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## 1.0 INTRODUCTION

### 1.1 EXECUTIVE SUMMARY

This Specific Plan is a comprehensive planning document that will enable the Specific Plan (“Plan”) area to be developed according to the objectives and goals described in this Specific Plan. Specific areas regulated by the Specific Plan include land use, streets, parks and infrastructure.

The purpose of the Specific Plan for the Dumbarton TOD Project (Specific Plan) is to provide the City of Newark with a mechanism to support and control development within the Specific Plan area, ensuring that a comprehensive development is adopted to encourage creation of a livable community designed for compatible neighborhoods with connectivity to parks, open space, the future Transit Station and commercial services. The Specific Plan also provides the City of Newark with a mechanism to manage growth, ensuring the installation of adequate infrastructure and public services for the new neighborhoods created within the Specific Plan area.

This document specifically establishes an infrastructure plan, development regulations, and illustrative design guidelines to govern development of a planned community which offers a variety of residential housing types within an open space setting. A network of open space and pedestrian corridors that link the community to the future Transit Station and commercial areas will be provided. Bicycle and pedestrian accessibility is also provided between the residential development and the Transit Station and commercial areas of the Specific Plan.

The City of Newark’s development objectives for the Specific Plan are derived from the City of Newark’s General Plan, previous work prepared for the Plan area, demographic and market research, as well as the physical characteristics of the land. These factors have guided the development of the Plan to allow the City of Newark to expand as a community in a desired direction with a strong sense of place.

To accomplish the vision and intent of this Specific Plan, amendments to the current City of Newark General Plan are necessary. A description of these amendments is included as Appendix B. Development of the property in accordance with this Specific Plan reinforces the City of Newark's image as a town with its own unique character.

**This Specific Plan includes the following elements:**

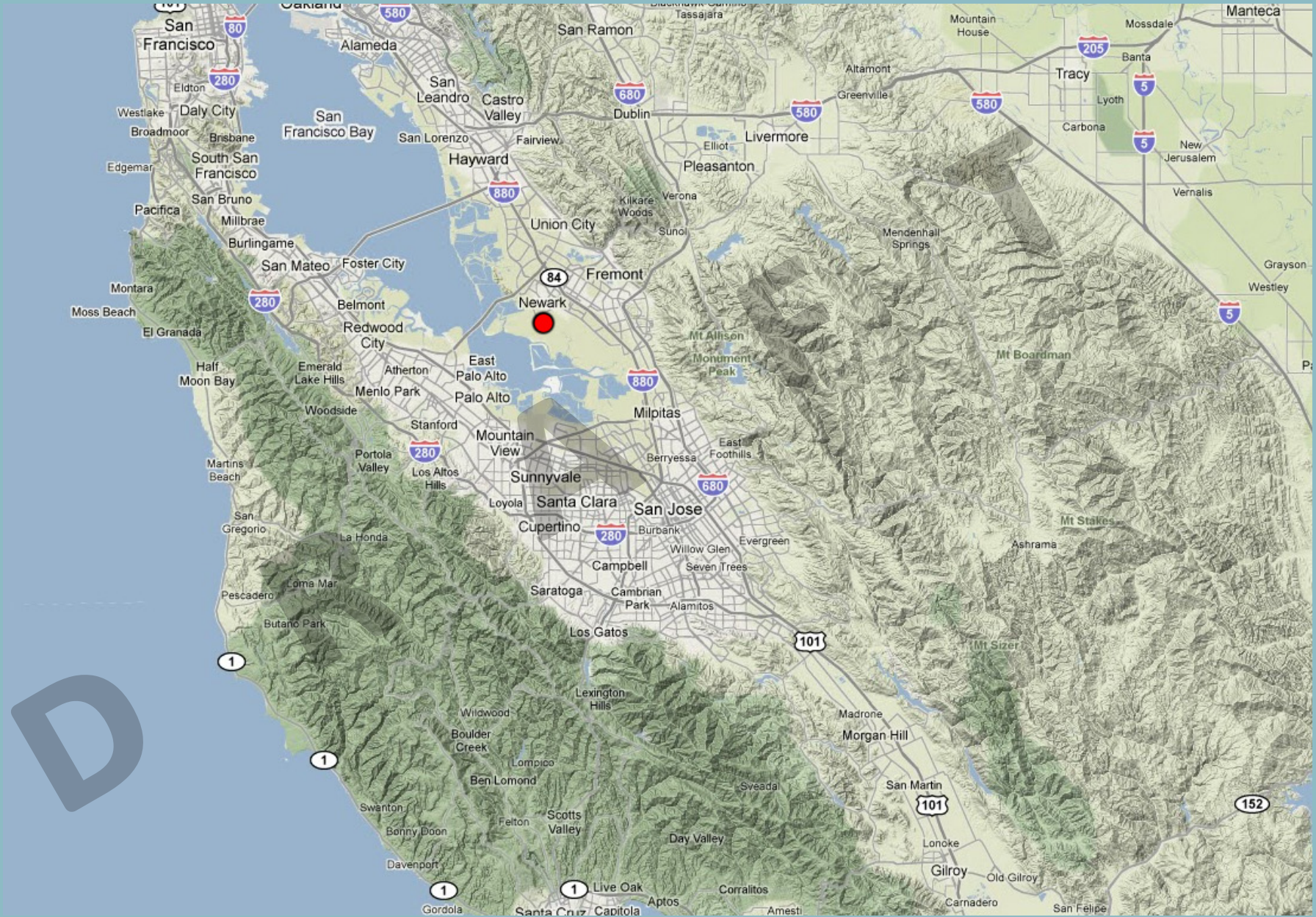
1. Accommodation for a future Transit Station that will serve the greater region as well as neighboring residents.
2. A Neighborhood Center consisting of neighborhood-serving retail, grocery store, visitor-serving uses and residential uses organized in a traditional layout.
3. Up to 2,500 new residential units with a wide range of types and affordability.
4. Necessary infrastructure to support the development including potable water, wastewater, dry utilities, and storm drainage systems and roadways.
5. Contribution towards the construction of an overpass on Central Avenue over the Union Pacific Railroad right-of-way east of the Plan area; and,
5. More than 16-acres of parks including a community park and a Bayside Trail.
6. A project that is fiscally beneficial to the City of Newark.

