

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 12, 2018

- A. ROLL CALL

 - B. MINUTES
 - B.1 Approval of Minutes of the City Council meeting of June 28, 2018. (MOTION)

 - C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Introduction of employee.

 - C.2 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 96th Anniversary. (PROCLAMATION)

 - D. WRITTEN COMMUNICATIONS

 - E. PUBLIC HEARINGS

 - F. CITY MANAGER REPORTS

(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 Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2018-2019 – from Assistant Planner Mangalam. (RESOLUTION)

 - F.2 Second reading and adoption of an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard – from Assistant Planner Bowab. (ORDINANCE)

F.3 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26, and 17.46 generally affecting land uses, heights, landscaping, signs, parking, and other development standards – from Deputy Community Development Director Interiano. (ORDINANCE)

F.4 Authorizing the City Manager to sign the California Asset Management Trust Investor Agreement for the investment of funds in a Local Government Investment Pool – from Administrative Services Director Woodstock. (RESOLUTION)

F.5 Approval of Second Amendment to the Transfer Services Agreement with BLT Enterprises for garbage transfer services – from Administrative Services Director Woodstock. (RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Request for direction regarding potentially amending Mayor and City Council Salary and Benefits – from City Manager Becker. (INFORMATION ONLY)

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands. (MOTION)

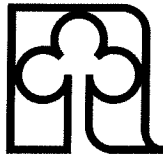
M. CLOSED SESSION

- M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) *Ethan Katz v. City of Newark, et. al* Workers Compensation Appeals Board, Case Numbers: ADJ10739897; ADJ10623626 – from City Attorney Benoun and Human Resources Director Abe.**

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.



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

AGENDA

Thursday, July 12, 2018

CITY COUNCIL:

Alan L. Nagy, Mayor
Michael K. Hannon, Vice Mayor
Luis L. Freitas
Sucy 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:

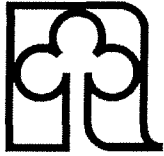
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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.



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, June 28, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, and Vice Mayor Hannon. Council Member Bucci was noted absent.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of June 14, 2018.

MOTION APPROVED

Vice Mayor Hannon moved, Council Member Collazo seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Sarah DeLipski.

Mayor Nagy presented the commendation to Sarah DeLipski who has been awarded the Girl Scout Gold Award pin.

C.2 Washington Hospital Healthcare System Presentation of Community Health Needs Assessment.

Lucy Hernandez, Washington Hospital's Community Outreach Project Manager gave the presentation on the Community Health Needs Assessment for the City of Newark. (Presentation on file with City Clerk.)

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

City Manager Becker announced that due to property ownership within Landscaping and Lighting Districts 10 and 11, Council Member Collazo will need to recuse from public hearings E.12 and E.13. He suggested that the City Council consider public hearings E.1-E.11 concurrently. Council Member Collazo should exit the chambers for E.12 and E.13, which then may be considered concurrently. The City Council concurred with this suggestion.

**E.1 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 1. RESOLUTION NO. 10799**

At 7:47 p.m. Mayor Nagy opened public hearings E.1 through E.11 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

No one came forward to speak.

At 7:49 p.m. Mayor Nagy closed public hearings E.1 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

Vice Mayor Hannon moved, Council Member Collazo seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 for the 2018-2019 fiscal year. The motion passed, 4 AYES, 1 ABSENT.

- E.2 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 2. RESOLUTION NO. 10800**
- E.3 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 4. RESOLUTION NO. 10801**
- E.4 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 6. RESOLUTION NO. 10802**
- E.5 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 7. RESOLUTION NO. 10803**
- E.6 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 13. RESOLUTION NO. 10804**
- E.7 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 15. RESOLUTION NO. 10805**
- E.8 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 16. RESOLUTION NO. 10806**
- E.9 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 17. RESOLUTION NO. 10807**
- E.10 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 18. RESOLUTION NO. 10808**
- E.11 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 19. RESOLUTION NO. 10809**

**E.12 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 10. RESOLUTION NO. 10810**

Council Member Collazo exited the City Council Chambers.

At 7:50 p.m. Mayor Nagy opened public hearings E.12 through E.13 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one came forward to speak.

At 7:51 p.m. Mayor Nagy closed public hearings E.12 through E.13, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Freitas moved, Vice Mayor Hannon seconded, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2018-2019 fiscal year. The motion passed, 3 AYES, 1 RECUSED (Collazo), 1 ABSENT.

Council Member Collazo returned to the City Council Chambers.

**E.13 Hearing to consider annual levy of assessment in conjunction with
Landscaping and Lighting District No. 11. RESOLUTION NO. 10811**

**E. 14 Hearing to consider a text amendment to Title 17 (Zoning) of the Newark
Municipal Code to revise various sections including Chapters 17.07,
17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46,
generally affecting land uses, heights, landscaping, signs, parking and
various other development standards. ORDINANCE INTRODUCED**

Assistant City Manager Grindall gave the staff report recommending approval. The amendment would address issues that were not considered when the new Zoning Ordinance was prepared. It also would add additional guest parking requirements for new multifamily projects near existing low density residential neighborhoods.

Vice Mayor Hannon requested that the City Council be advised if the new parking requirement reduces the number of housing units built in new developments.

Vice Mayor Hannon stated for “Section 17.17.020.D.2 limit accessory structures to 25 % of principal structure” he would like to eliminate the percentage of principal structure, limit it to 30 percent of the rear yard as currently defined in the code, and allow no more than 2 accessory structures.

Vice Mayor Hannon stated for “Section 17.46.120 Lodging House” consider limiting the number of total occupants to no more than 6 in a future amendment.

Mayor Nagy opened the public hearing at 8:03 p.m.

No one came forward to speak

Mayor Nagy closed the public hearing at 8:04 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded to introduce an ordinance for text amendments to Title 17 (Zoning Ordinance) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards, with the amendment to Section 17.17.020.D.2 to remove the 25% limitation on the accessory structure based on the size of the primary structure. The motion passed, 4 AYES, 1 ABSENT.

E.15 Hearing to consider a planned development and vesting tentative tract map 8409, for a six unit multi-family residential townhome subdivision located at 36589 Newark Boulevard.

**RESOLUTION NO. 10792 Planned Development
RESOLUTION NO. 10793 Tentative Tract Map
ORDINANCE INTRODUCED**

Assistant City Manager Grindall recommended approval of the project at 36589 Newark Boulevard, consisting of two buildings of 2-story townhomes with 3 units per building. Each unit is approximately 2,017 to 2,408 square feet, 3 to 4 bedrooms, 2.5 to 3 bathrooms, an attached 2-car garage, and a private yard. Vehicular access will be off a driveway on Mayhews Landing Road.

Mayor Nagy opened the public hearing at 8:14 p.m.

Dick Hunt of Hunt Hale Jones Architects, Architect for the project stated that he read and agreed with the conditions.

Mayor Nagy closed the public hearing at 8:16 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded to: 1) by resolution, approve P-18-6, a planned development to allow for a six unit multi-family residential townhome subdivision at 36589 Newark Boulevard (APN: 92A-623-43), with Exhibits A and B; 2) introduce an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard (APN:92A-623-43), and 3)by resolution, approve vesting tentative tract map 8409 and subdivision and zoning variances thereto. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORTS

Council Member Collazo moved, Vice Mayor Hannon seconded, to approve Consent Calendar Items F.1 through F.8, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.1 Approval of Investment Policy. RESOLUTION NO. 10794**
- F.2 Establishment of the Fiscal Year 2018-2019 Appropriations Limit. RESOLUTION NO. 10795**
- F.3 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 for General Revisions. RESOLUTION NO. 10796**
- F.4 Calling and giving notice of the holding of a General Municipal Election on Tuesday, November 6, 2018, for the election of certain officers of the City of Newark. MOTION APPROVED Statement Deposit RESOLUTION NO. 10797**
- F.5 Notification to nonelected officials and designated employees to review their Conflict of Interest Code. MOTION APPROVED**
- F.6 Authorization for the City Attorney to sign a Certification and Mutual Indemnification Agreement with the County of Alameda. RESOLUTION NO. 10798 CONTRACT NO. 18019**
- F.7 Authorization for the City Manager to sign Task Order No. 15 to the Joint Powers Agreement with the City of Fremont for Paratransit Services. RESOLUTION NO. 10799 CONTRACT NO. 09044**
- F.8 Authorization for the City Manager to sign Task Order No. 16 to the Joint Powers Agreement with the City of Fremont for Case Management services. RESOLUTION NO. 10800 CONTRACT NO. 09044**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS**I.1 Resolution supporting the Chinese American World War II Veterans Congressional Gold Medal Act. RESOLUTION NO. 10801**

Mayor Nagy stated that the United States Senate and the House of Representatives have introduced bills to collectively award the Congressional Gold Medal to Chinese American Veterans of World War II. He requested that the City Council approve a resolution that would call for Congress to pass the Act and honor these veterans.

Council Member Collazo moved, Vice Mayor Hannon seconded to, by resolution, support H.R.2358/S.1050 – The Chinese American World War II Veterans Congressional Gold Medal Act. The motion passed, 4 AYES, 1 ABSENT.

Mayor Nagy wished everyone a safe Fourth of July holiday.

Council Member Collazo shared upcoming library events and fine forgiveness program. She announced that the Drifters would be performing on July 6th and the Mariachi Festival would be on July 15. Shop Newark.

Vice Mayor Hannon wished Council Member Bucci a healthy recovery and commended him for the Relay for Life event.

Council Member Freitas stated that the Mayhews Landing Townhomes will be beautiful.

Mayor Nagy stated that Relay for Life proves that Newark still has a small town feeling.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**K. ORAL COMMUNICATIONS**

Tom Imholz Swiss Park Board Member, gave a brief history on Swiss Park. He noted that they attended the Prima Development meetings and made suggestions addressing sound. The new ordinance requires private parties to get a permit and some events have been canceled. They do not want to relocate.

Robert Fushlian, Swiss Park manager, addressed special events ordinance and the event that was mentioned in the staff report. He stated that similar events have been held with little or no problems. He stated that they have lost business and hopes the situation can be mitigated.

Arnold Ambiel, Aelpler Gruppe Swiss Club President, stated that the City was incorporated after Swiss Park opened. He invited the Council to upcoming events. He stated that they were willing to comply with the noise ordinance; however, the permit process needs to be clear.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 114732 to 114867.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:45 p.m.

C.1 Introduction of employee.

Background/Discussion – Recently hired Accountant Michelle Villanueva will be at the meeting to be introduced to the City Council.

C.2 Proclamation for the Portuguese Fraternal Society of America Council No. 16 Holy Ghost Festival and 96th Anniversary. (PROCLAMATION)

Background/Discussion – The Portuguese Fraternal Society of America Council 16 will celebrate the annual Holy Ghost Festival on July 21-22, 2018. This will also be a celebration of the Society’s 9th Anniversary in the City of Newark. Council President Fabio Pereira and officers of the Society will be at the City Council to accept the proclamation.

F.1 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2018-2019 – from Assistant Planner Mangalam. (RESOLUTION)

Background/Discussion – Each year the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair.

Newark’s funds are disbursed through Alameda County. The County oversees Newark’s use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between Newark and Alameda County is attached. By approving this resolution, the City Council will authorize the Mayor to sign the agreement between the City of Newark and Alameda County, thereby continuing the City’s participation in the CDBG program.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for the 2018-2019 fiscal year.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE MAYOR TO SIGN AN
AGREEMENT WITH ALAMEDA COUNTY FOR
PARTICIPATION IN THE ALAMEDA COUNTY URBAN
COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM FOR FISCAL YEAR 2018-2019

BE IT RESOLVED by the City Council of the City of Newark that the Mayor of the City of Newark is hereby authorized to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2018-2019, said agreement on file in the Office of the City Clerk.

AGREEMENT BY AND BETWEEN
THE CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA

THIS AGREEMENT is made and entered into this 8th day of August, 2018, by and between the County of Alameda (hereinafter referred to as "County"), and the City of Newark, located in the County of Alameda, State of California, (hereafter referred to as "City").

WHEREAS, the County has entered into a Grant Agreement with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant (CDBG) under the Housing and Community Act of 1974, said funds to be used for Community Development block Grant Programs and its eligible activities; and

WHEREAS, the City is eligible for an entitlement of CDBG funds based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the activities of the City under this Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the Parties have reviewed City's proposed projects and have determined that the projects are CDBG-eligible projects in accordance with HUD regulations and the conditions of the CDBG Grant Agreement;

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PROMISES HEREINAFTER MADE, COUNTY AND CITY DO MUTUALLY AGREE AS FOLLOWS:

I. STATEMENT OF WORK AND COMPENSATION

- A. City shall perform or arrange for the performance of the work under this Agreement in the manner and time provided herein and in accordance with: the budget; the scope of work and any specifications and drawings; and all related documents and provisions attached hereto as Exhibit A and incorporated herein by reference.
- B. The maximum amount of fiscal year 2018 CDBG funds allocated to City pursuant to this Agreement to perform the work described in Exhibit A is \$182,631.37. In the event that HUD reduces the Urban County CDBG allocation, the City's allocation will be reduced proportionately.

II. COMMENCEMENT AND COMPLETION REQUIREMENTS

- A. This Agreement shall start on July 1, 2018 and be in effect until June 30, 2020 or until all fiscal year 2018 Urban County CDBG funds allocated to City are disbursed to and expended by City, or for the duration of any regulatory agreement or contract executed in conjunction with a project financed with fiscal year 2018 CDBG funds, or when all of the contract terms have been completed, whichever shall first occur.

- B. It shall be the responsibility of the City to coordinate and schedule the work to be performed so that commencement and completion will take place in accordance with the provisions of this Agreement. The County may extend the time for completion of the work to be performed under this Agreement in writing, if it determines that delay in the progress of work is not attributable to the negligence of the City and that such delay was due to causes beyond the control of the City, and if such extension will not cause the County to be out of compliance with CDBG rules and regulations for timely commitment and expenditure of funds.
- C. Any time extension granted to the City to enable the City to complete the work shall not constitute a waiver of rights the County may have under this Agreement.
- D. Should the City not complete the work by the scheduled date or by an extended date, granted by the County in writing, pursuant to previously stated conditions, the County shall be released from all conditions of this Agreement.
- E. Upon completion of performance under this Agreement and a determination of final costs, City shall submit to the County a certificate of completion for construction projects and a requisition for final payment for service projects, unless otherwise provided in this Agreement.
- F. As a part of this Agreement, City will provide the County with the Certificate(s) of Insurance as outlined in Exhibit B.

III. SUBCONTRACTS

- A. Any subcontract funding under this Agreement shall be submitted to County for review and approval prior to its execution.
- B. In the event subcontractor is a private non-profit or neighborhood-based non-profit organization, or a local development or small business investment corporation, contractor is required to comply with the procurement procedures of the Office of Management and Budget (OMB) at Title 2 of the Code of Federal Regulations, Part 200 (2 CFR Part 200) (incorporated herein by reference) for the procurement of supplies and services in connection with activities funded under this Agreement.
- C. Any subcontract funded under this Agreement shall be subject to the terms and conditions of this Agreement. Contractor shall inform County in writing of any subcontracts entered into with these funds, the amount, the scope of work, any other information the County may from time to time require.

IV. BUDGET

- A. Any requested modification to the Budget attached to this Agreement and incorporated as part of this Agreement, shall be reviewed and approved by the Alameda County Housing Director on behalf of the County. Any budget modifications require the prior written approval of Alameda County Housing Director on behalf of the County. Budget modifications shall not alter: 1) The basic scope of services (Exhibit A) required to be performed under this Agreement; 2) the time period for the services to be performed

under this Agreement; and, 3) the total amount of the authorized budget of this Agreement (Exhibit A), subject to future amendments as approved by the Alameda County Housing Director. Any of the cost categories shown in the Agreement Budget, except administration, may be exceeded by ten percent of the indicated figure, provided that the total approved amount of allowable costs is not exceeded and stays under the 15% Urban County Public Services cap.

- B. City's expenditure of FY18 funds will be monitored on a project by project basis, rather than by the Urban County as a whole. City projects that do not spend down funds in any single quarter must provide a written explanation to County as to why the project is stalled/delayed and when it is expected that the project will start to expend funds.

V. RECORDS AND REPORTS

- A. All original documents prepared by City in connection with the work to be performed under this Agreement shall be the property of the County.
- B. City's records shall be made available for review by the County prior to the release of funds. City shall be responsible for maintaining all records pertaining to this Agreement, including subcontracts and expenditures, and all other financial and property records in conformance with 2 CFR Part 200.
- C. Records must be kept accurate and up-to-date. Failure of City to comply with this provision could result in termination of this Agreement or City's repayment of funds previously awarded under this Agreement.

VI. PROGRAM MONITORING AND EVALUATION

- A. City shall be monitored and evaluated in terms of its effectiveness and timely compliance with the provisions of this Agreement, HUD regulations, and conditions of the Grant Agreement between the County and HUD, and the effective and efficient achievement of the Program Objectives.
- B. City shall undertake continuous quantitative and qualitative evaluation of the scope of services as specified in this Agreement and shall make quarterly written reports to County.
 - 1. The quarterly written reports shall be submitted in the format approved and distributed by the County.
 - 2. The quarterly report shall be due on the fifteenth day of the month immediately following the report quarter, except for the end of the program year report which is due within thirty days.
- C. The County shall have ultimate responsibility for project monitoring oversight and evaluation, to assist City in complying with the scope and contents of this Agreement, and to provide management information which will assist the County's policy and decision-making and managers.

D. The City shall follow audit requirements of the Single Audit Act and 2 CFR Part 200.

E. **AUDIT REPORT**

In addition to the reporting requirements listed in Section VI (Program Reporting and Evaluation), the City shall commission an independent auditing firm to prepare and file with the City an annual audit report for each year during the term of this Agreement. The City's failure to submit the audit report may result in the termination of the Agreement.

The audit report is to be submitted to the County by March 30th of each year during the term of this Agreement. The audit report should state that an audit was made in accordance with the provisions of 2 CFR Part 200. The City will use the audit report to determine whether:

1. The financial statements of the City present fairly its financial position and the results of its operations in accordance with generally accepted accounting principles.
2. The City has (i) an internal control structure to provide reasonable assurance that the City is managing Federal awards in compliance with applicable laws and regulations, and (ii) controls that ensure compliance with laws and regulations that could have material impact in the City's financial statements.
3. The City has complied with laws and regulations for the CDBG Program that may have a direct and material effect on the City's financial statements.

The City shall also submit any internal control monitoring (or audit) conducted during the term of this Agreement to the County. The City shall require Providers with which the City contracts in connection with this Agreement to meet the same audit requirements set forth in this Section VI (E).

VII. PROGRAM INCOME

- A. Program income shall be recorded as part of the financial transactions of the grant program and disbursed in accordance with 2 CFR Part 200.
- B. Program income received by City shall be returned to County for future application to City projects.
- C. Program income from Urban County program activities undertaken by or within City which thereafter terminates its participation in the Urban County shall continue to be program income of the County. County may transfer the program income to City, upon its termination of Urban County participation, provided that City has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

VIII. UNIFORM ADMINISTRATIVE REQUIREMENTS

- A. City shall comply with Uniform Administrative Requirements as described in Federal

Regulations, Section 570.502 as applicable to governmental entities.

- B. City shall comply with Executive Order 13166 to improve access to services for persons with Limited English Proficiency (LEP) including developing a Language Access Plan.

IX. RELIGIOUS ACTIVITY PROHIBITION

City may not engage in inherently religious activities, such as worship, religious instruction, or proselytizing, as a part of the program or services funded by this Agreement.

X. REVERSION OF ASSETS

- A. Upon the expiration of this Agreement, City shall transfer to County any CDBG funds on hand at time of expiration and any accounts receivable attributable to the use of CDBG funds.

- B. Real property in excess of \$25,000, obtained in whole or in part with CDBG funds must be used to meet one of the national objectives for a minimum of ten years after the expiration of this Agreement or disposed of in a manner that results in County being reimbursed at fair market value less value attributable to non-CDBG expenditures.

XI. OTHER PROGRAM REQUIREMENTS

- A. City certifies that it will carry out each activity in compliance with all Federal laws and regulations described in 24 CFR, Part 570, Sub-part K (570.600-570.612) and related to a) Non-discrimination, b) Fair Housing, c) Labor Standards, d) Environmental Standards, e) National Flood Insurance Program, f) Relocation and Acquisition, g) Employment and Contracting Opportunities, h) Lead-based paint, i) Use of Debarred, Suspended or Ineligible Contractors or Sub-recipients, j) Uniform Administrative Requirements and Cost Principals, k) Conflict of Interest, and l) Displacement.

- B. Activities and programs under this Agreement shall be governed by the policies and procedures of the Alameda County Urban County or as directed by the County as grantee in order to ensure that compliance with all applicable laws and regulations.

XII. TERMINATION OF THIS AGREEMENT

County may terminate this Agreement in whole or in part immediately for cause, which shall include as example but not as a limitation:

- A. Failure, for any reason, of City to fulfill in a timely and proper manner its obligations under this Agreement, including compliance with City, State and Federal laws and regulations and applicable directives;
- B. Failure to meet the performance standards contained in other sections of this Agreement;
- C. Improper use or reporting of funds provided under this Agreement; and
- D. Suspension or termination by HUD of the grant to the County under which Agreement is made, or the portion thereof delegated by this Agreement.

E Any and all notices, writings, correspondences, etc., as required by this Agreement shall be directed to the City and County as follows:

City
City Manager
City of Newark
37101 Newark Boulevard
Newark, CA 94560

County
Housing Director
Alameda County HCD
224 W. Winton Avenue, Room 108
Hayward, CA 94544

XIII. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, City shall hold harmless, defend and indemnify the County, its Board of Supervisors, officers, employees and agents (collectively "Indemnitees") from and against any and all claims, losses, damages, liabilities or expenses, including reasonable attorney fees, incurred in the defense thereof, for the death or injury to any person or persons (including employees of City or County) or damage of any property (including property of City or County) which arises out of or is in any way connected with performance of this agreement (collectively "Liabilities") except where such Liabilities are proximately caused solely by the negligence or willful misconduct of any Indemnatee.

IN WITNESS WHEREOF, the parties hereto have executed this contract on the day first mentioned above.

* * * * *

CITY OF NEWARK

COUNTY OF ALAMEDA

Approved as to form:

Approved as to form: Donna R. Ziegler
County Counsel

By: _____
City Attorney

By: _____
Heather M. Littlejohn
Deputy County Counsel

Date: _____

Date: _____

By: _____
Mayor

By: _____
President, Board of Supervisors

Attest: _____
City Clerk

Date: _____

Date: _____

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

AGREEMENT BY AND BETWEEN
THE CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA

EXHIBIT A

03 – Public Facility and Improvements	
Improve ADA parking accessibility, pathways and sidewalk repairs, curb ramp installations and upgrades and other exterior surface improvements.	\$134,417
14A Rehabilitation – Single Unit Residential	
Minor Home Repair and Owner Rehab Programs that promote the maintenance of homes and community development.	\$46,383
Minor Home Repair and Owner Rehab Program Project Delivery	-\$12,337.88
Owner Rehabilitation Program Income	\$8,229
Owner Rehabilitation Program Income Project Delivery	-\$1,859.75
21A Administration	
Provide overall CDBG program administration.	\$7,800
TOTAL - CITY OF NEWARK	\$182,631.37
<i>Anticipated Program Income*</i>	<i>\$8,229</i>

** Based on an estimate of prior years' program income received; only actual program income received will be available to the City for its Revolving Loan Fund (Housing Rehabilitation Programs).*

EXHIBIT A1

ALAMEDA COUNTY HOUSING AND COMMUNITY DEVELOPMENT
AND
CITY OF NEWARK

CFDA number:

■ CDBG 14.218

CFDA Title: Community Development Block Grants/Entitlement Funds

Name of Federal Agency: Housing and Community Development Department (HUD)

Subrecipient Data Universal Numbering System (DUNS) Number: 021116418

Federal Award Date of award to HCD by HUD:

Federal Award Identification Number: B-18-UC-06-0001

EXHIBIT B

COUNTY OF ALAMEDA MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the Contractor, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following insurance coverage, limits and endorsements:

TYPE OF INSURANCE COVERAGES		MINIMUM LIMITS
A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related activities	\$1,000,000 per occurrence (CSL) Any Auto Bodily Injury and Property Damage
C	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$100,000 per accident for bodily injury or disease
D	<p>Endorsements and Conditions:</p> <ol style="list-style-type: none"> ADDITIONAL INSURED: All insurance required above with the exception of Commercial or Business Automobile Liability, Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees, volunteers and representatives. The Additional Insured endorsement shall be at least as broad as ISO Form Number CG20 38 04 13. DURATION OF COVERAGE: All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on claims-made basis shall be maintained during the entire term of the Agreement and until 3 years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement. REDUCTION OR LIMIT OF OBLIGATION: All insurance policies, including excess and umbrella insurance policies, shall include an endorsement and be primary and non-contributory and will not seek contribution from any other insurance (or self-insurance) available to the County. The primary and non-contributory endorsement shall be at least as broad as ISO Form 20 01 04 13. Pursuant to the provisions of this Agreement, insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties. INSURER FINANCIAL RATING: Insurance shall be maintained through an insurer with a A.M. Best Rating of no less than A:VII or equivalent, shall be admitted to the State of California unless otherwise waived by Risk Management, and with deductible amounts acceptable to the County. Acceptance of Contractor's insurance by County shall not relieve or decrease the liability of Contractor hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. SUBCONTRACTORS: Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit. The additional insured endorsement shall be at least as broad as ISO Form Number CG 20 38 04 13. JOINT VENTURES: If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by any one of the following methods: <ul style="list-style-type: none"> Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as the ISO Form named above. Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured." CANCELLATION OF INSURANCE: All insurance shall be required to provide thirty (30) days advance written notice to the County of cancellation. CERTIFICATE OF INSURANCE: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to County, evidencing that all required insurance coverage is in effect. The County reserves the rights to require the Contractor to provide complete, certified copies of all required insurance policies. The require certificate(s) and endorsements must be sent as set forth in the Notice provision. 	

F.2 Second reading and adoption of an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard – from Assistant Planner Bowab. (ORDINANCE)

Background/Discussion – On June 28, 2018, the City Council introduced an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard. The location is currently a vacant lot that will be developed with a six unit multi-family residential townhome subdivision.

Attachment

Action – Staff recommends that the Council, by motion, adopt an ordinance establishing a Planned Development Overlay District at 36589 Newark Boulevard (APN: 92A-623-43).

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK ESTABLISHING A PLANNED DEVELOPMENT
OVERLAY DISTRICT AT 36589 NEWARK BOULEVARD
(APN: 92A-623-43)

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to Section 17.39.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning map amendment embodied in this ordinance is consistent with the General Plan; is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code, which seeks to establish a Planned Development Overlay District on the subject property.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning map amendment embodied in this ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

F.3 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26, and 17.46 generally affecting land uses, heights, landscaping, signs, parking, and other development standards – from Deputy Community Development Director Interiano. (ORDINANCE)

Background/Discussion – On June 28, 2018, the City Council introduced an ordinance Title 17 (Zoning Ordinance) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46.

The following sections of the Newark Zoning Code will be amended per this ordinance:

- 17.07.020-Allow Community Assembly with a Conditional Use Permit (CUP) in RS District.
- 17.07.030-Require a Minor Use Permit (MUP) for heights over 35 ft. in RM and RH Districts.
- 17.08.020-Require a MUP for a Drive-Thru in CC and RC Districts.
- 17.10.020-Require a MUP for unmanned aircraft activity in PK and OS Districts.
- 17.13.040.B-Reduce Paseo (distance between buildings) distance from 19 to 16 feet in FBC District.
- 17.17.020.D.2- allow 30% of the required rear yard area to be used for accessory structures, and no more than 2 structures.
- 17.17.040.A-Clarify fence restrictions and require a MUP for additional height.
- 17.17.070-Limit storage of inoperable vehicles in Residential Districts.
- 17.21.050.A.3.c-All required trees shall be 24” box instead of only 25% of site.
- 17.22.030.B-Clarify that screening and parking are not exempt from nonconforming status.
- 17.23.040 - Additional guest parking requirements for multifamily projects.
- 17.23.090.D-Change Drive isle width to 25 feet instead of 20 feet.
- 17.25.060.F-Clarify Cabinet signs are prohibited.
- 17.25.090.B.3-Monument signs shall be limited to a height of 6 feet.
- 17.25.100.B- Clarify all signs require design review.
- 17.26.140.B&E&F-Provides language to revoke a Home Occupation and require license
- 17.26.260.B.2-Increase review time for a special event permit from 20 to 45 days.
- 17.46.120-Reintroduce the definition of a Lodging House.

At the June 28, 2018 introduction of the ordinance, the City Council amended Section 17.17.020.D.2. The requirement that accessory structures in the RS and RL Districts “shall not exceed 25% of the principal structure” has been removed. The ordinance reflects that change.

Attachment

Action – Staff recommends that the Council, by motion, adopt an ordinance Title 17 (Zoning Ordinance) of the Newark Municipal Code to revise Chapters 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 and 17.46, generally affecting land uses, heights, landscaping, signs, parking and various other development standards.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REVISE VARIOUS SECTION INCLUDING CHAPTERS 17.07, 17.08, 17.10, 17.13, 17.17, 17.21, 17.22, 17.23, 17.25, 17.26 AND 17.46, GENERALLY AFFECTING LAND USES, HEIGHTS, LANDSCAPING, SIGNS, PARKING AND VARIOUS OTHER DEVELOPMENT STANDARDS

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to Section 17.39.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning text amendments embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part of by reference, is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code, which seeks to amend various zoning districts and development standards.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning text amendment embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Title 17 (Zoning) of the Newark Municipal Code is hereby amended as shown in Exhibit A, with ~~strikeout~~ denoting deletions and blue font denoting additions.

Section 4: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

Exhibit A

17.07.020 Land Use Regulations

Table 17.07.020, Land Use Regulations-Residential Districts, prescribes the land use regulations for Residential Districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

TABLE 17.07.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Residential Uses					
Residential Housing Types					
<i>Single-Unit Dwelling, Detached</i>	P	P	P	P	
<i>Single-Unit Dwelling, Attached</i>	-	P	P	P	See Section 17.07.040.D, Single Unit Attached and Multi-Unit Development
<i>Two-Unit Dwelling</i>	-	P	P	P	
<i>Multi-Unit Development</i>	-	P	P	P	See Section 17.07.040.D, Single Unit Attached and Multi-Unit Development
<i>Accessory Dwelling Unit</i>	P	P	P	P	See Section 17.26.040, Accessory Dwelling Units
Family Day Care					
<i>Small</i>	P	P	P	P	
<i>Large</i>	M	M	M	M	See Section 17.26.090, Day Care
Group Residential	-	-	M	M	
Residential Care Facilities					
<i>Small</i>	P	P	P	P	
<i>Large</i>	-	M	M	M	See Section 17.26.220, Residential Care Facilities
Residential Facility, Assisted Living	-	M	M	M	

TABLE 17.07.020: LAND USE REGULATIONS-RESIDENTIAL DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Single Room Occupancy	-	-	-	C	See Section 17.26.230, Single Room Occupancy Units
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.				
Transitional Housing					
Public/Semi-Public Uses					
Community Assembly	C-	C	C	C	
Community Garden	P	P	P	P	See Section 17.26.080, Community Gardens
Cultural Institutions	-	C	C	C	
Day Care Centers	-	C	C	C	See Section 17.26.090, Day Care
Emergency Shelter	-	-	M	P	See Section 17.26.110, Emergency Shelters
Hospital and Clinics					
<i>Skilled Nursing Facility</i>	-	-	C	C	
Park and Recreation Facilities	P	P	P	P	
Public Safety Facilities	C	C	C	C	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Transportation, Communication, and Utility Uses					
Communication Facilities					
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	C	C	C	C	
Other Applicable Types					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Home Occupations	See Section 17.26.140, Home Occupations				
Nonconforming Use	See Chapter 17.22, Nonconforming Provisions				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				

17.07.030 Development Standards

Table 17.07.030, Development Standards-Residential Districts, prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Ordinance.

TABLE 17.07.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
<i>Standard</i>	<i>RS</i>	<i>RL</i>	<i>RM</i>	<i>RH</i>	<i>Additional Regulations</i>
Lot and Density Standards					
Density (units/net acre)					
<i>Maximum</i>	8.7	11; up to 15 subject to (A) below	22; up to 30 subject to (A) below	60	
<i>Minimum</i>	n/a	n/a	14	25	
Minimum Lot Size (sq ft)	RS-10,000: 10,000 RS-8,000: 8,000 RS-7,000: 7,000 RS-6,000: 6,000	6,000, 3,000 for Single-Unit Dwelling, Detached	6,000	6,000	
Minimum Lot Width (ft)	RS-10,000: 80 RS-8,000: 70 RS-7,000: 65 RS-6,000: 60	60	60	60	
Minimum Lot Depth (ft)	100	80	100	100	
Minimum Frontage on a Public Street (ft)	60	40	40	40	
Building Form and Location					
Maximum Height (ft)	30	35	75, 35 within 20 ft of an RS or RL District(C)	100, 35 within 20 ft of an RS or RL District(C)	See Section 17.17.050, Height and Height Exceptions. Heights over 35 feet in the RM and RH Districts shall require a Minor Use Permit.
Minimum Setbacks (ft)					
<i>Front</i>	20	20	15	15	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Interior Side</i>	5	5(B)	5(B)	5(B)	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Street Side</i>	10	10	8	8	See Section 17.17.090, Projections into Yards and Required Building Separations
<i>Rear</i>	20	15	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations

TABLE 17.07.030: DEVELOPMENT STANDARDS-RESIDENTIAL DISTRICTS					
Standard	RS	RL	RM	RH	Additional Regulations
Distance Between Main Structures (ft)	n/a	n/a	10	10	See Section 17.17.090, Projections into Yards and Required Building Separations
Lot Coverage, Landscape, and Open Space Standards					
Maximum Lot Coverage (% of lot)	50	50	55	55	
Minimum Landscaping (% of lot)	25	25	25	25	At least half of the landscape area shall be provided along public rights-of-way or near sidewalks. See Chapter 17.21, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	400(C)	300(C)	200(C)	

- A. **Additional Density, RL and RM Districts.** Up to 15 units/net acre in the RL District and up to 30 units/net acre in the RM District are allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area subject to Conditional Use Permit approval.
- B. **Attached Single-Unit Dwellings.** Required setbacks apply to the ends of rows of attached single-unit dwellings.
- B-C. **Heights over 35 feet in the RM and RH Districts shall require a Minor Use Permit.**

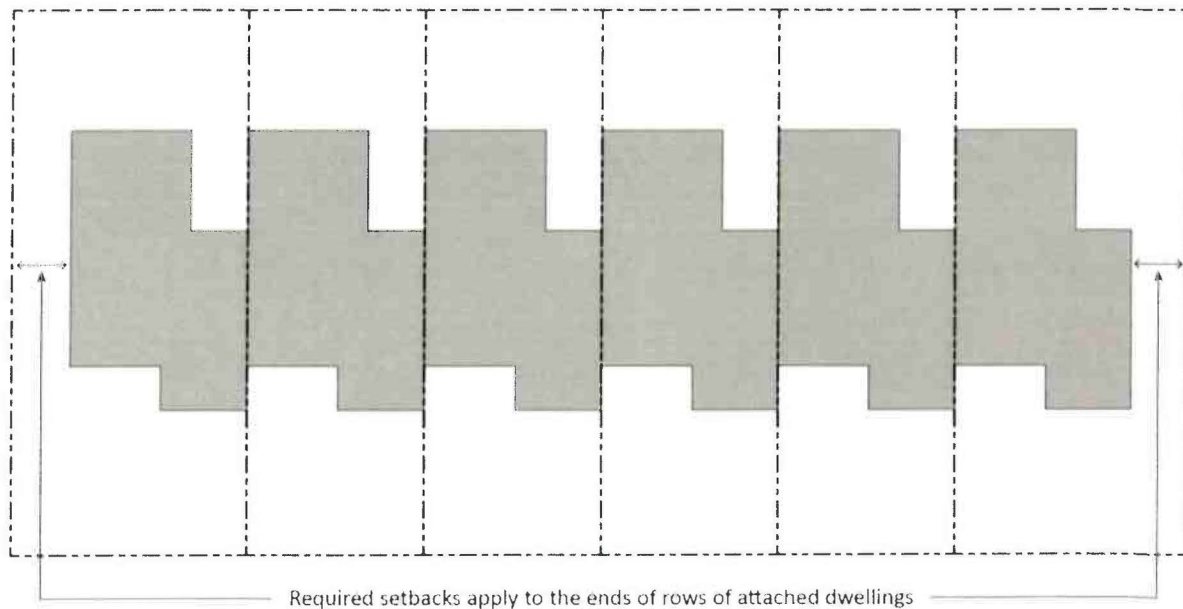


FIGURE 17.07.030.B: ATTACHED SINGLE-UNIT DWELLINGS

- C.D. **Open Space.** Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards.
1. **Single-Unit and Two-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas.
 - a. *Minimum Dimensions.* Minimum dimension of 15 feet.
 - b. *Location.*
 - i. Must be provided on the site at ground level.
 - ii. Required open space shall not be located in a required front or street side setback.
 - iii. No portion of required open space shall be used for driveways of off-street parking facilities.
 2. **Multi-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas. All occupants shall have access to and use of one or more of such areas.
 - a. *Type of Open Space.* A minimum 50 percent of the required open space shall be provided as Common Open Space. The rest of the required open space shall be provided as Private Open Space.
 - i. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence.
 - ii. Common areas typically consist of landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.
 - b. *Minimum Dimensions.*
 - i. Private Open Space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
 - ii. Common Open Space. Minimum dimension of 20 feet.
 - c. *Usability.* A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
 - d. *Location.*
 - i. Required open space shall not be located in a required front or street side setback.
 - ii. No portion of required open space shall be used for driveways of off-street parking and loading facilities or as access to more than one dwelling unit.

- iii. Open space may be located on the roof of buildings or required off-street parking facilities
- e. *Accessibility.*
 - i. Private Open Space. The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
 - ii. Common Open Space. The space shall be accessible to the living units on the lot. It shall be served by any stairway or other access way qualifying as an egress facility from a habitable room.
- f. *Screening.* Required private open space shall be screened by a solid fence or visually solid fence not less than six feet in height when located at ground level and by a solid railing or visually solid railing not less than 42 inches in height when located on a balcony or balconies.

17.08.020 Land Use Regulations

Table 17.08.020, Land Use Regulations-Commercial and Mixed Use Districts, prescribes the land use regulations for Commercial and Mixed Use Districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Residential Uses						
Residential Housing Types						
<i>Single-Unit Dwelling, Attached</i>	-	P(1)	-	-	-	
<i>Multi-Unit Development</i>	-	P(1)	-	-	C(2)	
Family Day Care						
<i>Small</i>	-	P	-	-	-	
Group Residential	-	M(1)	-	-	-	
Residential Care Facilities						
<i>Small</i>	-	P	-	-	-	
Single Room Occupancy	-	C(1)	-	-	-	See Section 17.26.230, Single Room Occupancy Units
Public/Semi-Public Uses						
Colleges and Trade Schools	C	C	C	M	M	
Community Assembly	C	C	C	C	C	
Cultural Institutions	M	M	M	M	M	
Day Care Centers	M	M	M	M	M	See Section 17.26.090, Day Care

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Funeral Parlors and Interment Services	-	-	-	M	-	
Government Offices	P	P	P	P	P	
Hospital and Clinics						
<i>Clinic</i>	M	M	M	M	M	
Instructional Services	M	M	M	M	M	
Park and Recreation Facilities	M	M	M	M	M	
Parking Lots and Structures	M	M	M	M	M	
Public Safety Facilities	P	P	P	P	P	
Schools	M	M	M	M	M	
Social Service Facilities	-	M	M	M	M	
Tutoring Facilities	M	M	M	M	M	
Commercial Uses						
Adult Business	-	-	-	P	-	See Section 17.26.050, Adult Oriented Businesses
Animal Care, Sales, and Services						
<i>Animal Sales and Grooming</i>	P	P	P	P	P	
<i>Boarding/Kennels</i>	-	-	-	C	C	
<i>Veterinary Services</i>	M	M	M	M	M	
Artist's Studio	P	P	P	P	P	
Automobile/Vehicle Sales and Services						
<i>Automobile Rentals</i>	M	M	M	M	P	See Section 17.26.060, Automobile/Vehicle Sales and Services
<i>Automobile/Vehicle Sales and Leasing</i>	-	-	-	P	P	
<i>Automobile/Vehicle Service and Repair, Minor</i>	-	-	-	M	M	
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	-	-	-	-	M	
<i>Service and Gas Stations</i>	C	-	-	M	M	
<i>Washing</i>	-	-	-	M	M	
Banks and Financial Institutions						
<i>Banks and Credit Unions</i>	P	P	P	P	P	
<i>Check-Cashing Businesses</i>	-	-	-	-	C	See Section 17.26.070, Check Cashing Business

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Banquet Hall	-	-	-	-	C	
Business Services	P	P	P	P	P	
Commercial Entertainment and Recreation						
<i>Cinema/Theaters</i>	-	P	P	P	P	
<i>Indoor Sports and Recreation</i>	-	-	C	C	C	
<i>Outdoor Entertainment</i>	-	-	-	-	M	
<i>Outdoor Recreation</i>	-	-	-	-	M	
Drive-Through Facility	C	-	M	MP	MP	See Section 17.26.100, Drive-In and Drive-Through Facilities
Eating and Drinking Establishments						
<i>Bars/Night Clubs/Lounges</i>	-	M	M	M	M	
<i>Restaurant, Full Service</i>	M	M	M	M	M	
<i>Restaurant, Limited Service</i>	M	M	M	M	M	
<i>Restaurant, Take-Out Only</i>	M	M	M	M	M	
Farmer's Markets	P	P	P	P	P	See Section 17.26.120, Farmer's Markets
Food Preparation	M	M	M	M	M	
Hookah Lounge	-	-	-	P	-	See Section 17.26.150, Hookah Lounges
Live/Work Units	-	M	-	-	M	See Section 17.26.130, Live/Work Units
Lodging						
<i>Hotels</i>	C	C	P	P	P	
<i>Motels</i>	-	-	-	-	C	
Maintenance and Repair Services	M	M	M	M	M	
Nurseries and Garden Center	P	P	P	P	P	
Offices						
<i>Business, Professional, and Technology</i>	M	M	M	M	M	
<i>Medical and Dental</i>	M	M	M	M	M	
<i>Walk-In Clientele</i>	M	M	M	M	M	
Personal Services						
<i>General Personal Services</i>	M	M	M	M	M	See Section 17.26.200, Personal Services
<i>Fortune, Palm, and Card Reader</i>	-	-	-	P	-	
<i>Massage Establishments</i>	-	-	C	C	C	

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
<i>Tattoo or Body Modification Parlor</i>	-	-	-	P	-	
Retail Sales						
<i>Building Materials Sales and Services</i>	-	-	-	P	P	
<i>Convenience Markets</i>	P(3)	P(3)	P(3)	M(3)	M(3)	
<i>Food and Beverage Sales</i>	P(3)	P(3)	P(3)	P(3)	P(3)	
<i>Gold, Semi-Precious, Precious Metal Buying Stores</i>	-	-	-	-	C	
<i>General Retail</i>	P	P	P	P	P	
<i>Pawn Store</i>	-	-	-	-	C	
<i>Secondhand Store</i>	C	C	C	C	C	
<i>Tobacco Retailer</i>	-	-	-	-	C	See Section 17.26.270, Tobacco Retailers
Transportation, Communication, and Utility Uses						
Communication Facilities						
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities					
<i>Light Fleet-Based Services</i>	C	C	C	C	C	
Recycling Facility						
<i>Reverse Vending Machine</i>	M	M	M	M	M	See Section 17.26.210, Recycling Facilities
<i>Transportation Passenger Terminals</i>	M	M	M	M	M	
Other Applicable Types						
<i>Accessory Uses and Structures</i>	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses					
<i>Home Occupations</i>	See Section 17.26.140, Home Occupations					
<i>Live Entertainment</i>	C	C	C	C	C	
<i>Nonconforming Use</i>	See Chapter 17.22, Nonconforming Provisions					
<i>Outdoor Dining and Seating</i>	See Section 17.26.170, Outdoor Dining and Seating					
<i>Outdoor Display and Sales</i>	See Section 17.26.180, Outdoor Display and Sales					
<i>Solar Energy Systems</i>	See Section 17.26.240, Solar Energy Systems					
<i>Temporary Use</i>	See Section 17.26.260, Temporary Uses					

TABLE 17.08.020: LAND USE REGULATIONS-COMMERCIAL AND MIXED USE DISTRICTS						
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; ". " Use Not Allowed</i>						
<i>Use Classification</i>	<i>NC</i>	<i>CMU</i>	<i>CR</i>	<i>CC</i>	<i>RC</i>	<i>Additional Regulations</i>
Specific Limitations:						
<ol style="list-style-type: none"> 1. Not allowed on the ground floor along Newark Boulevard and Thornton Avenue frontages. 2. Not allowed on the ground floor. Residential units shall be intended to support retail commercial uses of the project. 3. Conditional Use Permit pursuant to Chapter 17.35, Use Permits, is required for any establishment that either devotes 40 percent or more of floor area or display area to, or derives 75 percent or more of gross sales receipts from, the sale or exchange of alcohol. 						

17.10.020 Land Use Regulations

Table 17.10.020, Land Use Regulations-Public and Semi-Public Districts, prescribes the land use regulations for Public and Semi-Public Districts. Use classifications are defined in Chapter 17.45, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance. Numbers in parentheses refer to specific limitations listed at the end of the table.

TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Public/Semi-Public Uses					
Cemetery	P	-	-	-	
Colleges and Trade Schools	P	-	-	-	
Community Assembly	P	-	P(1)	-	
Community Garden	P	-	P	-	See Section 17.26.080, Community Garden
Cultural Institutions	P	-	P	-	
Day Care Centers	P	-	-	-	See Section 17.26.090, Day Care
Emergency Shelter	P	P	P	-	See Section 17.26.110, Emergency Shelter
Government Offices	P	-	-	-	
Hospital and Clinics					
<i>Hospitals</i>	P	-	-	-	
<i>Clinic</i>	P	-	-	-	
Instructional Services	P	-	-	-	
Park and Recreation Facilities	P	-	P	P(2)	
Parking Lots and Structures	P	P(4)	-	-	
Public Safety Facilities	P	-	-	-	
Schools	P	-	-	-	
Social Service Facilities	P	-	-	-	
Commercial Uses					
Animal Care, Sales, and Services					
<i>Animal Sales and Grooming</i>	C(3)	-	-	-	
Banks and Financial Institutions					
<i>Banks and Credit Unions</i>	-	P(4)	-	-	
Business Services	-	P(4)	-	-	
Commercial Entertainment and Recreation					
<i>Indoor Sports and Recreation</i>	M	-	M	-	
<i>Outdoor Entertainment</i>	C	-	C	-	
<i>Outdoor Recreation</i>	P	-	P	-	
<i>Unmanned Aircraft Activities</i>	-	-	M	M	Shall be consistent with Federal Aviation Administration Regulations and Polices
Eating and Drinking Establishments					
<i>Restaurant, Limited Service</i>	P(5)	P(4)	-	-	

TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
<i>Restaurant, Take-Out Only</i>	P(5)	P(4)	-	-	
Farmer's Markets	P	P	C	-	See Section 17.26.120, Farmer's Markets
Offices					
<i>Walk-In Clientele</i>	-	P(4)	-	-	
Personal Services					
<i>General Personal Services</i>	-	P(4)	-	-	See Section 17.26.200, Personal Services
Retail Sales					
<i>Convenience Markets</i>	-	P(4)	-	-	
<i>Food and Beverage Sales</i>	P(5)	P(4)	-	-	
<i>General Retail</i>	P(5)	P(4)	-	-	
Transportation, Communication, and Utility Uses					
Communication Facilities					
<i>Facilities within Buildings</i>	P	-	-	-	
<i>Telecommunication</i>	See Section 17.26.250, Telecommunication Facilities				
Public Works and Utilities	P	-	-	-	
Recycling Facility					
<i>Reverse Vending Machine</i>	C	-	-	-	See Section 17.26.210, Recycling Facilities
<i>Recycling Collection Facility</i>	C	-	-	-	
<i>Recycling Processing Facility</i>	C	-	-	-	
Transportation Passenger Terminals	P	P	-	-	
Other Applicable Types					
Accessory Uses and Structures	See Section 17.17.020, Accessory Buildings and Structures, and Section 17.26.030, Accessory Uses				
Nonconforming Use	See Chapter 17.22, Nonconforming Uses				
Outdoor Dining and Seating	See Section 17.26.170, Outdoor Dining and Seating				
Outdoor Display and Sales	See Section 17.26.180, Outdoor Display and Sales				
Solar Energy Systems	See Section 17.26.240, Solar Energy Systems				
Temporary Use	See Section 17.26.260, Temporary Uses				

TABLE 17.10.020: LAND USE REGULATIONS-PUBLIC AND SEMI-PUBLIC DISTRICTS					
<i>"P" Permitted Use; "M" Minor Use Permit Required; "C" Conditional Use Permit Required; "-" Use Not Allowed</i>					
<i>Use Classification</i>	<i>PF</i>	<i>TS</i>	<i>PK</i>	<i>OS</i>	<i>Additional Regulations</i>
Specific Limitations:					
<ol style="list-style-type: none"> 1. Limited to facilities associated with park and recreation facilities. 2. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state and protects wildlife habitats and wetlands. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational centers and signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property. 3. Limited to government or non-profit animal shelters located a minimum of 100 feet from a residential use or district. 4. Limited to parking areas, and ancillary uses (i.e., coffee stand, dry cleaner, florist) that would benefit transit patrons of transit stations. 5. Limited to gift shops, cafes and restaurants accessory to cultural institutions, community assembly, and conference/convention centers. 					

4. **Maximum Percent of Buildings at Minimum Setback Line.** Buildings may be located at the minimum setback line for a maximum of 80 percent of the length of the setback line.

17.13.040 General Development Standards

The following development standards apply except where a more stringent requirement is established in Section 17.13.030, Maximum Height and Setback Standards by Street.

- A. **Single-Unit Development.** Table 17.13.040.A, Development Standards-Single-Unit Development, prescribe the development standards for Single-Unit Development with the following adjustments.
 1. Lot depth for alley loaded homes shall be measured from back of walk/centerline of paseo to the centerline of the alley.
 2. For attached homes with garages at the rear or front of the lot, the setback may be reduced to five feet to the garage door.
 3. For front loaded single-family homes, the rear yard setback may be reduced to five feet for up to 50 percent of the lot width.
 4. Building height shall be measured from the finished grade at the front entry to the top of the ridge/parapet.
 5. Front setback shall be measured from back of sidewalk or centerline of paseo.
 6. For all alley-loaded homes, the setback may be reduced to four feet to the garage door. The setback to living space on second- and third-floors may be reduced to two feet from the edge of alley.

TABLE 17.13.040.A: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT				
<i>Standard</i>	<i>Single-Unit, Detached</i>		<i>Single Unit, Attached</i>	
	<i>Front Loaded</i>	<i>Alley Loaded</i>	<i>Front Loaded</i>	<i>Alley Loaded</i>
Lot Dimensions				
Lot Width				
<i>Minimum</i>	32 ft	30 ft	15 ft	15 ft
<i>Maximum</i>	65 ft	60 ft	35 ft	35 ft
Lot Depth				
<i>Minimum</i>	45 ft	50 ft	50 ft	50 ft
<i>Maximum</i>	150 ft	150 ft	90 ft	90 ft
Setbacks				
Front				
<i>Porch/stoops (minimum)</i>	6 ft	6 ft	6 ft	6 ft
<i>Building Face (minimum)</i>	8 ft	8 ft	8 ft	8 ft
<i>Building Face (maximum)</i>	18 ft	16 ft	16 ft	16 ft

TABLE 17.13.040.A: DEVELOPMENT STANDARDS-SINGLE-UNIT DEVELOPMENT				
<i>Standard</i>	<i>Single-Unit, Detached</i>		<i>Single Unit, Attached</i>	
	<i>Front Loaded</i>	<i>Alley Loaded</i>	<i>Front Loaded</i>	<i>Alley Loaded</i>
Lot Dimensions				
Rear				
<i>Main Building (minimum)</i>	10 ft	10 ft	10 ft	10 ft
<i>Accessory Building (minimum)</i>	5 ft	14 or 28 ft	5 or 28 ft	5 or 28 ft
Side				
<i>Main Building (minimum)</i>	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
<i>Main Building at Corners (minimum)</i>	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in
<i>Porch/stoops at Corners (minimum)</i>	6 ft	6 ft	6 ft	6 ft
<i>Accessory Building/Garage (minimum)</i>	3 ft 3 in	3 ft 3 in	3 ft 3 in	3 ft 3 in
<i>Accessory Building/Garage at Corners (minimum)</i>	8 ft 3 in	8 ft 3 in	8 ft 3 in	8 ft 3 in
Site Coverage				
Maximum Site Coverage (not including porches)	60%	60%	75%	75%

B. **Commercial, Office, and Multi-Unit Development.** Table 17.13.040.B, Development Standards- Commercial, Office, and Multi-Unit Development, prescribe the development standards for Commercial, Office, and Multi-Unit Development.

TABLE 17.13.040.B: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
Building Form		
Maximum Length of Building Façade with no Courtyard Break (ft)	300	300
Maximum Building Depth (ft)	300	n/a
Setbacks		
From Public Right-of-Way		
<i>Porches/Stoops/Balconies</i>	n/a	10 ft min
<i>Building</i>	Ground floor: 0 min, 10 ft max Upper floors: 10 ft where ground floor at 0 to 5 ft; 5 ft where ground floor at 5 to 10 ft	15 ft min
From Other Buildings On-Site		
<i>Residential Buildings</i>	20 ft min	Front/front: 169 ft min Side/side: 10 ft min Front/side: 15 ft min
<i>Community or Service Buildings</i>	n/a	25 ft min

TABLE 17.13.040.B: DEVELOPMENT STANDARDS- COMMERCIAL, OFFICE, AND MULTI-UNIT DEVELOPMENT		
<i>Standard</i>	<i>Commercial and Office</i>	<i>Multi-Unit</i>
Building Form		
<i>Nonresidential Buildings</i>	20 ft min	n/a
<i>Carports</i>	15 ft min	15 ft min
From Non-Street Property Line		
<i>Of Single-Unit Dwelling, Attached or Multi-Unit Lot</i>	20 ft min	15 ft min
<i>Of Single-Unit Dwelling, Detached Lot</i>	25 ft min	30 ft min
<i>Nonresidential Buildings</i>	25 ft min	n/a
From On-Site Parking, Drive Aisle, or Lane	15 ft min	5 ft min

Chapter 17.17 General Site Regulations

17.17.010 Purpose and Applicability

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district established in Article II, Base and Overlay District Regulations. In any case of conflict, the standards specific to the zoning district shall override these regulations.

17.17.020 Accessory Buildings and Structures

A. Applicability.

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and that are detached from and accessory to the main building on the site.
2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Ordinance applicable to the main building. Allowed building projections into yards and required building separations are stated in Section 17.17.090, Projections into Yards and Required Building Separations.
3. Where an Accessory Dwelling Unit is located over a detached garage, the entire structure shall be considered a main building, subject to the base district standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building.

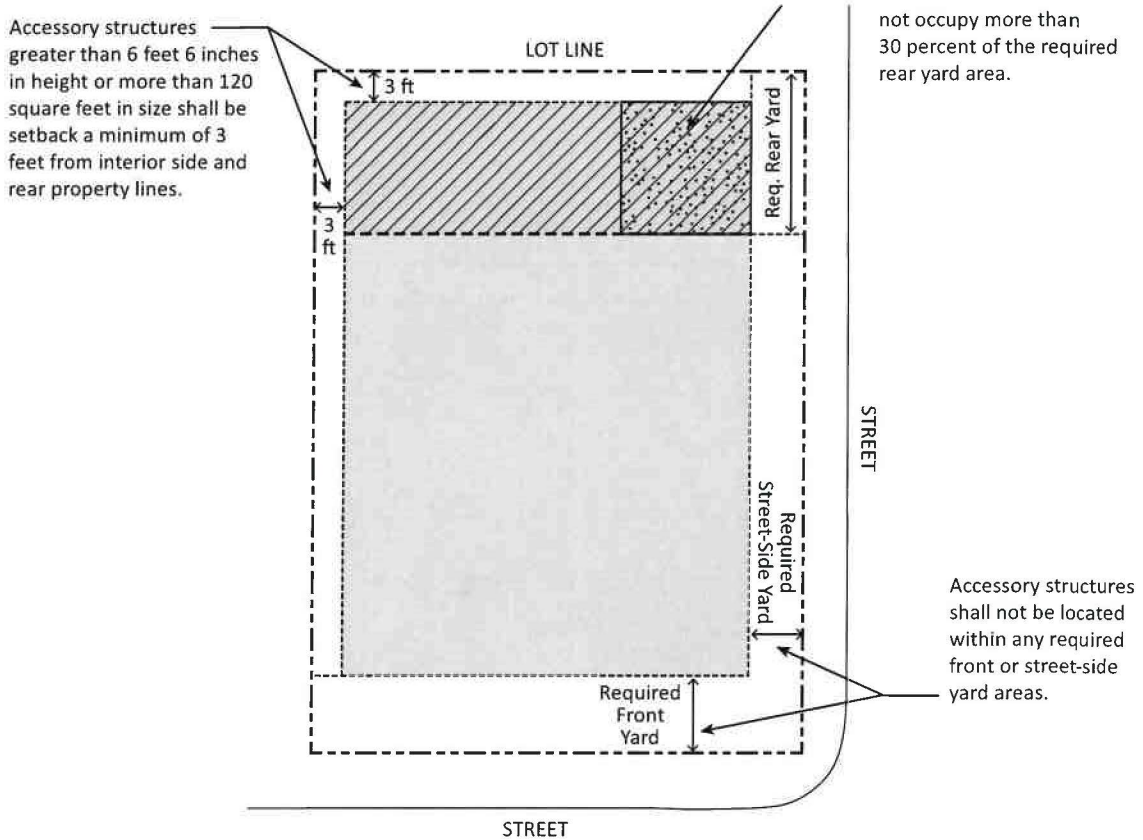
B. **Relation to Existing Structures.** A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related or on an adjacent lot under the same ownership.

C. **Height.** The maximum allowable height of accessory structures is 12 feet except that accessory structures in Nonresidential Districts with a minimum roof pitch of 4:12 may be up to 16 feet in height.

D. Location.

1. **All Districts.**
 - a. *Front and Street-Side Setbacks.* Accessory structures shall not be located within any required front or street-side setback area.
 - b. *Interior-Side and Rear Setbacks.* Accessory structures greater than six feet six inches in height or more than 120 square feet in size shall be setback a minimum of three feet from interior side and rear property lines.

2. **Additional Limitation, RS and RL Districts.** In the RS and RL Districts, accessory structures shall be located in the rear half of the lot, and shall not occupy more than 30 percent of the required rear yard area. ~~of the rear~~ No more than 2 accessory structure shall be allowed, excluding a detached garage. ~~half of the lot.~~



- E. **Separation from Main Buildings.** Detached accessory structures shall be located a minimum of six feet from the main building, inclusive of roof covering.

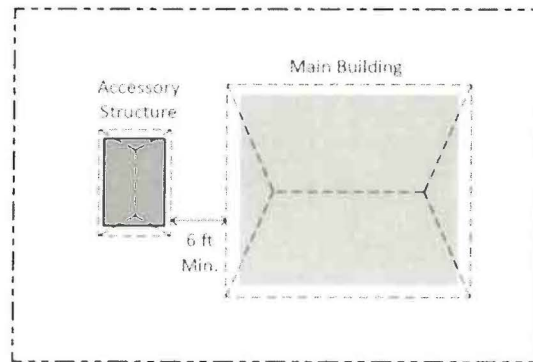


FIGURE 17.17.020.F: ACCESSORY STRUCTURE SEPARATION FROM MAIN BUILDING

17.17.040 Fences and Freestanding Walls

Fences, walls, hedges, and similar structures shall comply with the standards of this Section.

- A. **Maximum Height.** Fences, walls, hedges, and related structures are limited to a maximum of six feet except as follows: three feet high when located within required front yards or within four feet of a street side lot line, eight feet adjacent to four or more lane arterials for residential uses.
1. **Additional Height in Residential Districts.**
 - a. *Director Approval.* The Director may approve additional fence height with a [Minor Use Permit](#), in compliance with the following.

- i. Maximum Height.
 - (1) Front Yards and within Four Feet of a Street Lot Line. Fences within the front yard and fences within four feet of a street lot line on a lot adjacent to a nonresidential use may be up to six feet in height.
 - (2) Outside Front Yards and More than Four Feet from a Street Lot Line. Fences located outside of a required front yard and more than four feet from a street lot line may be up to eight feet in height.
 - (3) Materials. The Director may only approve additional fence height for fences made of masonry block, precast concrete, wood, or metal wrought iron. Vertical or horizontal extensions to an existing fence or wall shall be of the same material and design as the existing fence or wall.
- ii. Review and Required Findings. In approving additional fence height, the Director shall make the following findings.
 - (1) The additional fence height will not impair the provision of adequate light, air, circulation, and visual openness around adjacent residential structures.
 - (2) The additional fence height will not detract from the overall appearance of the neighborhood.
 - (3) The additional fence height is not detrimental to the health, safety, and welfare of people living in the neighborhood.

~~b. Planning Commission Approval. The Planning Commission may approve additional height allowances where the Planning Commission finds such fencing is necessary for security purposes.~~

- 2. Additional Height in Nonresidential Districts. The Community Development Director may approve additional fence height with a Minor Use Permit. The fence shall be in compliance with Materials Section A(1)(a)(i)(3) and the Required Findings Section A(1)(a)(ii) listed above.
- ~~2.3.~~ Hedges. Where the base of the main trunk is further than four feet from the street side lot line and within five feet of a permitted structure, a hedge may be of any height.
- ~~3.4.~~ Recreational Fencing. Fencing located around tennis courts, badminton courts, basketball or volleyball courts and similar areas up to 12 feet in height may be allowed with Director approval, providing that all parts of the fence over six feet are made of open-wire construction or other corrosion-resistant materials.
- ~~4.5.~~ Decorative Features. One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed eight feet and the maximum depth does not exceed five feet.

- 5.6. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures shall comply with Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.

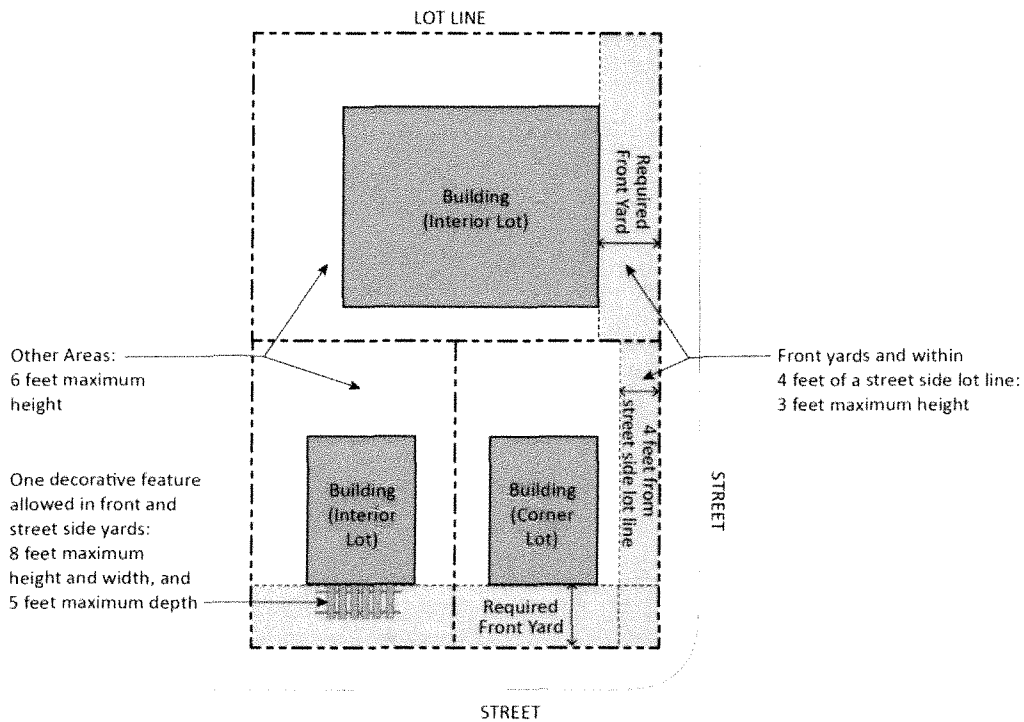


FIGURE 17.17.040.A: FENCE AND FREESTANDING WALL HEIGHT

B. **Materials.**

1. **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California, Federal Government, or other public agency.
 - a. **Exception.** The Planning Commission may approve an exception to this standard for sites in Employment Districts, provided the hazardous fencing materials are located at the top portion of a fence which is at least six feet in height where the Planning Commission finds such fencing is necessary for security purposes.
2. **Limitation on Chain-Link Fencing.**
 - a. **Residential Districts.** Chain-link fencing is prohibited in Residential Districts.
 - b. **Nonresidential Districts.** In Nonresidential Districts, chain-link fencing shall not be visible from the street, a State highway, or adjacent Residential Districts.

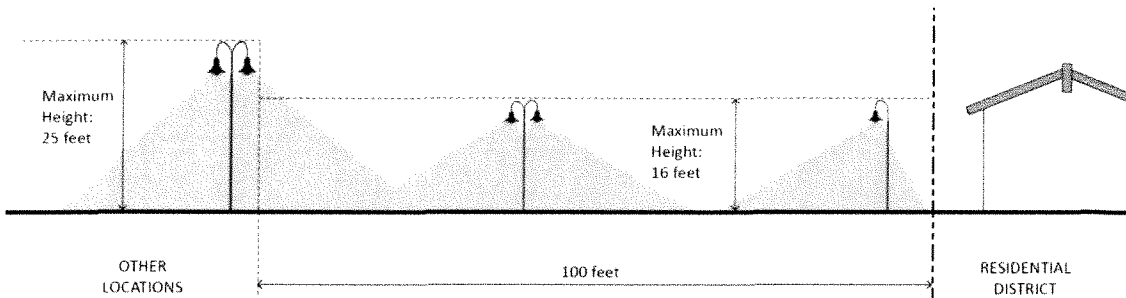


FIGURE 17.17.060.C.1: MAXIMUM HEIGHT, OUTDOOR LIGHTING

2. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
3. **Timing Controls.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
4. **Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

D. Supplemental Requirements

1. **Multi-Unit Residential Buildings.**
 - a. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
 - b. Aisles, passageways, and recesses related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.
2. **Nonresidential Buildings.** All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light.

17.17.070 Outdoor Storage

Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards in Table 17.17.070, Outdoor Storage Regulations. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or to the parking and storage of recreational vehicles or trailers pursuant to Section 17.17.080, Parking and Vehicle Storage in Required Yards.

TABLE 17.17.070: OUTDOOR STORAGE REGULATIONS	
<i>Base Districts</i>	<i>Permissibility of Outdoor Storage</i>
Residential Districts	Permitted as an accessory use provided the outdoor storage does not exceed 25 percent of the rear yard area, is not visible from a public right-of-way, and does not include any hazardous materials. A maximum of two inoperable vehicles shall be allowed.
Commercial and Mixed-Use, Public and Semi-Public, OP, BTP, and LI Districts	Not permitted. (All storage must be within an enclosed building).
GI District	Permitted as an accessory use outside of required yards, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.17.100, Screening.
Resource Production District	Permitted as a principal use outside of required front and street side yards, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.17.100, Screening.

17.17.080 Parking and Vehicle Storage in Yards

Noncommercial passenger vehicles, with a manufacturer's gross vehicle weight 10,000 pounds or less, recreation-type vehicles such as travel trailers, tent trailers, completely enclosed campers and boats on trailers may be parked or stored in yards, provided, that they are not subject to Chapter 10.52, Abatement of Abandoned, Wrecked, Dismantled or Inoperative Vehicles, of the Newark Municipal Code, subject to the following provisions.

- A. Unmounted campers shall not be located within the area extending across the full width of the lot between a street facing lot line and the nearest wall of the closest main building on the lot.

17.21.050 General Requirements

A. Materials.

1. **General.**

- a. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees. 50 percent of all trees shall be evergreen species.
- b. Landscaping may also include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.
- c. Landscaped areas may include paved or graveled surfaces, provided they do not cover more than 30 percent of the area required to be landscaped.
- d. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.

2. **Required Water Efficient Plants.** Plants shall be one of the following options shall be chosen to ensure that the landscape project meets water efficiency requirements.

- a. *Option A: All Low Water Plants.* Exclusive of garden areas. all plants and trees shall be low or very low water use (average California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3). Option A is available for all residential and nonresidential areas.
- b. *Option B: Primarily Low Water Plants.* Exclusive of garden areas, at least 85 percent of the landscape area shall contain low or very low water use plants (average WUCOLS plant factor of 0.3). Option B is only available for residential areas.
- c. *Option C: Water Use Calculation.* The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA),

calculated pursuant to the State Model Water Efficient Landscape Ordinance (MWELo). Option C is available for all residential and nonresidential areas.

- i. Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required. Where Option C is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.
3. **Size and Spacing.** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light) and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
 - a. *Ground Covers.* Ground cover plants other than grasses must be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per twelve inches on center.
 - b. *Shrubs.* Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
 - c. *Trees.* ~~25 percent of~~ All required trees shall be 24-inch box or greater in size. All other trees shall be a minimum 15-gallon size.
 - i. Tree trunks shall be placed at least 5-feet from utilities.
 - ii. Tree trunks shall be placed at least 15-feet from light poles.
4. **Turf.** Turf, defined as a ground cover surface of mowed grass, is subject to the following limitations.
 - a. No more than 25 percent of the landscaped area may be turf.
 - b. The installation of turf on slopes greater than 25 percent is prohibited.
 - c. Turf is prohibited in locations that are less than 10 feet wide.
5. **Invasive Plants Prohibited.** Plant species that are listed by CAL-IPC as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.
6. **Mulch.** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
7. **Compost.** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test) shall be incorporated.
- B. **Water Features.** Recirculating water shall be used for all decorative water features.
- C. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
- D. **Visibility.** Landscaping shall meet visibility requirements at street intersections and driveways pursuant to Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.

- E. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting.
- F. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

Chapter 17.22 Nonconforming Provisions

17.22.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with the standards and requirements of this Ordinance and are operated in a manner that does not conflict with the General Plan. To that end, the chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

17.22.020 Applicability

The provisions of this Chapter apply to structures and uses that have become nonconforming by adoption of this Ordinance as well as structures and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

17.22.030 Nonconformities, Generally

Any lawfully established use or structure that is in existence on the effective date of this Ordinance or any subsequent amendment thereto but does not comply with the standards and requirements of this Ordinance shall be considered nonconforming.

- A. A non-conformity may result from any inconsistency with the requirements of this Ordinance including, but not limited to, use, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved Use Permit or other required authorization.
- B. A use or structure shall not be deemed nonconforming solely because it does not conform with ~~parking and~~ loading space requirements, ~~and~~ landscape planting area, ~~or screening~~ regulations of the district in which it is located.

17.22.040 Classification of Nonconforming Uses

Nonconforming uses are classified as follows for the purpose of determining whether to permit substitution or expansion subject to the requirements of the following sections, or to require the elimination of the nonconforming use.

- A. **Class I Nonconforming Use.** Class I Nonconforming Uses are those that do not meet the current standards and requirements of this Ordinance but are compatible with the uses of the surrounding properties, including those described in subsections A.1 and A.2, below, or as determined by the Planning Commission pursuant to Subsection A.3, below. Class I Nonconforming Uses are generally treated like conforming uses and may expand and remain indefinitely, subject to the limitations of this Chapter.
 1. **Residential Uses.** Any nonconforming residential use shall be classified as a Class I Nonconforming Use.
 2. **Warehousing and Storage and Wholesaling and Distribution.** Warehousing and Storage and Wholesaling and Distribution that were lawful when established and in existence on

- C. **Existing Residential Buildings.** On-site parking in accordance with this Chapter shall be provided where there is an expansion of existing floor area of 30 percent or more or where additional dwelling units are created through the alteration of an existing building or construction of an additional structure or structures.
- D. **When Constructed.** On-site parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

17.23.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of on-site parking and/or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading as of the date of adoption of this Ordinance are not reduced in number to less than what this Chapter requires.
- C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.
- D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.

17.23.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** Each land use shall be provided at least the number of on-site parking spaces stated in Table 17.23.040, Required On-Site Parking Spaces. The parking requirement for any use not listed in Table 17.23.040 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES		
Land Use Classification	Required Parking Spaces	
Residential Uses	As specified below	
Residential Housing Types		
Single-Unit Dwelling, Attached or Detached	2 per unit	Must be within a garage
Two-Unit Dwelling	1.5 per studio or one-bedroom unit 2 per unit with two or more bedrooms 1 Guest space per unit	One space per unit must be within a garage

TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Multi-Unit Building</i>	<p>1.5 per studio or one-bedroom unit 2 per unit with two or more bedrooms Guest parking: .5 space per unit plus 1 for every four units Projects located outside a radius of 100 feet of RS and RL districts, or separated by an arterial street from single family homes, or with driveway aprons, or located within a Specific Plan shall require 1 space plus .25 per unit</p> <p>Ten or fewer dwelling units: One space per unit must be within a garage More than ten dwelling units: One space per unit must be covered Guest parking shall be clearly marked as reserved for guests and available with unrestricted access</p>
<i>Accessory Dwelling Unit</i>	1 per unit
<i>Caretaker Unit</i>	1 per unit
Family Day Care	
<i>Small</i>	None beyond what is required for the Residential Housing Type
<i>Large</i>	1 for each nonresident employee plus an area for loading and unloading children plus parking required for the residential use
<i>Group Residential</i>	1 for each employee plus 1 for each guest room or every two beds, whichever is greater
Residential Care Facilities	
<i>Small</i>	None beyond what is required for the Residential Housing Type
<i>Large</i>	1 for every 3 beds
<i>Residential Facility, Assisted Living</i>	1 for every 3 beds
<i>Single Room Occupancy</i>	0.5 per unit
<i>Supportive Housing</i>	None beyond what is required for the Residential Housing Type
<i>Transitional Housing</i>	None beyond what is required for the Residential Housing Type
<i>Senior Housing</i>	1 per unit, plus .25 per unit for guest parking
Public/Semi Public Uses	
Public/Semi Public Uses	1 for each employee plus as determined by the Director, except as specified below
<i>Colleges and Trade Schools</i>	1 for each employee plus 1 for every 2 students
<i>Community Assembly</i>	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided
<i>Day Care Centers</i>	1 per each employee plus an area for loading and unloading children
<i>Emergency Shelter</i>	1 per family room, 0.35 per individual bed, plus 1 for each employee
Hospital and Clinics	
<i>Hospitals</i>	1 for every 2 beds
<i>Clinic</i>	1 per 250 square feet of floor area
<i>Skilled Nursing Facility</i>	1 for every 3 beds

TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Instructional Services	1 for each employee plus 1 for every 2 students
Parking Lots and Structures	None
Social Service Facilities	1 per 250 square feet of floor area
Tutoring Facilities	1 per 250 square feet of floor area
Commercial Uses	1 per 250 square feet of floor area, except as specified below
Adult-Oriented Business	1 per 150 square feet of floor area
Animal Care, Sales, and Services	
<i>Boarding/Kennels</i>	1 for each employee plus an area for loading and unloading animals
Automobile/Vehicle Sales and Services	1 per 300 square feet of office or retail area and 1 per service bay
Commercial Entertainment and Recreation	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided Bowling alleys: 5 for each lane Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 150 square feet of floor area plus 1 per 150 square feet of outdoor dining and seating area over 350 square feet.
Farmer's Markets	None
Food Preparation	1 per 500 square feet of floor area
Funeral Parlors and Interment Services	1 for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided
Hookah Lounge	1 per 150 square feet of floor area
Live/Work Units	1 per 1,000 square feet of nonresidential area plus 1 space for each residential unit
Lodging - Hotels and Motels	1 for each guest room or every two beds, whichever is greater. The director may require additional parking for ancillary uses, such as restaurants.
Maintenance and Repair Services	1 per 500 square feet of floor area
Market Garden	As determined by the Director
Mobile Food Vendor	None
Nurseries and Garden Center	1 per 500 square feet of floor area; 1 per 1,000 square feet of outdoor display area
Offices	
<i>Business, Professional, and Technology</i>	1 per 300 square feet of floor area
<i>Walk-In Clientele</i>	1 per 300 square feet of floor area
Retail Sales	

TABLE 17.23.040: REQUIRED NUMBER OF ON-SITE PARKING SPACES	
<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Building Materials Sales and Services</i>	1 per 500 square feet of floor area; 1 per 1,000 square feet of outdoor display area
Industrial Uses	1 per 1,000 square feet of floor area plus 1 for each 5,000 square feet of outdoor use area, except as specified below
Custom Manufacturing	1 per 500 square feet of floor area
Personal Storage	1 space per 75 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
Transportation, Communication, and Utility Uses	1 per 300 square feet of office area plus one for each fleet vehicle

- B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:
1. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
 2. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
 3. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
 4. **Students.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
 5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.23.050, Parking Reductions.
- D. **CMU District.** In the CMU District, no on-site parking is required for the first 5,000 square feet of ground floor nonresidential use. Ground floor nonresidential uses greater than 5,000 square feet in size shall provide parking in accordance with Table 17.23.040, Required Number of On-Site Parking Spaces, for the floor area in excess of 5,000 square feet. In addition, the following applies in the Old Town Area.

1. **Old Town Area.** The following apply in the Old Town Area as shown on Figure 17.23.040.D.1, Old Town Area Parking Calculations.

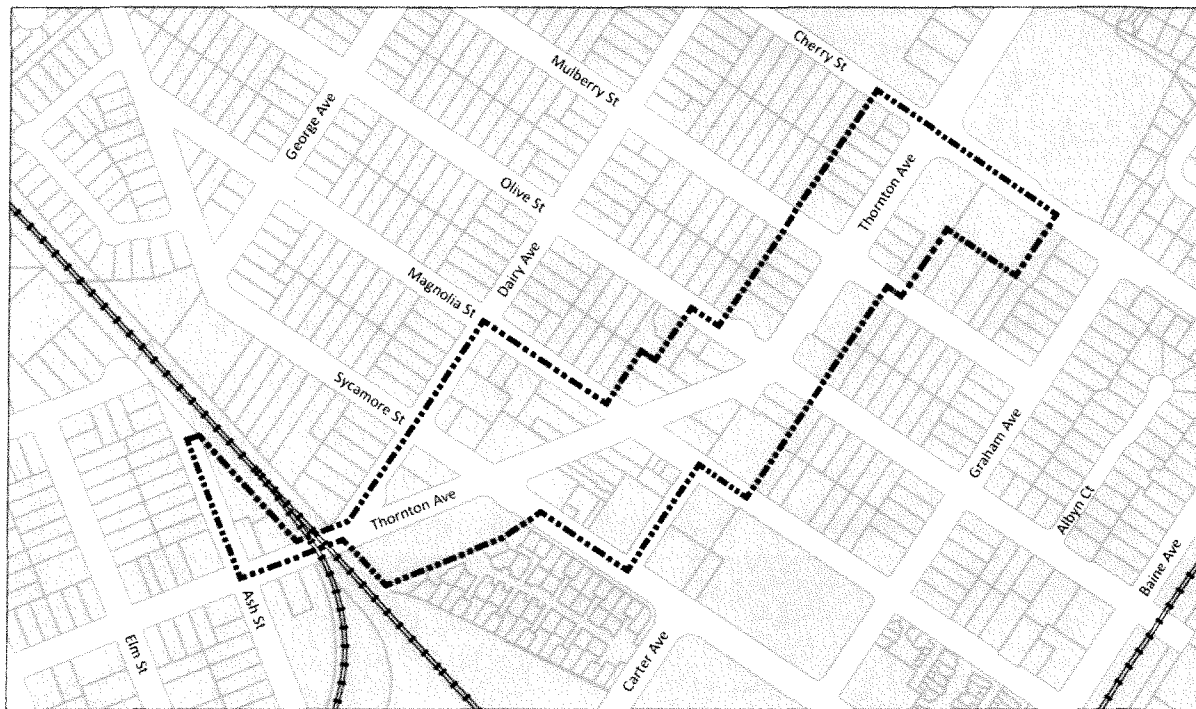


FIGURE 17.23.040.D.1: OLD TOWN AREA PARKING CALCULATIONS

- a. On-street parking along a lot's corresponding frontage lines shall be counted toward the parking requirement. Where an on-street parking space is adjacent to multiple lots, the credit shall be given to the development on the lot whose frontage contains more than 50 percent of the parking space length.

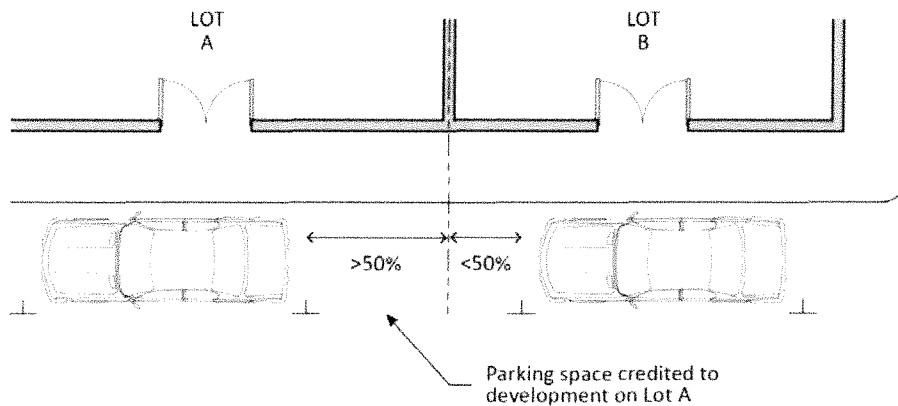


FIGURE 17.23.040.D.1.A: ON-STREET PARKING CREDIT

- b. Where a use with a legal nonconforming parking deficiency is replaced, the new use shall receive a parking credit equal to the number of required automobile parking spaces unmet by the previous use.

17.23.050 Parking Reductions

The number of on-site parking spaces required by Section 17.23.040, Required Parking Spaces, may be reduced as follows, subject to Minor Use Permit approval.

- A. **Transit Accessibility.** For any land use except residential Single-Unit and Two-Unit development, if any portion of the lot is located within one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. and 7:00 p.m., the number of required parking spaces may be reduced by 20 percent of the normally required number of spaces.
- B. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 40 percent if the review authority finds that:
 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 2. The proposed shared parking provided will be adequate to serve each use;
 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.23.060.C, Off-Site Parking Facilities.
- C. **Other Parking Reductions.** Required parking for any use may be reduced as follows.
 1. **Criteria for Approval.** The review authority may only approve reduced parking if it finds that:
 - a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;
 - b. The use will adequately be served by the proposed on-site parking; and
 - c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area.
 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

- a. *Asphalt.* Two inches of asphaltic concrete on four inches of aggregate base material.
- b. *Concrete.* Four inches of portland cement concrete on three inches of aggregate base material.

17.23.090 Parking Area Design and Development Standards

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections I through M. Stacked or valet parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this Section.

- A. **Tandem Parking.** Tandem parking is not permitted to satisfy the off-street parking requirement.
- B. **Shopping Cart Storage.** When there are businesses that utilize shopping carts, adequate temporary shopping cart storage areas shall be provided throughout the parking lots. No temporary storage of shopping carts is allowed on walkways outside of buildings. Shopping cart storage shall not occur in required parking spaces.
- C. **Parking Access.** Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the Public Works Director.
 1. **Distance from Intersection.** Access for parking facilities with 10 or more spaces shall be located a minimum of 50 feet from the intersection of any two streets.
 2. **Access Width.** The width of curb cuts for parking access is limited as follows.
 - a. The width of a curb cut serving one travel lane is limited to a maximum of 12 feet, excluding splays.
 - b. The width of a curb cut serving two travel lanes is limited to a maximum of 24 feet, excluding splays, except parking lots with more than 100 spaces where the curb cut may be up to 35 feet wide, excluding splays.
 3. **Shared Access.** Nonresidential projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Recorders Office, in a form satisfactory to the City Attorney.
 4. **Forward Entry.** Parking areas of four or more spaces shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
 5. **Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 20 feet in depth.
 6. **Driveway Width.** The minimum width of a driveway is as follows:
 - a. 10 feet for any driveway serving one residence.
 - b. 10 feet for a one-way driveway.

- c. 20 feet for a two-way driveway serving any use other than one residence.

D. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

1. **Standard Parking Spaces and Drive Aisles.** The minimum basic dimension for standard parking spaces is nine feet by 19 feet, with a minimum vertical clearance of seven feet. Table 17.23.090.D provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces. The required aisle width may be modified if the Public Works Director finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

TABLE 17.23.090.D: STANDARD PARKING SPACE AND AISLE DIMENSIONS		
Angle of Parking	Aisle Width (ft)	Stall Depth (ft)
90°	25	19
60°	16	21
45°	12	19
30°	10	17
Parallel	12	19
Other	As determined by the Public Works Director	

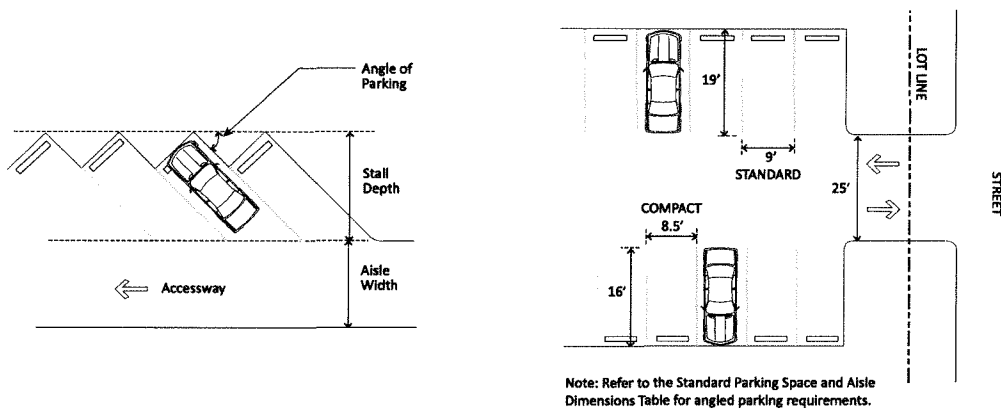


FIGURE 17.23.090.D.1: STANDARD PARKING SPACES AND DRIVE AISLES

2. **Compact Parking Spaces.** Up to 25 percent of assigned spaces may be reduced to 8.5 feet by 16 feet and labeled “compact.”

3. **Parking Spaces Abutting Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet in the vicinity of where a vehicle door may be located shall be increased to accommodate access to the vehicle through the door.

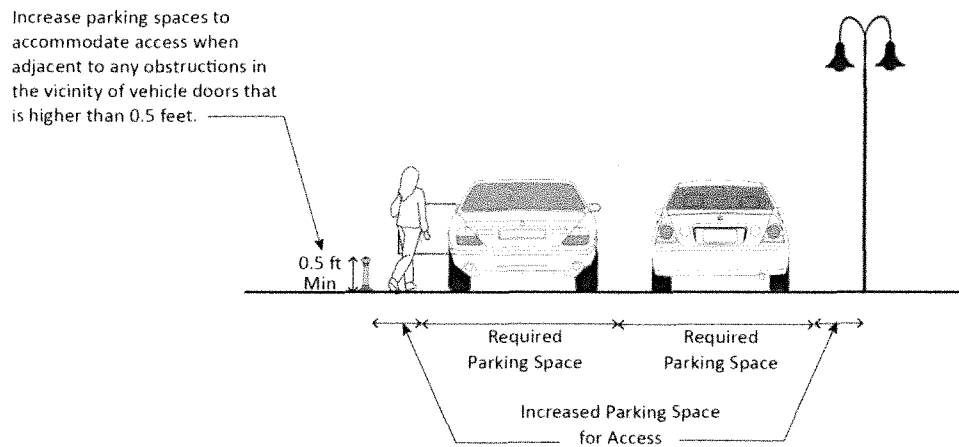


FIGURE 17.23.090.D.3: PARKING SPACES ABUTTING WALL OR FENCE

4. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions and related requirements.
 - a. A single car garage or carport: 10 feet in width by 20 feet in length.
 - b. A two-car garage or carport: 20 feet in width by 20 feet in length.
 - c. A garage or carport containing three or more spaces: 10 feet in width by 20 feet in length per space.
 - d. The vertical clearance for garage or carport parking spaces shall not be less than seven feet.
 - e. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.
- E. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
- F. **Wheel Stops.** Parking areas designed to accommodate 10 or more vehicles shall provide concrete bumper guards or wheel stops for all unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that

the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.

- G. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the Public Works Director. No unpaved area shall be used for parking.
1. **Pavement Standards.** Parking areas shall be paved consistent with the following materials or comparable material approved by the Public Works Director.
 - a. *Asphalt.* Two inches of asphaltic concrete on four inches of aggregate base material.
 - b. *Concrete.* Four inches of portland cement concrete on three inches of aggregate base material.
 - c. *Pavers or Permeable Pavement Systems.* Pavers or permeable pavement systems with strength equivalent to a. or b above.
 2. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

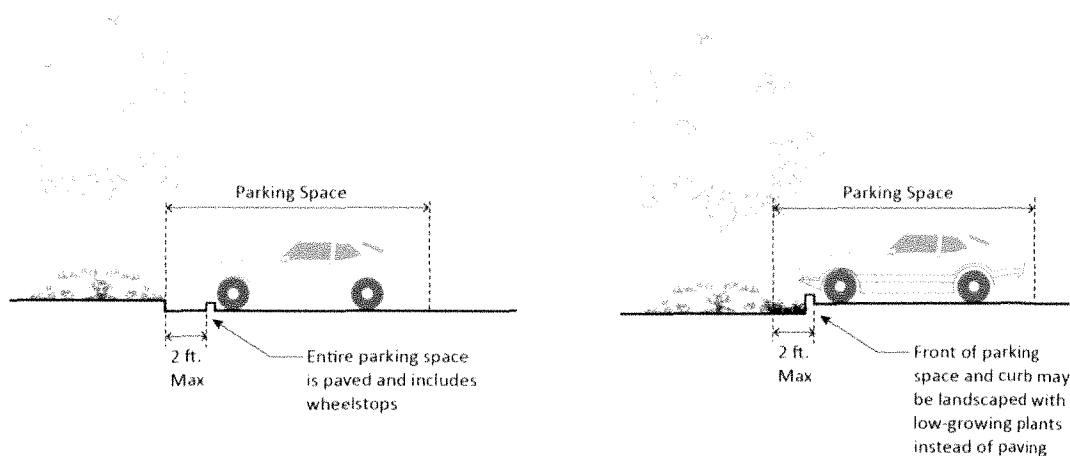


FIGURE 17.23.090.G: PARKING SURFACING

- H. **Perimeter Curbing.** Parking areas designed to accommodate 10 or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- I. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
 2. Trees shall be selected from a list maintained by the Planning Division.
- J. **Lighting.** Parking areas designed to accommodate 10 or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter 17.24, Performance Standards.
- K. **Separation From On-Site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of three feet in width. Commercial buildings with 25,000 square feet or more of gross floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width.

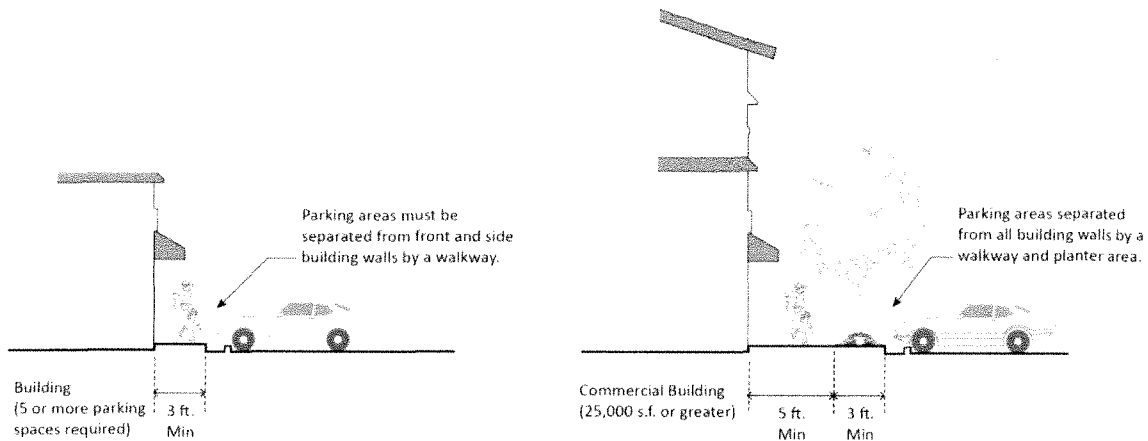


FIGURE 17.23.090.K: PARKING SEPARATION FROM ON-SITE BUILDINGS

- L. **Landscaping.** Parking areas designed to accommodate five or more vehicles must be landscaped according to the general standards of Chapter 17.21, Landscaping, as well as the standards of this Subsection.
1. **Landscape Area Required.** A minimum of 10 percent of the parking lot area shall be landscaped.
 2. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.

3. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. Landscaped planting strips at least four feet wide between rows of parking stalls;
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and
 - d. On-site landscaping at the parking lot perimeter.
4. **Required Landscaped Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 24 inch box tree shall be provided at each end of each interior row of parking stalls and between every six consecutive parking stalls.
5. **Landscaped Buffer Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the zoning district standards applicable to a site.
6. **Landscaped Buffer Abutting Interior Lot Line.**
 - a. *Adjacent to a Residential, Park, or Open Space District.* A landscaped area at least five feet wide shall be provided between any surface parking area and any adjacent lot in a Residential, Park, or Open Space District for the length of the parking area.
 - b. *Adjacent to Any Other District.* A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot in any district other than Residential, Park, or Open Space for the length of the parking area.
7. **Trees.**
 - a. *Number Required.* One for each eight parking spaces.
 - b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.
 - c. *Species.* Tree species shall be selected from a list maintained by the Planning Division.
 - d. *Size.* All trees shall be a minimum 24 inch box with a one-inch diameter at 48 inches above natural grade.
 - e. *Minimum Planter Size.* Any planting area for a tree must have a minimum interior horizontal dimension of five feet. Additional space may be required for some tree species.
8. **Protection of Vegetation.**
 - a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is

permitted, or by wheel stops set a minimum of two feet from the back of the curb.

- b. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
9. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.

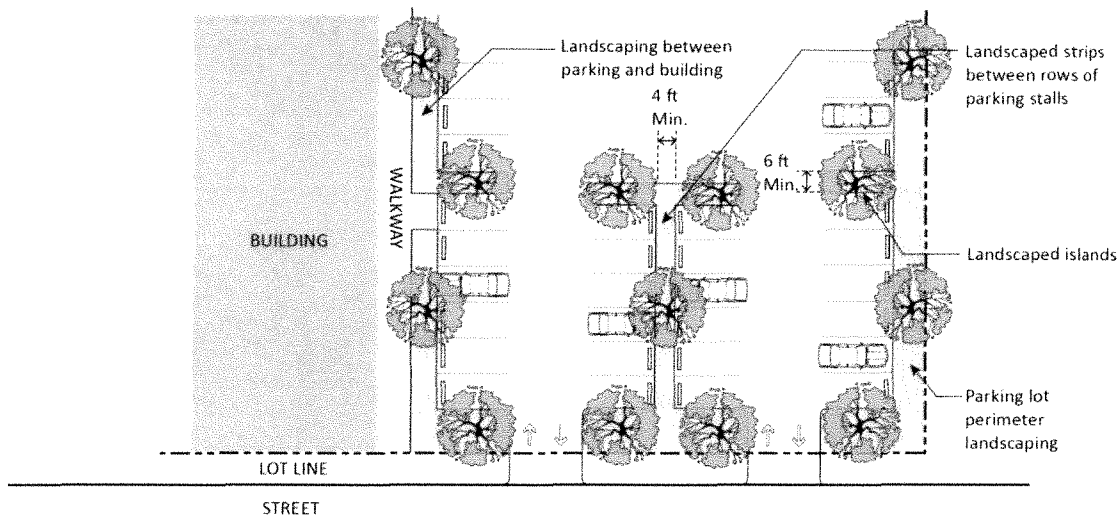


FIGURE 17.23.090.L: PARKING AREA LANDSCAPING

- M. **Screening.** Parking areas designed to accommodate five or more vehicles shall be screened from view from public streets and adjacent lots in a more restrictive zoning district, according to the following standards.
 1. **Height.** Screening of parking lots from adjacent public streets shall be 42 inches in height. Screening of parking lots along interior lot lines that abut Residential Districts shall be six feet in height, except within the required front setback of the applicable zoning district, where screening shall be three feet in height.
 2. **Materials.** Screening may consist of one or any combination of the methods listed below.
 - a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

- b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
- c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation and must be permanently maintained.
- d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

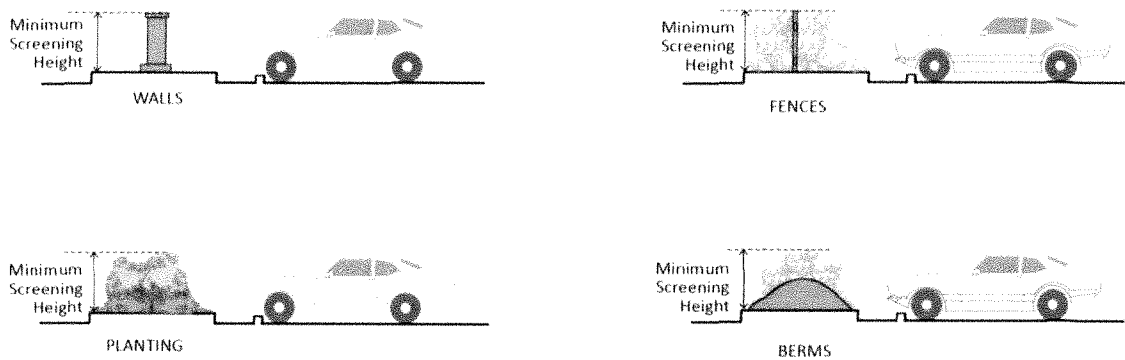


FIGURE 17.23.090.M: SCREENING OF PARKING AREAS

N. Circulation and Safety.

1. Visibility shall be assured for pedestrians, bicyclists, and motorists entering individual parking spaces, circulating within a parking facility, and entering or leaving a parking facility.
2. Off-street parking areas of four or more spaces shall be provided with sufficient maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.
3. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements.
4. Separate vehicular and pedestrian circulation systems shall be provided where possible. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways. Parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
 - a. *Connection to Public Sidewalk.* An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the

shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

- b. *Materials and Width.* Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
- c. *Identification.* Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
- d. *Separation.* Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

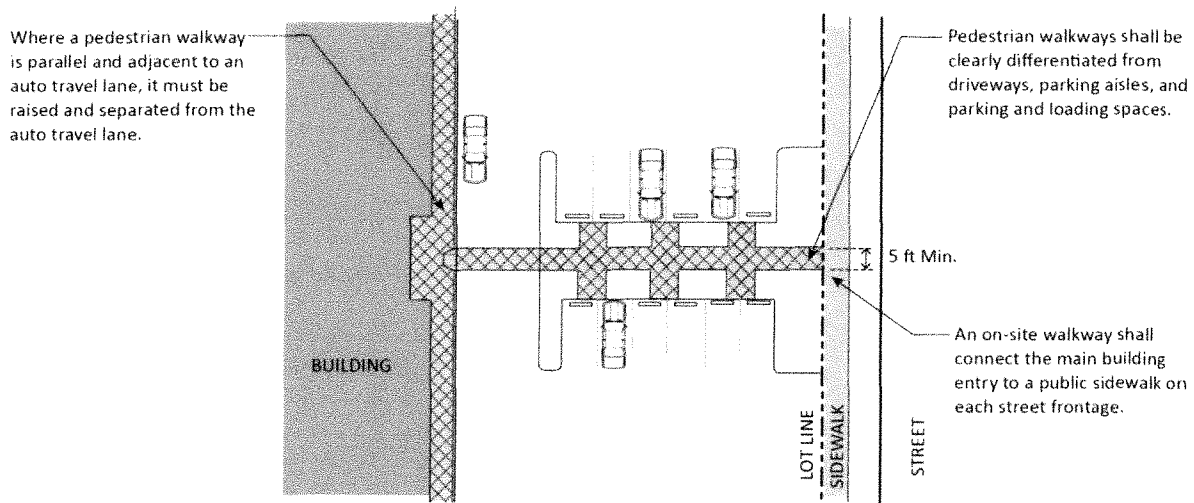


FIGURE 17.23.090.N: PEDESTRIAN CIRCULATION

- O. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- P. **Maintenance.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

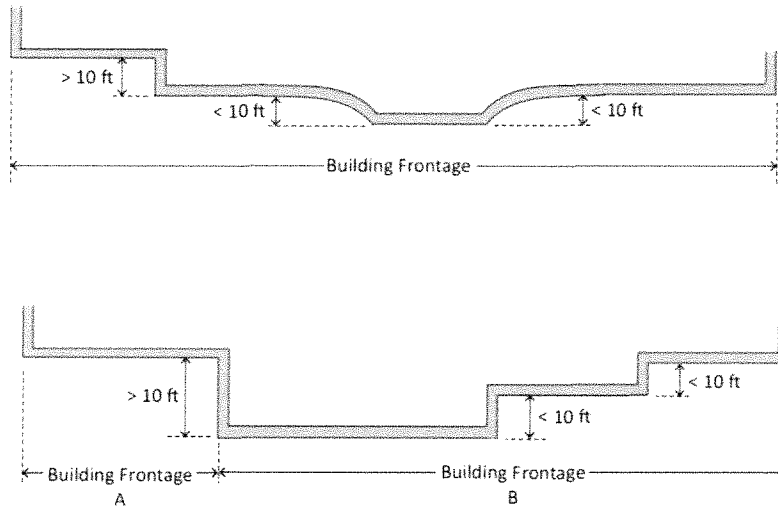


FIGURE 17.25.050.D: BUILDING FRONTAGE

- E. **Street Frontage.** The length of street frontage is measured along the property line adjacent to the public right-of-way.

17.25.060 General Provisions

This Section establishes general standards that apply to all sign types and in all districts.

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs must be constructed in accordance with the Uniform Building Code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- B. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Ordinance. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. **Noncommercial Signs.** Non-commercial signs are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all non-commercial speech messages will be deemed to be "on-site," regardless of location.
- D. **Message Substitution.** A non-commercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, any non-commercial message may be substituted for any other non-commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration, or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-

commercial speech, or favoring of any particular non-commercial message over any other noncommercial message.

2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

E. **Changeable Copy.**

1. **Manual Changeable Copy.** Manually changeable copy shall represent no more than 30 percent of the sign area.
2. **Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.
 - a. **Permit Required.** All automatic changeable copy and electronic message center signs require Conditional Use Permit approval, except service and gas station price signs and time and temperature signs.
 - b. **Display Duration.** The display shall change no more frequently than once every eight seconds and must have an unlighted interval between copy displays of 0.3 second or more.
 - c. **Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity
 - d. **Light Intensity.** 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy must be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
 - e. **Automatic Controls.** All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

F. **Illumination.** Illuminated channel letters and neon signs are allowed. However, cabinet internally illuminated signs and bare bulbs are prohibited. Lighting fixtures used to illuminate an outdoor sign shall be mounted on the top of the sign structure, unless approved with a Minor Use Permit.

G. **Encroachment Permits.** Signs mounted on private property may project into or above public property or the public right-of-way only with approval by the Public Works Director of an encroachment permit.

- H. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs. Fabric signs are limited to awnings, canopies, flags, and temporary signs.

17.25.070 Allowed Signs by District

This Section establishes the types and size of signs allowed per zoning district. These signs are also subject to the regulations in “General Provisions for All Sign Types” and “Standards for Specific Sign Types”.

- A. **Types of Signs Allowed.** Table 17.25.070.A establishes the types of signs allowed per zoning district.

TABLE 17.25.070.A: ALLOWED SIGNS BY DISTRICT							
✓ Allowed (subject to compliance with this Chapter)				- Not Allowed			
District	Sign Type						
	A-frame	Awning and Canopy	Freestanding	Projecting and Shingle	Window	Wall	High Rise Building Identification
All Districts							
See Section 17.25.080, Signage Allowances for Specific Uses and Development and Section 17.25.090.G, Temporary Signs.							
Commercial and Mixed Use Districts							
NC	✓	✓	✓	✓	✓	✓	-
CMU	✓	✓	✓	✓	✓	✓	-
CR	✓	✓	✓	✓	✓	✓	-
CC	✓	✓	✓	✓	✓	✓	✓
RC	✓	✓	✓	✓	✓	✓	✓
Employment Districts							
OP	-	✓	✓	✓	✓	✓	✓
BTP	-	✓	✓	✓	✓	✓	✓
LI	-	✓	✓	✓	✓	✓	✓
GI	-	✓	✓	✓	✓	✓	✓
Public and Semi-Public Districts							
PF	-	-	✓	-	✓	✓	-
TS	-	✓	✓	✓	✓	✓	-
PK	-	-	✓	-	-	✓	-
OS	-	-	✓	-	-	✓	-
Resource Production District							
RP	-	-	✓	-	-	✓	-

- A. **Residential Developments.** Residential developments of two or more units or lots are allowed freestanding signs and wall signs with a total aggregate sign area of one square foot per two dwelling units, subject to the following standards.
 - 1. **Maximum Number of Signs.** One per street frontage.
 - 2. **Maximum Size per Sign.** 20 square feet.
 - 3. **Maximum Height of Freestanding Signs.** Four feet.
- B. **Non-Residential Uses in Residential Districts.** Nonresidential uses that are the primary use on a site in a Residential District are allowed total aggregate sign area of one square foot per eight feet of street frontage. Allowed sign types and the maximum sign area for individual signs is as follows.
 - 1. **Awning and Canopy Signs.** Six square feet or 25 percent of the surface area of the awning, whichever is less.
 - 2. **Freestanding Signs.** Six square feet.
 - 3. **Projecting and Shingle Signs.** Six square feet.
 - 4. **Window Signs.** 15 percent of window area.
 - 5. **Wall Signs.** 10 square feet.
- C. **Menu/Order Board Signs.** Outdoor menu/order board signs are subject to the following standards:
 - 1. **Uses Allowed With.** Outdoor menu/order board signs are allowed on the site of a permitted drive-in, walk-up, or drive-thru facility.
 - 2. **Maximum Number.** A maximum of two per business with a drive-thru facility and one per business with a walk-up window.
 - 3. **Maximum Size.** The area of each menu/order board sign shall not exceed 32 square feet.
 - 4. **Maximum Height.** Six feet.
 - 5. **Location.**
 - a. Menu/order board signs shall be located adjacent to the drive-thru aisle or walk-up window; and
 - b. The signs shall not be located so as to impair the vision of the driver of a vehicle traveling either into, out of, or through the drive-thru aisle.
- D. **Display Structures.** Display structures for pedestrian viewing are allowed in Commercial and Mixed-Use Districts pursuant to Master Sign Program approval. Such structures may include enclosed displays or displays incorporated into the structure such as bus stop benches, kiosks, or weather protection structures.

17.25.090 Standards for Specific Sign Types

This Section establishes general standards for specific sign types that apply to all districts where such signs are allowed.

- A. **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are subject to the following standards.
1. **Maximum Number.** One for each establishment having entrance under or offering service under the awning or canopy.
 2. **Maximum Size.** 10 square feet or 25 percent of the surface area of the awning, whichever is less. The sign area of awning and canopy signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 3. **Maximum Height.** 14 feet.
 4. **Minimum Sign Clearance.** Eight feet.
 5. **Illumination.** Awning and canopy signs shall not be illuminated.

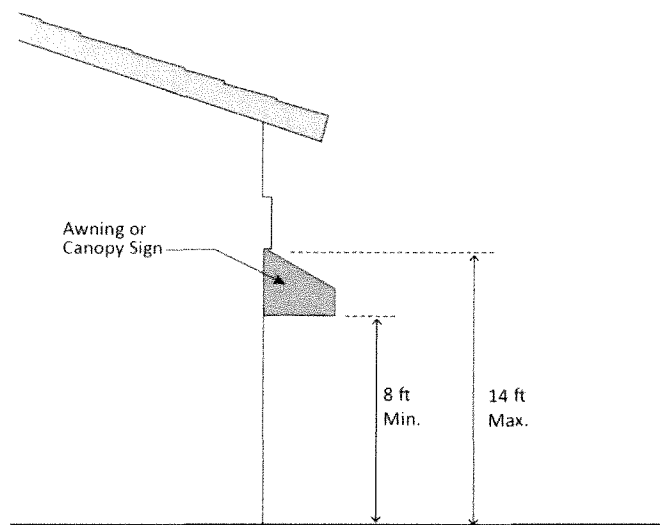


FIGURE 17.25.090.A: AWNING AND CANOPY SIGNS

- B. **Freestanding Signs.** Freestanding signs are subject to the following standards.
1. **Maximum Number.** One per 50 feet of street frontage.
 2. **Maximum Size.** The maximum sign area per freestanding sign is listed below. The sign area of freestanding signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 - a. *NC, CMU, and CR Districts:* 100 square feet.
 - b. *CC District:* 150 square feet.
 - c. *RC District:* 250 square feet.
 - d. *OP District:* 100 square feet.

- e. *BTP District: 60 square feet.*
 - f. *LI and GI Districts: 100 square feet.*
 - g. *Public and Semi-Public and Resource Production Districts: 60 square feet.*
3. **Maximum Height.**
- a. *NC, CMU, and CR Districts: 20 feet.*
 - b. *CC District: One sign may be up to 40 feet. 20 feet for all other freestanding signs.*
 - c. *RC District: One sign may be up to 100 feet. 20 feet for all other freestanding signs.*
 - d. *OP District: 20 feet.*
 - e. *BTP District: Up to two signs per street entrance may be up to eight feet. Three feet for all other freestanding signs*
 - f. *LI and GI Districts: One sign may be up to 30 feet. 20 feet for all other freestanding signs.*
 - g. *Public and Semi-Public and Resource Production Districts: Eight feet.*
 - g-h. *All monument signs shall be up to 6 feet.*
4. **Additional Freestanding Signs in the RC District.** In the RC District, one additional sign up to 250 square feet in size and up to 40 feet high is allowed at each entrance from a public street. This additional sign is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
5. **Placement.**
- a. Freestanding signs shall be located a minimum of five feet from any building.
 - b. Freestanding signs shall be located a minimum of 20 feet from the lot line of any lot in a Residential District.
 - c. Freestanding signs shall be setback from all other property lines a minimum distance equal to one-half the height of the sign. Freestanding signs shall also meet visibility requirements at street intersections and driveways pursuant to Chapter 10.36, Visibility Requirements, of the Newark Municipal Code.

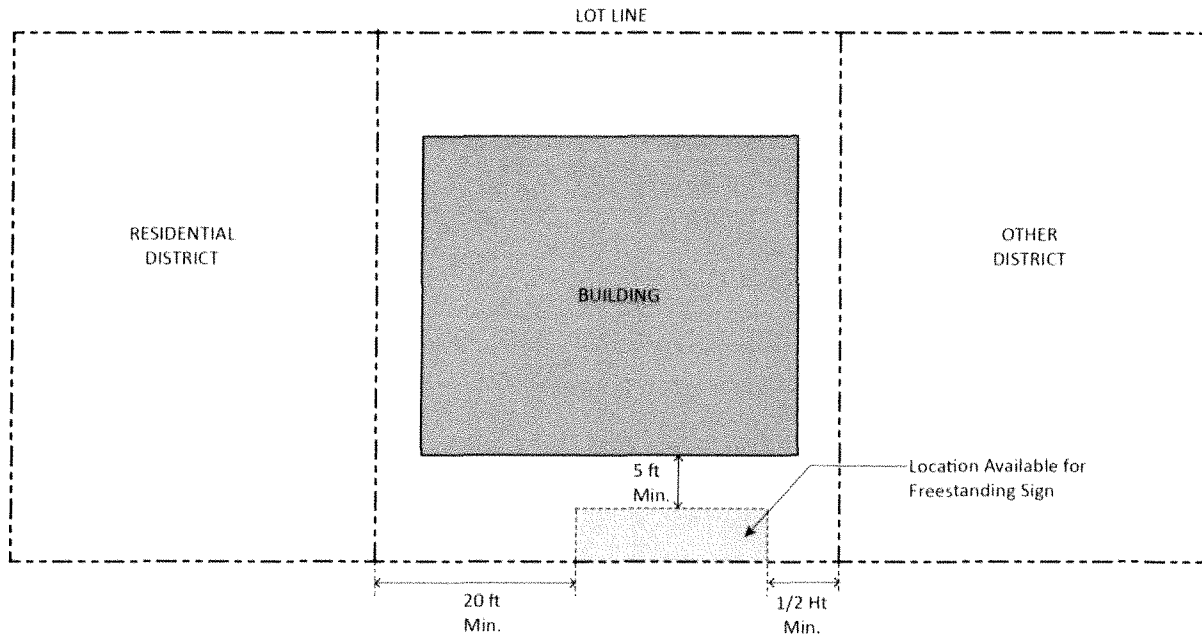


FIGURE 17.25.090.B: FREESTANDING SIGNS

- C. **Projecting and Shingle Signs.** Signs that project horizontally from the exterior wall of a building or are suspended beneath a marquee, covered walkway, canopy, or awning, are subject to the following standards.
1. **Maximum Number.** One for each building frontage or tenant space.
 2. **Maximum Size.** Nine square feet. The sign area of projecting and shingle signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 3. **Maximum Height.** 15 feet.
 4. **Minimum Sign Clearance.** Eight feet.
 5. **Projection Allowed.**
 - a. **Projecting Sign.** A projecting sign cannot extend more than four feet from the building to which it is attached and must be designed and located so as to cause no harm to street trees. Signs projecting into the public right-of-way are subject to an encroachment permit.
 - b. **Shingle Sign.** A shingle sign cannot extend further than the outer edge of the marquee, covered walkway, canopy, or awning from which it is suspended.
 6. **Illumination.** Projecting and shingle signs shall not be illuminated.

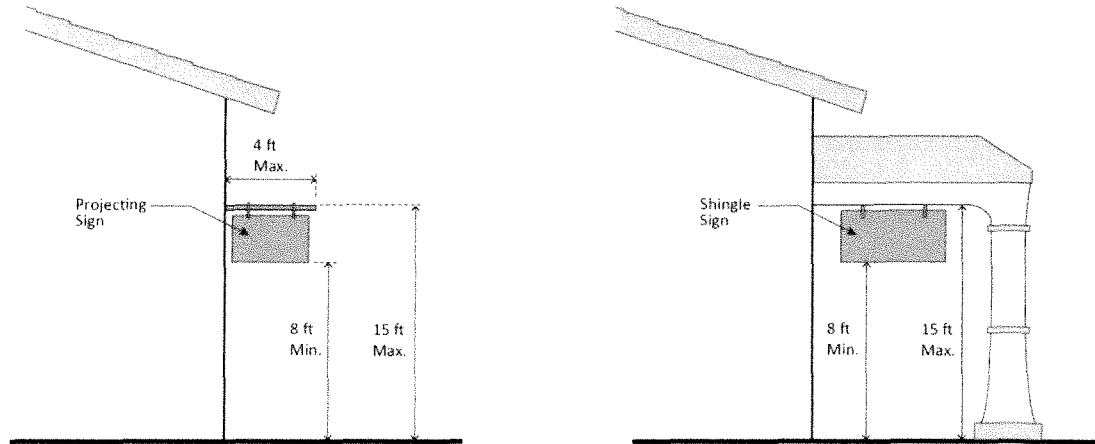


FIGURE 17.25.090.C: PROJECTING AND SHINGLE SIGNS

- D. **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure. Wall signs are subject to the following standards.
1. **Maximum Number.** One per building frontage or tenant space.
 2. **Maximum Size.** Wall sign copy shall not occupy more than 75 percent of the length of the wall to which the sign is attached. The sign area of wall signs is included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 - a. *BTP District.* In the BTP District, wall signs are limited to 10 square feet per tenant.
 3. **Material.** In Commercial and Mixed-Use Districts, wall signs shall consist of channel sign elements with the exemption of business logos.
 4. **Attachment.**
 - a. Attached flat against or pinned away from a building wall, but shall not extend or protrude more than 15 inches from the wall; or
 - b. Attached to the facade of a building or on a sloping roof (mansard roof), but shall not extend above the upper edge of the facade or the sloping roof.
 5. **Placement.**
 - a. Wall signs shall not be placed higher than the second story of a building.
 - b. Wall signs shall not cover or interrupt major architectural features, including such features as doors, windows, or tile embellishments.
 - c. Wall signs shall not extend higher than the building wall upon which they are attached except on a peaked, mansard, or shed roof where the sign may be placed in such a manner that the highest point on the sign shall be no higher than

the lowest two-thirds of the roof height and providing that the vertical dimension of the sign shall be be greater than one-third the vertical dimension of the roof.

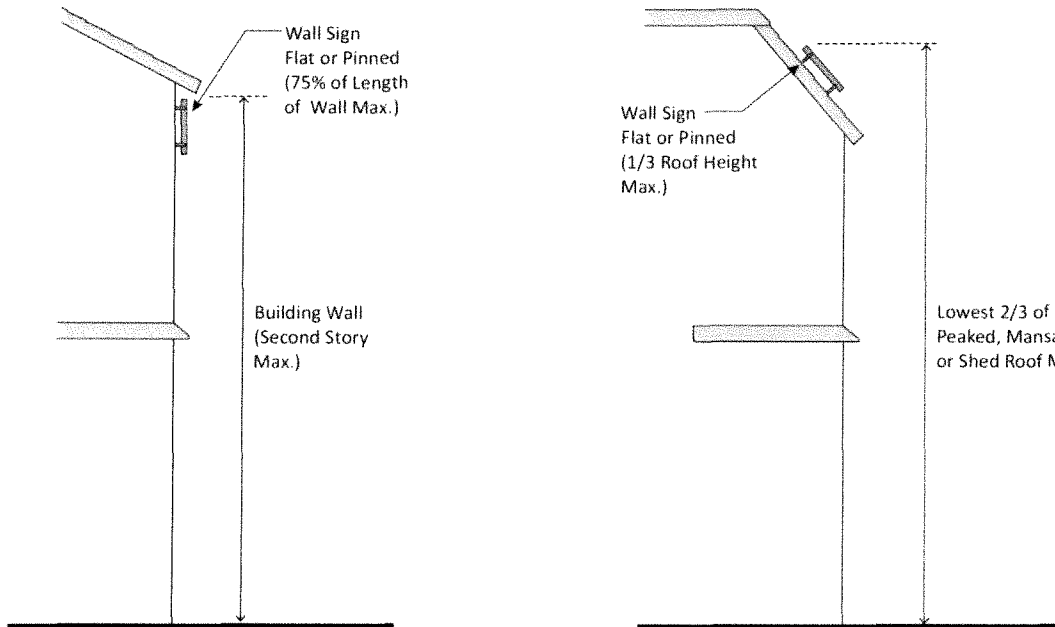


FIGURE 17.25.090.D: WALL SIGNS

- E. **A-Frame Signs.** A-Frame signs are subject to the following standards.
1. **Maximum Number.** One per business.
 2. **Maximum Size.** Six square feet. The sign area of a-frame signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 3. **Maximum Height.** Four feet.
 4. **Placement.** A-Frame signs must be placed on private property directly in front of the business it is identifying.
 5. **Hours of Display.** A-Frame signs shall be removed during hours when the establishment is not open to the public and cannot be displayed after the activity with which they are associated with is over.
- F. **High-rise Building Identification Signs.** High-rise building identification signs are allowed on buildings of at least four stories, subject to the following standards.
1. **Maximum Number.** One per street frontage.

2. **Maximum Size.** One square foot per linear foot of building frontage. The sign area of high-rise building identification signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 3. **Location.** Signs shall be located on the upper-most story of the building.
- G. **Temporary Signs.** Any temporary sign, banner, balloon, pennant, valance or advertising display for any event of limited duration including, but not limited to, entertainment, sporting events, elections, construction, sales of goods, and real estate sales and rental may be erected and located in accordance with the following standards. Tenants and units include planned future tenants and units to be constructed for which a planning approval has been granted or for which a Building Permit has been issued.
1. **RS and RL Districts.**
 - a. **Maximum Sign Area.** Six square feet per street frontage.
 - b. **Maximum Height.** Six feet above existing grade.
 - c. **Location.** Signs greater than three square feet in size shall be setback from all property lines a minimum of five feet.
 2. **RM and RH Districts.**
 - a. **Maximum Sign Area.** 20 square feet per street frontage.
 - b. **Maximum Height.** 10 feet above existing grade.
 - c. **Additional Individual Unit Signs.** Each groundfloor unit is also allowed one sign up to six square feet in size and six feet in height. Each upperfloor unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
 - d. **Location.** Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
 3. **NC, CMU, CR, CC, and OP Districts.**
 - a. **Maximum Sign Area.** 32 square feet per street frontage.
 - b. **Maximum Height.** Six feet above existing grade
 - c. **Additional Individual Tenant/Unit Signs.** Each groundfloor tenant/unit is allowed one sign up to three square feet in size and six feet in height. Each upperfloor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
 - d. **Location.** Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
 4. **RC, BTP, LI, and GI Districts.**
 - a. **Maximum Sign Area.** 64 square feet per street frontage.
 - b. **Maximum Height.** 10 feet above existing grade

- c. *Additional Individual Tenant/Unit Signs.* Each groundfloor tenant/unit is allowed one sign up to six square feet in size and six feet in height. Each upperfloor tenant/unit is allowed one sign up to three square feet in size and located no higher than the eave line or parapet line of the unit.
 - d. *Location.* Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
 - 5. ***PK and TS Districts.***
 - a. *Maximum Sign Area.* Six square feet per street frontage.
 - b. *Maximum Height.* Six feet above existing grade.
 - 6. ***PF, OS, and RP Districts.***
 - a. *Maximum Sign Area.* 12 square feet per street frontage.
 - b. *Maximum Height.* 10 feet above existing grade.
 - c. *Location.* Signs between three and 10 square feet in size shall be setback from all property lines a minimum of five feet. Signs 10 square feet in size or larger shall be setback from all property lines a minimum of 10 feet.
 - 7. ***Time Limits.*** Temporary signs shall be removed within 14 days after the conclusion of the event the drive, the election, or the purpose served by the sign.
 - a. Any such sign that remains more than 14 days after the event shall be considered abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to remove the sign without notice.
 - 8. ***Removal.*** The City Clerk and/or Public Works Director, or any of their agents, are authorized to remove any sign found to be in violation of this section and shall store the sign in a safe location. The City Clerk and/or Public Works Director shall reasonably attempt to contact the person or entity responsible for posting the sign, such as the organization, campaign, committee, and/or candidate. If the sign is not retrieved within 14 calendar days after such notification, or reasonable attempt thereof, the sign shall be considered as abandoned and the City Clerk and/or Public Works Director, or any of their agents, are authorized to dispose of the sign without further notice.
- H. **Window Signs.** Permanent window signs painted on or otherwise adhered directly onto a window and signs that block a window in any way are subject to the following standards.
- 1. ***Maximum Size.*** 25 percent of the window area. The sign area of window signs is not included in the calculation of aggregate sign area allowed pursuant to Table 17.25.070.B, Maximum Allowable Aggregate Sign Area.
 - 2. ***Height.*** Window signs shall not be mounted or placed on windows higher than the second story.

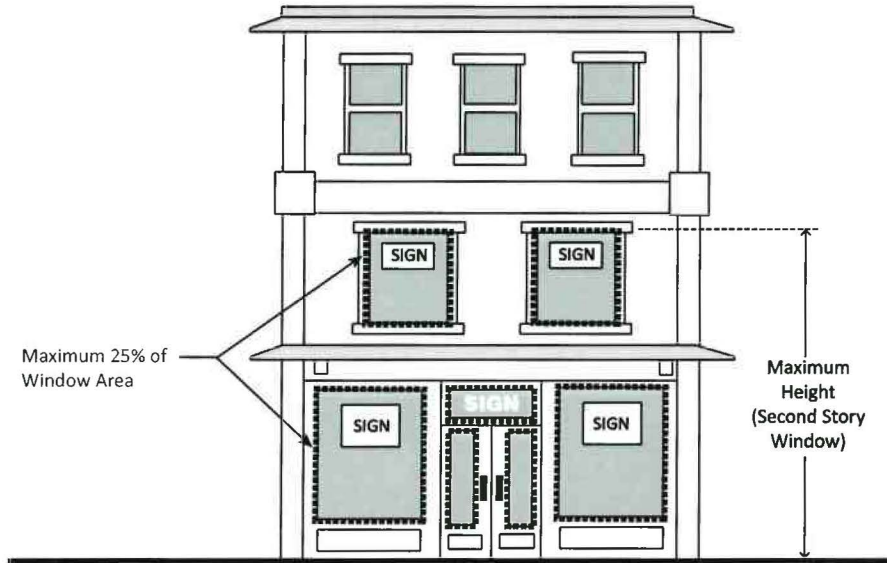


FIGURE 17.25.090. H: WINDOW SIGNS

17.25.100 Sign Permit Required

- A. Sign Permit Required. Except as otherwise expressly provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the City without first obtaining a sign permit from the Director. No sign permit is required for exempt signs and for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.
- B. Design Review Required. All signs ~~25 square feet or more in size~~ are subject to the design review by the Planning Division. ~~provisions of Chapter 17.34, Design Review.~~
- C. Conditional Use Permit Required for Outdoor Advertising Structures (Billboards). Outdoor advertising structures displaying general advertising for hire are allowed when oriented towards a freeway in the RC and BTP districts subject to Conditional Use Permit approval.
- D. Applications for Filing, Processing and Review.
 1. Filing and Filing Fee. Application for a Sign Permit shall be made upon forms furnished by the Director and accompanied by the required fee and working drawings adequate to show:
 - a. The location, dimensions, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign.
 - b. The location and dimensions of existing structures and the relationship of the proposed sign to existing structures.
 - c. The location, dimensions, and design of all existing signs.

2. **Compliance with Standards.**

- a. Upon acceptance of a sign application, the Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Master Sign Program pursuant to Section 17.25.110, Master Sign Program.
- b. The Director's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- c. No permit for construction will be issued until design review, if required, has been granted and the application has been found in conformance with the approved design.

- E. **Permit Number Identification.** A tag issued by the City indicating the Sign Permit number shall be affixed to the sign so as to be readily visible by City inspectors.

17.25.110 Master Sign Programs

- A. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. **Applicability.**
1. A Master Sign Program is required for:
 - a. Projects with four or more nonresidential tenants,
 - b. Multi-unit developments of 50 or more units, and
 - c. Whenever five or more signs are proposed for a building or site.
- C. **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
- D. **Allowable Modifications.** A Master Sign Program may provide for deviations from the standards of this Chapter.
- E. **Review Authority.** All Master Sign Programs are subject to review and approval of the Review Authority for the project with which the signs are associated. A Master Sign Program may be submitted separately or as part of the permit application for the project.
1. The Planning Commission shall be the Review Authority for any Master Sign Program application requesting additional sign area, additional height, or an increase in the number of signs otherwise allowed by this Chapter.
 2. The Director may, at his or her discretion, refer any application for a Master Sign Program to the Planning Commission for a decision rather than acting on it himself or herself.
- F. **Required Findings.** In order to approve a Master Sign Program, the Review Authority must find that all of the following are met, in addition to other applicable regulations in this Section:

17.26.130 Live-Work Units

Joint living and working quarters (Live-Work Units) shall be located, developed, and operated in compliance with the following standards:

- A. **Establishment.** Live-work units may be established through the conversion of existing buildings or by new construction, permitted or conditionally permitted as specified in Division II: Base and Overlay Districts.
- B. **Permitted Work Activity.** The work activity in a building where live-work units are allowed shall be any use permitted by right or use permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a live-work unit or in a building which contains one or more live-work units, no work activity shall be permitted nor shall any live-work unit be established on any site that contains those uses which the Zoning Administrator finds would, by virtue of size, intensity, hours of operation, number of employees or the nature of the operation, have the potential to adversely affect others living or working in or nearby the live-work development by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.
- C. **No Separate Sale or Rental of Portions of Unit.** No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living in the premises or as a residential space for a person or persons not working in the same unit.

17.26.140 Home Occupations

Home occupations shall be located, developed, and operated in compliance with the standards of this Section. An inspection may be required to verify compliance with applicable standards.

- A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.
- B. **General Standards.** All home occupations shall be located and operated consistent with the following standards:
 - 1. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted except signs in conformance with Chapter 17.25, Signage Standards.
 - 2. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is attached to, and reserved for, the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.
 - 3. **Floor Area Limitation.** No more than 20 percent of the floor area of the dwelling unit may be used in the conduct of the home occupation.
 - 4. **Structural Modification Limitation.** No dwelling shall be altered to create an entrance to a space devoted to a home occupation that is not from within the building, or to create features not customary in dwellings.

5. **Employees.** No employees or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.
6. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to two students at one time.
7. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.
8. **Storage.** There can be no storage of materials, supplies, and/or equipment for the home occupation in an accessory building or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one-half ton or less.
9. **Equipment.** Home occupations shall not be permitted which involve mechanical or electrical equipment which is not customarily incidental to domestic use.
10. **Hazardous Materials.** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
11. **Nuisances.** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-unit detached residence.
12. **Traffic and Parking Generation.** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.
13. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on-site shall not be permitted. No attachments of equipment or machinery used for business purposes shall be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of attachments of equipment and machinery are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.

- ~~13.14.~~ **Business Licenses.** No home occupation shall be conducted without a current business license obtained and maintained pursuant to the provisions of Chapter 5.04, Business Licenses.
- C. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:
1. **Minor Use Permit Required.** Cottage food operations are allowed subject to Minor Use Permit approval.
 2. **Registration.** Cottage food operations shall be registered as “Class A” or “Class B” cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.
 3. **Sales.** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than \$50,000 in gross annual sales in each calendar year.
 4. **Operator and Employee Allowed.** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.
 5. **Equipment.** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.
- D. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.
1. Automobile/vehicle sales and services;
 2. Animal care, sales, and services;
 3. Eating and drinking establishments;
 4. Hotels and motels;
 5. Hospitals and clinics;
 6. Firearm sales;
 7. Personal services; and
 8. Retail sales.
- E. **Home Occupation Permit; Issuance; Modification; and Revocation.** No home occupation shall be permitted unless the Director certifies that it conforms to the home occupation regulations of this chapter and application for such permit shall be made pursuant to Section 17.31.020 (Application Forms and Fees).
1. The Director may fix, in his or her reasonable discretion, a termination date upon a home occupation in order to affect a periodic review thereof. The Director may revoke or modify any permit pursuant upon reasonable proof of a violation of any of the terms or conditions

of the permit. If a permit is revoked or modified, no home occupation shall be conducted on the premises until the Director issues a new permit or the terms of any modification are fully met.

2. Nothing in this chapter shall require the Director to issue a home occupation permit to any applicant. If any applicant has had a home occupation permit revoked or suspended pursuant to this code, the Director may deny a home occupation permit to any home occupation operated under the same name, same entity or by the same officers, managers or individuals responsible for or owning the home occupation for which a permit has been revoked or suspended regardless of any name change, change in management or conveyance of the home occupation to another person or entity.

F. **Appeals.**

1. Any applicant aggrieved by any decision of the Director with respect to the issuance, denial, suspension, modification or failure to renew a permit under the provisions of this section, may appeal the decision pursuant to the procedures in section 17.31.110.
- ~~2.~~ 2. The failure to timely and properly file a request for a hearing under section 17.31.110, or the failure to appear at a scheduled hearing, shall constitute a waiver of the right to appeal and a failure to exhaust administrative remedies. If appeal is waived for any reason, including as provided under this subsection, the decision of the Director shall be final.

17.26.150 Hookah Lounges

Hookah lounges shall be located a minimum of 500 feet from any other such establishment, public park, child day care facility, or school and a minimum of 100 feet from any Residential District.

17.26.160 Marijuana and Cannabis

All activity related to marijuana and cannabis, both medical and recreational is prohibited. The prohibition includes commercial cultivation, testing, manufacturing, distribution, delivery and dispensaries (fixed or mobile) of marijuana/cannabis. Cultivation of marijuana or cannabis for non-commercial personal purpose is allowed as long as it is consistent with State law and Chapter 5.36 of the Newark Municipal Code.

17.26.170 Outdoor Dining and Seating

Outdoor dining and seating shall be located, developed, and operated in compliance with the following standards:

- A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way is subject to an encroachment permit issued by the Public Works Department.
- B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

- c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and
 - d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.
- 2. **Additional Findings for Facilities Not Co-Located.** To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:
 - a. Would have more significant adverse effects on views or other environmental considerations;
 - b. Is not permitted by the property-owner;
 - c. Would impair the quality of service to the existing facility; or
 - d. Would require existing facilities at the same location to go off-line for a significant period of time.
- 3. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:
 - a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or
 - b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- 4. **Additional Findings for Any Other Exception to Standards.** The Planning Commission may waive or modify requirements of this section upon finding that strict compliance would result in noncompliance with applicable federal or State law.
- E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.26.260 Temporary Uses

This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur.

- A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a Use Permit. Other permits, such as Building Permits, may be required.
 - 1. **Garage and Yard Sales.** Sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
 - a. No more than two garage/yard sales shall be conducted on a site in any calendar year.
 - b. No single sale event shall be conducted for longer than three consecutive days.

- c. Garage sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
 - d. Garage sales shall be conducted between the hours of 8:00 a.m. and 7:00 p.m.
 - e. A maximum of four off-site directional signs, not to exceed 18 inches by 24 inches, shall be permitted. Signs may be displayed only during the hours the garage sale is actively being conducted and shall be removed at the completion of the sale. No signs shall be placed on utility poles or in the public right-of-way.
 - f. The display of property for sale shall be located at least five feet from the property line.
2. **Non-Profit Fund Raising.** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.
 3. **Temporary Construction Office Trailers.** On-site temporary construction offices during the period of construction. Screening may be required by the Director.
 4. **Sales Offices and Model Homes.** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.
 - a. *Time Limits.*
 - i. Temporary Sales Office. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of the development, whichever occurs first.
 - ii. Model Homes. Model homes may be established and operated for a term period of four years or until completion of the sale of the lots or units, whichever comes first. One year extensions may be approved by the Zoning Administrator until the sale of all lots/residences is completed.
 - b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.
 - c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.
- B. **Temporary Uses Requiring a Minor Use Permit.** Other temporary uses may be permitted with Minor Use Permit approval, subject to the following.
1. **Standards.** Temporary uses authorized through a Minor Use Permit are subject to the following standards. Additional or more stringent requirements may be established through the Minor Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
 - a. *Mobile Vendor Services.* Mobile vendor services may be permitted in accordance with the following standards.

- i. Display of Permits. The mobile vendor shall display current business tax certificate, health department permit (and decal), and mobile vending permit in plain view and at all times on the exterior of the vending vehicle.
 - ii. Type of Vehicle. The mobile vending vehicle shall be a self-propelled vehicle maintained in operating condition at all times. The vehicle shall not become a fixture of the site and shall not be considered an improvement to real property.
 - iii. Products. Operations are limited to the sales of food and beverage items for immediate consumption.
 - iv. Site Condition. The site shall be maintained in a safe and clean manner at all times. Exterior storage of refuse, equipment or materials associated with the mobile vending service is prohibited.
- b. *Seasonal Sales.* The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:
- i. Time Period. Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.
 - ii. Goods, Signs and Temporary Structures. All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.
- c. *Special Events and Sales.* Other short term special events that do not exceed three consecutive days, may be permitted in accordance with the following standards:
- i. Location. Events are limited to nonresidential districts.
 - ii. Number of Events. No more than four events at one site shall be allowed within any 12-month period.
 - iii. Signs. Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four square feet in area.
 - iv. Existing Parking. The available parking shall not be reduced to less than 66 percent of the minimum number of spaces required by Chapter 17.23, Parking and Loading.
 - v. Time Limit. When located adjacent to a Residential District, the hours of operation shall be limited to 9:00 a.m. to 7:00 p.m.
 - vi. Temporary Outdoor Sales. Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—are also subject to the following standards:
 - (1) Temporary outdoor sales shall be part of an existing business on the same site.

- (2) Outdoor display and sales areas shall be located on a paved or other approved hard surfaced area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
 - (3) Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 2. **Application.** An application for a Minor Use Permit for a temporary use shall be submitted at least 45~~20~~ days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.
 3. **Required Findings.** The Community Development Director may approve an application for a temporary use only upon making both of the following findings:
 - a. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
 - b. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
 4. **Conditions of Approval.** In approving a Minor Use Permit for a temporary use, the Director may impose reasonable conditions deemed necessary to ensure compliance with the findings listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports, and temporary structures and electrical service. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- C. **Temporary Uses Requiring a Conditional Use Permit.** Other temporary events and special events, outdoor sales, and displays that exceed three consecutive days, may be allowed with the approval of a Conditional Use Permit so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts.

17.26.270 Tobacco Retailers

Tobacco retailers shall be located, developed, and operated in compliance with the following standards:

- A. **Location.** Tobacco retailers shall be located a minimum of 1,000 feet from any other such establishment, public park, child day care facility, or school.

17.46.120 "L"

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Landscaping-Related Definitions.

Hedge. Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Ordinance.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Mulch. Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

Pruning. The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

Runoff. Water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area.

Shrub. A bush, hedge, or any plant that is not a tree more than 12 inches tall.

Tree. Any live woody or fibrous plant, the branches of which spring from and are supported upon a trunk.

Trim. The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Lodging House. A single family home which allows leasing of bedrooms. A single family home may have a maximum of two rooms leased when the home is owner-occupied. The owner shall retain access to all areas of the dwelling unit occupied by the lodger and overall control of the dwelling unit. The leasing of rooms shall not be less than 30 days.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of Alameda, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Corner Lot. A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Flag Lot. A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

Key Lot. An interior lot adjoining the rear lot line of a reversed corner lot.

Reversed Corner Lot. A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

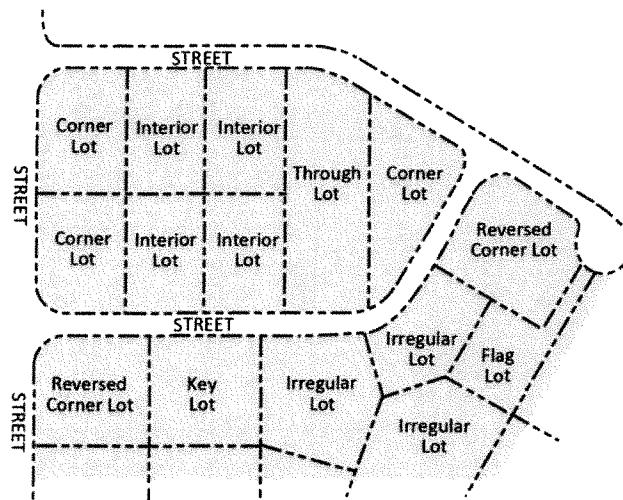


FIGURE 17.46.120(1): LOT TYPES

Lot Area. The area of a lot measured horizontally between bounding lot lines.

Lot Coverage. The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 17.02.030.H, Determining Lot Coverage.

Lot Depth. The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.02.030.D, Measuring Lot Width and Depth.

Lot Frontage. See "Frontage, Street."

Lot Line. The boundary between a lot and other property or the public right-of-way.

Lot Line Types.

Front Lot Line. On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

Interior Lot Line. Any lot line that is not adjacent to a street.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side Lot Line. Any lot line that is not a front or rear lot line.

Street Side Lot Line. A side lot line of a corner lot that is adjacent to a street.

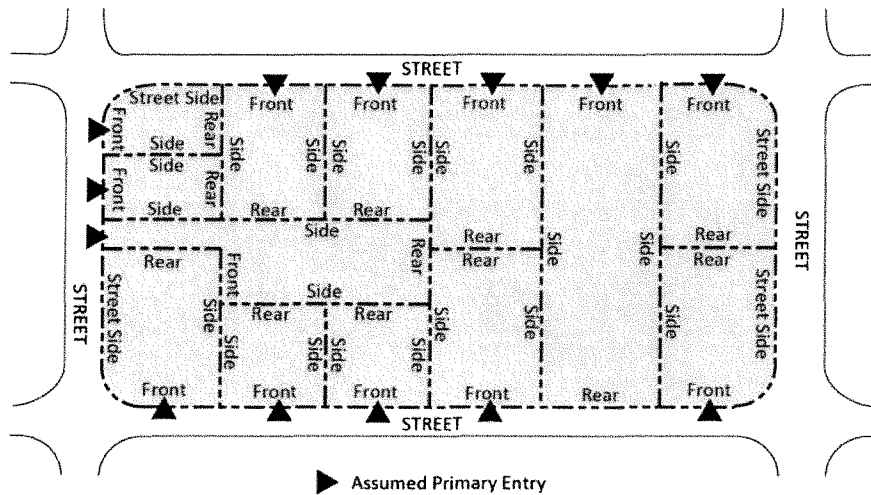


FIGURE 17.46.120(2): LOT LINE TYPES

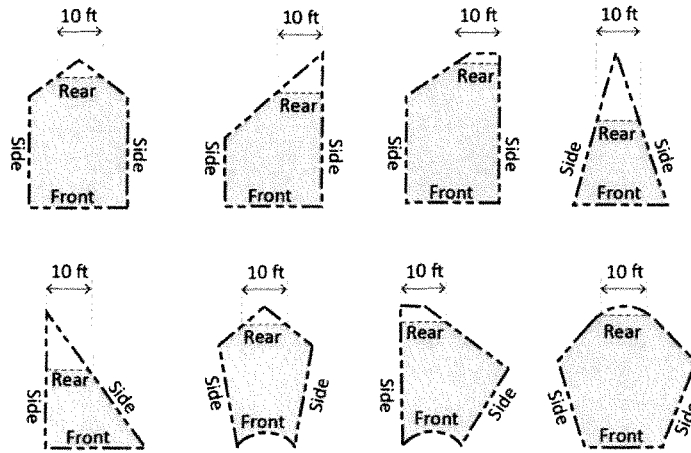


FIGURE 17.46.120(3): REAR LOT LINES, IRREGULAR LOTS

Lot Width. The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth.

F.4 Authorizing the City Manager to sign the California Asset Management Trust Investor Agreement for the investment of funds in a Local Government Investment Pool – from Administrative Services Director Woodstock.
(RESOLUTION)

Background/Discussion – The City currently uses the Local Agency Investment Fund (LAIF) as the main investment option for cash. LAIF is a state run investment option that allows local agencies to pool funds for optimum performance. The main goal of this investment option is the safety of the principal balances; liquidity and return on investment are the second and third priorities respectively. LAIF has a maximum allowed deposit limit of \$65 million, which has been reached.

The option of investing in a Local Government Investment Pools (LGIP) was added to the Investment Policy in June 2018. This option is similar to LAIF. The California Asset Management Program (CAMP) is a LGIP. The CAMP program is managed by PFM Asset Management Program LLC. CAMP is rated as an ‘AAAm’ by S & P Global Ratings which is the highest rating possible. The rating indicates that the fund has demonstrated an extremely strong capacity to maintain principal and to limit exposure to principal losses. CAMP is in compliance with Government Code 6509.7 which allows local agencies to pool their investments and Government Code 53601 which sets the requirements for oversight of government funds. Several neighboring cities including the cities of Fremont and Dublin, utilize CAMP as part of their portfolio.

The City will be joining the CAMP pool as an investor, instead of joining a Joint Powers Authority member. All expenses related to the operation of the pool are paid from the income of the pool. For investments of up to \$200 million, the cost of the investment is equal to 0.18% of the value of the assets in the pool. The initial deposit into CAMP will be \$25 million. The attached Agreement will initiate the process to allow CAMP to be used in the City’s portfolio.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign the California Asset Management Trust Investor Agreement.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY MANAGER TO SIGN
THE CALIFORNIA ASSET MANAGEMENT TRUST
INVESTOR AGREEMENT

BE IT RESOLVED that the City Council of the City of Newark authorizes the City Manager to sign the Agreement between the City of Newark and California Asset Management Program (CAMP) to participate in the CAMP Investment Trust.

CALIFORNIA ASSET MANAGEMENT TRUST INVESTOR AGREEMENT

By signing this Investor Agreement (“Agreement”), the undersigned Public Agency (“Investor”) agrees with California Asset Management Trust (“Trust”) to the following:

1. Program Guide, Declaration of Trust, and By-Laws. Investor acknowledges that it has received and read a copy of the Program Guide, consisting of the Information Statement in Part I (“Information Statement”) and additional information in Part II, in effect as of the date of this Agreement (collectively the “Program Guide”), the Declaration of Trust, in effect as of the date of this Agreement (the “Declaration of Trust”), and the By-Laws, in effect as of the date of this Agreement (“By-Laws”). Unless otherwise stated, capitalized terms used but not otherwise defined in this Agreement have the meanings set forth in the Declaration of Trust.

2. Investment. The Trust will sell to the Investor and the Investor will purchase shares of beneficial interest (“Shares”), which are part of a series of Shares issued by the Trust for Public Agencies that invest in the Trust but do not join the Trust as Participants (“Investor Shares Series”).

3. Representations and Warranties. The Investor represents and warrants to the Trust as follows and acknowledges that the Investor has full knowledge that the Trust intends to rely on such representations and warranties and that such representations and warranties shall be deemed renewed with each purchase of the Shares of Investor Shares Series:

(a) The rights, privileges, preferences and restrictions of the Investor Shares Series being purchased are subject to the terms of the Information Statement, the Declaration of Trust, the By-Laws, and this Agreement.

(b) The Investor is duly organized and validly existing as a Public Agency of the State of California, as that term is defined in Sections 6500 and 6509.7(b) of the Act, as may be amended from time to time, and has full legal right, power and authority to enter into this Agreement to observe and perform its obligations hereunder and to invest its assets as provided herein; and by all necessary official actions the Investor has duly authorized and approved the execution hereof, the observance and performance of its obligations hereunder and the investment of its assets as provided herein.

(c) This Agreement constitutes a legal, valid and binding obligation of the Investor enforceable against such Investor in accordance with its respective terms, except as enforcement may be limited by bankruptcy, insolvency, reorganization, moratorium or similar laws or equitable principles relating to or limiting creditors rights generally.

(d) The Investor has read carefully and understands the Program Guide, the Declaration of Trust and the By-Laws.

(e) The Investor has been furnished any and all materials that it requested relating to the Trust, the offering of the interests in the Trust and the information contained in the Program Guide and has been afforded the opportunity to obtain any additional information necessary to verify the accuracy of any such information.

(f) The Investor has been advised to consult with its own attorneys and tax advisors regarding the legal, regulatory, and tax matters concerning the Trust and the purchase of Shares of Investor Shares Series.

(g) The execution and delivery of this Agreement and the completion of the transactions will not conflict with, or result in any violation of or default pursuant to, any provision of any governing instrument applicable to the Investor, or any agreement or other instrument to which it is a party or by which it or any of its properties are bound or any permit, franchise, judgment, decree, statute, rule or regulation applicable to it or any of its properties.

(h) All of the information that the Investor has furnished in this Agreement is correct and complete as of the date hereof, and if there is any material change in such information, the Investor will immediately furnish such revised and corrected information to the Trust.

(i) The Investor agrees that the foregoing representations and warranties may be used as a defense in any action relating to the Trust or the offering of Shares issued by the Trust.

(j) The Investor represents and warrants to the Trust that all information provided by the Investor to the Trust is correct and complete as of the date of its execution of the Agreement.

(k) The Investor represents and warrants to the Trust that the individual executing this Agreement on its behalf holds the title indicated below his/her name and that such individual is authorized in the name of and on behalf of the Investor to execute and deliver this Agreement.

4. Acknowledgements. The Investor acknowledges and agrees with the Trust that:

(a) Neither the Shares nor the Trust are registered under the Securities Act or any other applicable securities laws in reliance upon the exemption from registration provided in Section 3(a)(2) of the '33 Act, Section 2(b) of the '40 Act, and applicable exemptions under securities laws of the State of California. The Investor understands that as of the date hereof the Trust does not intend to register the Shares under the '33 Act or the Trust itself under the '40 Act.

(b) The Investor will indemnify and hold harmless the Trust, the Trustees, its officers and advisors in respect of all claims, actions, losses, costs, and damages resulting from any inaccuracy in any representations or breach of any warranties of the Investor contained in this Agreement.

(c) The Investor undertakes to make all payments in respect of its purchase of the Shares of Investor Shares Series in accordance with the terms of the Program Guide.

(d) The Investor agrees that the foregoing acknowledgements may be used as a defense in any action relating to the Trust or the offering of Shares of Investor Shares Series.

5. Miscellaneous.

(a) Amendments. This Agreement may be amended only with the approval or consent of the Trustees and the Investor.

(b) Governing Law; Severability. This Agreement shall be construed in accordance with the laws of the State of California and, to the maximum extent possible, in such manner as to comply with all the provisions of the Act. If it is determined by a court of competent jurisdiction that any provision of this Agreement is invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of this Agreement.

(c) Notices. All notices hereunder must be in accordance with Section 6.6 of the Declaration of Trust.

(d) Waiver. No failure by any party hereto to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement, or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or any other covenant, duty, Agreement or condition hereof.

(e) Entire Agreement. This Agreement contains the entire agreement among the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings, or proposal with respect thereto.

IN WITNESS WHEREOF, the Investor has executed this Investor Agreement on the date set forth below.

This Investor Agreement shall not be binding on the Trust unless and until it has been duly executed below by an authorized representative of the Trust.

INVESTOR

ON BEHALF OF THE _____
(Name of Public Entity)

By: _____
Name: _____
Title: _____
Date: _____

CALIFORNIA ASSET MANAGEMENT TRUST

By: _____
Name: _____
Title: Secretary
Date: _____

F.5 Approval of Second Amendment to the Transfer Services Agreement with BLT Enterprises for garbage transfer services – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – The City has a contract with BLT Enterprises for garbage transfer services. On September 9, 2013, the City received a Notice of Extraordinary Review from BLT Enterprises. The Extraordinary Review clause in the Agreement allows either party to request a rate adjustment based on specific circumstances. The Cities of Fremont and Union City also use this transfer station and received similar review requests.

The Extraordinary Review Notice requested fee adjustments based on healthcare costs, labor costs associated with newly negotiated collective bargaining agreement, an increase in transportation costs from the transfer station to the landfill, and increases in insurance, property tax, business license and water rates. Staff agreed with the adjustments for the changes to the collective bargaining agreement. In December 2013, the City Council authorized the City Manager to sign an agreement related for those items and authorized payment to BLT starting January 2014. An agreement for this item was not executed, nor was the payment made as negotiations continued on the other items in the request. In June 2016, the City received a revised Extraordinary Review Notice. The revised Notice includes the costs related to the collective bargaining agreement and costs associated with transportation costs, but excludes the other items requested in the previous notice.

The proposed amendment specifies that the adjustments are retroactive to January 1, 2014. The amount due to cover the period between January 1, 2014 and March 31, 2018 would be \$372,630. There is currently \$463,700 in the City's Waste Augmentation Fund that can be used for this purpose. The amount for April, May, and June would be calculated based on actual tonnage delivered to the transfer station using a rate of \$3.55 per ton, which is estimated to be \$29,000. The rate adjustment approved by the City Council in November 2017 for calendar year 2018 included an adjustment for this increase. This adjustment resulted in a \$0.18 rate increase, per month, for the 35-gallon cart residential customer. Currently the \$0.18 is being remitted from Republic Services to the City. As of the effective date of the proposed amendment, the adjustment would be remitted directly to BLT Enterprises.

Attachments

Action - It is recommended that the City Council by resolution, authorize the Mayor to sign the Second Amendment to the Agreement between the City of Newark and BLT Enterprises of Fremont LLC for Transfer Services; and authorize payment from the Waste Augmentation Fund of up to \$410,000.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE MAYOR TO SIGN THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF NEWARK AND BLT ENTERPRISES OF FREMONT LLC FOR TRANSFER SERVICES AND AUTHORIZE PAYMENT FROM THE WASTE AUGMENTATION FUND OF UP TO \$410,000.

WHEREAS, the Transfer Service Agreement between the City of Newark and BLT Enterprises allows for adjustment in compensation due to changes in collective bargaining agreements where the City finds the request fair and reasonable; and

WHEREAS, the analysis of labor and healthcare costs and transportation costs have been determined by the staff's analysis as fair and reasonable; and

WHEREAS, the Newark City Council previously approved inclusion of a special Waste Augmentation Fund to offset anticipated rate increases; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Newark that:

- (1) The City Mayor is authorized to sign the Second Amendment to Agreement;
and
- (2) Payment be made to BLT Enterprises in the amount not to exceed \$410,000 from the Waste Augmentation Fund.

**SECOND AMENDMENT BY CITY OF NEWARK AND BLT ENTERPRISES OF
FREMONT, LLC TO THE AGREEMENT BETWEEN THE CITIES OF NEWARK
AND UNION CITY AND BLT ENTERPRISES OF FREMONT, LLC FOR
TRANSFER SERVICES**

This Second Amendment (“Second Amendment”) to the Agreement Between the Cities of Newark and Union City and BLT Enterprises of Fremont, LLC for Transfer Services (“Original Agreement”), effective as of the last date of execution below (“Effective Date”), is made by and between THE CITY OF NEWARK, a political subdivision of the State of California (“City”), and BLT ENTERPRISES OF FREMONT, LLC, a California limited liability company (“Contractor”). The City and Contractor are sometimes hereinafter each referred to as a “Party” or collectively as the “Parties.”

RECITALS

- A. The City and Contractor, as well as the City of Union City, are parties to the Original Agreement dated September 27, 2007. The City and Contractor (but not Union City) previously amended the Original Agreement pursuant to the First Amendment to Service Agreement made as of January 1, 2014 (the “First Amendment”). This Second Amendment to the Original Agreement is only between the City and Contractor, and excludes the City of Union City.
- B. Article 11 of the Original Agreement allows Contractor to request an extraordinary adjustment to its compensation when, among other things, Contractor’s employees’ health insurance and labor costs exceed the regular CPI adjustment provided in the Original Agreement.
- C. On September 9, 2013, Contractor submitted a Notice of Extraordinary Review (the “September 2013 ER Notice”) to the City in which Contractor requested additional compensation for various extraordinary costs incurred or to be incurred, including but not limited to health insurance, labor, and transportation costs, and certain other costs.
- D. Contractor also submitted separate requests for extraordinary review to the Cities of Union City and Fremont.
- E. On January 1, 2014, Contractor’s new collective bargaining agreement with the International Longshore and Warehouse Union (“ILWU”) Local 6 became effective (“New CBA”), which addresses, among other things, the Fremont Recycling and Transfer Facility (“Facility”) ILWU workers’ wage and benefits costs through calendar

year 2019. The ER Notice included a request to pay these costs under the New CBA that exceeded the CPI adjustment provided in the Original Agreement.

- F. On November 27, 2013, and December 10, 2013, the City issued formal written responses to Contractor's ER Notice, in which the City notified Contractor that it was prepared to issue payment for the Facility ILWU workers' wage and benefit costs, that other requested costs are disallowed, and that the City did not have sufficient information to evaluate Contractor's request for an adjustment to the transportation component.
- G. On December 12, 2013, in Resolution No. 10152, the Newark City Council authorized payment for additional compensation related to the Facility ILWU workers' wage and benefits, contingent upon entering into a written agreement with Contractor.
- H. By mutual agreement during a meeting on March 12, 2014, the City therefore delayed such payment to Contractor pending resolution of the issue related to the transportation component.
- I. Subsequently, Contractor resolved its request for extraordinary review with the City of Fremont and the City of Union City, but has yet to resolve such matters with the City of Newark.
- J. On June 28, 2016, Contractor sent an email and corresponding spreadsheet to the City that presented a modified request for Extraordinary Review ("June 2016 ER Notice"). The June 2016 ER Notice requested an adjustment to Contractor's per ton service fee for variable components effective Fiscal Year 2015/2016 that reflected (a) Facility ILWU workers' wage and benefit costs; (b) subcontractor transportation wage increases; (c) transportation costs related to a Change in Law associated with new emission requirements and payload reductions; and (d) a health insurance true-up to January 1, 2014. The June 2016 ER Notice also requested a lump sum payment for compensation and modification of the service fee adjustment methodology for the variable components retroactive to January 1, 2014. The Parties continue to disagree on whether increases in subcontractor transportation wages as contained in the September 2013 ER Notice and the June 2016 ER Notice (collectively referred to as "ER Notices") are eligible for extraordinary review. However, in the spirit of good faith and fair dealing, the City agrees to make extraordinary review adjustments as to this item.
- K. The City and Contractor have agreed to the following revisions to the Original Agreement. The terms and conditions related to the City's payment of Contractor's extraordinary review-related costs incurred, including revisions to Exhibit 1A are set forth in this Second Amendment.

- L. This Second Amendment constitutes the City's formal determination of Contractor's ER Notices , as required under Section 11.05(f) of the Original Agreement.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions contained herein, and for other good and valuable consideration, the City and Contractor hereby agree to amend the Original Agreement through this Second Amendment as follows:

TERMS OF THE SECOND AMENDMENT

1. EXTRAORDINARY REVIEW

1.1 New Definitions. The following definitions are hereby added to Article 1:

- a. **Health Insurance Index** means the Consumer Price Index – All Urban Consumers, U.S. City Average, Health Insurance Item, Not Seasonally Adjusted (CUUR0000SEME).
- b. **ILWU** means the International Longshore and Warehouse Union.
- c. **New CBA** means the collective bargaining agreement between Contractor and the ILWU pertaining to Facility workers, effective January 1, 2014 through December 31, 2019.

1.2 Retroactive Payment to Contractor. A new Section 10.04 is hereby added as follows:

10.04 Extraordinary Review Lump Sum Payment

(a) Within 30 (thirty) calendar days from the Effective Date of this Second Amendment, the City shall pay Contractor a lump sum payment for retroactive payment of Contractor's costs related to the Facility ILWU workers' wage and health insurance costs related to the new CBA, subcontractor transportation wage increases, and transportation costs related to a Change in Law from January 1, 2014 through the Effective Date. The amount of the lump sum payment shall equal the sum of: (i) Three Hundred Seventy Two Thousand Six Hundred Twenty Nine Dollars and Ninety Nine cents (\$372,629.99) to retroactively compensate Contractor from January 1, 2014 through March 31, 2018; and, (ii) an amount equal to the number of tons of Mixed Municipal Waste delivered to the Facility from April 1, 2018 through the Effective Date multiplied by \$3.55 per ton (which is the difference between the revised Mixed Municipal Waste Service Fee of \$91.57 effective July 1, 2017 (which includes all extraordinary adjustments) less the Service Fee of \$ 88.02 paid to the Contractor (which excludes the ILWU wages and health insurance adjustment, transportation wage, and Change in Law adjustments)) to retroactively compensate Contractor from April 1, 2018 through the Effective Date.

- 1.3 Modifications to Exhibit 1A. The City and Contractor agree that the Mixed Municipal Waste Service Fee shall be adjusted as reflected in Exhibit 1A. Exhibit 1A of the Original Agreement shall hereby be replaced in its entirety with the attached Exhibit 1A. In the event of any conflict between Exhibit 1A and the language of the Original Agreement as amended by this Second Amendment, the provisions of Exhibit 1A of the Second Amendment will prevail.
- 1.4 Cost Allocation. The City's share of labor and health insurance costs during the term of the New CBA equals four percent (4%).
- 1.5 CPI Adjustment and Extraordinary Review of Transportation Costs. Commencing on January 1, 2020, Contractor shall be entitled to an annual CPI adjustment for transportation costs related to Contractor's subcontractor's transfer vehicle drivers pursuant to the Transportation Wage Component index as described in Section 5(c) of Exhibit 1A. In the event such costs exceed the annual CPI adjustment, Contractor shall be entitled to an Extraordinary Review of its wage and benefit costs for transportation services under Article 11 of the Original Agreement, as a result of (a) unionization; (b) extension, modification and/or termination of Contractor's third party contract with its current transportation subcontractor; (c) Contractor entering into a third party contract with a different transportation subcontractor; and/or (d) Contractor's election to have transportation labor performed by Contractor's employees (whether pursuant to the New CBA or otherwise). Except for the payments and adjustments set forth in Sections 1.2 and 1.3 above, Contractor shall not be entitled to an Extraordinary Review of such costs until January 1, 2020.

2. MUTUAL WAIVER AND RELEASE OF CLAIMS

This Second Amendment constitutes a full and complete settlement and satisfaction of Contractor's ER Notices. Except for the obligations under this Second Amendment, the City and Contractor, on behalf of themselves and their respective successors and assigns, hereby completely release, forever discharge, and covenant not to sue each another (including, without limitation, their current and former employees, officers and council members), from any and all actions, causes of actions, suits, claims, demands, liens, interests, debts, contracts, obligations, liabilities, damages, losses, costs and expenses, including attorneys' fees and costs of any nature whatsoever, at law or in equity, known or unknown, asserted or unasserted, foreseen or unforeseen, that the City or Contractor ever had, may now have, or may later claim to have against one another, arising out of or in connection with the ER Notices, whether based on tort, common law, contract (express or implied), or any applicable federal, state, or local law, statute, regulation, or ordinance. The Parties hereby expressly waive any and all rights and benefits conferred upon them by California Civil Code Section 1542, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the Debtor."

3. CITY OF UNION CITY

The City of Union City is not a party to this Second Amendment. Consequently, the terms and conditions of this Second Amendment do not affect the City of Union City. The Terms and conditions of this Second Amendment apply only to the rights and obligations of Contractor and the City of Newark.

4. MISCELLANEOUS PROVISIONS

4.1 Recitals and Headings. The above recitals are incorporated herein by reference and are made a part of this Second Amendment. However, headings in this document are for convenience of reference only and are not to be considered in any interpretation of this Second Amendment.

4.2 Capitalized Terms. All capitalized terms used herein and not otherwise defined shall have the respective meanings ascribed to them in the Original Agreement.

4.3 Entire Agreement. This Second Amendment contains the entire understanding of the Parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements and commitments with respect thereto. Except as expressly modified by this Second Amendment, inclusive of amended Exhibit 1A, all other terms and conditions of the Original Agreement and the First Amendment remain in full force and effect, unmodified, and apply to this Second Amendment as though fully set forth herein.

4.4 Counterparts. This Second Amendment may be executed in counterparts, each of which shall constitute an original, and all of which, when taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the date last entered below:

CITY OF NEWARK

**BLT ENTERPRISES OF
FREMONT, LLC**

By: _____
Mayor Alan L. Nagy

By: _____
Name
Title

Dated: _____

Dated: _____

Approved as to Form:

By: _____
City Attorney David J. Benoun

By: _____
Chief Development and Legal Officer

I.1 Request for direction regarding potentially amending Mayor and City Council Salary and Benefits – from City Manager Becker. (INFORMATION ONLY)

Background/Discussion – Staff recently completed a survey of Mayoral and City Council Member salary and benefits for all cities in Alameda County (excluding Oakland) as well as three additional Bay Area cities comparable in size to Newark. The results found that the combined salary and benefits for Newark’s Mayor and City Council Members was significantly lower than the average of the cities that were surveyed.

The monthly salary and benefits for the Newark City Council are set by City ordinance. The Mayor’s salary is currently set at \$2,479 per month and the City Council salary is set at \$1,134 per month. The Mayor receives no healthcare benefit payment and the City Council receives up to \$540 per month towards healthcare benefits. These salaries and benefits have not changed since December 1, 2007.

The Government Code provides that the City Council may adopt an ordinance increasing City Council salaries, however; the amount of the increase cannot exceed an amount equal to five percent for each calendar year from the effective date of the last adjustments of the salary. In other words, the five percent increase is non-compounded (five percent times the number of years since the last salary adjustment). The Government Code permits the City Council to establish, by ordinance, additional salary and benefits for the Mayor independent of the City Council Members. The last salary increase approved by the City Council for itself and the Mayor was on December 14, 2006. Pursuant to State Law, that increase did not go into effect until December 1, 2007 following the general municipal election.

As for health and welfare benefits, the law provides that the maximum amount that the City can pay Councilmembers towards these benefits starting January 1, 2019, would be \$821 per month.

If the City Council were to adopt an ordinance to be effective in December 2018 following the November 2018 election, the maximum salary and health and welfare benefit increases allowable would be as follows:

Title	Current Salary	Allowable increase (5% x 11 years)	Maximum allowable salary	Current Health Benefit	Maximum allowable Health Benefit
Mayor	\$2,479	Determined by ordinance	Determined by ordinance	\$ 0	Determined by ordinance
Council Member	\$1,134	\$623	\$1,757	\$540	\$821

As indicated in the table above, the City Council may elect to adjust its salary anywhere within the maximum allowable range, which is between 0 and 55%. The Mayor’s salary and benefits

may be set independent of the Council's compensation. Historically, the Mayor and City Council salary has been increased at the same time via a single ordinance.

Attachment – None

Action – Staff recommends that the City Council discuss this information and provide direction to staff regarding any proposed change in Mayor or City Council Member salary and benefits. If a change is proposed, staff will prepare the necessary ordinance and bring to the City Council for formal consideration at a future meeting.



City of Newark

MEMO

DATE: July 2, 2018
TO: City Council
FROM: Sheila Harrington, City Clerk *J. A.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of July 12, 2018.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
June 22, 2018	Page 1-2	114868 to 114959	Inclusive
June 28, 2018	Page 1-2	114960 to 115025	Inclusive



City of Newark

MEMO

DATE: July 2, 2018

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SKW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of July 12, 2018.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.

1

Final Disbursement List. Check Date 06/22/18, Due Date 07/02/18, Discount Date 07/02/18. Computer Checks.
 Bank 1001*US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
14868	149	ABAG PLAN CORPORATION C/O BICKMORE	06/22/18	24,751.38	DEDUCTIBLE COSTS
14869	11539	ACCESS INFORMATION HOLDINGS, LLC.	06/22/18	80.00	SHREDDING SVCS
14870	10223	LEXISNEXIS RISK DATA MANAGEMENT INC BILL	06/22/18	424.20	BACKGROUND CHECKS
14871	11094	ACME AUTO LEASING, LLC	06/22/18	1,909.44	ARMORED RESCUE VEH LEASE
14872	1774	AIRGAS USA, LLC	06/22/18	61.12	FLEET SUPPLIES
14873	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	06/22/18	834.00	CUPA REGULATORY FEES
14874	218	ALAMEDA CO LIBRARY ATTN: FINANCIAL SERVI	06/22/18	26,250.00	CITY/COUNTY AGREEMENT - ADDT'L LIBRARY S
14875	12	ALLIED AUTO STORES INC	06/22/18	457.61	FLEET PARTS
14876	14	ALPINE AWARDS	06/22/18	4,026.92	T-SHIRT/AWARDS/PROMOS
14877	11289	ALTA LANGUAGE SERVICES	06/22/18	120.00	BILINGUAL TESTING FOR HERNAN FLORES
14878	11481	AMERICAN CANINE INSTITUTE	06/22/18	117.00	RECREATION CONTRACT
14879	348	AT&T	06/22/18	177.82	AT & T T1, LONG DISTANCE
14880	8256	ADITYA T BABU	06/22/18	801.00	RECREATION CONTRACT
14881	7275	PETER BEIREIS	06/22/18	5.67	EXPENSE REIMBURSEMENT
14882	10933	CAL POLY CORP	06/22/18	20,000.00	OLD TOWN URBAN DESIGN
14883	5337	CDW GOVERNMENT INC	06/22/18	2,125.00	NETMOTION AGREEMENT
14884	33	CENTRAL TOWING & TRANSPORT LLC	06/22/18	100.00	TOWING
14885	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	06/22/18	705.57	FUEL
14886	3751	BRYAN COBB	06/22/18	91.67	EXPENSE REIMBURSEMENT
14887	10649	MUATH JAFAR	06/22/18	100.00	MINOR USE PERMIT REFUND
14888	10793	STANTON PARENT ASSOCIATION	06/22/18	100.00	RENTAL DEPOSIT REFUND
14889	10793	PALOMARES PARENT TEACHER CLUB	06/22/18	12.00	RENTAL DEPOSIT REFUND
14890	10793	SALENE WANZER	06/22/18	300.00	RENTAL DEPOSIT REFUND
14891	10793	MAGDALENA LEON	06/22/18	300.00	RENTAL DEPOSIT REFUND
14892	10793	SHEILA HAWKINSON	06/22/18	300.00	RENTAL DEPOSIT REFUND
14893	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	06/22/18	315.00	PH NOTICES
14894	7183	DEMARAY'S GYMNASTICS ACADEMY	06/22/18	1,812.20	RECREATION CONTRACT
14895	1778	DISCOUNT SCHOOL SUPPLY	06/22/18	267.43	SUPPLIES FOR SDC & ASH
14896	11015	EAST BAY LAWN MOWER	06/22/18	30.69	FLEET SUPPLIES AND MAINT
14897	11461	EMC PLANNING GROUP INC.	06/22/18	9,582.65	CONTRACTURAL SERVICES
14898	11600	EVERBANK COMMERCIAL FINANCE INC.	06/22/18	432.92	COPIER LEASE AGREEMENT (KBA)
14899	10642	FASTENAL COMPANY	06/22/18	3,961.58	PROJECT 1176 PARK RENOVATION
14900	1502	THE FLAG CO	06/22/18	934.97	REPLACEMENT FLAGS
14901	11632	HERNAN FLORES	06/22/18	245.21	EXPENSE REIMBURSEMENT
14902	5137	FOUR SEASONS POOL SERVICE	06/22/18	759.69	POOL MAINT
14903	5106	CITY OF FREMONT REVENUE DIVISION	06/22/18	51,409.49	NEWARK PARATRANSIT
14904	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	06/22/18	224.61	FLEET REPAIR AND PARTS
14905	11465	FRONTIER BUILDING PRODUCTS PACIFIC	06/22/18	7,240.00	DOOR REPAIR
14906	11157	JASON GERMANO	06/22/18	200.00	RESERVE UNIF ALLOWANCE
14907	8762	GHA TECHNOLOGIES INC	06/22/18	9,841.90	14 HP PRODESK 400 PC'S
14908	11631	BRIDGET GREGORY	06/22/18	80.74	EXPENSE REIMBURSEMENT
14909	11594	JUAN HERRERA	06/22/18	144.75	EXPENSE REIMBURSEMENT
14910	1591	PHILIP H HOLLAND	06/22/18	200.00	RESERVE UNIF ALLOWANCE
14911	18	HORIZON	06/22/18	5,518.26	PROJECT 1133 IRRIGATION PARKS
14912	7593	BRUCE HOWCROFT	06/22/18	200.00	RESERVE UNIF ALLOWANCE
14913	11562	JEFF'S MOBILE GLASS INC.	06/22/18	317.06	FLEET GLASS REPAIR
14914	10777	RYAN JOHNSON	06/22/18	6,266.34	EXPENSE REIMBURSEMENT
14915	11492	KIER & WRIGHT CIVIL ENGINEERS AND SURVEY	06/22/18	3,104.50	CIP #1194: DOG PARKS, TOPOGRAPHIC SURVEY
14916	293	LANGUAGE LINE SERVICES INC	06/22/18	213.61	INTERPRETATION SVCS
14917	11621	LEFTPLANE CREATIVE	06/22/18	760.00	DECALS FOR RECYCLING CONTAINERS
14918	3644	RELX INC. DBA LEXISNEXIS	06/22/18	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION

CS.AP Accounts Payable Release 8.3.0 R*APZCKREG*FDL

By BRETT OEVERNDIEK (BRETTO)

Final Disbursement List. Check Date 06/22/18, Due Date 07/02/18, Discount Date 07/02/18. Computer Checks.

Bank 1001*US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
14919	7189	LINCOLN AQUATICS	06/22/18	275.43	POOL SUPPLIES
14920	11246	LOOMIS ARMORED	06/22/18	292.73	ARMORED CAR SERVICE
14921	6596	CHOMNAN LOTH	06/22/18	449.67	EXPENSE REIMBURSEMENT
14922	11309	MANUEL FERNANDEZ CONSTRUCTION	06/22/18	8,992.92	PROJECT 1128 ROOF REPAIRS
14923	11378	MNS ENGINEERS INC	06/22/18	12,500.00	YEAR-END PLAN CHECK AND INSPECTION SERVI
14924	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	06/22/18	3,867.33	SWEEPER PARTS
14925	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	06/22/18	975.38	FLEET PARTS
14926	11455	NATIONAL DATA & SURVEYING SERVICES	06/22/18	190.00	CIP #1160 TRAFFIC CALMING
14927	10865	NEW IMAGE LANDSCAPE	06/22/18	3,563.00	LANDSCAPE MAINTENANCE
14928	11272	NICHOLAS CUEVAS	06/22/18	77.17	EXPENSE REIMBURSEMENT
14929	327	OCCU-MED LTD	06/22/18	60.00	PRE-EMPLOYMENT PHYSICALS
14930	349	PACIFIC GAS & ELECTRIC	06/22/18	56,912.53	CITY ELECTRIC & GAS
14931	11322	PAPA JOHNS PIZZA	06/22/18	255.65	FOOD FOR PARTIES AND CAFE
14932	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	06/22/18	142.00	PEST CONTROL
14933	10729	PETTY CASH CUSTODIAN-PUBLIC WORKS MYVAN	06/22/18	132.52	PETTY CASH REPLENISHMENT V#049-055
14934	10683	PITNEY BOWES	06/22/18	1,690.33	MAILING MACHINE LEASE AGREEMENT / POSTAG
14935	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	06/22/18	146.13	PLOTTER PAPER
14936	11376	QUINCY ENGINEERING INC	06/22/18	77,491.72	PROFESSIONAL ENGINEERING SERVICES FOR CE
14937	9710	RC CYCLES	06/22/18	1,434.09	FLEET REPAIRS
14938	9811	REDFLEX TRAFFIC SYSTEMS	06/22/18	18,800.00	REDLIGHT CAMERA MONITORING
14939	11547	RLSAFETY, INC.	06/22/18	1,335.16	RISK MANAGEMENT SUPPLIES
14940	11573	REYES COCA-COLA BOTTLING LLC.	06/22/18	459.84	COCA-COLA ORDER FOR CAFE
14941	279	S & S WORLDWIDE INC ACCOUNTS RECEIVABLE	06/22/18	238.37	SUPPLIES FOR PRESCHOOL
14942	377	SIMON & COMPANY INC	06/22/18	1,867.11	LEGISLATIVE SERVICES
14943	11171	SSP DATA, INC	06/22/18	3,052.80	BARRACUDA SUBSCRIPTION RENEWALS MAY 21-2
14944	503	STANDARD INSURANCE COMPANY	06/22/18	685.80	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG
14945	40	STAPLES ADVANTAGE DEPT LA	06/22/18	1,417.15	OFFICE SUPPLIES
14946	11535	ANNE STEDLER	06/22/18	190.00	EXPENSE REIMBURSEMENT
14947	11306	SUPERION	06/22/18	20,265.00	ANNUAL TRAKIT LICENSE AND MAINTENANCE FE
14948	11396	SWA SERVICES GROUP INC	06/22/18	32,376.47	JANITORIAL SERVICES
14949	2342	TELEPATH CORPORATION	06/22/18	9,388.03	NPD CAR REPLACEMENT #2017-28
14950	10586	JAMES C WHEELER DBA TOTAL AQUATIC MANAGE	06/22/18	500.00	AUDIT, INSPECTION & TESTING
14951	5246	TURF STAR INC	06/22/18	311.02	EQUIPMENT PURCHASE
14952	7517	U S FOODS INC SAN FRANCISCO	06/22/18	761.00	CAFE FOOD
14953	140	VISTA UNIVERSAL INC	06/22/18	561.77	SILLIMAN LIGHT REPAIR
14954	10249	WASHINGTON TOWNSHIP MEDICAL FOUNDATION	06/22/18	20.00	VACCINATION SERVICES
14955	10822	WEE HOOP INC C/O DINAH SHAH	06/22/18	466.00	RECREATION CONTRACT
14956	5050	WEST COAST ARBORISTS INC	06/22/18	8,920.21	PROJECT 1119C STREET TREE MAINT
14957	8714	WESTERN PACIFIC SIGNAL LLC	06/22/18	1,724.79	TRAFFIC SIGNAL PARTS
14958	11466	YORK RISK SERVICES GROUP	06/22/18	3,028.92	WORKERS' COMPENSATION ADMINISTRATION FEE
14959	11466	YORK RISK SERVICES GROUP ATTN: CLIENT TR	06/22/18	250,000.00	PREFUND PAYMENT FOR INDEM/TIME LOST CLAI
Total				714,208.04	

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
114960	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	06/28/18	1,349.46	PAYROLL - SHORT TERM DISABILITY PREMIUM
114961	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	06/28/18	1,702.50	CITATION PROCESSING FEES - MAY'18
114962	284	INFORMATION TECHNOLOGY DEPARTMENT ATTN:	06/28/18	1,134.61	AWS ACCESS FEES
114963	5821	ALL CITY MANAGEMENT SERVICES, INC	06/28/18	3,515.40	CROSSING GUARD SVCS
114964	348	AT&T	06/28/18	114.25	AT & T T1, LONG DISTANCE
114965	4534	BAY AREA BARRICADE SERVICE INC	06/28/18	2,271.83	PROJECT #1135 STREET SIGNS
114966	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	06/28/18	2,418.00	SPORTS OFFICIATING
114967	7784	BRIAN SCOTT PRODUCTIONS	06/28/18	375.00	PERFORMANCE FOR ASH ON 7/9/18
114968	11550	CAL ENGINEERING & GEOLOGY, INC.	06/28/18	3,210.00	GEOTECHNICAL CONSULTING SERVICES
114969	7439	CENTERVILLE LOCKSMITH	06/28/18	29.91	FLEET KEYS
114970	11563	CENTRAL VALLEY TOXICOLOGY, INC.	06/28/18	810.00	LAB TESTS
114971	5465	CHABOT SPACE & SCIENCE CENTER	06/28/18	536.00	SDC TRIP TO CHABOT SPACE ON 7/5/18
114972	10369	DAN CIANCIARULO	06/28/18	74.99	EXPENSE REIMBURSEMENT
114973	10060	COMCAST	06/28/18	112.04	CABLE BILL
114974	10650	EARNED VALUE CONSULTING, LLC	06/28/18	31.00	REFUND OF OVERPAYMENT Reinstated from cl
114975	10793	SHIV SIDHU	06/28/18	300.00	RENTAL DEPOSIT REFUND
114976	10793	WORD INTERNATIONAL MINISTRIES	06/28/18	300.00	RENTAL DEPOSIT REFUND
114977	10793	BREWER ISLAND ELEMENTARY SCHOOL PTA	06/28/18	146.10	RENTAL DEPOSIT REFUND
114978	10793	HEATHER PTA GENERAL FUND	06/28/18	100.00	RENTAL DEPOSIT REFUND
114979	10793	ALVARADO ELEMENTARY SCHOOL	06/28/18	116.00	RENTAL DEPOSIT REFUND
114980	7631	DELTA DENTAL	06/28/18	14,705.74	DENTAL PREMIUM - JULY'18
114981	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	06/28/18	437.13	DENTAL PREMIUM - JULY'18
114982	11615	DIVERSIFIED METAL FABRICATORS, INC.	06/28/18	4,350.00	PROJECT 1176 PARK RENOVATIONS
114983	11404	ALHAMBRA	06/28/18	610.76	WATER SERVICE
114984	10725	YAMA HOMAYOUN	06/28/18	1,185.30	EE COMPUTER LOAN PROGRAM
114985	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	06/28/18	1,780.61	VISION PREMIUM
114986	522	FEDEX	06/28/18	51.64	DELIVER LARGE PREFUNDING REQUEST TO YORK
114987	1733	FIRST BAPTIST CHURCH	06/28/18	80.00	PAYROLL DEDUCTION - DONATION JUNE'18
114988	11112	FREMONT CHRYSLER DODGE JEEP RAM	06/28/18	3,811.96	FLEET SERVICE & PARTS
114989	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	06/28/18	35.34	FLEET REPAIR AND PARTS
114990	3638	MARK GOTHARD	06/28/18	4,554.55	RECREATION CONTRACT
114991	3284	ANTHONY HECKMAN	06/28/18	1,377.98	EXPENSE REIMBURSEMENT
114992	11443	HIROSHI ICHIMURA	06/28/18	1,447.80	RECREATION CONTRACT
114993	11546	INDUSTRIAL PLUMBING SUPPLY, LLC.	06/28/18	87.43	PLUMBING SUPPLIES
114994	187	INDUSTRIAL SAFETY SUPPLY CORPORATION	06/28/18	130.03	MISC SAFETY SUPPLIES
114995	11503	ART INTERIANO	06/28/18	76.71	EXPENSE REIMBURSEMENT
114996	10192	SITEONE LANDSCAPE SUPPLY	06/28/18	2,393.46	PROJECT 1133 PARK IRRIGATION
114997	11577	KBA DOCUSYS INC.	06/28/18	527.46	COPIER LEASE AGREEMENT (COPIES)
114998	6690	KELLY MOORE PAINTS	06/28/18	73.84	BUILDING MAINT PAINT
114999	5069	KIDZ LOVE SOCCER	06/28/18	7,110.00	RECREATION CONTRACT
115000	867	LAWCX	06/28/18	228,885.30	ASSESSMENT FOR PROGRAM YEARS 1993-2008
115001	11488	AARON LOCKS	06/28/18	1,297.20	RECREATION CONTRACT
115002	11482	MARCI MARINO	06/28/18	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PRO6
115003	758	MARTIN & CHAPMAN CO	06/28/18	165.45	ELECTION MATERIALS
115004	7618	METLIFE SBC	06/28/18	1,760.61	PAYROLL - LONG TERM DISABILITY PREMIUM
115005	11357	MISSION UNIFORM SERVICE	06/28/18	1,497.31	UNIFORMS, MATS, AND TOWELS
115006	11378	MNS ENGINEERS INC	06/28/18	39,876.70	PLAN CHECK AND INSPECTION SERVICES
115007	324	NEWARK CHAMBER OF COMMERCE	06/28/18	7,052.20	MARKETING FUNDS
115008	349	PACIFIC GAS & ELECTRIC	06/28/18	18,712.21	STREETLIGHTS AND TRAFFIC SIGNALS
115009	11019	DAVID G PARKS	06/28/18	1,419.87	BASIC CRIME SCENE INVESTIGATION & RECONS
115010	10766	PEAK SOFTWARE SYSTEMS, INC	06/28/18	100.36	ANNUAL MAINTENANCE FEE

Final Disbursement List. Check Date 06/28/18, Due Date 07/09/18, Discount Date 07/09/18. Computer Checks.

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
115011	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	06/28/18	350.00	PEST CONTROL
115012	4346	QUALITY SIGN & BANNER	06/28/18	1,044.85	RECREATION DEPARTMENT SIGNS
115013	11376	QUINCY ENGINEERING INC	06/28/18	45,375.96	PROFESSIONAL ENGINEERING SERVICES FOR CE
115014	11583	ALEXANDRIA RIDDLES	06/28/18	1,706.43	EXPENSE REIMBURSEMENT
115015	11188	CONRAD RODGERS	06/28/18	5,265.76	APDD - 06/18
115016	112	WILLE ELECTRICAL SUPPLY CO INC	06/28/18	173.69	PARTS FOR LIGHT FIXTURES
115017	7885	SLOAN SAKAI YEUNG & WONG LLP	06/28/18	2,661.29	LEGAL ADVICE FEES
115018	5384	SOUTHWEST INTERIORS INC	06/28/18	3,260.00	SILLIMAN GYM HOOP REPAIR
115019	11535	ANNE STEDLER	06/28/18	1,034.41	EXPENSE REIMBURSEMENT
115020	11278	UNITED SHIELD INTERNATIONAL LLC	06/28/18	363.59	CMT SUPPLIES
115021	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	06/28/18	261.24	PAYROLL PREMIUM - E0246926
115022	10968	UTILITY TELEPHONE	06/28/18	16,028.61	NETWROK/PHONE SERVICES
115023	853	VALLEY OIL COMPANY LOCKBOX# 138719	06/28/18	21,368.76	FUEL & OIL
115024	5623	VERIZON WIRELESS	06/28/18	1,373.35	WIRELESS SERVICE FOR IPADS
115025	11417	WHOLESALE DISTRIBUTION ALLIANCE	06/28/18	543.36	GOGGLES FOR RESALE
Total				465,358.34	

M.1 Closed Session for conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(d)(1) *Ethan Katz v. City of Newark, et. al* Workers Compensation Appeals Board, Case Numbers: ADJ10739897; ADJ10623626 – from City Attorney Benoun and Human Resources Director Abe.

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