

# CITY OF NEWARK CITY COUNCIL

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

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

## AGENDA

Thursday, June 8, 2017

- A. ROLL CALL
  
- B. MINUTES
  - B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 25, 2017. (MOTION)
  
- C. PRESENTATIONS AND PROCLAMATIONS
  - C.1 Introduction of employees.
  
  - C.2 Proclaiming June as Elder Abuse Awareness Month. (PROCLAMATION)
  
- D. WRITTEN COMMUNICATIONS
  - D.1 Appeal of Planning Commission Decision to approve an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard – from Associate Planner Mangalam. (MOTION)
  
- E. PUBLIC HEARINGS
  - E.1 Hearing to consider an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard – from Associate Planner Mangalam. (RESOLUTION)
  
- F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.5 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

**CONSENT**

- F.1 Second reading and adoption of an ordinance repealing Newark Municipal Code Chapter 3.24 and adding a new Chapter 3.24 entitled Development Impact Fees – from City Clerk Harrington and Assistant City Manager Grindall. (ORDINANCE)**
  
- F.2 Second reading and adoption of an ordinance repealing Urgency Ordinance No. 496-U and amending Newark Municipal Code Chapters 17.08 (“Definitions”) and 17.16 (“R Residential Districts”) pertaining to accessory dwelling units – from City Clerk Harrington and Assistant City Manager Grindall. (ORDINANCE)**
  
- F.3 Authorization for the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards – from Police Chief Leal. (RESOLUTION)**
  
- F.4 Authorization for the City to apply for a California Governor’s Office of Emergency Services (Cal OES) Law Enforcement Support Office (LESO) Grant for a specialized response vehicle – from Police Chief Leal. (RESOLUTION)**
  
- F.5 Authorization to file a request to the Metropolitan Transportation Commission for the allocation of fiscal year 2017-18 Transportation Development Act Article 3 Pedestrian and Bicycle project funding for Citywide Accessible Pedestrian Ramps, Project 1167, and designation of the Alameda County Transportation Commission Bicycle and Pedestrian Advisory Committee to serve as the Bicycle Advisory Committee for the City of Newark – from Assistant City Engineer Imai. (RESOLUTIONS - 2)**

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

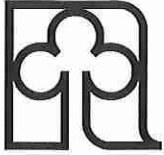
**Approval of Audited Demands for the City Council meeting of June 8, 2017. (MOTION)**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.



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

## AGENDA

**Thursday, June 8, 2017**

### CITY COUNCIL:

Alan L. Nagy, Mayor  
Mike Bucci, Vice Mayor  
Luis L. Freitas  
Socy Collazo  
Michael K. Hannon

### CITY STAFF:

John Becker  
City Manager  
Terrence Grindall  
Assistant City Manager  
Susie Woodstock  
Administrative Services Director  
Sandy Abe  
Human Resources Director  
Soren Fajeau  
Public Works Director  
Jim Leal  
Police Chief  
David Zehnder  
Recreation and Community  
Services Director  
David J. Benoun  
City Attorney  
Sheila Harrington  
City Clerk

**Welcome** to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

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

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached **Agenda** gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless "none" follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at [www.newark.org](http://www.newark.org). Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission's action was on that particular item. **Action** indicates what staff's recommendation is and what action(s) the Council may take.

**Addressing the City Council:** You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

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



# CITY OF NEWARK CITY COUNCIL

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

## Minutes

**Thursday, May 25, 2017**

### **A. ROLL CALL**

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

Council Member Collazo was noted absent.

### **B. MINUTES**

#### **B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 11, 2017. MOTION APPROVED**

Council Member Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

### **C. PRESENTATIONS AND PROCLAMATIONS**

#### **C.1 Presentation of Awards for Students, Teacher, and Classified Employee of the Year.**

Mayor Nagy, Rotary Club President Mike Hannon, and Rotary Club Youth Services Chair Jennifer Makin presented the awards.

#### **C.2 Proclaiming June as Celebrating Business Month in Newark.**

Mayor Nagy presented the proclamation to Chamber President/CEO Valerie Boyle.

At 7:40 p.m. the Mayor declared a recess. The meeting resumed at 7:47 p.m.

### **D. WRITTEN COMMUNICATIONS**

### **E. PUBLIC HEARINGS**

- E.1 Hearing to consider introduction of an ordinance repealing previously adopted Urgency Ordinance 496-U pertaining to accessory dwelling units and a zoning text amendment to Section 17.08.415 (Accessory Dwelling Units), Section 17.16.030(k) (Permitted Uses) and deleting Section 17.08.143 (Efficiency Unit) of the Newark Zoning Code.**

**ORDINANCE INTRODUCED**

Assistant City Manager Grindall stated that the City Council adopted Urgency Ordinance No. 496-U in response to state law changes pertaining to Accessory Dwelling Units. At the time of the adoption, there were policy issues that needed further discussion, which were addressed at a subsequent City Council meeting.

Assistant City Manager Grindall proposed repealing the urgency ordinance and introducing a regular ordinance that included the following changes for Standard Accessory Dwelling Units: no requirement for property owner residence, allows two bedroom units and specifies that a second off-street parking space would be provided, and removes the Condition Use Permit (CUP) requirement in an area that has an existing parking problem.

Mayor Nagy opened the public hearing at 7:51 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:52 p.m.

Vice Mayor Bucci moved, Council Member Hannon seconded to introduce an ordinance repealing Urgency Ordinance No. 496-U pertaining to accessory dwelling units and a zoning text amendment to Section 17.08.415 (Accessory Dwelling Units), Section 17.16.030 (k) (Permitted Uses) and deleting Section 17.08.143 (Efficiency Unit) of the Newark Zoning Code. The motion passed, 4 AYES, 1 ABSENT.

- E.2 Hearing to consider: (1) Introduction of an Ordinance repealing and replacing Chapter 3.24 of the Newark Municipal Code “Development Impact Fees”; (2) Adoption of a Resolution establishing a Public Safety Facility Fee; (3) Adoption of a Resolution establishing a Community Service Facility Fee; (4) Adoption of a Resolution establishing a Transportation Impact Fee; and (5) Adoption of a Resolution authorizing expenditure for preparation of impact fee studies on transportation and public safety and community facilities and amending the biennial budget and capital improvement plan 2016-2018 for fiscal year 2016-2017.**

**ORDINANCE INTRODUCED**

**RESOLUTION NO. 10633 Public Safety Fee**

**RESOLUTION NO. 10634 Community Service Fee**

**RESOLUTION NO. 10635 Transportation Impact Fee**

**RESOLUTION NO. 10636 Impact Fee Studies**

Assistant City Manager Grindall recommended that the fees be set at their legally established maximums, except manufacturing and research/development, and multifamily housing. Manufacturing and research/development uses are high value-additive operations and generate higher employment densities and salaries. He recommended that these uses be encouraged with a 50% reduction below the maximum rate. He recommended that the fee for multi-family units be reduced by 30% below the maximum rate to encourage multi-family construction. He further recommended that the fees be adjusted annually based on a construction cost index. The ordinance would allow the City Council to waive fees at their discretion. The recommended fees are:

	<b>Community Service Facility Fee</b>	<b>Public Safety Fee</b>	<b>Transportation Fee</b>
<b>Single-Family Detached per unit</b>	<b>\$2,311</b>	<b>\$3,451</b>	<b>\$4,974</b>
<b>Townhome per unit</b>	<b>\$2,311</b>	<b>\$3,451</b>	<b>\$2,586</b>
<b>Multi-Family per unit</b>	<b>\$1,156</b>	<b>\$2,071</b>	<b>\$3,084</b>
<b>Commercial/Office per S.F.</b>	<b>\$0.86</b>	<b>\$0.60</b>	<b>\$4.41</b>
<b>Industrial/R&amp;D per S.F.</b>	<b>\$0.18</b>	<b>\$0.25</b>	<b>\$2.41</b>
<b>Warehousing/Distribution per S.F.</b>	<b>\$0.36</b>	<b>\$0.50</b>	<b>\$4.82</b>

Council Member Hannon requested that staff advise the City Council if a future proposed fee waiver is one of the fees under the legally established maximums. He further requested that staff prepare examples of how the fees would be calculated for future development.

Mayor Nagy opened the public hearing at 8:06 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 8:07 p.m.

Council Member Hannon moved, Vice Mayor Bucci seconded to (1) Introduce an Ordinance repealing and replacing Chapter 3.24 of the Newark Municipal Code “Development Impact Fees”; (2) Adoption of a Resolution establishing a Public Safety Facility Fee; (3) Adoption of a Resolution establishing a Community Service Facility Fee; and (4) Adoption of a Resolution establishing a Transportation Impact Fee; and (5) Adoption of a Resolution authorizing expenditure for preparation of impact fee studies on transportation and public safety and community facilities and amending the Biennial Budget and Capital Improvement Plan 2016-2018 for Fiscal Year 2016-2017. The motion passed, 4 AYES, 1 ABSENT.

**F. CITY MANAGER REPORT**

Council Member Hannon requested the removal of item F.1 for separate consideration.

Council Member Freitas moved, Council Member Hannon seconded, to approve Consent Calendar Items F.2, that the resolution be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 4 AYES, 1 ABSENT.

**CONSENT**

- F.2 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8310 – Phase II Bayshores (CDCG Group Holdings Bayshores, L.P.), an 86-unit residential subdivision at 37555 Willow Street in the Dumbarton Transit-Oriented Development Specific Plan project area.**

**RESOLUTION NO. 10637  
CONTRACT NO. 17010**

**NONCONSENT**

- F.1 Approval of plans and specifications, acceptance of bid and award of contract to Ocean Blue Environmental Services, Inc. for Storm Drain Trash Capture Devices (Phase 2), Project 1122.**

**MOTION APPROVED  
RESOLUTION NO. 10638  
CONTRACT NO. 17011**

In response to Council Member Hannon, Public Works Director Fajeau stated that the Regional Water Quality Control Board has a goal of 100% trash capture by 2022. The installation of these devices will reduce trash in the storm sewer system and will help the City meet the deadline.

In response to Vice Mayor Bucci, Public Works Director Fajeau stated that he would look into replacing the “Drain To The Bay” signage, where needed.

Council Member Hannon moved, Vice Mayor Bucci seconded to by motion, approve the plans specifications and by resolution, accept the bid and award the contract to Ocean Blue Environmental Services, Inc. for Storm Drain Trash Capture Devices (Phase 2), Project 1122. The motion passed 4 AYES, 1 ABSENT.



**F.3 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, and 18 and setting date of public hearing.**

**RESOLUTION NOS. 10639-10640**

City Manager Becker recommended approving the filing of the annual reports for the landscaping and lighting districts and setting the public hearing date for June 22, 2017

Council Member Hannon moved, Vice Mayor Bucci seconded to by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, and 18 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 22, 2017. The motion passed, 4 AYES, 1 ABSENT.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

Mayor Nagy stated that he would adjourn the meeting in memory of Howard Buschke. The entire City Council extended their condolences to the Buschke family.

Mayor Nagy noted that Monday is Memorial Day and encouraged everyone to take a moment to remember those who gave the ultimate sacrifice for our freedom.

Council Member Freitas stated that he attended the Salvation Army grand opening today and was impressed with the building.

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

**K. ORAL COMMUNICATIONS**

Joanna Horning stated that increased traffic with the new multi-family homes concerned her. She requested that the City Council look into stop lights and no parking zones on streets such as Thornton Avenue and Cherry Street.

**L. APPROPRIATIONS**

**Approval of Audited Demands for the City Council meeting of May 25, 2017. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 111006 to 111119.

Vice Mayor Member Bucci seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

**M. CLOSED SESSION**

- M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Valencia et al. v. City of Newark et al.; United States District Court, Northern District of California, Case No. 4:16-CV-04811-SBA – from City Attorney Benoun.**

At 8:30 p.m. the City Council recessed to a closed session.

At 8:40 p.m. the City Council convened in closed session.

At 8:55 p.m. the City Council reconvened in open session with all Council Members present (Collazo absent).

**N. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 8:55 p.m., in memory of Howard Buschke.

**C.1 Introduction of employees.**

**Background/Discussion** – Aquatics Coordinator Samantha Fallon, Administrative Support Specialist II Katie Dennis, Assistant Building Official Mike Wayne, Human Resources Technician Helen Garcia, Police Officer Christi Wallace and Police Officer Joe Rivera will be introduced at the City Council meeting:

**C.2 Proclaiming June as Elder Abuse Awareness Month.**

**(PROCLAMATION)**

**Background/Discussion** – June is Elder Abuse Awareness Month. Members of the Alameda County Adult Protective Services Agency and the District Attorney’s office will accept the proclamation at the City Council meeting.

**D.1 Appeal of Planning Commission Decision to approve an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard – from Associate Planner Mangalam. (MOTION)**

**Background/Discussion** - Stantec Architecture, Inc., on behalf of McDonald's Corporation, filed an application to rebuild an existing McDonald's restaurant located at 35192 Newark Boulevard. On April 11, 2017, the Planning Commission held a public hearing to consider an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard. As a result of letters of objection received from Miller Starr Regalia law firm representing the adjacent property owners, the item was continued to April 25 and May 9, 2017, in order to give staff the time to review the objections. On May 9, 2017, staff presented a revised site plan recommending relocating the entry/exit point from the main drive aisle to the Shopping Center. That evening, the Planning Commission approved Resolution No. 1941 to rebuild existing McDonald's restaurant at 35192 Newark Boulevard.

On May 16, 2017, the City received a letter dated May 15, 2017, from the Miller Starr Regalia law firm, appealing the Planning Commission's action to the City Council.

The Newark Municipal Code provides that within twenty-five days following the filing of the notice of appeal, the City Council shall review the action of the Planning Commission and may do any of the following:

- (a) Refer the matter back to the planning commission for further consideration;
- (b) The City Council may affirm the decision of the Planning Commission and dismiss the appeal; or
- (c) The City Council may set the matter for a public hearing and may, at that public hearing, reverse or affirm, wholly or partly, or modify any decision of the Planning Commission.

Because the Planning Commission's resolution approving the amendments to the use permit and planned unit development are conditioned upon City Council approval, this matter is scheduled for a public hearing before the City Council under Item E.1 for this meeting. In other words, there is no need for the Council to decide whether it should schedule the matter for public hearing since a public hearing has already been scheduled. The staff report for Item E.1 responds to the comments raised by the law firm representing the adjacent property owner and also attaches the letter for the Council to review and consider.

Staff therefore recommends that the Council dismiss the appeal.

**Action** – It is recommended that the City Council, by motion, dismiss the appeal because a public hearing has already been scheduled under Item E.1 to consider amendments to P-74-1, a planned unit development, and U-74-1, a conditional use permit in order to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard (APN: 92A-720-10).

**E.1 Hearing to consider an amendment to a planned unit development and a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard – from Associate Planner Mangalam. (RESOLUTION)**

**Background/Discussion** - Stantec Architecture, Inc., on behalf of McDonald's Corporation, has filed an application to rebuild an existing McDonald's restaurant located at 35192 Newark Boulevard.

The existing 5,191 square foot building (including basement) with capacity of 86 seats is located on the east side of Newark Boulevard midway between Jarvis Avenue and Cedar Boulevard. The existing McDonald's restaurant has one drive-thru lane that supports stacking/queuing of seven vehicles. The existing building is to be removed and rebuilt with a completely updated structure of approximately 4,532 square feet with 80 seats, thus a decrease of 659 square feet of floor area and with 6 fewer seats. The proposed building includes a two-lane drive-thru layout and improvements include an additional customer order display and ordering kiosk; an additional menu board speaker; and a separate payment window and order pick-up window.

The existing building has a frontage of approximately 72 feet and 6 inches including the play space and rises up to approximately 20 feet. The proposed building will have a frontage of approximately 102 feet and a proposed height of 18 feet and 9.5 inches with a decorative arch element extending on some parts up to 23 feet and 4 inches.

McDonald's Corporation is in the process of re-imagining stores in North America. The proposed redesign of the store is an arcade concept to break up the scale of the building with a palate of earth tone colors as shown on the proposed exterior elevations. The proposed exterior wall is cement plaster and tile finish with new aluminum trellis above all windows.

The existing retaining wall to the southwest corner of the site would be extended and improved with stucco finish and decorative cap to help screen cars using the drive-thru as viewed from Newark Boulevard. The Landscape Planting Plan shows upgraded landscaping, including additional trees, shrubs, vines, and perennials.

Proposed signage consists of two building wall signs on front and drive-thru facades; four channel wall logos; directional signs for drive-thru; and address identification and re-facing of the existing monument sign. In addition, there would be two menu boards, two canopy signs and window banners for 'pick-up here and pay here' needed for the drive-thru.

**Planning Commission Action – April 11, 2017**

On April 11, 2017, the Planning Commission held a Public Hearing to consider an amendment to a Planned Unit Development and Conditional Use Permit to replace the McDonald's restaurant. City Staff had prepared an analysis of the proposal and a report recommending approval with proposed findings as provided by the Newark Municipal Code.

A letter dated April 11, 2017, was received from the Miller Starr Regalia law firm, representing members of the Ladrech family, the owners of former Mi Pueblo grocery store in the Rosemont

Shopping Center, raising issues about the proposed project. In summary, the letter raised the following issues or objections: (a) that the proposed findings in the draft resolution would be conclusory, and not supported by substantial evidence; (b) that the proposed determination that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the "Class 2" categorical exemption of CEQA Guidelines Section 15302 ("Replacement or Reconstruction") would be improper; and (c) that a private agreement among landowners would be violated by the project.

The item was continued in order to allow staff and the applicant time to review the issues raised by that letter. Staff carefully considered the aforementioned issues and objections. Staff ultimately concluded that none of those objections have merit for the reasons identified in the subsequent Planning Commission staff report and summarized below:

### **Adequacy of the Proposed Findings**

The proposed resolution would include findings pursuant to Section 17.40.050 (Permit Procedure) and Section 17.72.070 (Action by Planning Commission) of the Newark Municipal Code. The proposed findings and the bases for the proposed findings are set forth below:

- a. *That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located.*

The zoning for the site is CC – Community Commercial. Section 17.20.020 of Newark Municipal Code states the purpose of that zoning district is: "The community commercial zone reserves appropriately located areas for commercial uses which serve the comparison shopping needs of the community. These prime commercial areas are intended for uses which support the economic diversity and future financial well-being of the city through generation of substantial amounts of revenue." Restaurants and drive-thru restaurants are a permitted use in this district per Section 17.20.030.

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

The proposed project would involve the replacement/reconstruction of an existing drive-thru restaurant with a new building for the same use, of similar size and capacity on the same property, which is a commercial site on a major street. There is no substantial evidence indicating any reason to anticipate any detrimental or injurious effects of the project.

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

Numerous conditions of approval are incorporated into the permit in order to ensure the desired environment of stable and desirable character for the site and the project.

- d. *That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, and off-street parking and*

*off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.*

The new restaurant building is not expected to generate more traffic than the existing restaurant. Existing utilities are adequate for the project, which will not require utility usage above that of the existing restaurant.

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

The restaurant is part of an existing shopping center, which is expected to continue to be devoted to compatible commercial uses after the project is in operation.

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

The proposed amendment of the existing permit would accommodate the continued use of the property for restaurant purposes, in accord with the purposes of the zoning for the site, which is CC – Community Commercial. Restaurants and drive-thru restaurants are a permitted use in this district.

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

This is a replacement of an existing restaurant with a new one of similar size and capacity on the same property, which is a commercial site on a major street. There is no substantial evidence indicating any reason to anticipate any detrimental or injurious effects of the project. Numerous conditions of approval are incorporated into the permit in order to ensure the desired environment of stable and desirable character for the site and the project.

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

Numerous conditions of approval are incorporated into the permit in order to ensure that the construction and operation of the restaurant will be in compliance with city code requirements.

### **California Environmental Quality Act (CEQA) Exemption**

Staff's review of the proposed project concluded that it should be deemed exempt from CEQA as a replacement of an existing structure. The CEQA Guidelines identify various categories or classes of projects that have been determined not to have a significant effect on the environment, and which are therefore exempt from the requirements of CEQA. Currently, the California Secretary of Resources has listed 32 classes of projects that are deemed not to have a significant effect on the environment and those types of projects therefore have been designated as "categorically exempt" from CEQA. (CEQA Guidelines, §§ 15300-15349). Staff's analysis of this proposed project determined that it is categorically exempt from CEQA, as a replacement or reconstruction of an existing structure, pursuant to CEQA Guidelines Section 15302 ("Class 2 – replacement or reconstruction of existing structures")



CEQA Guidelines Section 15302 provides: “Class 2 [of categorically exempt projects] consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced...” This exemption specifically applies to “replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity.” (Section 13502, sub. (b).) This exemption does not require that the new or replacement structures be constructed on the exact same footprint as the structures being replaced; instead, it simply requires that the new structure be placed on the same lot on which the existing structure is built. (See, *Dehne v. County of Santa Clara* (1981) 115 Cal.App.3d 827, 837.) Further, the requirement that the new building have “substantially” the same purpose and capacity “speaks only to the productive purpose and capacity” of the structure and “does not demand minute scrutiny of each of the individual components” of the new structure. (*Id.* at p. 839.)

Substantial evidence supports staff’s determination that the project is exempt from CEQA analysis. (See *Dehne v. County of Santa Clara* (1981) 115 Cal.App.3d 827, 844.) CEQA Guidelines Section 15384 defines “substantial evidence” as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”

The project is located on the same parcel of land as the existing drive-thru restaurant. The project will replace the existing structure with one of substantially the same size, purpose and capacity. The replacement building will be approximately the same size as the existing one. In fact, the new building is actually smaller than the existing structure, when taking into account the size of the existing basement. Further, there are a total of 86 seats in the existing restaurant and the proposed restaurant will have 80 seats. The project does not alter ingress and egress into the surrounding shopping center.

The letter of April 11, 2017, contended that the project should not be deemed to be categorically exempt because of the “unusual circumstances” exception to that exemption. However, the unusual circumstances exception does not apply unless it is shown that there is “a reasonable probability” that a proposed project will have “a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines Section 15300.2 subd. (c).) For a project that meets the requirements of a categorical exemption, as this project does, a claim that unusual circumstances creates an “exception” must present substantial evidence that the project will actually have a significant effect on the environment. (See *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1106.) Staff considered that claim of “unusual circumstances” but did not find substantial evidence sufficient to support the claim.

The letter stated that the new second drive-thru lane should be viewed as an “unusual circumstance.” The addition of a second lane is not shown to be likely to cause any unusual environmental effects; and it should be noted that there will still be only one drive-thru window. The second lane will reduce queuing or stacking problems, thus improving traffic flow around the site. It does not constitute “unusual circumstances” that would justify invoking Guidelines Section 15300.2 or to overcome the evidence demonstrating that the normal categorical exemption in Section 15302 should apply to this project. Reconstruction or relocation of a

driveway is not an “unusual” aspect of a project involving reconstruction of a building. No change is proposed for ingress or egress to or from the shopping center. The letter fails to demonstrate any actual (or even ‘reasonably probable’) significant effect on the environment as a result of the second drive-thru lane. Accordingly, the exception to the Class 2 exemption does not apply.

A similar set of issues – involving the reconstruction of a “Kentucky Fried Chicken” (KFC) restaurant and the addition of a new drive-thru capacity – was addressed by the California Court of Appeal in the case of *Sanders v. City of Pleasant Hill* (2008) 2008 Cal.App. Unpub. LEXIS 9632. The Court there affirmed the City of Pleasant Hill’s approval of a use permit and a Section 15302 categorical exemption for the reconstruction and replacement of the KFC restaurant, on a 0.53 acre site surrounded by other retail businesses. The existing KFC restaurant was 2971 square feet in size and did not include any drive-thru capacity. The new replacement structure was to be 3052 square feet in size and would add a new drive-thru lane. The restaurant was also to be “double-branded” (KFC and A & W Root Beer). Seating capacity in the new building would be reduced from 63 to 55 seats. Staff determined that the Section 13502 exemption should apply to this replacement project. Sanders objected, and raised issues specifically relating to the new drive-thru facility and reduced parking, and the absence of any traffic study. Sanders argued also that there were “unusual circumstances” which precluded the City’s reliance on the categorical exemption.

The City’s Planning Commission and the City Council both rejected Sanders objections and approved the project and the CEQA exemption. The Contra Costa Superior Court upheld the City actions, and the Court of Appeal affirmed the City’s decisions as well. The Court of Appeal pointed out that the restaurant would not substantially change its size or purpose, and that “the capacity of the restaurant does not change with the modernization of the facility,” and therefore the City had properly relied on the CEQA exemption. The Court also held that the City had properly rejected Sanders’ claim of “unusual circumstances” involved in the project. The Court noted that another Court of Appeal had rejected similar arguments in *Fairbank v. City of Mill Valley* (1999) 75 Cal.App,4<sup>th</sup> 1243, which affirmed the City’s approval of a small, 5800 sq.ft., building project under a categorical exemption (“Class 3”) project and affirmed the City’s determination that alleged impacts on urban parking and traffic were not “unusual” for such projects.

Finally, the letter raised an issue that the project would violate a provision of an agreement among property owners regarding use of the shopping center site. This is a private matter involving a contract or covenant between land owners, and should not enter into the City’s decision on the requested permits.

The matter was continued for hearing to April 25, 2017, and Staff prepared a new report, which also included a traffic study.

### **Continued Planning Commission Hearing – April 25, 2017**

At the continued Public Hearing on April 25, 2017, Mr. Brian Wenter from Miller Starr Regalia raised an additional issue of the access to the proposed McDonald’s restaurant from the main

drive aisle and the concern that the cars on the right lane entering McDonald's site would have to swing slightly into the left lane to adequately make 180 degree turn, thus affecting the left lane to the shopping center. Also at certain periods of time, the queuing will spill over to the main drive aisle affecting the operation of the shopping center.

The public hearing was closed and deliberation was continued to May 9, 2017.

### **Continued Planning Commission Hearing – May 9, 2017**

After reviewing the site plan and having conversations with the owners of the former Mi Pueblo, staff recommended relocating the entry/exit point from the main drive aisle to the Shopping Center and the Applicant presented a revised Site Plan on May 9, 2017. The configuration is similar to the existing McDonald's restaurant where customer vehicles can enter the site through either: (a) a private two-way shared driveway to the east of the site, or (b) a shared parking lot to the north side of the site. The proposed relocation of the entry/exit point will prevent the stacking of the vehicles entering into McDonald's restaurant onto the main drive aisle as well as keep the traffic flow same as existing. The revised site plan was appreciated by the Planning Commission as well as the owners of the former Mi Pueblo grocery store.

At its meeting of May 9, 2017, the Planning Commission approved Resolution No. 1941, an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard Exhibit A, pages 1 through 26.

### **Update and Appeal**

On May 16, 2017, the City received a letter dated May 15, 2017, from the Miller Starr Regalia law firm on behalf of the owners of the former Mi Pueblo grocery store, appealing the Planning Commission's action to the City Council. (A copy of that appeal letter is attached to this report.)

The appeal letter notes that the revised site plan for the McDonald's project, as approved by the Planning Commission on May 9, 2017, "is vastly superior to the original proposal." The letter states that, nevertheless, the appellants "continue to have significant concerns regarding the project." The letter states those concerns as: (a) the new building would increase the "building massing" facing Newark Boulevard and allegedly impair visibility to the appellants' property from the street, which in turn would not be consistent with General Plan Policy LU-I.10 (encouraging the development of Newark's remaining vacant sites); (b) insufficient consideration of "impacts on the future operation of the Shopping Center;" (c) insufficient findings; (d) insufficient environmental analysis; and (e) the proposed conditions of approval regarding traffic circulation are insufficient to ensure that the drive-thru operation will not impact the main driveway to the Shopping Center.

Staff has considered the points raised by the appellants in the letter of May 15, 2017, and again concludes that they are without merit. These are in large part objections that have been previously addressed by the applicant, City staff, and the Planning Commission in the revised site plan and the conditions of approval included in Resolution No. 1941.

The appellants cite no ordinance or law obligating the City to ensure or protect any particular “visibility” of appellants’ property from the street. State law generally does not recognize any protectable private right to a view or visibility. The project would not be inconsistent with any applicable general plan policy or zoning. Further, the General Plan Policy cited in the appeal letter applies to “vacant” and “underutilized” sites, rather than to existing and developed shopping centers.

The appellants have also not provided any substantial evidence to support the argument that the project may create unspecified adverse impacts on any particular future operations at the Shopping Center. The sufficiency of the findings has already been discussed and demonstrated above. The propriety of the exemption from CEQA has also been addressed, and the letter of May 15, 2017, makes no new arguments in that regard. The Planning Commission specifically considered the claimed impacts of the drive-thru on traffic circulation and the revised site plan and conditions of approval for the project adequately addresses those issues.

The appeal letter of May 15, 2017 provided no new or substantial evidence detracting from the Planning Commission’s findings and the Commission’s approval of the project, subject to specified conditions of approval.

**Action** – It is recommended that the City Council, by resolution, with Exhibit A, pages 1 through 26, approve an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald’s restaurant at 35192 Newark Boulevard (APN: 92A-720-10).

