



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA

Thursday, July 26, 2018

CITY COUNCIL:

Alan L. Nagy, Mayor
Michael K. Hannon, Vice Mayor
Luis L. Freitas
Socy Collazo
Mike Bucci

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Michael Carroll
Police Chief

David Zehnder
Recreation and Community
Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

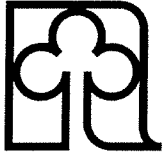
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | M. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | N. ADJOURNMENT |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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AGENDA

Thursday, July 26, 2018

- A. ROLL CALL
- B. MINUTES
- B.1 Approval of Minutes of the City Council meeting of July 12, 2018. (MOTION)
- C. PRESENTATIONS AND PROCLAMATIONS
- C.1 Commending Administrative Services Director Woodstock. (COMMENDATION)
- Background/Discussion** – Administrative Services Director Susie Woodstock is retiring in August. A commendation has been prepared and will be presented at the City Council meeting.
- C.2 Commending Nancy Eddy. (COMMENDATION)
- Background/Discussion** – Nancy Eddy, founder and leader of Deaf Plus Adult Community, is retiring. A commendation has been prepared and will be presented at the City Council meeting.
- C.3 Commending Tim Jones. (COMMENDATION)
- Background/Discussion** – Tim Jones is retiring after 25 years of service as a volunteer and 7 years as a Special Assistant in the Police Department. A commendation has been prepared and will be presented at the City Council meeting.
- C.4 Commending Police Service Canine Ares. (COMMENDATION)
- Background/Discussion** – Police Service Canine Ares is retiring after six and a half years of service to the Newark Police Department. A commendation has been prepared and will be presented at the City Council meeting Ares and his canine handler, Officer Nick Mavrakis.
- C.5 Introduction of employees.
- Background/Discussion** – Recently hired Police Officers Juan Herrera and Salvador Hernandez will be at the meeting to be introduced to the City Council.

D. WRITTEN COMMUNICATIONS**E. PUBLIC HEARINGS****E.1 Hearing to consider property owners' objections and confirmation of the Superintendent of Streets' report concerning weed abatement assessments – from Maintenance Supervisor Hornbeck.****(MOTION)(RESOLUTION)**

Background/Discussion – The Superintendent of Streets' report on the 2018 Weed Abatement Program is submitted pursuant to Resolution No. 10,756 adopted by the City Council on March 22, 2018. The report showing the assessments for the fall 2017 and the spring 2018 weed abatement has been posted as required. Owners whose properties are subject to an assessment may protest at this meeting or submit their objections prior to the hearing. As of July 19, 2018, no written objections have been received.

On April 27, 2018, the City Council directed the Superintendent of Streets to abate weeds on 151 parcels of land. Subsequent to notification, private property owners cleared 133 parcels and the City's contractor cleared 18 parcels. This year, the assessments ranged from \$156 to \$2,376. The lowest cost is for a vacant property that requires minimal work. The highest cost was for a property that required tractor work. There were no additional supplemental lot clearings for the 2017 fall abatement work included in this year's assessments. The combined total for all assessments was \$14,112.

Attachment

Action - It is recommended that the City Council, by motion, act upon any objections by property owners for assessments on their parcels for the 2018 Weed Abatement Program and, by resolution, confirm the Superintendent of Streets' report concerning weed abatement assessments.

E.2 Hearing to consider establishing a Planned Development Overlay District and a Planned Development Plan, P-18-5 to allow construction of a 6-unit apartment project located at 37093 Locust Street – from Associate Planner Mangalam.**(RESOLUTION) (ORDINANCE)**

Background/Discussion – Mr. Stanley Cherry has submitted a request to allow construction of a 6-unit apartment project located at 37093 Locust Street. The subject property is a landlocked parcel adjacent to the railroad tracks (in limited use) between Locust Street and Walnut Street. The surrounding neighborhood is a mix of single-family and multi-family residential units. The subject site is zoned Residential Low

Density (RL) with a Low-Medium Density Residential General Plan land use designation. The proposed density of the development is consistent with the Newark Zoning Ordinance and General Plan.

