



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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

AGENDA

Tuesday, August 24, 2021
7:30 P.M.

HYBRID IN-PERSON/VIRTUAL MEETING

REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR IN-PERSON. IF YOU ATTEND THE MEETING IN PERSON, YOU ARE REQUIRED TO WEAR A FACE COVERING PURSUANT TO ALAMEDA COUNTY HEALTH OFFICER ORDER NO. 21-03.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of July 13, 2021.**

(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 U-21-05, a Conditional Use Permit to allow a community assembly use at 36665 Cedar Boulevard (APN 92A-985-15). The subject site is**

zoned NC: Neighborhood Commercial and has a General Plan Land-Use designation of Neighborhood Commercial – from Associate Planner Mayank Patel.

(RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

HYBRID IN-PERSON/VIRTUAL MEETING NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Orders N-29-20 and N-08-21 regarding the COVID-19 pandemic. Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube. Pursuant to Alameda County Health Officer Order No. 21-03, all individuals attending the meeting in person are required to wear a face covering at all times.

Chairperson Aguilar, Vice Chairperson Bridges, and Commissioners Becker, Fitts, Otterstetter may be attending this meeting via teleconference. Teleconference locations are not open to the public. In the event that any members of the Planning Commission elect to attend this meeting via teleconference, all votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Livestream online at YouTube: <https://www.youtube.com/channel/UC383NGSxaPwZP1kJbo2T8A>
Copy/paste the YouTube URL into your browser if the link does not automatically open.

Due to technical difficulties related to the move to the new City Hall, this meeting will not be broadcast on Comcast Channel 26.

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/82469922869>

From a telephone dial 1 669 900 9128, Webinar ID 824 6992 2869

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.

For frequently asked Zoom questions, please go to [Agendas and Minutes](#) and select the Frequently Asked Questions link.

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.

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

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agendas and 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 [Agendas and 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 Administrative Support Specialist at least two days prior to the meeting at planning@newark.org or 510-578-4330.

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CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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

MINUTES

Tuesday, July 13, 2021

A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:32pm. 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 22, 2021.

MOTION APPROVED

Commissioner Becker moved, Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on June 22, 2021. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing of the Planning Commission of the City of Newark to recommend that the City Council amend the Newark General Plan, adopt the Old Town Newark Specific Plan, adopt chapter 17.14, Old Town (-OT) Overlay District, of title 17 – zoning of the Newark municipal code, amend the Newark Zoning Map, and adopt miscellaneous related

amendments to Title 17 – zoning of the Newark Municipal Code, and adopt the addendum to the certified final environmental impact report prepared for the Newark General Plan.

(RESOLUTION)

Deputy Community Development Director (DCDD) Interiano provided a brief overview of the preparation for the project including three community meetings that were conducted to obtain community feedback for the project. DCDD introduced the consultants, Mark Rhoades from Rhoades Planning Group, Jean Eisberg from Lexington Planning.

Mark Rhoades, Rhoades Planning Group, gave a presentation (presentation on file with City Clerk) with an overview of the project and process recap, specific plan highlights, and CEQA information. The Old Town Specific Plan of today is much smaller in scope and scale compared to the Historic Specific Plan in 1990. This allowed Rhoades Planning Group to focus on streetscape improvements and use and development standards. Mr. Rhoades stated community feedback during the first community meeting in March 2019 were concerns about parking and traffic, support for streetscape improvements, and desire to incorporate historic elements in the plan. The feedback from the community meeting in June 2019 were ideas for identity and weaving in historic elements, support for streetscape and pedestrian/bike improvements, desire for community programming and gathering, and support for new housing and retail development. Mr. Rhoades provided a market snapshot with information regarding residential and commercial rents, development costs, and construction costs. Mr. Rhoades provided a summary of the Specific Plan including refining zoning regulations, identifying programs to support investment in the community, and make streetscape improvements.

Jean Eisberg, Lexington Planning, continued the presentation by laying out the Land Use Strategy and Zoning Map changes such as bringing the General Plan and Zoning Ordinance into conformance, creating transitions between taller heights on Thornton Ave and lower densities away from the main corridor, and focus retail commercial area between Sycamore St and Olive St. A key part of the analysis was to analyze what was physically feasible on site based on existing zoning standards. Development prototypes and feasibility modeling were created to include proposed zoning changes to expand

permitted uses, modify height limits, and increase residential densities. Other policies that were reviewed are affordable housing strategies to explore ways to generate housing within development projects to allow for 100% affordable projects. Key economic development policies to identify ways to support food businesses with pilot façade improvement program and to utilize the existing structures and to capitalize on existing resources, and streetscape & urban design to create room to add bicycle facilities and widen the sidewalk to create a multimodal corridor. Ms. Eisberg provided an overview of the environmental mitigations and project streamlining, infrastructure plan, implementation, and traffic analysis. Ms. Eisberg concluded the presentation that the plan will help create a stronger neighborhood-serving retail destination for the community to gather while retaining its socio-economic and cultural diversity.

Commissioner Becker expressed his concern with the reduction in parking and asked if there are any additional approvals that will need to be obtained to narrow Thornton Ave. Assistant City Engineer (ACE) Imai replied that there are no additional approvals required to narrow Thornton Ave.

Commissioner Fitts hoped there will be enough space to allow a railroad train station and parking in the future.

Vice Chairperson Bridges stated the presentation mentioned keeping the theme in the area the same and asked if there will be a variety of cuisine in the proposed area or if the cuisine will remain the same. DCDD Interiano explained that the policies in the draft plan will encourage those types of businesses to continue to operate and continue to come to the area and not necessarily about the type of business it was. So the policies are really to incentivize keeping those types of businesses in the area.

Vice Chairperson Bridges asked when this project will begin. DCDD Interiano clarified that the plan allows for 400 units of affordable housing but there are currently no projects proposed for affordable housing. Staff's immediate focus will be implementing the streetscapes portion of the plan in addition to removing the truck route from Thornton Ave.

Commissioner Otterstetter expressed her concern for parking and asked staff to ensure there's enough parking in future redevelopment plans. She is excited about the affordable housing and having food incubation opportunities as a focus for the area. She asked if Watkins Hall will be classified as a historical site. DCDD Interiano and Ms. Eisberg stated Watkins Hall was not designated as a historical site and it will have to be a future discussion on how to proceed with that property. DCDD Interiano confirmed that Watkins Hall is owned by the City.

Commissioner Fitts asked if there are other City owned properties in the proposed area that can be consolidated to allow affordable housing to be built. DCDD Interiano stated there are four City owned properties in the proposed area. Watkins Hall and the old fire station are the only two properties that could be a potential project if it was combined with other properties.

Chairperson Aguilar believes that the Specific Plan captures what the community has voiced over the last couple of years. He asked if everything moves forward, what are the next steps if the specific plan gets recommended to City Council and City Council approves it. ACE Imai responded that 35% plans are being produced by one of the consultants which is a key step in applying for grant funding. As part of the FY 2020-2022 biennial budget and capital improvement plan, the City has funded the design for the Old Town streetscape project. Once the design plans are at 100% and becomes shovel ready, the project will be more competitive to receive grant funding.

Chairperson Aguilar opened the public hearing.

Yoo-Yoo Yeh lives at Carter Station expressed her excitement for more frequent bus lines and new food venues. Ms. Yeh asked if there's a way for residents to continue to be involved in shaping what Old Town will look like and whether this development will help Newark achieve net zero as part of the climate action plan. DCDD Interiano stated that as projects come in, there will be public input opportunities. Staff has not had an opportunity to review neighboring city's climate action plan and how that would apply to Newark. Ms. Yeh would like to see a community space that includes a tutoring center

and a cooling center. Vice Chairperson Bridges mentioned that once the Newark library opens in October, it will be able to offer lots of tutoring opportunities.

ACE Imai mentioned that although it's not part of the climate action plan, there is a complete streets element that will be implemented in the streetscape plan to encourage pedestrian and bicyclist activity. The goal is to implement green infrastructure which will treat stormwater runoff. There are items in the plans for the streetscape project that will address environmental concerns.

Chairperson Aguilar closed the public hearing.

Chairperson Aguilar asked staff to walk staff through the process of the elimination of the truck routes on Thornton Ave. DCDD Interiano stated that staff are in discussions to include assessment of other areas for truck routes, implementation on the enforcement side, and an outreach program to our business community. The elimination of the truck route would require a General Plan amendment.

Commissioner Otterstetter expressed her concern that Watkins Hall might be sold and torn down. There was a previous plan to turn the lower level into a museum and the upper levels into an entertainment space. She hopes that staff will continue to explore that option rather than selling or tearing down the building.

Commissioner Fitts moved, Chairperson Aguilar seconded, to approve the Resolution Recommending that the City Council amend the Newark General Plan, adopt the Old Town Newark Specific Plan, adopt Chapter 17.14, Old Town (-OT) Overlay District, of Title 17 – zoning of the Newark Municipal Code, amend the Newark Zoning Map, and adopt miscellaneous related amendments to Title 17 – zoning of the Newark Municipal Code, and adopt the addendum to the certified final environmental impact report prepared for the Newark General Plan. The motion passed 5 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

Community Development Director Turner stated there is no specific actions to report. City Council will be considering the NewPark Place Specific Plan at the City Council meeting on July 22, 2021.

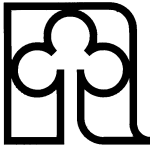
H. ADJOURNMENT

CDD Turner clarified that the library has not given a definitive timetable for the opening. There are number of purchases and build out of the interior spaces that needs to be completed before it can open for program and services. Staff does expect the Civic Center grand opening to take place on October 9, 2021.

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:44 pm.

