize idling time (5 minutes maximum).
12. Maintain properly tuned equipment.

### Landscape/Parks Division

- fff. Prior to the issuance of any building or grading permits, the developer shall enter into a Landscape Maintenance Agreement with the City of Newark. The Agreement shall cover all landscaped areas contiguous to the site's public street frontage and all visible on-site landscaping. All landscape maintenance on-site and along the project frontage shall be the responsibility of the property owner. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the owner's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.
- ggg. The developer shall retain a licensed landscape architect to prepare working drawings for both off-site and on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- hhh. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.
- iii. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer. The applicant shall be

required to install any additional landscaping along the Gateway Boulevard and Jarvis Avenue frontages of the property at the request of the City Engineer.

- jjj. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- kkk. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

#### Fire Department

- lll. A PIV and FDC shall be provided per building. Where there are more than one fire sprinkler system in a building a separate shutoff valve shall be provided for each ASR.
- mmm. Coordinate with ACFD for sectional valve placement.
- nnn. A fire hydrant shall be within 20' – 50' from FDC.
- ooo. Fire utilities shall terminate outside building foundation.
- ppp. A fire pump will be provided for the project.

#### Building Division

- qqq. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 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.
- rrr. The proposed building shall be equipped with a fully automatic fire sprinkler system as required by the Newark Municipal Code.
- sss. The structure has the capacity to accommodate high pile combustible storage. As such, it would be subject to the standards of Chapter 32 of the California Fire Code should a future tenant wish to install high pile combustible storage. One of the required features

of the standards for high pile combustible storage buildings is fire department access doors spaced no further than 100 feet along the perimeter of the building.

#### Police Department

- ttt. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and Section 5.10 of the California Fire Code for radio reception.
- uuu. Prior to building being occupied security cameras should be installed for both interior and exterior of the building.

#### General

- vvv. 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.
- www. 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.
- xxx. If any condition of this Architectural and Site Plan Review 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.
- yyy. This Architectural and Site Plan Review shall be presented to the City Council for the Council's review and approval.
- zzz. 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.
- aaaa. 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.

- bbbb. 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.

This Resolution was introduced at the Planning Commission's November 28, 2017 meeting by , seconded by , and passed as follows:

AYES:

NOES:

ABSENT:

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TERRENCE GRINDALL, Secretary

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BERNIE NILLO, Chairperson