The subject site will be accessible to Locust Street via two 20-foot wide easements – (a) northern easement, from the adjacent property located at 37073 Locust Street, which the applicant currently owns, and; (b) southern easement, on adjacent railroad property. The northern easement will be both utility and access easement for the purpose of providing connection to utilities and a public street. The southern easement was granted to the subject site after former ‘Railroad Avenue’ was abandoned by the City and taken over by the railroads. The residents will enter the property from the northern easement and exit via the southern easement. A proposed pedestrian connection to Locust Street is provided via a 4-foot sidewalk from the adjacent applicant owned property to the north. The access easement on railroad property will have a fence on its perimeter to separate the driveway from the railroad corridor for the safety of future residents using it on a daily basis.

The proposed project will consist of six, 2-story residential units in two identical buildings. The subject site along with southern access easement will add up to approximately 21,634 square feet (18,736 square feet + 2,898 square feet) of site area. The proposed buildings will be separated by an open space which will include pedestrian access to all units. Each unit having 3 bedrooms and 2 bathrooms will include approximately 1,200 square feet of living area. Six covered and nine open parking spaces will be provided for the proposed development. The garages and open parking spaces will have a 25 feet driveway in between to allow adequate access in and out of parking spaces.

The proposed development will provide private open spaces for all the units on the ground level separated by good neighbor fences. In addition, approximately 1,500 square feet of quality landscaped common open space to the rear of the development will be provided, which will include a picnic area. There will be a provision for both long term and short term bicycle parking for the residents.

Since the site is hidden from the view of Locust Street, a directional sign to the apartment complex is proposed at the entrance of the northern easement for visitors and emergency response vehicles. Another sign will state “Do not enter – private property. Authorized vehicles only” will be installed at the intersection of southern easement and Locust Street cul-de-sac to prohibit the use by non-residents.

The building design incorporates a Victorian theme which keeps in mind the historic nature of Old Town. The proposed lap siding will be painted ‘oatmeal’ color with ‘pink beige’ trims around windows/doors and ‘burnt charcoal’ colored composition roof for contrast. Decorative gable trim, pot shelves at base of the windows and brackets under the roof eaves are additional architectural treatments proposed in the building facades.

Planned Development Overlay District

A ‘Planned Development’ (PD) designation provides flexibility in the design development of the site which otherwise will not be possible through the strict application of zoning district regulations. The project requires a ‘Planned Development’ designation for the following reasons:

- a) Due to the landlocked nature of the lot, it does not meet the minimum 60 feet frontage on a public street per Section 17.070.30 of the Newark Zoning Ordinance.
- b) Since the vehicular access to the subject site is from Locust Street, the eastern property line is considered as the front lot line. Per Section 17.23.060.A of the Newark Zoning Ordinance, parking shall not be located within required front yard. Eight uncovered parking spaces are located in the required 20 feet front yard.

The proposed development meets the development standards including residential density, front setbacks, lot coverage and minimum landscaping requirements per Section 17.07.030 and required number of parking spaces per Section 17.23.040 of Newark Zoning Ordinance.

The findings given in the draft resolution of approval contains language that comes from the Newark Zoning Ordinance, Section 17.12.060 (“Required findings”) and are supported by application materials on file.

Further elaboration for each finding is as follows:

- A. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;*
The subject site in designated as Low-Medium Density Residential under the General Plan. Densities in areas with this designation range from 8.7 to 15 units per net acre. The proposed development meets the density requirements of the General Plan.
- B. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;*

The proposed northern easement is both utility and access easement for the purpose of providing utilities and vehicular connection to Locust Street. The southern access easement is a vehicular access easement. The proposed vehicular loop with entry via northern easement and exit via southern easement will make entry/exit easy for fire trucks and garbage pickups. The proposed development meets the off-street parking requirements for residential uses as well as guest parking as required by Newark Zoning Ordinance.

- C. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;*
The subject site is surrounded by a mix of single-family and multi-family residential units. Existing single-family homes are located to the east and west of the site and the site backs up to two multi-family residential structures. Across the railroad tracks is another existing multi-family development. Thus, it is compatible with the residential land use character of the surrounding area.
- D. *The development generally complies with applicable adopted design guidelines;*
The proposed project complies with all applicable design standards.
- E. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*
The subject site due to lack of street frontage on a public street will not be possible under the standards applicable to Residential Low Density zoning district and will remain vacant inviting unwanted visitors and nuisance to the site and its neighboring properties. There is a greater need of rental housing in the City and thus, the proposed development will provide public benefit.

A community meeting was held by the applicant on May 2, 2018. The notice was sent to neighboring properties within the 400-foot radius around the subject site. Three property owners were in attendance and one expressed concern over parking.

Noise and Vibration Study

An “Environmental Noise and Ground-Borne Rail Vibration Assessment” was performed by Charles M. Salter Associates, Inc., to determine if the project meets City’s acceptable noise levels (interior limit of 45 LDN and exterior of 60 LDN, where LDN is the average sound level over a 24-hour period). The report concluded that if in the future train activity increases, mitigation measures such as windows and doors with sound insulation ratings up to STC 40 would likely be needed, as well as higher STC exterior walls and special treatments to vents and openings will be required. In addition, 12 or 17-foot-tall noise barriers would likely be needed along the railroad right-of-way and along east and west side of the site to reduce train noise to LDN 70 or 65 dB, respectively.

Keeping in mind the likelihood of increased train activity, the project is required to include extra mitigation measures (except for the sound wall) in the construction of the project as outlined in the report. However, the project is conditioned to install a sound wall/noise barrier along the railroad right-of way and along perpendicular sides of the site, when the train activity increases and noise level continuously exceeds 70 dB on a daily basis.

California Environmental Quality Act (CEQA) exemption

This project is categorically exempt from CEQA analysis under Guidelines per Section 15332, Class 32, “In-Fill Development Projects”.

Update – On May 29, 2018, the Planning Commission approved Resolution No. 1961 recommending approval of P-18-5, a Planned Development Plan, to allow for a six-unit apartment project at 37093 Locust Street (APN 92-125-10) and recommended City Council, by Ordinance, establish a Planned Development Overlay District at 37093 Locust Street.

At the meeting, few residents complained about parking, traffic and speeding on the street. Neighbors expressed their concern that the approval of this project might worsen the situation.

A community meeting for residents of Locust Street (between Thornton Avenue and Railroad tracks) was held on June 27, 2018. Assistant City Manager Grindall discussed various issues including parking, speeding, illegal dumping and unacceptable noise levels. The residents were advised to contact Code Enforcement Officer Montejano to report issues related to illegal dumping and the police department regarding speeding and noise related issues.

After the Planning Commission meeting, staff worked with the applicant to add two more parking spaces to the project, thus increasing the number of parking spaces from 15 to 17 for the proposed 6 residential units and shared the new site plan with the residents.

Staff believes that this project will be beneficial to the City as it will develop a vacant landlocked property into six rental units and recommends the approval of the proposed development.

Attachments

Action – It is recommended that the City Council: 1) by resolution, approve, P-18-5, a planned development plan to allow construction of a 6-unit apartment project located at 37093 Locust Street (APN 92-125-10); and 2) introduce an ordinance establishing a Planned Development Overlay District at 37093 Locust Street (APN 92-125-10).

F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.5 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

F.1 Authorization for the City Manager to sign a Bill of Sale for the sale of retired Police Service Canine Ares - from Police Chief Carroll. (RESOLUTION)

Background/Discussion – Ares is an eight year old Police Service Canine who has served in the City of Newark’s K9 program for six and a half years, which is one and a half years beyond the minimum term for this assignment. Per Newark Police Department Policy #318 – Police Service Dog Program, “Police service canines which become unsuitable for police service work due to age or physical disability shall be retired from active duty. Upon retirement of a police service canine, the current handler of the canine will receive an option to purchase the canine from the City of Newark for a nominal amount (\$1.00).”

A request dated July 11, 2018 from K9 Officer Nick Mavrakis states that he wishes to purchase Police Service Canine Ares from the City of Newark. The Police Department recommends the sale of Ares to Officer Mavrakis for the amount of \$1. A Bill of Sale and sales receipt have been prepared for this transaction. The Bill of Sale states that the title of the canine will be given to Officer Mavrakis, who will be solely responsible for all expenses and any liability that may be accrued from the date and time of sale stated in the agreement.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a Bill of Sale for the sale of retired Police Service Canine Ares.

