

- E.3 Hearing to consider P-17-01, a planned unit development, U-17-02, a conditional use permit, and 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 37556 Willow Street (APN 092-0115-011-03) – from Assistant Planner Bowab.  (RESOLUTIONS-2)**

Background

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 City 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 through 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 would reduce the required parking spaces from 181 to 118 required parking spaces. A total of 118 parking spaces are provided on-site. 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.

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.

Action – It is recommended that the Planning Commission, by resolutions: (1) approve 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 37556 Willow Street (APN 092-0115-011-03) with Exhibits A, C and D; and (2) 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 37556 Willow Street (APN 092-0115-011-03), with Exhibit B.

Attachments

- A- Plan Set, July 19, 2017
- B- Addendum by HELIX Environmental Planning, Inc., July 2017
- C- Parking Study by Fehr & Peers, March 8, 2017
- D- Transportation Demand Management (TDM) Plan by Hexagon Transportation Consultants, Inc., April 7, 2017

RESOLUTION NO.

RESOLUTION 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 37556 WILLOW STREET (APN: 092-0115-011-03)

WHEREAS, Villa Developers & Investment, LLC has filed with the Planning Commission 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 July 25, 2017 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on August 8, 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 hereby makes 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 Planning Commission does hereby approves this application and recommends the City Council approve this application as shown on Exhibit 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 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 a 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 project is subject to all conditions of approval associated with City Council Resolution No. 10,195 for Vesting Tentative Tract Map 8157.
- cc. 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.

- 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. Prior to the issuance of the initial grading or any building permits for this project, the developer shall submit a Storm Water Pollution Prevention Plan 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 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. 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 storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, 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 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.
- gg. The project shall be designed to comply with all requirements under Provision C.3.f. of the NPDES permit for limitations on increases of peak storm water runoff discharge rates. The developer shall be responsible for providing sufficient data and calculations to show that any increase in storm water runoff from the development will not result in increased potential for erosion or other significant adverse impacts of earthen channels downstream of the project site. The required analysis for such findings shall be

completed by the developer to the satisfaction of the City Engineer and the Regional Water Quality Control Board.

- hh. 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/>.

- ii. 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. 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.
- jj. 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.
- kk. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling 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.
- ll. 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.

- mm. 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.
- nn. 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, 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.
- oo. The developer 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. A pick-up or vacuum type street sweeper shall be available at all times at the direction of the City Engineer to removed tracked dirt and debris from adjacent streets.
- pp. The developer 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.

These measures shall be incorporated into the grading specifications 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.

Landscape/Parks Division

- qq. The project is subject to all conditions of approval associated with City Council Resolution No. 10,195 for Vesting Tentative Tract Map 8157.
- rr. 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.
- ss. 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.
- tt. 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

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

Police Department

- ww. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code.
- xx. The development shall comply with Section 5.10 of the California Fire Code for radio reception.
- yy. 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

- zz. 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.
- aaa. 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.
- bbb. This planned unit development and conditional use permit shall be given a hearing before the City Council for the Council's review and approval.
- ccc. 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.
- ddd. 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.
- eee. 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.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and Section 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

