

E.1 Hearing to consider an Initial Study and Mitigated Negative Declaration; and 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 City Manager Grindall (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.

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. The Architectural and Site Plan Review is attached as Exhibit A.

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.

Update – At its meeting of October 14, 2014, the Newark Planning Commission approved Resolution 1890, making certain findings and recommending City Council approval of E-14-20, an Initial Study/Mitigated Negative Declaration; and approved Resolution 1891 recommending that the City Council approve ASR-14-19, an Architectural and Site Plan Review, with Exhibit A pages 1 to 15, 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).

Attachments

Action – It is recommended that the City Council: (1) By resolution, make certain findings and adopting an Initial Study and Mitigated Negative Declaration for a self-storage facility (Public Storage) at 6800 Overlake Place; and (2) By resolution, approve ASR-14-19, an Architectural and Site Plan Review for a self-storage facility (Public Storage) at 6800 Overlake Place.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK MAKING CERTAIN FINDINGS AND ADOPTING
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 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 17, 2014; and

WHEREAS, as of the date of this resolution, November 13, 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, and;

WHEREAS, the Planning Commission of the City of Newark recommended that City Council consider adopting the Initial Study and approving the Mitigated Negative Declaration and; recommended that the City Council approve ASR-14-19, an Architectural and Site Plan Review; and

NOW, THEREFORE, the City Council finds and resolves the following:

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 City Council 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 and City Council's decision is based are located in the Community Development Department at City Hall for the City of Newark, located at 37101 Newark Boulevard, California, and are available for public review.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark:

- a. Adopts the Mitigation Monitoring and Reporting Program, as set forth in Exhibit B to this Resolution and incorporated herein by reference;
- b. Based on the evidence and oral and written testimony presented at public hearings, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the Initial Study/Mitigated Negative Declaration, the Planning Commission's and City Council's staff reports, certifies in accordance with CEQA guidelines that:
 1. The Initial Study/Mitigated Negative Declaration was prepared in compliance with CEQA and CEQA guidelines;
 2. The City Council has reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration prior to approving the project;
 3. The Initial Study/Mitigated Negative Declaration adequately describes the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures;
 4. The Initial Study/Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

Initial Study/ Mitigated Negative Declaration

Project:
Overlake Place Storage Project

Lead Agency:
City of Newark

September 2014

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**City of Newark
Environmental Checklist/
Initial Study**

Introduction

This Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) and assesses the potential environmental impacts of implementing the proposed project described below. The Initial Study consists of a completed environmental checklist and a brief explanation of the environmental topics addressed in the checklist.

Contact Person

Terrence Grindall, AICP
City of Newark
Community Development Department
37101 Newark Boulevard
Newark, CA 94560
(510) 578 4208

Project Sponsor

Public Storage, Inc.
701 Western Avenue
Glendale, CA 91201

Attn: Jim Fitzpatrick,
(818) 244 8080 X 1476

Project Location and Context

The project site is located within the City of Newark west of Jarvis Avenue and north of Fircrest Street, south of State Route 84. Specifically, the site is on the southeast corner of Fircrest Street and Overlake Place at 6800 Overlake Place. The site address of the existing public storage facility to the south is 38517 Birch Street. The Alameda County Assessors Parcel Number (APN) is 537-460-013.

The triangularly-shaped site contains approximately 3.06-acres of land and is currently vacant. Roadway improvements along Fircrest Street and Overlake Place have been installed, including curb and gutter have been installed as well as landscaping within the abutting public right-of-way. No significant vegetation or other scenic features exist on the site.

Surrounding land uses consist of light industrial buildings with an existing public storage facility to the south.

Exhibit 1 depicts the project site in relation to the City of Newark.

Project Description

Development Plan. The applicant is proposing to construct a public storage/warehouse complex on the site that would be a continuation of the existing public storage use south of the site. **Exhibit 2** shows the proposed project site plan.

One main building would be constructed, located on the corner of Fircrest and Overlake. This building would consist of up to 140,408 square feet of floor area constructed in four floors. Each floor would contain approximately 36,350 square feet and would house individual storage areas rented to the public. Sizes of the individual storage areas would range from 5-ft. x 5-ft. to 10-ft x 30-ft. The height of the building would be 51' 8." Mechanical systems for the building including but not limited to heating, ventilation and air conditioning would be located on the roof.

A smaller one-story building would be constructed to the east of the larger building. This facility would contain up to 6,854 square feet. The second building would also be used for storage and warehousing.

The proposed facility would contain up to 820 individual storage spaces. Hours of operation would be from 6 a.m. to 9 p.m. The facility would be staffed by two employees during the hours of operation. Security cameras would be installed for the lobby elevators and office area.

As shown on Exhibit 2, the building would be set back approximately 29 feet from adjacent streets.

Building Elevations. The proposed exterior treatment of the four-story building would include silver and orange metal panels, aluminum frames and either bright silver or weathered zinc color split-face masonry blocks. Slightly taller corner elements and at the building entrance would be provided for architectural interest.

Exhibits 3a and 3b depict proposed building elevations.

Circulation, Parking and Access. Vehicle access to and from the project would be provided by an existing driveway along Fircrest Street. Parking for 75 vehicles would be provided along the north and south sides of the larger building. Parking would include standard-size stalls and accessible parking for disabled patrons. One loading and unloading space would also be provided.

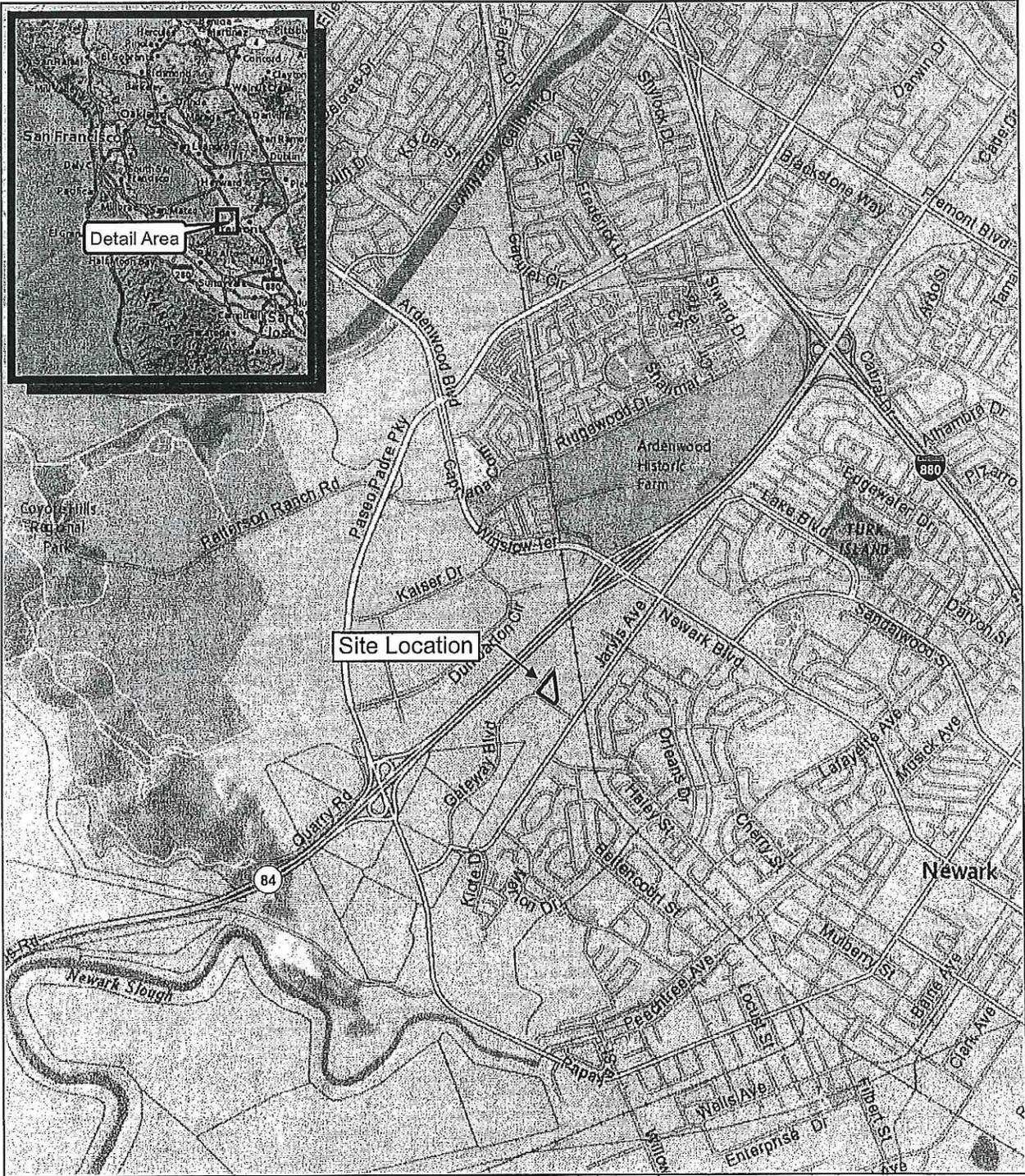
A 6-ft. wide public sidewalk would be provided along both the Overlake and Fircrest frontages

Landscaping. Existing landscaping along Fircrest Street and Overlake Place would remain. A landscaped area would also be provided south of the main building,

Utilities Grading and Water Quality. The applicant has also proposes to extend water and sewer lines into the project site as well as providing storm drain and related infrastructure improvements. These improvements would include a water quality bio-retention pond to be located in the eastern portion of the site.

Land Use Entitlements. Requested land use entitlements include the following:

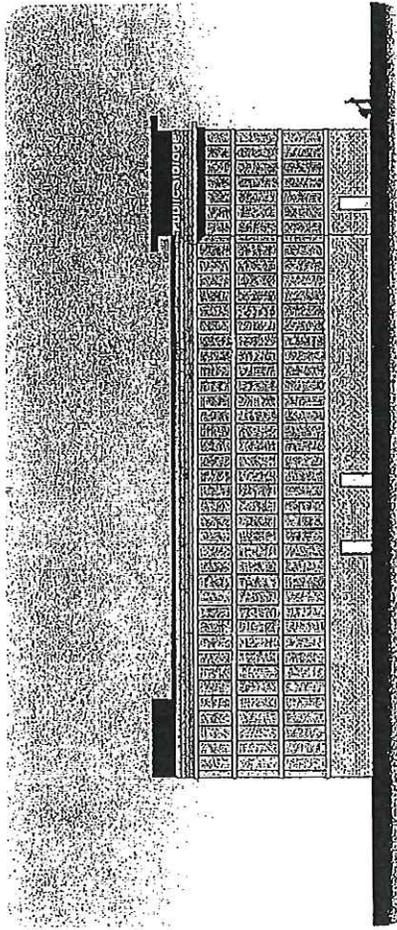
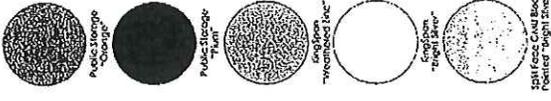
- *Architectural & Site Plan Review.* Architectural and Site Plan review will be required to approve the overall layout of the proposed project, exterior building elevations, landscaping, lighting and project signs.