Respectfully submitted,

STEVEN TURNER
Secretary



E. 1 Hearing to consider U-21-05, a Conditional Use Permit to allow a community assembly use at 36665 Cedar Boulevard (APN 92A-985-15). The subject site is zoned NC: Neighborhood Commercial and has a General Plan Land-Use designation of Neighborhood Commercial – from Associate Planner Mayank Patel. (RESOLUTION)

Background/Discussion

The City has received an application for a Conditional Use Permit (CUP) to allow a community assembly use (the “Project”) at the existing building located at 36665 Cedar Boulevard (see Attachment 1). The Newark Municipal Code (NMC) [§17.45.020](#) defines “community assembly” as “a facility for public or private meetings, including community centers, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally-related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.” Historically, the existing building at 36665 Cedar Boulevard has been used as a restaurant, most recently Urban Spice and prior to that, Sinodino’s Steakhouse¹ and prior to that, Beck’s Steak & Seafood² (see Attachment 2). Per discussions with the Economic Development Division, staff has learned that restaurant uses have struggled at this location, and as a result, the existing building has endured chronic vacancy.

The project applicant, Swaminarayan Mandir Vasna Sanstha (SMVS), plans to utilize the existing building as a temple for its congregation. The applicant is not proposing to make any significant exterior or interior modifications. SMVS is an international social-spiritual organization based on Swaminarayan (Hindu) denomination. As reported by the organization, SMVS has 50 active members in the Bay Area. The majority of the active members are from the tri-cities: Fremont, Newark, and Union City. For the past seven years, the 50 active members have been renting a church prayer hall in Fremont to conduct weekly activities. SMVS has been contributing to the Newark and Fremont area and has received various awards and recognitions, including Special Congressional Recognition from Congressman Ro Khanna. Part of SMVS’s mission includes helping the community through organizing various activities and events such as food drives, health screenings and blood drives, and disaster relief.

Project Context and Proposal

The project site has a General Plan Land-Use designation of Neighborhood Commercial and is zoned NC: Neighborhood Commercial. Generally, the NC district is intended to provide areas for smaller-scale neighborhood shopping centers which provide goods, services, and businesses to meet the day-to-day needs of surrounding residential neighborhoods. Areas within the NC district should be developed and maintained to provide convenient, walkable shopping destinations for nearby residents.

¹ Per the City’s Business License data, the close date for this business was September 22, 2015.

² Per the City’s Business License data, the close date for this business was December 31, 2010.

Located at the corner of Cedar Boulevard and Musick Avenue, the project site is an irregular, approximately 58,109 square-foot lot that tapers southbound along Cedar Boulevard. The project site is abutted by medium-density residential (i.e., Cedar Glen) to the north, single-family residential to the south, semi-public uses (i.e., El Musick Elementary) to the west, and community-commercial uses (i.e., Home Depot) to the east.

Per the application materials on file, SMVS plans to use the existing banquet hall of the building as the main shrine and assembly area and the existing kitchen will be used for cooking food for the community members. SMVS does not intend to rent the banquet hall or any part of the facility to any individual or organization for any events. SMVS reports that its sole purpose is to use the facility for its mission. The proposed hours of operation for the temple are 6:00 a.m. to 9:00 p.m., daily; however, peak usage is expected on Saturday from 4 p.m. to 9 p.m. The applicant is not proposing to make any significant exterior or interior modifications. As part of the project approval, SMVS will update the premises for any necessary building codes. Additionally, to help enhance the appearance of the subject site, the applicant proposes to remove any dead or failing landscaping and install new landscaping, including a total of eight new trees.

The applicant anticipates about four “special events” per year and would include Hindu celebrations such as Diwali, Janmashtami, and Ramnavmi. Such events would be comparable to other faith-based celebrations like Christmas, Good Friday, Eid, Hanukkah, etc. The celebration of these important Hindu events/holidays would likely occur on the weekends and are not expected to exceed more than 150 individuals at any given time nor are the events expected to create any off-site impacts. However, NMC [§17.26.260, Temporary Uses](#), establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. Therefore, any “special event” that may exceed the occupancy levels approved for the use or create temporary impacts (i.e., noise, parking, traffic, etc.) would require City review (Fire, Engineering, Building, Planning, etc.) and would be allowed only with a [Minor Use Permit](#), subject to the findings specified in NMC [§17.26.260\(B\)\(3\)](#):

- a. *The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the city; and*
- b. *The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.*

Per NMC [Chapter 17.23, Parking and Loading](#), community assembly uses require 1 parking space for each 4 permanent seats or 1 for every 40 square feet of assembly area where no seats or where temporary or moveable seats are provided. As noted in Attachment 1, Exhibit A, of this report and the table below, the Project proposes a total community assembly area of 1,573 square feet. Of this total, 168 square feet would be assigned for 23 permanent seats and the remaining balance would be an area where no seats are provided. The City’s off-street parking requirement would be satisfied by the existing 76 on-site parking spaces. Additionally, as detailed in Attachment 3 of this report, the project site has a non-exclusive easement, for parking purposes only, of 15

unlocated automobile parking spaces on the property located at 5401 Thornton Avenue (i.e., Home Depot site).

Table 1. Required Parking

Community Assembly Area	Area / Permanent Seats	Parking Factor	Required Parking	
<i>Altar</i>	145 sf; 0 seats	1 per 40 sf	4 spaces	Total On-Site Parking Provided
<i>Main Prayer Room (No Seats)</i>	1260 sf; 0 seats	1 per 40 sf	32 spaces	
<i>Main Prayer Room (Fixed Seats)</i>	168 sf; 23 seats	1 per 4 seats	6 spaces	
Total	1,573 sf; 23 seats	1 per 40 sf; 1 per 4 seats	42 spaces	76 spaces

In addition, the project site has good proximity to transit. There are several transit stops within a 0.25-mile radius of the project site. The closest transit stop is AC Transit Route 232, which is approximately 200 feet from the property just north of the Cedar Boulevard and Musick Avenue intersection. Furthermore, to address any potential parking concerns, staff has included the following condition of approval in Attachment 4, Draft Resolution, of this report:

If any complaint regarding parking and/or traffic is received, a parking/traffic analysis shall be prepared at the discretion of the Community Development Director and at the cost of the applicant. The applicant shall mitigate any problems identified by the study(ies).

Requested Entitlements

Pursuant to [NMC §17.08.020, Land-Use Regulations](#), “community assembly” uses in the NC zoning district are subject to a CUP. The use permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Therefore, per NMC [§17.35.030](#), the Planning Commission shall approve or conditionally approve the CUP request based on the findings required by NMC [§17.35.060](#):

- A. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title [NMC Title 17] and all other titles of the Municipal Code;*
- B. *The proposed use is consistent with the general plan and any applicable specific plan;*
- C. *The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;*
- D. *Tax revenue generated by the development will exceed the city's cost of the service demand as a result of the development or a compelling community benefit will be provided;*
- E. *The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title [NMC Title 17];*

- F. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and*
- G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.*

The inability to make one or more of the findings is grounds for denial of an application. Based on staff's analysis, the CUP findings for the proposed Project can be made in the affirmative and are provided in Attachment 4 of this report.

Community Meeting

As part of the City's completeness review project, staff recommended that the applicant hold a community meeting to inform neighbors within a 500-foot radius of the project site about the potential change in use. On July 27, 2021, the applicant hosted an in-person community meeting at the project location, 36665 Cedar Boulevard. At the meeting, the applicant delivered a presentation introducing their organization and activities and provided an overview of the intended use. Following the presentation, attendees' questions regarding the operations and anticipated date of occupancy were answered by the applicant team.

Approximately 16 members of the community attended the meeting and there were no comments in opposition of the proposed use. Following the community meeting, staff received one email expressing potential concerns of "special events," however, there has been no formal correspondence objecting the CUP request. Therefore, at the time of the publication of this report, staff is not aware of any public controversy with the proposed Project.

California Environmental Quality Act (CEQA)

A [Class 1, Existing Facilities, Categorical Exemption](#) relieves this project from the California Environmental Quality Act (CEQA) provisions. Per [CEQA §15301\(e\)\(2\)](#), environmental review is not required because:

- a. The proposed project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and
- b. The area in which the project is located is not environmentally sensitive.

Furthermore, the proposed Project is exempt from environmental review under State CEQA Guidelines [§15061\(b\)\(3\), Common Sense Exemption](#). CEQA Guidelines [§15061\(b\)\(3\)](#) states that a project is exempt from CEQA if: "The activity is covered by the common sense exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Based on the Project description, the proposed use is not expected to result in a physical change in the environment. The subject property is occupied by an existing commercial building with a restaurant use and the change to a "community assembly" use would be less intensive. Approval of the requested CUP does not involve the expansion of the existing building, nor does it disturb the physical environment. Any future development of the site would be subject to review under NMC Title 17 and CEQA. Therefore, no further environmental review is required.

Action

Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U-21-05, as requested by the project applicant, based on the findings provided in Attachment 4, Draft Resolution.

Attachment(s)

1. Exhibit A (Project Plans)
2. Business License Record
3. Parking Easement (1977.10.05)
4. Draft Resolution
 - a. Exhibit A – Findings of Fact
 - b. Exhibit B – Conditions of Approval

Surveyor's Certification

TO: NORTH AMERICAN TITLE INSURANCE COMPANY
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2018 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 6(A), 8(B), 7(A), 7(B)(1), 7(C), 8, 9, 13, 14, 16 AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 4/1/2021.

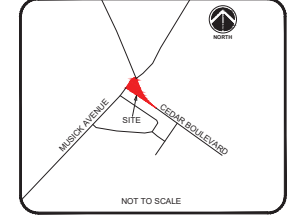
BUCKLEY D. BLEW
 LAND SURVEYOR: 5272
 IN STATE OF CALIFORNIA
 DATE OF PLAT OR MAP: 4/1/2021
 DATE OF LAST REVISION:

PRELIMINARY

Title Description

REAL PROPERTY IN THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 PARCEL ONE:
 LOT 4, TRACT 3374, FILED APRIL 20, 1972, MAP BOOK 74, PAGE 75, ALAMEDA COUNTY RECORDS.
 PARCEL TWO:
 A NON-EXCLUSIVE EASEMENT FOR PARKING PURPOSES ONLY OF FIFTEEN (15) UNLOCATED AUTOMOBILE PARKING SPACES AS DESCRIBED IN EXHIBIT "X" IN INSTRUMENT RECORDED OCTOBER 5, 1977, REEL 5079, IMAGE 303, OFFICIAL RECORDS.
 APN: 092A-0985-015

VICINITY MAP



Title Information

THE LAND SHOWN IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN NORTH AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 54707-21-00061 WITH AN EFFECTIVE DATE OF: OCTOBER 28, 2020 AT 07:30 AM.

