



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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

AGENDA

Tuesday, February 28, 2023
7:00 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, A FACE COVERING IS RECOMMENDED BUT NOT
REQUIRED.**

A. ROLL CALL

B. MINUTES

**B.1 Approval of Minutes of the regular Planning Commission meeting of February
10, 2023.**

(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 Public Hearing to consider a General Plan Conformity Finding regarding the sale of two parcels located between Interstate 880 and 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00).**

(RESOLUTION)

F. STAFF REPORTS

- F.1 Housing Element Update – Study session regarding the Draft 2023-2031 Housing Element.**

G. COMMISSION MATTERS

H. PLANNING COMMISSIONER COMMENTS

I. ADJOURNMENT

HYBRID IN-PERSON/VIRTUAL MEETING NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Assembly Bill 361(2021). Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube. If you attend the meeting in person, a face covering is recommended but not required.

Chair Becker, Vice Chair Fitts, and Commissioners Aguilar, Otterstetter, and Bogisich 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/@cityofnewark3077>

Copy/paste the YouTube URL into your browser if the link does not automatically open.

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

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/81417554598>

From a telephone dial +1 669 444 9171

Webinar ID: 814 1755 4598

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 Secretary.

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.

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.



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, January 10, 2023
7:00 P.M.

A. ROLL CALL

Vice Chair Fitts called the meeting to order at 7:03 pm. Except for Chair Becker, all members of the Planning Commission were present: Commissioner Jeff Aguilar, Vice Chair Fitts, Commissioner Bogisich, and Commissioner Pitpitan.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of November 8, 2022.

MOTION APPROVED

Vice Chair Fitts motioned to approve the Minutes of the regular Planning Commission meeting on November 8, 2022. Commissioner Bogisich moved, Vice Chair Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on November 8, 2022. **The motion passed: 3AYES, 1 ABSENT (Chair Becker was absent), and 1 ABSTAIN (Commissioner Aguilar abstained from voting).**

C. WRITTEN COMMUNICATIONS

None

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.

None

E. PUBLIC HEARINGS

E.1 Public Hearing to consider a Resolution recommending approval of a Conditional Use Permit (U2022-005) for a Live Entertainment Use located at 39143 Cedar Boulevard (APN 901-188-7). The subject site is zoned Neighborhood Commercial (NC).

MOTION APPROVED

Deputy Community Development Director (DCDD) Art Interiano began by introducing the business name of the Conditional Use Permit number U2022-005, Escape Newark, located in the Lyons Shopping Center at 39143 Cedar Boulevard, at the corner of Mowry and Cedar Boulevard. The property is zoned as Neighborhood Commercial. The applicant's name is Chentao Wang, and the property manager of the Lyons Shopping Center, Fallon Tran, was present during the meeting. Per DCDD Interiano, the applicant wishes to operate an escape room (a venue offering small group, interactive entertainment experiences), which is a use not specifically defined in the zoning code but can be interpreted as "live entertainment" a conditionally allowed use in the Neighborhood Commercial zone district. DCDD Interiano added that a Conditional Use Permit (CUP) is necessary for this type of use per the zoning code. The facility's hours of operation would be on the weekends from 11:00 am to 11:00 pm and on weekdays from 2:30 pm to 11:00 pm. The business would be open only by appointment or reservations. It is roughly 2,800 square feet and allows a maximum of 20 participants at a time. DCDD Interiano went on to say that this would not be a typical live entertainment because there would be no live performances or amplified music, and the escape room does not appear to have any negative impacts on the neighborhood. DCDD Interiano stated that this item would be exempt from CEQA because no improvements to the building's exterior would be made, and no environmental studies would be required. Due to the limited hours of operation, frequency of customers, and maximum number of attendees, parking availability would be less impactful than retail.

Staff Recommendation: Staff determined that the application meets the findings required by the CUP, and staff recommends that the application be approved, along with the approval conditions attached to the draft resolution.

DCDD Interiano concluded the staff report by introducing the property manager, who was present, and the applicant, who was available via Zoom.

Vice Chair Fitts asked whether there were any questions from the commission. There were no questions from the commissioners. He then proceeded to open the public hearing on the item

by asking if anyone wanted to speak on it, either in person or via Zoom. Vice Chair Fitts welcomed the applicant, Chentao Wang.

Mr. Chentao Wang introduced himself as the applicant for the escape room, stating that the presentation was very detailed and that he had gone over the requirements. He went on to ask if the commission had any questions or concerns about the business. Vice Chair Fitts thanked the applicant, asked if he had read the resolution, and agreed to all its terms. Mr. Chentao Wang responded positively. He went on to say that he owns another business in Hayward and has gone through the same process, so he agrees to all the regulations and agreements for this application.

Vice Chair Fitts asked the commissioners if any of them had any questions for the applicant.

Commissioner Aguilar asked the applicant if he could give any details about the escape room and how it works. Mr. Chentao Wang stated that an escape room venue has evolved over time. Escape rooms used to operate with guests who got “locked” inside a room and had to attempt to unlock the door to get out. People eventually realized that there were more exciting ways to do escape rooms. Today, escape rooms are similar to an immersive story, wherein the people have their characters or follow a story and solve puzzles inside the room to unlock doors or chests and get more clues to solve more puzzles, eventually getting out of the room. He went on to say that escape rooms are about having fun and being interactive, much like being in a movie with its characters. The applicant researched the Lyons Center and discovered that it is a popular place, and he would like to open an escape room there to bring more entertainment to the community.

Vice Chair Fitts stated that he checked the applicant's website for his Hayward location, and one thing that captivated his interest was a seven-day captivity event, with a murder mystery for six to eight players lasting four hours. He inquired whether food was served there. According to Mr. Chentao Wang, there is no food allowed in the room; the most people can take is water. He also stated that no drinks or food are permitted because they are difficult to control. Vice Chair Fitts added that in his many years on the Planning Commission, he had never seen any uses like this one. He stated that having new items arrive is exciting. He inquired whether the commission had any further questions for the applicant.

Commissioner Bogisich inquired as to how many people are permitted to enter at one time. Mr. Chentao Wang, the applicant, responded that at his Hayward location, a maximum of ten people and an average of four to five people are permitted at one time. It would be preferable for a group of four to six people to have a more enjoyable experience.

Vice Chair Fitts thanked the applicant and inquired whether the commission had any further questions, comments, or motions. DCDD Interiano stated that staff contacted the City of

Hayward and inquired about how their current business was doing and if there were any issues. The City of Hayward stated that the business has been following the conditions of approval and that they have no issues with them. Vice Chair Fitts inquired if they had been in Hayward for approximately two years. DCDD Interiano responded positively.

Vice Chair Fitts motioned to vote.

Before voting began, Commissioner Aguilar stated that the staff presentation was excellent and thanked staff for clarifying that the use was for live entertainment rather than live music. He also agreed that it is a one-of-a-kind use, and that live entertainment is the most comparable designation to it, which is also comparable within the shopping center because there are not too many participants who will impact parking space. He went on to say that the use requires a Conditional Use Permit. **Commissioner Aguilar moved to approve the motion.**

Commissioner Bogisich seconded Commissioner Aguilar's motion to approve. Motion passed. 4AYES. 1 ABSENT. Chair Becker was absent.

Vice Chair Fitts inquired of DCDD Interiano whether the members of the Planning Commission were the final decision-makers for this use. DCDD Interiano confirmed that the Planning Commission was the final vote on the CUP. Vice Chair Fitts closed the public hearing, thanked the applicant, and welcome him to Newark.

F. STAFF REPORTS

None

G. COMMISSION MATTERS

G.1 Vice Chair Fitts announced that the election of officers was on the agenda and asked DCDD Interiano if he wanted to discuss the matter. DCDD Interiano responded that the annual election of officers is part of the Planning Commission's bylaws and is usually held at the first meeting. He went on to say that the first meeting last year was on February 8th, and that is when John Becker took over as Chairperson. He suggested that because Chair Becker was not present, the election of officers be held at the next meeting so that Chair Becker could pass the gavel.

H. PLANNING COMMISSIONER COMMENTS

None

I. ADJOURNMENT

Vice Chair Fitts adjourned the regular Planning Commission Meeting at 7:22 pm.

DRAFT



E.1

Hearing to consider a General Plan Conformity Finding regarding the sale of two parcels located between Interstate 880 and 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00) – from Senior Planner Carmelisa Lopez.

(RESOLUTION)

Background/Discussion

The Community Development Department received an application for Design Review, a Minor Use Permit for a proposed building height above 35 feet and fences/walls above 6 feet, and a Vesting Tentative Map (DR2022-011) for a proposed 76-unit residential development project located at 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00) (Project Site). The applicant/developer, Waymark Development, has submitted a request to purchase two City-owned parcels:

- An approximately 4,606-square foot (sq. ft.) parcel (Parcel 1), and
- An approximately 7,448-sq. ft. parcel (Parcel 2).

