



CITY OF NEWARK

Planning Commission

City Administration Building, City Council Chambers

Various Locations, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

AGENDA

Regular Meeting

Tuesday, January 12, 2021

7:30 P.M.

**THIS IS A MEETING BY VIRTUAL TELECONFERENCE ONLY.
THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN.
REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN
THE MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.**

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the special Planning Commission meeting of Tuesday, December 15, 2020. (MOTION)**

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

E. PUBLIC HEARINGS

- E.1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel.**

(RESOLUTIONS – 2)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

Due to the COVID-19 pandemic, the City of Newark is making several changes related to City Council meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Planning Commission using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Chairperson Aguilar, Vice Chairperson Bridges, and Commissioners Becker, Fitts, Otterstetter will be attending this meeting via teleconference. Teleconference locations are not open to the public.

All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Live television broadcast - Comcast Channel 26

Livestream online at- <https://www.newark.org/departments/city-manager-s-office/agendas-minutes/live-streaming-meetings>

How to participate in the meeting remotely:

From a PC, Mac, iPad, iPhone or Android device: <https://zoom.us/j/91858194048>

From a telephone dial 1 669 900 9128, Webinar ID 918 5819 4048

Provide live, remote public comments when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Administrative Support Specialist.

Submission of Public Comments:

Public comments received by 4:00 p.m. on the Planning Commission meeting date will be provided to the Planning Commission and considered before Planning Commission action. Comments may be submitted by email to planning@newark.org. Comments may also be submitted via e-mail to planning@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The Administrative Support Specialist will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Council may provide, consistent with the time limit for speakers at a Planning Commission meeting and consistent with all applicable laws.

Commission Meeting Access/Materials:

The agenda packet is available for review at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and will be posted, if time allows, at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes>. 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 who require special accommodations, please contact the City Clerk at least two days prior to the meeting at city.clerk@newark.org or 510-578-4266.



CITY OF NEWARK

Planning Commission

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

MINUTES

Tuesday, December 15, 2020

A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:30pm. Present were Vice Chairperson Bridges, Commissioners Becker, Fitts, Otterstetter (all via teleconference).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 23, 2020.

MOTION APPROVED

Commissioner Becker moved, Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on June 23, 2020. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-

parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel. (RESOLUTIONS – 2)

Deputy Community Development Director (DCDD) Interiano spoke on behalf of Associate Planner Patel. DCDD Interiano asked that the item be continued to a date certain of January 12, 2021.

Chairperson Aguilar asked if the Commissioners had questions on the item and there were none.

No one from the public requested to speak.

Vice Chairperson Bridges moved, Commissioner Becker seconded, to move the item to a date certain of Tuesday, January 12, 2021. The motion passed 5 AYES.

E.2 Hearing to consider Z-20-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to amend Section 17.26.040, Accessory Dwelling Units, generally affecting development standards for the construction of Accessory Dwelling Units– from Deputy Community Development Director Interiano.

(Resolution & Ordinance)

DCDD Interiano stated there was a memo sent out with the revised ordinance and resolution for this item. The revised memo and resolution provided changes to the supporting language to the documents but did not make any changes to the proposed regulations.

DCDD Interiano presented an overview of the changes to the State ADU regulations which occurred over the last few years. DCDD Interiano also presented an overview of the City's existing regulations on ADU's and the recommended changes to be in conformance with State law. In summary, the proposed changes to ADU's included reduced setbacks, reduced/eliminated impact fees, objective design standards, reduced parking standards, garage conversions and revisions to size limitations.

Commissioner Fitts asked if the City can require ADUs to include additional parking. DCDD Interiano stated the City cannot require additional parking spaces for ADUs per State regulations. The City can only recommend that additional parking be included.

Vice Chairperson Bridges asked for clarification of the requirements of a garage conversion. DCDD Interiano stated the State laws do not require any changes to the garage exterior. The State laws do allow the City to have objective design standards. Staff recommends that applicants remove the garage door and replace it with a wall to match the design of the home.

Vice Chairperson Bridges asked if the garage conversion wall can be glass as seen in some neighborhoods. DCDD Interiano stated staff can take that into consideration but will need to review the actual plans for each ADU that is requested.

Commissioner Becker commented that the State mandate is a “one size fits all” approach and it is frustrating that the City cannot mandate additional parking for garage conversions, which will only exacerbate the parking issue. Commissioner Becker requested confirmation that there is also now a five-year moratorium for enforcement of unpermitted structures. DCDD Interiano confirmed that is correct. The City can allow five years of non-enforcement on an ADU if the homeowner submits and gets approval for the ADU that meets State laws. Commission Becker wanted to express his opinion of the deficiency of these State mandates.

Chairperson Aguilar agreed with Commissioner Becker in the sense that some of the State mandates are infringing. Chairperson Aguilar asked how other cities have objected to these State mandates. DCDD Interiano stated some other City’s planning directors are uncomfortable with what is being proposed, but it is a mandate. He is unaware of any other city that is trying to fight the regulations. If and when the ADU ordinance is passed by the Planning Commission and City Council, the City is required to send the ordinance to the State for review and final approval. The State has the ability to request changes should the State deem the City’s ordinance inconsistent with the intent of State laws. Community Development Director (CDD) Turner stated he has heard other comments that share the same sentiments as Commissioner Becker and Chairperson Aguilar. Most cities have adopted these rules but there are serious questions on how this could affect the character of a neighborhood. However, ADUs are a simple way to obtain a type of affordable housing in the community. ADUs can be counted towards the production requirements for low incoming housing.

Chairperson Aguilar understands that we are in Cycle 6 of the RHNA allocation and that it is usually planning based and not production based. He asked if single family lots that can accommodate ADUs be counted towards that tally. CDD Turner stated that this is what the City is advocating for as a good way for a City to meets its RHNA allocation number.

Chairperson Aguilar asked if the City could enforce design standards for projects such as garage conversions. CDD Turner stated there is no discretionary process for ADUs. The standards that are applied to ADU design must be entirely objective.

Chairperson Aguilar opened the item for public comment and there were none.

Commissioner Fitts moved, Vice Chairperson Bridges seconded, to approve the revised ADU resolution and ordinance. The motion passed 5 AYES.

F. STAFF REPORTS

CDD Turner asked to present under item G.2. Chairperson Aguilar approved.

G. COMMISSION MATTERS

G.1 Election of Officers.

Vice Chairperson Bridges commented that Chairperson Aguilar was deprived of the duties this year.

Vice Chairperson Bridges motioned, Commissioner Fitts seconded, to reappoint Chairperson Aguilar as Chairperson for 2021. The motion passed 5 AYES.

Chairperson Aguilar moved, Commissioner Otterstetter seconded, to reappoint Vice Chairperson Bridges and Vice Chairperson for 2021. The motion passed 5 AYES.

G.2 Report on City Council actions.

CDD Turner stated City Council reappointed Vice Chairperson Bridges to another term on the Planning Commission.

CDD Turner thanked the Community Development staff for their hard work during this tough year.

CDD Turner reported that City Council has been busy with actions to respond to the pandemic such as establishing a moratorium on residential and commercial evictions, granting the Community Development Director the ability to waive zoning ordinance requirements to promote outdoor business operations, adopting the Newark CARES Grant Program to assist residential renters and small businesses with expenses, and limiting third party delivery fees to 15%.

Economic Development Manager, Anne Stedler, spearheaded a new program called GiftNewark.com which is an online gift card marketplace for Newark businesses. It is an online platform to purchase gift cards and the revenue goes directly to the businesses and a great way to market our small businesses across the community.

City of Newark and Chamber of Commerce produced webinars in multiple languages to help small businesses adapt to the pandemic.

CDD Turner stated there has not been a slowdown in development projects and that 2021 will be a busy year for the Planning Commission. Projects such as Fahmy subdivision, Eden Housing, NewPark Mall, Hyatt House Hotel, FMC Willow, and Old Town Study are expected to be presented at future Planning Commission meetings. There are policies and programs such as affordable housing that will be proposed as well. An affordable housing consultant was hired to assist the City on a number of different efforts such as RHNA allocation, a workplan to reach the target number in this next cycle, and a new housing element due to the State in 2023. Zoning ordinance revisions and a report on short term rentals are expected to be addressed in future Planning Commission meetings.

Commissioner Fitts asked if the new City Hall is on track to open in April 2021. CDD Turner stated we might be ahead of schedule and may be in the new building by March 2021.

Commissioner Fitts asked if the City had final figures for Census 2020. CDD Turner stated we do not have the final numbers yet and that we won't have the numbers until spring of 2021. Newark was number two in Alameda county in terms of overall participation at a self-response rate of 82.5%.

Commissioner Fitts wished everyone a happy holidays, merry Christmas and happy new year.

Vice Chairperson Bridges stated there were inquiries about the project at Thornton Ave, Oliveria, and Arnold for what appears to be a residential home. DCDD Interiano stated it might be the project for a 100-bed care facility next to the new police station. The project is still in review and expected to be a four-story building.

Commissioner Becker thanked CDD Turner for the outstanding overview and is glad to hear that despite the pandemic that development is still moving ahead.

Commissioner Becker also welcomed Associate Planner Patel on board.

Chairperson Aguilar stated it was great to see everyone again and is looking forward to the days that we can get together in person. Chairperson Aguilar thanked staff for the excellent work and a happy holiday to all.

H. ADJOURNMENT

Chairperson Aguilar adjourned the special Planning Commission meeting at 8:41 p.m.

Respectfully submitted,

STEVEN TURNER
Secretary



- E. 1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel.**

(RESOLUTIONS – 2)

Background/Discussion

Sawart S. Fahmy is requesting to subdivide Lots 13 and 14 of Block 56 in Map Book 17, page 10 filed with the Alameda County records on May 6, 1878 into a five-parcel subdivision consisting of four single-family residential lots and one common lot. The common lot, “Parcel 5,” would serve as a private street to access the four residential lots.

The project site comprises of two vacant lots, located at 37503 and 37511 Cherry Street, which combine for an aggregate size of approximately 0.38 of an acre. The lots are zoned RM: Residential Medium Density and have a General Plan Land-Use Designation of “Medium Density Residential.” The respective zoning and land-use designation are intended for residential densities from 14 to 30¹ units per net acre. Generally, the RM district allows for garden apartments and condominiums, townhomes, row houses, four- to eight-plexes, and in established areas near Old Town Newark, a mix of multi-family and single-family homes within this range. These areas tend to be multi-family in character but retain some of the characteristics of suburban neighborhoods.

Project Context and Proposal

The project site sits near the outskirts of the Old Town Newark area. The stretch of Cherry Street between Central Avenue to the south and Baine Avenue to the north is transitioning from industrial to residential uses. This transition would tie into the urban fabric that exists south of Thornton Avenue, particularly with the multifamily developments on the west-side of Cherry Street along the two blocks that are separated by Clark Avenue.

Specifically, the project site is surrounded by single-family residences to the north; multi-unit developments to the east and west; and a newly constructed personal-storage facility to the south. As previously described, the project would combine two existing lots and subdivide the property into five parcels, ranging in size 2,800 to 3,570 square feet. “Parcel A” would be the largest at 3,570 square feet and serve as an emergency vehicle access easement, a private vehicle access easement, a public utility easement, a sanitary sewer easement, a waterline easement, and a private storm drain easement. Each of the other four parcels would be developed with a two-story, single-

¹ Up to 30 units/net acre in the RM district are allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area subject to conditional use permit approval.

family residence. The single-family homes would provide between 1,631 to 1,884 square feet of living area and an attached two-car garage, which would range between 471 to 514 square feet. As detached, single-unit dwellings, the proposed residences are permitted in the RM district. However, as detailed later in this staff report, the proposed development does not meet all of the RM development standards specified in [Newark Municipal Code \(NMC\) §17.07.030](#).

Per the application materials on file, each of the four homes would comprise of 3 bedrooms and 2.5 bathrooms in a two-story structure. The homes would be relatively modest in size and differ from the new, largely three-story residential construction that has taken place elsewhere in the City over the last few years.

The City's off-street parking requirement would be satisfied by the provision of a two-car garage for each home, which would be front-loaded. Additionally, the driveway apron on each lot, as well as the two parking spaces between Lots 1, 2, and 3, would provide guest parking.

As reported by the applicant, the homes will honor Craftsman architecture. As suggested by the elevations, the home designs give attention to the roof forms, gable elements, and porch details. While each home would have a distinct color scheme, the consistency in materials and finishes would provide design elements that are visually harmonious. For instance, each house would apply a wainscoting base of stone or brick veneer to anchor it to the ground. The homes would also include accent materials for richness. This is particularly true for Lot 1 because it would be visible from Cherry Street. The home design for Lot 1 would incorporate a large porch element to reduce the massing and break up the two-story façade at the street-facing elevation. This street-facing elevation would also express detail in the porch railing and the gable framing.

Furthermore, to help soften the development and settle the homes into the landscape, the project proposes a total of 10 trees, including two 36-inch box street trees, and over 200 5-gal shrubs. The landscape improvements would give definition and variety to the development.

Requested Entitlements

The proposed project requires the approval of the following items to allow for site improvements and construction of the residences.

1. *Planned Development (PD) Overlay District and PD Plan.* The proposed project deviates from some of the RM district development standards as specified in [NMC §17.07.030](#). The specific deviations are as follows:
 - a. Density – A minimum density of 14 units per acre is required. The project would result in a density of 13.4 units per acre.
 - b. Lot Size – All four lots would not meet the minimum lot size of 6,000 square feet. The average lot size for all four lots would be approximately 3,250 square feet.
 - c. Lot Width – Lots 1, 2, and 3 would not meet the minimum lot width requirement of 60 feet. The average lot width for all four lots would be approximately 50 feet.
 - d. Lot Depth – All four lots would not meet the minimum lot depth of 100 feet. The average lot depth for all four lots would be approximately 67 feet.

- e. Public Street Frontage – Lots 2, 3, and 4 would not meet the minimum lot frontage on a public street of 40 feet. All three of these lots are accessed through a private street (Parcel A), and therefore, do not have frontage on a public street.
- f. Rear Setback – Lots 1, 2, and 3 would not meet the minimum rear-yard setback of 10 feet. All three of these lots have a rear-yard setback of 9 feet.

Lot #	Frontage	Home Size	Lot Size
Lot 1	Cherry Street	1,631	3,253
Lot 2	No public street frontage	1,631	2,800
Lot 3	No public street frontage	1,631	3,512
Lot 4	No public street frontage	1,884	3,570

Per [NMC §17.12.060](#), a PD plan and zoning amendment shall only be approved if all of the findings listed below are made in the affirmative. Based on staff’s analysis, the findings provided in draft Attachment 2 (Resolution P-20-02) are made in the affirmative and supported by the application materials on file. Additionally, as noted in Attachment 4 (Draft Ordinance), staff finds that the proposed project meets the zoning amendment criteria specified in [NMC §17.39.080](#).

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*
 - b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*
 - c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*
 - d. *The development generally complies with applicable adopted design guidelines.*
 - e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*
2. *Design Review.* Pursuant to [NMC Chapter 17.34](#), design review is required for all projects that require a permit for new construction. Per [NMC §17.34.060](#), the Commission should evaluate the proposal to ensure the project satisfies the design review criteria (to the extent applicable) listed below. Generally, staff finds the proposed project consistent with applicable design guidelines and the findings provided in Attachment 2 (Resolution P-20-02) are made in the affirmative. However, the Commission may further condition the project to: Promote high-quality design; Ensure well-crafted and maintained buildings and landscaping; and/or Incorporate high-quality building materials.
- a. *The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and*

- surrounding natural and built environment.*
- b. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.*
 - c. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.*
 - d. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.*
 - e. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.*
 - f. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.*
 - g. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.*
3. *Vesting Tentative Tract Map.* The applicant has submitted a Vesting Tentative Tract Map 8531 to allow for a five-parcel, four-lot residential subdivision on an approximately 0.38-acre site. The four residential lots will range in size from 2,800 to 3,512 square feet. Pursuant to California Government Code [Government Code §66474](#), a legislative body of a city or county shall deny approval of a tentative map if it makes any of the findings noted below. Based on staff's analysis, the findings provided in Attachment 3 (Resolution TTM-20-03) are made in support of the vesting tentative map.
- a. That the proposed map is not consistent with applicable general and specific plans as specified in Government Code §65451.*
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*
 - c. That the site is not physically suitable for the type of development.*
 - d. That the site is not physically suitable for the proposed density of development.*
 - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.*
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

California Environmental Quality Act (CEQA)

Pursuant to CEQA Guidelines, Article 19, §15303(b) and §15332, the proposed project is categorically exempt from CEQA. New construction in urbanized areas for not more than six units is categorically exempt from CEQA. A residential project is categorically exempt from CEQA if it is: consistent with the general plan and the zoning code; is located on a site with no more than

five acres; has no value for endangered or rare or threatened species; would not result in any significant effects relating to traffic, noise, air or water quality; and all required utilities and public services can adequately serve the site.

Action

Staff recommends that the Planning Commission recommend, by resolution, to the City Council the following:

1. Approval of P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan located at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02), as shown in Exhibit A;
2. Approval of TTM-20-03, Vesting Tentative Map 8531 to allow for a five-parcel, four-lot residential subdivision for the construction of four single-family homes located at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02), as shown in Exhibit A.

Attachment(s)

1. Exhibit A (Project Plans - Site Plan, Elevations, Landscape Plan, etc.)
2. Resolution – P-20-02
3. Resolution – TTM-20-03
4. Draft Ordinance (PD Overlay District)

5 Lot- 4-Unit Subdivision

FOR

Sawart S. Fahmy

37487, 37495 37503, & 37511, Cherry St Newark

Applicable Codes and Ordinances

CALIFORNIA BUILDING CODE
 CALIFORNIA FIRE CODE
 CALIFORNIA MECHANICAL CODE
 CALIFORNIA PLUMBING CODE
 CALIFORNIA ELECTRICAL CODE
 CALIFORNIA GREEN BLDG STANDARDS
 CALIFORNIA ENERGY CODE
 CALIFORNIA RESIDENTIAL CODE

Project shall comply with applicable codes in effect when the building permit application is filed

Scope of Work

Subdivide two existing parcels (combined approx 17,200 sf) into a five unit subdivision. One unit will be the new private street and the other four will be parcels for single family lots. Note that a portion of the original two lots will be dedicated to the City of Newark for future street widening along Cherry St.

Four new two story homes will be constructed as part of this project.

SHEET INDEX

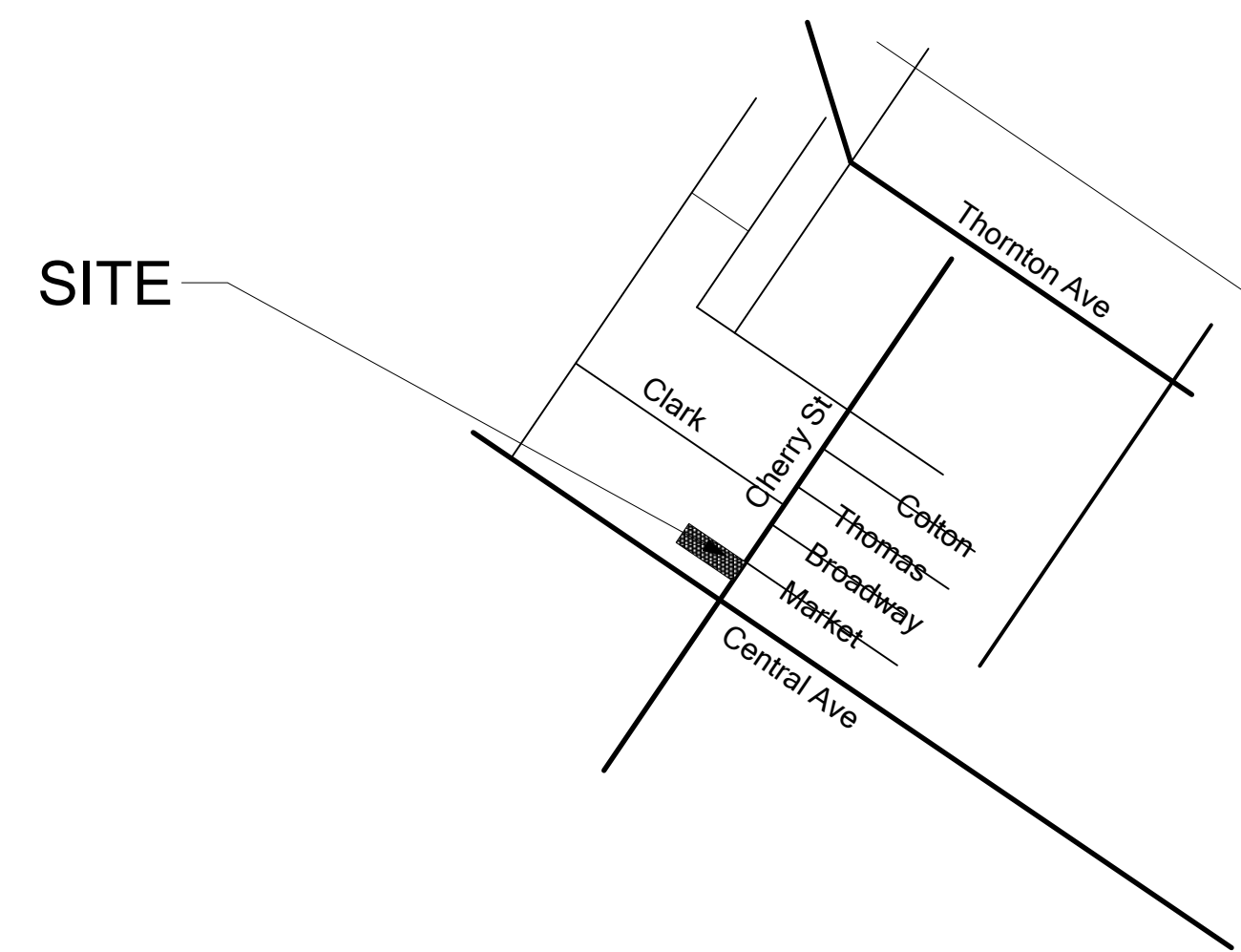
T-1 Cover Sheet

Civil Drawings

- TM1 Tentative Map-Lot Plan
- TM2 Site Plan
- TM3 Preliminary Grading Plan
- TM4 Preliminary Grading Plan
- TM5 Preliminary Utility Plan
- TM6 Cross Sections

Architectural

- S-1 Architectural Site Plan
- L-1 Conceptual Landscape Plan
- A-1A Plan 1A Floor Plans
- A-1B Plan 1B Floor Plans
- A-1C Plan 1C Floor Plans
- A-2 Plan 2 Floor Plans
- A-3A Plan 1A Exterior Elevations
- A-3B Plan 1B Exterior Elevations
- A-3C Plan 1C Exterior Elevations
- A-4 Plan 2 Exterior Elevations
- A-5 Streetscape Elevations Exterior Details



Vicinity Map

Construction Notes

1. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 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 the extended hours/days, the time duration of the request, the proximity to residential neighborhoods, and input from affected neighbors. All approvals will be done so in writing.

