

CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

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

AGENDA Tuesday, June 9, 2015

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, May 12, 2015. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

E.1 Hearing to consider P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall (APN: 901-0111-025) in conjunction with the Halal Food & Eid Festival – from Assistant City Manager Grindall. (RESOLUTION)

F. STAFF REPORTS

F.1 Review of a conditional use permit (U-64-1) for the replacement of a static reader board with a LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard – from Assistant City Manager Grindall. (RESOLUTION)

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st 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.

CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

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

MINUTES

Tuesday, May 12, 2015

A. ROLL CALL

At 7:31 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Commissioner Bridges (Personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, April 28, 2015.

Commissioner Nillo moved, Commissioner Otterstetter seconded, to approve the Minutes of April 14, 2015. The motion passed 4 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, car show, and a kids' zone) in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017. NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 (Nimitz Freeway). The Assessor's Parcel Number is 901-0111-025-00.

Assistant City Manager Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated any approved Conditional Use Permits can return to the Planning Commission at any time if any concerns or changes are needed.

Answering Vice-Chairperson Aguilar, ACM Grindall stated long-running projects that have no adverse issues can be approved for longer terms in order to save the Applicant on their administrative costs.

Answering Commissioner Otterstetter and Commissioner Nillo, ACM Grindall explained the Applicant must obtain the NewPark Mall Owner's permission to hold their event and it is by the Mall's Authority to accommodate the Applicant's project or, if needed, move the location if construction is occurring in the subsequent years.

Chairperson Fitts opened the Public Hearing.

Applicant Valerie Boyle, Chamber of Commerce, 37101 Newark Boulevard, Newark, CA 94560, stated she is impressed with the NewPark Mall's commitment to Community Events such as SummerFest and stated she has read and agrees to all conditions listed in Resolution 1909.

Chairperson Fitts closed the Public Hearing.

Motion by Commissioner Nillo, seconded by Vice-Chairperson Aguilar, to approve Resolution 1909, approving P-15-14, a Planned Unit Development, and U-15-15, a Conditional Use Permit, to hold SummerFest in the NewPark Mall Parking Lot on July 11 and 12, 2015 and dates to be determined in 2016 and 2017, with Exhibit A, pages 1 and 2. Motion passed 4 AYES.

- E.2 Hearing to consider: (1) Adopting a resolution recommending City Council approval of a General Plan Amendment (CPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) by resolution, revoking P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69).**

ACM Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated the Applicant who is also the owner of the property intends to resume using the property for warehousing.

Answering Vice-Chairperson Aguilar, ACM Grindall explained the difference between the Special Industrial and General Industrial general plan designations and added staff would be supportive to changing the general plan designation for this site back to Public Institutional if warranted, but feels the property owner should be able to use their property now which requires a Special Industrial designation.

Chairperson Fitts opened the Public Hearing.

Applicant Sanjay Birla, 39201 Cherry Street, Newark, CA 94560, stated he has read and agrees to the Conditions in Resolutions 1910 and 1911.

Answering Chairperson Fitts, Mr. Birla stated he wanted to resume his Nuts and Spice business as soon as possible.

Motion made by Vice-Chairperson Aguilar, seconded by Commissioner Nillo, to: 1) Approve Resolution 1910, recommending City Council approval of an amendment to the Land Use Element of the General Plan; and 2) Approve Resolution 1911, revoking a Planned Unit Development (P-14-23) and a Conditional Use Permit (U-14-24) for a private school located at 39201 Cherry Street (APNs: 901-111-68 & 69). Motion passed 4 AYES.

E.3 Hearing to consider adopting a resolution recommending: (1) City Council approval of GPA-15-23, Housing Element Update 2015 and: (2) that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update 2015 (E-15-22) – from Assistant City Manager Grindall.

ACM Grindall gave the staff report.

Answering Vice-Chairperson Aguilar, ACM Grindall stated the same EIR could be used for future projects as long as it still accurately reflects current conditions.

Chairperson Fitts opened the Public Hearing. No one from the public chose to speak on this item.

Chairperson Fitts closed the Public Hearing.

Commissioner Nillo thanked staff for all their hard work on this Item.