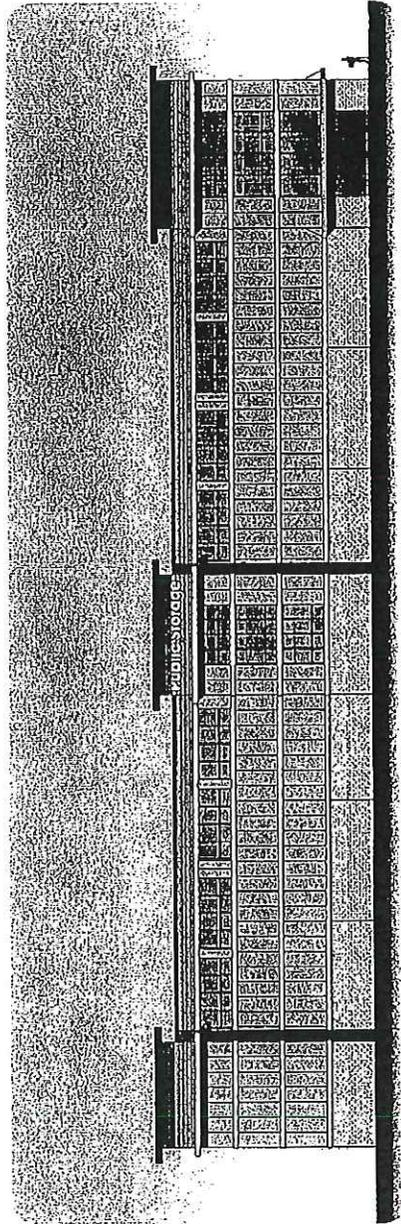
**Exhibit 1
Regional Location**

CITY OF NEWARK
OVERLAKE PLACE STORAGE PROJECT
 INITIAL STUDY

Color Legend:



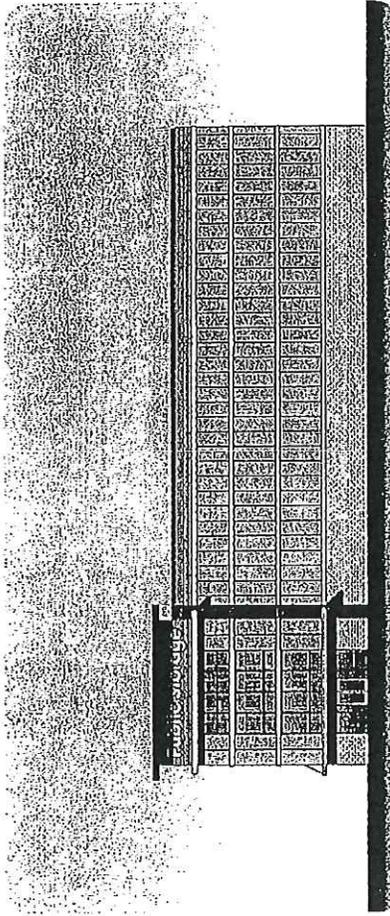
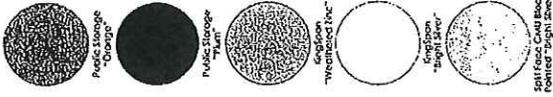
West Elevation



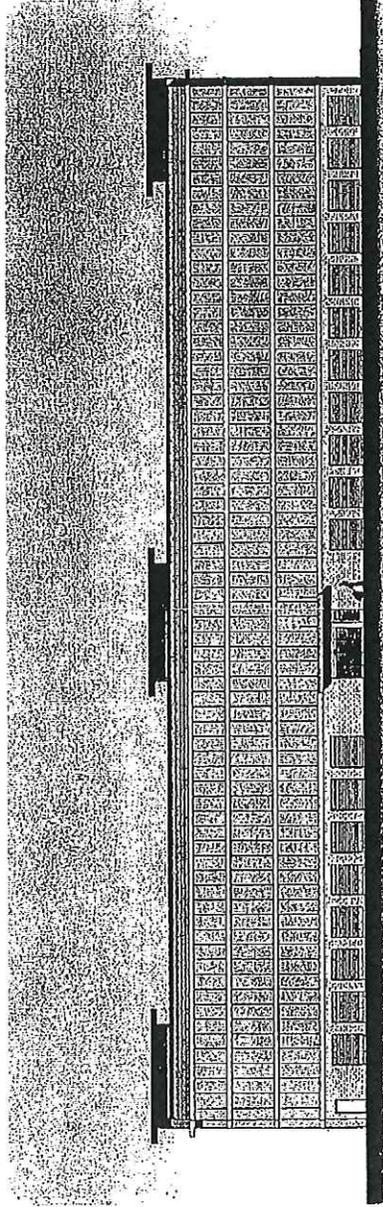
South Elevation

Exhibit 3a
Elevations

Color Legend:



East Elevation



North Elevation

Exhibit 3b
Elevations

CITY OF NEWARK
OVERLAKE PLACE STORAGE PROJECT
INITIAL STUDY

1. **Project description:** Development of a four-story self-storage warehouse complex consisting of up to 140,408 square feet with associated on-site parking, landscaping and extension of utility services. City required approvals include Architectural and Site Plan Review (ASR).
2. **Lead agency:** City of Newark
3. **Contact person:** Yesenia Jimenez, Community Development Department
4. **Project location:** Southeast corner of Fircrest Street and Overlake Place near 6800 Overlake Place (APN 537-460-013)
5. **Project sponsor:** Public Storage, Inc.
6. **General Plan designation:** Special Industrial
7. **Zoning:** MP-Industrial Park
8. **Other public agency required approvals:**
 - Architectural & Site Plan Review (City of Newark)
 - Building Permits (City of Newark)
 - Encroachment Permit (City of Newark)
 - Water connection (Alameda County Water District)
 - Sewer connection (Union Sanitary District)
 - Stormwater quality treatment measure installations (Alameda County Mosquito Abatement District)
 - Notice of Intent (State Water Resources Control Board)

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "potentially significant impact" as indicated by the checklist on the following pages.

--	Aesthetics	-	Agricultural Resources	X	Air Quality
--	Biological Resources	-	Cultural Resources	-	Geology/Soils
X	Hazards and Hazardous Materials	-	Hydrology/Water Quality	-	Land Use/Planning
-	Mineral Resources	-	Noise	--	Population/Housing
--	Public Services	-	Recreation	-	Transportation/Circulation
--	Utilities/Service Systems	-	Mandatory Findings of Significance		

Determination (to be completed by Lead Agency):

 I find that the proposed project **could not** have a significant effect on the environment and a **Negative Declaration** will be prepared.

 X I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **Mitigated Negative Declaration** will be prepared.

 I find that although the proposed project **may** have a significant effect on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on the attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **Environmental Impact Report** is required, but must only analyze the effects that remain to be addressed.

 I find that although the proposed project could have a significant effect on the environment, there **will not** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed on the proposed project.

Signature: Tenave Grudell by JH Date: 9/16/14

Printed Name: Tenave Grudell For: City of Newark

Evaluation of Environmental Impacts

- 1) A brief explanation is required for all answers except "no impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "no impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "no impact" answer should be explained where it is based on project-specific factors as well as general factors (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less-than-significant with mitigation, or less-than-significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less-than-Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section 17, "Earlier Analysis," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). The checklist will include a response "no new impact" in these circumstances. In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less-Than-Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead Agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances, etc.). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached and other sources used or individuals contacted should be cited in the discussion.
- 8) This is a suggested form and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each agency should identify the significance criteria or threshold, if any, used to evaluate each question and the mitigation measures identified, if any, to reduce the impact to a less than significant level.

Environmental Impacts (Note: Source of determination listed in parenthesis. See listing of sources used to determine each potential impact at the end of the checklist)

Note: A full discussion of each item is found following the checklist.

1. Aesthetics. Would the project:

- a) Have a substantial adverse impact on a scenic vista?
- b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings and historic buildings within a state scenic highway? (Source: 1, 4)
- c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 4)
- d) Create a new source of substantial light or glare, which would adversely affect day o nighttime views in the area? (Source: 4)

2. Agricultural Resources. Would the project:

- a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as show on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (Source: 1, 4)
- b) Conflict with existing zoning for agriculture use or a Williamson Act contract? (1, 3)
- c) Conflict with existing zoning for, or cause rezoning of forestland (as defined by PRC Sec. 12220(g), timberland (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)? (Source: 1, 5)
- d) Result in the loss of forest land or conversion of forest land to non-forest use? (1, 4)
- e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to a non-agricultural use or conversion of forestland to a non-forest use? (Source: 5)

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
			X
			X
		X	
		X	
			X
			X
			X
			X
			X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (5)				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (1)				X
f) Conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan? (Source: 1)				X
5. Cultural Resources. Would the project				
a) Cause a substantial adverse impact in the significance of a historical resource as defined in Sec. 15064.5? (Source: 1, 4)				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Sec. 15064.5? (Source: 1, 7)			X	
c) Directly or indirectly destroy a unique paleontological resource or unique geologic feature? (Source: 1)			X	
d) Disturb any human remains, including those interred outside of a formal cemetery? (1)			X	
6. Geology and Soils. Would the project				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Fault Zoning Map issued by the State Geologist or based on other known evidence of a known fault? (Source: 1)				X
ii) Strong seismic ground shaking? (1)			X	
iii) Seismic-related ground failure, including liquefaction? (Source: 1)			X	
iv) Landslides? (Source: 1)				X
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1)			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- and off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1)			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1)			X	
e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for wastewater disposal? (1)				X
7. Greenhouse Gas Emissions. <i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (1, 5)			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
8. Hazards and Hazardous Materials. <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (1, 2)			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous into the environment? (2)		X		
c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 2)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Sec. 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (2)				X
e) For a project located within an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1)				X
f) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 2)				X
g) Impair implementation of or physically interfere with the adopted emergency response plan or emergency evacuation plan? (Source: 1)				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (1)				X
9. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 3)			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 3)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 3)			X	
d) Substantially alter the existing drainage pattern of the site or areas, including through the alteration of a course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 3)			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 3)			X	
f) Otherwise substantially degrade water quality? (Source: 1, 3)			X	
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map? (Source: 1, 3)				X
h) Place within a 100-year flood hazard area structures which impede or redirect flood flows? (Source: 1)				X
i) Expose people or structures to a significant risk of loss, injury, and death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1)				X
j) Inundation by seiche, tsunami or mudflow?				X
10. Land Use and Planning. Would the project:				
a) Physically divide an established community? (Source: 1, 4)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 4)				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1)				X
11. Mineral Resources. <i>Would the project</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (1)				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1)				X
12. Noise. <i>Would the proposal result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies? (1)			X	
b) Exposure of persons or to generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 4)				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above existing levels without the project? (1, 4)			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project? (1)			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (1)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (1)				X
13. Population and Housing. <i>Would the project</i>				
a) Induce substantial population growth in an area, either directly or indirectly (for example, through extension of roads or other infrastructure)? (1, 4)				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 4)				X
c) Displace substantial numbers of people, necessitating the replacement of housing elsewhere? (Source: 1, 4)				X
14. Public Services. <i>Would the proposal:</i>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? (Source: 1, 3)				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?			X	
Other public facilities				X
15. Recreation.				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1)				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1)				X

16. Transportation and Traffic. *Would the project:*

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and all non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit? (Source: 1, 5)
- b) Conflict with an applicable congestion management program, including but not limited to, level of service and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 5)
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1)
- d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses, such as farm equipment? (Source: 1)
- e) Result in inadequate emergency access? (3)
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance of safety of such facilities? (1)

17. Utilities and Service Systems. *Would the project*

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 3)

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
		X	
		X	
			X
			X
			X
		X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3)			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (3)			X	
d) Have sufficient water supplies available to serve the project from existing water entitlements and resources, or are new or expanded entitlements needed? (3)			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments? (Source: 3)			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state and local statutes and regulations related to solid waste? (3)			X	
18. Mandatory Findings of Significance.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects).				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Sources used to determine potential environmental impacts

1. General Plan Tune Up EIR (2013)
2. Project Phase I ESA
3. Discussion with City staff or service provider
4. Site Visit
5. Other Source

XVII. Earlier Analyses

a) **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

This document relies on the City of Newark General Plan Tune Up EIR, SCH #2013012052, October 2013. This document is available for review at the City of Newark Community Development Department during normal business hours.