PROJECT DATA

LOCATION 37503 & 37511 Cherry St Newark CA

Zoning RM (Residential Medium Density) General Plan Use - Medium Density Residential

OWNER Sawart S. Fahmy 331 Santa Rosa Drive Los Gatos, CA 95032

ARCHITECT JOHN BARTON ARCHITECT 43575 MISSION BLVD #703 FREMONT CA 94539

CONTACT JOHN BARTON 510 290 9007 JBARCH100@MSN.COM

Civil Engineer SAN BENITO ENGINEERING & SURVEYING INC 502 MONTEREY ST HOLLISTER, CA 95023 831 637 2763

Building and Lot Information

Lot Area 16,767 SF
 (after Frontage dedication) 16,567 SF

Parcel 1 95-75-4-2
 Parcel 2 95-75-5-2 to be combined and then subdivided

Proposed Subdivision

(net-excludes private street) h12,997 SF

Lot 1/37519 Cherry St	3,253 SF
Lot 2/37511 Cherry St	2,800 SF
Lot 3/37503 Cherry St	3,432 SF
Lot 4/37495Cherry St	3,512 SF
Lot 5(Private Street)	3,570 SF

Lot Coverage

Lot 1/37519 Cherry St	1,215 SF/3,253 SF = 37%
Lot 2/37511 Cherry St	1,158 SF/2,800 SF = 41%
Lot 3/37503 Cherry St	1,158 SF/3,432 SF = 34%
Lot 4/37495Cherry St	1,258 SF/3,512 SF = 36%

Floor Areas

Lot 1/37519 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 2/37511 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 3/37503 Cherry St	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

Lot 4/37495Cherry St	
Lower Floor	725 SF
Upper Floor	1,159 SF
Subtotal Living	1,884 SF
Garage	514 SF
Total Building	2,398 SF

Landscaping

Lot 1/37519 Cherry St	
Landscaping (area)	1,141 SF
Landscaping (percent)	35%

Lot 2/37511 Cherry St	
Landscaping (area)	711 SF
Landscaping (percent)	26%

Lot 3/37503 Cherry St	
Landscaping (area)	860 SF
Landscaping (percent)	25%

Lot 4/37495Cherry St h	
Landscaping (area)	862 SF
Landscaping (percent)	25%

Revisions

JOHN BARTON ARCHITECT
 43575 Mission Blvd #703 Fremont Ca 94539
 510 290 9007 jbarch100@msn.com

Fahmy Subdivision
 37503 & 37511 Cherry St Newark Ca

Title Sheet
 General Notes
 Site and Building Data

Date August 2020

Scale NA

Drawn By JB

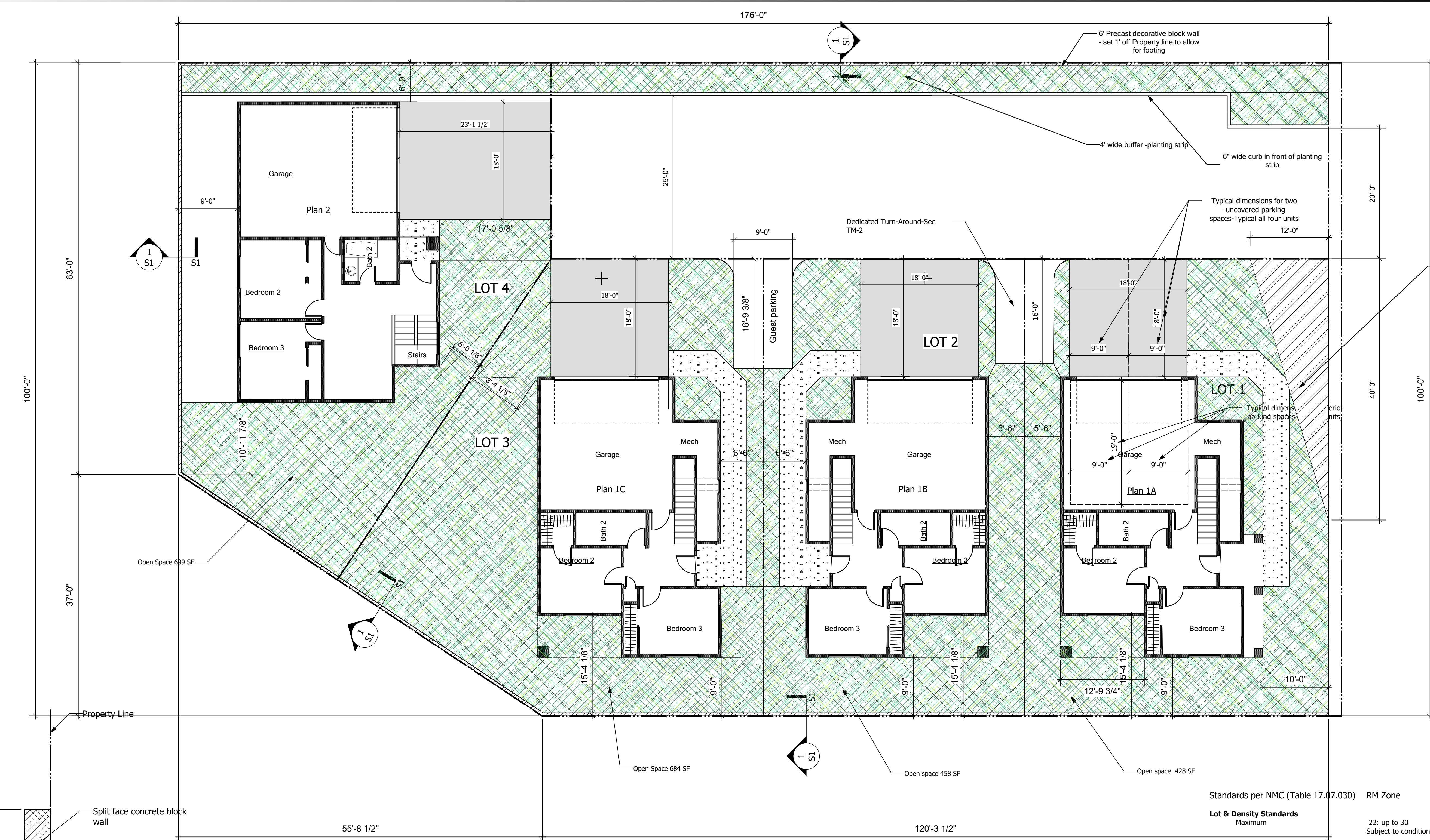
Status

Con Docs.

Sheet

T-1

Of T1-A7 Sheets



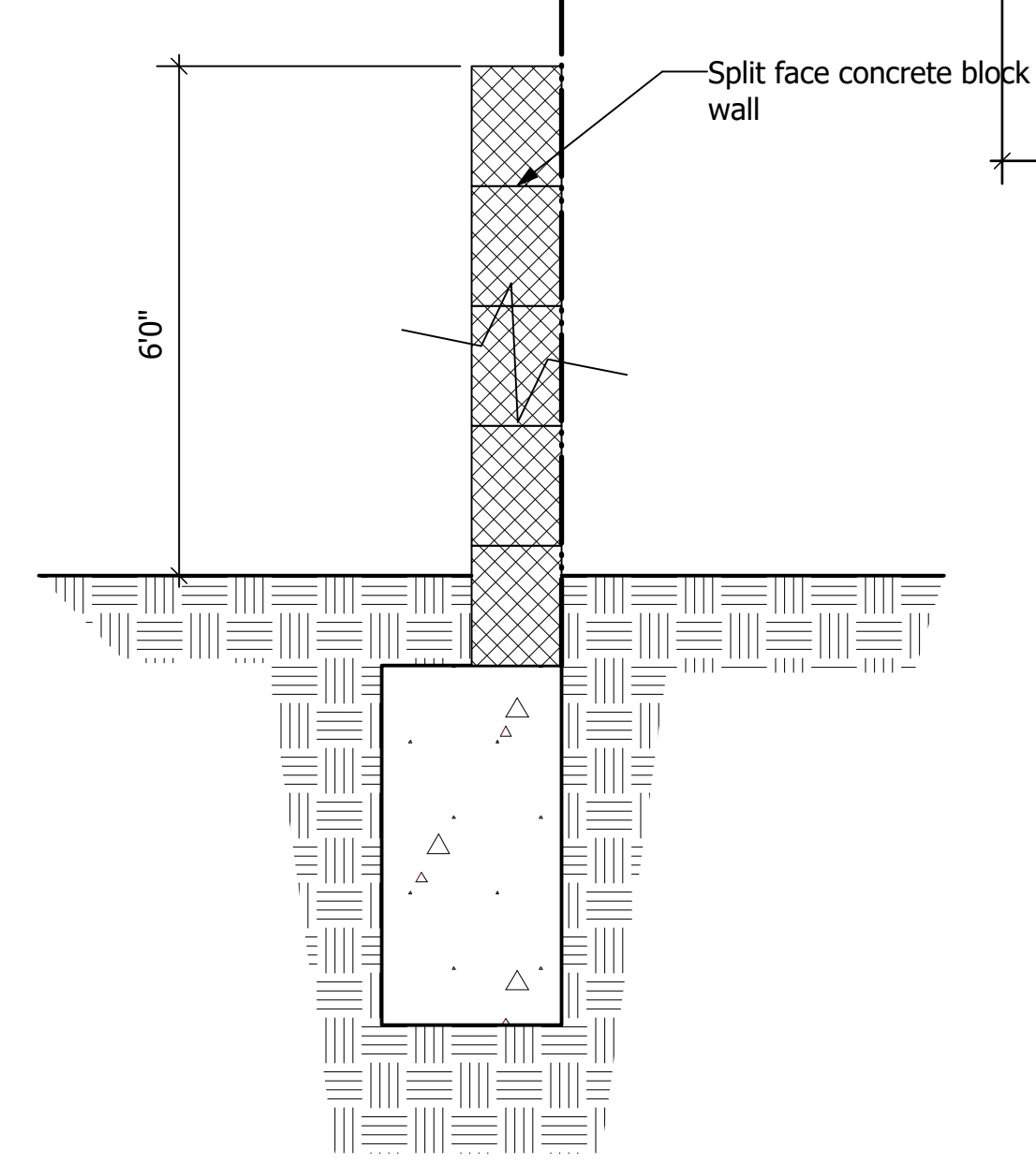
indicates restricted visibility triangle-No obstructions over 36" above the nearest paved surface per City of Newark Ordinance-Note that plant "BP" (dwarf coyotebrush) is a low growing shrub-approx 18" high

Preliminary Site Plan

Scale: 1/8" = 1'-0"

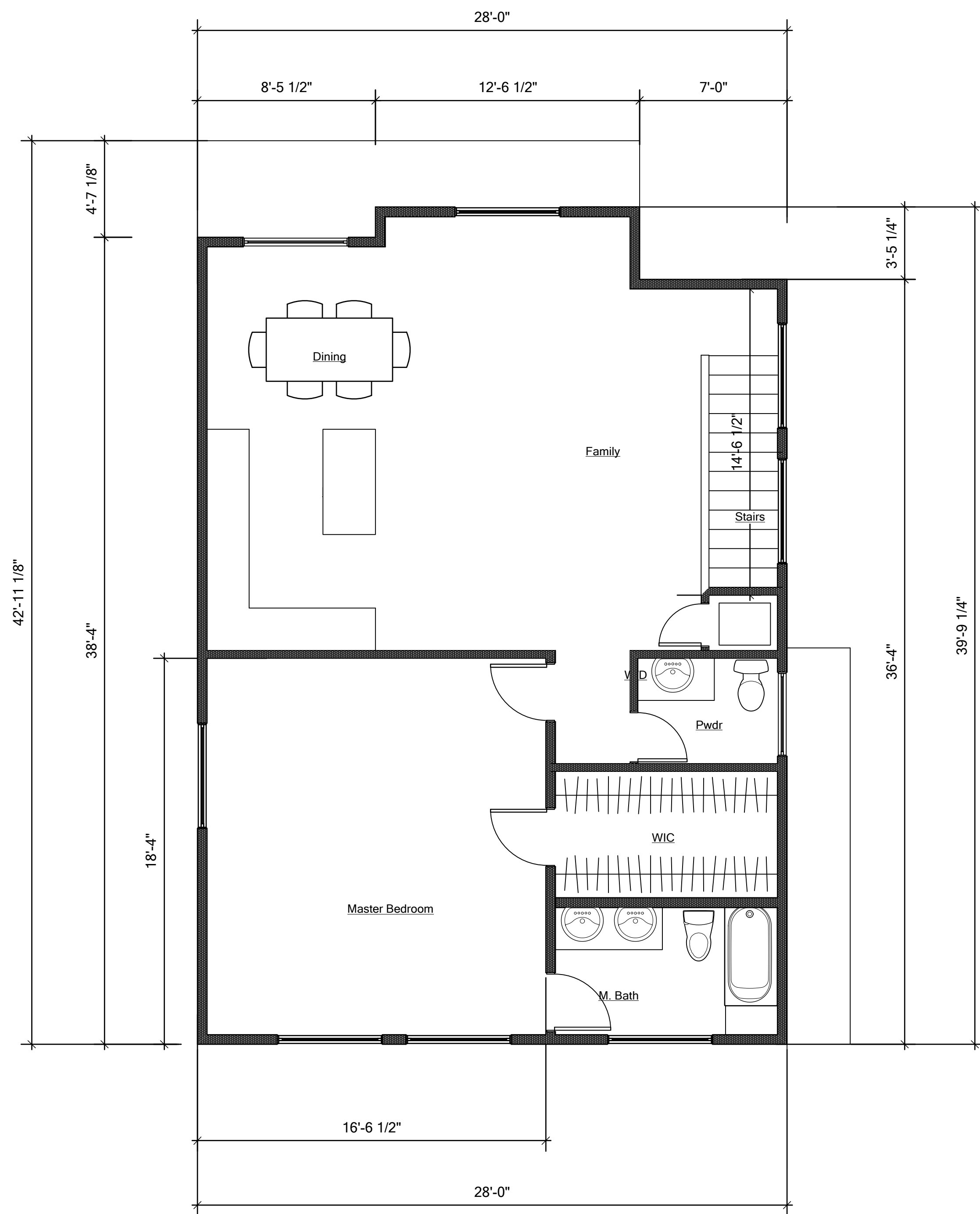
- Subsequent to rough grading, the applicant shall hire a qualified biologist to:
- Determine if Burrowing Owl habitat(s) exist on the site.
 - Implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl Study shall be conducted not more than 30 days prior to the time of site grading activities will commence.

Standards per NMC (Table 17.07.030)	RM Zone	Proposed for Project
Lot & Density Standards		
Maximum	22: up to 30 Subject to conditions	13.4 units/acre
Minimum	14 units/acre	
Minimum Lot Size	6,000 SF	2,800 SF
Minimum Lot Width	60'	40'
Minimum Lot Depth	100'	70'
Minimum Frontage on a Public Street	40'	NA (Lots front onto a private Street- Lot#1 has 70' frontage on Cherry St)
Building Form and Location		
Maximum Height	75' (35' within 20' of an RS or RL District)	Approx 27' 2"
Minimum Setbacks	Front 15' Interior Side 5' Street Side 8' Rear 10'	17'2 Min (Lot 4) 5'-6" 10' 9'
Min Distance Between Structures	10'	11'
Lot Coverage, Landscape and Open Space Standards		
Max Lot Coverage	55% Max	37.5% (Lot 2)
Min Landscaping (% of Lot)	25% Min	26% min
Min Open Space per unit	300 SF Min	450 SF Min

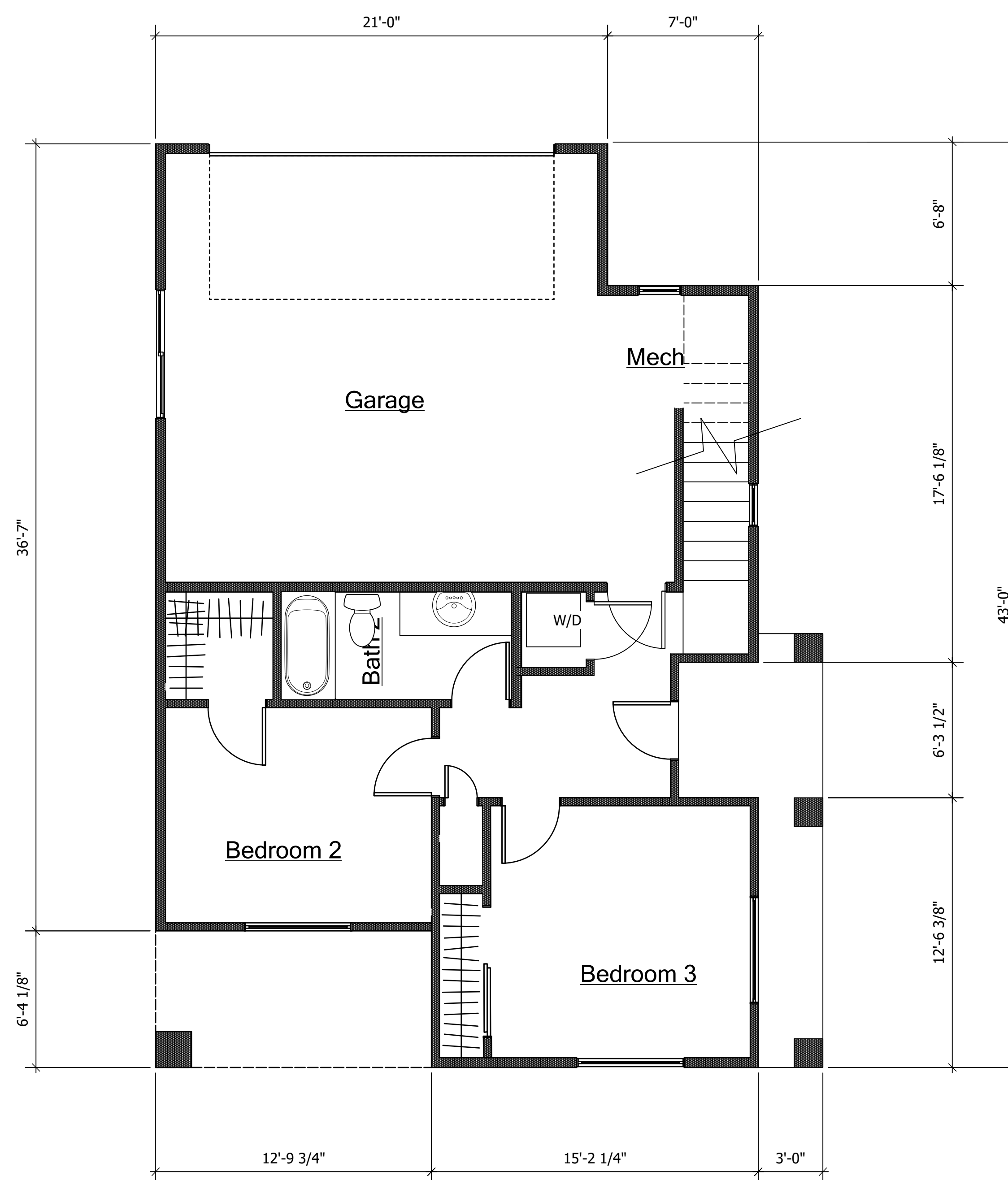


Fence Detail

Scale: 1" = 1'-0"

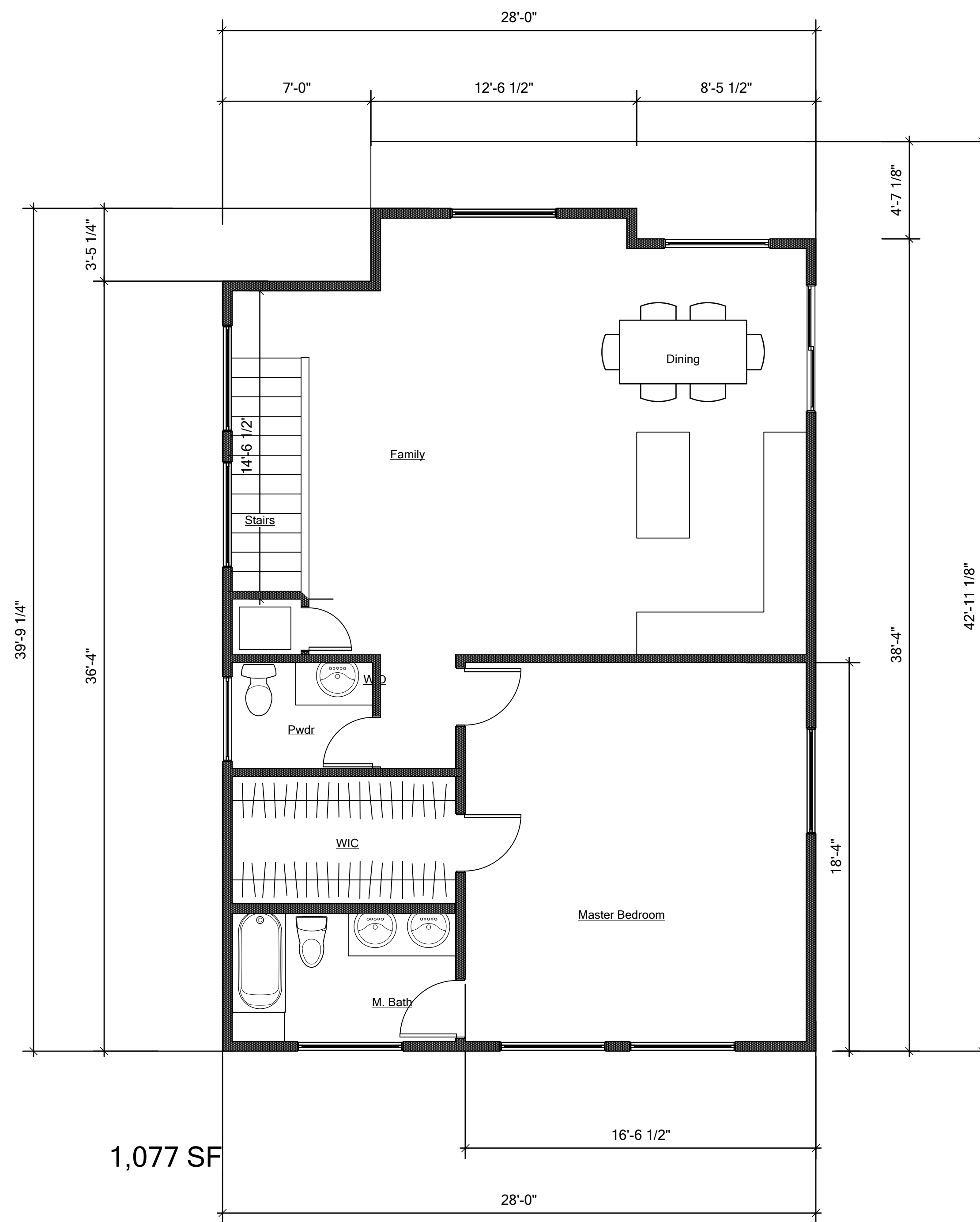


Plan 1A - Upper Level Floor Plan
Scale: 1/4" = 1'-0"

