

# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@newark.org](mailto:city.clerk@newark.org)

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

## **AGENDA**

**Thursday, November 14, 2019**

- A. ROLL CALL**
  
- B. MINUTES**
  - B.1 Approval of Minutes of the City Council meeting of October 24, 2019.  
(MOTION)**
  
- C. PRESENTATIONS AND PROCLAMATIONS**
  - C.1 Introduction of employees.**
  
  - C.2 Proclaiming November 17 to 23, 2019 as United Against Hate Week.  
(PROCLAMATION)**
  
  - C.3 Commending Newark Days Committee members. (COMMENDATION)**
  
- D. WRITTEN COMMUNICATIONS**
  
- E. PUBLIC HEARINGS**
  - E.1 Hearing to consider “Sanctuary West”, a 469-unit residential project on an approximately 430-acre site within Area 4 of the “Areas 3 and 4 Specific Plan” located at the south western edge of the City of Newark. The City Council will consider approval of: (1) proposed findings based on the Compliance Checklist prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 are within the scope of the previously-certified 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), that the REIR adequately describes the Project in Area 4 and retains substantial relevance and informational value to consideration of the Project and the environmental effects of the Project were sufficiently analyzed under the**

**REIR and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and that the Project is consistent with and implements the Specific Plan and therefore exempt from further CEQA review pursuant to California Government Code Section 65457; (2) approving Vesting Tentative Tract Map 8495; and (3) approving a Conditional Use Permit and a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark– from Senior Planner Mangalam. (RESOLUTIONS-2)**

## **F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.7 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 Second reading and adoption of an ordinance authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2 – from City Manager Benoun. (ORDINANCE)**
- F.2 Adopting a Compensation Plan for certain positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) classifications, and revoking the previous Compensation Plan – from Acting Human Resources Director Que-Garcia. (RESOLUTION)**
- F.3 Cancellation of the November 28 and December 26, 2019 City Council meetings – from City Clerk Harrington. (MOTION)**
- F.4 Amending City of Newark Records Retention Schedule – from City Clerk Harrington. (RESOLUTION)**
- F.5 Introduction of an ordinance and setting a hearing date of December 12, 2019, to amend the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California**

**Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code) – from Chief Building Official / City Architect Collier and Fire Marshal Terra.**

**(MOTION)(INTRODUCTION OF ORDINANCE)**

- F.6 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8459 – Compass Bay (TH-HW Enterprise, LLC), a 138-unit residential subdivision within the Bayside Newark Specific Plan project area – from Assistant City Engineer Imai. (RESOLUTION)**
- F.7 Approval of partial release of security bonds for Tracts 8270, 8417, 8418, 8419 and 8420, Sanctuary Village (Arroyo Capp III, LLC) – from Assistant City Engineer Imai. (RESOLUTION)**

#### **NONCONSENT**

- F.8 Authorizing the City Manager to execute a contract amendment with Rhoades Planning Group for additional planning services for the Newark Old Town Specific Plan and amend the 2018-2020 Biennial Budget and Capital Improvement Plan – from Deputy Community Development Director Interiano. (RESOLUTION)**
- F.9 Authorizing Application for, and, subject to subsequent City Council approval, receipt of Senate Bill 2 Planning Grants Program Funds for the Historic Newark District Specific Plan – from Deputy Community Development Director Interiano. (RESOLUTION)**

#### **G. CITY ATTORNEY REPORTS**

#### **H. ECONOMIC DEVELOPMENT CORPORATION**

#### **I. CITY COUNCIL MATTERS**

- I.1 Reappointment of William Fitts and Debbie Otterstetter to the Planning Commission – from Mayor Nagy. (RESOLUTION)**

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**(MOTION)**

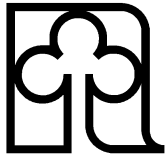
**M. CLOSED SESSION**

**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, 5<sup>th</sup> 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, November 14, 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*  
  
*Michael Carroll*  
*Police Chief*  
  
*Soren Fajeau*  
*Public Works Director*  
  
*David Zehnder*  
*Recreation and Community*  
*Services Director*  
  
*Helen Que-Garcia*  
*Acting Human Resources Dir.*  
  
*Kristopher J. Kokotaylo*  
*Interim City Attorney*  
  
*Krysten Lee*  
*Finance Manager*  
  
*Steven M. Turner*  
*Community Development Dir.*  
  
*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:

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

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](http://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, October 24, 2019

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the City Council meeting of October 10, 2019.

**MOTION APPROVED**

Council Member Hannon moved, Council Member Freitas seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 3 AYES, 2 ABSENT.

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Introduction of employees.

Mayor Nagy introduced Police Officers Brandon McCuin and Jacob Langenstein.

#### C.2 Eden I&R (Information and Referral), Inc. Executive Director DeJung will give a presentation on their services.

Alison DeJung Executive Director of Eden I&R, Inc. gave a presentation on 211 which connects people to information and services (copy on file with City Clerk).

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

### F. CITY MANAGER REPORTS

Council Member Hannon moved, Council Member Freitas seconded, to approve Consent Calendar Items F.1 through F.2, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 3 AYES, 2 ABSENT.

**CONSENT**

- F.1 Approval to amend the 2018-2020 Biennial Budget to add a Vehicle Abatement Officer position in the Police Department.**  
**RESOLUTION NO. 10994**
- F.2 Authorizing the City Manager to execute a Contractual Services Agreement with ACC Environmental Consultants to provide Hazardous Material Abatement Construction Observation, Sampling and Monitoring Services for the New Civic Center, Project 1188 Collier.**  
**RESOLUTION NO. 10995**  
**CONTRACT NO. 17014**

**NONCONSENT**

- F.3 Receive Evaluation Report and Consider Joining the East Bay Community Energy (“EBCE”) Community Choice Aggregation (“CCA”)**  
**MOTION APPROVED**  
**RESOLUTION NO. 10996**  
**ORDINANCE INTRODUCED**

City Manager Benoun reviewed the background of Community Choice Aggregations and East Bay Community Energy (EBCE), the steps, benefits, and risks of joining EBCE. If approved, enrollment in EBCE would start in the Spring of 2021. (Presentation on file with City Clerk.)

Michael Preto, Aspen Environmental Group gave a presentation (on file with City Clerk) noting that the concerns the City Council raised in 2016 appear to have been addressed, CCAs have become a significant portion of the energy procurement market in California, and the EBCE appears to be appropriately managing its going forward risk.

The City Council discussed the public outreach needed for this to be successful. They requested that the outreach show the new bills in great detail for the public to understand, multiple community meetings at a variety of locations including the Senior Center, outreach materials in multiple languages, and that City Staff help identify outreach efforts.

Alex DiGiorgio EBCE Public Engagement Manager stated that if approved, they would begin hosting and attending meetings in the Spring of 2020.

Rachel DiFranco, Sustainability Manager for the City of Fremont spoke in favor of joining the EBCE. She stated that this would improve energy efficiency, reduce carbon related usage, and provide substantial benefits.

Wynn Grich stated that she liked the idea of a fraud clause in the agreement to allow an opt out in that circumstance. She suggest under grounding power lines.

In response to Ms. Grich, Mr. DiGiorgio stated that the Joint Powers Agreement has an indemnification clause, the individual parties would not be liable. He stated that if the City joined, their appointed member could suggest amendments at the committee meeting such as a fraud clause.

Erik Hentschke stated that he hoped EBCE would incentivize homeowners to provide energy into the grid.

Council Member Hannon moved, Council Member Freitas seconded to: introduce an ordinance authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2; Adopt a Resolution approving an Agreement to Participate in a Joint Powers Agency For Community Choice Aggregation Program In Alameda County; and Authorize the City Manager to execute a PG&E form that would request electric usage in the City of Newark be provided to EBCE for technical analysis purposes. The motion passed, 3 AYES, 2 ABSENT.

## **G. CITY ATTORNEY REPORTS**

## **H. ECONOMIC DEVELOPMENT CORPORATION**

## **I. CITY COUNCIL MATTERS**

### **I.1 Approval of appointment of Planning Commissioner Aguilar to the Community Development Advisory Committee. RESOLUTION NO. 10997**

Mayor Nagy recommended that Planning Commissioner Jeff Aguilar fill the Planning Commission seat on the Community Development Advisory Committee.

Council Member Hannon moved, Council Member Freitas seconded to by resolution, appoint Planning Commissioner Jeff Aguilar to the Community Development Advisory Committee. The motion passed, 3 AYES, 2 ABSENT.

Mayor Nagy stated that Shirley Buschke recently passed away. Council Members Freitas and Hannon gave their condolences to the Buschke family.

Council Member Freitas stated that library staff has reported a decline in attendance due to the Civic Center construction. He suggested placing library open signs around the Civic Center. He commended the Public Works Department for the recent pavement work around the City.

Mayor Nagy stated that the limited parking near the library contributed to the attendance decline.

Council Member Hannon stated that some of the library services are being moved to other locations and suggested including that information in the city newsletter. Shop Newark.

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

**K. ORAL COMMUNICATIONS**

Wynn Grich discussed water safety in California and her opinion that liquid cremation that was approved via Assembly Bill 967 should be repealed. She stated that bio sludge in the State of Texas was causing mad cow disease and would create the next pandemic.

Eric Hentschke, Alameda County Mosquito Abatement District Representative (District), stated that the new homes being built by the Mowry Slough are near a major mosquito habitat. The District is aware of this and is doing their best to address the situation.

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 119126 to 119251.

Council Member Freitas moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 3 AYES, 2 ABSENT.

**M. CLOSED SESSION**

- M.1 Closed session pursuant to Government Code Section 54957  
Public Employee Performance Evaluation  
Title: City Manager.**

At 9:24 p.m. the City Council recessed to a closed session.

At 9:30 p.m. the City Council convened in closed session.

At 10:18 p.m. the City Council reconvened in open session.

**N. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 9:24 p.m.

**C.1 Introduction of employees.**

**Background/Discussion** – Accountant Ivan Quon and Aquatics Coordinator Nick Darnell will be at the City Council meeting to be introduced to the City Council.

**C.2 Proclaiming November 17 to 23, 2019 as United Against Hate Week.(PROCLAMATION)**

**Background/Discussion** – The City of Newark has been invited to participate in the second annual United Against Hate Week. This is a movement against bias and bullying that calls for seven days of local civic action by people in every Bay Area community to stop hate. A proclamation will be presented at the City Council proclaiming November 17 to 23, 2019 as United Against Hate Week.



**C.3 Commending Newark Days Committee members.**

**(COMMENDATION)**

**Background/Discussion** – Newark Days celebrated the City’s 64<sup>th</sup> birthday during the weekend of September 19-22, 2019. Members of the Newark Days Committee (Committee) volunteer their time and efforts throughout the year to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.

**E.1 Hearing to consider “Sanctuary West”, a 469-unit residential project on an approximately 430-acre site within Area 4 of the “Areas 3 and 4 Specific Plan” located at the south western edge of the City of Newark. The City Council will consider approval of: (1) proposed findings based on the Compliance Checklist prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 are within the scope of the previously-certified 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), that the REIR adequately describes the Project in Area 4 and retains substantial relevance and informational value to consideration of the Project and the environmental effects of the Project were sufficiently analyzed under the REIR and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and that the Project is consistent with and implements the Specific Plan and therefore exempt from further CEQA review pursuant to California Government Code Section 65457; (2) approving Vesting Tentative Tract Map 8495; and (3) approving a Conditional Use Permit and a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark– from Senior Planner Mangalam. (RESOLUTIONS-2)**

**Background/Discussion** – The Sobrato Organization has submitted an application for a 469-lot single-family dwelling subdivision on a 430-acre site located at the south western edge of the City of Newark. The subject site has a Low Density Residential General Plan land use designation and is zoned Residential Single Family (RS-6000).

Location

The 430-acre Project site is located in south western Newark, within the boundaries of the Areas 3 and 4 Specific Plan, specifically within Area 4. Area 4 consists of approximately 560 acres, including 316 acres of potential development area. The surrounding land uses include Flood Control Channel to the north, Union Pacific Railroad (UPRR) to the east, City of Fremont to the south and salt flats and Mowry Slough to the west (see Exhibit A, Location map).

History

In 1992, the City Council adopted the General Plan Update. The General Plan designated areas of development focus, including Areas 3 and 4. The General Plan allowed future development of Area 4 consisting of high-quality low-density housing, an 18-hole golf course, and open space. In 1999, the community rejected a ballot measure to change the General Plan land use designation for Area 4 to conservation, open space, and agricultural uses and confirmed the vision for Area 4. Further, on June 22, 2006, the City agreed in a Memorandum of Understanding (MOU) with New Technology Park Associates to prepare a Specific Plan for Areas 3 and 4 to address future land uses and to provide a framework for future development. The City’s Specific Plan process commenced in late 2006, and consisted of two phases. Phase One involved preparation of a conceptual plan and a feasibility analysis which evaluated

development constraints. Phase Two used the results of this constraints analysis as the basis for developing the Specific Plan and an Environmental Impact Report (EIR). The constraints analysis was completed in Fall 2007. The City distributed a Notice of Preparation for the EIR in May 2007. On February 26, 2008, the City of Newark Planning Commission reviewed two alternative Concept Plans, selected a preferred alternative, and recommended that the City Council approve the preferred alternative as the basis upon which a Specific Plan would be developed. On March 13, 2008, the City Council accepted and approved the Planning Commission recommendation on the preferred land use concept. In 2010, the Planning Commission and the City Council certified a Final EIR on the Specific Plan, approved the Specific Plan, a map amendment to the General Plan and Development Agreement (DA) for the Specific Plan. The 2013 General Plan Update also maintained this vision and designated the development area as the Southwest Newark Residential and Recreational Project.

Subsequently, the Citizen's Committee to Complete the Refuge, a non-profit public benefit corporation, filed legal action for judicial review of the EIR's compliance with CEQA, and the court found the EIR to be deficient in three respects: (1) the EIR was not clear about which portions of the project were being reviewed at a program level; (2) improper deferral of mitigation for impacts to trees to be preserved; and (3) improper deferral of mitigation for impacts to sensitive habitats and special status species from the potential spread of non-native invasive plant species. The court found the EIR to be adequate and in compliance with CEQA in all other respects. Although the court denied the majority of the Citizen's claims, the Judgment and Writ directed the City to, within 90 days, void the resolutions and ordinances approving the General Plan amendment, Specific Plan, Zoning map amendment, including the ones that approved the DA and certified the EIR.

To address the court's ruling, the City Council repealed and rescinded the certification of Final EIR and resolutions and ordinances approving General Plan amendment, Zoning map amendment and DA in February 2015. In addition, the City revised the Areas 3 and 4 Specific Plan EIR to address issues specified in the Court's ruling and recirculated the revised EIR for public review. In March 2015, the City of Newark certified the Newark Areas 3 and 4 Specific Plan Recirculated Environmental Impact Report (REIR) and re-adopted the Newark Areas 3 and 4 Specific Plan (Specific Plan) and related approvals. The approved Specific Plan allows for development of up to 1,260 housing units of various densities, an elementary school of up to 600 students, a golf course, parks and open space areas, as well as retention of existing light industrial and institutional uses. At the same time, the City also readopted the DA with minor changes. The developer granted the City certain public benefits such as: (1) dedicating to the City a 66-acre parcel along Mowry Avenue in Area 4 for recreational purposes; (2) dedicating a six-acre parcel in Area 3 for the construction of an elementary school; and (3) dedicating a three-acre parcel in Area 3 for a park to be shared by the neighborhood and the school. The City agreed to keep in place the City's land use rules, regulations, and policies in effect at the time of the re-adopted DA for any subsequent approvals of project under the Areas 3 and 4 Specific Plan.

Area 3 is mostly developed. It includes the City's George M. Silliman Recreation Complex, City of Newark Fire Station No. 3, Ohlone College Campus, and light industrial/commercial buildings. In 2016, the City approved a tentative map for a 386-unit residential project, including

a 6-acre parcel for the school site and 3-acre parcel for the park site (known collectively as “Sanctuary”). Residences are currently being constructed under the ownership of three separate developers, namely: DR Horton, KB Homes and Landsea.

Proposed Development

The applicant is proposing further implementation of the approved Specific Plan through the approval of a vesting tentative map, a Conditional Use Permit (CUP) and Planning Unit Development (PUD) for Area 4 that would allow residential development of 469 single-family homes consistent with Area 4 of the Specific Plan. The Project site consists of approximately 430 acres of land. The site is predominantly undeveloped, and professionally managed. The Project would include 469 single-family homes, three park parcels, and four boardwalk overlooks.

The residential development is comprised of four “villages”, each village characterized by the minimum size of the residential lots (see Table 1). Three different styles of homes are being proposed in each village to provide diversity of style and configuration including variations in architectural elements, color and materials (See Exhibit D, page 28 and 29).

Table 1: Proposed Residential Development

	Min. lot size (feet)	No. of units	Plan 1	Plan 2	Plan 3
Village I	47 X 77	133	2,326 sq. ft.	2,639 sq. ft.	2,874 sq. ft.
Village II	52 X 72	118	2,340 sq. ft.	2,560 sq. ft.	2,800 sq. ft.
Village III	60 X 65	133	2,870 sq. ft.	3,000 sq. ft.	3,225 sq. ft.
Village IV	50 X 100	85	3,103 sq. ft.	3,312 sq. ft.	3,653 sq. ft.

Circulation

As contemplated in the adopted Specific Plan, Stevenson Boulevard would be extended as a public street from its existing westerly terminus across the UPRR tracks via a new overpass. Where the Stevenson Boulevard overpass ends on the Project site, a private street network would provide vehicular, pedestrian, and bicycle access throughout the site to the individual home lots.

To the north of the Area 4 development area (outside the subject site), a private roadway easement for emergency purposes is proposed immediately west of the UPRR alignment, across the City of Newark-owned land from the flood control channel to Mowry Avenue. The easement would serve as a combined Emergency Vehicle Access (EVA) roadway and multi-use trail. The access roadway would be locked and gated at Mowry Avenue to allow only emergency vehicles; however, the gate would allow passage of pedestrians and bicycles. The EVA roadway/multi-use trail would be approximately 20-foot wide (within an approximately 40-foot wide EVA easement). An approximately 12-foot-wide paved public multi-use trail is proposed to begin at the Stevenson Boulevard terminus and extends around most of the outer perimeter of the Area 4 residential development.

Parking

The Project will provide a total of 2,739 parking spaces including 938 covered off-street parking spaces, 938 uncovered off-street parking spaces, and 863 on-street guest parking spaces.

### Landscape Design

The proposed Project includes various landscape design elements:

- Parks and open space: three parks and four boardwalk overlooks are planned throughout the site with a combined park area of approximately 4.70 acres. Parks would include play areas, seating, and lawn areas.
- Entry feature: an entry feature comprising of a 30-foot-tall lighthouse at the culmination of the extension of Stevenson Boulevard is proposed to create a strong identity for this new residential development as envisioned in the Specific Plan.
- Multi-use trail: An approximately 12-foot-wide paved public multi-use trail is proposed at the beginning of the Stevenson Boulevard terminus and extends around most of the outer perimeter of the Area 4 residential development. The trail would then connect to the combined trail and EVA at the northeast corner of Area 4. The trail has the potential for Bay Trail designation.

### Noise attenuation

Due to the location of UPRR tracks to the east of the Project, projected noise levels would exceed the City's acceptability criteria of 60 decibels Ldn (average equivalent sound level over a 24-hour period) at the nearest residential uses. To ensure compatibility with the City's General Plan noise compatibility guidelines, a sound wall is proposed along the length of UPRR tracks adjacent to residential development.

### Planned Unit Development (PUD) and Conditional Use Permit (CUP)

As discussed previously, the DA provided assurance to the developer that it has vested rights to proceed with the Project in accordance with the City's land use rules, regulations and policies applicable to the Project in effect at the time of approval of the DA. Thus, the Project will require the approval of a PUD and CUP as described in the Newark Municipal Code that was in-effect as of 2015. The Project is consistent with the findings pursuant to Chapter 17.72 (Use Permits), Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Section 17.72.070 (Action by Planning Commission) of the 2015 Municipal Code and is supported by application materials on file with the City of Newark and the recommended Planning Commission resolution attached with this staff report. The findings with regard to the proposed location of the planned unit development is in accord with the objectives of the zoning ordinance and the purposes of the district in which the site is located. Consistency with the Zoning Ordinance is supported by the fact that the site is located in a Residential Single Family (RS) district and the Project would develop the Project site with single-family residences, parks, and open spaces. Accordingly, the Project conforms with the objective of the RS district to preserve as many of the desirable characteristics of single-family residential districts as possible. The Project also clusters the proposed residences on the least biologically sensitive portions of the Project site, leaving 346 acres for open space.

The Project would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity of the Project. The Project leaves the majority of the Project site as open space (346 acres) to protect the Project site's most biologically sensitive areas. The Project would result in a new residential, single-family neighborhood, which would enhance and complement the surrounding properties, including the residential neighborhood under development in Area 3. The Project implements the Specific

Plan, which has long planned for residential development of the site. The Project also would result in new parks and passive recreation areas for the City’s residents.

The Project would develop fewer homes than the maximum number otherwise permitted by the Specific Plan (see Table 2) and will not overload utilities.

Table 2: Specific Plan & REIR Consistency Summary

	Specific Plan	Recirculated EIR	Area 3 (under construction)	Area 4 (under consideration)	Total units – Area 3 and 4	Consistent with Specific Plan and within environmental impact envelope of REIR?
Number of Single family units	1,260	1,260	386	469	855	Yes

Tentative Tract Map

The applicant has submitted a Vesting Tentative Tract Map 8495 encompassing approximately 430 acres of land to construct approximately 469 single-family homes. The Project will comprise the following land uses: single family lots (46.60 acres), private streets (30.25 acres), parks (4.70 acres), water quality (1.94 acres), and open space (346.65 acres), thus totaling to approximately 430 acres. The Project will provide a total of 2,739 parking spaces including 938 covered off-street parking, 938 uncovered off-street parking and 863 on-street guest parking spaces.

Environmental

The Project is a residential development project that implements the Newark Areas 3 and 4 Specific Plan. As discussed above, the City of Newark certified the REIR and adopted a Mitigation Monitoring Reporting Program for the Newark Areas 3 and 4 Specific Plan in 2015. The REIR analyzed the development in Areas 3 and 4 at a programmatic level, and that REIR retains substantial relevance and informational value to the consideration of the Project.

The CEQA Compliance Checklist (Checklist) was prepared pursuant to the provisions of CEQA and the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.), Government Code Section 65457, and the regulations and policies of the City of Newark. The purpose of preparing this checklist/addendum was to evaluate and determine whether the proposed Project is consistent with the REIR and approved Specific Plan, whether the Project is within the scope of the REIR and to determine whether any of the events specified in Public Resources Code Section 21166, as further addressed by CEQA Guidelines Section 15162, have occurred since the City’s certification of the REIR. Specifically, this checklist is prepared in accord with the requirements of CEQA Guidelines Section 15164 and 15168(c)(4), describing

and limiting the review of a project which has already been reviewed under CEQA in a previous EIR, and with Government Code Section 65457, describing and limiting the review that may be applicable to a project that is consistent with a previously approved Specific Plan.

The information and analysis set out in the attached checklist/addendum, prepared pursuant to CEQA Guidelines Sections 15164 and 15168(c)(4) and Government Code Section 65457, demonstrates: (a) that the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan; (b) that none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred; and (c) that the proposed Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The Checklist also demonstrates that there is no new information of substantial importance that could not have been known at the time the REIR was prepared that shows the Project would have new or substantially more severe environmental impacts than analyzed in the REIR.

The accompanying Checklist provides substantial evidence supporting the conclusions that: (a) the proposed Project is within the scope of the REIR; (b) the proposed Project implements and is consistent with the Specific Plan; and (c) that none of the major changes, new information, or other environmentally-significant events specified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred since 2015.

Accordingly, a supplemental or subsequent EIR to the REIR is not required or warranted, and the Project is exempt from further CEQA review under Government Code Section 65457. For these reasons, no further CEQA review of the Project is required.

The Specific Plan EIR was approved with a Mitigation Monitoring Reporting Program (MMRP) and the Project is required to implement all applicable mitigation measures identified in the MMRP (Exhibit C).

Public Review: Although not required by CEQA or the CEQA Guidelines, the Checklist was posted on City's website for 20-day voluntary public review period from September 11 – October 1, 2019. The City received comments on the Checklist, which have been responded to by the City's consultant and Staff. The comments and responses are attached hereto (Exhibit E).

#### Planning Commission Recommendation

On October 22, 2019, the Newark Planning Commission held a Public Hearing to consider recommending to the City Council approval of the Project and findings regarding compliance with CEQA based on the Checklist.

A number of residents were in attendance at the meeting and eight people voiced their opinion on the Project. They raised issues related to CEQA compliance, the Checklist, preserving the area for open space uses, and concerns with the pedestrian and bicycle crossing at the Union Pacific Railroad right-of-way, the EVA, and Mowry Avenue.

In addition to the initial comments received on the Checklist, additional comment letters were received on October 22, 2019 from Stuart Flashman, Josh Sonnenfeld Consulting, the Citizens Committee to Complete the Refuge, and Alameda County Water District (ACWD). Staff prepared additional responses to these letters and those additional responses are attached hereto Exhibit F. Staff also recommended that comments from ACWD specific to project-level design and construction, be included as a condition of approval of the Project; the applicant acknowledged the same.

Staff added two new conditions of approval to the proposed City Council resolution in response to the comments received at the Planning Commission meeting. These are: (1) Prior to the first certificate of occupancy, the project applicant or successor shall install pedestrian gates and signage at the Mowry Avenue connection of the EVA/multi-use trail outside of UPRR right-of-way and wetlands boundary. Additionally, sidewalk and pedestrian signage may be installed at the Silliman Center parking lot frontage outside of UPRR right-of-way. These improvements are depicted on the Exhibit G – EVA/Multi-Use Trail Preliminary Plan.; and (2) The project applicant or successor shall satisfy Alameda County Water District (ACWD) requirements for the proposed development per letter dated October 22, 2019.

At its meeting, the Planning Commission approved: (1) Resolution No. 1982, recommending that the City Council of the City of Newark approve Vesting Tentative Tract Map 8495; and (2) Resolution No. 1983, recommending that the City Council approve a Conditional Use Permit and a Planned Unit Development to allow construction of a 469-unit residential development (Sanctuary West) on an approximately 430-acre site within the areas 3 and 4 specific plan area located at the south western edge of the city and making CEQA findings that the environmental effects of the project were sufficiently analyzed under the 2015 Areas 3 and 4 Specific Plan Recirculated Environmental Impact Report (REIR), that the Project in Area 4 is within the scope of the REIR, that the REIR retains substantial relevance and informational value to consideration of the Project, and that none of the circumstances described in CEQA Guideline 15162 have occurred since 2015, and that the proposed Project is exempt from CEQA pursuant California Government Code Section 65457.

### **Attachments**

#### Resolutions (2)

- Exhibit A: Location Map
- Exhibit B: California Environmental Quality Act (CEQA) Compliance Checklist document
- Exhibit C: Mitigation Monitoring Reporting Program
- Exhibit D: Plan Set for proposed residential development
- Exhibit E: Comments on Draft Compliance Checklist and responses to same
- Exhibit F: Comments on letters received prior to Planning Commission meeting and responses to same.
- Exhibit G: EVA/Multi-use trail preliminary plan
- Exhibit H: Planning Commission meeting minutes



**Action** – Staff and the Planning Commission recommend that the City Council of the City of Newark:

(1) Make findings based on E-19-4, the Compliance Checklist/Addendum prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines and other information in the record that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 were sufficiently analyzed under and are within the scope of the previously-approved 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), and retains substantial relevance and informational value to consideration of the Project, and that the REIR adequately describes the Project in Area 4, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and that the Project is also exempt from CEQA pursuant to California Government Code Section 65457;

(2) by resolution, approve TTM-19-5, Vesting Tentative Tract Map 8495; and

(3) by resolution, approve U-19-6, a Conditional Use Permit and P-19-7, a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING TTM-19-5, VESTING TENTATIVE TRACT MAP 8495, TO ALLOW CONSTRUCTION OF A 469-UNIT RESIDENTIAL DEVELOPMENT (SANCTUARY WEST) ON AN APPROXIMATELY 430-ACRE SITE WITHIN THE AREAS 3 AND 4 SPECIFIC PLAN AREA LOCATED AT THE SOUTH WESTERN EDGE OF THE CITY (APNs 537-801-2-6, 537-850-7-2, 537-850-9, 537-850-11-1 AND 537-850-11-4) AND MAKING CEQA FINDINGS THAT THE ENVIRONMENTAL EFFECTS OF THE PROJECT WERE SUFFICIENTLY ANALYZED UNDER THE AREAS 3 AND 4 SPECIFIC PLAN RECIRCULATED ENVIRONMENTAL IMPACT REPORT AND THAT THE PROPOSED PROJECT IS EXEMPT FROM CEQA PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65457

WHEREAS, the Sobrato Organization has filed with the City of Newark an application for TTM-19-5, a Vesting Tentative Tract Map 8495, covered by U-19-6, a conditional use permit and P-19-7, a planned development plan, for a 469-unit residential project known as the Sanctuary West Residential Project (the "Project") on an approximately 430-acre site within the Areas 3 and 4 Specific Plan area located at the south western edge of the City (APNs 537-801-2-6, 537-850-7-2, 537-850-9, 537-850-11-1 and 537-850-11-4); and

WHEREAS, pursuant to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on October 29, 2019, and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on November 14, 2019 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, in 1992, the City of Newark adopted the General Plan Update including Areas 3 and 4 that allowed future development of Area 4 consisting of, among other things, high-quality, low-density housing, an 18-hole golf course, and open space; and

WHEREAS, on June 22, 2006, the City of Newark agreed in a Memorandum of Understanding with New Technology Park Associates to prepare a Specific Plan for Areas 3 and 4 to address future land uses and to provide a framework for future development; and

WHEREAS, on June 28, 2010, the City Council of the City of Newark certified a Final Environmental Impact Report for the Newark Areas 3 and 4 Specific Plan and approved the Newark Areas 3 and 4 Specific Plan, a map amendment to the General Plan, a Development Agreement and a map amendment to Title 17 (Zoning) of the Newark Municipal Code rezoning parcels consistent with the Specific Plan; and

WHEREAS, subsequently, the Citizen's Committee to Complete the Refuge, a non-profit public benefit corporation, filed a legal challenge that resulted in a judgment ordering the City to void the resolutions and ordinances approving the project; and

WHEREAS, on February 26, 2015, the City of Newark repealed and rescinded the certification of a Final Environmental Impact Report, approval of a General Plan amendment, Zoning map amendment and Development Agreement; and

WHEREAS, on March 26, 2015, the City of Newark City Council certified a Recirculated Environmental Impact Report (REIR), State Clearinghouse Number 2007052065, that was prepared pursuant to the California Environmental Quality Act (CEQA), addressing and disclosing the environmental impacts of the Newark Areas 3 and 4 Specific Plan and approved a Mitigation Monitoring Reporting Program, the Specific Plan, the related General Plan amendments, Development Agreement, and a zoning map amendment; and

WHEREAS, pursuant to the requirements of CEQA, a Compliance Checklist/Addendum (Compliance Checklist) has been prepared for the Project, pursuant to Sections 15164 and 15168 of the CEQA Guidelines and Government Code section 65457, to determine whether the Project is consistent with the Specific Plan, and within the scope of the REIR and to determine whether any of the events specified in Public Resources Code Section 21166, as further addressed by CEQA Guidelines Section 15162, have occurred since the City's certification of the REIR; and