Attachment to Initial Study

Discussion of Checklist

Legend

- PS: Potentially Significant
LS/M: Less Than Significant After Mitigation
LS: Less Than Significant Impact
NI: No Impact

1. Aesthetics

Environmental Setting

The project site is located in an urbanized, developed portion of Newark, within the City's northern industrial park area. The subject site is vacant and contains no City parks, public playgrounds, public trails or other places of public gathering. No native trees, unusual rock outcroppings or historic structures exist on the site. Neither Fircrest Street nor Overlake Place is designated as a state or local scenic highway is not identified as a scenic highway by the City of Newark or the State of California (source: <http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>).

Several sources of light and glare are present on adjacent sites, including building and parking lot lights associated with the surrounding industrial uses.

Project Impacts

- a) *Have a substantial adverse impact on a scenic vista?* **NI**. There are no public places on the project site for viewing scenic vistas nor do any residential uses exist on surrounding properties that have views to surrounding foothills. Construction of the warehouse complex on the site would not have a significant impact with regard to impacts to scenic vistas.
- b) *Substantially damage scenic resources, including but not limited to trees, rock outcroppings and historic buildings within a state scenic highway?* **NI**. There are no native trees, rock outcroppings or historic buildings on the site that would be lost should the project be constructed. The site is also not located near any state or locally designated scenic highways. No impacts are anticipated with regard to damage to scenic resources adjacent to a scenic highway.
- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?* **LS**. The proposed project would allow conversion of a vacant site to a four-story warehouse complex. The proposed project is subject to design review by the Planning Commission and City Council to determine if the overall site design, exterior building elevations, colors, materials and landscaping are appropriate for the site. Although the visual character of the site would change, the scenic and visual quality of the site would not significantly be degraded and his impact would be less-than-significant.

- d) *Create light or glare?* **LS.** Approval of the proposed project would add new light sources associated with the proposed development where no sources of on-site lighting currently exist. Specifically, there would be new lights on the proposed four-story building and within the parking lot. Since surrounding land uses include light industrial and warehouse uses, no significant impact would result with respect to this topic.

2. Agricultural and Forestry Resources

Environmental Setting

The project site is located in an urbanized portion of Newark, is not used for agricultural cultivation, is not zoned for agricultural and is not encumbered with a Williamson Act Land Conservation Agreement (source: Newark Community Development Department, 9/10/14). Similarly, no trees or forestry resources are present on the site.

Project Impacts

- a,c) *Convert prime farmland to a non-agricultural use or involve other changes which could result in conversion of farmland to a non-agricultural use?* NI. The site is not zoned or used for agricultural purposes. Approval and construction of the proposed warehouse would have no impact on prime farmland or convert existing farmland to a non-farm use.
- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?* NI. No Williamson Act contract or agricultural zoning is present on the site, so there would be no impact with respect to this topic.
- d) *Result in the loss of forest land or conversion of forest land to a non-forest use?* NI. No forest land exists on the project site and no impact would result with respect to this topic.
- e) *Involve other changes which, due to their location or nature, could result of forest land to a non-forest use?* NI. See item "d," above.

3. Air Quality

Environmental Setting

Air pollution climatology. Newark is located in southwestern Alameda County, part of the nine-county San Francisco Bay Air Basin. Newark is bounded on the west by San Francisco Bay and is indirectly affected by marine airflow. Marine air entering through the Golden Gate is blocked by the East Bay hills, forcing the air to diverge into northerly and southerly paths. The southern flow is directed down the bay, parallel to the hills, where it eventually passes over the Newark area. These sea breezes are strongest in the afternoon. The farther from the ocean the marine air travels, however, the ocean's effect

is diminished. Thus, although the climate of Newark is affected by sea breezes, it is affected less so than the regions of the Bay Area closer to the Golden Gate.

The climate of Newark is also affected by its proximity to the San Francisco Bay. The bay cools the air with which it comes in contact during warm weather, while during cold weather the bay warms the air. The normal northwest wind pattern carries this air onshore. Bay breezes push cool air inshore during the day and draw air from the land offshore at night.

Newark has a relatively high potential for air pollution during the summer and fall. When high pressure dominates, low mixing depths and bay and ocean wind patterns can concentrate and carry pollutants from other cities to Newark, adding to the locally emitted pollutant mix. In winter and spring, the air pollution potential in Newark is moderate.

Air pollutants. Principal sources of air pollutants include carbon monoxide, reactive organic gasses, nitrous oxides, particulate matter and lead. Table 1 presents applicable state and federal air quality standards.

Table 1. Relevant California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards
Ozone	8-hour	0.070 ppm (137 $\mu\text{g}/\text{m}^3$)	0.075 ppm (147 $\mu\text{g}/\text{m}^3$)
	1-hour	0.09 ppm (180 $\mu\text{g}/\text{m}^3$)	—
Carbon monoxide	1-hour	20 ppm (23 mg/m^3)	35 ppm (40 mg/m^3)
	8-hour	9.0 ppm (10 mg/m^3)	9 ppm (10 mg/m^3)
Nitrogen dioxide	1-hour	0.18 ppm (339 $\mu\text{g}/\text{m}^3$)	0.100 ppm (188 $\mu\text{g}/\text{m}^3$)
	Annual	0.030 ppm (57 $\mu\text{g}/\text{m}^3$)	0.053 ppm (100 $\mu\text{g}/\text{m}^3$)
Sulfur Dioxide	1-hour	0.25 ppm (655 $\mu\text{g}/\text{m}^3$)	0.075 ppm (196 $\mu\text{g}/\text{m}^3$)
	24-hour	0.04 ppm (105 $\mu\text{g}/\text{m}^3$)	0.14 ppm (365 $\mu\text{g}/\text{m}^3$)
	Annual	—	0.03 ppm (56 $\mu\text{g}/\text{m}^3$)
Particulate Matter (PM ₁₀)	Annual	20 $\mu\text{g}/\text{m}^3$	—
	24-hour	50 $\mu\text{g}/\text{m}^3$	150 $\mu\text{g}/\text{m}^3$
Particulate Matter (PM _{2.5})	Annual	12 $\mu\text{g}/\text{m}^3$	12 $\mu\text{g}/\text{m}^3$
	24-hour	—	35 $\mu\text{g}/\text{m}^3$

Pollutant	Averaging Time	California Standards	National Standards
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Source: BAAQMD and EPA, 2013.

Notes: ppm = parts per million mg/m³ = milligrams per cubic meter μg/m³ = micrograms per cubic meter

Toxic Air Contaminants. Toxic Air Contaminants (TACs) are another group of pollutants of concern. There are many different types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Cars and trucks release at least 40 different toxic air contaminants. The most important, in terms of health risk, are diesel particulate, benzene, formaldehyde, 1,3-butadiene and acetaldehyde.

Public exposure to TACs can result from emissions from normal operations, as well as accidental releases. Possible health risks associated with TACs include cancer, birth defects, neurological damage and death.

No sensitive air quality receptors were observed near the project site which include schools, hospitals, convalescent homes and senior-only residential complexes.

Project Impacts

- a) *Would the project conflict or obstruct implementation of an air quality plan?* **NI.** Approval and construction of the proposed project would be consistent with the Newark General Plan which designates the site for low-intensity industrial land use. The project's use have been included in the regional Clean Air Plan so that no impacts would result with regard to obstruction of or conflict with the regional air quality plan.
- b) *Would the project violate any air quality standards?* **LS/M.** Construction of the proposed project would have a potentially significant impact with regard to air short-term construction impacts. Construction dust associated with site grading and utility trenching would affect local air quality during construction of the project. The effects of demolition and construction activities would be increased dust and locally elevated levels of PM₁₀ downwind of construction activity, generally toward the east.

During construction, various diesel-powered vehicles and equipment would be in use on the site, and diesel trucks would be used to carry demolition debris from the site. The California Air Resources Board (CARB) has identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines.

Health risks from TACs are a function of both concentration and duration of exposure. Unlike the above identified high-risk sources, construction equipment diesel emissions are temporary, affecting an area for a period of days or perhaps weeks. Additionally, construction related sources are mobile and transient in nature. Because of its short duration and lack of nearby sensitive receptors, health

risks from construction emissions of diesel particulate would be a less-than-significant impact.

According to the BAAQMD CEQA Guidelines, emissions of ozone precursors (ROG and NOx) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans and, thus, are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area. Thus, the potentially significant effect of construction activities would be increased dust and locally elevated levels of PM10 downwind of construction activity. Unmitigated construction dust has the potential for creating a nuisance at nearby properties and would be a significant air quality impact.

Implementation of the following measure will reduce construction-related air quality emissions to a less-than-significant level (these measures are consistent with BAAQMD recommendations):

Mitigation Measure AIR-1. The developer shall be responsible for the following measures to control fugitive dust emissions. These measures shall be included on construction and demolition plans and specifications.

- a) Using water as needed to control dust and eliminate visible dust plumes.
- b) Covering all trucks hauling building debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c) Sweeping daily all paved access roads, parking areas and staging areas at construction sites.
- d) Sweeping streets daily if visible soil material is carried onto adjacent public streets.
- e) Watering or covering of stockpiles of construction debris, soil, sand or other materials that can be blown by the wind.

These measures shall be done to the satisfaction of the Newark City Engineer and/or the City Building Official.

- c) *Would the project result in cumulatively considerable air pollutants?* **LS.** Vehicle trips generated by the project would result in air pollutant emissions affecting the entire San Francisco Bay Air Basin. However, as noted in the Transportation and Traffic section of this Initial Study, the nature of the proposed use is such that few daily or peak hour trips would be generated associated with the project. As noted in the recently certified General Plan EIR, development under the General Plan would not contribute to a cumulatively considerable air pollutant condition and a less-than-significant impact would result.
- d,e) *Expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people?* **NI.** The site is surrounded by light industrial and warehouse uses. No sensitive air quality receptors are located near

the site so that no significant populations would be affected by TACs. Similarly, no impacts are anticipated with regard to significantly objectionable odors since the proposed warehouse would not include industrial or similar uses that would t emit significant odors.

4. Biological Resources

Environmental Setting

The analysis of biological resources on the site is based on a biological reconnaissance of the property prepared by WRA, Inc. The WRA report is included as Attachment 1 to this Initial Study and is summarized below.

A majority of the project site is characterized by ruderal (weedy) uplands with landscaped areas lining the perimeter. Plant species observed in the Project Area are predominantly non-native ornamental and weedy species typical of disturbed urban sites. Numerous large, ornamental trees line the perimeter of the site. Elevation within the site ranges from 13 to 17 feet above sea level.