Motion made by Commissioner Nillo, seconded by Chairperson Fitts, to approve Resolution 1912, recommending City Council approval of GPA-15-23, Housing Element Update 2015 and that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update (E-15-22). Motion passed 4 AYES.

This Item will go before the City Council on May 28, 2015.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Chairperson Fitts mentioned his concern with private bus transportation businesses appearing in Newark.

ACM Grindall gave examples of where this type of business is acceptable and where it would not be acceptable.

Commissioner Nillo wished the Warrior's Basketball Team well.

H. ADJOURNMENT

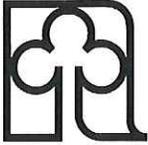
At 8:03 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, May 12, 2015.

Respectfully submitted,



TERRENCE GRINDALL

Secretary



- E.1 **Hearing to consider P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall (APN 901-0111-025) in conjunction with the Halal Food & Eid Festival – from Assistant City Manager Grindall. TG**
(RESOLUTION)

Background/Discussion – Mr. Irfan Rydhan has made an application for a carnival during the Halal Food & Eid Festival planned for August 1, 2015. This will be the third Halal Food & Eid Festival at NewPark Mall and will include a wide variety of different cuisine from around the world including Indian, Pakistani, Middle Eastern, Arab, Mediterranean, African as well as American. There will also be a large bazaar featuring vendors selling a wide variety of items such as clothing, jewelry, gifts, toys and artwork from around the world. There will also be carnival rides and games for children and families. The Festival will be located in the same general area where the Farmers Market is held every weekend.

Events like circuses and carnivals are not considered permitted uses in this Regional Commercial zoning district, so they require Planning Commission and City Council approval. As these events can attract large crowds, this process allows conditions of approval to be established in order to assure a safe and orderly event.

The proposed project is categorically exempt from the California Environmental Quality Act per section 15304, Class 4(e), minor temporary use of land having negligible or no permanent effect on the environment.

Attachment

Action – It is recommended that the Planning Commission, by resolution, approve P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall (APN 901-011-025) in conjunction with the Halal Festival, with Exhibit A.

RESOLUTION NO.

RESOLUTION APPROVING P-15-17, A PLANNED UNIT DEVELOPMENT, U-15-18, A CONDITIONAL USE PERMIT, AND E-15-19, AN ENVIRONMENTAL DETERMINATION, FOR A ONE-DAY CARNIVAL TO BE HELD ON AUGUST 1, 2015 AT NEWPARK MALL IN CONJUNCTION WITH THE HALAL FOOD & EID FESTIVAL

WHEREAS, Mr. Irfan Rydhan has filed with the Planning Commission of the City of Newark application for P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall in conjunction with the Halal Food & Eid Festival; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on May 30, 2015, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on June 9, 2015, at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council grant this application as shown on Exhibit A, subject to compliance with the following conditions:

Planning Division

- a. This approval shall be for the Halal Festival on August 1, 2015 between the hours of 12:00 p.m. (noon) and 7:00 p.m., with a reasonable amount of time for set-up prior to opening and for clean-up after closing, as determined by the Community Development Director.
- b. The volume levels of all sound equipment and speakers associated with this project shall not exceed levels determined to be acceptable by the Community Development Director.
- c. All lighting shall be directed on-site so as not to create glare off-site.
- d. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 9:00 p.m. and 7:00 a.m.
- e. Garbage and recycling pick-up shall be coordinated with Republic Services of Alameda County so that a sufficient number of dumpsters are available on-site and picked-up to ensure no refuse, garbage or recycling is stored outdoors except within the approved trash and recycling dumpsters. Prior to the event openings, the developer shall submit written evidence of Republic Services' approval.

- 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. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site shall remain graffiti free.
- g. The event staff shall direct patrons to park their vehicles in the NewPark Mall parking lot.
- h. The event staff shall submit evidence of approval from the County Health Department for the proposed food and beverage sales. There shall be no alcoholic beverage sales.
- i. Within 24 hours of the final performance on August 1, 2015, all structures and improvements brought to the subject site associated with this project shall be removed and the New Park Mall parking lot returned to its original, pre-carnival condition, to the satisfaction of the Community Development Director. The New Park Mall will be responsible for the cleanup after the event.