F.2 Authorization for the City of Newark to accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant – from Police Chief Carroll. (RESOLUTION)

Background/Discussion – The State of California Office of Traffic Safety (OTS) is providing funds to local law enforcement agencies through their Selective Traffic Enforcement Program (STEP). The goal is to reduce the number of persons killed and injured in traffic collisions involving alcohol and other primary collision factors through a combination of education and enforcement.

Our population continues to rise due to the tremendous growth in the housing and employment market in the Bay Area. An increase in vehicular and pedestrian traffic will undoubtedly follow suit. In 2015 the Newark Police Department investigated 125 injury accidents with no fatalities. Two years later we investigated 135 injury accidents, of which five were fatalities. Pedestrian and bicyclist safety, speed and stop sign violations, and “sideshow” activities have been a major concern for our citizens over the past several years. Unfortunately we have been unable to adequately address these issues due to past staffing shortages; however, we anticipate being fully staffed in the near future and have also assigned a second officer to the Traffic Unit. With this grant funding we will be able to focus our priorities on high-visibility enforcement operations and training for our new generation of officers.

Program objectives require an educational component, as well as active enforcement, including:

- Participation in national OTS campaigns such as Bicycle and Pedestrian Safety Month, Distracted Driving Awareness Month, and Click It or Ticket Mobilizations;
- Develop a “HOT Sheet” program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders;
- Send officers to Standard Field Sobriety Testing (SFST) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training;
- Conduct highly publicized Distracted Driving, Click It or Ticket, DUI/Driver’s License Checkpoints, and pedestrian/bicycle enforcement operations; and
- Present traffic safety enforcement presentations to community members.

Funding in the amount of \$70,000 has been awarded and will be utilized for overtime required to conduct operations/enforcement and provide education; travel expenses to attend training supporting grant goals and objectives; DUI checkpoint supplies; and a radar device to measure the speed of motor vehicles. The project period is October 1, 2018 through September 30, 2019.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant.

**F.3 Approval of plans and specifications, acceptance of bid and award of contract to G. Bortolotto & Company, Inc. for the 2018 Asphalt Concrete Street Overlay Program, Project 1179 – from Senior Civil Engineer Tran.
(MOTION)(RESOLUTION)**

Background/Discussion – This year’s pavement maintenance overlay and patch paving projects are being combined into one project to encourage better unit prices. The combined project scope of work includes localized patch paving, pavement grinding, placement of new asphalt concrete pavement, and re-striping on various City streets.

Patch paving consists of the removal and replacement of localized pavement failures. The project includes work on streets that will be resurfaced with a slurry seal under a separate contract, Project 1180, anticipated to be awarded in August. The project will also perform patch paving on streets where a localized pavement failure is too severe to correct with a surface (skin) patch, but the entire street does not need structural upgrading with an asphalt concrete overlay.

Asphalt concrete overlays involve the placement of an additional layer of asphalt concrete pavement on streets showing a relatively uniform distress pattern over most of the pavement surface. This condition indicates that the pavement needs structural upgrading to accommodate current and future traffic loads. A structural upgrade will prevent complete failure of the street pavement and avoid the very expensive process of complete roadway reconstruction. The increased structural strength due to an

asphalt concrete overlay typically extends the useful life of a street by at least ten years.

The streets on the asphalt concrete overlay project include: Anvers Place, Balentine Drive from Stevenson Boulevard to Cedar Boulevard, Cabot Court, Central Avenue from I-880 overpass to Timber Street, Ervin Court, La Salle Drive from Cherry Street to Fontaine Avenue, Landes Place, and Spencer Court.

Bids for the project were opened on July 10, 2018 with the following results:

Bidder	Amount
G. Bortolotto & Company, Inc.	\$ 1,742,933.20
O’Grady Paving, Inc.	2,055,757.50
Granite Construction Company	2,175,125.50
DeSilva Gates Construction	2,253,912.00
Engineer’s Estimate	 \$ 1,500,000.00

The 2016-2018 and 2018-2020 Biennial Budgets include sufficient funding for this project in Fiscal Years 2017-2018 and 2018-2019 through a combination of Alameda County Measure B/BB Sales Tax funds, Vehicle Registration Fee funds, SB1 Road Maintenance and Rehabilitation Account funds, and Highway Users Tax.

Staff recommends that this project be awarded to the lowest responsible bidder, G. Bortolotto & Company, Inc.

Attachment

Action – It is recommended that the City Council, by motion, approve the plans and specifications and by resolution, accept the bid and award the contract to G. Bortolotto & Company, Inc. for the 2018 Asphalt Concrete Street Overlay Program, Project 1179.

F.4 Amendment of the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018-2019 for Capital Improvement Plan Budget Rollover – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Fiscal Year 2018-2019 is the first year in the City’s two-year budget cycle. As the new budget year begins it is necessary to bring forward the unused funds in the approved Capital Improvement Plan (CIP).

The budgeted projects in the CIP that are ongoing require re-appropriation for each fiscal year. The amount for each project reflects the remaining balance for the projects. Projects that have been completed or have been combined with another project are closed and not include in this ongoing list. The capital budget amendments include appropriating over \$82.0 million in projects, this includes the New Civic Center project funding.

In FY 2017-2018, Senate Bill 1 - the Road Repair and Accountability Act of 2017 funds were received by the City in the amount of \$253,000. This funding has been added to the Street Asphalt Concrete Overlay project (Project No. 1179) and the Slurry Seal project (Project No. 1180).

Exhibit A shows the budget of the CIP projects that require rollover of appropriations.

Attachment

Action - It is recommended that the City Council, by resolution, amend the 2018-2020 Biennial Budget and Capital Improvement Plan for Fiscal Year 2018-2019 for Capital Improvement Plan budget rollover.

- F.5 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, provide police services for traffic control and waive fees related to the parade and race, and waive fees for use of the Community Center and MacGregor Playfields, with the exception of the fees required for the building attendant and janitorial services – Assistant Engineer Carmen and Police Sergeant Simon. (MOTIONS-3)**

Background/Discussion – The annual Newark Days Parade and Newark Mile Race will be held on Saturday, September 22, 2018. The routes for the parade and race will be the same as last year. Newark Days Celebration, Inc. has requested that the City: (1) issue a no-fee encroachment permit for the parade and race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception of the fees required for the building attendant and janitorial services.

Attachment

Action – It is recommended that the City Council, by motions: (1) authorize staff to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with the exception to the fees required for the building attendant and janitorial services.

NONCONSENT

- F.6 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for Tract 8417 – Sanctuary Village 1 (Arroyo Cap III, LLC), an 85-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard – from Assistant City Engineer Imai and Assistant City Manager Grindall. (RESOLUTIONS-2)**

Background/Discussion – On December 10, 2015, the City Council approved Vesting Tentative Tract Map 8270 for a 386-unit residential subdivision in General Plan Area 3 at the northwest corner of Cherry Street and Stevenson Boulevard. Subsequently, on November 9, 2017, the City Council approved the Final Map for Tract 8270, which divided the subject property into five large-lot “village” parcels for future residential development. The Final Map for Tract 8417 further divides one of the large-lot “villages” into 85 single-family residential lots. The developers, Arroyo Cap III, LLC, and LS-Newark, LLC have submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8417.

The Final Map for Tract 8417 dedicates public street rights-of-way for Dragonfly Street, Tomcod Street, Pumpkinseed Street and Grasshopper Avenue. The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$2,780,000 and a Materials Bond in the amount of \$1,390,000. The bonds will guarantee construction of the new public street rights-of-way and private streets.

The Final Map for Tract 8417 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8270 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Upon acceptance of public street improvements associated with Tract 8417, the City will incur annualized maintenance costs estimated to be \$10,000 for street sweeping and pavement maintenance. The street lights and landscaping on Dragonfly Street, Tomcod Street, Pumpkinseed Street and Grasshopper Avenue will be maintained by Landscaping and Lighting District No. 4 and the Sanctuary Homeowner’s Association, respectively.

Staff recommends approval of a Waiver request that allows up to 10% relief from dimensional requirements of required setbacks per Chapter 17.37 of Newark Zoning Ordinance. This relief will apply to odd shape lots and result in larger front yards for lots 27, 35, 42, 43, 70 and 75.

