



CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, March 23, 2017

- A. ROLL CALL
- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, March 9, 2017. (MOTION)
- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Introduction of employees.
 - C.2 Proclaiming March as American Red Cross Month in Newark.(PROCLAMATION)
 - C.3 Commending Nianju Gu, Rotary Club Speech Contest winner, and presentation of her speech. (COMMENDATION)
- D. WRITTEN COMMUNICATIONS
- E. PUBLIC HEARINGS
- F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

 - F.1 Authorization for the purchase of a new 2017 John Deere 1550 Terrain Cut Commercial Front Mower from Turf and Industrial Equipment Company – from Maintenance Supervisor Connolly. (RESOLUTION)

- F.2 Initiation of the 2017 Weed Abatement Program and setting April 27, 2017 for a public hearing - from Deputy Fire Marshal Lee/Maintenance Supervisor Hornbeck. (RESOLUTION)**

NONCONSENT

- F.3 Discussion of options regarding Accessory Dwelling Units regulations - from Assistant City Manager Grindall. (INFORMATION)**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Reappointing Senior Citizen Standing Advisory Committee members; declaring a vacancy on the Committee and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (RESOLUTION)(MOTION)**

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

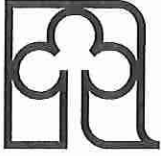
Approval of Audited Demands for the City Council meeting of March 23, 2017. (MOTION)

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, 5th 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.



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

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

AGENDA

Thursday, March 23, 2017

CITY COUNCIL:

Alan L. Nagy, Mayor
Mike Bucci, Vice Mayor
Luis L. Freitas
Sucy 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. 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

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

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

Minutes

Thursday, March 9, 2017

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:31 p.m. Present were Council Members Hannon, Collazo, Freitas, and Vice Mayor Bucci.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 23, 2017. MOTION APPROVED

Council Member Collazo moved, Vice Mayor Bucci seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Proclaiming March 9, 2017, as Arbor Day in Newark.

Mayor Nagy presented the proclamation to Maintenance Supervisor Neal Hornbeck.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Public Hearing for the proposed issuance of revenue bonds by the California Municipal Finance Authority (CMFA), in an amount not to exceed \$14,750,000 for the Newark Station Senior Apartments, a 75 unit multifamily, rental housing facility, located at 37433 Willow Street in the City of Newark. RESOLUTION NO. 10599

Assistant City Manager Grindall stated that the City Council approved the issuance of tax exempt revenue bonds for this project last year; however, delays in the site preparation require a new approval for the bonds. He noted that the bonds are the sole responsibility of the borrower and not the City.

Mayor Nagy opened the public hearing at 7:40 p.m.

Jori Henry, representing the borrower, stated that they will hold a groundbreaking ceremony and anticipated construction to begin around May.

Mayor Nagy requested groundbreaking invitations for Senior Center members. He requested clarification on the community resident selection criteria for an apartment.

In response to Mayor Nagy, Ms. Henry stated that she would find out the meaning of the criteria and would follow up with Assistant City Manager Grindall.

Mayor Nagy closed the public hearing at 7:45 p.m.

Vice Mayor Bucci moved, Council Member Collazo seconded to adopt a resolution approving the issuance of the revenue bonds by the California Municipal Finance Authority for the purpose of financing or refinancing the acquisition, construction, improving, and equipping of certain facilities at 37433 Willow Street for the benefit of Newark 618, L.P., or another limited partnership established by USA Properties Fund, Inc. or an affiliate thereof. The motion passed 5, AYES.

F. CITY MANAGER REPORT

Vice Mayor Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Item F.1 that the ordinance be numbered consecutively, and that reading of the title suffice for adoption of the ordinance. The motion passed, 5 AYES.

- F.1 Second reading and adoption of an ordinance committing funds for the California Public Employee Retirement System plan and Other Post-Employment Benefit unfunded accrued liabilities. ORDINANCE NO. 497**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Vice Mayor Bucci commended International Women's Day. He stated that former Newark resident, Bayley is the Raw Women's Champion in the World Wrestling Entertainment, Inc. (WWE). He thanked City Attorney Benoun for his work on the Welcoming City resolution adopted at the last meeting.

Council Member Collazo stated that it was wonderful to be recognized on International Women's Day. She encouraged everyone to Shop Newark.

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 March 9, 2017. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 110287 to 110406.

Council Member Freitas moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

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.

Vice Mayor Bucci moved, Council Member Hannon seconded, to hold the closed session. The motion passed, 5 AYES.

At 7:51 p.m. the City Council recessed to a closed session.

At 7:58 p.m. the City Council convened in closed session.

At 8:51 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT at 8:51 p.m.

At 8:51 p.m. Council Member Hannon moved, Council Member Collazo seconded, to adjourn the meeting. The motion passed, 5 AYES.

C.1 Introduction of employees.

Background/Discussion – Police Officers Joyce Wang and Frank Herbert will be at the meeting to be introduced to the City Council.

C.2 Proclaiming March as American Red Cross Month in Newark. (PROCLAMATION)

Background/Discussion – The President of the United States has proclaimed March as American Red Cross Month across the country. A member of the American Red Cross Leadership Council will accept the proclamation at the meeting.

C.3 Commending Nianju Gu, Rotary Club Speech Contest winner, and presentation of her speech. (COMMENDATION)

Background/Discussion – The Rotary Clubs of District 5170 sponsor the Richard D. King Annual Youth Speech Contest each year. Ms. Nianju Gu winner of the Newark Rotary Club’s Speech Contest will present her speech “Legos Are For Everyone” at the City Council meeting. Ms. Gu will represent Newark at the North Regional Level Competition on March 31 in San Jose; the first time a Newark Speech Contest contestant has made it to that level of the competition.

Mayor Nagy will present a commendation to Ms. Gu at the City Council meeting in honor of her achievements.

F.1 Authorization for the purchase of a new 2017 John Deere 1550 Terrain Cut Commercial Front Mower from Turf and Industrial Equipment Company – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion- The 2016-2018 Biennial Budget for Fiscal Year 2016-2017 includes funding for the replacement of the City of Newark’s existing Commercial Front Mower through the City’s Equipment Replacement Program. Approximately 74.25 acres of lawn are maintained on a monthly basis. This mower provides for the necessary access around structures and maneuverability on small hills.

Bids for a replacement mower were opened on February 21, 2017. The specification for the bid was based on a 2017 John Deere 1550 Terrain Cut Commercial Front Mower with provisions for a substitution of the specified mower upon approval of the City’s Project Manager. The scope of the requested bid included the mower, all specified attachments and options, license fee, shipping, California tire fee, and tax.

One bid proposal was received for the replacement mower from Turf and Industrial Equipment Company for \$23,346.20 as specified. The mower will be equipped with flashers and City logos by staff for an additional cost of \$800.00. The total budget for replacement of this item is \$30,000.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the purchase of a new 2017 John Deere 1550 Terrain Cut Commercial Front Mower from Turf and Industrial Equipment Company.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE PURCHASE OF A NEW 2017
JOHN DEERE 1550 TERRAIN CUT COMMERCIAL FRONT
MOWER FROM TURF AND INDUSTRIAL EQUIPMENT
COMPANY

WHEREAS, the City of Newark 2016-2018 Biennial Budget for Fiscal Year 2016-2017 and the Equipment Replacement List include an item for replacement of the City's existing John Deere Commercial Front Mower that has reached the end of its useful life; and

WHEREAS, the City of Newark advertised for bids for this replacement equipment in the document entitled, "2017 John Deere 1550 Terrain Cut Commercial Front Mower" and received one bid from Turf and Industrial Equipment Company in the amount of \$23,346.20.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby find that Turf and Industrial Equipment Company was the lowest responsible bidder for the 2017 John Deere 1550 Terrain Cut Commercial Front Mower as specified in said bid document.

BE IT FURTHER RESOLVED that the City Council does hereby accept said bid of \$23,346.20 from Turf and Industrial Equipment Company for the purchase and delivery of said equipment.

F.2 Initiation of the 2017 Weed Abatement Program and setting April 27, 2017 for a public hearing - from Deputy Fire Marshal Lee/Maintenance Supervisor Hornbeck. (RESOLUTION)

Background/Discussion – The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Prevention Staff. The abatement work consists of tractor mowing, supplemented with manual labor to clear weeds abutting fences and remove debris to facilitate the tractor work. There are 140 industrial, residential and commercial parcels that have large areas of vacant ground that host seasonal weeds that could become a fire hazard. These parcels are located throughout the City.

Property owners have the option to make their own arrangements for weed and debris removal. They must get the work completed prior to the schedule set for the City’s contractor. The City’s contractor is scheduled to perform weed abatement work in May and June. Property owners will be asked to return a pre-paid postcard to the City indicating that they will abate their own weeds. Alameda County Fire Department staff will inspect the properties prior to the abatement of the weeds. This provides sufficient opportunity for the property owners to perform their own work. All properties that the City performs the abatement work on will be assessed the full cost of that work, including administration costs.

If necessary, an additional fall program will be scheduled to abate seasonal weeds, like tumbleweeds and re-growth of weeds that occur during the summer months. Prior to any supplemental fall weed abatement work, the City will provide written notices to the affected property owners. A second public hearing for the fall program is not required.

Attachment

Action - It is recommended that the City Council, by resolution, find and declare that weeds growing on specified properties are seasonal and recurrent nuisances; and rubbish, refuse, and dirt upon parkways, sidewalks, or private property in the City of Newark are public nuisances and must be abated, and setting April 27, 2017 for a public hearing.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK FINDING AND DECLARING THAT WEEDS GROWING ON SPECIFIED PROPERTIES ARE SEASONAL AND RECURRENT NUISANCES; AND RUBBISH, REFUSE, AND DIRT UPON PARKWAYS, SIDEWALKS, OR PRIVATE PROPERTY IN THE CITY OF NEWARK ARE PUBLIC NUISANCES AND MUST BE ABATED, AND SETTING APRIL 27, 2017 FOR A PUBLIC HEARING

WHEREAS, the City Council of the City of Newark hereby finds and determines that weeds are growing upon the streets, sidewalks, or private property in the City of Newark as hereinafter described, and that rubbish, refuse, and dirt is upon its parkways, sidewalks, or private property hereinafter described in the City of Newark and that said City Council hereby declares that all weeds are growing upon the streets, sidewalks, or private property in said City and all rubbish, refuse, and dirt in parkways, or private property in the said City are a public nuisances and the same are hereby ordered abated in the manner provided in Section 39560 to Section 39586, inclusive, of the Government Code of the State of California: and

WHEREAS, the name of said streets, parkways, sidewalks, and private properties are contained in Schedule "A," attached hereto and incorporated herein by reference and made a part of this resolution as though set forth at length;

NOW, THEREFORE BE IT RESOLVED that the City Clerk is hereby directed to mail written notices of the proposed abatement to all persons owning property described in this resolution, said written notice to be mailed to each person to whom such described property is assessed in the last equalized assessment roll available on the date this resolution is adopted by the City Council. The City Clerk shall complete said mailing at least five (5) days prior to the time for hearing of objections by the legislative body. The notice shall be substantially in the form provided by Section 39566 of the Government Code of the State of California, except that notices shall be signed by the City Clerk and the heading of the notice need not comply with Section 39565 of the Government Code;

BE IT FURTHER RESOLVED that a public hearing to hear objections to the proposed removal of weeds, rubbish, refuse, and dirt will be held by the City Council at its regular meeting of April 27, 2017.

MAP	APN	OWNER	LOCATION
1	92A-0720-005-10	PRESBYTERY OF SAN FRANCISCO	35450 NEWARK BOULEVARD
2	092-0005-029-09	RAYLENE PIAZZO	6844 MAYHEWS LANDING RD.
3	092-0131-001-09	SRAJ Development LLC	FILBERT STREET AT SNOW
3.1	092-0131-002-04	SRAJ Development LLC	37243 FILBERT STREET
3.2	092-0131-003-00	SRAJ Development LLC	37257 FILBERT STREET
4	092-0021-015-03	BSL CORPORATION	SYCAMORE STREET NEAR GEORGE
5	092-0024-010-00	MARIA L. MARTINS	SYCAMORE STREET NEAR 7303 DAIRY
6	092-0029-022-00	THIRUMALPATHY BALAKRISHNAN	36952 MULBERRY STREET
7	092-0045-011-00	ENRIQUE & ESTHER GUERRERO	MAGNOLIA STREET NEAR RICH
8	092-0030-014-03	D & J MELVILLE & P & D CHANG	6717 THORNTON AVENUE
9	092-0030-018-04	PAUL F. MERRILL	6781 THORNTON AVENUE
9.1	092-0030-017-02	PAUL F. MERRILL	6765 THORNTON AVENUE
10	092-0032-003-00	ALAN L DANG	DAIRY AVENUE BETWEEN 36805 & 36926
11	092-0041-008-03	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.1	092-0024-017-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.10	537-0521-008-01	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.11	537-0521-008-02	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.12	537-0521-009-02	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.13	092-0054-003-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.14	092-0200-015-01	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.15	092-0253-001-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.16	92A-2165-006-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.17	92A-2300-007-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.18	92A-2300-006-14	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.19	92A-2500-005-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.2	092-0021-016-01	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.20	92A-2500-004-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.21	537-0850-021-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.22	537-0850-020-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.23	537-0850-019-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.24	537-0850-018-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.25	537-0850-017-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W

11.26	092-0054-002-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.27	092-0068-003-02	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.28	092-0069-002-02	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.29	092-0069-003-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.3	092-0021-016-02	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.30	092-0067-012-05	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.31	092-0067-014-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.32	092-0067-019-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.33	092-0067-020-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.34	092-0065-002-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.35	092-0064-010-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.36	92A-1095-129-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.37	92A-1100-058-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.38	92A-1105-014-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.39	92A-2000-004-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.4	092-0015-004-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.40	92A-2010-002-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.41	092-0127-021-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.42	092-0127-020-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.43	092-0067-012-05	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.5	92A-0506-107-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.6	92A-0506-106-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.7	92A-0501-030-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.8	92A-0502-090-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
11.9	92A-0620-061-00	UNION PACIFIC - REAL ESTATE	SP RAILROAD R-O-W
12	92A-2143-041-00	AMELIA SILVEY CHANG INCOME PROPERTY	6163 ROBERTSON AVENUE
13	092 025501100	PARTNERSHIP LP	37200 SYCAMORE ST
14	537-0850-002-00	PICK-N-PULL AUTO DISMANTLERS	7400 MOWRY AVENUE
15	537-0460-007-25	H AZAD & B PIRGHIBI ETAL	6953 JARVIS AVENUE
18	901-0111-009-00	A&P CHILDRENS INVESTMENTS LLC	3970 CEDAR BOULEVARD
19	092A-2165-009-04	PABCO BUILDING PRODUCTS	REDEKER PLACE AT CHERRY
20	92A-0501-034-13	SF BAY WILDLIFE REFUGE c/o J. Bradley	CEDAR BOULEVARD
	092-0075-001-09	S & P TRETTIN FAMILY TRUST (Steve Trenton)	MULBERRY STREET AT CLARK
22.1	092-0075-001-03	S & P TRETTIN FAMILY TRUST	MULBERRY STREET AT CLARK

22.2	092-0074-001-04	S & P TRETTIN FAMILY TRUST	MULBERRY STREET AT CLARK
22.3	092-0074-001-09	S & P TRETTIN FAMILY TRUST	CLARK AVENUE AT MULBERRY
22.4	092-0074-001-08	S & P TRETTIN FAMILY TRUST	CLARK AVENUE AT MULBERRY & OLIVE
22.5	092-0074-001-01	S & P TRETTIN FAMILY TRUST	CLARK AVENUE AT OLIVE
23	537 046001400	FULL BLOOM BAKING CO BUILDING FUND LLC	6500 OVERLAKE PL
24	092-0075-004-02	SARWAT & COLETTE FAHMY TRS	CHERRY STREET
24.1	092-0075-005-02	SARWAT & COLETTE FAHMY TRS	CHERRY STREET
25	092-0210-002-01	MORTON SALT INC. - HARRY SHAH	CENTRAL AVENUE & MORTON
26	537-0460-007-28	FRANCISCAN GLASS COMPANY	35255 FIRCREST STREET
26.1	537-0460-021-01	FRANCISCAN GLASS COMPANY	FIRCREST STREET
27	092-0083-009-00	CHAND KIRAN	36915 LOCUST STREET
28	92A-2300-006-12	SKW MBT OPERATIONS INC . (BASF)	38403 CHERRY STREET
29	92A-0750-008-00	HOLY REDEEMER LUTHERAN CHURCH	35660 CEDAR BOULEVARD
30	92A-2143-042-00	PO LAM CHEUNG	6179 ROBERTSON AVENUE
31	901-0185-018-00	SI XVIII LLC	CHERRY STREET LOT 1
31.1	901-0185-023-00	SI XVIII LLC	CHERRY STREET LOT 2
31.2	901-0185-024-00	SI XVIII LLC	STEVENSON BOULEVARD
32	92A-0462-125-00	SATISH KUMAR & KESHI L.	8215 THORNTON AVENUE
33	901-0188-006-00	LION NEWARK SHOPPING CNTR.	39055 CEDAR BOULEVARD
34	092-0126-019-00	SMCTD	SMCTD RAILROAD R-O-W LOCUST & ELM
34.1	092-0125-017-00	SMCTD	SMCTD RAILROAD R-O-W WALNUT & LOCUST
34.2	092-0124-022-00	SMCTD	SMCTD RAILROAD R-O-W SPRUCE & WALNUT
34.3	092-0119-099-00	SMCTD	SMCTD RAILROAD R-O-W SPRUCE
34.4	092-0100-008-02	SMCTD	SMCTD RAILROAD R-O-W WILLOW
34.5	092-0100-008-01	SMCTD	SMCTD RAILROAD R-O-W WEST OF WILLOW
35	537-0852-001-02	FMC CORPORATION	8787 ENTERPRISE DR.
36	092-0115-011-00	SHH PROJECT OWNER LLC	37445 WILLOW STREET
36.1	092-0100-004-02	HONEYWELL INTERNATIONAL INC	WILLOW STREET NORTH OF ENTERPRISE
37	92A-0465-045-04	RONALD MILLER ETAL	7721 SUNSET AVENUE
38	92A-0720-025-00	MAURICE LADRECH LIVING TRUST	35178 NEWARK BOULEVARD
39	92A-2143-040-01	ARBUTUS & DAVID MILANI	ROBERTSON AVENUE AND HONEYSUCKLE
40.1	092-0116-059-00	NEWARK ENTERPRISE JOINT VENTURE LL	WILLOW STREET

40.2	092-0116-058-00	NEWARK ENTERPRISE JOINT VENTURE LL	8400 ENTERPRISE DRIVE
41	92A-2143-039-00	AMELIA SILVEY	6139 ROBERTSON AVENUE
43	537-0850-003-00	NEWARK PARTNERS LLC	MOWRY AVENUE WEST OF TRACKS
43.1	537-0850-004-00	NEWARK PARTNERS LLC	MOWRY AVENUE WEST OF TRACKS
44	092-0124-014-00	TOMAS & CONCEPCION M. SIERRA	RAILROAD AVENUE SPRUCE & WALNUT
45	092-0125-010-00	STANLEY R. CHERRY TRS	7843 RAILROAD AVE BETWEEN LOCUST & WALNUT
47	92A-1036-029-02	ASHIT JAIN	6214 THORNTON AVENUE
48	092-0134-002-00	LOUIE FAY TR	RAILROAD AVE BETWEEN LOCUST & ELM
49	092-0135-023-00	SEAMONKEY LLC	WALNUT STREET CORNER LOT
51	092-0119-015-00	SINGH BALWANT & SARN RANJODH	8084 THORNTON AVE.
53	92A-1036-031-02	JOHN JR & SHIRLEY ELIZARREY TRS	6152 THORNTON AVENUE
54	092A-1036-041-00	JOSEPH & LILY AU TRS	NEWARK BOULEVARD AND CIVIC TERR
55	092-0252-001-00	NORDSTROM, INC.	37599 FILBERT STREET
56	092A-2141-032-00	LEI CHEN	37802 LOBELIA DRIVE
57	092-0030-016-02	CLARENCE & DOROTHY MARTIN TRS	6749 THORNTON AVENUE
58	092-0041-002-01	SIMON TANIOS	36964 ASH STREET
61	92A-2586-076-00	YU-JEH L. WANG	BIRCH STREET ON CEDAR
62	092-0100-007-05	CITY & CO SF WATER DEPT	WILLOW STREET
62	092-0100-007-05	CITY & CO SF WATER DEPT	WILLOW STREET
62.1	092-0140-003-02	CITY & CO SF WATER DEPT	WILLOW STREET
62.10	92A-2357-031-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.11	92A-2416-015-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.12	92A-2416-013-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.13	92A-2585-002-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.14	92A-2585-027-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.15	92A-2588-002-01	CITY & CO SF WATER DEPT	WILLOW STREET
62.2	092-0116-004-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.3	092-0145-010-01	CITY & CO SF WATER DEPT	WILLOW STREET
62.4	092-0146-023-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.5	092-0068-001-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.6	092-0074-002-00	CITY & CO SF WATER DEPT	WILLOW STREET

62.7	092-0074-002-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.8	092-0075-007-00	CITY & CO SF WATER DEPT	WILLOW STREET
62.9	92A-2141-002-00	CITY & CO SF WATER DEPT	WILLOW STREET
63	92A-0623-043-00	MAYHEWS PLACE LLC	36589 NEWARK BLVD
65	092-012701-300	PKA PHARMACEUTICAL INC.	37079 ASH ST.
66	537-085201-100	DUMBARTON AREA 2LLC	ENTERPRISE DR. AT HICKORY
67	92011500500	ASHLAND	8610 ENTERPRISE DR.
68	092 014000600	ENTERPRISE DR. LLC	8333 ENTERPRISE DR.
69	092 003001300	MULLINS OLGA E	36951 MULBERRY ST.
70	092A258800704	COUNTY OF ALAMEDA	TIMBER ST. AT CEDAR CT.
71	092 010001103	UNITED STATES OF AMERICA	THORNTON AVE

F.3 Discussion of options regarding Accessory Dwelling Units regulations - from Assistant City Manager Grindall. (INFORMATION)

Background/Discussion – As a result of recent State legislation, an Urgency Ordinance was approved at the January 12, 2017 City Council meeting that modified regulations governing Accessory Dwelling Units (ADU). There were policy issues raised at that meeting but the discussion was deferred to allow more time for consideration. The key remaining issues were: 1). the potential requirement that the property owner reside in either the main property or the ADU; and 2). the potential limitation of the ADU to no more than one bedroom.

Historically the City of Newark has had very strict regulations on Second Units (now redefined as ADUs.) While such units were technically possible, they were limited to only 275 square feet and required the addition of an off-street parking space to the property. Given these constraints there has not been a second unit constructed in Newark for more than a decade.

The recent State legislation corresponds to a change in attitudes towards ADUs. They are now seen, by many, as an important potential source of affordable housing and a resource for homeowners to increase their income.

The new State laws mandate relaxed requirements and a streamlined process for implementing these units and will likely result in a significant number of units being constructed. The legislation does leave cities with some ability to regulate and control these ADUs.

It is staff's recommendation that given the unknown impact of the relaxation of the restrictions on Accessory Units, it is prudent to utilize the flexibility that State law allows to maintain some reasonable restrictions.

Remaining Issues

1) Requiring Owner Residence on the Property.

Home ownership is a stabilizing influence on residential neighborhoods. Owner occupied properties are generally better monitored and maintained. The allowance of the construction of Accessory Dwelling Units on properties in residential neighborhoods, in itself poses some risk to neighborhood stability, the potential of both the primary building and the ADU being occupied as rentals could impact the character of neighborhoods. On the other hand, allowing both units to be rented would increase the stock of rental housing in Newark and would enhance the financial feasibility of ADU construction. Given the potential impact on neighborhoods, Staff has recommended that the property owner be required to live in one of the units. This is an issue that could be revisited in the future when the level of demand for ADU construction and their impacts on neighborhoods is known.

The Council has three options to consider:

- A) Prohibit rental occupancy of both units. Rental occupancy of either the main home or the ADU would be allowed.
- B) Allow both units to be occupied by renters.
- C) Prohibit rental occupancy of both units in the case of Junior ADUs but allow rental occupancy of both units in the case of Standard ADUs.

2) Limitation of an ADU to a maximum of One Bedroom.

In order to manage the potential impacts of ADUs on established residential areas, staff recommended that ADUs be limited to a single bedroom. It is believed that additional bedrooms would lead to higher occupancy which would further exacerbate the parking impact of the ADU. On the other hand, allowing a larger number of bedrooms would allow for a higher valuation and more flexibility for occupants. Given the potential impacts to neighborhoods, Staff recommends that the ADUs be limited to a maximum of one bedroom.

The Council has three options to consider:

- A) Limit the ADU to no more than a single bedroom.
- B) Allow the ADU to have a maximum of 2 bedrooms.
- C) Allow ADUs to have a maximum of two bedrooms only if one off street parking per bedroom is provided.

Attachment

Recommendation- It is recommended that the City Council discuss these issues and provide feedback to staff to draft an ordinance for future consideration.

URGENCY ORDINANCE NO. 496-U

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING NEWARK MUNICIPAL CODE CHAPTERS 17.08 (“DEFINITIONS”) AND 17.16 (“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.
- (e) Therefore, the City finds and determines that the immediate preservation of the public health, safety and welfare requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. If this Ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, ambiguity and confusion regarding the applicability of the City’s second unit/accessory dwelling unit standards could result, with inconsistent and unfair results for City residents. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare and its urgency is hereby declared.

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) Intentionally left blank.

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

(C) 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 one bedroom.

(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 associated improvements are required under the Newark Municipal Code, or 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.

(D) Although permitted by right in residential districts under this Chapter, in situations in which there is ninety percent (90%) overnight street parking occupancy within a one hundred fifty foot (150) foot radius of the subject property, the Council may, after review and consideration by the Planning Commission, issue a Conditional Use Permit pursuant to Chapter 17.72 to a property owner to construct a SADU. The City Council may, in its discretion, impose reasonable conditions, including, but not limited to, requiring existing covered parking be used for vehicle parking.

(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: EFFECTIVE DATE

This ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and property in the City, and as such shall take effect immediately and be in full force and effect after its adoption by a four-fifths vote of the City Council for the reasons identified in Section 1 above.

SECTION 9: EXPIRATION DATE

* This ordinance shall automatically expire upon adoption of the corollary ordinance contemporaneously introduced herewith.

* Corollary ordinance not introduced at this time.

I HEREBY CERTIFY this urgency ordinance was read at the regular meeting of the Newark City Council held on January 12, 2017. Council Member Hannon moved that it be adopted and passed and ordered published within 15 days of the date of adoption 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, which motion was duly seconded, and said ordinance was passed and adopted by the following vote:

AYES: Council Members Collazo, Hannon, Vice Mayor Bucci, and Mayor Nagy
NOS: None
ABSENT: None
ABSTAINED Council Member Freitas
SECONDED: Vice Mayor Bucci

APPROVED:

s/ALAN L. NAGY
Mayor

ATTEST:

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

s/DAVID J. BENOON
City Attorney

I.1 Reappointing Senior Citizen Standing Advisory Committee members; declaring a vacancy on the Committee and authorizing the City Clerk to post a notice of vacancy – from Mayor Nagy. (RESOLUTION)(MOTION)

Background/Discussion – Members of the Newark Senior Citizen Standing Advisory Committee (Committee) have terms that expire on April 14, 2017. Kathleen Lemos and Glen Wickizer have each requested a two year reappointment. Tamara Tucker resigned in February and Gloria Wilson is not seeking another term.

The Committee has a membership of not less than 8 or more than 12 members plus a representative of the City Council. The Committee will be reduced to 7 upon the expiration of Ms. Wilson’s term. The City Clerk is seeking authorization to post a notice of the upcoming vacancy.

Attachment

Action - It is recommended that the City Council, 1) by resolution, reappoint Kathleen Lemos and Glen Wickizer to the Senior Citizen Standing Advisory Committee; and 2) by motion, declare a vacancy on the Senior Citizen Standing Advisory Committee, and direct the City Clerk to post the notice of vacancy.

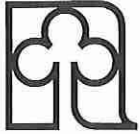
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE REAPPOINTMENTS OF
KATHLEEN LEMOS AND GLEN WICKIZER TO THE SENIOR
CITIZEN STANDING ADVISORY COMMITTEE

WHEREAS, the appointments of Kathleen Lemos and Glen Wickizer to the Senior Citizen Standing Advisory Committee will expire on April 14, 2017; and

WHEREAS, the Mayor of the City of Newark has reappointed Kathleen Lemos and Glen Wickizer to the Senior Citizen Standing Advisory Committee for terms expiring April 14, 2019;

NOW, THEREFORE, BE IT RESOLVED that said appointments are hereby approved by the City Council of the City of Newark.



City of Newark

MEMO

DATE: March 13, 2017
TO: City Council
FROM: Sheila Harrington, City Clerk *A.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of March 23, 2017.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
March 03, 2017	Page 1-2	110407 to 110465	Inclusive
March 09, 2017	Page 1-2	110466 to 110533	Inclusive



City of Newark

MEMO

DATE: March 13, 2017

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SKW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of March 23, 2017.

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

1

Final Disbursement List. Check Date 03/03/17, Due Date 03/13/17, Discount Date 03/13/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
110407	332	ADAMSON POLICE PRODUCTS	03/03/17	2,734.72	POLICE SUPPLIES
110408	1774	AIRGAS USA, LLC	03/03/17	55.43	WELDING SUPPLIES
110409	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	03/03/17	1,118.00	OPERATIONAL PERMIT
110410	1078	AMERICAN STAGE TOURS ATTN CHARTER SALES	03/03/17	1,479.00	DOGS, PUPPIES & SNOOPY TRIP 02/22/17
110411	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	03/03/17	349.62	BATTERIES
110412	11450	BIKES ON SOLANO	03/03/17	569.80	BIKE PATROL SUPPLIES
110413	23	FRANK BONETTI PLUMBING INC	03/03/17	437.50	PLUMBING SERVICE
110414	11458	BRAVO, GINA	03/03/17	488.50	RECREATION CONTRACT
110415	9888	BUREAU VERITAS NORTH AMERICA INC.	03/03/17	1,230.98	BLDG PLAN REVIEW SERVICES
110416	214	CENTRAL VETERINARY HOSPITAL	03/03/17	353.72	K9 VET SVCS
110417	11401	CHRISTI WALLACE	03/03/17	895.33	EXPENSE REIMBURSEMENT
110418	10060	COMCAST	03/03/17	114.01	CABLE TV
110419	10650	CITY OF FREMONT POLICE S.A.C.N.E.T.	03/03/17	1,376.00	REFUND OF MONEY
110420	10649	GOSAL HEATING AND AIR	03/03/17	96.80	BUILDING PERMIT REFUND
110421	10793	CAROL N FINULIAR	03/03/17	131.00	CLASS CANCELLED - REFUND
110422	10793	FREMONT BRONCOS FOOTBALL	03/03/17	300.00	RENTAL DEPOSIT REFUND
110423	10793	VERITEXT LEGAL SOLUTIONS	03/03/17	285.00	CANCELLED RESERVATION
110424	10793	HAZEL ECHALUSE	03/03/17	300.00	RENTAL DEPOSIT REFUND
110425	10793	MICHELLE BUTLER	03/03/17	100.00	RENTAL DEPOSIT REFUND
110426	10793	JASON GLENN	03/03/17	75.00	LEAGUE CANCELLED - REFUND
110427	10793	GRACIELA ALVAREZ	03/03/17	100.00	RENTAL DEPOSIT REFUND
110428	7183	DEMARAY'S GYMNASTICS ACADEMY	03/03/17	854.10	RECREATION CONTRACT
110429	9511	DWYS LLC DBA RENAISSANCE TOTS, LLC ATTN	03/03/17	131.00	RECREATION CONTRACT
110430	11015	EAST BAY LAWN MOWER	03/03/17	109.62	SMALL ENGINES AND TOOLS
110431	10725	SEAN ERIKSEN	03/03/17	501.85	EE COMPUTER LOAN PROGRAM
110432	10478	EUGENE'S HOME APPLIANCE SERVICE	03/03/17	373.59	APPLIANCE REPAIR
110433	11431	EXTENDED STAY AMERICA	03/03/17	1,202.24	PATROL POST TRAINING
110434	10642	FASTENAL COMPANY	03/03/17	81.41	HARDWARE & FASTENERS
110435	522	FEDEX	03/03/17	9.89	PACKAGE DELIVERY
110436	11112	FREMONT CHRYSLER DODGE JEEP RAM	03/03/17	3,813.63	FLEET PARTS
110437	8258	GALL HOUSE PRINTING CONSULTANTS	03/03/17	893.80	BUSINESS CARD SHELLS
110438	11123	I PIZZA	03/03/17	647.45	PIZZAS FOR CAFE & PARTIES
110439	11443	HIROSHI ICHIMURA	03/03/17	1,407.00	RECREATION CONTRACT
110440	2540	DEOL OIL JARVIS SHELL	03/03/17	440.74	PATROL VEHICLE CLEANING
110441	11470	JEREMIAH JOHNSTON	03/03/17	300.00	ENTERTAINMENT FOR SENIOR CENTER
110442	11377	KELCO SERVICES INC	03/03/17	1,150.00	ENVIRONMENTAL TESTING
110443	6786	STACEY KENISON	03/03/17	24.66	EXPENSE REIMBURSEMENT
110444	11335	LEGACY ROOFING & WATERPROOFING	03/03/17	790.00	CIP PROJECT #983 ROOFING REPAIR
110445	11271	MASAKOS MUSIC STUDIO MASAKO YAMAMOTO	03/03/17	1,009.20	RECREATION CONTRACT
110446	4312	NICK MAVRAKIS	03/03/17	314.25	2017 K9 CONFERENCE
110447	10907	MICHAEL YORKS INVESTIGATIONS	03/03/17	5,175.00	BACKGROUND INVESTIGATIONS
110448	1350	OAKLAND POLICE DEPARTMENT PERSONNEL & TR	03/03/17	25.00	PATROL POST TRAINING
110449	10961	BRETT OEVERNDIEK	03/03/17	22.20	EXPENSE REIMBURSEMENT
110450	349	PACIFIC GAS & ELECTRIC	03/03/17	68,199.34	GAS & ELECTRIC CHARGES
110451	11474	PENINSULA UNIFORMS	03/03/17	424.13	SAFETY VEST IMPRINTING
110452	10729	PETTY CASH CUSTODIAN-CASHIER RAQUEL THOM	03/03/17	236.61	PETTY CASH REPLENISHMENT
110453	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	03/03/17	263.40	BUILDING INSPECTION FORMS
110454	11464	QNC, INC./ QUIK N' CRISPY	03/03/17	3,823.50	GREASSLESS FRYER
110455	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	03/03/17	3,035.70	RENT / WATER
110456	5164	SAN MATEO REGIONAL NETWORK INC SMRN.COM	03/03/17	170.00	WEB HOSTING, EMAIL FILTERING, & NETWORK
110457	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	03/03/17	440.00	PAYROLL DEDUCTION - GARNISHMENT

Final Disbursement List. Check Date 03/03/17, Due Date 03/13/17, Discount Date 03/13/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
110458	11396	SWA SERVICES GROUP INC	03/03/17	560.00	JANITORIAL SERVICES
110459	10921	MICHAEL TAYLOR	03/03/17	609.00	EDUCATIONAL REIMBURSEMENT FOR NPA EMPLOY
110460	1765	TEMPERATURE TECHNOLOGY INC	03/03/17	499.51	HVAC CONTRACTOR
110461	11425	UNIQUE AUTO GLASS	03/03/17	542.77	AUTO GLASS REPAIR
110462	10968	UTILITY TELEPHONE	03/03/17	16,159.54	MONTHLY TELECOM FEB'17
110463	853	VALLEY OIL COMPANY LOCKBOX# 138719	03/03/17	18,114.25	FUEL FOR VEHICLES
110464	11437	JOYCE WANG	03/03/17	262.59	EXPENSE REIMBURSEMENT
110465	340	WITMER-TYSON IMPORTS	03/03/17	841.44	K9 TRAINING/SUPPLIES
Total				146,048.82	

1

Final Disbursement List. Check Date 03/09/17, Due Date 03/20/17, Discount Date 03/20/17. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
110466	10658	4LEAF INC	03/09/17	13,680.00	BLDG INSPECTION SERVICES
110467	9723	A-1 SEPTIC TANK SERVICE INC	03/09/17	116.25	SERVICE OF GREASE TRAPS AT COMM CTR SR C
110468	10736	ABACUS PRODUCTS INC	03/09/17	352.98	CITY LETTERHEAD/ENVELOPES
110469	149	ABAG PLAN CORPORATION	03/09/17	26,286.23	DEDUCTIBLE COSTS FOR PY 16/17 (PROPERTY/ PAYROLL - SHORT TERM DISABILITY PREMIUM
110470	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	03/09/17	1,694.08	CAL-ID 16/17
110471	287	GREGORY J AHERN, SHERIFF-CORONER ATTN: A	03/09/17	16,376.00	CROSSING GUARD SVCS 01/29-02/11/17
110472	5821	ALL CITY MANAGEMENT SERVICES, INC	03/09/17	3,591.00	CELL SVC FOR MDT'S 01/14-02/13/17
110473	147	AT&T MOBILITY	03/09/17	943.81	BATTERIES
110474	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	03/09/17	31.34	PERMIT FEE
110475	1347	BAY AREA AIR QUALITY MGMT DIST.	03/09/17	318.00	PROJECT 1135 - FY 2016-17 REGULATORY & S
110476	4534	BAY AREA BARRICADE SERVICE INC	03/09/17	445.49	B/C FOR NICK CUEVAS
110477	9680	BAY CENTRAL PRINTING	03/09/17	303.40	GLOVES
110478	6630	BOUNDTREE MEDICAL LLC	03/09/17	611.37	TIRES FOR FLEET
110479	3665	BRUCE'S TIRE	03/09/17	1,431.42	CALBO MEMBERSHIP - RAY COLLIER
110480	1249	CALBO	03/09/17	215.00	CO2 PURCHASES
110481	10261	CARBONIC SERVICE	03/09/17	147.54	LEGAL LIBRARY RESOURCES
110482	10845	CONTINUING EDUCATION OF THE BAR (CEB) OR	03/09/17	235.13	SOIL MIXES AND GRAVEL
110483	11381	CLARK'S HOME AND GARDEN, INC.	03/09/17	493.88	CABLE SVCS
110484	10060	COMCAST	03/09/17	89.95	PESTICICE/CHEMICALS
110485	242	CROP PRODUCTION SERVICES	03/09/17	1,566.21	BP#SFD2016-0597 REFUND
110486	10649	SEARS HOME IMPROVEMENT	03/09/17	290.40	RENTAL DEPOSIT REFUND
110487	10793	KATHY LEMOS	03/09/17	300.00	EQUIPMENT REPLACEMENT PCS AUTH# 2017-23
110488	11208	CYBER COMPUTERS INC	03/09/17	5,885.63	LEGAL AD/INVITATION TO BID
110489	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	03/09/17	233.75	MISC PARTS FLEET
110490	41	DALE HARDWARE	03/09/17	785.84	TIRES
110491	63	THE GOODYEAR TIRE & RUBBER CO	03/09/17	4,064.98	VIDEO RECORDING SERVICES
110492	10794	DUKE DE LEON	03/09/17	330.00	PAYROLL - DENTAL PREMIUM MAR'17
110493	7631	DELTA DENTAL	03/09/17	7,099.31	PAYROLL - DENTAL PREMIUM MAR'17
110494	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	03/09/17	471.62	YEARLY PREVENTATIVE MAINT
110495	11166	ELESCO	03/09/17	787.50	VISION PREMIUM
110496	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	03/09/17	733.96	HARDWARE & FASTENERS
110497	10642	FASTENAL COMPANY	03/09/17	150.78	NEWARK PEDESTRIAN AND BICYCLE MASTER PLA
110498	10852	FEHR & PEERS	03/09/17	1,750.00	PAYROLL DECUTION - DONATION FEB'17
110499	1733	FIRST BAPTIST CHURCH	03/09/17	80.00	LAB TESTS
110500	1120	FORENSIC ANALYTICAL SCIENCES, INC	03/09/17	504.00	SHELTER OPERATING EXPS
110501	5106	CITY OF FREMONT REVENUE DIVISION	03/09/17	6,017.20	EXPENSE REIMBURSEMENT
110502	11438	FRANK HERBERT	03/09/17	203.97	MISC. MAINTENANCE PARTS/SUPPLIES
110503	1457	HOME DEPOT CREDIT SERVICES DEPT 32-25409	03/09/17	89.84	2017 POLICE K9 CONFERENCE
110504	3635	RAYMOND HOPPE	03/09/17	334.25	SAFETY SUPPLIES
110505	187	INDUSTRIAL SAFETY SUPPLY	03/09/17	1,353.49	CODE CHECK BOOKS
110506	7311	INTERNATIONAL CODE COUNCIL, INC	03/09/17	173.54	MEMBERSHIP DUES - RAY COLLIER
110507	7841	INTERNATIONAL CODE COUNCIL INC ATTN: MEM	03/09/17	135.00	BADGES & INSIGNIA
110508	73	THE ED JONES CO INC	03/09/17	100.40	CONTRACT SERVICES
110509	11170	KEYSER MARSTON ASSOC, INC	03/09/17	3,840.00	LEGAL CONSULTING SRVCS
110510	11477	LAUGHLIN, FALBO, LEVY & MORESI LLP.	03/09/17	210.00	POOL EQUIPMENT AND UNIFORM SHORTS
110511	7697	THE LIFEGUARD STORE INC	03/09/17	857.50	PAYROLL - LONG TERM DISABILITY PREMIUM
110512	7618	METLIFE SBC	03/09/17	1,833.90	PTAP LOCAL CONTRIBUTION MATCH
110513	2611	METROPOLITAN TRANSPORTATION COMMISSION	03/09/17	6,400.00	ENGINEERING CONSULTANT SERVICES
110514	11378	MNS ENGINEERS INC	03/09/17	19,600.00	TRANSCRIPTION SVCS
110515	10947	NET TRANSCRIPTS	03/09/17	586.25	CHAMBER OF COMMERCE HOLIDAY LUNCHEON
110516	324	NEWARK CHAMBER OF COMMERCE	03/09/17	420.00	

Final Disbursement List. Check Date 03/09/17, Due Date 03/20/17, Discount Date 03/20/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
110517	1350	OAKLAND POLICE DEPARTMENT PERSONNEL & TR	03/09/17	50.00	PATROL POST TRAINING
110518	349	PACIFIC GAS & ELECTRIC	03/09/17	13.68	GAS & ELECTRIC CHARGES
110519	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	03/09/17	529.00	PEST CONTROL
110520	329	PHOENIX GROUP INFORMATION SYSTEMS	03/09/17	348.30	PARKING CITATION PROGRAM
110521	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	03/09/17	30.28	SPECIFICATIONS PRINTING
110522	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	03/09/17	2,471.03	COMM ENG PROGRAM
110523	4176	MICHAEL QUEBEC	03/09/17	820.86	RECREATION CONTRACT
110524	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	03/09/17	55.00	LITIGATION & CONSULTING SRVC
110525	11403	ROYSTON HANAMOTO ALLEY & ABEY DBA RHAA	03/09/17	24,127.50	NEWARK PARKS MASTER PLAN - 01/17
110526	11098	SILVER & WRIGHT LLP	03/09/17	1,129.71	LITIGATION & CONSULTING SRVCS
110527	40	STAPLES ADVANTAGE DEPT LA	03/09/17	1,164.31	OFFICE SUPPLIES
110528	679	TARGET SPECIALTY PRODUCTS	03/09/17	75.74	SPRAYER PARTS
110529	11410	TRIP STOP SIDEWALK REPAIR	03/09/17	4,930.56	PROJECT 1143 - REMOVAL OF TRIP HAZARDS
110530	5246	TURF STAR INC	03/09/17	1,469.29	MISC PARTS
110531	7517	U S FOODS INC SAN FRANCISCO	03/09/17	333.90	CAFE PURCHASES
110532	11484	VALBRIDGE PROPERTY ADVISORS	03/09/17	2,500.00	PROPERTY APPRAISALS RELATED TO NEW CIVIC
110533	5623	VERIZON WIRELESS	03/09/17	4,228.44	IPHONE SVC
Total				178,829.79	