These parcels are adjacent to the Project Site (see Attachment 1). The developer plans to merge the parcels with the Project Site as part of the proposed project. The City is considering the sale of the parcels to the developer.

Parcel 1 is adjacent to I-880 to the north, Parcel 2 to the south, an Alameda County Flood Control & Water Conservation District (ACFCD) channel to the west, and a commercial use (EZ 8 Motel Newark/Fremont, 5555 Cedar Court) to the east (see Attachment 2). The parcel was conveyed to the City by the State of California through a Director’s Deed dated July 2, 1959 and accepted by the City on August 13, 1959 (see Attachment 3). The Director’s Deed states the State of California Director of Public Works determined the land was no longer necessary for State highway purposes and therefore conveyed the land to the City.

Parcel 2 is adjacent to Parcel 1 to the north, a commercial use (Pape Machinery at 38600 Cedar Boulevard) to the south, an ACFCD channel to the west, and a commercial use (EZ 8 Motel Newark/Fremont, 5555 Cedar Court) to the east (see Attachment 2). The parcel is a portion of Timber Street and owned in fee by the City. The City Council approved the vacation of the parcel on January 23, 1969 per City Council Resolution No. 1765 (see Attachment 4).

The parcels are interior rectangular-shaped lots that cannot be accessed from a public right-of-way. Egress/ingress easements for Pacific Gas & Electric (PG&E), landscape, and water and sewer lines run horizontally across the inside of the parcels and vertically between the property to the south of the parcels (38600 Cedar Boulevard). Both parcels are covered in gravel and vegetation and currently informally used by Pape Machinery to store vehicles and equipment.

The parcels have a General Plan designation of Medium Density Residential (see Attachment 5) and are

zoned Residential Medium Density (RM). This designation envisions a density of 14 to 30 units per net acre and is primarily intended for medium-density residential uses such as garden apartments and condominiums and townhomes. These areas tend to be multi-family in character but retain some of the characteristics of suburban neighborhoods such as landscaped yards, off-street parking, common open space, and low building heights. Other compatible uses, such as schools, childcare centers, parks, and religious facilities may also locate in areas with this designation. The Residential Medium Density General Plan designation is implemented through the RM zoning district.

Land Disposition Process

The process to sell the parcels to the developer includes the following:

1. The City Council must adopt resolutions to:
 - a. Vacate Parcel 1;
 - b. Declare the parcels exempt surplus land per Government Code Section 54221(f)(1)(E);
 - c. Authorize the City Manager to execute the Purchase Sale Agreement, deed, and all related documents necessary to complete the sale and conveyance of the parcels; and
 - d. Find the sales of the parcels exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15312.
2. The Planning Commission must find, by resolution, that the proposed sale of the two parcels conform with the City's General Plan. This finding must be made prior to the sale of the parcels.
3. The City must notify the California Department of Housing and Community Development (HCD) of the City Council's exempt surplus land determination at least 30 days prior to disposition.
4. The developer must close on the sale of the parcels after obtaining City Council approval for the entitlements.

The entitlement application for the proposed project is currently under review by the City. The project will include a condition of approval requiring the developer to close on the sale of the parcels after the project obtains approval by the City Council. For the developer to close on the sale of the parcels, Steps #1-3 above must occur prior to the Planning Commission and City Council's review of the proposed project.

General Plan Conformity

Under Government Code Section 65402, the Planning Commission must find that the proposed disposition of City property is in conformance with the General Plan. The sale of the parcels is consistent with the following policies of the City's General Plan:

- Land Use Policy LU-3.5 (Non-Conforming Use) – Work towards the eventual replacement or relocation of non-conforming industrial and heavy commercial uses located within areas designated for residential use on the General Plan Diagram.
- 2015 Housing Element Update Priorities
 - Assist in the development of housing opportunities and accessibility for all economic levels in the City.
 - Remove constraints that hinder the production and conservation of housing projects.

California Environmental Quality Act

The General Plan Conformity Finding is not subject to further environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). Since the finding does not authorize the sale of the property or approve any development thereon, it can be seen with certainty that the General Plan Conformity Finding will have no impact on the environment.

Action

Staff recommends that the Planning Commission find, by resolution, that the proposed sale of two parcels located between Interstate 880 and 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00) conforms with the City's General Plan.

Attachments

1. Plat Map of Parcels
2. Aerial Map of Parcels
3. State of California Director's Deed and City of Newark Certificate of Acceptance
4. City Council Resolution No. 1786
5. General Plan Land Use Map
6. Draft Resolution

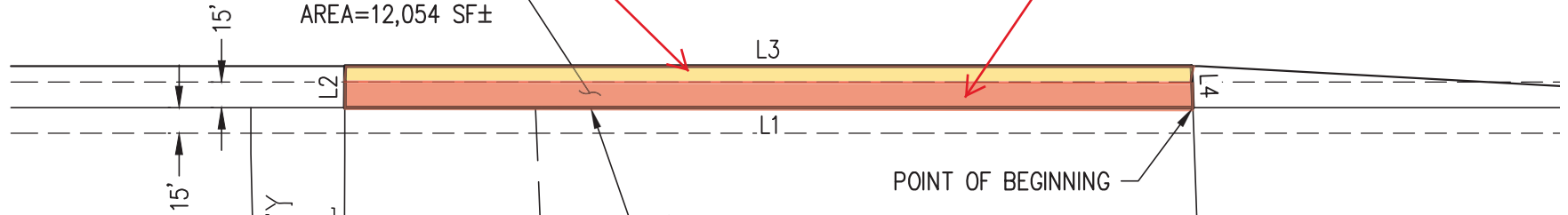
ATTACHMENT 1

Parcel 1: Conveyed to City by the State of California in 1959

Parcel 2: A portion of Timber Street owned in fee by the City

NIMITZ FREEWAY
(STATE HIGHWAY 880)

DEDICATION AREA
AREA=12,054 SF±



LINE TABLE		
NO	BEARING	LENGTH
L1	N54°51'22"W	496.49'
L2	N35°12'20"E	24.29'
L3	S54°51'29"E	495.61'
L4	S33°07'38"W	24.32'

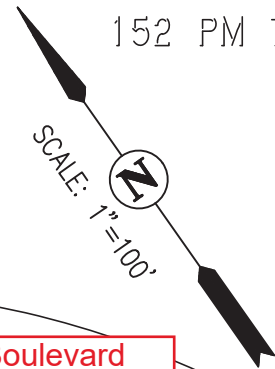
ALAMEDA COUNTY
FLOOD CONTROL

CENTERLINE OF FORMER
TIMBER STREET (30' WIDE)
(FORMERLY CEDAR ROAD)

