



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, January 24, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager
Terrence Grindall
Assistant City Manager
Sandy Abe
Human Resources Director
Soren Fajeau
Public Works Director
Michael Carroll
Police Chief
David Zehnder
Recreation and Community
Services Director
Kristopher J. Kokotaylo
Interim 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:

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

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

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

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

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



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A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of January 10, 2019.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – The following employees will be introduced at the City Council meeting: Public Safety Clerk Paula Silva, Administrative Support Specialist II Sara Kerns, and Accountant Kammy Vong.

- C.2 Proclaiming February as Teen Dating Violence Awareness Month.
(PROCLAMATION)**

Background/Discussion – February is Teen Dating Violence Awareness Month. A proclamation has been prepared and a representative from Safe Alternatives to Violent Environments (SAVE) will accept it at the meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider a 10-lot subdivision for the construction of 10 single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue. The City Council will consider approval of: a Planned Development Plan; Vesting Tentative Map 8494; and introduction of an ordinance establishing a Planned Development Overlay District for the project - from Senior Planner Mangalam. (RESOLUTIONS-2) (ORDINANCE)**

Background/Discussion – GoldSilverIsland Homes LLC has submitted an application to allow a 10-lot subdivision for the construction of ten single-family homes at 37256

Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue. The subject site is zoned Residential Medium Density (RM) with a Medium Density Residential General Plan land use designation.

The subject site consists of three lots, located at 37256 Magnolia Street, 37280 Magnolia and 6849 Baine Avenue and is approximately 0.93 acres in size. There are six dilapidated, unoccupied homes on the three lots. The surrounding neighborhood is a mix of single-family and multi-family residential units. The subject site is located in the Historic Newark Area Plan (HNAP). The key goals of HNAP include protecting single-family neighborhoods and preserving the historic character of Old Town, such as the Victorian style architecture.

The proposed project will provide the following community benefits: (1) Replacement of six vacant single family homes having a history of police and code enforcement issues related to squatters, and rodent infestation with ten high-quality single family homes; (2) Promotion of a stable single-family neighborhood; (3) Preservation of historic character of Old Town by proposing Victorian-style homes; and (4) The applicant will pay approximately \$692,816 towards Development Impact Fees that can be utilized citywide to improve the Newark community. The project will also pay approximately \$91,532 in school fees to the Newark Unified School District.

Overview – The subject site is unique in terms of its location as it has frontage on three streets - Magnolia Street, Baine Avenue and Olive Street, thus providing a distinctive opportunity in terms of reshaping an entire corner of an existing city block. Baine Avenue separates the subject site from the railroad tracks. The applicant proposes to combine three existing lots and then subdivide it into 10 lots ranging in size from 3,500 square-feet to 6,267 square-feet with frontage on three streets - Magnolia Street, Baine Avenue and Olive Street as follows:

Lots	Frontage	Home size	Lot size
Lot 1	Magnolia Street	3,016 sq. ft.	6,267 sq. ft.
Lot 2	Magnolia Street	2,316 sq. ft.	3,500 sq. ft.
Lot 3	Magnolia Street	2,171 sq. ft.	4,113 sq. ft.
Lot 4	Baine Avenue	3,016 sq. ft.	4,480 sq. ft.
Lot 5	Baine Avenue	3,016 sq. ft.	4,480 sq. ft.
Lot 6	Baine Avenue	3,016 sq. ft.	5,320 sq. ft.
Lot 7	Baine Avenue	2,553 sq. ft.	3,660 sq. ft.
Lot 8	Olive Street	2,574 sq. ft.	4,398 sq. ft.
Lot 9	Olive Street	2,570 sq. ft.	3,651 sq. ft.
Lot 10	Olive Street	3,016 sq. ft.	5,313 sq. ft.

All the proposed homes will be two stories with private rear yards. The detached single family homes will consist of living, dining, family, kitchen, 4 to 5 bedrooms and 3.5 to 4.5 bathrooms.

The City's off-street parking requirement is satisfied by the provision of a two-car garage. A driveway apron in front of each garage would provide for guest parking spaces for each dwelling.

The Historic Newark Area Plan recommends that Victorian architecture styles be used for new developments in Old Town, where appropriate. The architect has included several roof lines, window design and detailing, gable elements and porches to reflect the Victorian style. A variety of color schemes and building materials are included to offer variety and to ensure that all the homes are distinct. The proposed building materials include three styles of siding - hardie plank, shingle and scalloped shingle; stucco; and stone veneer.

Community Meeting

A community meeting was held by the applicant on October 15, 2018. The notice was sent to neighboring properties within a 400-foot radius around the subject site and five property owners were in attendance. Neighboring property owners expressed their support for the project because of concerns that the subject site has been a dumping ground, has had rat infestations, and attracted squatters. The applicant has been vigilant in ensuring that the subject site is properly secured so that there is no dumping or squatting. In addition, the applicant also carried out pest control and obtained Rodent Inspection Clearance to staff's satisfaction. In general, the neighboring property owners were happy that the proposed development is a single family residential development and not a multi-family residential development and are supportive of the proposed project.

City Council Approvals

The proposed residential project requires approval of the following:

Vesting Tentative Tract Map: The applicant has submitted a Vesting Tentative Tract Map 8494 to allow for a 10-lot subdivision on an approximately 0.93-acre site. The 10 lots included in the map will vary in sizes from 3,500 square-feet to 6,267 square-feet.

Planned Development (PD) Overlay District and PD Plan:

The project proposes 10 single-family homes with a few deviations from the development standards of Residential Medium Density (RM) District as included in Zoning Code Section 17.07.030. The specific deviations are: (1) the minimum lot size is 3,500 square feet in lieu of 6,000 square feet; (2) the proposed lot width is a minimum of 40 feet in lieu of 60 feet; (3) the proposed lot depth is a minimum of 67 feet in lieu of 100 feet; and (4) the proposed homes are set at minimum of four feet interior side setback in lieu of five feet. These deviations are necessary because the proposed development consists of single family units and not multi-family units.