Non-sensitive biological communities observed on the site include landscaped and ruderal upland habitats. No sensitive biological communities were observed on the project site. However, wetland hydrological indicators have developed adjacent to the landscaped berm that runs along the north and western perimeter of the site as a result of runoff and the sprinkler irrigation system associated with the landscaped areas.

Based on the resources reviewed and the types and condition of habitats observed at the site, WRA biologists determined that no special-status plant species have a moderate to high potential to occur on the project site. No special-status plant species were observed in the site during the site visit.

No special-status wildlife species were determined to have a moderate to high potential to occur on the project site. No special-status wildlife species were observed on the site during the site assessment. All wildlife species observed during the site assessment were common species, adapted to urban development.

Project Impacts

- a) *Have a substantial adverse impact on a candidate, sensitive, or special-status species?* **NI.** Based on the biological assessment performed by WRA, no impacts to candidate, sensitive or special-status species are anticipated should the project be approved and implemented.
- b, c) *Have a substantial adverse impact on riparian habitat or federally protected wetlands?* **NI.** The site is inland and surrounded by urban land uses. No wetlands, waters of the United States or waters of the state have been observed on the site by WRA biologists. There would be no impact on riparian habitat or federally or state protected wetlands.

- d) *Interfere with movement of native fish or wildlife species?* **NI.** The project site and surrounding areas are developed with light industrial buildings and roadways. No streams or watercourses exist on the site. Therefore, no impacts are anticipated with regard to blockage of fish or wildlife corridors.
- e, f) *Conflict with local policies or ordinances protecting biological resources or any adopted Habitat Conservation Plans or Natural Community Conservation Plans?* **NI.** The site is not located within the boundaries of any Habitat Conservation Plan or Natural Community Conservation Plan so no impacts would result with respect to this topic.

5. Cultural Resources

Environmental Setting

The project site is vacant and contains no historic structures.

The City of Newark is relatively flat and lies near San Francisco Bay. Based on the General Plan EIR, there is a moderate potential for encountering archeological, prehistoric and/or Native American artifacts during grading and trenching operations associated with the proposed project.

Project Impacts

- a) *Cause substantial adverse change to significant historic resources?* **NI.** Since the site is vacant and contains no historic above ground resources no impacts are anticipated with respect to this topic.
- b, c) *Cause a substantial adverse impact or destruction to archeological or paleontological resources?* **LS.** Based information contained in the Newark General Plan EIR, there is a low to moderate probability of encountering buried archeological, paleontological or Native American artifacts on the project area. A condition of project approval will require that construction of the project be halted within a 50-foot wide radius of any discovery of historic, archeological or Native American artifacts by the project contractor. If this occurs, the City will select a qualified professional to evaluate such resources and prepare a resource protection plan that complies with CEQA standards; work could not be restarted until the resource protection plan is fully implemented. If human remains are encountered, the County Coroner will be immediately notified. Based on this condition of project approval, impacts to significant cultural resources will be less-than-significant.
- d) *Disturb any human remains, including those interred outside of a formal cemetery?* **LS.** Based on previous environmental documentation in the Newark area, there is low to moderate potential of encountering human remains as part of project construction and adherence to the condition of project approval outlines in section "b" and "c" above, this impact would be less-than-significant.

6. Geology and Soils

Environmental Setting

The project site is topographically flat and contains no unique rock outcroppings. No known active seismic faults have been identified in the Newark planning area, however, the area is subject to moderate to severe ground shaking from the nearby Hayward, San Andreas, Monte Vista-Shannon and Calaveras Faults.

Project Impacts

- a) *Expose people or structures to potential substantial adverse impacts, including loss, injury or death related to ground rupture, seismic ground shaking, ground failure, or landslides?* **LS.** Proposed improvements on the site would be subject to moderate to severe ground shaking during seismic events on nearby fault zones. In the absence of an Earthquake Safety Zone on the site, as documented in the General Plan EIR, the risk of ground rupture is considered low. With adherence to construction techniques identified in the California Building Code and other applicable State of California standards, less-than-significant seismic impacts to humans or structures are anticipated. As part of the normal development review process, the City of Newark will require submittal of a soils and geotechnical report prepared by an engineering professional to ensure that seismic and soil hazards would be reduced to a less-than-significant level. As required by the City, the geotechnical report will contain recommended designs for building foundations and other improvements to ensure impacts related to seismic ground shaking, liquefaction and related hazards will be less-than-significant. This impact will be reduced to a less-than-significant level.

No impacts related to landslide hazard are anticipated since the project site contains minimal topographic relief.

- b) *Is the site subject to substantial erosion and/or the loss of topsoil?* **LS.** There is a possibility that grading activities and stockpiling of trench spoils could erode into nearby streets, Alameda County Flood Control and Water Conservation District regional drainage channels and ultimately into San Francisco Bay. This would be a significant impact and would be mitigated to a less-than-significant impact by adherence to standard Newark Engineering Division conditions that require conformance with Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit standards, enforced by the City of Newark, that mandates reduction of erosion off of all project sites in the community. Adherence to NPDES during construction and post construction periods will reduce the potential for soil erosion to a less-than-significant level.
- c-d) *Is the site located on soil that is unstable or expansive or could result in potential lateral spreading, liquefaction, landslide or collapse?* **LS.** The City-required geotechnical report will contain site-specific recommendations to reduce lateral spreading, liquefaction and unstable soils conditions to a less-than-significant level. These recommendations will be included in final building plans and specifications.

- e) *Have soils incapable of supporting on-site septic tanks if sewers are not available?* NI. The proposed buildings will be connected to the Union Sanitary District (USD) sanitary sewer system under existing City ordinance and USD policy. There would, therefore, be no impact with regard to septic tanks.

7. Greenhouse Gas Emissions

Environmental Setting

Greenhouse gasses (GHGs) are gasses that trap heat in the earth's atmosphere and affect the earth's temperature. This is also known as the Greenhouse Effect. Elements and compounds that typically comprise carbon dioxide and water vapor but also include other compounds, such as methane, nitrous oxides and others.

Although still controversial, GHGs have been linked to such phenomenon as changes in the earth's temperature, weather patterns and sea levels.

The City of Newark has adopted a Climate Action Plan (CAP) to investigate and identify feasible measures that could be taken on a local level to reduce GHGs emissions. The CAP establishes a target for a 5% reduction of municipal emissions by July 2012, a 5% reduction of community wide GHG reductions by July 2015 and a 15% reduction by 2020.

Even if the GHG reduction targets are met the General Plan found that building out of all land uses included in the General Plan would exceed GHG emissions thresholds established by the Bay Area Air Quality Management District and would result in a significant and unavoidable impact.

Project Impacts

- a,b) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* LS. Construction of the proposed project would add a number of additional vehicle trips to the site that would incrementally add to greenhouse gas emissions. However, Table 3-1 contained in the May 2011 Bay Area Air Quality Management District CEQA Guidelines demonstrates that a light industrial project with less than 541,000 square feet does not significantly contribute to greenhouse gas emissions. Since the proposed project contains approximately 140,400 square feet, this impact would be less-than-significant.

8. Hazards and Hazardous Materials

Environmental Setting

The project site is not listed as a Hazardous Materials site on Figure 4.7-1 of the General Plan EIR and is not listed as a contaminated site on the Cortese List of contaminated sites (http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm).

The site is not within an airport planning area of any public or private airport or airstrip.

A Phase I Environmental Site Assessment was prepared for the project site ("Phase I Environmental Site Assessment, Public Storage, 6800 Overlake Place, Newark CA" prepared by Antea Group dated February 18, 2014.) This report is hereby incorporated by reference into this Initial Study and is available for public review during normal business hours.

Project Impacts

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* **LS.** The proposed project, if approved, would include normal and customary transport, use and storage of building materials, paints, solvents and lawn care chemicals, many of which are considered hazardous or potentially hazardous in sufficient quantity. These materials would be used for building and landscape maintenance. Use of such materials is not anticipated to result in a significant hazard to the public and a less-than-significant impact would exist.
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material into the environment?* **LS/M.** The Antea Phase I report noted that earlier hazardous materials investigations on surrounding properties found that imported fill material on these sites, although not necessarily on the project site itself, contained concentrations of metals above regulatory concentrations. There is a potential that metal contaminants on the project site as well. This could be a potentially significant impact and will be reduced to a less-than-significant level through adherence to the following measure.

Mitigation Measure HAZ-1. Prior to issuance of a grading permit, the project applicant shall prepare a Phase II Environmental Site Assessment to determine the presence of 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) *Emit hazardous materials or handle hazardous or acutely hazardous materials, substances, waste within one-quarter mile of a school?* **NI.** The nearest school to the project area is Challenger School, which is located approximately 1,000 feet east of the project site. However, the proposed storage facility would not emit or handle hazardous material, so no impact is anticipated with regard to this topic.
- d) *Is the site listed as a hazardous materials site?* **NI.** The project site is not listed on the State of California Department of Toxics Substances Control list (the Cortese List) as of August 7, 2014. No impacts are, therefore, anticipated.

- e,f) *Is the site located within an airport land use plan of a public airport or private airstrip?* **NI.** No public or private airstrips or airfields exist within or immediately adjacent to the City of Newark, so there would be no conflict with airport land use plans or local airport activities.
- g) *Interference with an emergency evacuation plan?* **NI.** The proposed project is not designed in such a manner as to block vehicular traffic along Fircrest Street or Overlake Place, both of which provides normal and emergency access to and from the site. Therefore, no impacts are anticipated with regard to interference with emergency evacuation plans.
- h) *Expose people or structures to significant risk due to wildlife fire, including where residences are intermixed with wildlife?* **NI.** The project site is located in an urban area, with light industrial uses on all sides. No impacts are, therefore, anticipated with respect to significant risk of the proposed project to wildland fire.

9. Hydrology and Water Quality

Environmental Setting

Surface water. Surface water flows within channelized creeks maintained by the Alameda County Flood Control and Water Conservation District. No channels are located on or adjacent to the project site.

Groundwater. The Newark planning area overlays a major aquifer known as the Niles Cone. Niles Cone has historically provided water to the Newark and Fremont areas and continues to play a part in satisfying the overall water demand from the region.

Surface water quality. The City of Newark, along with all other cities in Alameda County and Alameda County itself, is a participant in the Alameda Countywide Clean Water Program that was formed in 1989 to control urban runoff. The City of Newark enforces the most recent C.3 and C.6 requirements set forth in the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit issued to the City by the San Francisco Bay Regional Water Quality Control Board in October 2009. The C.3 and C.6 requirements state that development projects are to provide site design measures, source controls, Low Impact Development (LID) treatment measures, hydromodification management, and construction best management practices that are appropriate for the type and size of the project to control stormwater pollution. Treatment measures could include biotreatment systems that are designed subject to established numeric sizing criteria. Each development project is required to complete a Stormwater Requirements Checklist and prepare Stormwater Treatment Design Plans and a Stormwater Pollution Prevention Plan that collectively establish how the project will satisfy NPDES water quality standards.

Flooding. The project site lies outside of a 100-year flood hazard area as depicted on Exhibit 4.8-4.

Project Impacts

- a) *Violate any water quality standards or waste discharge requirements?* **LS.** The proposed project would dispose of wastewater through Union Sanitary District treatment facilities, which can accommodate the additional amount of wastewater generated by the proposed project. The project will also be required to comply with NPDES surface water quality standards as enforced by the City of Newark, so that less-than-significant impacts will result with regard to violation of water quality standards or waste discharge requirements (source: Al Bunyi, USD engineer, 6/20/14).
- b) *Substantially deplete groundwater recharge areas or lowering of water table?* **NI.** Although the project sites within the boundaries of the Alameda County Water District (ACWD), it is vacant and not currently using domestic water. Additional water would likely be required to serve the proposed warehouse use on the site. The ACWD obtains water from a combination of sources including delivery of imported water during normal years supplemented by locally pumped groundwater. There would therefore be no covering of an existing groundwater recharge area or lowering of the water table. No impacts would result with respect to this topic.
- c) *Substantially alter drainage patterns, including streambed courses such that substantial siltation or erosion would occur?* **LS.** The project site is currently vacant. Construction of the proposed project would increase the amount of impervious surfaces on the site. The amount, velocity and rate of increased stormwater runoff from the site is unknown; however, the amount of increased runoff would likely not be significant, especially since the project will be required to comply with C.3 hydromodification requirements to meter peak runoff flows from the site. This impact would be less-than-significant.
- d) *Substantially alter drainage patterns or result in flooding, either on or off the project site?* **LS.** See item "c" above.
- e) *Create stormwater runoff that would exceed the capacity of drainage systems or add substantial amounts of polluted runoff?* **LS.** See items "c" and "d" above.
- f) *Substantially degrade water quality?* **LS.** Construction of the proposed project has the potential to degrade surface water quality through runoff of polluted stormwater and debris from the site. To reduce this impact to a less-than-significant level, the Newark Engineering Division will require that the developer prepare and implement a Stormwater Treatment Design Plan and a Stormwater Pollution Prevention Plan to ensure that the subdivision will comply with C.3 and C.6 Municipal Regional Stormwater NPDES water quality standards and other applicable standards.
- g-i) *Place housing within a 100-year flood hazard area as mapped by a Flood Insurance Rate Map, or impede or redirect flood flow, including dam failure?* **NI.** The project does not include a housing component, so no impact would result with respect to this topic.

- j) *Result in inundation by seiche, tsunami or mudflows?* **NI.** There are expected to be no impacts with regard to seiche, or tsunamis since the project site is located a sufficiently large distance east of San Francisco Bay. The site and surrounding properties are relatively flat so there would be no impact with respect to mudflows.

10. Land Use and Planning

Environmental Setting

The project site is undeveloped and has been planned and zoned for light industrial land uses by the City of Newark.

Project Impacts

- a) *Physically divide an established community?* **NI.** The project site is presently vacant. Approval of the proposed storage facility would result in a continuation of existing land uses in the area, including another similar use to the south of the project site. There would be no impact with respect to this topic.
- b) *Conflict with any applicable land use plan, policy or regulation?* **NI.** The proposed project complies with the existing General Plan land use designations. No applications have been made to change or delete any City land use policy or regulation affecting environmental protection. There would be no impact with regard to land use regulatory conflicts.
- c) *Conflict with a habitat conservation plan or natural community conservation plan?* **NI.** No impacts would result regarding Habitat Conservation Plans or Natural Community Conservation Plans since none of these preserves have been created on the project site nor are such plans being contemplated.

11. Mineral Resources

Environmental Setting

The Newark General Plan does not indicate the project site contains any significant sources of minerals.

Project Impacts

- a, b) *Result in the loss of availability of regionally or locally significant mineral resources?* **NI.** No impacts would occur to any mineral resources since none have been identified on this site in the General Plan.

12. Noise

Environmental Setting

The project site is located within an industrial park portion of Newark. Surrounding land uses include warehousing and manufacturing facilities.

The City of Newark has adopted a standard of 70 decibels (CNEL or Ldn scale) as the normally acceptable exterior noise exposure level for industrial and manufacturing land uses. Exterior noise exposure up to 75 decibels is considered conditionally acceptable for this land use (Newark Noise Element, Table EH-2).

Project Impacts

- a) *Would the project result in exposure of persons to, or generate noise levels in excess of standards established by the General Plan or noise ordinance or applicable standards of other agencies?* **LS.** The project site is located within an established industrial area with no surrounding sensitive noise receptors. Project buildings would have limited occupancy with a small number of on-site staff. Use of the building would be for storage of goods with no manufacturing or similar noise generating uses. There would be limited noise from vehicles using the site. This impact is anticipated to be less-than-significant.
- b) *Exposure of people to excessive groundborne vibration or groundborne noise levels?* **NI.** No major pile driving or other activities that would result in excessive groundborne vibration would be created as part of project construction. Once constructed, operation of the project would include typical warehouse that would not result in vibration. No impacts are anticipated related to groundborne vibration.
- c) *Substantial permanent increases in ambient noise levels?* **LS.** The site is currently vacant and does not generate any noise. Approval and construction of the proposed storage warehouse would increase vehicle trips to and from the site but likely not to a level that would exceed City exterior noise exposure levels. This impact is anticipated to be less-than-significant.
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project?* **LS.** Construction of the proposed storage buildings and associated site improvements would generate noise from various sources, including but limited to bulldozers, large trucks, delivery vehicles, framing activities and roofing. Since no sensitive noise receptors are located in the immediate vicinity, short-term construction noise activities are anticipated to be less-than-significant.
- e,f) *Be located within an airport land use plan area, within two miles of a public or private airport or airstrip?* **NI.** No public or private airports or airstrips exist within or near the City of Newark. No impact would result.

13. Population and Housing

Environmental Setting

Newark is a balanced community consisting of stable residential neighborhoods, shopping districts, and a large industrial and research and development base.

The project site is vacant and is planned and zoned for industrial uses, which is consistent with the proposed use.

Project Impacts

- a) *Induce substantial population growth in an area, either directly or indirectly?* **NI.** The proposed project would result in construction of a warehouse and would not include any residential housing. No impacts would result.
- b,c) *Would the project displace substantial numbers of existing housing units or people?* **NI.** The project site is vacant and contains no dwellings or residents would be displaced to accommodate the proposed project. No impacts would result with respect to this topic.

14. Public Services

Environmental Setting

Services to the City of Newark are provided by the following:

Fire and Emergency Services: The City of Newark contracts with the Alameda County Fire department for fire suppression, emergency medical, fire inspection, hazardous materials response and similar services. The project site is served by Alameda County Fire Station No. 29, located at 35775 Ruschin Drive.

Police Services: Police and emergency response is provided by the Newark Police Department, headquartered at the Newark Civic Center.

Educational Services: The Newark Unified School District operates a number of K-12 schools within the community. A number of private schools are also located in the City of Newark.

Solid Waste Collection and Disposal: Republic Services of Alameda County.

Project Impacts

- a) *Fire protection?* **LS.** The closest fire station to the project area is Alameda County Station No. 29, located on Ruschin Drive. Approval of the proposed project would increase the number of calls for service to the Fire Department based on occupancy of additional dwellings on the site. Based on discussions with Fire Department staff, construction of the proposed project would not require the construction of new or expanded Fire Department facilities (source: Holly Guier, ACFD, 6/19/14). This impact would be less-than-significant.

- b) *Police protection?* **LS.** The Newark Police Station is located approximately 1 to 1.5 miles southeast of the project site. Based on information provided by the Newark Police Department, construction of the proposed warehouse facility could be served by the existing police facility without the need for additional facilities so that impacts to the Police Department would be less-than-significant (source: Sgt. Jonathan Arguello, Newark Police Department, 6/25/14).
- c) *Schools?* **NI.** There would be no impact to the Newark Unified School District since no school children would be generated by the project requiring public educational facilities.
- d) *Other governmental service, including maintenance of public facilities?* **NI.** There would be no impact to maintenance services provided by the City since the project involves private improvements on private property. On-site roads would be privately maintained.
- e) *Solid waste generation?* **LS.** Less-than-significant impacts regarding generation of solid waste are anticipated since any additional staffing and equipment to collect solid waste and recycling by Republic Industries would be offset by user fees charged to commercial customers. The amount of solid waste generated from the site is anticipated to be reduced in the future as the requirements of AB 939 take effect. This law, adopted in 1989, mandates a reduction in the municipal waste stream.

15. Recreation

Environmental Setting

The City of Newark maintains a wide range of parks and associated recreational services for residents. The nearest neighborhood park to the project site is Mirabeau Park located north of the project site south of Jarvis Avenue.

Regional park facilities in Newark and surrounding communities are provided by the East Bay Regional Park District.

Project Impacts

- a) *Would the project increase the use of existing neighborhood or regional parks?* **NI.** The proposed project would not add to Newark's population base that would use local or regional parks. No impact is anticipated with respect to this topic.
- b) *Does the project include recreational facilities or require the construction of recreational facilities?* **NI.** The proposed project does not include a recreational component since no residences are proposed. No impacts would result.

16. Transportation/Traffic

Environmental Setting

The project site is served by Jarvis Avenue, an east-west arterial roadway and Fircrest Street a north-south local roadway. As Fircrest extends in a westerly direction, it becomes Gateway Boulevard. Regional access is provided by State Route 84, located just north of the site. State Route 84 is accessed at Newark Boulevard to the east and Thornton Avenue to the west.

Pedestrian sidewalks are located on the west side of Fircrest Street, although not along the project frontage.

Bus transit in the project study area is provided by the Alameda-Contra Costa Transit District (AC Transit). The Bay Area Rapid Transit District (BART) provides regional public transit, with the closest station being in Fremont.

Existing traffic operations. The project site is currently vacant and generates no vehicle trips.

The General Plan Environmental Impact Report (Table 4.13-3, Existing Intersection Levels of Service) notes that existing (2013) intersections near the site operate at acceptable levels of service.

Project Impacts

a,b) *Conflict with applicable plans related to the effectiveness of the circulation system, including all modes of travel, including intersections, streets, highways and other components or conflict with an applicable congestion management program, including level of service standards, travel demand measures and other applicable standard or conflict with an applicable congestion management program including but not limited to level of service standards and travel demand measures or other standards established by the CMA for designated roads or highways?* LS. Daily and peak hour vehicle trip generation for the proposed project has been based on established rates published in the Institute of Transportation Engineers (ITE) trip research manual for warehouse uses. Based on the size of the proposed self-storage site, there would be an estimated 364 trips generated during a 24-hour daily period. During the AM peak period, there would be an estimated 21 trips and there would be an estimated 19 trips to and from the site during the PM peak period. During the short-term period, existing nearby intersections currently operate at acceptable levels and no impacts would result.

In terms of long-term, cumulative traffic impacts, most of the nearby roadway intersections would continue to operate at acceptable levels. The General Plan EIR (see Table 4.13-4, Existing and Projected 2035 Intersection Levels of Service). The General Plan EIR noted that nearby intersections of Ardenwood Boulevard/SR-84 westbound ramps, Newark Boulevard/SR 84 eastbound ramps and Thornton Boulevard/Gateway Boulevard, would operate at unacceptable levels of service; however, the addition of the project's few peak hour trips would not significantly

increase vehicle delay at intersections near the site during peak periods of time. This impact is anticipated to be less-than-significant.

- c) *Result in a change of air traffic patterns?* **NI.** The proposed project would have no impact on air traffic patterns, since it consists of approval and construction of self-storage warehouse.
- d) *Substantially increase hazards due to a design feature or incompatible use?* **NI.** The proposed project will be required to comply with City of Newark zoning and engineering design standards to ensure that no impacts would result with respect to incompatible design features, including but not limited to inadequate sight lines and similar features. No impacts are anticipated with respect to this topic.
- e) *Result in inadequate emergency access?* **NI.** No impacts would occur with regard to emergency access since the proposed project would not block any City streets or emergency access routes.
- f) *Conflict with adopted policies, plans or programs regarding public transit, pedestrian facilities or otherwise decrease the performance or safety of such facilities?* **NI.** No conflicts to plans, policies or programs that promote public transit, pedestrian use or similar features would occur for this project. City sidewalks exist along the south side of Fircrest Street. Due to the nature of the facility as a warehouse, the number of pedestrians or bicyclists using the site is expected to be low. Public transit is available on Jarvis Street via AC Transit Route 275.

17. Utilities and Service Systems

Environmental Setting

The following utility providers serve the City of Newark and the project site.

Water Service: Alameda County Water District (ACWD)

Wastewater Service: Union Sanitary District (USD)

Public Educational Service: Newark Unified School District

Solid Waste Collection and Disposal: Republic Services

Project Impacts

- a) *Exceed wastewater treatment requirements of the RWQCB?* **LS.** The Union Sanitary District (USD) provides wastewater services to the City of Newark as well as a number of surrounding communities. Wastewater flows via local sewer laterals and main trunk sewers to Newark's pump station and then on to USD's Alvarado Treatment Plant, which has the treatment capacity of approximately 32 million gallons per day (mgd). USD staff has indicated that the treatment plant has the capacity to handle the anticipated small net increment of wastewater generated from new housing units as proposed as part of the project (source: Al Bunyi, USD,

6/20/14). Treated effluent is disposed of into San Francisco Bay through facilities operated by the East Bay Dischargers Authority. Overall, based on a discussion with USD staff representatives, a less-than-significant impact is anticipated with regard to exceeding Regional Water Board discharge requirements.

- b) *Require new water or wastewater treatment facilities or expansion of existing facilities?* **LS.** The Alameda County Water District (ACWD) provides water service to the City of Newark and surrounding communities. Currently, ACWD relies on three sources of water: the State Water Project, groundwater aquifers and water supplies from the San Francisco Water Department via the Hetch Hetchy aqueduct. Although minor upgrades and improvements may need to be made in the local water distribution system, less-than-significant changes would result in terms of long-term water service (source: Ed Stevenson, ACWD, 6/23/14).
- c) *Require new storm drainage facilities?* **LS.** As noted in Section 9 of this Initial Study, this impact would be less-than-significant.
- d) *Are sufficient water supplies available?* **LS.** The Alameda County Water District staff has indicated that sufficient water supplies are available to serve future development within the project area. Less-than-significant impacts would result.
- e) *Adequate wastewater capacity to serve the proposed project?* **LS.** The staff of the Union Sanitary District has indicated that adequate capacity exists to serve future commercial development within the project area as per the zoning and General Plan. A less-than-significant impact would result.
- f,g) *Adequate solid waste disposal?* **LS.** Operation of the proposed project would generate solid waste based on residential use. Residents would participate in the City's recycling program for paper, glass, plastic and other material to reduce the project's contribution to the waste stream as required by AB 939. Overall, impacts related to solid waste generation are anticipated to be less-than-significant.

18. Mandatory Findings of Significance

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* **No.** The preceding analysis indicates that the proposed project would not have a significant adverse impact on overall environmental quality, including biological resources or cultural resources with adherence to mitigation measures contained in this Initial Study.
- b) *Does the project have impacts that are individually limited, but cumulatively considerable?* ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the

effects of other current projects and the effects of probable future projects). **No.** Although additional traffic would be added to local and regional roadways as a result of this project and contributions would be made to regional air emissions and increases in the quantity of stormwater runoff, these impacts have not been found in the Initial Study to be cumulatively considerable. Less-than-significant impacts have been identified in the Initial Study to public services and utilities.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* **No.** No such impacts have been discovered in the course of preparing this Initial Study.

Initial Study Preparers

Jerry Haag, Urban Planner, *project manager and principal author*
Rob Tuma, Omni Means, *traffic and parking*
Peter Galloway, Omni Means, *traffic and parking*

Agencies and Organizations Consulted

The following agencies and organizations were contacted in the course of this Initial Study:

City of Newark
Terrence Grindall, Community Development Director
Yesenia Jimenez, Planner
Soren Fajeau, Senior Civil Engineer
Sgt. Arguello, Newark Police Department
Holly Guier, Alameda County Fire Department

Union Sanitary District
Al Bunyi

Alameda County Water District
Ed Stevenson

Applicant Representative
Scott Mommer, Lars Andersen & Associates

References

CEQA Guidelines, Bay Area Air Quality Management District, May 2011

Department of Toxic Substances Control State of California, website, January 2014

General Plan Tune Up EIR (SCH #2013012052), City of Newark, October 2013

EXHIBIT B

**Public Storage Project
Mitigation Monitoring and Reporting Program**

October 2014

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Monitoring Schedule	Verification
<p>Mitigation Measure AIR-1. The developer shall be responsible for the following measures to control fugitive dust emissions. These measures shall be included on construction and demolition plans and specifications.</p> <ul style="list-style-type: none"> a) Using water as needed to control dust and eliminate visible dust plumes. b) Covering all trucks hauling building debris, soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. c) Sweeping daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites. d) Sweeping streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. e) Watering or covering of stockpiles of construction debris, soil, sand or other materials that can be blown by the wind.. 	<p>Project Developer</p>	<p>Newark City Engineer or Building Official</p>	<p>During project construction</p>	
<p>Mitigation Measure HAZ-1. Prior to issuance of a grading permit, the project applicant shall prepare a Phase II Environmental Site Assessment to determine the presence of</p>	<p>Project Developer</p>	<p>Newark Planning Division</p>	<p>Prior to issuance of a grading permit</p>	

Mitigation Measure

**Implementing
Responsibility**

**Monitoring
Responsibility**

**Monitoring
Schedule**

Verification

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.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK 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 an application for an Architectural and Site Plan Review for a self-storage facility (Public Storage) at 6800 Overlake Place; and

WHEREAS, 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

WHEREAS, the Planning Commission of the City of Newark recommended that City Council consider approving ASR-14-19, an Architectural and Site Plan Review; and

WHEREAS, pursuant to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on October 31, 2014 and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on November 13, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, BE IT RESOLVED that the City Council 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

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

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

- 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.

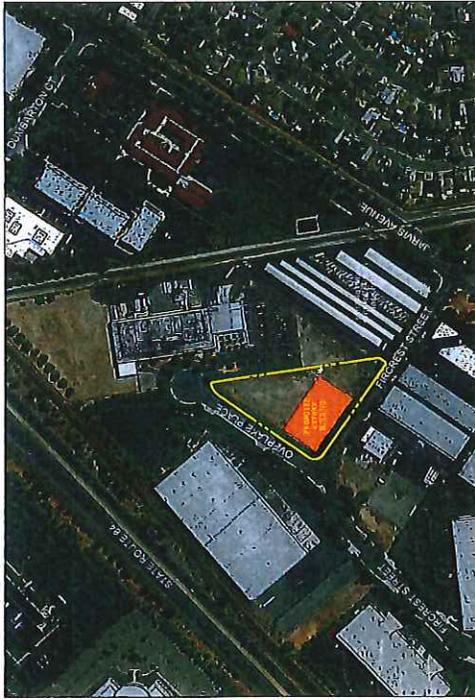
Landscape-Parks Division

- 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.

- 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.

ARCHITECTURAL AND SITE PLAN REVIEW
 FOR
PUBLIC STORAGE
 SELF-STORAGE NEW DEVELOPMENT PROJECT
6800 OVERLAKE PLACE
NEWARK, CA



Aerial Map
No Data

SHEET INDEX

1. TITLE SHEET
2. TOPOGRAPHIC SURVEY
3. CONCEPTUAL SITE PLAN
4. CONCEPTUAL GRADING & UTILITY PLAN
5. CONCEPTUAL STORM WATER CONTROL PLAN
6. CONCEPTUAL BUILDING ELEVATIONS
- 6A. PERSPECTIVE VIEW
- 6B. COLORED BUILDING ELEVATIONS
- 6C. COLORED BUILDING ELEVATIONS
7. CONCEPTUAL 1st FLOOR PLAN
- 7A. CONCEPTUAL 2nd FLOOR PLAN
- 7B. CONCEPTUAL 3rd FLOOR PLAN
- 7C. CONCEPTUAL 4th FLOOR PLAN
8. CONCEPTUAL LANDSCAPE PLAN
9. SITE DETAILS

EXHIBIT A-1



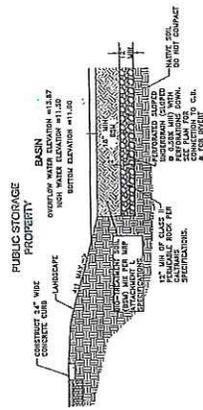
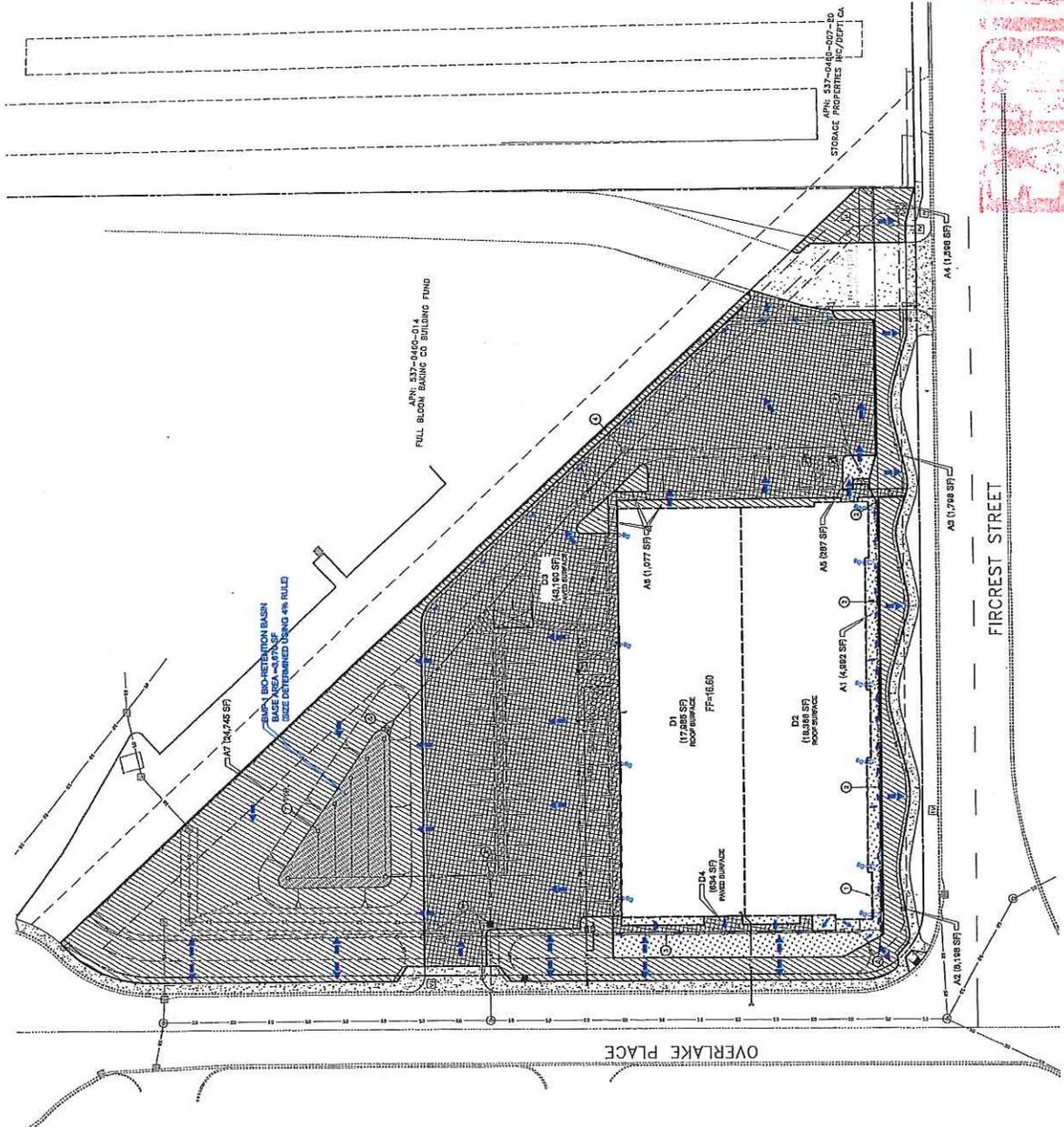
6800 Overlake Place, Newark, CA

TITLE SHEET
06.13.2014



LARS ANDERSEN & ASSOCIATES, INC.
ARCHITECTS
10000 UNIVERSITY AVENUE, SUITE 200
DALLAS, TEXAS 75243





BIO-RETENTION AREA DETAIL
NO SCALE

- STORM DRAIN KEY NOTES**
1. CURBING STRIP, DRAIN INLET AND PIPE TO BE REMOVED
 2. PROPOSED IN
 3. PROPOSED TRENCH DRAIN
 4. PROPOSED 24\"/>

- LEGEND:**
- 1. 24\"/>

APN: 537-0465-014
FULL BLOOD BAKING CO BUILDING FUND
STORAGE PROPERTIES INC./DEPT CA
A1 (1,882 SF)
A2 (1,798 SF)
A3 (1,798 SF)
A4 (1,288 SF)
A5 (1,077 SF)
A6 (1,077 SF)
A7 (1,077 SF)
A8 (1,077 SF)
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PRELIMINARY C-3 STORM WATER TREATMENT PLAN
06.13.2014

6800 Overlake Place, Newark, CA

Public Storage



Perspective View

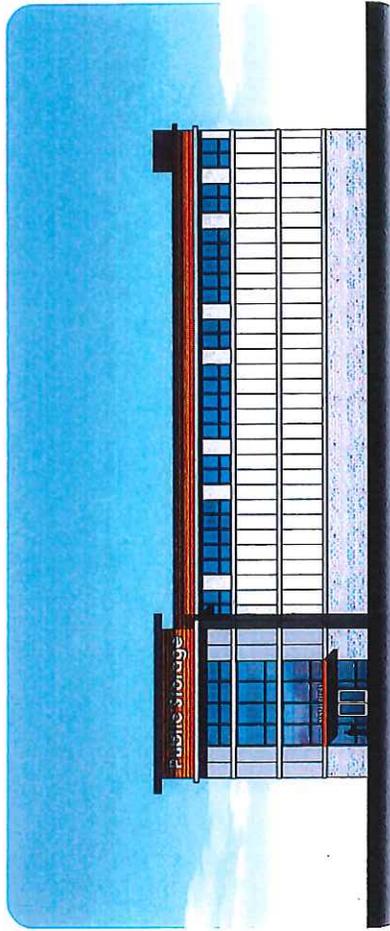
EXHIBIT A07

COLORED BUILDING
ELEVATIONS
07.18.2014

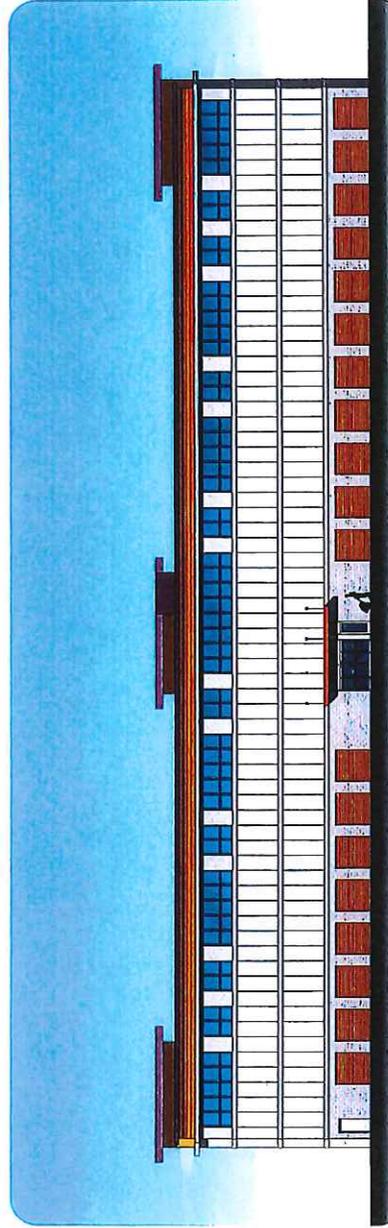
6800 Overlake Place, Newark, CA

Public Storage



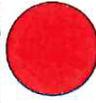


East Elevation



North Elevation

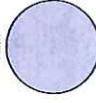
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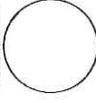
Public Storage
"Change"



Public Storage
"Plum"



Kingspan
"Weathered Zinc"

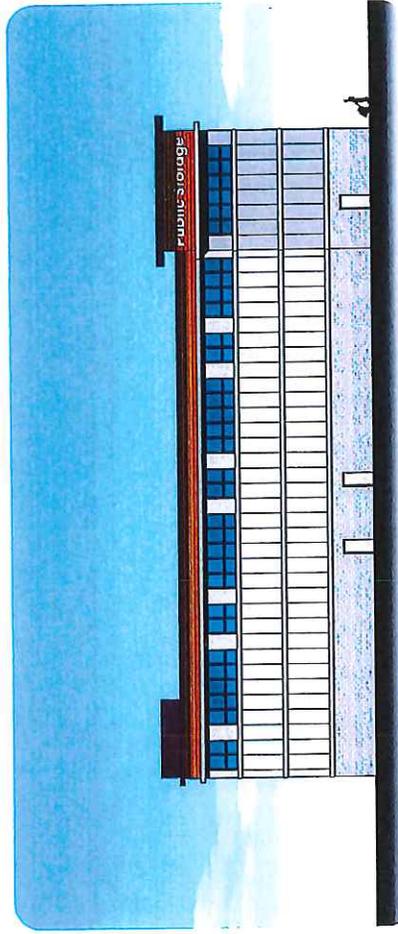


Kingspan
"Bright Silver"



Split Face CMU Block
Painted "Bright Silver"

374711 AP8



West Elevation



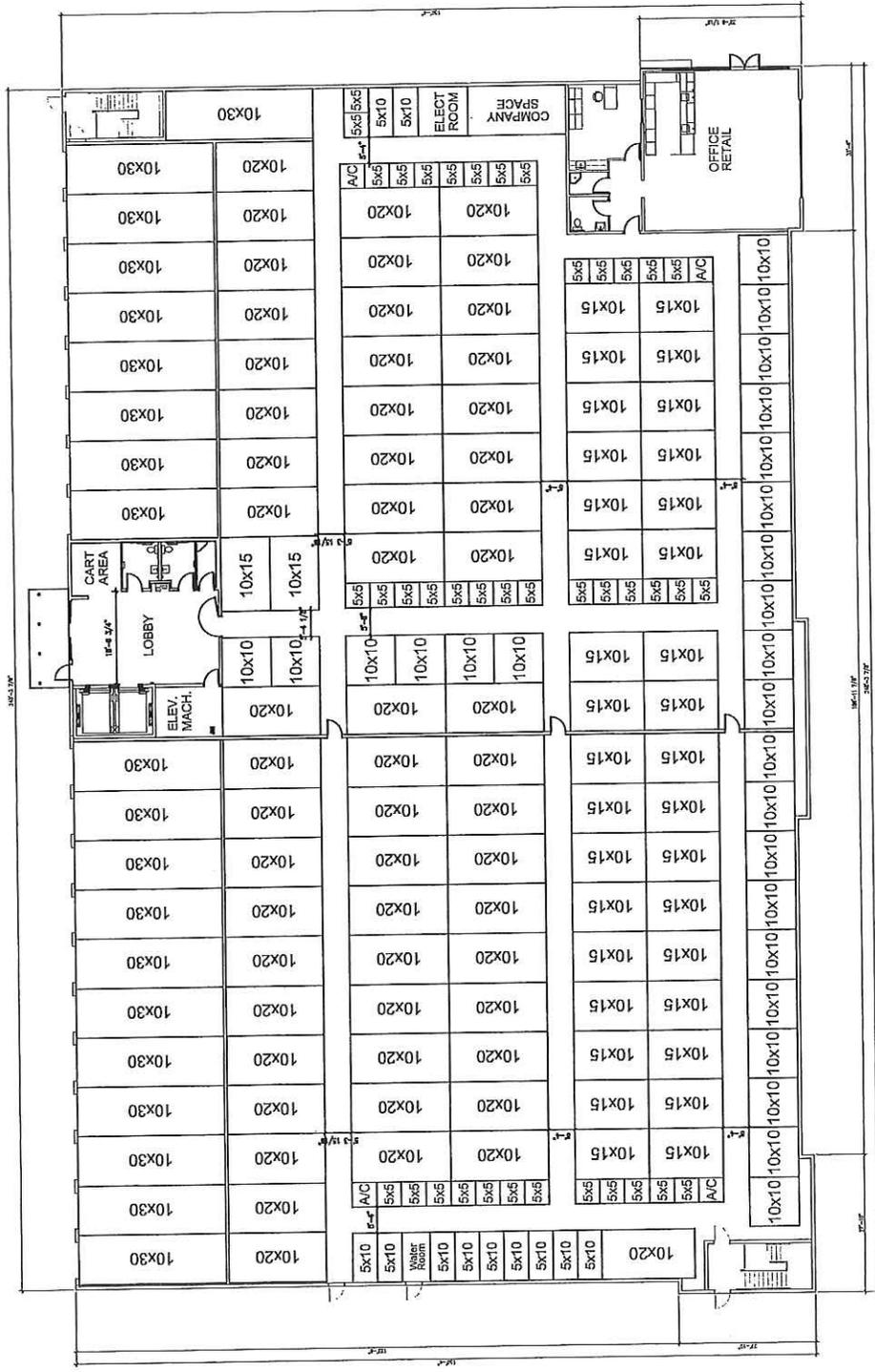
South Elevation

Color Legend:

- Public Storage "Orange"
- Public Storage "Black"
- Kingspan "Weathered Zinc"
- Kingspan "Light Silver"
- Salt Face CMU Block Painted "Light Silver"

