

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK MAKING A FINDING THAT THE PRIMA PROJECT
PROVIDES A BENEFIT TO THE COMMUNITY IN EXCESS OF
THOSE REQUIRED BY THE IMPACTS OF THE PROJECT
AND PAYMENT OF THE HOUSING IMPACT FEE AND
GRANTING A WAIVER OF THE HOUSING IMPACT FEE

WHEREAS, the Prima Project (“Project”), consists of the construction of 281 dwelling units on approximately 16.3 acres; and

WHEREAS, the Project involves the acquisition of real property commonly known as 5600 Cedar Court (APN: 92A-2588-6), which is currently occupied by Motel 6 (“Property”); and

WHEREAS, the City has received an inordinate amount of complaints spanning several years alleging crimes and other illegal, dangerous activity occurring at the Property; and

WHEREAS, from September 2013 through September 2014, the Newark Police Department responded to 504 incidents, necessitating 108 police reports and 54 arrests; and

WHEREAS, the Newark Police Department estimates that approximately 10% of its resources are dedicated to policing incidents at Motel 6 or incidents occurring at adjacent properties that involve patrons staying at Motel 6 ; and

WHEREAS, it is generally known within the Newark Police Department that Motel 6 guests have committed various sorts of crimes in both the nearby residential neighborhood and commercial districts; and

WHEREAS, the list of crimes allegedly committed on the Property include: rape, battery and assault with a deadly weapon, robbery, burglary, grand theft, domestic violence, drugs, prostitution, kidnapping, crimes involving children, and other dangerous and serious offenses; and

WHEREAS, the operation of Motel 6 is detrimental to the public health, welfare, and safety of surrounding areas and the City in general;

WHEREAS, the foregoing crimes – occurring both on the Property and from patrons staying at Motel 6 who commit crimes in the adjoining residential and commercial districts – constitute a nuisance in violation of Title 7 of the Newark Municipal Code and California Civil Code Section 3479; and

WHEREAS, the elimination of the Motel 6 and all of the associated criminal activity at this location will reduce crime in the area for both neighbors and businesses, reduce the impact on the Police Department thereby freeing resources for other issues and for other parts of the City, and;

WHEREAS, Section 17.18.050 of the Newark Municipal Code authorizes the City Council to waive the payment of the Housing Impact Fee if the development project includes community benefits in excess of those required by the impacts of the project and the benefits to

the community, including the elimination of nuisances, exceed those that would be provided by the payment of the housing impact fee; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark finds that, by elimination of the foregoing nuisances, the Project provides a benefit to the community in excess of those required by the impacts of the Project, the benefits to the community exceed those that would be provided by the payment of the Housing Impact Fee, and hereby grants a waiver of the Housing Impact Fee.