Per Zoning Code Section 17.12.060, a PD Plan shall only be approved if certain findings listed below are made. The findings given in the draft resolution of approval contains language that comes from the Newark Zoning Code, and is supported by application materials on file.

The findings are as follows:

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The subject site is located in Old Town which is the historic heart of Newark. In 1990, the City adopted the Historic Newark Area Plan (HNAP) as part of the City's General Plan. One of the key goals of HNAP was to protect single-family neighborhoods. The applicant proposes to build 10 single-family homes and is not exceeding the maximum density included for Medium Density Residential designation in the General Plan.

- b. *Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The subject site is bounded by three streets, Magnolia Street, Baine Avenue and Olive Street. As the existing parcel is under-developed, the addition of 10 homes to the existing neighborhood would not require additional street improvements for traffic mitigation. The project will realign existing sidewalks to conform to the pattern of the existing neighborhood. All homes will have 2 car-garage parking. A driveway apron in front of each garage would provide for guest parking spaces for each dwelling. This will result in 4 off-street parking spaces per unit. Guest parking is available on both sides of Baine Avenue, as there is no development on the southeast side of Baine Avenue. The total increase of four single family homes will have minimal impact on the surrounding local roads.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The surrounding neighborhood is a mix of single-family and multi-family residential units, thus, the subject site is surrounded mostly by residential use and the proposed residential use will be compatible.

- d. *The development generally complies with applicable adopted design guidelines.*

The proposed project complies with all applicable design standards.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The subject site is zoned as Residential Medium Density and would have resulted in multi-family residential development, thus resulting in increased traffic and disrupting single-family neighborhood characteristic of Old Town. The applicant proposes to build 10 high-quality, traditional Victorian styled single-family homes which are superior to the development that could occur under the standards applicable to the underlying Medium Density District.

Noise Study

Due to proximity of the subject site to the railroad tracks, an “Environmental Noise and Ground-Borne Rail Vibration Assessment” was performed by Charles M. Salter Associates, Inc., to determine if the project meets City’s acceptable noise levels (interior limit of 45 decibels (dB) and exterior of 60 dB, where dB is the average sound level over a 24-hour period). The project is conditioned to meet the interior and exterior noise standards of the General Plan and Zoning Code and shall carry out mitigation measures as outlined in the reports.

California Environmental Quality Act (CEQA) exemption

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

Recommendation

The proposed project is in line with the vision of the Historic Newark Area Plan by proposing to build high quality, Victorian styled single-family homes. Thus, staff recommends approval of this proposed residential development.

Update – On December 11, 2018, the Newark Planning Commission approved Resolution Numbers 1972 and 1973 which recommended that the City Council approve the Planned Development Plan and Vesting Tentative Tract Map 8494 to allow a 10-lot subdivision for the construction of 10 single-family home at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue.

Attachments – Resolutions (2)

Ordinance

Exhibit A Plan Set

Exhibit B Environmental Noise Study and Vibration Study

Exhibit C Meeting Presentation

Action – It is recommended that the City Council:

(1) By resolution, approve, P-18-34, a Planned Development Plan to allow for a 10-lot subdivision for the construction of 10 single-family homes located at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11); and

(2) By resolution, approve, TTM-18-35, Vesting Tentative Map 8494 to allow a 10-lot subdivision for the construction of 10 single-family homes; and

(3) Introduce an ordinance establishing a Planned Development Overlay District at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue (APNs 92-61-12-1, 92-61-12-2 and 92-61-11).

E.2 Hearing to consider ‘Classics at Newark’, a residential project comprising of nine single-family homes at 36304-36310 Newark Boulevard. The City Council will consider approval of: a Planned Development Plan; Vesting Tentative Tract Map 8498; and introduce an ordinance establishing a Planned Development Overlay District for the project – from Senior Planner Mangalam. (RESOLUTIONS-2) (ORDINANCE)

Background/Discussion – Classic Communities has submitted an application to allow construction of a residential project comprising of nine single-family homes on an approximately 1.72-acre site located at 36304-36310 Newark Boulevard. Currently, two single family homes built in early 1900’s exist on the subject site, but are in poor condition. The subject site is zoned Residential Single Family (RS-6000) with a Low Density Residential General Plan land use designation. Surrounding land uses comprises of single-family homes and Newark Junior High School across Newark Boulevard. The site has its frontage on Newark Boulevard, which is a four lane arterial road.

The proposed project will provide the following community benefits: (1) The project will replace two existing single family homes which are in disrepair with nine high quality, single family homes; (2) The applicant will build an 8-foot high precast wall with decorative columns on the perimeter of the subject site on Newark Boulevard to match a future City project that will replace the fence along Newark Boulevard with a similar wall; (3) The applicant will pay for the cost for undergrounding of utilities for its frontage along Newark Boulevard; and (4) The applicant will pay approximately \$616,250 towards Development Impact Fees that can be utilized citywide to improve the Newark community. The project will also pay \$79,032 in school fees to the Newark Unified School District.