Engineering Division

- j. The event staff shall implement all applicable Best Management Practices (BMPs) from the California Best Management Practice Handbook for Construction Activities to prevent the pollution or contamination of stormwater runoff from the project area. Additional BMPs may be required by the City Engineer, as necessary, to minimize the pollution of stormwater runoff from the project area. The following notes shall be added to the final plans:
 - Any stockpiled materials with the potential to pollute stormwater runoff shall be properly contained and covered to prevent any such pollution.
 - The parking lot and drive aisles shall be cleaned daily or as required by the City Engineer to remove accumulated trash and debris generated from the project area. Migration of trash and debris into the public right-of-way is prohibited and will be strictly enforced.
 - Water-tight waste receptacles shall be placed around the site as necessary to minimize litter, to the satisfaction of the City Engineer.
 - Any liquid spills associated with the proposed project must be cleaned immediately and prevented from entering the storm drain system.
 - Temporary sanitary facilities shall be managed and maintained at all times, placed away from drainage facilities and traffic circulation, and secured to prevent overturning.
 - Tallow bins appropriately sized to collect used cooking oil from the cooking area must be provided and disposed of by a licensed grease hauler. Used cooking oil is prohibited in any storm drain.

-Food truck grey water or liquid waste shall be prohibited from being discharged to the on-site storm drain system. All grey water or liquid waste shall be off-hauled to a licensed facility that accepts the waste or discharged to the sanitary sewer system, subject to approval by Union Sanitary District.

-All applicable Best Management Practices from the California Stormwater Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize stormwater pollution to the satisfaction of the City Engineer.

- k. The event staff shall recycle the water used for the bubble ride as required by the City and the Alameda County Water District (ACWD). The water shall be used to irrigate the existing landscaping within the Newpark Mall parking lot. An informational sign shall be placed in front of the festival ride to notify guests of this requirement.

Alameda County Fire Department

- l. Prior to the event, the applicant shall obtain a “Carnival and Fairs” and “Tent” permit from the Alameda County Fire Department.

General

- m. 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.
- n. If any condition of this conditional use permit and a planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit and a planned unit development shall terminate and be of no force and effect, at the election of the City Council on motion.
- o. This conditional use permit and a planned unit development shall be given a public hearing before the City Council for the Council’s review and approval.
- p. Prior to the submittal for tent permit review, all conditional use permit and a planned unit development conditions of approval of this project, as approved by the City Council, shall be printed on the plans.
- q. The developer hereby agrees to defend, 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.

- r. The Conditions of Project Approval set forth herein 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.
- s. The Applicant shall provide six portable restrooms onsite during this event.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's June 9, 2015 meeting by Commissioner _____, seconded by _____, and passed as follows:

AYES:

NOES:

ABSENT:

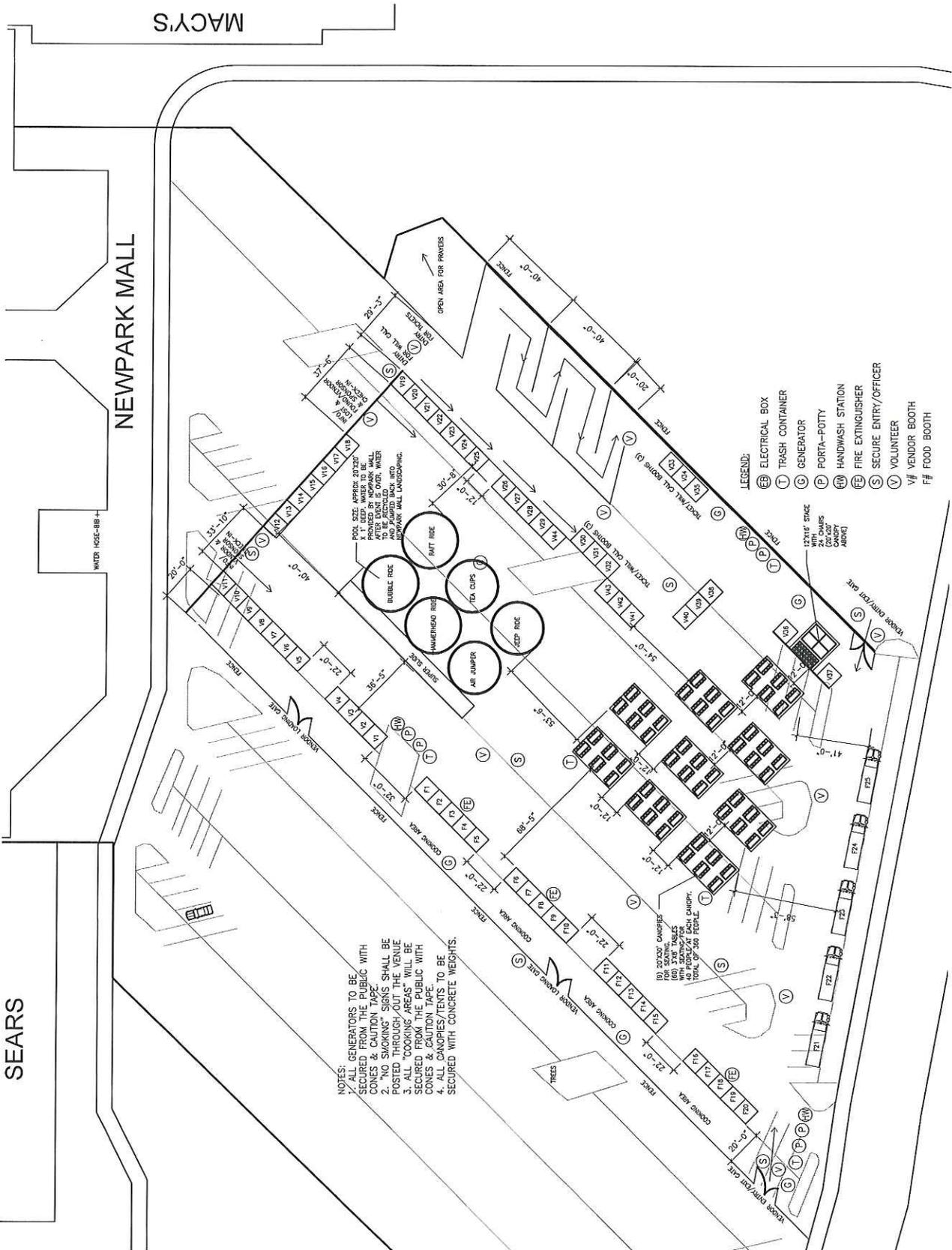
TERRENCE GRINDALL, Secretary

Bill Fitts, Chairperson

SEARS

NEWPARK MALL

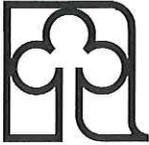
MACY'S



- NOTES:
1. ALL GENERATORS TO BE SECURED FROM THE PUBLIC WITH CONES & CAUTION TAPE.
 2. NO SMOKING SIGNS SHALL BE POSTED THROUGHOUT THE VENUE.
 3. ALL COOKING AREAS WILL BE CONES & CAUTION TAPE.
 4. ALL CANOPIES/TENTS TO BE SECURED WITH CONCRETE WEIGHTS.

- LEGEND:
- (E) ELECTRICAL BOX
 - (T) TRASH CONTAINER
 - (G) GENERATOR
 - (P) PORTA-POTTY
 - (HM) HANDWASH STATION
 - (FE) FIRE EXTINGUISHER
 - (S) SECURE ENTRY/OFFICER
 - (V) VOLUNTEER
 - (V#) VENDOR BOOTH
 - (F#) FOOD BOOTH

EXHIBIT A



F.1 Review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard – from Assistant City Manager Grindal. TG (RESOLUTION)

Background/Discussion – The First Presbyterian Church has submitted an application to replace the existing static reader board portion of their existing monument sign with a Light Emitting Diode (LED) marquee sign. Attached is Exhibit A, pages 1 (site plan) and 2 (elevations).

The proposed sign would replace a static reader board (letters changed manually) that is already a part of the existing monument sign. The sign is used to announce events at the church as well as display inspirational messages. The church is requesting the LED sign as it would allow for multiple messages to be displayed and eliminate the need to change letters manually.

Staff recommends approval of this request subject to the condition that the existing canvas sign that is attached to the block monument sign be removed. As with the Pavilion LED sign, staff has included a condition that the City of Newark be allowed display time on the sign to identify and announce City services and activities, including those of the Chamber of Commerce. The condition stipulating messages not change faster than every four seconds is consistent with Section 5405 of the California Business and Professions Code (part of the State of California Outdoor Advertising Act) which says “...no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds.” The purpose of this requirement is to avoid distracting drivers, which could result in a hazardous situation.

Environmental Review

The proposed sign is categorically exempt from the California Environmental Quality Act per Section 15311, Class 11(a), minor structure accessory to existing commercial facilities, including on premise signs.

Attachment

Action – It is recommended that the Planning Commission, by resolution, with Exhibit A, pages 1 and 2, approve the review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard.

RESOLUTION NO.

RESOLUTION APPROVING A REVIEW OF AN EXISTING
CONDITIONAL USE PERMIT (U-64-1) FOR THE
REPLACEMENT OF A STATIC READ BOARD WITH AN
LED MARQUEE SIGN FOR THE FIRST PRESBYTERIAN
CHURCH AT 35450 NEWARK BOULEVARD

WHEREAS, the First Presbyterian Church, has filed with the Planning Commission of the City of Newark application for a review of an existing conditional use permit for the replacement of a static reader board with an LED marquee sign at 35450 Newark Boulevard; and

WHEREAS, the Planning Commission considered said application at 7:30 p.m. on June 9, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend the City Council approve this application as shown on Exhibit A, pages 1 and 2, subject to compliance with the following conditions:

Planning Division

- a. No message center display may include any illumination or message change that is in motion or appears to be in motion or changes in intensity or exposes its message for less than four seconds.
- b. The City of Newark shall be allowed a minimum of 20% of the entire display time within a 24-hour period to identify and announce City services and activities, including the Newark Chamber of Commerce. The content of the City-associated displays shall be at the discretion of the City Manager or his designee.
- c. 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. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

Engineering Division

- d. Prior to the issuance of a building permit, the applicant shall submit a site plan that shows any proposed electrical service runs and/or points of connection to power the LED sign. Any proposed connections from Newark Boulevard or Cedar Boulevard will require the issuance of a City of Newark Encroachment Permit.

- e. All applicable Best Management Practices from the California Stormwater Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize stormwater pollution to the satisfaction of the City Engineer. A note regarding this requirement shall be placed on the site plan prior to the issuance of a building permit.

Building Inspection Division

- f. The developer will need to make an application to the Building Inspection Division for a sign permit. The submittal shall include sign installation details and electrical drawings.

General

- g. 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.
- h. If any condition of this review of a conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this review of a conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- i. This review of a conditional use permit shall be referred to the City Council for the Council's review and approval.
- j. The developer hereby agrees to defend, 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.
- k. The Conditions of Project Approval set forth herein 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.

This Resolution was introduced at the Planning Commission's June 9, 2015 meeting by Commissioner, seconded by Commissioner, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

WILLIAM FITTS, Chairperson

OVERALL CAMPUS SITE PLAN

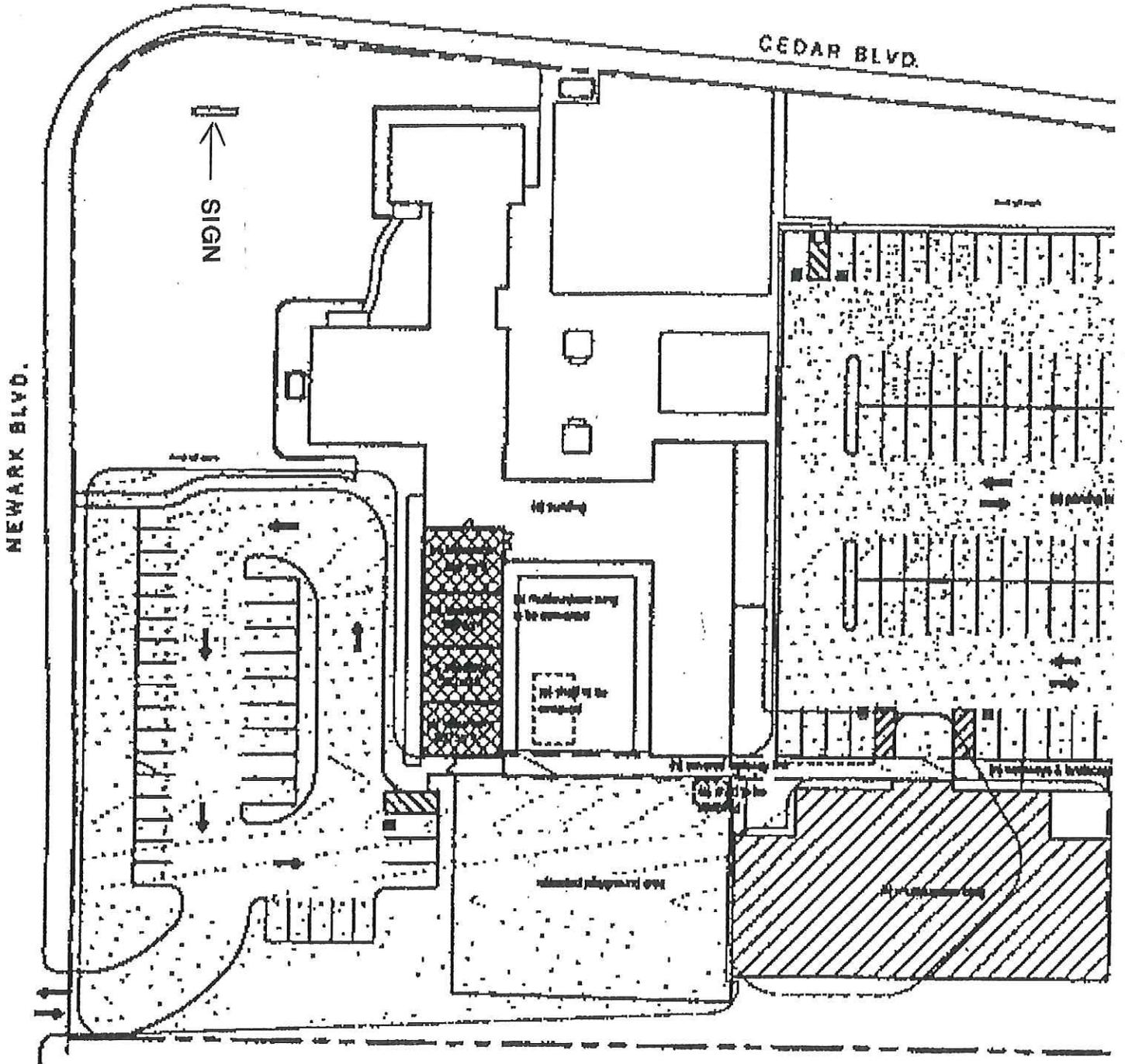
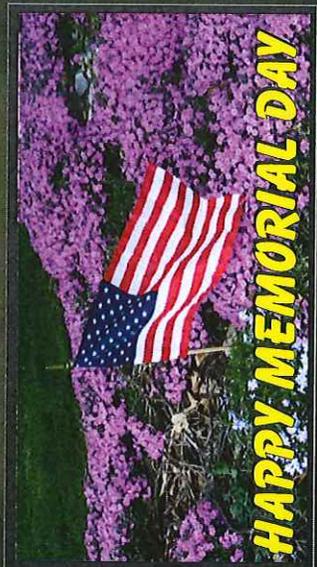


EXHIBIT A, p.1

**IF YOU CHOOSE TO
PLAY THE VICTIM
YOU WILL NEVER
BE THE VICTOR!!!
SEE YOU SUNDAY
NO APPT. NEEDED**



**AMERICA'S
BEST
5 YEAR
LED
WARRANTY**

SIGN CAPABILITIES:

# of Lines	Character Size (in)	# of Character Per Line
8	4.4	21
7	5.0	18
6	5.7	16
5	6.9	12
4	9.4	9
3	12.6	8
2	19.5	5
1	39.7	2

**HI DEF LED Model #16mm-GV & CV-64x128
3'10"x7'3" LED Cabinet • EXISTING Brick Structure
REF: #118473 • DATE: APRIL 9, 2015**

Sketch #1&2 Approved:

Date: _____ A FAX SIGNATURE IS BINDING UPON BOTH PARTIES



800-848-4262

www.signsplus.com • info@signsplus.com



The Signs Plus Building, 4242 McIntosh Lane, Sarasota, FL 34232
This colored sketch is provided as an example of color. There is no exact match between ink and paint. Signs Plus does not guarantee such.
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EXHIBIT A.p2