#### **Attachments**

1. Proposed Resolution of Approval
2. Drawings by Stantec Architecture Inc., dated May 19, 2017
3. Signage drawings by Superior Electrical Advertising Inc., dated July 01, 2016
4. Traffic Study by Stantec Consulting Services Inc., dated May 19, 2017
5. Letter of appeal, dated May 15, 2017, from Miller Starr Regalia law firm

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK APPROVING AN AMENDMENT TO P-74-1, A  
PLANNED UNIT DEVELOPMENT, AND U-74-1, A  
CONDITIONAL USE PERMIT, TO REBUILD AN EXISTING  
MCDONALD'S RESTAURANT AT 35192 NEWARK  
BOULEVARD (APN: 92A-720-10)

WHEREAS, Stantec Architecture, Inc., on behalf of McDonald's Corporation, has filed an application to amend P-74-1, a planned unit development, and U-74-1, a conditional use permit, to rebuild a McDonald's restaurant at 35192 Newark Boulevard (APN: 92A-720-10); and

WHEREAS, pursuant to Municipal Code Section 17.72.060, a public hearing notice was published in The Tri-City Voice on March 28, 2017, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on April 11, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, at its meeting of April 11, 2017, the Planning Commission, at the request of city staff, continued the public hearing to consider the application for P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild a McDonald's restaurant at 35192 Newark Boulevard to the April 25, 2017, Planning Commission Meeting; and

WHEREAS, at its meeting of April 25, 2017, the Planning Commission continued the public hearing to consider the application for P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild a McDonald's restaurant at 35192 Newark Boulevard to the May 9, 2017, Planning Commission Meeting; and

WHEREAS, pursuant to Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission made the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located;
2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;

4. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;
5. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity;
6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;
7. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves this application as shown on Exhibit A, pages 1 through 26, subject to compliance with the following conditions:

Planning Division

- a. This project is subject to the conditions of Planning Commission Resolution No. 1941 and 610, unless otherwise amended herein.
- b. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage of any materials for sale, display, inventory, or advertisement without the review and approval of the Community Development Director.
- c. The delivery of goods and materials restriction per Planning Commission Resolution No. 610 shall not apply to this project. Parking lot cleaning and sweeping or vacuum equipment shall not be permitted between 8:00 p.m. and 8:00 a.m. No delivery truck or van not associated with this business shall be left overnight on any portion of the site.
- d. All lighting shall be directed on-site so as not to create off-street glare.
- e. Prior to issuance of a building permit, the location and screening design for centralized garbage, refuse, organics, and recycling collection areas (including compactors) for the project shall be submitted for the review and approval of Republic Services, Inc. and the Community Development Director, in that order. Enclosures shall provide signage that states that the enclosure doors shall be closed immediately after use. Enclosures must be

located so that the doors, when open, do not encroach into required drive-aisles or parking spaces. No refuse, garbage, organics, or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

- f. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up, and maintenance of awnings. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Awnings that become torn, faded, or fall into any disrepair shall be immediately replaced by the tenant. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- g. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- h. The color elevations submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve final elevations for consistency with approved plans.
- i. The roof material as submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve roof material for consistency with approved plans.
- j. All trash enclosures shall provide signage that states that the dumpsters shall remain in the enclosure(s) and that the enclosure's doors shall be closed immediately after use. The enclosure(s) shall be sited such that the enclosure's doors, when open, do not extend into drive aisles/back-up areas.

The enclosure(s) shall utilize integral color, split-face block or a suitable durable material, and be provided with a roof for storm water quality purposes. A stucco band shall be placed around the top of the enclosure(s) with a mortar cap on top to prevent the infiltration of water and leaching of materials from the block. The enclosure(s) shall be treated with a waterproof finish approved by the Building Official. The doors of the enclosure(s) shall be made of metal and painted to match the color of the enclosure's walls. The enclosure's materials, colors, and roof design shall be subject to the review and approval of the Community Development Director.

The required enclosure(s) shall be provided prior to final inspection.

- k. Prior to the issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from the adjacent public street. All equipment shall be fully screened within the context of the buildings' architecture. Said screening design shall be maintained to the

satisfaction of the Community Development Director. The building owner shall paint the roof equipment and the inside of its screening wall within the context of the building's color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the building.

- l. The signage as submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve signage for consistency with approved plans.
- m. Prior to the issuance of a Certificate of Occupancy, all on-site parking facilities shown on the approved plans shall be installed and striped. This shall include, but not be limited to, identifying compact parking spaces and providing directional arrows as required by the Community Development Director.
- n. Prior to the issuance of a building permit, the property owner shall pay impact fees in affect at the time.

#### Engineering Division

- o. Frontage improvements along Newark Boulevard are required. The project shall remove and replace the shared driveway to the south with a new Type C – Commercial Driveway per City Standard Detail SD-106-2. Additional frontage improvements include, but are not limited to, removal and replacement of damaged curb, gutter and sidewalk.
- p. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of impervious surfaces; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of structural treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.
- q. Prior to the issuance of a building permit for this project, the developer shall submit a Storm Water Quality Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Stormwater Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be



maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.

- r. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy
- s. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.
- t. The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner.
- u. The location, size and orientation of all trash enclosures shall be approved by Republic Services, the City's franchise waste hauler, based on the anticipated type and intensity of the proposed development. All waste bins shall be stored within the trash enclosure at all times. The location and orientation of the enclosure shall enable adequate servicing of the bins by Republic Services. Design requirements for trash enclosures shall include, but are not limited to, a roof fully covering the enclosure, floor drain connected to the sanitary sewer system subject to approval by Union Sanitary District (USD), hose bib for periodic wash down, and a pedestrian door. In addition, the main doors of the enclosure shall be designed such that they may be locked closed and held open with pin locks during loading.
- v. The applicant shall submit a detailed soils report prepared by a qualified engineer,

registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.

- w. The project site is located in a Seismic Hazard Zone for Earthquake Induced Liquefaction according to maps released by the State of California. The applicant shall provide a geotechnical report(s) defining and delineating any seismic hazard(s). The report shall be prepared in accordance with guidelines published by the State. The report is subject to review and approval by a City selected peer review consultant. Construction documents shall conform to the recommendations of seismic hazard report.
- x. The developer shall submit a grading and drainage plan for review and approval by the City Engineer. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavements shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.

Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer prior to approval of the final map. The calculations shall show that the City freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm duration).

- y. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- z. Prior to issuance of a Certificate of Occupancy or release of utilities for any building, common vehicle access ways and parking facilities serving said building shall be paved in accordance with the recommendation of a licensed engineer based on a Traffic Index of 5.0 and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces.
- aa. The property owner shall be responsible for a 2-inch grind and overlay within the shared parking lot/drive aisle with the property to the east and the shared drive aisle with the property to the south. Prior to the issuance of any permits, the property owner shall obtain approval and coordinate any work with the adjoining property owner(s). A letter from each owner shall be submitted to the City Engineer as evidence of approval to

perform the 2-inch grind and overlay outside the project boundaries.

- bb. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- cc. At no time shall traffic queuing for the drive-thru operation of the facility extend to Newark Boulevard. In the event that regular queuing into the adjoining main shopping center drive aisle from Newark Boulevard is observed, the property owner and/or site operator shall coordinate with the City Engineer to resolve the issue at the property owner and/or site operator's expense.
- dd. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.
- ee. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Newark Boulevard.
- ff. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.
- gg. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

#### Landscape-Parks Division

- hh. Prior to the issuance of a building permit, the property owner shall dedicate a 20-foot wide landscape easement along the Newark Boulevard frontage of the property, directly adjacent to the right-of-way limit. The easement shall be extended to cover all contiguous landscaped areas along the project frontage.
- ii. The developer shall retain a licensed landscape architect to prepare working drawings for on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with construction plan set and shall include detailed irrigation plans for all modifications to the existing irrigation system within Landscaping and Lighting District No. 7 that are necessary to satisfy the model ordinance requirements. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- jj. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit,

the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.

- kk. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.
- ll. All maintenance associated with the landscape-based stormwater treatment measures shall be the responsibility of the property owner. The developer shall enter into a Landscape Maintenance Agreement prior to the issuance of a building permit. This agreement shall run with the land and be binding to the homeowners association as successors. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the homeowners association's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.
- mm. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.
- nn. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- oo. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

#### Building Division

- pp. Construction for this project, including site work and all structures, can occur only between the hours of 8:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.
- qq. Prior to the commencement of any demolition activities at the site the developer shall

obtain a demolition permit from Bay Area Air Quality Management District (BAAQMD).

- rr. As per the Newark Municipal Code, the new building shall be equipped with an automatic fire sprinkler system.

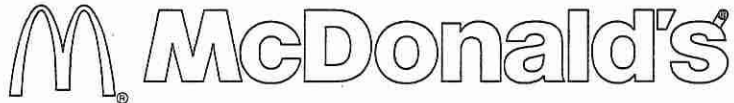
#### Fire Division

- ss. Plans shall meet the requirements of the codes and standards adopted at the time of building plan submittal.

#### General

- tt. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.
- uu. If any condition of this amendment to a planned unit development and conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this amendment to a planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- vv. Prior to the submittal for building permit review, all conditions of approval of this project, as approved by the City Council, shall be printed on the plans.
- ww. The developer hereby agrees to defend with separate counsel reasonably selected by the City, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- xx. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file

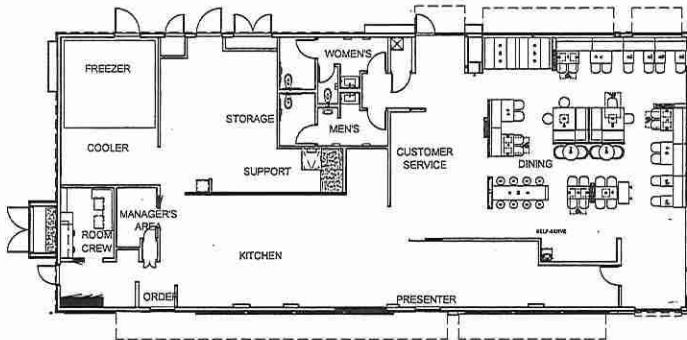
a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.



35192 NEWARK BLVD  
NEWARK, CA

**DESIGNER OF RECORD:**

DISCIPLINE:	NAME	REPRESENTATIVE	ADDRESS	PHONE #
ARCHITECT:	STANTEC ARCHITECTURE INC	ROBERT PICARD	1363 N. MADWELL BLVD, STE 250 PITALIMA, CA. 94954	(707) 774-8227
SURVEYOR:	ZIEBATECH	DWA ZIEBA	9925 WINDSOR WAY, SAN RAMON, CA	(925) 551 0108
CIVIL:	HUNLEY-HORN & ASSOC, INC	TAWNIE SCHRAM	765 THE CITY DRIVE, STE 200, ORANGE, CA 92668	(714) 939-1030
LANDSCAPE ARCHITECT:	STANTEC ARCHITECTURE INC	MAKHA RUTH	1363 N. MADWELL BLVD, STE 250 PITALIMA, CA. 94954	(707) 765-1680
CONSTRUCTION WORK:	MCDONALD'S US LLC	TOM CLARK	2993 GAY ROAD, SUITE 500 WALKLET CREEK, CA. 94597	(925) 278 0016



THIS DRAWING IS FOR REFERENCE ONLY.



VICINITY MAP



**REGION: - PACIFIC SIERRA**

**BUILDING INFORMATION:**

**ADDRESS:**

STATE SITE CODE: 004-0456  
STREET ADDRESS: 35192 NEWARK BLVD  
CITY: NEWARK  
COUNTY: ALAMEDA COUNTY  
STATE: CALIFORNIA

**SITE:**

MCDONALD'S SITE AREA: 40,300 SF (0.925 ACRES)  
ZONES: CC - COMMUNITY COMMERCIAL  
A.P.N.: 092A-0720-010

**BUILDING DATA:**

OCCUPANCY: A2  
CONSTRUCTION TYPE: VB  
NUMBER OF STORIES: 1  
BUILDING HEIGHT: 18'-9 1/2"  
EXISTING BUILDING AREA: 3,554 SF  
EXISTING BASEMENT AREA: 1,637 SF  
TOTAL EXISTING SQ FT: 5,191 SF  
PROPOSED BUILDING AREA: 4,532 SF

NUMBER OF SEATS: 80  
NUMBER OF PARKING STALLS REQUIRED: 28  
NUMBER OF PARKING STALLS PROVIDED: 31

**SCOPE OF WORK:**

- DEMOLITION OF EXISTING BUILDING AND BUILD NEW BUILDING WITH SIDE BY SIDE DRIVE THRU, NEW PARKING STALLS, NEW SIGNAGE AND LANDSCAPING.

**REVISIONS**

NO.	DATE	DESCRIPTION
1		

**DRAWING INDEX**

CVR	COVER SHEET
1	ALTA SURVEY (ZIEBATECH LAND SURVEYING)
<b>SITE PLAN:</b>	
SP0	DEMOLITION SITE PLAN
SP1	PROPOSED SITE PLAN
SP2	ENLARGED SITE PLAN
DT1	DRIVE-THRU STACKING
<b>CIVIL: HUNLEY-HORN &amp; ASSOC:</b>	
C1.0	PRELIMINARY GRADING PLAN
C2.0	PRELIMINARY UTILITY PLAN
SWCP-1	STORM WATER CONTROL PLAN
<b>LANDSCAPE:</b>	
L1	PRELIMINARY LANDSCAPE PLAN
<b>ARCHITECTURE:</b>	
A1.0	FLOOR PLANS
A2.0	EXTERIOR ELEVATIONS
A2.1	EXTERIOR ELEVATIONS
A2.2	EXTERIOR ELEVATIONS
<b>SIGN PACKAGE (SUPERIOR ELECTRICAL ADVERTISING)</b>	
01	COVER SHEET
02	SITE PLAN SIGNAGE
03	EXTERIOR ELEVATIONS
04	EXTERIOR ELEVATIONS
05	CHANNEL LETTERS
06	CHANNEL LOGO
07	DRIVE THRU MUSIC SIGNAGE
08	ADDRESS SIGNAGE
09	MONUMENT SIGN RETROFIT
10	DRIVE THRU DIRECTIONAL SIGNAGE
11	DIRECTIONAL SIGNAGE

NO.	DATE	DESCRIPTION



Stantec Architecture Inc. Tel: 707.765.1860  
1333 N. Madwell Blvd. Tel: 707.765.9993  
Palo Alto, CA U.S.A. 94304 www.stantec.com

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DATE	BY	DESCRIPTION

COVER SHEET

PROJECT ADDRESS:  
35192 NEWARK BLVD  
NEWARK, CA 94568

DATE: 04/14/2014  
DRAWN BY: [blank]

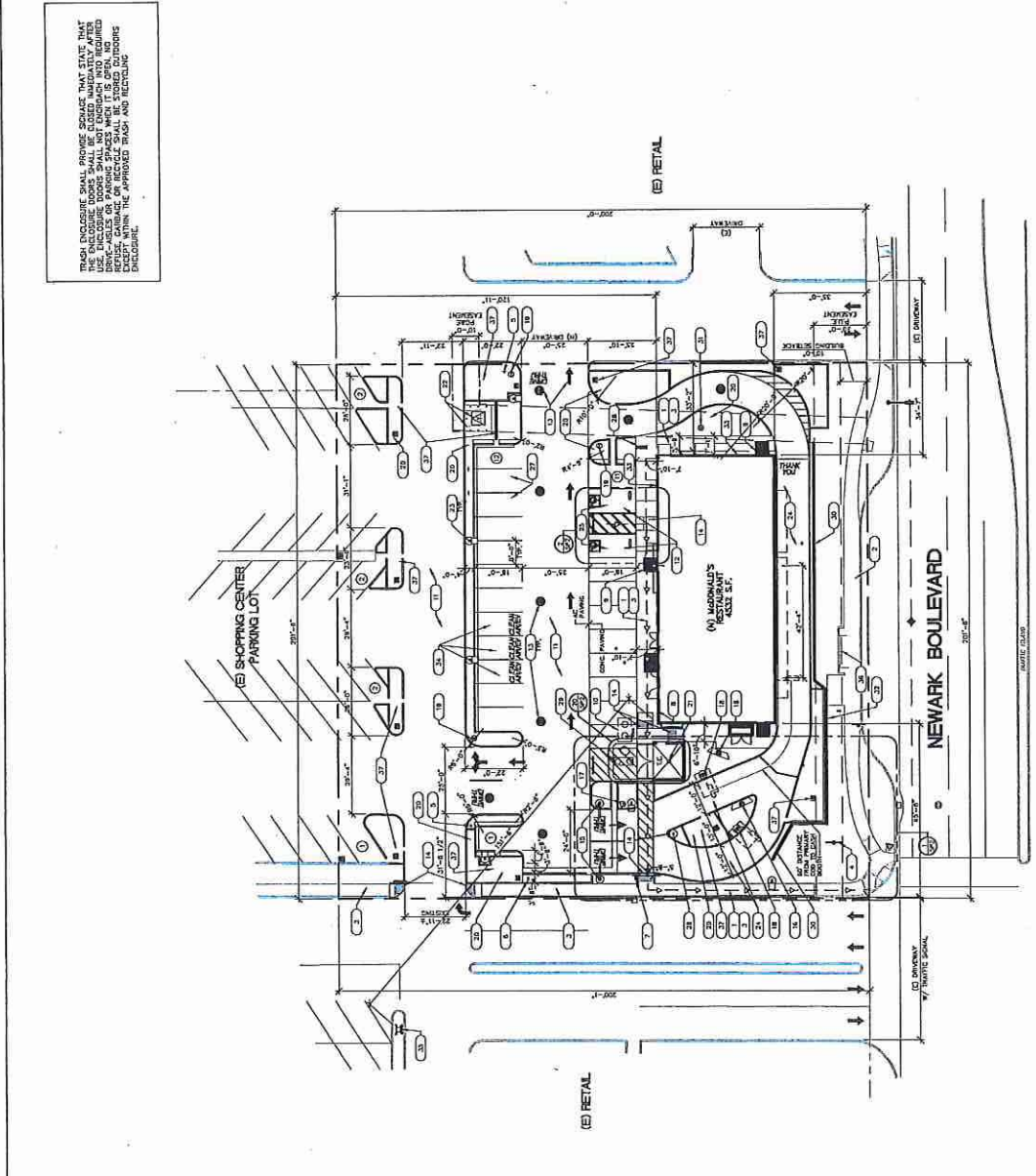
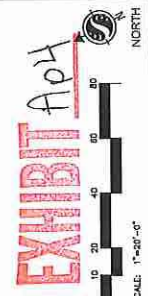
CVR

EXHIBIT Ap1









**KEYNOTES**

1. ACCESSIBLE PARKING TO PUBLIC ROADWAY SHALL BE PROVIDED AS SHOWN ON THIS PLAN. ACCESSIBLE PARKING SHALL BE PROVIDED AS SHOWN ON THIS PLAN. ACCESSIBLE PARKING SHALL BE PROVIDED AS SHOWN ON THIS PLAN.
2. PUBLIC DRIVEWAY
3. SIGNAGE SHALL BE PROVIDED AS SHOWN ON THIS PLAN. ACCESSIBLE PARKING AND THE MAIN ENTRANCE SHALL BE PROVIDED AS SHOWN ON THIS PLAN.
4. DOUBLE PAVED FOREST PAVED ACCESSIBLE SIDEWALK
5. ACCESSIBLE SIDEWALK
6. FOREST FROM ACCESSIBLE SIDEWALK
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36. FOREST FROM ACCESSIBLE SIDEWALK
37. FOREST FROM ACCESSIBLE SIDEWALK
38. FOREST FROM ACCESSIBLE SIDEWALK

**PROPOSED SITE PLAN**  
 35182 NEWARK BLVD  
 NEWARK, CA 94560

**PROJECT ARCHITECT**  
 Stantec  
 1351 N. Market Blvd.  
 Redwood City, CA 94061  
 Tel: 707.765.9939  
 Fax: 707.765.9939

**PROJECT ENGINEER**  
 M. McDonald's USA, LLC  
 2013 Wilshire Way, LLC

**DATE:** 02/14/17  
**SCALE:** AS SHOWN



SHEET NO. DT1

PROJECT TITLE  
DRIVE-THRU STACKING  
35192 NEWARK BLVD  
NEWARK, CA 94580

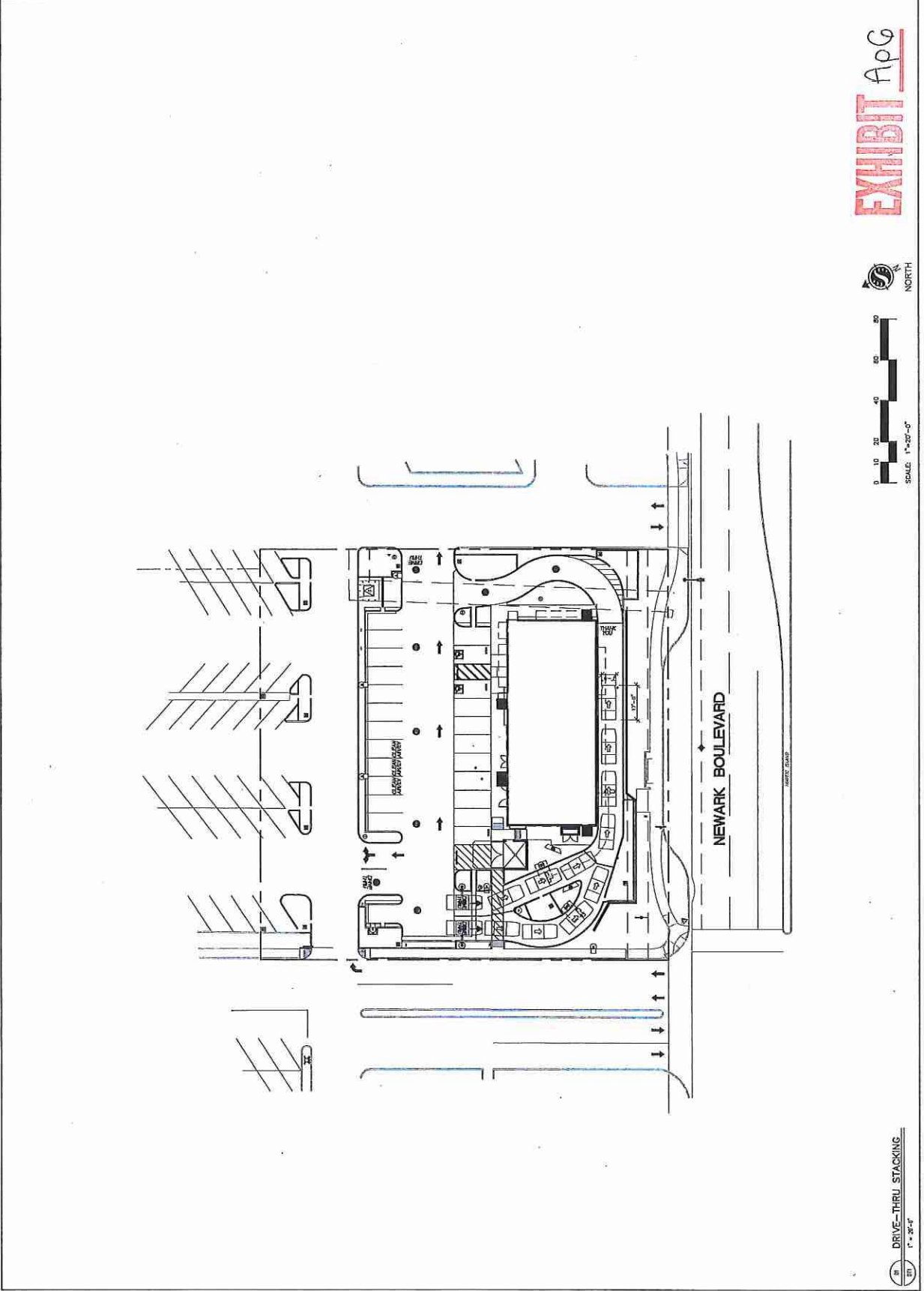
NO.	DESCRIPTION
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**M. McDonald's USA, LLC**  
0033 WILMINGTON, CA, U.S.A.  
FORWARD FOR  
THESE WORKS AND SPECIFICATIONS ARE THE PROPERTY OF  
MCDONALD'S USA, LLC AND ARE NOT TO BE REPRODUCED OR  
FORWARDED TO ANY OTHER PARTY WITHOUT THE WRITTEN  
CONSENT OF MCDONALD'S USA, LLC.

**Stantec**  
1553 N. REDWOOD BLVD. TEL: 707.765.9989  
PALMDALE, CA U.S.A. 94954 NEWARK@STANTEC.COM

KEY	DATE	DESCRIPTION	BY
02/17/17		REVISED PER CIV ENCLAW, W/0 118	

# EXHIBIT App





Non-Drive-Thru Elevation



Front Elevation

Color Legend:



Benjamin Moore #HC-77  
"Alexandria Beige"



Eurowest Brushstroke  
Series "Oyster"



Canopies: "Gold"



Eurowest Brushstroke  
Series "Oyster"



Metal-Era  
"Cityscape"



Corrugate Metal Panel  
City Scape Metal - ERA



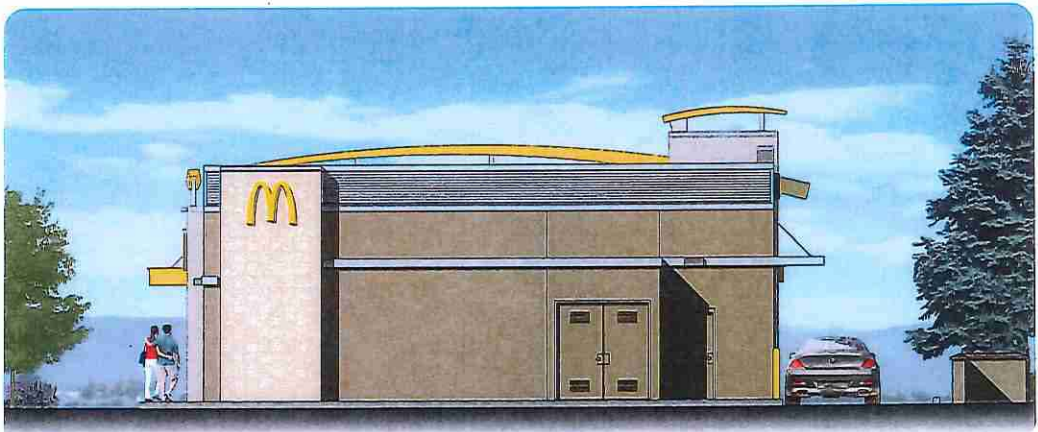
Paint to match "Oyster" tile



**EXHIBIT** Ap7  
**McDonald's**  
 35192 Newark Blvd.  
 Newark, Ca 94560



Non-Drive Elevation



Rear Elevation

Color Legend:



Benjamin Moore #HC-77  
"Alexandria Beige"



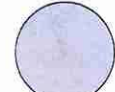
Eurowest Brushstroke  
Series "Oyster"



Canopies: "Gold"



Eurowest Brushstroke  
Series "Oyster"



Metal-Era  
"Cityscape"



Corrugate Metal Panel  
City Scape Metal - ERA



Paint to match "Oyster" tile



EXHIBIT *Ap8*

McDonald's  
35192 Newark Blvd.  
Newark, Ca 94560



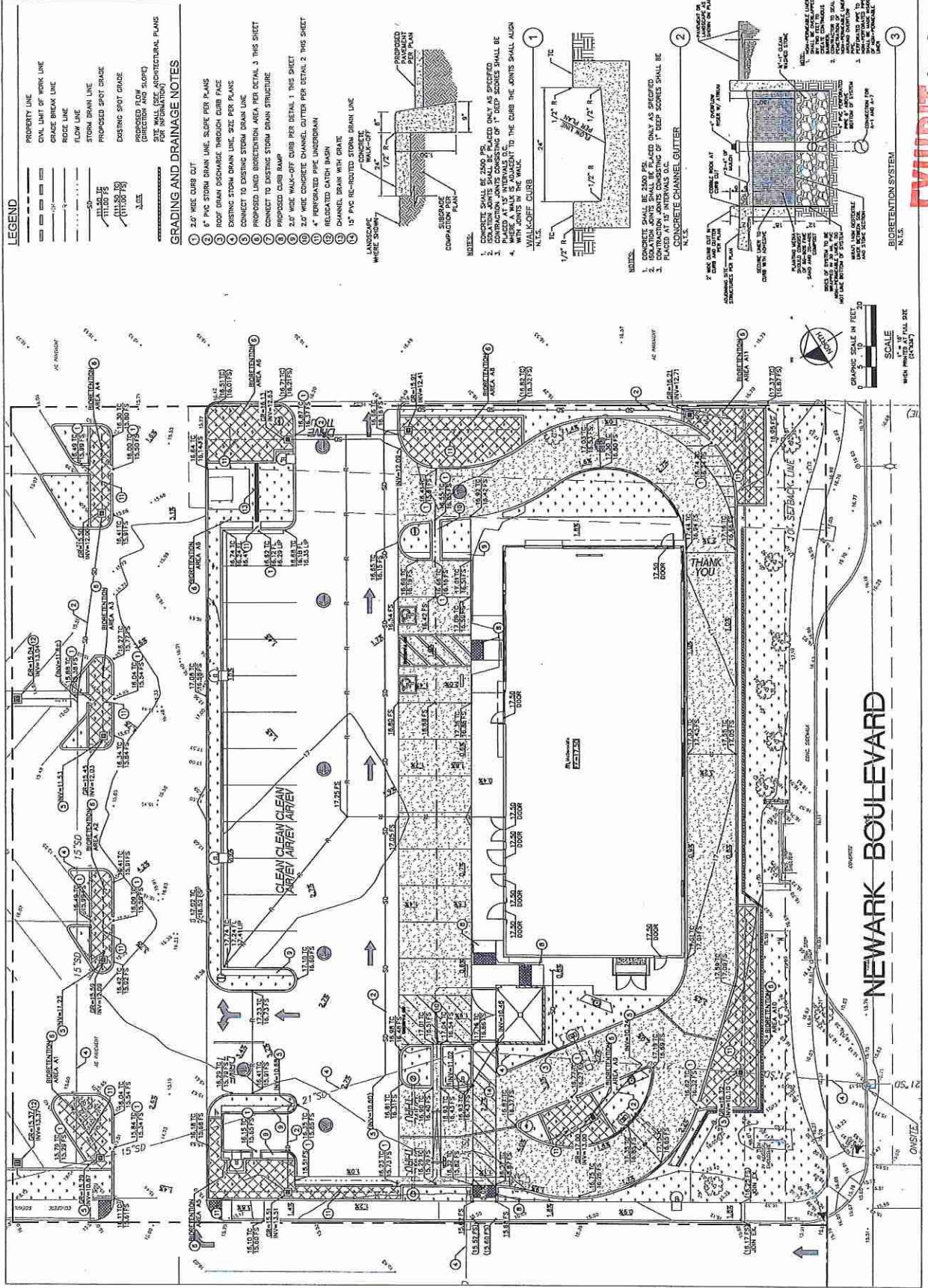
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DATE	02-01-2019
DESIGNED BY	MM
CHECKED BY	MM
DATE	02-01-2019
PROJECT NAME	35192 NEWARK BLVD
PROJECT ADDRESS	NEWARK, CA 94560
PROJECT SHEET	GRADING PLAN
DATE	02-01-2019
BY	MM
CHECKED	MM
DATE	02-01-2019