WHEREAS, the evidence and analysis presented in this Compliance Checklist demonstrates that the Project is within the scope of the REIR and is consistent with the Specific Plan, and that the REIR retains substantial relevance and informational value to the consideration of the Project that the Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR, and that no new information of substantial environmental significance shows that the Project would have new or substantially more severe impacts beyond those previously evaluated and disclosed in the REIR, as set forth in Section 21166 of CEQA, and as set forth in Section 15162 of the CEQA Guidelines and the conclusions in the REIR remain unchanged; and

WHEREAS, on October 22, 2019, the Planning Commission, considered and approved the Compliance Checklist, and recommended that the City Council approve the Vesting Tentative Tract Map 8495; and

WHEREAS, the City Council has read and considered the Compliance Checklist and the comments thereon, and has determined the Compliance Checklist reflects the independent judgment of the City and was prepared in accordance with CEQA and CEQA Guidelines; and

WHEREAS, the Compliance Checklist, all documents referenced in the same, and the record of proceedings on which the City Council decision is based is are located in the Community Development Department's files at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and are available for public review; and

WHEREAS, Sanctuary West is subject to a development agreement entitled: "Development Agreement by and Between City of Newark and Newark Partners, LLC" (the Development Agreement). Pursuant to the Development Agreement, Sanctuary West is to be considered pursuant to the City's Zoning Ordinance as it existed in 2015; and

WHEREAS, the City Council of the City of Newark does hereby make the following findings and determinations regarding TTM-19-5, Vesting Tentative Tract Map 8495 covered by U-19-6 and P-19-7 and made part hereof by reference, pursuant to California Government Code Sections 66474 et seq., as follows:

- 1. The proposed map and design and improvement of the proposed subdivision is consistent with the General Plan and Areas 3 and 4 Specific Plan. Under the General Plan, the site is designated Low Density Residential. The Low Density Residential designation is intended for single-family residential developments with a density of less than 8.7 units per acre on lots on average larger than 5,000 square feet, as well as compatible uses including schools, childcare centers, parks, and religious facilities. The General Plan also designates the project area as within the Southwest Newark Residential and Recreation Focus Area, which is also known as Areas 3 and 4. Goal LU-7 states, "[d]evelop the Southwest Newark Residential and Recreational Project as one of the Silicon Valley's premier new neighborhoods, with executive housing and high quality recreation." Policy LU-7.1 states, "[f]acilitate the development of the 637 acres formerly known as "The Area 3 and 4 project" consistent with previously approved plans for this area. The residential holding capacity of this area shall be 1,260 units. The subject site is designated as Low Density Residential under the General Plan. The Specific Plan contemplated a range of lots sizes, including those less than 5,000 square feet. The project's Vesting Tentative Map includes 469 residential lots ranging from 3,600 square feet to 5,000 square feet in size. The development density of the project would be 2.6 dwelling units per acre. Consistency with the City's General Plan was evaluated in the Newark Areas 3 and 4 Specific Plan REIR. The REIR did not identify any significant impacts from a conflict with applicable land use plans, policies, or regulations. The current project proposes to construct 469 of the 1,260 residential units included in the Specific Plan and approved under the 2015 Development Agreement, and is consistent with the existing General Plan land use designation; therefore, the project would not result in significant impacts from conflicts with applicable land use plans, policies, or regulations. TTM-19-5, Vesting Tentative Map 8495 calls for the construction of a 469-unit residential project (Sanctuary West) on an approximately 430-acre site within the Areas 3 and 4 Specific Plan area located at the south western edge of the City. TTM-19-5, Vesting Tentative Map 8495 is an implementation of the City's previously adopted policies, which call for residential development in Area 4.*

2. *That the Sanctuary West Property is physically suitable for the type and proposed density of development. The REIR was certified by the City Council on March 26, 2015. The Compliance Checklist demonstrates the REIR fully analyzes all physical impacts of TTM-19-5, Vesting Tentative Map 8495 on the Sanctuary West Property. The impacts on the property envisioned by TTM-19-5, Vesting Tentative Map 8495, which result from the uses and the density described in that map, were fully analyzed by the REIR. These documents conclude that the Sanctuary West Property is physically suitable for construction of a 469-unit residential development.*
3. *That the design of the proposed subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Compliance Checklist to the REIR demonstrates the REIR analyzes all the environmental impacts of TTM-19-5, Vesting Tentative Map 8495 on fish and wildlife. These documents conclude that TTM-19-5, Vesting Tentative Map 8495 is not likely to cause substantial environmental damage or impact, or to substantially and avoidably injure fish or wildlife or their habitat.*
4. *That the design of the subdivision or type of improvements is not likely to cause serious health problems. The Compliance Checklist to the REIR demonstrates that the REIR analyzes all the environmental impacts of TTM-19-5, Vesting Tentative Map 8495 on public health and safety. These documents conclude that TTM-19-5, Vesting Tentative Map 8495 is not likely to cause serious health problems.*
5. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. As concluded by the Compliance Checklist considered and approved by the City Council on November 14, 2019, TTM-19-5, Vesting Tentative Map 8495 simply implements the Areas 3 and 4 Specific Plan, which was previously approved by the City.*

NOW, THEREFORE, BE IT RESOLVED based on the entirety of the record before it, which includes but not limited to such things as the City staff report, testimony by staff and the public, the application materials, including without limitation the Compliance Checklist, the plan set, and all other documents, and all adopted City planning documents relating to the Project including the General Plan, 2015 Municipal Code, the Specific Plan, and all associated approved and certified environmental documents, the City Council of the City of Newark further finds and determines as follows:

1. The recitals, findings, and determinations set forth above are found to be true and correct and are incorporated herein by reference and the exhibits attached to this Resolution, including the Compliance Checklist (Exhibit B) are each incorporated by reference and made part of this Resolution, as if set forth fully within.
2. The City Council of the City of Newark does hereby find that the environmental effects of the proposed Sanctuary West Residential Project in Area 4 are within the scope of the

previously-approved REIR for the Areas 3 and 4 Specific Plan, that the REIR adequately describes the proposed Sanctuary West Residential Project in Area 4 and retains substantial relevance and informational value to the consideration of the Project and the environmental effects of the Project were sufficiently analyzed under the REIR, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review.

3. The information and analysis set out in the Compliance Checklist (Exhibit B), prepared pursuant to CEQA Guidelines Sections 15164 and 15168(c)(4) and Government Code Section 65457, demonstrates: (a) that the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan; (b) that none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred; and (c) that the proposed Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The Compliance Checklist also demonstrates that there is no new information of substantial importance that could not have been known at the time the REIR was prepared that shows the Project would have new or substantially more severe environmental impacts than analyzed in the REIR.
4. The Compliance Checklist (Exhibit B) provides substantial evidence supporting the conclusions that: (a) the proposed Project is within the scope of the Newark Area 3 and 4 Specific Plan program REIR; (b) the proposed Project implements and is consistent with the Specific Plan; and (c) that none of the major changes, new information, or other environmentally-significant events specified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred since 2015.
5. A supplemental or subsequent EIR to the Newark Areas 3 and 4 Specific Plan REIR is not required or warranted, and the Project is exempt from further CEQA review pursuant Government Code Section 65457 for residential projects that are consistent with a specific plan for which an EIR was certified. In addition, pursuant to CEQA Guidelines Section 15168 (projects within the scope of a program EIR), no further detailed CEQA review of the proposed Project is justified or required.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby approve this TTM-19-5, Vesting Tentative Tract Map 8495 covered by U-19-6 and P-19-7, as shown on Exhibit D, pages 1 through 30, subject to compliance with the following conditions:

- a. All applicable conditions listed in City Council Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, 2019, approving U-19-6, a Conditional Use Permit and P-19-7, a Planned Unit Development to allow for construction of 469-unit residential project located at the south western edge of the City of Newark.
- b. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.
- c. That if any condition of this tentative tract map be declared invalid or unenforceable by a court of competent jurisdiction, this tentative tract map shall terminate and be of no force and effect, at the election of the City Council on motion.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING U-19-6, A CONDITIONAL USE PERMIT AND P-19-7, A PLANNED UNIT DEVELOPMENT, TO ALLOW CONSTRUCTION OF A 469-UNIT RESIDENTIAL DEVELOPMENT (SANCTUARY WEST) ON AN APPROXIMATELY 430-ACRE SITE WITHIN THE AREAS 3 AND 4 SPECIFIC PLAN AREA LOCATED AT THE SOUTH WESTERN EDGE OF THE CITY (APNs 537-801-2-6, 537-850-7-2, 537-850-9, 537-850-11-1 AND 537-850-11-4) AND MAKING CEQA FINDINGS THAT THE ENVIRONMENTAL EFFECTS OF THE PROJECT WERE SUFFICIENTLY ANALYZED UNDER THE AREAS 3 AND 4 SPECIFIC PLAN RECIRCULATED ENVIRONMENTAL IMPACT REPORT AND THAT THE PROPOSED PROJECT IS EXEMPT FROM CEQA PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65457

WHEREAS, the Sobrato Organization has filed with the City of Newark an application for U-19-6, a conditional use permit and P-19-7, a planned unit development for a 469-unit residential project known as the Sanctuary West Residential Project (the "Project") on an approximately 430-acre site within the Areas 3 and 4 Specific Plan area located at the south western edge of the City (APNs 537-801-2-6, 537-850-7-2, 537-850-9, 537-850-11-1 and 537-850-11-4); and

WHEREAS, pursuant to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on October 29, 2019, and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on November 14, 2019 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, in 1992, the City of Newark adopted the General Plan Update including Areas 3 and 4 that allowed future development of Area 4 consisting of, among other things, high-quality, low-density housing, an 18-hole golf course, and open space; and

WHEREAS, on June 22, 2006, the City of Newark agreed in a Memorandum of Understanding with New Technology Park Associates to prepare a Specific Plan for Areas 3 and 4 to address future land uses and to provide a framework for future development; and

WHEREAS, on June 28, 2010, the City Council of the City of Newark certified a Final Environmental Impact Report for the Newark Areas 3 and 4 Specific Plan and approved the Newark Areas 3 and 4 Specific Plan, a map amendment to the General Plan, a Development Agreement and a map amendment to Title 17 (Zoning) of the Newark Municipal Code rezoning parcels consistent with the Specific Plan; and



WHEREAS, subsequently, the Citizen's Committee to Complete the Refuge, a non-profit public benefit corporation, filed a legal challenge that resulted in a judgment ordering the City to void the resolutions and ordinances approving the project; and

WHEREAS, on February 26, 2015, the City of Newark repealed and rescinded the certification of a Final Environmental Impact Report, approval of a General Plan amendment, Zoning map amendment and Development Agreement; and

WHEREAS, on March 26, 2015, the City of Newark City Council certified a Recirculated Environmental Impact Report (REIR), State Clearinghouse Number 2007052065, that was prepared pursuant to the California Environmental Quality Act (CEQA), addressing and disclosing the environmental impacts of the Newark Areas 3 and 4 Specific Plan and approved a Mitigation Monitoring Reporting Program, the Specific Plan, the related General Plan amendments, Development Agreement, and a zoning map amendment; and

WHEREAS, in response to the current application a Compliance Checklist/Addendum (Compliance Checklist) has been prepared for the Project, pursuant to CEQA, including Sections 15164 and 15168 of the CEQA Guidelines, and Government Code section 65457, to determine whether the Project is consistent with the Specific Plan, and within the scope of the REIR and to determine whether any of the events specified in Public Resources Code Section 21166, as further addressed by CEQA Guidelines Section 15162, have occurred since the City's certification of the REIR; and

WHEREAS, the evidence and analysis presented in this Compliance Checklist demonstrates, that the Project is within the scope of the REIR, and consistent with the Specific Plan, and would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR, and that no new information of substantial environmental significance shows that the Project would have new or substantially more severe impacts beyond those previously evaluated and disclosed in the REIR, as set forth in Section 21166 of CEQA, and as set forth in Section 15162 of the CEQA Guidelines and the conclusions in the REIR remain unchanged; and

WHEREAS, on October 22, 2019, the Planning Commission, relying on the Compliance Checklist, recommended that the City Council approve the Conditional Use Permit and Planned Unit Development; and

WHEREAS, the City Council has read and considered the Compliance Checklist and the comments thereon, and has determined the Compliance Checklist reflects the independent judgment of the City and was prepared in accordance with CEQA and CEQA Guidelines; and

WHEREAS, the Compliance Checklist, all documents referenced in the same, and the record of proceedings on which the City Council decision is based is are located in the Community Development Department's files at City Hall for the City of Newark, located at

37101 Newark Blvd, California, and are available for public review; and

WHEREAS, Sanctuary West is subject to a development agreement entitled: “Development Agreement by and Between City of Newark and Newark Partners, LLC” (the Development Agreement). Pursuant to the Development Agreement, Sanctuary West is to be considered pursuant to the City’s Zoning Ordinance as it existed in 2015; and

WHEREAS, pursuant to Chapter 17.72 (Use Permits), Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Section 17.72.070 (Action by Planning Commission), of the City’s Zoning Ordinance as it existed in 2015, the City Council hereby makes the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located in that;

*A purpose of the Zoning Ordinance was “to encourage, classify, designate, regulate, restrict and segregate the highest and best location and use of buildings, structures and land to serve the needs of agriculture, residences, commerce, industry and other purposes in appropriate places.” To that end, the Zoning Ordinance established zoning districts. The Project site was in a residential (“R”) district, and specifically R-6000. The purpose of the R-district was to “reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health and safety; to preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher population densities; to reserve areas appropriate by location and character for high density multifamily dwellings; and to assure adequate light, air, privacy and open space for each dwelling.”*

*The Project would develop the Project site with single-family residences, parks, and open spaces. Accordingly, it is in accord with the objectives of the R district to preserve as many of the desirable characteristics of one-family residential districts as possible. The Project also clusters the proposed residences on the least biologically sensitive portions of the Project site, leaving the remainder as open space. Through this strategy, the Project assures that residents will have adequate open space. The Project also proposes sufficient setbacks and landscaping to ensure each residence has light, air, and sufficient privacy. Overall, the Project would result in a similar residential density across Area 4 when accounting for the Project’s open spaces as is permitted under the R-6,000 zoning. For these reasons, the Project is in accord with the Zoning Ordinance.*

*Another purpose of the Zoning Ordinance was to “facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks, and other public requirements; to lessen congestion on streets; to promote by proper handling public safety, welfare and general prosperity with the aim of preserving a wholesome, serviceable and attractive community.” The Project would accomplish this purpose by implementing all applicable mitigation measures identified in the REIR and complying*

*with the development regulations in the Specific Plan. The Project also proposes approximately 4.70 acres of parks and approximately 346 acres of open space to meet the community's active and passive recreation needs. The Project's water demand has been factored in the Alameda County Water District's (ACWD) Urban Water Management Plan, and ACWD has confirmed that it can serve the Project. Finally, the Project would construct the utilities and infrastructure required to serve it, including a new water distribution system, a pump station and new sewage main, and the extension of Stevenson Boulevard to the Project site and an emergency vehicle access road to Mowry Avenue. The Project thus would result in a new, attractive residential neighborhood that would add to the City's existing neighborhoods and promote the general welfare by implementing the City's longstanding vision for residential development in Area 4, as articulated in the General Plan and Specific Plan.*

2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

*The Project would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity of the Project. The Project leaves the majority of the Project site as open space to protect the Project site's most biologically sensitive areas. The Project would result in a new residential, single-family neighborhood, which would enhance and complement the surrounding properties, including the residential neighborhood under development in Area 3. The Project implements the Specific Plan, which has long planned for residential development of the Project site. The Project also would result in new parks and passive recreation areas for the City's residents. The Project would comply with all applicable mitigation measures in the REIR, and would not result in any new or more significant environmental impacts than disclosed in the REIR. For these reasons, the Project would not be detrimental to the public health, safety, or welfare, or materially injurious to existing properties or improvements in the vicinity.*

3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;

*The Project is consistent with the population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, and off-street parking spaces and landscaped areas envisioned by the Specific Plan. Such development will produce a stable and desirable single-family neighborhood, with landscaping around each home, as well as parks and a large amount of open space. The response to Finding 1, above, explains why the Project is consistent with the objectives of the Zoning Ordinance.*

4. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

*The Project's impacts on roadways and utilities were evaluated and disclosed in the REIR. The Project would develop approximately 43 percent less of Area 4 than permitted by the Specific Plan, reducing impacts on roadways and utilities.*

*The Project would comply with all applicable mitigation measures in the REIR, and the Checklist demonstrates that the Project would not result in any new or more significant environmental impacts than disclosed in the REIR. The Project is required to pay its fair share for improvements to a specified intersection necessary for it to operate at the desired level of service under cumulative conditions. These improvements are identified in the City's General Plan as Transportation Impact Fee improvements. In addition, the Project would extend Stevenson Boulevard into Area 4 to provide adequate ingress and egress for the Project.*

*Regarding utilities, the Compliance Checklist prepared for the Project concluded that with the utility upgrades proposed by the Project, the Project would not overload utilities. The utility updates proposed by the Project include a water distribution system, new pump station to replace the existing Cherry Street pump station, and a new 10-inch sewer main connection installed east of the railroad tracks.*

5. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

*The Project proposes single-family dwellings, parks, and open space. These elements will complement each other and harmonize with the development in Area 3, which consists of residences, a park, and a school. The Project's land uses also would not be detrimental to or interfere with the commercial and institutional development in the area, which is separated from the Project site by Area 3 and a railroad corridor.*

6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;

*As discussed under Planned Unit Development Finding 1, above, the proposed location of the Project is in accord with the purposes of the Zoning Ordinance and the R-6000 zoning district.*

7. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

*As discussed under Planned Unit Development Finding 2, above, the proposed location of the Project and Project operation will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).

*The purpose of Chapter 17.72 (Conditional Use Permits) is to “give the district use regulations of this title the flexibility necessary to achieve the purposes of the zoning title.” A conditional use permit is required for projects that have altered the otherwise applicable development regulations through a Planned Unit Development. The Planned Unit Development would permit the Project to develop single-family residences on lots smaller than 6,000-square-feet, which allows the residences to be clustered away from wetlands and results in the Project preserving larger swaths of open space than it could if it strictly complied with the RS-6,000 zoning. Clustering development to preserve wetlands and create large open spaces benefits biological resources. At the same time, the residential lots will be large enough to provide adequate light, air, and privacy to future residents. Thus the flexibility permitted by the Planned Unit Development serves the purpose of the Zoning Ordinance to permit a new, attractive, single-family development in the area, while protecting wetlands and preserving open space.*

NOW, THEREFORE, BE IT RESOLVED based on the entirety of the record before it, which includes but not limited to such things as the City staff report, testimony by staff and the public, the application materials, including without limitation the Compliance Checklist, the plan set, and all other documents, and all adopted City planning documents relating to the Project including the General Plan, 2015 Municipal Code, the Specific Plan, and all associated approved and certified environmental documents, the City Council of the City of Newark further finds and determines as follows:

1. The recitals set forth above are found to be true and correct and are incorporated herein by reference and the exhibits attached to this Resolution, including the Compliance Checklist (Exhibit B) are each incorporated by reference and made part of this Resolution, as if set forth fully within.
2. The City Council of the City of Newark does hereby find that the environmental effects of the proposed Sanctuary West Residential Project in Area 4 are within the scope of the previously-approved REIR for the Areas 3 and 4 Specific Plan, that the REIR adequately describes the proposed Sanctuary West Residential Project in Area 4 and retains substantial relevance and informational value to the consideration of the Project and the environmental effects of the Project were sufficiently analyzed under the REIR, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent

CEQA review.

3. The information and analysis set out in the Compliance Checklist (Exhibit B), prepared pursuant to CEQA Guidelines Sections 15164 and 15168(c)(4) and Government Code Section 65457, demonstrates: (a) that the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan; (b) that none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred; and (c) that the proposed Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The Compliance Checklist also demonstrates that there is no new information of substantial importance that could not have been known at the time the REIR was prepared that shows the Project would have new or substantially more severe environmental impacts than analyzed in the REIR.
4. The Compliance Checklist (Exhibit B) provides substantial evidence supporting the conclusions that: (a) the proposed Project is within the scope of the Newark Area 3 and 4 Specific Plan program REIR; (b) the proposed Project implements and is consistent with the Specific Plan; and (c) that none of the major changes, new information, or other environmentally-significant events specified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred since 2015.
5. A supplemental or subsequent EIR to the Newark Areas 3 and 4 Specific Plan REIR is not required or warranted, and the Project is exempt from further CEQA review pursuant Government Code Section 65457 for residential projects that are consistent with a specific plan for which an EIR was certified. In addition, pursuant to CEQA Guidelines Section 15168 (projects within the scope of a program EIR), no further detailed CEQA review of the proposed Project is justified or required.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby recommend that the City Council approve this Project as shown on Exhibit D, pages 1 through 30, subject to compliance with the following conditions:

I. Planning Division

- a. The project shall be subject to the applicable environmental mitigation measures as included in Mitigation Monitoring Reporting Program (Exhibit C) which are incorporated herein by reference.
- b. The project shall comply with all the requirements of Development Agreement by and between City of Newark and Newark Partners, LLC dated November 11, 2015.
- c. The project shall comply with all the requirements of Newark Areas 3 and 4 Specific Plan dated September 2009.

- d. Any residential building shall maintain an 80-foot setback from the centerline of the railroad tracks.
- e. The project shall maintain a clear and open road for emergency vehicles at all times between Mowry Avenue and Stevenson Boulevard. The road shall be an “all-weather” access road and may not be blocked by any construction materials or vehicles.
- f. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- g. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- h. Measures to respond to and track complaints pertaining to construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor’s telephone numbers (during regular construction hours and off-hours).
- i. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.
- j. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- k. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- l. AC units shall not be placed in front or street side yard and if placed in any other location

- that would makes it visible to public view, shall be properly screened with solid material.
- m. Prior to the issuance of a building permit, all exterior elevations shall be reviewed and approved by the Community Development Director.
  - n. Prior to the issuance of a building permit for the sound wall and fence, wall and fence details shall be submitted for Community Development Director's approval.
  - o. Prior to the issuance of a building permit, the roof material shall be reviewed and approved by the Community Development Director. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
  - p. Prior to the issuance of a building permit, the project shall be submitted for the review and approval of Republic Services and the Community Development Director, in that order. The appropriate garbage, refuse and recycling service shall be approved prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling containers.
  - q. Prior to the issuance of a building permit, details of the outdoor recreational amenities such as play structures shall be submitted to the Community Development Director for review and approval.
  - r. Prior to the issuance of a Certificate of Occupancy, roll-up garage doors with automatic garage door openers shall be provided for each unit.
  - s. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives in common spaces shall be installed and striped as shown on the approved site plan. Guest parking spaces shall be clearly marked as reserved for guests, as approved by the Community Development Director.
  - t. Prior to final inspection and utility release for each unit, the developer shall pre-wire each unit for satellite and cable television connections, as required by the Community Development Director. The exterior connections for the pre-wire shall be made to the roof and not on the side elevation walls of the units.
  - u. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted for the review and approval of the Community Development Director.
  - v. Prior to their installation, mailbox locations and designs shall be approved by the



Community Development Director and Newark Postmaster, in that order. The mailbox compartments of centralized mailboxes shall identify the individual dwelling units with permanent, easily legible lettering.

- w. The multi-use trail shall be constructed with contiguous phases of development (residential and infrastructure). Prior to the issuance of a Certificate of Occupancy for any non-model dwellings within a phase, the multi-use trail segment contiguous to that phase shall be completed.
- x. If the multi-use trail gets the designation of the Bay Trail, the developer shall install signage at appropriate locations throughout the trail in the project.
- y. The covenants, conditions and restrictions (CC&Rs) filed for this development shall include a provision requiring that garages shall only be used for automobile parking.
- z. Prior to the transfer of title for any lot in the development, the applicant shall provide disclosures notices to the buyer as to the possibility of ground borne vibration from trains using the railroad tracks on the north of the subdivision. The method of disclosure shall be subject to review and approval of Community Development Director.
- aa. Prior to the first certificate of occupancy, the project applicant or successor shall install pedestrian gates and signage at the Mowry Avenue connection of the EVA/multi-use trail outside of UPRR right-of-way and wetlands boundary. Additionally, sidewalk and pedestrian signage may be installed at the Silliman Center parking lot frontage outside of UPRR right-of-way. These improvements are depicted on the Exhibit G – EVA/Multi-Use Trail Preliminary Plan.
- bb. The project applicant or successor shall satisfy Alameda County Water District (ACWD) requirements for the proposed development per letter dated October 22, 2019.

## II. Fire Division

- a. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.
- b. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities as certified by an engineer. In Alameda County the imposed load is 75,000 lb all weather surface. Grass paving systems are not permitted.
- c. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (2016 CFC 503.2.5).
- d. Fire hydrants shall be operational prior to bringing any combustibles to site.
- e. Gates shall be 20 foot wide. (2016 CFC 503.5).
- f. Bridges shall conform to HS-20 Loading Standards.
- g. Prior to first Certificate of Occupancy in the lots 1 through 237 as included in the Vesting Tentative Tract Map 8495, Emergency Vehicular Access shall be completed.

## III. Engineering Division

- a. The development will require approval of a final map filed in accordance with the State Subdivision Map Act and the City of Newark Subdivision Ordinance. The final map must be approved prior to the issuance of any building permits.
- b. The final map shall designate and/or dedicate all required easements and right-of-way, including but not necessarily limited to emergency vehicle access easements, private vehicle access ways, storm water drainage easements, open space/recreational easements and public utility easements over all common areas of the project. The final easement geometry shall be subject to the approval of the City Engineer.
- c. Easement dedication for emergency vehicle access, trail easement, and utilities located outside of the final map boundary, including but not limited to the EVA bridge over the Alameda County Flood Control Channel, shall be dedicated by separate easement documents and recorded prior to or concurrently with the final map approval. Maintenance of these improvements shall be through the project's Homeowner's Association.
- d. Prior to submittal of the first Final Map and Subdivision Improvement Plans to the City of Newark Engineering Division, the applicant shall initiate and facilitate discussions with Union Pacific Railroad (UPRR) and the City of Newark regarding modifications of UPRR's easement rights encumbering the emergency vehicle access easement to/from Mowry Avenue to allow the dual use of both easements for their intended and

uninterrupted purposes.

- e. Prior to final map approval, the applicant shall cause the existing easement for sanitation facilities and incidental purposes to be eliminated from the project boundary. A copy of the recorded Quitclaim Deed or similar document shall be provided to the City.
- f. Prior to final map approval, the applicant shall cause the existing easement in favor of Shell Oil Company for the transportation of oil and incidental purposes to be eliminated from the project boundary. A copy of the recorded Quitclaim Deed or similar document shall be provided to the City.
- g. The applicant shall coordinate with the various utility agencies regarding the placement of the utility lines and appurtenances within the Stevenson Boulevard Extension bridge, the EVA bridge, and the 5 bridges within the project boundary so that utility vaults and boxes are placed within appropriate utility easements outside of the roadway pavement.
- h. Utilities lines and appurtenances placed on the outside edge(s) of bridges shall be screened or painted to match the bridge to the satisfaction of the Community Development Director.
- i. Public Utility Easements (PUE), Water Line Easements (WLE), Storm Drain Easements (SDE), and Sanitary Sewer Easements (SSE) shall be dedicated over all private streets in the development. The PUE, WLE, SDE and SSE dedication statements on the final map shall state that the PUE, WLE, SDE and SSE are available for, but not limited to, the installation, access and maintenance of water supply, sanitary and storm sewers, and gas, electrical, and communication facilities.
- j. Street names and an addressing scheme shall be developed during the final map and improvement plan review process in accordance with the City of Newark's Street Numbering and Naming Ordinance (Chapter 12.12). Final street names shall be approved and shown on the final map prior to final map approval. All addressing is based on the Alameda County grid pattern with streets running generally northerly and southerly having 5-digit addresses and streets running generally westerly and easterly having 4-digit addresses.
- k. The final map and complete tract improvement plans shall be submitted to the Engineering Division for review to ensure conformance with relevant codes, policies, and other requirements of the Newark Municipal Code and City of Newark street improvement standards. Prior to the approval of the final map, the developer shall guarantee all necessary public and private street improvements and other infrastructure improvements within the subdivision and beyond the map boundary as required by the City of Newark Subdivision Ordinance and the vesting tentative map exhibits and all conditions herein, in accordance with tract improvement plans to be approved by the City Engineer. Improvement plans for on-site common areas and all private streets in the development shall be included with the tract improvement plans to ensure that the

improvements are designed and constructed to City standards. All required easements and right-of-way dedication as shown on the vesting tentative map exhibit shall be dedicated on the final map or by separate grant deeds for right-of-way dedication outside of the project boundary. The tract improvement plans shall be prepared by a qualified person licensed by the State of California to do such work.

1. The applicant shall install complete off-site street improvements for the Stevenson Boulevard Extension between Eureka Drive and the modified cul-de-sac at the project entrance as shown on the Vesting Tentative Map exhibits and as described below:

Stevenson Boulevard Extension east of Union Pacific Railroad (UPRR) right-of-way

- i. Required roadway, complete street and utility improvements for the extension of Stevenson Boulevard east of UPRR right-of-way shall include, but are not limited to, a fourteen-foot travel lane, three-foot bike buffer and six-foot bike lane in each direction; twelve-foot wide landscaped median; seven-foot landscape parkway strip and twenty-foot multi-use along the north side; five foot landscape parkway strip along the south side; curb and gutter; street lights; fire hydrants; storm drain improvements; utilities; landscaping; and stormwater treatment measures.

Stevenson Boulevard Overpass

- i. The applicant, at their cost, shall install complete roadway and utility improvements and secure the dedication of right-of-way and/or easements to the City of Newark for the Stevenson Boulevard Overpass crossing UPRR right-of-way. The Stevenson Boulevard Overpass right-of-way width shall be fifty-one feet (51'). Dedication of the required right-of-way and/or easements over the UPRR right-of-way necessary to construct the Stevenson Boulevard Overpass shall be recorded prior to approval of the first Final Map that requires the Stevenson Boulevard Overpass. Upon acceptance of the completed improvements, the City of Newark will assume ownership and maintenance responsibilities for the Stevenson Boulevard Overpass.
- ii. Required roadway, complete street and utility improvements for the Stevenson Boulevard Overpass shall include, but are not limited to: a twelve-foot travel lane, two and half-foot bike buffer and five-foot bike lane in each direction; ten-foot multi-use trail with curb and gutter along the north side of the overpass; safety barriers; fencing; utilities; and street lights.
- iii. The applicant, on behalf of City of Newark, shall prepare all required forms and register the Stevenson Boulevard Overpass bridge structure with California Department of Transportation (Caltrans). The bridge number from Caltrans shall be obtained prior to it being opened for public use.
- iv. The applicant shall commence the construction of the Stevenson Boulevard Overpass, once PG&E has completed the improvements necessary on The Dumbarton Newark 115kv line and The Newark Ravenswood 230 kv line to

provide the minimum safety clearance requirements beneath the transmission lines.

Stevenson Boulevard Extension west of UPRR right-of-way

- i. The applicant, at their cost, shall obtain right-of-way, access rights and/or easements necessary to construct the Stevenson Boulevard Extension west of UPRR right-of-way. Upon submittal of the first Final Map and Subdivision Improvement Plans to the City of Newark Engineering Division, the applicant shall provide evidence that the process to obtain the necessary right-of-way, access rights and/or easements has been initiated. If, prior to Final Map approval the applicant is unable, through the use of diligent efforts, to obtain the necessary right-of-way, access rights or easements, the applicant shall enter into an agreement with the City as specified in Subdivision Map Act Section 66462.5. The applicant shall pay all costs of acquiring off-site real property interests required in connection with the subdivision.
- ii. Right-of-way required for the Stevenson Boulevard Extension west of UPRR right-of-way varies in width between one hundred seventeen feet (117') and two hundred sixteen feet (216'). Required roadway, complete street and utility improvements for the Stevenson Boulevard Extension west of UPRR right-of-way shall include, but are not limited to, a ten-foot (10') travel lane, three-foot (3') bike buffer and six-foot (6') bike lane in each direction; seven-foot (7') landscape parkway strip and twenty-foot (20') multi-use along the northern side; five foot (5') landscape parkway strip along the south side; curb and gutter; street lights; fire hydrants; storm drain improvements; landscaping; and stormwater treatment measures.