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

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

KAREN BRIDGGES, Vice Chairperson

CUP PLAN RE-SUBMITTAL- REVISED JULY 19, 2017

COVER SHEET

NEWARK GATEWAY MIXED-USE DEVELOPMENT

ENTERPRISE DRIVE & WILLOW STREET
NEWARK, CA



JN+A
JONATHAN BUCHNER & ASSOCIATES
ARCHITECTURE
www.jn+a.com

Jonathan Buchner
Principal Architect

EXHIBIT 100

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ARCHITECTURE

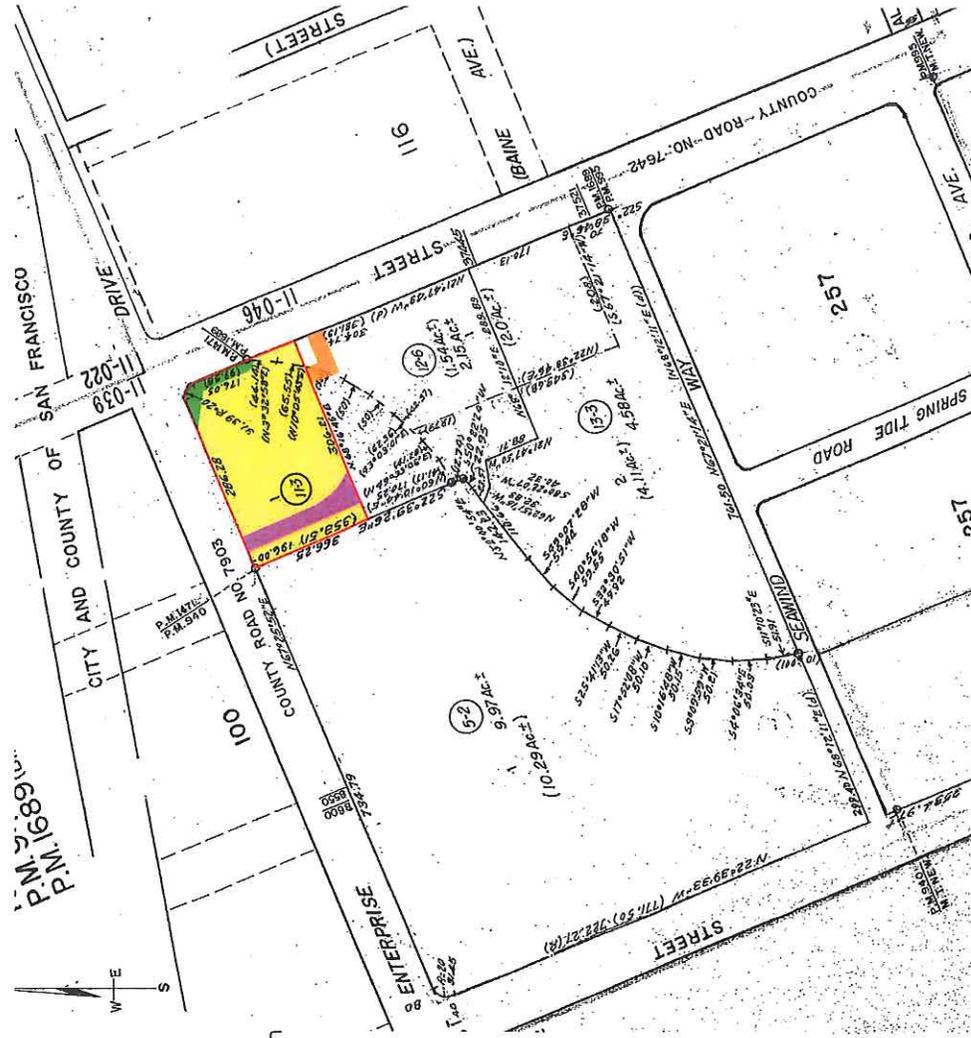
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- A5 Parking L2 Plan
- A6 3RD Floor Plan
- A7 4TH Floor Plan
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- A11 Right & Rear Elevations