This Specific Plan provides land uses, development regulations, design guidelines, infrastructure improvements and implementation plan for the creation of a cohesive community.

**1.2 SPECIFIC PLAN PURPOSE**

Specific Plans are developed to provide a greater level of specificity in planning uses, density and layout of sites of special interest and value to a community. The City of Newark has identified the need for a specific plan for the Plan area in order to provide for appropriate growth management and comprehensive planning of new residential, commercial, open space, and recreational land uses accompanied by adequate infrastructure and public facilities that are compatible with the growth needs of the City and with existing residences and land uses. This Specific Plan contains text and diagrams that call out the following in detail:

1. The distribution, location, and extent of the uses of land within the area covered by the Plan.
2. The proposed distribution, location, extent and intensity of major components of the public and private transportation, sewage, water, drainage, solid waste disposal, dry utilities, and other essential facilities located within the area covered by the Plan and needed to support the land uses described in the Plan.
3. Standards and criteria by which development will proceed, including development standards, design guidelines, and a conceptual phasing program.



Above: Figure 1.1: Regional Context; Map provided by Google

4. A program of implementation measures including regulations, programs, public works projects and financing alternatives necessary to carry out numbers 1, 2 and 3 above.

The purpose of the Specific Plan is to provide a comprehensive program for the Plan areas' approximately 200 acres of industrial land. This will result in a unique and appealing new community that integrates with the existing community and provides the area with a variety of new amenities, such as a grocery store and a pedestrian trail, all the while providing the infrastructure improvements necessary to implement the development.

The Specific Plan establishes the regulations and guidelines that will implement the development concept. All development projects and related activities for which approvals are sought after its adoption by the City Council are required to be consistent with the Specific Plan. Concurrent entitlements to implement the Specific Plan shall include a General Plan Amendment, Zoning Amendment, an Affordable Housing Program, and Design Guidelines and Landscape Guidelines.