Stevenson Boulevard Extension termination

- i. The Stevenson Boulevard extension west of UPRR right-of-way shall terminate at a modified cul-de-sac as shown on the vesting tentative map exhibits. The minimum clear pavement width (face-of-curb to face-of-curb) shall be twenty feet (20'). The applicant shall dedicate public access easements over the clear pavement width within the cul-de-sac. Maintenance of the cul-de-sac and associated landscaping shall be the responsibility of the Homeowner's Association.
- m. A portion of the Stevenson Boulevard extension east of UPRR right-of-way is within the City of Fremont city limits. The applicant, at their cost, shall provide all necessary improvements required by City of Fremont to obtain approval and permits for the construction of the Stevenson Boulevard extension from the City of Fremont prior to final map approval.
- n. The applicant, at their cost, shall facilitate the preparation and execution of a maintenance agreement between the City of Newark and the City of Fremont for maintenance of the Stevenson Boulevard Extension street improvements east of the UPRR right-of-way.

- o. Maintenance of those sections of the multi-use trail constructed by the project within the public right-of-way, excluding the Stevenson Boulevard Overpass, shall be the responsibility of the Homeowner's Association unless that responsibility is assumed by another entity, e.g., the US FWS.
- p. The applicant, at their cost, shall secure the dedication of right-of-way and/or all necessary easements and install complete roadway improvements to provide a secondary emergency vehicle access road connecting the project to Mowry Avenue. The design and layout of the emergency vehicle access road and bridge shall be subject to review and approval by the Fire Marshal.
- q. The emergency vehicle access bridge over the Alameda County Flood Control and Water Conservation District (District) channel shall conform to the standards and specifications of the District and, if applicable, the Federal Emergency Management Agency (FEMA), including minimum freeboard requirements.
- r. Public streets shall be designed based on specific traffic indexes established by the City Engineer.
- s. The applicant shall install complete street improvements for all in-tract private streets as shown on the Vesting Tentative Map exhibits. All private streets shall be designed based on a traffic index of not less than 6.0.
- t. Prior to issuance of a Certificate of Occupancy for the first dwelling unit for the project, the applicant shall install complete street improvements for the Stevenson Boulevard Extension and any backbone residential streets serving the phase of development for which the residential occupancy is a part of to provide a complete vehicle and pedestrian access and circulation. Improvements include but are not necessarily limited to final street paving, curb, gutter, sidewalk and pedestrian facilities, street lighting, signing and striping, underground utilities, and stormwater treatment measures.
- u. The applicant shall repair and/or replace any public improvements (pavement, curb, gutter, etc.) damaged as a result of construction activity to the satisfaction of the City Engineer.
- v. Prior to the approval of any final map for the project, the applicant shall obtain the necessary permits and/or agreements from UPRR for utility crossings, construction, and use of the Stevenson Overpass within the UPRR right-of-way. Roadway and utility easements for the Stevenson Overpass shall be recorded prior to final map approval.
- w. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed. The project shall provide drainage conveyance systems to drain stormwater runoff from the UPRR corridor.

- x. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the applicant shall provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. The grading plans shall state: “All grading work shall be done in accordance with the Storm Water Pollution Prevention Plan prepared by the applicant pursuant to the Notice of Intent on file with the State Water Resources Control Board.”
- y. Prior to the issuance of a grading or any building permits for this project, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The site specific plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, stockpile protection, liquid storage containment, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording “No Dumping - Drains to Bay,” and other applicable practices.
- z. The Preliminary Storm Water Control Plan, Sheet TM14 of the Vesting Tentative Map, prepared by CBG dated July 11, 2019 is approved in concept only. The final Stormwater Management Plan is subject to City Engineer review and approval prior to approval of the Tract Improvement Plans. Approval is subject to the applicant providing the necessary plans, details, and calculations that demonstrate the plan complies with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued by the San Francisco Bay Regional Water Quality Control Board.
- aa. All storm drain outfalls that discharge into the wetlands shall be designed with positive flow and with invert elevations above the Alameda County Flood Control District’s adopted mean higher high water tidal elevation for the project site. As an alternative, in-line check valves may be installed to prevent backwater from entering the storm drain system and bioretention areas. In all cases, calculations shall be provided demonstrating that drawdown times within all bioretention areas are less than seventy-two (72) hours or as required by the Alameda County Mosquito Abatement District.
- bb. An exhibit shall be included with the first tract improvement plan check submittal

package demonstrating that the bioretention discharge locations are in compliance with mitigation measure MM BIO-2.1 of the Recirculated Environmental Impact Report for Newark Areas 3 and 4. Specifically, the exhibit shall identify every seasonal wetland to be preserved that fronts the development envelope; the size of each wetlands; the location of the upslope perimeter of all wetlands greater than one (1) acre in size; all points of discharge into the wetlands; and the distance between points of discharge in wetlands over one (1) acre in size.

- cc. In accordance with Provision C.10 of the Regional Water Quality Control Board's Municipal Regional Permit, storm drain inlet filters shall be installed in all on-site and adjacent off-site storm drain inlets. The storm drain inlet filters shall meet the full trash capture requirements of the San Francisco Bay Regional Water Quality Control Board and shall comply with maintenance and performance requirements of the Mosquito Abatement District. Alternative full trash capture devices such as hydrodynamic separators or pipe screens that meet the requirements of the Regional Water Quality Control Board and Mosquito Abatement District may also be used if approved by the City Engineer. All on-site trash capture devices shall be permanently maintained by the Homeowner's Association.
- dd. The property owner shall enter into an Agreement with the City of Newark that guarantees the property owner's perpetual maintenance obligation for all stormwater treatment and trash capture measures installed as part of the project, including but not limited to the bioretention areas and full trash capture devices installed along the Stevenson Boulevard Extension. Said Agreement is required pursuant to Provision C.3 of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049. Said permit requires the City to provide verification and assurance that all treatment measure and trash capture devices will be properly operated and maintained. The Agreement shall be recorded against the property and shall run with the land.
- ee. All stormwater treatment measures and full trash capture devices are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading, drainage, stormwater treatment or full trash capture design as necessary to satisfy any imposed requirements from the District.
- ff. The applicant shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control District (District). These plans must be based upon a City benchmark and need to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The applicant shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the applicant's responsibility.

Hydrology and hydraulic calculations shall be submitted for review and approval by the



City Engineer and the District prior to grading permit and/or final map approval. The calculations shall show that the City and County freeboard requirements will be satisfied.

- gg. Detailed grading and drainage plans shall demonstrate that the existing storm drain pump located adjacent to the Mowry Slough is in a good working condition and can adequately convey the flows it was originally designed for. The Homeowner's Association shall own and maintain the storm drain pump. The project CC&Rs shall include language for this maintenance. The plans shall include construction of adequate maintenance access to the storm drain pump.
- hh. Prior to final map approval, the applicant shall submit a storm drain analysis demonstrating that the existing Stevenson Point Techpark storm drain basin/system has adequate capacity to accommodate any additional runoff generated by the project.
- ii. The applicant shall enter into new agreements or amend existing agreements with the Stevenson Point Techpark Owner Association for the additional runoff from Stevenson Boulevard draining into the privately-owned and maintained basin. The agreement shall be executed and recorded prior to final map approval.
- jj. Prior to final map approval, the applicant shall apply for and receive approval of a conditional letter of map revision based on fill (CLOMR-F) from the Federal Emergency Management Agency. The CLOMR-F shall be based upon the grading plan for the project and shall conclude that lots proposed to have structures for human occupancy will be removed from the special flood hazard area.
- kk. Prior to occupancy of any buildings within the special flood hazard area, the applicant shall apply for and receive approval of a letter of map revision based on fill (LOMR-F) from the Federal Emergency Management Agency. The LOMR-F shall be based upon the as-built grades of the building pads and shall determine that the pads are no longer within the special flood hazard area.
- ll. The applicant shall enter into a Storm Drainage Easement Agreement with the City of Newark for the permanent discharge of all public stormwater runoff within the development to the various private common area parcels designated for stormwater treatment to be owned and maintained by the required Homeowner's Association. Storm Drain Easements shall be dedicated to the public over these designated parcels with the final map as required by the City of Newark.
- mm. The project Preliminary Earthwork and Import Fill Recommendations prepared for the project identified toxaphene-impacted soil to be treated or encapsulated onsite. Prior to issuance of any grading permits, other than those grading permit(s) required to perform such remediation, the applicant shall obtain approval from DTSC and/or ACWD that the site remediation has been completed. If toxaphene-impacted soil is to be placed within the site and encapsulated, it shall be placed outside of publicly-owned and maintained infrastructure or roadway.

- nn. The project Preliminary Geotechnical Exploration and Supplemental letters prepared by Engeo are generally complete for planning level assessment of the likely geotechnical constraints of the site. The final seismic design criteria and liquefaction analysis shall meet current building codes in effect at the time of building permit issuance.
- oo. Prior to the submittal of any grading permit application for the project, additional geotechnical investigation (design-level exploration program) shall be conducted, completed, and submitted for review and approval to the City Engineer. If modifications to the preliminary seismic hazard mitigation measures include recommendations for ground improvement techniques, the applicant shall coordinate and obtain approval from ACWD to ensure impacts to the groundwater resources are minimized.
- pp. Additional geotechnical investigation shall be conducted to identify depths and types of foundations required for all bridges and associated retaining walls for the project site. The geotechnical investigation shall be reviewed and approved by the City Engineer prior to the submittal of any grading permit, final map, or building permit application for the project. Bridge design shall be per Caltrans standards.
- qq. The project Geotechnical Consultant shall provide a surcharge phasing and monitoring plan for the project import fill. The surcharge phasing and monitoring plan shall be reviewed and approved prior to the issuance of any grading permit for the import fill associated with the surcharge program.
- rr. The soil surcharging target static consolidation rates shall be achieved prior to the removal of the surcharged import fill. The project geotechnical consultant shall provide the results to the City Engineer for review and approval.
- ss. Peer review of geotechnical investigation reports and analyses shall be done through one of the City's geotechnical peer review consultants. Costs for such peer review consultant services shall be paid for by the applicant as set forth in the City master fee schedule.
- tt. The applicant, at their cost, shall retain an independent project geotechnical consultant to review grading plans and specifications and provide construction inspection to ensure operations are performed in accordance with the recommendations and project specifications.
- uu. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.

- vv. Where a grade differential of more than a 1-foot is created along the boundary lot lines between the proposed development and adjacent property or between any adjacent residential lots created by the project, the applicant shall install a masonry or concrete retaining wall unless otherwise approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer.
  
- ww. The grading plans shall identify the shortest and closest truck route to the project site and require the applicant to enforce the use of such truck route by all project construction traffic. The applicant shall retain, at their cost, a pavement specialty consultant to perform pre-construction and post-construction pavement condition surveys of the identified truck route for the project. The post-construction report shall include pavement rehabilitation recommendations required to bring the roadway back to a pre-construction structural condition or better. The pavement rehabilitation report and plan shall be reviewed and approved by the City Engineer. The recommended pavement rehabilitation shall be performed prior to tract acceptance or at the discretion of the City Engineer if the identified truck route pavement condition is deemed to be in poor condition.
  
- xx. The applicant shall ensure that a water vehicle for dust control operations and a pick-up or vacuum type street sweeper to remove tracked dirt and debris from adjacent streets is kept readily available at all times during construction at the City Engineer's direction.
  
- yy. The applicant shall implement the following measures for the duration of all construction activity to minimize air quality impacts:
  - 1. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
  - 2. All trucks hauling demolition debris from the site shall be covered.
  - 3. Dust-proof chutes shall be used to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
  - 4. All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to the existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
  - 5. All trucks hauling soil, sand, and other loose materials shall be covered or require all trucks to maintain at least 2 feet of freeboard.
  - 6. All unpaved access roads, parking areas, and staging areas at construction sites shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.
  - 7. All paved access roads, parking areas, and staging areas at construction sites shall be swept daily with water sweepers; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
  - 8. Limit traffic speeds on unpaved roads to 15 mph.
  - 9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - 10. Replant vegetation in disturbed areas as quickly as possible.

11. Minimize idling time (5 minutes maximum).
  12. Maintain properly tuned equipment.
- 
- zz. The Preliminary Utility Plan includes a water supply system and sanitary sewer system layout that are subject to review and approval by Alameda County Water District (ACWD) and Union Sanitary District (USD), respectively. Prior to approval of any final maps, the applicant shall satisfy ACWD and USD requirements for the proposed development. Any necessary site and utility design changes to satisfy ACWD and USD design requirements shall be the applicant's responsibility.
  - aaa. The project is required to install water efficiency measures, including but not limited to a separate, non-potable distribution system (i.e. purple pipe) for non-residential landscape needs, which includes a non-potable water transmission main extending through the site with a connection(s) to Cherry Street meeting ACWD requirements and on-site system extending to areas where recycled water could be used.
  - bbb. All existing overhead utilities, with the exception of transmission lines, within the development boundaries and within City right-of-way shall be undergrounded to the nearest riser beyond the development's limits in accordance with the City of Newark Subdivision Standards. Undergrounding shall include all existing and proposed service drops.
  - ccc. All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way.
  - ddd. The applicant shall request Pacific, Gas & Electric Co. to commence with the design of the underground utility improvements for the proposed development immediately following approval of the tentative map.
  - eee. Dry utility boxes, with the exception of street light boxes, shall not be installed within the landscape planters adjacent to the roadway.
  - fff. Any utility connections and/or underground work within structurally sound street pavement shall be bored and jacked. Open street cut will not be permitted unless a pavement overlay is proposed for the disturbed area subject to the approval of the City Engineer.
  - ggg. Utility boxes and vaults shall not be placed in pavement areas, sidewalks or driveways. They shall instead be placed behind the sidewalk within appropriate utility easements.
  - hhh. A streetlight plan and joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval. LED lighting

- shall be utilized on all public and private streets and other common areas. The minimum maintained foot-candle level for all public and private streets shall be 0.12.
- iii. A signpost with a sign having an area of at least 15-inches by 21-inches shall be installed at or near all private street entrances from public streets. The name of the private street is to be placed on the sign in clearly legible 4-inch letters. The sign shall have painted, in at least 1-inch letters, "Private Property. Not dedicated for public use."
  - jjj. The applicant shall retain a licensed landscape architect to prepare working drawings for all frontage and common area landscape improvements in accordance with City of Newark requirements. The landscape plans shall be included with the tract improvement plan set.
  - kkk. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.
  - lll. Prior to installation by the applicant, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.
  - mmm. The applicant shall incorporate a Homeowner's Association consisting of all property owners of lots in the development at the time of incorporation and in the future for the purpose of owning and maintaining the association's property, including but not limited to all private streets and common drive aisles, parking areas, common landscape areas, stormwater treatment areas, storm drain systems, public access areas, and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and other functions of a Homeowner's Association. All common areas within the development shall be owned and maintained by the Homeowner's Association. Each property owner shall automatically become a member of the association and shall be subject to a proportionate share of the maintenance expenses. The Homeowner's Association shall be incorporated prior to the sale of any individual lots and/or prior to acceptance of tract improvements, whichever occurs first. The CC&Rs shall prohibit the use of private streets as alternative routes to the in-tract public street system.
  - nnn. Prior to City Council approval of any final maps, the bylaws governing the property owner's association and any declaration of covenants, conditions and restrictions (CC&Rs) filed for this development shall be subject to review by the City Attorney and the Community Development Director. Said covenants, conditions and restrictions shall be prominently displayed in the project sales office at all times. Approval of the covenants, conditions and restrictions shall not make the City a party to enforcement of same. The CC&Rs shall apply equally to both owners and renters. The CC&Rs shall be written to require renters to comply with the regulations of the CC&Rs, and a copy of the CC&Rs shall be given to each renter. The CC&Rs shall be written to allow less than a

majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&Rs shall include a pavement maintenance program for all private streets and common drive aisles.

- ooo. The CC&Rs for the project shall include a disclosure statement to all property owners indicating that the project site is located within a seismic hazard zone for liquefaction. The disclosure statement shall indicate that the buildings have been designed to current code requirements. The statement shall further indicate that the buildings, site improvements, and utilities are subject to damage during an earthquake and that the buildings may be uninhabitable after an earthquake. This CC&R disclosure statement is subject to review and approval of the City Engineer prior to final map approval.
- ppp. The Homeowner's Association shall be required to contract with a professional management firm to handle all necessary maintenance operations. Documentation of such contract shall be submitted to the City of Newark. All commonly owned facilities shall be properly maintained in a manner consistent with the CC&Rs and project requirements.
- qqq. The Homeowner's Association shall periodically provide educational materials on stormwater pollution prevention to all residents.
- rrr. Each buyer shall sign an acknowledgment that he/she has read the constitution and bylaws of the Homeowner's Association and the CC&Rs applied to the development.
- sss. The applicant shall provide a complete set of construction plans in electronic format and reproducible paper (mylar) format to the Homeowner's Association at the time of its formation.
- ttt. The Homeowner's Association CC&Rs shall prohibit the on-site parking of non self-propelled recreational vehicles, including boats, and any self-propelled recreational vehicles not used for transportation unless separate storage facilities are provided. The CC&Rs shall regulate the provision of any on-site parking of self-propelled recreational vehicles used for transportation.
- uuu. The following language shall be included in the CC&Rs:

Rights of City: Notwithstanding anything to the contrary in this Master Declaration, no amendment hereto which deals with any of the following matters shall be effective without the prior written consent of the Director of the City's Community Development Department, such consent not to be unreasonably withheld: (i) Any amendment, the design or purpose of which is to eliminate an obligation of the Association to maintain, manage and repair the Master Common Property all Improvements therein or to lower the standards for maintaining and repairing such Master Common Property and Improvements; (ii) Any amendment with regard to the fundamental purpose for which the Project was created (e.g., a change from residential use to a different use);(iii) Any

amendment to Sections...(list sections required by condition of approval), and all defined terms therein, each of which were required as a condition of approval for the Project.(note: will need to define "Project.")

Enforcement by City: If the Association or any Owner (as the case may be) fails to Maintain the Common Area or any Improvement, or if the Association fails to enforce any of the provisions, listed in Section XXX (Rights of City), the City, as an intended third party beneficiary of the provisions of this Master Declaration, shall have the right, but not the duty, to compel performance of such provisions in any manner provided by law or in equity and in any manner provided in this Master Declaration.

- vvv. The project CC&Rs shall be submitted for review with the first submittal of the final map and improvement plans.
- www. The applicant shall provide all required paper and digital submittals of the tentative map, project final map, tract improvement plans, and as-built plans as required by the City Engineer, including, but not necessarily limited to the following: (1) one full-sized copy and one reduced copy of the approved tentative map; (2) electronic copies of the approved final map and improvement plans in a format approved by the City Engineer; (3) one full-sized mylar copy of the recorded final map; (4) two full-sized sets and four reduced sets of the approved tract improvement plans; (5) one mylar set of the as-built tract improvement plans. All digital copies of the final map and improvement plans shall be prepared in accordance with Union Sanitary District digital submittal standards. A deposit of \$5,000 shall be provided by the applicant to the City to ensure submittal of all required documentation.
- xxx. The applicant shall provide as-built record drawings in both electronic format and on mylar paper based on full and complete review and inspection by the applicant's project civil engineer, landscape architect, and other design professionals of all public improvements and all improvements on private streets and property included in the tract improvement plan set.
- yyy. Prior to the first certificate of occupancy issued for Lots 1 through 237 as shown on the vesting tentative map, the 40-foot Emergency Vehicle Access Easement and emergency vehicle access roadway and bridge providing secondary access to the project site from Mowry Avenue shall be fully constructed and completed.
- zzz. All street intersections of the development are subject to the requirements of the Visibility Ordinance.
- aaaa. The Homeowner's Association shall be responsible for maintenance of the entire 40-foot Emergency Vehicle Access (EVA) Easement and the EVA roadway and bridge along the Recreational Parcel and over the Alameda County Flood Control facility. Maintenance shall include, but is not limited to, landscaping, irrigation, paving, and lighting. The maintenance responsibility shall be included in the CC&Rs.

- bbbb. Prior to approval of any final maps, the developer shall demonstrate to the satisfaction of the City that it has obtained approval from Union Sanitary District (USD) of the entire sanitary system designed to serve the development including construction of a new pump station to replace USD's existing Cherry Street Pump Station and sewer lines conveying flows to and from its location to the new location at 7238 Stevenson Blvd. Developer shall enter into an Improvement and Relocation Agreement with USD, in a form approved by the District, for the work associated with the new pump station.

#### IV. Landscape Division

- a. Maintenance of all common areas, common area facilities, site frontage areas including the planter strips adjacent to the roadways, and all red curbing within the development shall be maintained by the required homeowner's association.
- b. The applicant shall retain a licensed landscape architect to prepare working drawings for all frontage area and common area landscape improvements in accordance with City of Newark requirements and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with the first tract improvement plan set submitted for review. The landscape plans shall be concurrently approved with the tract improvement plans and final map.
- c. The applicant shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the approval of the final map, the applicant shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.
- d. All street trees shall be a minimum of 24-inch box specimens. All plant replacements shall be an equal or better standard than originally approved subject to approval by the City Engineer.
- e. Landscaping and irrigation systems shall be installed along the Stevenson Boulevard Extension prior to the first certificate of occupancy issued for the project.
- f. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems on the lot and the lot frontage areas shall be complete. Cash deposit to guarantee remainder of the work can be accepted subject to the City Engineer approval.
- g. Stormwater treatment facilities and associated infrastructure serving a drainage area shall be installed and operational prior to the occupancies of the homes within the same drainage area. A certification by a licensed civil engineer and/or licensed landscape architect certifying that the stormwater treatment facilities and associated infrastructure were installed and are operating properly shall be submitted to the City and approved by the City Engineer.



- hhh. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- iii. Prior to issuance of Certificate of Occupancy or release of utilities, the applicant shall guarantee all trees for a period of 1 year and all other plantings and landscape for 60 days after completion thereof. The applicant shall ensure that the landscape is installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

#### V. Building Division

- a. Construction for this project, including site work and all structures, can occur only between the hours of 8:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.
- b. A fully automatic fire sprinkler system shall be installed in each dwelling.
- c. This project will require the payment of school developer fees. School developer fees are assessed and collected by the Newark Unified School District.

#### VI. Police Division

- a. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and Section 5.10 of the California Fire Code for radio reception.
- b. Housing numbers should be well placed, illuminated and easily recognizable for first responders.
- c. A map of the entire complex should be placed in easy to find locations (preferred- street entrance into the complex) to aid first responders in locating specific dwelling.

#### VII. General

- a. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission

and/or City Council review and approval.

- b. If any condition of this amendment to a planned unit development and conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this amendment to a planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- c. This planned unit development and conditional use permit shall be given a public hearing before the City Council for the Council's review and approval.
- d. The developer hereby agrees to defend with separate counsel reasonably selected by the City, and to indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- e. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.

Due to the size of the Exhibits for item E.1, they have been posted on the City website as individual documents.

**F.1 Second reading and adoption of an ordinance authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2 – from City Manager Benoun. (ORDINANCE)**

**Background/Discussion** – On October 24, 2019, the City Council voted (Council Members Bucci and Collazo were absent) to join the East Bay Community Energy (EBCE) Community Choice Aggregation Program (CCA). EBCE is a not-for-profit CCA that purchases electricity for its customers, with PG&E continuing to deliver that electricity, maintain the grid, and handle customer billing. The benefits to joining the EBCE include a reduction in PG&E bills for electricity, greener power at a lower cost, and more influence on purchasing power through the EBCE.

The City Council introduced an ordinance at the October 24, 2019 meeting authorizing the implementation of a Community Choice Aggregation program pursuant to California Public Utilities Code Section 366.2. A second reading of the ordinance is required before adoption.

**Attachment - Ordinance**

**Action** - Staff recommends that the City Council, waive further reading and adopt the ordinance amending authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE IMPLEMENTATION OF A  
COMMUNITY CHOICE AGGREGATION PROGRAM  
PURSUANT TO CALIFORNIA PUBLIC UTILITIES CODE  
SECTION 366.2

WHEREAS, the County of Alameda (“County”) and Alameda County cities, including the City of Newark, have been actively investigating options to provide electricity supply services to constituents within the County with the intent of achieving greater local involvement over the provision of electricity supply services, competitive electric rates, the development of local renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and

WHEREAS, Assembly Bill 117, codified as Public Utilities Code Section 366.2 (the “Act”), authorizes any California city or county whose governing body so elects, to combine the electricity load of its residents and businesses in a community wide electricity aggregation program known as Community Choice Aggregation (“CCA”); and

WHEREAS, the Act allows a CCA program to be carried out under a joint powers agreement entered into by entities that each have capacity to implement a CCA program individually. The joint power agreement structure reduces the risks of implementing a CCA program by immunizing the financial assets of participants. To this end, since 2014, the County has been evaluating a potential CCA program for the County and the cities within Alameda County; and

WHEREAS, the County Board of Supervisors voted unanimously in June of 2014 to allocate funding to explore the creation of a CCA Program and directed County staff to undertake the steps necessary to evaluate its feasibility. To assist in the evaluation of the CCA program within Alameda County, the County established a Steering Committee in 2015 comprised of city and stakeholder representatives, that met monthly, advising the Board of Supervisors on the possibility of creating a CCA Program; and

WHEREAS, the Technical Feasibility Study completed in June of 2016 shows that implementing a Community Choice Aggregation program would likely provide multiple benefits to the citizens of Alameda County, including the following:

1. Providing customers a choice of renewable energy providers;
2. Increasing local control over energy rates and other energy-related matters;
3. Providing electric rates that are competitive with those provided by the incumbent utility;
4. Reducing greenhouse gas emissions arising from electricity use;
5. Increasing local and regional renewable generation capacity;
6. Increasing energy conservation and efficiency projects and programs;
7. Increasing regional energy self-sufficiency; and

8. Encouraging local economic and employment benefits through energy conservation and efficiency projects; and

WHEREAS, representatives from the County and Alameda County cities have developed the East Bay Community Energy Authority Joint Powers Agreement (“Joint Powers Agreement”). The Joint Powers Agreement creates the East Bay Community Energy Authority (“Authority”), which will govern and operate the CCA program. The County and the Alameda County cities that elect to participate in the CCA Program shall do so by approving the execution of the Joint Powers Agreement and adopting an ordinance electing to implement a CCA Program, as required by Public Utilities Code Section 366.2(c)(12). In December 2016, the County and Alameda County cities entered into the Joint Powers Agreement; and

WHEREAS, the County and the Alameda County cities that elect to participate in the CCA Program shall do so by approving the execution of the Joint Powers Agreement and adopting an ordinance electing to implement a CCA Program, as required by Public Utilities Code Section 366.2(c)(12); and

WHEREAS, the Authority has entered into agreements with electric power suppliers and other service providers and, based upon those agreements, the Authority provides electrical power to residents and businesses at rates that are competitive with those of the incumbent utility. The California Public Utilities Commission approved the implementation plan prepared by the Authority, and the Authority now provides service to customers within its member jurisdictions. Under Public Utilities Code Section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so at any time.

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

Section 1: Recitals and Implementation of a Community Choice Aggregation Program. The above recitals are true and correct and made a part of this Ordinance. The City Council of the City of Newark hereby elects to implement a Community Choice Aggregation program within Alameda County by and through the City’s participation in East Bay Community Energy Authority, pursuant to the authority provided by the California Public Utilities Code.

Section 2: CEQA. The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15378(b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project. A Project does not include "Organization or administrative activities of governments that will not result in direct or indirect physical changes in the environment." Forming or joining a CCA presents no foreseeable significant adverse impact to the environment over the existing condition because state regulations such as the Renewable Portfolio Standard (RPS) and Resource Adequacy (RA) requirements apply equally to CCAs as they do to private utilities.

Section 3: Severability. Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be

invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

Section 4: Codification. This Ordinance shall not be codified in the Newark Municipal Code.

Section 5: Publication and Effective Date. This Ordinance shall take effect thirty (30) days from the date of its adoption. Before expiration of fifteen (15) days after its adoption, 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.

3387564.1

**F.2 Adopting a Compensation Plan for certain positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) classifications, and revoking the previous Compensation Plan – from Acting Human Resources Director Que-Garcia.  
(RESOLUTION)**

**Background/Discussion** – The Schedule of Part-Time, Seasonal, and Temporary (PST) Classifications provides a list of hourly wage rates for temporary positions. Due to a scheduled increase in the California minimum wage, staff reviewed this schedule to identify recommendations for minimum wage compliance.

As proposed, effective January 1, 2020, the rates for Activity Coordinator, Aquatics Instructor I and II, Customer Service Representative and Senior Customer Service Representative, General Maintenance Worker I and II, Lifeguard I and Senior Lifeguard, Police Services Aide I and II, Preschool Aide, Recreation Instructor, Recreation Leader I and II, and Sports Official will increase by one dollar per hour. In addition to state minimum wage compliance, these adjustments serve to maintain internal salary relationships based on increasing levels of responsibility and required knowledge. The hourly rate changes are highlighted in yellow in Exhibit A.

**Attachments** – Resolution, Exhibit A Part-Time, Seasonal, and Temporary (PST) Classifications

**Action** – Staff recommends that the City Council, by resolution, adopt the Compensation Plan for certain positions in the Exempt Service Employee Group to amend the Hourly Wage Rates for Part-Time, Seasonal, and Temporary (PST) Classifications effective January 1, 2020, and revoke Resolution No. 10,858.



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A COMPENSATION PLAN FOR CERTAIN POSITIONS IN THE EXEMPT SERVICE EMPLOYEE GROUP TO AMEND THE SCHEDULE OF HOURLY WAGE RATES FOR PART-TIME, SEASONAL, AND TEMPORARY (PST) CLASSIFICATIONS EFFECTIVE JANUARY 1, 2020 AND REVOKING RESOLUTION NO. 10,858

WHEREAS, the Schedule of Part-Time, Seasonal, and Temporary (PST) Classifications provides a list of hourly wage rates for temporary positions; and

WHEREAS, due to a scheduled increase in the state of California minimum wage, the schedule was reviewed to identify recommendations for minimum wage compliance.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Newark hereby adopts the Compensation Plan effective January 1, 2020, as attached in Exhibit A, for certain positions in the Exempt Service.

BE IT FURTHER RESOLVED that Exempt Service for the purposes of this resolution includes Part-Time, Seasonal, and Temporary (PST) Employees. Employees appointed to exempt positions listed on the PST Schedule of Hourly Wage Rates shall receive an hourly rate between the top and bottom of the range based on the qualifications of the appointee.

BE IT FURTHER RESOLVED that Resolution Number 10,858 is hereby revoked effective January 1, 2020, and if any provisions contained herein are found to be in conflict with provisions of any other resolutions, the provisions herein shall prevail.

**EXHIBIT A**  
**City of Newark, CA**  
**PART-TIME, SEASONAL, and TEMPORARY (PST) CLASSIFICATIONS**  
Schedule of Hourly Wage Rates Effective January 1, 2020

<b>Position</b>	<b>Hourly Rate Range</b>	
	<u>Bottom</u>	<u>Top</u>
Activity Coordinator	14.00	21.00
Aquatics Instructor I	14.50	18.00
Aquatics Instructor II	15.50	25.00
Customer Service Representative	13.00	15.00
Engineering Aide	24.50	34.00
Equipment Operator	21.00	28.00
General Maintenance Worker I	13.00	19.00
General Maintenance Worker II	13.50	22.00
General Maintenance Worker III	20.00	25.00
Inspector	25.00	45.00
Intern	13.00	25.00
Lifeguard I	13.50	16.00
Office Assistant I	15.00	24.00
Office Assistant II	16.50	26.00
Plan Checker	33.50	46.00
Planning Commissioner	75.00	per meeting
Police Services Aide I*	13.00	16.00
Police Services Aide II*	16.00	25.00
Police Officer Trainee	30.00	
Pool Service Technician	15.00	25.00
Preschool Aide	13.00	17.00
Preschool Instructor	16.50	25.00
Professional Services Specialist	50.00	125.00
Recreation Instructor	14.50	30.00
Recreation Leader I	13.00	15.00
Recreation Leader II	13.50	16.00
Red Light Photo Enforcement Technician	31.62	38.43
Senior Customer Service Representative	14.00	18.00
Senior Lifeguard	17.00	24.00
Special Assistant	15.00	75.00
Sports Official	14.00	30.00

*\*The Police Services Aide positions receive a yearly \$100 uniform allowance. The allowance is paid in two payments of \$50 each on January 31 and July 31.*

**F.3 Cancellation of the November 28 and December 26, 2019 City Council meetings –  
from City Clerk Harrington. (MOTION)**

**Background/Discussion** – Newark Municipal Code Section 2.08.010 provides that when a regular meeting of the City Council falls on a day designated by law as a legal or national holiday, there shall be no meeting. The November 28, 2019 regular meeting falls on the Thanksgiving holiday. The December 26, 2019 meeting occurs during the winter furlough. Formally canceling these meetings will allow the City Clerk to notify the public in a timely manner.

**Action** - It is recommended that the City Council, by motion, cancel the November 28 and December 26, 2019, City Council meetings.

**F.4 Amending City of Newark Records Retention Schedule – from City Clerk Harrington. (RESOLUTION)**

**Background/Discussion** – The main purpose of the Records Retention Schedule is to ensure that City records are maintained in accordance with federal, state and local codes. The schedule provides regulations and guidelines for records management and ensures that records are not destroyed prematurely.

The current schedule was adopted in 2008 and has been amended four times. Staff is once again recommending changes to the schedule. The detailed additions are attached to the resolution. The proposed changes consist of the following:

General Records

The number of authorized staff members who now use Social Media such as NextDoor or Facebook for the dissemination of information to the public has increased in the last year. These postings create a record that should be kept by authorized staff members for two years.

Unsuccessful submittals of bids, requests for proposals, or requests for qualifications are being proposed as a separate line item with a two year retention period. The successful bid, request for proposal, or request for qualifications would continue to be kept with the award documents and for the retention of each of those record categories.

Recreation and Community Services

Recreation and Community Services staff have requested a 5 year retention for records related to the Aquatic Center. The California Department of Instruction Relations Regulation 3195.12 requires a five year retention for training, maintenance, water quality testing, and accidents. The City's current retention for accidents is 7 years citywide; therefore, it is proposed to only add the training, maintenance, water quality testing to the retention schedule.

Records will be maintained and destroyed in accordance with the approved retention schedule. The destruction of records is subject to the review and consent of the Department Head, City Clerk, and City Attorney.

**Attachment** - Resolution

**Action** – Staff recommends that the City Council, by resolution, amend the City of Newark Records Retention Schedule.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AMENDING THE CITY OF NEWARK RECORDS  
RETENTION SCHEDULE

WHEREAS, California Government Code 34090 provides guidelines for destroying records that have served their purpose and are no longer required; and

WHEREAS, the City Council of the City of Newark by Resolution No. 9434 established a Records Retention Schedule that set the retention periods for various categories of City records; and

WHEREAS, the Records Retention Schedule was revised by Resolution Numbers: 9710, 9899, 10,135, and 10,710; and

WHEREAS, City staff reviewed the Records Retention Schedule and recommends certain additions in order to update the schedule with current legal citations and records practices;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City of Newark Records Retention Schedule, adopted by Resolution No. 9434, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein as though set forth at length;

BE IT FURTHER RESOLVED, that the City Council authorizes the destruction of records in accordance with the approved retention schedule, subject to the review and consent of the City Clerk, City Attorney, and Department Head.

RETENTION SCHEDULE

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
<p>Duplicates and copies distributed to various departments for informational purposes may be destroyed by the departments when they are no longer useful. The Department of Record is responsible for the retention and official destruction of those records.</p>								
<p>Staff is encouraged to retain electronic copies of paper records no longer than retention periods specified in this schedule.</p>								
CM	Administrative Regulations - Permanent record in City Manager's office, Departments keep until regulation is superseded.	S	0		P	Y	y	GC 34090 is 2 years. Permanent is City policy
Various	Agreements/Contracts (see City Manager schedule for retention periods)							
Various	Budget Operating, department reference	2	0		2	N	N	GC 34090 is 2 years
Various	Correspondence	C+2	0		C+2	N	N	GC 34090 is 2 years
Various	Employee Field File Human Resources Department of Record for official file.(Fire/PD see individual schedule for retention period)	T			T	N	N	Departments may destroy after terminated. See HR schedule for official retention period as department of record
Various	Press Releases	C+2	0		C+2	N	N	GC 34090 is 2 years
Various	Social Media – Authorized staff member postings to Facebook, Instagram, Twitter, NextDoor and other hosted social media sites. Authorized staff responsible for ensuring postings archived for two years.	2	0		2	N	N	GC 34090 is 2 years
Various	Training Records in Department files (see HR section for HR specific retention)	C+2	0		C+2	No	No	GC 34090 is 2 years

Various	Unsuccessful bids, requests for proposals or request for qualifications (did not result in contract, agreement, nor purchase order)	2	0		2	N	N	GC 34090 is 2 years
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City of Newark

RETENTION SCHEDULE Recreation and Community Services

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
RCS	Music at the Grove	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Newark Unified School District Facility Permits for recreation programs	2	0		2	N	N	GC 34090 is 2 yrs.
PW	Parks Rules and Regulations	P	0		P	N	N	Permanent is Dept. policy
RCS	Measure B and ACIIA Annual Reports	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Scholarship Program	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Senior Citizen Advisory Committee Agendas	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Senior Citizen Advisory Committee Minutes (Originals sent to City Clerk, scanned into Laserfiche)	P	0	LF(I/P)	P	Y	Y	GC 34090 is permanent
RCS	Senior Center Monthly Reports	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Silliman Activity and Family Aquatic Center Aquatic Center: chemical records (water quality), training records and operation records.	5	0		5	N	N	California Dept. of Industrial Relations Regulation 3195.12
RCS	Sports Team Rosters	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Vending Machine Agreements	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Volunteer Files Denied Applications	T+2 C+2	0 0		T+2	N	N	GC 34090, 12946 & State Guidelines



**F.5 Introduction of an ordinance and setting a hearing date of December 12, 2019, to amend the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code) – from Chief Building Official / City Architect Collier and Fire Marshal Terra.**

**(MOTION)(INTRODUCTION OF ORDINANCE)**

**Background/Discussion** – The State of California has adopted new editions of existing construction codes which will become effective January 1, 2020. These codes include Building, Residential, Mechanical, Electrical, Plumbing, Fire, Reference Standards, Historical, Energy, Existing, and Green Building.

As required by state law, applications for a building permit made after December 31, 2019 will be subject to the new codes. Local jurisdictions have the opportunity to make limited amendments to the new state codes provided the local jurisdiction makes a finding that such modifications are reasonably necessary because of local climatic, geological or topographical conditions. Staff is recommending modifications to some of the State codes.

A large portion of the recommended local amendments relate to the administrative portion of the codes. These administrative amendments will allow the City to carry forward the same administrative standards the City is currently using. Some of the changes merely accommodate new numbering systems. Staff is recommending technical changes to the Building, Residential, Plumbing, Electrical, Mechanical, Fire, and Existing codes. There are no technical changes recommended to the Reference Standards, Historical Building, Energy, Existing, and Green Building Standards codes. The recommended technical changes to the codes are listed below. Some of the technical changes were incorporated into the Newark Municipal Code (NMC) in previous code cycles, so they are not new to the Ordinance.

### **California Building Code**

Section 1.8.4.3.1, Retention of Plans. Portions of this section are deleted. The code lists project types where the drawings need not be retained. The City has for decades retained drawings for all project types. No change from previous ordinance.

Section 101.4, Reference Codes. In previous ordinances this code section was deleted to eliminate conflicts with the City ordinance. The language is such that deletion is no longer needed.

Section 104.10.1, Construction in Flood Hazard Areas.

This section is deleted. The City has its own ordinance for construction in flood hazard areas that is in compliance with Federal standards. No change from previous ordinance.

Section 105.3.2, Permit Application Limitations and Section 105.5, Expiration of Permits. These sections are deleted because the City has its own permit limitation and expiration standards in another part of the ordinance which are very similar to the code standard. No change from previous ordinance.

Sections 402.5, 404.3, 407.6, 410.7, 419.5, 441.2, 509.4.2.1, 901.7, 903, and 1029.6.2.3, Automatic Fire Sprinkler Systems. These various code sections have been modified to complement the City's fire sprinkler and alarm ordinance. No change from previous ordinance.

Section 1510.7, Spark Arrestors.

This modification of the Building Code is being eliminated. Adding spark arrestors to existing fire place chimneys is no longer necessary. No new wood burning fire place are allowed in the Bay Area, existing wood burning fireplaces are seldom used, and roofs are now, for the most part, fire resistant.

**California Residential Code**

Sections R105.3.1.1 and R322, Construction in Flood Hazard Areas.

These sections are deleted. The City has its own ordinance for construction in flood hazard areas that is in compliance with Federal standards. No change from previous ordinance.

Section R301.1.3.2.1, Engineering Required.

This item is a continuation of existing NMC standards added in previous code cycles. The California Residential Code allows the Building Official to require drawings for dwellings taller than two stories be designed by an licensed professional. The recommended NMC change is to increase the standard to capture dwellings taller than one story. This is the standard the City has been using for years.

R313, Automatic Fire Sprinkler Systems.

This item is a continuation of existing NMC standards added in previous code cycles. The California Residential Code requires automatic fire sprinkler systems in all new one and two dwellings and townhouses, regardless of floor area, but does not require sprinklers for any size addition or remodel. For one and two family dwellings and townhomes, the NMC currently requires fire sprinklers be installed in existing dwellings when additions and/or repairs exceed 80 percent of the value of the existing dwelling prior to the additions and/or repairs.

R322, Flood Resistant Construction. This section has been deleted because the City has its own flood ordinance that is in compliance with Federal Standards. No change from previous ordinance.

R326.1 Swimming Pools.

The Residential Code does not adequately address the construction of swimming pools so a section has been added to the Residential Code referencing the California Building Code for the standards governing swimming pools. The ordinance section has been modified to eliminate possible confusion. There is no actual change in intent from previous ordinance.

R1000, Wood Burning Fireplaces.

This section was added to complement existing Bay Area wide prohibition on new wood burning fireplaces. No change to previous ordinance.

Appendix H, Patio Covers. This section is a carryover from previous ordinance.

Appendix K, Sound Transmission. This section is a carryover from previous ordinance.

**California Mechanical Code**

Section 1.8.4.3.1, Retention of Plans. Portions of this section are deleted. The code lists project types where the drawings need not be retained. The City has for decades retained drawings for all project types. No change from previous ordinance.

Section 104.4.3, Expiration of Permits. These sections are deleted because the City has its own permit limitation and expiration standards in another part of the ordinance which are very similar to the code standard. No change from previous ordinance.

Title 15.10.030, Connection of Natural Gas Utilities. This section is in the previous ordinance and gives the Building Official options to assist developers in obtaining utility connections.

**California Electrical Code**

Article 89.108.4.3.1, Retention of Plans. Portions of this section are deleted. The code lists project types where the drawings need not be retained. The City has for decades retained drawings for all project types. No change from previous ordinance.

Article 310.106(B), Conductor Material. This item is a continuation of existing NMC standards added in previous code cycles. Aluminum wire used for circuit wiring has been removed. Aluminum house wiring has a history of starting fires if not installed properly.

15.12.090, Temporary Connection of Electrical Utilities. This section is in the previous ordinance and gives the Building Official options to assist developers in obtaining utility connections.

15.12.120, Building Official Authority. This section is in the previous ordinance and gives the Building Official authority to disconnect an electrical service if conditions are unsafe. In practice this authority has not been exercised in the last two decades.

15.12.190, Electrical Service Connections. This section clarifies standards not well described in the Electrical Code. No change from previous ordinance.

### **California Plumbing Code**

Sections 1.8.4, 104.3.2, 104.3.3, 104.4.3, and 104.4.4, Permits and Fees. These sections have been deleted because the City has its own standards in the NMC. No change from previous ordinance.

Section 422.10.1 and 422.10.2, Privacy in Public Multiple Accommodation Toilet Rooms. This item is a continuation of existing NMC standards added in previous code cycles. It is generally understood that persons using water closets or urinals in multiple accommodation toilet rooms be afforded some degree of privacy. The current California Plumbing Code and California Building Code do not specifically address this issue. Some designers have in the past proposed designing multiple accommodation toilet rooms without privacy partitions around water closets or placing urinals in full view of persons outside the toilet room.

### Section 713.0, Connection to Public Sewer Systems.

The plumbing code provides a number of exceptions to having to connect waste lines to a public sewer. One of the exceptions allows for private septic systems which in Newark would be unacceptable. The change would prohibit septic systems. All waste lines must connect to Union Sanitary District sewer system mains. No change from previous ordinance.

Section 1101.12, Roof Drainage. The change prohibits, if practical, direct connection of roof drains to storm drains which complements requirements in the City's storm water permit. No change from previous ordinance.

### **California Fire Code**

Section 15.17.010, California Fire Code adopted by reference. A number of individual sections have been added to supplement individual sections not adopted by the State Fire Marshal but are desired by Alameda County Fire Department.

Chapter 2, Definitions. Four definitions have been added, amended, and/or relocated to better clarify terms used by Alameda County Fire Department. No real change from previous ordinance.

Chapter 9, Fire Protection, Alarms, and Detection Systems. This chapter relates to the City's fire sprinkler, fire alarm, and fire detection standards which are more restrictive than State codes. These revisions are in the current ordinance. No change from previous ordinance.

Section 5614, Safe and Sane Fireworks.

This item is a continuation of existing NMC standards added in previous code cycles. Because of a major change to the California Fire Code it was appropriate to reformat the City's fireworks ordinance. The City's safe and sane fireworks ordinance remains unchanged except for minor editing and numbering changes. No technical changes are being recommended.

Appendix D, Fire Department Access.

Appendix D has been a part of the ordinance for several code cycles. The Fire Department is recommending adopting the appendix without modifications.

Chapter 15.17.190, Permit Fees. This chapter has been eliminated because fees are covered in other parts of the ordinance.

Chapter 15.17.200, Violation deemed infraction. This chapter has been eliminated because this subject is covered in other parts of the ordinance.

**California Referenced Standards Code.** No changes.

**California Historical Building Code.** No changes.

**California Existing Building Code.** No changes.

**California Energy Code.** No changes.

**California Green Building Standards Code.** No changes.

**Attachments – Ordinance**

**Action** – Staff recommends that the City Council, by motion, set a public hearing date of December 12, 2019, for adoption of the construction codes and introduce an ordinance to amend the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Reference Standards Code),

15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code).

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE NEWARK MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), ARTICLE I (BUILDING REGULATIONS), CHAPTERS 15.08 (CALIFORNIA BUILDING CODE), 15.09 (CALIFORNIA RESIDENTIAL CODE), 15.10 (CALIFORNIA MECHANICAL CODE), 15.12 (CALIFORNIA ELECTRICAL CODE), 15.16 (CALIFORNIA PLUMBING CODE), 15.17 (CALIFORNIA FIRE CODE), 15.18 (CALIFORNIA REFERENCED STANDARDS CODE), 15.20 (CALIFORNIA HISTORICAL BUILDING CODE), 15.21 (CALIFORNIA EXISTING BUILDING CODE), 15.22 (CALIFORNIA ENERGY CODE), 15.23 (CALIFORNIA GREEN BUILDING STANDARDS CODE)

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

Section 1: That the following are amended as attached and will become effective on January 12, 2019:

Title 15 (Buildings and Construction), Article I (Building Regulations)  
Chapter 15.08 (California Building Code)  
Chapter 15.09 (California Residential Code)  
Chapter 15.10 (California Mechanical Code)  
Chapter 15.12 (California Electrical Code)  
Chapter 15.16 (California Plumbing Code)  
Chapter 15.17 (California Fire Code)  
Chapter 15.18 (California Referenced Standards Code)  
Chapter 15.20 (California Historical Building Code)  
Chapter 15.21 (California Existing Building Code)  
Chapter 15.22 (California Energy Code)  
Chapter 15.23 (California Green Building Standards Code)

Section 2: Effective date. This ordinance shall take effect thirty (30) days from the date of its adoption. Before expiration of fifteen (15) days after its passage, this ordinance or a summary of the 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 in accordance with California Government Code Section 36933.

## Chapter 15.08

### BUILDING CODE

#### Sections

- 15.08.010** California Building Code adopted by reference.
- 15.08.020** Amendments.
- 15.08.042** Licensed professional.
- 15.08.060** Drainage disposal.

#### **15.08.010 California Building Code adopted by reference.**

A certain document, entitled “~~2016~~ 2019 California Building Code, Volumes 1 and 2,” including Appendix Chapter F relating to rodent proofing, published by the International Code Council and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Building Code, is adopted by reference as the building code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.08.020 Amendments.**

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4.3.1 dealing with retention of plans is amended by deleting exceptions 1 through 4.

~~B. Section 101.4 dealing with referenced codes is deleted.~~

~~B.~~ **B.** Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40, Construction In Flood Hazard Areas, of the Newark Municipal Code.

~~D.~~ **C.** Sections 105.3.2 dealing with time limitation of applications and Section 105.5 dealing with expiration of permits are deleted. Refer to Chapter 15.04.180, Expiration of Plan Review, and Chapter 15.04.190, Expiration of Permits, of the Newark Municipal Code.

~~E.~~ **D.** Section 402.5 dealing with automatic fire sprinkler systems in malls is amended by deleting the exception.

~~F.~~ **E.** Section 404.3 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.

~~G.~~ **F.** Section 407.6 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 407.6 in its entirety with the following:

407.6 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children’s home, children’s nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons with mental illness or persons with developmental disabilities and any nursing or convalescent home.

~~H.~~ **I.** Section 410.7 dealing with automatic sprinkler systems at stages is **amended by deleting all exceptions.** ~~deleted.~~

~~I.~~ **J.** Section 419.5 dealing with fire alarms in live/work units is amended by replacing Section 419.5 in its entirety with the following:



419.5 Fire Protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9.

~~J.K.~~ Section 441.2 dealing with automatic fire sprinkler systems for pet kennels is amended by deleting the exception.

~~K.L.~~ Section 509.4.2.1 dealing with automatic fire sprinkler systems in incidental use areas is deleted.

~~L.M.~~ Section 1029.6.2.3 dealing with automatic fire sprinkler systems smoke protected assembly seating areas is amended by deleting the exceptions.

~~M.N.~~ Section 501.2, which deals with address identification, is amended in its entirety to read as follows:

501.2 Address identification. All buildings shall be identified with address numbers assigned by the City and as required in Chapter 15.06.110 of the Newark Municipal Code.

~~N.O.~~ Section 901.7, which deals with dividing a building into separate fire areas to preclude the installation of fire sprinkler systems, is deleted. Refer to Chapter 15.04.08.020G for the City's fire sprinkler ordinance.

~~O.P.~~ Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection [F]903.2 in its entirety with the following:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one and two family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one and two family dwellings and townhouses when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one and two family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one and two family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy, or new floor area, resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

903.2.5 Newly constructed detached structures accessory to one and two family dwellings and townhouses in excess of 1,000 square feet of floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area, shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings currently equipped with an automatic fire extinguishing system.

903.2.7 Areas of modifications to existing buildings currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the building official based upon

the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

903.2.8 Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.9 An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, when the construction value of which exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.10 Existing one and two family dwellings and townhouses not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group Occupancy other than R.

903.11 Any new building of any size containing a Group H Occupancy.

#### **15.08.042 Licensed professional.**

While the nature of the work applied for affects the safety of a building or its occupants, design documents shall be prepared by an engineer or architect licensed by the state to practice as such as required by State of California Business and Professions Code Sections 5500 and 6700. In other buildings the Building Official is authorized to require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

## Chapter 15.10

### MECHANICAL CODE

#### Sections:

- 15.10.010 California Mechanical Code adopted by reference.**
- 15.10.020 Amendments.**
- 15.10.030 Temporary connection of natural gas utilities.**

#### **15.10.010 California Mechanical Code adopted by reference.**

A certain document entitled, “~~2016~~ 2019 California Mechanical Code,” including Appendix B and C, published by the International Association of Plumbing and Mechanical Officials and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Mechanical Code, is adopted by reference as the Mechanical Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.10.020 Amendments – General.**

The California Mechanical Code, adopted by reference in this chapter, is amended by the following additions, deletions, and amendments thereto set forth in this chapter.

A. Section 1.8.4.3.1 dealing with the retention of plans is amended by deleting exceptions 1 through 4.

B. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits are deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

#### **15.10.030 Temporary connection of natural gas utilities.**

The Building Official may authorize temporary connection of natural gas utilities for a construction project prior to final inspection approval and issuance of the Certificate of Occupancy. The request for such connection shall be in writing on a form provided by the City. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed, and a statement, signed by the property owner and tenant of the premises, authorizing the City to disconnect the natural gas utilities if final inspection approval and Certificate of Occupancy have not been issued by the expiration date of the request.

## Chapter 15.12

### ELECTRICAL CODE

#### Sections:

- 15.12.010 California Electrical Code adopted by reference.**
- 15.12.020 Amendments.**
- 15.12.090 Temporary connection of electric utilities.**
- 15.12.120 Building official authority.**
- 15.12.140 Maintenance Permit.**
- 15.12.190 Connection to installation.**

#### **15.12.010 California Electrical Code adopted by reference.**

A certain document, entitled “~~2016~~ 2019 California Electrical Code,” published by the National Fire Protection Association amended and adopted by the state of California as the ~~2016~~ 2019 edition California Electrical Code, is adopted by reference as the electrical code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.12.020 Amendments.**

The California Electrical Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Article 89.108.4.3.1 dealing with the retention of plans is amended by deleting **all** exceptions. ~~1 through 4.~~

B. Article 310.106(B) Conductor Material, is amended by replacing the first paragraph in its entirety with the following:

(B) Conductor Material. Except for service entrance conductors, all conductors shall be copper. Service entrance conductors shall be of copper, aluminum, or copper-clad aluminum.

#### **15.12.090 Temporary connection of electric utilities.**

The building official may authorize temporary connection of electric utilities for a construction project prior to final inspection approval and issuance of the certificate of occupancy. If required by the Building Official the request for such connection shall be in writing. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed and a statement, signed by the property owner, tenant of the premises, or contractor, authorizing the city to disconnect the electric utilities if final inspection approval and certificate of occupancy have not been issued by the expiration date of the request.

#### **15.12.120 Building official authority.**

A. The building official is authorized to disconnect or order discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be in violation of this chapter under any of the following conditions:

1. Failure of the owner or his agent to secure the required electrical permit;
2. Hazardous electrical work found to be dangerous to life or property due to defective

wiring, devices, appliances or equipment;

3. Electrical work connected to service without the approval of the building official.

B. Any order issued pursuant to this section may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

**15.12.190 Connection to installation.**

A. ~~It~~ It is unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person, firm or corporation has obtained a certificate of approval issued by the building official.

B. It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered by the building official to be discontinued until a certificate of approval has been issued by authorizing the reconnection and use of such wiring, devices, appliances or equipment. The building official shall notify the serving utility of the order to discontinue use.

C. When electrical service to a commercial occupancy or place of employment is de-energized for any reason, approval of the building official must be secured by the serving utility prior to re-energizing of said service. "Commercial occupancy" or "place of employment," for the purposes of this chapter, shall include dwellings used as model homes and/or tract offices.

D. Any order issued pursuant to this section shall be in writing and shall be made to the person, firm or corporation using and maintaining the condition or to the person, firm or corporation responsible for its use and maintenance, and to the utility company providing the service. Delivery of the order shall be accomplished upon deposit in the United States mail or written notice directed to the person, firm or corporation using, maintaining or responsible for the use and maintenance of the condition at the last known address of the person, firm or corporation. Failure to comply with the order of the building official, as set out above, is a misdemeanor subject to the penalties as set out in Chapter 15.28 of this title.

## Chapter 15.16

### PLUMBING CODE

#### Sections:

- 15.16.010** Uniform Plumbing Code adopted by reference.
- 15.16.020** Amendments.

#### **15.16.010** Uniform Plumbing Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Plumbing Code," including all Appendix Chapters published by the International Association of Plumbing and Mechanical Officials and adopted by the state of California as the ~~2016~~ 2019 edition California Plumbing Code, is adopted by reference as the Plumbing Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.16.020** Amendments.

The California Plumbing Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

B. Sections 104.3.2 and 104.3.3 dealing with plan review fees and time limitation of applications is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

C. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

D. Section 422.2 dealing with separate toilet facilities is amended by adding the following.

~~422.2.2~~ **422.10.1** In public multiple accommodation toilet rooms water closets shall be enclosed by a screening partition with an operable door. The bottom of the screen and door shall not be more than 12 inches above finish floor and the top shall not be less than 69 inches above finish floor. Screens and doors shall be constructed of materials in compliance with Section 1210 of the California Building Code.

Exception: When approved by the building official screens may be omitted from toilet rooms used only by children attending a day care center when state licensing requires full time supervision of children.

~~422.2.3~~ **422.10.2** In public multiple accommodation toilet rooms urinals shall be located so the urinal and the person using the urinal can not be viewed from outside the toilet room.

E. Section 612 dealing with residential fire sprinkler systems is deleted. Refer to Chapter 15.09 of the Newark Municipal Code.

F. Section 713.0 dealing with access to public sewers is replaced in its entirety with the following:

713.0 Where Required. All plumbing fixtures that have a waste connection, such as toilets, water closets, urinals, sinks, lavatories, drinking fountains and industrial equipment shall have their waste lines connected to the public sewer system.

G. Section 1101.12 dealing with roof drains is amended by adding the following:

1101.12.3 Roof Drainage Discharge. Roof drainage shall not drain directly into storm drain piping unless first approved by the City Engineer.

## Chapter 15.17

### FIRE CODE

#### Sections

15.17.010 California Fire Code adopted by reference.

~~15.17.020 Fire Department duties — Fire Prevention Bureau established.~~

#### Amendments.

~~15.17.030 Definitions.~~

~~15.17.040 Chapter 9 amended — Fire protection systems.~~

~~15.17.050 Chapter 56 amended — Explosives and fireworks.~~

~~15.17.190 Permit fees.~~

~~15.17.200 Violation deemed infraction.~~

#### 15.17.010 California Fire Code adopted by reference.

A certain document, entitled “~~2016~~ 2019 California Fire Code” including Sections 103, 104.6, 105.6.34, 105.6.37, 105.6.43, 106, ~~108~~, ~~112~~ 113, 307, and ~~503~~ 308, Appendix Chapter D relating to fire apparatus access roads, and ~~Appendix Chapter N dealing with temporary haunted houses, ghost walks, and similar amusement uses,~~ published by the International Code Council and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Fire Code, is adopted by reference as the fire code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### 15.17.020 ~~Fire department duties — Fire prevention bureau established.~~ Amendments.

##### A. Chapter 2, Definitions is amended by adding the following definitions:

**Fire Department.** The City of Newark Fire Department or a duly authorized fire department as contracted by the City of Newark.

**Alarm User.** An alarm user means any person of whose premises an alarm system is maintained within the City.

##### B. Chapter 2, Definitions is amended by replacing the following definitions:

**False Alarm.** A false alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, maintenance or operation or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts or nature.

**Fire Code Official.** The Fire Code official shall be appointed by the Fire Chief of the jurisdiction.

~~A. The California Fire Code shall be enforced by the fire department of the city or a duly authorized outside fire prevention agency and shall be operated under the supervision and direction of the fire chief.~~

~~B. The officer in charge of the fire prevention bureau and activities of the fire department shall be known as the fire marshal and shall be appointed by the Fire Code Official.~~

~~C. The Fire Code Official may detail such members of the fire department to fire prevention activities as the fire chief deems necessary. (Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)~~

#### **15.17.030 Definitions.**

~~Whenever the following words are used in the code adopted by reference in this chapter they shall have the meanings ascribed to them as follows:~~

~~A. "Fire Department" means the City of Newark Fire Department or a duly authorized fire prevention agency.~~

~~B. All reference to the International Fire Code means the current adopted edition of the California Fire Code.~~

~~C. "Zoning ordinance" means the ordinance as defined in Title 17, Zoning, of the Newark Municipal Code. (Ord. 381 [part], 2002; Ord. 352 § 8 [part], 1998; Ord. 340 § 1 [part], 1998)~~

~~(Ord. 381 [part], 2002)~~

#### **15.17.040 Chapter 9 amended — Fire protection systems.**

- C.** Chapter 9, Section 901 of the California Fire Code is amended by addition of Section 901.2.2 Plans, as follows:

901.2.2 Plans. Complete plans and specifications for fire, smoke, and hazardous materials alarm systems; fire-extinguishing systems, including automatic sprinklers, wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall be submitted to the fire department for review and approval prior to system installation. Plans and specifications for fire, smoke, and hazardous materials alarm systems shall include, but not be limited to, a floor plan; location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment; annunciation; power connection; battery calculations; and manufacturer, model numbers, and listing information for all equipment, devices, and materials.

- D.** ~~Chapter 9, Section 903 is amended by replacing section 903.2 with the following:~~ Section 903.2 is deleted in its entirety. Refer to Section 903.2 of the California Building Code as amended by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code which reads as follows:



~~Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:~~

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one- and two-family dwellings and townhouses H, I and L occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one- and two-family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one- and two-family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one- and two-family dwellings and townhouses not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H, I or L occupancy.

903.2.5 Newly constructed detached structures accessory to one- and two-family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

903.2.7 Automatic residential fire sprinkler systems shall be installed in new one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.8 An automatic residential fire sprinkler system shall be installed in existing one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.9 Any building housing H, I, and L occupancies of any size.

903.2.10 Throughout existing buildings not currently protected by an automatic fire sprinkler system when any portion of the building is converted to an H, I, or L occupancy of any size or when an addition to such building is made which contains an H, I, or L occupancy of any size.

903.2.11 Throughout existing buildings not currently protected by an automatic fire sprinkler system when high pile combustible storage is installed or utilized.

903.2.12 In ducts conveying hazardous materials, or flammable material or vapors, in buildings not currently protected by an automatic fire sprinkler system.

903.2.13 Any dwelling utilized as a residential care facility where any client incapable of self-preservation is housed on any floor other than the ground floor or where there are four or more clients incapable of self-preservation housed in the dwelling.

- E. Section 903.6 dealing with the requirement for fire sprinkler systems in existing buildings and structures is amended by replacing subsection 903.6 in its entirety with the following:

903.6 Where Required. An automatic sprinkler system shall be provided in existing buildings and structures where required by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code.