Overview – The applicant proposes to combine two existing lots and then create nine developable lots for nine single-family homes and one non-developable lot for the proposed cul-de-sac (private street). The proposed developable lots will range from 6,001 square-feet to 8,327 square-feet and the proposed non-developable lot will be approximately 12,175 square-feet in size. Three different floor plans are proposed for this residential project, (called Plans 3, 4, and 5) as follows:

Lots	Lot size	Home size	Plan type	Height
Lot 1	8,327 sq. ft.	2,434 sq. ft.	Plan 3	Two-story
Lot 2	7,589 sq. ft.	2,113 sq. ft.	Plan 4	Single-story
Lot 3	6,337 sq. ft.	2,404 sq. ft.	Plan 5	Single-story
Lot 4	7,604 sq. ft.	2,113 sq. ft.	Plan 4	Single-story
Lot 5	7,424 sq. ft.	2,404 sq. ft.	Plan 5	Single-story
Lot 6	6,001 sq. ft.	2,113 sq. ft.	Plan 4	Single-story

Lot 7	6,508 sq. ft.	2,404 sq. ft.	Plan 5	Single-story
Lot 8	6,027 sq. ft.	2,434 sq. ft.	Plan 3	Two-story
Lot 9	6,842 sq. ft.	2,434 sq. ft.	Plan 3	Two-story

The detached single-family homes will consist of a great room, kitchen, 4 bedrooms and 3 to 3.5 bathrooms. The proposed two-story homes at lots 1, 8 and 9 have deeper rear yards, ranging from 44 to 53 feet in order to provide greater distance from existing homes for privacy. The remaining single family homes meet or exceeds 20 feet rear yard requirement as set in the Newark Zoning Code.

Vehicle access to the project site would be through a private street that would terminate in a cul-de-sac. Although it is a private street, it has been designed to be consistent with City street standards. The proposed cul-de-sac would be accessible to the public and would be maintained by the project's homeowners' association. The City's off-street parking requirement is satisfied by the provision of an attached two-car garage. A driveway apron in front of each garage would provide for guest parking spaces for each dwelling. In addition, six on-street parking spaces have been provided on the cul-de-sac for guests.

All three plan types will have two different elevations, each with different color schemes, roof types and architectural elements to add variety. Window shutters, enhanced sills, and decorative outlookers are some of the elements added to enrich the proposed elevations. The color schemes are rich and earthy and offer interest. Some of the materials that will be incorporated are siding, stucco, brick, and stone veneer.

The proposed project also involves extensive landscaping along the entire frontage of the site on Newark Boulevard with seven new street trees (24" Box Southern Magnolia) and street improvements. In addition, there will be nine new trees (seven 24" Box Elm and two 36" Box Cedar) on the cul-de-sac. Newark Zoning Code requires that a minimum of 25% of the lot shall be landscaped and all the proposed lots meet or exceed this requirement. There will be an 8-foot high precast wall with decorative columns on the perimeter of the subject site on Newark Boulevard to match a future City project that will replace the fence along Newark Boulevard with a similar wall.

Community Meeting

A community meeting was held by the applicant on August 29, 2018. The notice was sent to neighboring properties with 400-foot radius around the subject site and five property owners were in attendance. Some concerns regarding parking and privacy were raised. With respect to the parking concern, the applicant noted the presence of 6 off street and on street parking spaces. Also, the proposed parking exceeds the minimum that is required under the Zoning Code. With respect to the privacy issue, the applicant is working with the neighboring property owner to resolve the issue.

City Council approvals

The proposed residential project requires approval of the following:

Vesting Tentative Tract Map

The applicant has submitted a Vesting Tentative Tract Map 8498 encompassing approximately 1.72 acres of land to construct approximately nine single-family homes. The project will consist of nine developable lots ranging from 6,001 square-feet to 8,327 square-feet and one non-developable lot (approximately 12,175 square feet in size) for the proposed cul-de-sac. The project will provide 18 covered private parking spaces inside garages and six on-street guest parking spaces.

Planned Development (PD) Overlay District and PD Plan

The project proposes the 9-unit residential development with few deviations from the development standards of Residential Single Family District as included in Section 17.07.030 of the Newark Zoning Code. The specific deviations are as follows: (1) the proposed homes are set at minimum 3.5 feet interior side setback in lieu of five feet.; (2) the minimum lot width is set at minimum 52.7 feet in lieu of required 60 feet; and (3) the minimum street frontage is set at 33 feet in lieu of required 60 feet.

Per Newark Zoning Code Section 17.12.060, a PD Plan shall only be approved if certain findings listed below are made.

The findings given in the draft resolution of approval contains language that comes from the Newark Zoning Code and is supported by application materials on file. The findings are as follows:

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The subject site is designated as Low Density Residential under the General Plan. As per the General Plan, densities in areas with this designation shall be less than 8.7 units per acre and is intended for single-family residential development on lots larger than 5,000 square-feet. The proposed residential development will consist of nine homes on lots ranging from 6,000 square-feet to 8,327 square-feet with a residential density of 6.2 units per net acre. Thus, the proposed residential development meets the requirements of the General plan.

- b. *Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The subject site is located on Newark Boulevard, which is a major arterial that provides adequate transportation facilities for the project. The development will create one new private cul-de-sac street which will provide access to the nine homes directly from Newark Boulevard. Existing public streets are adequate to accommodate the addition of nine homes and the project will not significantly affect existing levels of service. The proposed development meets the off-street parking requirements for

residential uses (all homes have a total of four off-street parking spaces comprising of a two car garage and a two-car driveway apron), and six on-street parking spaces on the cul-de-sac for guests.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The proposed project conforms to the General Plan land use designation for this site. The project was designed to mitigate the impact to the surrounding neighborhoods. Specifically, the zoning requires minimum 20' deep rear yards. The three lots with two story homes have 44' to 53' deep rear yards. And the six lots with one story homes have 21' to 48' deep rear yards. This combination of primarily single story homes and large rear yards (particularly for the two story homes) will provide a buffer to the existing homes to the north, east and south.

- d. *The development generally complies with applicable adopted design guidelines.*

The proposed project was designed to comply with all design standards.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

The current zoning allows for up to 14 homes on the property, and allows for single family homes with 20' rear yards. The proposed development of nine homes (most of which are one story) and oversized rear yards are demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

California Environmental Quality Act (CEQA) exemption

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

Recommendation

The proposed project will provide for nine high-quality single family detached units in a Residential Single Family District with extensive landscaping and ample parking. The subject site was also identified as one of the potential residential development sites in the Housing Element Update 2015 and thus, staff recommends approval of this proposed residential development.

Update – On December 11, 2018, the Newark Planning Commission approved Resolution Numbers 1974 and 1975 which recommended that the City Council approve the Planned Development Plan and Vesting Tentative Tract Map 8498 to allow a residential project

comprising of nine single-family homes on a site located at 36304-36310 Newark Boulevard.

Attachments – Resolutions (2)

Ordinance

Exhibit A Plan Set for proposed residential development

Exhibit B Meeting Presentation

Action – It is recommended that the City Council:

(1) By resolution, approve P-18-36, a Planned Development Plan to allow construction of nine single-family homes on an approximately 1.72-acre site located at 36304-36310 Newark Boulevard. (Assessor Parcel Numbers 92A-779-5 and 92A-779-7); and

(2) By resolution, approve TTM-18-37, Vesting Tentative Tract Map 8498 to allow construction of nine single-family homes on an approximately 1.72-acre site located at 36304-36310 Newark Boulevard. (Assessor Parcel Numbers 92A-779-5 and 92A-779-7); and

(3) Introduce an ordinance establishing a Planned Development Overlay District located at 36304-36310 Newark Boulevard. (APNs 92A-779-5 and 92A-779-7).

- E.3 Hearing to consider FMC Parcel C, a 192-unit residential project on a 17.4-acre site within the Dumbarton Transit Oriented Development (TOD) Specific Plan area located west of the intersection of Hickory Street and Enterprise Drive. The City Council will consider approval of: (1) an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR addresses the impacts of the proposed development; (2) a rezoning of a 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) and rezoning of a 5-acre site from Business and Technology Park (BTP) to Park (PK) (APNs: 537-852-1-2; 537-852-2-7 and 537-852-2-8); (3) Vesting Tentative Tract Map 8453; (4) a Planned Development Plan; (5) Authorizing the Mayor to sign a Community Financing Agreement; and (6) Authorizing the Mayor to sign a Park Agreement– from Senior Planner Mangalam. (RESOLUTIONS-5) (ORDINANCE)**

Background/Discussion - Parcel C Project Owner, LLC, has submitted an application to allow construction of 192 single-family homes on an approximately 17.4-acre site located to the west of the intersection of Hickory Street and Enterprise Drive. The project site is mostly vacant following soil remediation that removed industrial contaminants that were remnants of a prior industrial use. The proposed development will add residential units to Bayside Newark, an emerging neighborhood in the City. Bayside Newark, earlier known as “Dumbarton Transit Oriented Development Area”, was a planning effort in the Fall of 2007 to explore potential development around the planned Newark Dumbarton Rail Station. It includes approximately 205 acres of land that previously contained various industrial, manufacturing, and chemical processing

land uses since the early twentieth century. Following the adoption of Dumbarton Transit Oriented Development (TOD) Specific Plan (Specific Plan), the area transformed from an industrial area to a prestigious residential neighborhood with developments from William Lyons Bayshores, Trumark Glassbay, Lennar Lighthouse and Senior Housing. More homes are under construction in the neighborhood and the units are in high demand. The proposed project is consistent with the Specific Plan for this area and is a logical phase in the construction of this neighborhood.

Project benefits - The vision of the Specific Plan was to create a unique and memorable community by integrating key elements of community design into the plan, including: a future Transit Station; a Neighborhood Center; up to 2,500 new residential units; necessary infrastructure; contribution towards the construction of an overpass on Central Avenue over the Union Pacific Railroad right-of-way; more than 16-acres of parks including a community (public) park and Bayside Trail; and a project that is fiscally beneficial to the City of Newark. Apart from providing 192-residential units with necessary infrastructure and segment of a bay side trail that will be eligible for Bay Trail designation, the proposed project will provide one of the most important elements of the Specific Plan, a 5-acre public park.

5-acre public park: Property owner FMC Corporation would dedicate approximately 5-acres of land for a public park and the developer would be responsible for the construction of the park per the Park Agreement. The park will be designed to best serve the active and/or passive recreational needs of the Community by including play areas for ages 2 to 5 years and 5 to 12 years old; open lawn; grass sports field; a decorative garden with facilities suitable for events, dog parks for both small and large dogs; seating; picnic areas; restrooms and associated parking. The park shall be completed no later than July 1, 2026. As a security for delivery of the Park Parcel by the applicant to the City, the applicant shall post a performance bond in the principal amount of 12 million dollars.

Bay Trail: A 20-foot wide trail corridor which includes a 12-foot wide multipurpose trail is proposed (a continuation of a trail throughout the Bayside neighborhood) that is eligible to be part of the Regional San Francisco Bay Trail. This will eventually allow continuous travel around the shoreline of the San Francisco Bay.

Fiscal Impact Fee: The Dumbarton TOD Specific Plan contains critical elements necessary for its implementation. To ensure that the city's fiscal health is sustained, developers are financially contributing to public improvements and city services in the Plan area. The applicant has voluntarily agreed to enter into a Community Financing Agreement. Under the terms of the agreement, the developer will make a contribution to the City of \$2,500 per dwelling unit. The applicant will pay a \$480,000 Fiscal Impact Fee.

Development Impact and other fees: In addition to providing amenities, the project will also provide significant impact fee revenue including: \$6,063,818 in Affordable Housing fees; \$681,216 in Public Safety fees; \$456,192 in Community

Services/Facilities fees; \$981,696 in Transportation Impact fees; and \$51,840 in Art in Public Places fees. Collectively, the estimated total of impact fee revenue is \$8.26 million. These fees can be utilized citywide to improve the Newark community. The project is expected to pay nearly two million in school fees to the Newark Unified School District.

Overview - The applicant is proposing to build 192 homes on an approximately 17.4-acre site. The site will consist of three planning areas, named Planning Area 1 (PA1), Planning Area 2 (PA2), and Planning Area 3 (PA3).