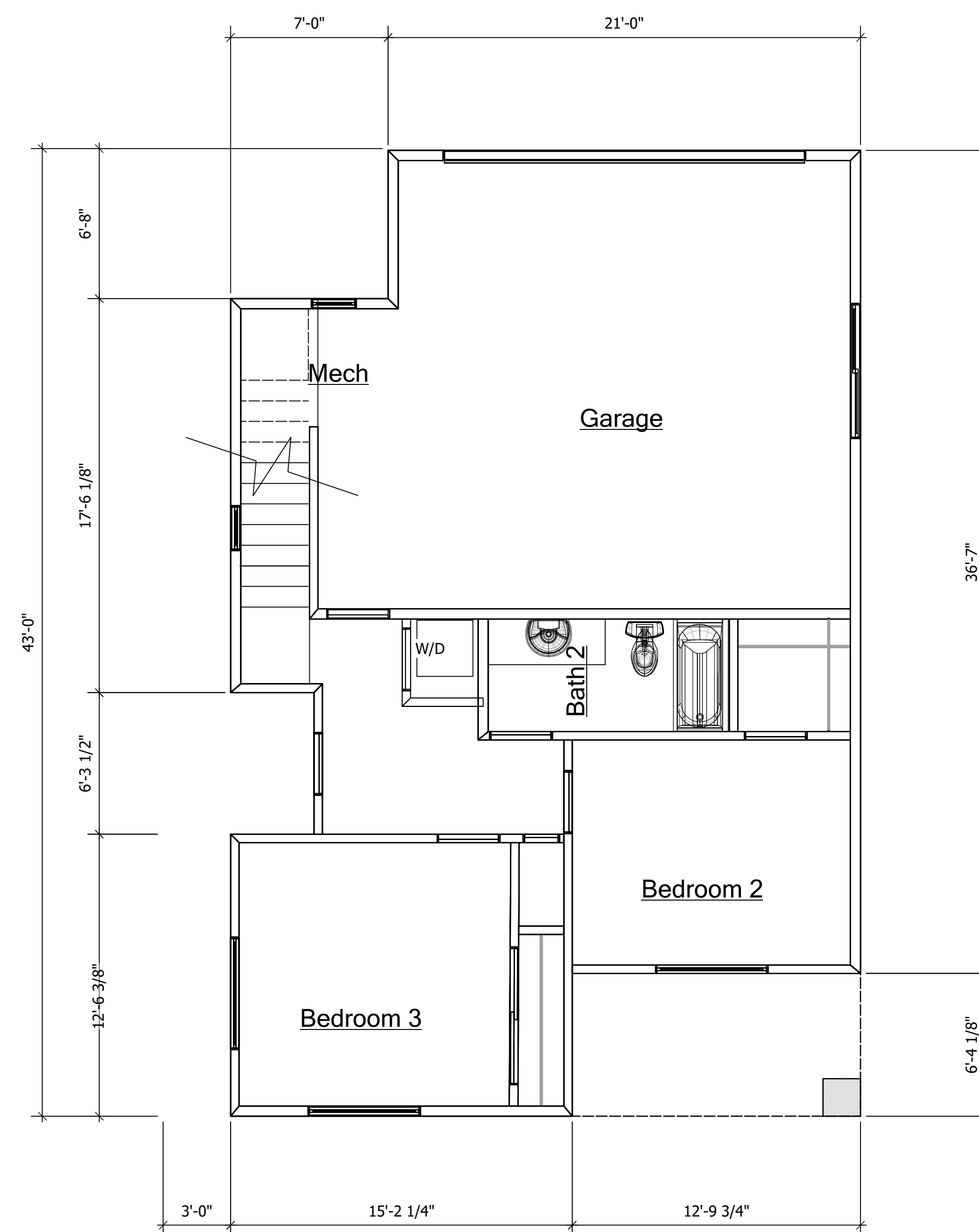


Plan 1A Lower Floor Plan
Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF



Plann 1B Upper Floor Plan
Scale: 1/4" = 1'-0"



Plan 1B Lower Floor Plan
Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

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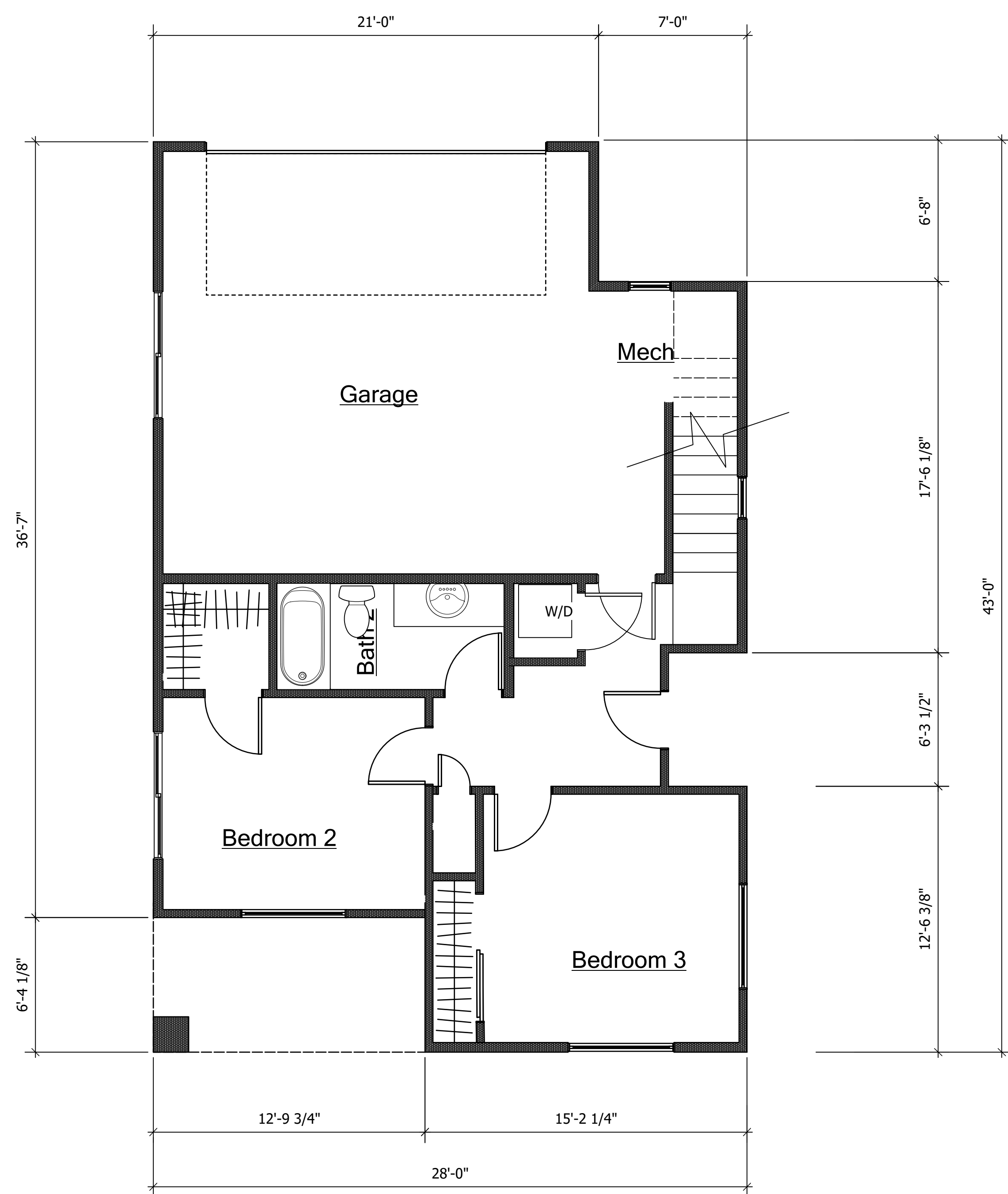
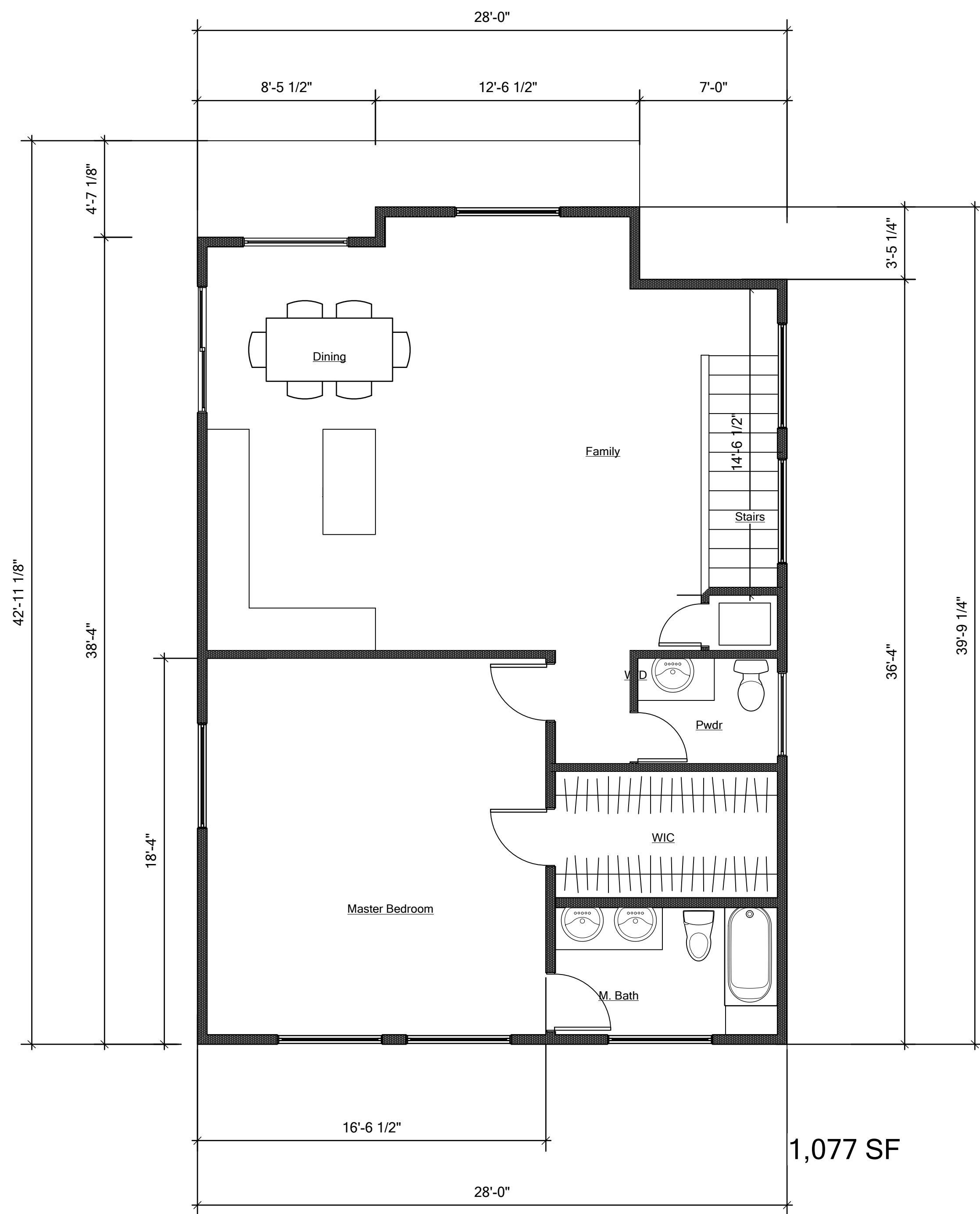
Conceptual Design
Fahmy Subdivision

Plan 1B Floor Plans
Lot 2

Date
August 2020
Scale
1/4" = 1'-0"
Drawn By
JB
Status
Preliminary Review
Sheet

A-1B

Of _____ Sets



Floor Areas	
Lower Floor	580 SF
Upper Floor	1,051 SF
Subtotal Living	1,631 SF
Garage	471 SF
Total Building	2,102 SF

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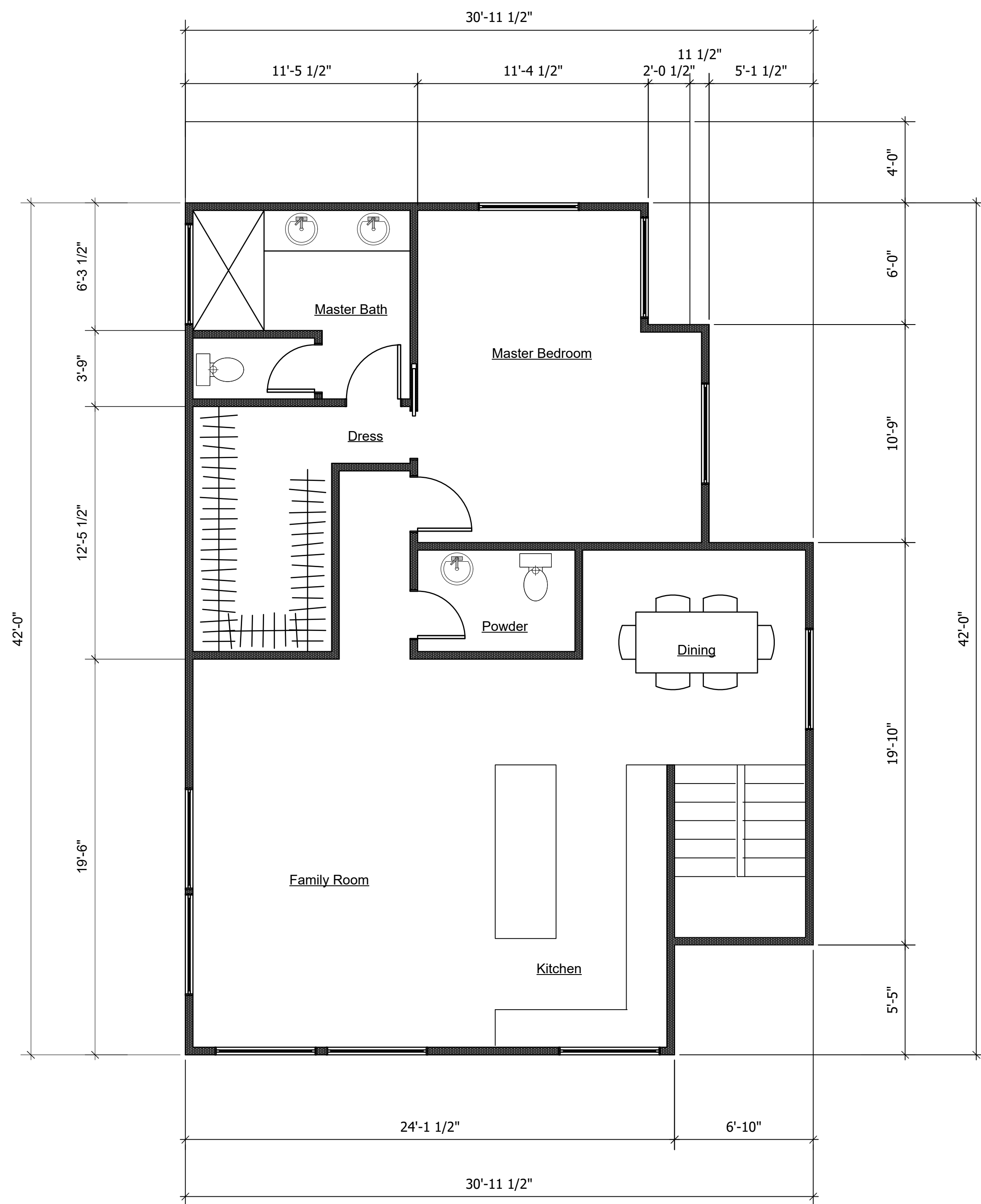
Conceptual Design
 Fahmy Subdivision

Plan 1C - Floor Plans
 Lot 3

Date
 August 2020
 Scale
 1/4" = 1'-0"
 Drawn By
 JB
 Status
 Preliminary Review
 Sheet

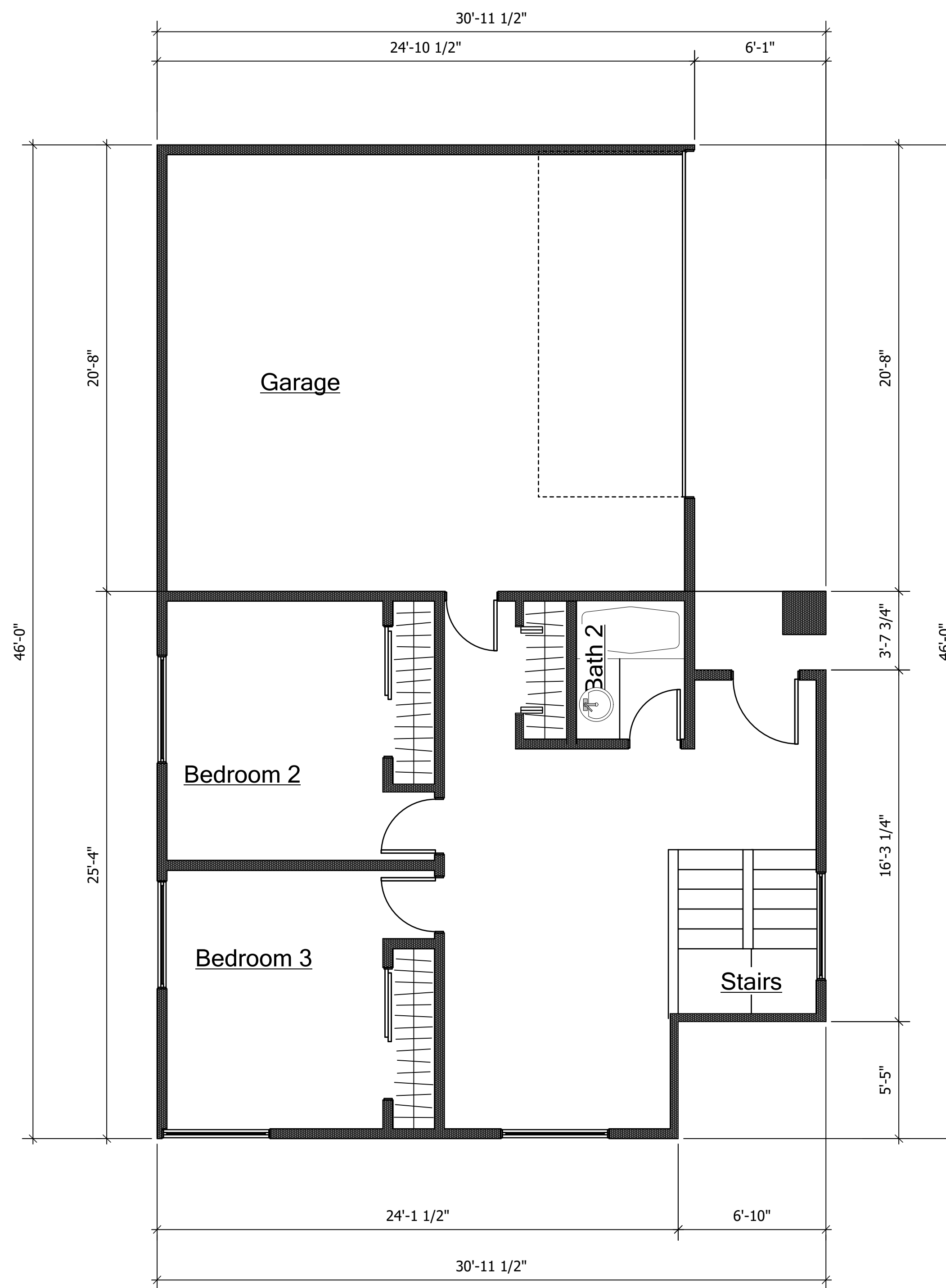
A-1C

Of _____ Sets



Plan Two Upper Level Floor Plan

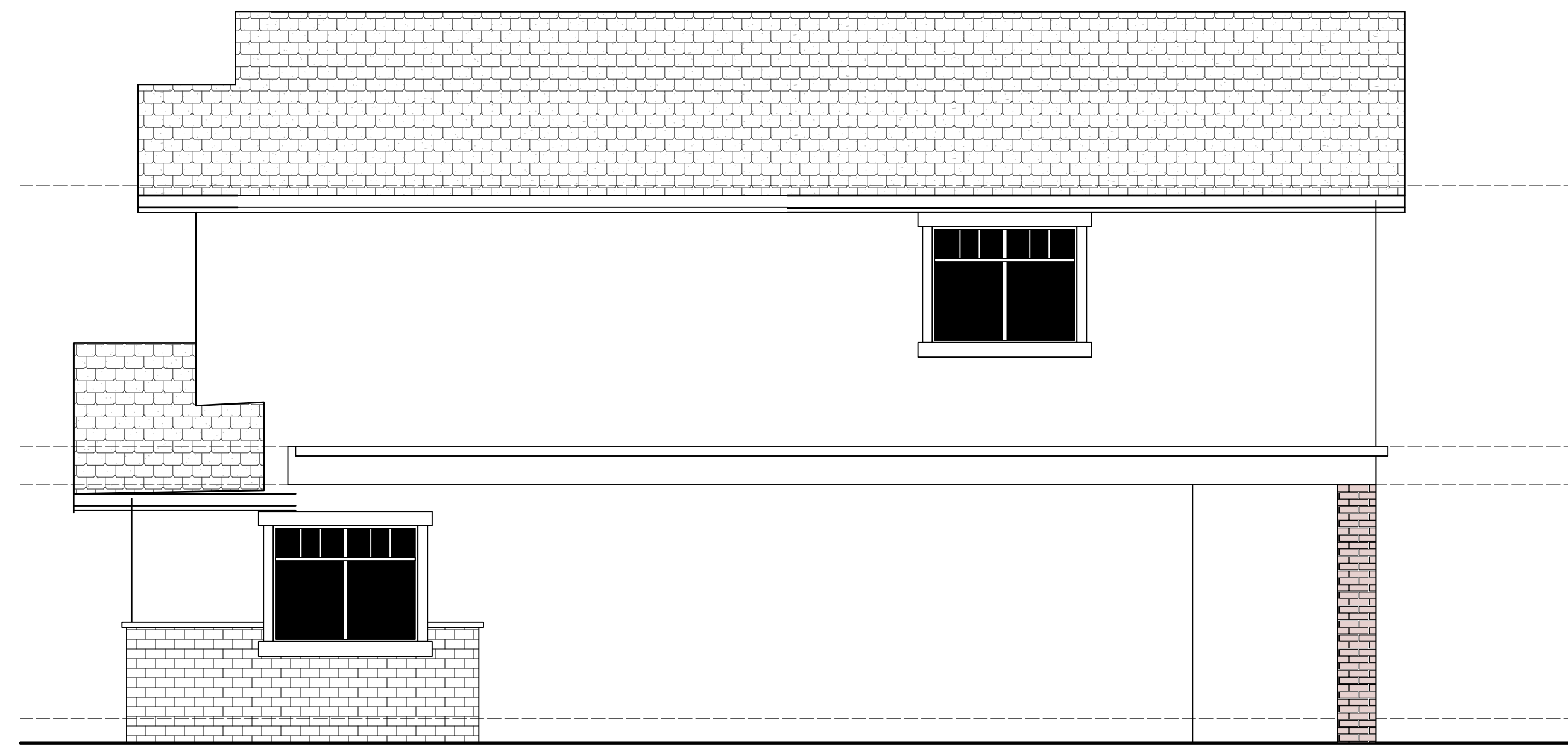
Scale: 1/4" = 1'-0"



Plan Two Lower Level Floor Plan

Scale: 1/4" = 1'-0"

Floor Areas	
Lower Floor	725 SF
Upper Floor	1,159SF
Subtotal Living	1,884 SF
Garage	514 SF
Total Building	2,398 SF



Plan 1A - Right Side Elevation
Scale: 1/4" = 1'-0"



Plan One- Front Elevation from Cherry Street
Scale: 1/4" = 1'-0"



Plan One - Rear Elevation
Scale: 1/4" = 1'-0"



Plan One - Front Elevation from Private Driveway
Scale: 1/4" = 1'-0"

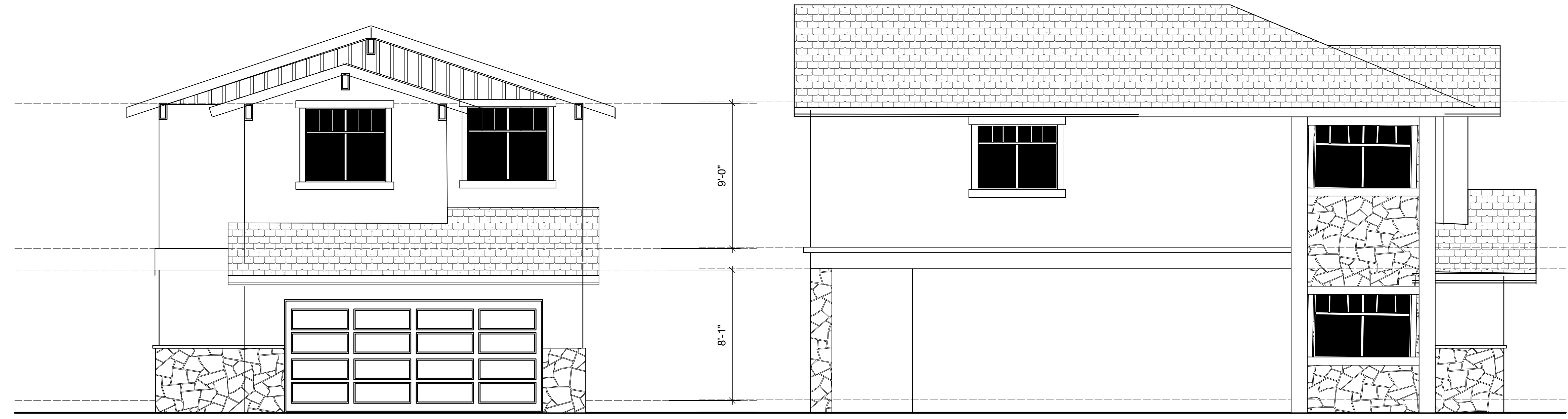
JOHN BARTON ARCHITECT
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510 290 9007
jbarch100@msn.com

Conceptual Design
Fahmy Subdivision

Plan 1A Exterior Elevations
Lot 1

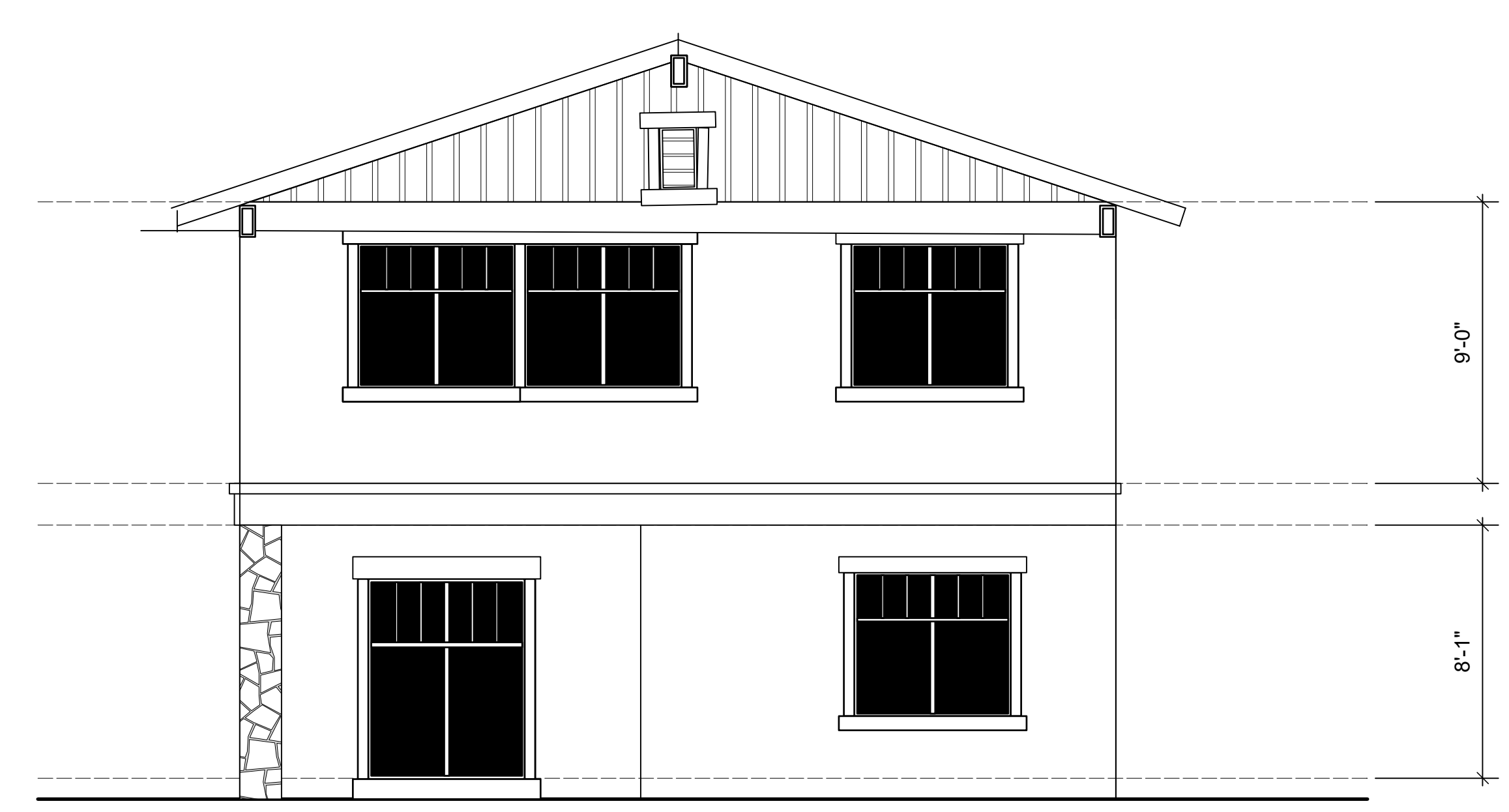
Date
August 2020
Scale
1/4" = 1'-0"
Drawn By
JB
Status
Preliminary Review
Sheet

A-3A
Of Sets



Plan 1B Front Elevation
Scale: 1/4" = 1'-0"

Plan 1B - Left Side Elevation
Scale: 1/4" = 1'-0"



Plan 1B - Rear Elevation
Scale: 1/4" = 1'-0"



Plan 1B - Right Side Elevation
Scale: 1/4" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Plan 1B - Exterior Elevations
Lot 2

Date
August 2020
Scale
1/4" = 1'-0"
Drawn By
JB
Status
Preliminary Review
Sheet

A-3B
Of Sets



Plan 1C Left Side Elevation
Scale: 1/4" = 1'-0"



Plan 1C- Front Elevation from Private Driveway
Scale: 1/4" = 1'-0"



Plan 1C - Rear Elevation
Scale: 1/4" = 1'-0"



Plan 1C Right Side Elevation
Scale: 1/4" = 1'-0"

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Conceptual Design
Fahmy Subdivision

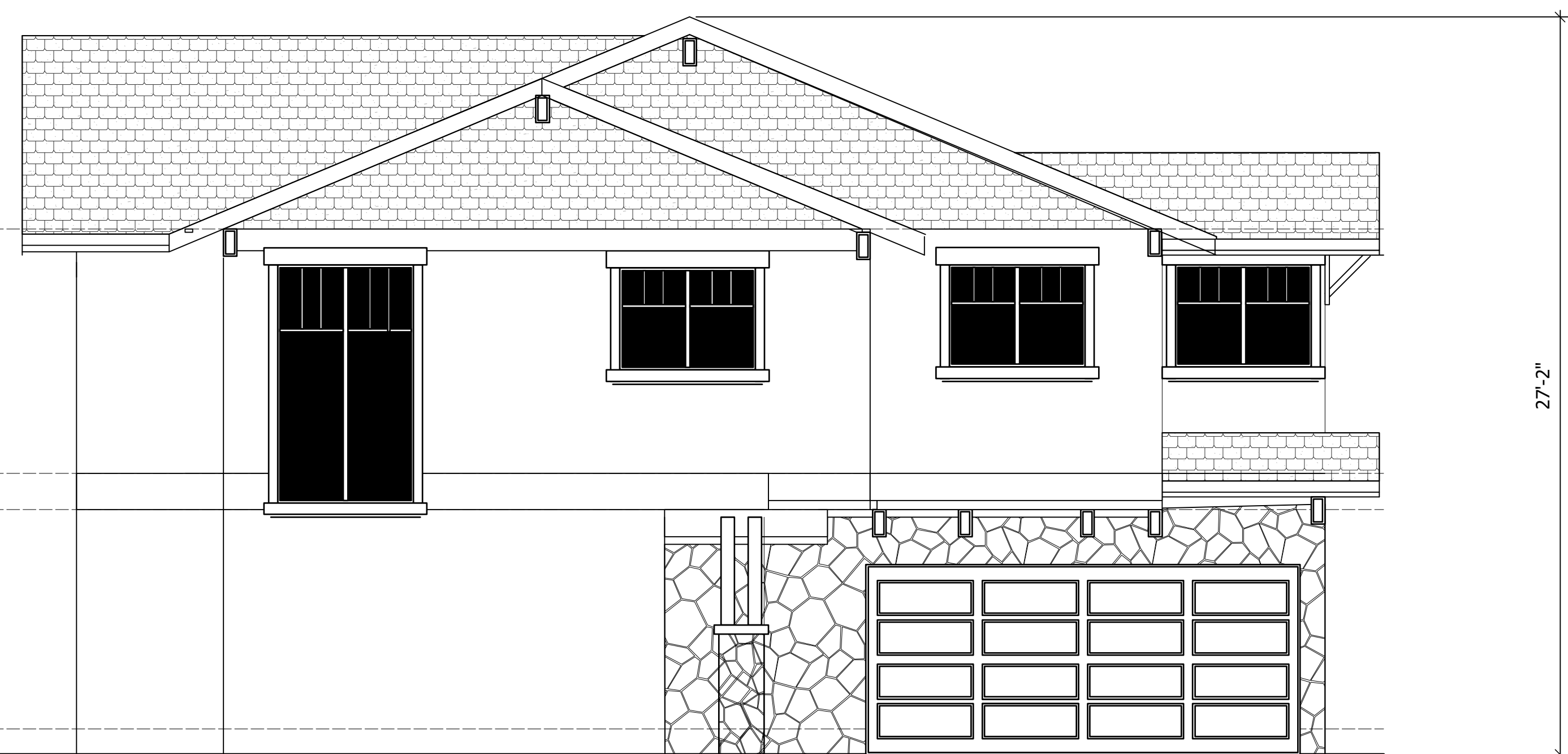
Plan 1C - Exterior Elevations
Lot 3

Date
August 2020
Scale
1/4" = 1'-0"
Drawn By
JB
Status
Preliminary Review
Sheet

A-3C
Of Sets



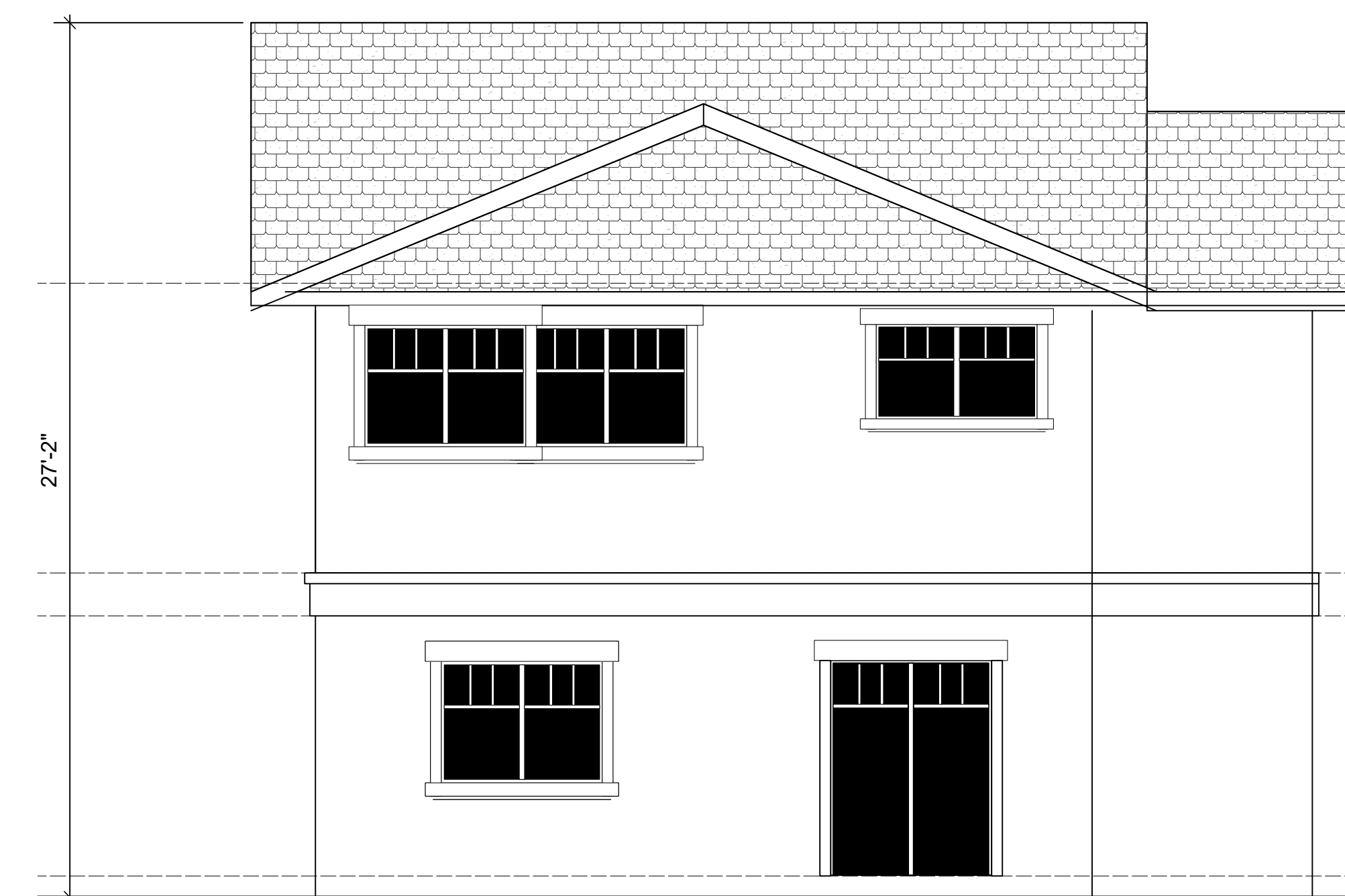
Plan 2 Right Side Elevation
Scale: 1/4" = 1'-0"



Plan 2 Front Elevation
Scale: 1/4" = 1'-0"



Plan 2 Rear Elevation
Scale: 1/4" = 1'-0"



Plan 2 Left Side Elevation
Scale: 1/4" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Plan 2 Exterior Elevations
Lot 4

Date
August 2020

Scale
1/4" = 1'-0"

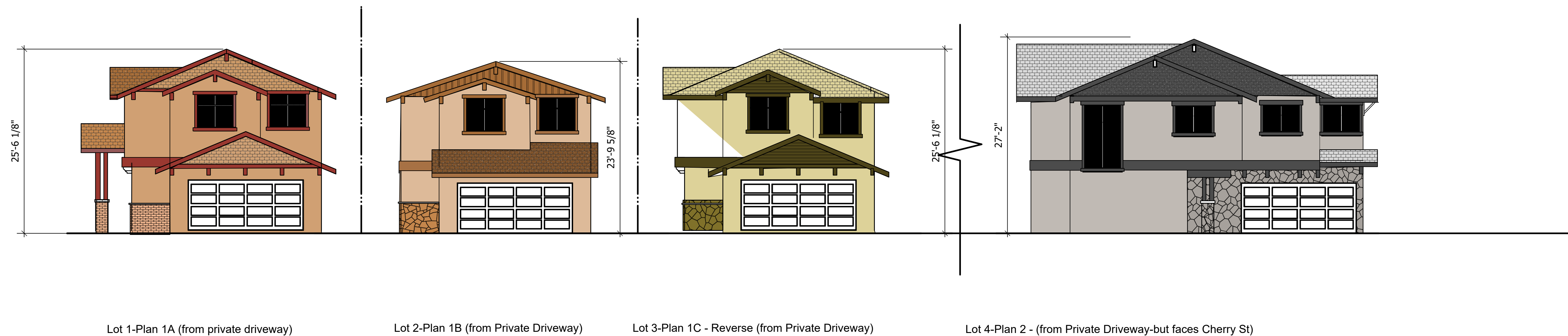
Drawn By
JB

Status
Preliminary Review

Sheet

A-4

Of Sets



Lot 1-Plan 1A (from private driveway)

Lot 2-Plan 1B (from Private Driveway)

Lot 3-Plan 1C - Reverse (from Private Driveway)

Lot 4-Plan 2 - (from Private Driveway-but faces Cherry St)

Streetscape
Scale: 1/8" = 1'-0"

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Conceptual Design
Fahmy Subdivision

Streetscape Elevations
Exterior Details

Date

August 2020

Scale

1/4" = 1'-0"

Drawn By

JB

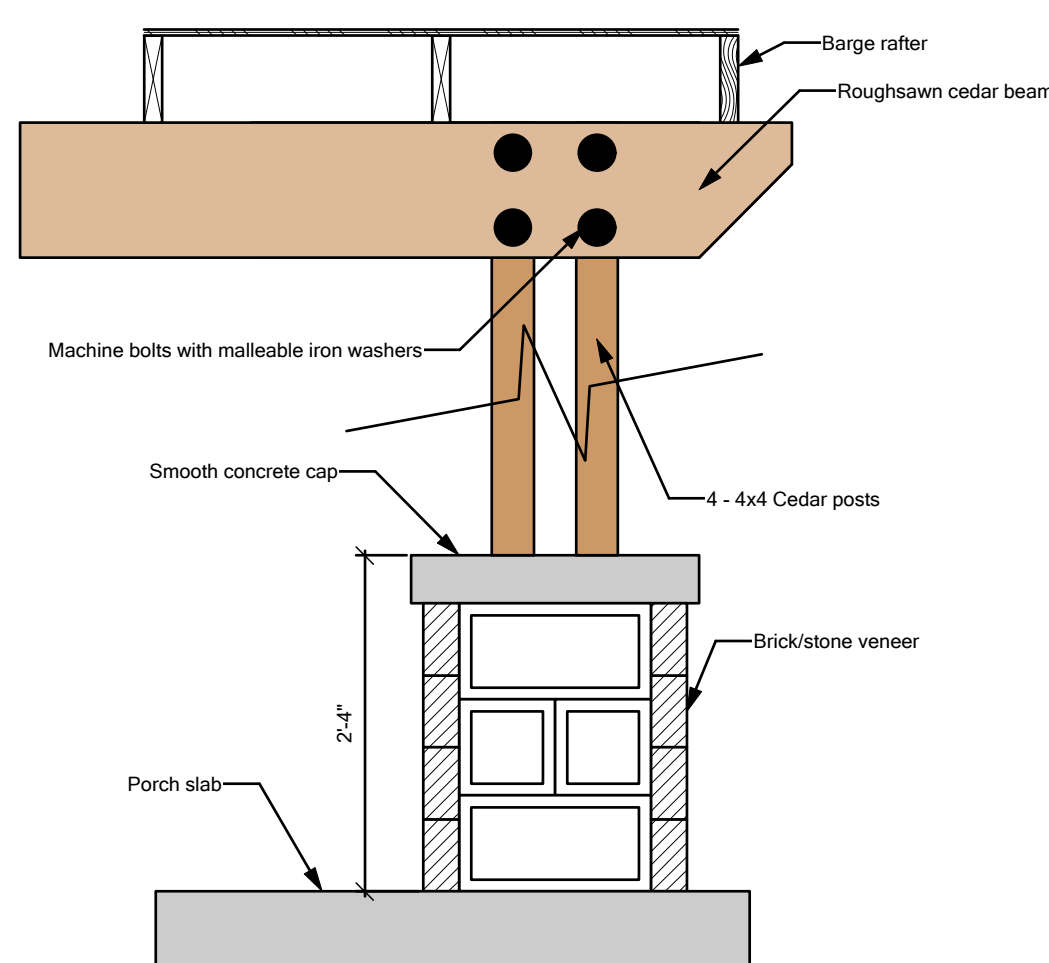
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Preliminary Review

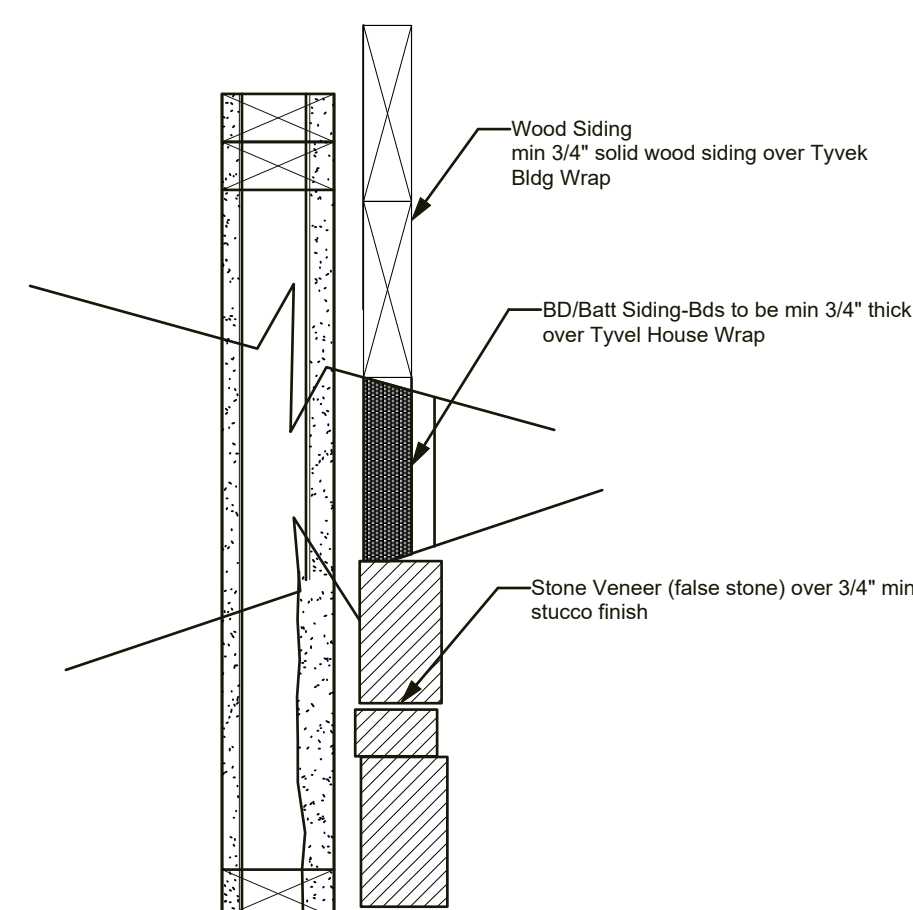
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A-5

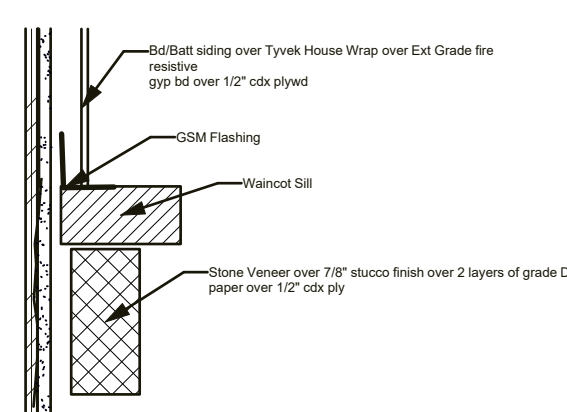
Of _____ Sets



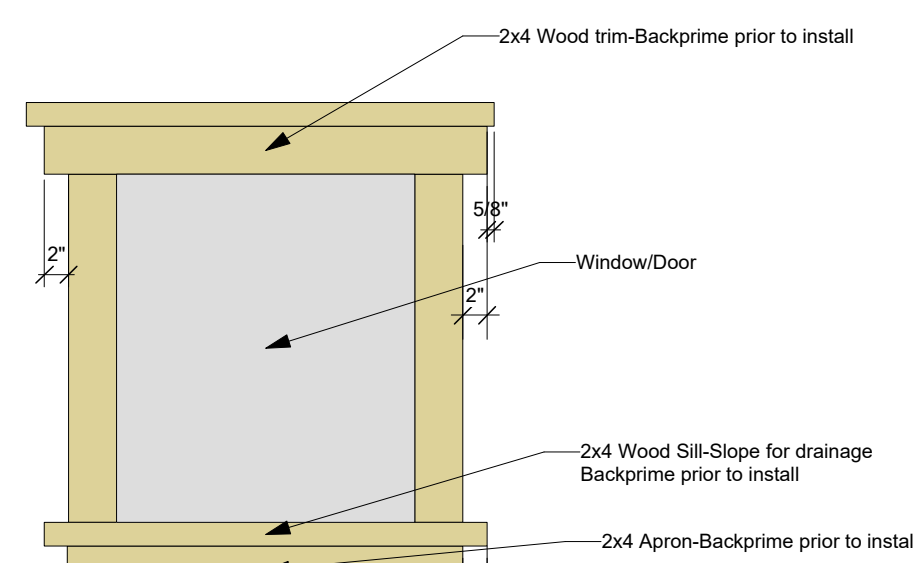
Posts at Porch Pedestal
Scale: 3/4" = 1'-0"