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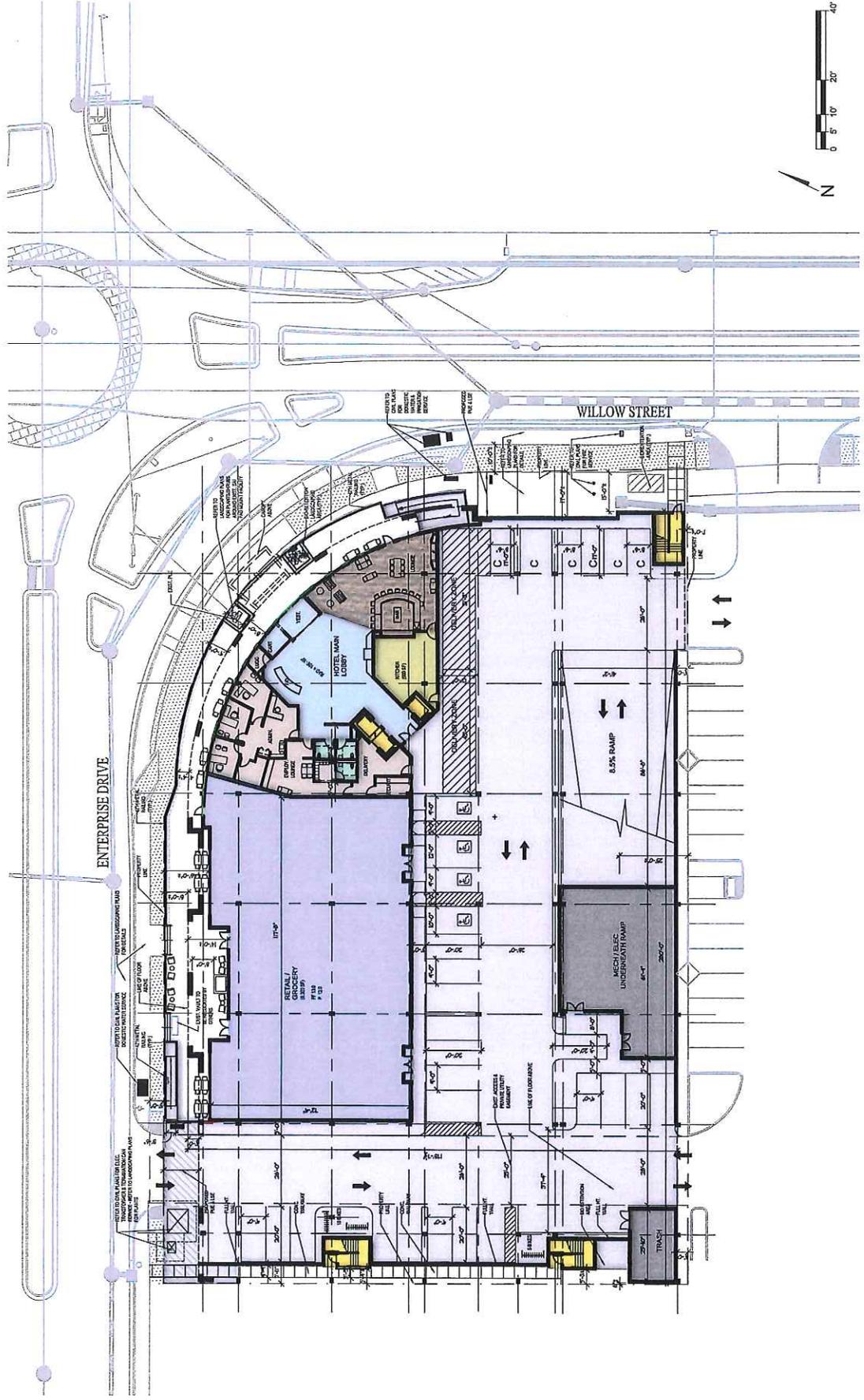
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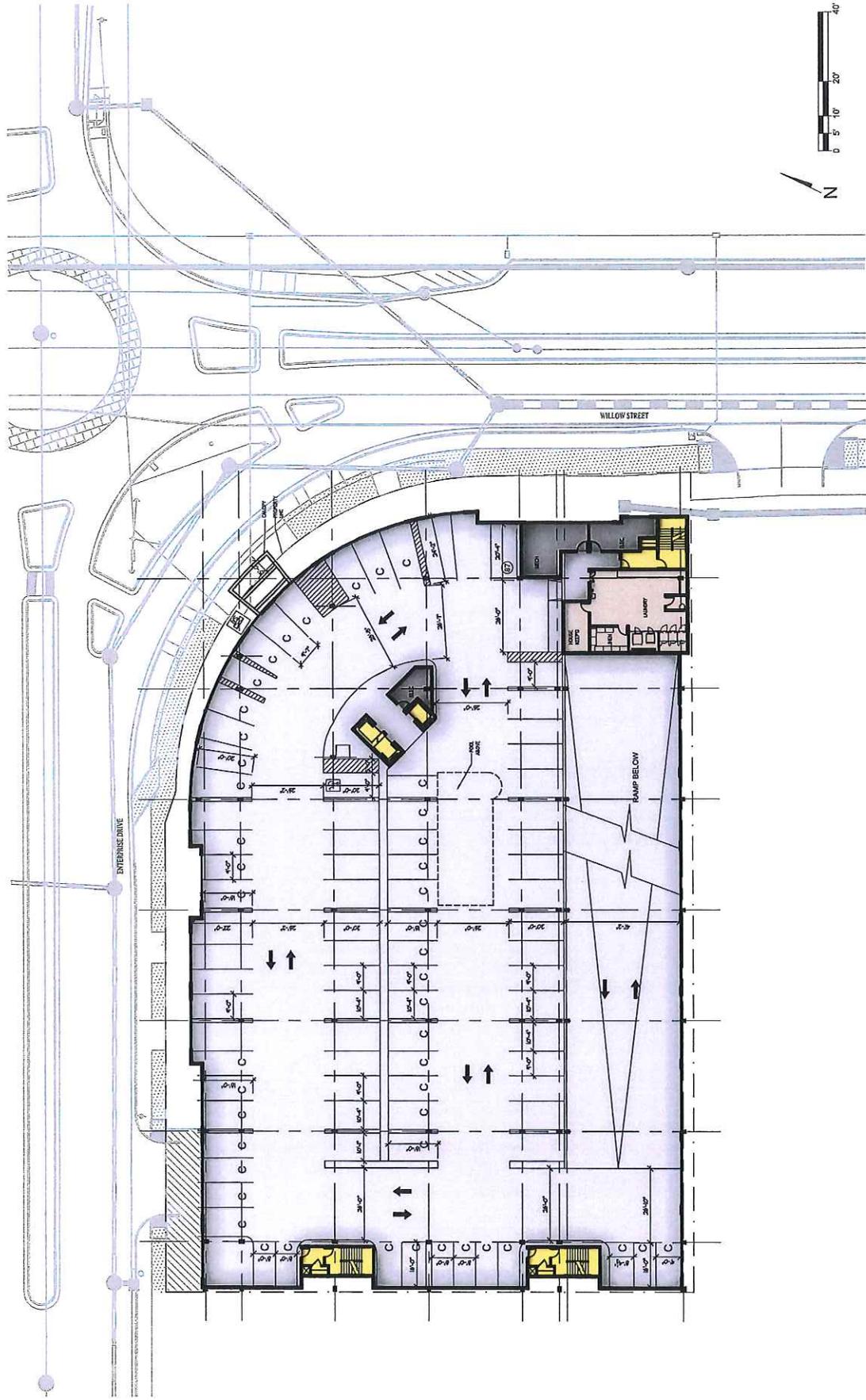
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- L4 1ST Floor Hydrozone Plan
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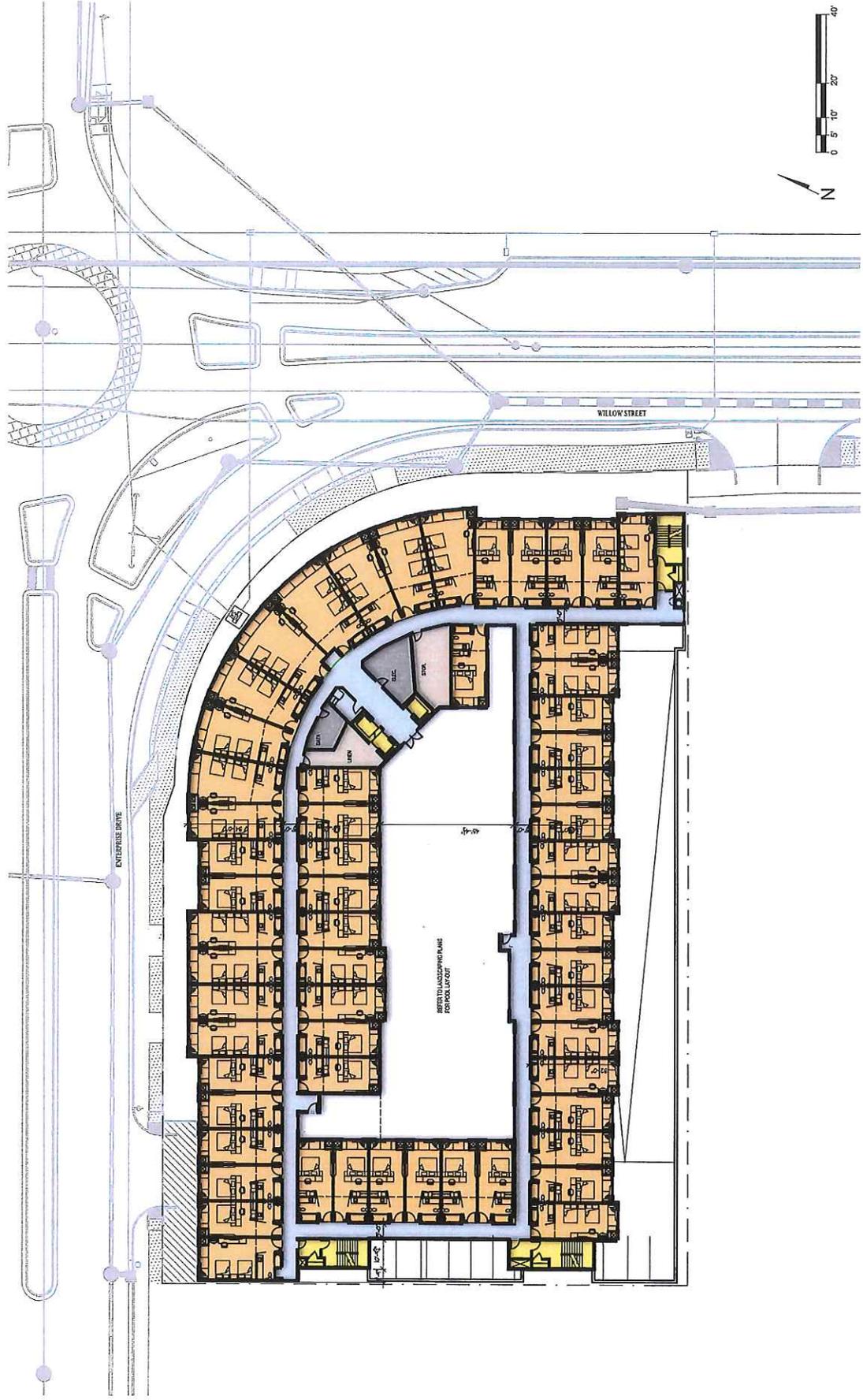
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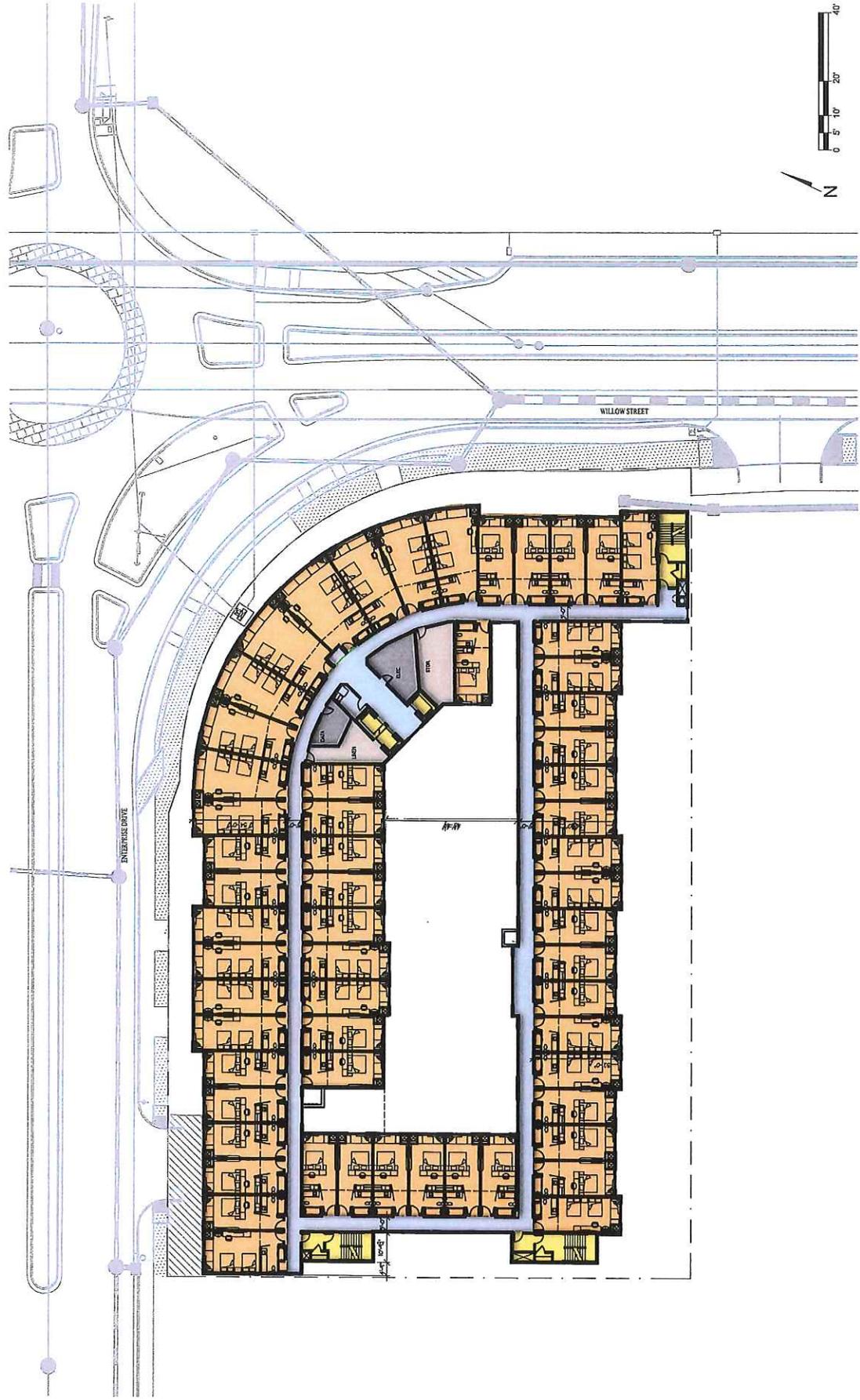
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- C2 Preliminary Grading Plan
- C3 Preliminary Utility Plan
- C4 Preliminary Stormwater Control Plan
- C5 Preliminary Access Plan

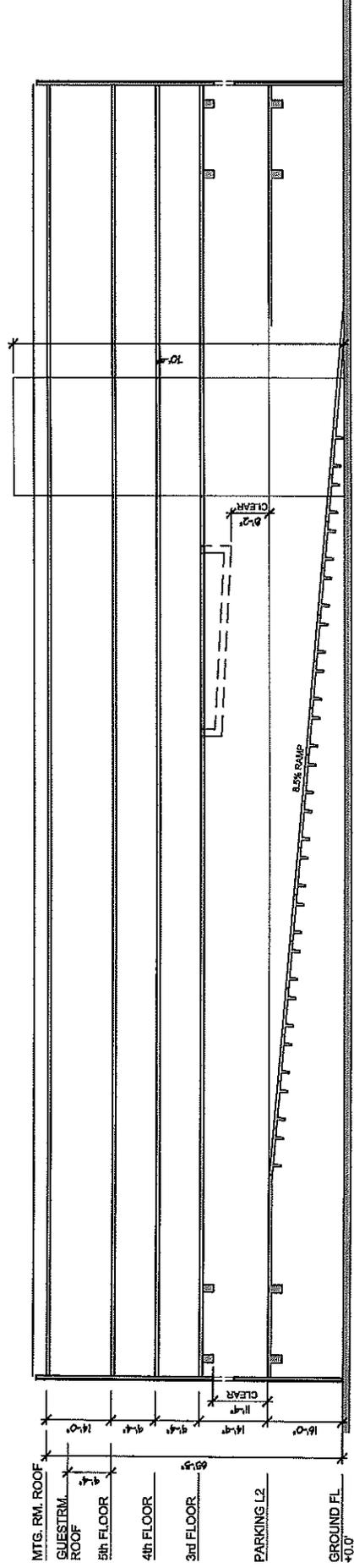


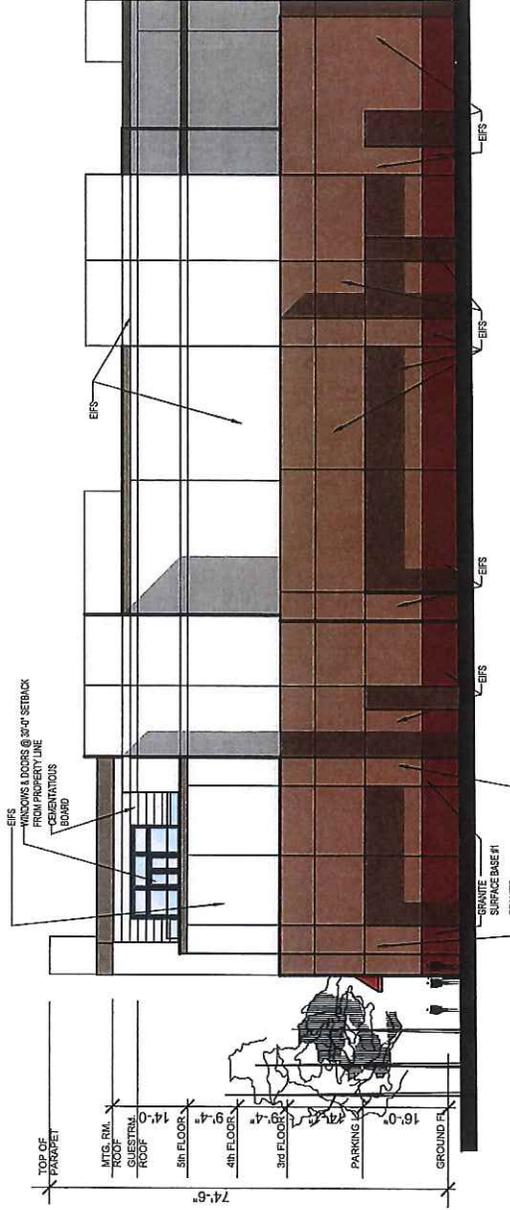




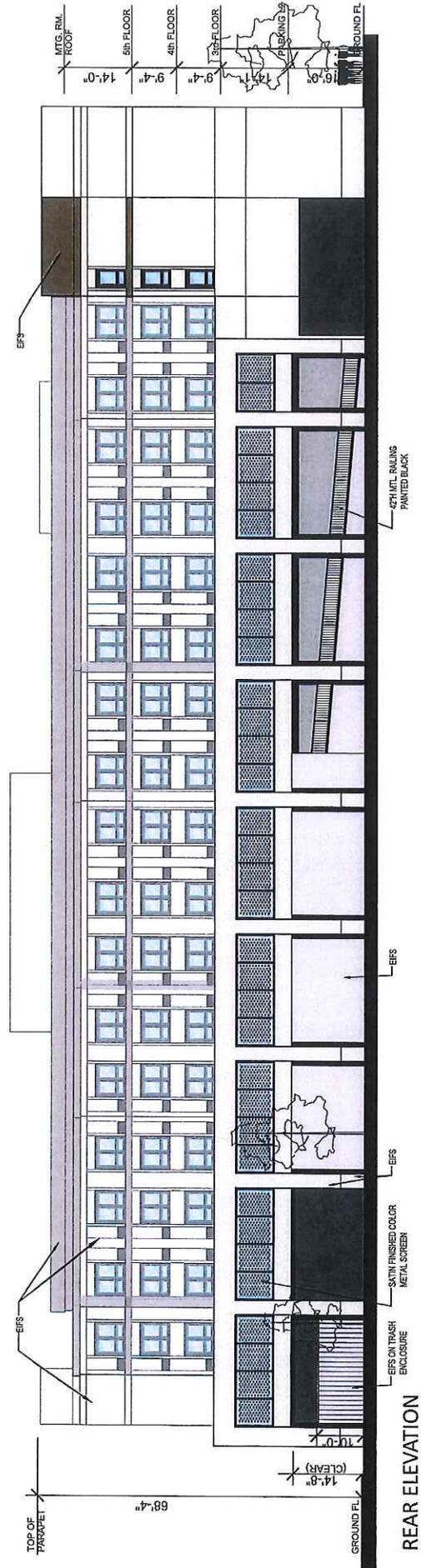








RIGHT ELEVATION



REAR ELEVATION

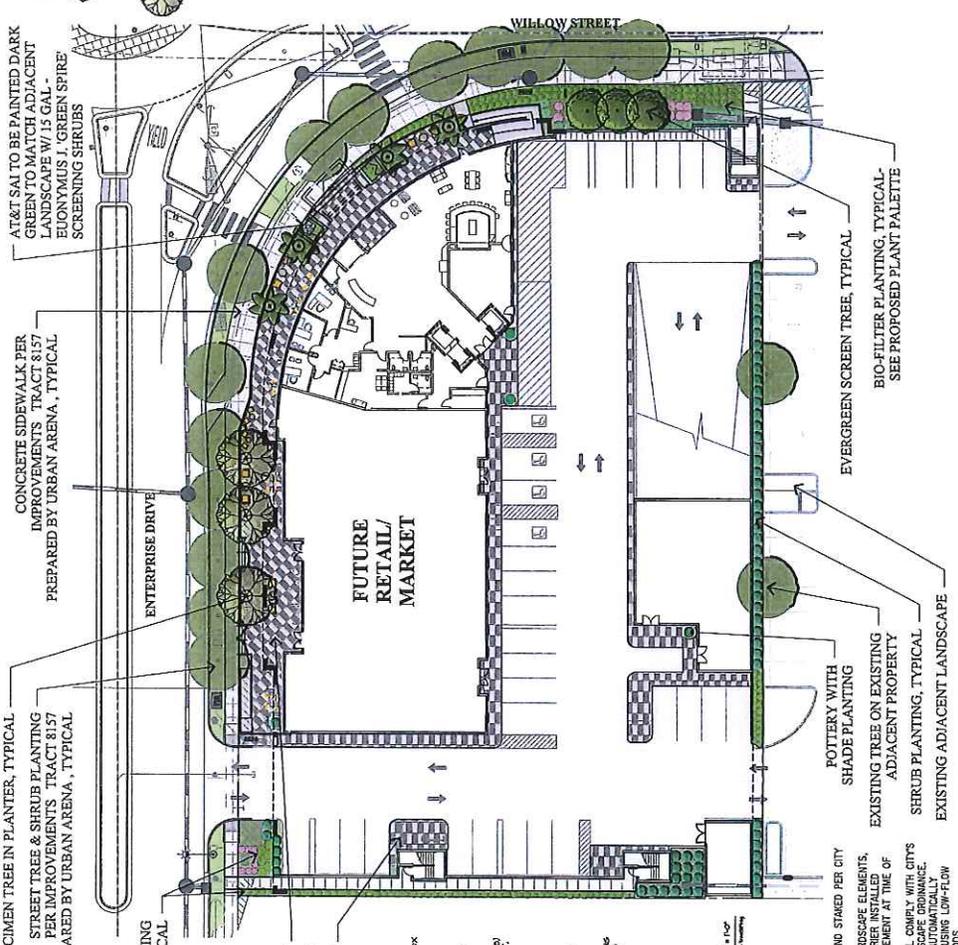


CONDITIONAL USE PERMIT SUBMITTAL - 2017 1ST FLOOR LANDSCAPE PLAN

PRELIMINARY PROPOSED PLANT PALETTE

TREED	SCIENTIFIC NAME	COMMON NAME	SIZE	WATER/HEIGHT	WATER USE
WILLOW STREET TREE	WILLOW STREET TREE	WILLOW STREET TREE	15 GALLON	15' HGT	LOW
EVERGREEN SCREEN TREE	EVERGREEN SCREEN TREE	EVERGREEN SCREEN TREE	15 GALLON	15' HGT	LOW
ACCENT TREES	ACCENT TREES	ACCENT TREES	15 GALLON	15' HGT	LOW
SPECIMEN TREES	SPECIMEN TREES	SPECIMEN TREES	15 GALLON	15' HGT	LOW

WATER	HEIGHT	COMMON NAME	SIZE	WATER/HEIGHT	WATER USE
LOW	15'	WILLOW STREET TREE	15 GALLON	15' HGT	LOW
LOW	15'	EVERGREEN SCREEN TREE	15 GALLON	15' HGT	LOW
LOW	15'	ACCENT TREES	15 GALLON	15' HGT	LOW
LOW	15'	SPECIMEN TREES	15 GALLON	15' HGT	LOW



- NOTES:**
- ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
 - TREES PLANTED WITHIN 5' OF HARDSCAPE ELEMENTS SHALL HAVE A LINEAR ROOT BARRIER INSTALLED AT THE TIME OF PLANTING.
 - LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
 - IRRIGATION SHALL BE INSTALLED PER CITY STANDARDS USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
 - ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".
- GRAPHIC SCALE**
 0 20 40 60
 (IN FEET)
 1 inch = 20 ft
- TRUCK PLANTING AND STAKING DETAIL** SCALE: 1/2" = 1'-0"
 01 - 11/2017

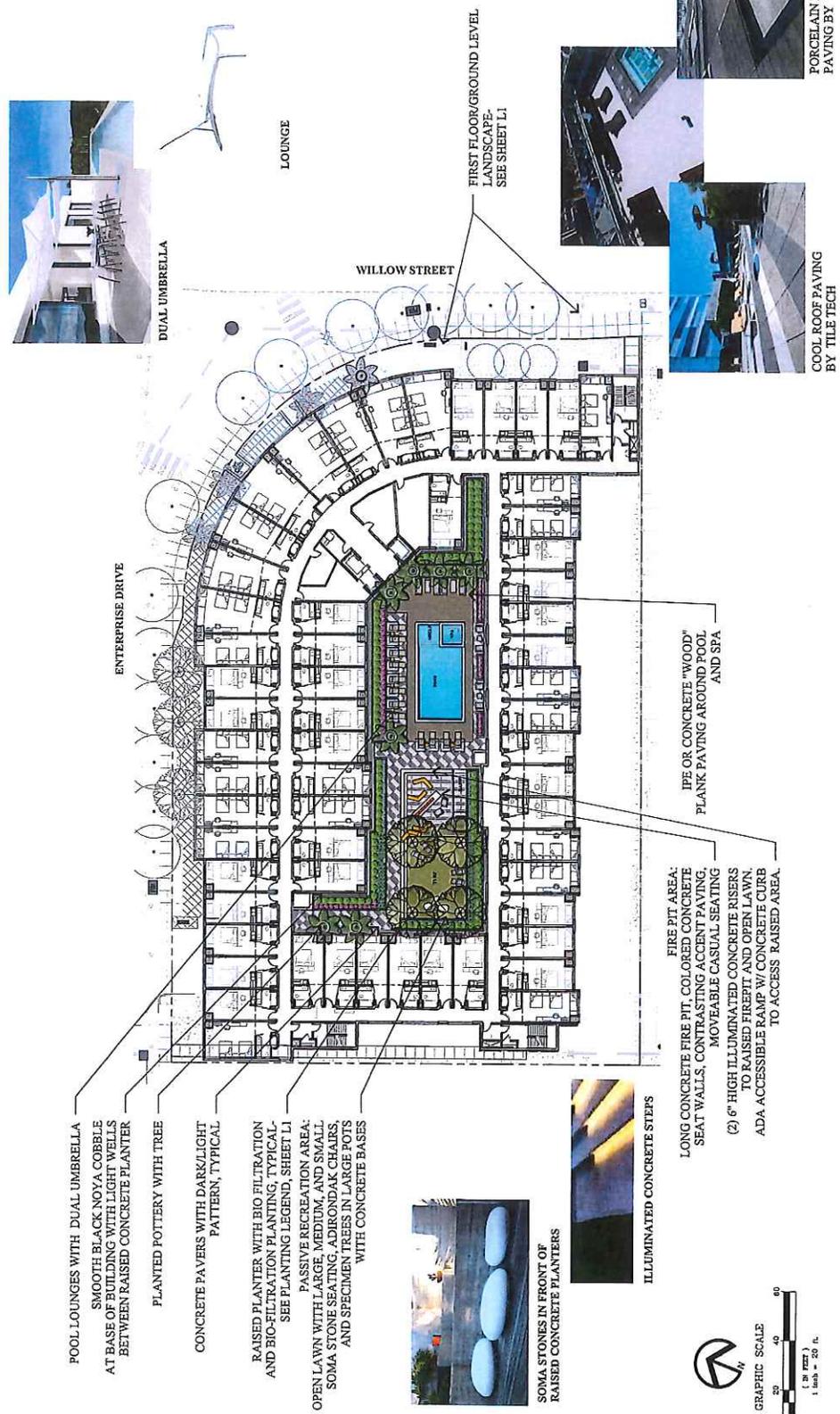
L1

EXHIBIT AppB

Newark Gateway
 Mixed-Use Development
 Enterprise Drive & Willow Street

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • ARCHITECTS • PLANNERS
 3023 Camino Real, Suite 200 • San Bruno, CA 94066
 415.333.8800
 www.cdbg.com

CONDITIONAL USE PERMIT SUBMITTAL - 2017 3RD FLOOR LANDSCAPE PLAN

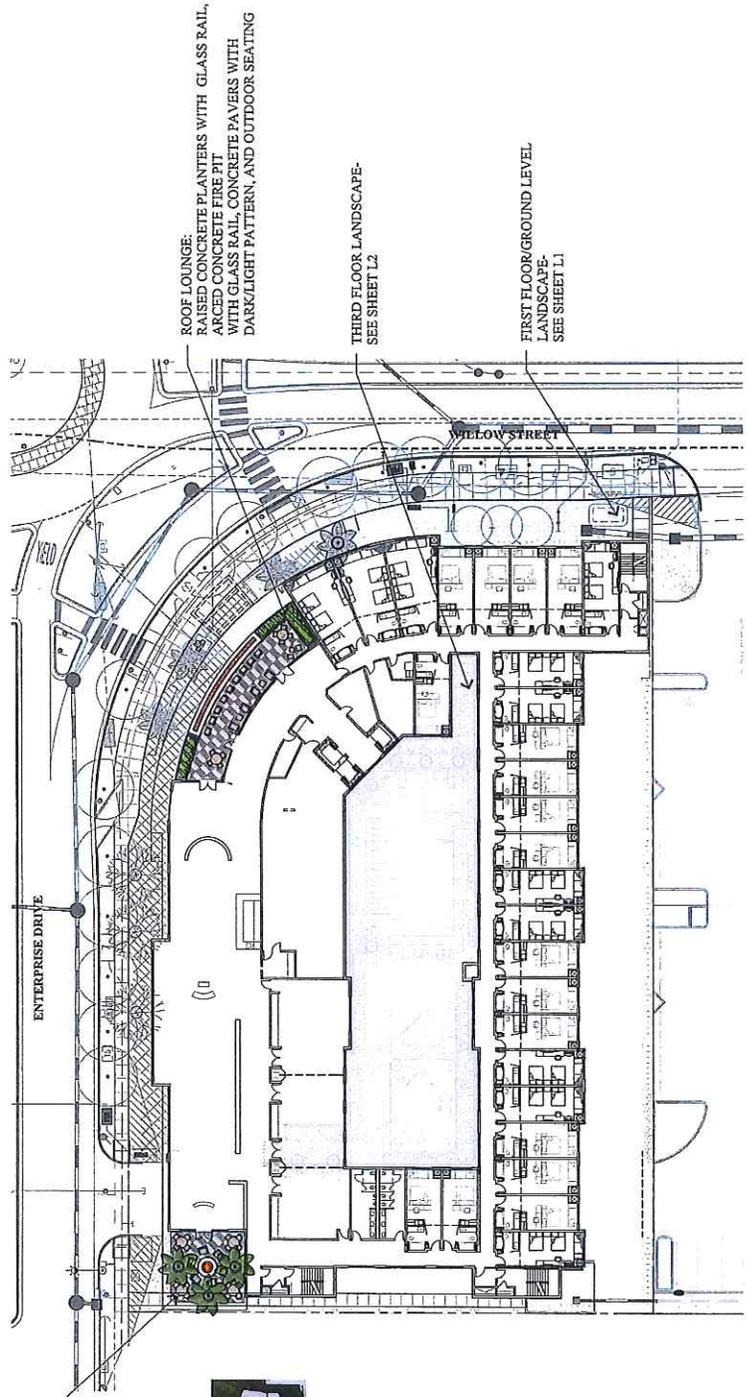


CONDITIONAL USE PERMIT SUBMITTAL - 2017 5TH FLOOR LANDSCAPE PLAN

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



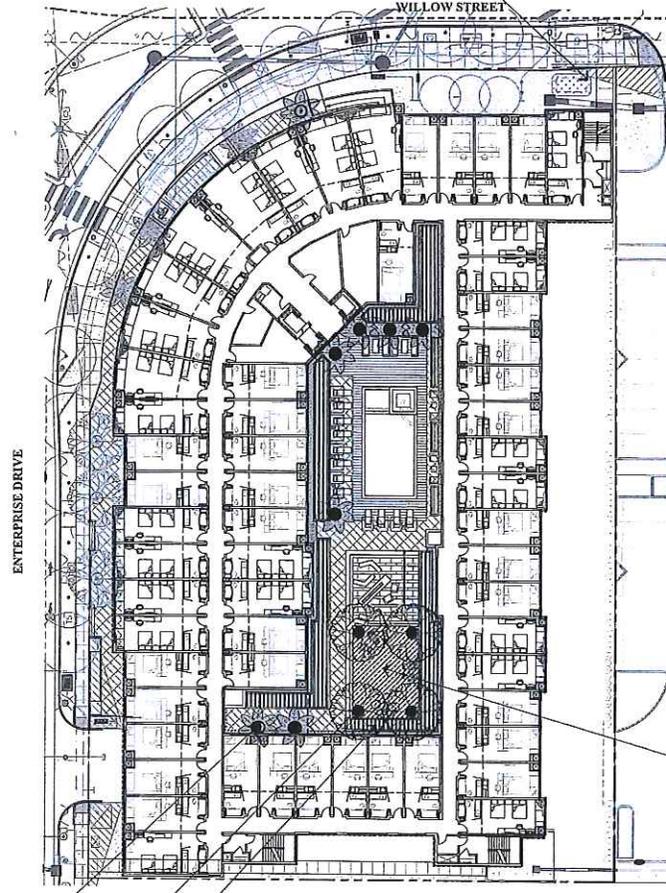
GRAPHIC SCALE
 (IN FEET)
 1 inch = 20 ft

CBG
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Newark Gateway
 Mixed-Use Development
 Enterprise Drive & Willow Street

EXHIBIT *Ap15*

L3



LOW WATER USE TREE IN PLANTER, TYPICAL

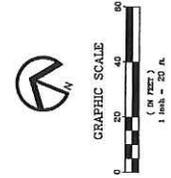
LOW WATER USE TREE IN PLANTER, TYPICAL

RAISED PLANTER WITH LOW WATER USE PLANTING, TYPICAL

HIGH WATER USE TURF PLANTING

HYDROZONE LEGEND

- BOTTLED PLANTING - LOW WATER USE
- ▨ SHRUB PLANTING LOW WATER USE
- TREE PLANTING LOW WATER USE



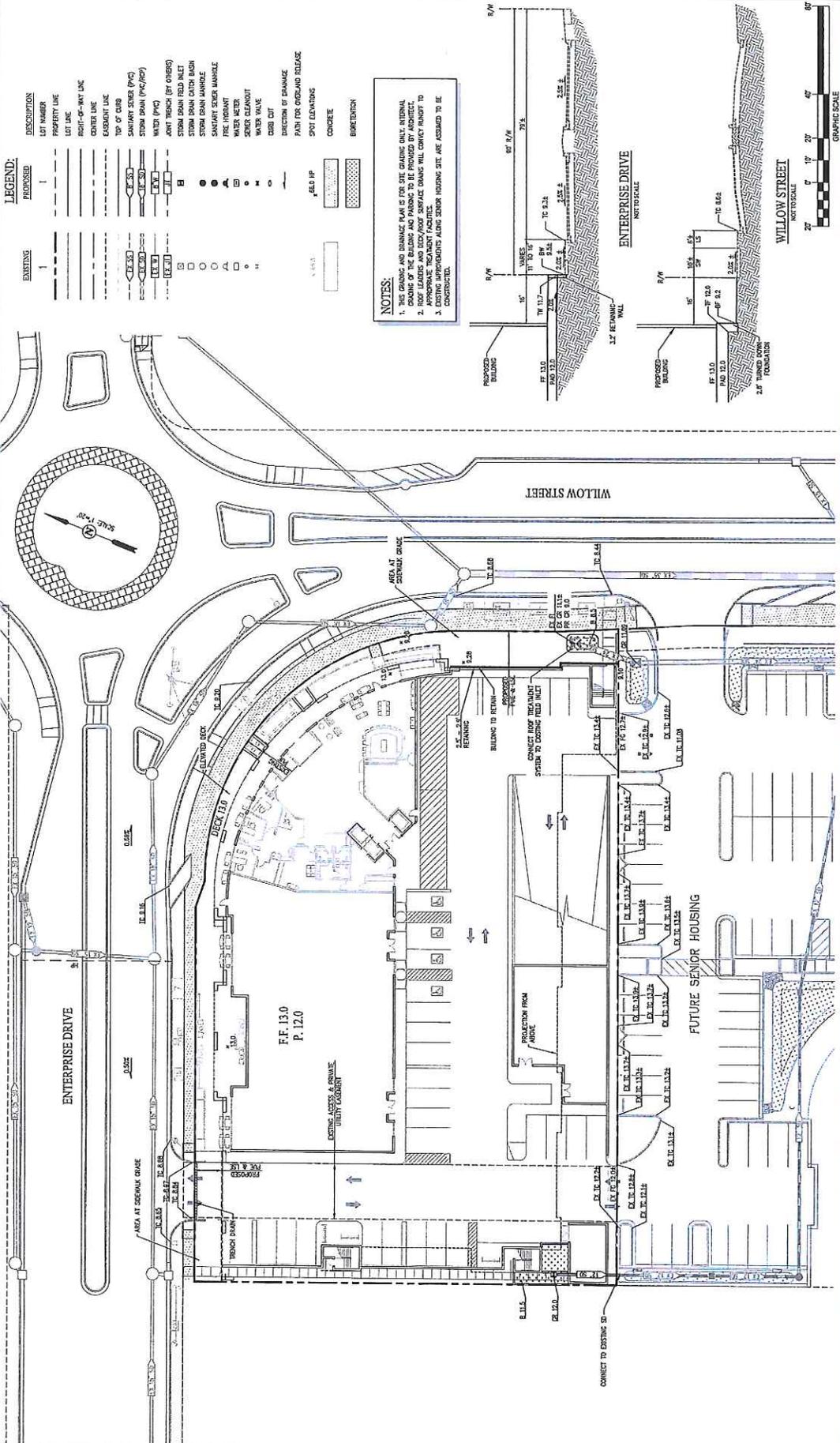
HYDROZONE INFORMATION TABLE - THIRD FLOOR

