

**Cedar Boulevard Residential Development
38288-38594 Cedar Boulevard
Mitigation Monitoring & Reporting Program**

Avoidance/Mitigation Measures	Mitigation and Monitoring Responsibility	Monitoring Action	Schedule
<i>Air Quality</i>			
<p>AQ-1 The project’s construction plans shall include the Bay Area Air Quality Management District’s (BAAQMD) Best Management Practices for fugitive dust control that shall be implemented for all construction activities in the project area, as follows:</p> <ul style="list-style-type: none"> i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. iii. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. iv. All vehicle speeds on unpaved roads shall be limited to 15 mph. v. All streets, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. vi. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). vii. Clear signage shall be provided for construction workers at all access points. viii. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. ix. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. 	<p>Implementation: Project contractor</p> <p>Monitoring: City of Newark Public Works Department, BAAQMD</p>	<p>Observation of conditions by Building Inspectors during construction</p>	<p>During construction</p>

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<p>AQ-2 The project developer and/or its construction contractors shall be required to use off-road diesel construction equipment compliant with U.S. EPA Tier 4 Final non-road engine standards. If Tier 4 Final equipment is unavailable for a portion of the project's equipment fleet, then prior to the commencement of construction activities, an emissions estimate will be modeled to identify the portion of the fleet that must use Tier 4 Final engines to achieve a cancer risk value below the BAAQMD significance threshold of 10 in one million. The list shall be made available at the construction site and shall be updated when new or replacement construction equipment are brought to the site.</p>	<p>Implementation: Project contractor</p> <p>Monitoring: City of Newark Public Works Department</p>	<p>Observation of conditions by Building Inspectors during construction</p>	<p>During construction</p>
<p>Biological Resources</p>			
<p>BIO-1 Should the demolition and construction activities commence during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the start of construction activities. Areas within 300 to 500 feet of construction shall be surveyed for active nests. Should active nests be identified, a disturbance-free buffer shall be established based on the needs of the species. The radius of the required buffer zone can vary depending on the species, (i.e., 75-100 feet for passerines and 200-500 feet for raptors), with the dimensions of any required buffer zones to be determined by a qualified biologist in consultation with California Department of Fish and Wildlife (CDFW). To delineate the buffer zone around the occupied habitat, construction fencing shall be placed at the specified radius from the nest within which no machinery or workers shall intrude. The buffer zone shall be maintained and biological monitoring of active nests shall be conducted by a qualified biologist to ensure that nests are not disturbed and that buffers are appropriately adjusted by a qualified biologist as needed to avoid disturbance. No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest), have attained sufficient flight skills to avoid project construction zones, that the nesting cycle is otherwise completed, or the nest has failed. Should construction activities cease for 14 consecutive days or more within the nesting season, an additional nesting bird survey shall be required prior to resuming construction if any of the</p>	<p>Implementation: Project contractor</p> <p>Monitoring: City of Newark Community Development Department</p>	<p>Observation of conditions by Building Inspectors during construction</p>	<p>During construction</p>

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existing trees remain on or are adjacent to the site. Results of the pre-construction nesting bird survey shall be submitted to the City of Newark.			
Cultural Resources			
<p>CUL-1 During project construction, if historic, archaeological or Native American materials or artifacts are identified, work within 50 foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA §15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources and similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, all ground disturbing activities near or in any area potentially overlying adjacent human remains shall cease, the County Coroner shall be contacted immediately, and the provisions of State law carried out.</p>	<p>Implementation: Project contractor</p> <p>Monitoring: City of Newark Community Development Department</p>	Observation of conditions by Building Inspectors during construction	During construction
Geology and Soils			
<p>GEO-1 The applicant shall provide evidence that structural considerations for construction on this site include the design parameters listed under CBC Seismic Design Criteria, and recommendations of the project's Geotechnical Study, dated September 8, 2021, prepared by Geo-Logic Associates including, but not limited to, recommendations related to grading, drainage, excavation, foundations systems, and compaction specifications shall be implemented. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports have been incorporated into the final design of the project and the design of the post-tensioned slab foundations addresses potential settlements from building loads and liquefaction to the satisfaction of the City of Newark City Engineer.</p>	Monitoring: City of Newark Public Works Department	Public Works Department shall confirm that the recommendations of the Project geotechnical report are incorporated in grading and building plans	At grading and building permit plan check.
Hazards and Hazardous Materials			
<p>HAZ-1 Prior to the issuance of a grading permit, for any lot which overlaps or is within the boundary of the recognized environmental condition (REC) on the site, as validated by the San Francisco Regional Quality Control Board (SFRQCB) and Alameda County Water District (ACWD), the applicant shall</p>	Monitoring: City of Newark Community Development Department	Community Development Department shall review the evidence provided by the	At grading and building permit plan check.

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<p>provide evidence that demonstrates that the REC has been resolved to the satisfaction of the applicable regulatory agencies for future residential land use.</p>		<p>applicant and confirm that the REC has been resolved to the satisfaction of the applicable regulatory agencies for future residential land use</p>	
<p><i>Tribal Cultural Resources</i></p>			
<p>TC-1 Cultural resource representatives for the Confederated Villages of Lisjan Tribe shall be notified within 24 hours in the event of an unanticipated discovery of potential tribal cultural resources or if human remains are found during construction and Mitigation Measure CUL-1 pertaining to cultural resources shall apply as follows: “During project construction, if historic, archaeological or Native American materials or artifacts are identified, work within 50 foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources and similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, all ground disturbing activities near or in any area potentially overlying adjacent human remains shall cease, the County Coroner shall be contacted immediately, and the provisions of State law carried out.”</p>	<p>Monitoring: City of Newark Community Development Department</p>	<p>Cultural resource representatives for the Confederated Villages of Lisjan Tribe shall be notified within 24 hours in the event of an unanticipated discovery of potential tribal cultural resources or human remains during construction are found during construction</p>	<p>During construction</p>

CEDAR BOULEVARD RESIDENTIAL DEVELOPMENT

Response to Comments on the Draft Initial Study &
Mitigated Negative Declaration
(SCH # 2022120529)

prepared by

City Of Newark

Community Development Department, Planning Division
37101 Newark Boulevard
Newark, CA 94560

Contact: Carmelisa Lopez, Senior Planner

prepared with the assistance of

M-Group

51 East Campbell Avenue, #1247
Campbell, CA 95009

February 2023



Introduction

This document provides responses to written comments received following circulation of the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Cedar Boulevard Residential Development Project (hereinafter referred to collectively as the “project”) (State Clearinghouse # 2022120529).

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the IS/MND was circulated for a 30-day public review and comment period from December 21, 2022, to January 20, 2023. The IS-MND identifies the likely environmental consequences associated with implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts.

This Response to Comments document identifies comments received relating to environmental concerns, and the responses provided herein address issues raised by the comments received and clarify information provided in the Draft IS/MND. This Response to Comments document along with the Draft IS/MND constitutes the Final IS/MND.

CEQA Requirements

CEQA Guidelines Section 15074 identifies the responsibilities of the Lead Agency when considering the adoption of a Negative Declaration or Mitigated Negative Declaration:

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence¹ that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Consistent with CEQA requirements, the City of Newark has reviewed and considered all comments received on the IS/MND. The CEQA does not require formal responses to comments on an IS-MND, but instead requires that the lead agency consider the comments received (CEQA Guidelines Section 15074(b)). Nonetheless, responses to the comments are included in this document to provide a complete environmental record.

One comment letter from the California Department of Transportation was received upon circulation of the Public Draft IS/MND. The following table summarizes each comment in the letter and provides the City’s written responses. A copy of the comment letter is attached after the table.

¹ “Substantial evidence” includes facts, fact-related reasonable assumptions, and expert opinions based on facts. It does not include arguments, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or socioeconomic impacts not related to the physical environment. (Pub. Res. Code Secs. 21080(e), 21082.2(c); Guidelines § 15384).

California Department of Transportation Comments	Response
<p>Landscaping:</p> <p>This proposed project is located directly adjacent to a section of the Classified Landscaped Freeway, with ornamental vegetation planting that meets the criteria established by the California Code of Regulations, Outdoor Advertising Regulations, Title 4, Division 6. The rear of the property currently consists of a chain link fence with vines growing on it to create a visual separation between I-880 and the property. There is also planting and irrigation in between the existing guardrail and the fence. To maintain the Classified Landscaped Freeway status, please maintain the existing planting and irrigation within Caltrans' Right-of-Way (ROW).</p>	<p>This comment has been noted and will be taken into account by the project applicant and City staff should there be a potential for site improvements to impact ornamental plantings within the Caltrans' Right of Way (ROW) adjacent to the project site. As such, the proposed project proposes landscape improvements within the boundaries of the project site and no revisions to the IS-MND are necessary in response to this comment.</p>
<p>Landscaping:</p> <p>The project also proposes to install an 18-foot high masonry/sound wall along the rear of the property, adjacent to I-880. To maintain a consistent design along the I-880 corridor, the masonry/sound wall should match and complement the existing walls along the I-880 corridor.</p>	<p>The design of the retaining wall is subject to design review. This comment has been noted and will be taken into account by City staff during that process. No revisions to the IS-MND are necessary in response to this comment.</p>
<p>Lead Agency:</p> <p>As the Lead Agency, the City of Newark is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.</p>	<p>This comment has been noted and will be taken into account by City staff should there be any improvements needed to the STN related to the project. As such, the project does not require any mitigation that will need improvements to the STN. No revisions to the IS-MND are necessary in response to this comment.</p>