Attachments

Action – It is recommended that the City Council, by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8417 – Sanctuary Village 1, an 85-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-004, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8417 – Sanctuary Village 1.

- F.7 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for Tract 8419 – Sanctuary Village 3 (KB Sanctuary, LLC), a 97-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard – from Assistant City Engineer Imai and Assistant City Manager Grindall. (RESOLUTIONS-2)**

Background/Discussion – On December 10, 2015, the City Council approved Vesting Tentative Tract Map 8270 for a 386-unit residential subdivision in General Plan Area 3 at the northwest corner of Cherry Street and Stevenson Boulevard. Subsequently, on November 9, 2017, the City Council approved the Final Map for Tract 8270, which divided the subject property into five large-lot “village” parcels for future residential development. The Final Map for Tract 8419 further divides two of the large-lot “villages” into 97 single-family residential lots. The developers, KB Sanctuary, LLC, and LS-Newark, LLC have submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8419.

The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$2,080,000 and a Materials Bond in the amount of \$1,040,000. The bonds will guarantee construction of private streets within the development.

The Final Map for Tract 8419 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8270 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Because there will be no public streets constructed as part of Tract 8419, the City will not incur any maintenance costs associated with the tract improvements.

Staff recommends approval of a Waiver request that allows up to 10% relief from dimensional requirements of required setbacks per Chapter 17.37 of Newark Zoning Ordinance. This relief will apply to odd shape lots and result in larger front yards for lots 194, 203, 213, 225, 238, 243, 267, 268, 272 and 273.

Attachments

Action – It is recommended that the City Council, by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8419 – Sanctuary Village 3, a 97-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-003, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8419 – Sanctuary Village 3.

F.8 Approval of the Final Map, Subdivision Improvement Agreement, and waiver to allow up to ten percent relief of required setbacks for for Tract 8420 – Sanctuary Village 4 (KB Sanctuary, LLC), a 96-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard – from Assistant City Engineer Imai and Assistant City Manager Grindall. (RESOLUTIONS-2)

Background/Discussion – On December 10, 2015, the City Council approved Vesting Tentative Tract Map 8270 for a 386-unit residential subdivision in General Plan Area 3 at the northwest corner of Cherry Street and Stevenson Boulevard. Subsequently, on November 9, 2017, the City Council approved the Final Map for Tract 8270, which divided the subject property into five large-lot “village” parcels for future residential

development. The Final Map for Tract 8420 further divides one of the large-lot “villages” into 96 single-family residential lots. The developers, KB Sanctuary, LLC, and LS-Newark, LLC have submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8420.

The Final Map for Tract 8420 dedicates public street right-of-way for Spadefoot Avenue. The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$2,629,000 and a Materials Bond in the amount of \$1,314,500. The bonds will guarantee construction of the new public street rights-of-way and private streets.

The Final Map for Tract 8420 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8270 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Upon acceptance of public street improvements associated with Tract 8420, the City will incur annualized maintenance costs estimated to be \$5,000 for street sweeping and pavement maintenance. The street lights and landscaping on Spadefoot Avenue will be maintained by Landscaping and Lighting District No. 4 and the Sanctuary Homeowner’s Association, respectively.

Staff recommends approval of a Waiver request that allows up to 10% relief from dimensional requirements of required setbacks per Chapter 17.37 of Newark Zoning Ordinance. This relief will apply to odd shape lots and result in larger front yards for lots 295, 301, 315, 356, 359 and 367.

Attachments

Action – It is recommended that the City Council, by resolutions, approve: 1) the Final Map, and Subdivision Improvement Agreement for Tract 8420 – Sanctuary Village 4, a 96-unit residential subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard; and 2) W2018-003, a waiver request to allow up to 10% relief from dimensional requirements of required setbacks for Tract 8420 – Sanctuary Village 4.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

(MOTION)

M. CLOSED SESSION

- M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) *Roderick Hogan v. City of Newark, et. al* Workers Compensation Appeals Board, Case Numbers: ADJ10421980; ADJ11119563 – from Human Resources Director Abe.**

Background/Discussion – City staff has requested a closed session to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1).

- M.2 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: One case – City Attorney Benoun.**

Background/Discussion – City staff has requested that the City Council convene in closed session pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: one case.

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk’s Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.