HYDROZONE ZONE/ WATER USE VALUE	IRRIGATION METHOD	AREA	% OF LANDSCAPE AREA
LOW B-1	DIP	2,512 SF	54%
LOW B-2	BUBBLER	102 SF	2%
LOW B-3	DIP	102 SF	2%
HIGH B-4	SPRAY	800 SF	18%
TOTAL		3,516 SF	100%

* REFER TO SHEET L4 FOR WATER BUDGET CALCULATIONS

FIRST FLOOR/GROUND LEVEL
LANDSCAPE -
SEE SHEET L4

PRELIMINARY GRADING PLAN



LEGEND:

DESCRIPTION	EXISTING	PROPOSED
LOT NUMBER	---	---
PROPERTY LINE	---	---
LOT LINE	---	---
RIGHT-OF-WAY LINE	---	---
CENTER LINE	---	---
EASEMENT LINE	---	---
TOP OF CURB	---	---
SEWER (PVC)	---	---
STORM DRAIN (PVC/PCP)	---	---
WATER (PVC)	---	---
ASBEST TRENCH (BY OTHERS)	---	---
STORM DRAIN CATCH BASIN	---	---
MANHOLE	---	---
SEWER CLEANOUT	---	---
WATER VALVE	---	---
CURB CUT	---	---
DIRECTION OF DRAINAGE	---	---
SPOT ELEVATIONS	---	---
CONCRETE	---	---
EMBANKMENT	---	---

NOTES:

- THIS GRADING AND DRAINAGE PLAN IS FOR SITE GRADING ONLY. INTERNAL GRADING OF THE BUILDING AND PAVING TO BE PROVIDED BY ARCHITECT.
- ROOF LEADING AND RECYCLED SURFACE DRAINAGE WILL CONVEY RUNOFF TO EXISTING STREETS AND DRAINAGE SYSTEMS.
- EXISTING APPROXIMATE AROUND SEWER HODGING SITE ARE ASSUMED TO BE CONSTRUCTED.

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 CIVIL ENGINEERS • ARCHITECTS • PLANNERS

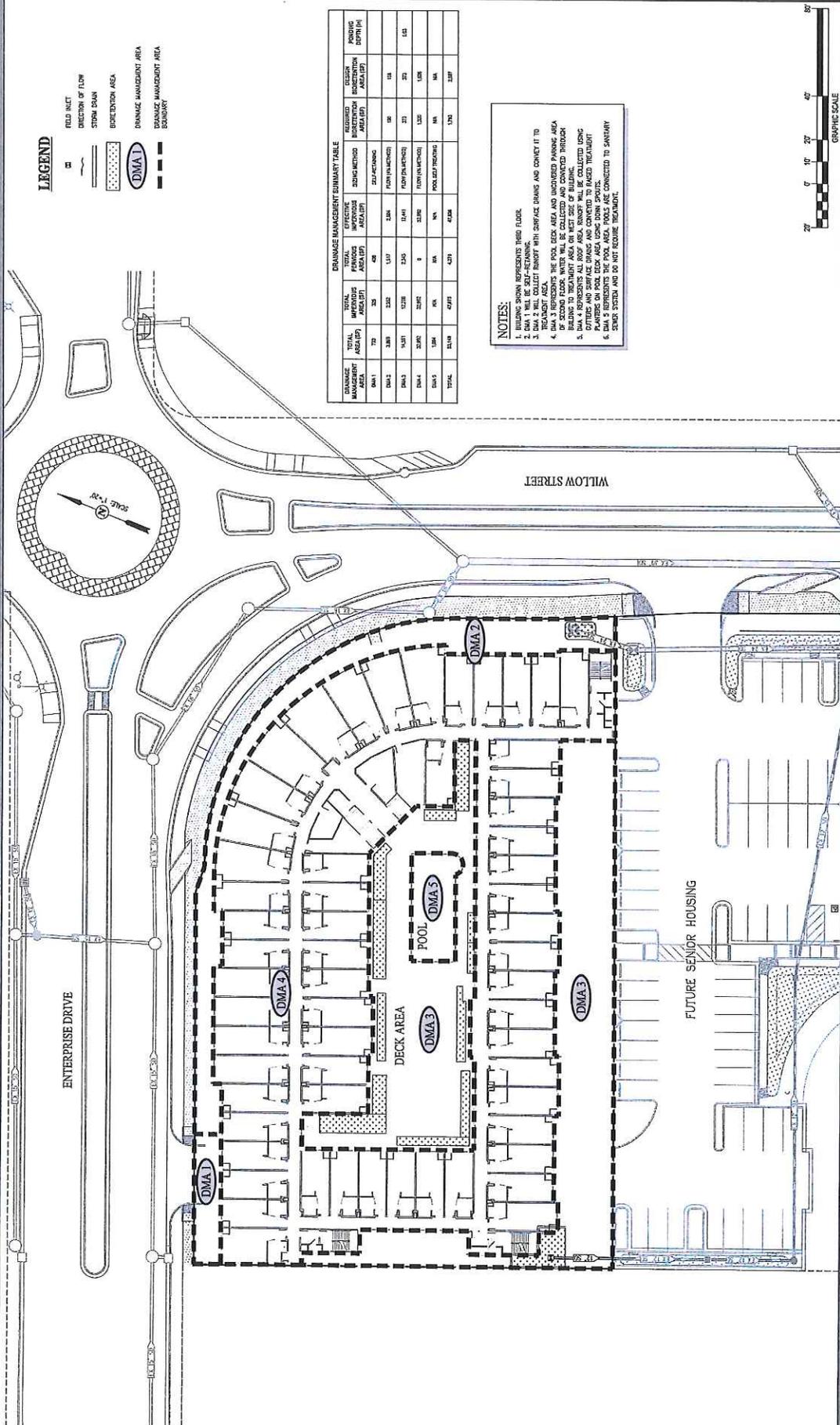
2001 Ocean Park, Suite 206 • San Marcos, CA 92069
 760-341-4422
 www.carlsonbarbee.com

Newark Gateway
 Mixed-Use Development
 Enterprise Drive & Willow Street

EXHIBIT A

C-2

CONDITIONAL USE PERMIT SUBMITTAL - 2017 PRELIMINARY STORMWATER CONTROL PLAN



LEGEND

- FIELD INLET
- DIRECTION OF FLOW
- STORM DRAIN
- BIODEGRADATION AREA
- DRAINAGE MANAGEMENT AREA
- DRAINAGE MANAGEMENT AREA BOUNDARY
- DMA-1

DRAINAGE MANAGEMENT SUMMARY TABLE

DRAINAGE MANAGEMENT AREA (DMA)	TOTAL AREA (SQ FT)	IMPERVIOUS AREA (SQ FT)	PERVIOUS AREA (SQ FT)	BIODEGRADATION AREA (SQ FT)	BIODEGRADATION AREA (SQ FT)	BIODEGRADATION DEPTH (IN)
DMA-1	772	232	492	0	0	0
DMA-2	3,808	2,322	1,317	2,646	0	18
DMA-3	9,031	12,728	2,240	14,441	273	252
DMA-4	2,039	2,042	1	2,038	1,226	1,028
DMA-5	158	0	0	0	0	0
TOTAL	12,148	4,971	4,240	17,123	1,523	1,287

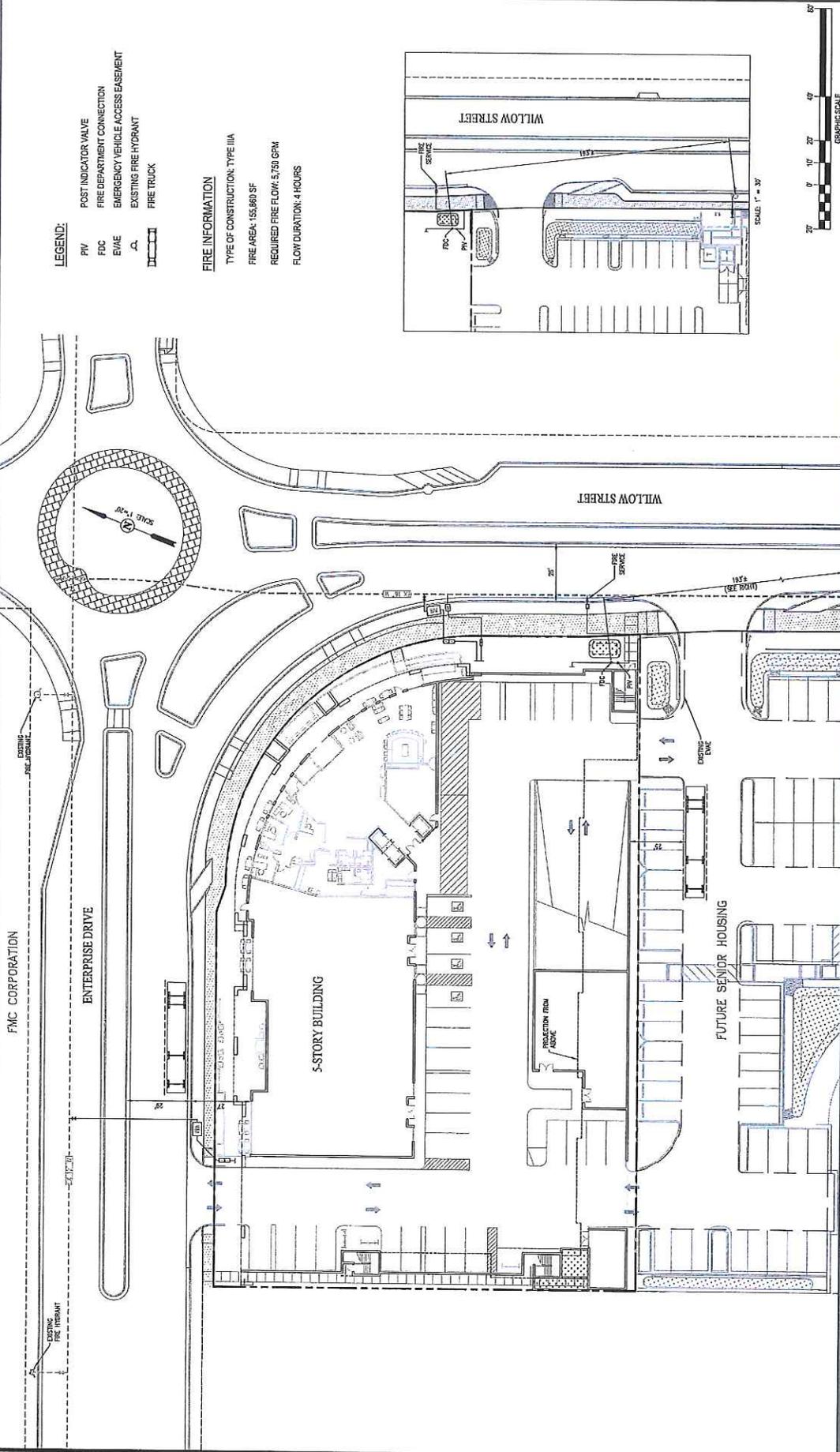
NOTES:

1. BUILDINGS SHOWN REPRESENTS THIRD FLOOR.
2. DMA 1 WILL BE SELF-RETAINING.
3. DMA 2 WILL COLLECT RUNOFF WITH SURFACE DRAINS AND CONVEY IT TO THE BIODEGRADATION AREA.
4. DMA 3 REPRESENTS THE POOL DECK AREA AND UNCOVERED PARKING AREA OF SECOND FLOOR. WATER WILL BE COLLECTED AND CONVEYED THROUGH PLUMBING TO TREATMENT AND ON WEST SIDE OF BUILDING.
5. DMA 4 REPRESENTS THE DECK AREA AND UNCOVERED PARKING USING PLUMBING ON POOL DECK AREA USING DOWN DROPS.
6. DMA 5 REPRESENTS THE FUTURE SENIOR HOUSING WHICH WILL BE CONNECTED TO SANITARY SEWER SYSTEM AND DO NOT REQUIRE TREATMENT.



PRELIMINARY FIRE ACCESS PLAN

CONDITIONAL USE PERMIT SUBMITTAL - 2017



- LEGEND:**
- PIV POST INDICATOR VALVE
 - FDC FIRE DEPARTMENT CONNECTION
 - EVAE EMERGENCY VEHICLE ACCESS EASEMENT
 - △ EXISTING FIRE HYDRANT
 - ☐ FIRE TRUCK

FIRE INFORMATION

TYPE OF CONSTRUCTION: TYPE IIIA
 FIRE AREA: 155,800 SF
 REQUIRED FIRE FLOW: 5,750 GPM
 FLOW DURATION: 4 HOURS



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	146 spaces	118 spaces	-63 spaces
		1 per employee	10 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) tool¹. 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.

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		0.89 per OR ³	130 spaces		1.2 per OR ³	175 spaces	
Grocery Store	8.3 KSF ⁴	118 spaces	3.78 per KSF	31 spaces	--	3.92 per KSF	33 spaces	--
<i>Subtotal</i>		118 spaces		161 Spaces	-43 spaces		208 Spaces	-90 spaces
<i>Walk/Bike Reduction⁵</i>		--		-6 spaces	--		-8 spaces	--
Total Without Shared Parking		118 spaces		155 spaces	-37 spaces		200 spaces	-82 spaces
<i>Shared Parking Reduction⁶</i>		--		-28 spaces	--		-28 spaces	--
Total Assuming Shared Parking		118 spaces		127 spaces	-9 spaces		172 spaces	-54 spaces
<i>Transit Reduction⁵</i>		--		-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.



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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Transportation Planning Neighborhood Traffic Calming Traffic Operations Traffic Impact Analysis Traffic Signal Design Travel Demand Forecasting



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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.

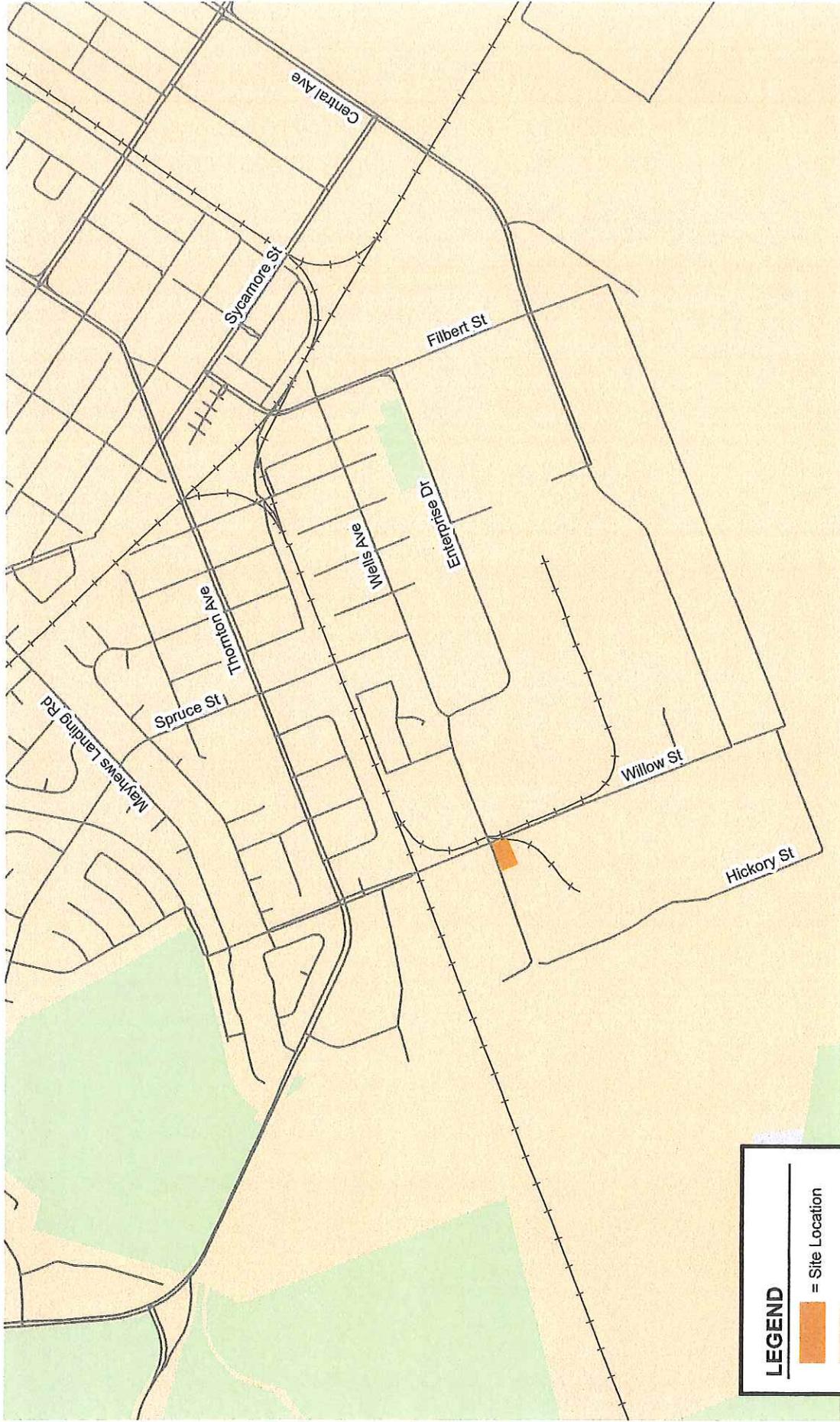
The project proposes to provide 118 parking spaces when 181 spaces are required in the Newark Code or Ordinances. For this reason, a TDM plan is required to identify TDM measures that can be implemented by the project to reduce parking demand.

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.



LEGEND

-  = Site Location
-  = City of Newark

Figure 1
Project Location

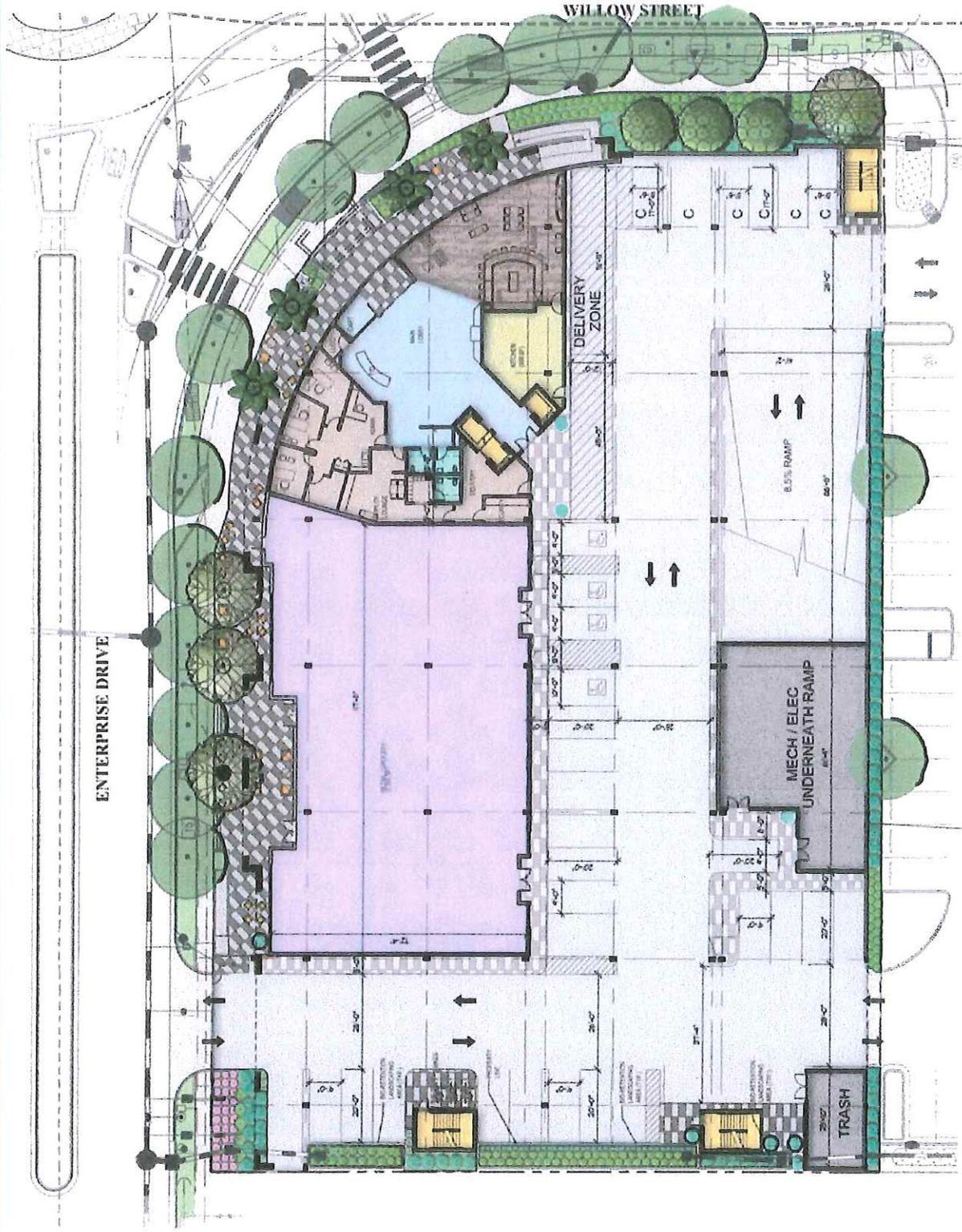
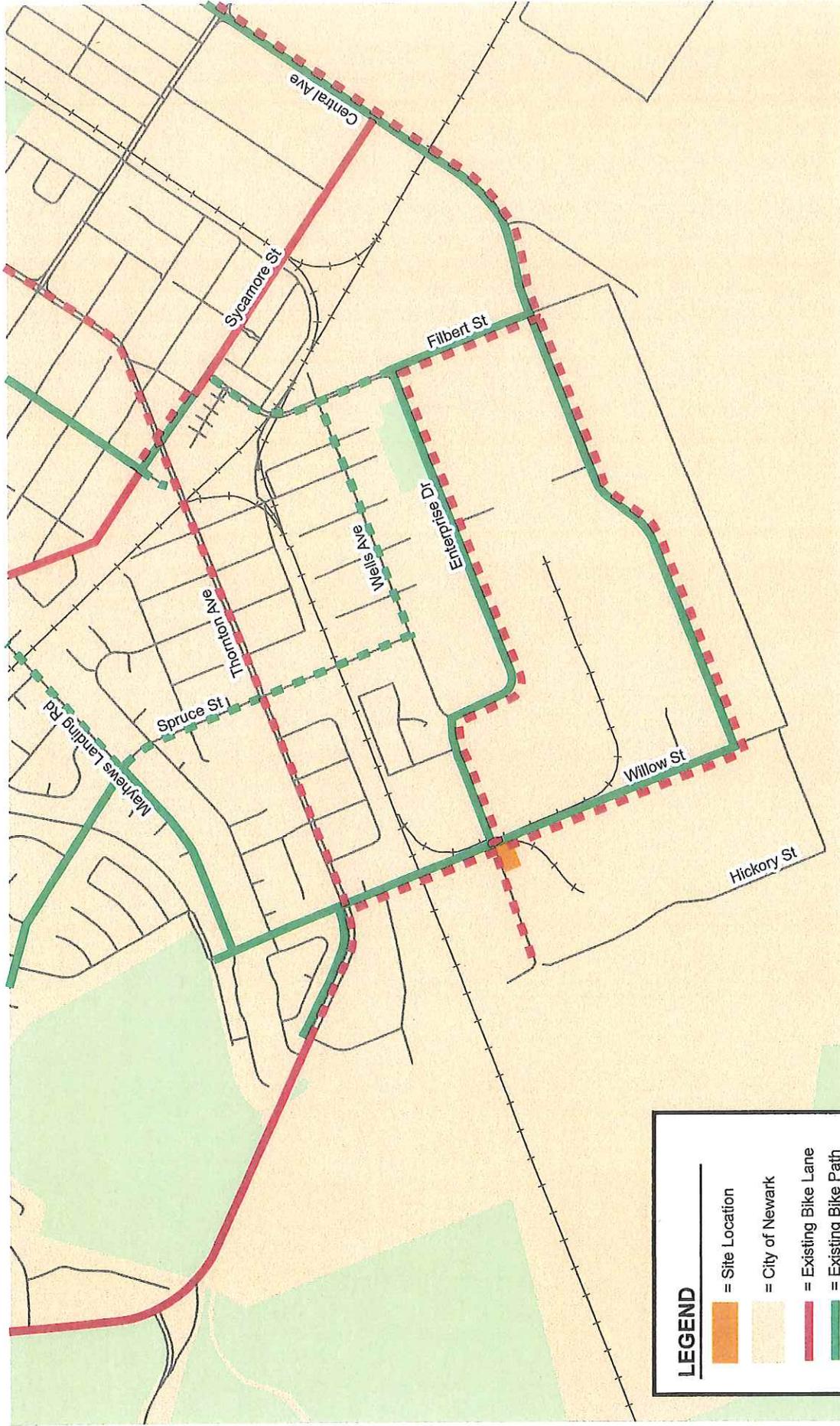


Figure 2
Proposed Site Plan



LEGEND

-  = Site Location
-  = City of Newark
-  = Existing Bike Lane
-  = Existing Bike Path
-  = Proposed Bike Lane
-  = Proposed Bike Path

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 1 space per employee ²	146
Total Required Spaces with each use treated separately			181
<u>Notes:</u>			
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 subsidies 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