PARCEL 1
152 PM 73
PARCEL 1
2010038059

PARCEL 2
2010038059

PARCEL 2
152 PM 73



CEDAR BOULEVARD

38600 Cedar Boulevard
(APNs 092A-2585-012-01
and 092A-2858-031)

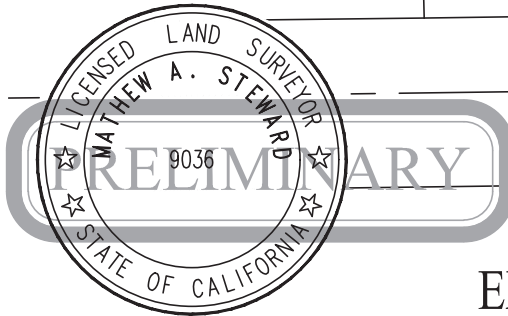


EXHIBIT B

MOORES
AVENUE

SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

LANDS OF THE CITY OF NEWARK
DEDICATION AREA
ALAMEDA COUNTY, CALIFORNIA

MAY 18, 2022



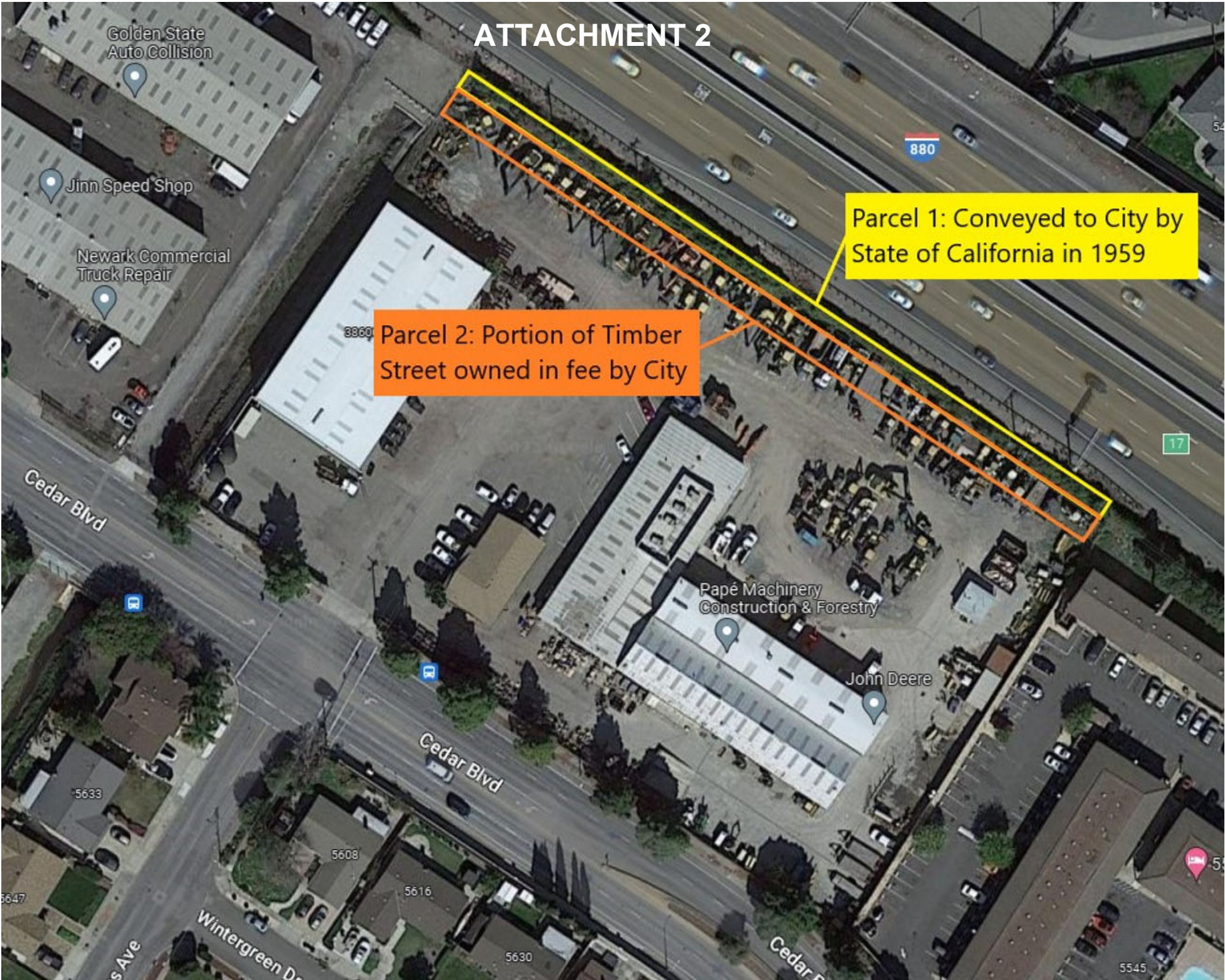
CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANDG.COM

ATTACHMENT 2

Parcel 1: Conveyed to City by State of California in 1959

Parcel 2: Portion of Timber Street owned in fee by City



ATTACHMENT 3

**OR
38**

505

1960

AR24902

RE: 38 IM-505
FORM R/W-353

DISTRICT	COUNTY	ROUTE	SECTION
IV	Ala	69	Nwk

Sta. "E1"375-410
No. 14510-DD-1

DIRECTOR'S DEED

KNOW ALL MEN BY THESE PRESENTS:

That the STATE OF CALIFORNIA, acting by and through its Director of Public Works, does hereby grant to
CITY OF NEWARK, a municipal corporation,

all that certain real property situate, lying and being in the City of Newark

County of Alameda, State of California, described as follows, to-wit:

A portion of those certain tracts of land conveyed to the State of California by deeds recorded as follows:

<u>Deed No.</u>	<u>Recorded</u>	<u>Volume</u>	<u>Page</u>
14510(14511)	March 22, 1956	7975	309
14512	March 21, 1956	7973	505
14513	September 13, 1956	8146	273,

all Official Records of the County of Alameda, said portion being more particularly described as follows:

PARCEL I:

COMMENCING at a point on the southwesterly line of Parcel 1 of said State's tract No. 14513, distant along said southwesterly line N. 54°51'00" W., 397.33 feet from the most southerly corner of said Parcel 1; thence N. 35°09'00" E., 24.47 feet; thence N. 54°50'08" W., 7.73 feet to the northerly line of said Parcel 1; thence along said northerly line S. 79°48'36" W., 34.41 feet to said southwesterly line of Parcel 1; thence along last said line S. 54°51'00" E., 31.91 feet to the point of commencement.

CONTAINING 0.011 of an acre, more or less, including 0.008 of an acre in Cedar Road.

PARCEL II:

COMMENCING at a point on the southeasterly line of Parcel 3 of said State's tract 14513, distant thereon S. 79°48'36" W., 720.42 feet

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RE: 38 M-506

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from the northeasterly terminus of the course described in said Parcel 3 with the length of 754.86 feet; thence N. $54^{\circ}50'08''$ W., 2671.99 feet to the southeasterly line of said State's tract 14510(14511); thence along said southeasterly line of State's tract 14510(14511) S. $31^{\circ}43'02''$ W., 26.68 feet to the northeasterly line of Cedar Road (30.00 feet wide), said northeasterly line being parallel with and 15.00 feet northeasterly at right angles from the southwesterly line of said State's tract 14510(14511); thence along said northeasterly line of Cedar Road N. $56^{\circ}16'58''$ W., 991.26 feet to the northwesterly line of said State's tract 14510(14511); thence along said northwesterly line S. $31^{\circ}43'02''$ W., 15.01 feet to said southwesterly line of State's tract 14510(14511); thence along said southwesterly line and the southwesterly lines of said State's tract 14512 and of said Parcel 3: S. $56^{\circ}16'58''$ E., 1649.90 feet and S. $54^{\circ}51'00''$ E., 1986.86 feet to said southeasterly line of said Parcel 3; thence along last said line N. $79^{\circ}48'36''$ E., 34.44 feet to the point of commencement.

CONTAINING 1.982 acres, more or less, including 1.255 acres in Cedar Road.

EXCEPTING THEREFROM, as to PARCELS I and II, all minerals, oils, gases and other hydrocarbons by whatsoever name known, that may be within or under the parcel of land hereinabove described without, however, the right to drill dig or mine through the surface therefor.

EXCEPTING AND RESERVING unto the State of California any and all rights of ingress to or egress from the land herein conveyed over and across the courses described in PARCELS I and II above with lengths of 7.73 feet, 24.47 feet and 2671.99 feet; provided, however, that as to PARCEL I, said real property shall abut upon and have access, as hereinafter provided, to a frontage road which will be connected with said freeway only at such points as may be established by public authority.

The said right of access to said frontage road is hereby expressly limited to the course described above with the length of 24.47 feet.

The bearings and distances used in the above description are on the California Coordinate System, Zone 3. Multiply the above distances by 1.0000637 to obtain ground level distances.

OR 38 507 1960

RE: 38 IN:507

Subject to special assessments if any, restrictions, reservations, and easements of record.

AND BE IT FURTHER KNOWN:

FIRST, the Director of Public Works has heretofore found and determined and does hereby find and determine, that the said lands were acquired for State highway purposes and are no longer necessary, and are not now being used for highway uses or purposes;

SECOND, that this conveyance is executed pursuant to the authority vested in the Director of Public Works by law and, in particular, by the Streets and Highways Code.

WITNESS the hand of the Director of Public Works, and the seal of the Department of Public Works of the State of California, this 2nd day of July, 1959

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

ROBERT B. BRADFORD
DIRECTOR OF PUBLIC WORKS

By Robert Bradford

Recommended for Approval	<input checked="" type="checkbox"/>
<u>Chas. E. White</u>	
Deputy State Highway Engineer	
Headquarters Right of Way Office	
<u>Raymond J. Lang</u>	
Asst. Chief of Right of Way Section	
Approved as to Form and Procedure	
<u>E. J. Coona</u>	
Attorney	

SEAL
AFFIXED

STATE OF CALIFORNIA }
COUNTY OF SCARAMENTO } ss.

On this 2nd day of JUL 2 1959, in the year 1959, before me, ALPHA G. CATCHING, a Notary Public in and for the County of Sacramento, State of California, residing therein, duly commissioned and sworn, personally appeared ROBERT B. BRADFORD, known to me to be the Director of the Department of Public Works of the State of California, described in and that executed the within instrument, and also known to me to be the person who executed the same on behalf of the State of California therein named and he acknowledged to me that the State of California executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said county and State aforesaid, the day and year in this certificate first above written.

AR24902

Alpha G. Catching
Notary Public in and for the County of Sacramento, State of California

OR
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1960

RESOLUTION

MAY 22 1959 RE: 38 IM-57

RESOLVED by the California Highway Commission that, it having approved the manner and terms and conditions of the transaction, the execution by the Director of Public Works on behalf of the State of California of a deed conveying to CITY OF NEWARK, a municipal corporation, a parcel of land being a portion of the lands conveyed to the State of California by deeds dated and recorded as follows:

<u>Deed No.</u>	<u>Dated</u>	<u>Volume</u>	<u>Page</u>
14510(14511)	February 9, 1956	7975	309
14512	February 9, 1956	7973	505
14513	April 5, 1956	8146	273

all Official Records of the County of Alameda, said parcel being

in the City of Newark, County of Alameda, State of California,

is hereby authorized and approved.

SEAL
AFFIXED

THIS IS TO CERTIFY That the foregoing is a full and correct copy of the original resolution passed by the California Highway Commission at its meeting regularly called and held on the 23rd day of June 1959 in the City of Sacramento a majority of the members of said Commission being present and voting therefor.

Dated this 26th day of June 1959.

[Signature]
 O. N. COOK
 ASSISTANT SECRETARY OF THE
 CALIFORNIA HIGHWAY COMMISSION

1959 JUN 3 AM 9 25

DIVISION OF HIGHWAYS
SACRAMENTO
RECEIVED

AR24902

OR
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1960

RE: 38 IN-509

CERTIFICATE OF ACCEPTANCE

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THIS IS TO CERTIFY that that interest in the real prop-
erty conveyed by the Director's Deed dated the 2nd day of July,
1959, wherein the STATE OF CALIFORNIA, through its Director of
Public works, grants to the CITY OF NEWARK, a political subdivision
of the State of California, the real property described therein, is
hereby accepted by order of the City Council of the City of Newark
on the 3rd day of August, 1959, and the grantee con-
sents to the recordation thereof by its duly authorized officer.

DATED: August 14, 1959.

Judy J. Seay
Mayor of the City of Newark

Attest:

William L. Stanton
City Clerk

SEAL
AFFIXED

AR24902

RECORDED at REQUEST OF
City of Newark
At 12 Min. Past 11 P.M.

MAR - 3 1960

OFFICIAL RECORDS OF
ALAMEDA COUNTY, CALIFORNIA
Thomas W. Fitzmaurice
COUNTY RECORDER

DH.

Charles B. Snow
7131 Rich Avenue
Newark, California

RESOLUTION NO. 1786

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK VACATING PORTIONS OF TIMBER STREET,
BIRCH STREET AND MOORES AVENUE IN THE CITY OF
NEWARK, CALIFORNIA

WHEREAS, on January 23, 1969 the City Council of the City of Newark passed its Resolution No. 1765 declaring its intentions to proceed under the provisions of Part 3, Division 9, of the Streets and Highways Code of the State of California, known as the Street Vacation Act of 1941, to vacate certain portions of Timber Street, Birch Street and Moores Avenue, Newark, California; and

WHEREAS, proceedings were conducted in the manner provided by law; and

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

1. That the City Council finds from all the evidence submitted that those certain portions of Timber Street, Birch Street, and Moores Avenue, Newark, California which are described in the above-mentioned resolution of intention, and hereafter described in "Exhibit A" are unnecessary for present or prospective public street purposes and, further, that the public convenience and necessity require the reservation of easements and rights of way for electrical and communication purposes, natural gas and water facilities, storm drain and sanitary sewer lines.

BE IT FURTHER RESOLVED AND IT IS HEREBY ORDERED by the City Council of the City of Newark that those certain portions of the public street in the City of Newark, lawfully, officially and commonly known as Timber Street, Birch Street, and Moores Avenue, Newark, California, be and the same are hereby abandoned and vacated. Said streets are more particularly described in Exhibit A.

BE IT FURTHER RESOLVED AND IT IS HEREBY ORDERED that said vacations are subject to the reservations by the City of Newark and the exceptions from said vacations of the easements more particularly described in Exhibit B.

BE IT FURTHER RESOLVED that the time and date of recording a certified copy of this resolution in the office of the County Recorder of Alameda County, State of California, shall be left to the discretion of the City Engineer.

I HEREBY CERTIFY the foregoin resolution was introduced at a meeting of the City Council of the City of Newark held on March 13, 1969, by Councilman Kincaid, who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Councilmen Baker, Balentine, Kincaid, Plowright, Mayor Lewis
NOES: None
ABSENT: None
SECONDED: Councilman Plowright

APPROVED:


s/HARRY S. LEWIS

Mayor

ATTEST:


s/RICHARD A. MEYER

Acting City Clerk

APPROVED AS TO FORM:


s/ANTHONY J. GARCIA

City Attorney

EXHIBIT "A"

Real property in the City of Newark, County of Alameda, State of California,
described as follows:

PARCEL NO. 1: A portion of Timber Street

BEGINNING at a point on the northwestern boundary of that parcel of land described as Parcel 3 in California Division of Highways Relinquishment to the City of Newark No. 22058, said point also referred to as California Coordinate Y378,791.84, X1,564,004.62, and running thence northeasterly along said boundary 10.00 feet, more or less, to a point on the southwestern line of Cedar Road (now known as Timber Street) as Cedar Road is shown on the "Map showing the subdivision of a part of the farm lands of the Town of Newark" filed July 15, 1911 in the office of the County Recorder of Alameda County in Map Book 26 at page 37; thence northwesterly along said southwestern line 1234.41 feet, more or less, to a point in the northwestern line of the Alameda County Flood Control and Water Conservation District Channel, said point being 150 feet northwesterly of the intersection of the northwestern line of Moores Avenue as Moores Avenue is shown on said Map filed July 15, 1911, with the southwestern line of Cedar Road when measured along said southwestern line; thence northeasterly along the northwestern line of said Channel 30 feet, more or less, to a point on the northeastern line of Cedar Road; thence southeasterly along said northeastern line 1234.41 feet, more or less, to a point in the most northwestern boundary line of said Parcel 3; thence northeasterly along said most northwestern boundary line 9.47 feet, more or less, to that point referred to in said Parcel 3 as California Coordinate Y378,832.29, X1,564,033.10; thence following the eastern line of said Parcel 3 southeasterly to a point 61.50 feet distant from the monument line of Mowry Avenue as said monument line and Mowry Avenue are shown on said Map filed July 15, 1911, said point also being California Coordinate Y377,826.74, X1,563,768.70; thence southwesterly along a line parallel to and 61.50 feet distant from said monument line to an intersection of said parallel line with the western line of said Parcel 3; thence following the western line of said Parcel 3 northeasterly to the POINT OF BEGINNING.

PARCEL NO. 2: A portion of Birch Street

BEGINNING at a point on the northeasterly line of Birch Road (now known as Birch Street) 61.50 feet distant northwesterly from the monument line of Mowry Avenue as said road, monument line, and avenue are shown on the "Map showing the subdivision of part of the farm lands of the Town of Newark" filed July 15, 1911 in the office of the County Recorder of Alameda County in Map Book 26 at page 37; thence running along said northeasterly line of

Birch Road North $56^{\circ}04'22''$ West, said bearing being the basis of bearings for this description, a distance of 579.06 feet to a point in a non-tangent curve; a radial line to said non-tangent curve through said point bears North $68^{\circ}52'34''$ West; thence southerly along said non-tangent curve, concave to the northeast having a radius of 476.09 feet and a central angle of $07^{\circ}32'22''$, an arc distance of 62.65 feet more or less, to a point on the southwesterly line of Birch Road; thence along said southwesterly line 561.17 feet to a point 61.50 feet distant from said monument line of Mowry Avenue; thence North $33^{\circ}57'51''$ East 60.00 feet to the POINT OF BEGINNING.

PARCEL NO. 3: A portion of Moores Avenue

That portion of Moores Avenue, 60.00 feet wide, which lies between the southern boundary of Cedar Road (now known as Timber Street) as said area and road are shown on the "Map showing the subdivision of a part of the farm lands of the Town of Newark: filed July 15, 1911 in the office of the County Recorder of Alameda County in Map Book 26 at page 37, and the northern line of Cedar Boulevard as shown on the map of "Tract 2512, City of Newark, filed May 20, 1964 in the Office of the County Recorder of Alameda County, in Map Book 48 at page 76.

Street Abandonment - Portions of Timber Street, Birch Street and Moores Avenue

A. 1156

"EXHIBIT B"

A. PACIFIC TELEPHONE AND TELEGRAPH COMPANY EASEMENTS

EXCEPTING AND RESERVING THEREFROM, pursuant to provisions of Section 8330 of the California Streets and Highways Code, the easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew conduits, cables, wires, poles and other convenient equipment and fixtures for the operation of communication lines, and for incidental purposes, including access to protect property from all hazards in, upon and over the following portions of Timber Street and Birch Street proposed to be vacated, and described as follows:

TIMBER STREET

An easement over a strip of land 10 feet wide; said strip lying contiguous to and southwesterly of the northeastern line of Timber Street extending from the northwesterly line of the Alameda County Flood Control Channel to the southerly line of the San Francisco Water District Easement.

BIRCH STREET

An easement over a strip of land 10 feet wide; said strip lying contiguous to and southwesterly of the northeastern line of Birch Street, within that portion of Birch Street to be vacated.

B. ALAMEDA COUNTY WATER DISTRICT EASEMENT

EXCEPTING AND RESERVING THEREFROM, the easements and right at any time, or from time to time, to construct, maintain, operate, replace and renew water lines and appurtenant structures; and for incidental purposes, including access to protect the property from all hazards in, upon and over the following portions of Timber Street, Birch Street and Moores Avenue proposed to be vacated, and described as follows:

BIRCH STREET

An easement over a strip of land of a uniform width of 10.00 feet, the centerline of which is more particularly described as follows:

COMMENCING for reference at a point on the northeastern line of Birch Road (now known as Birch Street) 61.50 feet distant northwesterly from the monument line of Mowry Avenue as said road, monument line, and avenue are shown on the "Map showing the subdivision of part of the farm lands of the Town of Newark: filed July 15, 1911 in the office of the County Recorder of Alameda County in Book 26 of Maps at page 37; thence running along said northeastern line of Birch Road North 56°04'22"

"B" 1986

West, said bearing being the basis of bearings for this description, a distance of 310.50 feet to the actual point of beginning of this description; thence South $33^{\circ}57'51''$ West, 45 feet; thence North $56^{\circ}02'22''$ West, 255.00 feet more or less to the intersection of the centerline of said easement and the southeasterly right of way line of Cedar Boulevard as shown on Sheet 2 of the Appraisers Map, assessment diagram of Area Improvement District No. 3, Cedar Boulevard, City of Newark, Alameda County, California, June 1968.

MOORES AVENUE

An easement over a strip of land of uniform width of 10.00 feet, the centerline of which is more particularly described as follows:

BEGINNING AT A POINT on the northeasterly line of Cedar Boulevard, said point bears South $56^{\circ}24'14''$ East, 13 feet from the intersection of the monument line of Moores Avenue with the northeasterly line of Cedar Boulevard as shown on the map of Tract 2512, City of Newark, filed May 20, 1964 in Book 48 of Maps at page 76, Alameda County Records; thence from said point of beginning northeasterly along a line that is parallel to the southeasterly right of way line of that portion of Moores Avenue which lies between the southern boundary of Cedar Road (now known as Timber Street) as said Cedar Road is shown on the "Map showing the subdivision of a part of the farm lands of the Town of Newark" filed July 15, 1911 in the office of the County Recorder of Alameda County in Map Book 26 at page 37, and the northeasterly line of the aforesaid Cedar Boulevard as shown on the Map of Tract 2512, City of Newark, filed May 20, 1964 in the office of the Recorder of Alameda County, in the Map Book 48 at page 76.

TIMBER STREET

An easement 15 feet wide; beginning at a point on the northwestern boundary of that parcel of land described as Parcel 3 in California Division of Highways Relinquishment to the City of Newark No. 22058, said point also referred to as California Coordinate Y378, 791.84, X1,564,004.62, and running thence northeasterly along said boundary 10.00 feet, more or less, to a point on the southwestern line of Cedar Road (now known as Timber Street) as Cedar Road is shown on the "Map showing the subdivision of a part of the farm lands of the Town of Newark" filed July 15, 1911 in the office of the County Recorder of Alameda County in Map Book 26 at page 37; thence northwesterly along said southwestern line 206.00 feet; thence northeasterly on a line making a $90^{\circ}00'00''$ angle to the southwestern line of Cedar Road (now known as Timber Street) a distance of 15.00 feet; thence northwesterly on a line parallel to the southwestern line of Cedar Road (now known as Timber Street) a distance of 828.00 feet; thence southwesterly on a line making a $90^{\circ}00'00''$ angle to the southwestern line of Cedar Road (now known as

Timber Street) a distance of 15.00 feet to the southwestern line of Cedar Road; thence northwesterly along the southwestern line of Cedar Road to a point in the northwestern line of the Alameda County Flood Control and Water Conservation District Channel, said point being 150 feet northwesterly of the intersection of the northwestern line of Moores Avenue as Moores Avenue is shown on said Map filed July 15, 1911, with the southwestern line of Cedar Road when measured along said southwestern line; thence northeasterly along the northwestern line of said Channel 15.00 feet; thence southeasterly on a line parallel to northeastern line of Cedar Road, a distance of 185.5 feet; thence northeasterly at a 90°00'00" angle to the above line to a point on the northeastern line of Cedar Road; thence southeasterly along said northeastern line of Cedar Road 869.00 feet; thence southwesterly at a 90°00'00" angle to the northeastern line of Cedar Road a distance of 15.00 feet; thence southeasterly on a line parallel to the northeastern line of Cedar Road a distance of 180.00 feet; thence southwesterly at a 90°00'00" angle to the above line a distance of 10.00 feet; thence on a line parallel to and following the eastern line of said Parcel 3 southeasterly to a point 61.50 feet distant from the monument line of Mowry Avenue as said monument line and Mowry Avenue are shown on said Map filed July 15, 1911; thence southwesterly along a line parallel to and 61.50 feet distant from said monument line 15 feet; thence on a line parallel to and following the easterly line of said Parcel 3, northwesterly to the intersection of said line with the western line of said Parcel 3; thence following the western line of said Parcel 3 northeasterly to the POINT OF BEGINNING.

C. UNION SANITARY DISTRICT EASEMENT

EXCEPTING AND RESERVING THEREFROM, the easement and right, at any time, or from time to time, to construct, maintain, operate, replace and renew sanitary sewers and appurtenant structures, including access to protect the property from all hazards, in, upon and over the following portions of Timber Street, Birch Street and Moores Avenue proposed to be vacated, and described as follows:

TIMBER STREET AND MOORES AVENUE

An easement 15 feet wide; beginning at the intersection of the northeastern line of Cedar Boulevard, 88 feet wide, with the center line of Moores Avenue, 60 feet wide; thence northwesterly 7.5 feet along the northwestern production of said northeastern line of Cedar Boulevard; thence northeasterly parallel to the center line of aforesaid Moores Avenue, 280 feet; thence northwesterly to the intersection of the northwestern line of aforesaid Moores Avenue with the southwestern line of Timber Street; thence northwesterly along the southwestern line of said Timber Street 142 feet, more or less to the intersection with the northwestern property line of Alameda County Flood Control and Water Conservation District property; thence northeasterly at right angle to the last said northwestern property line, 15 feet; thence southeasterly parallel to the

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center line of Timber Street 164.5 feet, more or less, to the intersection with a line parallel to the center line of aforesaid Moores Avenue and 7.5 feet at right angles northwesterly therefrom; thence northeasterly along last said line to the northeasterly line of aforesaid Timber Street; thence southeasterly along last said northeasterly line 15 feet; thence southwesterly parallel to the center line of aforesaid Moores Avenue to the intersection with a line drawn parallel to and 15 feet northeasterly from the southwestern line of aforesaid Timber Street; thence parallel to last said southwestern line, southeasterly 900.5 feet more or less to the intersection with the northern line of City and County of San Francisco right of way, 80 feet wide; thence westerly along said northern right of way line to the intersection with the southwestern line of aforesaid Timber Street; thence northwesterly along said southwestern line of Timber Street to the intersection with a line drawn parallel with and 7.5 feet southeasterly from the center line of aforesaid Moores Avenue; thence southwesterly along last said line to the intersection with the northeastern line of aforesaid Cedar Boulevard; thence northwesterly along the said northeastern line of Cedar Boulevard 7.5 feet to the POINT OF BEGINNING.

D. ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT EASEMENT

EXCEPTING AND RESERVING THEREFROM, the easement and right at any time, or from time to time, to construct, maintain, operate, replace and renew the Alameda County Flood Control and Water Conservation District Channel; and for incidental purposes including access to utilize said easement as a turn-around area for District vehicles; and to protect the property from all hazards in, upon, and over the following portion of Timber Street proposed to be vacated, and described as follows:

TIMBER STREET

A parcel of land situated in the City of Newark, County of Alameda, State of California, described as follows:

A portion of Cedar Road as said road is shown on the "Map showing the subdivision of part of the farmlands of the Town of Newark, Alameda County, California", filed July 15, 1911 in Book 26 of Maps, page 37, in the office of the County Recorder of said Alameda County, more particularly described as follows:

BEGINNING at a point on the northeastern line of Block 99, Subdivision No. 2, as said block is shown on the above said map, distant thereon North $54^{\circ}49'37''$ West (the bearing of said northeastern line, being also the centerline of said Cedar Road, now known as Timber Street, being taken as North $54^{\circ}49'37''$ West for the purpose of making this description) 111.65 feet from the northeastern corner of said Block 99; thence running along said northeastern line North $54^{\circ}49'37''$ West 55.00 feet; thence North $35^{\circ}14'05''$ East 15.00 feet to a point on the northeastern line of said Cedar Road; thence along last said line South $54^{\circ}49'37''$ East 55.00 feet; thence South $35^{\circ}14'05''$ West 15.00 feet to the POINT OF BEGINNING.

E. PACIFIC GAS AND ELECTRIC COMPANY EASEMENTS

EXCEPTING AND RESERVING THEREFROM, the easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew natural gas lines and appurtenant structures, and for incidental purposes, including access to protect property from all hazards in, upon and over the following portions of Timber Street, Birch Street and Moores Avenue proposed to be vacated, and described as follows:

BIRCH STREET

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at a point in the northwesterly boundary line of Mowry Avenue and runs thence North $56^{\circ}17'$ West 49 feet, more or less, to a point herein for convenience called Point "E"; thence continuing North $56^{\circ}17'$ West 525 feet, more or less, to the southeasterly boundary line of Cedar Boulevard; said Point "E" bears N. $54^{\circ}58'$ West 114.8 feet distant from the Standard City of Newark Street Monument marking the point of intersection of monument line of said Mowry Avenue with the monument line of Birch Street; said strip of land being a portion of the hereinbefore mentioned Birch Street.

TIMBER STREET AND MOORES AVENUE

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at a point in the northwesterly prolongation of the northeasterly boundary line of Cedar Boulevard as said Boulevard as said Boulevard is shown on the map of Tract 2512 filed for record in the office of the County Recorder of said County of Alameda in Book 48 of Maps at Page 76 and runs thence North $33^{\circ}04'$ East 125 feet, more or less, to a point herein for convenience called Point "F"; thence continuing North $33^{\circ}04'$ East 202 feet, more or less, to the northeasterly boundary line of Timber Street; said Point "F" bears North $25^{\circ}36'$ East 165.7 feet distant from the Standard City of Newark Street Monument marking the point of intersection of the monument line of said Cedar Boulevard with the monument line of Moores Avenue; said strip of land being a portion of the hereinbefore mentioned Timber Street and Moores Avenue.

TIMBER STREET

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at a point in said Timber Street from which the Standard City of Newark Street Monument marking the point of intersection of the monument line of said Cedar Boulevard with the monument line of said Moores Avenue bears North $72^{\circ}10'$ West 1081.1 feet distant and runs thence South $46^{\circ}06'$ East 76.9 feet; thence South $38^{\circ}08'$ East 39.9 feet; thence South $29^{\circ}58'$ East 51.7 feet; thence South $18^{\circ}00'$ East 49.0 feet; thence South $13^{\circ}04'$ East 50.5 feet; thence South $2^{\circ}02'$ East 57.3 feet; thence South $6^{\circ}41'$ West 65.1 feet; thence South $17^{\circ}43'$ West

335.7 feet; thence South $29^{\circ}47'$ West 36.3 feet; thence South $50^{\circ}23'$ West 89.1 feet; thence South $66^{\circ}25'$ West 226.8 feet; thence South $44^{\circ}09'$ West 61.6 feet; thence South $9^{\circ}28'$ West 35.2 feet; thence South $8^{\circ}22'$ East 30.6 feet; thence South $24^{\circ}04'$ East 25.5 feet; thence South $39^{\circ}51'$ East 43 feet, more or less, to the northwesterly boundary line of said Mowry Avenue; excepting from said strip of land the portion lying outside the boundary lines of said Timber Street.

F. PACIFIC GAS AND ELECTRIC COMPANY EASEMENTS

EXCEPTING AND RESERVING THEREFROM, the easements and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew conduits, cables, wires, poles and other convenient fixtures for the operation of electrical and distribution lines, and for incidental purposes, including access to protect property from all hazards in, upon and over the following portions of Timber Street, Birch Street and Moores Avenue proposed to be vacated, and described as follows:

BIRCH STREET

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at a point in the northwesterly boundary line of Mowry Avenue and runs thence North $56^{\circ}17'$ West 49 feet, more or less, to a point herein for convenience called Point "A"; thence North $70^{\circ}24'$ West 174.5 feet; thence North $32^{\circ}57'$ West 107.2 feet to a point herein for convenience called Point "B"; thence North $56^{\circ}17'$ West 118.3 feet; thence North $56^{\circ}06'$ West 140 feet, more or less, to the southeasterly boundary line of Cedar Boulevard; said Point "A" bears North $44^{\circ}26'$ West 115.6 feet distant from the Standard City of Newark Street Monument marking the point of intersection of the monument line of said Mowry Avenue with the monument line of Birch Street.

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at said Point "B" and runs thence South $56^{\circ}17'$ East 20.0 feet.

Said strips of land being a portion of the hereinbefore mentioned Birch Street.

TIMBER STREET AND MOORES AVENUE

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at a point in the northwesterly prolongation of the northeasterly boundary line of Cedar Boulevard as said Boulevard is shown on the Map of Tract 2512 filed for record in the office of the County Recorder of said County of Alameda in Book 48 of Maps at Page 76 and runs thence North $32^{\circ}44'$ East 250 feet, more or less, to a point herein for convenience called Point "C"; thence continuing North $32^{\circ}44'$ East 68.9 feet to a point herein for convenience called Point "G"; thence South $54^{\circ}49'$ East 957.0 feet to a point herein for convenience called Point "D"; thence South $35^{\circ}33'$ West 34 feet, more or less, to the south-

westerly boundary line of Timber Street; said Point "C" bears North $36^{\circ}58'$ East 286.2 feet distant from the Standard City of Newark Street Monument marking the point of intersection of the monument line of said Cedar Boulevard with the monument line of Moores Avenue; said strip of land being a portion of the hereinbefore mentioned Timber Street and Moores Avenue.

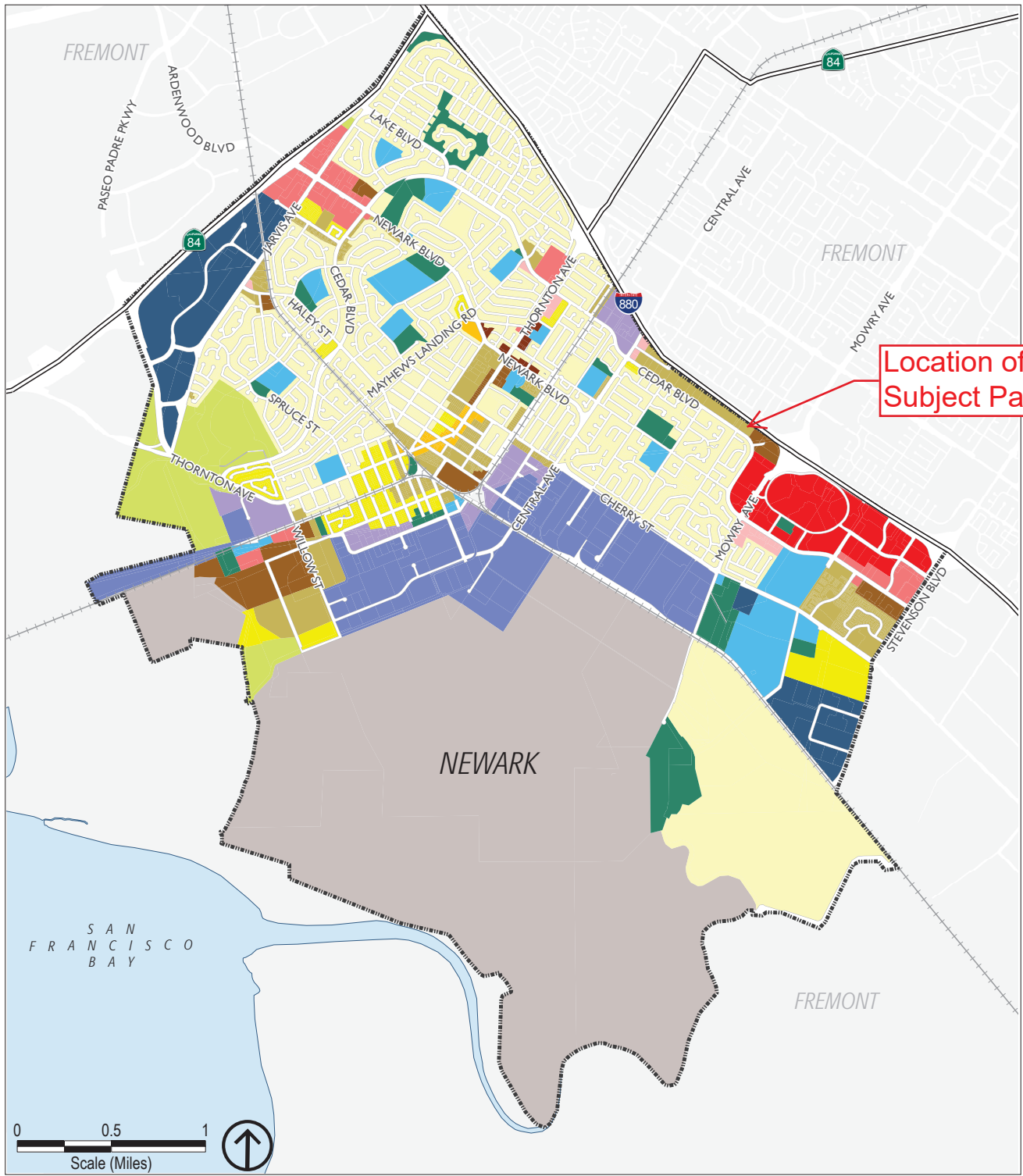
TIMBER STREET

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at said Point "D" and runs thence South $53^{\circ}06'$ East 135 feet, more or less, to the northeasterly boundary line of said Timber Street; the side lines of said strip of land are to be lengthened or shortened so as to terminate in the northeasterly boundary line of said Timber Street.

A strip of land of the uniform width of 10.0 feet lying equally on each side of a line which begins at said Point "G" and runs thence North $54^{\circ}49'$ West 20.0 feet.

ATTACHMENT 5

NEWARK GENERAL PLAN LAND USE



Location of Subject Parcels

Source: City of Newark, 2012; The Planning Center | DC&E, 2013; Tiger Roads 2010; ESRI, 2010; FTC, 2010; FEMA, 2010.

<p>Open Space Designations</p> <ul style="list-style-type: none"> Parks and Recreational Facilities Conservation - Open Space <p>Industrial Designations</p> <ul style="list-style-type: none"> Limited Industrial Special Industrial General Industrial 	<p>Residential Designations</p> <ul style="list-style-type: none"> Low Density Residential Low-Medium Density Residential Medium Density Residential High-Density Residential <p>Public - Institutional Designations</p> <ul style="list-style-type: none"> Public-Institutional 	<p>Commercial Designations</p> <ul style="list-style-type: none"> Neighborhood Commercial Community Commercial Commercial Mixed Use <p>Resource Production Designations</p> <ul style="list-style-type: none"> Salt Harvesting, Refining and Production 	<ul style="list-style-type: none"> Regional Commercial Office Commercial City Limits
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FIGURE LU-1
GENERAL PLAN LAND USES

ATTACHMENT 6

[Subject]

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK DETERMINING THAT THE SALE OF TWO PARCELS LOCATED BETWEEN INTERSTATE 880 AND 38600 CEDAR BOULEVARD (APNS 092A-2585-012-01 AND 092A-2585-031-00) CONFORMS TO THE CITY OF NEWARK GENERAL PLAN PURSUANT TO GOVERNMENT CODE SECTION 65402

WHEREAS, Government Code Section 65402 requires that the Planning Commission make a determination of conformity with the City's General Plan whenever the City disposes of City property; and

WHEREAS, the Planning Commission's determination on the sale's conformity with the City's General Plan is not a determination of whether a specific project or sale should proceed; and

WHEREAS, Waymark Development ("Developer"), the developer of a proposed 76-unit residential development project (DR2022-011) located at 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00) ("Project Site") has requested to purchase two City-owned parcels, an approximately 4,606-square foot (sq. ft.) parcel ("Parcel 1") and an approximately 7,448-sq. ft. parcel ("Parcel 2"), adjacent to the Project Site; and

WHEREAS, the City is considering the sale of the parcels to the Developer. The Developer plans to merge the parcels with the Project Site as part of the proposed project; and

WHEREAS, Parcel 1 is adjacent to Interstate 880 ("I-880") and was conveyed to the City by the State of California through a Director's Deed dated July 2, 1959 and accepted by the City on August 3, 1959. The Director's Deed states the State of California Director of Public Works determined the land was no longer necessary for State highway purposes and therefore conveyed the land to the City; and

WHEREAS, Parcel 2 is adjacent to the Project Site and is a portion of Timber Street and owned in fee by the City. The City Council approved the vacation of the parcel on January 23, 1969 per City Council Resolution No. 1765; and

WHEREAS, the parcels are zoned RM Residential Medium Density and have a General Plan designation of Medium Density Residential; and

WHEREAS, the Planning Commission held a public hearing on February 28, 2023 to determine whether the sale of the parcel conforms to the City's General Plan, and fully considered the City's General Plan, staff report, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Planning Commission, based on its review of the City's General Plan, determined that the proposed sale of the parcels conform with the City's General Plan;

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. The City is seeking to sell parcels located between I-880 and 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00) to the developer of a proposed 76-unit residential development project (DR2022-011) located at 38600 Cedar Boulevard (APNs 092A-2585-012-01 and 092A-2585-031-00).

Section 3. The disposition of the parcels is consistent with the Goals and Policies of the General Plan, including but not limited to:

Land Use Policy LU-3.5 (Non-Conforming Use)

Work towards the eventual replacement or relocation of non-conforming industrial and heavy commercial uses located within areas designated for residential use on the General Plan Diagram.

2105- 2023 Housing Element Priorities

(1) Assist in the development of housing opportunities and accessibility for all economic levels in the City.

(2) Remove constraints that hinder the production and conservation of housing projects.

Section 4. Based upon substantial evidence presented to the Planning Commission during its meeting on February 28, 2023, including written and oral evidence presented at or before consideration, the Planning Commission does hereby specifically find that the proposed sale of the Parcel conforms with the City's General Plan.

Section 5. Adoption of this Resolution is not subject to further environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3). Since the Resolution does not authorize the sale of the property or approve any development thereon, it can be seen with certainty that the General Plan conformity finding will have no impact on the environment.

This Resolution was introduced at the City of Newark Planning Commission's February 28, 2023 regular meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

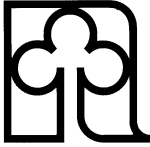
AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JOHN BECKER, Chairperson



F. 1 Housing Element Update – Study session regarding the Draft 2023-2031 Housing Element.

Introduction

California's Housing Element law requires that each city and county develop local housing programs to meet their "fair share" of existing and future housing needs, expressed as housing unit production goals, for all income groups. The Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional needs, or "RHNA", to Bay Area jurisdictions. The Newark Housing Element is an eight-year plan from 2023 to 2031, also referred to as the 6th Cycle Housing Element. In Newark, the RHNA for the 2023-2031 Planning Period is 1,874 units, of which almost 40 percent (732 units) is identified for lower-income housing.

The Housing Element was formally due to the State HCD by January 31, 2023, but there is a 120 day “grace” period which provides jurisdictions with more time to adopt a Housing Element that is compliant with State law. Adoption of a State HCD-certified Housing element after the “grace period” will require any necessary rezonings identified sites in the Housing Element to occur within one year after adoption rather than three years. There may also be other potential adverse consequences to not adopting the Housing Element by the statutory deadline, however it is important to note that most jurisdictions in the Bay Area and throughout California have yet to adopt a Housing Element found by HCD to be in substantial compliance with the law.

The Public Review Draft of Newark’s Housing Element was released on February 24, 2023 (available via the www.newarkhousingupdate.org website) for a mandatory 30-day review period, after which the City will have 10 business days to respond to any public comments. By April 7, 2023 the City will submit a revised Draft Housing Element to HCD for review; HCD then has 90 days to review and comment on the Draft, after which Newark will respond to comments and make necessary revisions for City Council adoption and resubmission to HCD for final certification. To the extent possible, Staff and consultants will work closely with HCD staff during the 90-day review period to proactively address identified issues and make revisions to the Housing Element to bring the City in compliance with State law as soon as feasibly possible. Please see Attachment A for an overview of the public review, community outreach, and adoption schedule.

Although, like other California jurisdictions, the City is currently out of compliance, the Draft Housing Element includes a robust housing sites inventory and a complete set of housing strategies and programs that reflect the City’s strong commitment to promoting housing opportunities for all segments of the community.

Newark's Housing Element identifies strategies and programs that focus on:

1. Preserving and improving existing housing;
2. Removing governmental and other constraints to housing investment;
3. Promoting and expanding fair and equitable housing opportunities;
4. Assisting in the creation of new affordable housing in the City;
5. Providing sites for new housing to be built; and
6. Addressing existing and emergent housing challenges related to climate change.

Community Engagement Process

Newark maintains an ongoing commitment to providing meaningful community engagement in partnership with community-based organizations and in collaboration with other city departments to reach all segments of the population.

- Through a multi-pronged and multi-lingual approach, City staff worked to provide opportunities for community engagement over the course of the Housing Element update process through numerous opportunities, including:
- Social Media & Website: newarkhousingupdate.org
- In-person Engagement: Senior Center, Silliman Community Activity Center, Newark Public Library, 2022 Family Day in the Park community event
- One-on-One interviews
- Citywide survey

Affirmatively Furthering Fair Housing: Needs + Findings

Equity is a driving force throughout the Housing Element planning process. HCD defines Affirmatively Furthering Fair Housing (AFFH) as taking meaningful actions to explicitly address, combat, and reverse disparities resulting from past patterns of segregation to foster more inclusive communities. Newark is working to ensure that policies, programs, and site selection reflect the intention behind Affirmatively Furthering Fair Housing.

Historic and current land use policies and planning play a key role in the ability of individuals and families to live in neighborhoods with opportunity, including academically and culturally supportive schools, a wide variety of living wage jobs, and convenient access to transit and services. In 2018, the California State Legislature passed Assembly Bill (AB) 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA); and, protect the requirement to affirmatively further fair housing (AFFH). The Housing Element utilized a multipronged approach to further fair housing in Newark:

- Inclusive and Equitable Outreach
- Assessment of Fair Housing
- Analysis of Sites Inventory
- Identification of Contributing Factors

- Goals and Meaningful Actions to AFFH

Goals, Policies and Programs

The Housing Element sets forth seven goals to further affordable housing production and housing mobility, increase opportunity and protect residents from displacement. The accompanying policies and implementing programs have implementation timelines of immediate (0-3 years) mid-term, (3 to 5 years), long term (5-8 years) and ongoing programs. The City will track program progress through the identification of responsible department and performance metrics through the 6th cycle.

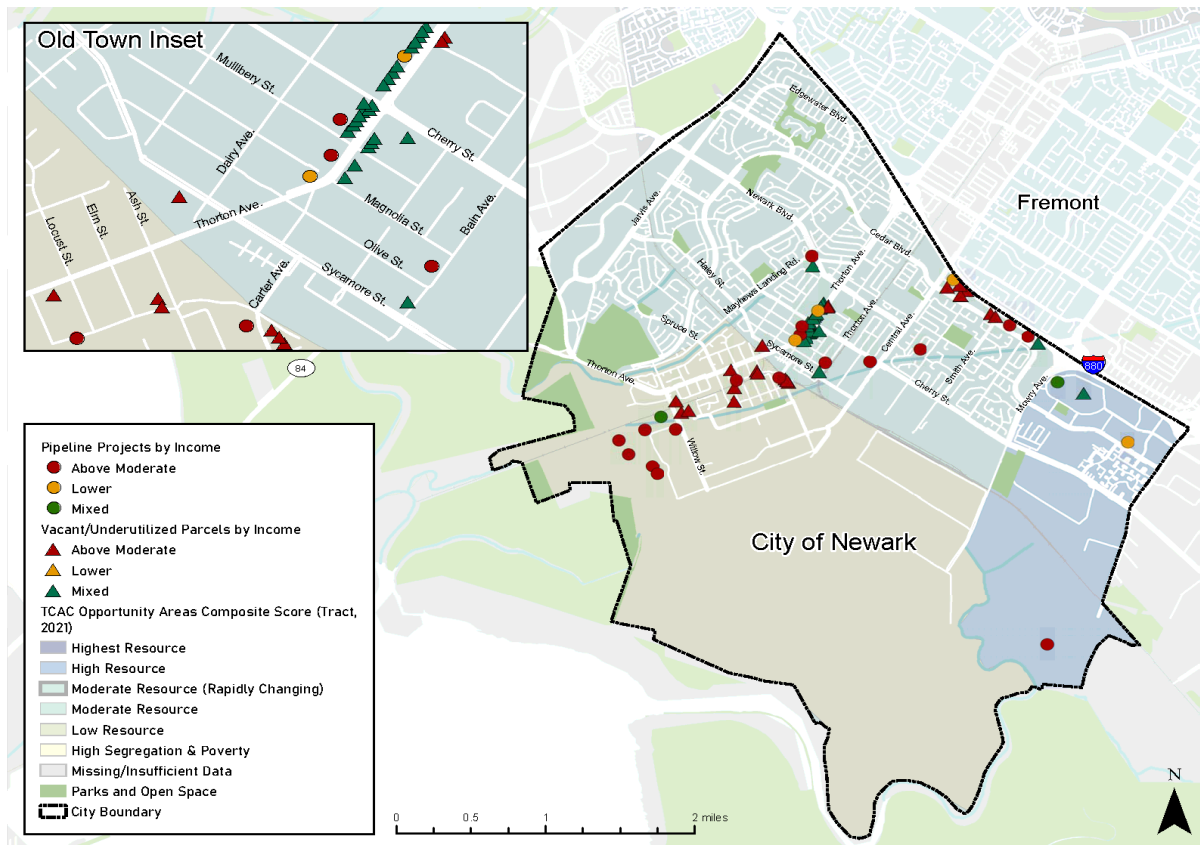
- GOAL H1: PRESERVE + IMPROVE EXISTING HOUSING
- GOAL H2: FACILITATE THE DEVELOPMENT OF MORE HOMES FOR MORE PEOPLE
- GOAL H3: REDUCE AND REMOVE CONSTRAINTS TO AFFORDABLE HOUSING DEVELOPMENT
- GOAL H4: HELP PEOPLE STAY IN THEIR HOMES AND COMMUNITIES
- GOAL H5: INCREASE ACCESS TO AFFORDABLE HOUSING
- GOAL H6: ENHANCE QUALITY OF LIFE | EQUITY AND ENVIRONMENTAL JUSTICE
- GOAL H7: FURTHER FAIR HOUSING THROUGHOUT THE CITY

Sites Inventory

The Housing Element is required to include an inventory of land suitable and available for residential development to meet the locality's regional housing needs by income. For the City of Newark, the Regional Housing Needs Allocation for 2023 to 2031 is 1,874 units in total. As shown in Figure A on the following page, the Sites Inventory will accomplish the following major objectives.

- **Access to Opportunity:** The sites work to expand access to opportunity by siting 46 percent of affordable units in areas identified as high opportunity by the Tax Credit Allocation Committee.
- **Connecting Housing and Transit:** Priority Development areas plan to connect new housing with regional and local transportation options in existing and new walkable communities; 27 percent of new housing sites are located within two Priority Development Areas in Newark and 12 percent of these units are planned for very low- and low-income residents.
- **Neighborhood Revitalization:** Through the implementation of the NewPark Place Specific Plan, the former NewPark Mall will transform into a mixed-use neighborhood, with 1,500 new housing units, including new homes for low and moderate incomes. Pedestrian and bicycle infrastructure improvements will also be developed through a multi-phased redevelopment process. Similar revitalization efforts are reflected in the sites identified in Newark's other key specific plan areas in the Old Town area and Bayside Newark.

Figure A: Housing Sites by Income Level and Opportunity Score



Public Review Draft of Newark’s Housing Element

As stated above, the public review draft of the 2023-2032 Housing Element was made available on Friday, February 24 for a 30-day public review period ending on Monday, March 27, 2023. The document can be found on the Housing Element Update website: www.newarkhousingupdate.org.

Community Outreach

In addition to the website which serves at the central location for all information related to the Housing Element, Staff and our consultant team will conduct outreach activities, including:

- Small group informational sessions with community organizations and stakeholder groups
- A community-wide meeting to review the Draft Housing Element and accept public comment. This meeting is scheduled for March 22, 2023. Additional meeting details will be made available soon.
- Information sharing at community events such as the Newark Farmer’s Market and the Annual Family Day in the Park event on April 1.
- Announcements and reminders via the city’s social media channels.

Staff will continue to identify additional outreach opportunities to engage the public through out the reminder of the review process.

Action

As this is a study session, no formal Planning Commission action is required. Comments received at the study session will be compiled and considered with all other public comments received during the 30-day public review period.

Attachments

Attachment A: Housing Element Update Timeline

Housing Element Update Timeline

Community Engagement



February 28 2023

Planning Commission Meeting

Overview of the Housing Element process and update

March 22nd 2023

Community Workshop : Virtual

Join us for a virtual community meeting to learn more about the Housing Element update, and provide feedback on policies and programs

April 1st 2023

Family Day in the Park

Stop by and learn more about the future of housing in Newark!

Housing Element Document

February 24th 2023

Draft Housing Element is available for 30 day public review

The public review period for the community to make comments on the Housing Element

April 8th 2023

90 Day Review by Housing and Community Development

The draft document is sent to Housing and Community Development for review



June 2023

Gather Feedback & Apply Changes

Make changes to the draft in response to community comments

June 2023

Housing Element Adoption Public Hearing

Adoption of Housing Element by City Council and Planning Commission

FOR MORE INFORMATION VISIT
newarkhousingupdate.org