Schedule "B" Items

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED GRANT OF EASEMENT AND AGREEMENT, EXECUTED BY AND BETWEEN LIVVIC EQUITY PROPERTIES AND NEWARK RESTAURANT ASSOCIATES, DOCUMENT RECORDED OCTOBER 5, 1977 ASIN BOOK 5079, PAGE 303 OF OFFICIAL RECORDS (AFFECTS SUBJECT PROPERTY BY BLANKET DESCRIPTION)

Surveyor's Notes

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY
 DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.
 AT THE TIME OF ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTHWORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 AT THE TIME OF THE ALTA SURVEY THERE WERE NO CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION OR OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS.
 AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LAND FILL.
 FIELD WORK WAS COMPLETED ON 04/01/2021.
 THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO MUSICK AVENUE AND CEDAR BOULEVARD, SAID STREETS BEING A PUBLICLY DEDICATED STREET.
 THE NEAREST STREET INTERSECTION IS THAT OF MUSICK AVENUE AND CEDAR BOULEVARD WHICH IS APPROXIMATELY ADJUTS THE NW CORNER OF THE SUBJECT PROPERTY.
 NO MARKERS FROM A FIELD DELINEATION OF WETLANDS CONDUCTED BY A QUALIFIED SPECIALIST WERE OBSERVED DURING THE COURSE OF THE ALTA SURVEY.
 THE DISTANCES SHOWN HEREON ARE GRID (COMBINED SCALE FACTOR GRID TO GROUND) 1.00064352158

Zoning Information

AWAITING ZONING REPORT
 ZONING DISTRICT:
 CURRENT USE:
 SETBACKS:
 - MIN. FRONT:
 - MIN. SIDE:
 - MIN. REAR:
 MAX. HEIGHT:
 MIN. LOT AREA: X ACRES, X SQ. FT.
 MIN. LOT WIDTH:
 MIN. LOT DEPTH:
 MAX. FLOOR AREA RATIO:
 MAX. COVERAGE: NO REQUIREMENT NOTED
 MIN. PAVING:
 ZONING INFORMATION OBTAINED FROM:
 FA COMMERCIAL DUE DILIGENCE SERVICES CO.
 (CDS)
 JOB #:
 DATED:

Cemetery Note

THERE WAS NO OBSERVABLE EVIDENCE OF ANY CEMETERIES, BURIAL GROUNDS, OR GRAVE SITES LOCATED ON THE SUBJECT PROPERTY

Flood Information

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS ENTIRELY LOCATED IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06021C0442G, WHICH BEARS AN EFFECTIVE DATE OF 08/03/2009 AND IS NOT LOCATED IN A FLOOD HAZARD ZONE.
 Zone "X" - Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.

Land Area

58,109 SQ. FTs
 1.334 ACRES±

Building Area

8,759 SQ FT±

Building Height

HEIGHT: 29'
 1 STORY

Parking Information

REGULAR PARKING: 73
 PARALLEL PARKING: 1
 HANDICAP PARKING: 3
 TOTAL PARKINGS: 77

Basis of Bearings

THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH PER CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE II, NAD83-2011 AS MEASURED ALONG THE WEST LINE OF THE SUBJECT PROPERTY WHICH BEARS N33°57'27"E PER GPS COORDINATE OBSERVATIONS
 LATITUDE: 37°32'38.6079"
 LONGITUDE: -122°01'44.0135"
 CONVERGENCE ANGLE: -0°56'09.7334"

POSSIBLE ENCROACHMENTS

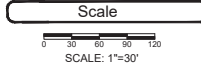
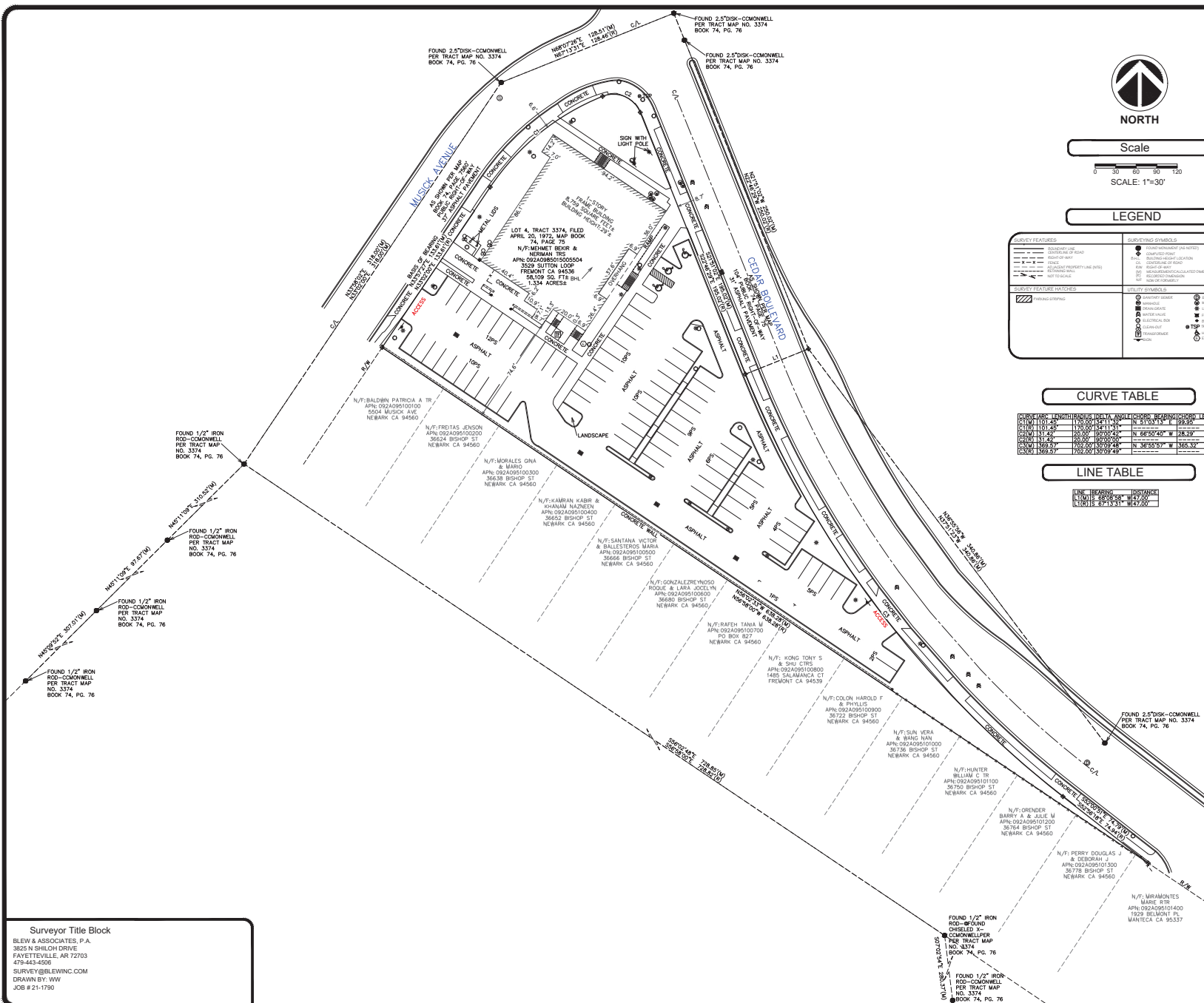
THERE WAS NO OBSERVED EVIDENCE OF AN ENCROACHMENT AT THE TIME OF THE ALTA SURVEY.

Surveyor Title Block

BLEW & ASSOCIATES, P.A.
 3825 N SHILOH DRIVE
 FAYETTEVILLE, AR 72703
 479-443-4506
 SURVEY@BLEWINC.COM
 DRAWN BY: WW
 JOB # 21-1790

Drawn by: WW	Survey Ref. No. 01-1790
Approved by: [Signature]	Field Date: 4/1/2021
	Revision Box
Date: 4/15/2021	Revision: COMMENTS

This Work Coordinated By:	Prepared For:
Pixis, LLC P.O. Box 1394 Newark, CA 94703 800-276-1165 tmh@pixisllc.com	Client Ref. No.:
Project Address: 36665 Cedar Boulevard California	Project Name: 36665 Cedar Boulevard- Newark, CA
Project Location: Newark, California	Job Number: 21-03-023



LEGEND

SURVEY FEATURES		SURVEYING SYMBOLS	
—	CONCRETE	●	IRON REBAR (2" DIA)
—	ASPHALT	○	CONCRETE (4" DIA)
—	LANDSCAPE	○	CONCRETE (6" DIA)
—	UTILITY	○	CONCRETE (8" DIA)
—	ROAD	○	CONCRETE (10" DIA)
—	RAILROAD	○	CONCRETE (12" DIA)
—	WATER	○	CONCRETE (14" DIA)
—	SEWER	○	CONCRETE (16" DIA)
—	ELECTRIC	○	CONCRETE (18" DIA)
—	TELEPHONE	○	CONCRETE (20" DIA)
—	NOT TO SCALE	○	CONCRETE (22" DIA)
—	NOT TO SCALE	○	CONCRETE (24" DIA)
—	NOT TO SCALE	○	CONCRETE (26" DIA)
—	NOT TO SCALE	○	CONCRETE (28" DIA)
—	NOT TO SCALE	○	CONCRETE (30" DIA)
—	NOT TO SCALE	○	CONCRETE (32" DIA)
—	NOT TO SCALE	○	CONCRETE (34" DIA)
—	NOT TO SCALE	○	CONCRETE (36" DIA)
—	NOT TO SCALE	○	CONCRETE (38" DIA)
—	NOT TO SCALE	○	CONCRETE (40" DIA)
—	NOT TO SCALE	○	CONCRETE (42" DIA)
—	NOT TO SCALE	○	CONCRETE (44" DIA)
—	NOT TO SCALE	○	CONCRETE (46" DIA)
—	NOT TO SCALE	○	CONCRETE (48" DIA)
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—	NOT TO SCALE	○	CONCRETE (52" DIA)
—	NOT TO SCALE	○	CONCRETE (54" DIA)
—	NOT TO SCALE	○	CONCRETE (56" DIA)
—	NOT TO SCALE	○	CONCRETE (58" DIA)
—	NOT TO SCALE	○	CONCRETE (60" DIA)
—	NOT TO SCALE	○	CONCRETE (62" DIA)
—	NOT TO SCALE	○	CONCRETE (64" DIA)
—	NOT TO SCALE	○	CONCRETE (66" DIA)
—	NOT TO SCALE	○	CONCRETE (68" DIA)
—	NOT TO SCALE	○	CONCRETE (70" DIA)
—	NOT TO SCALE	○	CONCRETE (72" DIA)
—	NOT TO SCALE	○	CONCRETE (74" DIA)
—	NOT TO SCALE	○	CONCRETE (76" DIA)
—	NOT TO SCALE	○	CONCRETE (78" DIA)
—	NOT TO SCALE	○	CONCRETE (80" DIA)
—	NOT TO SCALE	○	CONCRETE (82" DIA)
—	NOT TO SCALE	○	CONCRETE (84" DIA)
—	NOT TO SCALE	○	CONCRETE (86" DIA)
—	NOT TO SCALE	○	CONCRETE (88" DIA)
—	NOT TO SCALE	○	CONCRETE (90" DIA)
—	NOT TO SCALE	○	CONCRETE (92" DIA)
—	NOT TO SCALE	○	CONCRETE (94" DIA)
—	NOT TO SCALE	○	CONCRETE (96" DIA)
—	NOT TO SCALE	○	CONCRETE (98" DIA)
—	NOT TO SCALE	○	CONCRETE (100" DIA)

CURVE TABLE

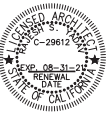
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0.10	111.45	170.00	111.14	110.45	110.45
0.20	112.45	170.00	111.14	110.45	110.45
0.30	113.45	170.00	111.14	110.45	110.45
0.40	114.45	170.00	111.14	110.45	110.45
0.50	115.45	170.00	111.14	110.45	110.45
0.60	116.45	170.00	111.14	110.45	110.45
0.70	117.45	170.00	111.14	110.45	110.45
0.80	118.45	170.00	111.14	110.45	110.45
0.90	119.45	170.00	111.14	110.45	110.45
1.00	120.45	170.00	111.14	110.45	110.45

LINE TABLE

LINE BEARING	DISTANCE
N 110° 10' 30" E	110.45
S 89° 49' 30" W	110.45

Surveyor Title Block
 BLEW & ASSOCIATES, P.A.
 3825 N SHILOH DRIVE
 FAYETTEVILLE, AR 72703
 479-443-4508
 SURVEY@BLEWINC.COM
 DRAWN BY: VVV
 JOB # 21-1790

This Work Coordinated By:		Prepared For:	
 Pixis, LLC P.O. Box 1394 Newark, CA 94703 800-276-1165 tom@pixis.com		Client Ref. No.:	
Project Address: 36665 Cedar Boulevard		Project Name: 36665 Cedar Boulevard-Newark, CA	
Project Location: Newark, California		Job Number: 21-03-023	



CUP REVIEW

SMVS TEMPLE

3666 CEDAR BLV.
 NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
Checked by	RY
Scale	AS SHOWN
Date	04/02/21
Author	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

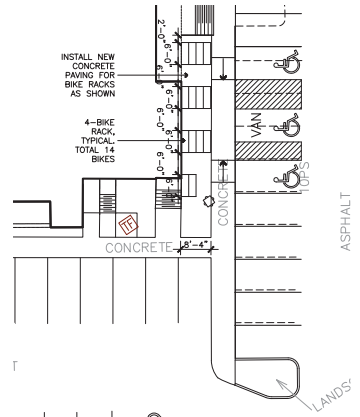
Sheet Title

PROPOSED SITE PLAN

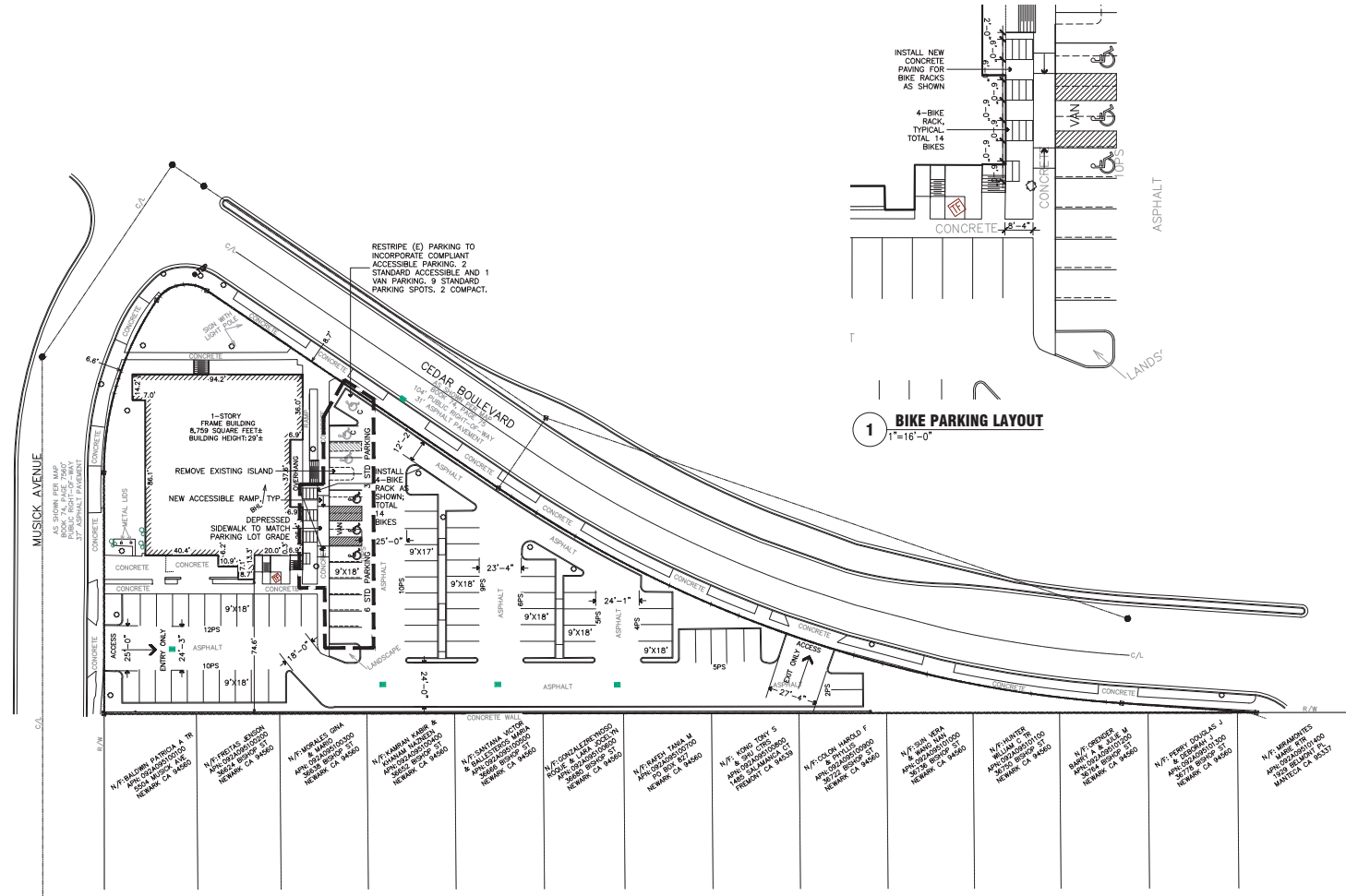
Sheet Number

A-1.1

or Date

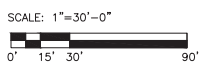


1 BIKE PARKING LAYOUT
 1"=16'-0"





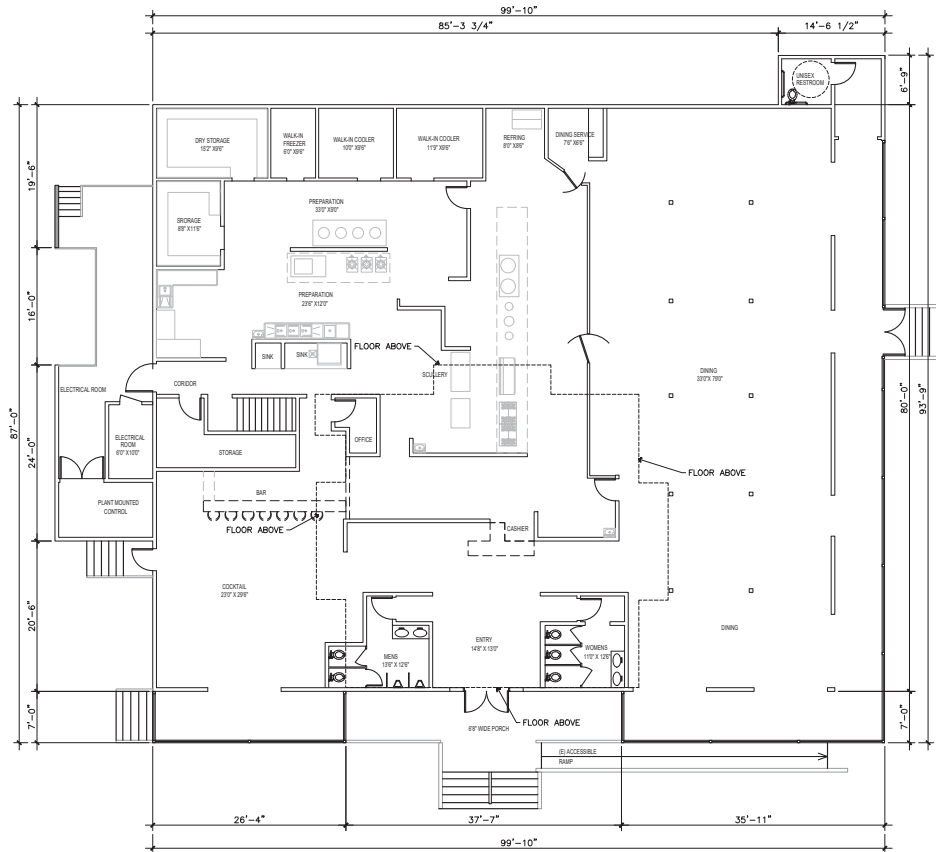
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- N/17 PRITTS PARKWAY A TR APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY DINA APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY KARA & APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY VICTOR APN 014-013-003-000 NEWARK CA 94560
- N/17 CONALEE PARKWAY APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY TAMA M APN 014-013-003-000 NEWARK CA 94560
- N/17 YONG TONG S APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY HAROLD F APN 014-013-003-000 NEWARK CA 94560
- N/17 SHIPWAY APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY HANDED F APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY J APN 014-013-003-000 NEWARK CA 94560
- N/17 PARKWAY M APN 014-013-003-000 NEWARK CA 94560

1 PROPOSED SITE PLAN
 1"=30'-0"

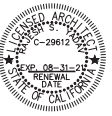


WALL LEGEND:

-  EXISTING WALL TO REMAIN
-  DEMO (E) WALLS/ COUNTER



1 EXISTING/ DEMO FLOOR PLAN
 1/8"=1'-0"



CUP REVIEW

SMVS TEMPLE

36665 CEDAR BLV.
 NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
Checked by	RY
Scale	AS SHOWN
Date	04/02/21
Author	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

Sheet Title

FLOOR PLAN

Sheet Number

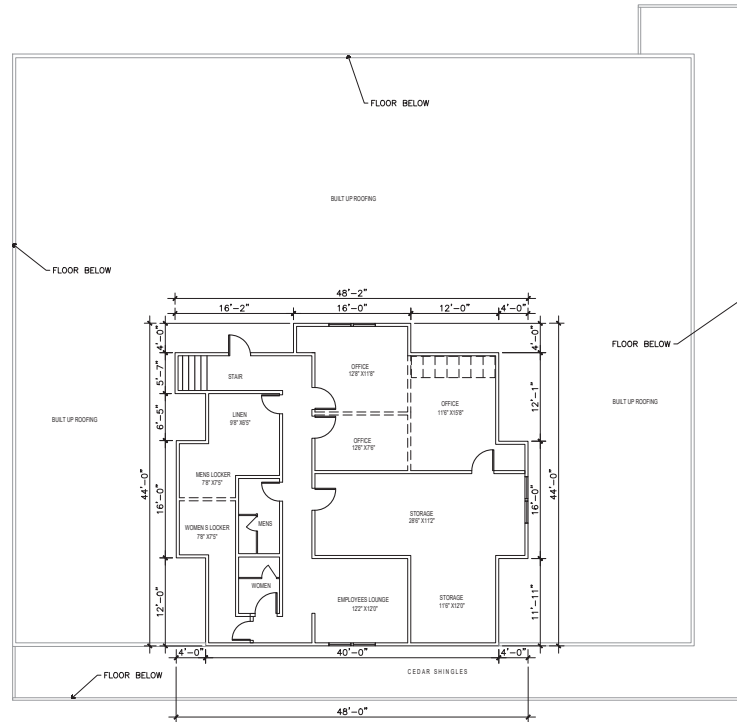
A-2.0

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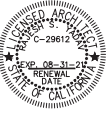


WALL LEGEND:

- ===== EXISTING WALL TO REMAIN
- =====
=====
=====
===== DEMO (E) WALLS/ COUNTER



1 EXISTING/ DEMO SECOND FLOOR
1/8"=1'-0"



CUP REVIEW

SMVS TEMPLE

3665 CEDAR BLV.
NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
Checked by	RY
Scale	AS SHOWN
Date	04/02/21

Revised	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

EXISTING/ DEMO SECOND FLOOR



Sheet Number

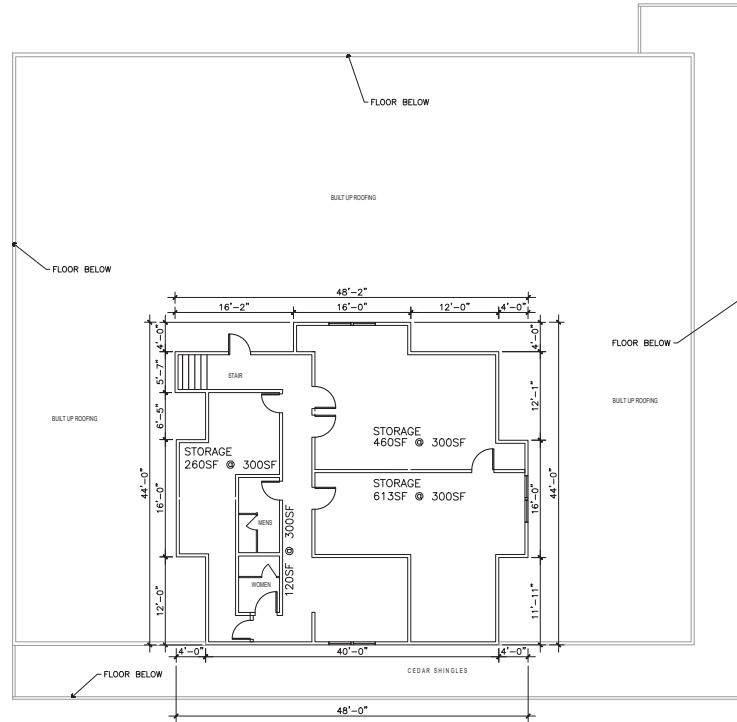
A-2.1

of Sheets



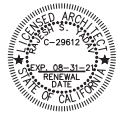
WALL LEGEND:

-  EXISTING WALL TO REMAIN
-  NEW 2X4 WOOD STUDS @ 16" O.C. FRAMING WITH 2 LAYERS OF 5/8" GYP. BOARD W/ JOINT TAPE & COMPOUND



1 PROPOSED SECOND FLOOR
1/8"=1'-0"

NOTE: ALL EXTERIOR WALL DIMENSIONS ARE EXISTING. VERIFY ON SITE.



CUP REVIEW

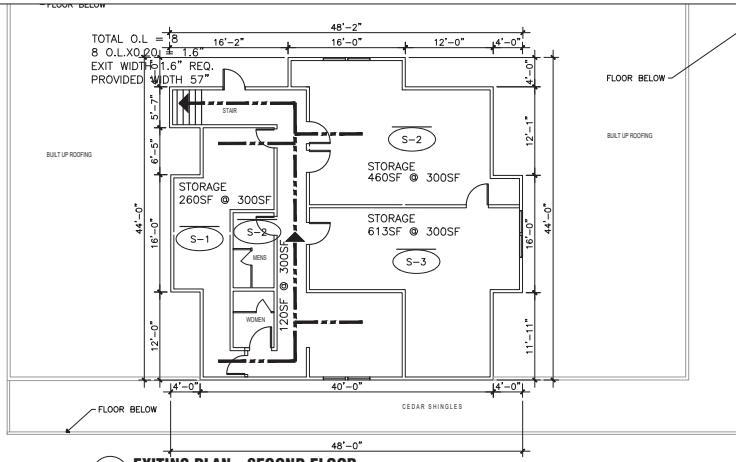
SMVS TEMPLE

3665 CEDAR BLV.
NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
Checked by	RY
Scale	AS SHOWN
Date	04/02/21
Revisor	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

PROPOSED SECOND FLOOR

A-2.3



2 EXITING PLAN - SECOND FLOOR
1/8"=1'-0"

OCCUPANCY LOAD PER BUILDING CODE

Occupancy Load and Required Parking
Gross Suite Area 9,945 approx.

Total Parking Available on Site Existing Required
Parking - Regular 80 49
Parking - Regular Accessible 2 2
Parking - Van Accessible 1 1
Total 83 52

Occ. Type	Net Area	Occ. Load Factor	Occupancy Load	Parking Factor	Req. Parking
A Main Prayer Room - Chairs (fixed)	168	0	23	4	5.75
A Main Prayer Room - Chairs (not fixed)	1260	7	180	40	31.50
A Altar	145	15	10	40	3.63
Subtotal	1573		213		42
B Offices	150	100	5	300	0.50
Kitchen	2130	200	11	500	4.26
Storage	2064	300	7		
Library	940	50	19	300	3.13
Entrance	440	300	1		
Bathrooms	397	300	2		
Bldg. Support Rms (Elect. & Mech.)	200	300	1		
Circulation & Bldg Support	2051	0	0		
Misc.	0				
Subtotal	8372		46		10
Total	9945		258		52

REQ. PLUMBING FIXTURE CALCULATIONS

Occ. Type	Net Area	Occ. Load Factor	Occupancy Load	Plumbing Code		Min. Number of Required Plumbing Fixtures	
				Water Closet - Male 1:1-100	Water Closet - Female 2:26-50	O.L. Req. - Male	Req. - Female
A Main Prayer Room - Chairs (fixed)	168	30	42	32	32	1.0	
A Main Prayer Room - Chairs (not fixed)	1260	30	42				2.0
A Altar	145	30	5				2.0
Subtotal	1573		58				4.0
B Offices	150	200	1				2.0
Kitchen	2130						3
Storage	2064						3
Library	940	200	5				1.0
Entrance	440	200	0				1.0
Bathrooms	397	5000	0				1.0
Bldg. Support Rms (Elect. & Mech.)	200	5000	0				1.0
Circulation & Bldg Support	2051	5000	0				2
Misc.	0						2
Subtotal	8372		6				10.0
Total	9945		64				14.0
				A 3	Urinals - Male 1:1-100	32	1.0
					TOTAL		1.0
					Required Min. Fixtures		1.0
					PROVIDED		2
					ADDITIONAL REQUIRED		-1.0
					All Drinking Fountains 1:1-250	64	1.0
					EXISTING Fountains(s)		0
					ADDITIONAL REQUIRED		1

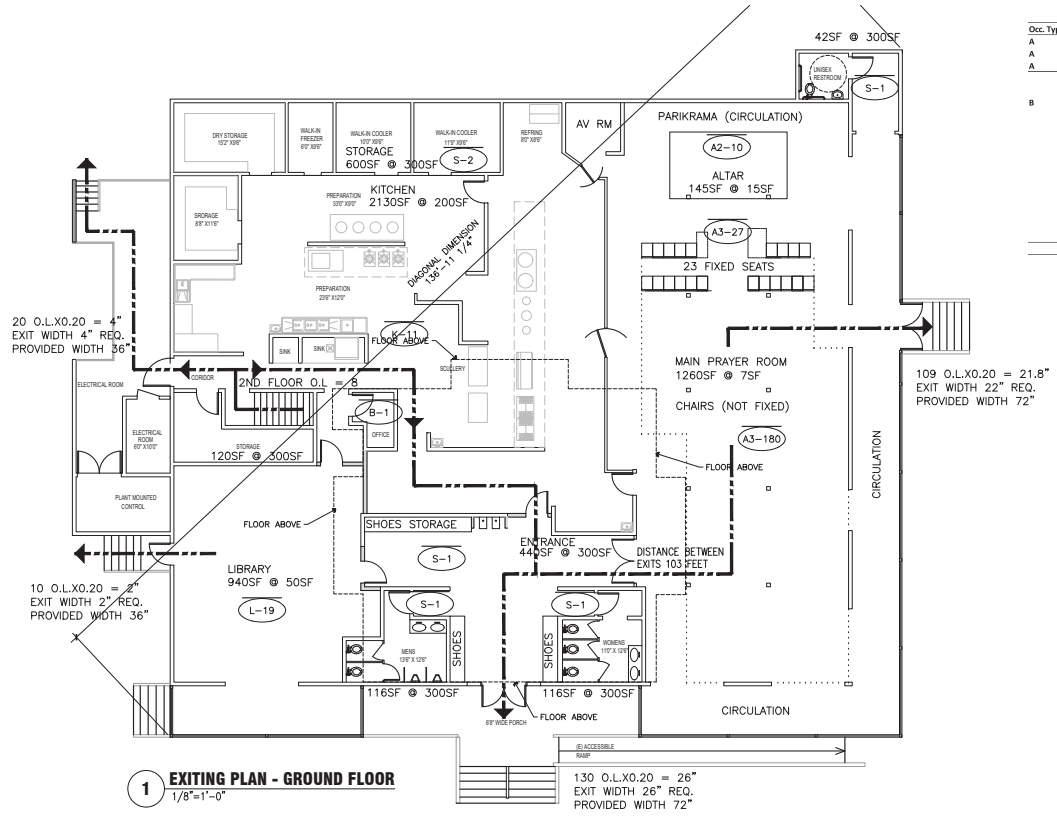
GENERAL NOTES

1. OCCUPANCY LOAD:
- (A3-*) MAIN PRAYER RM
 - (A2-*) ALTAR AT 15 SF/PERSON
 - (L-*) LIBRARY AT 50 SF/PERSON
 - (K-*) KITCHEN AT 200 SF/PERSON
 - (B-*) OFFICE AT 150 SF/PERSON
 - (S-*) BUILDING SUPPORT/STORAGE/ SHOES STORAGE AT 300 SF/PERSON

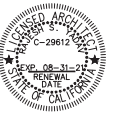
BUILDING OCCUPANT LOAD:
BUILDING OCCUPANT LOAD = 258 O.L.

LEGEND

- ◀ = EXIT
- = EXIT PATH OF TRAVEL



1 EXITING PLAN - GROUND FLOOR
1/8"=1'-0"



CUP REVIEW

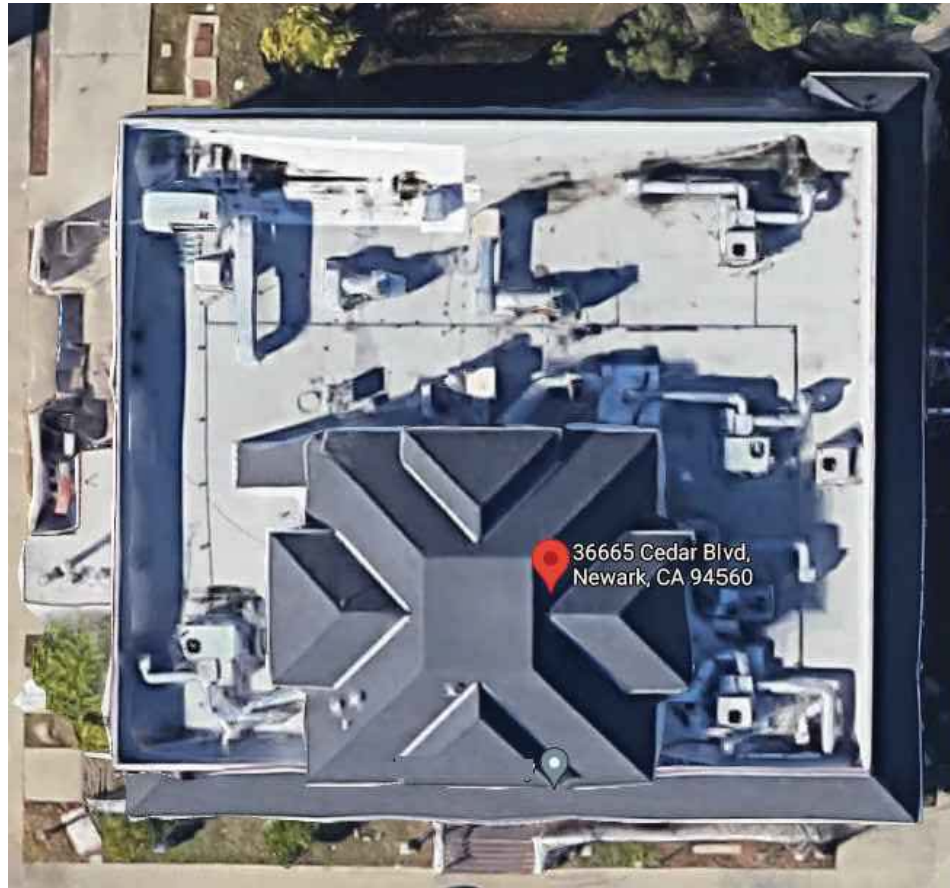
SMVS TEMPLE

3665 CEDAR BLV.
NEWARK, CALIFORNIA

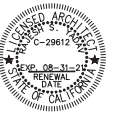
Rev	Date	Description
1	04/02/21	ISSUED FOR PERMITS
2	06/23/21	REVISED PER COMMENTS

EXITING PLAN

A-2.4



1 EXISTING ROOF -AERIAL VIEW
NTS



CUP REVIEW

SMVS TEMPLE

36665 CEDAR BLV.
 NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
Checked by	RY
Scale	AS SHOWN
Date	04/02/21
Revised	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

ROOF VIEW

A-2.5

EXISTING BUILDING PICTURES



EXISTING NORTH-EAST ELEVATION



EXISTING NORTH-EAST ELEVATION



EXISTING SOUTH-EAST ELEVATION



EXISTING SOUTH-EAST ELEVATION



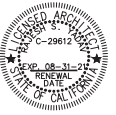
EXISTING NORTH-WEST ELEVATION



EXISTING SOUTH-WEST ELEVATION



EXISTING FRONT ENTRY ELEVATION



CUP REVIEW

SMVS TEMPLE

3666 CEDAR BLV.
 NEWARK, CALIFORNIA

Job Number	
Drawn by	RY
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Scale	AS SHOWN
Date	04/02/21
Revised	
PLANNING REVIEW	04/08/21
REVISION	06/23/21

Sheet Title

ELEVATIONS

Sheet Number

A-3.0

of Sheets



Urban Spice
36665 CEDAR BLVD
NEWARK, CA 94560

DBA:	Urban Spice		
Business Name:	Lakshminarayana Inc		
Location Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Mail Attention:	Lakshminarayana Inc		
Mailing Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Phone:	(510) 565-1443		
Ownership:	Corporation		
Account No.:	110109	License No:	110109
License Issued:	1/1/2020	License Expires:	12/31/2020
Business Status:	Active	License Status:	Current
Start Date:	07/11/2018	Close Date:	
Location:	Inside	Location Type:	
Rate Type (STD):	Gross Receipts		
Business Type:	EATING PLACE - LIQUOR		
NAIC Description:	Full-Service Restaurants		
SIC Description:	Restaurants		
Officer:	Praveen Suggala	TITLE:	CEO





Sinodinos Steakhouse
36665 CEDAR BLVD
NEWARK, CA 94560

DBA:	Sinodinos Steakhouse		
Business Name:	Sinodinos Inc		
Location Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Mail Attention:	Sinodinos Inc		
Mailing Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Phone:	(510) 797-7556		
Ownership:	Corporation		
Account No.:	105523	License No:	105523
License Issued:	1/1/2015	License Expires:	12/31/2015
Business Status:	Closeout	License Status:	
Start Date:	11/01/2010	Close Date:	9/22/2015
Location:	Inside	Location Type:	
Rate Type (STD):	Gross Receipts		
Business Type:	EATING PLACE		
NAIC Description:	Limited-Service Restaurants		
SIC Description:	Eating Places		
Officer:	William Sinodinos	TITLE:	President
Officer:	Toula Sinodinos	TITLE:	V P





Beck's Steak & Seafood
36665 CEDAR BLVD
NEWARK, CA 94560

DBA:	Beck's Steak & Seafood		
Business Name:			
Location Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Mail Attention:			
Mailing Address:	36665 CEDAR BLVD NEWARK, CA 94560		
Phone:	(510) 797-7556		
Ownership:	Sole Proprietorship		
Account No.:	003803	License No:	003803
License Issued:	1/1/2010	License Expires:	12/31/2010
Business Status:	Closeout	License Status:	
Start Date:	05/05/1994	Close Date:	12/31/2010
Location:	Inside	Location Type:	
Rate Type (STD):	Gross Receipts		
Business Type:	RESTAURANT		
NAIC Description:	Theater Companies And Dinner Theaters		
SIC Description:	Eating Places		
Owner:	Nerriman Mehmet	TITLE:	Owner



RE:5079 IM:303

RECORDING REQUESTED BY
AND MAIL TO

MERRITT RESTAURANT
203 East 18th St.
Oakland California 94606

NO. 77-198430

RECORDED

1977 OCT -5 PM 2:05

RENE S. DAVIDSON
ALAMEDA COUNTY, CA.

700

GRANT OF EASEMENT & AGREEMENT

LIZVIC EQUITY PROPERTIES, herein called "Lizvic," hereby grants the within described easement to NEWARK RESTAURANT ASSOCIATES, herein called "Newark," on the basis of the following facts:

A. Lizvic is the owner of the real property described on Exhibit A attached hereto and made a part hereof.

B. Newark is the owner of the real property described on Exhibit B attached hereto and made a part hereof.

C. Newark has requested that Lizvic make available to Newark fifteen (15) parking spaces on Lizvic's property for the business purposes of Newark.

NOW, THEREFORE, the parties hereto agree as follows:

1. Lizvic grants to Newark a non-exclusive easement, for parking purposes only, of fifteen (15) unlocated automobile parking spaces on the property described on Exhibit A, with ingress and egress thereto.

2. Said easement shall terminate when the improvements on the property described on Exhibit B, as they exist as of September 1, 1977, are substantially demolished, destroyed, or otherwise no longer substantially exist.

3. The owner of the property described on Exhibit A shall have the right to assign the spaces in such locations on Exhibit A as the owner may in its discretion decide, and may from time to time relocate such spaces.

4. Newark shall obey all rules and regulations concerning the parking areas to be observed by other persons, and shall have the duty and obligation to ensure, for the benefit of Lizvic, that said rules and regulations are obeyed and observed by all those using the spaces.

DOCUMENTARY TRANSFER TAX \$	NONE
<input checked="" type="checkbox"/> COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR	
<input type="checkbox"/> COMPUTED ON FULL VALUE LESS LIENS & ENCUMBRANCES	
REMAINING THEREON AT TIME OF SALE.	
LIZVIC Equity Properties, Inc. <i>[Signature]</i>	
Signature of decedent or agent decedent, if tax - firm name	
CITY OF NEWARK	<input type="checkbox"/> Unincorporated

5. Lizvic shall not be, under any circumstances, liable to Newark for personal or property damage, injury, or death, no matter how caused, from the use of the easement granted hereunder, and Newark shall hold Lizvic free and harmless, and shall indemnify Lizvic from any and all claims or judgments for personal or property damage, injury or death. Newark shall insure Lizvic (which may be as an additional insured under a general liability policy) to the limits of not less than \$300,000/\$500,000/\$100,000, but shall not be excused from its obligations hereunder because of said insurance.

6. If Lizvic shall ever charge for parking on the property described on Exhibit A, or should any tax be imposed on Lizvic's operation of the parking areas, Newark shall pay to Lizvic proportionately whatever charge or tax may be so imposed or changed, regardless of whether Newark is using the 15 spaces.

7. This agreement shall be binding on the successors and assigns of the parties hereto.

LIZVIC EQUITY PROPERTIES
a general partnership

NEWARK RESTAURANT ASSOCIATES
a general partnership

By

[Handwritten signature]

By

[Handwritten signature]

By

[Handwritten signature: Frank Sandoval]

By

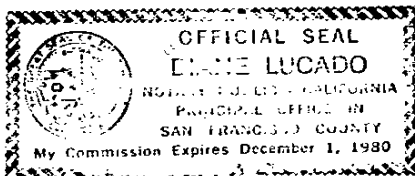
[Handwritten signature]

STATE OF CALIFORNIA)
COUNTY OF San Francisco) ss.

On 14 September, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond J. Gallagher and Frank Sandoval

known to me to be two of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



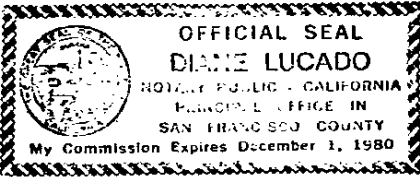
[Handwritten signature: Diane Lucado]

Notary Public in and for said State

STATE OF CALIFORNIA)
COUNTY OF San Francisco) ss.

On 14 September, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Raymond J. Gallagher and Barbara A. Shopher, known to me to be two of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



Diane Lucado

Notary Public in and for said State

EXHIBIT "A"

77-198430

PARCEL ONE:

E-179613

RE: 5079 IM: 306

All of Lots 1 and 2 and a portion of Lot 3, Tract 3374, filed in Book 74 of Maps, pages 75 and 76, Alameda County Records and also being a portion of that certain parcel of land conveyed by Buford A. Cutler, et ux, to the City of Newark by Deed recorded July 30, 1963, under Recorder's File No. AM/125610, reel 950, image 7, Alameda County Records, and being more particularly described as follows:

Beginning at the most northerly corner of said Lot 2; thence from said point of beginning along the northeasterly line of said Lot 2, sou 57° 01' 04" east 476.43 feet to the southwesterly line of Barvon Street, as said Street is shown on said map of Tract 3374; thence southeasterly along said southwesterly line along an arc of a curve to the left from a tangent which bears south 9° 36' 21" east with a radius of 40.00 feet through a central angle of 68° 31' 46" an arc distance of 47.64 feet to the northeasterly line of said Lot 1; thence along said northeasterly line, southeasterly along an arc of a curve to the left from a tangent which bears south 31° 33' 36" east with a radius of 80.00 feet through a central angle of 25° 25' 59" an arc distance of 35.51 feet; thence tangent to the preceding curve, south 56° 59' 35" east 71.39 feet; thence southeasterly along an arc of a tangent curve to the right with a radius of 20.00 feet through a central angle of 86° 48' 55" an arc distance of 30.30 feet to the northwesterly line of Thornton Avenue as said Avenue is shown on said Map; thence along said northwesterly line tangent to the preceding curve south 29° 49' 20" west 35.87 feet; thence continuing along said northwesterly line south 33° 00' 25" west 695.35 feet to the northeastern boundary line of Parcel One described in the Deed to Shell Oil Company, a Delaware corporation, recorded May 25, 1973, Series No. 72093, reel 3426, image 633, Official Records; thence north 56° 59' 35" west and along the northeastern boundary line of the aforementioned parcel, 150 feet to the northeastern corner of the aforementioned parcel (3426 OR 633); thence along said northwestern boundary line of said Parcel 1 in the aforementioned Deed 3426 OR 633) south 33° 00' 25" west 165 feet to the northeastern line of Cedar Street, as established by Deed from City of Newark, a municipal corporation, to Eltinge, Graziadio & Sampson Development Co., a partnership, recorded April 4, 1973, Series No. 44019, reel 3381, image 337, Official Records; thence along last named northeastern line, north 50° 53' 11" west 88.60 feet; thence northwesterly along an arc of a tangent curve to the left with a radius of 852.00 feet through a central angle of 2° 03' 07" an arc distance of 30.51 feet; thence along said northeastern line of Cedar Boulevard as shown on the map of Tract 3374, tangent to the preceding curve north 52° 56' 18" west 210.69 feet; thence northwesterly along an arc of a tangent curve to the right with a radius of 598.00 feet, through a central angle of 15° 51' 22" an arc distance of 165.49 feet to the most westerly corner of said Lot 2; as per map hereinabove referred to; thence along the northwestern line of said Lot 2, north 33° 00' 25" east 869.88 feet to the point of beginning.

Being parcels one and two of parcel map 1060, filed April 25, 1973 in book 79 of parcel maps page 37, Alameda County Records, and Lot 1 of said Tract 3374.

PARCEL TWO:

An easement appurtenant to Parcel One for ingress and egress as reserved in the Deed from Eltinge, Graziadio & Sampson Development Co., a partnership, recorded May 25, 1973, Series No. 72093, reel 3426, image 633, Official Records, over and across the following described parcel of land.

Beginning at the true point of beginning described above; thence south 33° 00' 25" west along the southeasterly line of the parcel described above, 15.00 feet; thence north 36° 26' 13" west, 42.72 feet to a point on the northeasterly line of the parcel described above, distant north 56° 59' 35" west, 40.00 feet from the point of beginning; thence south 56° 59' 35" east 40.00 feet to the point of beginning.

PARCEL THREE:

Lot 4, Tract 3374, filed April 20, 1972, Map Book 74, page 75, Alameda County Records.

RECORDERS MEM
 LEGIBILITY MAY BE IMPROVED BY
 UNSATURATED COLOR IN ORIGINAL
 DOCUMENTS

City of Alameda, California

State of California, County of Alameda

Book 4, Page 226, Filed April 22, 1972, San Jose 74, San Jose 75, Alameda County

RE: 5079 IN: 307

EXHIBIT "B"

77-198435

RECORDERS MEMO
LEGIBILITY FOR MICROFILMING AND COPYING
UNSATISFACTORY IN A PORTION OF THIS
DOCUMENT WHEN RECEIVED

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF NEWARK APPROVING A CONDITIONAL USE
PERMIT FOR A COMMUNITY ASSEMBLY USE AT 36665
CEDAR BOULEVARD (APN 92A-985-15)

WHEREAS, Mehul Patel, on behalf of Swaminarayan Mandir Vasna Sanstha (the “Applicant”), has filed with the City of Newark an application for a Conditional Use Permit for Community Assembly use at an existing facility located at 36665 Cedar Boulevard (APN 92A-985-15) (the “Project”); and

WHEREAS, the property at 36665 Cedar Boulevard (the “Project Site”) has a General Plan Land-Use designation of Neighborhood Commercial and is currently zoned NC: Neighborhood Commercial; and

WHEREAS, pursuant to Newark Municipal Code (NMC) [§17.08.020](#), Community Assembly uses in the NC: Neighborhood Commercial zoning district are subject to a [Conditional Use Permit](#); and

WHEREAS, the Project Site is comprised of a 58,109 square-foot lot consisting of an existing two-story 9,945 square-foot building and 76 on-site parking spaces; and

WHEREAS, the Project Site has a non-exclusive easement, for parking purposes only, of 15 unlocated automobile parking spaces on the property located at 5401 Thornton Avenue; and

WHEREAS, the Project does not propose any significant interior or exterior modifications to the existing building and site; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to [CEQA Guidelines, Article 19, §15301](#) for Existing Facilities that involves minor alterations and negligible expansion of use; and

WHEREAS, the Project is also categorically exempt from CEQA pursuant to [CEQA Guidelines, Article 5, §15061\(b\)\(3\)](#), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, pursuant to NMC [§17.31.060](#) and [§17.35.050](#), a public hearing notice was published in The Tri City Voice on August 10, 2021 and mailed as required for a public hearing at 7:30 p.m. on August 10, 2021, and the Planning Commission held a meeting on said application at 7:30 p.m. on August 24, 2021; and

WHEREAS, the Planning Commission fully considered the Project application and entitlements, the Applicant’s statements, staff report, findings of fact, conditions of approval,

public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Planning Commission finds that the staff report, Categorical Exemptions from CEQA, and standards for approval reflects the City's independent judgement and analysis of the Project; and

WHEREAS, the Planning Commission finds that the Project does satisfy the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as identified in "Exhibit A" attached to this Resolution; and

WHEREAS, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

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 make the necessary findings and determinations required by NMC [§17.35.060](#) to approve the requested Conditional Use Permit for a Community Assembly Use at 36665 Cedar Boulevard, as further explained in the staff report and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.

Section 3. Based on the findings and determinations, the Planning Commission does hereby approve Conditional Use Permit for U-21-05 allowing for a Community Assembly Use at 36665 Cedar Boulevard, subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

This Resolution was introduced at the City of Newark Planning Commission's August 24, 2021 regular meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

Exhibit A

FINDINGS OF FACT

U-21-05

36665 Cedar Boulevard

Alameda County Assessor's Parcel Number 92A-985-15

Conditional Use Permit (Newark Municipal Code [NMC] Chapter 17.35)

- A. The proposed use is conditionally allowed within the applicable zoning district and complies with all other applicable provisions of this title [NMC Title 17] and all other titles of the Municipal Code.

The Project Site is zoned NC: Neighborhood Commercial. Pursuant to NMC Section 17.08.020, Community Assembly uses in the NC zoning district are subject to a Conditional Use Permit (CUP). Therefore, the proposed use is allowed through the issuance of a CUP in order to be consistent with the existing zoning. The proposed use has been evaluated and found to be consistent with the NMC Title 17, Zoning, and other titles of the NMC.

- B. B. The proposed use is consistent with the general plan and any applicable specific plan.

The Project Site has a General Plan Land-Use designation of Neighborhood Commercial. This designation encourages the development and preservation of retail stores, services, and other businesses which meet the day-to-day needs of the surrounding residential neighborhoods. Though the proposed Project does not directly fulfill this intent, it does offer the surrounding residential neighborhoods the opportunity for social-spiritual enhancement and maintenance of a healthy lifestyle. In addition, the Community Assembly use is consistent with many of Newark's General Plan policies, including but not limited to:

Policy LU-1.10 – Vacant and Underutilized Sites. The proposed use will occupy an existing building that has experienced chronic vacancy. Historically, the restaurant uses at the Project Site have struggled, and therefore, the proposed use is better suited to occupy the site.

Policy LU-2.1 – Neighborhood Conservation. The proposed use protects the single-family neighborhoods to the south from substantial increases in density and new land uses which would adversely affect the character of those respective neighborhoods. The proposed operations are less intensive than the former uses in terms of traffic and noise, particularly during the weekdays.

Policy LU-2.5 – Transitional Land Uses. The proposed use serves as a buffer between the single-family residential neighborhood to the south and the medium density residential uses to the north as well as the community commercial uses to the east.

Policy LU-3.4 – Property Renovation. The proposed use would upgrade the existing structure and site, albeit in minor ways. The landscape improvements, particularly along Cedar

Exhibit A: Findings of Fact

Boulevard helps absolve the existing deficiencies in appearance, which can create a negative image of the city and/or impact the value of property.

The proposed use is not part of a specific plan area.

- C. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

The proposed use will occupy the existing building located at 36665 Cedar Boulevard. Historically, the building has been occupied by restaurants, which have struggled at this location since the building's inception circa 1978. The most recent use was Urban Spice, an Indian restaurant, bar, and banquet hall. Such restaurant uses have not been shown to be adverse to the public health, safety, or general welfare of the community, and have not been detrimental or surrounding properties or improvements.

The proposed hours of operation for the Community Assembly use are 6:00 a.m. to 9:00 p.m., daily, with peak usage on Saturday from 4 p.m. to 9 p.m. The proposed use involves minor tenant improvements with no material changes to the interior or exterior of the existing building and site. As such, the use will not generate additional glare, radiation, heat, odor, safety hazards, or air and water pollution. Furthermore, with all use-related activities limited to the indoors, there will be no noise pollution affecting the neighboring residential uses. Therefore, the proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

- D. Tax revenue generated by the development will exceed the City's cost of the service demand as a result of the development or a compelling community benefit will be provided.

The Community Assembly use would occur entirely within an existing building, and therefore would not materially impact or additionally strain City services. SMVS is a non-profit organization and would not be generating any direct revenue to the City. However, the proposed use will generate indirect revenue such as members supporting local businesses. In addition to creating indirect economic growth, SMVS will provide community benefits to the City by carrying out activities such as health seminars, food and blood drives, and disaster relief activities

- E. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title [NMC Title 17].

The use does not propose any changes to the design or development standards applicable to the NC zoning district and no significant exterior improvements are approved as part of the subject CUP.

- F. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.

Exhibit A: Findings of Fact

The subject site is in the NC: Neighborhood Commercial zoning district, which is intended to provide areas for smaller-scale neighborhood shopping centers which provide goods, services, and businesses to meet the day-to-day needs of surrounding residential neighborhoods. The proposed use does not interfere with operations/businesses in the NC zoning district. Additionally, as an allowed use with no development modifications and no significant tenant improvements, the proposed use does not deviate from the zoning district's development standards. Therefore, the design, location, size, and operating characteristics of the proposed use are compatible with the existing and foreseeable future land uses in the vicinity.

- G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use does not involve an expansion of the existing building, nor does it propose a high-intensity use. The City's parking requirements would be satisfied, and the site is physically suitable for the proposed use type.

California Environmental Quality Act Categorical Exemption Findings

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301, as it is an Existing Facility that involves minor alterations and negligible expansion of use; is in an area where all public services and facilities are available to allow for maximum development; and is not located in an environmentally sensitive area.

The Project is also categorically exempt from CEQA pursuant to CEQA Guidelines, Article 5, Section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Exhibit B

CONDITIONS OF APPROVAL

U-21-05

36665 Cedar Boulevard

Alameda County Assessor's Parcel Number 92A-985-15

Planning Division

- a. Approval of this use permit shall supersede and revoke any previous approval at this location.
- b. The applicant and/or property owner shall comply with Exhibit A, entitled CUP Review 36665 Cedar Blvd., Newark, California, Planning Review, June 23rd, 2021, on file at the City of Newark Community Development Department, 37101 Newark Blvd., Newark, CA.
- c. All conditions of approval for this project, as approved by the Planning Commission, shall be posted at the site and distributed to construction personnel.
- d. All project conditions of approval shall be printed in on the building-permit plans, as applicable.
- e. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission review and, if so decided, said changes shall be submitted for the Commission's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission review and approval.
- f. Prior to commencing business activity, the operator of the subject facility shall obtain a [Business License](#) with the City of Newark.
- g. Prior to commencing business activity, the operator of the subject facility shall obtain any and all necessary federal, state, or county approvals. Failure to obtain the necessary approvals shall make the subject use permit null and void.
- h. Any special event that may exceed the occupancy levels approved for the use or create temporary impacts (i.e., noise, parking, traffic, etc.) shall require a [Minor Use Permit](#) and be subject to the findings specified in NMC [§17.26.260\(B\)\(3\)](#), or as otherwise determined by the Community Development Director.
- i. If any complaint regarding parking and/or traffic is received, a parking/traffic analysis shall be prepared at the discretion of the Community Development Director and at the cost of the applicant. The applicant shall mitigate any problems identified by the study(ies).
- j. Prior to the installation of any signage for the proposed facility, the property owner/applicant shall obtain a Sign Permit and any necessary building permits through the City of Newark.

Exhibit B: Conditions of Approval

- k. 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).
- l. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- m. 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.
- n. There shall be no outdoor vending machines other than for the sale of newspapers.
- o. There shall be no outdoor storage of any materials for sale, display, inventory, or advertisement without the review and approval of the Planning Commission.
- p. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 7:00 a.m.
- q. The applicant and/or developer 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.
- r. 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 developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code §66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of §66020, the developer will be legally barred from later challenging such exactions.

Engineering Division

- s. Parking lot and driveway signage (e.g., Do Not Enter, Stop, One Way) for the project shall be installed within private property.
- t. Parking stalls with drive aisles measuring less than 24' for back-up shall be stenciled "compact."

Exhibit B: Conditions of Approval

Building Inspection Division

- u. Building Permit is required for the following items:
 - 1. Re-striping of the accessible parking spaces.
 - 2. Demolition of the interior walls, counters, and termination of utilities.
 - 3. New walls.
 - 4. Provide a construction valuation to determine necessary upgrades to existing features that may need to be made accessible.

Alameda County Fire Department

- v. Fire alarm system requirement shall comply with CFC Chapter 9.
- w. Existing fire lanes shall be marked or provided with signages.
- x. A Knox box at front entry shall be provided.
- y. Existing automatic fire sprinkler and kitchen-hood fire suppression systems shall be modified as needed to meet current code requirements. Systems shall be certified.