Planning Area 1: PA1 will comprise of approximately 6.23 acres of land and will include 72 single-family front loaded homes, called UA Lannai. Three different floor plans ranging from approximately 2,200 to 2,400 square feet are being proposed. All the homes will be three stories high. Typical lot size will be 35 feet by 50 feet with few exceptions. Three architectural styles- Farmhouse, Craftsman and Agrarian are proposed to add to architectural variety through the area. PA1 will include two parks, Activity Park and Boardwalk Park providing recreational areas. The Activity Park will include variety of improvements including benches, kids play area etc. The bioretention area located to the southwest of PA1 will be used uniquely for recreation purposes by providing an elevated boardwalk area with bench seating and overhead structures. Two viewing scopes will enhance the experience for its users.

Planning Area 2: PA2 area will comprise of approximately 4.65 acres of land and will include 75 single-family alley loaded homes, called UA Bungalow. Four plan options ranging from 2,100 to 2,700 square feet with two architectural styles - Farmhouse and Craftsman will be provided for diversity, and neighborhood character. PA 2 will include two pocket parks: Entry pocket park and a Trailside pocket park. The Trailside pocket park on to north of the site will include seat walls and table seating. The Entry pocket park will include a community map and bench seating.

Planning Area 3: PA3 area will be approximately 2.73 acres in size and will include 45 UA Bungalow units (as described under PA2). It will include Strolling Track/Fitness Park approximately 6,710 square feet in size and a small Pocket Park. Both the parks will include amenities like benches and an open lawn.

Each planning area within the proposed residential development would be accessible directly from Enterprise Drive. Planning Area 1 would be oriented along a few internal roadways serving the neighborhood, with two access points from Enterprise Drive. Planning Area 2 includes a north/south oriented roadway off Enterprise Drive that would function as the main arterial through the neighborhood, with the nine courts branching off the main access road and a tenth court off Enterprise Drive. Planning Area 3 is accessible via seven courts that branch off Enterprise Drive.

Open space: In addition to pocket parks and open spaces, a 20-foot wide trail corridor which includes a 12-foot wide multipurpose trail is proposed (a continuation of a trail throughout the Bayside neighborhood) that is eligible to be part of the Regional San

Francisco Bay Trail. This will eventually allow continuous travel around the shoreline of the San Francisco Bay. FMC Corporation would dedicate approximately 5-acres of land for a public park and the developer would be responsible for the construction of the park as envisioned in the Specific Plan. The park will be designed to best serve the active and/or passive recreational needs of the community. The parks, trail and other public and private recreational areas, will form an integrated system with a wide variety of options for residents to enjoy as envisioned in the Specific Plan.

Parking: The Specific Plan requires two off-street covered spaces and 0.5 guest spaces per unit, thus a total of 384 private garage spaces and 96 guest parking spaces are required for the proposed 192-units. The project will provide a total of 522 spaces including 384 private garage and 138 guest parking spaces, thus exceeding the parking requirement for the development.

Landscape Plan: The project proposes a landscape plan that will include a variety of trees, shrubs and groundcover. The conceptual landscaping design concentrates plantings along the perimeter of the project site, along neighborhood streets, parking areas and pocket parks.

Site clean-up: The project site has a history of contamination associated with previous land uses. Soil remediation on the project was conducted in accordance with an Interim Remedial Action Workplan that was approved by the San Francisco Regional Water Quality Control Board on June 2011. Remediation of soils on the project site was completed on November 3, 2017, and a request for Site Closure for soil contamination was submitted to the RWQCB in December 2017.

City Council Approvals

The proposed residential project is consistent with the objectives, policies, and vision of the Specific Plan and requires the approval of the following actions to allow the construction of the proposed residential project:

Rezoning: The site is currently zoned as Business and Technology Park (BTP) which allows advanced technology research and development, manufacturing, and related support facilities and a residential project such as this would require rezoning to a residential district. The applicant proposes a density of 18 units per acre (192 units on a net 10.74 acres) and requires Residential Medium Density (RM) which allows residential densities from 14 to 30 units per net acre. Further, the Specific Plan included the concept of Form Based Code to set guidelines for developments within the TOD to create a vibrant and thriving community. Thus, the site will require a rezoning of an approximately 17.4-acres from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC). The project proposes minor deviations from the requirements of Form Based Codes and, thus, requires establishment of a Planned Development Overlay District (PD). Similarly, the 5-acre parcel for the proposed public park is zoned BTP and will require rezoning to Park (PK).

Vesting Tentative Tract Map: The applicant has submitted a Vesting Tentative Tract Map 8453 encompassing approximately 17.4 acres of land to construct approximately 192-single family homes. The project will comprise of the following land uses: single family lots (8.41 acres), Public Streets (2.15 acres), Private Streets (2.72 acres), parks (0.57 acres), water quality (0.45 acres), open space (1.62 acres), wetlands (0.71 acres) and trail (0.76 acres), thus totaling to approximately 17.4 acres. The project will provide a total of 522 spaces including 384 covered off-street parking and 138 guest parking spaces.

Planned Development (PD) Plan: The project proposes the 192-unit residential development with minor deviations from the City's Form Based Code for the TOD Specific Plan area. These deviations require the approval of a Planned Development Plan. The specific proposed deviations from Newark Zoning Code requirements are: (1) UA Lannai product would include a minimum of 5' front setbacks in lieu of 8' and maximum 50' front building face in lieu of 18'. This is in compliance with the design guidelines of Section 17.13.050.E.5 of Newark Zoning Code which states that to discourage obstruction of the driveway, garage aprons shall be either less than five feet deep or more than eighteen feet deep; (2) With respect to site coverage: UA Lannai will have maximum site coverage of 61% and UA Bungalow will have maximum of 63% in lieu of maximum 60%; and (3) The project proposes minimum 5 feet setbacks at corners in lieu of minimum 8 feet 3 inches. This is still in compliance with Newark Zoning Code Section 17.13.030.H.3, which sets street side yard for all neighborhood streets at a minimum of five feet. Per Newark Zoning Code Section 17.12.060, a PD Plan shall only be approved if certain findings listed below are made.