Encroachment Permit:

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2023. To obtain information about the most current encroachment permit process and to download the permit application, please visit:

<https://dot.ca.gov/programs/trafficoperations/ep/applications>.

This comment has been noted and will be taken into account by the project applicant and City staff in the event of temporary traffic control or permanent work in the Caltrans's ROW. No revisions to the IS-MND are necessary in response to this comment.

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



January 25, 2023

SCH #: 2022120529
GTS #: 04-ALA-2022-00699
GTS ID: 28478
Co/Rt/Pm: ALA/880/7.7

Carmelisa Lopez, Senior Planner
City of Newark
37101 Newark Blvd
Newark, CA 94560

Re: Cedar Boulevard Residential Development – Initial Study/Mitigated Negative Declaration (IS/MND)

Dear Carmelisa Lopez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Cedar Boulevard Residential Development project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the December 2022 IS/MND.

Project Understanding

The proposed project would rezone a 7.76-acre site to Residential Medium Density-Planned Residential overlay, subdivide the site to create 124 lots, and redevelop the project site with a residential development containing 118 units, incorporating single family residences and two-unit attached townhouses. This project site is located directly adjacent to I-880.

Landscape Architecture

This proposed project is located directly adjacent to a section of the Classified Landscaped Freeway, with ornamental vegetation planting that meets the criteria established by the California Code of Regulations, Outdoor Advertising Regulations, Title 4, Division 6. The rear of the property currently consists of a chain link fence with vines growing on it to create a visual separation between I-880 and the property. There is also planting and irrigation in between the existing guardrail and the fence. To maintain the Classified Landscaped Freeway status, please maintain the existing planting and irrigation within Caltrans' Right-of-Way (ROW).

The project also proposes to install an 18-foot high masonry/sound wall along the rear of the property, adjacent to I-880. To maintain a consistent design along the I-880 corridor, the masonry/sound wall should match and complement the existing walls along the I-880 corridor.

Lead Agency

As the Lead Agency, the City of Newark is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2023. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Carmelisa Lopez, Senior Planner
January 25, 2023
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Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK ESTABLISHING A PLANNED DEVELOPMENT
OVERLAY DISTRICT AT 38288-38594 CEDAR BOULEVARD
(APNS 92A-2375-002-06, 92A-2375-022-01)

WHEREAS, Robson Homes LLC (the “Applicant”), has filed with the City of Newark an application for a Planned Development Overlay District, Design Review, a Minor Use Permit, and a Vesting Tentative Map to construct a 118-unit residential development comprised of single-family residences and two-unit attached townhouses (duets) on a 7.76-acre site located at 38288-38594 Cedar Boulevard (APNs 92A-2375-002-06, 92A-2375-022-01) (the “Property”) (the “Project” as illustrated in **Exhibit D**); and

WHEREAS, the Applicant proposes to demolish the existing buildings and site improvements; and

WHEREAS, the Property is a 7.76-acre property consisting of four legal lots that has a General Plan Land Use designation of Medium Density Residential and is currently zoned RM Residential Medium Density (“RM”); and

WHEREAS, the Applicant requests a Planned Development Overlay District and Planned Development Plan because the proposed project deviates from some of the RM zoning district development standards and parking standards in [NMC Table 17.07.030](#) and [NMC Chapter 17.23](#), respectively; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act (Public Resources Code §21000 et seq) herein referred to as “CEQA”), the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with §15000 of Title 14 of the California Code of Regulations; herein referred to as the “CEQA Guidelines”), the City is the “lead agency” for the preparation and consideration of environmental documents for the Project; and

WHEREAS, staff retained the services of M-Group to prepare an Initial Study (“IS”) for the project in accordance with the [California Environmental Quality Act \(CEQA\) Guidelines §15063](#). The IS examined the nature and extent of potentially adverse effects on the environment that could occur if the project is approved and implemented; and

WHEREAS, staff has reviewed the IS for the project and based upon substantial evidence in the record, find that all potentially significant effects of the project, as identified in the IS, can and will be avoided or mitigated to a less than significant level by project revisions or other requirements imposed on the project; and