PREPARED FOR  
**M. McDonald's USA, LLC**  
0213 McDonald's USA, LLC  
1515 KENTWOOD BLVD, SUITE 200  
DUBLIN, CA 94568  
PHONE: 916-938-1020 FAX: 916-938-9128  
WWW.KIMLEY-HORN.COM

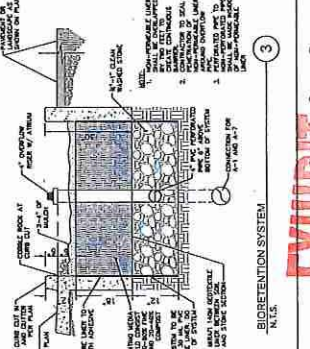
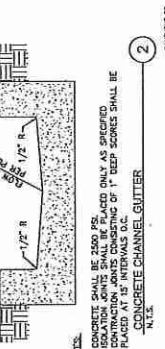
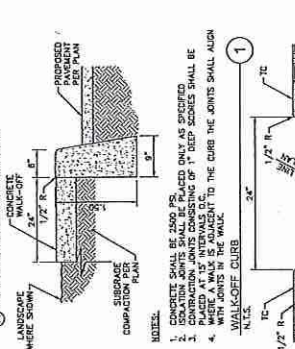
**Kimley-Horn**  
0218 KENTWOOD AND ASSOCIATES, INC.  
1515 KENTWOOD BLVD, SUITE 200  
DUBLIN, CA 94568  
PHONE: 916-938-1020 FAX: 916-938-9128  
WWW.KIMLEY-HORN.COM

REV	DATE	DESCRIPTION
01	02/01/17	REVISED FOR PERMITS
02	02/01/17	ENHANCED FINISHES
03	02/01/17	ENHANCED FINISHES
04	02/01/17	ENHANCED FINISHES
05	02/01/17	ENHANCED FINISHES
06	02/01/17	ENHANCED FINISHES
07	02/01/17	ENHANCED FINISHES



- LEGEND**
- CIVIL LIMIT OF WORK LINE
  - GRADE BREAK LINE
  - FLOW LINE
  - STORM DRAIN LINE
  - EXISTING SPOT GRADE
  - PROPOSED SPOT GRADE
  - PROPOSED FLOW SLOPE
  - ALIAS

- GRADING AND DRAINAGE NOTES**
1. 2" WIDE CURB OUT
  2. 6" PVC STORM DRAIN LINE, SLOPE PER PLANS
  3. ROOF DRAIN DISCHARGE THROUGH CURB PAVES
  4. EXISTING STORM DRAIN LINE, SIZE PER PLANS
  5. CONNECT TO EXISTING STORM DRAIN LINE
  6. PROPOSED LINED BIORETENTION AREA PER DETAIL 3 THIS SHEET
  7. CONNECT TO EXISTING STORM DRAIN STRUCTURE
  8. PROPOSED CURB RAMP
  9. 2" WIDE WALK-OFF CURB PER DETAIL 1 THIS SHEET
  10. 2" WIDE WALK-OFF CURB PER DETAIL 2 THIS SHEET
  11. 4" PERFORATED PIPE UNDERDRAIN
  12. REGULATED CATCH BASIN
  13. 15" PVC RE-DIRECTED STORM DRAIN LINE
  14. CHANNEL DRAIN WITH GRATE
  15. LANDSCAPE WALK-OFF



SCALE  
GRAPHIC SCALE IN FEET  
1" = 10'  
2" = 20'  
3" = 30'

WITH PERMITS AT FULL SIZE (GRAPHIC)

**NEWARK BOULEVARD**

**EXHIBIT A09**

PROJECT NO. 2013-111  
 PROJECT NAME: 3512 NEWARK BLVD  
 CLIENT: NEWARK, CA 94588  
 SHEET NO. UTILITY PLAN



M. McDonald's USA, LLC  
 2013 Midway USA, LLC  
 PREPARED FOR: MCDONALD'S USA, LLC  
 PROJECT NO. 2013-111  
 PROJECT NAME: 3512 NEWARK BLVD  
 CLIENT: NEWARK, CA 94588  
 SHEET NO. UTILITY PLAN

DATE: 08/27/14  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**EXHIBIT** A p10

- LEGEND**
- PROPERTY LINE
  - CIVIL LIMIT OF WORK LINE
  - PROPOSED SANITARY SEWER PIPE
  - PROPOSED STORM DRAIN PIPE
  - PROPOSED WATER PIPE
  - PROPOSED FIRE WATER PIPE
  - PROPOSED GAS PIPE
  - PROPOSED PRIMARY ELECTRICAL CONDUIT
  - PROPOSED TELECOMMUNICATIONS LINE
  - PROPOSED PERFORATED PIPE
  - PROPOSED POINT OF CONNECTION (Ø BLOB)
  - PROPOSED POINT OF CONNECTION (TO EXISTING)
  - FIRE RISK IN BUILDING MECHANICAL ROOM
  - BACKFLOW ASSEMBLY WITH FIRE DEPARTMENT CONNECTION
  - PROPOSED 30" RISE WITH THINSET BLOCK

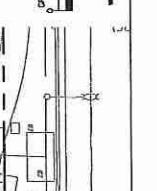
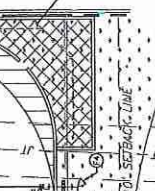
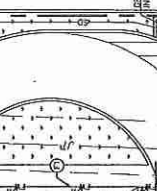
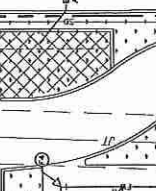
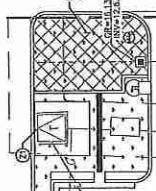
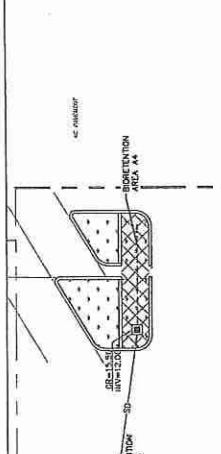
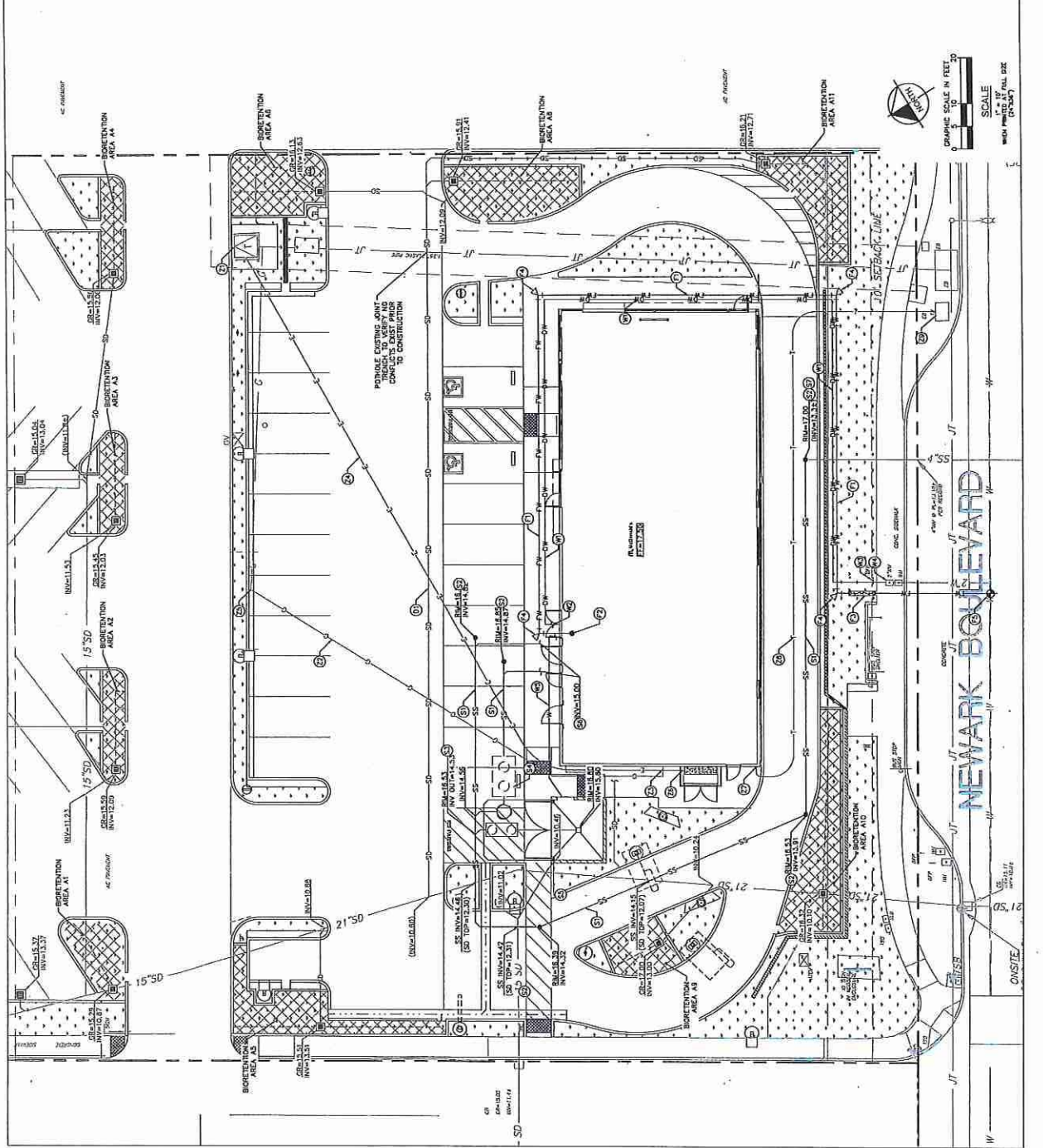
**EXISTING UTILITY NOTE**  
 THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE LATEST AVAILABLE RECORD DRAWINGS AND FIELD SURVEY DATA. THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF ANY KIND. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES SHOWN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO INSTALLATION OF ANY PIPING.

- STORM DRAIN**
- PROPOSED STORM DRAIN PIPING AND APPURTENANCES, REFER TO BRANCHED PLAN FOR DETAILED INFORMATION.
- MEP SITE UTILITIES**
- NOTE: MEP SITE UTILITIES ARE SHOWN FOR REFERENCE ONLY. REFER TO THE MECHANICAL, ELECTRICAL AND PLUMBING (MEP) CONTRACT DOCUMENTS FOR CONSTRUCTION METHODS ONLY.
- EXISTING TRANSFORMER TO REMAIN
  - PROPOSED GAS METER
  - PROPOSED GAS LINE
  - PROPOSED ELECTRICAL LINE
  - CONNECT TO EXISTING GAS LINE
  - BUILDING POINT OF CONNECTION
  - TELECOMMUNICATIONS BUILDING POINT OF CONNECTION
  - PROPOSED TELECOMMUNICATIONS LINE
  - CONNECT TO EXISTING TELECOMMUNICATIONS BOX

- SEWER**
- 4" SANITARY SEWER PIPE
  - SANITARY SEWER CLEANOUT
  - 300 GALLON SAND-OIL SEPARATOR
  - 1500 GALLON GREASE INTERCEPTOR
  - TRASH ENCLOSED DRAIN TO SANITARY SEWER
  - BUILDING POINT OF CONNECTION, INSTALL 3-WAY CLEANOUT
  - CONNECT TO EXISTING SANITARY SEWER LINE

- FIRE WATER**
- 6" FIRE WATER PIPE
  - BUILDING POINT OF CONNECTION
  - 6" DOUBLE PARTICULATE CHECK ASSEMBLY WITH FIRE DEPARTMENT CONNECTION
  - BRANCHED PLAN, TYPICAL ON ALL TESTS, WYDS, SENSORS AND VALVES
  - CONNECT TO EXISTING WATER MAIN

- DOMESTIC WATER**
- 2" DOMESTIC WATER PIPE
  - BUILDING POINT OF CONNECTION
  - CONNECT TO EXISTING DOMESTIC WATER BACKFLOW PREVENTER
  - RE-USE EXISTING WATER METER
  - 3" VARD IRRIGAIT WATER PIPE



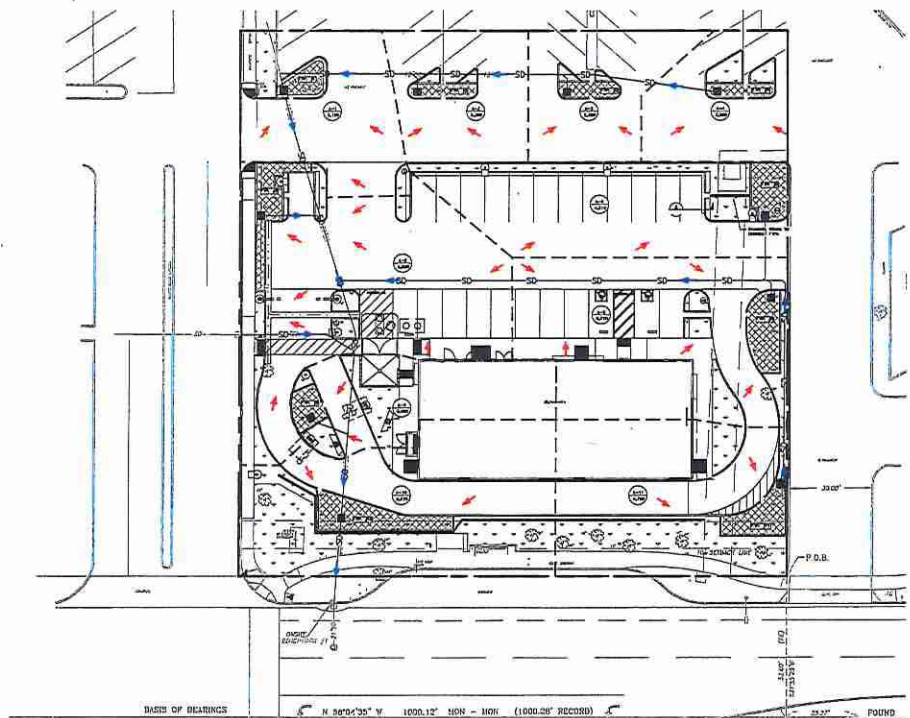


# STORMWATER CONTROL PLAN

FOR

# McDonald's USA, LLC

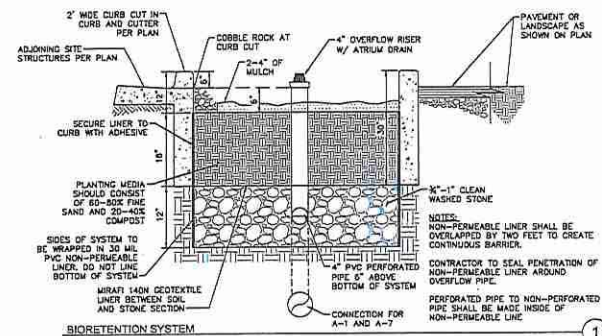
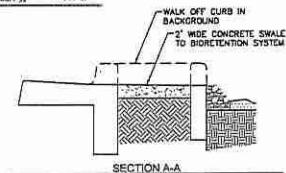
35192 NEWARK BOULEVARD  
NEWARK, CA 94560



DMA #	AREA (SF)	TREATMENT AREA—4% OF AREA (SF)	PROVIDED BIORETENTION TREATMENT AREA (SF)	TREATMENT FACILITY #
A-1	3100	124	140	FTP #1
A-2	2380	95	120	FTP #2
A-3	2320	93	120	FTP #3
A-4	2260	90	120	FTP #4
A-5	6920	277	290	FTP #5
A-6	4310	172	180	FTP #6
A-7	—	—	—	—
A-8	5770	231	250	FTP #8
A-9	2680	107	120	FTP #9
A-10	5775	231	220	FTP #10
A-11	4790	192	200	FTP #11

### LEGEND

- PROPERTY LINE
- IMPERVIOUS AREA (CONCRETE/ASPHALT/ROOF)
- LANDSCAPING
- APPROXIMATE LIMITS OF FLOW THROUGH PLANTER TREATMENT SYSTEM
- DENOTES SUBAREA DESIGNATION  
DENOTES DRAINAGE AREA IN S.F.
- DENOTES HYDROLOGY SUBAREA BOUNDARY
- PROPOSED STORM DRAIN PIPE
- PROPOSED SURFACE FLOW DIRECTION
- PROPOSED STORM DRAIN FLOW DIRECTION



**Kimley-Horn**  
© 2013 Kimley-Horn and Associates, Inc.  
1500 K STREET, N.W., SUITE 300  
FALLS CHURCH, VA 22044  
TEL: 703-441-1000 FAX: 703-441-1045  
WWW.KIMLEY-HORN.COM

PREPARED FOR:  
**McDonald's USA, LLC**  
35192 NEWARK BLVD  
NEWARK, CA 94560  
PROJECT NO: 13-0001  
SHEET NO: SWCP-1

DATE: 04/24/13

DESIGNED BY: [ ]  
CHECKED BY: [ ]  
DRAWN BY: [ ]  
CONSTRUCTION: [ ]

STORM WATER CONTROL PLAN

35192 NEWARK BLVD  
NEWARK, CA 94560

PROJECT NO: 13-0001  
SHEET NO: SWCP-1

**FYH** A011

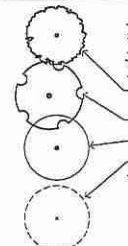


**Bay-Friendly Best Practices Checklist for Private Development**

Project Name: \_\_\_\_\_ Project Number: \_\_\_\_\_  
 Landscape Architect: \_\_\_\_\_ City License Number: \_\_\_\_\_  
 Planter Number: \_\_\_\_\_

**Checklist:**

Yes/No	Measure & Requirement
<input checked="" type="checkbox"/>	1. Mow at least every 2 weeks at 1/3 height.
<input checked="" type="checkbox"/>	2. Avoid fertilizers and pesticides.
<input checked="" type="checkbox"/>	3. Avoid and Repair Landscape Construction Waste.
<input checked="" type="checkbox"/>	4. Close and Label Plants that Grow to Hazard Size and Avoid Pruning.
<input checked="" type="checkbox"/>	5. Avoid Plant Species that are Invasive.
<input checked="" type="checkbox"/>	6. Avoid Plant Species that are Invasive.
<input checked="" type="checkbox"/>	7. Avoid Plant Species that are Invasive.
<input checked="" type="checkbox"/>	8. Avoid Plant Species that are Invasive.
<input checked="" type="checkbox"/>	9. Avoid Plant Species that are Invasive.
<input checked="" type="checkbox"/>	10. Avoid Plant Species that are Invasive.



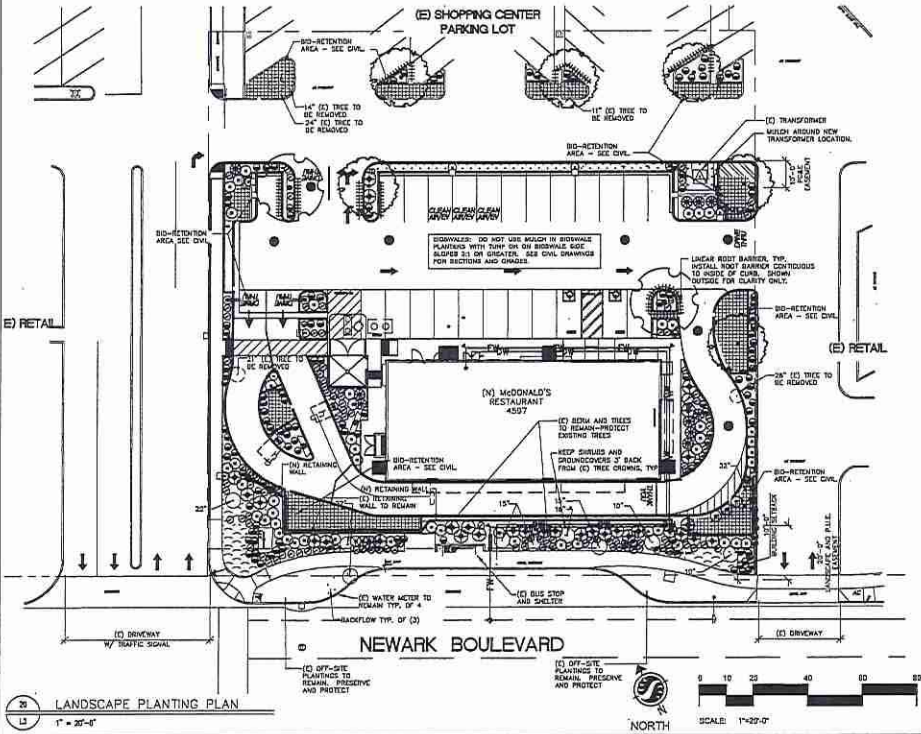
SYMBOL	SIZE	QTY.	MATURE HEIGHT	BOTANICAL NAME	WATER REQMT	COMMON NAME
<b>TREES</b>						
(Symbol)	15 GAL	5	22'	LAGERSTROEMIA INDICA 'WATERMELON RED'	L	GRAPE MYRTLE
(Symbol)	15 GAL	2	30'	ACER CIRCINATUM - STD.	L	VINE MAPLE
(Symbol)	-	-	11	-	-	EXISTING TREES TO REMAIN
(Symbol)	-	-	4	-	-	EXISTING TREES TO BE REMOVED
<b>SHRUBS, VINES AND PERENNIALS</b>						
(Symbol)	5 GAL	132	12"	DIETES IRRIDIODES	L	FORTNIGHT LILY
(Symbol)	5 GAL	10	5'	PHORMIUM TENAX	L	NEW ZEALAND FLAX
(Symbol)	5 GAL	81	30"	CISTUS X SKANBERGII	L	-
(Symbol)	5 GAL	111	3"	FESTUCA CALIFORNICA	L	RAIN RAIN ROSE
(Symbol)	5 GAL	31	3"	CALLISTEMON CITRINUS	L	DWARF BOTTLEBRUSH

(Symbol)	1 GAL	190	18"	GAILLARDIA X GRANDIFLORA	L	BLANKET FLOWER
(Symbol)	1 GAL	423	18"	ERIGERON SPECIOSUS	L	-
(Symbol)	1 GAL	402	24"	LANTANA	L	LANTANA
(Symbol)	1 GAL	2,381	18"	25% EC. CHONDROPETALUM LECTURUM, L. DISCHAMPSIA CESPITOSA HORDEUM BRACHYANTHERUM AND FESTUCA CALIFORNICA	L	-

**ROOT BARRIER:** INSTALL AT TREES (EXCEPT PALMS) PLANTED 4' OR LESS FROM CURBS, BUILDINGS, OR PAVEMENT. HOWARD WIRE CLOTH COMPANY, HAYWARD, CA. (510)877-8787 OR 24" LINEAR PLASTIC PANEL FROM DEEP ROOT OR EQUAL.

TOTAL LANDSCAPED AREA: 7,817 S.F.

\*GROUND COVERS TO EXTEND UNDER SHRUBS AND TREES WHICH IS NOT SHOWN ON THE PLAN DUE TO LEGIBILITY. CONTRACTOR TO INCLUDE SUFFICIENT PLANTS TO ACCOMPLISH THE SPACING SHOWN IN SHRUB BEDS TO WITHIN 3' OF EACH PLANTED SHRUB.



**AR TREE LANDSCAPE DOCUMENTATION - NEW PLANTS**

(1) PROJECT INFORMATION  
 PROJECT APPLICANT: INDONALDI'S  
 PROJECT ADDRESS: 33192 NEWARK BLVD, NEWARK, CA 94563  
 LANDSCAPE AREA: 7,817 S.F.  
 PROJECT TYPE: NEW AND EXISTING TO REMAIN  
 WATER EFFICIENCY: 100%  
 CLIENT CONTACT: INDONALDI'S (L.L.C.) THE DANIELS (202) 543-4000  
 PROJECT CONTACT: MCDONALD'S (202) 543-4000

(2) WATER EFFICIENT LANDSCAPE WORKSHEET

HYDRIC ZONE	VALVE #	IRRIGATION METHOD	AREA (S.F.)	% OF LANDSCAPE	PLANT FACTOR	ET/INCH
LOW (WETLANDS)	2	TRIP	787	10%	8.29	
MEDIUM	3	TRIP	787	10%	8.29	
HIGH	4	TRIP	787	10%	8.29	

**WATER BUDGET CALCULATOR**

ET/INCH	CONVERSION FACTOR	PLANT FACTOR	HYDRIC ZONE S.F.	ET/INCH	ET/INCH
4.2	4.2	8.29	787	8.29	4.2
4.2	4.2	8.29	787	8.29	4.2
4.2	4.2	8.29	787	8.29	4.2

**ESTIMATED TOTAL WATER USE (ET/INCH)**

ET/INCH	CONVERSION FACTOR	PLANT FACTOR	HYDRIC ZONE S.F.	ET/INCH	ET/INCH
4.2	4.2	8.29	787	8.29	4.2
4.2	4.2	8.29	787	8.29	4.2
4.2	4.2	8.29	787	8.29	4.2

**ET/INCH = 7.97 (1.024 G/GAL) / 79% (80%)**



**CITY SPECIFIC REQUIREMENTS**

- 50% OF THE SITE AREA TO BE LANDSCAPED WITH 50% OF THE LANDSCAPED AREA ALONG THE PUBLIC ROW.
- BAY FRIENDLY LANDSCAPE PRACTICES ARE IMPLEMENTED ON THIS SITE FOR THE LANDSCAPE RESTORATION.
- LANDSCAPED AREAS ADJACENT TO PARKING TO BE BORDERED BY A WALL OR BENCH, WALL AND BENCH PROVIDED. HEIGHT/DEPTH 18".
- LANDSCAPE TO BE PERMANENTLY MAINTAINED BY THE OWNER.
- TREE PERMIT IS REQUIRED FOR REMOVAL OF 4" TREES. SEE PLAN.
- IRRIGATION PLANS TO BE SUBMITTED AS PART OF THE LANDSCAPE DOCUMENTATION PACKAGE FOR ALL INDICATORS TO THE EXISTING IRRIGATION SYSTEM THAT ARE NECESSARY TO SATISFY THE STATE OF CALIFORNIA HOOD WATER SPECIFIC LANDSCAPE ORDINANCE REQUIREMENTS AND THE CITY OF NEWARK REQUIREMENTS.

**WATER CONSERVATION CONCEPT**

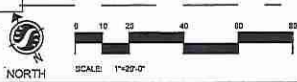
**CONCEPT STATEMENT**

OVER-SURFACE LOW-FLOW DRIP SHALL BE INSTALLED IN ALL PLANTING. IRRIGATOR SETTINGS SHALL BE EQUIPPED WITH A CONTROLLER CAPABLE OF SLOW PROGRASSING, SLOW LEAK, SCHEDULE, HAVE AUTOMATIC SHUT OFF AND REVERSE FLOW PROTECTION. IRRIGATOR SETTINGS SHALL BE AUTOMATIC SHUT-OFF TO BE PROVIDED AT 80% PLANTS ARE CALLED OUT AND PROVIDED SEPARATELY FROM THOSE WITH DIFFERENT WATER REQUIREMENTS.

**LINEAR ROOT BARRIER SPECIFIED. DO NOT USE PLASTIC BOX BARRIERS.**

**EXHIBIT A-12**

LANDSCAPE PLANTING PLAN  
 1" = 20'-0"



DATE	BY	REVISION

A1.0

FLOOR PLAN

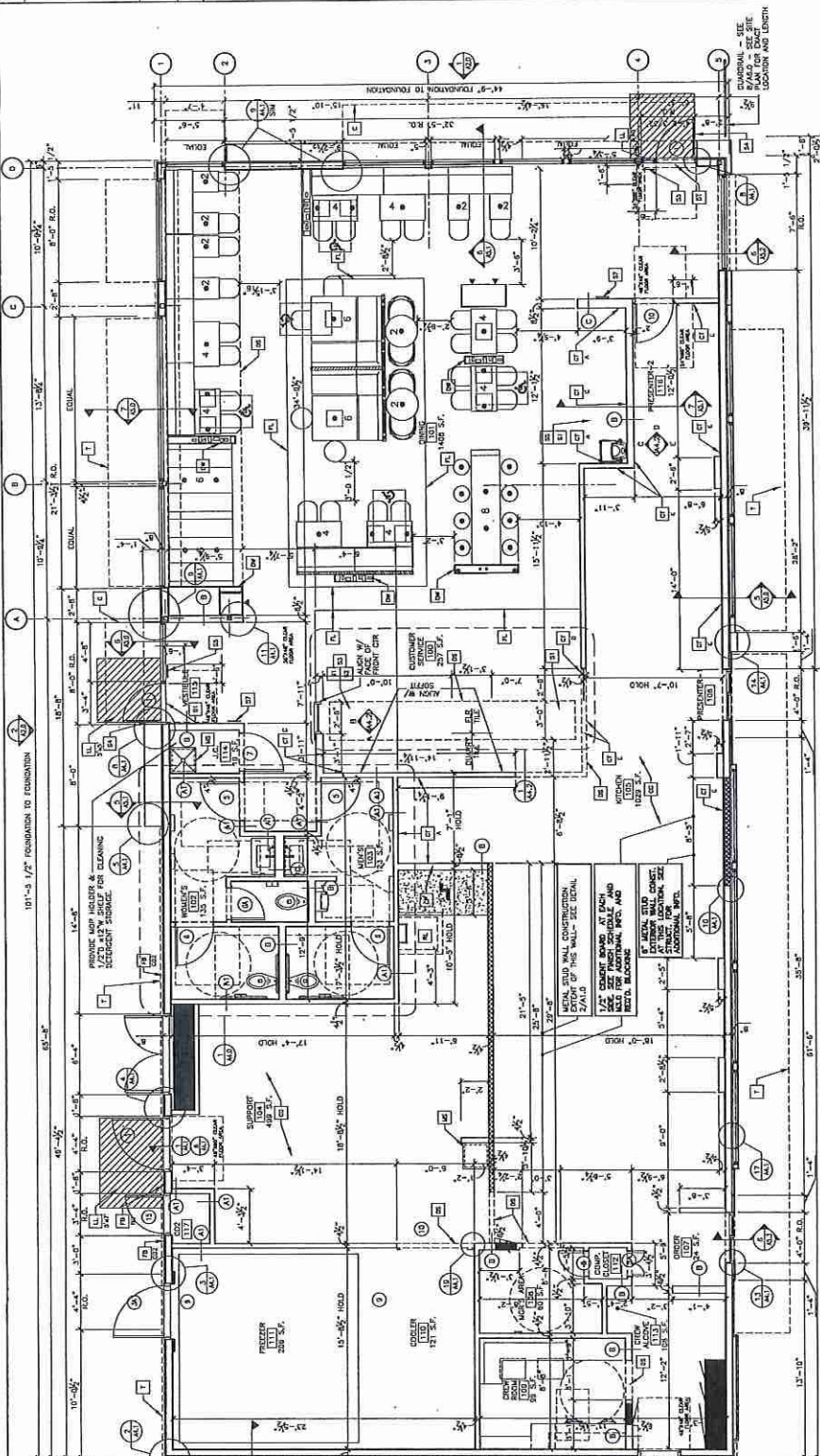
PROJECT NO. 2007-0030

35312 ENMARK BLVD  
NEWARK, CA 94560

NO.	REVISION
1	ISSUE FOR PERMITS
2	REVISED PER A1.0
3	REVISED PER A1.1
4	REVISED PER A1.2
5	REVISED PER A1.3
6	REVISED PER A1.4
7	REVISED PER A1.5

**Stantec**  
1393 N. McDevot Blvd.  
Folsom, CA U.S.A. 94554  
Tel: 916.765.9900  
Fax: 916.765.9900

PREPARED FOR: **M. McDonald's USA, LLC**  
6315 McDevot USA, LLC



KEY NOTES

- 1. ALUMINUM COMPACT SYSTEM ABOVE - SEE A1.0 FOR DETAILS
- 2. NOTE - SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA. SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA. SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA. SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA.
- 3. METAL STUD PARTITION WALL - SEE A1.0 FOR DETAILS
- 4. INTERIOR PARTITION WALL - SEE A1.0 FOR DETAILS
- 5. PARTITION TYPE - SEE A1.0 FOR DETAILS
- 6. DOOR TYPE - SEE DOOR SCHEDULE ON A1.0
- 7. ACFT NOTE

GENERAL NOTES

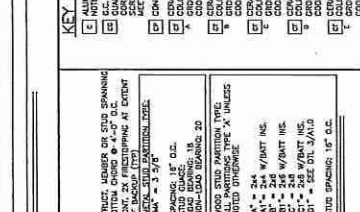
1. PARTITION TYPE - SEE A1.0 FOR DETAILS
2. INTERIOR PARTITION WALL ASSEMBLY TYPE - SEE A1.0 FOR DETAILS
3. INTERIOR PARTITION WALL ASSEMBLY TYPE - SEE A1.0 FOR DETAILS
4. SEE SCHEDULE FOR INTERIOR PARTITION WALL ASSEMBLY TYPE - SEE A1.0 FOR DETAILS
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6. SEE SCHEDULE FOR INTERIOR PARTITION WALL ASSEMBLY TYPE - SEE A1.0 FOR DETAILS
7. SEE SCHEDULE FOR INTERIOR PARTITION WALL ASSEMBLY TYPE - SEE A1.0 FOR DETAILS

SYMBOL LEGEND

- 1. PARTITION TYPE - SEE A1.0 FOR DETAILS
- 2. DOOR TYPE - SEE DOOR SCHEDULE ON A1.0
- 3. ACFT NOTE

KEY NOTES

- 1. ALUMINUM COMPACT SYSTEM ABOVE - SEE A1.0 FOR DETAILS
- 2. NOTE - SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA. SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA. SEE ROOF PLAN FOR DIMENSIONS, STEEL CORNER GUARDS AT ALL EXPOSED LOCATIONS IN INTERIOR/EXTERIOR AREA.
- 3. METAL STUD PARTITION WALL - SEE A1.0 FOR DETAILS
- 4. INTERIOR PARTITION WALL - SEE A1.0 FOR DETAILS
- 5. PARTITION TYPE - SEE A1.0 FOR DETAILS
- 6. DOOR TYPE - SEE DOOR SCHEDULE ON A1.0
- 7. ACFT NOTE



1. INTERIOR PARTITION 3/4" x 1/2"
2. INTERIOR PARTITION 3/4" x 1/2"

**EXHIBIT A1.0**

EXTERIOR ELEVATIONS

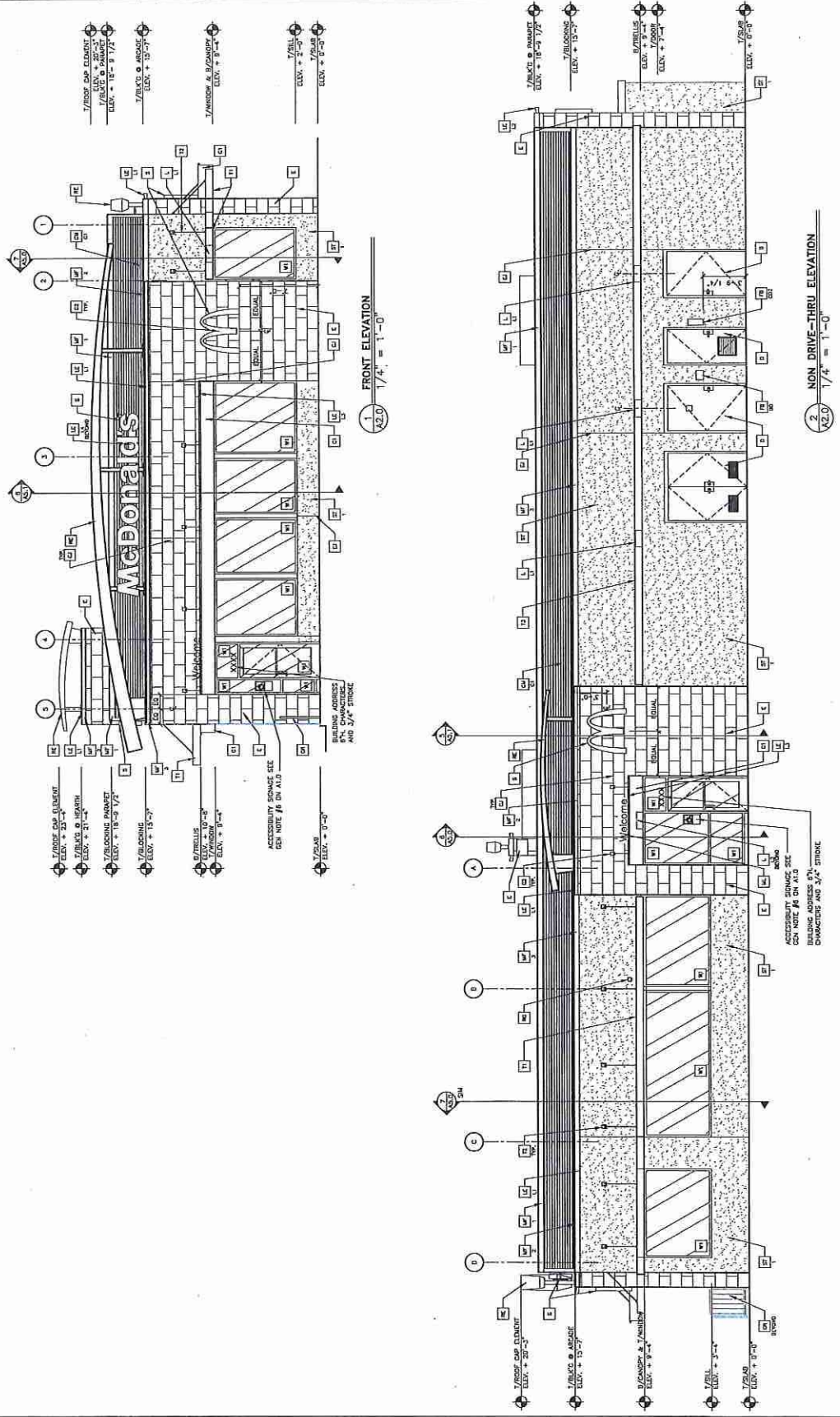
35192 NEWARK BLVD  
NEWARK, CA 94580

DATE	11/11/11
SCALE	AS SHOWN
PROJECT NO.	11-0001
CLIENT	W. McDonald's USA, LLC
DESIGNER	Stantec

**W. McDonald's USA, LLC**  
0013 Midway, USA, LLC  
1381 N. Midway Blvd.  
Folsom, CA USA 94601  
Tel: 207.765.9508  
www.stantec.com

**Stantec**

REV	DATE	DESCRIPTION



**KEY NOTES:**

- 1. LIGHT TANSIC PANEL SOURCE - SEE ELECTRICAL
- 2. LIGHT TANSIC PANEL SOURCE - SEE ELECTRICAL
- 3. LIGHT TANSIC PANEL SOURCE - SEE ELECTRICAL
- 4. LIGHT TANSIC PANEL SOURCE - SEE ELECTRICAL
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- 100. LIGHT TANSIC PANEL SOURCE - SEE ELECTRICAL

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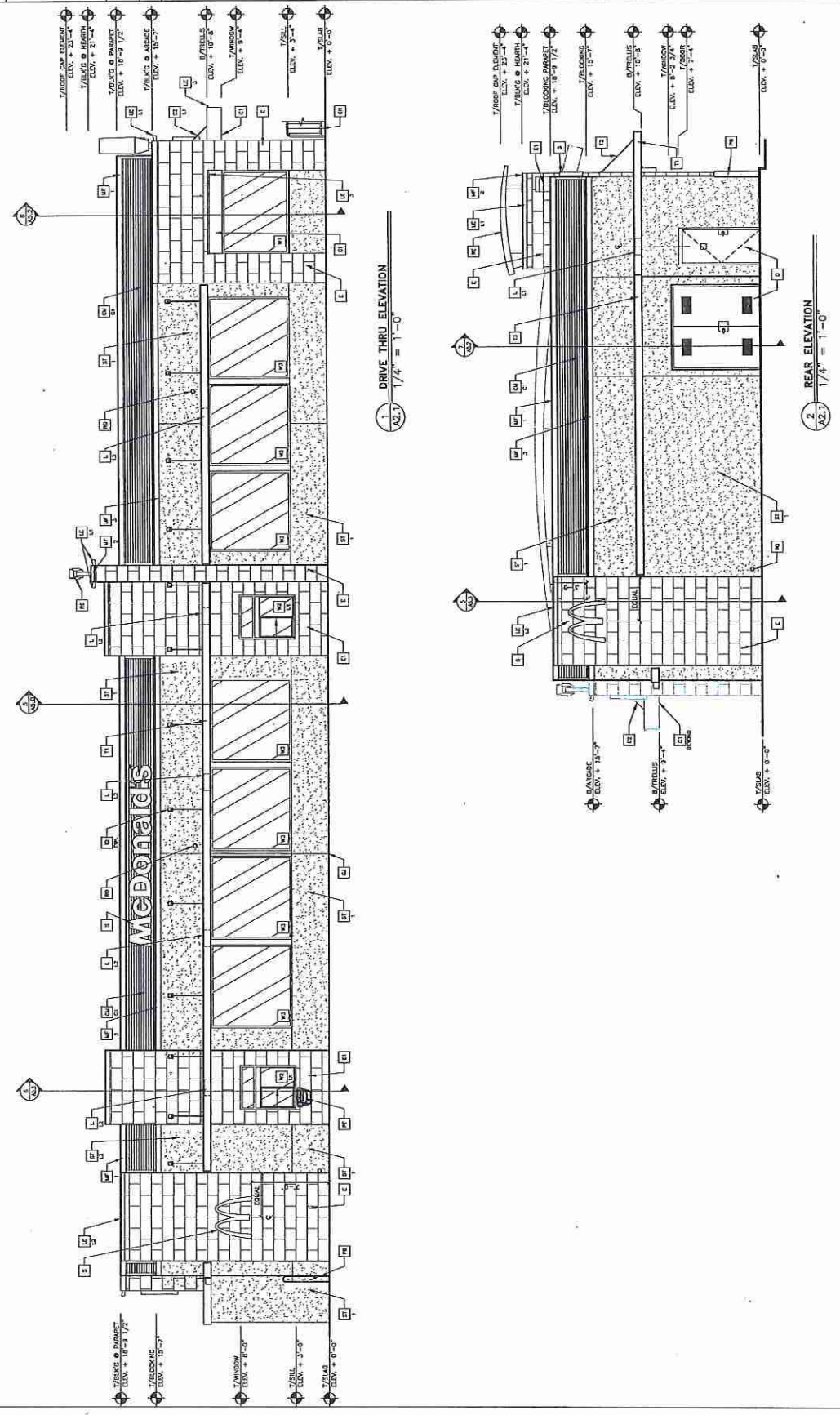
EXTERIOR ELEVATIONS  
33192 NEWARK BLVD  
NEWARK, CA 94580

PROJECT NO.	1383 N. WILSON BLVD
DATE	07/21/12
SCALE	AS SHOWN
DESIGNER	STANTEC
CHECKED	
APPROVED	

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Palo Alto, CA U.S.A. 94304  
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www.stantec.com

REV	DATE	DESCRIPTION
01	07/21/12	ISSUED FOR CITY COUNCIL MEETING

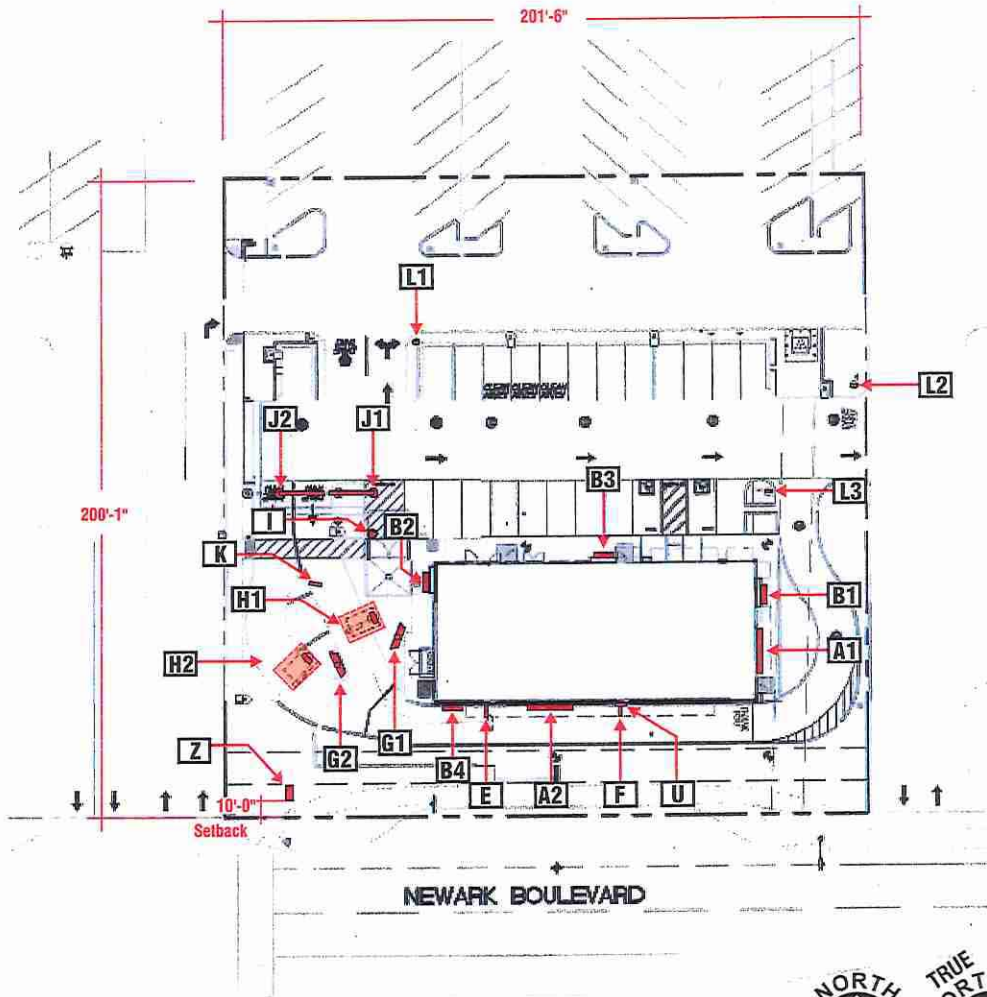


- KEY NOTES:**
- 1 ALUMINUM CHAMPY SYSTEM (MATERIAL: 6061)
  - 2 CONTROL GLAZING
  - 3 CONTROL GLAZING - SEE ELECTRICAL
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  - 100 CONTROL GLAZING - SEE ELECTRICAL

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SIGN SCHEDULE - McDONALD'S SIGNAGE					
NO.	DESCRIPTION	ILLUM.	AREA	QUANT.	TOTAL
A	CHANNEL LETTERS	Y	32.8	2	65.6
B	CHANNEL ARCH	Y	14.0	4	56.0
C					
D	"WELCOME" LETTERS	N	3.0	2	--
E	WINDOW BANNER	N	--	1	--
F	WINDOW BANNER	N	--	1	--
G	O.P.O. MENUBOARD	Y	40.0	2	--
H	C.O.D. CANOPY SIGN	Y	--	2	--
I	O.P.O. PRESELL	Y	--	1	--
J	GATEWAY CLEARANCE SIGN	N	--	2	--
K	BOLLARD	N	--	1	--
L	DIRECTIONAL	Y	--	3	--
U	ADDRESS	N	--	1	--
Z	MONUMENT	Y	25.0	1	25.0
TOTAL SQ. FOOTAGE =					146.6



MAXIMUM SIGNAGE ALLOWED:  
201'-6" X 10'-0" 201.5 SQUARE FEET ALL SIGNS

1 SITE PLAN  
Scale: N.T.S.

EXHIBIT A-17



1700 West Anaheim Street  
Long Beach, California  
90813-1135  
Phone: 562.496.3808  
Facsimile: 562.435.1867  
www.superiorsigns.com

Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun

Designer:  
L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

Revisions:  
R1 07/13/16 LR Add min., show property lines, add address #s, & one directional (2.75)  
R2 11/08/16 LR Now elev. & lower signs (2.75)  
R3 11/10/16 LR Move sign B2 up (.5)  
R4 02/08/16 LR New site plan (.75)

APPROVALS

FOR JOB CHECK DATE  
Acct. Mgr.

FOR CONSTRUCTION DATE  
Acct. Mgr.

Design  
Production  
FOR INSTALL ONLY DATE  
Acct. Mgr.

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Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun

Designer:  
L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

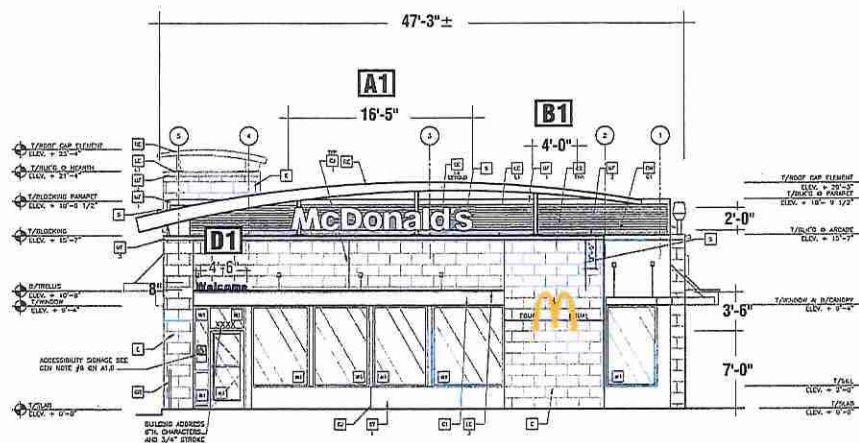
Revisions:  
R1 07/13/16 LR Add man., show property lines, add address #'s, & one directional (2.75)  
R2 11/08/16 LR New elev. & lower signs (2.75)  
R3 11/10/16 LR Move sign B2 up (.5)  
R4 03/08/16 LR New site plan (.75)

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Design	
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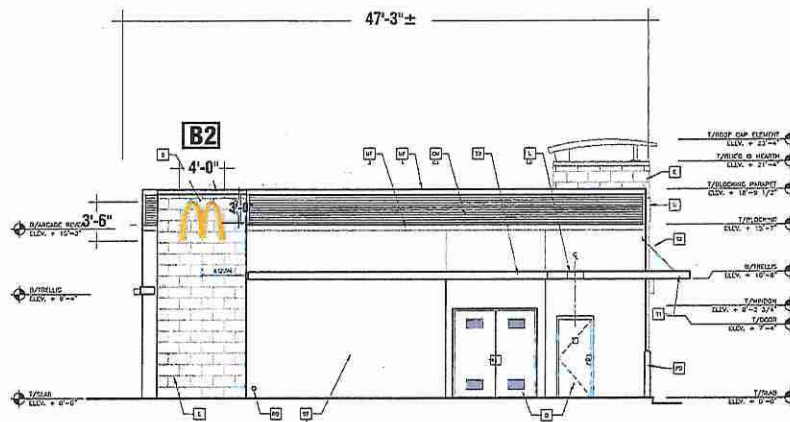
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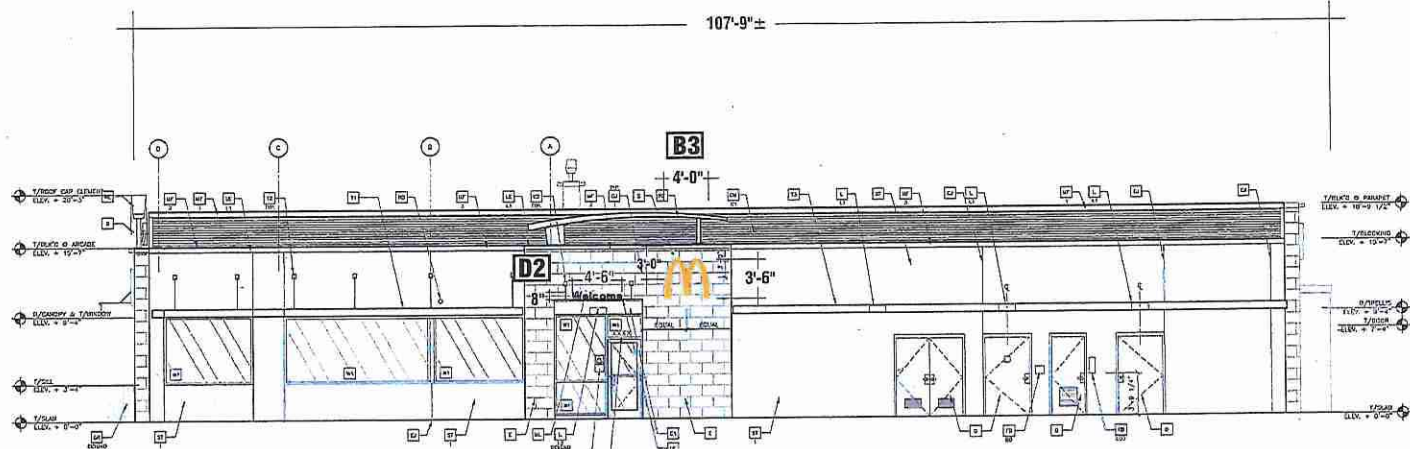
1 FRONT ELEVATION - EAST  
Scale: 3/32" = 1'-0"



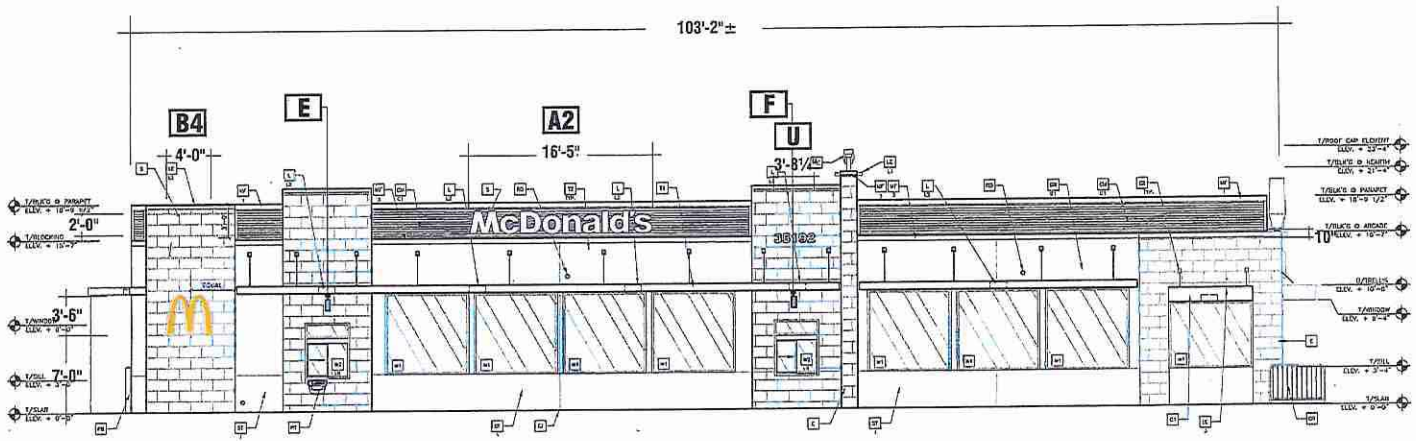
2 REAR ELEVATION - WEST  
Scale: 3/32" = 1'-0"

EXHIBIT A p18





3 NON-DRIVE THRU ELEVATION - NORTH  
Scale: 3/32" = 1'-0"



4 DRIVE THRU ELEVATION - SOUTH  
Scale: 3/32" = 1'-0"



**superior**  
electrical advertising

1700 West Anaheim Street  
Long Beach, California  
90813-1195  
Phone: 562.495.3808  
Facsimile: 562.435.1867  
www.superiorsigns.com

Project:  
McDonald's

Address:  
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L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

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R3 11/10/16 LR Move sign B2 up (.5)  
R4 03/09/18 LR New site plan (.75)

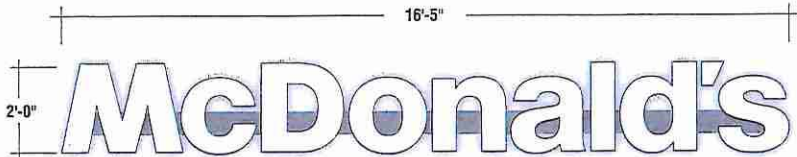
APPROVALS

FOR JOB CHECK	DATE
Acct. Mgr.	
FOR CONSTRUCTION	DATE
Acct. Mgr.	
Design	
Production	
FOR INSTALL ONLY	DATE
Acct. Mgr.	

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EXHIBIT Ap19



**A1 A2** LED ILLUMINATED CHANNEL LETTERS / ELECTRICAL CHANNEL SUPPORT 32.8 Sq. Ft.  
 Quantity: Two (2) Required Scale: 3/8" = 1'-0"

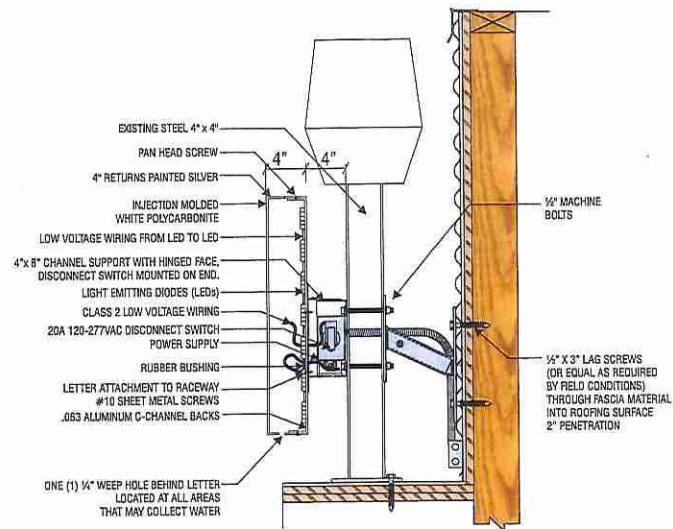
**SPECIFICATIONS:**

LETTERS: INJECTION MOLDED WHITE POLYCARBONITE  
 RETURNS: OPAQUE SILVER  
 ILLUMINATION: WHITE LED'S  
 CHANNEL SUPPORT: 4" x 8" ALUMINUM CONSTRUCTION PAINTED SILVER  
 POWER REQ: 1.6 AMPS  
 NOTE:

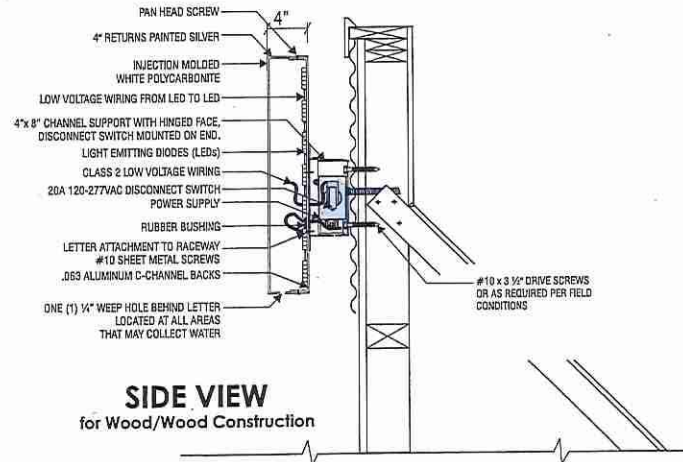
**Note to All Contractors**

**120 Sign Voltage**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL Listed silicone sealant.



**A1** CHANNEL LETTER / ELECTRICAL CHANNEL SUPPORT - COLUMN ATTACHMENT  
 Scale: 1" = 1'-0"



**SIDE VIEW**  
 for Wood/Wood Construction

**A2** CHANNEL LETTER - CORRUGATED METAL WALL ATTACHMENT  
 Scale: n.t.s

**superior**  
 electrical advertising  
 1700 West Anaheim Street  
 Long Beach, California  
 90813-1195  
 Phone: 562.495.3988  
 Facsimile: 562.435.1867  
 www.superiorsigns.com

Project:  
 McDonald's

Address:  
 35192 Newark Blvd.,  
 Newark, CA

Account Manager:  
 Mike Rathbun

Designer:  
 L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

Revisions:  
 R1 07/15/16 LR Add mon., show property lines, and address #'s, & one directional (2.75)  
 R2 11/08/16 LR Now elev. & lower signs (2.75)  
 R3 11/10/16 LR Move sign B2 up (.5)  
 R4 03/06/16 LR New site plan (.75)

**APPROVALS**

FOR JOB CHECK DATE

Acct. Mgr.

FOR CONSTRUCTION DATE

Acct. Mgr.

Design

Production

FOR INSTALL ONLY DATE

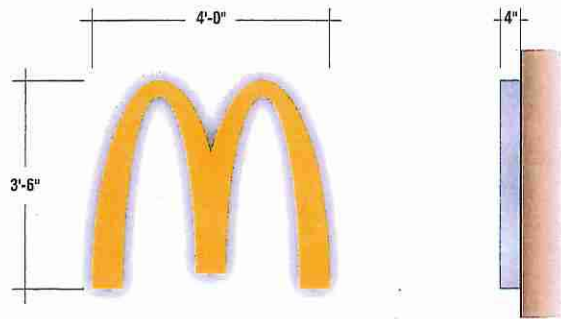
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**FXHIRIT** Ap20



**B1 B2**  
**B3 B4**

**LED ILLUMINATED CHANNEL LOGO**

Quantity: Four (4) Required

14.0 Sq. Ft.

Scale: 1/2" = 1'-0"

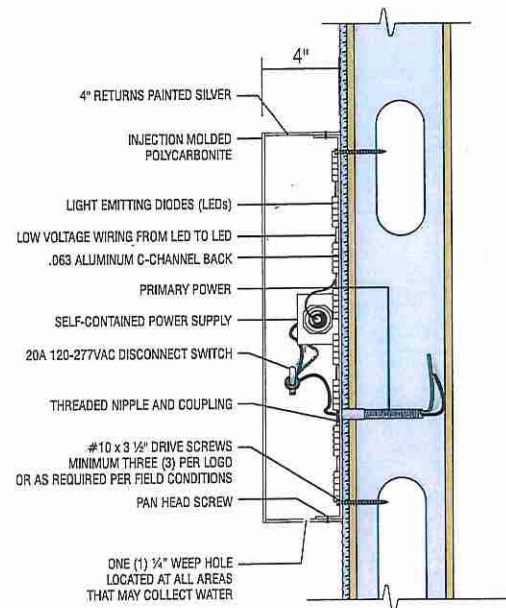
**SPECIFICATIONS:**

LOGO: INJECTION MOLDED YELLOW POLYCARBONITE  
 RETURNS: OPAQUE POLYCARBONITE PAINTED SILVER  
 ILLUMINATION: WHITE LED'S  
 POWER REQ: 1.3 AMPS  
 NOTE:

**Note to All Contractors**

**120 Sign Voltage**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL Listed silicone sealant.



**1 TYPICAL SECTION DETAIL - SELF-CONTAINED BUILDING LOGO**  
 Scale: n.t.s



Project:  
 McDonald's

Address:  
 35192 Newark Blvd.,  
 Newark, CA

Account Manager:  
 Mike Rathbun

Designer:  
 L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

Revisions:  
 R1 07/13/16 LR Add mon., show property lines, add address #s, & one directional (2.75)  
 R2 11/08/16 LR New elev. & lower signs (2.75)  
 R3 11/10/16 LR Move sign B2 up (.5)  
 R4 03/09/16 LR New site plan (.75)

**APPROVALS**

FOR JOB CHECK DATE

Acct. Mgr.

FOR CONSTRUCTION DATE

Acct. Mgr.

Design

Production

FOR INSTALL ONLY DATE

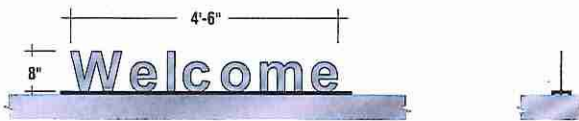
Acct. Mgr.

Page: 06 Of: 11

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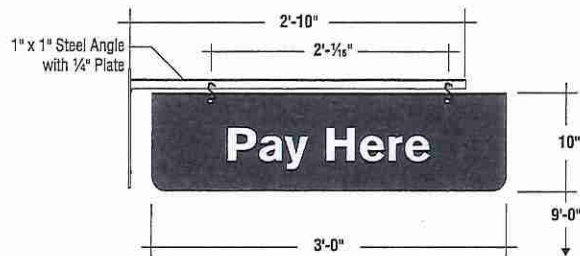
**FYHIRIT** Ap21



**D1 D2** **NON-ILLUMINATED FREESTANDING FLAT CUT OUT LETTERS** 3.0 Sq. Ft.  
 Quantity: Two (2) Required Scale: 1/2" = 1'-0"

**SPECIFICATIONS:**

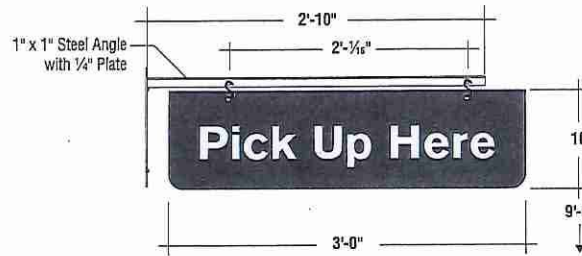
- **LETTERS:** FLAT CUT OUT ALUMINUM PAINTED BLACK WITH GRAY VINYL INSET ON FACE
- **RAIL:** ALUMINUM PAINTED BLACK MOUNTED TO AWNING SUPPORT WITH 1/4 -20 SELF DRILLING SCREWS FOUR (4) PLACES



**E** **SINGLE FACE NON-ILLUMINATED WINDOW POSITION PANEL W/MOUNTING BRACKET** 2.49 Sq. Ft.  
 Quantity: One (1) Required Scale: 1" = 1'-0"

**SPECIFICATIONS:**

- **PIGMENTED ABS TO MATCH PMS #425C WITH SCREENED WHITE COPY**
- **TWO (2) STAINLESS STEEL S-HOOKS AT TOP SO TO CONNECT TO EYEBOLTS ABOVE**
- **MOUNTING BRACKET: 1" X 1" STEEL ANGLE AND PLATE PAINTED BLACK**



**F** **SINGLE FACE NON-ILLUMINATED WINDOW POSITION PANEL W/MOUNTING BRACKET** 2.49 Sq. Ft.  
 Quantity: One (1) Required Scale: 1" = 1'-0"

**SPECIFICATIONS:**

- **PIGMENTED ABS TO MATCH PMS #425C WITH SCREENED WHITE COPY**
- **TWO (2) STAINLESS STEEL S-HOOKS AT TOP SO TO CONNECT TO EYEBOLTS ABOVE**
- **MOUNTING BRACKET: 1" X 1" STEEL ANGLE AND PLATE PAINTED BLACK**



Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
**Mike Rathbun**

Designer:  
**L. Ramirez** 3.50

Scale: **AS NOTED**

Design No.: **16-07-2011-04 P**

Date: **07.01.16**

Reg. No.:

Revisions:  
R1 07/13/16 LR Add mon., show property lines, add address #s, & orientation (2.75)  
R2 11/08/16 LR New elev. & lower signs (2.75)  
R3 11/10/16 LR Move sign B2 up (L5)  
R4 03/06/16 LR New site plan (75)

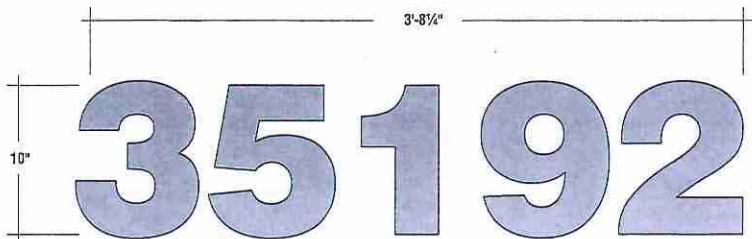
APPROVALS	
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Production	
FOR INSTALL ONLY	DATE
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**EXHIBIT** *Ap22*



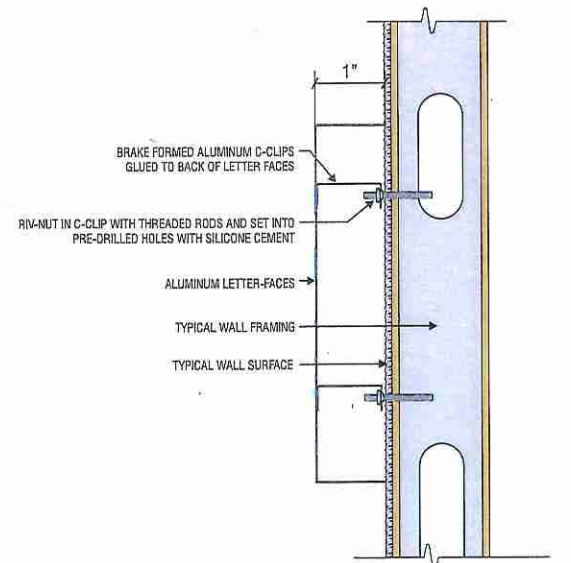
**U CUSTOM FABRICATED NON-ILLUMINATED ADDRESS NUMBERS**

Quantity: One (1) Required

Scale: 1 1/2" = 1'-0"

**SPECIFICATIONS:**

- NUMBERS: 1" DEEP NON-ILLUMINATED ALUMINUM REVERSE CHANNEL ADDRESS NUMBERS.  
.063" RETURNS & .080" FACES TO MATCH BRUSH ALUMINUM



**1** TYPICAL SECTION DETAIL  
SCALE: NTS

**superior**  
electrical advertising  
1700 West Anaheim Street  
Long Beach, California  
90811-1195  
Phone: 562.495.3808  
Facsimile: 562.435.1867  
www.superiorsigns.com

Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun

Designer:  
L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

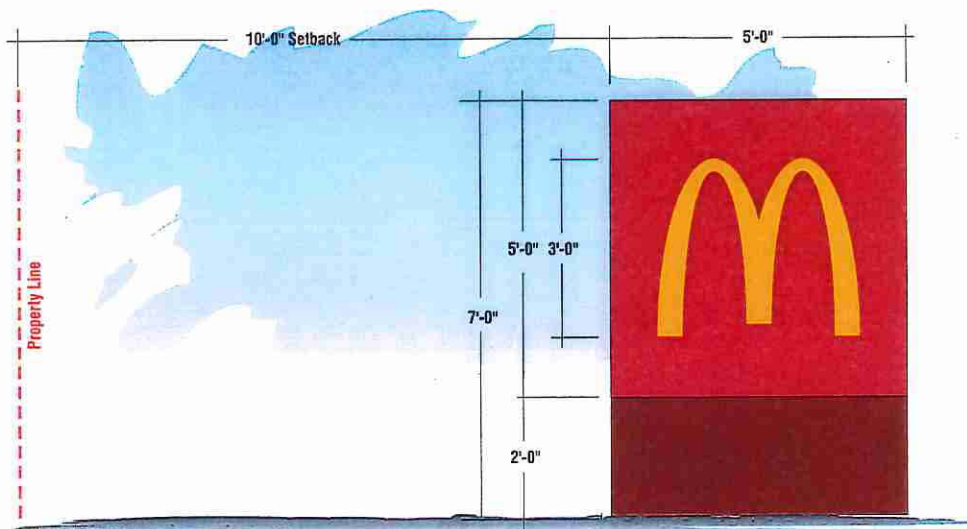
- Revisions:
- R1 07/13/16 LR Add mon., show property lines, add address #'s, & one directional (2.75)
  - R2 11/08/16 LR New elev. & lower signs (2.75)
  - R3 11/10/16 LR Move sign B2 up (L5)
  - R4 03/08/16 LR New site plan (.75)

APPROVALS	
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FOR CONSTRUCTION	DATE
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**EXHIBIT** Ap03



1 EXISTING DOUBLE FACE MONUMENT (7'-0" o.a.h. x 5'-0" / 25.0 Sq. Ft.)  
Scale: n.t.s

**Z NEW D/F ILLUMINATED CABINET AND SHROUD FOR EXISTING PIPE SUPPORT**  
Quantity: Two (2) Faces Required

Sq. Ft. = 25.0  
Scale: 1/2" = 1'-0"

**SPECIFICATIONS:**

- CABINET:** CUSTOM FABRICATED ALUMINUM PAINTED McDONALD'S RED (PMS #1795C)
- FACES:** .125 ALUMINUM PAINTED McDONALD'S RED (PMS #1795C) ROUTED OUT FOR ARCH
- ARCH:** VACUUM FORMED SABIC YELLOW LEXAN
- ILLUMINATION:** WARM WHITE LED'S
- SHROUD:** .063 ALUMINUM PAINTED BENJAMIN MOORE "EARTHY RUSSET" WITH FINE STUCCO FINISH

**NOTE:** JOB CHECK REQUIRED BEFORE FABRICATION  
REMOVE AND JUNK FENCE AROUND EXISTING SIGN



2 PROPOSED NEW CABINET AND SHROUD FOR EXISTING PIPE SUPPORT  
Scale: n.t.s

**superior**  
electrical advertising  
1700 West Anaheim Street  
Long Beach, California  
90813-1195  
Phone: 562.495.3808  
Facsimile: 562.435.1867  
www.superiorsigns.com

Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun

Designer:  
L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

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  - R3 11/10/16 LR Move sign B2 up (.5)
  - R4 03/08/16 LR New site plan (.75)

**APPROVALS**

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Acct. Mgr.

Design

Production

FOR INSTALL ONLY DATE

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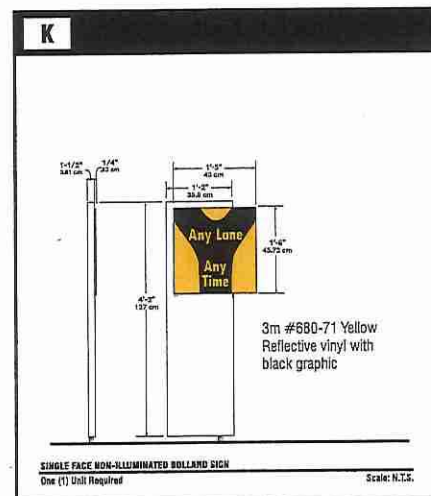
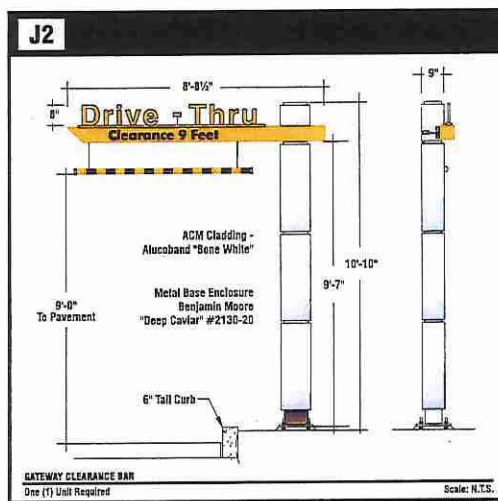
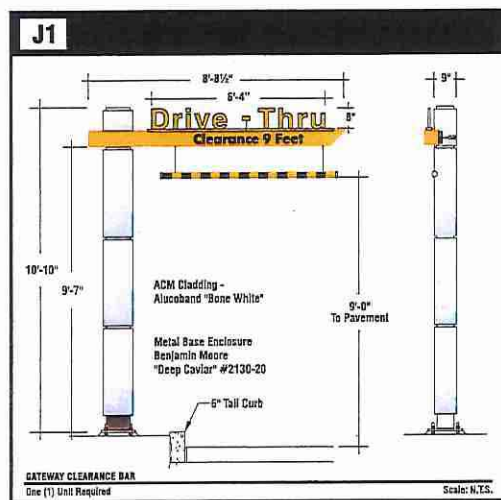
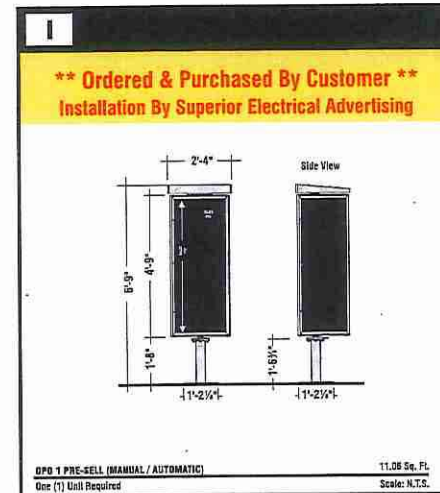
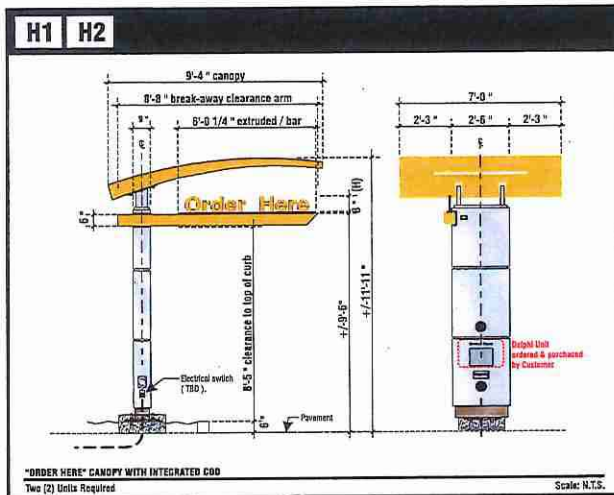
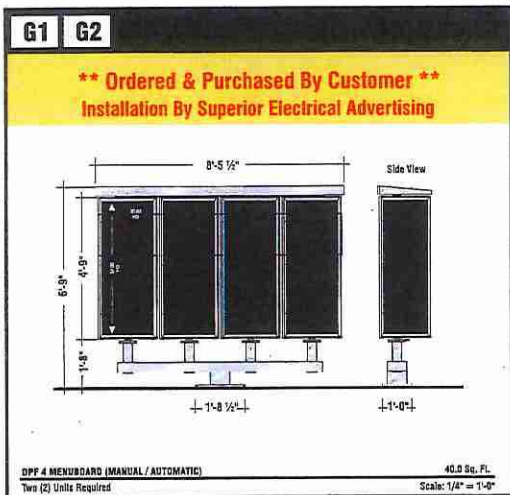
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**EXHIBIT** Ap24

**\*\* ALL FOOTINGS BY THE GENERAL CONTRACTOR \*\***  
(for signs on this page)



Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun

Designer:  
L. Ramirez 3.50

Scale: AS NOTED

Design No.: 16-07-2011-04 P

Date: 07.01.16

Reg. No.:

Revisions:  
R1 07/13/16 LR Add man., show property line, add address #s. & one directional (2/75)  
R2 11/08/16 LR Now elev. & lower signs (2/75)  
R3 11/10/16 LR Move sign B2 up (.5)  
R4 03/06/16 LR New site plan (.75)

**APPROVALS**

FOR JOB CHECK DATE

Acct. Mgr.

FOR CONSTRUCTION DATE

Acct. Mgr.

Design

Production

FOR INSTALL ONLY DATE

Acct. Mgr.

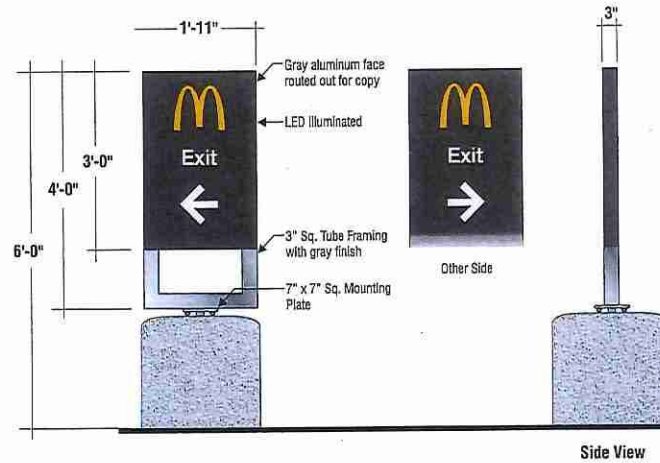
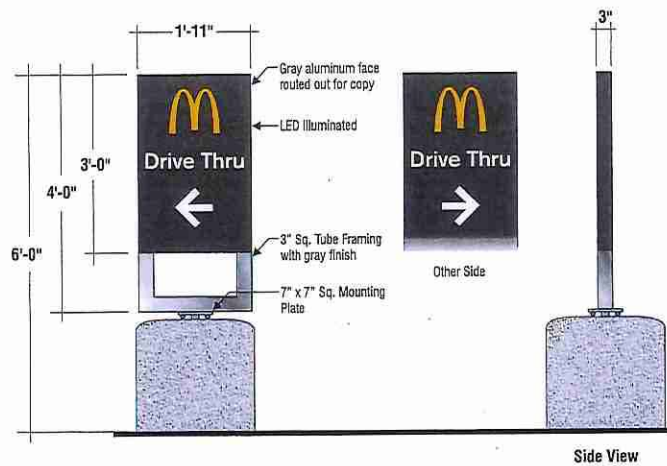
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**EXHIBIT** Ap25

**\*\* ALL FOOTINGS BY THE GENERAL CONTRACTOR \*\***  
(for signs on this page)



**L1 L2** NEW LED ILLUMINATED DOUBLE FACE DIRECTIONAL  
Quantity: Two (2) Required

Sq. Ft. 5.73  
Scale: 1/2" = 1'-0"

**L3** NEW LED ILLUMINATED DOUBLE FACE DIRECTIONAL  
Quantity: One (1) Required

Sq. Ft. 5.73  
Scale: 1/2" = 1'-0"

**Note to All Contractors**

**120** Sign Voltage

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. All wall penetrations to be sealed with UL Listed silicone sealant.



Project:  
McDonald's

Address:  
35192 Newark Blvd.,  
Newark, CA

Account Manager:  
Mike Rathbun  
Designer:  
L. Ramirez 3.50  
Scale: AS NOTED  
Design No.: 16-07-2011-04 P  
Date: 07.01.16  
Reg. No.:

Revisions:  
R1 07/13/16 L.R. Add man., show property lines, add address #s, & one directional (2.75)  
R2 11/08/16 L.R. New elev. & lower signs (2.75)  
R3 11/01/16 L.R. Move sign B2 up (.5)  
R4 03/08/18 L.R. New site plan (.75)

APPROVALS	
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Page: 11	Of: 11

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**EXHIBIT** Apag



---

To: McDonald's USA LLC                      From: Stantec Consulting Services Inc.

File: 35192 Newark Blvd, Newark CA      Date: May 19, 2017

---

**Reference: Preliminary Traffic Study for the New Proposed Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark**

## **INTRODUCTION**

McDonald's has been one of the most famous and busiest fast food restaurant chain across the United States. Drive through or Drive-Thru, as most fast food restaurant chains call, has been an intricate part of their daily operations. Drive-thru facilities are perceived as time-savers and as a convenience to the physically challenged, elderly, parents with young children, and as a way to avoid going out into inclement weather<sup>1</sup>.

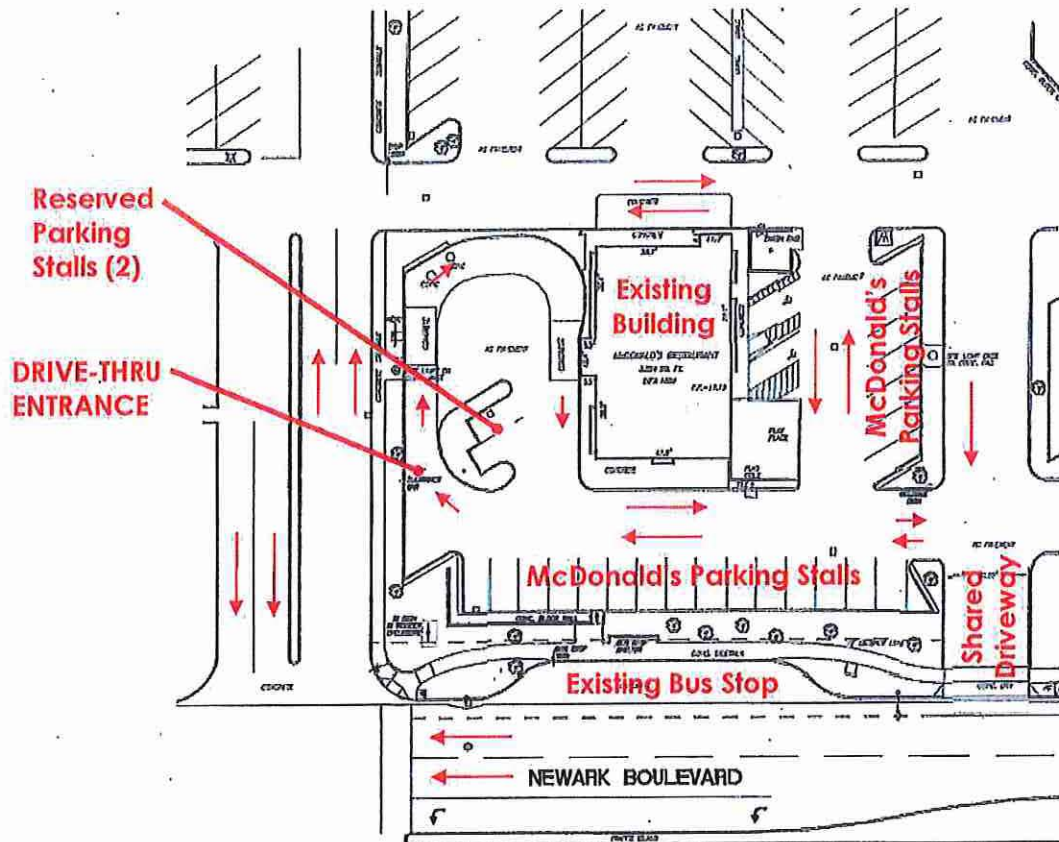
This report presents the preliminary result of a traffic study done for a proposed two-lane Drive-Thru from an existing single-lane Drive-Thru at a McDonald's restaurant located at 35192 Newark Boulevard in the City of Newark. This restaurant is located on the north side of Newark Boulevard approximately midway between Jarvis Avenue and Cedar Boulevard. It is located within the Rosemont Square Shopping Center but this branch has its own parking lot within the shared parking lot of the retail lot used by the MI Pueblo market and other local businesses. As proposed, the proposed project includes the demolition of the existing McDonald's Restaurant building of 5,191 square foot (Sq. Ft.), and construction of a new building of 4,532 Sq. Ft. for McDonald's Restaurant. Customer vehicles to the proposed site can enter through either one of the two driveways: 1) a private two-way shared driveway (shared by other businesses) at the southwest connected to another two-way driveway that leads to the existing McDonald's parking lot or 2) through the private way located at the traffic signal controlled intersection on the west side then onto the shared parking lot leading to the McDonald's parking lot. McDonald's customers would have to navigate their way through adjacent to the perpendicular parking stalls to reach the Drive-Thru entrance. The existing Drive-Thru starts at the western edge of the McDonald's parking lot which is adjacent to the traffic signal controlled private way. Customer vehicles leaving the U-pattern Drive-Thru depart at the pick-up window that leads back to the McDonald's parking lot then to the shared driveway. Customer vehicles parked at the parking lot depart through the same exit as customer vehicles that used the Drive-Thru. Figure 1 shows the traffic circulation pattern within the existing parking lot and the Drive-Thru area.

Peak hours for this location start at 8 a.m. and ends at approximately 10 a.m. Per the General Manager, Friday is their busiest day followed by their Saturdays and Sundays for which the Drive-Thru line would wrap around the building and block the perpendicular parking stalls. This establishment's most common patrons are working professionals, students, and parents with small children.

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<sup>1</sup> "Queuing Areas for Drive-Thru Facilities" from Drive-Through Queue Generation, ITE Technical Council Committee 5d-10, Appendix C, February 2012

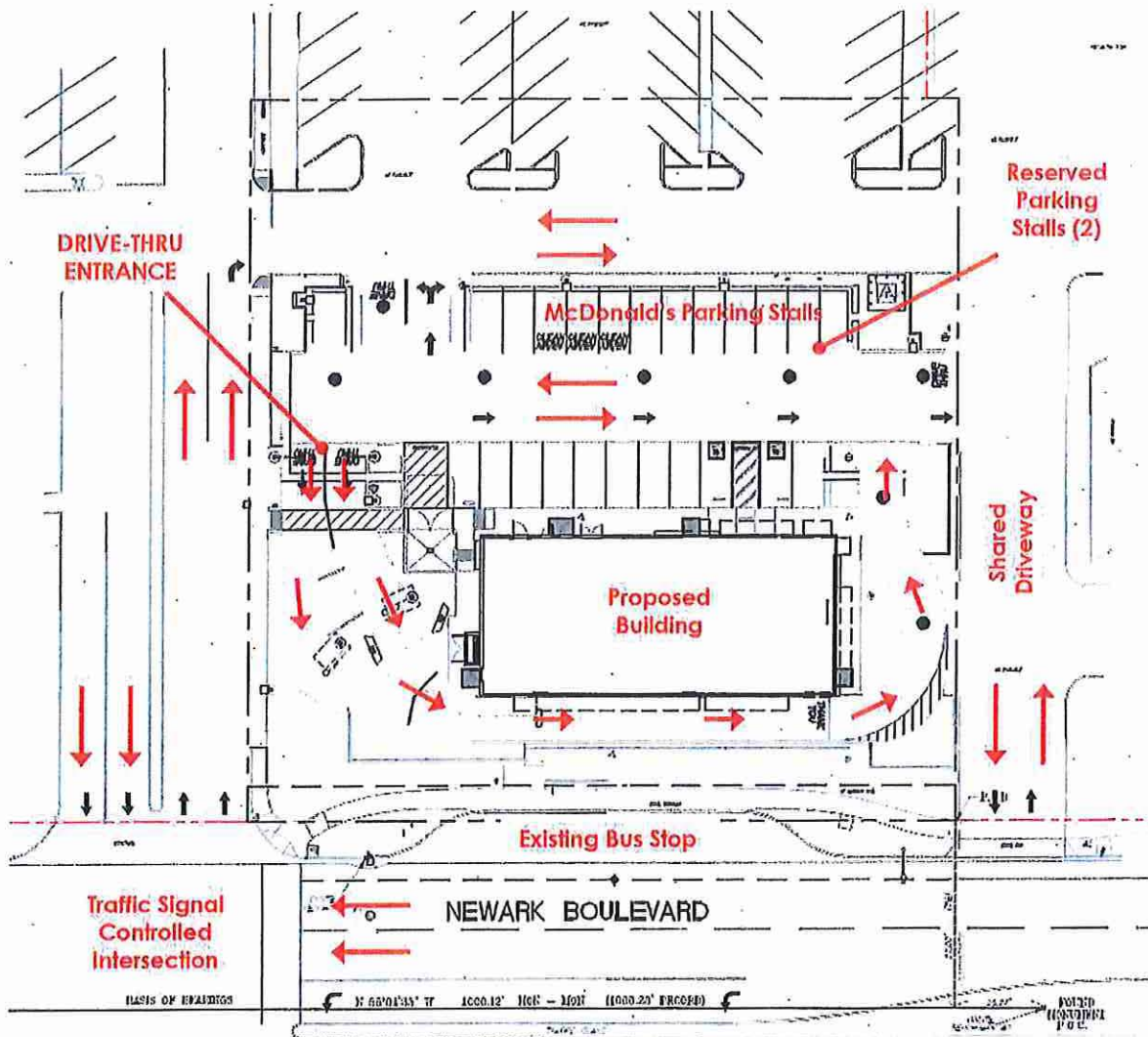
Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark



**Figure 1.** Existing McDonald's Restaurant and Existing Parking Lot in City of Newark.

The proposed improvements to the Drive-Thru are expected to increase storage capacity for the customer vehicles on waiting in queue as well as prevent any parked vehicles from being blocked during the peak periods. The improvements include adding a second lane from the Drive-Thru entrance to the ordering kiosk, an additional Customer Order Display (COD) and ordering kiosk, an additional second Menu Board Speaker at the ordering kiosk, extending the lanes from the Drive-Thru entrance to the Menu Board speaker, as well as having a separate payment window and pick-up window from the existing single window for both payments and order pick-up. These improvements are expected to prevent the queue from spilling outside the McDonald's parking lot and a more efficient flow through the Drive-Thru. It is also expected to increase the efficiency of the Drive-Thru experience of every McDonald's customer. See **Figure 2** for the proposed Drive-Thru and proposed new McDonald's Restaurant building.

Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark



**Figure 2.** Proposed Drive-Thru and Proposed McDonald's Restaurant Layout

The recommended queue storage for a fast food Drive-Thru from the Drive-Thru entrance to the pick-up window is 240 feet with approximately 12 vehicles<sup>2</sup>. The existing Drive-Thru storage length is approximately 145 feet while the total storage length for the proposed improvements will be 320 feet approximately for the two-lane layout. This results in 16-vehicle queue storage approximately. The

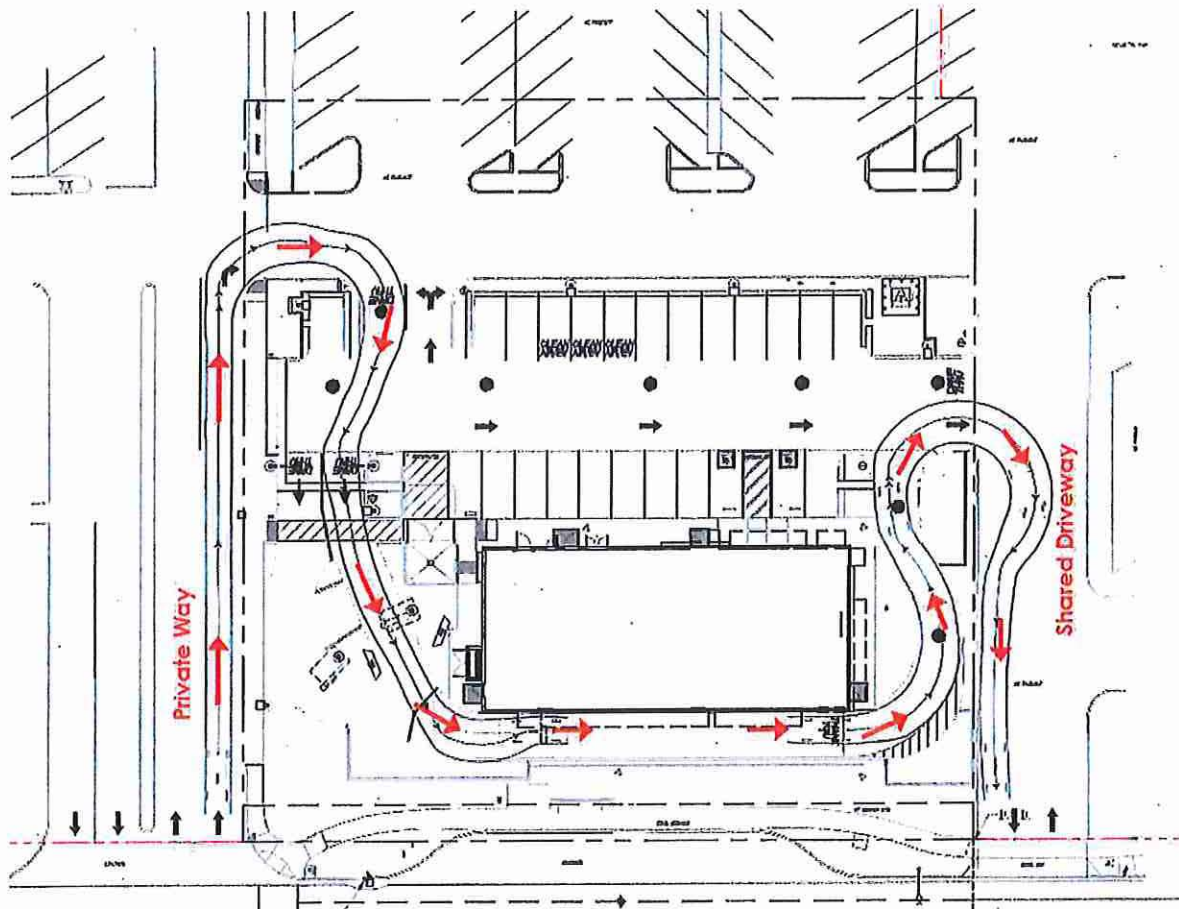
<sup>2</sup> "How many vehicles do you need to store in a drive through lane? Drive-Through Queue Generation, 1st Edition", Mike Spack, PE, PTOE, <http://www.mikeontraffic.com/how-many-vehicles-do-you-need-to-store-in-a-drive-through-lane-drive-through-queue-generation-1st-ed/>

<sup>3</sup> Drive-Through Queue Generation, ITE Technical Council Committee 5d-10, Appendix C, February 2012

**Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch In the City of Newark**

proposed improvements will relocate the existing two reserved parking stalls across from the proposed handicap parking stalls.

Stantec staff has identified the feasibility of vehicles making the 180 degree turn from the Private Way into the Drive-Thru entrance and leaving the Drive-Thru to make another 180 degree turn onto the Shared Driveway. As shown from the Autoturn analysis in **Figure 3**, a box representing a vehicle is shown on a path going through the Drive-Thru. The analysis shows Drive-Thru customers can enter from the Private Way and make the turn into the Drive-Thru entrance. They can also exit the Drive-Thru either by turning left onto the McDonald's parking lot or turn onto the Shared Driveway.



**Figure 3.** Autoturn Analysis on Drive-Thru vehicles entering and leaving the Drive Thru.

**FIELD OBSERVATION**

Stantec staff conducted a field observation of the Drive-Thru operations at the McDonald's location on Friday, December 16, 2016, between 7:50 a.m. and 9:50 a.m., which is the busiest weekday period



May 19, 2017  
McDonald's USA LLC  
Page 5 of 7

**Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark**

for the restaurant. It was observed that each Drive-Thru customer must stop at two locations: 1) ordering kiosk and 2) one window which functions as both payment and pick-up window.

During the start of field observation, the parking lot was half full and Stantec staff observed that not all empty parking stalls were occupied during the peak period because vehicles in queue were blocking the empty parking stalls closer to the existing Drive-Thru entrance. Stantec staff also observed that employees park their vehicles at the adjacent shared parking lot located at the north side of the existing restaurant therefore eliminating the outlier that customers are not able to utilize the empty parking stalls other than the negative effect of the existing Drive-Thru layout.

A customer at the ordering kiosk would spend approximately between 31 seconds to approximately 1 minute 30 seconds depending how familiar they were with the menu and how many items they had to order. The queue starts at the ordering kiosk to the pick-up window. The longest overall time a customer spent throughout the whole Drive-Thru experience was approximately 6 minutes and 54 seconds from the time the vehicle arrived at the McDonald's Drive-Thru ordering kiosk up to the moment they reached the pick-up window and leave. It is safe to add an additional minute to the total queue time for some customer vehicles are already on queue before they reach the Drive-Thru entrance. The shortest overall time observed was approximately 55 seconds and it happened when there were no vehicles waiting in queue. The average time spent by a customer when a queue was present at the Drive-Thru was between four and five minutes.

The parking lot would go from half full to completely full at different periods of time during the two-hour observation period. The parking stalls closer to the shared driveway were often utilized first before the parking stalls closer to the Drive-Thru entrance is filled. Approximately four to five parking stalls were blocked by the queue when the queue spills over to the parking lot.

## **QUEUE ANALYSIS**

The maximum nine (9) vehicles on queue were observed for three occurrences and eight vehicles for 4 occurrences between the peak 30-minute period between 8 a.m. and 8:30 a.m. The McDonald's parking lot can only accommodate queues of five vehicles at the ordering kiosk prior extending into the payment/pick-up window. An additional vehicle can queue prior to the Drive-Thru entrance without blocking an existing perpendicular parking stall. Any additional vehicle would spill over to the parking lot travel lane which would block traffic customer vehicles from leaving the premises.

The proposed improvements on the site include a smaller sized restaurant which is expected to reduce the trip generation for the proposed site. The existing restaurant building is approximately 5,191 square feet while the proposed building will be approximately 4,532 square feet. Therefore, the new anticipated vehicles on queue would be 8 vehicles approximately. As mentioned earlier in this report, the existing Drive-Thru storage length is approximately 145 feet which yields 7 vehicles while the total storage length for the proposed improvements will be 320 feet approximately which yields 16 vehicles approximately. There will be no spillover is expected to block the driveway with the new proposed layout.

**Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark**

## TRIP GENERATION ANALYSIS

Trip generation for the existing building and the proposed building was estimated based on rates provided in the Trip Generation, 9th Edition, published by the Institute of Transportation Engineers (ITE). The existing trips is compared to the proposed trips to estimate expected reductions in trips to the project site.

**Table 1** shows the proposed project trip generation during the weekday daily, a.m. and p.m. peak hours. The existing McDonald's Restaurant is generating approximately 2,575 daily trips, including 236 trips (120 inbound trips and 116 outbound trips) during the a.m. peak hour and 169 trips (88 inbound trips and 81 outbound trips) during the p.m. peak hour. The proposed McDonald's Restaurant is expected to generate approximately 2,248 daily trips, including 206 trips (105 inbound trips and 101 outbound trips) during the a.m. peak hour and 148 trips (77 inbound and 71 outbound) during the p.m. peak hour. Therefore, after deducting the existing trips, the proposed project would generate approximately negative 327 net new daily trips, negative 30 net new trips during the a.m. peak hour and negative 21 net new trips during the p.m. peak hour. The detailed trip generation calculation sheets are attached to this memo.

**Table 1 Trip Generation for the Proposed Project**

Land Use (ITE Code)	Size		Daily		A.M. Peak Hour			P.M. Peak Hour				
			Rate	Total	Rate	In	Out	Total	Rate	In	Out	Total
<b>Proposed Land Use</b>												
Fast Food w/Drive-Thru (934) - Proposed	4,532	S.F.	496.12	2,248	45.42	105	101	206	32.65	77	71	148
Fast Food w/Drive-Thru (934) - Existing	5,191	S.F.		2,575		120	116	236		88	81	167
<b>Net New Auto Trips</b>			-	<b>-327</b>	-	<b>-15</b>	<b>-15</b>	<b>-30</b>	-	<b>-11</b>	<b>-10</b>	<b>-21</b>

Source: Stantec, April 2017; ITE Trip Generation, 9th Edition, 2012;

## CONCLUSIONS

Stantec has reached the following conclusions regarding the proposed Drive-Thru improvements at the restaurant in the City of Newark:

- The proposed addition of a second lane at the entrance of the Drive-Thru would increase queue capacity and decrease the possibility of the queue extending past the Drive-Thru entrance then onto the parking lot blocking access to available parking stalls.
- A second ordering kiosk would decrease the chances of a customer not being able to place an order because a prior vehicle is still blocking the kiosk.
- The relocation of the whole stretch of the Drive-Thru around the new location of the proposed building separates the use of the Drive-Thru and the parking lot, thereby making the transition of arriving and departing customers more efficient.
- By the extension of the length of the Drive-Thru to at least twice the existing total storage capacity will serve more customers efficiently during the peak periods without any queue spillover to the proposed parking lot.



May 19, 2017  
McDonald's USA LLC  
Page 7 of 7

**Reference: Preliminary Traffic Study for the new Proposed New Two-lane Drive-Thru layout and parking for a McDonald's Restaurant Branch in the City of Newark**

- The Autoturn analysis showed the feasibility of vehicles entering and leaving the Drive-Thru doing 180 degree turns.
- None of the existing amount of parking stalls was lost compared to the proposed layout.
- Reduced size of the proposed building is expected to reduce the number of trips accessing the project site. After deducting the existing trips, the proposed project is expected to reduce the number of vehicle trips by approximately 327 daily trips, 30 trips during the a.m. peak hour and 21 trips during the p.m. peak hour.

Based on the field observation and the queuing and trip generation analysis, Stantec recommends adding the second Drive-Thru lane and kiosk at this location. Stantec finds the new extended Drive-Thru layout to be efficient and would provide improved daily operation and traffic circulation.

**Stantec Consulting Services, Inc.**

A handwritten signature in cursive script that reads "Joy Bhattacharya".

Joy Bhattacharya, PE, PTOE  
Principal  
Phone: 925-296-2107  
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May 15, 2017

**VIA FEDERAL EXPRESS**

Mayor Alan L. Nagy  
c/o Sheila Harrington, City Clerk  
City of Newark City Council  
37101 Newark Boulevard  
Newark, CA 94560

RECEIVED  
MAY 16 2017  
CITY CLERK

**Re: Appeal of May 9, 2017 Planning Commission Agenda Item E.1  
Replacement and Expansion of McDonald's at 35192 Newark Boulevard**

Dear Mayor Nagy Honorable Councilmembers:

This law firm represents Maurice A. Ladrech, Nicole A. Ladrech, Andre A. Ladrech, and Eric. E. Ladrech, the owners of the former Mi Pueblo grocery store at 35156 Newark Boulevard and several parcels in the Rosemont Square Shopping Center that surround the existing McDonald's at 35192 Newark Boulevard. The Ladrech's properties will be adversely impacted by the above-referenced project, which was approved by the Planning Commission on May 9, 2017. Accordingly, our clients hereby appeal the Planning Commission's decision, pursuant to section 17.72.110(A) of the Newark Zoning Ordinance. An appeal fee in the amount of \$100 is enclosed with this appeal.

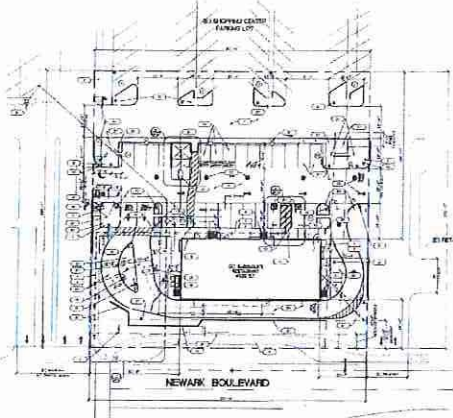
The project would involve an expansion of the existing approximately 3,544 square foot McDonald's restaurant (at grade) with a single drive-through lane with a queuing capacity of seven vehicles. The expansion project would result in an approximately 4,534 square foot McDonald's restaurant and double drive-through lanes with a queuing capacity of approximately sixteen vehicles. The project would also involve numerous other improvements, including customer ordering facilities and extensive signage.

Through our comments at the Planning Commission, the original project site plan was revised to create an improved entry and exit point to the drive-through queue. The revised site plan is vastly superior to the original proposal, which our traffic

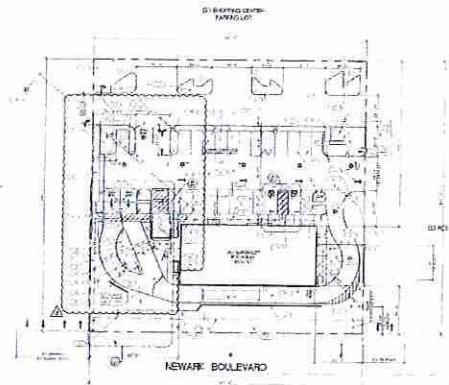


consultant concluded would have created problems for the Shopping Center, and we appreciate this improved design.

Original Project Site Plan

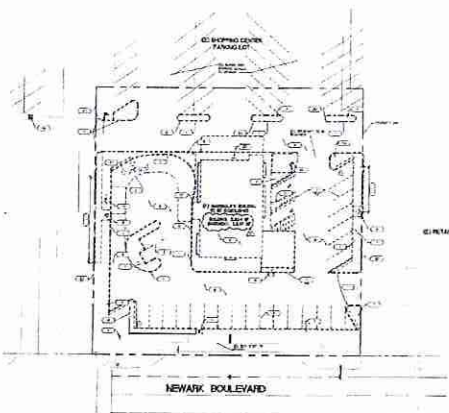


Revised Project Site Plan

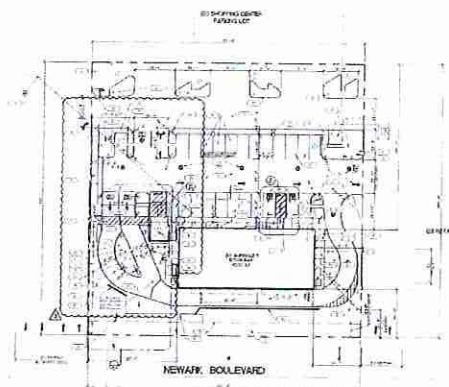


Our clients continue to have significant concerns regarding the project, however, given that it would more than double the building massing that faces Newark Boulevard, further impairing visibility to their parcels, particularly the developable vacant parcel southeast of the former Mi Pueblo. At a meeting with McDonald's representatives on April 21, we were told the existing building is 47'6" wide and that the new building would be 110'11" wide, a more than 130% increase.

Existing Site Plan



Proposed Site Plan



The project's impairment of the visibility to the vacant parcel is inconsistent with General Plan Policy LU-1.10 regarding vacant and underutilized sites, which provides as follows: "Encourage the development of Newark's remaining vacant

and underutilized sites for their highest and best use, consistent with the designations shown on the General Plan Diagram.”

Given our clients’ visibility concerns, at the May 9 Planning Commission hearing we requested that the City approve some trimming to the trees that currently obscure visibility to the site and to our clients’ properties, but that approval was denied. We respectfully request the City Council to approve appropriate trimming to provide and enhance visibility to the site and Shopping Center.



In addition, we must note that the project appears to have been rushed to potential approval with insufficient consideration of the underlying facts, little or no analysis of its consistency with relevant zoning regulations, with no environmental analysis, and with little or no regard for how it will impact the future operation of the Shopping Center.

For example, the Planning Commission’s April 11, 2017 staff report for the project states that the original building contains 3,544 square feet, with no mention of any basement, and the new building would contain 4,352 square feet. In an apparent attempt to make the project seem smaller, the April 25, 2017 staff report states that the existing building contains 5,191 square feet, for the first time mentioning a basement, and the new building would contain 4,532 square feet.

The April 11 staff report included literally no findings that could possibly support approval of the project. In contrast, the April 25 staff report contains several conclusory findings, which are repeated in the May 9 staff report. Those findings, too, however, are legally inadequate to support approval of the project. For example, with respect to the finding that the project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, the findings state merely that “[t]here is no reason to anticipate any detrimental or injurious effects of the project.” Given that findings must bridge the analytic gap between the evidence and the decision and be

supported by substantial evidence, these findings remain legally deficient. The findings cannot simply assert there is no reason to believe this project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity but, rather, must affirmatively show *how* this project will not lead to such effects.

In addition, the April 11 staff report contains no traffic analysis, while the April 25 staff report includes a "preliminary traffic study," dated April 19, 2017, that shows vehicles entering the site would need to swing into the left lane of the Shopping Center's main driveway to make a 180 degree turn to enter the drive-through queue, and that includes a trip generation table that transposes the existing and proposed square footages, among other issues.

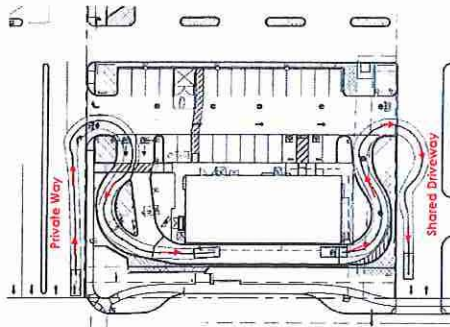


Figure 3. Autoturn Analysis on Drive-Thru vehicles entering and leaving the Drive Thru.

Finally, the project includes only one condition of approval regarding the potential effects of the project's two lane drive-through on the operation of the Shopping Center, which reads as follows:

- cc. At no time shall traffic queuing for the drive-thru operation of the facility extend to Newark Boulevard. In the event that regular queuing into the adjoining main shopping center drive aisle from Newark Boulevard is observed, the property owner and/or site operator shall coordinate with the City Engineer to resolve the issue at the property owner and/or site operator's expense.

This condition is insufficient to ensure the new drive-through operation will not impact the main driveway to the Shopping Center. If the applicant and its traffic engineer truly believe the new drive-through will not negatively affect the main driveway, they should be willing to accept a condition that definitively precludes that condition from occurring not just regularly, but at all. They should also be willing to accept a condition that would require site plan modifications to eliminate such

Mayor Alan L. Nagy  
May 15, 2017  
Page 5

effects if they occur and a traffic study to analyze the project once it is actually operating.

Sincerely,

MILLER STARR REGALIA

*Bryan W. Wenter*

Bryan W. Wenter, AICP

BWW

cc: Clients  
Michael E. DiGeronimo, Esq.  
Andrew L. Faber, Esq. (andrew.faber@berliner.com)

**F.1 Second reading and adoption of an ordinance repealing Newark Municipal Code Chapter 3.24 and adding a new Chapter 3.24 entitled Development Impact Fees – from City Clerk Harrington and Assistant City Manager Grindall. (ORDINANCE)**

**Background/Discussion** – On May 25, 2017 the City Council introduced an ordinance repealing and replacing Newark Municipal Code Chapter 3.24 entitled Development Impact Fees. A second reading is required for the ordinance.

**Attachment**

**Action** –Staff recommends that the City Council adopt an ordinance repealing Newark Municipal Code Chapter 3.24 and adding a new Chapter 3.24 (“Development Impact Fees”).

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
NEWARK REPEALING NEWARK MUNICIPAL CODE  
CHAPTER 3.24 AND ADDING A NEW CHAPTER 3.24  
("DEVELOPMENT IMPACT FEES")

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

**Section 1.** Chapter 3.24 of the Newark Municipal Code is hereby repealed in its entirety and replaced with Chapter 3.24 ("Development Impact Fees"), a true and correct copy of which is attached hereto as **EXHIBIT "A"** and incorporated as though fully set forth herein.

**Section 2.** CEQA. The City finds pursuant to the California Environmental Quality Act ("CEQA") this action is not a "project" because the Resolution provides a mechanism for funding of public safety facilities but does not involve a commitment to any specific project for such purposes that may result in a potential significant impact on the Environment (CEQA guidelines Section 15378, Pub. Res. Code Section 21080(b)(8)(D)).

**Section 3.** Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

**Section 4.** Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

**EXHIBIT "A"**

**CHAPTER 3.24**

**DEVELOPMENT IMPACT FEES**

**Sections:**

<b>Section 3.24.010</b>	<b>Title and authority.</b>
<b>Section 3.24.020</b>	<b>Intent and purpose.</b>
<b>Section 3.24.030</b>	<b>Purpose of fees.</b>
<b>Section 3.24.040</b>	<b>Use of fees.</b>
<b>Section 3.24.050</b>	<b>Calculation of fees by implementing resolutions.</b>
<b>Section 3.24.060</b>	<b>When applicable.</b>
<b>Section 3.24.070</b>	<b>Exemptions.</b>
<b>Section 3.24.080</b>	<b>Time of payment.</b>
<b>Section 3.24.090</b>	<b>Notice of fee.</b>
<b>Section 3.24.100</b>	<b>Reimbursement.</b>
<b>Section 3.24.110</b>	<b>Fee credit.</b>
<b>Section 3.24.120</b>	<b>Annual review.</b>
<b>Section 3.24.130</b>	<b>Termination of a development impact fee.</b>
<b>Section 3.24.140</b>	<b>Fee adjustment, waiver or finding of exemption.</b>
<b>Section 3.24.150</b>	<b>Developer's acknowledgment of fee adjustment, waiver or exemption.</b>
<b>Section 3.24.160</b>	<b>Appeal procedure.</b>
<b>Section 3.24.170</b>	<b>Payment under protest.</b>
<b>Section 3.24.180</b>	<b>Refund of development impact fees.</b>

**Section 3.24.010 Title and authority.**

This article may be referred to as the "Impact Fee Ordinance," and is adopted pursuant to the authority of Article XI, Section 7 of the California Constitution, California Government Code Section 66000 et seq. (hereinafter "Mitigation Fee Act") and California Government Code Section 65000 et seq. (the planning and zoning law of the State of California).

**Section 3.24.020 Intent and purpose.**

The city council finds and declares that:

A. The city provides public services and constructs and maintains public facilities for the benefit of residents, businesses and employees within the city.

B. As a result of increasing regional growth, substantial residential, commercial and industrial development is expected to occur within the city.

C. The city capital improvement plan identifies public facilities that are needed in the city as a part to the city's development.

D. In accordance with its general plan, the city intends to expand and improve its public facilities to serve new development and to maintain existing levels of service of public facilities.

E. Based upon projected growth and development permitted under the general plan, a substantial amount of commercial, industrial, and residential development will occur in the city before the city is fully built out.

F. This anticipated development cumulatively will generate a substantial increase in the need for city services and the corresponding capital facilities necessary to provide those services. New commercial, industrial, and residential development will thus create an additional burden on the existing capital facilities.

G. If additional capital facilities are not added as development occurs, the existing facilities will not be adequate to serve the community. Such inadequacies in, for example, space for city employees, public safety facilities, transportation infrastructure and community facilities, could result in adverse impacts in that this shortage of capital facilities would lead to a deterioration of the public services which the residents, employees, and property owners in Newark now enjoy.

H. To prevent these undesirable consequences, the capacity of the city's capital facilities must be built at a rate which will accommodate the expected growth in the city.

I. Although the need for public services generated by an individual development project may not be, in and of itself, sufficient to overload the city's existing capital facilities, the cumulative impact of all new development (including development currently submitted for approval) will result in an unacceptable burden.

J. It is the policy of the city, as provided in its general plan, that new commercial, industrial, and residential development pay for its share of the cost of public services and of the improvements to existing capital facilities and construction of new capital facilities that are necessary to accommodate the public service needs generated by such new development and, further, that before permitting development to occur, services and facilities required to support



such development must be in place or provision made for their extension or creation. In the absence of this chapter imposing development impact fees, existing and future sources of revenue will be inadequate to fund a substantial portion of the capital facilities improvements that are necessary to avoid an unacceptable deterioration of public services.

K. Under Government Code Section 66001, the city council finds that each implementing resolution established hereunder shall establish that:

1. The purpose of the fee is to provide adequate improvements to serve new commercial, industrial, and residential development within the city.
2. The improvements for which the fee will be used are identified in the general plan, capital improvement plan, and technical studies attached to each implementing resolutions.
3. The fee will fund that portion of capital facility improvements attributable to new commercial, industrial and residential development responsible for paying the fee as further described in each implementing resolution.
4. The amount of the fee bears a fair and reasonable relationship to each development's burden on and benefit from the city's public services and capital facilities improvements to be funded by the fee, and shall be based on the following considerations:
  - a. New development will pay only for those capital facilities that serve new development and are necessary to serve the public service needs which will be created by such new development.
  - b. The cost of improvements needed to alleviate existing deficiencies in capital facilities if any, are not included in the fee.
  - c. Each type of development shall contribute to the needed improvements in proportion to the use of public services and capital facilities by that type of development. For residential development, the fees shall be based on the average number of residents for the particular residential use, and the estimated average use of particular facilities. For commercial and industrial development, the fees shall be based on square feet and the estimated average use of particular facilities, as further described in the technical report attached to each implementing resolution.

**Section 3.24.030 Purpose of fees.**

Pursuant to this article, the City has established fees that will be imposed upon projects for the purpose of mitigating the impacts that the projects have upon the City's ability to provide public facilities.

**Section 3.24.040 Use of fees.**

A. The fees imposed by the City under this article, including any interest earning thereon, shall be used to pay, in whole or in part, the estimated reasonable cost of providing specified public facilities, as described in implementing resolutions; to reimburse the City for the cost of specified public facilities constructed by the City with funds from other sources; and to make reimbursement payments in accordance with Section 3.24.100.

B. As described in each implementing resolution, the specified public facilities will be categorized into separate and distinct sets of public facilities based upon the type of public facility to be provided, or other identifying features.

C. For each separate public facility category, a separate fee shall be calculated and imposed, and each separately imposed fee shall be collected by the City and deposited in a separate and distinct "fee fund," subject to the accounting requirements of all applicable law, including the Mitigation Fee Act.

**Section 3.24.050 Calculation of fees by implementing resolutions.**

A. Pursuant to the Mitigation Fee Act, in any action establishing, increasing, or imposing a fee as a condition of approval of a project, a technical report shall be prepared for each public facility category, subject to City Council approval by implementing resolution.

B. Each implementing resolution shall include the following:

(1) Identify the purpose of the fee by identifying the estimated types and quantities of projects subject to the fee, and the public facility category to be funded by the fees.

(2) Identify the use of the fee by identifying the specified public facilities to be funded by the fees.

(3) Determine how there is a reasonable relationship between the City's use of the fee and the types of projects on which the fee is to be imposed by demonstrating how the project will benefit from the specified public facilities to be funded by the fees.

(4) Determine how there is a reasonable relationship between the need for the specified public facilities and the types of projects on which the fee is to be imposed by demonstrating how the project creates a demand for the construction of the specified public facilities to be funded by the fees.

(5) Determine how there is a reasonable relationship between the amount of the fee and the cost of the specified public facility attributable to the project on which the fee is to be imposed. This shall include two (2) elements: (1) a quantification of the estimated reasonable cost of providing the specified public facility, which may include the estimated costs of land acquisition, design, construction, construction administration, general administration (including establishment and enforcement) of the fee program, and contingencies; and (2) an identification of the method by which the City quantified the proportionate responsibility of each project for the cost of the specified public facilities, which may be satisfied by establishing a formula which reasonably quantifies the proportionate responsibility of various types of projects using standardized units of measurement.

**Section 3.24.060      When applicable.**

The development impact fees, in an amount to be determined by the implementing resolutions of the city council, are applicable to a building permit to construct a new single-family and multifamily dwelling units and new commercial and industrial development as set forth in this chapter.

**Section 3.24.070      Exemptions.**

The following activities and actions are exempt from the requirement to pay the development impact fees:

A. No fees are due if a fee was previously paid in full for a particular property and use;

B. No development impact fee shall be charged for remodeling or for an addition to an existing residential unit;

C. No fee shall be charged for demolition of an existing residential structure and the building of a new residential structure on the same site, provided the demolished structure was in use as a residential dwelling within two years before the issuance of a building permit for the new residential structure.

D. The transportation portion of the development impact fees shall not be assessed on those portions of new commercial and industrial development that serve as amenities to on-site employees. No more than five percent of the total floor area of a development may be so exempted. For purposes of this chapter, "amenities" means employee cafeterias, health clubs and gymnasiums; space for concierge and convenience services; and other spaces which are of similar use in the judgment of the community development director.

E. The city council may elect to waive the payment of an impact fee if a residential or nonresidential development project provides community benefits in excess of those required by the impacts of the project, and if the city council finds that the expected benefits to the community exceed those that would be provided by the payment of the fee. Such community benefits may include the provision of senior housing, the generation of significant taxes, or the elimination of nuisances.

There are no other exemptions to the development impact fees.

**Section 3.24.080 Time of payment.**

The time for payment of the development impact fees shall be established by the implementing resolution adopted by the city council that sets the amount of the fee, and shall conform to the requirements of Government Code Section 66007.

**Section 3.24.090 Notice of fee.**

At the time of approval of a project or at the time of the imposition of the fees, the city shall provide to the project applicant a statement of:

A. The amount of the fee and the public improvements that the fee will be used to finance (Government Code Section 66006(f)); and

B. Notification that the ninety-day approval period in which the applicant may protest has begun (Government Code Section 66020(d)).

**Section 3.24.100 Reimbursement.**

A. As may be authorized by resolution of the city council following review and written report from city staff, development impact fee revenues may be used to reimburse a developer, upon his or her written request, under this section. A developer must obtain council approval for reimbursement, by resolution, before any offer of dedication and before any construction begins for a public improvement which may be the subject of a reimbursement request. Reimbursement may only be approved by the city council where all of the following four conditions are satisfied:

1. Developer has been required or permitted to install and dedicate a public facility identified in a technical report attached to an implementing resolution beyond that which can be attributed to the specific development installing the same;

2. The facility for which reimbursement is sought is identified by the city as a priority project to be funded within the three-year period immediately following the completion of the facility;

3. Revenues within the particular fee account funding the facility are available; and

4. The sum value of the facility(ies) constructed, based on the most current estimate of the infrastructure item (as defined by annual cost review or other recent evaluation of cost), exceeds the total development impact fee liability of the specific development installing the facility.

B. Reimbursements shall not be authorized if the value of the constructed and dedicated improvement is below the total development impact fee liability of the project. Reimbursements for oversizing shall not be available as fee credits against a development's fee liability, except as provided in Section 3.24.110.

C. Reimbursements for oversizing shall include appropriate financing charges (interest) which shall be based upon the rate at which the city can borrow money at the time the reimbursement is approved by the city council. Financing charges included in any reimbursement payments to a developer or property owner shall not exceed this interest rate, as calculated by the city's chief financial officer.

D. In the case of city council approval of reimbursement, the reimbursement amount will be based on the most current estimate of the infrastructure item, as defined by annual cost review or other recent evaluation of cost, regardless of the actual cost to construct the facility.

**Section 3.24.110 Fee credit.**

A. The community development director is authorized to credit development impact fees imposed under this chapter in consideration for certain on-site and off-site facilities, improvements constructed or paid for by the developer. A developer is entitled to credit for improvements not to exceed the amount of the applicable development impact fee for a particular development if the improvement is identified by the city as a priority project to be funded within the three-year period immediately following the completion of the facility and the developer (1) dedicates an appropriate site, (2) constructs the improvements, (3) finances an improvement by cash, assessment district, or Mello-Roos community facilities district, or (4) a combination of the above.

B. A decision regarding a fee credit is appealable under Section 3.24.160.

**Section 3.24.120 Annual review.**

The development impact fee authorized by this article and the implementing council resolution(s), the accumulated fee funds and their appropriation, and supporting documentation, shall be reviewed annually by the city council in a manner which conforms with the requirements of Sections 60001(d) and 66006(b) of the Government Code.

**Section 3.24.130 Termination of a development impact fee.**

The city shall not collect a development impact fee established by an implementing resolution once funds sufficient to construct residential, commercial and industrial development's share of all facilities described in the technical reports attached to the implementing resolutions have been collected.

**Section 3.24.140 Fee adjustment, waiver or finding of exemption.**

A. The developer of a project subject to a development impact fee under this chapter may apply to the community development director for an adjustment to or waiver of that fee or for a finding that the project is exempt from the fee. The waiver or adjustment of a fee shall be based upon the absence of any reasonable relationship between the impact on public facilities of that development and either the amount of fee charged or the type of facilities to be financed. Additionally, in the case of new residential development providing for-sale or rental housing to be made available at "affordable housing cost" or "affordable rent" to "low income households" and/or "moderate income households," as those terms are defined under California law, as from time to time amended, the community development director may grant a waiver of all or a portion of the fee if the developer demonstrates that the development would not be economically feasible and could not be built with the imposition of the full fee.

B. The application shall be made in writing and filed with the community development director no later than the time of the issuance of a building permit. The application shall state completely and in detail both the applicant's factual basis and legal theory for adjustment or waiver, and compare its proposal with the analysis set forth in the technical report prepared for the fee being challenged. The community development director may refuse to consider factual assertions or legal theories not set forth in the written application.

C. The community development director shall consider the application at an informal hearing, which may be continued from time to time, and which shall be held within sixty days after the filing of the complete application. The decision of the community development director is appealable under Section 3.24.160.

**Section 3.24.150 Developer's acknowledgment of fee adjustment, waiver or exemption.**

The community development director or the hearing officer appointed under Section 3.24.160 may require as a condition of adjustment, waiver or a finding of exemption that the developer provide a recordable document in a form acceptable to the director acknowledging the factual basis of such adjustment, waiver or exemption and further acknowledging that a subsequent change of facts may result in the requirement that additional fees be paid.

**Section 3.24.160 Appeal procedure.**

A. The community development director is responsible for administering, collecting, crediting, adjusting and refunding development impact fees. A decision by the community development director regarding a fee imposed under this chapter shall be appealable in accordance with this section. A person appealing under this section shall have first sought a fee credit under Section 3.24.110, or an adjustment or waiver, or a finding of fee exemption under Section 3.24.140. A person seeking judicial review shall first complete an appeal under this section and shall pay all city charges for that appeal.

B. A person appealing a decision under this chapter shall file an appeal with the city clerk, who is responsible for processing the appeal toward a hearing. The appeal shall be in writing, stating completely and in detail the factual and legal grounds, and shall be filed within ten calendar days following the decision being appealed.

C. The cost of the appeal shall be borne by the applicant, who shall pay a deposit against such cost at the time of filing the appeal. The amount of the deposit shall be established by resolution of the city council. The cost of an appeal must be paid in full before the appeal hearing takes place.

D. The city clerk shall notify the city manager of the appeal, and the city manager shall appoint a hearing officer.

E. The appointed hearing officer shall set the time and place for the hearing, serve notice on the parties, conduct the hearing, prepare written findings of fact and a written decision on the matter, and shall preserve the complete administrative record of the proceeding. The hearing officer may issue directives, including but not limited to directives that legal briefs be submitted in accordance with an established briefing schedule, to the parties in order to facilitate resolution of the appeal. The hearing officer shall consider relevant evidence presented by the appellant and by the community development department.

F. The decision of the hearing officer is final and may not be further appealed; it is reviewable by a court under Code of Civil Procedure Section 1094.5.

**Section 3.24.170 Payment under protest.**

A developer seeking to proceed with his or her project during the pendency of an application for adjustment or waiver or a finding of exemption or during the pendency of an



appeal may do so by following the procedures set forth in Section 66020 of the Government Code.

**Section 3.24.180 Refund of development impact fees.**

A. If a building permit or use permit is canceled or voided and the fees paid have not been committed, the community development director may, upon the written request of the applicant and provided that work has not progressed to a point that would permit commencement of a new, changed or expanded use for which a fee would be payable, order return of the fee and interest earned on it less administrative costs.

B. If a fee is not spent or committed five years or more after it was paid, and the city council does not make the findings required by Government Code Section 66001(d), the community development director may authorize a refund to the then owner of the property for which the fee was paid, under Government Code Section 66001(e).

C. A decision regarding refund of a fee is appealable under Section 3.24.160.

**F.2 Second reading and adoption of an ordinance repealing Urgency Ordinance No. 496-U and amending Newark Municipal Code Chapters 17.08 (“Definitions”) and 17.16 (“R Residential Districts”) pertaining to accessory dwelling units – from City Clerk Harrington and Assistant City Manager Grindall. (ORDINANCE)**

**Background/Discussion** – On May 25, 2017 the City Council introduced an ordinance repealing and replacing Urgency Ordinance No. 496-U with a regular ordinance amending Newark Municipal Code Chapter 17.08 (“Definitions”) and 17.16 (“R Residential Districts”) to comply with recent amendments to state law regarding accessory dwelling units. A second reading is required for the ordinance.

**Attachment**

**Action** –Staff recommends that the City Council adopt an ordinance repealing Urgency Ordinance No. 496-U and amending Newark Municipal Code Chapters 17.08 (“Definitions”) and 17.16 (“R Residential Districts”) to comply with recent amendments to state law regarding accessory dwelling units.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK REPEALING URGENCY ORDINANCE NO. 496-U AND AMENDING NEWARK MUNICIPAL CODE CHAPTERS 17.08 (“DEFINITIONS”) AND 17.16 (“R RESIDENTIAL DISTRICTS”) TO COMPLY WITH RECENT AMENDMENTS TO STATE LAW REGARDING ACCESSORY DWELLING UNITS

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

**SECTION 1:** Purpose, Findings, and Urgency Findings. The City Council does hereby find as follows:

- (a) Effective January 1, 2017, Assembly Bill 2299 (“AB 2299”) and Senate Bill 1069 (“SB 1069”) amended Government Code Section 65852.2 to limit the types of standards cities may impose on second units (now termed “accessory dwelling units”).
- (b) As amended, Government Code Section 6582.2 requires that the City’s Accessory Dwelling Units ordinance incorporate State-mandated standards for certain types of accessory dwelling units.
- (c) In addition, Government Code Section 65852.2 allows the City to establish certain objective standards related to parking, height, setback, lot coverage, landscaping, and certain architectural requirements, which must be applied ministerially except where a property owner is seeking an exception to such standards.
- (d) In the absence of a State-compliant ordinance on January 1, 2017, the City’s existing second unit standards would be considered null and void pursuant to Government Code Section 65852.2(a)(4) and the City would be required to approve any accessory dwelling unit meeting minimal state criteria.

**SECTION 2:** Section 17.08.415 (currently titled “Second unit”) of Chapter 17.08 (“Definitions”) is hereby amended as follows. Text in ~~strikeout~~ denotes deletions while text in underline denotes insertions.

**17.08.415 — Second unit.**

~~“Second unit” means an attached or detached residential dwelling unit on a lot zoned for residential use, which provides complete independent living accommodations and facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking and sanitation, on the same parcel as a legally established single family dwelling. The second unit may be an efficiency unit or a manufactured home.~~

**17.08.415 Accessory dwelling unit.**

An Accessory Dwelling Unit (or “ADU” singular or “ADUs” plural) shall mean an attached or detached residential dwelling that is subordinate to a principal residence on the same lot, and that provides complete independent living facilities for one or more persons. ADUs include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the principal residence. There are two categories of ADUs, distinguished by the size and location of the ADU and the extent to which the ADU results in a net increase in habitable floor space on the property. These categories are defined as follows:

(1) Standard ADUs (or “SADU” singular or “SADUs” plural) may be attached to the principal residence or may be a detached structure and include ADUs that meet any of the following criteria when constructed:

(A) A net increase in habitable floor space on a property; or

(B) A floor area exceeding 500 square feet; or

(C) Created within the footprint of an existing primary residence without incorporating an existing bedroom.

(2) Junior ADUs (or “JADU” singular or “JADUs” plural) include ADUs that meet all of the following criteria when constructed:

(A) No net increase in habitable floor space on a property; and

(B) A floor area of 500 square feet or less; and

(C) Contained entirely within the existing walls of an existing principal residence, and

(D) Created at least in part through the conversion of an existing bedroom.

**SECTION 3:** Section 17.16.030(K) (“Permitted Uses”) of Chapter 17.16 (“R RESIDENTIAL DISTRICTS”) is hereby amended as follows. Text in ~~strikeout~~ denotes deletions while text in underline denotes insertions.

~~K. Second units subject to the following conditions:~~

~~1. Construction of a second unit shall require a second unit permit, to be issued by planning staff. To apply for this permit, a site plan showing the entire parcel and all existing buildings on the parcel, together with floor plans and elevations of the proposed second unit, shall be submitted to the planning division, along with written verification from sanitary, water, power, and telephone districts and companies verifying that the utilities in the area are adequate to serve the second unit. Planning staff shall approve or deny the application for the permit based on the adequacy of utilities and compliance with the conditions listed in this section;~~

- ~~2.— Second units shall meet all current zoning requirements applicable to a main structure;~~
- ~~3.— Second units shall meet applicable construction codes requirements;~~
- ~~4.— One uncovered parking space shall be provided for a second unit. This space may be provided in a required interior side yard providing all other off street parking requirements are met;~~
- ~~5.— Second units may be rented and shall not be sold as separate units or lots;~~
- ~~6.— Second units shall only be permitted on lots already containing only a single family detached unit;~~
- ~~7.— No more than one second unit shall be allowed on a single lot;~~
- ~~8.— A second unit shall not be allowed on lot with an existing guest house;~~
- ~~9.— A second unit shall be no more than two hundred seventy five square feet in floor area, excepting that where the first (existing) unit is larger than two thousand seven hundred fifty square feet in floor area, then the second unit may have a maximum floor area equal to ten percent of the floor area of the first (existing) unit or three hundred sixty square feet, whichever is less. Not more than ten percent of the floor area of the first (existing) unit shall be included as or converted into part of the second unit. For calculating these percentages, the floor area of a first (existing) unit is defined as not including carports, garages, or detached structures;~~
- ~~10.— The second unit shall have not more than one bedroom and shall have no dens, studios, or the like;~~
- ~~11.— Outside stairways to second story second units attached to, within, or partly within the first (existing) unit shall not be at the front of the house;~~
- ~~12.— Detached second units shall be located behind the first (existing) unit;~~
- ~~13.— No second unit shall be permitted on any lot, which has less than the minimum site area required for its zoning district;~~
- ~~14.— The second unit shall incorporate architectural features, building materials and colors which are similar to and compatible with the first (existing) unit and the character of the neighborhood, and shall maintain the scale and appearance of a single family dwelling;~~

Accessory Dwelling Units subject to the following conditions:

(a) Regulations Applicable to All Accessory Dwelling Units (“ADUs”):

(1) Permitting Procedure. Any application for an ADU that meets the applicable location and development standards contained in Section 17.16.030 shall be subject to ministerial review and approval without discretionary review or public hearing. All permits shall be issued within 120 days of submission of a complete application for ADUs conforming to the provisions of this section.

(2) Building Permit Required. No ADU shall be established or maintained until there has been a building permit approved by the city. The application for the permit shall include:

(A) Site plan indicating the location of the principal residence, the location and type of the proposed ADU, and parking (for those ADUs where parking is required);

(B) Floor plans of the principal residence and proposed ADU;

(C) Elevations of all sides of the principal residence and ADU;

(3) Applicability of Fees.

(A) This ordinance shall not be construed to prohibit the City from adopting an ordinance or regulation relating to services or utility connection fees that applies to a single-family residence that contains an ADU so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether they include an ADU.

(B) Nothing in this section shall be construed so as to impact the connection or fees charged by other government entities.

(4) Locational Criteria

(A) In no case shall the total number of dwelling units exceed two (including the principal residence) on any lot wherein a principal single-family residence has been authorized.

(B) ADUs are not required to meet the density requirements of the General Plan or zoning ordinance and do not count toward the permissible number of units per acre (or required lot area per dwelling). However, ADUs shall otherwise be consistent with the General Plan text and diagrams as provided in California Government Code §65852.2.

(C) An ADU shall be located only within the area of the lot allowed for the principal residence as established by its zoning district, except as provided in Section 17.16.030.

(F) An ADU may be attached to the principal residence either created through conversion of existing floor area or addition of new floor area to the principal residence or may also be detached.

(G) An ADU shall not be counted in any ordinance, policy, or program to limit growth, such as, but limited to, the number of residential units permitted in a year.

(5) Occupancy Criteria.

(A) The rental of ADUs for terms shorter than 30 days shall be prohibited.

(B) Nothing in this section shall be construed so as to limit the ADU or principal residence on the lot from remaining vacant.

(6) Size.

(A) An ADU must be a minimum of 150 square feet and may not exceed the lower of 600 square feet or 50 percent of the existing living area of the principal residence on the property.

(B) An ADU may not include more than two bedrooms.

(7) Design.

(A) An ADU shall incorporate architectural features, building materials and colors that are compatible with the principal residence and the adjacent neighborhood.

(B) Outside stairways to the ADU shall not be in the front of the principal residence.

(C) If the ADU is visible from the public right of way it would be subject to the Single Family Design Review Process.

(8) Building Safety.

(A) A smoke alarm and carbon monoxide detector shall be installed in all ADUs.

(B) No fire sprinklers shall be required for the ADU, unless the improvements are associated with a new detached ADU on a property where sprinklers would otherwise be required for a new single-family home.

(C) Permanent Foundation. A permanent foundation shall be required for all detached ADUs.

(D) This section shall not be construed so as to prohibit the city from adopting an ordinance or regulation relating to fire or life protection requirements for ADUs so long as the ordinance or regulation applies uniformly to all single-family homes within the zoning district regardless of whether the single-family residence has an ADU or not.

(9) Deed Restriction. A deed restriction, which shall run with the land, shall be filed and recorded with the County of Alameda for each ADU prior to the issuance of a building permit and shall include the following:

(A) A prohibition on the sale of the ADU separate from the sale of the principal residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) Occupancy restrictions and requirements, as specified in Section 17.16.030.

(C) A restriction on the size and attributes of the ADU that conforms with Section 17.16.030.

(b) Regulations Applicable to Standard Accessory Dwelling Units (“SADUs”)

(1) Location. A SADU may only be permitted where only one principal residence exists on the lot. SADUs are not permitted in duplexes, triplexes, or other buildings with more than one principal residence.

(2) Building Height. A SADU may not exceed the building height limitation applicable to the principal residence on the lot.

(3) Connection to Street. No passageway shall be required in conjunction with the construction of a SADU, unless such a connection is mandated by the Americans with Disabilities Act, or other State or Federal safety code or standard. A passageway is a pathway that is unobstructed and clear to the sky and that extends from the street to the door of the SADU.

(5) Separation. Except as noted in Section (6) below, detached SADUs must be separated from other habitable structures on site by at least ten (10) feet. The separation may be reduced to eight (8) feet if one structure is equipped with fire sprinklers or six (6) feet if both structures maintain fire sprinklers. Roof eave projections into this separation may be limited by applicable building code(s).

(6) Garage Conversions. An existing garage may only be converted to a SADU if the property will meet all applicable parking standards upon completion of the SADU. Setback requirements shall not apply to an existing garage that is converted to an ADU, provided that any walls within setback areas comply with applicable building and fire codes. In the event an ADU is constructed above an existing or newly constructed garage, a setback requirement of five feet from the side and rear property lines shall be required.

(7) Parking. One parking space per bedroom shall be required for a SADU, except as noted below:

(A) Required parking may be provided through any of the following methods:

\_\_\_\_\_ (i) conventional garages or carports;

\_\_\_\_\_ (ii) uncovered paved areas such as an extended driveway;

\_\_\_\_\_ (iii) tandem parking in an existing driveway; or



(iv) parking on other locations on the property, unless specific findings are made that parking in setback areas is not feasible based upon life safety conditions. Mechanical lifts may be permitted where consistent with design review criteria.

(B) No off-street parking shall be required for a SADU in any of the following instances:

(i) The SADU is located within one-half mile of public transit. The term “public transit” shall mean transit service adequate to facilitate area residents’ reliance on transit for primary mobility. Factors used to determine adequacy include, but are not limited to, ridership, routing, frequency, and reliability. The City Council finds and declares that no area in Newark currently meets this definition of adequate public transit; however the City Council shall review this determination each time the Housing Element is updated;

(ii) The SADU is located within a designated architecturally and historically significant historic district or on a property that includes a register resource or potential register resource;

(iii) The SADU is located entirely within the existing principal residence or an existing habitable accessory structure and results in no net addition of habitable floor area on the property;

(iv) The SADU is located in an area where on-street parking permits are required, but are not offered to the occupants of the SADU;

(v) The SADU is located within one block of a designated parking area for one or more car-share vehicles available to the general public by subscription.

(C) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a SADU, and replacement parking is required, the replacement parking spaces may be provided as in Section 17.16.030(K)(b)(7)(A) above.

(8) Fees. SADUs resulting in a net increase in habitable floor area on a property may be subject to City impact fees that are proportionate to the burden of the proposed ADU on City services. However, under no circumstance may the SADU be considered equivalent to a new principal dwelling unit for the purpose of fee calculation.

### (c) Junior Accessory Dwelling Units (JADUs)

The purpose of the Junior Accessory Dwelling Unit (JADU) regulations is to implement specific policies of the Housing Element of the Newark General Plan and specific provisions of State law authorizing the creation of JADUs. The intent of the JADU regulations is to expand the affordable rental housing stock through the repurposing of underutilized floor area in existing single-family homes.

(1) Applicability. Performance standards for JADUs shall apply in all single-family (R-1) residential zoning districts, on lots within those portions of planned districts allowing

single-family dwellings, and on qualifying R-2, R-3, R-G and O-S lots developed with only one principal single-family dwelling.

(2) Development Standards.

(A) Number Per Lot. Only one JADU is permitted on a single-family residential lot. A JADU is not permitted if another ADU already exists on the property.

(B) Location. The JADU shall be constructed entirely within the existing walls of an existing single-family home and must incorporate an existing bedroom.

(C) Size. The JADU shall not exceed 500 square feet in size.

(D) Unit Access. The JADU shall include an exterior entrance that is separate from the main entrance to the single-family home. The exterior entry shall not be located on the front of the principal residence. If the exterior entry is on the second floor, the stairway shall not be located in the front of the principal residence. Interior access between the JADU and the principal residence is required, and can be a door equipped with a double lock. A second interior doorway may be provided for sound attenuation.

(E) Sanitation. A JADU may include a bathroom or may share bathroom facilities within the principal residence.

(F) Kitchen. The JADU shall include an efficiency kitchen, which shall include all of the following:

(i) A sink with a maximum waste line diameter of 1.5 inches.

(ii) A cooking facility with appliances that do not require electrical service greater than 120 volts and that do not use propane gas.

(iii) A food preparation counter no less than six feet in length and storage cabinets that are of reasonable size in relation to the size of the JADU. The food preparation area may not be located in a closet.

(3) Parking. No additional off-street parking shall be required beyond that required for the principal residence. The principal residence shall meet the current off-street parking standard in effect at the time the JADU is approved.

(4) Building and Fire Code Requirements. For the purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate dwelling unit. No fire wall separation or noise attenuation measures are required between the principal residence and the JADU.

**SECTION 4:** Section 17.08.143 (“Efficiency Unit”) of Chapter 17.08 (“Definitions”) is hereby deleted in its entirety. The strikeout is as follows:

**17.08.143** — ~~Efficiency unit.~~

~~“Efficiency unit” means a second unit with a minimum size of two hundred seventy five square feet containing only one habitable room.~~

**SECTION 5: CONFORMANCE WITH GENERAL PLAN**

Pursuant to Section 17.80.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council does hereby find that the zoning change embodied in this ordinance is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code; is consistent with the policies, goals and objectives of the General Plan; and promotes the public health, safety, morals, comfort, convenience, and general welfare of the residents of the City of Newark.

**SECTION 6: SEVERABILITY**

If any section, subsection, sentence, clause, or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Newark hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

**SECTION 7: CEQA**

The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs City staff to cause that a Notice of Exemption be filed with the Alameda County Clerk in accordance with CEQA guidelines.

**SECTION 8:** Urgency Ordinance U-496 is hereby repealed upon the effectiveness of this Ordinance.

**F.3 Authorization for the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards – from Police Chief Leal. (RESOLUTION)**

**Background/Discussion** – The City of Newark has maintained an agreement with All City Management Services for school crossing guards since August 2011. On June 9, 2016, the City Council approved an amendment agreement for the extension of school crossing guard services through June 30, 2017. The latest amendment agreement extends their services for one year, through June 30, 2018. All provisions of the original contract will remain in effect, except for an 8.75 percent increase in the crossing guards' hourly rate. The California Legislature has mandated annual increases to minimum wage with a target rate of \$15.00/hr. by 2022. The current rate of \$17.10/hr. will adjust to \$18.60/hr. commencing with the 2017-2018 school year due to the passage of this mandate.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the Police Chief to sign an amendment to the agreement with All City Management Services for the contracting of school crossing guards, extending the term of said agreement.

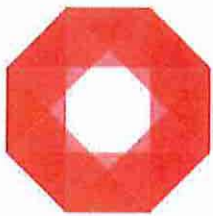
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE POLICE CHIEF TO SIGN AN  
AMENDMENT TO THE AGREEMENT WITH ALL CITY  
MANAGEMENT SERVICES FOR SCHOOL CROSSING  
GUARDS, EXTENDING THE TERM OF SAID AGREEMENT

WHEREAS, the City of Newark has maintained an agreement with All City Management Services for school crossing guards since August 2011; and

WHEREAS, the City is satisfied with the services that have been rendered by All City Management Services and desires to extend the term of the agreement to June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark authorizes the Police Chief to sign the "Amendment to Agreement between All City Management Services, Inc., and the City of Newark for providing School Crossing Guard Services" for the 2017-2018 school year.



## ALL CITY MANAGEMENT SERVICES

### Amendment to Agreement between All City Management Services, Inc. and the City of Newark for providing School Crossing Guard Services

The **City of Newark** hereinafter referred to as the "City", and **All City Management Services, Inc.**, located at 10440 Pioneer Blvd., Suite 5, Santa Fe Spring, CA 90670 hereinafter referred to as the "Contractor", mutually agree to amend the existing Agreement entered into on August 1, 2011 as follows:

1. **Item #1** This Agreement is for a period of time which commences July 1, 2017 and ends on June 30, 2018, and for such term thereafter as the parties may agree upon.
2. **Item #16** The City agrees to pay Contractor for services rendered pursuant to this Agreement the sum of Eighteen Dollars and Sixty Cents (\$18.60) per hour, with a maximum of three (3) hours per location for each day service is provided.

Except as provided for in Item #1 and Item #16 all other terms and conditions of the original Agreement, as amended between the City and the Contractor remain in effect.

**City of Newark**

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name Title

Date \_\_\_\_\_

**All City Management Services, Inc.**

By   
Demetra Farwell, Corporate Secretary

Date May 18, 2017

**F.4 Authorization for the City to apply for a California Governor's Office of Emergency Services (Cal OES) Law Enforcement Support Office (LESO) Grant for a specialized response vehicle – from Police Chief Leal. (RESOLUTION)**

**Background/Discussion** – Recent incidents around the country and here locally have highlighted the need for local law enforcement to be well prepared to respond rapidly to critical incidents which pose a substantial threat to public safety. Our officers are trained to handle a variety of potential incidents with the goal of containing threats, protecting life and property, and resolving situations through crisis negotiations rather than use of force whenever possible. The department continually reviews and assesses our equipment to ensure we have what we need to keep the public safe, as well as our officers. Specialized response vehicles provide law enforcement with a unique tool to better protect themselves and the public. The Police Department has identified the need for a secondary specialized response vehicle specifically designed to carry multiple persons inside while offering armored protection.

Specialized response vehicles are generally used to safely deliver officers, medical personnel, and life-saving equipment to those areas where in-progress shootings or threats involving the use of firearms and other deadly weapons are present; however, it could also be instrumental in enabling the officers to safely engage and stop the threat posed by heavily armed suspects. This vehicle can also be used to provide rapid response of a team of officers directly into a danger zone in order to evacuate members of the public, contain a hostile or violent situation, allow officers a safe area to begin immediate crisis communications with suspects in order to diffuse a situation and, in extreme cases, rescue injured members of the public or officers during incidents involving active shootings. In essence it is nothing more than a personnel carrier that is protective in nature and used in a responsive manner.

The proposed vehicle would complement our existing Armored Rescue Vehicle (ARV) during the need for a larger response to an act of violence. It can also be used as a primary rescue vehicle should the ARV becomes disabled or unavailable during these incidents. At minimum, it would lessen the need to have multiple patrol vehicles respond into residential areas, which creates a certain level of community concern and logistical problems by closing and blocking streets further away from the actual incident, as well as making those vehicles unavailable to other patrol officers who are working calls for service throughout the city. We have successfully used our ARV as a first line of defense during most critical incidents in and around the tri-city area over the past several years. However, because it becomes immediately stationed at the incident in order to provide protection to surrounding residents or for officers conducting negotiations from inside, it is not available for other tasks mentioned above and, as a result, a second ARV is almost always requested from a neighboring city to assist and address this need.

The proposed specialized response vehicle, a used High Mobility Multipurpose Wheeled Vehicle (HMMWV), is commonly known as a Humvee and is very similar in size, stance, and nature to the civilian version with the exception of the exterior panels which provide armored protection. Because the vehicle has had limited use and mileage, it is anticipated that annual maintenance costs would be minimal and any items that could potentially need replacing such as tires or body

panels would be absorbed by the existing vehicle maintenance or police department budget. In addition, because this is a donated vehicle not purchased through city funds, it is understood that it will not be added to the city's equipment replacement list and if the vehicle suffers a major mechanical failure it will not be replaced.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the City to apply for a California Governor's Office of Emergency Services (Cal OES) Law Enforcement Support Office (LESO) Grant for a specialized response vehicle.



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE CITY TO APPLY FOR A  
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY  
SERVICES (CAL OES) LAW ENFORCEMENT SUPPORT  
OFFICE (LESO) GRANT FOR A SPECIALIZED RESPONSE  
VEHICLE

WHEREAS, recent incidents around the country and here locally have highlighted the need for local law enforcement to be well prepared to respond rapidly to critical incidents which pose a substantial threat to public safety; and

WHEREAS, specialized response vehicles are generally used to safely deliver officers, medical personnel, and life-saving equipment to those areas where in-progress shootings or threats involving the use of firearms and other deadly weapons are present; and

WHEREAS, this specialized response vehicle is specifically designed to carry multiple persons inside while offering armored protection during response to an act of violence and would complement our existing Armored Rescue Vehicle (ARV) vehicle; and

WHEREAS, the proposed specialized response vehicle, a used High Mobility Multipurpose Wheeled Vehicle (HMMWV), is commonly known as a Humvee and is very similar in size, stance, and nature to the civilian version with the exception of the exterior panels which provide armored protection; and

WHEREAS, because the vehicle has had limited use and mileage, it is anticipated that annual maintenance costs would be minimal and any items that could potentially need replacing such as tires or body panels would be absorbed by the existing vehicle maintenance or police department budget;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark authorizes the City to apply for a California Governor's Office of Emergency Services (Cal OES) Law Enforcement Support Office (LESO) Grant for a specialized response vehicle.

**F.5 Authorization to file a request to the Metropolitan Transportation Commission for the allocation of fiscal year 2017-18 Transportation Development Act Article 3 Pedestrian and Bicycle project funding for Citywide Accessible Pedestrian Ramps, Project 1167, and designation of the Alameda County Transportation Commission Bicycle and Pedestrian Advisory Committee to serve as the Bicycle Advisory Committee for the City of Newark – from Assistant City Engineer Imai.**  
**(RESOLUTIONS - 2)**

**Background/Discussion** – The City is in position to receive \$157,624 from the Transportation Development Act Article 3 (TDA Article 3) program to be used toward the 2018 Citywide Accessible Pedestrian Ramps Project, Project No. 1167. Project 1167 will install and upgrade pedestrian ramps located on various street throughout the City to meet current ADA standards. TDA Article 3 is a funding source administered by the Metropolitan Transportation Commission that is available annually to local agencies to use for bicycle and pedestrian projects. Local distributions are determined based on population and may either be used in the fiscal year in which they are distributed, or rolled over and combined with previous and future distributions.

The requested allocation of \$157,624 reflects a total of TDA Article 3 distributions to the City of Newark for fiscal years 2014-15 (\$35,957), 2015-16 (\$38,287), 2016-17 (\$41,198) and 2017-18 (\$42,182). Staff recommends that the TDA Article 3 distribution for fiscal year 2017-18 be combined with distributions from the previous three fiscal years to fund a single, more sizeable project, allowing for a more efficient and effective use of the awarded funds.

In order to be eligible to receive the TDA Article 3 funding, the City Council must adopt a resolution authorizing the filing of an application for the TDA Article 3 funds and providing the City's assurance to complete the project.

Prior to receiving TDA Article 3 funds, MTC also requires all proposed projects to be reviewed by a Bicycle Advisory Committee (BAC). In June 2010, City Council approved (Resolution No. 9743) the formation of a Bicycle and Pedestrian Advisory Committee (BPAC) for the sole purpose of advising staff during the preparation of the Newark Pedestrian and Bicycle Master Plan. As stated in the adopted Guidelines for the Newark BPAC, the term of office was for the duration of preparation of the Newark Pedestrian and Bicycle Master Plan, which was approved by City Council on February 23, 2017 (Resolution No. 10,596). Therefore, Newark no longer has its own BAC. However, MTC allows jurisdictions without a local BAC to designate and use the Alameda County Transportation Commission's (Alameda CTC) Bicycle and Pedestrian Advisory Committee (BPAC) as their local BAC if approved by City Council resolution. The Alameda CTC BPAC is made up of eleven members appointed for a two-year term as follows:

- One per County Supervisor
- One per County Supervisorial District – appointed by the Mayor's Conference
- One to represent transit agencies – appointed by the Alameda CTC

Staff recommends that City Council designate the Alameda CTC BPAC as the City of Newark's local BAC and assign the Alameda CTC BPAC members appointed by the County Supervisor from District 2 and the Alameda County Mayor's Conference for District 2 as its representatives.

**Attachments**

**Action** – It is recommended that the City Council, by resolutions: 1) authorize the filing of a request to the Metropolitan Transportation Commission for the allocation of fiscal year 2017-18 Transportation Development Act Article 3 Pedestrian and Bicycle project funding for Citywide Accessible Pedestrian Ramps Project No. 1167; and 2) designate the Alameda County Transportation Commission Bicycle and Pedestrian Advisory Committee to serve as the Bicycle Advisory Committee for the City of Newark.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AUTHORIZING THE FILING OF A REQUEST TO  
THE METROPOLITAN TRANSPORTATION COMMISSION  
FOR THE ALLOCATION OF FISCAL YEAR 2017-18  
TRANSPORTATION DEVELOPMENT ACT ARTICLE 3  
PEDESTRIAN/ BICYCLE PROJECT FUNDING FOR  
CITYWIDE ACCESSIBLE PEDESTRIAN RAMPS PROJECT  
1167

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Newark desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Attachment B to this resolution, which is for the exclusive benefit and/or use of pedestrians and/or bicyclists;

NOW THEREFORE BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby declare it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might adversely affect the project described in Attachment B to this resolution, or that might impair the ability of the City of Newark to carry out the project.

BE IT FURTHER RESOLVED that the project has been reviewed by the countywide Bicycle Advisory Committee and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of the City of Newark and the designated representative is familiar with the bicycle and pedestrian needs of the City of Newark.

BE IT FURTHER RESOLVED that the City of Newark attests to the accuracy of and approves the statements in Attachment A to this resolution.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the Congestion Management Agency, Countywide Transportation Planning Agency, or County Association of Governments, as the case may be, of Alameda County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

RESOLUTION NO.

ATTACHMENT A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2017/18 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**FINDINGS**

Page 1 of 1

1. That the City of Newark is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Newark legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Newark has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Newark within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the City of Newark agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

RESOLUTION NO.

ATTACHMENT B

Page 1 of 1

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: 2017/18 Applicant: City of Newark

Contact person: Jayson Imai

Mailing Address: 37101 Newark Boulevard, Newark, CA 94560

E-Mail Address: jayson.imai@newark.org Telephone: (510) 578-4671

Secondary Contact (in event primary not available): Soren Fajeau

E-Mail Address: soren.fajeau@newark.org Telephone: (510) 578-4286

**Short Title Description of Project: 2018 Citywide Accessible Pedestrian Ramps**

Amount of claim: \$157,624

**Functional Description of Project:**

**Installation and upgrade of pedestrian ramps located on various streets throughout the City to meet current ADA standards**

**Financial Plan:**

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

**Project Elements: Construction**

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$157,624			\$157,624
list all other sources:					
1.					
2.					
3.					
4.					
<b>Totals</b>		\$157,624			\$157,624

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	N/A
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>May 4, 2017</u>	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	Yes
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <u>May 2018</u>	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name):	Yes

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK  
DESIGNATING THE ALAMEDA COUNTY TRANSPORTATION  
COMMISSION BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE  
TO SERVE AS THE BICYCLE ADVISORY COMMITTEE FOR THE  
CITY OF NEWARK

WHEREAS, Resolution No. 4108 of the Metropolitan Transportation Commission (MTC) specifies that each county and city is required to have a Bicycle Advisory Committee (BAC) to review and prioritize Transportation Development Act Article 3 (TDA Article 3) bicycle and pedestrian projects; and

WHEREAS, an Agency can apply to MTC for exemption from the BAC requirement if they can demonstrate that the countywide BAC provides for expanded city representation; and

WHEREAS, the Alameda County Transportation Commission (Alameda CTC) Bicycle and Pedestrian Advisory Committee (BPAC) includes members appointed by directly elected officials representing residents of all jurisdictions in Alameda County, which provides for expanded representation within Alameda County; and

WHEREAS, the Alameda CTC BPAC includes one appointee per County Supervisor (five total), one appointee for each supervisorial district, selected by the Mayors' Conference (five total), and one appointee representing transit agencies; and

WHEREAS, this structure ensures that the Alameda CTC BPAC provides for complete geographic and jurisdictional coverage of the County, as the Alameda County Supervisorial Districts include all areas and jurisdictions within the County; and

WHEREAS, the structure also provides for an inter-jurisdictional and inter-modal perspective towards bicycle and pedestrian planning and project prioritization; and

WHEREAS, through the collective knowledge of the eleven committee members, the Alameda CTC BPAC has comprehensive awareness of the needs of cyclists and pedestrians of the entire County; and

WHEREAS, the Alameda CTC BPAC has provided an effective body to review and prioritize TDA Article 3 bicycle and pedestrian projects in Alameda County since 2005, and it remains well-positioned to continue in this role; and

WHEREAS, the Alameda CTC BPAC meets all other requirements established by the State and MTC;

NOW, THEREFORE BE IT RESOLVED BY THE City Council of the City of Newark that the City Council confirms its desire to use the Alameda CTC BPAC in lieu of a City BAC.

BE IT FURTHER RESOLVED that the City of Newark designates the Alameda CTC BPAC members appointed by the County Supervisor from Supervisorial District Two and the Mayor's Conference for Alameda County Supervisorial District Two to serve as its representatives.

BE IT FURTHER RESOLVED that the City of Newark hereby designates the Alameda CTC BPAC as its review body for TDA Article 3 purposes.

(JIR2)





City of Newark

MEMO

**DATE:** May 26, 2017  
**TO:** City Council  
**FROM:** Sheila Harrington, City Clerk *S.H.*  
**SUBJECT:** Approval of Audited Demands for the City Council Meeting of June 08, 2017.

**REGISTER OF AUDITED DEMANDS**

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
May 18, 2017	Page 1-2	111120 to 111204	Inclusive
May 26, 2017	Page 1-2	111205 to 111277	Inclusive



City of Newark

MEMO

**DATE:** May 26, 2017

**TO:** Sheila Harrington, City Clerk

**FROM:** Susie Woodstock, Administrative Services Director *SW*

**SUBJECT:** Approval of Audited Demands for the City Council Meeting of June 08, 2017.

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

Final Disbursement List. Check Date 05/18/17, Due Date 05/29/17, Discount Date 05/29/17. Computer Checks.  
 Bank 1001 US BANK

MICR Check#	Vend@r Number	Payee	Check Date	Check Amount	Description
111120	149	ABAG PLAN CORPORATION	05/18/17	9,816.47	DEDUCTIBLE COSTS FOR FY 16/17 (PROPERTY/
111121	10	ABC FIRE PROTECTION INC	05/18/17	702.66	FIRE EXTINGUISHERS
111122	332	ADAMSON POLICE PRODUCTS	05/18/17	311.62	POLICE SUPPLIES
111123	2036	ALAMEDA COUNTY SHERIFF'S OFFICE REGIONAL	05/18/17	12,000.00	PATROL POST TRAINING
111124	5821	ALL CITY MANAGEMENT SERVICES, INC	05/18/17	1,436.40	CROSSING GUARD SVCS
111125	14	ALPINE AWARDS	05/18/17	2,884.85	T-SHIRTS/AWARDS
111126	348	AT&T	05/18/17	176.86	MONTHLY TELECOM
111127	1963	BAILEY FENCE COMPANY INC	05/18/17	931.00	CHAINLINK FENCE REPAIR
111128	4534	BAY AREA BARRICADE SERVICE INC	05/18/17	5,899.07	SIGNS FOR FLEET
111129	9680	BAY CENTRAL PRINTING	05/18/17	70.36	BUSINESS CARDS
111130	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	05/18/17	770.00	SPORTS OFFICIATING
111131	6630	BOUNDTREE MEDICAL LLC	05/18/17	273.28	MISC SUPPLIES
111132	11083	BURKE, WILLIAMS & SORENSEN, LLP	05/18/17	2,704.50	LITIGATION & LEGAL CONSULTING SRVCS
111133	447	CALIFORNIA HYDRONICS CORP	05/18/17	1,376.60	MISC PARTS
111134	5337	CDW GOVERNMENT INC	05/18/17	58.38	UB WRIST RESTS & MOUSE PADS FOR REPORT W
111135	33	CENTRAL TOWING & TRANSPORT LLC	05/18/17	50.00	TOWING SERVICES
111136	11413	CINDY K. HULL & ASSOCIATES FORENSIC CONS	05/18/17	2,375.00	LATENT PRINTS
111137	6304	CLASSIC GRAPHICS T & J LEWIS INC	05/18/17	5,317.94	LIGHTS FOR VEHICLES
111138	10970	COCA COLA REFRESHMENTS UNION CITY SALES	05/18/17	277.23	DRINKS FOR CAFE
111139	10649	GEORGE IBRAHIM	05/18/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0079
111140	10649	CHAD DANIELSON	05/18/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0073
111141	10649	JENSEN LANDSCAPE SERVICES	05/18/17	1,000.00	PERFORMANCE BOND RTN EP# 2017-0052
111142	10649	APPLIED REMEDIAL	05/18/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0074
111143	10649	REYNALDO REYES	05/18/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0030
111144	10649	ONE HOUR AIR CONDITIONING & HEATING	05/18/17	96.80	BP# MECH2017-0039 80% REFUND
111145	10649	RIA LAUREN ABELLERA	05/18/17	1,600.00	APPLICATION FEE REFUND
111146	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	05/18/17	112.87	LEGAL ADS
111147	7183	DEMARAY'S GYMNASTICS ACADEMY	05/18/17	716.30	RECREATION CONTRACT
111148	11259	KATHRYN DENNIS	05/18/17	28.25	EXPENSE REIMBURSEMENT
111149	9511	DWYS LLC DBA RENAISSANCE TOTS, LLC ATTN	05/18/17	205.00	RECREATION CONTRACT
111150	11015	EAST BAY LAWN MOWER	05/18/17	116.33	SMALL ENGINES AND TOOLS
111151	904	EMPLOYMENT DEVELOPMENT DEPT.	05/18/17	1,986.98	UNEMPLOYMENT INSURANCE
111152	10478	EUGENE'S HOME APPLIANCE SERVICE	05/18/17	651.01	APPLIANCE REPAIR
111153	10642	FASTENAL COMPANY	05/18/17	10.94	HARDWARE & FASTENERS
111154	1120	FORENSIC ANALYTICAL SCIENCES, INC	05/18/17	108.00	LAB TESTS
111155	3886	FREMONT FLOWERS	05/18/17	107.05	SYMPATHY FLOWERS
111156	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	05/18/17	128.96	FLEET SERVICE
111157	313	FREMONT URGENT CARE CENTER	05/18/17	1,437.00	PRE-EMPLOYMENT/DOT PHYSICALS
111158	2215	FREMONT WHEEL & BRAKE	05/18/17	80.00	ALIGNMENTS
111159	10655	GRANTEROCK	05/18/17	1,740.00	ASPHALT PRODUCTS
111160	4607	CITY OF HAYWARD HAYWARD EXECUTIVE AIRPOR	05/18/17	150.00	SWAT TRAINING
111161	4845	HINDERLITTER DELLAMAS & ASSOCIATES	05/18/17	150.00	SALES TAX CONSULTING/AUDIT SERVICES
111162	1457	HOME DEPOT CREDIT SERVICES DEPT 32-25409	05/18/17	5,097.16	MISC. MAINTENANCE PARTS/SUPPLIES
111163	11123	I PIZZA	05/18/17	300.50	PIZZA FOR CAFE & PARTIES
111164	2540	DEOL OIL JARVIS SHELL	05/18/17	1,233.00	PATROL VEHICLE CLEANING
111165	10334	TIM JONES	05/18/17	328.89	EXPENSE REIMBURSEMENT
111166	1469	KING KOVERS OF FREMONT	05/18/17	622.20	BENCH SEAT COVER AND REBUILD FOAM
111167	3210	LA COUNTY SHERIFF'S DEPT	05/18/17	1,455.00	PATROL POST TRAINING
111168	6713	DAVID LEE	05/18/17	501.05	EXPENSE REIMBURSEMENT
111169	8276	LEHR AUTO	05/18/17	18,714.89	PROJECT 2017-5 / CRUISER CHANGE OVER AND
111170	3644	RELX INC. DBA LEXISNEXIS	05/18/17	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION

Final Disbursement List. Check Date 05/18/17, Due Date 05/29/17, Discount Date 05/29/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
111171	6596	CHOMNAN LOTH	05/18/17	375.99	EXPENSE REIMBURSEMENT
111172	80	LYNN PEAVEY COMPANY	05/18/17	84.21	EVIDENCE SUPPLIES
111173	11482	MARCI MARINO	05/18/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR05
111174	10907	MICHAEL YORKS	05/18/17	300.00	BACKGROUND INVESTIGATIONS
111175	10710	MUNICIPAL CODE CORPORATION	05/18/17	2,529.00	SUPPLEMENT PAGES
111176	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	05/18/17	6,445.81	SWEEPER/CATCH BASIN CLEANER SERVICE & PA
111177	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	05/18/17	7,450.95	AUTO PARTS
111178	10918	ANKAR CYCLES, INC dba OAKLAND HARLEY-DAV	05/18/17	689.69	FLEET MAINTENANCE
111179	11350	P.F. PETTIBONE & CO	05/18/17	440.80	MINUTE BOOK COVERS
111180	11509	MARC PALACIO	05/18/17	225.77	EXPENSE REIMBURSEMENT
111181	11062	PCD	05/18/17	5,771.00	LEIGHTRONIX RENEWAL
111182	10766	PEAK SOFTWARE SYSTEMS, INC	05/18/17	251.86	CASH DRAWER
111183	10683	PITNEY BOWES INC	05/18/17	55.03	POSTAGE SUPPLIES
111184	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	05/18/17	1,534.85	CRUISER CHANGE OVER AND RADIO REPAIRS
111185	11412	PROSHRED SFBA	05/18/17	140.00	SHREDDING SVCS
111186	1282	EDDA RIVERA	05/18/17	48.19	EXPENSE REIMBURSEMENT
111187	11373	RRM DESIGN GROUP	05/18/17	4,086.72	NEWARK ZONING CODE UPDATE
111188	7996	SANTA ROSA JUNIOR COLLEGE SANTA ROSA TRA	05/18/17	66.00	PATROL POST TRAINING
111189	377	SIMON & COMPANY INC	05/18/17	1,854.06	LEGISLATIVE SERVICES
111190	676	SUMMIT UNIFORMS CORP	05/18/17	158.41	MISC SUPPLIES
111191	11414	SWIM SUIT STATION	05/18/17	663.31	SHORTS AND RASHGUARDS FOR RETAIL SALES
111192	7744	T-MOBILE USA, INC.	05/18/17	510.00	CALL DETAIL RECORDS
111193	6797	US BANK CORPORATE PAYMENT	05/18/17	10,860.60	US BANK CC PAYMENT 04/24/17
111194	7517	U S FOODS INC SAN FRANCISCO	05/18/17	852.39	FOOD SUPPLY FOR CAFE
111195	688	UNION SANITARY DISTRICT ATTENTION ACCOUN	05/18/17	593.18	TV STORM DRAIN
111196	88	UNITED ROTARY BRUSH CORP	05/18/17	319.13	SWEEPER PARTS
111197	3446	UNIVERSAL SPECIALTIES INC	05/18/17	1,067.62	PLUMBING SUPPLIES
111198	10998	GARY M SHELDON VBS SERVICES	05/18/17	150.00	BLOOD WITHDRAWAL SVC
111199	5623	VERIZON WIRELESS	05/18/17	207.65	GPS TRACKERS
111200	5623	VERIZON BUSINESS SERVICES	05/18/17	879.34	CELL SVC FOR MDT'S
111201	339	WASHINGTON HOSPITAL GENERAL ACCOUNTING	05/18/17	25.00	LAB TESTS
111202	10822	WEE HOOP INC C/O DINAH SHAH	05/18/17	449.50	RECREATION CONTRACT
111203	5050	WEST COAST ARBORISTS INC	05/18/17	6,840.00	2017 STREET TREE MAINTENANCE
111204	11417	WHOLESALE DISTRIBUTION ALLIANCE	05/18/17	1,205.94	RETAIL MERCHANDISE
Total				147,723.40	

1

Final Disbursement List. Check Date 05/26/17, Due Date 06/05/17, Discount Date 06/05/17. Computer Checks.  
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
111205	10223	LEXISNEXIS RISK SOLUTIONS ACCT# 1415640	05/26/17	428.40	BACKGROUND CHECKS
111206	11094	ACME AUTO LEASING, LLC	05/26/17	1,909.44	ARMORED RESCUE VEH LEASE - 05/17
111207	11518	FRANCISCO AGUIRRE	05/26/17	131.70	EXPENSE REIMBURSEMENT
111208	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	05/26/17	1,926.50	CITATION PROCESSING FEES - APR'17
111209	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	05/26/17	530.75	CRIME LAB FEES
111210	344	ALAMEDA COUNTY WATER DISTRICT	05/26/17	26,694.70	WATER BILL
111211	284	INFORMATION TECHNOLOGY DEPARTMENT ATTN:	05/26/17	2,738.78	AWS ACCESS FEES
111212	10990	BADAWI & ASSOCIATES	05/26/17	27,093.15	AUDITING SERVICES FY16/17
111213	9680	BAY CENTRAL PRINTING	05/26/17	70.36	BUSINESS CARDS
111214	11385	BBVA COMPASS	05/26/17	377,405.13	2012 RFND COP PRINCIPAL & INTEREST
111215	9888	BUREAU VERITAS NORTH AMERICA INC	05/26/17	1,472.50	BLDG PLAN REVIEW SERVICES
111216	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	05/26/17	19,345.37	STREETLIGHT AND TRAFFIC SIGNAL MAINTENAN
111217	11281	CALLYO 2009 CORP.	05/26/17	1,536.53	CALLYOSVC
111218	10845	CEB ATTN: ACCOUNTS RECEIVABLE	05/26/17	389.23	LEGAL LIBRARY RESOURCES
111219	7439	CENTERVILLE LOCKSMITH	05/26/17	7.68	FORD KEY
111220	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	05/26/17	757.28	FUEL CHARGES
111221	6304	CLASSIC GRAPHICS T & J LEWIS INC	05/26/17	3,206.42	AUTO BODY REPAIRS/DECALS
111222	10970	COCA COLA REFRESHMENTS UNION CITY SALES	05/26/17	523.94	DRINKS FOR CAFE
111223	11032	CUBE SOLUTIONS	05/26/17	418.47	OFFICE CHAIR
111224	10650	SUSANNE WILLIAMS	05/26/17	250.00	REFUND OF MONEY - CASE#17-0097
111225	10793	SHELDON PIUMARTA	05/26/17	100.00	RENTAL DEPOSIT REFUND
111226	10793	JASMIN HODGES	05/26/17	100.00	RENTAL DEPOSIT REFUND
111227	10793	MICHELLE BUENAFLO	05/26/17	50.00	RENTAL DEPOSIT REFUND
111228	10793	SOPHIA MARTINEZ	05/26/17	535.00	RENTAL REFUND
111229	10793	MEETINGS & EVENTS INTERNATIONAL ATTN: BI	05/26/17	300.00	RENTAL DEPOSIT REFUND
111230	10793	NEWARK UNIFIED SCHOOL DISTRICT	05/26/17	300.00	RENTAL DEPOSIT REFUND
111231	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	05/26/17	140.00	LEGAL ADS
111232	11404	ALHAMBRA	05/26/17	571.69	WATER SERVICE
111233	11461	EMC PLANNING GROUP INC.	05/26/17	18,463.14	CONTRACTUAL SERVICES
111234	11343	ENVIRONMENTAL LOGISTICS, INC.	05/26/17	1,518.00	HAZARDOUS WASTE PICKUP
111235	11431	EXTENDED STAY AMERICA	05/26/17	3,229.07	PATROL POST TRAINING
111236	10642	FASTENAL COMPANY	05/26/17	143.51	HARDWARE & FASTENERS
111237	5137	FOUR SEASONS POOL SERVICE	05/26/17	108.76	PARTS FOR POOLS
111238	5106	CITY OF FREMONT REVENUE DIVISION	05/26/17	87,731.59	NEWARK PARATRANSIT
111239	11112	FREMONT CHRYSLER DODGE JEEP RAM	05/26/17	189.19	MISC PARTS FLEET
111240	11123	I PIZZA	05/26/17	459.00	PIZZA FOR CAFE & PARTIES
111241	2540	DEOL OIL JARVIS SHELL	05/26/17	1,260.25	FUEL AND CAR WASHES
111242	11468	DEJUAN JOHNSON	05/26/17	749.50	EXPENSE REIMBURSEMENT
111243	11130	DANIEL KHAIRY	05/26/17	134.46	EXPENSE REIMBURSEMENT
111244	10486	SHAKATI KHALSA	05/26/17	216.00	RECREATION CONTRACT
111245	293	LANGUAGE LINE SERVICES INC	05/26/17	129.95	INTERPRETATION SVCS
111246	80	LYNN PEAVEY COMPANY	05/26/17	273.18	EVIDENCE SUPPLIES
111247	11467	SOFIA MANGALAM	05/26/17	11.75	EXPENSE REIMBURSEMENT
111248	11309	MANUEL FERNANDEZ CONSTRUCTION	05/26/17	2,592.50	CARPET CLEANING FIRE STATIONS
111249	11519	JOHN MATTOS	05/26/17	250.00	EXPENSE REIMBURSEMENT
111250	11357	MISSION UNIFORM SERVICE	05/26/17	1,500.18	UNIFORMS, MATS, & TOWELS
111251	11378	MNS ENGINEERS INC	05/26/17	41,005.00	ENGINEERING CONSULTANT SERVICES
111252	10865	NEW IMAGE LANDSCAPE	05/26/17	4,739.54	IRRIGATION REPAIRS
111253	10996	O'REILLY AUTOMOTIVE INC	05/26/17	457.72	OIL FILTERS FOR FILTER EXCHANGE EVENT
111254	349	PACIFIC GAS & ELECTRIC	05/26/17	64,817.89	STREETLIGHTS AND TRAFFIC SIGNALS
111255	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	05/26/17	190.00	PEST CONTROL

Final Disbursement List. Check Date 05/26/17, Due Date 06/05/17, Discount Date 06/05/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
111256	11517	ANTHONY PIQUETTE	05/26/17	161.95	EXPENSE REIMBURSEMENT
111257	11510	JENNA QUINONEZ	05/26/17	308.70	EXPENSE REIMBURSEMENT
111258	4036	CITY OF SACRAMENTO REVENUE DIVISION	05/26/17	160.00	POST RECORDS TRAINING
111259	9811	REDFLEX TRAFFIC SYSTEMS	05/26/17	18,800.00	REDLIGHT CAMERA MONITORING
111260	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	05/26/17	4,476.98	LEGAL ADVICE FEES
111261	11305	SAN DIEGO COUNTY LAW ENFORCEMENT EXPLORE	05/26/17	3,150.00	EXPLORER ACADEMY
111262	112	WILLE ELECTRICAL SUPPLY CO INC	05/26/17	3,544.56	ELECTRICAL SUPPLIES
111263	11285	SANTANDER LEASING LLC	05/26/17	46,497.01	SWEEPER LEASE FY16/17
111264	9327	JEFFREY SAUNDERS	05/26/17	4,330.38	ADPP - 05/17
111265	11098	SILVER & WRIGHT LLP	05/26/17	758.29	LITIGATION & CONSULTING SRVCS
111266	220	SONITROL	05/26/17	2,079.00	QUARTERLY CAMERA MONITORING
111267	11171	SSP DATA, INC	05/26/17	3,052.80	FIREWALL SUBSCRIPTION RENEWALS
111268	40	STAPLES ADVANTAGE DEPT LA	05/26/17	394.19	OFFICE SUPPLIES
111269	5217	STATE OF CALIFORNIA DEPARTMENT OF CONSUM	05/26/17	115.00	PROFESSIONAL LICENSE RENEWAL FOR TRANG T
111270	9476	YSERCO INC	05/26/17	970.00	AUTOMATIC HVAC CONTROLS-SILLIMAN
111271	7744	T-MOBILE USA, INC.	05/26/17	102.00	CALL DETAIL RECORDS
111272	146	THYSSENKRUPP ELEVATOR CORPORATION	05/26/17	3,596.00	ELEVATOR REPAIR
111273	10968	UTILITY TELEPHONE	05/26/17	15,955.85	MONTHLY TELECOM MAY'17
111274	853	VALLEY OIL COMPANY LOCKBOX# 138719	05/26/17	15,352.77	FUEL FOR VEHICLES
111275	5623	VERIZON WIRELESS	05/26/17	418.11	SERVICE FOR IPADS
111276	5050	WEST COAST ARBORISTS INC	05/26/17	39,303.25	TREE MAINTENANCE
111277	340	WITMER-TYSON IMPORTS	05/26/17	761.95	K9 TRAINING/SUPPLIES
Total				863,391.99	