~~C. Section 907 Fire Alarm and Detection Systems is amended by adding the following:~~

~~907.1.6 Definitions~~

~~ALARM/ALARM SYSTEM means any device or system designated to signal the activation of a fire suppression system, fire, smoke, or hazardous materials detection system, or manual fire alarm system by emitting a signal which can be perceived on the premises and outside of the protected premises and/or at a remote location with subsequent notification of such signal to which the Fire Department is dispatched on an emergency response.~~

~~ALARM USER means any person on whose premises an alarm system is maintained within the City.~~

~~FALSE ALARM means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance or operation; or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts of nature.~~

- F. ~~D.~~Section 907 Fire Alarm and Detection Systems is amended by adding the following:

~~907.10~~ **907.11** False Alarms

~~907.10.1.~~**907.11.1** Malfunctions of any sprinkler alarm, or other fire protection or emergency alarm system resulting in an alarm and emergency dispatch of the Fire Department will be subject to a “false alarm” fee as established by resolution of the City Council.

~~907.10.2.~~**907.11.2** During the thirty days following any new alarm installation, the Fire Code Official shall determine if the false alarms emanating from such new installation are excessive.

~~907.10.3.~~**907.11.3** After the initial thirty day period following a new alarm installation, more than three false alarms within a calendar year are excessive and will be charged as false alarms.

- G. ~~E.~~ Section ~~904.2~~ **914.2** dealing with automatic fire sprinkler system in malls is amended by deleting the exception.

- H. ~~F.~~ Section ~~904.4.1~~ **914.4.1** dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.
- I. ~~G.~~ Section 914.6.1 dealing with automatic fire sprinkler systems at stages is deleted.
- J. ~~H.~~ Section 914.11 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 914.11.1 in its entirety with the following:

914.11.1 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children’s home, children’s nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons with mental illness or persons with developmental disabilities and any nursing or convalescent home.

(Ord. 381 [part], 2002: Ord. 352 § 8 [part], 1999: Ord. 340 § 1 [part], 1998)

~~15.17.050 Chapter 56 amended – Explosives and fireworks.~~

- K. Chapter 56 is amended by adding Section 5614 as follows.

~~SECTION 5601 – GENERAL~~  
5614 Fireworks

5614.1 Definitions. For the purpose of this Chapter the phrases “fireworks,” “dangerous fireworks,” and “safe and sane fireworks” shall have the meanings ascribed to them in Sections 12511, 12505, and 12529 of the Health and Safety Code of the state of California.

5614.2 Storage of safe and sane fireworks:

5614.2.1 Safe and sane fireworks in excess of five pounds shall not be stored at any one location in the City of Newark.

EXCEPTIONS:

1. A maximum of one day’s sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Article.
2. If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.
3. Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.
4. The City Community Development Director shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to

their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

### 5614.3 Prohibition

5614.3.1 The manufacture, sale, or discharge of safe and sane fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

#### EXCEPTIONS

1. A permit is not required for the discharge of safe and sane fireworks as described in Section 12529 of the Health and Safety Code.
2. Nothing in this section shall be construed to prohibit the discharge of safe and sane fireworks by railroads or other transportation agencies for signal purposes of illumination, or discharge of blank cartridges for a show or theater, or for use by military organizations.

### 5614.4 Sale of safe and sane fireworks

5614.4.1 Annual permit required: any organization desiring to sell or to offer for sale safe and sane fireworks shall annually make application to the Fire Code Official for a permit to sell safe and sane fireworks.

#### 5614.4.2 Application for Permit:

1. Shall be made in writing at the office of the Fire Marshal of the City of Newark, accompanied by the permit fee.
2. Shall be made during regular office hours, between the fifteenth day of April and the fifteenth day of May of each year.
3. Shall set forth the proposed location of the safe and sane fireworks stand applied for.
4. Shall be accompanied by an assurance that if the permit is issued to the applicant, applicant shall, at the time of receipt of such permit, deliver to the Fire Code Official a general liability insurance policy or endorsement adding or specifying the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Fire Chief.

5614.5 Annual Permit. An annual permit shall only be issued to any organization meeting the following requirements:

5614.5.1 Nonprofit organization organized primarily for veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose within the City of Newark.

5614.5.2 The organization shall have its principal place of business and permanent meeting place within the City limits of the City of Newark.

5614.5.3 The organization shall have been organized for a minimum of one (1) year continuously preceding the filing of the application for the permit.

5614.5.4 The organization shall have at least twenty (20) regular and active participants, volunteers, or members with a minimum of fifty percent (50%) of those regular and active participants, volunteers, or members being bona fide residents of the City of Newark. For purposes of this section, a “member” need not be a “member” as defined by California Corporations Code Section 5056.

5614.5.5 The organization shall obtain a business license from the City of Newark.

## 5614.6 Operation of Stand

5614.6.1 No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.

5614.6.2 No person other than individuals who are members, regular and active participants, volunteers, or other persons supportive of the activities of the permittee organizations, or a spouse or adult child of such a person, shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.

5614.6.3 No person shall be paid any money or other consideration for selling or otherwise participating in the sale of safe and sane fireworks at such stand.

5614.6.4 All retail sales of safe and sane fireworks shall be permitted only from within a temporary safe and sane fireworks stand. The sale from any other building or structure is hereby prohibited.

## 5614.7 Temporary Safe and Sane fireworks Stands

5614.7.1 No safe and sane fireworks stand shall be located within 25 feet of another building or within 100 feet of any flammable liquid or gas storage or dispensing unit.

5614.7.2 All safe and sane fireworks stands shall be erected in a manner approved by the Fire Marshal in order to reasonably ensure the safety of attendants and patrons.

5614.7.3 No stand shall have a floor area in excess of 300 square feet.

5614.7.4 Each stand shall have at least two remote exits three feet in width and not less than six feet eight inches in height. All doors shall swing out.

5614.7.5 Each stand shall be provided with two 2-A rated fire extinguishers bearing a valid inspection tag and in good working order. Extinguishers shall be easily accessible for use in case of fire.

5614.7.6 "No smoking" signs shall be conspicuously posted at the stand.

5614.7.7 Merchandise shall be displayed in such a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the stand.

5614.7.8 All electrical wiring will require a permit from the City Building Inspection Division prior to any installation.

5614.7.9 Decorative material, canvas tops, screening, etc., shall be flame retardant or rendered to the satisfaction of the Fire Code Official.

5614.7.10 All weeds and combustible material shall be cleared from within a 25 foot minimum area surrounding the stand.

5614.7.11 Each stand shall be located only at those locations in compliance with the City Zoning Ordinance.

5614.7.12 A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Chapter.

5614.7.13 If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

5614.7.14 Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.

5614.7.15 The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not

harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

#### 5614.8 General Requirements

5614.8.1 The sale of safe and sane fireworks shall be from 12:00 noon to 9:00 p.m. on the 28th day of June and 8:00 a.m. to 9:00 p.m. June 29 through July 4. The use of safe and sane fireworks shall be from midnight June 30 to midnight July 4.

5614.8.2 All unsold stock and accompanying litter shall be removed from the location by 12 Noon on the sixth day of July.

5614.8.3 The safe and sane fireworks stand shall be removed from the location by the twelfth of July.

5614.8.4 The sale of safe and sane fireworks shall not be made to any person or persons under the age of 18.

5614.8.5 Prior to the sale, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), the permittee shall require the prospective purchaser to show proof of age by displaying a motor vehicle operator's license, a registration certificate issued by the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or a similar document bearing the picture or likeness of the purchaser. Any permittee that sells safe and sane fireworks to any person under the age of 18 or, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), fails to require the prospective purchaser to show proof of age as required herein, shall be guilty of an infraction. Pursuant to Title 7 of the Newark Municipal Code, an Administrative Citation may be issued for the violation. Each sale to any person under the age of 18 shall be deemed a separate violation. In addition the sale of safe and sane fireworks to any person under the age of 18 is declared a public nuisance subject to abatement pursuant to Title 7 of this Code subjecting the permittee to administrative penalties up to \$1,000 per day per violation to a maximum of \$100,000, and to recovery of all costs of abatement and enforcement as provided in Title 7.

5614.8.6 In addition to the foregoing, in the event of multiple violations or other evidence of a course of conduct in conscious or reckless disregard of the requirements of this section, the permittee may be deemed ineligible for a safe and sane fireworks booth permit in subsequent years. The Fire Code Official shall make the decision of ineligibility. The permittee may appeal that decision by requesting an administrative hearing to be held by the City Manager's designated Hearing Officer. The hearing shall be conducted pursuant to the rules of procedure set forth in Chapter 7.22 of the Newark Municipal Code. The Hearing Officer's decision shall be the final decision of the City of Newark. (Ord. 403 § 1, 2004; Ord. 388 § 1, 2003; Ord 384 § 1, 2003; Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)

#### 5614.9 Fireworks Display

5614.9.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5614.9.2 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5614.9.3 Permits Required. The permittee shall furnish a general liability insurance policy of endorsement adding the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Community Development Director. Said policy is to cover payments for all damages, which may be caused to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

5614.9.4 Fireworks other than safe and sane fireworks prohibited.

Except as provided in this section, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks except “safe and sane fireworks” as described in Section 12529 of the Health and Safety Code. Violation of this section is punishable as an infraction. (Ord. 370 § 1, 2001)

**~~15.17.190 Permit fees.~~**

~~Whenever a permit is required pursuant to the California Fire Code as adopted by this chapter or any amendment thereto, the city council may establish fees for the issuance of the required permit by resolution. (Ord. 340 § 1 [part], 1998)~~

**~~15.17.200 Violation deemed infraction.~~**

~~Violation or failure to comply with any provision of this chapter constitutes an infraction. (Ord. 340 § 1 [part], 1998)~~

## Chapter 15.18

### CALIFORNIA REFERENCED STANDARDS CODE

#### Sections:

**15.18.010 California Referenced Standards Code adopted by reference.**

**15.18.010 California Referenced Standards Code adopted by reference.**

A certain document entitled, “~~2016~~ 2019 California Referenced Standards Code,” published by the International Code Council is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., State of California.



## Chapter 15.20

### CALIFORNIA HISTORICAL BUILDING CODE

**Section:**

**15.20.010 California Historical Building Code adopted by reference.**

**15.20.010 California Historical Building Code adopted by reference.**

A certain document entitled, "~~2016~~ 2019 California Historical Building Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

## Chapter 15.22

### CALIFORNIA ENERGY CODE

**Section:**

**15.22.010 California Energy Code adopted by reference.**

**15.22.010 California Energy Code adopted by reference.**

A certain document entitled, "~~2016~~ 2019 California Energy Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

## Chapter 15.23

### CALIFORNIA GREEN BUILDING STANDARDS CODE

#### Sections

**15.22.010 California Green Building Standards Code adopted by reference.**

**15.22.010 California Green Building Standards Code adopted by reference.**

A certain document, entitled "~~2016~~ 2019 California Green Building Standards Code", published and adopted by the state of California, is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

**F.6 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8459 – Compass Bay (TH-HW Enterprise, LLC), a 138-unit residential subdivision within the Bayside Newark Specific Plan project area – from Assistant City Engineer Imai. (RESOLUTION)**

**Background/Discussion** – On November 8, 2018, the City Council approved Vesting Tentative Tract Map 8459 for a 138-unit residential subdivision within the Bayside Newark Specific Plan project area (formerly known as the “Dumbarton Transit-Oriented Development”). The developer, TH-HW Enterprise, LLC has submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8459.

The Final Map dedicates public street rights-of-way for Enterprise Drive and Seawind Way. The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$4,083,000 and a Materials Bond in the amount of \$2,041,500. The bonds will guarantee construction of the new public streets, private streets internal to the subdivision, and public improvements on Enterprise Drive, Hickory Street and Seawind Way.

The Final Map for Tract 8459 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8459 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

**Financial Impact** – The estimated annual maintenance of the street improvements associated with Tract 8459 is \$5,600 for street sweeping and pavement maintenance. The street lights and landscaping along Enterprise Drive, Seawind Way and Hickory Street will be maintained by Landscaping and Lighting District No. 19 and the Homeowners Association.

**Attachments** – Resolution, Final Map for Tract 8459, Subdivision Improvement Agreement

**Action** – Staff recommends that the City Council, by resolution, approve the Final Map and Subdivision Improvement Agreement for Tract 8459 – Compass Bay (TH-HW Enterprise, LLC), a 138-unit residential subdivision within the Bayside Newark Specific Plan project area.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK APPROVING THE FINAL MAP AND  
SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT  
8459 – COMPASS BAY (TH-HW ENTERPRISE, LLC), A 138-  
UNIT RESIDENTIAL SUBDIVISION WITHIN THE BAYSIDE  
NEWARK SPECIFIC PLAN PROJECT AREA

WHEREAS, on November 8, 2018, pursuant to Resolution No. 10,853, the City Council of the City of Newark approved Vesting Tentative Tract Map 8459 for a 138-unit residential subdivision on an approximately 9.97-acre project site within the Bayside Newark Specific Plan Project Area; and

WHEREAS, consistent with the approved Vesting Tentative Tract Map 8459, TH-HW Enterprise, LLC submitted to the City for approval a final map of the previously-approved Tentative Map; and

WHEREAS, staff has reviewed the proposed final map and finds it to be technically correct and that all applicable final map conditions of approval have been substantially satisfied.

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the final map and improvement plans for Tract 8459, City of Newark, County of Alameda, State of California, and that the Mayor is authorized and hereby directed to execute an agreement between the City of Newark and TH-HW Enterprise, LLC, for the improvements of said tract.

BE IT FURTHER RESOLVED that the City Council does hereby accept, subject to improvement, all parcels of land offered for public use in conformity with the terms of offer of dedication as shown on the final map for Tract 8459.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Performance Bond in the amount of \$4,083,000 and the Materials Bond in the amount of \$2,041,500 posted by the developer to secure the installation of improvements in accordance with the plans and specifications and the Subdivision Improvement Agreement.

BE IT FURTHER RESOLVED that the recording of the final map and final approval for the start of construction activity for Tract 8459, including issuance of all related construction permits, shall be at the discretion of the City Engineer.

## OWNER'S STATEMENT

WE, THE UNDERSIGNED, TH-HW ENTERPRISE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, DO HEREBY STATE THAT WE ARE THE OWNERS OF ALL THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE EMBODIED MAP ENTITLED "TRACT 8459, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT WE ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED MAY 21, 2019 IN DOCUMENT NUMBER 2019094510 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND THAT WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND SUBDIVISION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES:

THE AREAS DEDICATED AS ENTERPRISE DRIVE STREET DEDICATION AND SEAWIND WAY STREET DEDICATION.

THE REAL PROPERTY DESCRIBED BELOW IS OFFERED FOR DEDICATION AS EASEMENTS FOR PUBLIC PURPOSES:

1. AN EASEMENT FOR PUBLIC UTILITY PURPOSES, THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT) FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES THERETO, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, WATER, ELECTRICAL, GAS AND COMMUNICATION FACILITIES; SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES THERETO, LAWFUL FENCES AND LAWFUL UNSUPPORTED OVERHANGS.
2. AN EASEMENT FOR EMERGENCY VEHICLE ACCESS PURPOSES, THE AREAS OVER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT) FOR THE PURPOSE OF INGRESS AND EGRESS OF EMERGENCY VEHICLES.

WE ALSO HEREBY DEDICATE AN EASEMENT FOR SANITARY SEWER PURPOSES, THE AREAS OVER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "SSE" (SANITARY SEWER EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE SANITARY SEWER STRUCTURES AND APPURTENANCES THERETO; SAID AREAS OR STRIPS OF LAND ARE TO BE OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT SANITARY SEWER SYSTEMS AND APPURTENANCES.

WE ALSO HEREBY RESERVE AN EASEMENT FOR WATER LINE PURPOSES: THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "WLE" (WATER LINE EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE WATER LINES STRUCTURES AND APPURTENANCES THERETO; SAID AREAS OR STRIPS OF LAND ARE TO BE OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT WATER LINE SYSTEMS AND APPURTENANCES THERETO. SAID EASEMENT TO BE CONVEYED TO THE ALAMEDA COUNTY WATER DISTRICT BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FILING OF THIS MAP.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED FOR PRIVATE PURPOSES AND IS NOT DEDICATED TO THE PUBLIC:

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AS "PAE" (PRIVATE ACCESS EASEMENT) ARE RESERVED AS AN EASEMENT FOR THE PURPOSE OF PEDESTRIAN INGRESS AND EGRESS IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS GOVERNING TRACT 8459; SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC; IF THERE IS ANY CONFLICT BETWEEN THE LOCATION OF SAID EASEMENT AS SHOWN ON THIS MAP AND THE LOCATION OF THE EASEMENT AS DEFINED BY THE FENCES AND BUILDINGS ENCLOSING THE EASEMENT AREA INSTALLED AS PART OF THE ORIGINAL CONSTRUCTION OF THE RESIDENCES. THE EASEMENT LOCATION AS DEFINED BY THE FENCES AND BUILDINGS WILL CONTROL.

WE ALSO HEREBY DECLARE THAT THE AREAS DESIGNATED AS "PSDE" (PRIVATE STORM DRAIN EASEMENT) ARE RESERVED FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF PRIVATE STORM DRAIN FACILITIES AND APPURTENANCES AND SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT STORM DRAIN SYSTEMS AND APPURTENANCES THERETO. SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC. MAINTENANCE, REPAIR AND/OR REPLACEMENT OF IMPROVEMENTS WITHIN SAID EASEMENTS IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8459.

WE ALSO HEREBY DECLARE THAT THE AREAS DESIGNATED AS PRIVATE STREETS: PARCEL D (SEA BANK STREET), PARCEL E (HARBORVIEW WAY), PARCEL F (SUNCREST STREET), PARCEL G (TAILWIND AVENUE), PARCEL H, PARCEL I, PARCEL J, PARCEL K, PARCEL L, PARCEL M, AND PARCEL N ARE RESERVED FOR THE USE OF THE HOMEOWNERS AND RESIDENCES OF TRACT 8459 AND VISITORS OF THIS SUBDIVISION, FOR PRIVATE INGRESS, EGRESS, PRIVATE UTILITIES AND IMPROVEMENTS. SAID PARCELS SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF TRACT 8459 SUBSEQUENT TO THE FILING OF THIS MAP. MAINTENANCE OF SAID PARCELS AND IMPROVEMENTS TO BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OF TRACT 8459.

# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
CONSISTING OF 9 SHEETS  
CONSISTING OF 69 TOTAL LOTS, 16 LOTS FOR CONDOMINIUM PURPOSES  
BEING A SUBDIVISION OF THE RESULTANT PARCEL TO ASHLAND  
CHEMICAL INC. AS DESCRIBED IN DOCUMENT NO. 2013310648,  
ALAMEDA COUNTY RECORDS



SAN RAMON ■ (925) 866-0322  
SACRAMENTO ■ (916) 375-1877  
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OCTOBER 2019

## OWNER'S STATEMENT CONTINUED

WE ALSO HEREBY DECLARE THAT THE AREAS DESIGNATED AS PARCEL A, PARCEL B AND PARCEL C ARE RESERVED FOR THE PURPOSE OF OPEN SPACE AS GOVERNED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8459. SAID PARCELS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF TRACT 8459 SUBSEQUENT TO THE FILING OF THIS MAP. MAINTENANCE OF SAID PARCELS AND IMPROVEMENTS ARE TO BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OF TRACT 8459.

WE ALSO HEREBY STATE LOTS 54 THROUGH 69, INCLUSIVE, ARE FOR CONDOMINIUM PURPOSES.

THIS MAP SHOWS OR NOTES ALL THE EASEMENTS EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP AS SHOWN ON THE PRELIMINARY TITLE REPORT ORDER NUMBER 0192-598459MAP DATED SEPTEMBER 11, 2019, PREPARED BY FIRST AMERICAN TITLE COMPANY.

AS OWNER: TH-HW ENTERPRISE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_

NAME(PRINT): \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_ } SS.  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF \_\_\_\_\_ THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## TRUSTEE'S STATEMENT

THE UNDERSIGNED CORPORATION, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED ON MAY 21, 2019, INSTRUMENT NO. 2019094510 OF OFFICIAL RECORDS, ALAMEDA COUNTY, CALIFORNIA: DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

BY: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## TRUSTEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } SS.  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

PRINCIPAL COUNTY OF BUSINESS: \_\_\_\_\_

MY COMMISSION NUMBER: \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

## COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, AT \_\_\_\_\_ M.  
IN BOOK \_\_\_\_\_ OF MAPS, AT PAGES \_\_\_\_\_, UNDER SERIES NO. \_\_\_\_\_ AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

FEE: \_\_\_\_\_ PD.

MELISSA WILK  
COUNTY RECORDER IN AND FOR THE COUNTY  
OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
CONSISTING OF 9 SHEETS  
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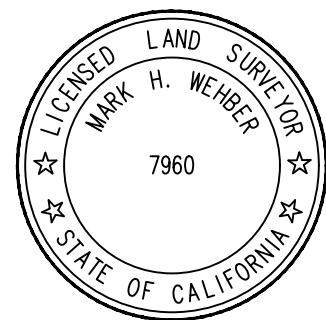
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OCTOBER 2019

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF TH-HW ENTERPRISE, LLC ON DECEMBER 31, 2018. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2022, AND THAT THE MONUMENTS ARE, OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE GROSS AREA WITHIN THE TRACT IS 9.97 ACRES, MORE OR LESS.

MARK H. WEHBER, P.L.S.  
L.S. NO. 7960



DATE \_\_\_\_\_

## SOILS REPORT

A SOILS REPORT ON WAS PREPARED BY CORNERSTONE EARTH GROUP, DATED JANUARY 15, 2019, PROJECT NO. 206-49-7, SIGNED BY JOHN DYE AND HAS BEEN FILED AT THE OFFICE OF THE CITY ENGINEER.

## CITY CLERK'S STATEMENT

I, SHEILA HARRINGTON, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF NEWARK, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT 8459, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO SAID COUNCIL OF THE CITY OF NEWARK AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019, AND THAT SAID COUNCIL OF THE CITY OF NEWARK DID THEREUPON BY RESOLUTION NO. \_\_\_\_\_, DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION, SUBJECT TO IMPROVEMENT, FOR PUBLIC USE, IN CONFORMITY WITH THE TERMS OF THE OFFERS OF DEDICATION AS SHOWN ON SAID MAP.

I ALSO HEREBY CERTIFY THAT BY SAID RESOLUTION THE CITY COUNCIL DID ALSO ACCEPT THE ABANDONMENT OF ALL EASEMENTS DESCRIBED TO BE ABANDONED ON THIS SUBDIVISION MAP.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SHEILA HARRINGTON  
CITY CLERK AND CLERK OF THE COUNCIL OF THE  
CITY OF NEWARK, COUNTY OF ALAMEDA, CALIFORNIA

DATE \_\_\_\_\_

## CITY ENGINEER'S STATEMENT

I, SOREN FAJEAU, CITY ENGINEER FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 8459, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING UPON SHEET TWO (2) THEREOF, THAT THE SUBDIVISION AS SHOWN UPON SAID MAP IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

IN WITNESS, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

SOREN ERIC FAJEAU, PE 66454  
REGISTRATION EXPIRES: JUNE 30, 2020  
CITY ENGINEER FOR THE CITY OF NEWARK  
COUNTY OF ALAMEDA, CALIFORNIA

DATE \_\_\_\_\_

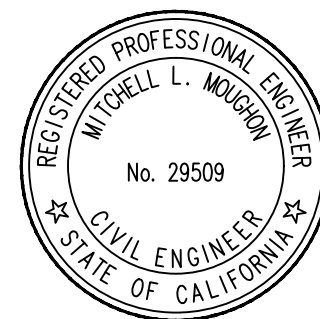


I, MITCHELL L. MOUGHON, SPECIAL ASSISTANT FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE PURSUANT TO SECTION 66450(a)(4) OF THE GOVERNMENT CODE THAT I HAVE EXAMINED THE HEREIN EMBODIED MAP ENTITLED "TRACT 8459, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA", CONSISTING OF NINE (9) SHEETS, THIS STATEMENT BEING UPON SHEET TWO (2) THEREOF; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

IN WITNESS, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

MITCHELL L. MOUGHON, RCE 29509  
REGISTRATION EXPIRES: MARCH 31, 2021  
SPECIAL ASSISTANT FOR THE CITY OF NEWARK  
COUNTY OF ALAMEDA, CALIFORNIA

DATE \_\_\_\_\_



## CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE, AS CHECKED BELOW, THAT:

AN APPROVED BOND HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND STATE IN THE AMOUNT OF \$\_\_\_\_\_ CONDITIONED FOR THE PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID LOCAL BOARD IN SAID AMOUNT.

ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

ANIKA CAMPBELL-BELTON  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY CLERK

## ABANDONMENT NOTE

PURSUANT TO SECTIONS 66499.20.2 AND 66434 (g) OF THE SUBDIVISION MAP ACT, THE FOLLOWING EASEMENTS ARE HEREBY ABANDONED AND NOT SHOWN HEREON:

- EASEMENT FOR ROADWAY AND PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF NEWARK PER INSTRUMENT NO. 93120590.
- EASEMENT FOR PEDESTRIAN FACILITIES, LANDSCAPE PLANTING AND IRRIGATION SYSTEM AND PUBLIC UTILITY FACILITIES AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF NEWARK PER INSTRUMENT NO. 93120591.
- EASEMENT FOR ROADWAY AND PUBLIC UTILITIES IN FAVOR OF THE CITY OF NEWARK PER DOCUMENT 2013316074.

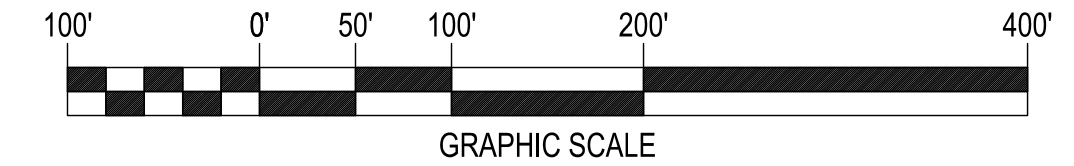
# TRACT 8459

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 SACRAMENTO (916) 375-1877  
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CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 100' OCTOBER 2019



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

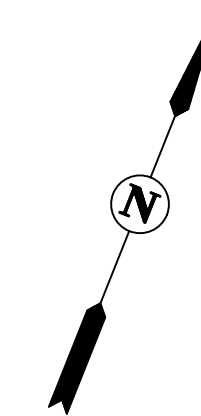
	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(ML-ML)	MONUMENT LINE TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(PL-PL)	PROPERTY LINE TO PROPERTY LINE
●	FOUND STANDARD STREET MONUMENT
⊙	SET STANDARD STREET MONUMENT
⊗	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

## REFERENCES:

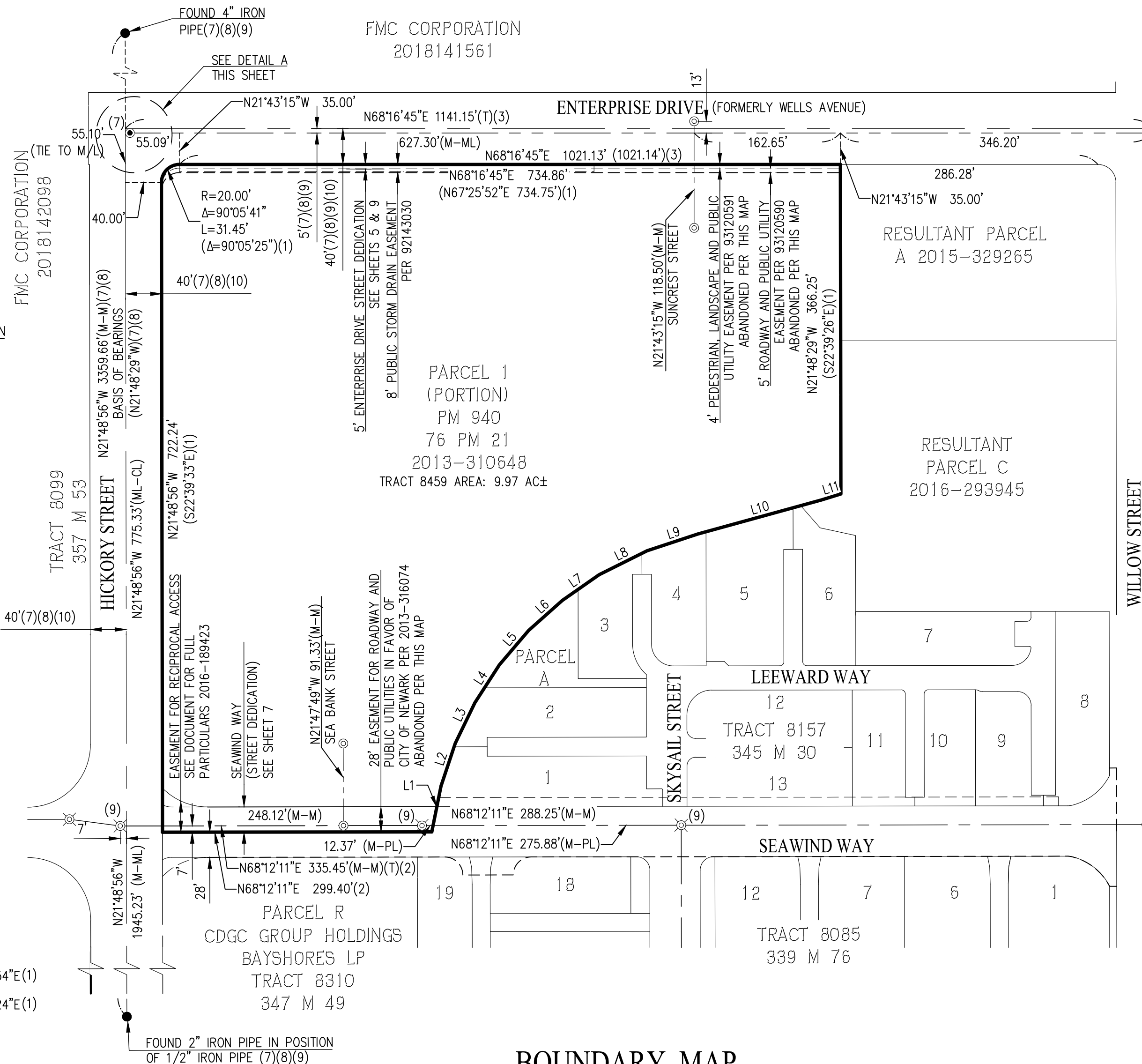
- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (87 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

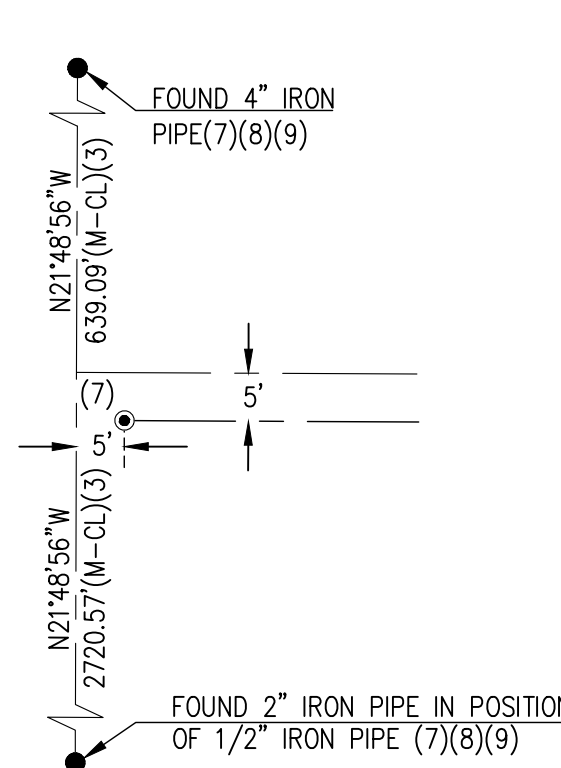
SHEET 3 OF 9



FMC CORPORATION  
 2018141561



## BOUNDARY MAP



DETAIL A  
 NOT TO SCALE

LINE TABLE		
NO	BEARING	LENGTH
L1	N10°19'26"W	51.91' (2)
L2	N03°15'37"W	50.03' (2)
L3	N04°00'56"E	50.21' (2)
L4	N11°07'45"E	50.15' (2)
L5	N18°43'05"E	50.10' (2)
L6	N26°32'10"E	50.26' (2)
L7	N33°21'48"E	49.92' (2)
L8	N41°47'15"E	59.55' (2)
L9	N49°58'25"E	59.44' (2)
L10	N52°51'51"E	142.23' N52°00'54"E(1)
L11	N51°13'21"E	22.95' N50°22'24"E(1)



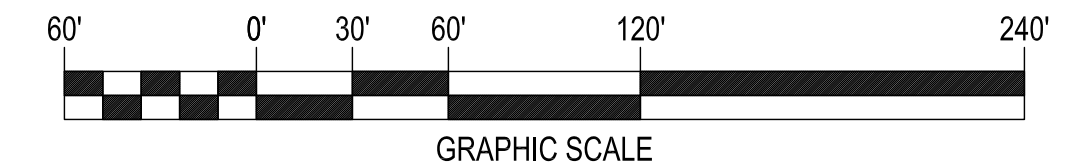
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CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 60' OCTOBER 2019



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

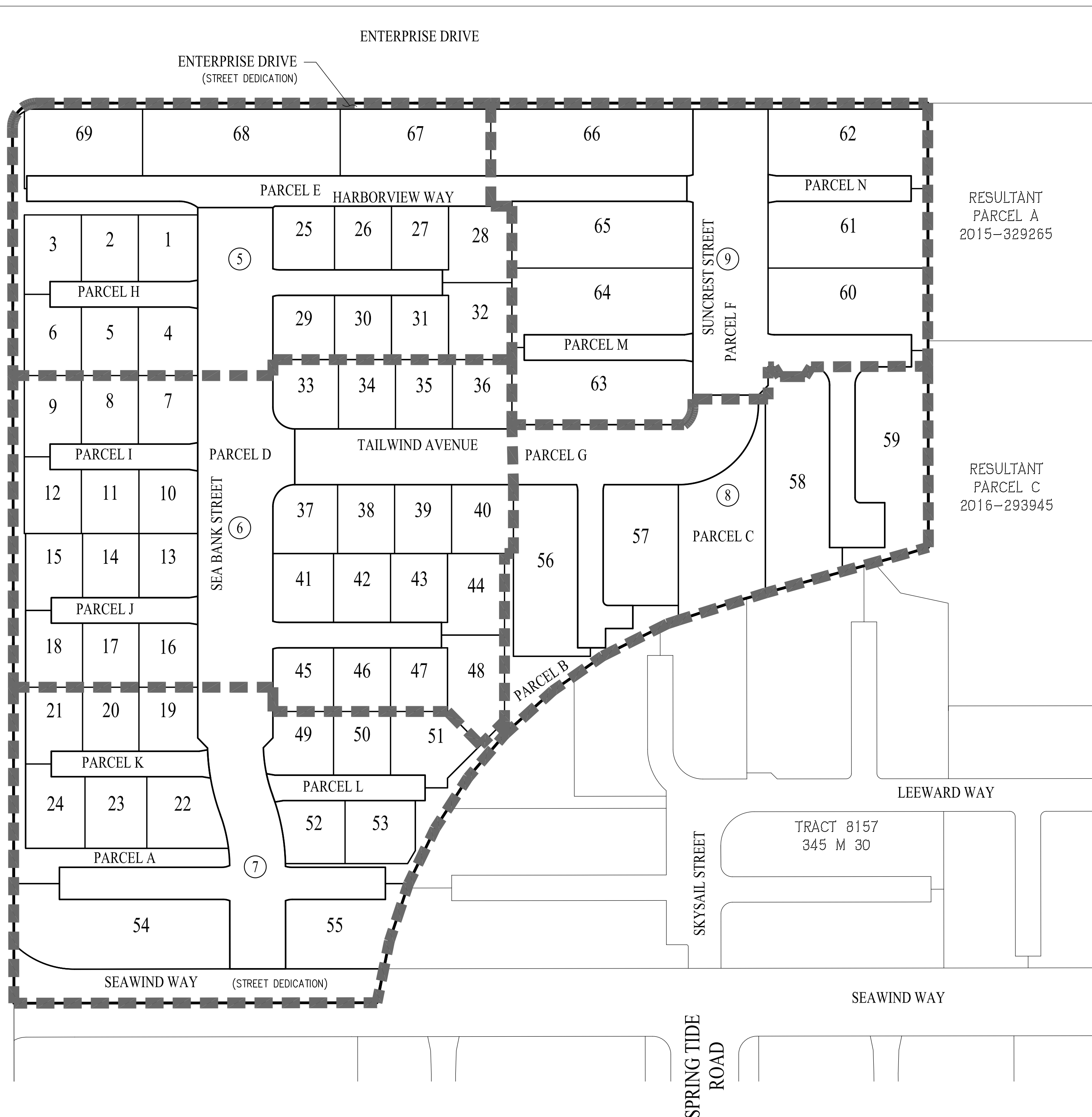
	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
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	EASEMENT LINE
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	FOUND STANDARD STREET MONUMENT
	SET STANDARD STREET MONUMENT
	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	SHEET LIMIT
(#)	SHEET NUMBER

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
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- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 4 OF 9



RESULTANT  
 PARCEL A  
 2015-329265

RESULTANT  
 PARCEL C  
 2016-293945

TRACT 8157  
 345 M 30

TRACT 8099  
 357 M 53

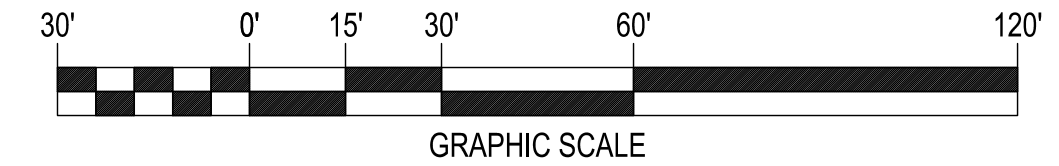
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CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 30' OCTOBER 2019



## BASIS OF BEARINGS:

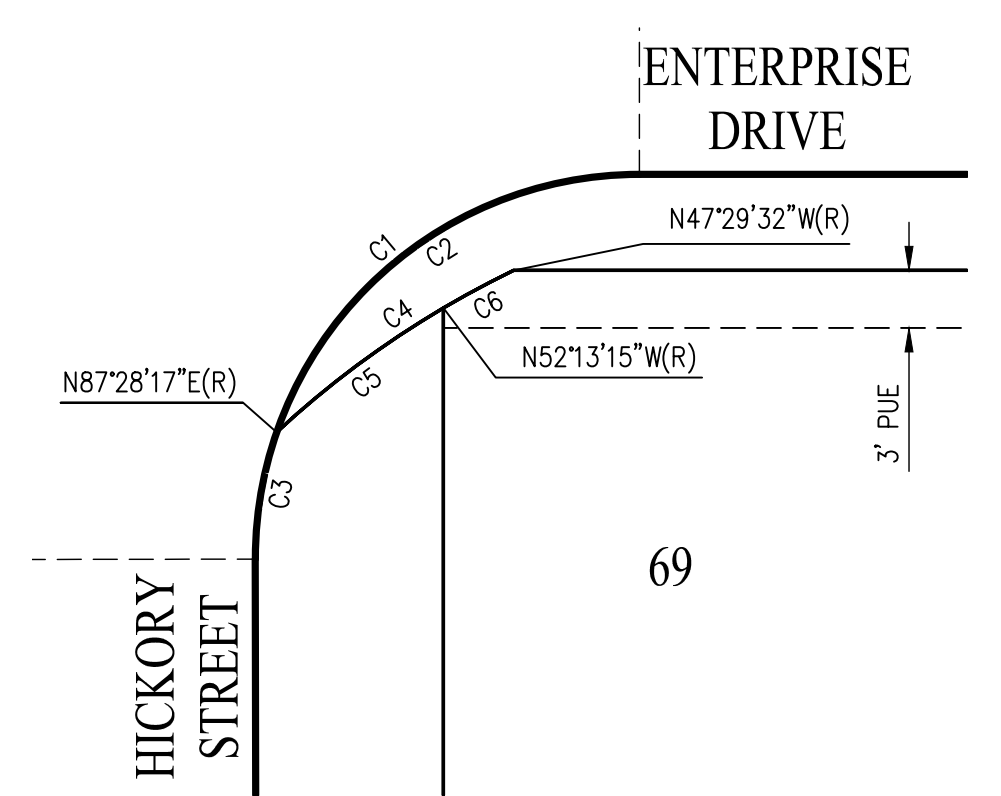
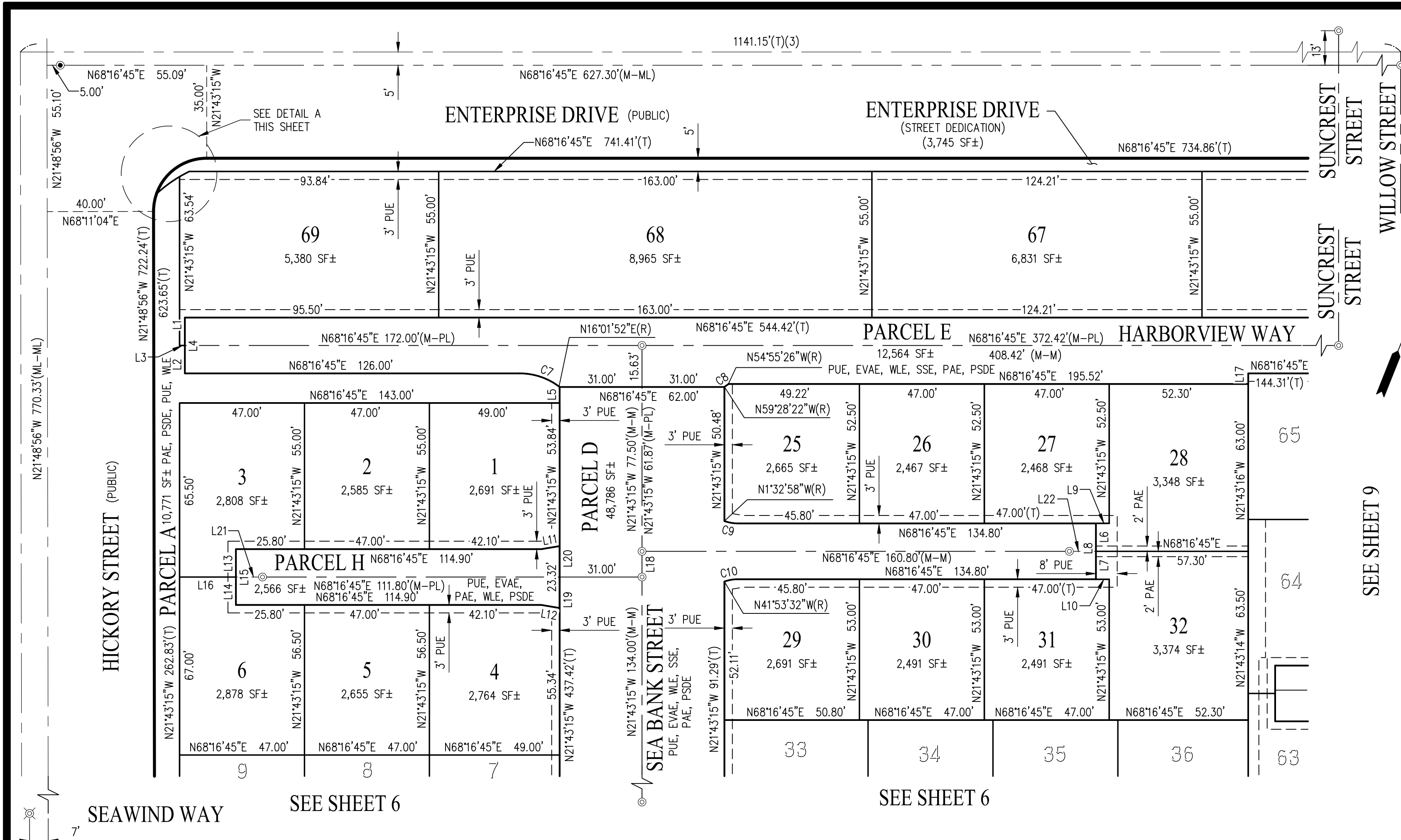
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

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	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
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⊙	SET STANDARD STREET MONUMENT
⊗	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (87 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)



DETAIL A  
 NOT TO SCALE

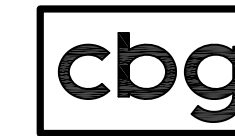
LINE TABLE		
NO	BEARING	LENGTH
L1	N21°43'15"W	10.50'
L2	N21°43'15"W	10.50'
L3	N68°16'45"E	2.00'
L4	N21°43'15"W	21.00'
L5	N21°43'15"W	6.05'
L6	N21°43'15"W	10.50'
L7	N21°43'15"W	10.50'
L8	N21°43'15"W	21.00'
L9	N68°16'45"E	5.00'
L10	N68°16'45"E	5.00'
L11	N58°43'49"E	7.00'

LINE TABLE		
NO	BEARING	LENGTH
L12	N77°49'41"E	7.00'
L13	N21°43'15"W	10.50'
L14	N21°43'15"W	10.50'
L15	N21°43'15"W	21.00'
L16	N68°16'45"E	21.20'
L17	N21°43'15"W	4.00'
L18	N21°43'15"W	9.68' (M-M)
L19	N21°43'15"W	11.66'
L20	N21°43'15"W	11.66'
L21	N68°16'45"E	10.00' (M-PL)
L22	N68°16'45"E	10.00' (M-PL)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°05'41"	31.45' (T)
C2	20.00'	70°09'40"	24.49'
C3	20.00'	19°17'13"	6.73'
C4	50.00'	16°47'15"	14.65' (T)
C5	50.25'	12°22'21"	10.85'
C6	50.25'	4°43'43"	4.15'
C7	24.50'	37°45'07"	16.14'
C8	24.50'	4°32'56"	1.95'
C9	14.50'	20°10'17"	5.10'
C10	14.50'	20°10'17"	5.10'

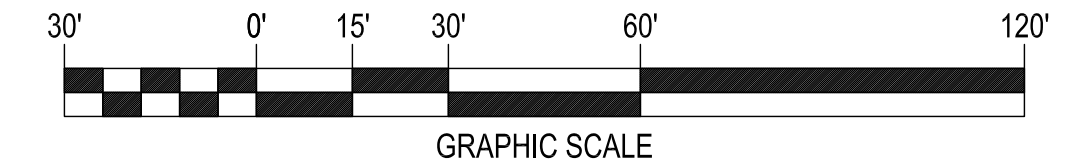
# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
 CONSISTING OF 9 SHEETS  
 CONSISTING OF 69 TOTAL LOTS, 16 LOTS FOR CONDOMINIUM PURPOSES  
 BEING A SUBDIVISION OF THE RESULTANT PARCEL TO ASHLAND  
 CHEMICAL INC. AS DESCRIBED IN DOCUMENT NO. 2013310648,  
 ALAMEDA COUNTY RECORDS



SAN RAMON (925) 866-0322  
 SACRAMENTO (916) 375-1877  
 WWW.CBANDG.COM

CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 30' OCTOBER 2019



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(ML-ML)	MONUMENT LINE TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(PL-PL)	PROPERTY LINE TO PROPERTY LINE
	FOUND STANDARD STREET MONUMENT
	SET STANDARD STREET MONUMENT
	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (87 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 6 OF 9

HICKORY STREET (PUBLIC)

SEE SHEET 5

SEE DETAIL A THIS SHEET

SEE SHEET 9

SEE SHEET 8

SEE SHEET 7

SEE SHEET 7

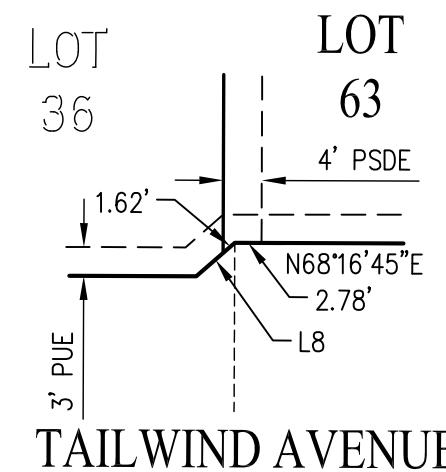
NO	BEARING	LENGTH
L1	N68°16'45"E	21.20'
L2	N21°43'15"W	10.50'
L3	N21°43'15"W	10.50'
L4	N21°43'15"W	21.00'
L5	N58°43'49"E	7.00'
L6	N77°49'41"E	7.00'
L7	N27°05'37"E	3.70'
L8	N27°05'37"E	5.32'
L9	N58°43'49"E	7.00'
L10	N77°49'41"E	7.00'
L11	N68°16'45"E	21.20'

NO	BEARING	LENGTH
L12	N21°43'15"W	21.00'
L13	N21°43'15"W	10.50'
L14	N21°43'15"W	10.50'
L15	N21°43'15"W	21.00'
L16	N21°43'15"W	10.50'
L17	N21°43'15"W	10.50'
L18	N68°16'45"E	5.00'
L19	N68°16'45"E	5.00'
L20	N68°16'45"E	7.34'
L21	N68°16'45"E	1.00'
L22	N21°43'15"W	20.34'

NO	BEARING	LENGTH
L23	N21°43'15"W	11.66'
L24	N21°43'15"W	11.66'
L25	N21°43'15"W	23.00'
L26	N21°43'15"W	23.00'
L27	N21°43'15"W	11.66'
L28	N21°43'15"W	11.66'
L29	N68°16'45"E	31.00'
L30	N21°43'15"W	26.50'
L31	N68°16'45"E	31.00'
L32	N68°16'45"E	31.00'
L33	N68°16'45"E	31.00'

NO	BEARING	LENGTH
L34	N68°16'45"E	10.00' (M-PL)
L35	N68°16'45"E	10.00' (M-PL)

NO	RADIUS	DELTA	LENGTH
C1	18.00'	90°00'00"	28.27'
C2	18.00'	90°00'00"	28.27'
C3	14.50'	20°10'17"	5.10'
C4	14.50'	20°10'17"	5.10'

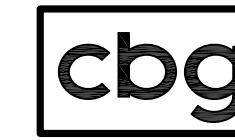


DETAIL A

SCALE: 1"=20'

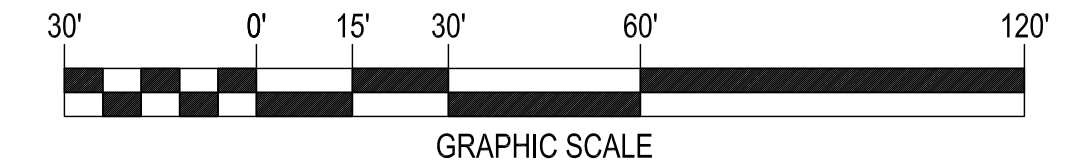
# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
 CONSISTING OF 9 SHEETS  
 CONSISTING OF 69 TOTAL LOTS, 16 LOTS FOR CONDOMINIUM PURPOSES  
 BEING A SUBDIVISION OF THE RESULTANT PARCEL TO ASHLAND  
 CHEMICAL INC. AS DESCRIBED IN DOCUMENT NO. 2013310648,  
 ALAMEDA COUNTY RECORDS



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 SACRAMENTO (916) 375-1877  
 WWW.CBANDG.COM

CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 30' OCTOBER 2019



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

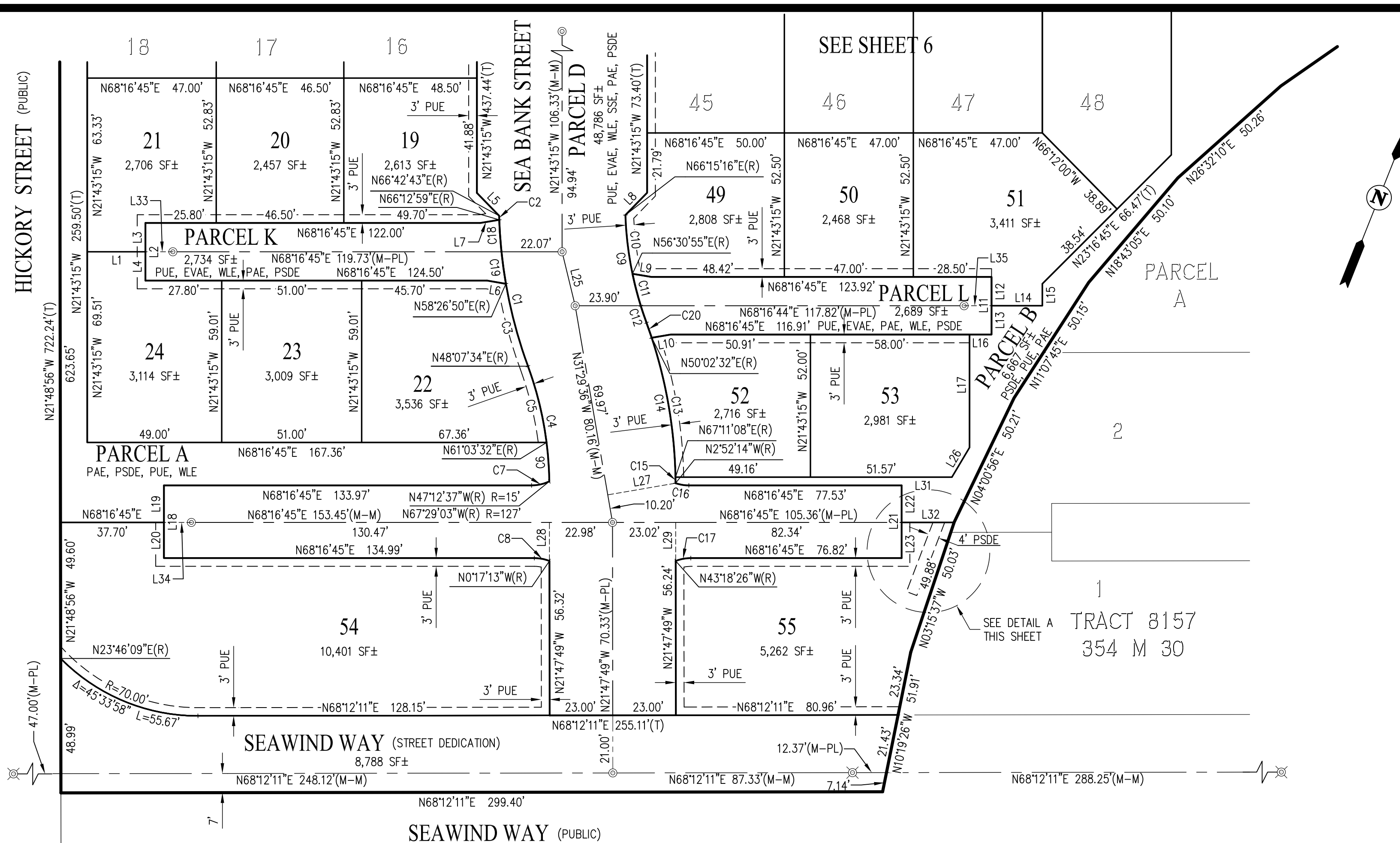
	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(ML-ML)	MONUMENT LINE TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(PL-PL)	PROPERTY LINE TO PROPERTY LINE
	FOUND STANDARD STREET MONUMENT
	SET STANDARD STREET MONUMENT
	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
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- (6) PARCEL MAP 1689 (87 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 7 OF 9



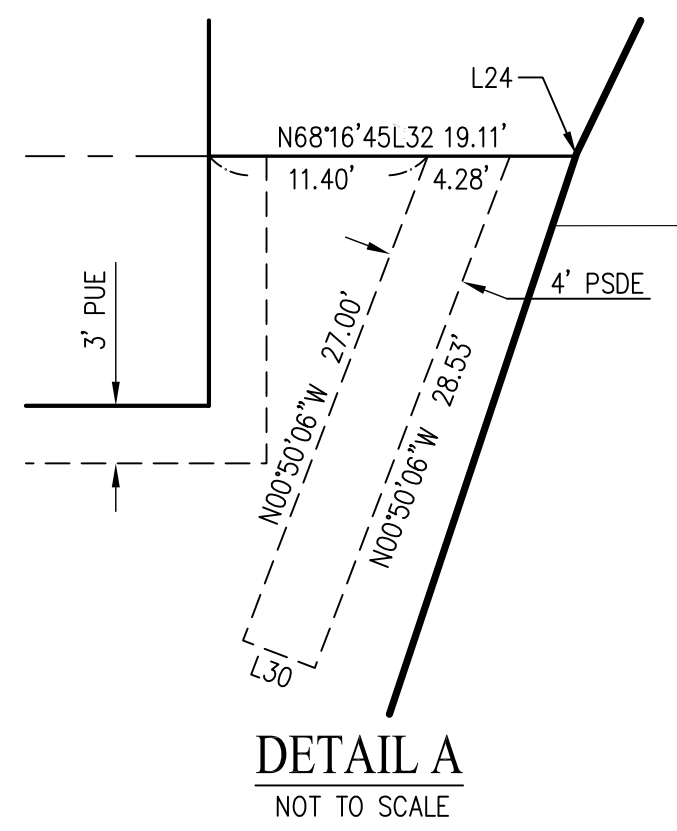
NO	BEARING	LENGTH
L1	N68°16'45"E	21.20'
L2	N21°43'15"W	21.00'
L3	N21°43'15"W	10.50'
L4	N21°43'15"W	10.50'
L5	N65°55'21"W	11.57'
L6	N77°50'09"E	6.94'
L7	N58°43'49"E	7.01'
L8	N22°28'51"E	11.36'
L9	N77°49'41"E	7.01'
L10	N58°44'41"E	7.01'
L11	N21°43'15"W	21.00'
L12	N21°43'15"W	10.50'

NO	BEARING	LENGTH
L13	N21°43'15"W	10.50'
L14	N68°16'45"E	18.50'
L15	N21°43'15"W	8.00'
L16	N68°16'45"E	8.00'
L17	N21°43'15"W	41.15'
L18	N21°43'15"W	26.50'
L19	N21°43'15"W	13.50'
L20	N21°43'15"W	13.00'
L21	N21°43'15"W	26.50'
L22	N21°43'15"W	13.50'
L23	N21°43'15"W	13.00'
L24	N03°15'37"W	0.15'

NO	BEARING	LENGTH
L25	N35°22'31"W	20.24'
L26	N08°56'21"E	12.61'
L27	N58°30'24"E	25.07'
L28	N21°43'15"W	14.04'
L29	N21°43'15"W	14.05'
L30	N89°09'54"E	4.00'
L31	N68°16'45"E	100.73' (T)
L32	N68°16'45"E	19.11'
L33	N68°16'45"E	10.00' (M-PL)
L34	N68°16'45"E	10.00' (M-PL)
L35	N68°16'45"E	10.00' (M-PL)

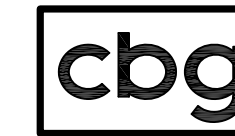
NO	RADIUS	DELTA	LENGTH
C1	173.00'	18°35'08"	56.12' (T)
C2	173.00'	0°29'44"	1.50'
C3	173.00'	10°19'16"	31.16'
C4	127.00'	19°21'29"	42.91' (T)
C5	127.00'	12°55'57"	28.67'
C6	127.00'	6°25'32"	14.24'
C7	15.00'	25°29'22"	6.67'
C8	15.00'	21°26'02"	5.61'
C9	127.00'	15°10'33"	33.64'
C10	127.00'	9°44'21"	21.59'
C11	127.00'	5°26'12"	12.05'

NO	RADIUS	DELTA	LENGTH
C12	127.00'	2°57'09"	6.54'
C13	173.00'	17°08'36"	51.76'
C14	173.00'	19°47'11"	59.74' (T)
C15	173.00'	0°43'38"	2.20'
C16	15.00'	18°51'01"	4.94'
C17	15.00'	21°35'11"	5.65'
C18	173.00'	3°52'22"	11.69'
C19	173.00'	3°53'47"	11.77'
C20	173.00'	1°54'57"	5.78'



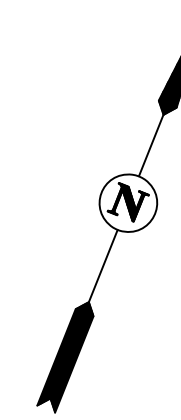
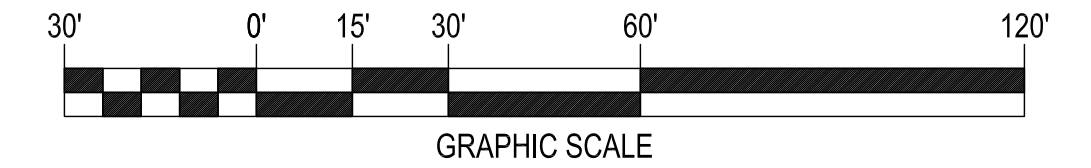
# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
 CONSISTING OF 9 SHEETS  
 CONSISTING OF 69 TOTAL LOTS, 16 LOTS FOR CONDOMINIUM PURPOSES  
 BEING A SUBDIVISION OF THE RESULTANT PARCEL TO ASHLAND  
 CHEMICAL INC. AS DESCRIBED IN DOCUMENT NO. 2013310648,  
 ALAMEDA COUNTY RECORDS



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 SACRAMENTO (916) 375-1877  
 WWW.CBANDG.COM

CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 30' OCTOBER 2019



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	18.00'	53°39'50"	16.86'
C2	14.50'	20°10'17"	5.10'
C3	14.50'	20°10'17"	5.10'
C4	15.00'	90°00'00"	23.56'
C5	15.00'	90°00'00"	23.56'
C6	4.00'	90°00'00"	6.28'
C7	4.00'	90°00'00"	6.28'

LINE TABLE		
NO	BEARING	LENGTH
L1	N27°05'37"E	3.70'
L2	N27°05'37"E	1.62'
L3	N27°05'37"E	5.32'
L4	N68°16'45"E	10.14'
L5	N21°43'15"W	10.50'
L6	N77°48'56"E	7.01'
L7	N68°16'45"E	4.83'
L8	N53°36'30"W	9.42'
L9	N10°10'25"E	9.42'
L10	N21°43'15"W	17.25'
L11	N68°16'45"E	13.70'
L12	N68°16'45"E	7.34'
L13	N21°43'15"W	26.50'
L14	N21°43'15"W	23.00'
L15	N21°43'15"W	23.00'
L16	N68°16'45"E	23.00'
L17	N68°16'45"E	10.50'
L18	N68°16'45"E	12.50'
L19	N21°43'15"W	7.00'
L20	N21°43'15"W	15.91'
L21	N68°16'45"E	22.50'
L22	N21°43'15"W	19.00'
L23	N68°16'45"E	20.50'

LINE TABLE		
NO	BEARING	LENGTH
L24	N68°16'45"E	10.50'
L25	N21°43'15"W	20.01'
L26	N68°16'45"E	35.00'
L27	N21°43'15"W	37.00'
L28	N68°16'45"E	20.50'
L29	N49°58'25"E	9.78'
L30	N68°16'45"E	37.58'
L31	N21°43'15"W	9.91'
L32	N23°16'45"E	11.31'
L33	N23°16'45"E	8.05'
L34	N23°16'45"E	3.26'
L35	N42°02'42"E	25.00'
L36	N42°02'42"E	27.46'
L37	N47°57'18"W	5.00'
L38	N21°43'15"W	5.57'
L39	N68°16'45"E	31.56'
L40	N21°43'15"W	7.91'
L41	N21°43'15"W	15.27'
L42	N21°43'15"W	13.50'
L43	N21°43'15"W	10.00'
L44	N21°43'15"W	10.00'
L45	N68°16'45"E	0.31'