WHEREAS, based on the review and pursuant to [Public Resources Code Section 21080\(c\)\(2\)](#) and [CEQA Guidelines §15070](#), the City has prepared a Mitigated Negative Declaration (“MND”) for the Project. An MND is a statement by the City that the project will not have a significant effect on the environment if the project incorporates revisions (mitigation

measures) identified during the environmental review; and

WHEREAS, when an IS/MND is submitted to the State Clearinghouse for review by state agencies, CEQA requires a minimum review period of 30 days to circulate an MND for public review. The IS/MND was available for public review from December 21, 2022 through January 20, 2023 on the State Clearinghouse's website, the City's website, and City Hall. Additionally, on December 21, 2022, the City filed a Notice of Intent ("NOI") to adopt an MND to the Alameda County Clerk;

WHEREAS, the City received comments from the California Department of Transportation ("Caltrans") on the IS/MND during the public review period of the IS/MND. Pursuant to [CEQA Guidelines §15074](#), the City reviewed and considered all comments received on the IS/MND; and

WHEREAS, pursuant to [NMC §17.31.060](#), a public hearing notice was published in the Tri City Voice on February 28, 2023 and mailed as required, and the Planning Commission held a duly noticed public hearing at which time all interested parties had an opportunity to be heard on the Project at 7:00 p.m. on March 14, 2023; and

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

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

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

Section 2: The City Council of the City of Newark does hereby find, based on the IS for the project and substantial evidence in the record, and declare that all potentially significant effects on the environment of the zoning map amendment embodied in this ordinance can and will be avoided or mitigated to a less than significant level by project revisions or other requirements imposed on the Project. Based on the review and pursuant to Public Resources Code Section 21080(c)(2) and CEQA Guidelines §15070, the City has prepared an MND for the Project, a statement by the City that the project will not have a significant effect on the environment if the project incorporates revisions (mitigation measures) identified during the environmental review. The IS/MND was available for public review from December 21, 2022 through January 20, 2023 on the State Clearinghouse's website, the City's website, and City Hall, and on December 21, 2022, the City filed a Notice of Intent ("NOI") to adopt an MND to the Alameda County Clerk.

Section 3: Pursuant to NMC [§17.39.070](#) and [§17.39.080](#), the City Council of the City of Newark does hereby find the following criteria satisfied:

A. The amendment is consistent with the general plan.

The amendment will allow for a 118-unit residential development consisting of single-family residences and two-unit attached townhouses (duets) and associated onsite and offsite

improvements. The Project will have a proposed density of 21 units per net acre which is within the 14 to 30 units per net acre density envisioned for the General Plan Medium Density Residential Land Use Designation. The Project is consistent with all applicable General Plan goals, policies, and actions as described in **Exhibit A**.

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

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

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

The zoning for the Project Site and properties north of Cedar Boulevard were rezoned to Residential Medium Density in the mid-2010's to facilitate the conversion of the uses on these properties to residential. Since the zoning amendment was adopted, medium-density residential developments have been approved and constructed northwest of the project site along Cedar Boulevard known as Cedar Townhomes. With the exception of a few properties with existing commercial uses along Cedar Boulevard and a school and church use across from Cedar Boulevard, the project site is generally surrounded by residential uses. The Project will promote the transition from commercial to residential uses envisioned for this area. The Project also demonstrates high-quality design standards that will enhance the site and surrounding area. Therefore, the amendment will promote the growth of the city in an orderly manner and promote and protect the public health, safety, peace, comfort, and general welfare.

Section 4: Pursuant to NMC [Chapter 17.12](#), [§17.39.070](#), and [§17.39.080](#), the City Council of the City of Newark hereby makes and adopts the findings required by [NMC §17.12.060](#) presented in the Resolution of the City Council of the City of Newark for approval of P2021-002, for an Ordinance establishing a Planned Development Overlay District, Design Review, a Minor Use Permit, and a Vesting Tentative Map and adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the CEQA for a 118-unit residential development comprised of single-family residences and two-unit attached townhouses (duets) on a 7.76-acre site located at 38288-38594 Cedar Boulevard (APNs 92A-2375-002-06, 92A-2375-022-01).

Section 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Newark hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

Section 6: This ordinance shall take effect thirty (30) days from the date of its passage. Before

the expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by _____ at the regular meeting of the City Council of the City of Newark held on _____.

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

AYES:

NOES:

ABSENT:

APPROVED:

ATTEST:

APPROVED AS TO FORM: