



- E.1 Hearing to consider: (1) adopting a resolution making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration (E-14-20); and (2) ASR-14-19, an Architectural and Site Plan Review, to construct a new, approximately 145,408 square foot four-story self-storage warehouse at the southeast corner of Fircrest Street and Overlake Place (APN: 537-460-013) – From Assistant Planner Jimenez. *JJ* (RESOLUTIONS-2)**

Background/Discussion – Mr. Scott Mommer, on behalf of Public Storage, has submitted an application for a new self-storage warehouse at southeast corner of Fircrest Street and Overlake Place. Attached is Exhibit A, pages 1 to 15.

Project Description

The proposed project includes the construction of a four-story self-storage warehouse at an approximately 3.06-acre vacant parcel of land south of State Route 84. The proposal is an expansion of an existing Public Storage warehouse located south of the subject site on an adjacent parcel. The site is a triangular shaped lot which is zoned MP (Industrial Park) and has a SI (Special Industrial) General Plan land use designation. One building would be constructed on four floors 145,408 square feet in size. Each floor would be approximately 36,350 square feet in floor area and would house individual personal storage areas rented to the public. Approximately 820 individual storage areas are proposed, with sizes of the individual units ranging from 5-feet x 5-feet to 10-feet x 30-feet. A loading area and storage units that would provide access from the parking lot through heavy roll-up doors are proposed along the northeastern wall. Each floor would include a lobby to provide access to storage units, corridors, elevators, and two stairwells. A retail sales office is proposed on the first floor near the building's main entrance. The facility would be staffed by two employees during its hours of operation of 6:00 a.m. to 9:00 p.m. seven days a week.

Vehicular access to the project site and to the adjacent property would be via an existing driveway along Fircrest Street. This driveway is within a 70-foot wide cross-access easement that will remain in place to provide dual access to the storage buildings. A total of 75 parking spaces are to be provided, including handicap-accessible stalls and one loading and unloading space. A 6-foot wide public sidewalk is proposed along both the Fircrest Street and Overlake Place frontages. A meandering sidewalk and a landscaped area would be provided along the Fircrest Street frontage.

The building is proposed to have a contemporary design with a façade consisting of silver and orange metal panels, aluminum frames, and either bright silver or weathered zinc color split-face masonry block. Glass would be provided on all of the building's elevations. In addition to exterior treatment variation, to further provide architectural interest, taller tower elements that

break up the structure would be provided along the front entrance and on the building's corners. Mechanical systems for the building including heating, ventilation, and air conditioning equipment would be screened by a 5-foot plum-colored parapet.

Environmental Analysis

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by Mr. Jerry Haag, Urban Planner. The analysis concluded that the proposal would not have a significant impact on overall environmental quality, including biological and cultural resources, with adherence to the mitigation measures. Two potential impacts were identified concerning air quality and hazardous materials, however they can be mitigated to a less than significant level as discussed in Section 3 and Section 8 of the Initial Study and Mitigated Negative Declaration and in the Mitigation Monitoring Reporting Program (MMRP). The project would also not result in any short-term or cumulative traffic impacts. The review period for the IS/MND ended on October 6, 2014. Staff did not receive any letters from the public.

Attachments

Action – It is recommended that the Planning Commission: (1) Adopt a resolution making certain findings and recommending City Council approval of an Initial Study/Mitigated Negative Declaration (E-14-20), and (2) by resolution, recommend that City Council with Exhibit A, pages 1 to 15, approve (ASR-14-19), an Architectural and Site Plan Review, to construct a new, approximately 145,408 square foot four-story self-storage warehouse at the southeast corner of Fircrest Street and Overlake Place (APN: 537-460-013).

RESOLUTION NO.

RESOLUTION OF THE CITY OF NEWARK PLANNING COMMISSION MAKING CERTAIN FINDINGS AND RECOMMENDING CITY COUNCIL APPROVAL OF AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR A SELF-STORAGE FACILITY (PUBLIC STORAGE) AT 6800 OVERLAKE PLACE

WHEREAS, the Public Storage Project (“Project”), consists of the construction of a four-story, approximately 145,408 square foot self-storage facility with associated parking, landscaping and extension of utility services; and

WHEREAS, the entitlements requested include an Architectural and Site Plan Review; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), a project level Initial Study and Mitigated Negative Declaration has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project’s potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project’s potentially significant environmental impacts specifically relate to impacts associated with air quality and hazards and hazardous materials; and

WHEREAS, these potentially significant impacts can be mitigated to less than significant as shown in Sections 3 and 8 of the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a 20-day public review period for the Notice of Availability of the IS/MND was established beginning on September 17, 2014 and ending on October 6, 2014. Copies of the notice were transmitted, along with copies of the IS/MND, to local agencies concerned with the Project. The notice was posted with the Office of the Alameda County Clerk on September 18, 2014; and

WHEREAS, as of the date of this resolution, October 14, 2014, no comment letters have been received; and

WHEREAS, on October 14, 2014, the Planning Commission of the City of Newark conducted a duly noticed public hearing to consider the Initial Study and Mitigated Negative Declaration of environmental impact for the proposed Project, considered all public testimony, written and oral, presented at the public hearing; and received and considered the written information and recommendation of the staff report for the October 14, 2014 meeting related to the proposed Project.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Newark that it hereby recommends that City Council consider adopting the Initial Study and the

Mitigation Monitoring and Reporting Program as set forth in Exhibit B to this Resolution and incorporated herein by reference, and approving the Mitigated Negative Declaration of environmental impact for the Architectural and Site Plan Review, making the following findings:

1. The Initial Study and corresponding Mitigated Negative Declaration of environmental impact were released for public review and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and;
2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment.
3. The Planning Commission has read and considered the Initial Study and the Mitigated Negative Declaration, and the comments thereon, and has determined the Initial Study and the Mitigated Negative Declaration reflect the independent judgment of the City and were prepared in accordance with CEQA.
4. The Initial Study and the Mitigated Negative Declaration (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the Planning Commission's decision is based is are located at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and is available for public review.

This Resolution was introduced at the Planning Commission's October 14, 2014 meeting by Commissioner, seconded by Commissioner, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

RESOLUTION NO.

RESOLUTION APPROVING ASR-14-19, AN ARCHITECTURAL
AND SITE PLAN REVIEW FOR A SELF-STORGE FACILITY
(PUBLIC STORAGE) AT 6800 OVERLAKE PLACE

WHEREAS, Public Storage, Inc., has filed with the Planning Commission of the City of Newark application for an Architectural and Site Plan Review for a self-storage facility (Public Storage) at 6800 Overlake Place; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on October 4, 2014 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on October 14, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve this application as shown on Exhibit A, pages 1 through 15, subject to compliance with the following conditions:

Planning Division

- a. The project shall be subject to the mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for this project.
- b. Prior to issuance of a grading permit, the project applicant shall prepare a Phase II Environmental Site Assessment to determine the presence or absence of metal contaminants above regulatory thresholds. If contaminated materials are detected at actionable levels, a Remediation Plan shall be prepared in coordination with affected regulatory agencies and implemented prior to commencement of grading operations. The Remediation Plan shall include a worker safety plan and include protections for employees and visitors on adjacent properties.
- c. The operators of the facility and their customers shall not conduct any activity in or around, nor store any property in the storage units which would result in a violation of any ordinance, statute, or regulation of the City of Newark, or permit such actions to occur. In addition, storage of perishable, flammable, explosive, dangerous materials, or live animals in the storage unit is prohibited. Trash or other materials shall not be left in or near the storage unit. Storage units shall not be used for a dwelling, place of business, manufacturing, or production. The storage facilities may be used for commercial and household goods.
- d. All operations associated with this proposal shall be conducted within an entirely enclosed structure. If any complaint regarding noise is received from nearby residential properties, a supplemental noise analysis shall be prepared at the discretion of the Community Development Director and at the cost of the developer. The developer shall

mitigate any problems identified by the noise study.

- e. Measures to respond to and track complaints regarding construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- f. The owner of the property is responsible for any recycling facilities located upon the subject property. The owner hereby agrees that if any illegal recycling facilities are located on this property, the City of Newark will have the right to enter said property and physically remove the illegal facilities if the owner thereof has not, within a reasonable period of time removed, or requested approval of, said facilities. The cost of removal and storage of the illegal facilities shall be the responsibility of the owner of said facilities except, if unpaid, then the cost shall become a lien upon the property.
- g. The drive aisles shall not be used by delivery trucks between the hours of 9:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 9:00 p.m. and 8:00 a.m. No delivery truck or van shall be left overnight on any portion of the site.
- h. Prior to the issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from public streets. All equipment shall be fully screened within the context of the buildings' architecture. Said screening design shall be maintained to the satisfaction of the Community Development Director. The building owner shall paint the roof equipment and the inside of its screening wall within the context of the buildings' color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the buildings.
- i. Prior to the issuance of a building permit, the location and screening design for centralized garbage, refuse, and recycling collection areas for the project shall be submitted for the review and approval of Republic Services of Alameda County and the Community Development Director, in that order. All trash enclosures shall provide signage that states that the dumpsters shall remain in the enclosure(s) and that the enclosure's doors shall be closed immediately after use. The enclosure(s) shall be sited such that the enclosure's doors, when open, do not extend into drive aisles/back-up areas.

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

walls. The enclosure's materials, colors, and roof design shall be subject to the review and approval of the Community Development Director.

- j. Prior to issuance of a sign permit, all signs, other than those referring to construction, sale or future use of this site, shall be submitted to the Community Development Director for review and approval.
- k. Prior to the issuance of a grading permit, the developer shall hire a qualified biologist to: (1) determine if Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.
- l. 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.
- m. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- n. Prior to the issuance of a building permit, the color elevations of all dissimilar sides of the buildings as submitted as part of this application, shall be submitted for the review and approval of the Planning Commission and City Council. The building elevations shall reflect all architectural features and projections and shall specify exterior materials. A site plan showing the building locations with respect to property lines shall also show the projections. Final building colors shall be reviewed and approved by the Community Development Director.
- o. Prior to the issuance of a building permit, roof material shall be submitted to the Planning Commission and City Council for review and approval. All roof material shall consist of fire retardant shake roof, concrete tile or a roof of similar non-combustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better.
- p. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage of any materials for sale, display, inventory, or advertisement without the review and approval of the Community Development Director.
- q. No refuse, garbage, or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

- r. Prior to the issuance of a Certificate of Occupancy, all on-site parking facilities shown on the approved plans shall be installed and striped. This shall include, but not be limited to, identifying providing directional arrows as required by the Community Development Director.
- s. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.

Engineering Division

- t. Prior to the issuance of a building permit, the property owner shall reserve a private storm drain easement, not less than 10 feet in width, over the existing 24-inch diameter storm drain line, for the benefit of the adjoining property located at 6500 Overlake Place. The necessary documents for this easement reservation shall be prepared by a professional land surveyor or qualified professional civil engineer and are subject to review by the City Engineer prior to recording.
- u. Prior to the issuance of a building permit, the developer shall guarantee the construction of all required off-site improvements under the City of Newark Street Improvement Ordinance and these conditions of approval. This includes, but is not necessarily limited to installation of a 6-foot sidewalk along the entire street frontage including a meandering sidewalk on Fircrest Street, City standard driveways, street lighting, landscaping, and all necessary utility connections. The developer shall upgrade the existing wheelchair accessible ramp at the northeast corner of Overlake Place and Fircrest Street intersection and install one new ramp at the southeast corner of Overlake Place and Fircrest Street intersection in accordance with the latest Curb Ramp Detail No. A88A from the Caltrans Standard Plans.
- v. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the developer needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. In addition the grading plans need to state: "All grading work shall be done in accordance with the Storm Water Pollution Prevention Plan prepared by the developer pursuant to the Notice of Intent on file with the State Water Resources Control Board."

- w. Prior to the issuance of a grading or any building permits for this project, the developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The site specific plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording “No Dumping - Drains to Bay,” and other applicable practices.

- x. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges such as fountains, swimming pools, trash compactors, interior floor drains within parking garages, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.

- y. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.

- z. The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner.

- aa. The developer shall submit a grading and drainage plan for review and approval by the City Engineer. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.

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

- bb. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- cc. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- dd. Prior to issuance of a Certificate of Occupancy or release of utilities any parking facilities serving the site shall be paved in accordance with the recommendation of a licensed engineer based on a minimum Traffic Index of 6.0.
- ee. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.
- ff. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Fircrest Street and Overlake Place.
- gg. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.
- hh. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

Landscape-Parks Division

- ii. Prior to the issuance of any building or grading permits, the developer shall enter into a Landscape Maintenance Agreement with the City of Newark. Areas Agreement shall include all continuous landscaped areas contiguous to the site's public street frontage and all visible on-site landscaping. All landscape maintenance on-site and along the project frontage shall be the responsibility of the property owner. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the owner's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.

- jj. The developer shall retain a licensed landscape architect to prepare working drawings for both off-site and on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit. Minor modifications to the preliminary planting palette and frontage landscape design may be required by the City Engineer.

- kk. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.

- ll. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.

- mm. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

- nn. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.

- oo. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

- pp. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.

General Comments

- qq. 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.
- rr. If any condition of this Architectural and Site Plan Review be declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall terminate and be of no force and effect, at the election of the City Council on motion.
- ss. This Architectural and Site Plan Review shall be referred to the City Council for the Council's review and approval.
- tt. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.
- uu. 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.
- vv. 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 October 14, 2014 meeting by Commissioner, seconded by Commissioner, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson