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## 9.0 IMPLEMENTATION

### 9.1 OVERVIEW

The Specific Plan is a State approved document that establishes regulations and guidelines that will implement the vision of the Plan. The Specific Plan is also a tool utilized by the City to further its major community goals and objectives. All development projects in the Plan area are required to be consistent with the Specific Plan.

### 9.2 CONSISTENCY WITH CITY POLICIES & PROGRAMS

This Specific Plan furthers two of Newark’s Major Community Goals, pursuant to the City’s General Plan.

*Goal #1 Maintain a desirable quality of life in the community through preservation of the small town neighborhood atmosphere and the promotion of balanced land use that takes into account the need for economic diversity and future financial well being of the city.*

*This Specific Plan will enhance the community by adding amenities available to the community, including parks and open space, and by creating a gathering spot for residents in a walkable scale environment (Program 4). The Specific Plan will also provide for the development of land which is currently vacant and under utilized in line with the General Plan’s Community Goals (Program 7). Finally, the Plan will provide for a mix of uses, including retail, commercial, and residential opportunities, in close proximity to transit (Policy A). At the same time, the Plan area will not result in undue burdens upon the City as the Plan makes provisions for any Plan area increases in services, utilities and traffic through the environmental review process (Goal 1, Program 5).*

*Goal #2 Promote high-quality development that establishes the City’s character as unique from other cities in the Greater Bay Area.*

*The Specific Plan process offers the City of Newark the opportunity to lay out a vision for its community and to establish specific guidelines to ensure that the intent is correctly implemented. Through this process, the Specific Plan will integrate with and compliment existing neighborhoods while creating a new community with a distinctive character offering enhanced opportunities to live, work and play.*

### 9.3 IMPLEMENTATION POLICIES

#### Implementation Policies

IM-1: The City of Newark will adopt the Specific Plan by Resolution. Concurrent entitlements to implement the Specific Plan shall include a Specific Plan Environmental Impact Report (EIR), a General Plan Amendment, a Zoning Amendment, an Affordable Housing Program, and all other governing documents necessary for consistency with the City's General Plan.

IM-2: The Specific Plan, the Plan's "Environmental Impact Report", plus associated documents, identify specific policies, regulations, guidelines and mitigation-measure alternatives, available and applicable to the physical development of the Plan area.

IM-3: Illustrative examples and written descriptions are utilized to convey intent. Details and graphic examples throughout the Plan cover topics such as; design guidelines, landscaping, street layout and streetscape design, building setbacks and size, common area pedestrian links, parks, trails, and public gathering places.

IM-4: The Specific Plan will encourage career opportunities for area youth in the construction industry by requesting developers employ local apprentices who are enrolled in California State certified apprenticeship programs.

IM-5: The Specific Plan will encourage contractors to pay area standard wages to construction workers on projects enabled by the plan. Developers will be encouraged to submit a plan on how they will meet a goal of having at least 30% of the construction work force from the Tri-City region.

#### Affordable Housing Implementation Strategy

The Specific Plan will comply with the Affordable Housing elements required by the City of Newark. Implementation of the Plan area will require adoption of an Affordable Housing Program that provided for the funding, and/or development of "affordable units" - totaling 15% of the total number of dwelling units.

The Specific Plan Affordable Housing Program alternatives will likely include a combination of the City's existing requirements, plus new alternatives that better address the City's housing needs.

The following are possible elements of the Affordable Housing Program:

*Inclusionary units;*

- Affordable units provided by the development within the Plan area.

*In-Lieu Fees;*

- In-Lieu fees paid to the City to be utilized for the delivery of Affordable Housing Units.
- In-lieu fees are not an option as of right for meeting the requirements of the Affordable Housing Program.

*Off-Site provision for Affordable Housing;*

- Off-site alternatives might include the rehabilitation of existing off-site structures, and/or the new construction of off-site units.

**9.4 IMPLEMENTATION METHODS AND PROGRAMS****Plan Area Projects - Processing and Approval**

The California Environmental Quality Act (CEQA), requires a process of thorough review and study of the environmental impact of a project, project alternatives and feasible measures to mitigate the impacts of a project prior to its approval by a public agency. This Specific Plan and its Environmental Impact Report (EIR), complies with that process. After public review, approval and adoption of the Specific Plan and its EIR, the Plan is deemed to have complied with CEQA. An Applicant for a specific project within the Specific Plan area will then process the proposed project according to the requirements of the State and City's Subdivision Map Act and/or the City's Zoning Ordinance, as amended. The Map Act process (which applies to specific types of land uses) involves the processing of both Tentative and Final Maps for landowners wishing to subdivide legal parcels. The Zoning Ordinance governs the permissible uses within a given

zoning area and certain building controls.

As Projects are submitted to the City and processed accordingly depending on the specific for each land use category, which can be through the Subdivision Map Act and/or Zoning Ordinance. Proposed projects within the Specific Plan area will be processed subject to, and consistent with, the concepts set forth in this Specific Plan. If a project is consistent with the EIR certified Specific Plan and Zoning Ordinance, as amended, no further review under CEQA will be necessary.

In the case of this Specific Plan, all Tentative and Final Maps will be processed as set forth in Title 16 of the City of Newark Municipal Code and determinations made thereunder will be consistent with the standards and guidelines enumerated in this Specific Plan document. Any permits needed under the Zoning Ordinance shall be processed as set forth in Title 17 of the City of Newark Municipal Code.

**Plan Modifications**

All actions or decisions or Plan modifications which are necessary solely to implement the intent and character of this Specific Plan are considered minor in nature. The Planning Commission will have authority to approve all such minor actions or decisions or modifications to the Specific Plan within the context and guidelines contained within this Specific Plan document. Any major modifications proposed that go above and beyond implementing the intent and character of this Specific Plan, would require a subsequent EIR or supplement to the Specific Plan EIR, such as an increase

in density above or beyond that studied in the EIR. Minor modifications do not require a formal Plan amendment, e.g alterations to the boundaries of planning areas which do not result in a greater than 20% changes in the acreage assigned to an area.

#### **Allocations and Transfers**

Provisions for density and residential unit allocation, and provision for future density and unit transfers, have been anticipated, addressed and approved by this Specific Plan in Chapter 4. Such transfers are subject to the specific terms and conditions outlined in this Plan and its associated documents.

#### **Development Phasing**

The Specific Plan is intended to be built over time and in various phases. Phasing is a decision that involves many considerations, some of which are: a) timing of available land, b) market demand for various product types, and, c) availability of financing and funds for the installation of infrastructure. There are no requirements within this Specific Plan for parcels to be developed in any particular order so long as supporting infrastructure is available, or made available, to accommodate new development. The intent of the Specific Plan is to allow each owner to develop their Parcel or Parcels independent of other owners and independent of any regulations imposed upon a particular owner or owners.

This Specific Plan has been created to allow for various alternative methods of phasing. Studies have been completed

that identify both existing and future capacity for services and utilities necessary to develop the Plan area. At the time of individual project consideration, during the mapping and permitting process, the project applicant will utilize the studies and other background information in its proposal for development. The applicant will then work in conjunction with the City and other responsible parties, to ensure that the utilities and backbone infrastructure necessary to serve the proposed development will be in place, consistent with this Specific Plan.

#### **Allocation of Specific Plan area Costs**

Costs associated with certain common area improvements, certain common area amenities, and other specific items to be constructed as part of the Plan, will be proportionately allocated by the property owners within the Specific Plan area among themselves, in a multi-party cost sharing agreement and based upon a method of cost allocation agreeable to the property owners.

#### **Development of Infrastructure Financing**

Implementation of the Specific Plan and ongoing maintenance will involve various financing and funding mechanisms. The EIR for the Specific Plan will identify specific funding mechanisms available for Plan Implementation. Some of the many options available are:

##### *Private Financing for Plan Improvements:*

- Private Funds and Private Loans
- Cash
- Reimbursement Agreements
- Private Utility Installation and Reimbursement

Agreements

*Public Financing Mechanisms created for the Plan are:*

- Infrastructure Assessment Districts (to provide Plan area services);
- Lighting and Landscape Maintenance Districts (to provide Plan area maintenance); and,
- Area-wide Benefit Districts (to provide improvements) and Mello Roos Community Facilities Districts.

*Financing Mechanisms for Plan area and Beyond*

- Regional Benefit Districts; and,
- Area-Wide Impact Fee for contribution to construction of the two lane Central Ave. overpass.

*Fee Based Programs*

- Development Impact Fees; and,
- Capitol Improvement Programs.

*Federal and State Programs*

- Transportation Grants - e.g, MTC;
- Housing Grants; and,
- Environmental Clean-Up Program Grants.

*Redevelopment Area Benefits*

- Tax Incremental Revenue;
- Land Acquisition and remediation provisions; and,
- Property environmental remediation and clean-up provisions.