### 1.3 CONTEXT DESCRIPTION

The City of Newark is approximately 15 miles north of San Jose, California, 10 miles east of downtown Palo Alto, and 30 miles southeast of San Francisco, California within Alameda County.

Please see Figure 1.1 on the previous page for a graphic illustration of the regional context.

### 1.4 PROJECT SETTING

#### **Site Location**

Bounded by salt production facilities to the west and the City of Fremont to the east, the project is approximately 1.6 miles from Newark's Historic Center. The location of the site is ideal for a Transit Oriented Development as its proximity to a major transportation route (Highway 84), location adjacent to an existing rail line, and general location within the East Bay and Silicon Valley will serve a larger area for transit ridership.

Please see Figure 1.2 on the following page for a graphic illustration of the local context.

The project is approximately 200-acres in size and generally bordered by the Southern Pacific railroad tracks to the north, Willow Street and existing industrial and residential uses to the east, A.C.F.C. Canal to the south and existing, on-going salt production facilities to the west. There are various manufacturing and light industrial businesses in and around the project site, as well as established single-family residences to the northeast.

#### **Site Characteristics**

For almost a century, the Plan area has been a site for industrial production. During World War II, Newark experienced great expansion. At that time, several new companies located



Above: Figure 1.2: Local Context with site shown outlined in red; Map provided by Google

here while other companies already operating within the area expanded. Industrial operations were largely phased out by the 1990's, leaving the Plan area mostly vacant and underutilized.

The primary landowners within the Plan area include Torian, FMC Corporation, Ashland Inc., SHH LLC, Newark Enterprise Joint Venture, Enterprise Drive LLC, Cargill, and Gallade Enterprise LLC. In addition, several rights-of-way and easements overlay the Plan area.

#### *Wind Patterns and Air Quality*

Newark is within the San Francisco Air Basin, a broad, shallow air basin ringed by hills with several sheltered valleys along the perimeter. Prevailing winds on the site are from the northwest, west and southwest.

#### *Geology and Soils*

The Plan area is relatively flat, low-lying alluvial fan. Average topographical elevations on the site range from roughly 4-15 feet above Mean Sea Level Datum (MSL). There are two bedrock outcroppings located on the western portion of the site. The Plan area is not located within an Earthquake Safety Zone for active earthquake faults, so there is little likelihood of actual ground rupture on the site during a seismic event.

#### *Biological Resources*

The Plan area may contain habitats that are home to numerous different species of plants and animals. The majority of the land in the Plan area is composed of developed or highly altered terrain. The Environmental Impact Report (EIR)

which accompanies and analyzes this Specific Plan describes biological resources within the Plan area and potential impacts to such resources in further detail as required by the California Environmental Quality Act (CEQA).

#### *Environmentally Impacted Sites*

Soil and groundwater within the Plan area has been impacted by hazardous substances and must be factored into the land use planning of this area. One form of contamination is a ground water plume that exists in shallow groundwater beneath portions of the Plan area. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is directing mitigation of this groundwater plume in collaboration with the Alameda County Water District (ACWD). Some properties within the Specific Plan area also contain soils impacted hazardous substances. With the RWQCB or the Department of Toxic Substances Control (DTSC) is directing the remediation of impacted soils at these properties. The EIR for this Specific Plan analyzes the areas of the plan which have been impacted by hazardous substances in greater detail as required under CEQA.

Given these environmental constraints, this Specific Plan proposes land uses for the Plan area which would create enough value to absorb remediation costs or be compatible with existing site conditions. Engineering and institutional controls (such as deed restrictions) may be necessary for certain areas of the Plan area to adequately protect human health and the environment from any residual hazardous substances as determined by the RWQCG or DTSC as responsible agencies and as discussed further in the EIR.

*Rights-of-Way and Easements*

Several rights-of-way and easements for transportation infrastructure and utilities exist within the Plan area that will affect the type and arrangement of development that can occur. These include the following:

- The Hetch-Hetchy Pipeline

The Hetch-Hetchy Pipeline is within a 110-foot right-of-way owned by the San Francisco Public Utilities Commission (SFPUC), which runs east/west through the northern portion of the Plan area controlled by the SFPUC. All crossings or other uses are tightly controlled by the San Francisco Public Utilities Commission and land owner contract rights that run with the land. The pipeline runs underground through the east half of the Plan area, transitioning to the surface after crossing to the north side of the rail right-of-way.

- The Dumbarton Rail Corridor (DRC)

The DRC also runs in an east/west direction through the northern portion of the Plan area, almost parallel to the Hetch-Hetchy Pipeline. The DRC is a 100-foot wide right-of-way owned by San Mateo County Transit. The DRC is a proposed commuter rail.

- The East Bay Dischargers Authority (EBDA)

The EBDA owns and operates two 36-inch sanitary sewer force mains serving the City of Newark that run through the Plan area within an easement under the Hickory Street right-of-way. Special conditions

on construction within this easement may need to be imposed to preserve the integrity of the mains.

- The Alameda County Flood Control F-1 Canal

The F-1 Canal flows from east to west along the Plan area's southerly boundary, providing the main drainage outlet to San Francisco Bay for a large part of the City of Newark. A tributary to this canal, the F-6 ditch, runs north along the west side of Willow Street for a distance of about 1,300 feet.

- PG&E Transmission Lines

PG&E lines traverse the Plan area from north to south. PG&E maintains strict control regarding use of a 25-foot wide easement underneath the lines and surrounding the towers that support the high-voltage lines. Buildings may not be constructed within the right-of-way, and the ground may not be filled if it reduces the existing line's clearance to less than 32-feet. A representative of PG&E reports that it should be possible to either relocate or raise the existing transmission lines and towers. It is not anticipated that they would be relocated or raised at this time.

*Wastewater*

The Union Sanitary District (USD) provides wastewater services for the cities of Newark, Fremont and Union City. USD's Alvarado Treatment Plant is located in Union City. Because the Plan area is mostly located within the existing service area, and because it was already zoned for



**Above:**  
Site Photo



**Above:**  
Site Photo





**Above:**  
Site Photo



**Above:**  
Site Photo

development in 1989, the treatment and disposal impacts resulting from development of the Plan area based on the 1999 Area 2 Specific Plan have been incorporated into long-term expansion plans for the District. More detail on Wastewater solutions for the Specific Plan are in Chapter 7-Infrastructure.

Two existing gravity sanitary collection lines, within Enterprise Drive and Willow Street, currently serve the Plan area. It is unknown how much excess capacity for future development is available in either the Willow or the Enterprise sewer lines.

#### *Water Service*

The Alameda County Water District (ACWD) provides potable water service for the cities of Newark, Fremont, and Union City. The entire Plan area is located within the District's boundaries, so all properties are eligible for service. The water district has three basic water sources: the State Water Project, local groundwater aquifers, and the San Francisco Public Utilities Commission, which operates the Hetch-Hetchy Water System. ACWD has prepared a Water Supply Assessment which concludes that these water sources are adequate to serve the new uses proposed by the Specific Plan, which are discussed in more detail in the EIR.

#### *Stormwater Drainage*

The 100-year flood elevation throughout the project vicinity is 8-feet National Geodetic Vertical Datum (NGVD). According to the Federal Emergency Management Agency Flood Insurance Rate Map for the City of Newark, some of

the Plan area located west of the Hickory alignment currently lies within a Flood Hazard Zone, which indicates ground elevations are lower than 8 NGVD. The Newark General Plan and Municipal Code require that the finished floor of all new residential buildings in the Plan area vicinity must have a minimum elevation of 11.75 NGVD. For commercial buildings, finished floors must only be higher than the designated flood elevation of 8 NGVD.

#### *Power and Communications*

Existing power lines extend throughout the Plan area. These lines have been installed to serve the mix of industrial uses that first located in this area of Newark. As a result, the existing power grid consist of 21 kilovolt lines that have sufficient capacity to serve all likely development scenarios.

For natural gas supply, it is likely that new development within the Plan area will be served by an existing low-pressure two-inch line that runs along Willow Street from Central Avenue to just south of Enterprise Drive.

Communications within the Plan area are currently served by overhead AT&T lines on Enterprise Drive and underground lines on Central Avenue and part of Perrin Avenue. In addition, fiber-optic cable now exists along part of Willow Avenue. It can be anticipated that full "high-end" phone, communications, and data services should be available to meet the needs of future development within the Plan area.

According to company representatives, Comcast and other data and communication service providers are very

interested in serving this area.

#### *Immediate Context*

To the northeast of the Plan area, existing residential development predominates. Recent residential development, including medium density and single-family residential units, has occurred on the southeast corner of Thornton Avenue and Willow Street and in areas located farther from the eastern boundary of the Plan area. These newer residential developments tend to be more traditional garage-forward homes and are located on streets that typically end in cul-de-sacs. Older residential neighborhoods are found on the blocks surrounding Enterprise Drive and its extension to Wells Avenue due east of the Plan area. These houses primarily consist of one- to two-story single-family homes located on well connected residential streets.

To the east and southeast of the Plan area, industrial and light-industrial uses predominate. The blocks surrounding Central Avenue are built at a much larger scale than the residential neighborhoods previously described. Blocks are much longer between cross streets and buildings are set back from the sidewalk. These characteristics make for a less pedestrian-friendly environment than the nearby residential neighborhoods. The existing light industrial buildings are generally simple single-story buildings of tilt-up concrete construction. Many of these buildings are currently vacant.

To the west of the Plan area there are, and will continue to be, salt production facilities. This salt is harvested and then refined at a plant that is located in Newark.

To the north of the Plan area are industrial buildings and across the SamTrans DRC right-of-way, is the Don Edwards San Francisco Bay National Wildlife Refuge. The Refuge consists of roughly 30,000-acres. The Refuge is managed by the U.S. Fish and Wildlife Service and has an interpretive center located one mile northwest of the Plan area.

Additionally, the San Francisco Bay Trail (Bay Trail), a 240-mile network of bicycle and pedestrian trails, currently runs adjacent to the Plan area. Though the trail currently has a number of gaps, is it ultimately envisioned as a continuous and fully interconnected 400-mile trail network that will encircle San Francisco Bay and San Pablo Bay. The Specific Plan includes construction of an internal trail that would connect to the existing Bay Trail along Willow Avenue, at both the Enterprise/Willow intersection and the Central Avenue/Willow intersection.

### 1.5 RELATIONSHIP OF THE SPECIFIC PLAN TO GOVERNING DOCUMENTS

The Specific Plan is consistent with the California Government Code and is subject to the conditions noted below.

#### **California Government Code**

The Specific Plan has been prepared in accordance with the requirements of the California Government Code, Sections 65450-65457. These sections establish the Specific Plan as a legal mechanism; to allow the City of Newark to separately establish development regulations for a defined subarea and to supersede previous development regulations.

#### **City of Newark General Plan**

The City of Newark General Plan “encourages development of remaining vacant land for its highest and best use.” This Specific Plan is consistent with this and other General Plan policies and objectives as discussed in more detail in Chapter 8. The Specific Plan will also concurrently process all amendments necessary to make the Specific Plan consistent with the City of Newark’s General Plan, including General Plan Amendments and amendments to the Zoning Ordinance.

#### **City of Newark Zoning Ordinance**

The Specific Plan and Plan area will have new, unique, zoning designations, standards and zoning districts. These new zoning designations, while different from the City’s existing zoning, will be added to and become part of Newark’s Zoning Ordinance.

#### **1999 Area 2 Specific Plan**

A prior Specific Plan, the “1999 Area 2 Specific Plan” was adopted for this Plan area. This adopted 1999 Plan includes various types of development land-use approval such as a Community College (Ohlone), and light industrial uses such as R&D (research and development). This Specific Plan will replace the 1999 Area 2 Specific Plan.

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