APR 11 2014

AP09



1 CONCEPTUAL 1ST FLOOR PLAN
SCALE: 3/8" = 1'-0"

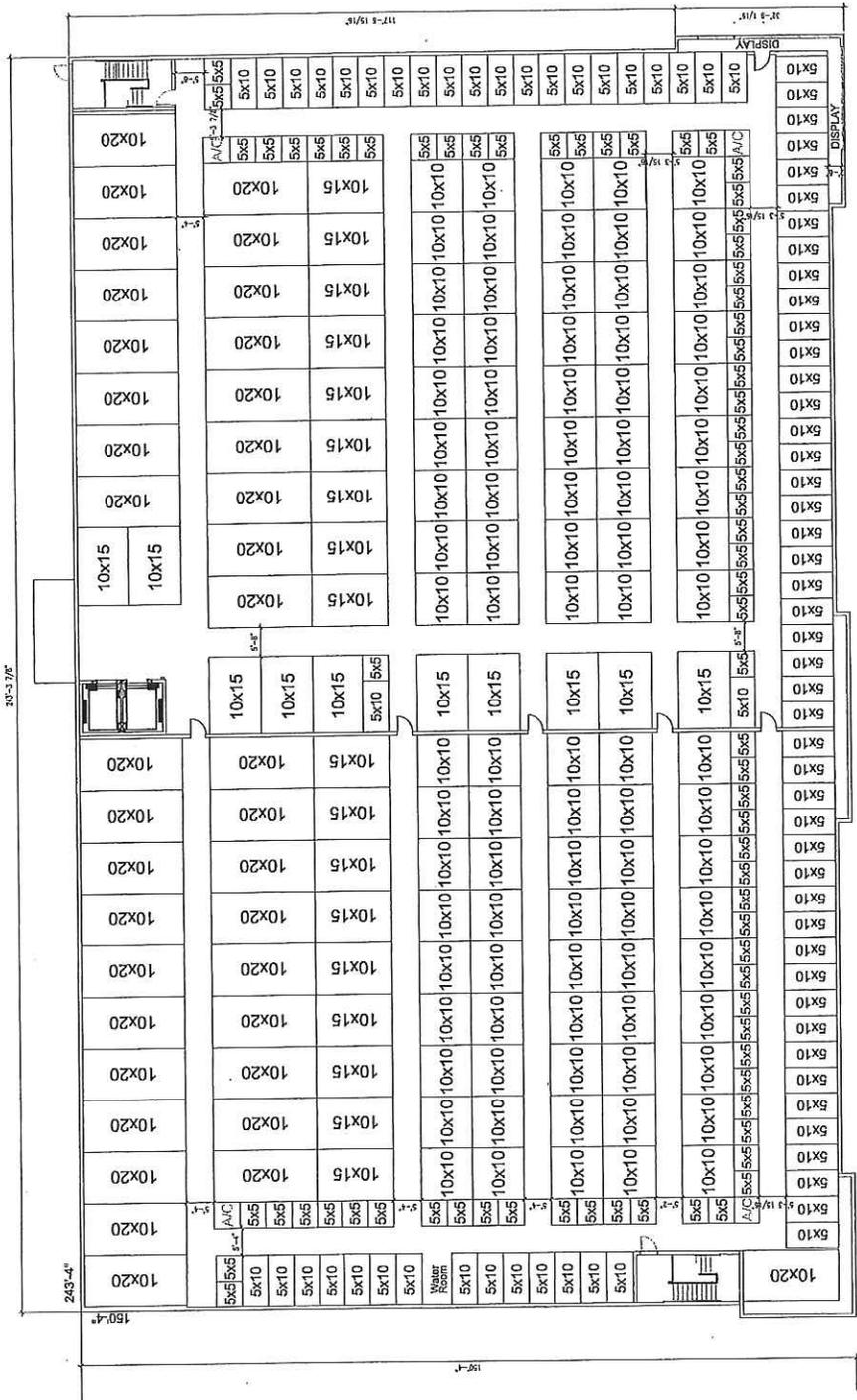


APR 16
PRECEDENT

04.17.2014

Public Storage

6800 Overlake Place, Newark, CA



APR 11



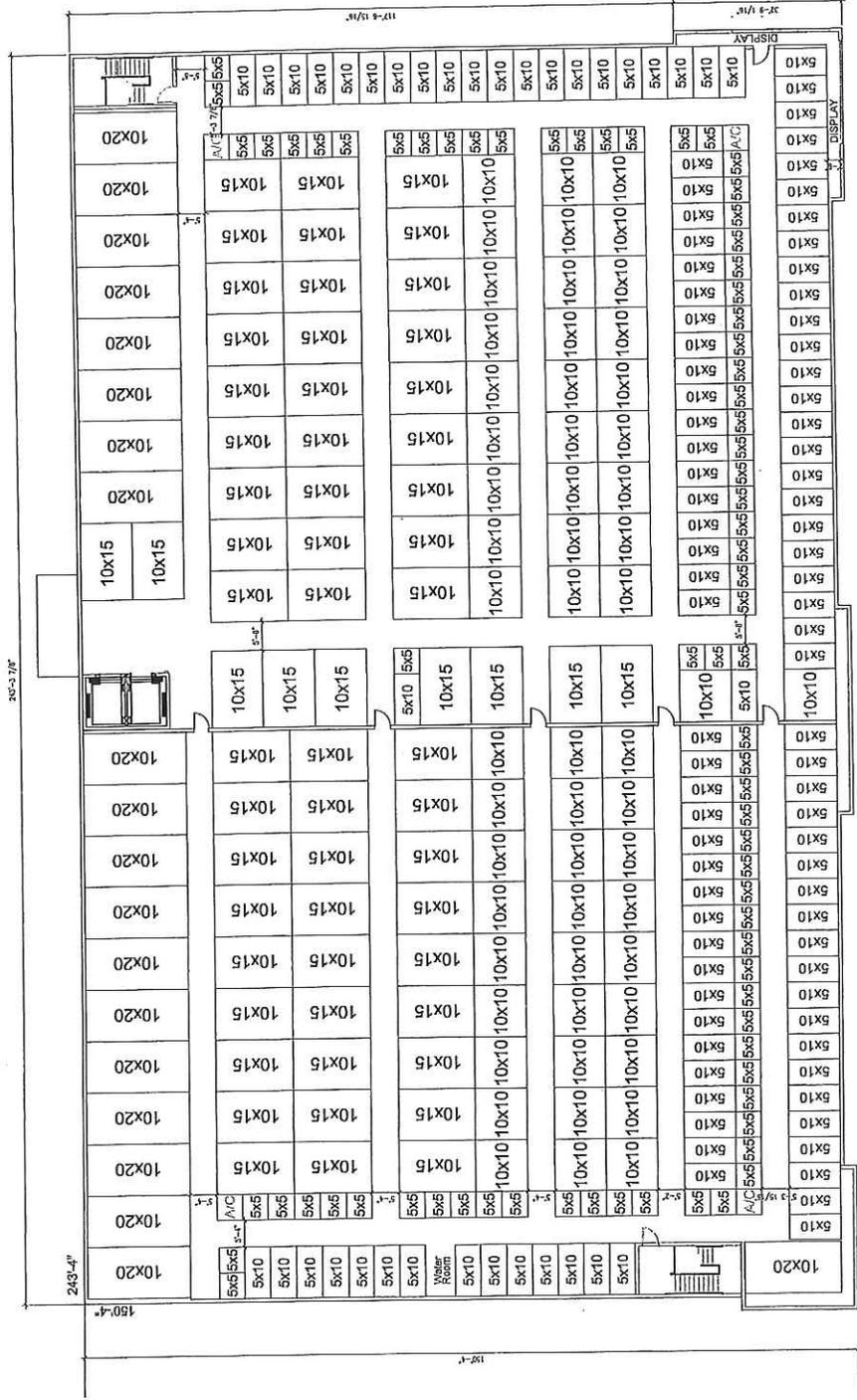


EXHIBIT A03



RESOLUTION NO. 1890

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 Resolution No. 1890

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 Bridges, seconded by Commissioner Otterstetter, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Drews.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson

RESOLUTION NO. 1891

RESOLUTION APPROVING ASR-14-19, AN ARCHITECTURAL
AND SITE PLAN REVIEW FOR A SELF-STORAGE 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.

Building Inspection Division

- 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 Bridges, seconded by Commissioner Otterstetter, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Drews.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson

CITY OF NEWARK
PLANNING COMMISSION

DRAFT

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, October 14, 2014

A. ROLL CALL

At 7:32 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Drews (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, September 23, 2014.

Commissioner Bridges moved, seconded by Commissioner Fitts, to approve the Minutes of September 23, 2014. The motion passed 6 AYES, 1 ABSENT (Drews).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

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).

Assistant Planner Jimenez gave the staff report.

Answering Commissioner Fitts, AP Jimenez stated no outside storage is permitted at this location.

Commissioner Bridges commented that there is a need for Recreational Vehicle (RV) storage in Newark.



Answering Commissioner Aguilar, AP Jimenez confirmed this project complies with the Floor Area Ratio (FAR) maximum of 50%.

Addressing Commissioner Aguilar, Assistant City Manager Grindall explained Burrowing Owls are seen throughout the Community so Condition "k" is standard in all Resolutions for new construction projects proposed on undeveloped land.

Answering Commissioner Aguilar, AP Jimenez, stated all new construction must comply with ADA requirements.

Answering Vice-Chairperson Hannon, ACM Grindall explained the intent of Condition "f" is to prohibit people from running businesses out of the storage units.

Chairperson Nillo opened the Public Hearing.

Mr. James Fitzpatrick, on behalf of Public Storage, stated he is willing to work with staff to provide RV parking; they did hire a Biologist who determined there currently are no burrowing owls on site; storage of hazardous materials is not allowed; and businesses are not allowed to operate inside a storage unit.

Mr. Fitzpatrick stated he has read and agrees with all conditions listed in the Resolutions.

Answering Commissioner Bridges, Mr. Fitzpatrick stated Property Managers are available from 9:30 a.m. to 6:00 p.m., but video surveillance cameras operate 24 hours a day.

Vice-Chairperson Hannon commented that he liked the Architectural features of the building but has environmental concerns associated with allowing RV and boat storage at this location.

Vice-Chairperson Hannon directed the Applicant to work with staff on where to place the security cameras.

Commissioner Fitts commented that if RV storage is allowed he would like the parking area be screened.

Answering Commissioner Otterstetter, Mr. Fitzgerald confirmed only one building is being proposed.

Chairperson Nillo closed the Public Hearing.

Commissioner Bridges moved, seconded by Commissioner Otterstetter, to approve Resolution 1890, 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; and to approved ASR-14-19, an Architectural and Site Plan Review for a self-storage facility (Public Storage) at 6800 Overlake Place. Both Motions passed 6 AYES, 1 ABSENT (Drews).

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Fitts reminded the public to be Earthquake prepared by storing enough food and water per person to last 72 hours and wished the Giants well.

Vice-Chairperson Hannon reminded the public to check and/or replace batteries in their smoke detectors.

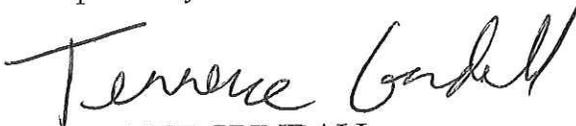
Chairperson Nillo announced Breast Cancer Awareness month and agreed with Commissioner Fitts' comments.

ACM Grindall commented to Commissioner Bridges that he was unaware of the type of business that is operating in the pink building by Basil and Thyme.

H. ADJOURNMENT

At 7:51 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, October 14, 2014.

Respectfully submitted,



TERRENCE GRINDALL
Secretary