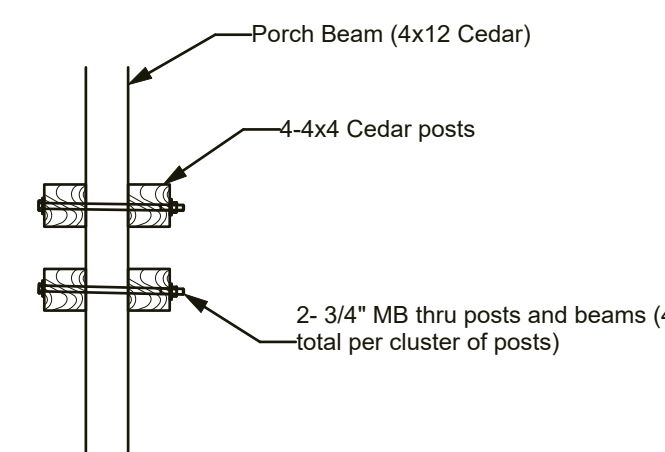
Exterior Wall
Scale: 2" = 1'-0"



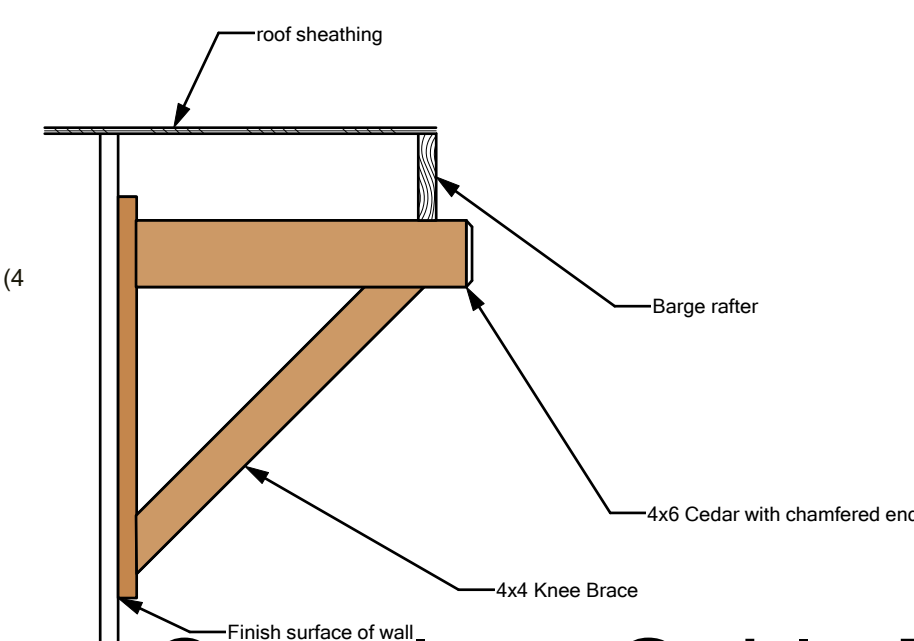
Siding to Stone
Scale: 1 1/2" = 1'-0"



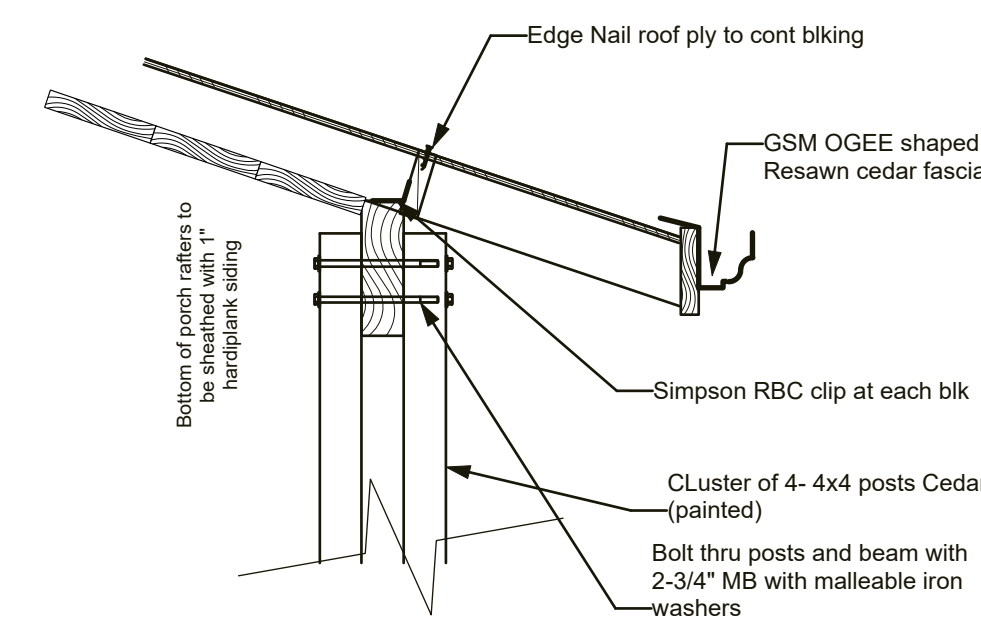
Typical Trim
Scale: 3/4" = 1'-0"



Posts at Porch
Scale: 3/4" = 1'-0"

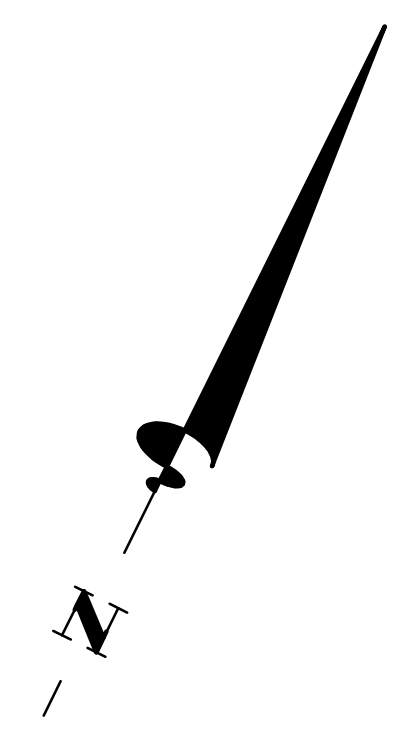
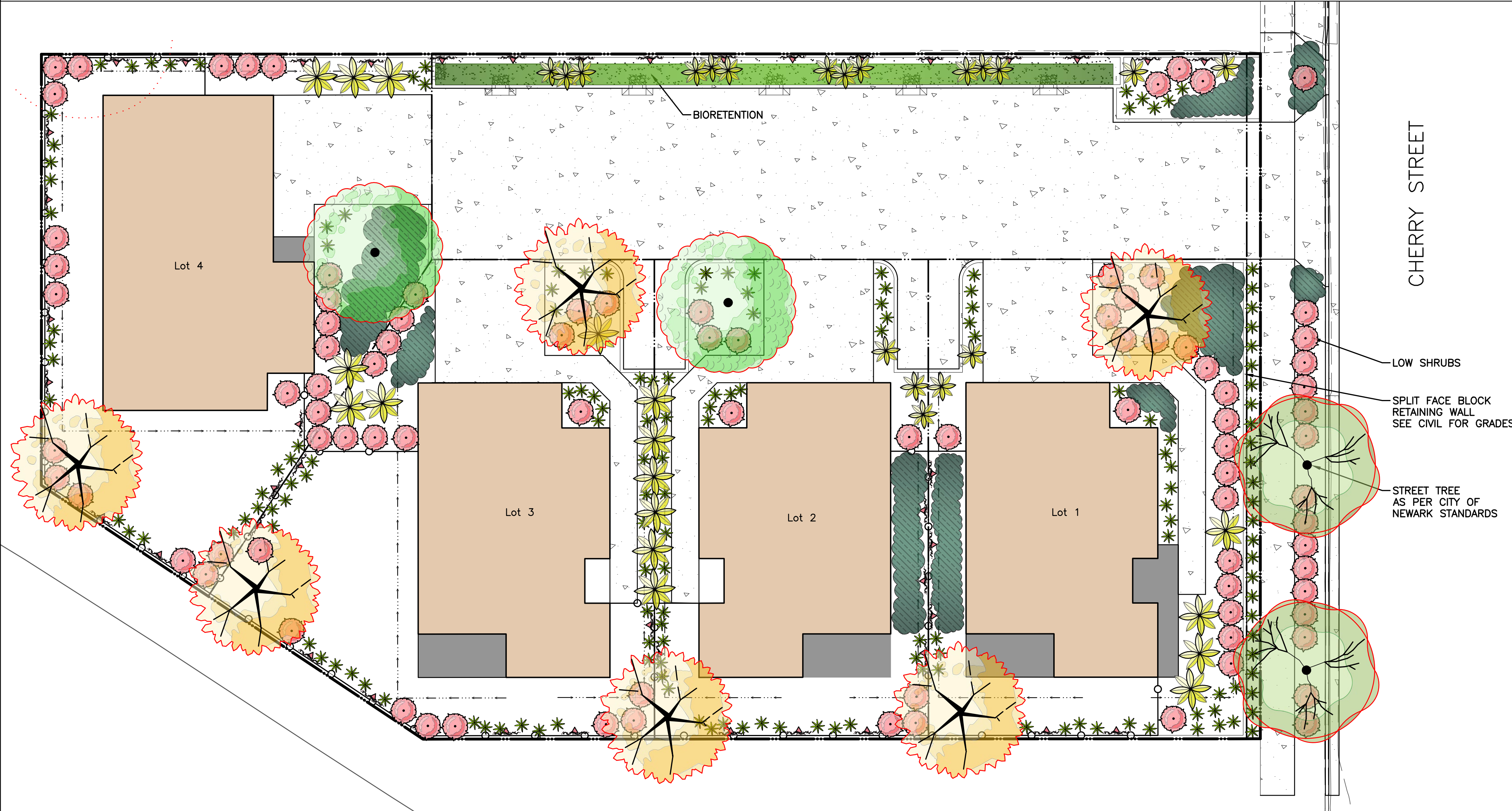


Corbels at Gable Ends
Scale: 3/4" = 1'-0"





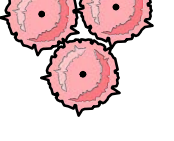



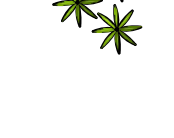


Porch Roof
Scale: 3/4" = 1'-0"

FILE NAME: X:\AutoCAD Projects\2018\118037\118037 Pre-Land.dwg Plotted on: Tuesday, 01 September 2020 at 5:13pm by: SBE3



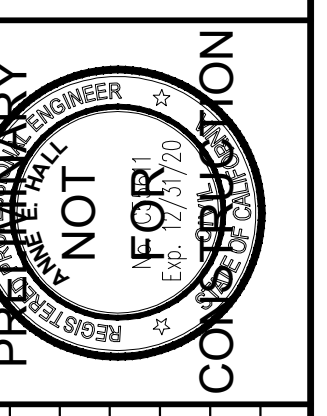
CONCEPT PLANT SCHEDULE

	STREET TREE 36-inch box Pyrus calleryana 'Aristocrat' TM / Aristocrat Flowering Pear	QTY 2
	EVERGREEN TREES 24-inch box Arbutus x 'Marina' / Arbutus Standard	2
	DECIDUOUS TREE 24-inch box Cercis occidentalis / Western Redbud Lagerstroemia x 'Natchez' / Crape Myrtle Pistacia chinensis 'Keith Davey' / Keith Davey Chinese Pistache	6
	EVERGREEN SHRUBS 5-gal Arbutus unedo / Strawberry Tree Arctostaphylos 'Howard McMin' / Manzanita Pittosporum 'Wheeler's Dwarf' / Wheeler's Dwarf Pittosporum Raphiolepis indica / Indian Hawthorn Salvia greggii 'Lipstick' / Autumn Sage	90
	ACCENT SHRUBS 5-gal Agapanthus africanus 'Queen Anne' / Queen Anne Lily of the Nile Chondropetalum tectorum / Cape Rush Diets bicolor / Fortnight Lily Phormium tenax / New Zealand Flax	36
	GRASSES/PERENNIALS 1-gal Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass Erigeron karvinskianus / Fleabane Juncus patens / Blue Rush Tulbaghia violacea / Society Garlic	158
	VINES 1-gal Parthenocissus tricuspidata 'Veitchii' / Boston Ivy	43
	GROUND COVER 1-gal Myoporum parvifolium / Trailing Myoporum	14
	BIORETENTION AS PER ALAMEDA COUNTY CLEAN WATER PROGRAM PLANT LIST	300 s.f.

LANDSCAPE NOTES

- IRRIGATION SHALL BE VIA AN AUTOMATIC TIMED SYSTEM UTILIZING DRIP SYSTEMS WHERE APPROPRIATE.
- ALL SHRUB BEDS TO BE TOP DRESSED WITH APPROVED BARK MULCH.
- ALL PLANTS ARE LOW TO MEDIUM USE WATER PLANTS.
- STREET TREES TO BE PLANTED AS PER CITY OF NEWARK STANDARDS.

SAN BENTO ENGINEERING & SURVEYING, INC.
502 Monterey Street Hollister, California 95023
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CITY OF NEWARK
37503 & 37511 CHERRY ST
APNS 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

CONCEPTUAL LANDSCAPE DESIGN
FAHMY SUBDIVISION
LANDSCAPE PLAN

SCALE: 1" = 10'
DATE: 01 September 2020
JOB #: 118037
DWG: 118037 Pre-Land.dwg

SHEET: **1-1**
OF SHEETS

JOHN BARTON ARCHITECT INC

43575 Mission Blvd #703
510 290 9007

Fremont Ca 94539
jbarch100@msn.com

Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



Plan 1A

Scale: 1/8" = 1'-0"

Roofing

Presidential by GAF-"Timberline"



Windows

Milgard vinyl "Classic White"



Stone Veneer

El Dorado Stone- Tundra Brick
"Riverbed"



Paint Colors

Body and Trim by Kelley Moore



JOHN BARTON ARCHITECT INC

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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



○ Plan 1B
Scale: 1/8" = 1'-0"

Roofing
Presidential by GAF-"Hickory"



Windows
Milgard vinyl "Tan"



Stone Veneer
El Dorado Stone- Country Rubble
"Cognac"



Paint Colors
Body and Trim by Kelley Moore

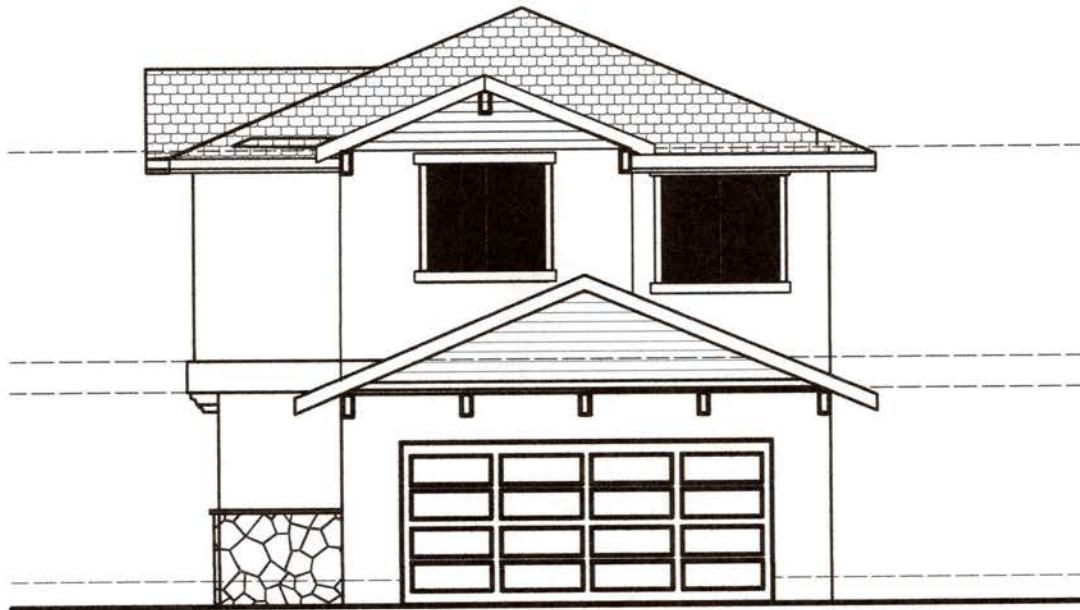


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Fahmy Subdivision
Stewart Fahmy
Cherry St Newark, Ca



○ Plan 1C
Scale: 1/8" = 1'-0"

Roofing
Presidential by GAF- "Hunter Green"



Windows
Milgard vinyl "Tweed"



Stone Veneer
El Dorado Stone- Cut Coarse Stone
"Madone"



Paint Colors
Body and Trim by Kelley Moore



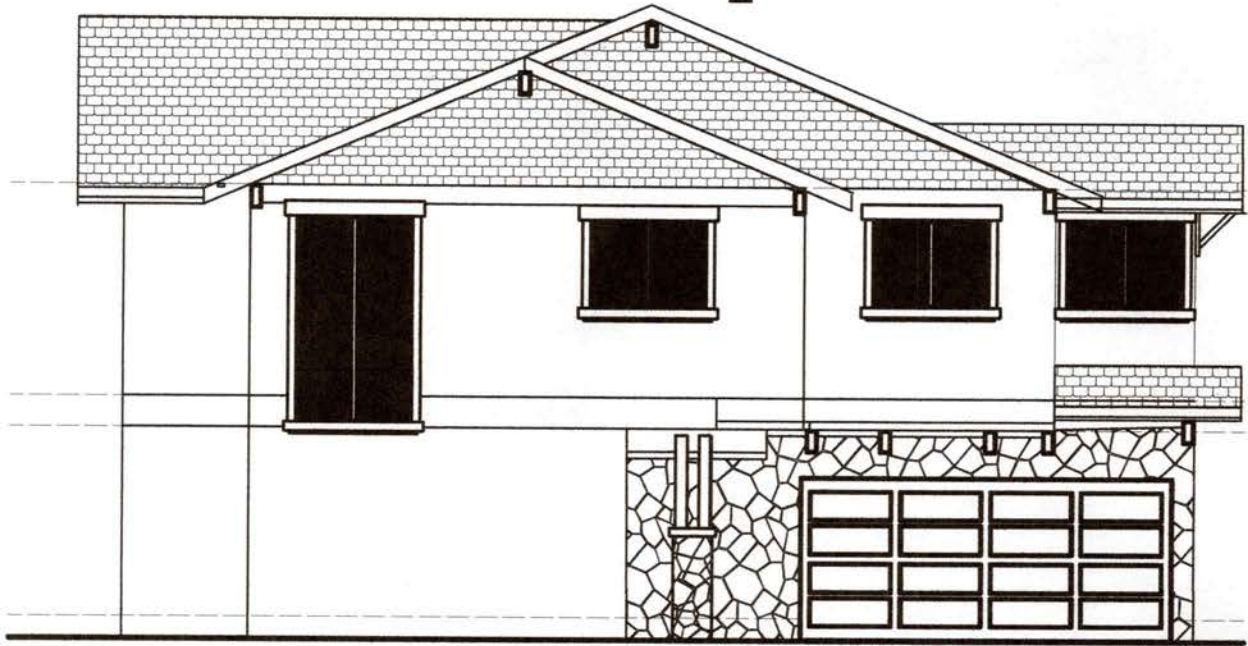
JOHN BARTON ARCHITECT INC

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510 290 9007

Fremont Ca 94539
jbarch100@msn.com

Fahmy Subdivision Stewart Fahmy

Cherry St Newark, Ca



Plan 2

Scale: 1/8" = 1'-0"

Roofing

Presidential by GAF-"Pewter Grey"



Windows

Milgard vinyl "Clay"



Stone Veneer

El Dorado Stone- Cliffstone
"Lantana"

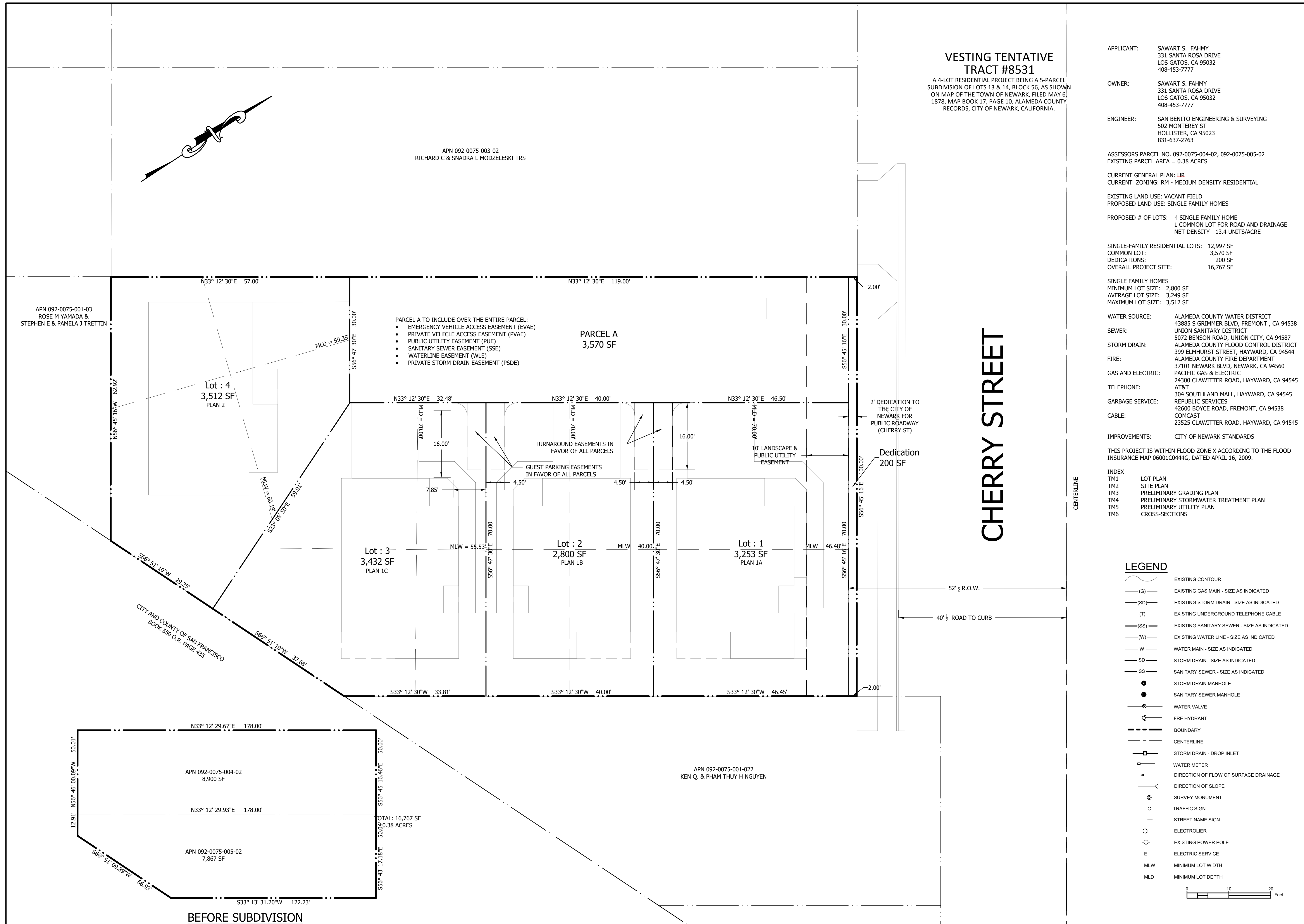


Paint Colors

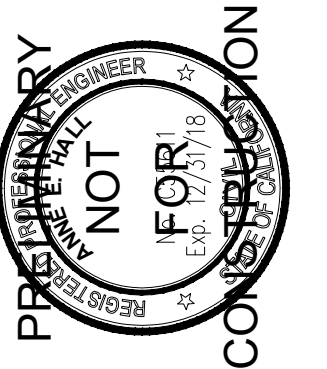
Body and Trim by Kelley Moore



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NO.	REVISIONS	DATE

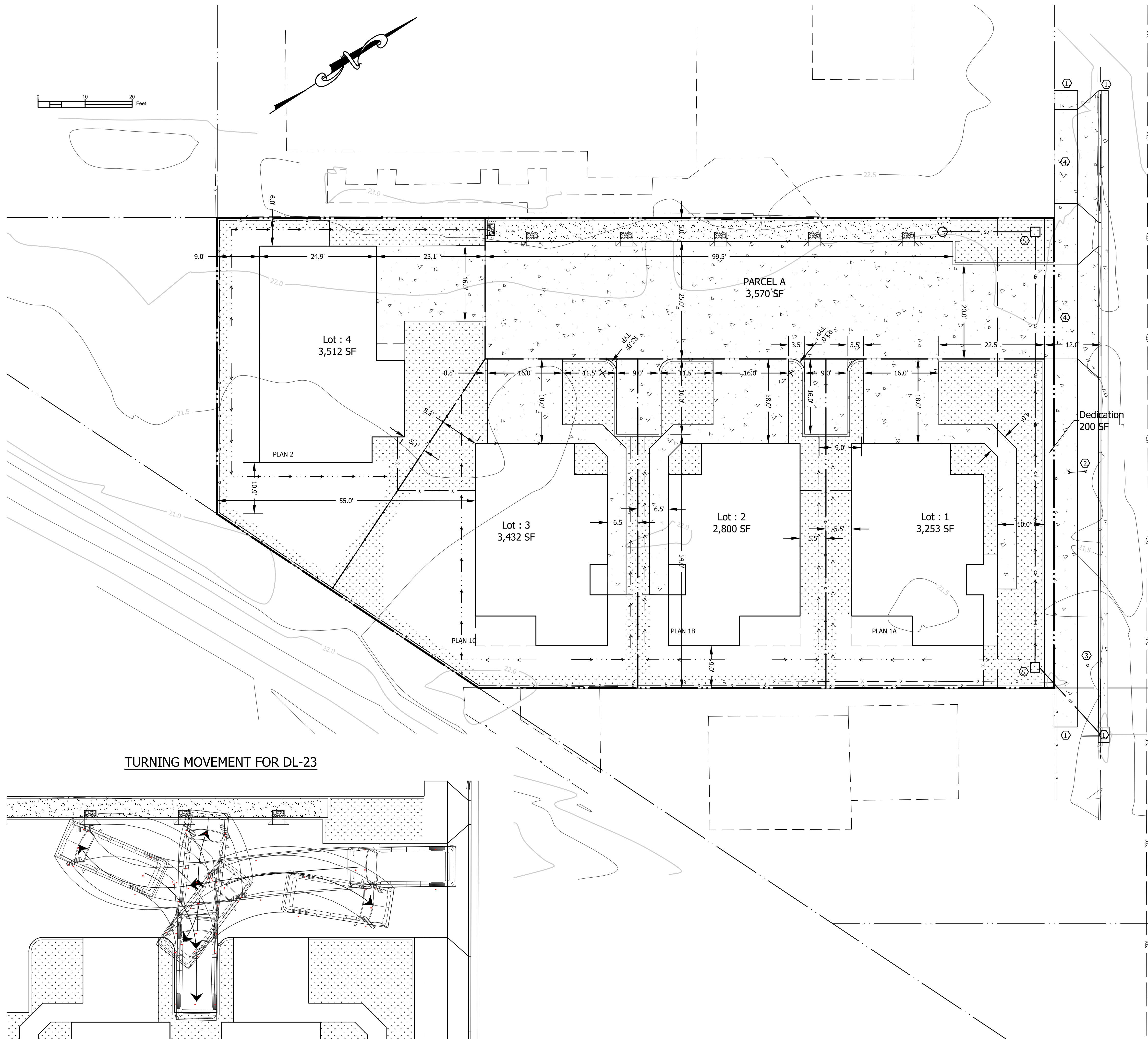
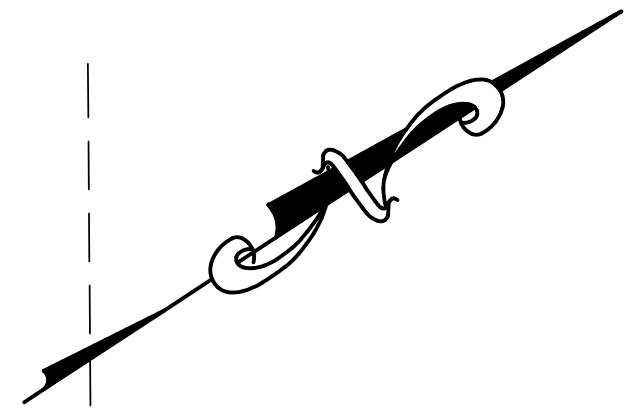
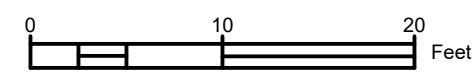
LOT PLAN

VESTING TENTATIVE TRACT MAP 8531

SCALE: SCALE 1" = 10'
DATE: 09 November 2020
JOB #: 118037
DWG: 118037 TM.dwg

TM1
6

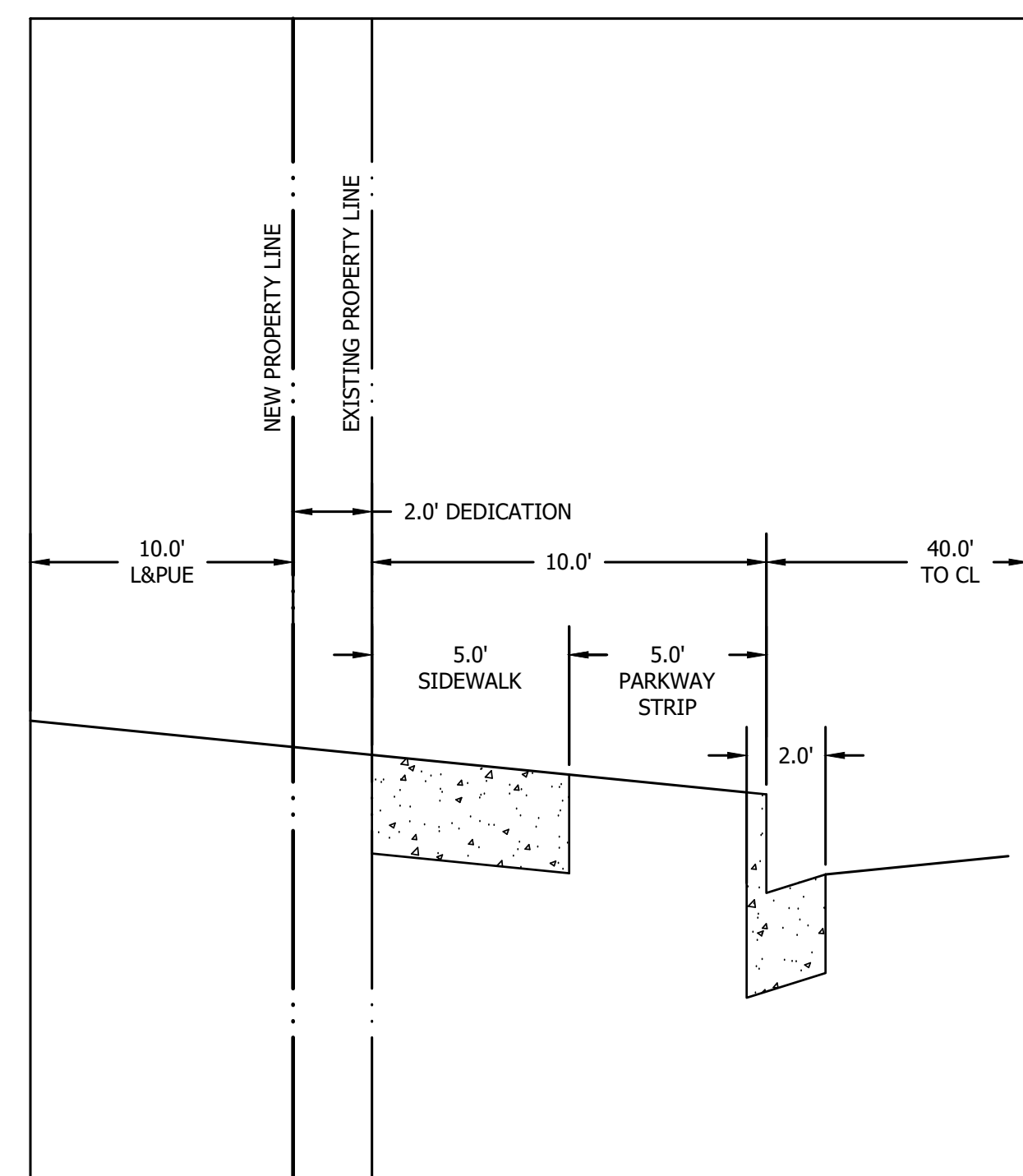
OF SHEETS



- 6" PCC
- DRAINAGE SWALE
- STORMWATER TREATMENT AREA
- LANDSCAPE AREA

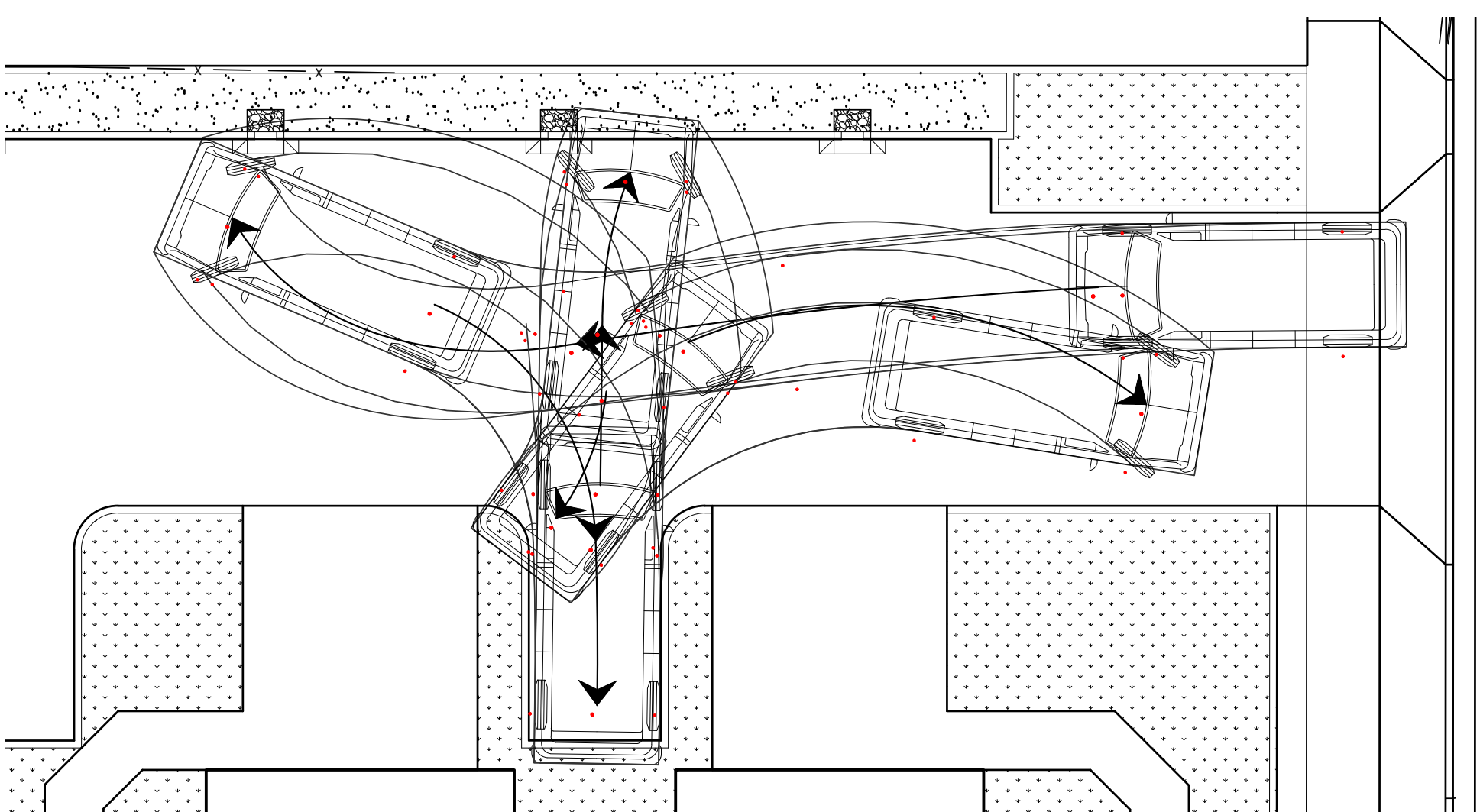
- LIMIT OF CONC WORK - MATCH EXISTING
- REPLACE/RELOCATE "CENTRAL AVE" SIGN
- REPLACE/RELOCATE "TRUCK ROUTE" SIGN
- INSTALL NEW CITY OF NEWARK TYPE C DRIVEWAY APPROACH
- INSTALL NEW STORM DRAIN LINE AND JUNCTION BOXES

Lot	Lot 1	Lot 2	Lot 3	Lot 4
SF	3,253	2,800	3,432	3,512
Footprint	1,215 37%	1,158 41%	1,158 34%	1,258 36%
Concrete	552 17%	538 19%	537 16%	394 11%
Landscaping	1,141 35%	711 26%	860 25%	862 25%
Open Space	345 11%	393 14%	877 25%	998 28%

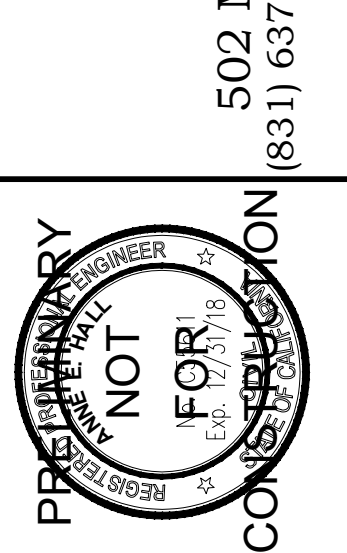


TYPICAL CHERRY ST FRONTAGE

TURNING MOVEMENT FOR DL-23



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NO.	REVISIONS	DATE

CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
 ALAMEDA COUNTY, CALIFORNIA

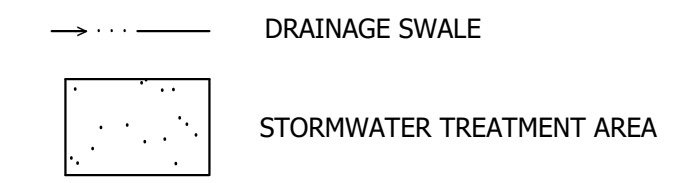
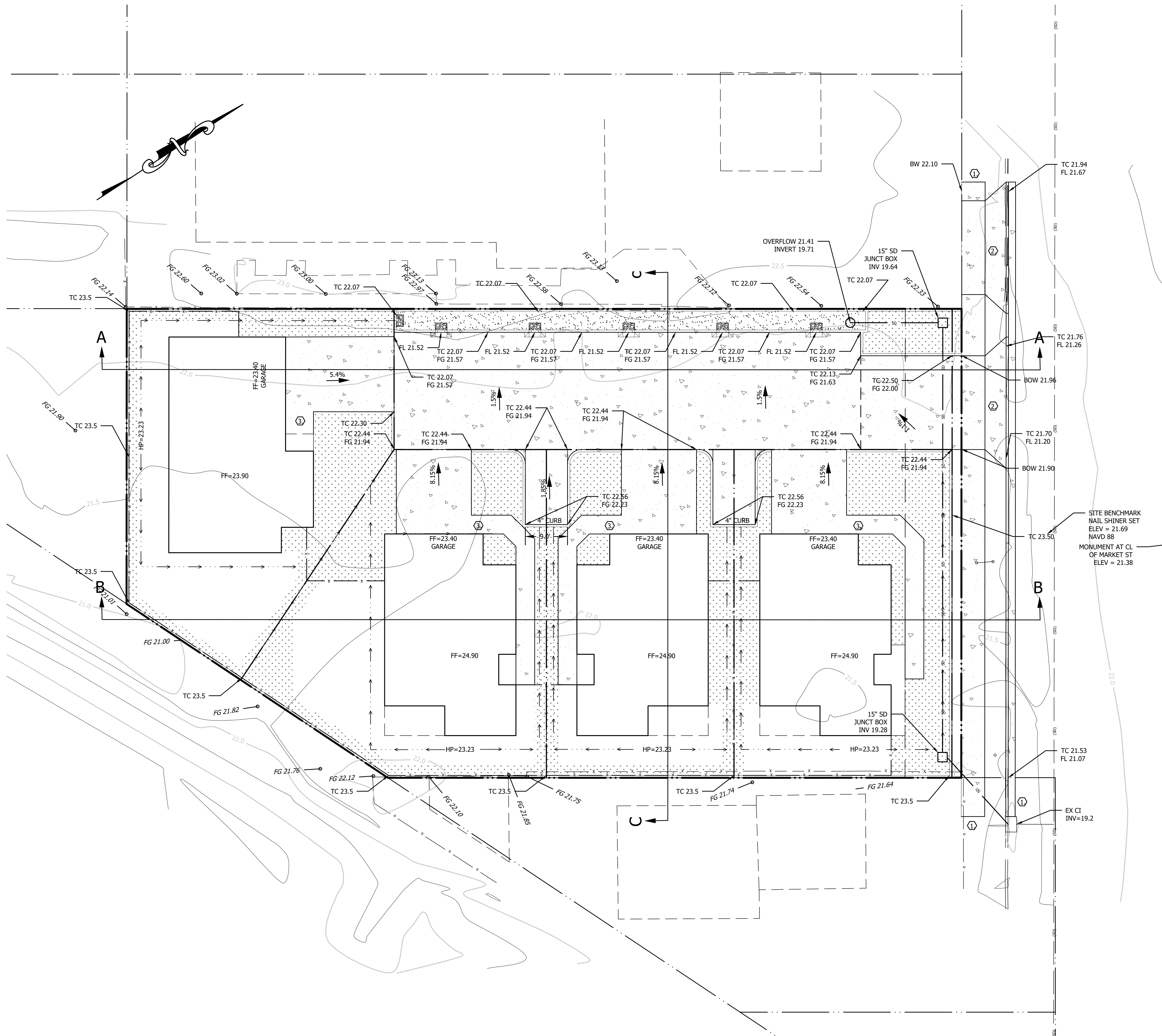
SITE PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
 DATE: 09 November 2020
 JOB #: 118037
 DWG: 118037 TM.dwg

SHEET: **TM2**
6
 OF SHEETS

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* FILE NAME: X:\AutoCAD Projects\2018\118037 TM.dwg * Plotted on: Monday, 09 November 2020 at 6:05pm by: SBE1 *



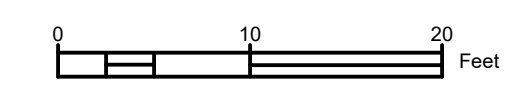
- ① LIMIT OF CONC WORK - MATCH EXISTING
- ② INSTALL NEW CITY OF NEWARK TYPE C DRIVEWAY APPROACH
- ③ ALL DOWNSPOUTS TO GO TO CONCRETE SPLASHPAD. SEE ARCH DRAWINGS FOR LOCATIONS
- 4. ALL CURB & GUTTER TO BE 6" UNLESS OTHERWISE NOTED

TC TOP OF CURB
 FG FINISH GRADE
 FL FLOW LINE
 BOW BACK OF WALK
 LOG LIP OF GUTTER
 INV INVERT

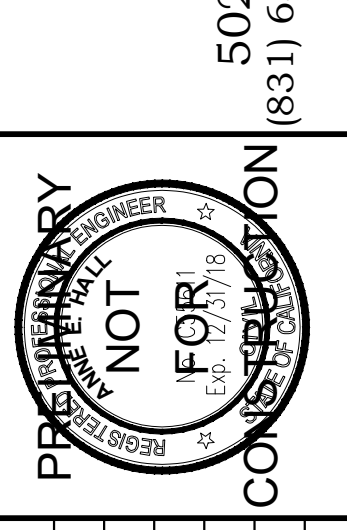
EARTHWORK QUANTITIES:
 CUT = 397 CY
 FILL = 657 CY
 NET = 260 CY (IMPORTED FILL)

SEE CROSS-SECTIONS SHEET TM6

SITE BENCHMARK
 NAIL SHINER SET
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 NAVD 88
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 OF MARKET ST
 ELEV = 21.38



SAN BENITO ENGINEERING & SURVEYING, INC.
 502 Monterey Street Hollister, California 95023
 (831) 637-2763 FAX (831) 854-9581 email: info@sanbenitoeng.com



NO.	REVISIONS	DATE

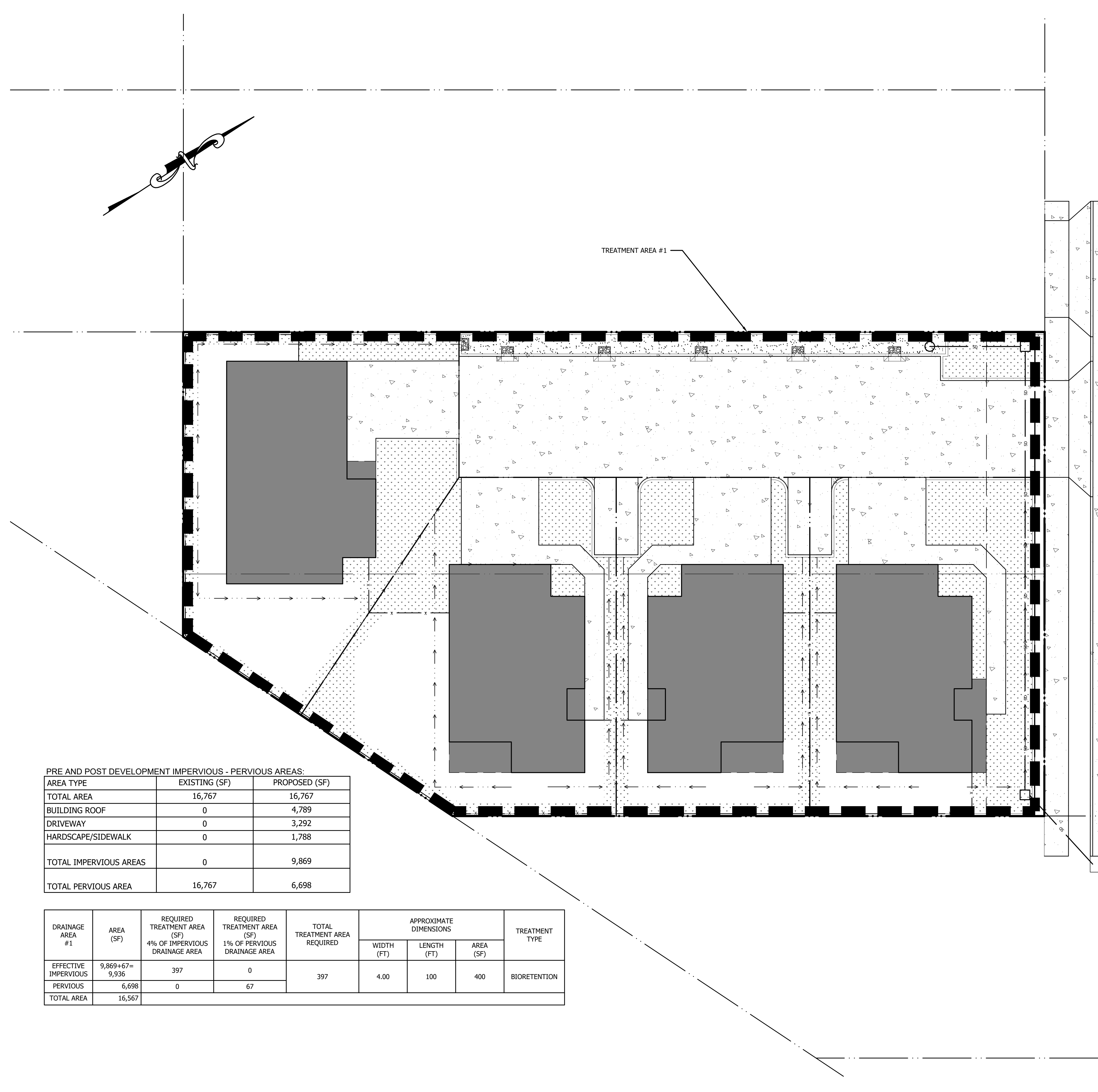
CITY OF NEWARK
37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
 ALAMEDA COUNTY, CALIFORNIA