## BASIS OF BEARINGS:

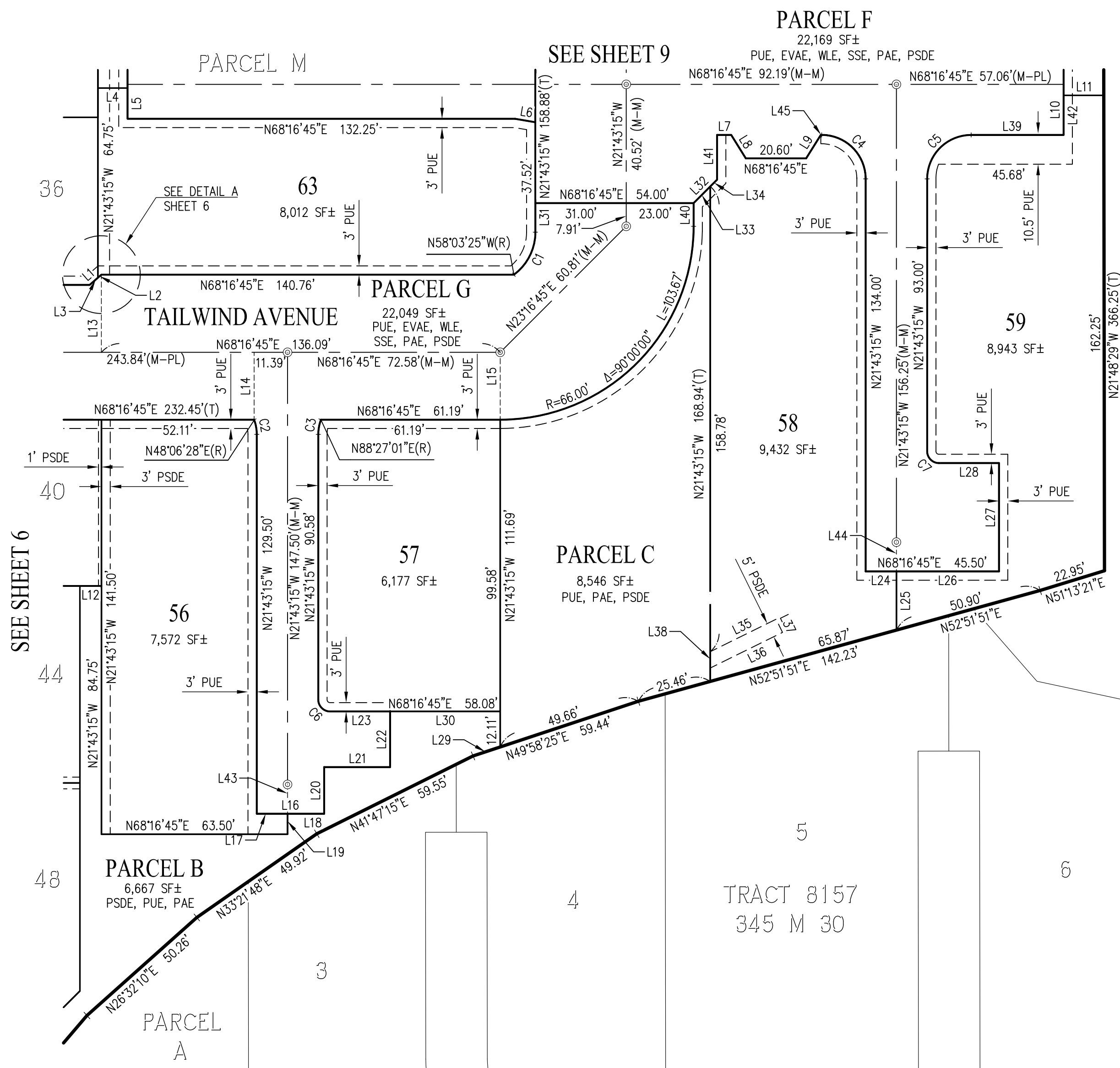
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(ML-ML)	MONUMENT LINE TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(PL-PL)	PROPERTY LINE TO PROPERTY LINE
⊙	FOUND STANDARD STREET MONUMENT
⊙	SET STANDARD STREET MONUMENT
⊙	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
PUE	PUBLIC UTILITY EASEMENT
PAE	PRIVATE ACCESS EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

## REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
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- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (87 PM 68)
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- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)



TRACT 8157  
 345 M 30

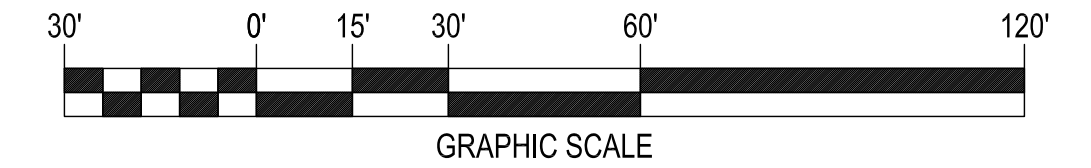


# TRACT 8459

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
 CONSISTING OF 9 SHEETS  
 CONSISTING OF 69 TOTAL LOTS, 16 LOTS FOR CONDOMINIUM PURPOSES  
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 WWW.CBANDG.COM  
 CIVIL ENGINEERS SURVEYORS PLANNERS  
 SCALE: 1" = 30' OCTOBER 2019



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

## LEGEND

	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE
	CENTERLINE
	TOTAL
	RADIAL
	MONUMENT TO MONUMENT
	MONUMENT LINE TO MONUMENT LINE
	MONUMENT TO PROPERTY LINE
	PROPERTY LINE TO PROPERTY LINE
	FOUND STANDARD STREET MONUMENT
	SET STANDARD STREET MONUMENT
	STANDARD STREET MONUMENT TO BE SET BY 339 M 76
	PUBLIC UTILITY EASEMENT
	PRIVATE ACCESS EASEMENT
	EMERGENCY VEHICLE ACCESS EASEMENT
	PRIVATE STORM DRAIN EASEMENT
	SANITARY SEWER EASEMENT
	WATER LINE EASEMENT

## REFERENCES:

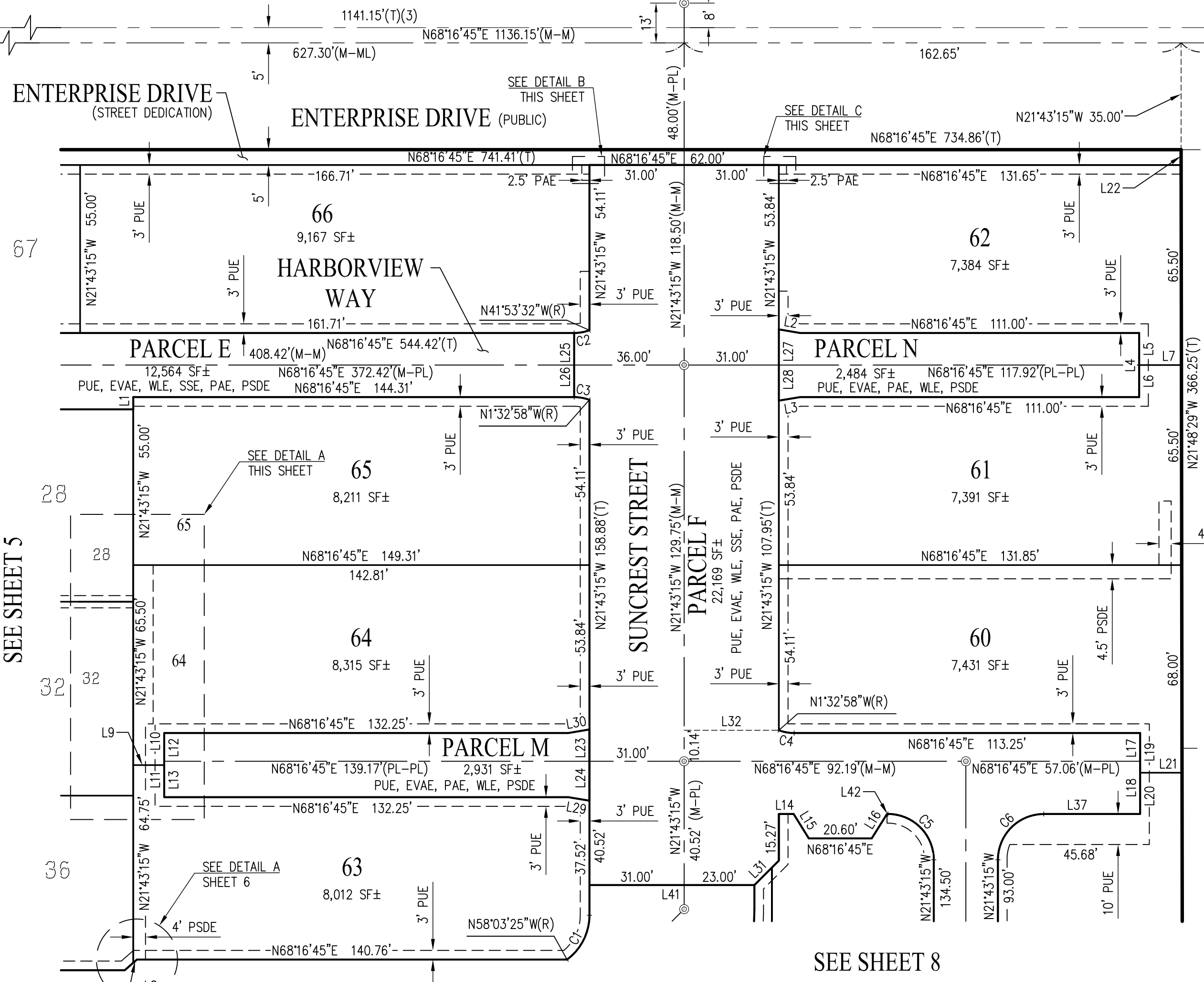
- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
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- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

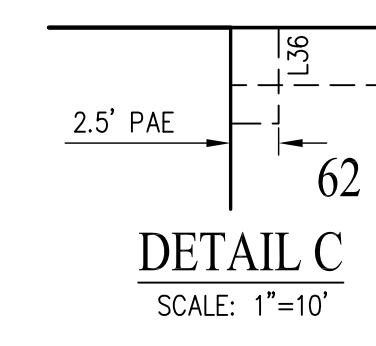
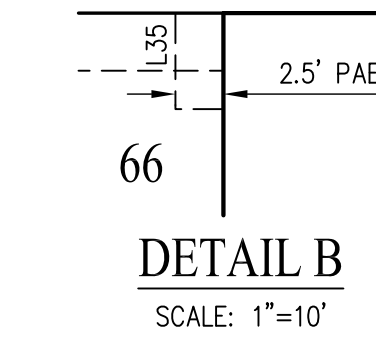
SHEET 9 OF 9

HICKORY STREET

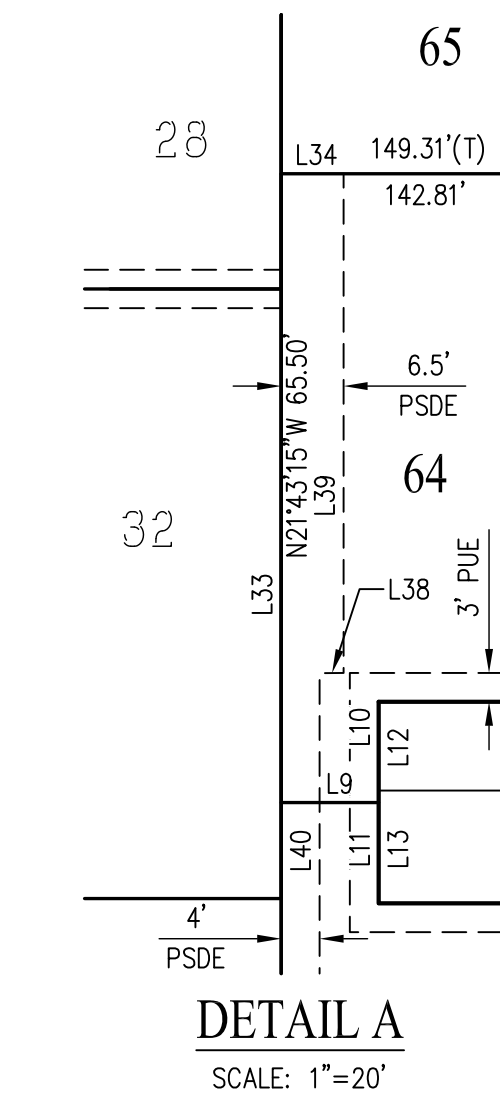
WILLOW STREET



RESULTANT  
 PARCEL A  
 2015-329265



RESULTANT  
 PARCEL C  
 2016-293945



NO	BEARING	LENGTH
L1	N21°43'15"W	4.00'
L2	N77°48'56"E	7.01'
L3	N58°44'34"E	7.01'
L4	N21°43'15"W	21.00'
L5	N21°43'15"W	10.50'
L6	N21°43'15"W	10.50'
L7	N68°16'45"E	13.83'
L8	N27°05'37"E	1.62'
L9	N68°16'45"E	10.14'
L10	N21°43'15"W	10.50'
L11	N21°43'15"W	10.50'
L12	N21°43'15"W	9.25'

NO	BEARING	LENGTH
L13	N21°43'15"W	11.75'
L14	N68°16'45"E	4.83'
L15	N53°36'30"W	9.42'
L16	N10°10'25"E	9.42'
L17	N21°43'15"W	9.25'
L18	N21°43'15"W	16.75'
L19	N21°43'15"W	13.00'
L20	N21°43'15"W	13.50'
L21	N68°16'45"E	13.70'
L22	N21°48'29"W	5.00'
L23	N21°43'15"W	10.41'
L24	N21°43'15"W	12.91'

NO	BEARING	LENGTH
L25	N21°43'15"W	10.50'
L26	N21°43'15"W	10.50'
L27	N21°43'15"W	11.66'
L28	N21°43'15"W	11.66'
L29	N77°48'56"E	7.01'
L30	N58°44'34"E	7.01'
L31	N23°16'45"E	11.31'
L32	N68°16'45"E	31.00'
L33	N21°43'15"W	65.50'
L34	N68°16'45"E	6.50'
L35	N21°43'15"W	5.00'
L36	N21°43'15"W	5.00'

NO	BEARING	LENGTH
L37	N68°16'45"E	31.56'
L38	N68°16'45"E	2.50'
L39	N21°43'15"W	52.00'
L40	N21°43'15"W	77.17'
L41	N68°16'45"W	54.00'
L42	N68°16'45"E	0.31'

NO	RADIUS	DELTA	LENGTH
C1	18.00'	53°39'50"	16.86'
C2	14.50'	20°10'17"	5.10'
C3	14.50'	20°10'17"	5.10'
C4	14.50'	20°10'17"	5.10'
C5	15.00'	90°00'00"	23.56'
C6	15.00'	90°00'00"	23.56'

**CITY OF NEWARK**  
**SUBDIVISION IMPROVEMENT AGREEMENT**  
**TRACT 8459**

This Subdivision Improvement Agreement (hereinafter "Agreement") is made and entered into by and between the CITY OF NEWARK, a municipal corporation (hereinafter "City"), and TH-HW Enterprise, LLC, a California limited liability company (hereinafter "Developer"). City and Developer may be collectively referred to herein as the "parties."

**RECITALS**

- A. In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Newark Municipal Code, Title 16, Chapters 16.04, 16.08, 16.12, 16.16, 16.20, and 16.32), and the Street Ordinance (Newark Municipal Code, Title 12, Chapters 12.04 and 12.08), the Developer has submitted to the City a Final Map (hereinafter "Final Map") for the Project known as Tract 8459 Compass Bay in Newark, California (hereinafter "Project").
- B. The Project is geographically located within the boundaries of the Tentative Tract Map known as "Vesting Tentative Map 8459". The Tentative Map is on file with the City Engineer, and is incorporated herein by reference.
- C. The City's approval of the Tentative Map was subject to specified conditions of approval (hereinafter "Conditions"). The Conditions are on file with the City Engineer, and are incorporated herein by reference.
- D. Improvement Plans and Specifications have been prepared on behalf of the Developer, and approved by the City Engineer, which describe the improvements which are required to be constructed by the Developer. The term "Plans and Specifications" shall include \_\_\_\_\_ (\_\_\_\_\_) sheets of improvement plans titled "Compass Bay Tract 8459 Improvement Plans," approved by the City Engineer on \_\_\_\_\_. The Plans and Specifications are on file with the City Engineer, and are incorporated herein by reference.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:**

- 1. **SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work described in the Plans and Specifications and the Conditions (hereinafter "Work"), to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459**

provided, at the Developer's sole cost and expense. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer.

- 2. PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.
- 3. DEVELOPER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter "Authorized Representative") on site with authority to act on behalf of the Developer. The Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.
- 4. IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and the Newark Municipal Code, and as set forth below:

  - 4(a). Faithful Performance.** Performance Bonds in the amount of \$4,083,000.00 to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
  - 4(b). Labor and Material.** Materials Bonds in the amount of \$2,041,500.00 to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
  - 4(c). Warranty.** Performance Bonds in the amount of \$408,300.00 to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.



CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459

5. **BUSINESS LICENSE.** The Developer shall apply for and pay the business license fees, in accordance with Newark Municipal Code Title 5, Chapter 5.04.
6. **INSURANCE.** Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. This Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. Prior to the commencement of the Work, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required to be maintained by this Agreement.
- 6(a). Minimum Insurance Levels.** Developer shall maintain insurance at the following minimum levels:
- 6(a)(1). Commercial General Liability** (with coverage at least as broad as ISO form CG 00 01 01 96) coverage in an amount not less than \$5,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- 6(a)(2). Automobile Liability** (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- 6(a)(3). Workers’ Compensation** coverage as required by the State of California.
- 6(b). Minimum Limits of Insurance.** It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any Insurance policy or proceeds available to the named Insured; whichever is greater.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459**

**6(c). Endorsements.** The insurance policies shall be endorsed as follows:

**6(c)(1).** For the commercial general liability insurance, the City (including its elected officials, employees, volunteers, and agents) shall be named as additional insured, and the policy shall be endorsed with a form at least as broad as ISO form CG 20 10 11 85.

**6(c)(2).** Developer's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Developer's insurance and shall not contribute with it.

**6(c)(3).** Developer's insurance will not be canceled, limited, or allowed to expire without renewal until after 30 days written notice has been given to the City. During the term of this Agreement, Consultant will not materially alter any of the policies or reduce any of the levels of coverage afforded by its insurance policies.

**6(c)(4).** Maintenance of proper insurance coverage in conformity with this Section 6 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

**6(d). Qualifications of Insurers.** All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, and shall have an A.M Best's rating of not less than "A:VII."

**7. REPORTING DAMAGES.** If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Engineer's office by telephone at 510-578-4290, and Developer shall promptly submit to the City's Risk Manager and the City's Authorized Representative, a written report (in a form acceptable to the City) with the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.

**8. INDEMNIFICATION.** To the fullest extent permitted by law, Developer shall indemnify, hold harmless, and defend the City (including its elected officials, officers, volunteers, agents and employees) from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees)

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459**

resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the sole negligence or willful misconduct of the City).

- 9. TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

**9(a). Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.

**9(b). Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.

**9(c). Completion of Work.** The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement.

- 10. INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.

- 11. DEFAULT.** If either party ("demanding party") has a good faith belief that the other party ("defaulting party") is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand the default to be cured within ten days of the notice. If: (a) the defaulting party fails to cure the default within ten days of the notice, or, (b) if more than ten days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within ten days of the notice, then (c) the demanding party

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459**

may terminate this Agreement upon written notice to the defaulting party.

- 11(a).** The Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:
- 11(a)(1).** The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.
  - 11(a)(2).** The Developer abandons the Project site.
  - 12(a)(3).** The Developer fails to perform one or more requirements of this Agreement.
  - 11(a)(4).** The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.
  - 11(a)(5).** The Developer violates any legal requirement related to the Work.
- 11(b).** In the event that the Developer fails to cure the default, the City may, in the discretion of the City Engineer, take any or all of the following actions:
- 11(b)(1).** Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7 %) per annum from the date of default.
  - 11(b)(2).** Demand the Developer to complete performance of the Work.
  - 11(b)(3).** Demand the Developer's surety (if any) to complete performance of the Work.
- 12. ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Engineer has accepted the Work as complete. Within fifteen (15) days of receipt of Developer's written notification pursuant to Section 11 above, City Engineer shall inspect the Work and repairs and review the written acceptances, if any, and send Developer a written notice stating whether the Work and repair are complete to the satisfaction of the City Engineer, in his reasonable discretion, and whether the written acceptances described in Section 14 have been provided. If the Work and repair are, in the opinion of the City Engineer, not complete, not satisfactory, and/or written acceptances have not been provided, the City Engineer will list the deficiencies that must be corrected to find the Work and repair complete and satisfactory. Upon satisfactory completion of the Work and repair and submittal of written acceptances, the City Engineer

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
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will send Developer a written notice of satisfactory completion. The requirement for written acceptances may be waived by the City Engineer.

- 13. WARRANTY PERIOD.** The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
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- 14. RELATIONSHIP BETWEEN THE PARTIES.** Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City’s agent, and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Developer.
- 15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer’s conflicting interest may be terminated by the City.
- 16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, or sex.
- 17. NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt by a party’s Authorized Representative, or (b) actual receipt at the address designated below, or (c) three working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. The Authorized Representative of either party may modify their respective contact information identified in this section by providing notice to the other party.

**TO: City of Newark**  
Attn: City Engineer  
37101 Newark Boulevard  
Newark, CA 94560

**To: TH-HW Enterprise LLC**  
Attn: General Counsel  
3001 Bishop Drive #100  
San Ramon, CA 94583

- 18. HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.



**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
TRACT 8459**

- 19. SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.
- 20. GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.
- 21. ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
- 22. ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.
- 23. MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 24. WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 25. CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.
- 26. ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT  
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**27. SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**IN WITNESS WHEREOF,** the City and Developer do hereby agree to the full performance of the terms set forth herein.

**TH-HW Enterprise LLC,**  
a California limited liability company

By:   
Tony Bosowski

**CITY OF NEWARK,**  
a municipal corporation

By: \_\_\_\_\_  
Alan L. Nagy, Mayor

ATTEST:

Sheila Harrington, City Clerk

APPROVED AS TO FORM:

Kristopher Kokotaylo, City Attorney



**F.7 Approval of partial release of security bonds for Tracts 8270, 8417, 8418, 8419 and 8420, Sanctuary Village (Arroyo Capp III, LLC) – from Assistant City Engineer Imai.(RESOLUTION)**

**Background/Discussion** – Between November 2017 and September 2018, Arroyo Cap III, LLC entered into multiple Subdivision Agreements with the City of Newark to construct improvements associated with Tracts 8270, 8417, 8418, 8419 and 8420, collectively known as Sanctuary Village. Arroyo Cap III, LLC provided the following Performance Bonds and Materials Bonds to guarantee the respective tract improvements:

**ORIGINAL BOND AMOUNTS**

<b>TRACT</b>	<b>PERFORMANCE BOND</b>	<b>MATERIALS BOND</b>
8270 – Backbone	\$8,647,000.00	\$4,323,500.00
8417 – Village 1	\$2,780,000.00	\$1,390,000.00
8418 – Village 2	\$2,372,000.00	\$1,186,000.00
8419 – Village 3	\$2,080,000.00	\$1,040,000.00
8420 – Village 4	\$2,629,000.00	\$1,314,500.00

The improvements are more than 80% complete and, in accordance with authority contained in §66499.7 of the Government Code, these bonds may be reduced. Arroyo Cap III, LLC has provided bond riders for both the Performance and Materials bonds for each of the respective tracts in the following amounts to guarantee the construction of remaining improvements. The amount of the bond riders is equal to twenty percent (20%) of the original bond amounts.

**REDUCED BOND AMOUNTS**

<b>TRACT</b>	<b>PERFORMANCE BOND</b>	<b>MATERIALS BOND</b>
8270 – Backbone	\$1,729,400.00	\$864,700.00
8417 – Village 1	\$556,000.00	\$278,000.00
8418 – Village 2	\$474,400.00	\$237,200.00
8419 – Village 3	\$416,000.00	\$208,000.00
8420 – Village 4	\$525,800.00	\$262,900.00

The replacement bonds will be adequate to guarantee the construction of remaining improvements of Tracts 8270, 8417, 8418, 8419, and 8420, which are limited to minor punchlist items including the application of a slurry seal on roadway pavement within the development, replacement of dead landscaping, and repair of damaged concrete.

Ownership of all tract improvements will remain with Arroyo Cap III, LLC until acceptance of the improvements by the City.

**Action** – Staff recommends that the City Council, by resolution, approve the partial release of security bonds for Tracts 8270, 8417, 8418, 8419 and 8420, Sanctuary Village.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF NEWARK APPROVING THE PARTIAL RELEASE  
OF SECURITY BONDS FOR TRACTS 8270, 8417, 8418,  
8419 AND 8420, SANCTUARY VILLAGE

WHEREAS, Arroyo Cap III, LLC, the developer of Tracts 8270, 8417, 8418, 8419 and 8420, collectively known as Sanctuary Village, previously entered into Subdivision Agreements with the City of Newark (Resolution Nos. 10717, 10831, 10833, 10835 and 10846, respectively) to improve said Tracts in accordance with plans on file with the City Engineer; and

WHEREAS, the improvements for Tracts 8270, 8417, 8418, 8419 and 8420 are more than 80% complete in accordance with said plans, and any approved modifications thereto, to the satisfaction of the City Engineer; and

WHEREAS, the Performance Bonds and the Materials Bonds for the respective Tracts can be partially released, in accordance with the authority contained in §66499.7 of the Government Code of the State of California;

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond, issued by Philadelphia Indemnity Insurance Company in the amount of \$8,647,000 (Bond No. PB03010404497) to guarantee tract improvements for Tract 8270, with a bond rider issued in the amount of \$1,729,400.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond, issued by Philadelphia Indemnity Insurance Company (Bond No. PB03010404497) in the amount of \$4,323,500 to guarantee labor and materials for Tract 8270, with a bond rider issued in the amount of \$864,700.

BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond, issued by Philadelphia Indemnity Insurance Company in the amount of \$2,780,000 (Bond No. PB03010405274) to guarantee tract improvements for Tract 8417, with a bond rider issued in the amount of \$556,000.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond, issued by Philadelphia Indemnity Insurance Company (Bond No. PB03010405274) in the amount of \$1,390,000 to guarantee labor and materials for Tract 8417, with a bond rider issued in the amount of \$278,000.

BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond, issued by Philadelphia Indemnity Insurance Company in the amount of \$2,372,000

(Bond No. PB03010405451) to guarantee tract improvements for Tract 8418, with a bond rider issued in the amount of \$474,400.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond, issued by Philadelphia Indemnity Insurance Company (Bond No. PB03010405451) in the amount of \$1,186,000 to guarantee labor and materials for Tract 8418, with a bond rider issued in the amount of \$237,200.

BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond, issued by Philadelphia Indemnity Insurance Company in the amount of \$2,080,000 (Bond No. PB03010405275) to guarantee tract improvements for Tract 8419, with a bond rider issued in the amount of \$416,000.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond, issued by Philadelphia Indemnity Insurance Company (Bond No. PB03010405275) in the amount of \$1,040,000 to guarantee labor and materials for Tract 8419, with a bond rider issued in the amount of \$208,000.

BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond, issued by Philadelphia Indemnity Insurance Company in the amount of \$2,629,000 (Bond No. PB03010405276) to guarantee tract improvements for Tract 8420, with a bond rider issued in the amount of \$525,800.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond, issued by Philadelphia Indemnity Insurance Company (Bond No. PB03010405276) in the amount of \$1,314,500 to guarantee labor and materials for Tract 8420, with a bond rider issued in the amount of \$262,900.

**F.8 Authorizing the City Manager to execute a contract amendment with Rhoades Planning Group for additional planning services for the Newark Old Town Specific Plan and amend the 2018-2020 Biennial Budget and Capital Improvement Plan – from Deputy Community Development Director Interiano. (RESOLUTION)**

**Background/Discussion** – The City previously entered into a Contractual Services Agreement (Agreement) with Rhoades Planning Group for professional services related to the preparation of the Old Town Specific Plan, Streetscape, and Project Schematic Design. The project is a Capital Improvement Project (CIP) funded by the Community Development Maintenance Impact Fee.

The project began in April 2018 and approximately half of the tasks described in the Agreement have been completed, including the preparation of a draft land use plan, schematic design for the streetscape and public facilities, and facilitation of two community meetings. It is expected that the project would be completed in the spring of 2020.

Staff recommends amending the scope of work for additional public outreach and an analysis of changes to development standards. The summary of changes to the scope of work are:

- Revision to Task #3- Provide additional stakeholder meetings for the public regarding the schematic streetscape plans and public facilities design;
- Revision to Task #4- Provide an analysis to address land use transition from the core commercial area to the mixed-use and residential areas. Provide recommendations on changes to site development regulations. Further analyze the character and identity of the plan area to inform the urban design. An optional third community meeting has been included to present the final draft specific plan to stakeholders; and
- Revision to Task #5- Based on revision to Tasks 3 and 4, an analysis to review the impacts of proposed zoning regulation amendments and the impacts to the Land Use section of the proposed EIR Addendum.

The original, not-to-exceed amount under the Agreement was \$351,040. The proposed amendment for the services listed above is estimated at \$29,980, for a total proposed not-to-exceed amount under the agreement of \$381,020. A budget amendment is necessary for the additional funding.

**Attachment** Resolution, Amendment

**Action** – Staff recommends that the City Council, by resolution authorize the City Manager to execute the amendment to the contractual services agreement with Rhoades Planning Group for the Newark Old Town Specific Plan and amend the 2018-2020 Biennial Budget and Capital Improvement Plan.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT WITH RHOADES PLANNING GROUP FOR THE NEWARK OLD TOWN SPECIFIC PLAN PROJECT AND AMEND THE 2018-2020 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Newark awarded a Contractual Services Agreement to the Rhoades Planning Group for the preparation of the Old Town Specific Plan, Streetscape, and Project Schematic Design; and

WHEREAS, City Staff has identified a need to amend the Contractual Services Agreement to include additional public outreach and an analysis of changes to development standards.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager is hereby authorized to execute the amendment to the Contractual Services Agreement with Rhoades Planning Group to provide professional services associated with the Newark Old Town Specific Plan and to increase the not to exceed amount of the Contractual Services Agreement by \$29,980 for a total not to exceed amount of \$381,020. The revised scope of services for the amendment is provided in Exhibit A.

BE IT FURTHER RESOLVED that the City Council of the City of Newark hereby amends the 2018-2020 Biennial Budget and Capital Improvement Plan for the Fiscal Year 2019-2020 as follows:

	<b>Account</b>	<b>Description</b>	<b>Amount</b>
From:	025-0000-2911	Unallocated Reserves	\$29,980
To:	025-5600-5280-1150	Old Town PDA Specific Plan	\$29,980

**FIRST AMENDMENT TO THE  
CONTRACTUAL SERVICES AGREEMENT  
BETWEEN THE CITY OF NEWARK AND  
RHOADES PLANNING GROUP**

This First Amendment to Contractual Services Agreement between the City of Newark, a municipal corporation, (“City”) and Rhoades Planning Group, an S Corporation (“Consultant”) (together sometimes referred to as “Parties”) dated April 26, 2018, is entered into as of November 14, 2019.

**RECITALS**

**WHEREAS**, the Parties executed a Contractual Services Agreement (the “Agreement”) to provide professional services related to the Old Town Specific Plan, Streetscape and Project Schematic Design; and

**WHEREAS**, Section 25 of the Agreement allows the Parties to amend the Agreement provided that the amendment is in writing signed by the Parties; and

**WHEREAS**, the Parties desire to amend the Agreement to revise the scope of work related to the Historic Newark Specific Plan and provide additional payment to the Consultant; and

**WHEREAS**, the City Manager is authorized to execute this Amendment in a form approved by the Interim City Attorney.

**NOW, THEREFORE**, the Parties hereby agree as follows:

1. Exhibit A, Scope of Service, Payment, Qualifications, of the Agreement, is amended to provide the revisions and additional payment, as identified in Exhibit 1, attached hereto and incorporated herein by reference.

2. Section 3.A. “Not to Exceed” Compensation, of the Agreement, is amended to increase the not to exceed compensation by \$29,980 for a total not to exceed amount of \$381,020 (from a previous not to exceed amount of \$351,040).

2. With the exception of the foregoing, all other terms and conditions in the Agreement, as amended, remain in force and effect.

City of Newark

Consultant

---

David J. Benoun  
City Manager

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attest:

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Sheila Harrington  
City Clerk

Approved as to Form:

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Kristopher J. Kokotaylo  
Interim City Attorney

**F.9 Authorizing Application for, and, subject to subsequent City Council approval, receipt of Senate Bill 2 Planning Grants Program Funds for the Historic Newark District Specific Plan – from Deputy Community Development Director Interiano.  
(RESOLUTION)**

**Background/Discussion** – City staff is seeking authority to apply for a grant associated with the Senate Bill 2 Planning Grants Program. The State Department of Housing and Community Development received a \$123 Million grant under Senate Bill 2 (SB 2, 2017) Planning Grants Program (PGP). SB 2 established a permanent source of funding consisting of a real estate recording fee to provide funding to increase the affordable housing stock in California. The legislation directs the Department of Housing and Community Development to use 50 percent of the first year’s revenue to establish a program that provides financial and technical assistance to local governments to update planning documents and land-use ordinances. The PGP is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production.

Staff identified the proposed Historic Newark District Specific Plan project which qualifies for this planning grant. The project will develop a Specific Plan to guide the transformation of the “Old Town” area into a vibrant mixed-use area with attractive ground floor retail with residential uses above the ground floor. The project meets eligible activities of the grant application by establishing a specific plan and an environmental analysis, which facilitates expedited local approval of qualifying residential projects. In addition, the specific plan will review existing zoning regulations to identify barriers to housing production in the area. The plan would also address unique development challenges of fragmented ownership and the need to blend with surrounding single-family neighborhoods. Specialized development standards to guide development would be identified. Schematic designs for the Historic District Streetscape Improvements would also be included. Streetscape improvements are a key to improving the area and catalyzing development.

The Historic Newark District Specific Plan project began in April 2018, and is expected to be completed in Spring of 2020. The PGP grant allows funding to be used toward projects that have already begun and which meet the goals of the grant program. If approved, the City may be awarded up to \$160,000 that may be used to repay a portion of the originally approved agreement budget, which totaled \$351,040. The deadline to apply for the SB 2 PGP is November 30, 2019. A resolution of support from the City Council is required to apply for the grant.

Staff is requesting authorization from City Council to apply for and, if successful, return to the City Council to authorize the receipt of funding for the SB2 Planning Grant Program.

**Attachments** – Resolution

**Action** – Staff recommends that the City Council, by resolution, authorize application for, and, subject to subsequent City Council approval, receipt of, Senate Bill 2 Planning Grants Program Funds for the Historic Newark District Specific Plan.



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING APPLICATION FOR, AND, SUBJECT TO SUBSEQUENT CITY COUNCIL APPROVAL, RECEIPT OF, SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS FOR THE HISTORIC NEWARK DISTRICT SPECIFIC PLAN

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

WHEREAS, the City Council of the City of Newark desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Manager or his designee is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application in the amount of \$160,000.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the City Manager or his designee, subject to subsequent City Council approval, is authorized to enter into, execute, and deliver a State of California Agreement (“Standard Agreement”) for the amount of \$160,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City’s obligations related thereto, and all amendments thereto (collectively, the “PGP Grant Documents”). The City Manager shall not accept funding pursuant to this resolution until the City Council has authorized acceptance.

SECTION 3. The City shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

SECTION 4. The City Manager or his designee is authorized, subject to subsequent Council approval, to execute the City of Newark Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the City as required by the Department for receipt of the PGP Grant.

**I.1 Reappointment of William Fitts and Debbie Otterstetter to the Planning Commission – from Mayor Nagy. (RESOLUTION)**

**Background/Discussion** – Planning Commissioners William Fitts and Debbie Otterstetter each have a term on the Planning Commission that will expire in December. Both Planning Commissioners have requested a four year reappointment.

**Attachment** - Resolution

**Action** - It is recommended that the City Council, by resolution, approve the reappointment of William Fitts and Debbie Otterstetter to the Planning Commission, for a term to expire on December 31, 2023.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK APPROVING THE REAPPOINTMENT OF  
WILLIAM FITTS AND DEBBIE OTTERSTETTER TO THE  
PLANNING COMMISSION

WHEREAS, William Fitts and Debbie Otterstetter, hereto appointed members of the Planning Commission, have terms expiring December 31, 2019; and

WHEREAS, the Mayor of the City of Newark has reappointed William Fitts and Debbie Otterstetter to said positions on the Planning Commission for a term expiring December 31, 2023;

NOW, THEREFORE, BE IT RESOLVED that said appointment is hereby approved by the City Council of the City of Newark.



**City of Newark**

**MEMO**

**DATE:** November 5, 2019  
**TO:** City Council  
**FROM:** Sheila Harrington, City Clerk *SH*  
**SUBJECT:** Approval of Audited Demands for the City Council Meeting of November 14, 2019.

**REGISTER OF AUDITED DEMANDS**

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
October 17, 2019	Page 1-2	119252 to 119315	Inclusive
October 25, 2019	Page 1-2	119316 to 119366	Inclusive
October 31, 2019	Page 1-2	119367 to 119453	Inclusive




City of Newark

MEMO

**DATE:** November 5, 2019

**TO:** Sheila Harrington, City Clerk

**FROM:** Krysten Lee, Finance Manager 

**SUBJECT:** Approval of Audited Demands for the City Council Meeting of November 14, 2019.

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

Final Disbursement List. Check Date 10/17/19, Due Date 10/28/19, Discount Date 10/28/19. Computer Checks.

Bank 1001 US BANK

MICR check#	Vendor Number	Payee	Check Date	Check Amount	Description
119252	10736	ABACUS PRODUCTS INC	10/17/19	451.77	PRINTING SVCS
119253	344	ALAMEDA COUNTY WATER DISTRICT	10/17/19	1,697.37	WATER FOR SWEEPER TRUCK
119254	284	ALAMEDA CO. ITD/REGISTRAR OF VOTERS	10/17/19	5,500.00	RADIO REPAIR/MAINT
119255	5821	ALL CITY MANAGEMENT SERVICES, INC.	10/17/19	5,112.09	CROSSING GUARD SVCS
119256	12	ALLIED AUTO STORES INC	10/17/19	249.29	FLEET SUPPLIES AND PARTS
119257	9144	MICHAEL ALLUM	10/17/19	647.21	CORSWEST ADVANCE 11/05-11/07/19
119258	14	ALPINE AWARDS	10/17/19	663.14	SR CTR ANNIV. TSHIRTS
119259	8414	ANDRE'S MECHANICAL & GENERAL ENGINEERING	10/17/19	990.00	PUMP REPAIRS
119260	10691	APPLIED CONCEPTS INC	10/17/19	4,199.53	OTS STEP GRANT SUPPLIES
119261	348	AT&T	10/17/19	177.34	CIRCUITS, WHITE PAGES
119262	11433	AUTOWISE	10/17/19	99.95	FLEET SERVICES
119263	9680	BAY CENTRAL PRINTING	10/17/19	63.78	BUSINESS CARD IMPRINTING
119264	11561	BAYSIDE HEATING & AIR CONDITIONING, INC.	10/17/19	86.98	SILLIMAN HVAC REPAIRS
119265	5122	JEREMY BECK	10/17/19	1,486.11	EXPENSE REIMBURSEMENT
119266	1513	BURTON'S FIRE INC	10/17/19	1,954.74	SUPPLIES
119267	1816	CA SURVEYING & DRAFTING SUPPLY	10/17/19	259.25	PLOTTER PRINT HEADS
119268	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	10/17/19	5,359.35	TRAFFIC SIGNAL MAINTENANCE
119269	7898	CALIFORNIA DIESEL & POWER	10/17/19	1,310.63	REPAIRS-GENERATORS
119270	10261	CARBONIC SERVICE	10/17/19	216.28	CO2 BULK DELIVERY
119271	9125	CATO	10/17/19	1,200.00	SWAT TRAINING
119272	214	CENTRAL VETERINARY HOSPITAL	10/17/19	757.03	VET SVCS
119273	9572	ELSA CERVANTES	10/17/19	1,175.24	EXPENSE REIMBURSEMENT
119274	2544	RAY COLLIER	10/17/19	850.00	EXPENSE REIMBURSEMENT
119275	11076	CRIME SCENE CLEANERS INC	10/17/19	160.00	HAZ WASTE CLEAN UP
119276	10793	HITOMI OGATA	10/17/19	100.00	RENTAL DEPOSIT REFUND
119277	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	10/17/19	83.75	LEGAL ADS
119278	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	10/17/19	128.00	FINGERPRINTING FEES
119279	11342	EAGLE CANYON CAPITAL	10/17/19	192.00	PATROL VEHICLE CLEANING
119280	11015	EAST BAY LAWN MOWER	10/17/19	1,151.28	LAWN MOWER SUPPLIES AND MAINTENANCE
119281	10904	EAST BAY REFRIGERATION	10/17/19	628.89	REFRIGERATOR MAINT
119282	11587	ECS IMAGING, INC.	10/17/19	7,414.83	DOCUMENT SCANNING
119283	310	EQUIFAX INFORMATION SVCS LLC	10/17/19	50.00	CREDIT BUREAU REPORTS
119284	10642	FASTENAL COMPANY	10/17/19	1,775.56	SIGN RIVETS, MISC SUPPLIES, AND MISC PAR
119285	5106	CITY OF FREMONT REVENUE DIVISION	10/17/19	6,530.14	FY18-19 SACGISA FEES (APRIL-JUNE)
119286	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: T	10/17/19	1,948.63	FLEET PARTS
119287	313	FREMONT URGENT CARE CENTER	10/17/19	1,147.00	PRE-EMPLOYMENT DOT PHYSICALS
119288	4607	CITY OF HAYWARD HAYWARD EXECUTIVE AIRPOR	10/17/19	600.00	SWAT TRAINING
119289	4572	JOHN HERSHEL	10/17/19	245.78	EXPENSE REIMBURSEMENT
119290	4132	J E PERRY FARMS	10/17/19	495.00	CHILD CARE PUMPKIN PATCH FIELD TRIP
119291	10749	JACK JAMES TOW INC	10/17/19	60.00	HEAVY DUTY TOWING
119292	11540	JANSEN'S PLACE AUTO BODY	10/17/19	3,809.65	VEHICLE REPAIRS
119293	11602	KIM TURNER, LLC	10/17/19	125.00	REC/COMM POST TRAINING
119294	11393	KRYSTEN LEE	10/17/19	185.54	EXPENSE REIMBURSEMENT
119295	6596	CHOMMAN LOTH	10/17/19	105.00	EXPENSE REIMBURSEMENT
119296	11357	MISSION UNIFORM SERVICE	10/17/19	1,901.87	MATS, TOWELS, AND UNIFORMS
119297	10814	TODD NOBBE	10/17/19	78.70	EXPENSE REIMBURSEMENT
119298	3655	ROBERT NORVELL	10/17/19	1,074.50	EXPENSE REIMBURSEMENT
119299	11322	PAPA JOHNS PIZZA	10/17/19	2,962.00	BIRTHDAY PARTY FOOD Reinstated from clai
119300	11346	PHAN'S SMOG STATION	10/17/19	40.00	SMOG TEST SERVICES
119301	11675	S&L BREWER ENTERPRISES, INC. DBA LAW DOG	10/17/19	250.00	K9 TRAINING/SUPPLIES
119302	11612	ARIEL SAN PEDRO	10/17/19	177.68	EXPENSE REIMBURSEMENT

By MICHELLE VILLANUEVA (MICHELLEVI)

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

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
.19303	2836	SBSC ADVANCED OFFICER TRAINING	10/17/19	225.00	PATROL POST TRAINING
.19304	9381	SCHINDLER ELEVATOR CORPORATION	10/17/19	5,328.00	CERTIFICATION REPAIRS
.19305	377	SIMON & COMPANY INC	10/17/19	1,720.00	LEGISLATIVE SERVICES
.19306	11533	ST. FRANCIS ELECTRIC. LLC.	10/17/19	15,782.00	STREETLIGHT MAINTENANCE SERVICES
.19307	676	SUMMIT UNIFORMS CORP	10/17/19	674.07	TRAINEE UNIFORMS
.19308	11142	SUN RIDGE SYSTEMS INC	10/17/19	120.00	RIMS CONF TRAINING PASS ONLY
.19309	146	THYSSENKRUPP ELEVATOR	10/17/19	3,920.73	SERVICE CONTRACT CITY HALL ELEVATOR
.19310	10263	TRACKER SOFTWARE CORP	10/17/19	3,901.00	PUBWORKS SOFTWARE
.19311	11670	TRI-VALLEY STRIPING	10/17/19	3,260.00	CIP #1168 CITYWIDE PARKING LOT REPAIR
.19312	140	VISTA UNIVERSAL INC	10/17/19	1,251.75	LIGHTING REPAIR
.19313	11610	WASHINGTON URGENT CARE	10/17/19	20.00	TB TESTS
.19314	11466	YORK RISK SERVICES GROUP ATTN: CLIENT TR	10/17/19	16,114.00	WORKERS COMPENSATION CLAIMS
.19315	3245	ZUMAR INDUSTRIES INC	10/17/19	2,986.60	SIGNS AND HARDWARE
Total				118,231.03	



Final Disbursement List. Check Date 10/25/19, Due Date 11/04/19, Discount Date 11/04/19, Computer Checks.

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
.19316	11783	3QC, INC.	10/25/19	1,800.00	COMMISSIONING SERVICES FOR THE NEWARK CI
.19317	11539	ACCESS INFORMATION HOLDINGS, LLC.	10/25/19	90.00	SHREDDING SVC
.19318	10223	LEXISNEXIS RISK DATA MANAGEMENT INC BILL	10/25/19	424.20	BACKGROUND CHECKS
.19319	11094	ACME AUTO LEASING, LLC	10/25/19	1,909.44	ARMORED VEH LEASE
.19320	1774	AIRGAS USA, LLC	10/25/19	64.65	RENTAL TANKS AND EQUIPMENT
.19321	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	10/25/19	737,259.16	FIRE SERVICES
.19322	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	10/25/19	2,395.00	CITATION PROCESSING FEES - SEPT'19
.19323	287	TREASURER OF ALAMEDA COUNTY GREGORY J AH	10/25/19	899.50	CRIME LAB FEES
.19324	14	ALPINE AWARDS	10/25/19	729.45	TSHIRTS AND UNIFORMS
.19325	8414	ANDRE'S MECHANICAL & GENERAL ENGINEERING	10/25/19	4,950.00	LAKESHORE WELL PUMP WORK
.19326	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	10/25/19	224.14	BATTERIES
.19327	9680	BAY CENTRAL PRINTING	10/25/19	1,831.66	BUSINESS CARD IMPRINTING
.19328	11756	MARK LEE & YONG KAY, INC. DBA BAY CONSTR	10/25/19	186,809.94	CIP #1208 NEWBARK DOG PARK
.19329	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	10/25/19	12,808.14	TRAFFIC SIGNAL MAINTENANCE
.19330	11563	CENTRAL VALLEY TOXICOLOGY, INC.	10/25/19	1,002.00	LAB TESTS
.19331	11769	JADA CHIU	10/25/19	102.08	EXPENSE REIMBURSEMENT
.19332	10793	MATT JONATHAN AGUILAR	10/25/19	725.00	RENTAL DEPOSIT REFUND
.19333	2208	CHERYL GALVEZ	10/25/19	200.00	EXPENSE REIMBURSEMENT
.19334	8762	GHA TECHNOLOGIES INC	10/25/19	95.31	HP1530 PLOTTER INK
.19335	7563	HILLYARD / SAN FRANCISCO	10/25/19	1,458.24	SUPPLIES
.19336	10663	HOSE & FITTING ETC	10/25/19	83.04	PARTS AND SUPPLIES
.19337	11681	KBA DOCUMENT SOLUTIONS, LLC.	10/25/19	474.85	COPIER LEASE AGREEMENT
.19338	11681	KBA DOCUMENT SOLUTIONS, LLC.	10/25/19	2,896.30	COPIER LEASE AGREEMENT
.19339	11787	JACOB LANGENSTEIN	10/25/19	3,550.52	EXPENSE REIMBURSEMENT
.19340	293	LANGUAGE LINE SERVICES INC	10/25/19	323.59	INTERPRETATION SVCS
.19341	11246	LOOMIS ARMORED	10/25/19	466.50	ARMORED CAR SERVICE
.19342	11673	MAILFINANCE DEPT 3682	10/25/19	415.11	MAILING MACHINE LEASE AGREEMENT & SUPPLI
.19343	11736	MANAGEMENT PARTNERS INC.	10/25/19	10,561.92	MANAGEMENT SERVICES
.19344	11786	BRANDON MCCUIN	10/25/19	3,101.03	EXPENSE REIMBURSEMENT
.19345	3452	NEWARK PAVILION	10/25/19	5,400.00	PARKING AGREEMENT DURING CONSTRUCTION
.19346	11640	PLAN JPA C/O YORK	10/25/19	11,059.93	DEDUCTIBLE COSTS
.19347	1864	DIANA PRATT	10/25/19	176.61	EXPENSE REIMBURSEMENT
.19348	1935	PREFERRED ALLIANCE, INC.	10/25/19	65.00	RANDOM AND NON-RANDOM DRUG TESTING FEES
.19349	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	10/25/19	437.99	PRINTING SERVICES FOR CIVIC CENTER
.19350	9811	REDFLEX TRAFFIC SYSTEMS	10/25/19	18,800.00	REDLIGHT CAMERA MONITORING
.19351	11547	RLSAFETY, INC.	10/25/19	6,124.05	AED SUPPLIES
.19352	10420	JOCELYN E. ROLAND	10/25/19	450.00	PSYCHOLOGICAL EVALUATIONS
.19353	9381	SCHINDLER ELEVATOR CORPORATION	10/25/19	1,575.39	CONTRACTUAL SERVICES
.19354	11171	SSP DATA, INC	10/25/19	1,882.60	BARRACUDA BACKUP 6 MONTH SUPPORT
.19355	503	STANDARD INSURANCE COMPANY	10/25/19	596.24	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG
.19356	40	STAPLES ADVANTAGE DEPT LA	10/25/19	458.32	OFFICE SUPPLIES
.19357	11713	SURE TO SNOW ENVIRONMENTAL RESOURCE MANA	10/25/19	360.00	STORMWATER INSPECTION SERVICES
.19358	11744	SYSCO - SAN FRANCISCO	10/25/19	491.01	FOOD ITEMS FOR CAFE AND PARTIES
.19359	7744	T-MOBILE	10/25/19	146.62	IPHONE SVC
.19360	11642	TIAA COMMERCIAL FINANCE, INC.	10/25/19	432.92	COPIER LEASE AGREEMENT
.19361	2024	WILL TOWNE	10/25/19	56.26	EXPENSE REIMBURSEMENT
.19362	5246	TURF STAR, INC.	10/25/19	364.19	EQUIPMENT/TOOLS
.19363	10968	UTILITY TELEPHONE	10/25/19	17,520.85	UTILITY TELEPHONE YEARLY VOIP/WAN SERVIC
.19364	5623	VERIZON WIRELESS	10/25/19	418.11	CELL SERVICES FOR IPADS
.19365	11720	MICHELLE VILLANUEVA	10/25/19	19.95	EXPENSE REIMBURSEMENT
.19366	11466	YORK	10/25/19	3,104.67	WORKERS COMPENSATION ADMINISTRATION FEES

CS.AP Accounts Payable Release 8.3.0 R\*APZCKREG\*FDL By BRETT OEVRNDIEK (BRETT)

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
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Total 1,047,591.48

Final Disbursement List. Check Date 10/31/19, Due Date 11/11/19, Discount Date 11/11/19. Computer Checks.

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
119367	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	10/31/19	26,920.15	FIRE DEPARTMENT MAINTENANCE AND SUPPLIES
119368	284	ALAMEDA COUNTY INFORMATION TECHNOLOGY DE	10/31/19	3,945.55	AWS ACCESS FEES
119369	11445	ASPEN ENVIRONMENTAL GROUP	10/31/19	1,845.00	PROFESSIONAL SRVCS PURSUANT TO AGMT C190
119370	348	AT&T	10/31/19	113.95	CIRCUITS, WHITE PAGES
119371	4534	BAY AREA BARRICADE SERVICE INC	10/31/19	1,020.68	SIGNS AND HARDWARE
119372	9207	BUCHANAN AUTO ELECTRIC	10/31/19	793.41	PARTS
119373	9888	BUREAU VERITAS NORTH AMERICA INC.	10/31/19	3,714.94	BUILDING PLAN CHECK SERVICES
119374	1513	BURTON'S FIRE INC	10/31/19	1,954.74	SUPPLIES Reinstated from claim# 137770
119375	11550	CAL ENGINEERING & GEOLOGY, INC.	10/31/19	13,188.42	GEO TECH CONSULTING SERVICES
119376	10261	CARBONIC SERVICE	10/31/19	186.88	CO2 BULK DELIVERY
119377	10825	CHEVROLET OF FREMONT	10/31/19	107.38	FLEET PARTS
119378	6304	CLASSIC GRAPHICS T & J LEWIS INC	10/31/19	660.36	VEHICLE & EQUIPMENT REPAIR AND SUPPLIES
119379	3751	BRYAN COBB	10/31/19	269.84	EXPENSE RIEMBURSEMENT
119380	10060	COMCAST	10/31/19	192.28	CABLE BILL
119381	11121	CONSTRUCTION TESTING SERVICES	10/31/19	3,321.55	CIP #1192 SPORTSFIELD PARK
119382	6495	COVANVA STANISLAUS	10/31/19	472.53	EVIDENCE DESTRUCTION
119383	11549	CSG CONSULTANTS, INC.	10/31/19	3,715.00	ENGINEERING PLAN CHECK AND CONSULTANT SE
119384	10649	EZ PLUMBING CO.	10/31/19	1,000.00	PERFORMANCE BOND RTN EP# 2019-0062
119385	10649	LIL ROOTER	10/31/19	1,000.00	PERFORMANCE BOND RTN EP# 2018-0160
119386	10649	ZAYO GROUP	10/31/19	1,000.00	PERFORMANCE BOND RTN EP# 2018-0106
119387	10649	LITTLE FLOWERS MONTESSORI INC.	10/31/19	1,000.00	PERFORMANCE BOND RTN EP# 2018-0030
119388	10649	AECOM TECHNOLOGY CORPORATION	10/31/19	9,180.00	PERFORMANCE BOND RTN EP# 2017-0213
119389	10649	ZAYO GROUP LLC	10/31/19	1,000.00	PERFORMANCE BOND RTN EP# 2017-0124
119390	10793	RAJEEV NAIR	10/31/19	300.00	RENTAL DEPOSIT REFUND
119391	10793	NEIL GENTELIZO	10/31/19	300.00	RENTAL DEPOSIT REFUND
119392	41	DALE HARDWARE	10/31/19	494.51	SUPPLIES
119393	10794	DUKE DE LEON	10/31/19	90.00	VIDEO SERVICES
119394	7631	DELTA DENTAL OF CALIFORNIA ATTN: ACCOUNT	10/31/19	14,431.06	DENTAL PREMIUM - NOV'19
119395	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	10/31/19	413.20	DENTAL PREMIUM - NOV'19
119396	11404	ALHAMBRA	10/31/19	657.42	WATER SERVICE
119397	11015	EAST BAY LAWN MOWER	10/31/19	52.22	FLEET SUPPLIES
119398	11343	ENVIRONMENTAL LOGISTICS, INC.	10/31/19	699.20	HAZARDOUS WASTE PICK-UP
119399	4731	EWING IRRIGATION PRODUCTS INC	10/31/19	4,191.93	SUPPLIES AND PESTICIDES
119400	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	10/31/19	1,806.88	VISION PREMIUM
119401	522	FEDEX	10/31/19	150.27	PACKAGE DELIVERY
119402	1733	FIRST BAPTIST CHURCH	10/31/19	80.00	DONATION - OCT'19
119403	5106	CITY OF FREMONT REVENUE DIVISION	10/31/19	10,215.14	SHELTER OPERATING EXPS
119404	11112	FREMONT CHRYSLER DODGE JEEP RAM	10/31/19	422.26	PARTS
119405	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: T	10/31/19	6,190.07	REPAIRS
119406	11646	GACHINA LANDSCAPE MANAGEMENT, INC.	10/31/19	2,315.00	LANDSCAPE REPAIRS
119407	11780	GLOBAL ASSETS INTEGRATED LLC.	10/31/19	1,250.00	SWAT TRAINING
119408	3228	GRAINGER	10/31/19	83.99	SUPPLIES
119409	10707	GYM DOCTORS	10/31/19	170.00	FITNESS EQUIPMENT
119410	167	HARRIS COMPUTER SYSTEMS	10/31/19	5,190.46	HARRIS SELECT ERP TPM
119411	7563	HILLYARD / SAN FRANCISCO	10/31/19	291.01	SUPPLIES
119412	1457	HOME DEPOT CREDIT SERVICES DEPT. 32 - 25	10/31/19	1,715.46	SUPPLIES
119413	11443	HIROSHI ICHIMURA	10/31/19	804.30	RECREATION CONTRACT
119414	11546	INDUSTRIAL PLUMBING SUPPLY, LLC.	10/31/19	55.92	SUPPLIES
119415	11540	JANSEN'S PLACE AUTO BODY	10/31/19	816.50	VEHICLE REPAIRS
119416	8276	LEHR AUTO	10/31/19	900.00	REPAIRS
119417	10298	MANAGED HEALTH NETWORK BANK OF AMERICA	10/31/19	381.92	EMPLOYEE ASSISTANCE PROGRAM

CCS-AP Accounts Payable Release 8.3.0 R\*APZCKREG\*FDL By BRETT OEVERNDIEK (BRETTTO)

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
119418	11788	MASAKO'S MUSIC STUDIO, INC.	10/31/19	1,676.40	RECREATION CONTRACT
119419	7618	METLIFE SEC	10/31/19	1,362.81	LONG TERM DISABILITY PREMIUM
119420	11378	MNS ENGINEERS INC	10/31/19	24,916.50	ENGINEERING PLAN CHECK AND CONSULTANT SE
119421	10918	ANKAR CYCLES, INC dba OAKLAND HARLEY-DAV	10/31/19	1,270.26	MOTORCYCLE MAINTENANCE AND PARTS
119422	349	PACIFIC GAS & ELECTRIC	10/31/19	79,210.62	STREETLIGHTS/TRAFFIC SIGNALS
119423	11479	DAWN PAIGE	10/31/19	80.97	EXPENSE REIMBURSEMENT
119424	11697	PAKPOUR CONSULTING GROUP, INC.	10/31/19	7,095.39	ENGINEERING PLAN CHECK AND CONSULTANT SE
119425	4507	PETERSON	10/31/19	1,371.66	EQUIPMENT MAINTENANCE
119426	11346	PHAN'S SMOG STATION	10/31/19	80.00	SMOG TEST SERVICES
119427	11591	PORTER RENTS, LLC.	10/31/19	29.88	SUPPLIES
119428	104	DAVID J POWERS & ASSOCIATES INC	10/31/19	5,514.67	CEQA REIMBURSEMENT #C19022
119429	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	10/31/19	606.04	VEHICLE SUPPLIES
119430	11573	REYES COCA-COLA BOTTLING LLC.	10/31/19	444.09	CAFE BEVERAGE SERVICE
119431	11578	ROBERT MOWAT ASSOCIATES	10/31/19	8,010.00	DOG PARKS DESIGN SERVICES (BIRCH GROVE A
119432	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	10/31/19	3,359.19	RENT/WATER
119433	112	WILLE ELECTRICAL SUPPLY CO INC	10/31/19	2,539.29	LIGHT SUPPLIES
119434	5164	SAN MATEO REGIONAL NETWORK INC SMRN.COM	10/31/19	175.00	12 MONTHS SMTP PREMAIL MAIL FILTERING
119435	377	SIMON & COMPANY INC	10/31/19	1,720.00	LEGISLATIVE SERVICES Reinstated from cla
119436	11706	SNG & ASSOCIATES, INC.	10/31/19	3,482.50	ENGINEERING PLAN CHECK AND CONSULTANT SE
119437	11533	ST. FRANCIS ELECTRIC, LLC.	10/31/19	48,664.45	STREETLIGHT MAINTENANCE SERVICES
119438	197	CALIFORNIA DEPARTMENT OF TAX AND FEE ADM	10/31/19	28.70	UST FEES
119439	1765	TEMPERATURE TECHNOLOGY INC	10/31/19	1,366.14	HVAC REPAIR & MAINTENANCE Reinstated fro
119440	11644	TIREHUB, LLC.	10/31/19	682.86	TIRES
119441	135	TURE & INDUSTRIAL EQUIPMENT CO	10/31/19	1,086.53	CONTRACTUAL RENTAL OF TURF RENOVATION EQ
119442	688	UNION SANITARY DISTRICT ACCOUNTING	10/31/19	44,387.20	ANNUAL SEWER CHARGES
119443	11708	UNIVERSAL BUILDING SERVICES & SUPPLY CO.	10/31/19	996.00	JANATORIAL SERVICES
119444	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	10/31/19	261.24	PAYROLL PREMIUM - E0246926
119445	11758	U.S. BANK NATIONAL ASSOCIATION TFM ESCRO	10/31/19	52,610.85	RETENTION PAYMENT - ACCT# 260108010
119446	853	VALLEY OIL COMPANY LOCKBOX# 138719	10/31/19	26,773.12	FUEL ORDER
119447	11487	VANIR CONSTRUCTION MANAGEMENT, INC.	10/31/19	33,286.50	CONSTRUCTION MANAGEMENT SERVICES FOR THE
119448	10998	GARY M SHELDON VBS SERVICES	10/31/19	150.00	BLOOD W/DRAWAL SVC
119449	11651	VERDE DESIGN INC	10/31/19	9,140.06	DESIGN SERVICES FOR CIP #1192 SPORTSFIEL
119450	5623	VERIZON WIRELESS	10/31/19	6,106.73	VERIZON YEARLY CELL PHONE SERVICE
119451	11718	WEBCOR CONSTRUCTION, LP	10/31/19	999,606.65	DESIGN BUILD SERVICES FOR NEWARK CIVIC C
119452	5050	WEST COAST ARBORISTS INC	10/31/19	116,038.00	PARK TREE GRID PRUNE
119453	3245	ZUMAR INDUSTRIES INC	10/31/19	2,986.60	SIGNS AND HARDWARE Reinstated from claim

Total 1,618,188.28