The required findings contained in the proposed resolution is supported by application materials on file and are as follows:

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The 17.4-acre FMC Parcel C Project site is proposed for Residential Medium Density-Form Based Code (RM-FBC). The total number of proposed housing units is 192 on 10.74 net acres of the site to achieve a density of approximately 18 housing units per acre. The subject property is located in Dumbarton Transit Oriented Development Specific Plan, which was found to be consistent with the General Plan. The Specific Plan identifies the most of the project site as medium/high density residential development with an allowable density range of 16-60 dwelling units per gross developable acre. Thus, the proposed project is consistent with the applicable density and intensity limitations.

- b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The proposed project would extend Enterprise Drive and construct multiple access roads to the residential developments. The proposed project would not require additional modification to the roadways (e.g. re-alignment) other than already identified in the Program Environmental Impact Report (PEIR) prepared for the Dumbarton TOD Specific Plan.

New vehicular trips generated by the FMC Parcel C Project, in combination with other approved projects within the Specific Plan area, are below the total number of daily, a.m. peak hour, and p.m. peak hour trips that were assumed in the Specific Plan PEIR and would not conflict with the City's operational standards as projected under those plans.

Sidewalks would be provided along each proposed neighborhood street and would connect to sidewalks along Enterprise Drive. The proposed project would construct walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project, south of the FMC Parcel C project site.

The proposed project would develop 192 residential units and provide a total of 522 parking spaces. Of the 522 parking spaces provided, 384 parking spaces would be private garage and 138 parking spaces would be on-street surface parking. The proposed project exceeds the minimum parking required by Specific Plan.

The project proposes to construct 227 fewer units than allocated to all three project APNs combined in the Specific Plan and would not result in a significant increase in service demands or render the current service levels to be inadequate, as:

- a. Service demands for the medium and medium-high density residential land use would be similar or less than those envisioned under the medium/high density residential and commercial/office Specific Plan land uses; and,
 - b. Service demands for the medium and medium-high density residential land use would be similar or less than those envisioned under the high density residential, parks and recreational facilities, and community commercial General Plan land uses; and,
 - c. Implementation of the additional medium and medium-high density residential land use would be off-set by not developing the commercial/office land use. Further, the project applicant is required to pay development impact fees for fire protection, police protection, and schools.
- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The proposed project site lies within the Dumbarton TOD Specific Plan area which encompasses approximately 205 acres at the western edge of the City of Newark. Lots adjacent to the east of the project site are vacant former industrial lands that are planned for development through the Dumbarton TOD Specific Plan. The Lennar Bridgeway residential development is under construction and is adjacent to the southern boundary of the project site. Salt evaporation ponds operated by Cargill, Inc. are located southwest of the project site, and part of the Don Edwards San Francisco Bay Wildlife Refuge which is approximately 475 feet northwest of the project site, on the opposite side of the existing railroad tracks. The project site's surrounding land uses are characterized by existing and former industrial parcels, residential development, and open space that are compatible with the area's planned land uses.

The proposed project would also provide a perimeter trail along the northern and southwestern project boundaries, which is eligible to be part of the regional San Francisco Bay Trail. The San Francisco Bay Trail is a bicycle and pedestrian trail that will eventually allow continuous travel around the shoreline of San Francisco Bay.

- d. *The development generally complies with applicable adopted design guidelines;*

Chapter 5 of the Dumbarton TOD Specific Plan provides design guidelines intended to help the City of Newark and developers create a cohesive, mixed-use community. The proposed project was carefully designed to comply with the Specific Plan's design standards.

The proposed project is consistent with the architectural design guidelines of the Specific Plan. The recommended building styles to be implemented throughout the Specific Plan area are: Agrarian Rural, Agrarian Contemporary, Farmhouse, Arts & Crafts – Prairie, Arts & Crafts – Craftsman, and French Country. Consistent with the Specific Plan design guidelines, the proposed project would incorporate a mix of Agrarian Rural, Arts & Crafts – Craftsman, and Farmhouse-style residential units.

The Specific Plan also emphasizes the intent for the planning and layout of the Specific Plan area to have a strong pedestrian orientation within the residential developments. As mentioned earlier, sidewalks would be constructed along each proposed neighborhood street and would connect to sidewalks along Enterprise Drive. The proposed project would construct walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project. Additionally, the perimeter trail is eligible to be part of the San Francisco Bay Trail would be directly accessible to pedestrians from two of the three proposed Planning Area neighborhoods.

The Specific Plan general landscape concept is to provide a basic planting direction along the neighborhood street and other public areas, while allowing future homeowners to individualize their landscaping. The project proposes a landscaping plan that includes ornamental trees, shrubs, and groundcover. The conceptual landscaping design concentrates plantings along perimeter of the project site, along

proposed neighborhood roadways and parking areas, and in parks within the Planning Area neighborhoods.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

A Planned Development approval will allow for greater connectivity between the Planning Area neighborhoods and also the greater Specific Plan area. As mentioned under findings a) and d), the proposed project would construct walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project.

The FMC Parcel C Project proposes to construct approximately 2.95 acres of parks and open space areas including variety of parks of varying sizes. Additionally, the proposed project would avoid and permanently preserve all of the tidal wetlands along the western boundary of the project site.

As noted above under findings c) and d), the proposed project would provide the community with a 20-foot wide trail corridor, containing a 12-foot-wide multi-purpose trail, that would extend along the northern boundary and southwestern edge of the site. The proposed recreational trail is anticipated to become part of the regional San Francisco Bay Trail.

Addendum to Program Environmental Impact Report (PEIR): In 2011, the City certified a Program Environmental Impact Report for the Dumbarton TOD Specific Plan (State Clearing House No. 2010042012) prepared in accordance with California Environmental Quality Act (CEQA). The EIR analyzed the impacts of development that will occur on many different parcels owned by various entities within the 205-acre Specific Plan area, including FMC Parcel C. The project proposes minor changes and prepared an addendum to determine whether proposed changes would result in any new or more substantial impacts from those identified in the prior adopted PEIR. The addendum includes: (1) the history of the project; (2) the proposed project; (3) standards for adequacy under CEQA and the State CEQA guidelines; (4) a description and format and content of the addendum; (5) the applicable CEQA processing requirements for the proposed project. The addendum concluded that the proposed project modifications do not require preparation of a subsequent EIR or negative declaration under Section 15162. The applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

On August 28, 2018, a letter was received (Exhibit A) from Adams Broadwell Joseph & Cardozo raising concerns regarding Addendum to Environmental Impact Report to Dumbarton Transit Oriented Development. Minor modifications were made to the addendum to address the issues raised in the letter. Staff believes that the revised Addendum adequately addresses the environmental impacts of the project.

Recommendation

The proposed project is in line with the vision of the Specific Plan by proposing to create a livable community designed for compatible neighborhoods with connectivity to parks, open space, the future transit station and commercial services. Thus, staff recommends approval of this proposed residential development.

Update – On August 28, 2018, the Planning Commission approved the following: (1) Resolution No. 1962 recommending approval of RZ-18-9, a rezoning of an approximately 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) and rezoning of an approximately 5-acre site from Business and Technology Park (BTP) to Park (PK) (APNs: 537-852-1-2; 537-852-2-7 and 537-852-2-8); (2) Resolution No. 1963 recommending approval of TTM-18-16, Vesting Tentative Tract Map 8453; (3) Resolution No. 1964 recommending approval of P-18-8, a Planned Development Plan for a 192-unit residential project on a site located west of the intersection of Hickory Street and Enterprise Drive; and (4) Resolution No. 1965 approving and recommending that the City Council approve an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (state clearinghouse number 2010042012) addresses all the impacts of the proposed development.

The project was slightly modified after the Planning Commission recommendation by the conversion of one residential lot to private open space and adding amenities to a stormwater treatment area. These changes were the result of infeasibility of the two proposed private park areas on to the north west of the site due to the park land area being deemed wetlands. The project before the City Council is for 192 units not the 193 that was approved by the Planning Commission.

Attachments

Ordinance

Resolutions (5)

Exhibit A: Addendum Volumes 1 and 2 to Program Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development;

Exhibit B: Plan Set for proposed residential development;

Exhibit C: Proposed 5-acre public park;

Exhibit D: Community Financing Agreement;

Exhibit E: Park Agreement;

Exhibit F: Meeting Presentation.

Action – It is recommended that the City Council:

(1) By resolution, approve, an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed FMC Parcel C Development (192-Residential Units); and

(2) Introduce an ordinance amending Title 17 (Zoning) of the Newark Zoning Code Section 17.03.020 “Zoning Map” by rezoning all that real property shown on Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay

District (PD) and by rezoning an approximately 5-acre site from Business and Technology Park (BTP) to Park (PK) (APNs: 537-852-1-2; 537-852-2-7 and 537-852-2-8); and

(3) By resolution, approve, TTM-18-16, Vesting Tentative Tract Map 8453 to allow construction of a 192-unit residential development (FMC Parcel C) on a 17.4-acre site located west of the intersection of Hickory Street and Enterprise Drive (Assessor Parcel Numbers: 537-852-1-2, 537-852-2-07 and 537-852-2-8); and

(4) By resolution, approve, P-18-8, a Planned Development Plan to allow construction of a 192-unit residential development (FMC Parcel C) on a 17.4-acre site located west of the intersection of Hickory Street and Enterprise Drive (Assessor Parcel Numbers: 537-852-1-2, 537-852-2-07 and 537-852-2-8); and

(5) By resolution, authorize the Mayor to sign a Community Financing Agreement with Parcel C Project Owner C, LLC; and

(6) By resolution, authorizing a Park Agreement with Parcel C Project Owner, LLC for the construction and dedication of a park to the City.

F. CITY MANAGER REPORTS

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

CONSENT

- F.1 Approval of Contractual Services Agreements with 4Leaf, Inc, CSG Consultants, Inc, MNG Engineers, Inc, Pakpour Consulting Group and SNG and Associates, Inc. for on-call Public Works Construction Inspection and Civil Engineering Development Plan Check Review Services and authorization to amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2018-2019 to provide additional funding for said Contractual Services Agreements – from Senior Civil Engineer Cangco. (RESOLUTION)**

Background/Discussion – The City has several Contractual Services Agreements with consultants for on-call Public Works Construction Inspection and Civil Engineering Development Plan Review Services that are set to expire in February 2019. Based on current and projected development activity, these contractual services need to continue for the foreseeable future and new contracts are now required. The 2018-2020 Biennial Budget and Capital Improvement Plan includes \$639,500 in remaining funding for these services.

In accordance with the City's Purchasing Rules and Regulations, staff prepared and initiated an open and competitive Request for Qualifications (RFQ) for on-call Public Works Construction Inspection and on-call Civil Engineering Development Plan Check Review Services. RFQs were sent to firms previously under contract with the City and firms that expressed interest in receiving RFQs. The RFQs specified that selection would be made based on quality and completeness of submissions as well as a firm's experience

with engagements of similar scope and complexity, satisfaction of previous clients, and proposed rate schedules.

Public Works Construction Inspection Services includes a wide range of activities with multiple land development and Public Works project sites. Services include, but may not be limited to, evaluating job sites for conformance with City, State, and Federal regulations; conducting construction daily reports, memos, or logs; maintaining records for encroachment permits, subdivision agreements, and private development permits; and inspecting installation of infrastructure for both public and private street improvements.

Civil Engineering Development Plan Check Review Services includes a range of activities from planning entitlement, to improvement plan and final map approval, and the building permit process. Services include, but may not be limited to, reviewing Tentative Maps, Site Development, and Conditional Use Permits; preparing Conditions of Approval; reviewing parcel maps, final maps, tract improvement plans, grading plans, plot plans, and building permit plans for conformance with City, State, and Federal regulations; coordinating with applicants, City staff, and other public agencies; and attending meetings.

Current and projected service level demands for construction inspections and plan check reviews remain high, requiring staff augmentation through the on-call service contracts. Construction activities at Bayside Newark (formerly Dumbarton Transit Oriented Development) continues to remain at the elevated levels the City has experienced over the past several years. Construction for a 333-unit subdivision is currently underway, with construction of an additional 200 units starting as early as the end of the year. Completion of Willow Street improvements, the Willow Street water mainline installation, and the sewer force main relocation are also planned for construction this year. In addition, improvement plans, final map, and building permit plans for an approximately 330 residential-unit subdivision are anticipated to be submitted to the City for review and approval later this year.

Development of Area 3 and Area 4 are also contributing to the current and anticipated service level demands for Engineering Division staff. Construction of Area 3, which consists of 77.5 acres and 386-residential units, is currently underway. Area 4, which proposes to construct 469 residential units on 108 acres, is currently being reviewed for planning entitlement. Staff anticipates that improvement plans, final maps, grading plans, and building permit applications will be submitted for review soon after planning entitlements are approved.

Initial discussions regarding potential development within the NewPark Mall area per the recently adopted NewPark Place Specific Plan have also started. The initiation of development activity with the NewPark Place Specific Plan Area will generate additional service level demands for both plan check review and construction inspection services.

In addition to the larger development project sites, Engineering Division staff also anticipates providing plan check and construction inspection services for several small in-fill subdivision projects and other site development permits. While these projects are not as large as the Bayside Newark, Area 3, Area 4, and NewPark Place projects, these development sites contribute to staff's workload.

Construction of the City's highly anticipated Dog Park, Skate Park and Synthetic Turf Fields is also scheduled to begin this Spring. This will generate significant demand for additional construction inspection, management and oversight services, as construction of all three high-priority park projects is anticipated to occur concurrently.

Engineering Division staff plans to address this anticipated increase in service demand levels through the use of multiple on-call consultants.

Staff received six (6) statements of qualifications for Construction Inspection Services and six (6) statement of qualifications for Development Plan Check Review Services. The statements of qualifications were evaluated and ranked according to the selection criteria identified in the RFQs. Staff is recommending the selection of three consultants for on-call Construction Inspection Services and three consultants for on-call Development Plan Check Review Services. Retaining multiple firms will avoid concerns regarding conflict of interest and provide flexibility with the distribution of assignments.

Contractual Services Agreements

Staff is recommending the approval of Contractual Services Agreements for on-call Public Works Construction Inspection Services with three (3) consultant firms, each with a not to exceed amount as indicated below:

- 4Leaf, Inc. - \$100,000
- CSG Consultants, Inc. - \$125,000
- MNS Engineers, Inc. - \$239,500

Staff is also recommending the approval of Contractual Services Agreements for on-call Civil Engineering Development Plan Check Review Services with three (3) consultant firms, each with a not to exceed amount as indicated below:

- CSG Consultants, Inc. – \$125,000
- Pakpour Consulting Group - \$125,000
- SNG & Associates, Inc. - \$125,000

All six (6) agreements will expire on June 30, 2020, renewable for two (2) additional one (1) year terms upon mutual consent of the City and the consultant, subject to available funding.

The total not to exceed amount for the six (6) Contractual Service Agreements is \$839,500. The 2018-2020 Biennial Budget includes an estimated remaining balance of \$639,500 for Engineering Contractual Services. Therefore, staff requests authorization to amend the 2018-2020 Biennial Budget and Capital Improvement Plan to add \$200,000 to fiscal year 2018-2019 for Engineering Contractual Services to fund all six Contractual Services Agreements.

The additional funds requested will be offset by Subdivision fees paid by developers of the projects requiring the additional services.

Attachments

Action – It is recommended that the City Council, by resolution approve Contractual Services Agreements with various consultants for on-call Public Works Construction Inspection and Civil Engineering Development Plan Check Review Services and authorize to amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2018-2019 to provide additional funding for said Contractual Services Agreements.

NONCONSENT

F.2 Introduction of an ordinance to amend Newark Municipal Code Chapter 6.28 Regulations - Generally to address shelter, food and water requirements for animals kept outside - from Assistant City Manager Grindall. (ORDINANCE)

Background/Discussion - The Newark Municipal Code governs the keeping of animals and pets in Newark. At the City Council meeting held on October 11, 2018, the City Council introduced an ordinance amending the Newark Municipal Code to change the number of animals that can be kept as pets. As part of the decision, the Council expressed concern about the vagueness in the regulations that govern how animals are cared for, specifically with respect to shelter and food. Staff has prepared an additional amendment that would strengthen the regulations for animal care.

The current Municipal Code requires that owners or animal keepers provide shelter, protection from the elements, and food and water daily. Staff recommends amending Newark Municipal Code Sections 6.28.110 – Shelter and 6.28.120 – Food and Water with new language that describes the type of shelter that shall be provided to animals. Animals maintained outdoors must have accessible shelter that protects them from the elements. The shelter must be of adequate size, include a roof, a floor, bedding, and is cleaned and maintained to sanitary conditions. Clean water and food shall be supplied to meet the daily requirements of the species. The water and food will be kept in containers designed to prevent tipping. The detailed changes proposed are attached as part of the proposed ordinance.

It should be noted that this code amendment would apply to all animals that are kept outside.

Attachments

Action - Staff recommends that the Council introduce an ordinance amending Newark Municipal Code Title 6 Animals, Chapter 6.28 Regulations – Generally, Sections 6.28.110 – Shelter and 6.28.120 - Food and Water.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

(MOTION)

M. CLOSED SESSION

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.