PRELIMINARY GRADING PLAN
VESTING TENTATIVE
TRACT MAP 8531

SCALE: SCALE 1" = 10'
 DATE: 09 November 2020
 JOB #: 118037
 DWG: 118037 TM.dwg

SHEET: **TM3**
6
 OF SHEETS

* FILE NAME: X:\AutoCAD Projects\118037 TM.dwg * Plotted on: Monday, 09 November 2020 at 6:05pm by: SBE1 *



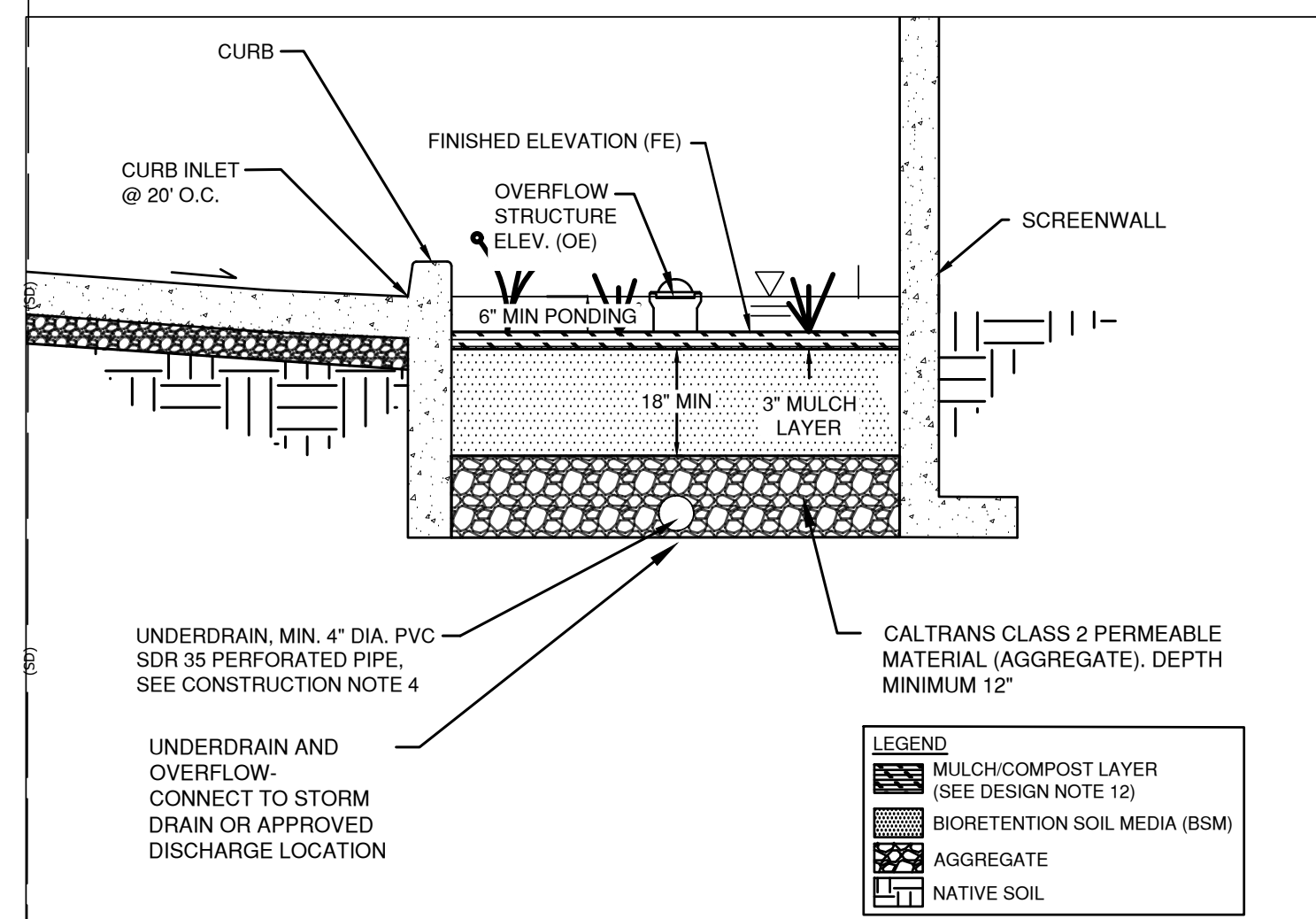
PRE AND POST DEVELOPMENT IMPERVIOUS - PERVIOUS AREAS:

AREA TYPE	EXISTING (SF)	PROPOSED (SF)
TOTAL AREA	16,767	16,767
BUILDING ROOF	0	4,789
DRIVEWAY	0	3,292
HARDSCAPE/SIDEWALK	0	1,788
TOTAL IMPERVIOUS AREAS	0	9,869
TOTAL PERVIOUS AREA	16,767	6,698

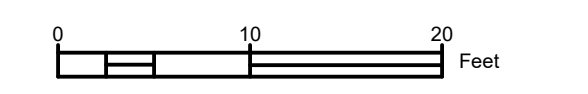
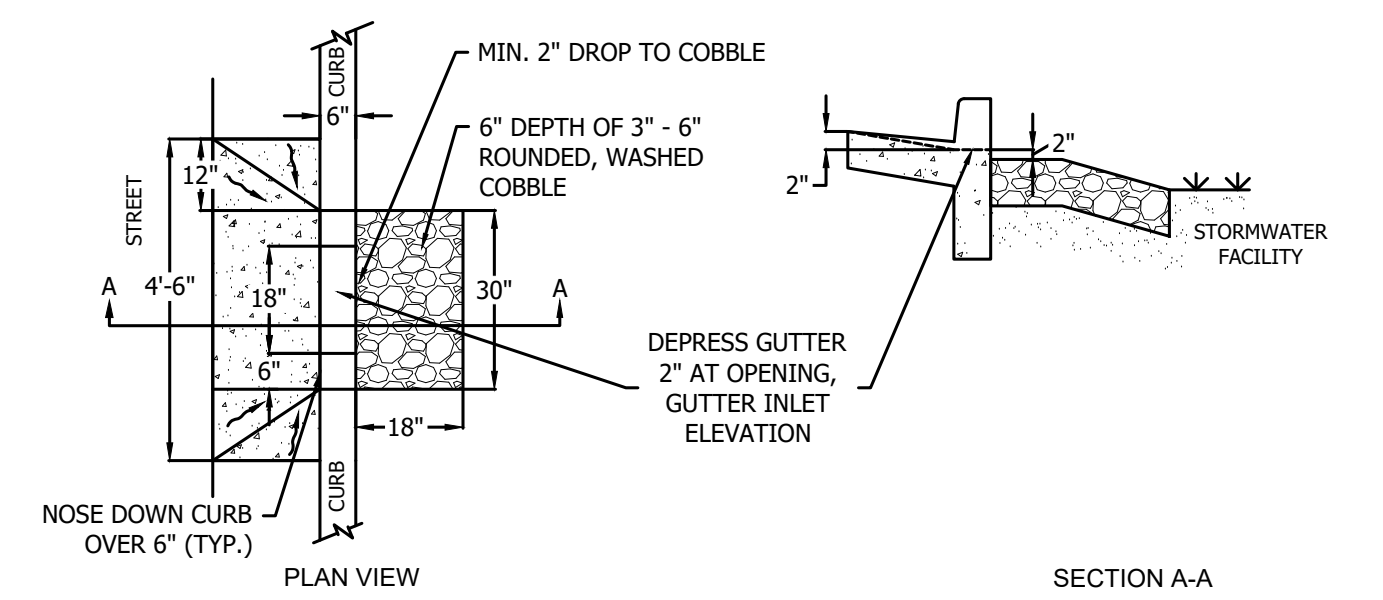
DRAINAGE AREA #1	AREA (SF)	REQUIRED TREATMENT AREA (SF) 4% OF IMPERVIOUS DRAINAGE AREA	REQUIRED TREATMENT AREA (SF) 1% OF PERVIOUS DRAINAGE AREA	TOTAL TREATMENT AREA REQUIRED	APPROXIMATE DIMENSIONS			TREATMENT TYPE
					WIDTH (FT)	LENGTH (FT)	AREA (SF)	
EFFECTIVE IMPERVIOUS	9,869+67=9,936	397	0	397	4.00	100	400	BIORETENTION
PERVIOUS	6,698	0	67					
TOTAL AREA	16,567							

LEGEND

- PROPOSED STORM DRAIN MANHOLE
- PROPOSED OVERFLOW STRUCTURE
- PROPOSED STORM DRAIN LINE
- DRAINAGE BOUNDARY
- LIMITS OF ROOF (IMPERVIOUS SURFACE)
- LIMITS OF HARDSCAPE/CONCRETE SIDEWALK (IMPERVIOUS SURFACE)
- STORMWATER TREATMENT AREA



- CONSTRUCTION NOTES**
- MAINTAIN UNDISTURBED NATIVE SOIL BENCH TO SUPPORT ADJACENT SIDEWALK/ROAD. SEQUENCE WORK TO CONSTRUCT CURBS BEFORE EXCAVATING BIOFILTRATION AREA FOR AGGREGATE AND BSM.
 - SCARIFY SUBGRADE BEFORE INSTALLING BIORETENTION AREA AGGREGATE AND BSM.
 - FACILITY EXCAVATION TO ALLOW FOR SPECIFIED AGGREGATE, BSM, AND MULCH DEPTHS TO ACHIEVE FINISHED ELEVATIONS ON CIVIL PLANS.
 - COMPACT EACH 6" LIFT OF BSM WITH LANDSCAPE ROLLER OR BY LIGHTLY WETTING. IF WETTING, LET DRY OVERNIGHT BEFORE PLANTING. SUBDRAIN TO BE PLACED A MIN 6" ABOVE THE BOTTOM OF ROCK LAYER.
 - DO NOT WORK WITHIN BIOFILTRATION AREA DURING RAIN OR UNDER WET CONDITIONS.
 - KEEP HEAVY MACHINERY OUTSIDE BIOFILTRATION AREA LIMITS.
 - STORMWATER SHOULD BE DIRECTED AWAY FROM BIOFILTRATION UNTIL CONSTRUCTION IS COMPLETE AND DRAINAGE AREA VEGETATION IS STABILIZED.



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PRELIMINARY ENGINEERING NOT FOR CONSTRUCTION

NO.	REVISIONS	DATE

CITY OF NEWARK

37503 & 37511 CHERRY ST
APNs 092-0075-004-02/005-02
ALAMEDA COUNTY, CALIFORNIA

PRELIMINARY STORMWATER MANAGEMENT PLAN

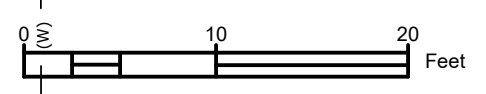
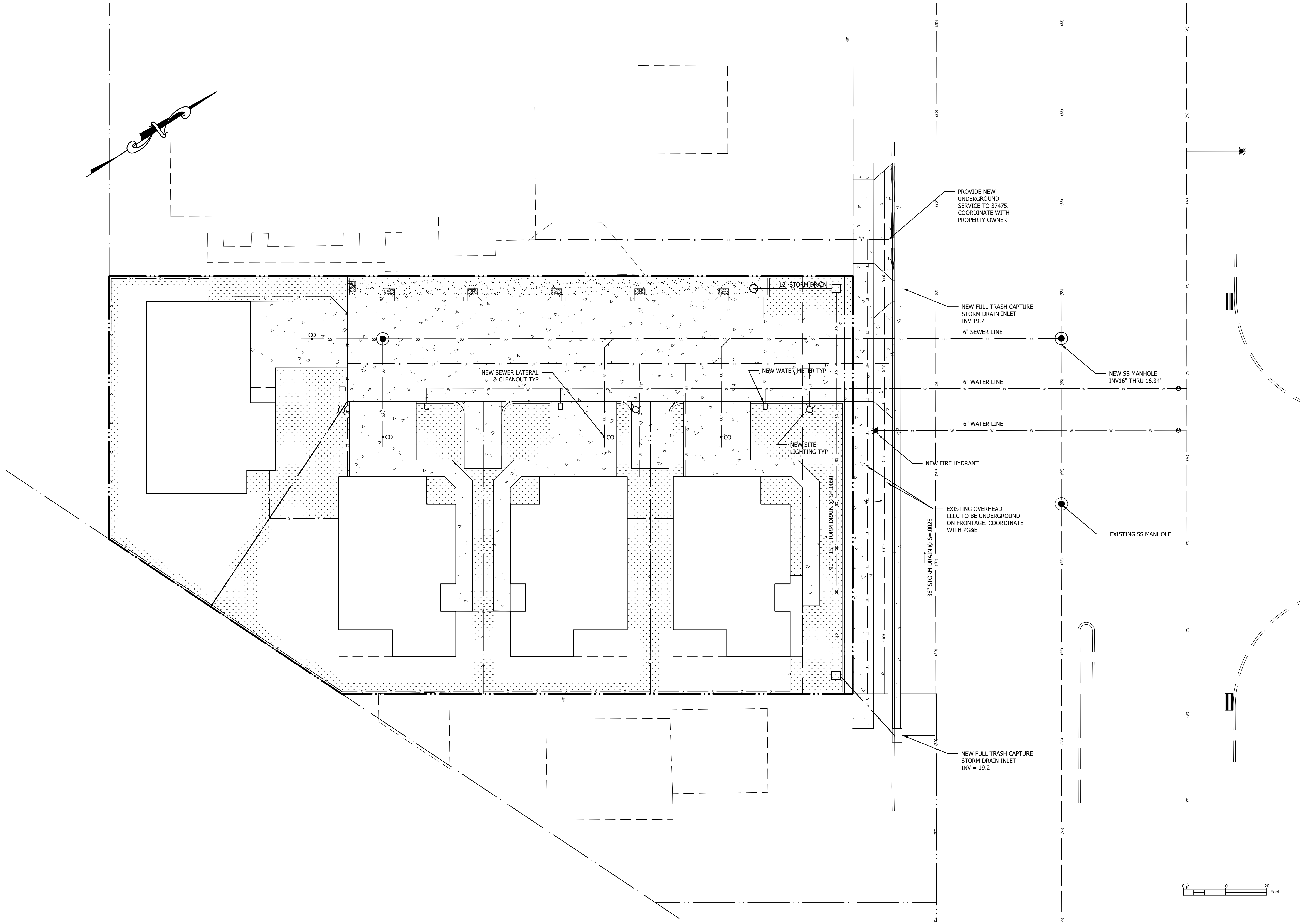
VESTING TENTATIVE TRACT MAP 8531

SCALE: SCALE 1" = 10'
DATE: 09 November 2020
JOB #: 118037
DWG: 118037 TM.dwg

TM4
6

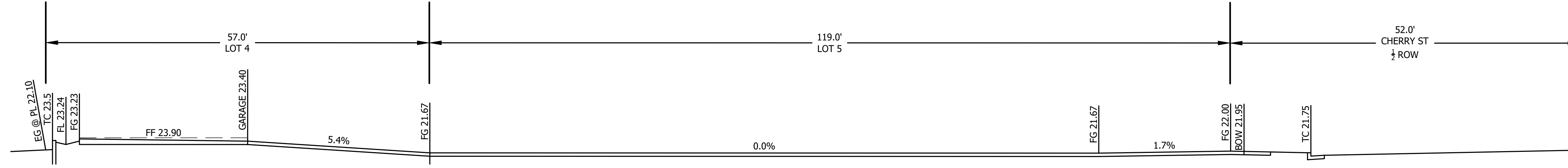
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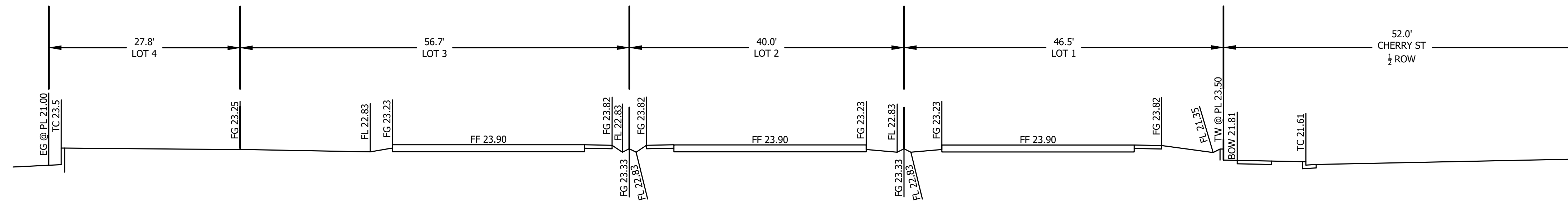


PRELIMINARY UTILITY PLAN VESTING TENTATIVE TRACT MAP 8531	CITY OF NEWARK 37503 & 37511 CHERRY ST APNs 092-0075-004-02/005-02 ALAMEDA COUNTY, CALIFORNIA		SAN BENITO ENGINEERING & SURVEYING, INC. 502 Monterey Street Hollister, California 95023 (831) 637-2763 FAX (831) 854-9581 email: info@sanbenitoeng.com
	SCALE: SCALE 1" = 10' DATE: 09 November 2020 JOB #: 118037 DWG: 118037 TM.dwg	PRELIMINARY ENGINEER NOT FOR CONSTRUCTION	
SHEET: TM5 6 OF SHEETS			

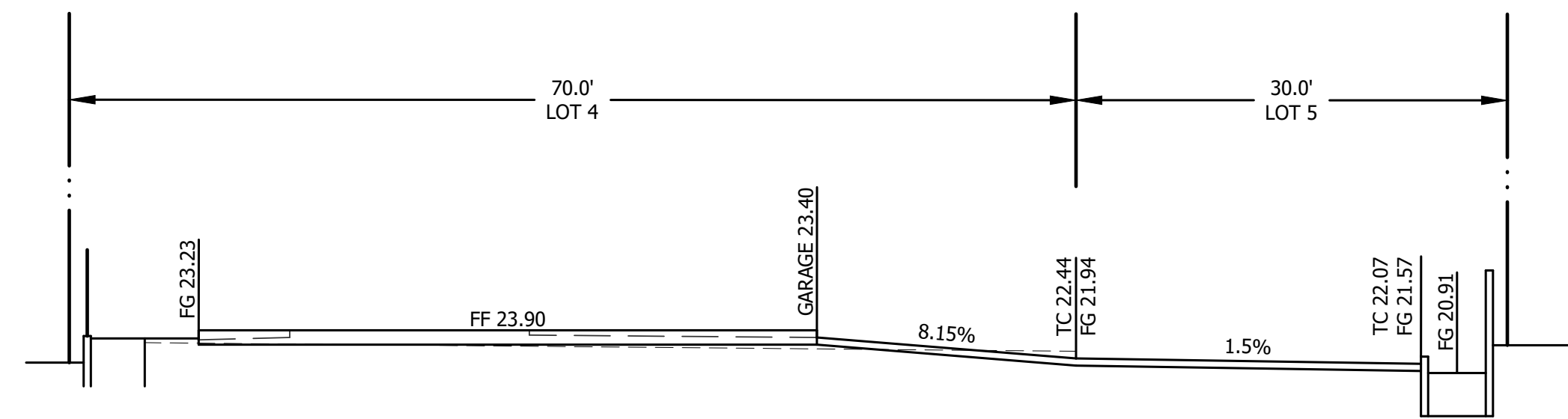
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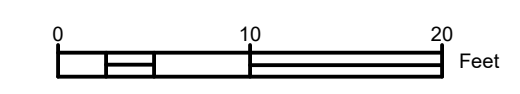
CROSS-SECTION A-A



CROSS-SECTION B-B



CROSS-SECTION C-C



<p>CROSS-SECTIONS</p> <p>VESTING TENTATIVE</p> <p>TRACT MAP 8531</p>	<p>CITY OF NEWARK</p> <p>37503 & 37511 CHERRY ST</p> <p>APNs 092-0075-004-02/005-02</p> <p>ALAMEDA COUNTY, CALIFORNIA</p>	<p>SAN BENITO ENGINEERING & SURVEYING, INC.</p> <p>502 Monterey Street Hollister, California 95023 (831) 637-2763 FAX (831) 854-9581 email: info@sanbenitoeng.com</p>																			
<p>SCALE: SCALE 1" = 10'</p> <p>DATE: 09 November 2020</p> <p>JOB #: 118037</p> <p>DWG: 118037 TM.dwg</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">REVISIONS</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>			NO.	REVISIONS	DATE															
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<p>SHEET: TM6</p> <p>6</p> <p>OF SHEETS</p>																					

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK ESTABLISHING A PLANNED DEVELOPMENT
OVERLAY DISTRICT AT 37503 AND 37511 CHERRY STREET
(APNS 092-0075-004-02; 092-0075-005-02)

WHEREAS, Sawart S. Fahmy has filed with the City of Newark an application for a Planned Development Overlay District, a Planned Development Plan, and Design Review to allow a five-parcel, four-lot subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) (the “Project”); and

WHEREAS, the property has a General Plan designation of Medium Density Residential and is currently zoned RM: Residential Medium Density; and

WHEREAS, the applicant requires a Planned Development Overlay District and Planned Development Plan because the proposed project deviates from some of the RM district development standards; and

WHEREAS, the applicant is concurrently requesting approval of a tentative tract map; and

WHEREAS, pursuant to [Newark Municipal Code \(NMC\) §17.31.060](#), the Planning Commission held a duly noticed public hearing on the Project at which time all interested parties had an opportunity to be heard at 7:30 p.m. on January 12, 2021 utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and the Planning Commission recommended approval of the Project by a vote of **(vote to be entered)**; and

WHEREAS, pursuant to [NMC §17.31.060](#), a public hearing notice was published in the Tri City Voice on **enter date** and mailed as required, and the City Council held a duly noticed public hearing at which time all interested parties had an opportunity to be heard on the Project at 7:00 p.m. on **enter hearing date**.

NOW, THEREFORE, the City Council of the City of Newark does ordain as follows:

Section 1: That the foregoing recitals are true and correct and hereby made part of this Ordinance.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning map amendment embodied in this ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, §15303(b) and §15332. The project to construct four residential units is categorically exempt from CEQA. New construction in urbanized areas for not more than six units is categorically exempt from CEQA. A residential project is categorically exempt from CEQA if it is: consistent with the general plan and the zoning code; is located on a site with no more than five acres; has no value for endangered or

rare or threatened species; would not result in any significant effects relating to traffic, noise, air or water quality; and all required utilities and public services can adequately serve the site.

Section 3: Pursuant to [NMC §17.39.070](#) and [NMC §17.39.080](#) of Title 17 (Zoning) of the NMC, the City Council of the City of Newark does hereby find that the zoning map amendment embodied in this ordinance is consistent with the General Plan, necessary to achieve the balance of land uses desired by the City, and to increase the inventory of land within a given zoning district, and promotes the growth of the City in an orderly manner and promotes and protects the public health, safety, peace, comfort, and general welfare of the residents of the City of Newark.

Section 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Newark hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

Section 5: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by _____ at the regular meeting of the City Council of the City of Newark held on [enter hearing date](#).

This ordinance was read at the regular meeting of the City Council held enter hearing date. Council Member _____ moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK RECOMMENDING THAT THE CITY COUNCIL APPROVE P-20-02, ESTABLISHING A PLANNED DEVELOPMENT OVERLAY DISTRICT, A PLANNED DEVELOPMENT PLAN, AND DESIGN REVIEW TO ALLOW FOR A 5-PARCEL, 4-LOT SUBDIVISION FOR THE CONSTRUCTION OF FOUR SINGLE-FAMILY RESIDENCES AT 37503 AND 37511 CHERRY STREET (APNS 092-0075-004-02; 092-0075-005-02)

WHEREAS, Sawart S. Fahmy has filed with the City of Newark an application for a Planned Development Overlay District, a Planned Development Plan, and Design Review, to allow a five-parcel, four-lot subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02); and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, §15303(b) and §15332, the project to construct four residential units is categorically exempt from CEQA. New construction in urbanized areas for not more than six units is categorically exempt from CEQA. A residential project is categorically exempt from CEQA if it is: consistent with the general plan and the zoning code; is located on a site with no more than five acres; has no value for endangered or rare or threatened species; would not result in any significant effects relating to traffic, noise, air or water quality; and all required utilities and public services can adequately serve the site; and

WHEREAS, the property has a General Plan designation of Medium Density Residential and is currently zoned RM: Residential Medium Density; and

WHEREAS, the applicant requires a Planned Development Overlay District and Planned Development Plan because the proposed project deviates from some of the RM district development standards; and

WHEREAS, the applicant is concurrently requesting approval of a tentative tract map; and

WHEREAS, pursuant to [Newark Municipal Code \(NMC\) §17.31.060](#), a public hearing notice was published in The Tri City Voice on December 1, 2020 and mailed as required for a public hearing at 7:30 p.m. on December 15, 2020 and continued to 7:30 p.m. on January 12, 2021, and the Planning Commission held a meeting on said application at 7:30 p.m. on January 12, 2021 utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic; and

WHEREAS, pursuant to [NMC Chapter 17.12](#) (Planned Development Overlay District), [§17.12.060, Required Findings](#), the Planning Commission hereby makes the following findings:

A. The proposed development is consistent with the general plan and any applicable specific plan, including the density and intensity limitations that apply;

The proposed development is generally consistent with the General Plan. The development's density does not exceed the maximum density of 30 dwelling units per acre allowed under the General Plan Land-Use Designation of Medium Density Residential. The development's density of 13.4 dwelling units per acre presents a negligible difference, one that is not worth eliminating given the possibility of affecting other development standards, in meeting the minimum density requirement of 14 dwelling units per acre. In addition, the application was filed in 2017, predating the 2018 update to NMC Title 17, Zoning; and therefore, the proposal for single-family homes carries from when the project was first conceived. Moreover, given the context existing single-family neighborhoods, single-family development is encouraged in the area. Thus, the proposed development is consistent with the general plan including the density and intensity limitations that apply.

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

The project site is zoned Residential Medium Density and has a minimum density requirement of 14 dwelling units per acre. As the existing parcel is under-developed, the addition of four single-family homes to the area does not require additional street improvements for traffic mitigation. In addition, the proposed development dedicates a 2-foot-wide area, amounting to a total of 200 square feet, towards the City's right-of-way. The project improves the street frontage and eliminates the current pedestrian network gap on the western block of Cherry Street between Central Avenue to the south and Clark Avenue to the north.

Each of the four homes includes a two-car garage and a driveway apron in front of each garage provides for guest parking. In addition, the project development also provides two separate guest parking spaces between Lots 1, 2, and 3. Therefore, the proposed development provides for a total of 18 off-street parking spaces. Thus, adequate transportation facilities and public services exist or will be provided in accordance with the conditions of development plan approval to serve the proposed development and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.

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

Except for the light industrial use to the south, the project site is surrounded by a mix of single-family and multi-family residential units to the north, east, and west. Thus, the

subject site is compatible with the existing character the neighboring land use and the proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.

D. The development generally complies with applicable adopted design guidelines; and

The overall design of the project including its scale, massing, site plan, exterior design, and landscaping enhances the appearance and features of the project site and its immediate surrounding. The project promotes high-quality design and well-crafted and maintained buildings. The landscaping is compatible with and enhances the architectural character and features of the homes and helps relate the structures to the surrounding landscape. Project details, materials, and landscaping are designed to be internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the architectural design as well as the intended character of the area. Therefore, the development generally complies with applicable design guidelines.

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

Though the subject site is zoned Residential Medium Density, traditionally, single-family development has been encouraged for the site given its proximity to single-family homes. The proposed development results in four high-quality, single-family homes which is superior to the development that could otherwise occur under the standards applicable to the underlying zoning district.

WHEREAS, pursuant to [NMC Chapter 17.34](#) (Design Review), [§17.34.060, Design Review Criteria](#), the Planning Commission hereby finds the following criteria satisfied, to the extent applicable:

A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.

Building facades and exterior walls are designed to reduce the blocky or massive features of structures and provide articulation. The proposed residences provide overhangs, windows, and doors on all façades. These design elements help break up the walls, reduce perceived bulk, and create a play of light and shadow. The design uses vertical elements such as chimneys sparingly. The nature of their use is in concert with the respective design style of the homes and serves as an architectural element, rather than a signature, vertical element. The use of stone and brick veneer with stucco siding coupled with asphalt roof reduces the perceived building height. Furthermore, the planting pattern serves to counteract the rectilinear form of development and provides screening for the residences.

- B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.*

The homes would be relatively modest in size and differ from the new, largely three-story residential construction that has taken place elsewhere in the City over the last few years. The proposed residences utilize multiple roof planes and alternating roof heights to reduce perceived massing and bulk. The proposed residences are designed to avoid large, flat surface planes by creating articulation in the perimeter walls and the by changes in the horizontal and vertical planes.

- C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.*

The design elements are visually harmonious, in scale with the size of the structure, and balance environmental considerations. The proposed residences will not impair potential or existing views for adjacent and nearby residences. The subject lots represent a cluster of homes located largely along a private driveway.

- D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.*

The project would install two 36-inch box street trees and over a dozen shrubs along Cherry Street. The landscape improvements will enhance the street frontage that stretches 100 feet along the property. Furthermore, most of the project lighting would be limited to the site and all outdoor luminaires shall be fully shielded. Therefore, any off-site impacts of obtrusive lighting or light trespass will be minimized.

- E. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.*

The City's off-street parking requirement will be satisfied by the provision of a two-car garage for each home. No additional on-site parking areas are required for the project. However, the driveway apron on each lot, as well as the two parking spaces between Lots 1, 2, and 3, will serve for guest parking. Therefore, the project parking is limited to the site and the trees and shrubs to be installed adjacent to the driveways will not only help screen the development, but they will also help reduce head island effect and run-off.

- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.*

Except for low-level lighting of driveway entrances, arrival courts, mailboxes, and entry walks, exterior lighting is generally to be located within the required setbacks. Minimal lighting of plants is permitted only when the light source is concealed and indirect. Overall, the project is required to use low intensity lanterns or indirect light sources from fixtures and apart from holiday lights, sodium vapor or other colored lights are not be installed.

- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.*

The project proposes a total of 10 trees, including two 36-inch box street trees, and over 200 5-gal shrubs to help soften the development and settle the homes into the landscape. The landscape improvements would give definition and variety to the development. This planting pattern serves to counteract the rectilinear form of development, and provides screening for the residences, making them less prominent.

WHEREAS, pursuant to [NMC Chapter 17.39](#) (Amendments to Zoning Map and Text), [§17.39.080, Criteria for Zoning Amendments](#), the Planning Commission hereby finds the following criteria satisfied:

- A. The amendment is consistent with the general plan.*

The amendment will allow for four, detached single-family homes and public improvements, including sidewalks, will be required with this redevelopment. The proposed zoning will ensure the effective integration of development and redevelopment with surrounding land uses. The proposed residential use is compatible with the heights of the adjoining residential zone districts. This site is adjacent to single-family residential to the north, multi-family properties to the east and west, and light-industrial uses to the south.

The development's density would not exceed the maximum density of 30 dwelling units per acre allowed under the General Plan Land-Use Designation of Medium Density Residential. The development's density of 13.4 dwelling units per acre would present a negligible difference, one that is not worth eliminating given the possibility of affecting other development standards, in the meeting the minimum density requirement of 14 dwelling units per acre. Therefore, the proposal is consistent with the goals of the General Plan and demonstrates high-quality design standards.

- B. Any change in district boundaries is necessary to achieve the balance of land uses desired by the city, consistent with the general plan, and to increase the inventory of land within a given zoning district.*

The proposed project does not propose a change in district boundaries, and therefore, this criterion is not applicable.

C. The amendment will promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

The project site sits near the outskirts of the Old Town Newark area. The stretch of Cherry Street between Central Avenue to the south and Baine Avenue to the north is transitioning from industrial to residential uses. This transition would tie into the urban fabric that exists south of Thornton Avenue, particularly with the multifamily developments on the west-side of Cherry Street along the two blocks that are separated by Clark Avenue. Therefore, the amendment will enhance the property and surrounding area by allowing a use that is compatible with the adjacent zoning districts to the north, east and west; and thereby; promote the growth of the city in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newark as follows:

Section 1. That the forgoing recitals are true and correct and made part of this Resolution.

Section 2. That the Planning Commission does hereby recommend that the City Council of City of Newark approve this application as shown in Exhibit A, subject to the following conditions:

- a. All applicable conditions listed in Planning Commission Resolution No. _____, dated January 12, 2021, recommending approval of TTM-20-03, a Vesting Tentative Tract Map 8531 to allow a five-parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02)
- b. If any condition of the Planned Development Overlay District be declared invalid or unenforceable by a court of competent jurisdiction, this Planned Development Overlay District shall terminate and be of no force and effect, at the election of the City Council on motion.

This Resolution was introduced at the City of Newark Planning Commission's January 12, 2021 special meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWARK RECOMMENDING THAT THE CITY
COUNCIL APPROVE TTM-20-03, VESTING TENTATIVE MAP
8531

WHEREAS, Sawart S. Fahmy has submitted TTM-20-03, Vesting Tentative Tract Map 8531, to the City of Newark with subdivision and zoning variances covered by P-20-02, a Planned Development (PD) Overlay District and PD Plan, to allow a five-parcel, four-lot subdivision for the construction on four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02); and

WHEREAS, pursuant to [Newark Municipal Code \(NMC\) §17.31.060](#), a public hearing notice was published in The Tri City Voice on December 1, 2020 and mailed as required for a public hearing at 7:30 p.m. on December 15, 2020 and continued to 7:30 p.m. on January 12, 2021, and the Planning Commission held a special meeting on said application at 7:30 p.m. on January 12, 2021 utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic.

WHEREAS, pursuant to [Government Code §66474](#), the Planning Commission hereby makes the following findings:

- A. *That the proposed map is not consistent with applicable general and specific plans as specified in Government Code §65451.*

The General Plan includes numerous goals and policies pertaining to land use and design, growth management, circulation, community facilities and utilities, open space and conservation, health, safety, and noise. The proposed tentative tract map is required to abide by all applicable goals and policies included in the adopted General Plan, unless otherwise expressed by the PD Plan, Exhibit A. Generally, the design or improvement of the proposed tentative tract map is consistent with the General Plan in that the property is developed by street and parcel improvements in conformance with applicable goals and policies.

- B. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

Although the proposed subdivision does not meet the minimum density of 14 dwelling units per acre (du/ac) specified for the RM district, the proposed density of approximately 13.4 du/ac is found to be generally consistent with the spirit and intent of the General Plan. The proposed map and improvements would conform to the PD Plan, presented in Exhibit A, and satisfy the conditions included in this resolution (TTM-20-03). Furthermore, the proposed map would dedicate 200 square feet of the

site's frontage to the City's public-right-way. This dedication would contribute towards public improvements and help close the pedestrian network gap on the western block of Cherry Street between Central Avenue to the south and Clark Avenue to the north. Therefore, the proposed design or improvement of the proposed subdivision is generally consistent with the General Plan.

C. That the site is not physically suitable for the type of development.

The project site is surrounded by compatible uses, including residential development to the north, east, and west that is zoned either RS or RM. The parcels immediately south are zoned Light Industrial (LI). There are no observed existing features on the site that will require removal. The site is flat and vacant. Given the topography of the site and the location of the proposed construction, it appears that grading will be minimal. Furthermore, based on the application materials on file, it is more than likely that material generated from the proposed access road excavation will be used on the site. Therefore, the site is physically suitable for the type of development.

D. That the site is not physically suitable for the proposed density of development.

Although the proposed subdivision does not meet the minimum density of 14 dwelling units per acre (du/ac) specified for the RM district, the proposed density of approximately 13.4 du/ac is physically appropriate for the site. Therefore, as conditioned, the site is physically suitable for the proposed density of development with regards to its characteristics (size, access, relief, drainage, etc.) and is compatible with the existing development in the surrounding area.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The City's Community Development Department has determined that this project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to §15303, "New Construction or Conversion of Small Structures." Both construction and operation of the residential development are designed to minimize potential adverse impacts to the environment. Therefore, as conditioned, the design of the tentative tract map and the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat.

F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The Alameda County Fire Department (ACFD) has reviewed the proposed tentative tract map and the applicant has incorporated the recommendations proposed by ACFD as elements of the project design. Any outstanding items are to be addressed as a condition of approval. Therefore, the proposed tentative parcel map is consistent with

all applicable provisions of the City's Subdivision Ordinance, the Subdivision Map Act, the California Fire Code, the California Building Code, and the generally applicable development standards of the RM zoning district, unless otherwise stated in the PD Plan (Exhibit A).

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The proposed improvements would not be within public easements and/or right of way. The private driveway would be maintained through an agreement between future residents. Therefore, as conditioned, the design of the tentative tract map will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, in that such easements presently exist and such access will be retained, as currently provided within the project and to adjacent public streets.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newark does hereby recommend that the City Council of City of Newark approve TTM-20-03, Tentative Tract Map 8531 covered by PD Overlay District and PD Plan, P-20-02, as shown on Exhibit A and made part hereof by reference, subject to the following conditions:

Planning Division

- a. There shall be no roof-mounted equipment other than satellite dishes, other similar television or radio antennas, and solar equipment.
- b. AC units shall not be placed in front or street side yard, and if placed in any other location that makes it visible to public view, shall be properly screened with solid material.
- c. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- d. 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.
- e. 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).
- f. 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.

- g. 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.
- h. Prior to the issuance of a building permit, any changes to the approved color elevations shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- i. Prior to the issuance of a building permit, any changes to the approved floor plans shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- j. Prior to the issuance of a building permit, the roof material as submitted by the applicant as part of this application 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.
- k. 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.
- l. Prior to issuance of a grading permit, the applicant shall hire a qualified biologist to: (1) determine if occupied Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The occupied Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.
- m. 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 §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.

- n. Prior to the issuance of a building permit, the applicant shall pay the City's impact fees in effect as well as the Community Development Maintenance Fee.
- o. There shall be no short-term rentals.
- p. 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.
- q. Prior to the issuance of a Certificate of Occupancy, roll-up garage doors with automatic garage door openers shall be provided for each unit.
- r. Prior to final inspection and utility release for each unit, the applicant 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.
- s. 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.
- t. Prior to the issuance of a building permit, any proposed fence details shall be submitted for the review and approval of the Community Development Director.
- u. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives 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.
- v. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 7:00 a.m.
- w. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.

Engineering Division

- x. The development will require approval of tentative and final tract maps filed in accordance with the State Subdivision Map Act and the City of Newark Subdivision Ordinance for the creation of 5 lots and easement dedications. The final map must be approved prior to the issuance of any building permits.

- y. The final map shall designate and/or dedicate emergency vehicle access ways, private vehicle access ways, public utility easements, and other easement as may be required over the common area.
- z. The applicant shall dedicate right-of-way and install complete street improvements for Cherry Street. Cherry Street is a four-lane divided arterial with a half-street right-of-way width of 52 feet along the project frontage. A 2-foot right-of-way dedication and a 10-foot landscape easement shall be dedicated adjacent to Cherry Street.
- aa. “A ‘no left turn’ sign (R3-2) or similar, as approved by the City Engineer, shall be provided on Cherry Street to prevent vehicles traveling northbound (towards Thornton Avenue) on Cherry Street from making a left into the development.
- bb. Prior to approval of the final map, the applicant shall guarantee all necessary street improvements adjoining the development and over the common area in accordance with tract improvement plans to be approved by the City Engineer. Improvement plans for on-site common areas in the development shall be included with the tract improvement plans to ensure that such improvements are designed and constructed to City Standards. These plans must be prepared by a qualified person licensed by the State of California to do such work. Street improvements shall include, but may not be limited to, driveway access, public sidewalks, curb and gutter removal and replacement, frontage landscaping, pavement removal and replacement, replacement or repair of existing damaged public improvements, street lighting, undergrounding existing overhead utilities, relocation of existing signage, pavement striping, and other related improvements. Common area improvements on-site include, but may not be limited to driveways, drive aisles, parking facilities, utilities, recreational areas and facilities, storm water treatment measure installations, screen walls, fencing, and all landscape areas.
- cc. The applicant shall limit the amount of open trenching within Cherry Street, to the extent possible, by installing utility connections via bore and jack method. To maintain the pavement condition on Cherry Street, the applicant will be required to grind and overlay and/or slurry seal the pavement to centerline or beyond to the nearest lane line where utility tie-ins are necessary.
- dd. Prior to the issuance of the initial grading or any building permits for this project, the applicant shall submit a Storm Water Pollution Prevention Plan for the review and approval of the City Engineer. The 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 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 storm water runoff from this site including, but not limited to, trash and litter control, 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.

- ee. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The applicant shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to final map approval.
- ff. The applicant shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation 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.
- gg. Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer and the Alameda County Flood Control District prior to approval of the final map(s). The calculations shall show that the City and County freeboard requirements will be satisfied.
- hh. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.
- ii. 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 on Cherry Street. 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.

- jj. The property owner shall enter into an Agreement with the City of Newark to provide verification and assurance that trash capture devices will be properly operated and maintained and to guarantee the owner's perpetual maintenance obligation for all storm drain inlet filters installed as part of the project per requirements of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049. The Agreement shall be recorded against the property and shall run with the land.
- kk. Where a grade differential of more than a 1-foot is created along the boundary lot lines between the proposed development and adjacent property, the applicant shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- ll. 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.
- mm. The geotechnical consultant shall review and approve all geotechnical aspects of the project plans to ensure that the recommendations have been properly incorporated. The geotechnical consultant shall clarify the distance over which differential settlement is indicated and provide alternative foundation recommendations should the estimated differential settlement exceeds the ASCE 7-16 0.01L threshold for multistory structures.
- nn. The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The results of the inspections shall be described in a letter and shall be provided to the City Engineer for review and approval prior to project acceptance.
- oo. Prior to approval of the final map, the applicant's engineer shall submit a pavement maintenance program for the drive aisles and parking areas for the review and approval of the City Engineer. The applicant shall incorporate the program into the required Storm Water Pollution Prevention Plan and Storm Water Treatment Measures Maintenance Agreement.
- pp. Prior to issuance of a Certificate of Occupancy or release of utilities for any building, vehicle access ways and parking facilities serving said building shall be paved in accordance with the recommendation of a licensed engineer based on a Traffic Index of 5.0 and striped as shown on the approved site plan. Minimum asphalt concrete thickness for the vehicle access ways shall be 4 inches.
- qq. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling unit, the on-site drive aisles and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles

shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces.

- rr. The applicant shall establish a Homeowner's Association consisting of all property owners of lands in the development at the time of incorporation and in the future for the purpose of maintaining the association's property, common drive aisles, parking facilities, stormwater treatment facilities, and landscaping, including landscaping in adjacent public rights-of-way, 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.
- ss. Prior to City Council approval of the final map(s), the bylaws governing the property owners' association(s) and any declaration of covenants, conditions and restrictions (CC&Rs) filed for this development shall be reviewed and approved by the City Council at its discretion after mandatory review and recommendations by the City Attorney. 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 on-site pavement.
- tt. 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.
- uu. The applicant shall also assist the Homeowner's Association by having a management consultant firm review the maintenance and operating functions of the association. The management consulting firm shall be responsible to prepare a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the development and shall run with the land. The applicant shall pay all costs of incorporation and initial management review and reports.
- vv. The Homeowner's Association shall be responsible for trash and litter control and sweeping of all private streets within the development. All private storm drain systems and all associated trash capture devices shall be cleaned on a regularly scheduled basis as detailed in the required Stormwater Treatment Measures Maintenance Agreement.

- ww. 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.
- xx. 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.
- yy. The joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval.
- zz. 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. The applicant shall also continue coordination with the adjacent property owner and PG&E to underground existing overhead service to 37475 Cherry Street. Right-of-entry agreements from the adjacent property to do the underground work shall be obtained prior to final map approval.
- aaa. The applicant shall repair and/or replace any public improvements along the Cherry Street right-of-way and private improvements along the exterior boundary of the site damaged as a result of construction activity to the satisfaction of the City Engineer.
- bbb. 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.
- ccc. 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.

These measures shall be incorporated into the grading specifications as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

- ddd. 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 reproducible copy and one reduced reproducible copy of the approved tentative map; (2) Two electronic copies of the approved final map and improvement plans in a format approved by the City Engineer; (3) One full-sized mylar copy and one reduced copy of the recorded final map; (4) One reproducible set and four blue-line or photocopied sets of the approved tract improvement plans; (5) Two electronic copies and 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.
- eee. The plans submitted for construction must be drawn to an appropriate scale as required by the City Engineer.
- fff. 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 disclosure statement shall also 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.
- ggg. 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.

Landscape Division

- hhh. Prior to the approval of the final map, the developer shall enter into a Landscape Maintenance Agreement to ensure the perpetual maintenance of all landscaping along the property frontage and within the public right-of-way between the back of curb and sidewalk. This agreement shall be transferred to the Homeowners Association and incorporated into the project CC&Rs.
- iii. The developer shall retain a licensed landscape architect to prepare detailed landscape plans for construction in accordance with City of Newark requirements and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to final map approval.
- jjj. 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.
- kkk. Prior to the issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacement shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Fire Department

- lll. A NFPA13D automatic fire sprinkler system shall be provided for each home.
- mmm. The first 25 feet of the driveway will be fire access road. A minimum 20-foot fire access road shall be maintained and not be obstructed. Fire marking or signage are required.

Building Division

- nnn. Per [NMC §17.24.100.A.3](#), construction for this project, including site work and all structures, shall occur only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday and between the hours of 10:00 a.m. and 6:00 p.m. on Sundays and holidays. 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 shall be made in writing.

Police Division

- ooo. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and §5.10 of the California Fire Code for radio reception.
- ppp. Housing numbers shall be well placed, illuminated, and easily recognizable for first responders.

General

- qqq. 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 applicant shall pay the prevailing fee for each additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.
- rrr. If any condition of this Planned Development be declared invalid or unenforceable by a court of competent jurisdiction, this planned development shall terminate and be of no force and effect, at the election of the City Council on motion.
- sss. The applicant hereby agrees to defend, 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.

- ttt. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the applicant (which shall be the same counsel used by applicant) and reasonably approved by the City. Applicant's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with [Government Code §66474.9](#).
- uuu. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to [Government Code §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 applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to [Government Code §66020\(a\)](#), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of [Government Code §66020](#), the applicant will be legally barred from later challenging such exactions.

This Resolution was introduced at the City of Newark Planning Commission's January 12, 2021 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

3661236.1

JEFF AGUILAR, Chairperson